

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A WIRELESS COMMUNICATIONS)	2016-00057
FACILITY IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF JOHNSON)	

ORDER

On January 28, 2016, New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility, ("Applicant") 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 self-supporting antenna tower not to exceed 265 feet in height, with attached antenna, to be located off of Old US 23, approximately 0.5 of a mile east of Wittenville, Johnson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 51' 45.37" by West Longitude 82° 47' 11.75".

The Applicant 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, the Applicant filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, the Applicant 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. To date, no public comments have been filed with the Commission.

The Applicant 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.¹ Both applications have been approved.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant 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, the Applicant should notify the Commission if this antenna tower is not used to provide

¹ The Applicant states that although the coordinates in the FAA and KAZC applications differ, KAZC has confirmed that the difference is within the margin of error and does not invalidate its approval. See application at 4, paragraph 12.

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 the Applicant.

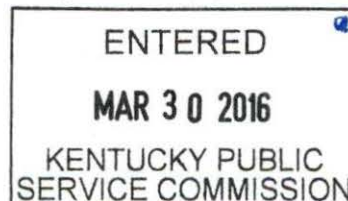
IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of CPCN to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 265 feet in height, with attached antenna, and is to be located off of Old US 23, approximately 0.5 of a mile east of Wittenville, Johnson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 51' 45.37" by West Longitude 82° 47' 11.75".

2. The Applicant 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. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the utility's general correspondence file.

By the Commission



ATTEST:


Acting Executive Director

Case No. 2016-00057

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