

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK	)	
LIMITED LIABILITY COMPANY FOR THE	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	CASE NO.
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	2009-00423
A WIRELESS TELECOMMUNICATIONS FACILITY	)	
IN PERRY COUNTY, KENTUCKY	)	

O R D E R

On November 18, 2009, East Kentucky Network, LLC d/b/a Appalachian Wireless (“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 180 feet in height, with attached antenna, to be located on a tract of land approximately one mile northwest of Bonnyman in Perry County, Kentucky.<sup>1</sup> The coordinates for the proposed facility are North Latitude 37° 18’ 8” by West Longitude 83° 14’ 31.8”.

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

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<sup>1</sup> The Federal Aviation Administration (“FAA”) approved the proposed tower at a height of 315 feet, and the Kentucky Airport Zoning Commission (“KAZC”) approved the proposed tower at a height of 258 feet. However, the design plans as well as all notifications sent out by the Applicant indicate the proposed tower height to be 180 feet. Additionally, the Applicant filed a correction to its application on November 23, 2009, indicating that the proposed tower height is to be 180 feet.

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. The Applicant has filed applications with the FAA and the KAZC seeking approval for the construction and operation of the proposed facility. Both applications have been approved.<sup>2</sup>

The Applicant has 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. To date, no public comments have been filed with the Commission.

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

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<sup>2</sup> Since the FAA and KAZC approvals were for heights greater than the Applicant's proposed tower height of 180 feet, no further approvals are needed from either entity.

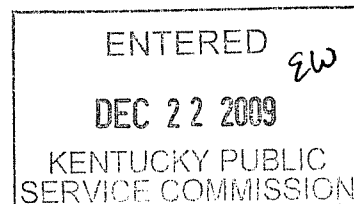
notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

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 180 feet in height, with attached antenna, and is to be located on a tract of land approximately one mile northwest of Bonnyman in Perry County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 18' 8" by West Longitude 83° 14' 31.8".

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.

By the Commission



ATTEST:

  
Executive Director

Gerald Robinette  
General Manager  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642