

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)
AND NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY IN THE)
COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF MARION)

CASE NO.
2019-00211

ORDER

On June 27, 2019, New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T Mobility) tendered for filing 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 199 feet in height, with attached antennas, to be located at 325 Hourigan Lane, Lebanon, Marion County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 35' 12.75" by West Longitude 85° 07' 18.78".

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 on or about 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 about 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 such time as the necessary documents are tendered to cure the filing deficiencies. On August 13, 2019, the Commission issued an order granting AT&T Mobility's motion to hold the matter in abeyance and requested that AT&T Mobility file a notice that it agreed to toll the 150 days for processing a wireless telecommunication facility's siting application pursuant to federal law. On August 14, 2019, AT&T Mobility filed a notice whereby it agreed to toll the 150 days for processing its application while the case was held in abeyance pending AT&T Mobility tendering the necessary documents to cure the filing deficiencies.

On October 4, 2019, AT&T Mobility filed its Second Response to Notice of Filing Deficiency. AT&T Mobility provided a geotechnical report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations, pursuant to 807 KAR 5:063, Section 1(1)(d). AT&T Mobility also provided revised and updated tower and foundation design plans with a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in Kentucky, pursuant to 807 KAR 5:063, Section 1(1)(j).

The application now meets the minimum filing requirements. The Commission hereby lifts the abeyance and accepts for filing AT&T Mobility's application as of the date of this Order.

IT IS THEREFORE ORDERED that:

1. The Commission lifts the abeyance.

2. AT&T Mobility's application for a CPCN to construct a wireless telecommunications facility to be located at 325 Hourigan Lane, Lebanon, Marion County, Kentucky, North Latitude 37° 35' 12.75" by West Longitude 85° 07' 18.78", is cured of all filing deficiencies, and is accepted for filing as of the date of this Order.

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By the Commission



ATTEST:


Executive Director

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