

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 )  
NECESSITY TO CONSTRUCT AN ADDITIONAL ) CASE NO. 95-052  
CELL FACILITY IN THE LOUISVILLE, )  
KENTUCKY METROPOLITAN STATISTICAL AREA )  
(SOUTH HURSTBOURNE CELL FACILITY) )

O R D E R

On February 9, 1995, Contel Cellular of Kentucky, Inc. ("Contel Cellular") filed with the Commission an application for a certificate of public convenience and necessity to construct and operate an additional cellular facility to serve the Louisville, Kentucky Metropolitan Statistical Area ("the Louisville MSA"). Contel Cellular proposes to construct this cellular facility at 8408-U Hudson Lane in Louisville, Kentucky.

Tim Shaughnessy and William H. Horton requested intervention in this proceeding. Their requests were granted on March 13, 1995, and February 28, 1995, respectively. After negotiations among the parties, both intervenors filed letters stating that they wished to withdraw from the proceeding in return for Contel Cellular's filing, within 10 days, an amendment to its application reflecting that the proposed facility would be a monopole rather than a tower. Contel Cellular filed the agreed-upon amendment on May 11, 1995. Mr. Shaughnessy's letter is dated May 8, 1995. Mr. Horton's letter is dated April 5, 1995. Consequently, Mr. Shaughnessy's request to withdraw should be granted. However, an express, although

apparently minor, condition for Mr. Horton's withdrawal as an intervenor in this case -- that the agreed-upon amendment be filed within ten days of the date of his letter -- has not been met.

Accordingly, if Mr. Horton wishes to pursue this matter to a hearing, he should so notify the Commission within 10 days of the date of this Order.

IT IS THEREFORE ORDERED that:

1. Mr. Shaughnessy's request to withdraw as a party to this proceeding is hereby granted.

2. Mr. Horton is hereby notified that, if he wishes to pursue this matter to a hearing, he shall file with the Commission a written request for a hearing within 10 days of the date of this Order. Otherwise, this case shall stand submitted to the Commission.

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

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director