

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 MAYSVILLE,)
MASON COUNTY, KENTUCKY FOR THE) CASE NO. 97-326
PROVISION OF DOMESTIC PUBLIC CELLULAR)
RADIO TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC IN THE B-1 PORTION OF KENTUCKY RSA)
NO. 8)

O R D E R

On July 25, 1997, 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 radio telecommunications facility in the B-1 portion of Rural Service Area No. 8 ("RSA No. 8"). The proposed facility consists of a self-supporting antenna tower not to exceed 199 feet in height, with attached antennas, to be located at 73 Edgemont Avenue, Maysville, Mason County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 38' 33.03" by West Longitude 83° 45' 53.01".

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(1), the proposed facility's construction is exempt from local zoning ordinances. However, BellSouth Mobility has notified the Mason County Joint Planning Commission of the proposed construction. To date, no comments have been filed by the Planning Commission. BellSouth Mobility 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 proposed facility. Both decisions are pending.

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. Two property owners filed comments on the proposed construction. As ordered by the Commission, BellSouth Mobility responded in writing to the property owners' comments, and under separate letters the Commission notified them of their right to request intervention and a public hearing if BellSouth Mobility's response did not satisfy their concerns. After negotiations with one property owner, BellSouth Mobility amended its application by moving the proposed construction site approximately 30 feet south of the original location. On September 30, 1997, the property owner withdrew the protest. To date, no further comments have been filed with the Commission.

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 B-1 portion of RSA No. 8.

IT IS THEREFORE ORDERED that:

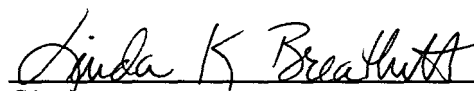
1. BellSouth Mobility is granted a Certificate of Public Convenience and Necessity to construct and operate a self-supporting antenna tower not to exceed 199 feet in height, with attached antennas, to be located at 73 Edgemont Avenue, Maysville, Mason County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 38' 33.03" by West Longitude 83° 45' 53.01".


2. BellSouth Mobility shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. 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 21st day of October, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director