

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET OF CLARKSVILLE )  
INCORPORATED FOR ISSUANCE OF A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY TO )  
CONSTRUCT AN ADDITIONAL CELL FACILITY IN THE ) CASE NO.  
KENTUCKY PORTION OF CLARKSVILLE, TENNESSEE- ) 96-031  
HOPKINSVILLE, KENTUCKY METROPOLITAN )  
STATISTICAL AREA (LOVERS LANE NO. 2 CELL )  
FACILITY) )

O R D E R

On February 6, 1996, GTE Mobilnet of Clarksville Incorporated ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Clarksville-Hopkinsville Metropolitan Statistical Area ("Clarksville-Hopkinsville MSA"). The Clarksville-Hopkinsville MSA includes Christian County. GTE Mobilnet was previously granted authority to operate a cellular radio telecommunications system in the Clarksville-Hopkinsville MSA in Case No. 10291.<sup>1</sup>

The proposed cell site consists of a 325-foot or less self-supporting antenna tower to be located off Kentucky Highway 3493 near Hopkinsville, Christian County, Kentucky ("the Lovers Lane No.

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<sup>1</sup> Case No. 10291, The Application of Cumberland Cellular Telephone Company, Inc. for the Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in the Kentucky Portion of the Clarksville, TN - Hopkinsville, KY Metropolitan Statistical Area, Including Parts for Christian County in KY and for Establishment of Initial Rates.

2 cell site"). The coordinates for the Lovers Lane No. 2 cell site are North Latitude 36° 49' 03" by West Longitude 87° 29' 26".

GTE Mobilnet has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Lovers Lane No. 2 cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the Lovers Lane No. 2 cell site's construction is exempt from local zoning ordinances; however, GTE Mobilnet notified the Hopkinsville-Christian County Planning Commission of the pending construction. GTE Mobilnet has filed applications with, and received approvals from, the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Lovers Lane No. 2 cell site.

GTE Mobilnet has filed notices verifying that each person who owns property or who resides within 500 feet of the Lovers Lane No. 2 cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after GTE Mobilnet's application was filed. 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, GTE Mobilnet 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 GTE Mobilnet.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE Mobilnet should be granted a Certificate of Public Convenience and Necessity to construct and operate the Lovers Lane No. 2 cell site in the Clarksville-Hopkinsville MSA under its previously approved tariff.

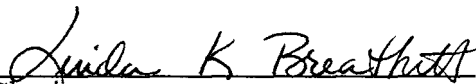
IT IS THEREFORE ORDERED that:

1. GTE Mobilnet be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Lovers Lane No. 2 cell site.

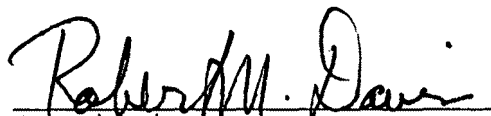
2. GTE Mobilnet shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 20th day of May, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director