

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3)	
CELLULAR GENERAL PARTNERSHIP FOR)	CASE NO.
ISSUANCE OF A CERTIFICATE OF PUBLIC)	2009-00044
CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A CELL SITE (MUHLENBERG)	
SOUTH) IN RURAL SERVICE AREA #3)	
(MUHLENBERG) OF THE COMMONWEALTH)	
OF KENTUCKY)	

O R D E R

On March 4, 2009, Kentucky RSA #3 Cellular General Partnership (“RSA”) filed an application for a Certificate of Public Convenience and Necessity to construct a wireless communications tower in Muhlenberg County, Kentucky. In its application, RSA proposes to build the tower at a location within the political boundary of a local planning commission that has adopted planning and zoning regulations in accordance with KRS Chapter 100.

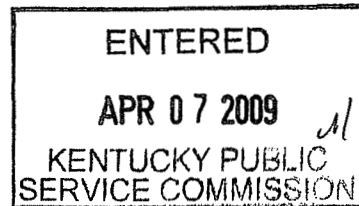
The question of whether or not the Commission has jurisdiction over such an application is currently pending in the matter of *L. Glenn Shadoan, et al. v. Kentucky Public Service Commission, et al.*, Kentucky Supreme Court Case No. 2009-SC-000053-DR. The Commission’s jurisdiction over RSA’s application is largely dependent upon the Supreme Court’s decision.

We find that, to ensure the most efficient and effective use of the resources of the Commission and the parties and to avoid unnecessary costs and proceedings, RSA’s

current application should be held in abeyance pending a decision by the Kentucky Supreme Court. If a decision has not been made within 60 days, RSA may file a motion to request that the Commission revisit this matter.

IT IS THEREFORE ORDERED that this matter shall be held in abeyance for a period of not less than 60 days commencing on the date of this Order and pending a final decision in Kentucky Supreme Court Case No. 2009-SC-000053-DR.

By the Commission



ATTEST:



Executive Director

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