

**CASE**

**NUMBER:**

99-055

Construct  
CELL SITE - 400 PARK RIDGE DRIVE - MEADE COUNTY

IN THE MATTER OF THE APPLICATION OF POWERTEL/KENTUCKY, INC.,  
A DELAWARE CORPORATION, FOR ISSUANCE OF A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL  
COMMUNICATIONS SERVICES FACILITY IN B-263 BASIC TRADING AREA

SEQ NBR	ENTRY DATE	REMARKS
0001	02/15/99	Application.
0002	02/16/99	Acknowledgement letter.
0003	02/25/99	No deficiencies letter.
M0001	03/01/99	BRENT RICE POWERTEL-VIA CERTIFIED MAIL RECEIPTS SENT TO ELMORE, KUNDLER
M0002	03/04/99	BRENT RICE POWERTEL-COPIES OF RETURN RECEIPTS SENT TO PROPERTY OWNERS
0004	06/02/99	Final Order issued.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
730 SCHENKEL LANE  
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FRANKFORT, KENTUCKY 40602  
www.psc.state.ky.us  
(502) 564-3940  
Fax (502) 564-1582

**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**

**Helen Helton**  
**Executive Director**  
**Public Service Commission**

**Paul E. Patton**  
**Governor**

November 9, 1999

Mr. Allen E. Smith  
President  
Powertel/Kentucky, Inc.  
1233 O.G. Skinner Dr.  
West Point, GA 31833

Re: Case No. 99-055 UAC  
Second Non-Compliance Reminder Letter

Dear Mr. Smith:

The Commission entered the Final Order in this case on June 2, 1999. The Final Order requires that Powertel/Kentucky, Inc. shall file a copy of the final decisions regarding its pending FAA and KAZC applications.

You must comply with this requirement not later than 10 days from the date of this letter. If you do not comply with this Order, you will cause the Commission to take all appropriate legal remedies against you. If you have any questions concerning this filing, please contact Howell Brady, Principal Assistant to the Executive Director, at 502-564-3940, extension 265.

Yours truly,

A handwritten signature in black ink, appearing to read "H. Howell Brady, Jr." with a stylized flourish at the end.

H. Howell Brady, Jr.  
Principal Assistant to the Executive Director

HB/lc

C: The Honorable W. Brent Rice





COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
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(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-055 UAC  
POWERTEL/KENTUCKY, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on June 2, 1999.

Parties of Record:

Allen E. Smith  
President  
Powertel/Kentucky, Inc.  
1233 O.G. Skinner Drive  
West Point, GA. 31833

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

*Stephan Bell*

Secretary of the Commission

SB/hv  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC. )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT ) CASE NO.  
A PERSONAL COMMUNICATIONS SERVICES ) 99-055-UAC  
FACILITY IN B-263 BASIC TRADING AREA (THE L- )  
KY-047-113 FACILITY) )

O R D E R

On February 15, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 400 Park Ridge Drive, Muldraugh, Meade County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 56' 46.34" by West Longitude 85° 59' 37.94".

Powertel/Kentucky 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 the plans have been certified by a Registered Professional Engineer.

Pursuant to 807 KAR 5:063, Powertel/Kentucky has notified the Muldraugh Planning and Zoning Commission ("Planning Commission") of the proposed construction. To date, no comments have been filed by the Planning Commission. Powertel/Kentucky

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 decisions are pending.

Powertel/Kentucky has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed with the Commission.

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, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its 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 Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a self-supporting antenna tower to be located at 400 Park Ridge

Drive, Muldraugh, Meade County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 56' 46.34" by West Longitude 85° 59' 37.94".

2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky 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 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 2nd day of June, 1999.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

February 25, 1999

Allen E. Smith  
President  
Powertel/Kentucky, Inc.  
1233 O.G. Skinner Drive  
West Point, GA. 31833

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

RE: Case No. 99-055 UAC  
POWERTEL/KENTUCKY, INC.

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/hv  
Enclosure



**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

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WILLIAM D. KIRKLAND  
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JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III \*  
STEPHEN C. CAWOOD  
CHRISTOPHER M. HILL  
LISA ENGLISH HINKLE  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
LUKE BENTLEY III  
STEPHEN G. AMATO  
MARY ESTES HAGGIN  
R. STEPHEN MCGINNIS \*\*  
JON A. WOODALL  
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MARGARET M. YOUNG  
JULIE A. COBBLE  
MELINDA G. WILSON  
MARY ELIZABETH CUTTER  
LINDA J. WEST  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO  
\* ALSO ADMITTED IN TEXAS & FLORIDA  
\*\* ALSO ADMITTED IN WEST VIRGINIA

February 11, 1998

RECEIVED

FEB 15 1999

FILED

FEB 15 1999

PUBLIC SERVICE  
COMMISSION

HAND DELIVERED

Ms. Helen C. Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

**RE: Application of Powertel/Kentucky, Inc. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Personal Communications Services Facility in B-263 Basic Trading Area Which Includes Meade County Case No. 99-055 UAC (The L-KY-047-113 Facility)**

Dear Ms. Helton:

Please be advised that the undersigned represents Powertel/Kentucky, Inc. in regard to the above-referenced application which I am filing on its behalf today with the Commission.

The original application and five (5) copies of an additional page pursuant to 807 KAR 5:063 Section 5(2) are being submitted for filing. Additionally, three Site Plans are submitted with the application. Any comments or questions in regard to the application should be forwarded to the undersigned.

Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice  
Counsel for Powertel/Kentucky, Inc.

WBR/dkw

Enclosures



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

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February 16, 1999

Allen E. Smith  
President  
Powertel/Kentucky, Inc.  
1233 O.G. Skinner Drive  
West Point, GA. 31833

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

RE: Case No. 99-055 UAC  
POWERTEL/KENTUCKY, INC.  
(Construct) CELL SITE - 400 PARK RIDGE DRIVE - MEADE COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received February 15, 1999 and has been assigned Case No. 99-055. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

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February 11, 1998

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Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice  
Counsel for Powertel/Kentucky, Inc.

WBR/dkw

Enclosures

**FOR THE PUBLIC RECORD**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
FEB 15 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC., )  
A DELAWARE CORPORATION, FOR ISSUANCE )  
OF A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT A PERSONAL ) Case No. 99-055 UAC  
COMMUNICATIONS SERVICES FACILITY IN )  
B-263 BASIC TRADING AREA )  
(THE L-KY-047-113 FACILITY) )

**UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY**

\* The specific location of the proposed construction is 400 Park Ridge Drive,  
Muldraugh, Meade County, Kentucky.

\*\* This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).