

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

THE APPLICATION OF)
NEW CINGULAR WIRELESS PCS, LLC,)
A DELAWARE LIMITED LIABILITY COMPANY,)
D/B/A AT&T MOBILITY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO.: 2021-00187
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF HICKMAN)

SITE NAME: INGRAM BARGE

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**MOTION TO AMEND
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
(TO EXTEND TIME TO COMMENCE CONSTRUCTION)**

Comes New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility (“Applicant”), by counsel, and moves the Kentucky Public Service Commission (“PSC”) to amend its Order granting a Certificate of Public Convenience and Necessity (“CPCN”) to Applicant for the construction and operation of a wireless telecommunications facility to extend the time to exercise the authority granted therein.

In support of this motion, Applicant submits the following information:

1. On July 7, 2021 the PSC issued a CPCN for the construction and operation of a wireless telecommunications facility to be located at 112 Bottery Road, Columbus, KY 42032 (36° 45’ 35.679142” North latitude, 89° 06’ 36.912318” West longitude).

2. Pursuant to KRS § 278.020(1), Applicant is required to exercise said CPCN “within one (1) year from the grant thereof, exclusive of any delay due to the ... failure to obtain any necessary grant or consent(.)”

3. The facility has not yet been constructed, and Applicant will not be able to exercise the CPCN in advance of the July 7, 2022 expiration date because the proposed location is still pending review by other regulatory agencies. The proposed site is located adjacent to the Columbus-Belmont State Park, which is listed on the National Register of Historic Places. Further the proposed site is also located near a segment of the Trail of Tears. As a result, applicable FCC regulations require AT&T to enter into a Memorandum of Agreement (“MOA”) with the Kentucky State Historic Preservation Office, the National Park Service and the Cherokee Nation to mitigate any potential adverse effects that construction of the proposed site may cause. AT&T is diligently working to reach a MOA with these agencies. However, AT&T is currently experiencing significant delays in the MOA review process on multiple sites across the county. This delay was compounded by the COVID-19 pandemic. Although AT&T is confident that a MOA can be reached, there is insufficient time to reach a MOA and commence construction prior to the July 7, 2022 CPCN expiration date.

4. Accordingly, to permit adequate time for Applicant to reach a MOA with the aforesaid agencies and mobilize construction assets, Applicant request extension of the time to exercise the CPCN through July 7, 2023.

5. Applicant states that the requested extension is warranted to allow sufficient time for Applicant to reach a MOA with the aforesaid agencies and to schedule and complete construction of the subject facility.

6. There were no intervenors in opposition to the application in the PSC proceedings in this case.

7. Applicant states that the requested extension is necessary to effectuate the CPCN and to provide adequate utility service in the subject area.

8. Upon information and belief, Applicant states that the requested extension shall not cause undue hardship to any affected persons or parties.

WHEREFORE, Applicant, by counsel, moves the PSC to amend its Order in the within case dated July 7, 2021, to prescribe an extension of the time for Applicant to exercise the authority granted therein up to and including July 7, 2023.

Respectfully submitted,



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