

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HORIZON CELLULAR)	
TELEPHONE COMPANY OF CENTRAL KENTUCKY,)	
L.P., A DELAWARE LIMITED PARTNERSHIP,)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
AN ADDITIONAL CELL FACILITY IN THE)	CASE NO. 95-164
KENTUCKY RURAL SERVICE AREA NO. 5 WHICH)	
INCLUDES ADAIR, BARREN, CLINTON,)	
CUMBERLAND, HART, MCCREARY, METCALFE,)	
MONROE, RUSSELL AND WAYNE COUNTIES IN)	
KENTUCKY (THE TOMPKINSVILLE CELL FACILITY))	

O R D E R

On September 8, 1995, the Commission received the attached letter from Clay Hundley, Jr., on behalf of his clients Fred and Nina Emberton, regarding the proposed cellular telecommunications facility to be located off Kentucky Highway 163, Edmonton Road, Tompkinsville, Monroe County, Kentucky.

IT IS THEREFORE ORDERED that:


1. Horizon Cellular Telephone Company of Central Kentucky, L.P. ("Horizon Cellular") shall respond to the Embertons' questions by certified letter, within 10 days of the date of this Order.
2. Horizon 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 27th day of September, 1995.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

HUNDLEY & HUNDLEY
ATTORNEYS AT LAW
809 NORTH MAIN STREET
TOMPKINSVILLE KENTUCKY 40167
TELEPHONE (502) 487-4403
TELEFAX (502) 487-5423

CLAY HUNDLEY, JR.
CHARLTON C. HUNDLEY

RECEIVED
SEP - 8 1995
PUBLIC SERVICE
COMMISSION

September 6, 1995

Executive Director's Office
Public Service Commission of Ky.
P.O. Box 615
Frankfort, KY 40602

In Re: Fred and Nina Emberton
Case No. ~~95-64~~ Tompkinsville Call Facilities
95-1104

Dear Sirs:

On August 24, 1995, my clients received the enclosed notice from W. Brent Rice, counsel for Horizon Cellular Telephone, concerning the construction of a new tower on land adjacent to the Embertons located in Monroe County, Kentucky.

Although the letter is vague in its contents, we assume that it was sent to the Embertons merely because they own property within a 500 foot radius of the proposed tower. We interpret the letter, and the enclosed map, to mean that no interference, of any kind, is contemplated on the land of the Embertons; that no trees or growth of any kind on the Emberton property will be disturbed, and that there will be no construction of any kind on the Emberton property, including any guidelines to support the tower.

If my interpretations are correct, please advise. If my interpretations of the notice are incorrect and there is to be any encroachment upon the Embertons, or any portion of the Emberton's property is to be utilized in the construction or maintenance of the tower, or in any way encumbered, then we object unless the Embertons are justly compensated for any such interruption of the use of their property.

Please respond at your earliest convenience.

Very truly yours,


Clay Hundley, Jr.

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

103 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1381

606-231-2780

FACSIMILE 606-231-8818

REAL ESTATE FAX 606-255-8777

August 24, 1995

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATRINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
FRED E. (BOB) FUGAZZI, JR.
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III
JOHN G. IRVIN, JR.
MEGAN LAKE THORNTON
CHRISTOPHER M. HILL
LISA ENGLISH MORG
WILLIAM R. PALMER, JR.
MONICA M. McFARLIN *
BRUCE W. McDONALD *
THOMAS C. LYONS
SUSAN PUGH CHAPLIN
D. BARRY STILE
CHERYL M. ANDERSON
MARY WIG ESTES
LUKE BENTLEY III
MATTHEW W. BREETS
KELLY RANVIER SWARTZ
R. STEPHEN MCGINNIS *
JOH A. WOODALL

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
* ALSO ADMITTED IN OHIO & GEORGIA
* ALSO ADMITTED IN WEST VIRGINIA

Fred and Nina Emberton
1498 Sulfur Lick Road
Tompkinsville, KY 42167

RE: Public Notice - Public Service Commission of Kentucky,
Case No. 95-164 (Tompkinsville Cell Facility)

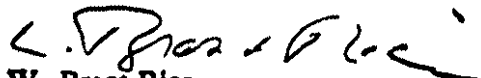
Dear Mr. and Mrs. Emberton:

Horizon Cellular Telephone Company of Central Kentucky, L.P. 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 180' guyed tower with attached antennas extending upwards for a total height of 199' and an equipment shelter to be located at off Kentucky Highway 163, Edmonton Road, Tompkinsville, Monroe County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission 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. 95-164 in your correspondence.

Sincerely,



W. Brent Rice

Counsel for Horizon Cellular Telephone

WATSON CLAY (1905-1988)
OSCAR SAMMONS (1908-1988)

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