

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELLSOUTH	)	
MOBILITY, LLC D/B/A CINGULAR	)	
WIRELESS - KENTUCKY FOR	)	
ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A	)	
WIRELESS COMMUNICATIONS	)	
FACILITY AT ROUGH AND TOUGH	)	
ROAD, PRESTONSBURG, KENTUCKY	)	CASE NO. 2004-00413
41653 OR, IN THE ALTERNATIVE, AN	)	
ORDER REQUIRING CO-LOCATION	)	
ON REASONABLE TERMS AND	)	
CONDITIONS IN THE WIRELESS	)	
COMMUNICATIONS LICENSE AREA IN	)	
THE COMMONWEALTH OF KENTUCKY	)	
IN THE COUNTY OF FLOYD	)	
SITE NAME: BRAINARD	)	

O R D E R

This matter is before the Commission upon Notice of Withdrawal of Application filed by Applicant, New Cingular Wireless PCS, LLC, formerly BellSouth Mobility, LLC, ("Cingular") on November 1, 2006. The application requested the Commission's authority to construct a cellular facility in Floyd County, Kentucky or, in the alternative, requested an Order from the Commission directing East Kentucky Network, LLC ("EKN"), which owns and operates a cellular facility near Cingular's proposed site, to accept Cingular's collocation on the EKN cellular tower.

Because Cingular and EKN failed to establish a collocation agreement after a year's negotiations, the Commission, on its own motion, scheduled a hearing for November 2, 2006.

Cingular and EKN reached an agreement and filed its Notice of Withdrawal of Application on November 1, 2006. Being sufficiently advised, the Commission finds that the application filed by Cingular may be withdrawn, that the hearing should be cancelled, and that this case should be closed.

IT IS THEREFORE ORDERED that:

1. The hearing scheduled for November 2, 2006 is cancelled.
2. As Cingular and EKN have reached a collocation agreement that resolves all the issues in this proceeding, Cingular's application is withdrawn and this case is closed.

Done at Frankfort, Kentucky, this 2nd day of November, 2006.

By the Commission

ATTEST:

  
Executive Director