

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SOUTHEAST)
TELEPHONE, LTD FOR THE)
ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A) CASE NO. 97-291
PERSONAL COMMUNICATIONS)
SERVICES NETWORK FACILITY IN)
BETSY LANE, KENTUCKY AND)
CALLED THE BETSY LAYNE SITE,)
#01-002)

O R D E R

On September 17, 1997, after a telephone conference with staff, SouthEast Telephone, LTD ("SouthEast") filed a letter requesting an informal conference to enter into negotiations to resolve the apparent violation of KRS 278.020. An informal conference was held, and at the conference it was agreed that SouthEast was in violation of KRS 278.020 by commencing construction of a PCS Tower prior to obtaining a Certificate of Public Convenience and Necessity for its Betsy Layne Site.

On October 2, 1997, SouthEast executed a Settlement Agreement, which is appended hereto. In reviewing the Settlement Agreement, the Commission has considered, inter alia, the site of the tower, the work performed and SouthEast's prompt response.

After reviewing the Settlement Agreement and being otherwise sufficiently advised, the Commission finds that it is in accordance with the law, does not violate any

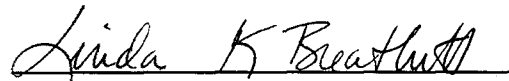
regulatory principle, results in a reasonable resolution of this case, and is in the public interest.

IT IS THEREFORE ORDERED that:


1. The Settlement Agreement is incorporated into this Order as if fully set forth herein.
2. The terms and conditions set forth in the Settlement Agreement are hereby adopted and approved.
3. Within 10 days of the date of this Order, SouthEast shall pay to the Commonwealth of Kentucky the sum of \$1,000. This payment shall be in the form of a cashier's or certified check made payable to "Kentucky State Treasurer" and shall be mailed or delivered to: Office of General Counsel, Public Service Commission of Kentucky, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 16th day of October, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

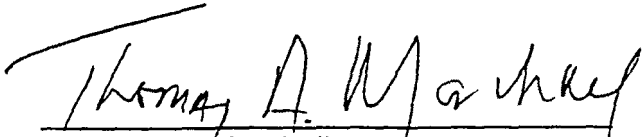
THE APPLICATION OF SOUTHEAST)
TELEPHONE, LTD FOR THE)
ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A)
PERSONAL COMMUNICATIONS) CASE NO. 97-291
SERVICES NETWORK FACILITY IN)
BETSY LANE, KENTUCKY AND)
CALLED THE BETSY LAYNE SITE,)
#01-002)

SETTLEMENT AGREEMENT

On September 25, 1997 an informal conference was held between Commission Staff and representatives of SouthEast Telephone, LTD, ("SouthEast"). At the conference it was agreed that SouthEast was in violation of KRS 278.020 by commencing construction of a PCS Tower prior to obtaining a Certificate of Public Convenience and Necessity for its Betsy Layne Site.

It is agreed that the violation occurred due to the fact that SouthEast did not have the proper procedures for construction in place at the time; that SouthEast ceased construction immediately upon discovery of the violation and that the violation was not a wilful act on the part of SouthEast. It is further agreed that SouthEast should be penalized for the violation and that the penalty is to be \$1,000 payable to the Kentucky State Treasurer.

AGREED TO BY:


Thomas A. Marshall
Attorney for SouthEast Telephone, LTD

Oct. 2, 1997
Date


James R. Goff
Attorney for Public Service Commission

October 3, 1997
Date