

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 FACILITY IN THE KENTUCKY RURAL)
SERVICE AREA NO. 7 WHICH INCLUDES) CASE NO. 95-121
TRIMBLE, CARROLL, GALLATIN, HENRY,)
FRANKLIN, OWEN, GRANT, PENDLETON,)
HARRISON AND SHELBY COUNTIES IN)
KENTUCKY (THE ST. MARY CELL FACILITY))

O R D E R

On April 10, 1995, the Commission received the attached letter from Eugene M. Brown, Vice President and C.F.O. of Hendrix and Dail, Inc. Hendrix and Dail either owns or occupies property within 500 feet of the proposed cellular telecommunications facility to be located at 396 Old Harrodsburg Road located west of U.S. Highway No. 127 (formerly KY 35) south of the city of Frankfort, Franklin County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Contel Cellular shall respond to Mr. Brown's questions by certified letter, within 10 days of the date of this Order.
2. Contel Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 14th day of April, 1995.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION

For the Commission



HENDRIX AND DAIL, INC.

CORPORATE OFFICE

PO. BOX 618 • GREENVILLE, NC 27835-0618 • PHONE 800-637-9466 • FAX (919) 758-2767

April 5, 1995

RECEIVED

Executive Director
Public Service Commission of Kentucky
PO Box 615
Frankfort, KY 40602

APR 10 1995

PUBLIC SERVICE
COMMISSION

Re: Public Notice-Public Service
Commission of Kentucky
CASE No. 95-121

Dear Mr. Director,

This letter is in response to W. Brent Rice, Atty. letter of March 24, 1995 concerning the above case.

As Vice President and C.F.O. of Hendrix and Dail, Inc. (Tenant) and as General partner of Brown, Lemons, & McLawhorn, partnership (Property Owner) I want to express our concerns about the proposed 260' tower which is being planned on our property line at 2150 Commercial Drive, Twilight Industrial Park, Frankfort, KY. We are concerned about any effects of a possible "electro-magnetic" field or microwaves which may be generated from this tower and their resulting dangers to our employees.

We are also concerned about the hazards in the event of a collapse of the tower. Our building would be less than thirty feet from the tower and we feel that our employees should not be exposed to these dangers.

There is also a concern, due to the types of chemicals stored here, that a release of chemicals due to a tower falling could cause a major environmental disaster.

I have discussed this with a local builder who has built several cellular towers here in North Carolina. He indicates there is a definite hazard from ice falling from the tower during the winter. He indicates that the site buildings are build "Bullet Proof" for this reason. I assure you our building in not "Bullet Proof" nor are our people.

REGIONAL OFFICES

P.O. BOX 589	OXFORD, NC 27585	800-662-4130	• FAX (919) 693-8787
P.O. BOX 985	TIFTON, GA 31784	800-872-0644	• FAX (912) 382-9375
2150 COMMERCIAL DR.	FRANKFORT, KY 40601	800-999-1262	• FAX (502) 223-2753
7610 US HWY 41-N	PALMETTO, FL 34221	800-726-5215	• FAX (813) 729-2814



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Executive Director

Since there seems to be other land available in the immediate area we suggest that you consider moving the tower 260' south of our property line to an area that would not pose a threat to us or our neighboring industries.

We look forward to your positive response.

Sincerely,



Eugene M. Brown
Vice President & C.F.O.

EMB/sdb
cc: KY Branch
W. Brent Rice, Atty.

McBRAYER, MCGINNIS, LESLIE & KIRKLAND

183 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1381

808-231-8780

FACSIMILE 808-231-8818

REAL ESTATE FAX 808-288-9777

WATSON CLAY (1808-1888)
OSCAR SAMMONS (1808-1888)

MAIN & HARRISON STREETS
P. O. BOX 347
GREENUP, KENTUCKY 41144-0347
808-473-7303
FACSIMILE 808-473-8003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
808-883-1800
FACSIMILE 808-887-7388

