

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK,)	
LLC D/B/A APPALACHIAN WIRELESS FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
A CELLULAR TOWER IN THE COMMONWEALTH)	2018-00007
OF KENTUCKY IN THE COUNTY OF HARLAN)	

ORDER

On March 19, 2018, East Kentucky Network, LLC d/b/a Appalachian Wireless (“Appalachian Wireless”) filed an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a wireless telecommunications facility.¹ The proposed facility consists of a tower not to exceed 180 feet in height, with attached antennas, to be located near 11615 Hwy 522, Totz, Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude 36°56’59.1062” by West Longitude 83°06’23.9039”.

Appalachian Wireless 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.

¹ Appalachian Wireless tendered an application on March 9, 2018. By lettered dated March 16, 2018, the application was rejected for filing due to certain filing deficiencies. Appalachian Wireless subsequently cured the deficiencies and the application was deemed filed on March 19, 2018.

Pursuant to 807 KAR 5:063, Appalachian Wireless has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Appalachian Wireless has filed evidence that the county judge/executive and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction. The notices solicited any comments and informed the recipients of their right to request intervention. As of the date of this Order, no public comments or requests for intervention have been received.

Appalachian Wireless 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. The application to the FAA has been approved. The KAZC has determined that no permit from it is required for the requested location.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Appalachian Wireless has demonstrated that a facility is necessary to provide adequate utility service and, therefore, a CPCN 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, Appalachian Wireless should notify the Commission if the antenna tower is not used to provide service in the manner set out in the 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 Appalachian Wireless.

IT IS THEREFORE ORDERED that:

1. Appalachian Wireless is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 180 feet in height, with attached antennas, to be located near 11615 Hwy 522, Totz, Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude 36°56'59.1062" by West Longitude 83°06'23.9039".

2. Appalachian Wireless 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. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the utility's general correspondence file.

By the Commission

ENTERED
APR 09 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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