

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)	CASE NO.
CONVENIENCE AND NECESSITY TO)	2018-00286
CONSTRUCT A CELLULAR TOWER IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF BELL)	

ORDER

On September 5, 2018, East Kentucky Network, LLC, d/b/a Appalachian Wireless (Applicant) filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 300 feet in height, with attached antennas, to be located at 6741 U.S. Highway 119, Calvin, Bell County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 44'20.18" by West Longitude 83° 36'20.99".

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

Pursuant to 807 KAR 5:063, Applicants have filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR

5:063, Applications have 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. No requests to intervene or public comments have been filed with the Commission at this time.

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. The applications have been approved and those approvals have been filed with the Commission.

The Commission having considered the evidence of record and being otherwise sufficiently advised finds that Applicants have 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, Applicants 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 Applicants.

IT IS THEREFORE ORDERED that:

1. Applicants are granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 300 feet in height, with attached antennas, and to be located at 6741 U.S. Highway 119, Calvin, Bell County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 44'20.18" by West Longitude 83° 36'20.99".
2. Applicants shall immediately notify the Commission in writing, if, after the 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 post-case correspondence file.
4. This case is closed and removed from the Commission's docket.

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By the Commission

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00286

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