

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,) 96-066
CARROLL, GALLATIN, HENRY, FRANKLIN, OWEN, GRANT,)
PENDLETON, HARRISON, AND SHELBY COUNTIES IN)
KENTUCKY (THE CARSON 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 Carroll County. GTE Mobilnet was previously granted authority to operate a cellular radio telecommunications system in RSA No. 7 in Case No. 91-298.¹

The proposed cell site consists of a 285-foot or less guyed antenna tower to be located at 7238 Kentucky 47, Sanders, Carroll County, Kentucky ("the Carson cell site"). The coordinates for the

¹ Case No. 91-298, In the Matter of Central Kentucky Cellular Telephone Company for Issuance of a Certificate of Public Convenience and Necessity to provide domestic public cellular radio telecommunications in Kentucky Rural Service Area No. 7.

Carson cell site are North Latitude 38° 40' 30" by West Longitude 84° 58' 19".

GTE Mobilnet has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Carson 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 Carson cell site's construction is exempt from local zoning ordinances; however, GTE Mobilnet notified the Carroll County Judge/Executive 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 Carson 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 Carson 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 Carson 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 Carson 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 17th day of April, 1996.

PUBLIC SERVICE COMMISSION

Lynda K. Breathitt
Chairman

Earl G. Kress
Vice Chairman

Robert M. Davis
Commissioner

ATTEST:

Don Mills
Executive Director