

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 PROVIDE CELLULAR RADIO)	CASE NO.
SERVICE (WAX) IN RURAL SERVICE AREA #3)	2019-00045
(GRAYSON COUNTY) OF THE COMMONWEALTH)	
OF KENTUCKY)	

ORDER

On May 14, 2019, Kentucky RSA #3 Cellular General Partnership (Kentucky RSA #3) 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 a tower not to exceed 250 feet in height, with attached antennas, to be located at 12523 Peonia Road, Clarkson, Grayson County, Kentucky. The coordinates for the proposed facility are North Latitude 37°21'41.68" by West Longitude 86°08'21.97."

Kentucky RSA #3 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.

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. As of the date of this Order, there have been no requests for intervention received, and only one public comment filed by Edmonson County Water District (Edmonson District). Edmonson District is a property owner that is within 500 feet of the proposed tower and has received written notice of the proposed construction from Kentucky RSA #3. Edmonson District asserts in the public comment that it has no objections to the proposed tower as long as no permanent structures are built on Edmonson District's property or existing easements. Pursuant to Kentucky RSA #3's response to Commission Staff's First Request for Information (Staff's First Request), Item 1, Kentucky RSA #3 affirms that no permanent structure will be built on Edmonson District's property or existing easements.

Kentucky RSA #3 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. Both the FAA and KAZC 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 in height, with attached antennas, to be located at 12523 Peonia Road, Clarkson, Grayson County, Kentucky. The coordinates for the proposed facility are North Latitude 37°21'41.68" by West Longitude 86°08'21.97."
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. Any documents filed in the future pursuant to ordering paragraph 2 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.

By the Commission

ENTERED
AUG 06 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00045

*Felix Sharpe
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Kentucky RSA #3 Cellular General Partnership,
2902 Ring Road
P. O. Box 5012
Elizabethtown, KY 42701

*Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202