

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4 CELLULAR	)	
GENERAL PARTNERSHIP FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO.
NECESSITY TO CONSTRUCT A REPEATER CELL	)	94-071
SITE IN RURAL SERVICE AREA #4 (TAYLORSVILLE)	)	
OF THE COMMONWEALTH OF KENTUCKY	)	

O R D E R

On February 17, 1994, Kentucky RSA #4 Cellular General Partnership ("RSA #4 General Partnership") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a repeater cell site for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. RSA #4 General Partnership has requested authorization to construct a repeater cell site in Spencer County. RSA #4 General Partnership was previously granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 90-308.<sup>1</sup>

The proposed cell site consists of a 175-foot or less monopole repeater tower to be located at 601 Townhills Road, Spencer County, Taylorsville, Kentucky ("the Taylorsville site"). The coordinates

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<sup>1</sup> Case No. 90-308, Application of Kentucky RSA #4 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #4 (Spencer) of the Commonwealth of Kentucky.

for the Taylorsville site are North Latitude 38° 02' 06" by West Longitude 85° 20' 08".

RSA #4 General Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Taylorsville cell site. Based upon the application, the tower and foundation design 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 Taylorsville cell site's construction is exempt from local zoning ordinances. Approval from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Taylorsville cell site are not required, as the tower height does not exceed 200 feet.

RSA #4 General Partnership has filed notices verifying that each property owner or resident within 500 feet of the Taylorsville 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 March 17, 1994, the Commission received a letter from John Dale, Jr., requesting intervention for his client, T. F. Snider, Sr. On March 24, 1994, the Commission recognized Mr. Snider as an intervenor, and informed him of his right to request a hearing. To date, a hearing request has not been received.

Pursuant to KRS 278.280, the Commission is required to determine 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, RSA #4 General Partnership should notify the Commission if it does not use this antenna tower to provide cellular radio 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 RSA #4 General Partnership.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that RSA #4 General Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the Taylorsville cell site in RSA No. 4 under its previously approved tariff.

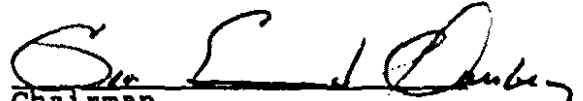
IT IS THEREFORE ORDERED that:


1. RSA #4 General Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Taylorsville cell site.

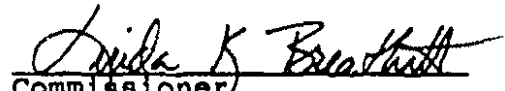
2. RSA #4 General Partnership shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 18th day of May, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice chairman

  
Commissioner

ATTEST:

  
Executive Director