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February 22, 2011

Honorable John E. Selent
Attorney at Law
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202

RE: Case No. 2011-00013
Cumberland Cellular Partnership d/b/a Bluegrass Cellular

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 "Linda Faulkner".

Linda Faulkner
Filings Division Director

LF/ke
Enclosure

FILED

FEB 16 2011

**PUBLIC SERVICE
COMMISSION**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 16 2011

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

**APPLICATION OF CUMBERLAND CELLULAR
PARTNERSHIP FOR ISSUANCE OF A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO
CONSTRUCT A CELL SITE (GLENS FORK) IN RURAL
SERVICE AREA #5 (ADAIR) OF THE COMMONWEALTH
OF KENTUCKY**

CASE NO. 2011-00013

**APPLICATION FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY (GLENS FORK)**

Cumberland Cellular Partnership (“Cumberland Cellular”), through counsel, pursuant to KRS 278.020 and 278.040, hereby submits this application for a certificate of public convenience and necessity to construct a cell site to be known as the Glens Fork cell site in and for rural service area (“RSA”) #5 of the Commonwealth of Kentucky, namely the counties of Adair, Barren, Clinton, Cumberland, Hart, McCreary Metcalfe, Monroe, Russell, and Wayne, Kentucky.

1. Pursuant to the FCC Order, Docket No. 08-165, dated November 18, 2009, ¶ 32, pp. 11 & 12, the Commission has 150 days to process this application for a certificate of public convenience and necessity to construct a cell tower facility. If the Commission fails to act upon act upon this application within 150 days, then Cumberland Cellular may seek redress with the U.S. District Court for the Eastern District of Kentucky.¹

¹In the Matter of: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify all Wireless Siting Proposals as Requiring a Variance, FCC Order, Docket No. 08-165, November 18, 2009, pp 11 and 12. “Specifically, we find that a “reasonable period of time” is, presumptively 90 days to process personal wireless service facility siting applications requesting collocations, and, also presumptively, 150 days to process all other applications. Accordingly, if State or local governments do not act upon applications within those timeframes, then a “failure to act” has occurred and personal wireless service providers may seek redress in a court of competent jurisdiction within 30 days, as provided in Section 332(c)(7)(B)(v).” See also Order Denying Motion for Reconsideration, issued August 4, 2010.