

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)
KENTUCKY, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 95-031
NECESSITY TO CONSTRUCT AN ADDITIONAL CELL)
FACILITY IN THE LOUISVILLE, KENTUCKY)
METROPOLITAN STATISTICAL AREA (BROWNSBORO)
ROAD CELL FACILITY))

O R D E R

On August 17, 1995, the Commission issued an Order requiring Contel Cellular of Kentucky, Inc. ("Contel Cellular") to investigate the availability of an alternative site for a cellular facility on property known as the Brownsboro Inn. On September 26, 1995, Contel Cellular filed with the Commission three alternative site plans which it identified, respectively, as Alternate Plans A, B, and C. The latter two alternatives are located on the Brownsboro Inn property. On October 3, 1995, Contel Cellular filed a letter notifying the Commission that the owner of the Brownsboro Inn property had decided that Alternative Plan C was no longer acceptable to him. Thus, the Commission has before it three potentially suitable sites: the original site in the Brownsboro Office Park at 1913 Rudy Lane; Alternative A, which is located in the Brownsboro Office Park approximately 200 feet south-southeast of the originally proposed site; and Alternative B, which is approximately 750 feet south-southeast of the originally proposed site on the Brownsboro Inn property.

Contel Cellular reports that Alternative Plan A requires the notification of only one property owner not previously notified of the original site. Alternative Plan B requires the notification of five additional property owners or residents not previously notified of the original site as well as ten occupants of the Brownsboro Office Park.

Contel Cellular maintains that from an engineering standpoint, Alternative Plan A is a better location than Alternative Plan B. Alternative Plan B would likely result in additional protests without significantly reducing the aesthetic impact on the surrounding area. Alternative Plan A appears to be a reasonable compromise of the issues in this proceeding, and Contel Cellular has offered to construct a Super Low Installation Cost (SLIC) cell facility which will minimize any aesthetic impact.

The Commission finds that Contel Cellular should amend its application by substituting the site location identified as Alternative Plan A for the original site.

IT IS THEREFORE ORDERED that:

1. Contel Cellular shall amend its application to reflect that its cellular facility is proposed to be constructed at the location identified as Alternative Plan A and shall furnish in such amendment the information normally required regarding the alternative location.

2. Contel Cellular shall provide notice to all who own property or reside within 500 feet of proposed alternative site of the proposed construction. The notice shall describe the proposed

facility, shall inform the addressee of his right to intervene, and shall state the case number and the address of the Executive Director, Public Service Commission. A map showing the location of the alternative site shall be enclosed with the notice.

Done at Frankfort, Kentucky, this 7th day of November, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director