

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK,)	
LLC D/B/A APPALACHIAN WIRELESS FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY TO CONSTRUCT)	2018-00131
A REPLACEMENT TOWER IN LETCHER COUNTY,)	
KENTUCKY)	

ORDER

On April 18, 2018, 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 communications facility. The proposed facility consists of a 180-foot self-supporting telecommunications tower with an attached antenna extending upwards, and an equipment shelter to be located on a tract of land near 1089 Venters Lane, Isom, Letcher County, Kentucky. The coordinates for the proposed facility are 37°12’21.6718" North latitude, 82°54’32.3711" West longitude. Appalachian Wireless states that the proposed construction site is on a rugged mountaintop in close proximity to an existing telecommunications tower, which is owned by Appalachian Wireless. Appalachian Wireless further states that its existing tower is not able to meet its current needs and the existing tower will be removed upon the construction of the proposed tower. 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.

Pursuant to 807 KAR 5:063, Appalachian Wireless filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Appalachian Wireless 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.

Appalachian Wireless states that no Federal Communications Commission ("FCC") approval is required prior to the construction of the proposed telecommunication facility. Appalachian Wireless asserts that prior approval is not needed because the proposed facility will not increase the size of its cellular geographic service area. Appalachian Wireless informs that it must notify the FCC once service is established from the proposed telecommunication tower.

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 this 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 180-foot self-supporting telecommunications tower with attached antenna and is to be located on a tract of land near 1089 Venters Lane, Isom, Letcher County, Kentucky. The coordinates for the proposed facility are 37°12'21.6718" North latitude, 82°54'32.3711" West longitude.

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
JUL 05 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00131

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