

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)
PCS, LLC, D/B/A AT&T MOBILITY FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A WIRELESS) CASE NO.
COMMUNICATIONS FACILITY IN THE) 2018-00080
COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF BELL)

ORDER

On February 26, 2018, New Cingular Wireless PCS, LLC, a Delaware limited liability company ("New Cingular"), 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 270 feet in height, with attached antennas, to be located at 200 HWY 212, Pineville, Kentucky. The coordinates for the proposed facility are North Latitude 36° 46' 10.97" by West Longitude 83° 34' 07.78".

New Cingular 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, New Cingular has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR

5:063, New Cingular 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. To date, no public comments have been filed with the Commission.

New Cingular has filed an application with the Federal Aviation Administration ("FAA") seeking approval for the construction and operation of the proposed facility. That application is pending.

New Cingular filed an application with the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. That application is pending.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that New Cingular 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, New Cingular 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 New Cingular.

IT IS THEREFORE ORDERED that:

1. New Cingular is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 270 feet in height, with attached antennas, to be located at 200 HWY 212, Pineville, Kentucky. The coordinates for the proposed facility are North Latitude 36° 46' 10.97" by West Longitude 83° 34' 07.78".

2. New Cingular 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. New Cingular shall file a copy of the final decision regarding the pending KAZC and FAA applications within ten days of receiving a decision.

4. 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
MAY 14 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Fear


Executive Director

Case No. 2018-00080

*Honorable David A Pike
Attorney at Law
Pike Legal Group PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KENTUCKY 40165-0369

*New Cingular Wireless PCS, LLC dba AT&T
1010 N St Mary's Street, 9th Floor
San Antonio, TX 78215