

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MO-TEL CELLULAR, INC. A GEORGIA)	
CORPORATION D/B/A CELLULAR ONE WESTERN)	
KENTUCKY CELLULAR TELEPHONE COMPANY,)	
D/B/A CELLULAR ONE, AND D/B/A WESTERN)	
KENTUCKY CELLULAR TELEPHONE COMPANY,)	
FOR THE ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY FOR)	CASE NO.
THE OPERATION AND CONSTRUCTION OF TWO)	1992-00024
ADDITIONAL CELL SITES SO AS TO ENLARGE)	
THE COVERAGE OF THE KENTUCKY RURAL)	
SERVICE AREA WHICH INCLUDES CALDWELL,)	
CRITTENDEN, HOPKINS, LIVINGSTON, LYON,)	
TRIGG, UNION AND WEBSTER COUNTIES IN)	
KENTUCKY)	

O R D E R

On, February 28, 1992, Mo-Tel Cellular, Inc. ("Mo-Tel") was issued a Certificate of Public Convenience and Necessity to construct and operate two wireless telecommunications facilities including a cell site consisting of an antenna and a 190 foot guyed antenna tower located approximately 1.5 miles northwest of Nortonville, Kentucky, in Morton's Gap, Hopkins County, Kentucky ("Morton's Gap cell site"). The street address of the facility is now 1232 Morton's Gap Road, Mortons, Hopkins County, Kentucky. The coordinates for the Morton's Gap cell site are North Latitude 37° 13' 13" by West Longitude 87° 27' 14".

On November 28, 2001, Crown Communication Inc. ("Crown"), successor in interest to Mo-Tel regarding the Morton's Gap cell site, filed a motion to amend the

Certificate of Public Convenience and Necessity issued in this case. On December 26, 2001, Crown filed supplemental information. Based on the application, Crown proposes to augment the existing tower by increasing the structure s height an additional 55 feet to a total height of 245 feet above ground level, including all appurtenances. The proposed augmentation will facilitate the collocation of additional wireless service providers in the area and is necessary to support adequate utility service.

The increased height will require Federal Aviation Administration ("FAA") and Kentucky Airport Zoning Commission ("KAZC") approvals and recommended lighting. Accordingly, the proposed augmentation may not be treated as a notice filing pursuant to 807 KAR 5:063, Section 6.

Crown has filed applications with the FAA and KAZC seeking approval for the construction and operation of the proposed facility. Both agencies have approved the proposed construction with FAA recommended lighting requirements.

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed augmentation. Based upon the application, the design of the tower, as augmented, and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Licensed Professional Engineer.

Crown has notified the Hopkins County Joint Planning Commission ("Planning Commission") of the proposed augmentation. Crown has filed evidence of the Planning Commission's support for the proposed augmentation. In addition, Crown has filed evidence of having given 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. To date, no comments have been filed.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Crown has demonstrated that the proposed augmentation is necessary to provide adequate utility service. Therefore, the motion to amend the original Certificate of Public Convenience and Necessity to construct issued on February 28, 1992, in this case should be granted.

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, Crown 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 Crown.

IT IS THEREFORE ORDERED that:

1. Crown's Motion to Amend the Certificate of Public Convenience and Necessity and to augment the construction of the existing structure located at 1232 Morton's Gap Road, Mortons, Hopkins County, Kentucky, is granted. The coordinates for the Morton's Gap cell site are North Latitude 37° 13' 13" by West Longitude 87° 27' 14". After augmentation, the height of the tower shall not exceed 245 feet, including all appurtenances.

2. Crown 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 1st day of February, 2002.

By the Commission

ATTEST:


Executive Director