

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS	)	
PCS, LLC FOR ISSUANCE OF A CERTIFICATE	)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY	)	2009-00114
TO CONSTRUCT A WIRELESS	)	
COMMUNICATIONS FACILITY AT 251 BABE	)	
BOLEN DRIVE, GARRETT, KNOTT COUNTY,	)	
KENTUCKY 41630	)	
SITE NAME: BOYLN (252GO125)	)	

O R D E R

On March 25, 2009, New Cingular Wireless PCS, LLC (“New Cingular”) filed with the Commission an application for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a wireless communications facility in Knott County, Kentucky. On April 16, 2009, CONSOL of Kentucky, Inc. (“CONSOL”) moved for intervention in this proceeding. The Commission granted the motion on April 22, 2009.

The Commission has provided the parties the informal opportunity to discuss and negotiate possible resolutions to CONSOL’s concerns regarding New Cingular’s proposed construction plans. However, to ensure that this matter continues to move forward in a timely manner, the Commission shall require the submission of a status report from each party. The status reports will give the Commission information as to the efforts that have been made by the parties to develop resolutions to CONSOL’s objections. Upon review of the status reports, the Commission will determine, by separate Order, the next procedural steps to be taken in this proceeding.

The Commission finds that, within 10 days of the date of this Order, New Cingular and CONSOL shall each file a status report with the Commission which, at a minimum, shall contain the following information:

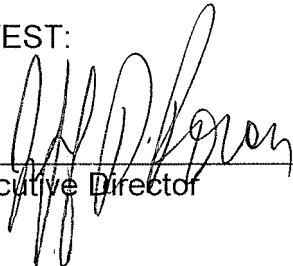
1. Describe the nature of CONSOL's objections or concerns regarding the proposed construction.
2. Describe New Cingular's position as to the nature of CONSOL's objections or concerns regarding the proposed construction.
3. State if the parties have met and/or exchanged information specifically related to the nature of CONSOL's objections or concerns. Provide details about the type of information exchanged (i.e., maps, geological survey results, etc.).
4. State if the parties have resolved the Intervenor's concerns or if settlement negotiations are still in progress.

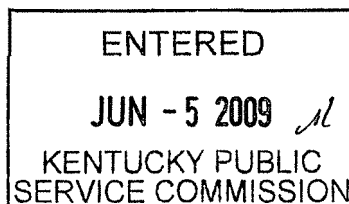
Additionally, at the conclusion of its status report, CONSOL shall state if it desires to remain as an Intervenor in this proceeding or if it is withdrawing as a party because its concerns have been resolved.

IT IS HEREBY ORDERED that New Cingular and CONSOL shall each file a written status report within 10 days of the date of this Order, as provided herein.

By the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director



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