

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)
GENERAL PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 90-307
NECESSITY TO PROVIDE DOMESTIC PUBLIC)
CELLULAR TELECOMMUNICATIONS SERVICE TO)
THE PUBLIC IN RURAL SERVICE AREA #3)
(MEADE) OF THE COMMONWEALTH OF KENTUCKY)

O R D E R

On October 31, 1990, Kentucky RSA #3 Cellular General Partnership ("RSA #3 Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications system for the Rural Service Area #3 ("RSA #3") in Kentucky. RSA #3 Cellular seeks authority to construct cellular towers in Cloverport, Guston, Hardinsburg, Beda, Leitchfield, Renfrow, Central City, Morgantown, Bowling Green, Elkton, Russellville, Franklin, and Scottsville, Kentucky.

On November 29, 1990, the Commission ordered RSA #3 Cellular to file additional information and to give written notice of the proposed construction to each resident and property owner within a 500 foot radius of each proposed tower site. On January 2, 1991, RSA #3 Cellular filed an affidavit verifying that notice of the Bowling Green cell site had been sent. The Commission received 6

comments and protests regarding the Bowling Green site and intervention was granted. On January 3, 1991, RSA #3 Cellular subsequently filed the information requested by the Commission relating to the Bowling Green cell site.

On January 25, 1991, RSA #3 Cellular filed a motion requesting interim authority to construct and operate the Bowling Green cell site. The motion also requested that, with regard to the other cell sites, the Commission incorporate the information already on file relating to the financial, managerial, and technical expertise of RSA #3 Cellular and require the filing of only site-specific technical information.

The proposed Bowling Green cell site consists of a 387 foot antenna tower to be located at 710 Kitchens Road South in Bowling Green, Kentucky. Information has been provided regarding the structure of this tower, safety measures, and antenna design criteria. The tower's design conforms to all standard engineering codes and the tower should withstand high winds, tornadoes, and earthquakes. If extreme weather conditions cause the tower to fall, the tower is so designed that it should bend along its length and fold upon itself in the general vicinity of its base.

Pursuant to KRS 100.324(1), the proposed cell site construction is exempt from local zoning ordinances. RSA #3 Cellular has filed applications with the Federal Communications Commission, Federal Aviation Administration, and Kentucky Airport Zoning Commission seeking requisite operation and construction approvals. These applications have been approved.

Intervention was requested by and granted to owners of property in proximity to the Bowling Green cell site. A hearing was held at the Commission's offices on March 8, 1991. None of the intervenors appeared at the hearing.

Based on the evidence of record, and being advised, the Commission hereby finds that RSA #3 Cellular has the financial, managerial, and technical expertise to operate a cellular telecommunications system in RSA # 3, encompassing the counties of Meade, Breckinridge, Hancock, Ohio, Grayson, Muhlenburg, Butler, Edmonson, Todd, Logan, Warren, Simpson, and Allen, Kentucky. A Certificate of Public Convenience and Necessity to construct the Bowling Green cell site should be granted.

While the pending application seeks authority to construct several cell sites, information has been provided for only one. If, within 30 days from the date of this order, RSA #3 Cellular provides all the information previously requested for any of the other sites, those sites will be considered in this case. Otherwise, a new application will be necessary but no additional evidence of the financial, managerial, or technical qualification of RSA #3 Cellular need be filed.

IT IS THEREFORE ORDERED that:

1. RSA #3 Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA #3.

2. RSA #3 Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct a 387

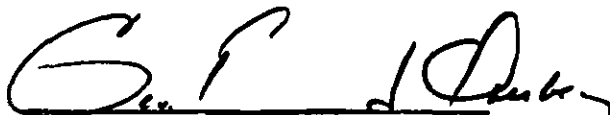
foot antenna tower at 710 Kitchens Road South in Bowling Green, Warren County, Kentucky, and switching facilities.

3. RSA #3 Cellular's motion for an interim certificate to begin construction of the Bowling Green cell site be and it hereby is denied as being moot.


4. The proposed tariff sheets filed with the application are hereby approved. Within 30 days from the date of this Order, RSA #3 Cellular shall file its tariff sheets in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 1st day of April, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director