

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET OF KENTUCKY )  
INCORPORATED FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT AN ADDITIONAL ) CASE NO. 96-061  
CELL FACILITY IN THE LOUISVILLE, )  
KENTUCKY METROPOLITAN STATISTICAL AREA )  
(IROQUOIS CELL FACILITY) )

O R D E R

On February 22, 1996, GTE Mobilnet of Kentucky Incorporated d/b/a Cellular One ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Louisville Metropolitan Statistical Area ("the Louisville MSA"). The proposed cell site consists of a self-supporting antenna tower not to exceed 165 feet in height, with attached antennas, to be located at 6309 Strawberry Lane, Louisville, Jefferson County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 9' 54" by West Longitude 85° 45' 25".

GTE Mobilnet has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed 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 proposed cell site's construction is exempt from local zoning ordinances. However, GTE Mobilnet has notified the Louisville and Jefferson County Planning Commission of the proposed construction. GTE Mobilnet has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. Both decisions are pending.

GTE Mobilnet has filed notices verifying that each person who owns property or resides within 500 feet of the proposed 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. In addition, GTE Mobilnet has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Commission received two letters commenting on the proposed construction. As Ordered, GTE Mobilnet responded to the letters, and the Commission advised in separate letters to those who had written regarding the proposed construction that any requests for intervention were to be filed within 10 days of receiving GTE Mobilnet's response. No requests for intervention or a hearing were filed.

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 proposed cell site in the Louisville MSA under its currently 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 a self-supporting antenna tower not to exceed 165 feet in height, with attached antennas, to be located at 6309 Strawberry Lane, Louisville, Jefferson County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 9' 54" by West Longitude 85° 45' 25".

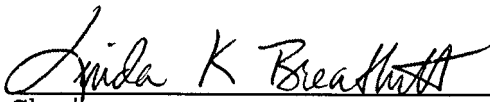
2. GTE Mobilnet shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

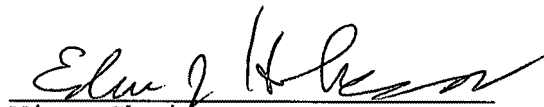
3. GTE Mobilnet shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service

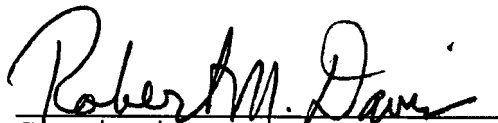
is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 23rd day of April, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director