

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)	
GENERAL PARTNERSHIP FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
TELECOMMUNICATIONS FACILITY (SOUTH HILL))	2009-00435
IN RURAL SERVICE AREA #3 (BUTLER) OF THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

On December 14, 2009, Kentucky RSA #3 Cellular General Partnership ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 295 feet in height, with attached antenna, to be located at 231 Freeman Staples Road, Morgantown, Butler County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 10' 17.79" by West Longitude 86° 46' 48.73".

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. Both decisions are 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. On December 21, 2009, the Commission received public comments regarding the proposed construction from Donald M. Martin. The Commission issued a response letter on January 7, 2010, giving the Applicant 15 days to respond to Mr. Martin's concerns and allowing Mr. Martin 30 days to request intervention in this matter, if desired. The Applicant filed evidence of its response to Mr. Martin on January 19, 2010. The Commission has received no further correspondence from Mr. Martin regarding his concerns with the proposed construction.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has 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 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 self-supporting antenna tower not to exceed 295 feet in height, with attached antenna, and is to be located at 231 Freeman Staples Road, Morgantown, Butler County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 10' 17.79" by West Longitude 86° 46' 48.73".

2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

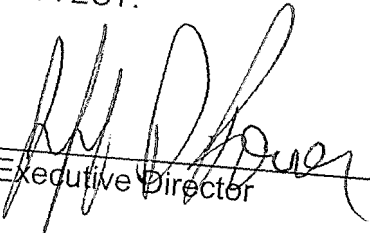
3. The Applicant shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

4. Any documents filed in the future pursuant to ordering paragraphs two and three herein shall reference this case number and shall be retained in the utility's general correspondence file.

By the Commission

ENTERED *M*
FEB 22 2010
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2009-00435

Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202