

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)
GENERAL PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A CELLULAR CELL) CASE NO. 92-446
SITE (BRANDENBURG) IN RURAL SERVICE)
AREA #3 (MEADE) OF THE COMMONWEALTH OF)
KENTUCKY)

O R D E R

On October 20, 1992, Kentucky RSA #3 Cellular General Partnership ("Kentucky RSA #3 Cellular") 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. 3 ("RSA No. 3"). RSA No. 3 includes Meade, Breckinridge, Hancock, Ohio, Grayson, Muhlenberg, Butler, Edmonson, Todd, Logan, Warren, Simpson, and Allen counties. Kentucky RSA #3 Cellular has requested authority to construct a cell site in Brandenburg, Kentucky. Kentucky RSA #3 Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 3 in Case No. 90-307.¹

The proposed cell site consists of a 180-foot or less self-supporting antenna tower to be located at 640 Christian Church Road, Brandenburg, Kentucky ("the Brandenburg Cell Site"). The

¹ Case No. 90-307, Application of Kentucky RSA #3 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Cellular Telecommunications Service to the Public in Rural Service Area #3 (Meade) of the Commonwealth of Kentucky.

coordinates for the Brandenburg site are North Latitude 37° 59' 17" by West Longitude 86° 08' 53".

Kentucky RSA #3 Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Brandenburg Cell Site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building and Code Administrators International, Inc. National Building Code with reference to earthquake, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Brandenburg Cell Site's construction is exempt from local zoning ordinances. Kentucky RSA #3 Cellular has filed an application and received approval from the Federal Communications Commission. Approvals from the Federal Aviation Administration and the Kentucky Airport Zoning Commission are not required for this site due to the height of the tower being less than 200 feet.

Kentucky RSA #3 Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Brandenburg Cell Site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. The Commission received a protest letter from Andrea J. Macias and Teresa M. Graff on November 2, 1992 and one from Evelyn Muessle on November 5, 1992. Kentucky RSA #3 Cellular was ordered by the Commission to respond to these letters and also informed Ms. Macias, Ms. Graff,


and Ms. Muessle of their right to intervene within 20 days. To date, no intervention request has been received.

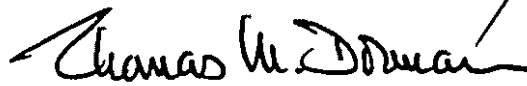
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky RSA #3 Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Brandenburg Cell Site in RSA No. 3 under its previously approved tariff.

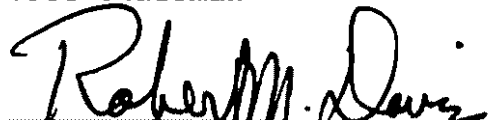
IT IS THEREFORE ORDERED that Kentucky RSA #3 Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 180-foot or less self-supporting cellular radio telecommunications antenna tower in RSA No. 3 to be located at 640 Christian Church Road, Brandenburg, Kentucky. The coordinates for the Brandenburg Cell Site are North Latitude 37° 59' 17" by West Longitude 86° 08' 53".

Done at Frankfort, Kentucky, this 12th day of January, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director