

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 CELL FACILITY IN THE KENTUCKY RURAL) CASE NO.
SERVICE AREA NO. 7 WHICH INCLUDES TRIMBLE,) 96-062
CARROLL, GALLATIN, HENRY, FRANKLIN, OWEN, GRANT,)
PENDLETON, HARRISON, AND SHELBY COUNTIES IN)
KENTUCKY (THE PROVIDENCE CELL FACILITY))

O R D E R

On February 22, 1996, GTE Mobilnet of Kentucky Incorporated ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 7 ("RSA No. 7"). RSA No. 7 includes Carroll, Franklin, Gallatin, Grant, Harrison, Henry, Owen, Pendleton, Shelby, and Trimble counties. GTE Mobilnet has requested authorization to construct a cell site in Henry County. GTE Mobilnet was previously granted authority to operate a cellular radio telecommunications system in RSA No. 7 in Case No. 92-463.¹

The proposed cell site consists of a 285-foot or less guyed antenna tower to be located at 1299 Mill Creek Road, Turner

¹ Case No. 92-463, In the Matter of Reorganization on Contel Cellular of Louisville, Inc., Central Kentucky Cellular Telephone Company, Louisville Cellular Telephone Company, Bluegrass Cellular Telephone Company, Contel Cellular of Louisville II, Inc., Contel Cellular of Lexington, Inc., Cumberland Cellular Telephone Company, Inc., Contel Cellular of Kentucky, Inc., and Contel Cellular of Kentucky B, Inc.

Station, Henry County, Kentucky ("the Providence cell site"). The coordinates for the Providence cell site are North Latitude 38° 34' 31" by West Longitude 85° 10' 50".

GTE Mobilnet has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Providence cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Providence cell site's construction is exempt from local zoning ordinances; however, GTE Mobilnet notified the Henry County Planning Commission of the pending 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 Providence cell site. Both applications are pending.

GTE Mobilnet has filed notices verifying that each person who owns property or who resides within 500 feet of the Providence 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. On March 22, 1996, the Commission received a letter from the Henry County

Planning and Zoning Commission ("HCPZC"). The HCPZC letter did not object to the tower, its aim was to see that GTE Mobilnet complied with zoning regulations. On April 1, 1996, the Commission ordered GTE Mobilnet to respond to the HCPZC. To date, the Commission has not been notified by the HCPZC as to GTE Mobilnet's failure to meet zoning regulations and, further, 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 Providence cell site in RSA No. 7 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

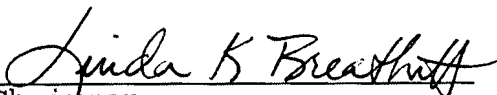
1. GTE Mobilnet be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Providence cell site.


2. GTE Mobilnet shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site 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 14th day of May, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director