

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CENTRAL KENTUCKY CELLULAR)
TELEPHONE COMPANY FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL CELL) CASE NO. 92-330
FACILITY IN THE LOUISVILLE, KENTUCKY)
METROPOLITAN STATISTICAL AREA (BUECHEL)
CELL FACILITY))

O R D E R

On April 22, 1993, the Intervenors filed with the Commission a motion to dismiss the application of Central Kentucky Cellular Telephone Company ("Central Kentucky Cellular") for failure to provide proper notice to property owners and residents within a radius of 500 feet of the proposed site. The Intervenors contend that Central Kentucky Cellular failed to provide notice to Norfolk Southern Corporation ("Norfolk Southern"), owner of the railway located within 500 feet of the proposed tower. Instead, Central Kentucky Cellular had notified CSX Transportation, Inc.


On May 4, 1993, the Commission received Central Kentucky Cellular's response to the Intervenors' motion to dismiss. Central Kentucky Cellular states that Norfolk Southern has no objection to the construction of a tower on the proposed site, based on correspondence from T. J. Galvin, Manager of Communications Engineering for Norfolk Southern. A copy of this correspondence is attached to Central Kentucky Cellular's response.

After reviewing the motion and response and being sufficiently advised, the Commission finds that Norfolk Southern, the property owner of the railway located within 500 feet of the proposed site, has been notified by Central Kentucky Cellular and has no objection. Accordingly, the issue of notice is moot.

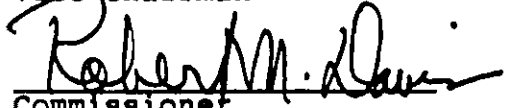
IT IS THEREFORE ORDERED that the motion to dismiss be and it hereby is denied.

Done at Frankfort, Kentucky, this 3rd day of June, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:



Executive Director