

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, )  
INC. FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
CONSTRUCT AN ADDITIONAL CELL )  
SITE IN LOUISVILLE, KENTUCKY FOR )  
THE PROVISION OF DOMESTIC )  
PUBLIC CELLULAR RADIO )  
TELECOMMUNICATIONS SERVICE TO )  
THE PUBLIC IN OLDHAM COUNTY, )  
KENTUCKY AND THE LOUISVILLE )  
MSA )

CASE NO. 96-286

O R D E R

On October 25, 1996, the Commission entered its final Order in this case granting Kentucky CGSA, Inc. d/b/a BellSouth Mobility, Inc. ("Kentucky CGSA") a Certificate of Public Convenience and Necessity ("CPCN") to construct and operate a monopole antenna tower not to exceed 190 feet in height, with attached antennas, at 6384 LaGrange Road (Highway 146) in Crestwood, Jefferson County, Kentucky.

On February 13, 1997, Kentucky CGSA filed with the Commission a motion stating that the tower site, 6384 LaGrange Road, is located in Oldham County, rather than Jefferson County, Kentucky. In its motion, Kentucky CGSA also notified the Commission that, as a result of the error made by Kentucky CGSA concerning the county in which the tower will be located, Kentucky CGSA incorrectly sent its original public notice to the Jefferson County Planning and Zoning Commission. It therefore requests the

Commission to reopen this proceeding for the purpose of amending the October 25, 1996 Order.

In support of its motion, Kentucky CGSA states that, on February 7, 1997, it notified the correct commission, the Oldham County Planning and Zoning Commission ("OCPZC"), of its error as well as its intent to construct the tower at the specified site in Oldham County, Kentucky. A copy of said notice is attached to Kentucky CGSA's motion as Exhibit A. The notice, inter alia, describes the proposed construction and informs the OCPZC that all adjoining property owners were properly notified of the proposed construction on July 27, 1996, when Kentucky CGSA's application was filed with this Commission. The notice also informs the OCPZC that there were no intervenors in the proceedings before this Commission and it states that actual construction of the tower has not yet commenced.

Kentucky CGSA states that a copy of its motion has been served on the administrator of the OCPZC. OCPZC's response to the motion was filed with the Commission on March 3, 1997. It does not contain any objections or raise any concerns about the proposed construction.

Having reviewed the OCPZC's response and Kentucky CGSA's motion and being otherwise sufficiently advised, the Commission finds that this case should be reopened for the purpose of amending the county name in the October 25, 1996 Order. The Commission also finds that the OCPZC has, under the circumstances, received adequate notice of the proposed construction and does not oppose said construction.

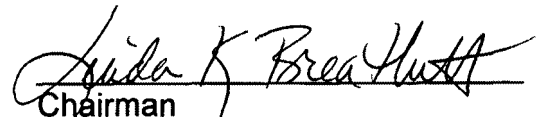
IT IS THEREFORE ORDERED that:

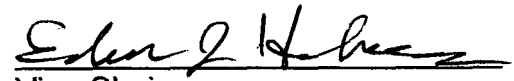
1. The Commission's October 25, 1996 Order is hereby amended by changing all references therein to "Jefferson County" to "Oldham County" and by incorporating the additional evidence regarding Kentucky CGSA's notice to the Oldham County Planning and Zoning Commission.

2. Those portions of the Commission's October 25, 1996 Order not amended herein shall remain in full force and effect.

Done at Frankfort, Kentucky, this 10th day of March, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director