

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK,	)	
LLC FOR THE ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO.
CONSTRUCT A TOWER IN HARLAN COUNTY,	)	2018-00155
KENTUCKY	)	

ORDER

On July 30, 2018, East Kentucky Network, LLC (East Kentucky), filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless communications facility. The proposed facility consists of a 180-foot self-supporting telecommunications tower with attached antennas on a tract of land located at 266 Vanover Hill Road, Coldiron, Harlan County, Kentucky. The coordinates for the proposed facility are 36°49'03.5055" North latitude, 83°29'47.2293" West longitude. East Kentucky states that the proposed construction site is on a mountaintop some feet from the nearest structure and that the site was wooded prior to construction. East Kentucky further states that the property in close proximity is unsuitable for any type of development because of the steep hillside surrounding the proposed site. East Kentucky 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, East Kentucky filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, East Kentucky 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. To date, no public comments have been filed with the Commission.

East Kentucky states that no Federal Communications Commission (FCC) approval is required prior to the construction of the proposed telecommunication facility. East Kentucky asserts that prior approval is not needed because the proposed facility will not increase the size of its cellular geographic service area. East Kentucky informs that it must notify the FCC once service is established from the proposed telecommunication tower.

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that East Kentucky 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, East Kentucky should notify the Commission if this 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 East Kentucky.

IT IS THEREFORE ORDERED that:

1. East Kentucky is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a 180-foot self-supporting telecommunications tower with attached antennas, and is to be located on a tract of land at 266 Vanover Hill Road, Coldiron, Harlan County, Kentucky. The coordinates for the proposed facility are 36°49'03.5055" North latitude, 83°29'47.2293" West longitude.

2. East Kentucky 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 post-case correspondence file.

4. This case is hereby closed and will be removed from the Commission's docket.

By the Commission



ATTEST:

  
Executive Director

Case No. 2018-00155

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