

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) CASE NO. 96-598
FACILITY IN THE KENTUCKY RURAL SERVICE AREA)
NO. 5 WHICH INCLUDES ADAIR, BARREN, CLINTON,)
CUMBERLAND, HART, MCCREARY, METCALFE,)
MONROE, RUSSELL, AND WAYNE COUNTIES IN)
KENTUCKY (THE EDMONTON CELL FACILITY))

O R D E R

On December 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 facility for Rural Service Area No. 5 ("RSA No. 5"). RSA No. 5 includes Adair, Barren, Clinton, Cumberland, Hart, McCreary, Metcalfe, Monroe, Russell, and Wayne counties. Horizon Cellular requested authorization to construct a cell site in Metcalfe County. Horizon Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 5 in Case No. 93-048.¹ The assets of Horizon Cellular, including the

¹ Case No. 93-048, The Joint Application of Danbury Cellular Telephone Co., a Connecticut Corporation d/b/a Cellular One/United Bluegrass Cellular Corp. and Horizon Cellular Telephone Company of Central Kentucky, L.P., a Delaware Limited Partnership, for Approval of the Transfer of the Assets and Liabilities of Danbury Cellular Telephone Co. to Horizon Cellular Telephone Company of Central Kentucky, L.P., and Related Financing.

ongoing proceeding, were subsequently acquired by PriCellular Corporation (hereinafter the "Applicant") on December 9, 1996, in Case No. 96-491.²

The proposed cell site consists of a 347-foot or less guyed antenna tower to be located near the Cumberland Parkway off Cork Gascon Road near Edmonton in Metcalfe County, Kentucky ("the Edmonton cell site"). The coordinates for the Edmonton cell site are North Latitude 37° 00' 20" by West Longitude 85° 34' 34".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Edmonton 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 Edmonton cell site's construction is exempt from local zoning ordinances; however, the Metcalfe County Judge has been notified of the pending construction. The Applicant has filed applications with and received approvals from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Edmonton cell site.

The Applicant has filed notices verifying that each person who owns property or who resides within 500 feet of the Edmonton cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners or

² Case No. 96-491, The Joint Application of PriCellular Corporation, a Delaware Corporation, Cellular Information Systems of Florence, Inc., an Alabama Corporation and Horizon Cellular Telephone Company of Central Kentucky, L.P., a Delaware Limited Partnership for the Approval of the Acquisition of the Assets of Horizon Cellular Telephone Company of Central Kentucky, L.P., a Delaware Limited Partnership and for Acceptance of Adoption of Tariff.

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 the application was filed. On December 30, 1996, a protest letter was received from Lindy and Grace Bunch. On January 9, 1997, the Commission ordered the Applicant to respond to the Bunches' inquiries and informed them of their right to intervene. To date, they have not intervened.

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, the Applicant 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 the Applicant.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant should be granted a Certificate of Public Convenience and Necessity to construct and operate the Edmonton cell site in RSA No. 5 under its previously approved tariff.

IT IS THEREFORE ORDERED that:


1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct and operate the Edmonton cell site.

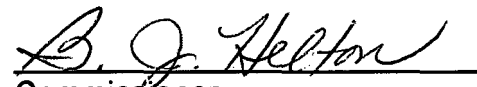
2. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 19th day of March, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director