

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)
KENTUCKY, IN. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL) CASE NO. 94-504
CELL FACILITY IN THE LOUISVILLE,)
KENTUCKY METROPOLITAN STATISTICAL AREA)
(I-65/I-265 CELL FACILITY))

O R D E R

On December 14, 1994, Contel Cellular of Kentucky, Inc. ("Contel Cellular") filed with the Commission an application for a Certificate of Public Convenience and Necessity to construct, at 9403-U Blue Lick Road, Louisville, Kentucky, a 185 foot self-supporting cellular communications tower, with antennas and equipment shelter. Subsequently, the Commission received letters from several persons (the "Petitioners") who requested intervention, stating that they reside near the site of the proposed construction. These letters were submitted in one package mailed by J.F. Riggs, Jr., and were identical form letters upon which Petitioners wrote their respective names and addresses. The Commission granted Petitioners' requests for intervention and, for administrative purposes, designated Mr. Riggs spokesperson for the Petitioners.

On April 6, 1995, Contel Cellular filed the original and 10 copies of a letter that is signed by Mr. Riggs and that memorializes an agreement reached by Contel Cellular and Mr. Riggs.

Contel Cellular has agreed to amend its application to reflect that its proposed facility will be a monopole rather than a tower. However, Contel Cellular will file the amendment only after the Commission has determined that none of the Petitioners wish to pursue a hearing in light of the proposed amendment to the application. Should any of the Petitioners request a hearing, Contel Cellular's agreement to amend its application will be void.

It remains necessary to ascertain whether, in his acceptance of the agreement, Mr. Riggs' interests remained representative of the Petitioners'. Accordingly, each of the Petitioners, whose names and addresses are listed in Appendix A hereto, will be mailed a copy of this Order. Each is hereby afforded the opportunity to notify the Commission if he refuses to accept the terms of the agreement and wishes to pursue this matter, on his own behalf, to a hearing.

IT IS THEREFORE ORDERED that unless one of the Petitioners files, within 10 days of the date of this Order, a request for a hearing and statement of intention to pursue this matter on his own behalf, Contel Cellular shall file the agreed-upon amendment to its application, and this matter shall stand submitted to the Commission.

Done at Frankfort, Kentucky, this 13th day of April, 1995.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 94-504 DATED APRIL 13, 1995.

Harry Goodin
Phyllis Goodin
4112 Maynard Ave.
Louisville, Ky. 40229

Mr. David W. Oern
4110 Maynard Ave.
Louisville, Ky. 40229

Mr. B. M. Miller, Jr.
4106 Maynard Ave.
Louisville, Ky. 40229

Ballard Hall Allen, Jr.
Patricia A. Allen
4108 Maynard Ave.
Louisville, Ky. 40229

Mr. & Mrs. James R. Jones
4100 Maynard Ave.
Louisville, Ky. 40229

Elizabeth M. Freibert
4104 Maynard Ave.
Louisville, Ky. 40229

Thomas Kleinhelter
Juanita Kleinhelter
4200 Maynard Ave.
Louisville, Ky. 40229

William Y. Thomas
Dorene Thomas
9602 Caven Ave.
Louisville, Ky. 40229

George Haarman
9618 Caven Ave.
Louisville, Ky. 40229

Ben King
9714 Caven Ave.
Louisville, Ky. 40229

Marilyn Pickenpaugh
9713 Caven Ave.
Louisville, Ky. 40229

Jamie Woodman
9709 Caven Ave.
Louisville, Ky. 40229

Gerald Ward
9617 Caven Ave.
Louisville, Ky. 40229

Alma Hensley
9705 Caven Ave.
Louisville, Ky. 40229

Alice Clements
9613 Caven Ave.
Louisville, Ky. 40229

John D. Miller
9708 Caven Ave.
Louisville, Ky. 40229

James Kurtz
9611 Caven Ave.
Louisville, Ky. 40229

Dennis Meredith
4012 Maynard Ave.
Louisville, Ky. 40229

R. B. Maul
9210 Blue Lick
Louisville, Ky. 40229

Ken Parker
9615 Caven Ave.
Louisville, Ky. 40229

P. Bland
9605 Caven Ave.
Louisville, Ky. 40229

David Dayton
9710 Caven Ave.
Louisville, Ky. 40229

Becky Stevens
9304 Blue Lick Rd.
Louisville, Ky. 40229

Constance L. Casey
4108 Carbine Ln.
Louisville, Ky. 40229

Ronda Fields
9614 Caven Ave.
Louisville, Ky. 40229

Stacey Bond
9608 Caven Ave.
Louisville, Ky. 40229

John Ising
9306 Blue Lick Rd.
Louisville, Ky. 40229

Joyce Ray
9218 Blue Lick Rd.
Louisville, Ky. 40229

James E. Albers
9208 Blue Lick Rd.
Louisville, Ky. 40229

Thomas D. Wilkerson
4007 Carbine Ln.
Louisville, Ky. 40229

Bill Lovins
9322 Blue Lick Rd.
Louisville, Ky. 40229

Buford Noe
3907 Kurtz
Louisville, Ky. 40229

F. B. Maye
9310 Blue Lick Rd.
Louisville, Ky. 40229

Sophonra Cook
9612 Caven Ave.
Louisville, Ky. 40229

Emory W. Cook
9612 Caven Ave.
Louisville, Ky. 40229

Betty Fox
9318 Blue Lick Rd.
Louisville, Ky. 40229

Larry Hyatt
9819 Agena Dr.
Louisville, Ky. 40229

Angie Henson
118 Quietwood Ct.
Louisville, Ky. 40229

Timothy M. Felix
8219 Minors Lane #292
Louisville, Ky. 40219

Carlis J. Hawkins
9816 Saturn Dr.
Louisville, Ky. 40229

Connie L. Jacobs
4105 Caven Ct.
Louisville, Ky. 40229

Mary Sexton
9815 Saturn Dr.
Louisville, Ky. 40229

Todd B. Tucker
9214 Lantana Dr.
Louisville, Ky. 40229

Eugene I. Belk
9504 Blue Lick Rd.
Louisville, Ky. 40229

Kristi J. Wallace
9616 Caven Ave.
Louisville, Ky. 40229

Iona Miles
4104 Pirate Ln.
Louisville, Ky. 40229

Pauline Allen
4000 Maynard Ave.
Louisville, Ky. 40229

Bill Lanham
4202 Kurtz Ave.
Louisville, Ky. 40229

Michael A. Slater
9817 Normie Ln.
Louisville, Ky. 40229

Danny E. Riggs
5708 Archtree Place
Louisville, Ky. 40229

Keith Greene
3707 Carpenter Dr.
Louisville, Ky. 40229

Leslie Salams
9814 Saturn Dr.
Louisville, Ky. 40229

Larry Kehrwald
107 Blue Creek Ct.
Louisville, Ky. 40229

Jeff Herdt
4412 Billy Bone Ct.
Louisville, Ky. 40229