

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC D/B/A AT&T MOBILITY FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY IN THE)	2019-00020
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF HARLAN)	

ORDER

On January 15, 2019, New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T Mobility) filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility in Harlan County, Kentucky. On January 30, 2019, East Kentucky Network, LLC, d/b/a Appalachian Wireless (Appalachian Wireless) filed a motion for an extension of time to seek intervention in order for a new structural analysis to be performed on Appalachian Wireless's Cawood Tower so that Appalachian Wireless and AT&T Mobility could work cooperatively in order to evaluate the potential for colocation on said Cawood Tower. In its Motion for Extension of Time to Seek Intervention Appalachian Wireless asserts that AT&T Mobility has advised Appalachian Wireless that it intends to put its application for a CPCN "on hold" until Appalachian Wireless and AT&T Mobility can evaluate the potential for colocation. Section 5(2) of 807 KAR 5:001, states, "Unless the commission orders otherwise, a party to a case shall file a response to a motion no later than seven (7) days from the date of filing of a motion."

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Mobility, pursuant to 807 KAR 5:001, Section 5(2), should file a written response into the record of this case confirming or denying its intention to work cooperatively with Appalachian Wireless to evaluate the potential for colocation of its proposed wireless communications facility and its intention to delay the decision of the Commission regarding the issuance of a CPCN of its proposed wireless communications facility until a new structural analysis can be performed on Appalachian Wireless's Cawood Tower.

IT IS THEREFORE ORDERED that:

1. Within one week from the date of the issuance of this Order, AT&T Mobility shall file a response into the record of this case confirming or denying its intention to work cooperatively with Appalachian Wireless to evaluate the potential for colocation of its proposed wireless communications facility.

2. Within one week from the date of the issuance of this Order, AT&T Mobility shall file a response into the record of this case confirming or denying its intention to delay the decision of the Commission regarding the issuance of a CPCN of its proposed wireless communications facility until a new structural analysis can be performed on Appalachian Wireless's Cawood Tower.

By the Commission

ENTERED
FEB 18 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00020

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