

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

APPLICATION OF ALLTEL )  
COMMUNICATIONS, INC. )  
FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY )  
TO CONSTRUCT A CELL SITE )  
AT 12251 U.S. ROUTE 60 )  
NEAR CANNONSBURG )  
IN BOYD COUNTY, KENTUCKY )  
(CANNONSBURG SITE) )

Case No. 2004-00023

**APPLICATION FOR CERTIFICATE OF  
CONVENIENCE AND NECESSITY**

ALLTEL Communications, Inc. ("ALLTEL") applies to the Public Service Commission of Kentucky (the "Commission") pursuant to KRS 278.020(1), 807 KAR 5:001, Section 9, 807 KAR 5:063 and all relevant statutes and regulations, for all necessary approvals to permit it to construct a cell site to provide service in the Kentucky portion of the Huntington-Ashland West Virginia/Kentucky/Ohio MSA ("Huntington MSA").

In support of its Application ALLTEL states:

### **INTRODUCTION**

1. ALLTEL holds the Federal Communications Commission (the "FCC") license and assets comprising the nonwireline cellular system for the Huntington MSA. By this application ALLTEL seeks the necessary approvals to construct a cell site to be located at 12251 U.S. 60 near Cannonsburg in Boyd County, Kentucky. The property is located outside the jurisdiction of any local planning and zoning authority and thus this application is subject to the jurisdiction of the Public Service Commission of Kentucky.

### **APPLICANT**

2. ALLTEL is a Delaware corporation; its real estate operations offices for this region are located at 107 Pike Street, Marietta, Ohio 45750. A certified copy of ALLTEL's Articles of Incorporation and all amendments thereto is attached hereto as **EXHIBIT 4**. ALLTEL is a wholly-owned subsidiary of ALLTEL Corporation.

### **THE CELL SITE**

3. The cell site will consist of a 199 foot, three-sided, self-supporting metal lattice tower and adjacent Equipment Shelter. With attached appurtenances and antennae, the total tower height will be 199 feet above ground level. It is designed to meet the EIA/TIA-222-F standard for 70 m.p.h. basic wind speed. An Equipment Shelter will be constructed adjacent to the tower at the cell site. The tower and Equipment Shelter will be constructed in conformity with, or will exceed, all applicable local and state building codes.

4. The cell site will be located at 12251 U.S. Route 60 in Boyd County, Kentucky, at N 38°23'44.82983" Latitude and W 82°42'58.52275" Longitude, approximately 2,100 feet along access road extending from U.S. Route 60. The site will be located on a .23 acre tract to be leased from Whayne Supply Company. A copy of the Option and Sublease Agreement is filed herewith as EXHIBIT 11. [807 KAR 5:063 Section 1(1)(f)].

5. Driving directions to site are: From Catlettsburg, Kentucky: proceed south on U.S. 23 N to Exit 191 interchange of I-64. Take I-64 east for approximately 10 miles to the I-64/U.S. 60 interchange at Exit 181. Proceed north on U.S 60 approximately one-half mile to the Whayne Supply facility. Follow the drive to the left of the main building to the back left corner of the fenced lot. Follow old road up hill to flat area approximately 400 feet above the fenced area. Kim Marshall prepared the driving directions and his phone number is (304) 481-8004. [807 KAR 5:063 Section 1(1)(e)].

#### NOTICES AND APPROVALS

6. The cell site is located outside the limits of any incorporated area and is not within the jurisdiction of a local planning and zoning authority. ALLTEL notified the County Judge-Executive of Boyd County by letter dated and mailed January 23, 2004 of its plans to file this Application to construct the tower and of his right to intervene. A copy of the letter, mailed certified mail, return receipt requested is attached as EXHIBIT 1. [807 KAR 5:063 Section 1(1)(n), (o)]. This application will be supplemented with the return receipt when received.

7. By letters dated and mailed certified mail, return receipt requested, on January 23, 2004, ALLTEL notified all property owners within 500 feet of the proposed tower (as indicated by the records of the Boyd County Property Valuation Administrator), other than ALLTEL's lessor, and all persons abutting its lessor's property of its intent to seek a Certificate of Public Convenience and Necessity from the Commission to permit construction of the proposed cell site, of the docket number of this proceeding and of their right to seek intervention. Copies of the letters and the list of the persons to whom they were mailed are attached as **EXHIBIT 2**. This application will be supplemented with the return receipts evidencing delivery when received. **[807 KAR 5:063 Section 1(1)(l), (m)]**.

8. ALLTEL filed a Notice of Proposed Construction or Alteration on January 28, 2003 with the Federal Aviation Administration with respect to the proposed tower. On or about March 12, 2003 the Federal Aviation Administration issued a "Determination of No Hazard to Air Navigation" in connection with the construction of the proposed tower. A copy of the Application and Determination are attached as **EXHIBIT 3**. The Federal Aviation Administration did not require that the tower be marked or lighted. **[807 KAR 5:063 Section 1(1)(b)]**.

9. No application was made to the Kentucky Airport Zoning Commission in connection with the proposed tower because it is exempt under 602 KAR 50:030.

10. On January 29, 2004 ALLTEL posted signs at a visible location on the site and on U.S. Route 60 (the nearest public road) notifying the public of its intent

to construct a cellular communications tower at the site. The signs, which measure at least 2 feet by 4 feet, will remain posted for at least two weeks following the filing of this application. [807 KAR 5:063 Section 1(1)(p); 807 KAR 5:063 Section 1(1)(2)].

11. The Cannonsburg cell site can be placed in operation under federal law by filing a notice with the Federal Communications Commission following construction. [807 KAR 5:063 Section 1(1)(c)].

