

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC, D/B/A AT&T MOBILITY FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY TO CONSTRUCT A WIRELESS)	2019-00001
COMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF TODD)	

ORDER

On January 3, 2019, 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 wireless facility would consist of a tower not to exceed 270 feet in height, with attached antennas, to be located near Highland Lick Road in Elkton, Kentucky. The coordinates for the proposed facility are North Latitude 36°55'44.35" by West Longitude 87°12'55.70".¹

AT&T Mobility filed applications with the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed wireless facility at the proposed location. The FAA issued a determination that there was no hazard to air traffic, but the Kentucky Airport Zoning Commission had not yet made a determination as of the time this matter was filed.² AT&T

¹ Application at 3.

² *Id.* at 4, Exhibit E and Exhibit F.

Mobility filed statements indicating it provided the required notifications regarding the proposed construction pursuant to 807 KAR 5:063.³

AT&T Mobility indicated that its radio frequency engineers conducted radio frequency studies and tests and selected the location and elevation for the proposed wireless facility in a manner designed to efficiently handle voice and data traffic in the service area.⁴ AT&T Mobility provided a map of the area within which it contends the tower must be located pursuant to the radio frequency requirements as determined by its engineers and indicated that the tower would be constructed in that area.⁵ AT&T Mobility indicated that there was no reasonable opportunity for co-location on a nearby tower.⁶ AT&T Mobility stated that the proposed wireless facilities would serve as a necessary link in its wireless communications network that is designed to serve increasing demand and indicated that was necessary to provide quality service and capacity to the area.⁷

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that AT&T Mobility has demonstrated that a facility is necessary to provide adequate utility service and, therefore, the CPCN to construct the proposed facility should be granted. However, 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

³ *Id.* at 6, Exhibit J, Exhibit K, and Exhibit L.

⁴ Application at 7.

⁵ *Id.* at 7, Exhibit N.

⁶ *Id.* at 4.

⁷ *Id.* at 2–3, 7–8.

unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Mobility should notify the Commission within a reasonable time 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.

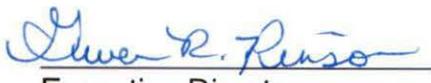
IT IS THEREFORE ORDERED that:

1. AT&T Mobility is granted a CPCN to construct the proposed wireless telecommunications facility. The proposed wireless facility would consist of a tower not to exceed 270 feet in height, with attached antennas, to be located near Highland Lick Road in Elkton, Kentucky. The coordinates for the proposed facility are North Latitude 36°55'44.35" by West Longitude 87°12'55.70".
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. AT&T Mobility shall file a copy of the final decision regarding the pending Kentucky Airport Zoning Commission application upon receipt.
4. Documents filed in the future pursuant to ordering paragraphs 2 or 3 herein shall reference this case number and shall be retained in the post-case correspondence file.
5. This case is hereby closed and will be removed from the Commission's docket.

By the Commission

ENTERED
MAR 27 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00001

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