

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|   |   |            |
|---|---|------------|
| THE APPLICATION OF SHARED TOWERS, LLC,    | ) |            |
| AND AMERICAN CELLULAR CORPORATION FOR     | ) |            |
| ISSUANCE OF A CERTIFICATE OF PUBLIC       | ) |            |
| CONVENIENCE AND NECESSITY TO CONSTRUCT    | ) |            |
| A WIRELESS COMMUNICATIONS FACILITY AT 510 | ) |            |
| HEATH ROAD, BURNSIDE, KENTUCKY 42519 IN   | ) | CASE NO.   |
| THE WIRELESS COMMUNICATIONS LICENSE       | ) | 2007-00440 |
| AREA IN THE COMMONWEALTH OF KENTUCKY      | ) |            |
| IN THE COUNTY OF PULASKI                  | ) |            |
|   | ) |            |
| SITE NAME: ALPINE                         | ) |            |
| SITE NUMBER: 2007-00440                   | ) |            |

O R D E R

On November 29, 2007, Shared Sites, LLC, as ultimate owner, and American Cellular Corporation, as a licensed public utility in the Commonwealth of Kentucky (“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 guyed antenna tower not to exceed 310 feet in height, with attached antenna, to be located at 510 Heath Road, Burnside, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 56’ 10.52” by West Longitude 84° 31’ 24.11”.

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.

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 decision is still pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. On December 14, 2007, the Commission granted full intervention to William and Dessie Calhoun in this matter. By Order dated January 14, 2008, the Commission ordered the Applicants and the Calhouns to file a statement indicating whether the parties had resolved all outstanding concerns in this matter. Additionally, the Calhouns were ordered to notify the Commission within 15 days of the date of the Order of their intent to remain as interveners in this matter. On January 25, 2008, the Applicants filed their statement indicating they had spoken with counsel for the Calhouns to address any questions his clients had regarding the proposed tower. To date, the Commission has received no written statement from the Calhouns indicating whether the parties have resolved their concerns. Additionally, the Commission has received no further comments from the Calhouns indicating their desire to remain as intervenors.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds the Applicants have demonstrated 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 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 guyed antenna tower not to exceed 310 feet in height, with attached antenna, and is to be located at 510 Heath Road, Burnside, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 56' 10.52" by West Longitude 84° 31' 24.11".
2. The Applicants shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within 10 days of receiving the 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.

4. The Applicants shall also notify the Commission in writing, within 20 days of completion, that they have finished construction of the tower and the date upon which said construction was complete.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of February, 2008.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Executive Director