

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| THE APPLICATION OF ACME TOWER GROUP, |) | |
| LLC AND UBIQUITEL, INC. FOR ISSUANCE OF A |) | |
| CERTIFICATE OF PUBLIC CONVENIENCE AND |) | |
| NECESSITY TO CONSTRUCT A WIRELESS |) | CASE NO. |
| COMMUNICATIONS FACILITY IN THE |) | 2001-096 |
| MADISONVILLE, KENTUCKY BASIC TRADING |) | |
| AREA AT 6670 HANSON ROAD, HANSON, |) | |
| HOPKINS COUNTY, KENTUCKY 42431 |) | |

O R D E R

On April 20, 2001, Acme Tower Group, LLC and Ubiquitel, Inc. ("Applicants") 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 self-supporting antenna tower not to exceed 320 feet in height, with attached antenna, to be located at 6670 Hanson Road, Hanson, Hopkins County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 24' 43.14" by West Longitude 87° 28' 48.42".

The Applicants have 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 Licensed Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. The Applicants have 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. The FAA application has been approved, but the KAZC application is still pending.

The Applicants have 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. To date, no public 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, the Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their 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 the Applicants.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have 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. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 320 feet in height, with attached

antenna, and is to be located at 6670 Hanson Road, Hanson, Hopkins County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 24' 43.14" by West Longitude 87° 28' 48.42".

2. The Applicants shall file a copy of the final decisions regarding their pending KAZC application for the proposed construction within 10 days of receiving this decision.

3. The Applicants 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 30th day of May, 2001.

By the Commission

ATTEST:


Executive Director