

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS )  
PSC, LLC AND HEMPHILL CORPORATION FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
JUNCTION 25 EAST AND 1304 , BIMBLE, KNOX )  
COUNTY, KENTUCKY 40915 )  
)  
)  
SITE NAME: SOUTH BARBOURVILLE (#1331) )

CASE NO.  
2009-00261

O R D E R

On October 14, 2009, New Cingular Wireless PCS, LLC and Hemphill Corporation (“Applicants”) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility.<sup>1</sup> The proposed facility consists of a guyed antenna tower not to exceed 349 feet in height, with attached antenna, to be located at Junction 25 East and State Road 1304, Bimble, Knox County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 52’ 21.66” by West Longitude 83° 49’ 19.3”.

The Applicants have 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.

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<sup>1</sup> The original application was received on September 24, 2009. The application was supplemented and deemed filed on October 14, 2009.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. The Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicants have 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, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that 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 Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their 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 Applicants.

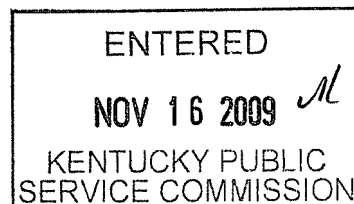
IT IS THEREFORE ORDERED that:

1. The Applicants are 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 349 feet in height, with attached antenna, and is to be located at Junction 25 East and State Road 1304, Bimble, Knox County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 52' 21.66" by West Longitude 83° 49' 19.3".

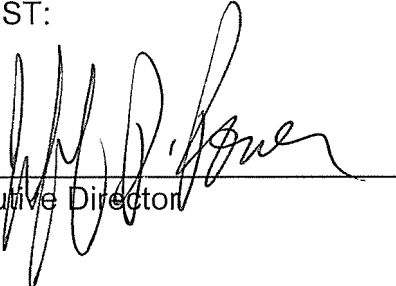
2. The Applicants shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. The Applicants shall also notify the Commission in writing, within 20 days of completion, that they have finished construction of the tower and the date upon which said construction was complete.

By the Commission



ATTEST:

  
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Executive Director

Honorable Patrick R Hughes  
Attorney at Law  
Deters, Benzinger & LaVelle, P.S.C.  
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