

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF PETRY TELEVISION, )  
INC. FOR ISSUANCE OF A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO PROVIDE DOMESTIC PUBLIC CELLULAR )  
RADIO TELECOMMUNICATIONS SERVICE TO )  
THE PUBLIC IN KENTUCKY RURAL SERVICE ) CASE NO. 91-351  
AREA NO. 8, WHICH INCLUDES BATH, )  
BRACKEN, FLEMING, LEWIS, MASON, )  
MENIFEE, MONTGOMERY, NICHOLAS, )  
ROBERTSON AND ROWAN COUNTIES, )  
KENTUCKY, ANY OTHER NECESSARY )  
APPROVAL, AND ESTABLISHMENT OF )  
INITIAL RATES )

O R D E R

On September 26, 1991, Petry Television, Inc. ("Petry") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Rural Service Area No. 8 ("RSA No. 8"), and for approval of its initial rates. RSA No. 8 includes Bath, Bracken, Fleming, Lewis, Mason, Menifee, Montgomery, Nicholas, Robertson and, Rowan counties in Kentucky.

The proposed cell site consists of a 300 foot guyed tower to be located approximately 0.9 miles southeast of Owingsville, Kentucky, and 0.6 miles north of the intersection of Interstate 64 and State Route 36 (the "Owingsville site"). There are no structures within a 500 foot radius of the proposed tower. Petry has

notified all property owners within 500 feet of the proposed site and has received no comments.

Petry has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed tower. Based upon the application, the tower and foundation design 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's construction is exempt from local zoning ordinances. Petry has filed application 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. Petry's applications to the FCC and KAZC have approval, while the application filed with the FAA is still pending.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Petry be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 300 foot cellular telecommunications antenna tower at the Owingsville site in Bath County, Kentucky.

2. Petry be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA No. 8.

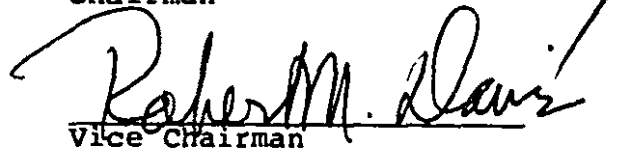
3. The rates proposed in Petry's tariff be and they hereby are approved.

4. Within 30 days from the date of this Order, Petry shall file its tariff setting forth the rates approved herein and its rules and regulations in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 6th day of December, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director