

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BELL SOUTH PERSONAL)	
COMMUNICATIONS, LLC AND BELL SOUTH)	
MOBILITY, LLC, D/B/A CINGULAR WIRELESS -)	
KENTUCKY FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A WIRELESS COMMUNICATIONS)	CASE NO.
FACILITY AT 1365 WINSTON ROAD, IRVINE, KY)	2004-00186
40336 IN THE WIRELESS COMMUNICATIONS)	
LICENSE AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF ESTILL)	
)	
SITE NAME: WINSTON)	

O R D E R

On May 27, 2004, BellSouth Personal Communications, LLC and BellSouth Mobility, LLC, d/b/a Cingular Wireless - Kentucky ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. On June 17, 2004, Applicant amended its application. The proposed facility consists of a self-supporting antenna tower not to exceed 199 feet in height, with attached antenna, to be located at 1365 Winston Road, Irvine, Estill County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 42' 43.37" by West Longitude 84° 5' 16.97".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the

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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 height of the tower does not exceed 200 feet, 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 June 24, 2004, the Commission received a letter in support of the proposed construction from Wallace C. Taylor, the County/Judge Executive of Estill County. No further public comments have been filed with the Commission regarding this application.

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 1365 Winston Road, Irvine, Estill County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 42' 43.37" by West Longitude 84° 5' 16.97".

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 23rd day of July, 2004.

By the Commission

ATTEST:



Executive Director

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