

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NASHVILLE/CLARKSVILLE MSA)
LIMITED PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL)
CELL SITE IN HOPKINSVILLE, CHRISTIAN) CASE NO. 96-067
COUNTY, KENTUCKY FOR THE PROVISION OF)
DOMESTIC CELLULAR RADIO)
TELECOMMUNICATIONS SERVICE TO THE PUBLIC)
IN THE NASHVILLE/CLARKSVILLE MSA)

O R D E R

On March 6, 1996, Nashville/Clarksville MSA Limited Partnership ("Nashville/Clarksville Partnership") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Nashville/Clarksville Metropolitan Statistical Area ("the Nashville/Clarksville MSA"). The proposed cell site consists of a self-supporting antenna tower not to exceed 215 feet in height, with attached antennas, to be located at 4287 Ft. Campbell Boulevard, Hopkinsville, Christian County, Kentucky. The coordinates for the proposed cell site are North Latitude 36° 49' 11" by West Longitude 87° 28' 3.8".

Nashville/Clarksville Partnership 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, Nashville/Clarksville Partnership has notified the Christian County/Hopkinsville Planning Commission of the proposed construction. Nashville/Clarksville Partnership 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 applications are pending.

Nashville/Clarksville Partnership 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, Nashville/Clarksville Partnership has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Christian County/Hopkinsville Planning Commission filed a letter stating that local zoning requirements were not applicable to the proposed construction. To date, no other comments have been filed with the Commission.

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, Nashville/Clarksville Partnership 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 Nashville/Clarksville Partnership.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Nashville/Clarksville Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Nashville/Clarksville MSA under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Nashville/Clarksville Partnership 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 215 feet in height, with attached antennas, to be located at 4287 Ft. Campbell Boulevard, Hopkinsville, Christian County, Kentucky. The coordinates for the proposed cell site are North Latitude 36° 49' 11" by West Longitude 87° 28' 3.8".

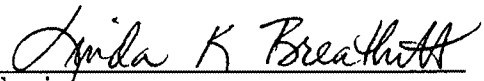
2. Nashville/Clarksville Partnership shall file a copy of the final decisions regarding its pending FAA and KAZC applications

for the proposed construction within 10 days of receiving these decisions.

3. Nashville/Clarksville Partnership 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 2nd day of May, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director