

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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MAY 11 2004

PUBLIC SERVICE  
COMMISSION

APPLICATION OF ALLTEL )  
COMMUNICATIONS, INC. )  
FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY )  
TO CONSTRUCT A CELL SITE )  
AT 543 BASEBALL HILL ROAD, )  
OFF KENTUCKY STATE ROUTE 207, )  
NEAR THE ARGILLITE AREA )  
IN SOUTHEASTERN GREENUP )  
COUNTY, KENTUCKY )  
(ARGILLITE SITE) )

Case No. 2004-00161

**APPLICATION FOR CERTIFICATE OF  
CONVENIENCE AND NECESSITY**

ALLTEL Communications, Inc. ("ALLTEL") applies to the Public Service Commission of Kentucky (the "Commission") pursuant to KRS 278.020(1), 807 KAR 5:001, Section 9, 807 KAR 5:063 and all relevant statutes and regulations, for all necessary approvals to permit it to construct a cell site to provide service in the Kentucky portion of the Huntington-Ashland West Virginia/Kentucky/Ohio MSA ("Huntington MSA").

In support of its Application ALLTEL states:

**INTRODUCTION**

1. ALLTEL holds the Federal Communications Commission (the "FCC") license and assets comprising the nonwireline cellular system for the Huntington MSA. By this application ALLTEL seeks the necessary approvals to construct a cellular communications facility to be located at 543 Baseball Hill Road, off Kentucky State Route 207 in the Argillite area of southeastern Greenup County. The property is located outside the jurisdiction of any local planning and zoning authority and thus this application is subject to the jurisdiction of the Public Service Commission of Kentucky.

**APPLICANT**

2. ALLTEL is a Delaware corporation; its real estate operations offices for this region are located at 107 Pike Street, Marietta, Ohio 45750. A certified copy of ALLTEL's Articles of Incorporation and all amendments thereto were attached as Exhibit 4 to ALLTEL's application in P.S.C. Case No. 04-00023. ALLTEL is a wholly-owned subsidiary of ALLTEL Corporation.

## THE CELL SITE

3. The cell site will consist of a 190 foot, three-sided, self-supporting metal lattice tower and adjacent Equipment Shelter. With attached appurtenances and antennae, the total tower height will be 196 feet above ground level. It is designed to meet the EIA/TIA-222-F standard for 70 m.p.h. basic wind speed. An Equipment Shelter will be constructed adjacent to the tower at the cell site. The tower and Equipment Shelter will be constructed in conformity with, or will exceed, all applicable local and state building codes.

4. The cell site will be located approximately 3000 feet northwest of Kentucky State Route 207 in Greenup County, Kentucky, at N 36°28'06.60375" Latitude and W 82°50'50.15495" Longitude. The street address for the site is 543 Baseball Hill Road, Argillite, Kentucky. The site is a 100' x 100' tract (0.23 acres) located behind the baseball field in the Addington Sports Complex and leased from Douglas D. and Alberta Moore. [The Moore's property is identified on the survey as "Proposed 1.0 Acre Outsale."] A copy of the lease is filed herewith as EXHIBIT 11. [807 KAR 5:063 Section 1(1)(f)].

5. Driving directions to site are: take I-64 to Exit 179 (Industrial Parkway – KY 67). Proceed north on KY 67 approximately 12 miles to the Argillite Exit (Kentucky State Route 207E). Proceed east on Kentucky State Route 207 and follow it to its terminus with Kentucky State Route 1. Turn left (south) and follow Kentucky State Route 1 to Kentucky State Route 207. Proceed approximately two miles on Kentucky State Route 207 to the entrance to the Addington Sports

Complex (which will be on the right). Turn onto entrance road and follow the road approximately 0.7 miles up the hill to the site, which is located behind the baseball field. Ike Garcelon prepared the driving directions and his phone number is (304) 965-1331. [807 KAR 5:063 Section 1(1)(e)].

### **NOTICES AND APPROVALS**

6. The cell site is located outside the limits of any incorporated area and is not within the jurisdiction of a local planning and zoning authority. ALLTEL notified the County Judge-Executive of Greenup County by letter dated and mailed May 7, 2004 of its plans to file this Application to construct the tower and of his right to intervene. A copy of the letter, mailed certified mail, return receipt requested is attached as **EXHIBIT 1**. [807 KAR 5:063 Section 1(1)(n), (o)]. This application will be supplemented with the return receipt when received.

