

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BLUEGRASS WIRELESS)	
LLC FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A CELL SITE (NEW SARDIS) IN)	2005-00416
RURAL SERVICE AREA #6 (PULASKI) OF THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

On November 18, 2005, Bluegrass Wireless LLC (“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 255 feet in height, with attached antenna, to be located at 6644 West Highway 80, Nancy, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 3’ 4.67” by West Longitude 84° 42’ 4.52”.

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 decisions are pending.

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. On October 24, 2005, the Commission received a letter in opposition to the proposed construction from Billy Daulton on behalf of Mildred M. Daulton. The Commission received letters of opposition from Mr. and Mrs. Carthel Daulton and Mr. and Mrs. Duane Shourds on November 1, 2005. On December 5, 2005, the Applicant filed with the Commission a copy of its response to each of these letters. In its responses, the Applicant addressed the specific concerns raised in each letter. On December 21, 2005, the Commission by letter informed each of the above property owners of their right to intervene and permitted them 10 days in which to request intervention. As of the date of this order, the Commission has received no written response from these parties.

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 255 feet in height, with attached antenna, and is to be located at 6644 West Highway 80, Nancy, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 3' 4.67" by West Longitude 84° 42' 4.52".

2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

3. 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 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 17th day of January, 2006.

By the Commission

ATTEST:



Executive Director

Case No. 2005-00416