

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC AND AMERICAN TOWERS LLC FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A WIRELESS COMMUNICATIONS)	2013-00386
FACILITY IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF OHIO SITE)	
NAME: MCHENRY)	

ORDER

On November 15, 2013, New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility, and American Towers LLC, a Delaware limited liability company d/b/a Delaware American Towers LLC (“Applicants”) 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 265 feet in height, with attached antenna, to be located at 93 Pearl Lane, Beaver Dam, Ohio County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 23’ 1.78” by West Longitude 86° 55’ 3.72”.

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the information contained in 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 Applicants have notified the County Judge/Executive of the proposed construction and 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 Applicants have 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 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 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 Applicants.

IT IS THEREFORE ORDERED that:

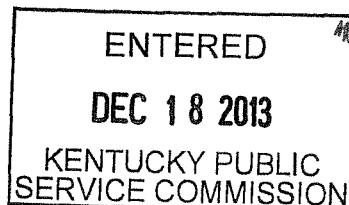
1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 265 feet in height, with attached antenna, and is to be located at 93 Pearl Lane, Beaver Dam, Ohio County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 23' 1.78" by West Longitude 86° 55' 3.72".

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

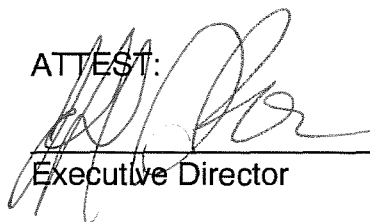
3. The Applicants shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

4. Documents filed, if any, in the future pursuant to ordering paragraphs 2 and 3 herein shall reference this case number and shall be retained in the utility's general correspondence files.

By the Commission



ATTEST:



Executive Director

Case No. 2013-00386

Honorable David A Pike
Attorney at Law
Pike Legal Group PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KENTUCKY 40165-0369

Matthew Russell
116 Huntington Avenue
Boston, MASSACHUSETTS 01226

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