

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELLSOUTH )  
MOBILITY, LLC D/B/A CINGULAR )  
WIRELESS - KENTUCKY FOR )  
ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A )  
WIRELESS COMMUNICATIONS )  
FACILITY AT ROUGH AND TOUGH )  
ROAD, PRESTONSBURG, KENTUCKY )  
41653 OR, IN THE ALTERNATIVE, AN )  
ORDER REQUIRING CO-LOCATION )  
ON REASONABLE TERMS AND )  
CONDITIONS IN THE WIRELESS )  
COMMUNICATIONS LICENSE AREA IN )  
THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF FLOYD )  
SITE NAME: BRAINARD )

CASE NO. 2004-00413

O R D E R

New Cingular Wireless PCS, LLC, formerly BellSouth Mobility, LLC (“Cingular”) and East Kentucky Network, LLC (“East Kentucky”) have been in negotiations regarding the collocation of Cingular’s facilities on East Kentucky’s existing cellular facility tower known as “Rough and Ready” located outside Prestonsburg, Floyd County, Kentucky. The site is known by Cingular as “Brainard.” Resolution by the parties will be in the public interest.

Although the proceedings have been, for all practical purposes, placed in abeyance, the Commission is of the opinion that this informal action should be formally recognized. While recognizing the potential advantages of a negotiated settlement, the

Commission finds that a deadline should be established to provide for the orderly administration of this proceeding.

The Commission, being sufficiently advised, HEREBY ORDERS that:

1. This proceeding is held in abeyance until April 30, 2006 unless a party otherwise requests.
2. The parties have until April 25, 2006 to conclude negotiations and file with the Commission an executed settlement agreement.
3. If no filing is received, and no extension of time is requested and granted, a procedural Order will be issued and the matter will proceed.
4. On or before March 20, 2006, each party shall file with the Commission a status report on the progress of settlement negotiations.

Done at Frankfort, Kentucky, this 8th day of March, 2006.

By the Commission

ATTEST



Executive Director