

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS PCS,)	
LLC FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT A)	
WIRELESS COMMUNICATIONS FACILITY IN THE)	CASE NO.
COMMONWEALTH OF KENTUCKY IN THE COUNTY)	2017-00368
OF GRAVES)	

ORDER

On September 6, 2017, New Cingular Wireless PCS, LLC, a Delaware limited liability company d/b/a AT&T Mobility (“AT&T Mobility”) filed an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 320 feet in height, with attached antennas, to be located at 850 State Route 348 East, Symsonia, Graves County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 55’07.10” by West Longitude 88° 30’26.78”.

AT&T Mobility 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 a licensed professional engineer has certified the plans.

Pursuant to 807 KAR 5:063, AT&T Mobility has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to

807 KAR 5:063, AT&T Mobility has filed evidence that the county judge/executive and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction. The notices solicited any comments and informed the recipients of their right to request intervention.

The Commission has received 22 public comments opposing the construction of this cell tower and five public comments favor construction.¹ Two of the individuals making public comments also sought to intervene: Nancy Roche filed a request to intervene on October 25, 2017, and Jose Flores filed a request to intervene on November 9, 2017. Both Ms. Roche and Mr. Flores stated that they oppose the location of the Symsonia cell tower due to concerns about potential decrease in property value of neighboring properties. Both also acknowledged that there is a problem with cell phone coverage in the surrounding area, but argue that there are more appropriate locations for a cell phone tower.

On November 30, 2017, the Commission filed an Order denying intervention to Ms. Roche and Mr. Flores based upon the standard set forth in 807 KAR 5:001, Section 4(11). The Commission found that Ms. Roche and Mr. Flores failed to provide sufficient evidence to support their assertions, and were, therefore, unlikely to present issues or develop facts that would assist the Commission in considering this matter. The documents filed by Ms. Roche and Mr. Flores seeking intervention were deemed public comments pursuant to the November 30, 2017 Order.

¹ Public Comments: Jose and Pamela Flores, 9/18/17; Steve Heath, 9/20/17; Deltrice Thomasson, 9/21/17; Brenda Thomasson, 9/21/17; Johnny and Barbara Bolten, 9/22/17; George and Jo Ellen Hammel, 9/22/17; Earl and Patsy Roach, 9/22/17; Brent Thurston, 9/22/17; Willodean Tinsley, 9/25/17; Nancy Roche and Mary Roach, 9/25/17; Mae Belle Powell, 9/25/17; Donette Long, 9/25/17; Crystal Reid, 9/25/17; Brad McGregor, 9/25/17; Wanda Cunningham, 9/25/17; Dennis and Marcia Poe, 9/27/17; Karon Banister, 9/27/17; Kathleen Stegman, 9/27/17; Jason Ward, 9/28/17; Steve Fisk, 9/28/17; LaDonna Ward, 9/28/17; Kenneth Barnes, 9/29/17; Robert Robertson, 10/2/17; Terrell Holley, 10/2/17; Michelle Hammel, 10/4/17; Jimmie Johnson, 10/11/17.

AT&T Mobility has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Mobility has demonstrated that a facility is necessary to provide adequate utility service and, therefore, a CPCN 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, AT&T Mobility should notify the Commission if the antenna tower is not used to provide service in the manner set out in the 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 AT&T Mobility.

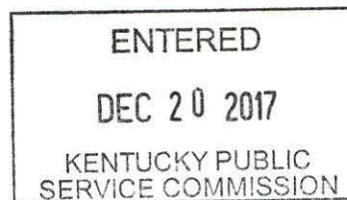
IT IS THEREFORE ORDERED that:

1. AT&T Mobility is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 320 feet in height, with attached antennas, to be located at 850 State Route 348 East, Symsonia, Graves County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 55'07.10" by West Longitude 88° 30'26.78".

2. AT&T Mobility 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.

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

By the Commission



ATTEST:


Executive Director

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