

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) CASE NO.
NECESSITY TO CONSTRUCT A CELLULAR CELL SITE) 94-098
(LEWISBURG) IN RURAL SERVICE AREA #3 (LOGAN))
OF THE COMMONWEALTH OF KENTUCKY)

O R D E R

On March 8, 1994, Kentucky RSA #3 Cellular 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. 3 ("RSA No. 3"). RSA No. 3 includes Allen, Breckenridge, Butler, Edmonson, Grayson, Hancock, Logan, McLean, Meade, Muhlenburg, Ohio, Simpson, Todd and Warren counties. Kentucky RSA #3 Cellular General Partnership has requested authorization to construct a cell site in Logan County. Kentucky RSA #3 Cellular General Partnership 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 175-foot or less monopole antenna tower to be located at 1112 CC Harris Road, Logan County, Lewisburg, Kentucky ("the Lewisburg cell site"). The coordinates

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 Public Cellular Telecommunications Service to the Public in Rural Service Area #3 (Meade) of the Commonwealth of Kentucky.

for the Lewisburg cell site are North Latitude 37° 03' 34" by West Longitude 87° 01' 51".

Kentucky RSA #3 Cellular General Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Lewisburg cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Lewisburg cell site's construction is exempt from local zoning ordinances. Approval from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the Lewisburg cell site is not required, as the monopole height is less than 200 feet.

Kentucky RSA #3 Cellular General Partnership has filed notices verifying that each property owner or resident within 500 feet of the Lewisburg cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. On April 4, 1994, a protest letter was received from Shirley Rice. On April 7, 1994, the Commission informed Ms. Rice of the intervention procedure. To date, no intervention requests 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, Kentucky RSA #3 Cellular General Partnership 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 Kentucky RSA #3 Cellular General Partnership.

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

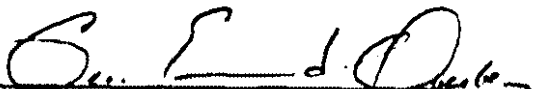
IT IS THEREFORE ORDERED that:


1. Kentucky RSA #3 Cellular General Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Lewisburg cell site.

2. Kentucky RSA #3 Cellular General Partnership 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 23rd day of May, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director