

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 BRANDENBURG,)	CASE NO.
KENTUCKY FOR THE PROVISION OF DOMESTIC)	98-395-UAC
PUBLIC CELLULAR RADIO TELECOMMUNICATIONS)	
SERVICE TO THE PUBLIC IN MEADE COUNTY, IN)	
KENTUCKY RSA NO. 3)	

O R D E R

On September 21, 1998, 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 wireless telecommunications facility. The proposed facility is to be located at 754 Highway 448, Brandenburg, Meade County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 59' 1.32" by West Longitude 86° 9' 28.67".

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 100.987, BellSouth Mobility filed a uniform application in this proceeding. However, at the time the application was submitted, the Meade County

Planning and Zoning Commission (Planning Commission) had not registered with this Commission pursuant to KRS 100.987(1). To date, no comments have been filed by the Planning Commission.

In response to public notice made by BellSouth Mobility, the Commission received comments from one property owner and the Mayor of Brandenburg. However, no requests for intervention or a public hearing have been filed.

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 the proposed facility.

IT IS THEREFORE ORDERED that:

1. BellSouth Mobility is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 754 Highway 448, Brandenburg, Meade County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 59' 1.32" by West Longitude 86° 9' 28.67".

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 16th day of February, 1999.

By the Commission

ATTEST:

Executive Director