

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) CASE NO. 96-445
PUBLIC CELLULAR RADIO)
TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC IN JEFFERSON COUNTY, KENTUCKY AND)
THE LOUISVILLE MSA)

O R D E R

On September 27, 1996, Kentucky CGSA, Inc. d/b/a BellSouth Mobility, Inc. ("BellSouth Mobility") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular facility in the Louisville Metropolitan Statistical Area ("the Louisville MSA"). The proposed facility consists of a monopole antenna tower not to exceed 141 feet in height, with attached antennas, to be located at 8712 Minors Lane, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 7' 22.32" by West Longitude 85° 42' 50.11".

BellSouth Mobility has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. 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(5), a proposal for construction of the facility was submitted to the Louisville and Jefferson County Planning Commission ("Planning Commission") on September 27, 1996. On January 17, 1997, the Commission received a letter granting conditional approval of the proposed construction. BellSouth Mobility has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

BellSouth Mobility has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility 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, BellSouth Mobility has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Commission received numerous protests from area residents and local officials regarding the proposed construction. Several protesters ("Intervenors") requested and were granted intervention in this matter. As requested by many of the Intervenors, a public hearing was held on February 11, 1997. None of the Intervenors or any other protester attended the hearing.

During the hearing, BellSouth Mobility discussed the necessity of the proposed construction and the search area established for locating the facility. Witnesses testified that the proposed construction will be located on one of only two commercially zoned sections within the defined search area. The other commercial area was investigated but was not available for lease or purchase.

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, BellSouth Mobility should notify the Commission if it does not use this antenna tower to provide service 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 BellSouth Mobility.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that BellSouth Mobility should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in the Louisville MSA under its currently approved tariff.

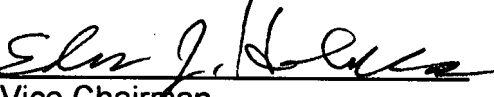
IT IS THEREFORE ORDERED that:

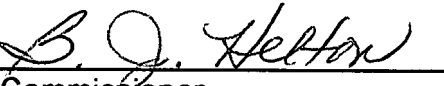
1. BellSouth Mobility is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 141 feet in height, with attached antennas, to be located at 8712 Minors Lane, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 7' 22.32" by West Longitude 85° 42' 50.11".
2. BellSouth Mobility 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 14th day of April, 1997.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director