

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
AN ADDITIONAL CELL SITE IN LOUISVILLE, )  
KENTUCKY FOR THE PROVISION OF DOMESTIC ) CASE NO. 99-009  
PUBLIC CELLULAR RADIO )  
TELECOMMUNICATIONS SERVICE TO THE )  
PUBLIC IN JEFFERSON COUNTY, KENTUCKY )  
AND THE LOUISVILLE MSA )

O R D E R

On January 20, 1999, Kentucky CGSA, Inc. d/b/a BellSouth Mobility, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 180 feet in height, with attached antennas, to be located at 4823 Dixie Highway, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 10' 17.19" by West Longitude 85° 49' 28.55".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. 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 278.650, Kentucky CGSA submitted a proposal to the Louisville and Jefferson County Planning Commission ( Planning Commission ) for the proposed construction. By letter dated December 18, 1998, the Planning Commission approved the proposal. Kentucky CGSA 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 facility. Both decisions are pending.

Kentucky CGSA has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received comments from one property owner who requested and was granted intervention in this proceeding. The property owner later withdrew as an intervenor.

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, Kentucky CGSA should notify the Commission if it does not use this antenna tower to provide service 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 Kentucky CGSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky CGSA has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA is granted a Certificate of Public Convenience and Necessity to construct a monopole antenna tower not to exceed 180 feet in height, with attached antennas, to be located at 4823 Dixie Highway, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 10' 17.19" by West Longitude 85° 49' 28.55".

2. Kentucky CGSA 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. Kentucky CGSA 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 2<sup>nd</sup> day of June, 1999.

By the Commission

ATTEST:

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Executive Director