

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CELLULAR PHONE OF )  
KENTUCKY, INC. FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT ADDITIONAL ) CASE NO. 92-401  
CELL FACILITIES IN KENTUCKY RURAL )  
SERVICE AREA NO. 6(B1) )

O R D E R

On September 24, 1992, Cellular Phone of Kentucky, Inc. ("Cellular Phone of Ky.") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 6(B1) ("RSA No. 6(B1)"). RSA No. 6(B1) includes Laurel, Rockcastle and Pulaski counties. Cellular Phone of Ky. has requested authorization to construct a cell site in Mount Vernon and Pongo in Rockcastle County. Contel Cellular of Louisville, Inc. ("Contel Cellular") was previously granted authority to operate a cellular radio telecommunications system in RSA No. 6(B1) in Case No. 91-408.<sup>1</sup> Contel Cellular transferred this authority to

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<sup>1</sup> Case No. 91-408, Application of Contel Cellular of Louisville, Inc. for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications in Kentucky Rural Service Area No. 6(B1).

to Rural Cellular Communications, Inc. ("Rural Cellular") in Case No. 91-458.<sup>2</sup> Rural Cellular then transferred this authority to Cellular Phone of Ky. in Case No. 92-079.<sup>3</sup>

The proposed Mount Vernon cell site consists of a 360 foot or less guyed antenna tower to be located on the west side of Burdette Road approximately two miles north of Renfro Valley in Rockcastle County, Kentucky ("the Mount Vernon site"). The coordinates for the Mount Vernon site are North Latitude 37° 24' 34" by West Longitude 84° 19' 48".

The proposed Pongo cell site consists of a 280 foot or less guyed antenna tower to be located approximately 1.6 miles east of the community of Pongo in Rockcastle County, Kentucky ("the Pongo site"). The coordinates for the Pongo site are North Latitude 37° 13' 06" by West Longitude 84° 17' 31".

Cellular Phone of Ky. has provided information regarding the structure of these towers, safety measures, and antenna design criteria. Based upon the application, the tower foundation designs appear to meet the criteria of the Building Officials and Code Administrators Internationally, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

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<sup>2</sup> Case No. 91-450, The Joint Application of Contel Cellular of Louisville, Inc. and Rural Cellular Communications, Inc. for Approval of the Transfer and Acquisition of Cellular Telephone Assets in Kentucky Rural Service Area No. 6(B1) and the Financing Thereof.

<sup>3</sup> Case No. 92-079, The Joint Application of Rural Cellular Communications, Inc. and Cellular Phone of Kentucky, Inc. for Approval of the Transfer and Acquisition of Cellular Telephone Assets in Kentucky Rural Service Area 6(B1) and the Financing of the Construction of the Cellular System.

Pursuant to KRS 100.324(1), the Mount Vernon and Pongo cell sites' construction are exempt from local zoning ordinances. Cellular Phone of Ky. has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Mount Vernon and Pongo cell sites. For both of these sites, Cellular Phone of Ky. has received approval from the FCC, while the KAZC and FAA approvals are still pending.

Cellular Phone of Ky. has filed notices verifying that each property owner and/or resident within 500 feet of the Mount Vernon and Pongo cell sites have been notified of the pending construction. The notices solicited any comments and informed the property owner and/or resident of their right to intervene. To date, no intervention requests have been received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Cellular Phone of Ky. should be granted a Certificate of Public Convenience and Necessity to construct and operate the Mount Vernon and Pongo cell sites in RSA No. 6(B1) under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Cellular Phone of Ky. be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 360 foot or less guyed cellular radio telecommunications antenna tower in RSA No. 6(B1) to be located on the west side of Burdette Road approximately two miles north of Renfro Valley in

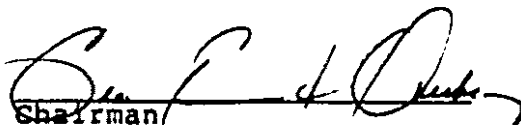
Rockcastle County, Kentucky. The coordinates for the Mount Vernon site are North Latitude 37° 24' 34" by West Longitude 84° 19' 48".


2. Cellular Phone of Ky. be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 280 foot or less guyed cellular radio telecommunications antenna tower in RSA No. 6(B1) to be located approximately 1.6 miles east of the community of Pongo in Rockcastle County, Kentucky. The coordinates for the Pongo cell site are North Latitude 37° 13' 06" by West Longitude 84° 17' 31".

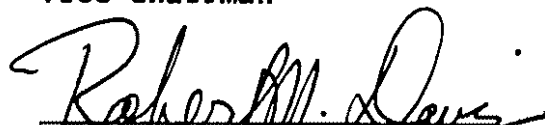
3. Cellular Phone of Ky. shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the Mount Vernon and Pongo cell sites within 10 days of receiving these decisions.

Done at Frankfort, Kentucky, this 16th day of November, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director