

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF THIRD KENTUCKY	)	
CELLULAR CORPORATION D/B/A WIRELESS 2000	)	
TELEPHONE AND NORTHSTAR TECHNOLOGY,	)	
LLC FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	
CONSTRUCT A WIRELESS COMMUNICATIONS	)	CASE NO.
FACILITY IN THE LOUISVILLE-LEXINGTON-	)	2001-00297
EVANSVILLE MAJOR TRADING AREA,	)	
SOMERSET, PULASKI COUNTY, KENTUCKY	)	
	)	
[EAST SOMERSET], SITE NO. 52	)	

O R D E R

On December 17, 2001, Third Kentucky Cellular Corporation d/b/a Wireless 2000 Telephone and NorthStar Technology, LLC ( Applicants ) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 306 feet in height, with attached antenna, to be located near East Somerset, Somerset, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 7 24.56 by West Longitude 84° 33 6.11 .

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 807 KAR 5:063, the Applicants have notified the County Judge/ Executive of 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 has approved the application, 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. David Cothron requested and was granted full intervention in this matter. A hearing was held on March 19, 2002. At the hearing, the Applicants agreed to meet the intervenor at the proposed tower site to show Mr. Cothron the exact location of the proposed tower. It was agreed at that time that the hearing would be reconvened if Mr. Cothron still objected to the tower construction after reviewing the exact location of the proposed tower. However, on March 26, 2002, the Commission received an agreed order of withdrawal signed by Mr. Cothron declaring his desire to withdraw his intervention in this matter.

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 a Certificate of Public Convenience and Necessity to construct the proposed facility 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, 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.

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 consists of a guyed antenna tower not to exceed 306 feet in height, with attached antenna, and is to be located near East Somerset, Somerset, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude  $37^{\circ} 7' 24.56''$  by West Longitude  $84^{\circ} 33' 6.11''$ .

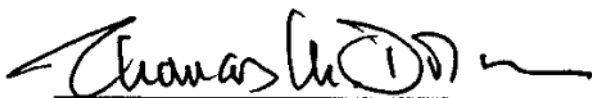
2. The Applicants shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within 10 days of receiving this decision.

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 3<sup>rd</sup> day of May, 2002.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas H. (T) [unclear]", written over a horizontal line.

Executive Director