

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SOUTHERN OHIO TELEPHONE )  
COMPANY FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT ) CASE NO. 96-097  
AN ADDITIONAL CELLULAR FACILITY IN COLD )  
SPRING, CAMPBELL COUNTY, KENTUCKY )

O R D E R

On March 15, 1996, Southern Ohio Telephone Company d/b/a Cellular One ("Southern Ohio Telephone") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Cincinnati Metropolitan Statistical Area ("the Cincinnati MSA"). The proposed cell site consists of a monopole antenna tower not to exceed 153 feet in height, with attached antennas, to be located at 3704 Alexandria Pike, Cold Spring, Campbell County, Kentucky. The coordinates for the proposed cell site are North Latitude 39° 1' 32" by West Longitude 84° 27' 2".

Southern Ohio Telephone 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 conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However,

Southern Ohio Telephone has notified the Cold Spring Planning and Zoning Commission and the Northern Kentucky Area Planning Commission of the proposed construction. Southern Ohio Telephone has filed an application with the Federal Aviation Administration ("FAA") seeking approval for the construction and operation of the proposed cell site. No application to the Kentucky Airport Zoning Commission ("KAZC") was included in Southern Ohio Telephone's application with this Commission.

Southern Ohio Telephone has filed notices verifying that each person who owns property or resides within 500 feet of the proposed 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. In addition, Southern Ohio Telephone has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. To date, no comments have been filed with the Commission.

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, Southern Ohio Telephone 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 Southern Ohio Telephone.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Southern Ohio Telephone should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Cincinnati MSA under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Southern Ohio Telephone be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 153 feet in height, with attached antennas, to be located at 3704 Alexandria Pike, Cold Spring, Campbell County, Kentucky. The coordinates for the proposed cell site are North Latitude 39° 1' 32" by West Longitude 84° 27' 2".

2. Southern Ohio Telephone shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Southern Ohio Telephone 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 3rd day of May, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt  
Chairman

Edw. J. Hines  
Vice Chairman

Robert M. Davis  
Commissioner

ATTEST:

Don Hill  
Executive Director