

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC FOR ISSUANCE OF A CERTIFICATE)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY)	2009-00093
TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT 114 RISING)	
SON LANE, PRESTONSBURG, FLOYD)	
COUNTY, KENTUCKY, 41653)	

O R D E R

On March 25, 2009, New Cingular Wireless PCS, LLC (“New Cingular”) filed an application for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a wireless communications tower in Prestonsburg, Kentucky. New Cingular proposes to build the tower at a location within the political boundary of a local planning commission that has adopted planning and zoning regulations in accordance with KRS Chapter 100.

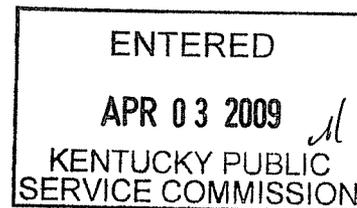
The question of whether or not the Commission has jurisdiction over such an application is currently pending in the matter of *L. Glenn Shadoan, et al. v. Kentucky Public Service Commission, et al.*, Kentucky Supreme Court Case No. 2009-SC-000053-DR. The Commission’s jurisdiction over New Cingular’s application is largely dependent upon the Supreme Court’s decision.

We find that, to ensure the most efficient and effective use of the resources of the Commission and the parties and to avoid unnecessary costs and proceedings, New Cingular’s current application should be held in abeyance pending a decision by the

Kentucky Supreme Court. If a decision has not been made within 60 days, New Cingular may file a motion to request that the Commission revisit this matter.

IT IS THEREFORE ORDERED that this matter shall be held in abeyance for a period of not less than 60 days commencing from the date of this Order and pending a final decision in Kentucky Supreme Court Case No. 2009-SC-000053-DR.

By the Commission



ATTEST:



Executive Director

Honorable Todd Briggs
Attorney at Law
17300 Polo Field Lane
Louisville, KY 40245

Tom Jankowski
Senior Manager
New Cingular Wireless PCS, LLC dba AT&T
11760 US Highway 1, Suite 600
N. Palm Beach, FL 33408