

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK,	)	
LLC DBA APPALACHIAN WIRELESS FOR THE	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	CASE NO.
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	2016-00326
A TOWER IN MAGOFFIN COUNTY, KENTUCKY	)	

ORDER

On December 15, 2016, East Kentucky Network, LLC d/b/a Appalachian Wireless (“Appalachian Wireless”) filed an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a wireless telecommunications facility.<sup>1</sup> The proposed facility consists of a self-supporting tower not to exceed 190 feet in height, with attached antennas, to be located near 418 Burning Fork Road, Salyersville, Magoffin County, Kentucky. The coordinates for the proposed facility are North Latitude 37°44’13.20” by West Longitude 83°01’55.00”.

Appalachian 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.

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<sup>1</sup> Appalachian Wireless tendered its application on December 2, 2016. By letter dated December 6, 2016, the Commission rejected the application due to filing deficiencies. Appalachian Wireless subsequently cured the deficiencies and the application was deemed filed as of December 15, 2016.

Pursuant to 807 KAR 5:063, Appalachian Wireless has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Appalachian 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. The notices solicited any comments and informed the recipients of their right to request intervention.

On December 20, 2016, Thomas W. Keeth filed a letter with the Commission in which he disputed the title to the land upon which Appalachian Wireless proposed to build the telecommunications facility and requested to intervene in the proceeding. On February 20, 2017, the Commission denied Mr. Keeth's request for intervention and Mr. Keeth did not request reconsideration of the Commission's decision.

Appalachian 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 Appalachian 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,

Appalachian 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 Appalachian Wireless.

IT IS THEREFORE ORDERED that:

1. Appalachian Wireless is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting tower not to exceed 190 feet in height, with attached antennas, to be located near 418 Burning Fork Road, Salyersville, Magoffin County, Kentucky. The coordinates for the proposed facility are North Latitude 37°44'13.20" by West Longitude 83°01'55.00".

2. Appalachian 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  
**MAR 23 2017**  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Cindy D McCarty  
Staff Attorney  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642

\*East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642

\*Lynn Haney  
Regulatory Compliance Director  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642

\*W.A. Gillum  
General Manager  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642