

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CELLCO PARTNERSHIP)
D/B/A VERIZON WIRELESS FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT AN) CASE NO. 2004-00508
ADDITIONAL CELL FACILITY ON BURDETTE)
ROAD, RENFRO VALLEY, ROCKCASTLE)
COUNTY, KENTUCKY (RENFRO II CELL FACILITY))

O R D E R

On December 20, 2004, Cellco Partnership d/b/a Verizon Wireless applied for a Certificate of Public Convenience and Necessity ("CPCN") to construct and operate a wireless telecommunications facility, including a 325-foot-high tower in Rockcastle County, Kentucky. The Commission subsequently permitted Loretta Rowe and Jeffrey Stevens, persons owning real estate within the vicinity of the tower, to intervene in this proceeding.

The Intervenors, through their counsel, have raised the issue of identifying other locations or sites which may be suitable alternative locations to the site proposed in the application.¹ Although this issue of examining suitable alternative sites was in the past a statutory mandate,² the General Assembly has eliminated this requirement.³ The

¹ 807 KAR 5:063, Section 1(s).

² See 1996 Kentucky Acts Chapter 383, Section 2.

³ See 2002 Kentucky Acts Chapter 346, Section 222.

existence of suitable alternative locations, however, remains a factor that the Commission considers in reaching its decision in an application for a CPCN.

The Commission finds that the Intervenor should have 60 days in which to identify specific locations or sites where the proposed facility might be collocated or constructed. We further find that the Applicant should respond to the Intervenor's potential alternative locations or sites within 30 days of the filing of the Intervenor's list. Applicant should include in its response information regarding the technical feasibility of the alternative locations or sites.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. Intervenor shall file with the Commission, within 60 days of the date of this Order, a list, with supporting rationale, of specific potential suitable alternative locations or sites on which the Applicant's proposed wireless facility can be collocated or constructed.

2. Within 30 days of the filing of the Intervenor's list of alternative locations with the Commission, the Applicant shall file with the Commission a written response addressing the availability and technical feasibility of each of the alternative locations that the Intervenor has identified.

Done at Frankfort, Kentucky, this 1st day of February, 2006.

By the Commission

ATTEST:



Executive Director