

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)
PCS, LLC FOR ISSUANCE OF A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY) CASE NO.
TO CONSTRUCT A WIRELESS) 2010 -00125
COMMUNICATIONS FACILITY AT 5250)
HIGHWAY 1078 NORTH, HENDERSON,)
HENDERSON COUNTY, KENTUCKY 42420)

SITE NAME: ZION (135P0088)

O R D E R

On June 22, 2010, New Cingular Wireless PCS, LLC ("New Cingular") filed an application for a Certificate of Public Convenience and Necessity ("CPCN") to construct a wireless communications tower at 5250 Highway 1078 North, Henderson, in Henderson County, Kentucky. The application proposes to build the tower at a location within the political boundary of a local planning commission that has adopted planning and zoning regulations in accordance with KRS Chapter 100.

The question of whether or not the Commission has jurisdiction over such an application is currently pending in the matter of *Kentucky Public Service Commission v. L. Glenn Shadoan, et al.*, Kentucky Supreme Court Case No. 2009-SC-000053-DR. The Commission's jurisdiction over New Cingular's application is largely dependent upon the Supreme Court's decision.

We find that, to ensure the most efficient and effective use of the resources of the Commission and the parties and to avoid unnecessary costs and proceedings, New

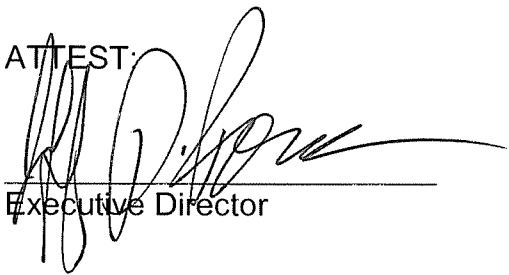
Cingular's current application should be held in abeyance pending a decision by the Kentucky Supreme Court. If a decision has not been made within 60 days, New Cingular may file a motion to request that the Commission revisit this matter.

IT IS THEREFORE ORDERED that this matter shall be held in abeyance for a period of not less than 60 days commencing from the date of this Order and pending a final decision in Kentucky Supreme Court Case No. 2009-SC-000053-DR.

By the Commission

ENTERED *M*
JUL - 6 2010
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Honorable Todd Briggs
Attorney at Law
Briggs Law Office, PSC
1301 Clear Springs Trace, Suite 205
Louisville, KY 40223

Tony A Taylor
New Cingular Wireless PCS, LLC dba AT&T
601 W. Chestnut Street
4th Floor East
Louisville, KY 40203