12. A notice of the location of the proposed construction was published in *The Daily Independent*, a paper of legal record and general circulation for Boyd County, on January 28, 2004. [807 KAR 5:063 Section 1(1)(q)]. The text of the notice is filed herewith as EXHIBIT 9. This application will be supplemented with a copy of the notice as published when received.

#### PUBLIC CONVENIENCE AND NECESSITY

13. ALLTEL plans to construct the cell site to provide mobile cellular service in a low valley area along State Route 180 and U.S. Route 60 in north central Boyd County. Radio frequency analysis maps showing coverage before and after the construction of the tower are attached as EXHIBIT 13 along with a further explanation of the RF analysis, which is attached as EXHIBIT 10. Construction of this cell site also will ensure ALLTEL's ability to satisfy future demand for cellular services in this portion of the MSA. [807 KAR 5:063 Section 1(1)(a)].

## LAND USE AND OTHER CONSIDERATIONS

14. The tower will be located behind the Wayne Supply Company facility located at 12251 U.S. 60, Ashland, Boyd County, Kentucky. The site is undeveloped land located on the edge of a former strip mine. **[807 KAR 5:063 Section 1(1)(r)].**

15. The property has not been classified for zoning purposes as there is no local planning and zoning authority with jurisdiction of the site. **[807 KAR 5:063 Section 1(1)(r); 807 KAR 5:063 Section 1(1)].**

16. ALLTEL has considered the likely effect of the installation on nearby land use and values and believes there is no more suitable location reasonably available from which adequate service to the area may be provided. **[807 KAR 5:063 Section 1(1)(s)].**

17. ALLTEL attempted to co-locate on towers designed to host multiple wireless service providers' facilities, as well as existing structures, such as communications facilities, or other suitable structure capable of supporting ALLTEL's facilities. An explanation of the co-location efforts made by ALLTEL is attached as EXHIBIT 10. **[807 KAR 5:063 Section 1(1)(s)].**

## EXHIBITS

18. Incorporated in this Application as Exhibits are the following additional documents:

a. Qualifications of P. Kim Marshall, the individual directly responsible for the construction of the proposed tower. (EXHIBIT 5). The tower was designed by

John R. Erichsen, who is a licensed Kentucky Professional Engineer [807 KAR 5:063 Section 1(1)(g)].

b. A Site Development Plan illustrating the proposed location of the tower and all easements and existing structures within 500 feet of the tower on the property, and all easements and existing structures on the property within 200 feet of the access road, including the intersection with the public road. Also illustrated are a "Vicinity Map" and a Topographic Survey of the relevant portion of the site. The Site Development Plan also contains a flood certification and bears the seal and signature of I.A.N. Garcelon, a Registered Kentucky Land Surveyor. **(EXHIBIT 6)**. [807 KAR 5:063 Section 1(1)(h)].

c. Tower and Foundation Design Plans and description of the standards to which they were designed. All designs bear the seal and signature of John R. Erichsen, a Registered Kentucky Professional Engineer. **(EXHIBIT 7)**. A vertical profile sketch indicating the positioning of the antennae also is part of the Exhibit. [807 KAR 5:063 Section 1(1)(i), (j)].

d. The "Subsurface Investigation Report" prepared by Professional Service Industries, Inc and bearing the signature of Paul S. Hundley, P.E. **(EXHIBIT 8)**. The recommendations contained in the Geotechnical Investigation Report have been followed by ALLTEL in connection with the design of the foundation. [807 KAR 5:063 Section 1(1)(c)].

e A map that identifies every structure and every owner of real property within 500 feet of the proposed tower. (EXHIBIT 6). [807 KAR 5:063 Section 1(k)].

f. A map displaying the search area for the cell site as determined by RF analysis. (EXHIBIT 12.) [807 KAR 5:063 Section 1(t)].

#### **COMPLIANCE WITH 807 KAR 5:063**

19. An index correlating the provisions of 807 KAR 5:063 with the Application and exhibits is filed herewith as EXHIBIT 14.

#### **COMMUNICATIONS**

20. ALLTEL respectfully requests that all communications and correspondence with respect to the instant Application be sent to:

Mark R. Overstreet  
STITES & HARBISON, PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: 502-223-3477

Counsel for ALLTEL Communications, Inc.

#### **CONCLUSION**

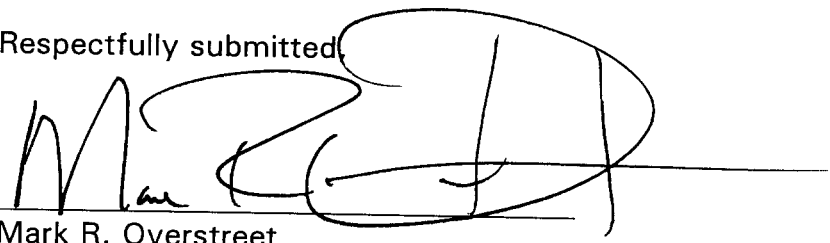
21. For the reasons stated above, the public convenience and necessity require the construction of the proposed cell site.

WHEREFORE, ALLTEL respectfully requests, pursuant to KRS 278.020(1), 807 KAR 5:001, Section 9, 807 KAR 5:063 and all other relevant statutes and regulations, that the Public Service Commission of Kentucky:



- a. issue an order granting ALLTEL a Certificate of Convenience and Necessity to construct a cell site to be located to be located at 12251 U.S. 60 near Cannonsburg, Kentucky in Boyd County, Kentucky; and
- b. grant all other appropriate relief.

Dated this the 2<sup>nd</sup> day of February, 2004.

Respectfully submitted, 

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