

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/MEMPHIS, INC.	)	
D/B/A T-MOBILE FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO CONSTRUCT AN	)	CASE NO.
ADDITIONAL CELL FACILITY AT LEO BOWLDS	)	2009-00006
ROAD, HARDINSBURG, BRECKINRIDGE	)	
COUNTY, KENTUCKY	)	

O R D E R

On January 13, 2009, Powertel/Memphis, Inc., d/b/a T-Mobile ("T-Mobile") filed an application requesting issuance of a Certificate of Public Convenience and Necessity ("CPCN") to construct, maintain and operate a wireless telecommunications facility ("Cell Facility") located at Leo Bowlds Road, Hardinsburg, Breckinridge County, Kentucky, in an area that T-Mobile states is unzoned and outside the jurisdiction of a local planning commission. By Commission Order dated March 17, 2009, James A. and Nancy Henning ("Intervenors") were granted full intervention, since their property is located near the tower and they may be able to assist in the development or presentation of facts or issues before the Commission.

On April 22, 2009, an Order was issued by the Commission which granted the Intervenors a period of 20 days to file information regarding suitable alternative sites for the location of the cellular tower proposed to be built in this case. By Commission

calculations, the suitable alternate site information should have been filed by the Intervenor no later than May 12, 2009.

On May 14, 2009, the Intervenor hand-delivered the alternate site information to the Commission, which included three alternate sites identified by latitude and longitude, as well as aerial photos of the proposed sites. On May 15, 2009, the Commission received a motion to submit the matter for approval from T-Mobile. In support of its motion, T-Mobile states that the Intervenor had not filed their suitable alternative site information within the time permitted.

Having reviewed the alternative site information, as well as T-Mobile's motion to submit the matter for approval, the Commission finds that the intervenors' submission is accepted for filing and T-Mobile's motion is denied. The Commission finds that the intervenors' two-day delay in the submission of alternative sites is negligible and they should have the opportunity to have their arguments fairly weighed and considered by the Commission. As the intervenors' submission has been accepted for filing, T-Mobile should also have the opportunity to respond to the submission.

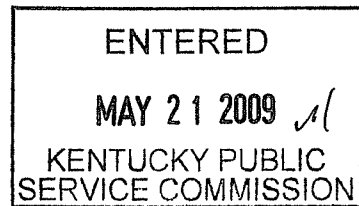
Once T-Mobile's responses are filed, the Commission will review the arguments of the parties and determine, by separate Order, if a formal hearing is necessary for this proceeding.

The Commission having reviewed the record and having otherwise been sufficiently advised HEREBY ORDERS that:

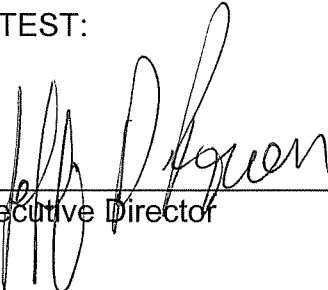
1. The motion to submit the matter for approval is DENIED.
2. The suitable alternative site information is deemed filed.

3. The Applicant shall have until June 5, 2009, to file its responses to the suitable alternative sites filed by the Intervenors. The responses should contain the information set out in the Commission's April 22, 2009 Order.

By the Commission



ATTEST:

  
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Executive Director

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