

CASE

NUMBER:

99-290

KY. PUBLIC SERVICE COMMISSION

Index for Case: 1999-00290UAC

AS OF : 06/28/04

Powertel/Kentucky, Inc.

Construct

CELL SITE - 1366 CATNIP HILL ROAD - NICHOLASVILLE

IN THE MATTER OF APPLICATION OF POWERTEL/KENTUCKY, INC., A DELAWARE CORPORATION, FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE BASIC TRADING AREA B-252 WHICH INCLUDES JESSAMINE COUNTY (THE RHINEHEIMER/L-KY- 057-248 FACILITY)

SEQ NBR	Date	Remarks
1	(M) 07/08/99	W. Brent Rice - McBrayer, McGinnis, Leslie and - Application for cell tower at 1366 Catnip Hill Road, Nicholasville
2	07/12/99	Acknowledgement letter.
3	07/12/99	Application.
4	(M) 07/12/99	NOTICE OF INTENT TO FILE NEW APPLICATION (BRENT RICE POWERTEL)
5	07/19/99	No deficiencies letter
6	(M) 09/20/99	MOTION TO SUBMIT FOR EXPEDITED DECISION (BRENT RICE POWERTEL)
7	10/20/99	Final Order granting a Certificate to construct.
8	(M) 10/25/99	FINAL DETERMINATIONS OF KY AIRPORT ZONING COMM & FEDERAL AVIATION (BRENT RICE POWERTEL)
9	(M) 11/15/99	RETURN RECEIPTS SENT TO RESIDENTS WITHIN 500 FEET OF TOWER (BRENT RICE POWERTEL)

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC RECEIVED

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
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MARIA S. BUCKLES
MARGARET M. YOUNG
MELINDA G. WILSON
REBECCA L. BRIGGS
MARY ELIZABETH CUTTER
J. BRADFORD DERIFIELD ++
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO

** ALSO ADMITTED IN COLORADO

+ ALSO ADMITTED IN TEXAS & FLORIDA

++ ALSO ADMITTED IN WEST VIRGINIA

November 9, 1999

NOV 15 1999

WATSON CLAY (1908-1985)

OSCAR SAMMONS (1908-1985)

PUBLIC SERVICE

COMMUNICATIONS

MAIN & HARRISON STREETS

P. O. BOX 280

GREENUP, KENTUCKY 41144-0280

606-473-7303

FACSIMILE 606-473-9003

300 STATE NATIONAL

BANK BUILDING

P. O. BOX 1100

FRANKFORT, KENTUCKY 40602-1100

502-223-1200

FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS

MIKE HELTON

STATE NATIONAL BANK BUILDING

305 ANN STREET

SUITE 308

FRANKFORT, KENTUCKY 40601-2847

502-875-1176

FACSIMILE 502-226-6234

Ms. Helen C. Helton, Executive Director
Public Service Commission
730 Schenkel Lane
Frankfort, KY 40602

RE: Powertel/Kentucky, Inc. - PSC Case No. 99-290 UAC
(The Rhineheimer/L-KY-057-248 Facility)

Dear Ms. Helton:

Please find enclosed the originals and one copy each of return receipts for correspondence forwarded via certified mail, return receipt requested, to the Jessamine County - City of Wilmore Joint Planning Commission and all property owners within 500' of the proposed facility referenced above. The following property owners have been notified:

George Russell and Pauline Rhineheimer
1366 Catnip Hill Road
Nicholasville, KY 40356

Juanita H. Baker
1434 Catnip Hill Road
Nicholasville, KY 40356

Bessie Hisel
1368 Catnip Hill Road
Nicholasville, KY 40356

Please file the enclosed with the Commission at your earliest convenience. Thank you for your attention to this matter.

Sincerely,



W. Brent Rice
Counsel for Powertel/Kentucky, Inc.

WBR/dkw

Enclosures

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
BESSIE HISEL
1368 CATNIP HILL ROAD
NICHOLASVILLE, KY 40356

4a. Article Number
7 463 757 323 (6928-42)

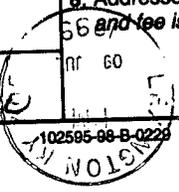
4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
7/9

5. Received By: (Print Name)
PAULINE PHILLIPS

8. Addressee's Address (Only if requested and fee is paid)
66

6. Signature: (Addressee or Agent)
Pauline Phillips



PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 463 757 323

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to BESSIE HISEL	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 7/8/99 6928-42	

