COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF TOWERCO 2013, LLC AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF BATH	))))))))	CASE NO. 2026-00187

O R D E R

On August 28, 2026, TowerCo 2013, 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 305 feet in height, with attached antennas, to be located 51998 West Kentucky Highway 36, Owingsville, Bath County, Kentucky 40360. The coordinates for the proposed facility are North Latitude 38° 11' 18.67" by West Longitude 83° 49' 19.65".[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/executive[3] and all property owners within 500 feet and contiguous to the cell site have been notified of the

[1] Application (filed Sept. 3, 2026) at 3.

[2] Application at 6-7.

[3] Application, Exhibit M.

proposed construction.[4] The notices solicited any comments and informed the recipients of their right to request intervention.[5] On July 29, 2026, a public comment was received by a resident who opposed to the location of the cell tower due to the effects of exposure to radiation.[6] The resident requested that the cell tower be relocated to "another hilltop" that is not so close to the "cluster of residences" that includes her farm.[7] No requests for intervention have been received.

Joint Applicants filed applications with the Federal Aviation Administration (FAA)[8] and the Kentucky Airport Zoning Commission (KAZC)[9] seeking approval for the construction and operation of the proposed facility. The FAA made a determination of no hazard to air navigation.[10] The application to the KAZC has been approved.[11]

Joint Applicants provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility.[12] 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.[13]

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[4] Application, Exhibit K and L.

[5] Application, Exhibit K.

[6] The Public Comments for this case are available at psc.ky.gov.

[7] The Public Comments for this case are available at psc.ky.gov.

[8] Application, Exhibit F.

[9] Application, Exhibit G.

[10] Application, Exhibit F.

[11] Application, Exhibit G.

[12] Application, Exhibit C and D.

[13] Application, Exhibit C.

Joint Applicants provided information, including a radio frequency analysis, that the proposed facility is required to provide adequate service and improve its service coverage.[14] Joint Applicants also provided information that there is no reasonable opportunity to co-locate its equipment on existing structures.[15]

To obtain a CPCN, Joint Applicants must demonstrate a need for such facilities and an absence of wasteful duplication.[16]

"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."[17] "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."[18] 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.[19]

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

[14] Application, Exhibit P.

[15] Application at 4.

[16] *Kentucky Utilities Co. v. Public Service Com'n*, 252 S.W.2d 885 (Ky. 1952).

[17] *Kentucky Utilities Co. v. Public Service Com'n*, 252 S.W.2d 885, 890 (Ky. 1952).

[18] *Kentucky Utilities Co. v. Public Service Com'n*, 252 S.W.2d 885, 890 (Ky. 1952).

[19] *See* KRS 278.54611.

assure adequate coverage in the area, and to improve service in Bath County by 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.

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 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 305 feet in height, with attached antennas, to be located at 51998 West Kentucky Highway 36, Owingsville, Bath County, Kentucky 40360. The coordinates for the proposed facility are North Latitude 38° 11' 18.67" by West Longitude 83° 49' 19.65".

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.

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Entered on this 12th day of November, 2026.

PUBLIC SERVICE COMMISSION

Angie Hatton
Chair

Mary Pat Regan
Vice Chair

Andrew W. Wood
Commissioner

Barry L. Mayfield
Commissioner

ATTEST:

Justin McNeil RP

Justin McNeil
Executive Director

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