

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF POWERTEL/KENTUCKY,	)	
INC., A DELAWARE CORPORATION, FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
A PERSONAL COMMUNICATIONS SERVICES	)	CASE NO.
FACILITY AT 683 TOWN HILL ROAD,	)	2001-413-UAC
TAYLORSVILLE, SPENCER COUNTY, KENTUCKY	)	
	)	
SITE NAME: TAYLORSVILLE	)	
SITE NUMBER: LVO 122	)	

O R D E R

On December 5, 2001, Powertel/Kentucky, Inc., a Delaware corporation ("Applicant") 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 683 Town Hill Road, Taylorsville, Spencer County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 2' 5.92" by West Longitude 85° 20' 5.72".

The Applicant 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 a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the local planning unit of the proposed construction. The local planning unit with jurisdiction in this matter has not

officially registered with the Commission a resolution to plan for and regulate the siting of antenna towers, and no comments have been filed by the local planning unit to date. The Applicant has 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 Applicant has 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. To date, no public comments have been filed with the Commission.

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 Applicant 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 the Applicant.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has 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 Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 683 Town Hill Road, Taylorsville, Spencer County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 2' 5.92" by West Longitude 85° 20' 5.72".

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

3. The Applicant 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 14<sup>th</sup> day of January, 2002.

By the Commission

ATTEST:

  
Executive Director