

Matthew G. Bevin  
Governor

Charles G. Snavelly  
Secretary  
Energy and Environment Cabinet



Commonwealth of Kentucky  
**Public Service Commission**

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Michael J. Schmitt  
Chairman

Robert Cicero  
Vice Chairman

Talina R. Mathews  
Commissioner

July 17, 2019

**PARTIES OF RECORD**

RE: Case No. **2019-00042**

The Commission staff has reviewed the application in the above case and finds that it meets the minimum filing requirements and has been accepted for filing.

Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502-564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Gwen R. Pinson".

Gwen R. Pinson  
Executive Director

GP/BB

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED

JUL 15 2019

PUBLIC SERVICE  
COMMISSION

**In the Matter of:**

**APPLICATION OF CUMBERLAND CELLULAR  
PARTNERSHIP FOR ISSUANCE OF  
A CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO CONSTRUCT A CELL SITE  
(ALBANY CAPACITY 2) IN RURAL SERVICE AREA #5  
(CLINTON) OF THE COMMONWEALTH  
OF KENTUCKY**

**CASE NO. 2019-00042**

**FILED**

JUL 15 2019

PUBLIC SERVICE  
COMMISSION

**APPLICATION FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY (ALBANY CAPACITY 2)**

Cumberland Cellular Partnership (“Cumberland Cellular”), through counsel, pursuant to KRS 278.020 and 278.040, hereby submits this application for a certificate of public convenience and necessity to construct a cell site to be known as the Albany Capacity 2 cell site in and for rural service area (“RSA”) #5 of the Commonwealth of Kentucky, namely the counties of Barren, Monroe, Metcalfe, Adair, Cumberland, Russell, Clinton, Wayne, McCreary and Hart, Kentucky.

1. Pursuant to the FCC Order, Docket No. 08-165, dated November 18, 2009, ¶ 32, pp. 11 & 12, the Commission has 150 days to process this application for a certificate of public convenience and necessity to construct a cell tower facility. If the Commission fails to act upon this application within 150 days, then Cumberland Cellular may seek redress with the U.S.

District Court for the Eastern District of Kentucky.<sup>1</sup>

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<sup>1</sup>In the Matter of: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify all Wireless Siting Proposals as Requiring a Variance, FCC Order, Docket No. 08-165, November 18, 2009, pp 11 and 12. (“Specifically, we find that a “reasonable period of time” is, presumptively 90 days to process personal wireless service facility siting applications requesting collocations, and, also presumptively, 150 days to process all other applications. (Relevant pages attached as Exhibit “L”). Accordingly, if State or local governments do not act upon applications within those timeframes, then a “failure to act” has occurred and personal wireless service providers may seek redress in a court of competent jurisdiction within 30 days, as provided in Section 332(c)(7)(B)(v).”) See also Order Denying Motion for Reconsideration, issued August 4, 2010.

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