

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY CGSA, INC. FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT AN ADDITIONAL CELL )  
SITE IN CARROLL COUNTY, KENTUCKY FOR THE ) CASE NO.  
PROVISION OF DOMESTIC PUBLIC CELLULAR RADIO ) 95-043  
TELECOMMUNICATIONS SERVICE TO THE PUBLIC IN THE )  
KENTUCKY 7 (B2) - TRIMBLE RURAL SERVICE AREA )

O R D E R

On February 1, 1995, Kentucky CGSA, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 7 ("RSA No. 7"). RSA No. 7 includes Carroll, Franklin, Gallatin, Grant, Harrison, Henry, Owen, Pendleton, Shelby, and Trimble counties. Kentucky CGSA has requested authorization to construct a cell site in Carroll County. Kentucky CGSA was previously granted authority to operate a cellular radio telecommunications system in RSA No. 7.

The proposed cell site consists of a 280-foot or less self-supporting antenna tower to be located at 667 Dripping Springs Road, Carrollton, Carroll County, Kentucky ("the Carroll County cell site"). The coordinates for the Carroll County cell site are North Latitude 38° 37' 52.2" by West Longitude 85° 09' 24.8".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Carroll County 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 Carroll County cell site's construction is exempt from local zoning ordinances. 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 Carroll County cell site. These applications are still pending.

Kentucky CGSA has filed notices verifying that each person who owns property or who resides within 500 feet of the Carroll County cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners or 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 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 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 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 Carroll County cell site in RSA No. 7 under its previously 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 the Carroll County cell site.


2. Kentucky CGSA shall file a copy of the final decisions regarding its pending FAA and KAZC applications for this cell site 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 10th day of March, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director