

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK)	
LIMITED LIABILITY COMPANY FOR THE ISSUANCE)	CASE NO.
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	2013-00025
AND NECESSITY TO CONSTRUCT A TOWER IN)	
MARTIN COUNTY, KENTUCKY)	

ORDER

On February 8, 2013, East Kentucky Network, LLC, d/b/a Appalachian Wireless (“Applicant”) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 310 feet in height, with attached antenna, to be located on a tract of land off of Stepp Branch, Beauty, Martin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 46’ 53.4” by West Longitude 82° 21’ 26.2”.

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the information contained in the application, the design of the tower and foundation conform to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction and filed evidence of the appropriate

notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. On February 25, 2013, the Commission received a letter from Bethany L. Bowersock on behalf of Lauren Land Company requesting additional time to review the proposed access road and tower location indicated in the application to determine the impact of the proposed construction on Lauren Land Company's coal mining operations in the area. The Commission issued a response letter on March 19, 2013, giving Lauren Land Company ten days to request full intervention in this proceeding if further participation was required. To date the Commission has received no additional correspondence related to this matter.

The Applicant 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 facility. Both decisions are pending.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine 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, the Applicant should notify the Commission if it does not use this antenna tower to provide

service 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 the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 310 feet in height, with attached antenna, and is to be located on a tract of land off of Stepp Branch, Beauty, Martin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 46' 53.4" by West Longitude 82° 21' 26.2".

2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

3. The Applicant 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 three months in the manner authorized by this Order.

4. Documents filed, if any, in the future pursuant to ordering paragraphs 2 and 3 herein shall reference this case number and shall be retained in the utility's general correspondence files.

By the Commission

ENTERED
APR 23 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00025

Gerald Robinette
General Manager
East Kentucky Network, LLC dba Appalachian
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