

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|---|---|-----------------|
| APPLICATION OF THE CINCINNATI SMSA LIMITED |) | |
| PARTNERSHIP FOR THE ISSUANCE OF A CERTIFICATE |) | |
| OF PUBLIC CONVENIENCE AND NECESSITY TO |) | |
| CONSTRUCT A NEW CELL FACILITY FOR ITS |) | |
| DOMESTIC PUBLIC CELLULAR RADIO |) | CASE NO. 98-179 |
| TELECOMMUNICATIONS SERVICE IN COVINGTON, IN |) | |
| THE KENTUCKY PORTION OF THE CINCINNATI MSA |) | |

O R D E R

On July 7, 1998, Cincinnati SMSA Limited Partnership ("Cincinnati SMSA") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Cincinnati Metropolitan Service Area ("the Cincinnati MSA"). The Cincinnati MSA includes Boone, Campbell, and Kenton counties in Kentucky. Cincinnati SMSA has requested authorization to construct a cell site in Kenton County. Cincinnati SMSA was previously granted authority to operate a cellular radio telecommunications system in The Cincinnati MSA in Case No. 8916.¹

The proposed cell site consists of a 130-foot or less monopole antenna tower to be located at 1025 Amsterdam Road in Covington, Kenton County, Kentucky ("the Northern

¹ Case No. 8916, The Application of the Cincinnati SMSA Limited Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Provide a New Domestic Public Cellular Radio Telecommunications Service to the Public in the Greater Cincinnati Metropolitan Area Including all, or Parts of, Butler, Clermont, Hamilton, and Warren Counties in Ohio, Boone, Campbell, Gallatin, and Kenton Counties in Kentucky.

Kentucky Technical School cell site"). The coordinates for the Northern Kentucky Technical School cell site are North Latitude 39° 04' 22" by West Longitude 84° 31' 21".

Cincinnati SMSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Northern Kentucky Technical School cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.324(1), the Northern Kentucky Technical School cell site's construction is exempt from local zoning ordinances; however, Cincinnati SMSA notified the Covington Zoning Commission of the pending construction. Cincinnati SMSA 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 Northern Kentucky Technical School cell site. The FAA application is pending while the KAZC notified Cincinnati SMSA that a filing is not required.

Cincinnati SMSA has filed notices verifying that each person who owns property within 500 feet of the Northern Kentucky Technical School cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after Cincinnati SMSA's application was filed. To date, no intervention requests have been received.

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, Cincinnati SMSA 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 Cincinnati SMSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Cincinnati SMSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the Northern Kentucky Technical School cell site in the Cincinnati MSA under its previously approved tariff.


IT IS THEREFORE ORDERED that:

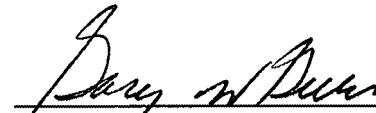
1. Cincinnati SMSA is granted a Certificate of Public Convenience and Necessity to construct and operate the Northern Kentucky Technical School cell site.
2. Cincinnati SMSA shall file a copy of the final decision regarding the pending FAA application for this cell site construction within 10 days of receiving the decision.
3. Cincinnati SMSA 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 8th day of September, 1998.

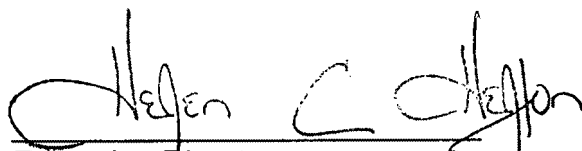
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director