

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)	
RACETRACK ROAD, BURNSIDE, KENTUCKY)	CASE NO.
42519 IN THE WIRELESS COMMUNICATIONS)	2007-00452
LICENSE AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF PULASKI)	
)	
SITE NAME: BURNSIDE ISLAND)	
SITE NUMBER: 2007-00452)	

O R D E R

On December 4, 2007, Shared Towers, 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 290 feet in height, with attached antenna, to be located at 380 Race Track Road, Burnside, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 58’ 39.77” by West Longitude 84° 35’ 24.94”.

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. The Commission received letters in opposition to the proposed construction from Lisha Stewart, Judy Eaton, Shawn and Chelsa Goad, and Edward and Lucy Lowe. The Commission issued a response letter to Ms. Stewart on December 12, and to Mr. and Mrs. Lowe, Mr. and Mrs. Goad, and Ms. Eaton on December 17, 2008. The Commission's response letters allowed 10 days for each person to request intervention. The 10-day time frame for parties to request intervention has passed, and the Commission has received no further correspondence regarding participation in this matter.

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 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 290 feet in height, with attached antenna, and is to be located at 380 Race Track Road, Burnside, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude $36^{\circ} 58' 39.77''$ by West Longitude $84^{\circ} 35' 24.94''$.
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 15th day of January, 2008.

By the Commission

ATTEST:


Deputy Executive Director

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