

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ALLTEL COMMUNICATIONS,)
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A CELL SITE AT 14305 OLD U.S. ROUTE 23)
SITUATED ON THE DIVIDING RIDGE BETWEEN) CASE NO.
NEW U.S. 23 AND OLD U.S. 23 NORTH OF SAVAGE) 2007-00305
BRANCH IN BOYD COUNTY, KENTUCKY)
(NEAL CELLULAR TOWER SITE))
)

O R D E R

On July 20, 2007, ALLTEL Communications, Inc. ("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 189 feet in height, with attached antenna, to be located at 14305 Old U.S. Route 23, Catlettsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 20' 49.95" by West Longitude 82° 36' 9.5".

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. The FAA application has been approved. The KAZC has informed the Applicant that no permit is required from the KAZC since the proposed tower is located more than 20,000 feet horizontal distance from the Ashland Airport and does not exceed 200 feet above ground level.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Commission currently has a pending application for construction of another facility in the immediate area.¹ Therefore, on July 30, 2007, the Commission issued a data request asking the Applicant to provide analysis as to whether an opportunity exists for both companies to consolidate their facilities on one location. Additionally, the Commission held a teleconference on September 5, 2007 to discuss with both parties the opportunity of collocation. The Applicant has indicated that collocation on the nearby facility would not allow the Applicant to adequately address its coverage objectives in the area. The Commission finds that the Applicant has sufficiently established that there is no suitable location reasonably available from which adequate services can be provided.

¹ Case No. 2007-00309, The Application of Celco Partnership d/b/a Verizon Wireless for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at 8215 Savage Branch, Catlettsburg, Kentucky in the Wireless Communications License Area in the Commonwealth of Kentucky in the County of Boyd, Site Name: Savage Branch, filed July 18, 2007.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds the Applicant has demonstrated 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 189 feet in height, with attached antenna, and is to be located at 14305 Old U.S. Route 23, Catlettsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude $38^{\circ} 20' 49.95''$ by West Longitude $82^{\circ} 36' 9.5''$.

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 19th day of September, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director