

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CUMBERLAND CELLULAR	)	
PARTNERSHIP FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	CASE NO.
AND NECESSITY TO CONSTRUCT A	)	2009-00120
WIRELESS COMMUNICATIONS FACILITY	)	
(COOPERSVILLE) IN RURAL SERVICE AREA	)	
#5 (WAYNE) OF THE COMMONWEALTH OF	)	
KENTUCKY	)	

O R D E R

On June 5, 2009, the Commission issued an Order in this proceeding setting forth a procedural schedule directing the applicant, Cumberland Cellular Partnership (“Cumberland”), to respond to the concerns and objections expressed by Mr. Jerry Neal in his motion for intervention filed on April 16, 2009. In that Order, the Commission also directed Mr. Neal to submit a reply to Cumberland’s response. Cumberland filed its response on June 24, 2009, and Mr. Neal filed his reply on June 30, 2009.

807 KAR 5:001, Section 3(8), requires a person requesting intervention to “specify his interest in the proceeding.” The regulation further states that the Commission shall grant a request for intervention if it determines that the requester has a “special interest in the proceeding which is not otherwise adequately represented” or that he is “likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.”

Having reviewed the submissions of Mr. Neal and Cumberland, the Commission finds that Mr. Neal's motion for intervention in this proceeding shall be granted. The Commission finds that Mr. Neal, as one of a few owners of property within 500 feet of the proposed cell site, has a special interest in this case which is not otherwise adequately represented. Additionally, Mr. Neal has expressed concern that his property may be adversely impacted by the proposed tower. The Commission finds that Mr. Neal should be given a fair opportunity to provide details and information, not simply argument, in support of his objections and concerns. For these reasons, the Commission shall grant the request for intervention. However, the Commission finds, in accordance with 807 KAR 5:001, Section 3(8)(a), that Mr. Neal's motion qualifies as one for limited intervention, as no request for full intervention was outlined within his motion. By this Order, Mr. Neal shall be made a limited Intervenor and shall be served only with copies of the Commission's Orders in this proceeding.

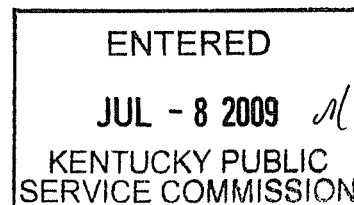
To ensure that this matter continues to move forward in a timely manner, the Commission shall require the submission of additional information into the record which will assist the Commission in the evaluation of Cumberland's application. Mr. Neal and Cumberland shall abide by the schedule set forth in the Appendix to this Order. At the conclusion of this schedule, the Commission shall review the submitted information and shall, by separate Order, determine the next step for this proceeding. Although Mr. Neal is a limited Intervenor, Cumberland is hereby required to serve a copy of its pleadings filed in response to the attached procedural schedule upon Mr. Neal. Mr. Neal shall serve a copy of his pleadings upon the counsel for Cumberland.

Cumberland and Mr. Neal shall each file five copies of their pleadings with the Commission, in accordance with the schedule provided in the Appendix.

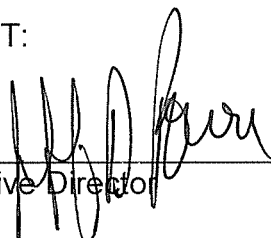
IT IS HEREBY ORDERED that:

1. Jerry Neal's motion for limited intervention is granted.
2. Mr. Neal and Cumberland shall abide by the procedural schedule provided in the Appendix to this Order.
3. At the conclusion of the procedural schedule, the Commission shall, by separate Order, determine the next step for this proceeding.

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2009-00120 DATED JUL - 8 2009

Mr. Neal shall submit written evidence demonstrating the potential loss to his property's value resulting from the construction of the proposed tower no later than.....07/31/09

Cumberland shall submit a written response to Mr. Neal's evidence no later than.....08/14/09

Mr. Neal shall submit a reply to Cumberland's responses no later than .....08/28/09

Ron Boright  
CFO  
Cumberland Cellular Partnership d/b/a Bluegrass  
2902 Ring Road  
P. O. Box 5012  
Elizabethtown, KY 42701

Honorable Kerry E Ingle  
Attorney at Law  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202