

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF VERTICAL BRIDGE)	
DEVELOPMENT, LLC AND POWERTEL/MEMPHIS,)	
INC. FOR ISSUANCE OF A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY TO)	2019-00359
CONSTRUCT A WIRELESS COMMUNICATIONS)	
FACILITY AT 5698 WINCHESTER ROAD, IRVINE)	
KY 40336 ESTILL COUNTY)	

ORDER

On November 13, 2019, Vertical Bridge Development, LLC, (Vertical Bridge Development) and Powertel/Memphis, Inc., (Powertel/Memphis) tendered an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility. The Commission accepted the application for filing on November 25, 2019.¹ The proposed facility consists of a tower not to exceed 290 feet in height, with attached antennas, to be located at 5698 Winchester Road (KY Hwy 89), Irvine, Estill County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 46' 56.75" by West Longitude 84° 00' 01.12".

Vertical Bridge Development and Powertel/Memphis have 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

¹ Vertical Bridge Development and Powertel/Memphis tendered their application on November 13, 2019. By letter dated November 19, 2019, the Commission rejected the application due to filing deficiencies. Vertical Bridge Development and Powertel/Memphis subsequently cured the deficiencies and the application was deemed filed as of November 25, 2019.

professional engineer has certified the plans. Pursuant to 807 KAR 5:063, Vertical Bridge Development and Powertel/Memphis have filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Vertical Bridge Development and Powertel/Memphis have 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. As of the date of this Order, no public comments or requests for intervention have been received.

Vertical Bridge Development and Powertel/Memphis 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 Vertical Bridge Development and Powertel/Memphis have 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, Vertical Bridge Development and Powertel/Memphis 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 Vertical Bridge Development and Powertel/Memphis.

IT IS THEREFORE ORDERED that:

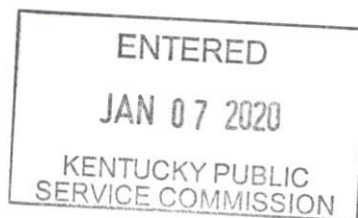
1. Vertical Bridge Development and Powertel/Memphis are granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 290 feet in height, with attached antennas, to be located at at 5698 Winchester Road (KY Hwy 89), Irvine, Estill County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 46' 56.75" by West Longitude 84° 00' 01.12".

2. Vertical Bridge Development and Powertel/Memphis 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 paragraphs 2 herein shall reference this case number and shall be retained in the post-case correspondence file.

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

By the Commission



ATTEST:


Executive Director

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