

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 24, 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.<sup>1</sup>

In its application as originally filed, RSA 4 General Partnership proposed to construct a cell site at 633 Smith Ridge Road in Taylor County. By Order dated July 29, 1994, the

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<sup>1</sup> 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.

Commission denied authorization to build at that location and ordered RSA 4 General Partnership to look for an alternate site. On April 7, 1995, RSA 4 General Partnership filed an amendment to its application requesting authority to construct a cell site at an alternative location. Subsequently, on April 10, 1995, RSA 4 General Partnership filed a letter stating that it wished to amend the application again to reflect that the tower would be 169, rather than 280, feet high.

The currently proposed cell site consists of a 169-foot or less self-supporting antenna tower to be located at 409 Smith Ridge Road, Taylor County, Campbellsville, Kentucky ("the Campbellsville III site"). The coordinates for the Campbellsville III site are North Latitude 37° 19' 34" by West Longitude 85° 19' 53".

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.

Pursuant to KRS 100.324(1), the Campbellsville III cell site's construction is exempt from local zoning ordinances; however, RSA 4 General Partnership has notified the Campbellsville Planning and Zoning Commission of the proposed construction. RSA 4 General Partnership has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission

("KAZC") for the construction and operation of the Campbellsville III cell site. Both approvals have been granted.

RSA 4 General Partnership has filed notices verifying that each person who owns property or who resides 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. On February 15, 1995, the Commission received a protest letter from Charlie Hoskins. On March 8, 1995, the Commission ordered RSA 4 General Partnership to respond to Mr. Hoskins's concerns and informed him of his right to intervene and request a hearing. On February 24, 1995, the Taylor County Airport Board filed a letter with the Commission, requesting that the tower be moved. On March 6, 1995, the Taylor County Airport Board informed RSA 4 General Partnership, by letter, that the proposed tower would not create an aviation hazard. RSA 4 General Partnership filed a copy of this letter with the Commission on March 23, 1995. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine the 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, RSA 4 General Partnership should notify the Commission if it does not use this antenna tower to provide cellular 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 RSA 4 General Partnership.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that RSA 4 General Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the Campbellsville III cell site under its currently approved tariff.


IT IS THEREFORE ORDERED that:


1. RSA 4 General Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Campbellsville III cell site.

2. RSA 4 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 17th day of May, 1995.

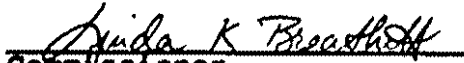
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner