

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NEW	)	
CINGULAR WIRELESS PCS, LLC AND VB BTS	)	
III, LLC DBA VERTICAL BRIDGE FOR ISSUANCE	)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE	)	CASE NO.
AND NECESSITY TO CONSTRUCT A WIRELESS	)	2026-00006
COMMUNICATIONS FACILITY IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF BELL	)	

ORDER

On February 12, 2026, New Cingular Wireless PCS, LLC and VB BTS III, LLC d/b/a Vertical Bridge (collectively, Joint Applicants) tendered an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility.

On February 16, 2026, Commission Staff issued a deficiency letter rejecting the filing for failing to provide an authorized statement to transact business in Kentucky pursuant to 807 KAR 5:001 Section 14(3), and providing a map of every structure within 500 feet of the proposed tower pursuant to 807 KAR 5:063 Section 1(1)(k).<sup>1</sup> Joint Applicants filed a response to the notice of the filing deficiency with corresponding exhibits on February 24, 2026.<sup>2</sup> Commission Staff reviewed the filing submitted, determined that

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<sup>1</sup> Public Service Commission Deficiency Letter (filed, Feb. 16, 2026).

<sup>2</sup> Response to Notice of Filing Deficiency (filed, Feb. 24, 2026).

the application met the minimum filing requirements, and the application was deemed filed as of February 24, 2026.<sup>3</sup>

The proposed facility consists of a tower not to exceed 265 feet in height, with attached antennas, to be located 151 Pomeroy Center Road, Pineville, Bell County, Kentucky 40977. The coordinates for the proposed facility are North Latitude 36° 43' 32.890661" by West Longitude 83° 43' 53.467496".

Pursuant to 807 KAR 5:063, Joint Applicants have filed statements of having provided the required notifications regarding the proposed construction.<sup>4</sup> Pursuant to 807 KAR 5:063, Joint Applicants have filed evidence that the county judge/executive<sup>5</sup> and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction.<sup>6</sup> The notices solicited any comments and informed the recipients of their right to request intervention. As of the date of this Order, two public comments have been received expressing disappointment in the proposal.<sup>7</sup> The Joint Applicants filed a response to the comments on March 4, 2026.<sup>8</sup>

Joint Applicants 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 made a determination of no

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<sup>3</sup> PSC Deficiency Cured Letter (filed, Feb. 24, 2026).

<sup>4</sup> Application (filed Feb. 24, 2026), Exhibit M.

<sup>5</sup> Application, Exhibit L.

<sup>6</sup> Application, Exhibit J and K.

<sup>7</sup> [20260121\\_Jay Money Public Comment.pdf](#) and [20260123\\_David Wilder Public Comment.pdf](#)

<sup>8</sup> Joint Applicants' Response to Comments (filed Mar. 4, 2026).

hazard to air navigation<sup>9</sup>, and the KAZC made a determination that the tower penetrates no protected air surfaces and was approved.<sup>10</sup>

Joint Applicants provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility.<sup>11</sup> 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.

Joint Applicants provided information, including a radio frequency analysis, that the proposed facility is required to provide adequate service and improve its service coverage.<sup>12</sup> Joint Applicants have also provided information that there is no reasonable opportunity to co-locate its equipment on existing structures.<sup>13</sup>

To obtain a CPCN, Joint Applicants must demonstrate a need for such facilities and an absence of wasteful duplication.<sup>14</sup>

“Need” requires “a showing of a substantial inadequacy of existing service, involving a consumer market sufficiently large to make it economically feasible for the new system or facility to be constructed or operated.”<sup>15</sup> “Wasteful duplication” is defined as “an excess of capacity over need” and “an excessive investment in relation to

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<sup>9</sup> Application, Exhibit E.

<sup>10</sup> Application, Exhibit F.

<sup>11</sup> Application, Exhibit B and C.

<sup>12</sup> Application, Exhibit N.

<sup>13</sup> Application at 4-5.

<sup>14</sup> *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885 (Ky. 1952).

<sup>15</sup> *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952).

productivity or efficiency, and an unnecessary multiplicity of physical properties.”<sup>16</sup> The wireless market is competitive and, other than the placement of towers and interconnection with other telecommunications providers, the Commission has little jurisdiction over wireless providers, including no jurisdiction over the rates and earnings of a wireless provider.<sup>17</sup>

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that Joint Applicants have demonstrated that there is a need for the proposed facility as a result of increasing demand for telecommunications services, to assure adequate coverage in the area, and to improve service in Bell County by providing interconnection between New Cingular Wireless PCS, LLC’s other sites forming a more cohesive network.

The Commission also finds that the proposed facility will not result in wasteful duplication. Building a new tower to improve telecommunication services and assure adequate coverage when there are no reasonable opportunities to co-locate the equipment required to do so is not wasteful duplication. The Commission, therefore, finds that a CPCN 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, Joint Applicants shall immediately notify the Commission in writing if, after the antenna tower

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<sup>16</sup> *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952).

<sup>17</sup> See KRS 278.54611.

is built and utility service is commenced, the antenna tower is not used for three consecutive months in the manner authorized by 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 shall be observed by Joint Applicants.

IT IS THEREFORE ORDERED that:

1. Joint Applicants are granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 265 feet in height, with attached antennas, to be located 151 Pomeroy Center Road, Pineville, Bell County, Kentucky 40977. The coordinates for the proposed facility are North Latitude 36° 43' 32.890661" by West Longitude 83° 43' 53.467496".

2. Joint 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 three consecutive months in the manner authorized by this Order.


3. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the post-case correspondence file.

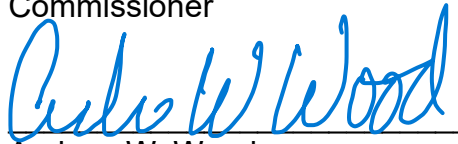
4. This case is closed and removed from the Commission's docket.

Entered on this 8th day of April, 2026.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Angie Hatton  
Chairman

  
\_\_\_\_\_  
Mary Pat Regan  
Commissioner

  
\_\_\_\_\_  
Andrew W. Wood  
Commissioner

ATTEST:

  
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Linda C. Bridwell, PE  
Executive Director

## Service List for 2026-00006

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