

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4 CELLULAR)
GENERAL PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT ADDITIONAL CELL)
SITES FOR USE IN CONNECTION WITH THE) CASE NO. 91-132
APPLICANT'S OPERATION OF A CELLULAR)
TELECOMMUNICATIONS SYSTEM IN RURAL)
SERVICE AREA #4 OF THE COMMONWEALTH OF)
KENTUCKY)

O R D E R

On April 24, 1991, Kentucky RSA #4 Cellular General Partnership ("RSA #4 Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate 2 additional cellular radio telecommunications towers for Rural Service Area #4 ("RSA #4"). RSA #4 includes Hardin, Nelson, Spencer, Anderson, Mercer, Washington, Marion, Taylor, Green, and Larue counties in Kentucky.

The Commission previously granted RSA #4 Cellular authority to provide cellular services in the RSA #4 and to construct cell sites in Radcliff, Bardstown, and Elizabethtown, Kentucky. The proposed new cell sites will be located in Harrodsburg and Lawrenceburg, Kentucky. The proposed Lawrenceburg cell site consists of a 299 foot antenna tower to be located at 1520 Glensboro Road in Lawrenceburg, Kentucky.

On May 14, 1991, the Commission ordered RSA #4 Cellular to file additional information. On June 3, 1991, RSA #4 Cellular filed its response.

RSA #4 Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed Lawrenceburg tower. Based upon the application, the tower and foundation appear to meet the criteria of the Building Officials and Code Administrators International, Inc. ("BOCA") National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site construction is exempt from local zoning ordinances. RSA #4 Cellular has filed applications with the Federal Communications Commission ("FCC"), Federal Aviation Administration ("FAA"), and Kentucky Airport Zoning Commission ("KAZC") seeking approval for the operation and construction of the proposed cell site. The FCC and FAA have already approved the applications. The KAZC's applications are still pending.


RSA #4 Cellular has notified each property owner and each resident within 500 feet of the proposed cell sites that: (1) an application to construct a cellular tower was pending at the Commission; (2) comments on the proposed construction were invited; and (3) intervention could be requested by contacting the Commission. No requests for intervention were received regarding the Lawrenceburg cell site. However, the Commission received one


correspondence from a property owner who requested clarification of the exact location of the proposed Lawrenceburg tower in relation to his property. The Commission ordered RSA #4 Cellular to respond to this property owner and on May 16, 1991, a copy of its response was filed. Protests were received and intervention granted on the Harrodsburg cell site. A hearing was scheduled on the Harrodsburg cell site and, accordingly, the Commission will defer a decision on this cell site.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that RSA #4 Cellular be and it hereby is granted a certificate of Public Convenience and Necessity to construct and operate a 299 foot cellular telecommunications antenna tower at 1520 Glensboro Road in Lawrenceburg, Anderson County, Kentucky.

Done at Frankfort, Kentucky, this 3rd day of July, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director