

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CUMBERLAND CELLULAR )	
PARTNERSHIP FOR ISSUANCE OF A )	
CERTIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY TO CONSTRUCT A CELL SITE )	CASE NO.
(MONTICELLO WEST) IN RURAL SERVICE AREA )	2006-00320
#5 (WAYNE) OF THE COMMONWEALTH OF )	
KENTUCKY )	

O R D E R

On August 8, 2006, Cumberland Cellular Partnership ("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 Route 6, Box 1301, Monticello, Wayne County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 49' 2.26" by West Longitude 84° 54' 11.63".

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 July 10, 2006, the Commission received a letter of objection to the proposed facility from Dallas and Connie Piercy. The Commission issued a letter on August 15, 2006, which gave the Applicant 15 days to respond to the concerns raised in the Piercys' letter. In addition, the Piercys' were given 30 days to request intervention in this matter. On August 18, 2006, the Commission received a copy of the Applicant's response to the Piercys' letter. To date, the Commission has not received a request for intervention or further participation in this matter from the Piercys. Additionally, on October 3, 2006, the Commission received a letter from Brian and Debbie Vinsant. In the letter, the Vinsants make a request for intervention with no reason cited as to the nature of their request. However, at the time the Vinsants' letter was filed, this case had been submitted to the Commission for a decision based on the record in this matter. Therefore, the Vinsant letter was not filed in a timely manner, and their request for intervention in this matter will not be considered in this case.

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 Route 6, Box 1301, Monticello, Wayne County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 49' 2.26" by West Longitude 84° 54' 11.63".
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.

4. The Applicant shall also notify the Commission in writing, within 20 days of completion, that it has finished construction of the tower and the date upon which said construction was complete.

Done at Frankfort, Kentucky, this 7<sup>th</sup> day of November, 2006.

By the Commission

ATTEST:

  
Executive Director