

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BLUEGRASS WIRELESS,)
LLC FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO) CASE NO. 2007-00501
CONSTRUCT A CELL SITE (PRICETOWN) IN)
RURAL SERVICE AREA #6 (CASEY) OF THE)
COMMONWEALTH OF KENTUCKY)

O R D E R

On February 5, 2008, Bluegrass Wireless, LLC filed an application requesting the issuance of a Certificate of Public Convenience and Necessity ("CPCN") to construct, maintain, and operate a wireless telecommunications facility ("Cell Facility") located at 269 Walnut Hill Road, Liberty, Kentucky, 42539, near Pricetown, Kentucky, in an area that is unzoned and outside the jurisdiction of a planning commission. By Commission Order dated March 14, 2008, Terry Wilson, Mariea Jo Wilson and Carl Wilson were granted full intervention, since their residences and properties are located near the tower and they might be able to assist in the development of issues before the Commission.

On July 9, 2008, the Commission established a procedural schedule and scheduled a public hearing. The procedural schedule provided, inter alia, that:

Any Intervenor who intends to appear at the hearing and present evidence against construction of the proposed Cell Facility shall file, within 10 days of the date of this Order, a statement of intent to appear in opposition. If no statement is filed within 10 days of the date of this Order, the hearing shall be canceled and the matter shall be submitted to the Commission on the existing record.¹

¹ July 9, 2008 Order at 3.

On July 21, 2008, the Commission received a letter from Mariea Jo Wilson and Carl Wilson in which they stated their continued opposition to the construction of the proposed tower and suggested that the tower could be built on the adjacent property. The Commission also received a letter from Terry Wilson stating his continued opposition to the tower and suggesting that the tower could be built on the adjacent property. Neither of the letters contained a statement of intent to appear at the hearing.

The Commission's July 9, 2008 Order provided that an Intervenor must notify the Commission of his or her intention to appear at the hearing. Such notification was due to be filed with the Commission no later than July 22, 2008. As of the date of this Order, no such statement has been filed.

Based on the lack of a statement indicating attendance at the hearing, Bluegrass Wireless, LLC has moved the Commission, pursuant to the July 9, 2008 Order, to cancel the hearing and submit the application to the Commission for a decision on the record. However, the Commission finds that the Intervenors should be allowed an additional opportunity to state their intentions to appear at the hearing.

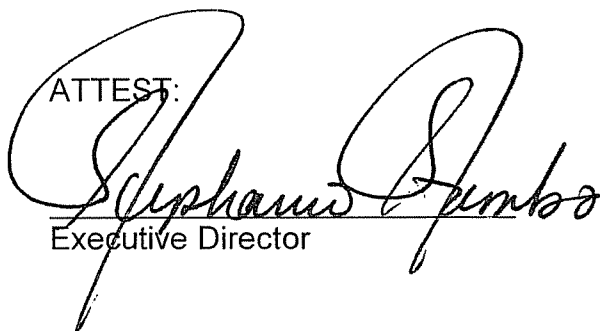
IT IS THEREFORE ORDERED that:

1. Within 5 days of the date of this Order, the Intervenors shall notify the Commission if they intend to appear at the hearing.
2. If the Commission receives no such timely notification, the hearing shall be canceled and this case shall be decided based upon the evidence of record.

Done at Frankfort, Kentucky, this 19th day of August, 2008.

By the Commission

ATTEST:


Executive Director

Case No. 2007-00501