

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|---------------------------------------|---|------------|
| APPLICATION OF POWERTEL/MEMPHIS, INC. |) | |
| D/B/A T-MOBILE KENTUCKY FOR A |) | CASE NO. |
| CERTIFICATE OF PUBLIC CONVENIENCE |) | 2009-00067 |
| AND NECESSITY FOR CONSTRUCTION OF A |) | |
| WIRELESS COMMUNICATIONS FACILITY |) | |

O R D E R

On February 26, 2009, Powertel/Memphis, Inc. d/b/a T-Mobile Kentucky ("T-Mobile") filed an application for a Certificate of Public Convenience and Necessity to construct a wireless communications tower in Henderson, Kentucky. In its application, T-Mobile 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.

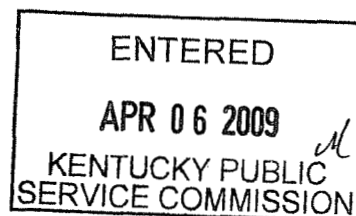
The question of whether or not the Commission has jurisdiction over such an application is currently pending in the matter of *L. Glenn Shadoan, et al. v. Kentucky Public Service Commission, et al.*, Kentucky Supreme Court Case No. 2009-SC-000053-DR. The Commission's jurisdiction over T-Mobile's application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

We find that, in order to ensure the most efficient and effective use of the resources of the Commission and the parties and to avoid unnecessary costs and proceedings, T-Mobile's current application should be held in abeyance pending a

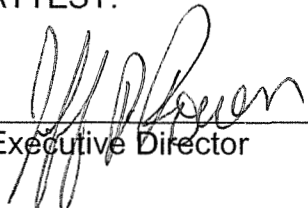
decision by the Kentucky Supreme Court. If a decision has not been made within 60 days, T-Mobile may file a motion to request that the Commission revisit this matter.

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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