

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)	
GENERAL PARTNERSHIP FOR APPROVAL TO)	
CONSTRUCT AND OPERATE A NEW CELL)	
FACILITY TO PROVIDE CELLULAR RADIO)	CASE NO.
SERVICE (FORDSVILLE) IN RURAL SERVICE)	2019-00177
AREA #3 (OHIO COUNTY) OF THE)	
COMMONWEALTH OF KENTUCKY)	

ORDER

On July 15, 2019, Kentucky RSA #3 Cellular General Partnership, (Kentucky RSA #3) submitted 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 190 feet in height, with attached antennas, to be located at 415 Ridge Road, Fordsville, Ohio County, Kentucky. The coordinates for the proposed facility are North Latitude 37°38'33" by West Longitude 86°42'46".

The application submitted by Kentucky RSA #3 was devoid of any mention of the Kentucky Airport Zoning Commission. Pursuant to 807 KAR 5:063, Section 1(1)(b), all applications seeking a CPCN to construct and operate a wireless telecommunications facility filed with the Commission shall include a copy of the utility's applications to the Federal Aviation Administration and the Kentucky Airport Zoning Commission (KAZC). On July 17, 2019, Kentucky RSA #3 was notified of this filing deficiency by letter.

On July 29, 2019, the Commission received Kentucky RSA #3's response that cited 602 KAR 50:070, Section 2(2)(a) indicating a tower of fewer than 200 feet does not

constitute an “obstacle to air navigation” and is therefore not subject to KAZC jurisdiction under 602 KAR 50:30, Section 2(2).

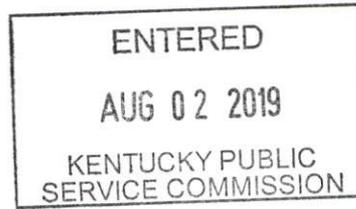
The application now meets the minimum filing requirements and is accepted for filing as of the date of this Order. In all future applications for a CPCN to construct a wireless telecommunications facility, Kentucky RSA #3 shall state plainly in its initial filing whether KAZC approval is required, and if not, provide the reason KAZC approval is not required.

IT IS THEREFORE ORDERED that:

1. Kentucky RSA #3’s application for a CPCN to construct a wireless telecommunications facility to be located at 415 Ridge Road, Fordsville, Ohio County, Kentucky, North Latitude 37°38’33” by West Longitude 86°42’46”, is cured of all filing deficiencies, and is accepted for filing as of the date of this Order.

2. Kentucky RSA #3 shall state in any future filings for a CPCN to construct a wireless telecommunications facility whether KAZC approval is required, and if not, provide the reason.

By the Commission



ATTEST:


Executive Director

*Felix Sharpe
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Kentucky RSA #3 Cellular General Partnership,
2902 Ring Road
P. O. Box 5012
 Elizabethtown, KY 42701

*Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202