

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FIRST KENTUCKY CELLULAR CORPORATION, A )  
DELAWARE CORPORATION D/B/A CELLULAR )  
TELEPHONE COMPANY OF KENTUCKY, FOR THE )  
ISSUANCE OF A CERTIFICATE OF PUBLIC ) CASE NO. 92-035  
CONVENIENCE AND NECESSITY FOR THE )  
OPERATION AND CONSTRUCTION OF A TOWER )  
AT THE LOCATION OF THE MTSO )

O R D E R

On September 2, 1992, First Kentucky Cellular Corporation ("First Kentucky") filed a request for a rehearing of the Commission's August 13, 1992 Order which denied First Kentucky's application for a Certificate of Public Convenience and Necessity to construct a cellular telecommunications antenna tower at the site of its Mobile Telephone Switching Office ("MTSO"). On September 22, 1992, the Commission granted First Kentucky's request for rehearing. The Commission held a hearing on January 12, 1993 at the Commission's offices in Frankfort for the purpose of considering the issues discussed in the Commission's September 22, 1992 Order granting a rehearing including but not limited to alternative cell site locations, necessity of the proposed construction to the operation of the system, and public safety.


In accordance with KRS 278.400, a party, upon rehearing, may offer additional evidence that could not with reasonable diligence have been offered at the former hearing. The Commission has reviewed the evidence presented by First Kentucky on rehearing and

finds that it has failed to offer any additional evidence which clearly and satisfactorily supports the necessity of the proposed tower's construction either for financial or technical reasons. The Commission further finds that First Kentucky has failed to provide additional evidence upon rehearing which would change the Commission's previous finding that there are significant safety concerns associated with this site. These concerns include the close proximity of the proposed MTSO cell site to high voltage transmission lines and inhabited dwellings.

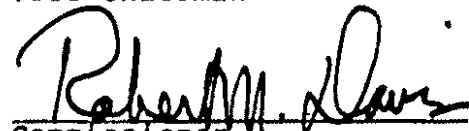
IT IS THEREFORE ORDERED that the Commission's August 13, 1992 Order denying First Kentucky's application for a Certificate of Public Convenience and Necessity to construct a tower at the site of its MTSO be and it hereby is affirmed.

Done at Frankfort, Kentucky, this 11th day of May, 1993.

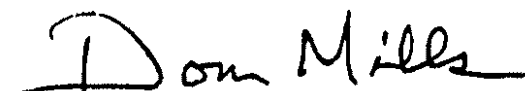
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director