

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)
KENTUCKY, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL CELL) CASE NO. 94-060
FACILITY IN THE LOUISVILLE KENTUCKY)
METROPOLITAN STATISTICAL AREA (LAGRANGE)
CELL FACILITY))

O R D E R

On March 11, 1994, the Presbytery of Louisville ("Presbytery") filed a motion requesting full intervention in this proceeding. The motion states that it does not contest the proposed tower but, due to its ownership of adjacent property, wants to protect an easement providing access to Zhale Smith Road.

Based on the motion and being advised, the Commission finds that the interest which the Presbytery wishes to protect is not within the scope of the Commission's jurisdiction. Easements and property rights are issues that may properly be raised in the Kentucky Court of Justice, not this agency.

IT IS THEREFORE ORDERED that the Presbytery's motion be and it hereby is denied.

Done at Frankfort, Kentucky, this 17th day of March, 1994.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director