

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 ) CASE NO.  
AN ADDITIONAL CELL FACILITY IN THE KENTUCKY RURAL ) 96-383  
SERVICE AREA NO. 4 WHICH INCLUDES SPENCER, )  
ANDERSON, HARDIN, NELSON, WASHINGTON, MERCER, )  
MARION, LARUE, GREEN AND TAYLOR COUNTIES IN )  
KENTUCKY (THE TAYLORSVILLE CELL FACILITY) )

O R D E R

On August 16, 1996, Horizon Cellular Telephone Company of Central Kentucky, L.P. ("Horizon Cellular") 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. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor and Washington counties. Horizon Cellular has requested authorization to construct a cell site in Spencer County. Horizon Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 92-485.<sup>1</sup>

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<sup>1</sup> Case No. 92-485, The Application of Horizon Cellular Telephone Company of Spencer, L.P., a Delaware Limited Partnership, for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in Kentucky Rural Service Area Which Includes Spencer, Nelson, Anderson, Hardin, Washington, Mercer, Larue, Marion, Green, and Taylor Counties in Kentucky; for a Certificate of Public Convenience and Necessity to Construct a Cell Site in Elizabethtown, Kentucky; and Establishment of Initial Rates.

The proposed cell site consists of a 280-foot or less guyed antenna tower to be located off Overlook Road (Kentucky Highway 2239), near Taylorsville, Spencer County, Kentucky ("the Taylorsville cell site"). The coordinates for the Taylorsville cell site are North Latitude 38° 01' 44" by West Longitude 85° 18' 16".

Horizon Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Taylorsville 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 Taylorsville cell site's construction is exempt from local zoning ordinances; however, Horizon Cellular notified the Spencer County Planning and Zoning Commission of the pending construction. Horizon Cellular 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 Taylorsville cell site. Both applications are pending.

Horizon Cellular has filed notices verifying that each person who owns or uses property within 500 feet of the Taylorsville 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, notice was posted in a visible location on the proposed site for at least two weeks after Horizon Cellular's application was filed. 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, Horizon Cellular 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 Horizon Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Horizon Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Taylorsville cell site in RSA No. 4 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Horizon Cellular is granted a Certificate of Public Convenience and Necessity to construct and operate the Taylorsville cell site.
2. Horizon Cellular shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.
3. Horizon Cellular 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 8th day of October, 1996.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner

ATTEST:



Executive Director