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE NELTON
FRANKFORT OFFICE

March 24, 1995

W. TERRY McBRAYER
JOHN R. MCGINNIS
WILLIAM BRUCE LESLIE *
WILLIAM D. KIRKLAND
D. ATRINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
FRED E. (BOB) FUGAZZI, JR.
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRASER, III
DENNIS J. CONNIFF
JOHN Q. IRVIN, JR.
MEGAN LAKE THORNTON
CHRISTOPHER M. HILL
LISA ENGLISH HORD
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
THOMAS C. LYONS
D. BARRY STILE
CHERYL H. ANDERSON
MARY WIS ESTER
EUGAN RUCH CHARLIN
LUKE BENTLEY III
MATTHEW W. BREEKE
KELLY RANVIER SWARTZ
R. STEPHEN MCGINNIS
JOHN A. WOODALL

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO

Brown, Lemons and McLawhorn
P.O. Box 648
Greenville, NC 27835

RE: **Public Notice - Public Service Commission of Kentucky,
Case No. 95-121**

Dear Sir or Madam:

This letter is to inform you that Contel Cellular of Kentucky, Inc., which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 235' self-supporting tower with attached antennas extending upwards for a total height of 260' above ground level and an equipment shelter to be located at 396 Old Harrodsburg Road located west of U.S. Highway No. 127 (formerly KY 35) south of the City of Frankfort, Franklin County, Kentucky. A temporary cellular radio antennae approximately 80' in height may be used at the referenced location until such time as the Public Service Commission approves or disapproves the Application submitted by Cellular One. A map showing the location of the temporary facility and the proposed new cell facility is enclosed. This notice is being sent to you because you own or use property that is located within a 500' radius of the proposed monopole.

The Commission invites your comments regarding the proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date of this letter as shown above.

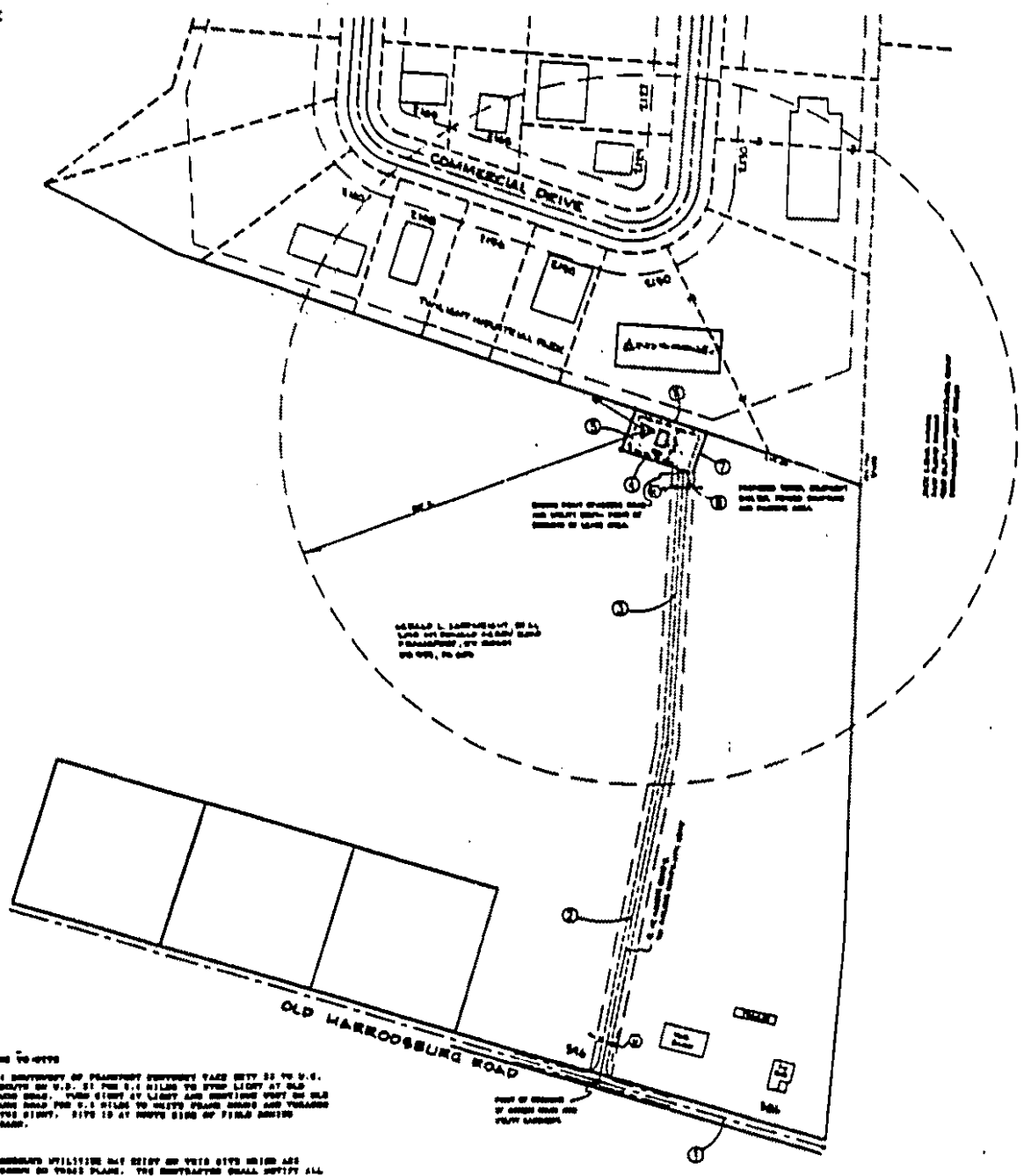
Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 95-121 in your correspondence.

