

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LEXINGTON MSA LIMITED)
PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL)
CELL SITE IN LINCOLN COUNTY KENTUCKY) CASE NO. 94-110
FOR THE PROVISION OF DOMESTIC PUBLIC)
CELLULAR RADIO TELECOMMUNICATIONS)
SERVICE TO THE PUBLIC IN THE B2 PORTION)
OF KENTUCKY RURAL SERVICE AREA NO. 6)

O R D E R

On March 23, 1994, Lexington MSA Limited Partnership ("Lexington MSA Limited") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the B2 portion of Rural Service Area No. 6 ("RSA No. 6"). RSA No. 6 includes Boyle, Casey, Garrard, Laurel, Lincoln, Madison, Pulaski, and Rockcastle counties of Kentucky. Lexington MSA Limited has requested authorization to construct a cell site in Lincoln County, Kentucky.

The proposed cell site consists of a self-supporting antenna tower not to exceed 413 feet in height, with attached antennas, to be located at 2620 Boneyville Road, Stanford, Lincoln County, Kentucky. The coordinates for the proposed cell site are North Latitude 37° 29' 57.39" by West Longitude 84° 41' 32.72".

Lexington MSA Limited 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. 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, Lexington MSA has notified the Stanford/Lincoln County Planning and Zoning Commission of the proposed construction. Lexington MSA Limited 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. The FAA application has been approved and the KAZC application is pending. No further approvals by the Federal Communications Commission are required for the proposed construction.

The only property owner within a 500 foot radius of the proposed tower's construction is the owner from whom Lexington MSA Limited leases the property.

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, Lexington MSA Limited 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 Lexington MSA Limited.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Lexington MSA Limited should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the B2 portion of RSA No. 6 under its currently approved tariff.

IT IS THEREFORE ORDERED that:

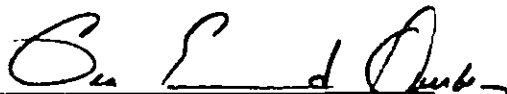
1. Lexington MSA Limited be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a self-supporting antenna tower not to exceed 413 feet in height, with attached antennas, to be located at 2620 Boneyville Road, Stanford, Lincoln County, Kentucky. The coordinates for the proposed cell site are North Latitude 37° 29' 57.39" by West Longitude 84° 41' 32.72".

2. Lexington MSA Limited shall file a copy of the final decision regarding its pending KAZC application for the proposed construction within 10 days of receiving the decision.


3. Lexington MSA Limited 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 20th day of April, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director