PS Form 3800, April 1995

Z 463 757 324

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to JUANITA H. BAKER	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 7/8/99 6928-42	

PS Form 3800, April 1995

Z 463 757 322

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to GEORGE RUSSELL AND PAULINE	
Street & Number RHINEHEIMER	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 7/8/99 6928-42	

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:
GEORGE RUSSELL AND PAULINE
RHINEHEIMER
1366 CATNIP HILL ROAD
NICHOLASVILLE, KY 40356

4a. Article Number
Z 463 757 322 (6928-42)

- 4b. Service Type
- Registered Certified
 - Express Mail Insured
 - Return Receipt for Merchandise COD

7. Date of Delivery
7/9

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

Pauline Rhineheimer

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Z 463 757 321

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to JESSAMINE PLANNING	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 7/8/99 6928-42	

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:
MS. BETTY TAYLOR, ADMINISTRATOR
JESSAMINE COUNTY - CITY OF WILMORE
JOINT PLANNING COMMISSION
103 N. MAIN STREET
NICHOLASVILLE, KY 40356

4a. Article Number
Z 463 757 321 (6928-42)

- 4b. Service Type
- Registered Certified
 - Express Mail Insured
 - Return Receipt for Merchandise COD

7. Date of Delivery
7/5/99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

Betty M. Taylor

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-290 UAC
POWERTEL/KENTUCKY, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on October 20, 1999.

Parties of Record:

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
McBrayer, McGinnis, Leslie
& Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Stephanie Bell

Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC., A)
DELAWARE CORPORATION, FOR ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO.
COMMUNICATIONS SERVICES FACILITY IN THE) 99-290-UAC
BASIC TRADING AREA B-252 WHICH INCLUDES)
JESSAMINE COUNTY (THE RHINEHEIMER/L-KY-)
057-248 FACILITY))

O R D E R

On July 8, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 1366 Catnip Hill Road, Nicholasville, Jessamine County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 56' 2.9" by West Longitude 84° 35' 21.9".¹

Powertel/Kentucky 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 the plans have been certified by a Registered Professional Engineer.

¹ The coordinate information from the FAA and KAZC exhibits to the application appears to be more accurate and was used instead of different coordinate information reported in the application.

necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 1366 Catnip Hill Road, Nicholasville, Jessamine County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 56' 2.9" by West Longitude 84° 35' 21.9".

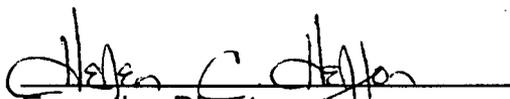
2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky 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 20th day of October, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 19, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
McBrayer, McGinnis, Leslie
& Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-290 UAC
POWERTEL/KENTUCKY, INC.

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. 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,

Stephanie Bell
Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 12, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
McBrayer, McGinnis, Leslie
& Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-290 UAC
POWERTEL/KENTUCKY, INC.
(Construct) CELL SITE - 1366 COTVIE ROAD - NICHOLASVILLE

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received July 8, 1999 and has been assigned Case No. 99-290. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB /lnh

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
MELINDA G. WILSON
REBECCA L. BRIGGS
MARY ELIZABETH CUTTER
J. BRADFORD DERIFIELD ++
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS
P. O. BOX 280
GREENUP, KENTUCKY 41144-0280
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
STATE NATIONAL BANK BUILDING
305 ANN STREET
SUITE 308
FRANKFORT, KENTUCKY 40601-2847
502-875-1176
FACSIMILE 502-226-6234

July 8, 1999

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: Case Number 99-290 (UAC)

Dear Ms. Bell:

This letter is to follow up my request for a case number on July 8, 1999. The application is on behalf of Powertel/Kentucky, Inc., for a cell site located at 1366 Catnip Hill Road, Nicholasville, Jessamine County, Kentucky. I was given Case Number 99-290 (UAC). We intend to file the application no later than July 9, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw

RECEIVED
JUL 12 1999
PUBLIC SERVICE
COMMISSION

FOR THE PUBLIC RECORD
COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JUL - 8 1999
PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)
A DELAWARE CORPORATION, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A PERSONAL) Case No. 99-290 UAC
COMMUNICATIONS SERVICES FACILITY IN)
BASIC TRADING AREA B-252 WHICH INCLUDES)
JESSAMINE COUNTY)
(THE RHINEHEIMER/L-KY-057-248 FACILITY))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction is 1366 Catnip Hill Road, Nicholasville, Jessamine County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

FILED
JUL 08 1999
PUBLIC SERVICE COMMISSION