

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NEW CINGULAR	)	
WIRELESS PCS, LLC, FOR THE ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	CASE NO.
COMMUNICATIONS FACILITY IN BOYD COUNTY,	)	2007-00123
KENTUCKY AND CALLED THE CANNONSBURG	)	
CELL SITE, SITE #WV302A	)	

O R D E R

On April 3, 2007, New Cingular Wireless PCS, 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 monopole antenna tower not to exceed 199 feet in height, with attached antenna, to be located at 12633 Copley Road, Cannonsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 22’ 59.7” by West Longitude 82° 42’ 41.7”.

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 proposed facility does not require approval from the Federal Aviation Administration or the Kentucky Airport Zoning

Commission prior to the construction and operation of the proposed facility. Because the total height of the proposed facility is less than 200 feet and there are no airports within 5 miles of the proposed facility, the Applicant is exempt from seeking approval from either agency.

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. To date, no public comments have been filed with the Commission.

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 monopole antenna tower not to exceed 199 feet in height, with attached antenna, and is to be located at 12633 Copley Road, Cannonsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 22' 59.7" by West Longitude 82° 42' 41.7".

2. 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.

3. 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 9<sup>th</sup> day of May, 2007.

By the Commission

ATTEST:



Executive Director