

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY CGSA, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
AN ADDITIONAL CELL SITE IN SHELBYVILLE,) CASE NO. 97-385
SHELBY COUNTY, KENTUCKY FOR THE)
PROVISION OF DOMESTIC PUBLIC CELLULAR)
RADIO TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC IN THE B-1 PORTION OF KY RSA NO. 7)

O R D E R

On October 1, 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 service facility in the B-1 portion of Rural Service Area No. 7 ("RSA No. 7"). On December 18, 1997, BellSouth Mobility amended its application. The proposed facility consists of a self-supporting antenna tower not to exceed 239 feet in height, with attached antennas, to be located at 41 Pearce Industrial Road, Shelbyville, Shelby County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 12' 10.3" by West Longitude 85° 15' 50.47".

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 Triple S Planning and Zoning Commission ("Planning Commission") of the proposed construction. Several letters commenting on the proposed construction have been filed by the Planning Commission but no request for intervention or a public hearing have been made. 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 within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners 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. Several protests were filed regarding the construction as originally proposed. In response to the opposition, BellSouth Mobility amended its application by relocating the proposed construction and reducing the overall height of the tower. Subsequently, an interested property owner and the Planning Commission stated they had no objections to the construction as amended.

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. 7 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 self-supporting antenna tower not to exceed 239 feet in height, with attached antennas, to be located at 41 Pearce Industrial Road, Shelbyville, Shelby County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 12' 10.3" by West Longitude 85° 15' 50.47".

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 17th day of April, 1998.

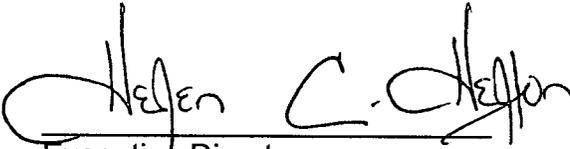
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director