

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)
KENTUCKY B, INC. FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT AN) CASE NO. 93-463
ADDITIONAL CELL FACILITY IN KENTUCKY)
RURAL SERVICE AREA NO. 2 (EDDYVILLE)
CELL FACILITY))

O R D E R

On December 15, 1993, Contel Cellular of Kentucky B, Inc. ("Contel Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower to serve Rural Service Area No. 2 ("RSA No. 2"). RSA No. 2 includes Caldwell, Crittenden, Hopkins, Livingston, Lyon, Trigg, Union and Webster counties in Kentucky. Contel Cellular has requested authorization to construct a cell site in Lyon County, Kentucky. Contel Cellular received the authority to operate a cellular radio telecommunications system in RSA No. 2 in Case No. 92-463.¹

The proposed cell site consists of a guyed antenna tower, not to exceed 425 feet in height, to be located at 246 Kingsridge Court, Eddyville, Lyon County, Kentucky (the "Eddyville cell

¹ Case No. 92-463, Reorganization of Contel Cellular of Louisville, Inc., Central Kentucky Cellular Telephone Company, Louisville Cellular Telephone Company, Bluegrass Cellular Telephone Company, Contel Cellular of Louisville II, Inc., Contel Cellular of Lexington, Inc., Cumberland Cellular Telephone Company, Inc. Contel Cellular of Kentucky, Inc. and Contel Cellular of Kentucky B, Inc.

site"). The coordinates for the Eddyville cell site are North Latitude 37° 05' 16" by West Longitude 88° 02' 30".

Contel Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Eddyville 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. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Eddyville cell site's construction is exempt from local zoning ordinances. However, Contel Cellular has notified the Lyon County Planning and Zoning Commission of the proposed construction. Contel Cellular has filed applications with and received approvals from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Eddyville cell site. Contel Cellular has notified all property owners and residents within 500 feet of the Eddyville cell site. The notice solicited comments and informed the property owners and residents of their right to intervene. To date, no intervention requests have been received.

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, Contel Cellular 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 Contel Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Contel Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Eddyville cell site under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Contel Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Eddyville cell site.


2. Contel Cellular 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 31st day of January, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director