

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TELESPECTRUM, INC. FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A CELL SITE OFF MIDLAND TRAIL (OLD U.S. 60), AND NORTH ) CASE NO.  
OFF THE I-64 AND U.S. 60 INTERCHANGE NEAR COALTON, ) 98-105  
IN CENTRAL BOYD COUNTY, KENTUCKY (60/64 SITE) )

O R D E R

On February 27, 1998, TeleSpectrum, Inc. ("TeleSpectrum") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications facility for the Huntington MSA. The Huntington MSA includes Greenup, Carter, and Boyd counties. TeleSpectrum has requested authorization to construct a cell site in Boyd County. TeleSpectrum was previously granted authority to operate a cellular radio telecommunications system in the Huntington MSA in Case No. 96-371.<sup>1</sup>

The proposed cell site consists of a 270-foot or less self-supporting antenna tower to be located southeast of Ashland in eastern Boyd County, Kentucky ("the 60/64 cell site").

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<sup>1</sup> Case No. 96-371, The Joint Application of Telespectrum, Inc., a Kansas Corporation, CC Industries, Inc., a Delaware Corporation, James A. Dwyer, Jr., David Winstel, Independent Cellular Network Partners, an Illinois Partnership and Independent Cellular Network, Inc. for Approval of (1) the Transfer of all Outstanding and Issued Common and Preferred Shares of Independent Cellular Network, Inc. and the Merger of Independent Cellular Network, Inc. Into Telespectrum, Inc. With Telespectrum, Inc. Being the Surviving Entity; and (2) the Approval of the Adoption by Telespectrum, Inc. of the Tariff of Independent Cellular Network, Inc. Simultaneously With the Consummation of the Merger.

The coordinates for the 60/64 cell site are North Latitude 38° 22' 08.3" by West Longitude 82° 46' 28.1".

TeleSpectrum has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the 60/64 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 60/64 cell site's construction is exempt from local zoning ordinances; however, TeleSpectrum notified the Boyd County Judge/Executive of the pending construction. TeleSpectrum 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 60/64 cell site.

TeleSpectrum has filed notices verifying that each person who owns property within 500 feet of the 60/64 cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after TeleSpectrum'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, TeleSpectrum should notify the Commission if it does not use this antenna tower to provide cellular radio tele-

communications 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 TeleSpectrum.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that TeleSpectrum should be granted a Certificate of Public Convenience and Necessity to construct and operate the 60/64 cell site in the Huntington MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:


1. TeleSpectrum is granted a Certificate of Public Convenience and Necessity to construct and operate the 60/64 cell site.
2. TeleSpectrum 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 6th day of May, 1998.

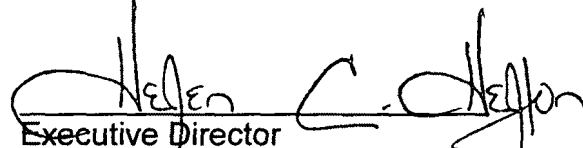
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director