

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
AN ADDITIONAL CELL SITE IN LOUISVILLE,	)	CASE NO. 93-304
KENTUCKY FOR THE PROVISION OF DOMESTIC	)	
PUBLIC CELLULAR RADIO TELECOMMUNICATIONS)	)	
SERVICE TO THE PUBLIC IN JEFFERSON	)	
COUNTY, KENTUCKY	)	

O R D E R

On September 1, 1993, Kentucky CGSA, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Louisville Metropolitan Statistical Area ("Louisville MSA"). The Louisville MSA includes Bullitt, Jefferson, and Oldham counties in Kentucky. Kentucky CGSA has requested authorization to construct a cell site in Jefferson County, Kentucky. Kentucky CGSA has previously been granted authority to operate a cellular radio telecommunications system in the Louisville MSA.

The proposed cell site consists of a self-supporting antenna tower, with attached antennas, not to exceed 195 feet in height to be located at 630 Industry Road, Louisville, Jefferson County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 13' 10.99" by West Longitude 85° 46' 29.67".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the

proposed cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. (BOCA) National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However, Kentucky CGSA has notified the Louisville/Jefferson County Planning Commission of the proposed construction. Kentucky CGSA has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. Both applications are pending. No further approval from the Federal Communications Commission is necessary for the proposed construction.

Kentucky CGSA has filed notices verifying that each property owner and resident within 500 feet of the proposed cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. On September 17, 1993, a letter was filed on behalf of First Gethsemane Baptist Church ("First Gethsemane") concerning the proposed cell site's construction and its impact on communications. The letter requested intervention and hearing on this matter. By Order dated September 24, 1993, Kentucky CGSA was ordered to respond to First Gethsemane's concerns. Kentucky CGSA filed a copy of its response on

October 8, 1993. On October 26, 1993, First Gethsemane withdrew its request for intervention and hearing, having been satisfied by Kentucky CGSA's response.

Pursuant to KRS 278.280, the Commission is required to determine the proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Kentucky CGSA should notify the Commission if it does not use this antenna tower to provide cellular telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Kentucky CGSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky CGSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Louisville MSA under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a self-supporting antenna tower, with attached antennas, not to exceed 195 feet in height to be located at 630 Industry Road, Louisville, Jefferson County, Kentucky. The coordinates for the

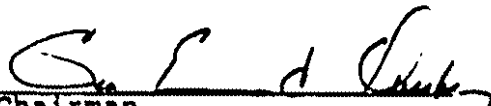
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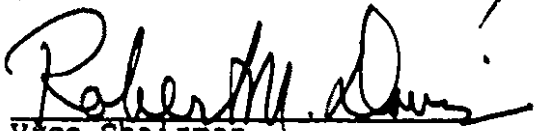
2. Kentucky CGSA shall file copies of the final decisions regarding its pending FAA and KAZC applications for this cell site's construction within 10 days of receiving these decisions.

3. Kentucky CGSA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 12th day of November, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director