

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NEW CINGULAR)	
WIRELESS PCS, LLC FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT 4044 FICKLIN)	
ROAD, MT. STERLING, KY 40353 IN THE)	CASE NO.
WIRELESS COMMUNICATIONS LICENSE AREA IN)	2006-00384
THE COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF MONTGOMERY)	
)	
SITE NAME: CAMARGO)	

O R D E R

On August 31, 2006, New Cingular Wireless PCS, LLC and Blue Licenses Holding, LLC ("Applicants") 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 guyed antenna tower not to exceed 320 feet in height, with attached antenna, to be located at 4044 Ficklin Road, Mt. Sterling, Montgomery County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 59' 38.6" by West Longitude 83° 51' 46.9".

The Applicants have 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 Applicants have notified the County Judge/Executive of the proposed construction. The Applicants have 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 Applicants have 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. The Commission received 2 letters of opposition to the proposed construction. On September 5, 2006, the Commission received a letter of protest from Mary Irene Fouch. Additionally, on September 11, 2006, the Commission received a letter of protests from families currently residing on Ficklin Road. More specifically, the letter was from three individuals listed as Brenda Mattox, Mattie Reffitt, and Shannon Becraft. The Commission issued a letter of response to each of these four individuals on September 18, 2006. The Commission's response allowed each individual 10 days from the date of the Commission letter to request intervention and participate further in this matter. However, the Commission has not received any further correspondence from these individuals to date.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have 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 Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their 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 Applicants.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 320 feet in height, with attached antenna, and is to be located at 4044 Ficklin Road, Mt. Sterling, Montgomery County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 59' 38.6" by West Longitude 83° 51' 46.9".

2. The Applicants 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 Applicants 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 29th day of November, 2006.

By the Commission

ATTEST:


Executive Director