

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SOUTHERN OHIO TELEPHONE)
COMPANY, D/B/A CELLULAR ONE FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 94-141
NECESSITY TO CONSTRUCT AN ADDITIONAL)
CELL FACILITY)

O R D E R

On April 7, 1994, Southern Ohio Telephone Company, d/b/a Cellular One ("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"). Southern Ohio Telephone has requested authorization to construct a cell site in Kenton County, Kentucky. The proposed cell site consists of a monopole antenna tower not to exceed 150 feet in height, with attached antennas, to be located along Grandview Drive, Fort Mitchell, Kenton County, Kentucky. The coordinates for the proposed cell site are North Latitude 39° 03' 10" by West Longitude 84° 33' 47".

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 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 proposed cell site's construction is exempt from local zoning ordinances. However, Southern Ohio Telephone has notified the Northern Kentucky Area 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. The FAA application has been approved and the KAZC application is pending.

Southern Ohio Telephone has filed notices verifying that each property owner and 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 owners and residents of their right to intervene. The only comments made were by the City of Fort Mitchell ("Fort Mitchell") which filed a letter expressing its objection to the proposed construction. Southern Ohio Telephone then met with Fort Mitchell and filed a response stating its agreement to: a) move the proposed building and monopole 10 to 15 feet to the rear of the site; b) pave the site driveway with asphalt; c) construct the building facade of a material mutually agreeable to Fort Mitchell and Southern Ohio Telephone; and d) allow overflow parking on the site from a Fort Mitchell park. Based on this agreement, Fort Mitchell filed a letter stating its intent to not pursue further intervention.

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 currently approved tariff.

IT IS THEREFORE ORDERED that:

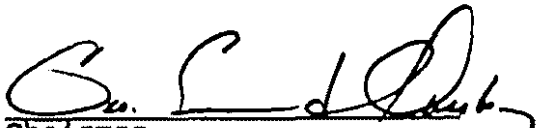
1. Southern Ohio Telephone be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 150 feet in height, with attached antennas, to be located along Grandview Drive, Fort Mitchell, Kenton County, Kentucky. The coordinates for the proposed cell site are North Latitude 39° 03' 10.21" by West Longitude 84° 33' 47.79".

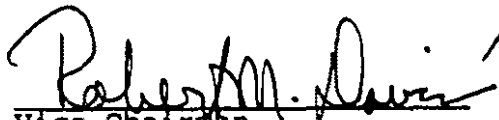
2. Southern Ohio Telephone shall file a copy of the final decision regarding its pending KAZC application for the proposed construction within 10 days of receiving this decision.

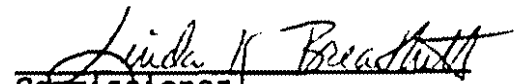
3. Southern Ohio Telephone shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 17th day of June, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director