

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CELLCO)	
PARTNERSHIP, D/B/A VERIZON WIRELESS)	CASE NO.
FOR ISSUANCE OF A CERTIFICATE OF)	2005-00304
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT 11392)	
LEXINGTON 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 August 31, 2006, Cellco Partnership, d/b/a Verizon Wireless ("Verizon Wireless"), filed a motion to amend its Certificate of Public Convenience and Necessity for the construction and operation of a wireless telecommunications facility. Specifically, the request is to extend the time for Verizon Wireless to exercise the grant of authority contained in the September 21, 2005 Order. The Commission issued a Certificate of Public Convenience and Necessity for the construction of a wireless communications facility to be located at 11392 Lexington Road, Lancaster, Kentucky 40444 (37° 44' 35.16" North latitude, 84° 37' 30.17" West longitude).

Verizon Wireless requests, pursuant to KRS 278.020(1), that the certificate to construct be extended from the one year granted by statute up to and including March 21, 2007. In support of its motion, Verizon Wireless asserts that it has not commenced construction and that the extension will not cause hardship to any party.

KRS 278.020, in relevant part, states:

Unless exercised within one (1) year from the grant thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent, the authority conferred by the issuance of the certificate of convenience and necessity shall be void, but the beginning of any new construction or facility in good faith within the time prescribed by the commission and the prosecution thereof with reasonable diligence shall constitute an exercise of authority under the certificate.

By the statute, the authority conferred by the Commission's September 21, 2005 Order is "void" unless Verizon Wireless demonstrates that the delay is due to an order of a court or failure to obtain any necessary grant or consent. Verizon Wireless makes no such demonstration in this motion. Accordingly, before the Commission can rule on this motion to extend, Verizon Wireless must provide additional information.

IT IS THEREFORE ORDERED that, within 10 days of the date of this Order, Verizon Wireless shall file information as required by the statute to demonstrate that the delay in construction was caused by an order of the court or a failure to obtain a necessary grant or consent or otherwise as indicated by KRS 278.020.

Done at Frankfort, Kentucky, this 10th day of October, 2006.

By the Commission

ATTEST:

for the 
Executive Director