

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ACC OF KENTUCKY, LLC)	
AND SBA NETWORK SERVICES, INC., JOINTLY,)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
A PERSONAL COMMUNICATIONS SERVICES)	2001-151-UAC
FACILITY IN THE RURAL SERVICE AREA #5)	
[GLASGOW NORTH FACILITY])	

O R D E R

On June 6, 2001, ACC of Kentucky, LLC and SBA Network Services, Inc. ("Applicants") 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 156 Robert Bishop Road, Glasgow, Barren County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 1' 3.9" by West Longitude 85° 54' 42.3".

The Applicants have 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 a Licensed Professional Engineer has certified the plans.

Pursuant to KRS 100.987, the Applicants have submitted the uniform application to the local planning commission. The planning commission has since approved the proposed construction. The Applicants have 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. The FAA application has been approved, but the KAZC decision is still pending.

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. The Commission received a request for intervention in the case, and a hearing date was set for November 20, 2001. However, the intervenors did not supply the Commission with an intent to appear at the hearing; thus, the hearing was cancelled.

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, the Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their 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 the Applicants.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 156 Robert Bishop Road, Glasgow, Barren County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 1' 3.9" by West Longitude 85° 54' 42.3".

2. The Applicants shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within 10 days of receiving this decision.

3. The Applicants 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 November, 2001.

By the Commission

ATTEST:


Executive Director