

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ALLTEL	)	
COMMUNICATIONS, INC. FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	
CONSTRUCT A CELL SITE AT 91 SCOTT	)	CASE NO.
CEMETERY OFF KENTUCKY STATE ROUTE 1	)	2004-00163
NEAR THE OLDTOWN AREA IN SOUTHWESTERN	)	
GREENUP COUNTY, KENTUCKY	)	
(OLDTOWN SITE)	)	

O R D E R

On May 13, 2004, ALLTEL Communications, Inc. ("Applicant") 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 199 feet in height, with attached antenna, to be located at 91 Scott Cemetery, Oldtown, Greenup County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 24' 54.07" by West Longitude 82° 53' 59.23".

The Applicant 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 a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. Because the proposed tower does not exceed 200 feet in height, the Applicant was not required to file applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility.

The Applicant 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. On May 17, 2004, the Commission received a letter of concern regarding the placement of the proposed tower from Mr. Sherman Bellew. The Commission issued a letter in response on July 2, 2004. The letter notified Mr. Bellew of his right to request intervention and a public hearing and gave Mr. Bellew 10 days to respond. The Commission has received no such response from Mr. Bellew, and the time frame set forth in the Commission's letter for response has passed.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, 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 Applicant 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 the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is 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 199 feet in height, with attached antenna, and is to be located at 91 Scott Cemetery, Oldtown, Greenup County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 24' 54.07" by West Longitude 82° 53' 59.23".

2. The Applicant 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 23<sup>rd</sup> day of July, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director

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