

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)	
GENERAL PARTNERSHIP FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY TO CONSTRUCT A CELL SITE)	99-289-UAC
(LEWISBURG) IN RURAL SERVICE AREA #3)	
(LOGAN) OF THE COMMONWEALTH OF)	
KENTUCKY)	

O R D E R

On November 2, 1999, Kentucky RSA #3 Cellular Partnership ("Kentucky RSA #3") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 3 ("RSA No. 3"). The proposed cell site is to be located at 6743 Lewisburg Road, Russellville, Logan County, Kentucky ("the Lewisburg cell site"). The coordinates for the Lewisburg cell site are North Latitude 36° 55' 54" by West Longitude 86° 56' 31".

Kentucky RSA #3 has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Lewisburg 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 100.987(2), Kentucky RSA #3 has submitted the uniform application for construction to the Logan Joint Cities County Planning Commission and as no response has been filed with the Commission, pursuant to KRS 100.987(4)(c), the application is deemed approved. Kentucky RSA #3 has filed applications with and received approval from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Lewisburg cell site.

Kentucky RSA #3 has filed notices verifying that each person who owns property within 500 feet of the cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. 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, Kentucky RSA #3 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 Kentucky RSA #3.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky RSA #3 should be granted a Certificate of Public Convenience and Necessity to construct and operate the Lewisburg cell site in RSA No. 3 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Kentucky RSA #3 is granted a Certificate of Public Convenience and Necessity to construct and operate the Lewisburg cell site.

2. Kentucky RSA #3 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 25th day of February, 2000.

By the Commission

ATTEST:

Executive Director