

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ACC OF KENTUCKY, LLC)	
AND SBA, INC., JOINTLY, FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY TO CONSTRUCT A PERSONAL)	2001-154
COMMUNICATIONS SERVICES FACILITY IN)	
RURAL SERVICE AREA #6 (OAK HILL FACILITY))	

O R D E R

On June 6, 2001, ACC of Kentucky, LLC and SBA, 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 218 feet in height, with attached antenna, to be located at 99 Sam Jones Lane, Somerset, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 04' 26" by West Longitude 84° 37' 31".

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 a Licensed Professional Engineer has certified the plans.

The Applicants have notified the County Judge/Executive of the pending 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. Both decisions are 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. Intervenor status was granted to Allen Branscum, Thelma Neeley, H.G. and Alice Bales and Mildred Epperson. A formal hearing was scheduled, and the parties were informed and requested to notify the Commission if they intended to participate at the pending hearing. As intervenors failed to notify the Commission of their participation, the hearing was canceled and the matter stands submitted for a decision.

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 a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

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.

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 218 feet in height, with attached antenna, and is to be located at 99 Sam Jones Lane, Somerset, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 04' 26" by West Longitude 84° 37' 31".
2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.
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 19th day of September, 2001.

By the Commission

ATTEST:


Executive Director