7. By letters dated and mailed certified mail, return receipt requested, on May 7, 2004, ALLTEL notified all property owners within 500 feet of the proposed tower (as indicated by the records of the Greenup County Property Valuation Administrator), other than ALLTEL's lessor, and all persons abutting its lessor's property of its intent to seek a Certificate of Public Convenience and Necessity from the Commission to permit construction of the proposed cell site, of the docket number of this proceeding and of their right to seek intervention. Copies of the letters and the list of the persons to whom they were mailed are attached as **EXHIBIT 2**. This application will be supplemented with the return receipts evidencing delivery when received. [807 KAR 5:063 Section 1(1)(l), (m)].

8. ALLTEL was not required to file a Notice of Proposed Construction or Alteration with the Federal Aviation Administration for the proposed tower because of its height. **[807 KAR 5:063 Section 1(1)(b)]**.

9. No application was made to the Kentucky Airport Zoning Commission in connection with the proposed tower because it is exempt under 602 KAR 50:030.

10. On May 11, 2004 ALLTEL posted signs at a visible location on the site and Kentucky State Route 207 notifying the public of its intent to construct a cellular communications tower at the site. The signs, which measure at least 2 feet by 4 feet, will remain posted for at least two weeks following the filing of this application. **[807 KAR 5:063 Section 1(1)(p); 807 KAR 5:063 Section 1(1)(2)]**.

11. The Argillite cell site can be placed in operation under federal law by filing a notice with the Federal Communications Commission following construction. **[807 KAR 5:063 Section 1(1)(c)]**.

12. A notice of the location of the proposed construction was published in *The Greenup News*, a paper of legal record and general circulation for Greenup County, on May 13, 2004. **[807 KAR 5:063 Section 1(1)(q)]**. The text of the notice is filed herewith as **EXHIBIT 9**. This application will be supplemented with a copy of the notice as published when received.

### **PUBLIC CONVENIENCE AND NECESSITY**

13. ALLTEL plans to construct the cell site to provide mobile cellular service southeastern Greenup County. The tower is designed to work in conjunction with the proposed Oldtown Facility. Radio frequency analysis maps showing coverage before and after the construction of the tower are attached as **EXHIBIT 10**. Construction of this cell site also will ensure ALLTEL's ability to satisfy future demand for cellular services in this portion of the MSA. **[807 KAR 5:063 Section 1(1)(a)]**.

### **LAND USE AND OTHER CONSIDERATIONS**

14. The tower will located in the Argillite area of Greenup County, approximately .7 miles along the entrance road to the Addington Sports Complex (off Kentucky State Route 207). The site is undeveloped and consists of a grass and brush covered hilltop that slopes sharply to the northeast and southwest. It is located behind a baseball field. **[807 KAR 5:063 Section 1(1)(r)]**.

15. The property has not been classified for zoning purposes as there is no local planning and zoning authority with jurisdiction of the site. **[807 KAR 5:063 Section 1(1)(r); 807 KAR 5:063 Section 1(1)]**.

16. ALLTEL has considered the likely effect of the installation on nearby land use and values and believes there is no more suitable location reasonably available from which adequate service to the area may be provided. **[807 KAR 5:063 Section 1(1)(s)]**.

17. ALLTEL attempted to co-locate on towers designed to host multiple wireless service providers' facilities, as well as existing structures, such as communications facilities, or other suitable structure capable of supporting ALLTEL's facilities. There were no towers or other structures within the search area upon which ALLTEL could co-locate. **[807 KAR 5:063 Section 1(1)(s)].**

### **EXHIBITS**

18. Incorporated in this Application as Exhibits are the following additional documents:

a. Qualifications of P. Kim Marshall, the individual directly responsible for the construction of the proposed tower. (**EXHIBIT 3**). The tower was designed by Stephen J. Felhafer, who is a licensed Kentucky Professional Engineer **[807 KAR 5:063 Section 1(1)(g)].**

b. A Survey illustrating the proposed location of the tower and all easements and existing structures within 500 feet of the tower on the property, and all easements and existing structures on the property within 200 feet of the access road, including the intersection with the public road. Also illustrated are a "Vicinity Map" and a Topographic Survey of the relevant portion of the site. The Survey also contains a flood certification and bears the seal and signature of I.A.N. Garcelon, a Registered Kentucky Land Surveyor. (**EXHIBIT 4**). **[807 KAR 5:063 Section 1(1)(h)].** Also attached is a Sited Development Plan bearing the signature and seal of Ruth Z Moradi, a Kentucky licensed professional engineer. (**EXHIBIT 5**). **[807 KAR 5:063 Section 1(1)(h)].**

c. Tower and Foundation Design Plans and description of the standards to which they were designed. All designs bear the seal and signature of Stephen J. Felhafer, a Registered Kentucky Professional Engineer. (EXHIBIT 6). A vertical profile sketch indicating the positioning of the antennae also is part of the Exhibit. [807 KAR 5:063 Section 1(1)(i), (j)].

