

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SOUTHERN OHIO )  
TELEPHONE COMPANY FOR COMMISSION ) CASE NO. 92-465  
APPROVAL TO CONSTRUCT A CELL SITE IN )  
BOONE COUNTY, KENTUCKY )

O R D E R

On November 4, 1992, Southern Ohio Telephone Company ("Southern Ohio Telephone") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Cincinnati Metropolitan Statistical Area ("Cincinnati MSA"). The Cincinnati MSA includes Boone, Campbell, and Kenton counties of Kentucky. Southern Ohio Telephone has requested authorization to construct a cell site in Boone County, Kentucky. Southern Ohio Telephone was previously granted authority to operate a cellular radio telecommunications system in the Cincinnati MSA in Case No. 9462.<sup>1</sup> The proposed cell site consists of a monopole not to exceed 142 feet in height, with attached antennas, to be located at 7500 Turfway Road, Florence, Boone County, Kentucky. The coordinates

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<sup>1</sup> Case No. 9462, The Application of the Southern Ohio Telephone Company for the Issuance of a Certificate of Public Convenience and Necessity to Provide a New Domestic Public Cellular Radio Telecommunications Service to the Public in the Greater Cincinnati Metropolitan Area Including All or Parts of Butler, Clermont, Hamilton and Warren Counties in Ohio, Boone, Campbell, Gallatin, Grant, Kenton, Ohio, and Pendleton Counties in Kentucky and Dearborn, Franklin and Switzerland Counties in Indiana.

for the proposed cell site are North Latitude 39° 01' 18" by West Longitude 84° 38' 01".

Southern Ohio Telephone has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed cell site. 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. However, Southern Ohio Telephone has notified the Boone County Planning Commission of the proposed construction. Southern Ohio Telephone has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed cell site. Both applications have been approved. Application to the Federal Communications Commission is not required for the proposed cell site.

Southern Ohio Telephone has filed notices verifying that each property owner and/or resident within 500 feet of the proposed cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of his right to intervene. There is only one property owner within 500 feet of the proposed cell site. The property

owner responded to the notice by stating that he had no objection to the proposed construction.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Southern Ohio Telephone should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Southern Ohio Telephone.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Southern Ohio Telephone should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Cincinnati MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

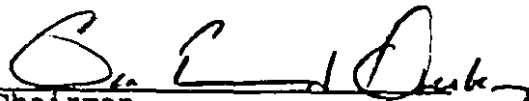
1. Southern Ohio Telephone be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site consisting of a monopole not to exceed 142 feet in height, with attached antennas, to be located at 7500 Turfway Road, Florence, Boone County, Kentucky. The

coordinates for the proposed cell site are North Latitude 39° 01' 18" by West Longitude 84° 38' 01".

2. Southern Ohio Telephone shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 28th day of January, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director