

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF DANBURY CELLULAR)	
TELEPHONE COMPANY D/B/A CELLULAR)	
ONE/UNITED BLUEGRASS CELLULAR CORP. FOR)	CASE NO.
ISSUANCE OF A CERTIFICATE OF PUBLIC)	1992-159
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A CELL SITE IN MONTGOMERY COUNTY, AND)	
FOR ANY OTHER NECESSARY APPROVALS)	

O R D E R

On January 4, 2001, Kentucky CGSA, Inc. d/b/a BellSouth Mobility ("BMI") and ACC of Kentucky ("American Cellular")¹ ("Applicants") filed an application seeking to amend the Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility originally issued in this proceeding on June 1, 1992. The existing facility consists of a guyed antenna tower not exceeding 185 feet in height, with attached antenna, located at 2122 Levee Road, Mt. Sterling, Montgomery County, Kentucky. The coordinates for the facility are North Latitude 38° 1' 26" by West Longitude 83° 57' 8". The Applicants propose to augment the existing 185-foot guyed antenna tower by extending the facility's height to 227 feet. The purpose of the augmentation is to support the additional wireless facilities of BMI. Pursuant to 807 KAR 5:063, Section 6(2),

¹ In Case No. 93-048, Order dated April 6, 1993, Horizon Cellular Telephone Company of Central Kentucky, L.P. ("Horizon") was authorized to acquire the assets of Danbury Cellular Telephone Company d/b/a Cellular One/United Bluegrass Cellular Corp., the original applicant in this proceeding. American Cellular is the successor in interest to Horizon.

an application for a Certificate of Public Convenience and Necessity is required since the proposed augmentation of the existing structure will result in altering lighting requirements for a structure on which lighting is not currently required.

American Cellular 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 Licensed Professional Engineer. In addition, American Cellular has certified that the existing structure is sufficient to support the proposed extension.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. To date, no comments have been filed by the County Judge/Executive. The Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. One property owner filed comments opposing the proposed construction but no request for intervention or a public hearing has been filed.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that the proposed

extension is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to augment the existing facility.

IT IS THEREFORE ORDERED that American Cellular is granted a Certificate of Public Convenience and Necessity to augment an existing wireless telecommunications facility. The facility, as modified, will consist of a guyed antenna tower not to exceed 227 feet in height, with attached antenna, and is to be located at 2122 Levee Road, Mt. Sterling, Montgomery County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 1' 26" by West Longitude 83° 57' 8".

Done at Frankfort, Kentucky, this 14th day of March, 2001.

By the Commission

ATTEST:


Executive Director