

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK,)	
LLC D/B/A APPALACHIAN WIRELESS FOR THE)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
A CELLULAR TOWER IN THE COMMONWEALTH)	2018-00296
OF KENTUCKY IN THE COUNTY OF BELL)	

ORDER

On September 7, 2018, East Kentucky Network, LLC, d/b/a Appalachian Wireless (Appalachian Wireless) 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 a tower not to exceed 310 feet in height, with attached antennas, to be located at 10568 U.S. HWY 25E, Pineville, Bell County, Kentucky. The coordinates for the proposed facility are North Latitude 36°43'00.5439" by West Longitude 83°40'55.6647".

Appalachian Wireless 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, Appalachian Wireless has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Appalachian Wireless 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.

On September 27, 2018, Charles Asher filed a public comment raising concerns about whether the proposed facility's location encroached on his property and noting a nearby pre-existing tower.¹ On October 5, 2018, Appalachian Wireless filed its reply, which states it met with Mr. Asher, it understands his concerns, and they have been adequately addressed. Appalachian Wireless also explained that, while there is a nearby monopole cellular tower, that pre-existing tower is not suitable to meet its needs. As of the date of this Order, no other public comments and no requests for intervention have been received.

Appalachian Wireless 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 applications are pending.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Appalachian Wireless 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,

¹ Public Comment: Charles Asher, 09/27/2018.

Appalachian Wireless 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 Appalachian Wireless.

IT IS THEREFORE ORDERED that:

1. Appalachian Wireless is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 310 feet in height, with attached antennas, to be located at 10568 U.S. HWY 25E, Pineville, Bell County, Kentucky. The coordinates for the proposed facility are North Latitude 36°43'00.5439" by West Longitude 83°40'55.6647".

2. Appalachian Wireless 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. Appalachian Wireless shall file a copy of the final decision regarding the pending KAZC and FAA applications for the proposed construction within ten days of receiving a decision.

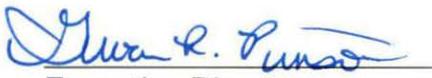
4. Any documents filed in the future pursuant to ordering paragraphs 2 and shall reference this case number and shall be retained in the post-case correspondence file.

5. This case is closed and removed from the Commission's docket.

By the Commission

ENTERED
OCT 26 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00296

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