

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3)	
CELLULAR GENERAL PARTNERSHIP FOR)	
APPROVAL TO CONSTRUCT AND)	
OPERATE A NEW CELL FACILITY TO)	CASE NO.
PROVIDE CELLULAR RADIO SERVICE)	2018-00062
(MOOLEYVILLE) IN RURAL SERVICE AREA)	
#3 (BRECKINRIDGE COUNTY) OF THE)	
COMMONWEALTH OF KENTUCKY)	

ORDER

On March 26, 2018, Kentucky RSA #3 Cellular General Partnership (“Kentucky RSA #3”) tendered an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a wireless telecommunications facility. By letter dated April 11, 2018, Kentucky RSA #3 was notified that its application was rejected due to filing deficiencies. Kentucky RSA #3 cured the deficiencies and the application was accepted for filing on April 13, 2018. The proposed facility consists of a tower not to exceed 250 feet, with attached antennas, to be located at 20839 North Highway 259, Stephensport, Kentucky on a parcel of land located entirely within Breckinridge County, Kentucky. The coordinates for the proposed facility are North Latitude 38°01’12.89” by West Longitude 86°29’39.94”.

Kentucky RSA #3 has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Evidence produced by Kentucky RSA #3 indicates the design of the tower and foundation conform

to applicable nationally recognized building standards and a licensed professional engineer has certified the plans.

Pursuant to 807 KAR 5:063, Kentucky RSA #3 has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Kentucky RSA #3 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. The only public comment received requested that the facility be constructed as soon as possible.

Kentucky RSA #3 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 Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky RSA #3 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, Kentucky RSA #3 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 Kentucky RSA #3.

IT IS THEREFORE ORDERED that:

1. Kentucky RSA #3 is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 250 feet, with attached antennas, to be located at 20839 North Highway 259, Stephensport, Kentucky on a parcel of land located entirely within Breckinridge County, Kentucky. The coordinates for the proposed facility are North Latitude 38°01'12.89" by West Longitude 86°29'39.94".

2. Kentucky RSA #3 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
MAY 31 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00062

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