

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA 4 CELLULAR)
GENERAL PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO.
NECESSITY TO CONSTRUCT A CELL SITE IN) 94-022
RURAL SERVICE AREA #4 (CAMPBELLSVILLE III))
OF THE COMMONWEALTH OF KENTUCKY)

O R D E R

On January 21, 1994, Kentucky RSA 4 Cellular General Partnership ("RSA 4 General Partnership") 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. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. RSA 4 General Partnership has requested authorization to construct a cell site in Taylor County. RSA 4 General Partnership was previously granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 90-308.¹

The proposed cell site consists of 300-foot or less self-supporting antenna tower to be located at 633 Smith Ridge Road, Taylor County, Campbellsville, Kentucky ("the Campbellsville III

¹ Case No. 90-308, Application of Kentucky RSA 4 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #4 (Spencer) of the Commonwealth of Kentucky.

site"). The coordinates for the Campbellsville III site are North Latitude 37° 19' 33" by West Longitude 85° 19' 35".

RSA 4 General Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Campbellsville III cell site. Based upon the application, the tower and foundation design appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

RSA 4 General Partnership has filed notices verifying that each property owner or resident within 500 feet of the Campbellsville III cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. Nine residents notified the Commission of their opposition, and one resident, Virgil Sharp, inquired as to the feasibility of locating the tower on his property. A hearing was held on May 10, 1994.

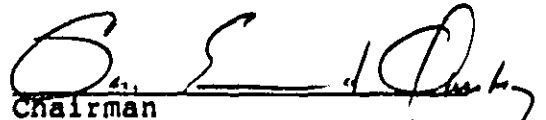
At the May 10, 1994 hearing, intervenor Gary Patton raised objections to the proposed tower location relating to property devaluation and safety in a residential area. The Commission is aware that cell site construction is exempt from local zoning ordinances. Therefore, in considering the public interest with regard to Certificates of Public Convenience and Necessity, it cannot decline to be cognizant of and sensitive to the concerns of the residents and landowners whose property is affected.

RSA 4 Cellular General Partnership has failed to demonstrate that the interests of the adjoining landowners and intervenors were adequately considered in the selection of the proposed site. The Commission, having considered the evidence of record and balancing the interests of the applicant against the interests of the intervenors, finds that the public interest and convenience is not served by granting this certificate.

IT IS THEREFORE ORDERED that RSA 4 General Partnership's application for a Certificate of Public Convenience and Necessity to construct the Campbellsville III tower be and it hereby is denied. RSA 4 General Partnership shall investigate the feasibility of other sites within the area. If a suitable alternative site is found, RSA 4 General Partnership may amend its application to reflect the new location. If no suitable alternative site is located, RSA 4 General Partnership shall so inform the Commission within 60 days.

Done at Frankfort, Kentucky, this 29th day of July, 1994.

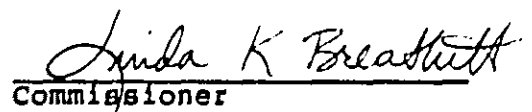
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner