

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SHARED SITES, LLC, AND)	
AMERICAN CELLULAR CORPORATION FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	
MCCORMICK ROAD, CAMARGO, KENTUCKY)	CASE NO.
40353 IN THE WIRELESS COMMUNICATIONS)	2007-00323
LICENSE AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF MONTGOMERY)	
)	
SITE NAME: CAMARGO)	

O R D E R

On August 22, 2007, Shared Sites, LLC, as ultimate owner, and American Cellular Corporation, as a licensed public utility in the Commonwealth of Kentucky (“Applicant”) submitted an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility.

The Applicant was notified that its filing was deficient and required certain information to be filed in order that the application could be deemed administratively complete. On September 7, 2007, the Applicant corrected these deficiencies and the Commission has accepted its filing.

The proposed facility consists of a guyed antenna tower not to exceed 260 feet in height, with attached antenna, to be located at McCormick Road, Camargo, Montgomery County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 0’ 1.1” by West Longitude 83° 53’ 10.6”.

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, but the KAZC decision is still pending.

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. The Commission received two letters in opposition to the proposed construction - one from Crystal Brashear on behalf of Lloyd Creach and the other from Dillard and Linda Sue Parrish. By letters dated September 9 and September 11, 2007, respectively, the Commission responded to Mr. Creach and the Parrishes and allowed them 10 days to request intervention. The 10-day time frame for Mr. Creach and the Parrishes to request intervention has passed, and the Commission has received no further correspondence regarding participation in this matter.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that 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, 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 guyed antenna tower not to exceed 260 feet in height, with attached antenna, and is to be located at McCormick Road, Camargo, Montgomery County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 0' 1.1" by West Longitude 83° 53' 10.6".

2. The Applicant shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within 10 days of receiving this decision.

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 5th day of October, 2007.

By the Commission

ATTEST:



Executive Director