

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SOUTHERN OHIO )  
TELEPHONE COMPANY FOR PERMISSION TO ) CASE NO. 92-544  
CONSTRUCT A CELL SITE IN THE CITY OF )  
WALTON, KENTUCKY )

O R D E R

On December 10, 1992, Southern Ohio Telephone Company ("Southern Ohio Telephone"), d/b/a Cellular One, 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 self-supporting tower, with attached antennas, not to exceed 300 feet in height to be located on Lot No. 5 of the

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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.

International Industrial Park in Walton, Boone County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 51' 58" by West Longitude 84° 37' 55".

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 ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. Both of these applications are still pending.

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 their right to intervene. No responses have been received.

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:

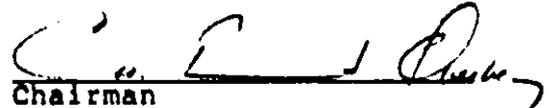
1. Southern Ohio Telephone be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a self-supporting cellular radio telecommunications antenna tower in the Cincinnati MSA to be located on Lot No. 5 of the International Industrial Park in Walton, Boone County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 51' 58" by West Longitude 84° 37' 55".

2. Southern Ohio Telephone shall file copies of the final decisions regarding its pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.

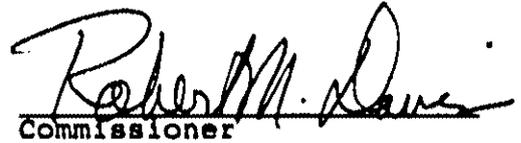
3. Southern Ohio Telephone shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 18th day of February, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director