

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)	CASE NO. 2005-00059
COMMUNICATIONS FACILITY AT)	
KY HWY 34 & CHENAULT BRIDGE)	
ROAD, LANCASTER, KENTUCKY)	
40444 IN THE WIRELESS)	
COMMUNICATIONS LICENSE AREA)	
IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF GARRARD)	

O R D E R

On May 31, 2006, Cellco Partnership, d/b/a Verizon Wireless ("Verizon") and Mid-States Properties, LLC ("Mid-States") filed a joint motion for approval to transfer authority from Verizon to Mid-States for the construction of the wireless communications facility previously approved in this proceeding by Order dated July 8, 2005.

Verizon states that, due to budgetary constraints, it no longer is financially able to commence construction prior to July 8, 2006 to meet the requirements of KRS 278.020(1) which requires construction to begin "within one (1) year" of the date that the Commission grants a Certificate of Public Convenience and Necessity. In support of the motion, Verizon states that there remains a need for wireless service in the area as evidenced by the original application and that it intends to enter into a

collocation agreement with Mid-States to place wireless facilities on the proposed structure once construction is complete.

Mid-States has provided evidence of its lease arrangement with the property owner of the proposed construction site to allow the construction and operation of the facility. Mid-States states that it does not seek to change the design specifications of the facility from that approved by the Commission. Mid-States also agrees to enter into a collocation agreement with Verizon for placement of wireless facilities on the proposed structure.

The Commission finds that the joint motion to transfer authority to construct the wireless facility from Verizon to Mid-States should be granted. Consistent with the original application, Verizon continues to require a wireless facility in the area and will become the primary tenant on the proposed structure. The commitment by Mid-States to adhere to the wireless facility's design specifications contained in the original application and evidence of an executed arrangement with the property owner ensures that the proposed construction will commence without any material differences from that contemplated in the Commission's Order. Furthermore, those persons necessarily affected by the proposed construction should not experience any difference as a result of the transfer of authority to construct the wireless facility.

IT IS THEREFORE ORDERED that:

1. The joint motion to transfer authority from Verizon to Mid-States for the construction of the wireless communications facility previously approved in this proceeding by Order dated July 8, 2005 is granted.

2. Both parties shall jointly petition the Commission, in writing, for approval of any material deviations in the construction, installation, and operation of the proposed facility described in the original application and the joint motion approved herein.

Done at Frankfort, Kentucky, this 6th day of July, 2006.

By the Commission

ATTEST:


Executive Director