

**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)
AND HARMONI TOWERS LLC, A DELAWARE)
LIMITED LIABILITY COMPANY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO.: 2021-00327
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF METCALFE)

SITE NAME: SPARKS RELO / WILLIAM JUDD ROAD

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**SECOND RE-NOTICE OF
MOTION TO SUBMIT FOR PROMPT DECISION
ON CPCN APPLICATION NOW PENDING FOR 151 DAYS**

New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (“AT&T”) and Harmoni Towers LLC (“Harmoni” formerly known as Uniti Towers LLC) (collectively, “Applicants”), by counsel, hereby Re-Notice their Motion, filed of record as of December 3, 2021 requesting the Kentucky Public Service Commission (“PSC”) to Submit the subject Application for Decision (“Motion”) and promptly to issue a Certificate of Public Convenience and Necessity (“CPCN”) for construction of a proposed cellular tower to provide needed wireless communications services.

The subject Application has now been pending before the Commission for what is an extraordinary number of days for a perfected wireless communications facility CPCN application where no parties have been granted intervention status in the case. Furthermore, this case is but one of fourteen (14) such cases for wireless

communications facilities that have been subjected to protracted review with no Commission decision, as set forth below.

<u>PSC Case #</u>	<u>Site Name:</u>	<u>Filing Date:</u>	<u>Number of Days Pending:</u>
2020-00300	Lake City / Luka	9/10/2020	498
2020-00310	Happy Ridge Road	9/21/2020	487
2020-00328	Dry Fork Road /Wisdom Relo	10/9/2020	469
2020-00343	Bethel / Chandler Road	10/22/2020	456
2020-00351	Rose Hill Road / Elihu Relo	10/27/2020	451
2020-00354	Monticello North Relo / Katlyn Way	10/27/2020	451
2020-00360	Jamestown Relo	11/3/2020	444
2020-00345	Russell Springs Relo	12/11/2020	406
2020-00404	Steubenville Relo	12/16/2020	401
2021-00012	Ringgold Relo / N Hart Road	1/12/2021	374
2021-00065	Pinetop Road / Windsor Relo	2/9/2021	346
2021-00092	Sharpsburg Relo	2/24/2021	331
2021-00145	Camargo Relo	3/29/2021	298
2021-00327	Sparks Relo / William Judd Road	8/23/2021	151

In each of the above-listed cases, all required information has been filed in the case record by Applicants and no other party has been granted intervention. All pertinent issues have been briefed fully by Applicants, and any and all Commission information requests have been addressed.

Although public comments suggesting the possibility of co-location alternatives have been filed by SBA Communications Corporation (“SBA”) in these cases, Applicants have demonstrated that co-location is not reasonably available in accordance with the clear, controlling precedent set forth in the Commission’s Orders in the factually similar cases 2017-0435 (“Hansen”) and 2019-0176 (“Dunville Relo”). As in each of these controlling cases, Applicants have demonstrated that an SBA tower in the vicinity of the proposed site locations is not reasonably available, and no unique or novel issues have been raised in the pending cases. Accordingly, there are no

grounds for continuing delay.

There is need and cause for the Commission to immediately grant the requested CPCNs so that Applicants may construct the proposed utility infrastructure and provide essential utility services to serve public convenience and necessity.

WHEREFORE Applicants, by counsel, hereby incorporate by reference and reiterate their aforementioned Motion as if set forth fully herein and urge the PSC grant the relief therein requested and any other relief to which they are entitled without further delay.

Respectfully submitted,

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and

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