

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BLUEGRASS WIRELESS,)	
LLC FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A WIRELESS)	2009-00112
TELECOMMUNICATIONS FACILITY (DABNEY))	
IN RURAL SERVICE AREA #6 (PULASKI) OF)	
THE COMMONWEALTH OF KENTUCKY)	

O R D E R

This matter is now before the Commission due to notice by the applicant, Bluegrass Wireless, LLC ("Bluegrass Wireless"), that it intends to withdraw its application seeking a Certificate of Public Convenience and Necessity ("CPCN") to construct and operate a wireless telecommunications facility at 265 Garrison Road, Somerset, Pulaski County, Kentucky. Bluegrass Wireless submitted the CPCN application on April 17, 2009. The notice of withdrawal of the application was submitted on June 19, 2009. In support of its notice of withdrawal, Bluegrass Wireless states that a substantial federal tax lien exists against the real property upon which the proposed cell tower was to be located. Bluegrass Wireless states that it anticipated that the tax lien would be satisfied and released by the time the application became ripe for approval; however, this has not occurred. Bluegrass Wireless states that it believes the risks associated with constructing the cell tower upon encumbered property are too great and, therefore, it will withdraw the application and anticipates filing a new application for a different piece of real property within several months.

On May 29, 2009, the Commission issued an Order ("May 29 Order") in this proceeding scheduling a community meeting to be held in Somerset, Kentucky on June 30, 2009. The purpose of this meeting was to allow Commission Staff to publicly discuss procedural issues related to the CPCN application, to take comments from citizens about the proposed tower construction, and to facilitate discussion between Bluegrass Wireless and the Pulaski County general public regarding the site selection and other concerns related to the proposed construction. In response to the proposed construction, the Commission received 16 requests from individuals listing concerns about the proposed construction and seeking to become intervenors and three petitions signed by 63 members of the Pulaski County community requesting that the Commission deny Bluegrass Wireless's CPCN application.

Having reviewed the notice of withdrawal by Bluegrass Wireless, the Commission finds dismissal of this proceeding to be necessary and appropriate. The Commission finds that this proceeding should be closed and removed from the Commission's docket. Additionally, as the cell tower which is the subject of this proceeding will not be constructed by the applicant, the Commission finds that there is no reasonable basis to move forward with the community meeting scheduled to occur on June 30, 2009. Therefore, the Commission finds that this meeting shall be cancelled.

MOTIONS TO INTERVENE

As stated previously, the Commission has received 16 motions to intervene in this proceeding. All the movants stated that they objected to the construction of the wireless facility, with many citing concerns about property values and health issues. A list of all persons seeking intervention is provided in the Appendix to this Order. In the

May 29 Order, the Commission stated that the motions would be addressed after the conclusion of the community meeting. As Bluegrass Wireless has given notice that it intends to withdraw the application upon which this proceeding is based and the Commission has accepted this notice and determined that dismissal is appropriate, the Commission finds that the motions to intervene in this matter are hereby denied as moot. However, to ensure that the movants are fully informed as to the status of this matter and their intervention requests, the Commission finds that a copy of this Order shall be served upon each person listed in the Appendix.

MOTION FOR AN INFORMAL CONFERENCE

On April 17, 2009, Bluegrass Wireless moved the Commission to schedule an informal conference in this matter for the purpose of discussing and addressing the concerns of the individuals seeking intervention in this proceeding. In the May 29 Order, the Commission stated that this motion would be addressed after the conclusion of the Community Meeting. As Bluegrass Wireless has moved to withdraw its application and the Commission has accepted this notice and determined that dismissal is appropriate, the Commission finds that the motion to hold an informal conference in this matter is moot.

IT IS HEREBY ORDERED that:

1. Bluegrass Wireless's CPCN application is dismissed.
2. The community meeting scheduled on June 30, 2009 in Somerset, Kentucky is cancelled.
3. All motions to intervene in this proceeding are denied as moot, as provided herein.

4. Bluegrass Wireless's motion for an informal conference is denied as moot, as provided herein.

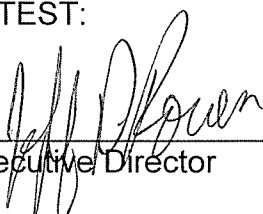
5. The Executive Director shall serve copies of this Order upon the individuals listed in the Appendix to this Order.

6. This matter is hereby closed and removed from the Commission's docket.

By the Commission

ENTERED
JUN 26 2009 <i>al</i>
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2009-00112 DATED JUN 26 2009

INDIVIDUALS REQUESTING INTERVENTION

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Somerset, KY 42503

Barbara Cromer
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Somerset, KY 42503

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Somerset, KY 42503

Jerome Flynn
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Somerset, KY 42503

William H. Morgan
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Rick Ping
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Betty Ping
260 Misty Drive
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Brittany Ping
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Jackie Vaught
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