Sincerely,



W. Brent Rice
Counsel for Contel Cellular
of Kentucky, Inc.

DIRECTION	DISTANCE
N 72°45'00" W	313.62'
N 11°28'05" E	484.03'
N 03°45'38" E	388.23'
N 70°20'28" W	88.18'
N 18°39'34" E	80.00'
S 70°20'28" E	100.00'
S 18°39'34" W	80.00'
N 70°20'28" W	11.81'



DESCRIPTIONS TO NOTES

FROM S-44 BOUNDARY OF PLANNING DISTRICT CASE CITY 22 TO U.S. ST. 50 FEET TO W.P. 51 PER S-44 BILLS TO THE LIGHT AT OLD HARRODSBURG ROAD. FROM CITY OF LIGHT AND DISTRICT CASE TO OLD HARRODSBURG ROAD PER S-44 BILLS TO W.P. 51 AND TOWARD CASE TO THE CITY. SITE IS AT NORTH SIDE OF FIELD CENTER TOWARD CASE.

1. UNDERGROUND UTILITIES MAY EXIST ON THIS SITE WHICH ARE NOT SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO STARTING CONSTRUCTION AND GIVE THEM LOCATIONS AND DEPTHS THAT THEY MAY HAVE TO THE AREA.
2. THE PROPOSED LEASE AREA FOR THIS FACILITY WERE BUY LEE CITY IN THE 724 PLANNING DISTRICT, (COMMUNITY PANEL 118550 00012 DATED SEPTEMBER 24, 1981)
3. THE NEAREST POINT IS LOCATED AT THE SUBWAY ENTRANCE NORTH OF CITY. POINT 1001 012-2014

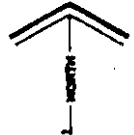
ELECTRIC SERVICE PROVIDED BY TELEPHONE SERVICE PROVIDED BY

PLANNING DISTRICT AND CITY PLANNING DISTRICT NORTH CENTRAL AREA
 500 W. MAIN DRIVE 201-4000
 FRANKFORT, KY 40601 (502) 515-1500 (502) 515-1500

BUSINESS CENTER

FRANKLIN DR. PLANNING AND SERVICE
 518 W. MAIN STREET, 2ND FLOOR ABOVE
 FRANKFORT, KY 40601 (502) 515-1511
 (502) 515-1511

PROJECT AREA
 SCALE: 1"=100'



CCI-ST. MARY'S/KY 0118

		SITE SURVEY AND DEVELOPMENT PLAN CELLULAR TRANSMISSION TOWER FACILITY GERALD L. CARTWRIGHT ET AL PROPERTY 396 OLD HARRODSBURG ROAD FRANKFORT, FRANKLIN CO., KENTUCKY 40601	
		FORSTER THOMPSON, INC. 418 S. ASHLAND ST. FRANKFORT, KY 40601 (502) 515-1500	SHEET 1 OF 1