

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF THE CINCINNATI )  
SMSA LIMITED PARTNERSHIP FOR THE ISSUANCE OF )  
A CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE NO.  
NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS )99-464-  
UAC FACILITY IN FLORENCE, BOONE COUNTY, KENTUCKY IN THE )  
KENTUCKY PORTIONS OF THE CINCINNATI MSA AND CALLED)  
THE FLORENCE/TURFWAY PARK CELL SITE, AACM )

O R D E R

On November 24, 1999, the Cincinnati SMSA Limited Partnership ("Ameritech Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Cincinnati Market Service Area ("MSA"). The proposed cell site is to be located at 7500 Turfway Road, Florence, Boone County, Kentucky 41042. The coordinates for the cell site are North Latitude 39° 1' 17.9" by West Longitude 84° 37' 57.3".

Ameritech Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Florence/Turfway Park cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), Ameritech Cellular has submitted the uniform application to the Boone County Planning and Zoning Commission ("BCPZC"). As the

Public Service Commission had not received a response from the BCPZC within the statutory period, it appeared that approval was deemed to have occurred under the statute, and a Certificate of Public Convenience and Necessity was granted on March 3, 2000. Upon receiving the Order, Ameritech Cellular notified the Commission of an agreement reached with the BCPZC. The mutual agreement called for action by the BCPZC at a date later than the termination of the statutory period. On March 16, 2000, Ameritech Cellular filed a motion to vacate the Certificate of Public Convenience and Necessity, upon which the Commission acted on March 24, 2000. On June 22, 2000, Ameritech Cellular filed the subsequent approval from the BCPZC and requested the Commission to approve the site.

Ameritech Cellular has filed and received approval for the application with the Federal Aviation Administration ("FAA"). Ameritech Cellular has filed an application and awaits a decision from the Kentucky Airport Zoning Commission ("KAZC").

Ameritech Cellular has filed notices verifying that each person who owns property within 500 feet of the cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. 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, Ameritech Cellular 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 Ameritech Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Ameritech Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Florence/Turfway Park cell site in the Cincinnati MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Ameritech Cellular is granted a Certificate of Public Convenience and Necessity to construct and operate the Florence/Turfway Park cell site.
2. Ameritech Cellular shall file a copy of the final decision regarding the pending KAZC application for this cell site construction within 10 days of receiving the decision.
3. Ameritech Cellular 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 25<sup>th</sup> day of August, 2000.

By the Commission

ATTEST:

  
Executive Director