

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA NO. 1)	
PARTNERSHIP FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT AN ADDITIONAL)	
CELL FACILITY IN THE KENTUCKY RURAL)	CASE NO.
SERVICE AREA NO. 1 WHICH INCLUDES FULTON,)	2013-00023
HICKMAN, CARLISLE, BALLARD, MCCRACKEN,)	
GRAVES, MARSHALL AND CALLOWAY COUNTIES)	
IN KENTUCKY)	
)	
(THE SYMSONIA CELL FACILITY))	

ORDER

On January 24, 2013, Kentucky RSA No. 1 Partnership, a Delaware general partnership ("Applicant"), 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 self-supporting antenna tower not to exceed 264 feet in height, with attached antenna, to be located at Race Track Road, Symsonia, Graves County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 55' 12.84" by West Longitude 88° 32' 2.17".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the information contained in 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 Applicant has notified the County Judge Executive of the proposed construction and 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. On February 13, 2013, the Commission received a letter from Robert and Wilma Johnson expressing their concern regarding the proposed construction. Mr. and Mrs. Johnson were granted intervention by the Commission on March 22, 2013. An informal conference was held on April 17, 2013, with all parties present to allow the Applicant to address the concerns of Mr. and Mrs. Johnson. At the informal conference, Mr. and Mrs. Johnson indicated that they might not wish to proceed further with their intervention. On June 28, 2013, the Commission issued an Order providing Mr. and Mrs. Johnson 10 days to notify the Commission, in writing, if they wanted to request a hearing in this matter. The Commission, as of the date of this Order, has received no further correspondence from Mr. or Mrs. Johnson.

The Applicant has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has 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 Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its 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 Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 264 feet in height, with attached antenna, and is to be located at Race Track Road, Symsonia, Graves County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 55' 12.84" by West Longitude 88° 32' 2.17".

2. The Applicant 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 three 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 utility's general correspondence files.

By the Commission

ENTERED *2*
JUL 31 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Stephanie Bell
Executive Director

Case No. 2013-00023

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