

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CELLCO PARTNERSHIP D/B/A)	
VERIZON WIRELESS FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT 11392 LEXINGTON)	
ROAD, LANCASTER, KENTUCKY 40444 IN THE)	CASE NO.
WIRELESS COMMUNICATIONS LICENSE AREA IN THE)	2005-00304
COMMONWEALTH OF KENTUCKY IN THE COUNTY OF)	
GARRARD)	
)	
SITE NAME: WHITE OAK)	

O R D E R

On July 19, 2005, Cellco Partnership, a Delaware General Partnership, d/b/a Verizon Wireless ("Applicant") 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 self-supporting antenna tower not to exceed 315 feet in height, with attached antenna, to be located at 11392 Lexington Road, Lancaster, Garrard County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 44' 35.16" by West Longitude 84° 37' 30.17".

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 County Judge/Executive of the proposed construction. 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. Both applications have been approved.

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. The Commission received a letter, dated July 26, 2005, from Harvey Brumfield, requesting information regarding the proposed construction. In a letter dated August 10, 2005, the Commission requested the Applicant to submit a response to Mr. Brumfield addressing his concerns. In addition, Mr. Brumfield was given 30 days from the date of the Commission’s letter to request intervention or a hearing in this matter. On August 15, 2005, the Applicant filed with the Commission its response to Mr. Brumfield. The 30-day timeframe for Mr. Brumfield to file further response has passed, and the Commission has received no further correspondence regarding Mr. Brumfield’s interest in this matter.

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 that, 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 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.

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 consists of a self-supporting antenna tower not to exceed 315 feet in height, with attached antenna, and is to be located at 11392 Lexington Road, Lancaster, Garrard County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 44' 35.16" by West Longitude 84° 37' 30.17".

2. 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 three months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 21st day of September, 2005.

By the Commission

ATTEST:


Executive Director

Case No. 2005-00304