

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
AN ADDITIONAL CELL SITE IN NICHOLAS )  
COUNTY, KENTUCKY FOR THE PROVISION OF ) CASE NO. 93-227  
DOMESTIC PUBLIC CELLULAR RADIO )  
TELECOMMUNICATIONS SERVICE TO THE )  
PUBLIC IN KENTUCKY RURAL SERVICE AREA )  
NO. 8 )

O R D E R

On June 30, 1993, Kentucky CGSA, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower to serve the Kentucky Rural Service Area No. 8 ("RSA No. 8"). RSA No. 8 includes Bath, Bracken, Fleming, Lewis, Mason, Menifee, Montgomery, Nicholas, Robertson, and Rowan counties in Kentucky. Kentucky CGSA has requested authorization to construct a cell site in Nicholas County, Kentucky. Kentucky CGSA was previously granted authority to operate a cellular radio telecommunications system in RSA No. 8 in Case No. 92-038.<sup>1</sup>

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<sup>1</sup> Case No. 92-038, The Application of Kentucky CGSA, Inc., a Georgia Corporation, for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public a Portion of Kentucky Rural Service Area No. 8 which Includes Bracken, Mason, Robertson, Lewis, Fleming, Nicholas, Bath, Rowan, Montgomery and Menifee Counties in Kentucky.

The proposed cell site consists of a guyed antenna tower with attached antennas, not to exceed 420 feet in height to be located at Highway 68, Millersburg, Nicholas County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 19' 07.31" by West Longitude 84° 07' 16.63".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. Kentucky CGSA has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. The FAA application has been approved, and the KAZC decision is pending. Application to the Federal Communications Commission is not required for the proposed cell site.

Other than the lessor of the proposed cell site property, there are no property owners or residents within 500 feet of the proposed construction.

Pursuant to KRS 278.280, the Commission is required to determine the 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, Kentucky CGSA should notify the Commission if it does not use this antenna tower to provide cellular telecommunications services in the manner set out in its 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 Kentucky CGSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky CGSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a guyed antenna tower, with attached antennas, not to exceed 420 feet in height to be located at Highway 68, Millersburg, Nicholas County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 19' 07.31" by West Longitude 84° 07' 16.63".

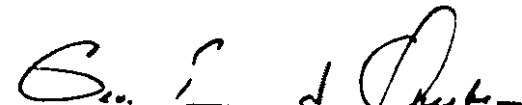
2. Kentucky CGSA shall file a copy of the final decision regarding its pending KAZC application for this cell site construction within 10 days of receiving this decision.

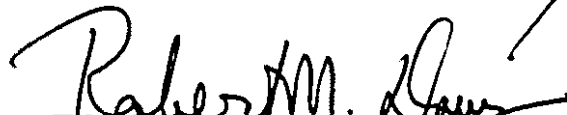
3. Kentucky CGSA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service

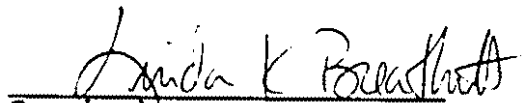
is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 9th day of September, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director