

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CUMBERLAND CELLULAR )  
PARTNERSHIP FOR ISSUANCE OF A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY TO ) CASE NO.  
CONSTRUCT AN ADDITIONAL CELL FACILITY IN THE ) 94-347  
KENTUCKY PORTION OF THE CLARKSVILLE, TENNESSEE- )  
HOPKINSVILLE, KENTUCKY METROPOLITAN STATISTICAL )  
AREA (FT. CAMPBELL CELL FACILITY) )

O R D E R

On September 20, 1994, Cumberland Cellular Partnership ("Cumberland Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower for the Clarksville, Tennessee-Hopkinsville, Kentucky Metropolitan Service Area ("Clarksville-Hopkinsville MSA"). The Clarksville-Hopkinsville MSA includes Christian County in Kentucky. Cumberland Cellular was previously granted authority to operate a cellular radio telecommunications system in the Kentucky portion of the Clarksville-Hopkinsville MSA in Case No. 10291.<sup>1</sup>

The proposed cell site consists of a 240-foot or less self-supporting antenna tower to be located at 15500 Ft. Campbell Boulevard, Oakgrove, Christian County, Kentucky ("the Oakgrove cell

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<sup>1</sup> Case No. 10291, In the Matter of the Application of Cumberland Cellular Telephone Co., Inc., for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio.

site"). The coordinates for the Oakgrove cell site are North Latitude 36° 39' 16" by West Longitude 87° 26' 13".

Cumberland Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Oakgrove 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 Oakgrove cell site's construction is exempt from local zoning ordinances. Cumberland Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") for the construction and operation of the Oakgrove cell site. Both applications are still pending.

Cumberland Cellular has notified all property owners and residents within 500 feet of the Oakgrove cell site. The notice solicited comments and informed the property owners and residents of their right to intervene. 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, Cumberland Cellular 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 Cumberland Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Cumberland Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Oakgrove cell site in the Clarksville-Hopkinsville MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Cumberland Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Oakgrove cell site.

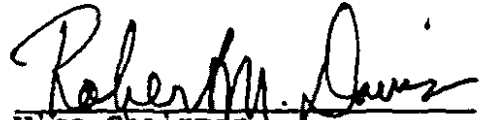
2. Cumberland Cellular shall file a copy of the final decisions regarding its pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.


3. Cumberland Cellular 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 22nd day of November, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director