

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SKYWAY TOWERS, LLC AND	)	
KENTUCKY RSA NO. 1 PARTNERSHIP D/B/A	)	
VERIZON WIRELESS FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	CASE NO.
COMMUNICATIONS FACILITY IN THE	)	2016-00390
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF CALLOWAY	)	

ORDER

On November 21, 2016, Skyway Towers, LLC and Kentucky RSA No. 1 Partnership, a Delaware General Partnership d/b/a Verizon Wireless (collectively "Verizon Wireless"), 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 an antenna tower not to exceed 310 feet in height, with attached antennas, to be located on Derek Trail, Murray, Calloway County, Kentucky. The coordinates for the proposed facility are North Latitude 36°35'54.27" by West Longitude 88°09'40.12".

Verizon Wireless 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, Verizon Wireless has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Verizon Wireless has 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. On January 19, 2017, Steve Billman filed a letter with the Commission stating his opposition to the construction of the proposed tower, to which Verizon Wireless responded on January 25, 2017. The Commission's Executive Director, by letter dated February 22, 2017, informed Mr. Billman of the receipt of his letter and stated that if no request to intervene was received within 30 days of the letter, the Commission would presume that Verizon Wireless's response satisfied the concerns raised in his letter. (The Executive Director initially sent the letter on January 20, 2017 but it was inadvertently sent to the incorrect address and was returned as undeliverable.) As of the date of this Order, no request for intervention has been received.

Verizon Wireless has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

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

IT IS THEREFORE ORDERED that:

1. Verizon Wireless is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 310 feet in height, with attached antennas, to be located on Derek Trail, Murray, Calloway County, Kentucky. The coordinates for the proposed facility are North Latitude 36°35'54.27" by West Longitude 88°09'40.12".

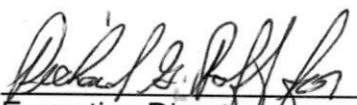
2. Verizon Wireless shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

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

ENTERED  
APR 06 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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