

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALPHA CELLULAR TELEPHONE COMPANY, A )  
FLORIDA GENERAL PARTNERSHIP )  
\_\_\_\_\_) )  
ALLEGED VIOLATION OF KRS 278.020 ) )  
CASE NO. 93-170 )

O R D E R

On February 12, 1993, Alpha Cellular Telephone Company, a Florida General Partnership ("Alpha Cellular") filed an application with the Commission to construct a cellular telephone tower in RSA No. 9 in Salyersville, Magoffin County, Kentucky ("Salyersville Site").<sup>1</sup>

During its review of Alpha Cellular's application, the Commission discovered evidence suggesting Alpha Cellular has already begun construction of the Salyersville Site.

Accordingly, the Commission finds that a prima facie case has been established that Alpha Cellular failed to obtain a Certificate of Public Convenience and Necessity prior to commencing construction in violation of KRS 278.020.

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<sup>1</sup> Case No. 93-024, The Application of Alpha Cellular Telephone Company, a Florida General Partnership, For the Issuance of a Certificate of Public Convenience and Necessity For the Operation and Construction of a Cell Site So As To Enlarge the Coverage of the Kentucky Rural Service Area Which Includes Elliott, Lawrence, Morgan, Magoffin, Johnson, Martin, Floyd and Pike Counties in Kentucky.

IT IS THEREFORE ORDERED that:

1. Miller McCarthy, authorized general partner of Alpha Cellular, shall appear at a hearing scheduled for June 1, 1993 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, and be prepared to show cause why he and Alpha Cellular should not be penalized pursuant to KRS 278.990 for failing to comply with KRS 278.020.

2. Alpha Cellular shall immediately cease and desist any and all construction of the Salyersville Site.

Done at Frankfort, Kentucky, this 10th day of May, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director