

Matthew G. Bevin
Governor

Charles G. Snively
Secretary
Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission

211 Sower Blvd.
P.O. Box 615
Frankfort Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Michael J. Schmitt
Chairman

Robert Cicero
Vice Chairman

Talina R. Mathews
Commissioner

July 31, 2018

PARTIES OF RECORD

RE: Case No. **2018-00092**

The Commission staff has reviewed the application in the above case and finds that it meets the minimum filing requirements and has been accepted for filing.

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 "Gwen R. Pinson".

Gwen R. Pinson
Executive Director

GP/AH

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUL 24 2018

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4 CELLULAR
GENERAL PARTNERSHIP FOR ISSUANCE OF A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONSTRUCT A CELL SITE
(FEATHERSBURG) IN RURAL SERVICE AREA #4
(TAYLOR COUNTY) OF THE COMMONWEALTH
OF KENTUCKY

CASE NO. 2018-00092

FILED

JUL 24 2018

PUBLIC SERVICE
COMMISSION

APPLICATION FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY (FEATHERSBURG)

Kentucky RSA #4 Cellular General Partnership ("Kentucky RSA #4"), through counsel, pursuant to KRS 278.020 and 278.040 and 807 KAR 5:063, hereby submits this application for a certificate of public convenience and necessity to construct and operate a new 240 foot cell tower facility to provide cellular telephone service to be known as the Feathersburg cell site in and for rural service area ("RSA") #4 of the Commonwealth of Kentucky, namely the counties of Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor and Washington, Kentucky. The proposed cell tower facility will be located at 242 A. Cox Road, Elkhorn, Kentucky, 42733.

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 this application within 150 days, then Kentucky RSA #4 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. (Relevant pages attached as Exhibit "M"): 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

*Felix Sharpe
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Kentucky RSA #4 Cellular General Partnership,
2902 Ring Road
P. O. Box 5012
 Elizabethtown, KY 42701

*Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202