

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF APC TOWERS	)	
IV, LLC, AND CELLCO PARTNERSHIP D/B/A	)	
VERIZON WIRELESS FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO.
NECESSITY TO CONSTRUCT A WIRELESS	)	2026-00157
COMMUNICATIONS FACILITY IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF ROCKCASTLE	)	

ORDER

On July 9, 2026, APC Towers IV, LLC and Cellco Partnership d/b/a Verizon Wireless (collectively, Joint Applicants) filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 250 feet in height, with attached antennas, to be located at 9311 Dysart Way, Crab Orchard, Rockcastle County, Kentucky 40419. The coordinates for the proposed facility are North Latitude 37° 25' 50.03" by West Longitude 84° 27' 34.83".¹

Pursuant to 807 KAR 5:063, Joint Applicants have filed statements of having provided the required notifications regarding the proposed construction.² Pursuant to 807 KAR 5:063, Joint Applicants have filed evidence that the county judge/executive³ and all property owners within 500 feet and contiguous to the cell site have been notified of

¹ Application at 3.

² Application at 6–7.

³ Application, Exhibit L.

the proposed construction.⁴ The notices solicited any comments and informed the recipients of their right to request intervention.⁵ On July 20, 2026, a public comment was received by a resident whose home is within 500 feet of the proposed tower site.⁶ This resident was opposed to the proposed wireless communications tower.⁷ The resident stated that the proposed wireless communication tower would have a negative impact on property values, and would negatively affect wildlife and the environment.⁸ The resident was also concerned the cell tower would be “visually intrusive” on the scenic surroundings of the area.⁹ No request for intervention was received. On August 17, 2026, another resident whose home is within 500 feet of the proposed wireless communications tower, through counsel, filed a public comment.¹⁰ This resident shared some the same concerns but also requested documentation regarding co-location, a property value impact study and an environmental impact analysis.¹¹

⁴ Application, Exhibit J and K.

⁵ Application, Exhibit K.

⁶ The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

⁷ The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

⁸ The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

⁹ The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

¹⁰ The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

¹¹ The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

The Joint Applicants filed responses to both the public comments.¹² No formal requests for intervention have been filed as of the date of this Order and more than 60 days have passed.

Joint Applicants filed applications with the Federal Aviation Administration (FAA)¹³ and the Kentucky Airport Zoning Commission (KAZC)¹⁴ seeking approval for the construction and operation of the proposed facility. The FAA made a determination of no hazard to air navigation.¹⁵ The application to the KAZC has been approved.¹⁶

Joint Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility.¹⁷ 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.¹⁸

Joint Applicants have provided information, including a radio frequency analysis, that the proposed facility is required to provide adequate service and improve its service

¹² The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

¹³ Application, Exhibit E.

¹⁴ Application, Exhibit F.

¹⁵ Application, Exhibit E.

¹⁶ Application, Exhibit F.

¹⁷ Application, Exhibit B and C.

¹⁸ Application, Exhibit C.

coverage.¹⁹ Joint Applicants have also provided information that there is no reasonable opportunity to co-locate its equipment on existing structures.²⁰

To obtain a CPCN, Joint Applicants must demonstrate a need for such facilities and an absence of wasteful duplication.²¹

“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.”²² “Wasteful duplication” is defined as “an excess of capacity over need” and “an excessive investment in relation to productivity or efficiency, and an unnecessary multiplicity of physical properties.”²³ 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.²⁴

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 Rockcastle County by

¹⁹ Application, Exhibit N.

²⁰ Application at 4.

²¹ *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885 (Ky. 1952).

²² *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952).

²³ *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952).

²⁴ See KRS 278.54611.

providing interconnection between Joint Applicants' 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.

When considering the record in this proceeding the Commission recognizes the two members of the public who filed public comments in this matter. The public comments raised concerns with the tower, primarily regarding possible negative impacts on property values, scenic surroundings, wildlife and the environment.²⁵ While the concerns raised by the public commentators were legitimate, especially if the issue before the Commission was one of site compatibility, the issues raised are not as relevant to a cell tower CPCN. Accordingly, the Commission finds that concerns regarding site compatibility did not compel a different outcome when considering need and wasteful duplication.

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 is built and utility service is commenced, the antenna tower is not used for three

²⁵ The Public Comments for this case are available at <https://psc.ky.gov/Case/ViewCaseFilings/2026-00157>.

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 250 feet in height, with attached antennas, to be located at 9311 Dysart Way, Crab Orchard, Rockcastle County, Kentucky 40419. The coordinates for the proposed facility are North Latitude 37° 25' 50.03" by West Longitude 84° 27' 34.83".

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 10th day of September, 2026.

PUBLIC SERVICE COMMISSION

*signed
w/ permission*

Angie Hutton
Angie Hutton
Chair

Mary Pat Regan
Mary Pat Regan
Vice Chair

Andrew W. Wood
Andrew W. Wood
Commissioner

Barry L. Mayfield
Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil RP
Justin McNeil
Executive Director

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