

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)	2019-00211
COMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF MARION)	

ORDER

This matter arises on a motion for a further extension of time filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T Mobility). On June 26, 2019, AT&T Mobility filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility. On July 11, 2019, the Commission issued a deficiency letter (Letter) rejecting AT&T Mobility's application and requesting that AT&T Mobility submit the information necessary to cure the deficiencies within ten days of the Letter. On July 17, 2019, AT&T Mobility filed a motion requesting additional time to tender necessary documents to cure the filing deficiencies through August 5, 2019. On July 25, 2019, the Commission issued an order granting AT&T Mobility's motion to tender necessary documents to cure the filing deficiencies on or before August 5, 2019.

On August 2, 2019, AT&T Mobility filed a motion requesting a further extension of time to tender necessary documents to cure the filing deficiencies and to hold the matter in abeyance until the necessary documents are tendered to cure the filing deficiencies.

Based upon the motion and case record, and being otherwise sufficiently advised, the Commission finds that AT&T Mobility established good cause to hold this case in abeyance until AT&T Mobility files the necessary documents. However, under federal law,¹ state regulatory agencies have 150 days for processing a wireless telecommunication facility's siting application. Thus, the Commission further finds that a ruling on this motion should be held in abeyance pending AT&T Mobility filing notice whether it agrees that the 150 days should be tolled while this case is held in abeyance.

IT IS THEREFORE ORDERED that:

1. AT&T Mobility's motion for an extension of time is held in abeyance.
2. Within ten days of the date of this Order, AT&T Mobility shall file with the Commission notice whether it agrees to toll the 150 days for processing this case while this case is held in abeyance pending AT&T Mobility filing the necessary documents to satisfy the filing requirements.

¹ 47 U.S.C. Sections 253, 332(c)(7); *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7) to Ensure Timely Siting Review, Declaratory Ruling*, 24 FCC Rcd 13994, 14016, para. 56 (2009) aff'd, *City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012), aff'd, 133 S. Ct. 1863, 569 290 (2013).

By the Commission

ENTERED
AUG 13 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00211

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