d. The "Subsurface Investigation Report" prepared by Professional Service Industries, Inc and bearing the signature of Paul S. Hundley, P.E. (EXHIBIT 7). The recommendations contained in the Geotechnical Investigation Report have been followed by ALLTEL in connection with the design of the foundation. [807 KAR 5:063 Section 1(1)(c)].

e. A map that identifies every structure and every owner of real property within 500 feet of the proposed tower. (EXHIBIT 4). [807 KAR 5:063 Section 1(k)].

f. A map displaying the search area for the cell site as determined by RF analysis. (EXHIBIT 8.) [807 KAR 5:063 Section 1(t)].

#### COMPLIANCE WITH 807 KAR 5:063

19. An index correlating the provisions of 807 KAR 5:063 with the Application and exhibits is filed herewith as EXHIBIT 12.



## COMMUNICATIONS

20. ALLTEL respectfully requests that all communications and correspondence with respect to the instant Application be sent to:

Mark R. Overstreet  
STITES & HARBISON, PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: 502-223-3477

Counsel for ALLTEL Communications, Inc.

## CONCLUSION

21. For the reasons stated above, the public convenience and necessity require the construction of the proposed cell site.

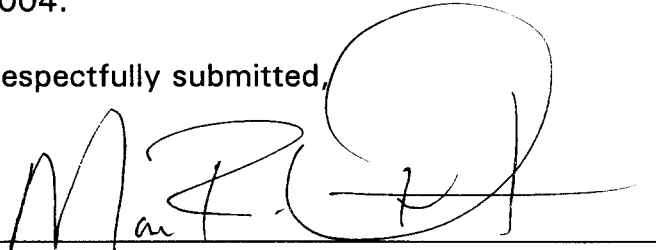
WHEREFORE, ALLTEL respectfully requests, pursuant to KRS 278.020(1), 807 KAR 5:001, Section 9, 807 KAR 5:063 and all other relevant statutes and regulations, that the Public Service Commission of Kentucky:

a. issue an order granting ALLTEL a Certificate of Convenience and Necessity to construct a cell site to be located to be located at 543 Baseball Hill Road, approximately 3000 feet northwest of the intersection of the access road to the Addington Sport Complex and Kentucky State Route 207, in the Argillite area of southeastern Greenup County, Kentucky; and

b. grant all other appropriate relief.

Dated this the 11<sup>th</sup> day of May, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark R. Overstreet", written over a horizontal line. The signature is stylized and cursive.

Mark R. Overstreet  
STITES & HARBISON  
421 West Main Street  
P.O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: 502-223-3477  
COUNSEL FOR: ALLTEL, INC.

**EXHIBIT 12**

**Index of Compliance with Provisions of 807 KAR 5:063**

<b><u>Regulation Provision</u></b>	<b><u>Application Paragraph</u></b>	<b><u>Exhibit No.</u></b>
807 KAR 5:063 Section 1(1)	1	
807 KAR 5:063 Section 1(1)(a)	2; <i>passim</i>	
807 KAR 5:063 Section 1(1)(b)	8, 9	
807 KAR 5:063 Section 1(1)(c)	11	
807 KAR 5:063 Section 1(1)(d)	18(b), 18(d)	4, 7
807 KAR 5:063 Section 1(1)(e)	5	
807 KAR 5:063 Section 1(1)(f)	4	11
807 KAR 5:063 Section 1(1)(g)	18(a)	3
807 KAR 5:063 Section 1(1)(h)	18(b)	5
807 KAR 5:063 Section 1(1)(i)	18(c)	6
807 KAR 5:063 Section 1(1)(j)	18(c)	6
807 KAR 5:063 Section 1(1)(k)	18(e)	4
807 KAR 5:063 Section 1(1)(l)	7	2
807 KAR 5:063 Section 1(1)(m)	7	2

<u>Regulation Provision</u>	<u>Application Paragraph</u>	<u>Exhibit No.</u>
807 KAR 5:063 Section 1(1)(n)	6	1
807 KAR 5:063 Section 1(1)(o)	6	1
807 KAR 5:063 Section 1(1)(p)	10	
807 KAR 5:063 Section 1(1)(q)	12	9
807 KAR 5:063 Section 1(1)(r)	14, 15	
807 KAR 5:063 Section 1(1)(s)	16, 17	
807 KAR 5:063 Section 1(1)(t)	18(f)	8
807 KAR 5:063 Section 1(2)	11	
807 KAR 5:063 Section 2	6, 7	2
807 KAR 5:063 Section 3	Not Applicable	

TH018:00TH3:10868:1:FRANKFORT