

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A WIRELESS)	CASE NO.
TELECOMMUNICATIONS FACILITY AT TUNNEL)	2010-00082
HOLLOW ROAD, MIDDLESBORO, BELL COUNTY,)	
KENTUCKY 40965)	
SITE NAME: STEPHENSON BRANCH (135P0237))	

O R D E R

On March 22, 2010, New Cingular Wireless PCS, LLC, a Delaware limited liability company ("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 monopole antenna tower not to exceed 199 feet in height, with attached antenna, to be located at Tunnel Hollow Road, Middlesboro, Bell County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 37' 49.81" by West Longitude 83° 42' 22.87".

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 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 Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

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. On March 25, 2010, the Commission received a letter of concern from J. C. Meredith on behalf of the city of Middlesboro. The Commission issued a response letter on April 1, 2010, but no further comments have been filed by the city of Middlesboro.

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 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.

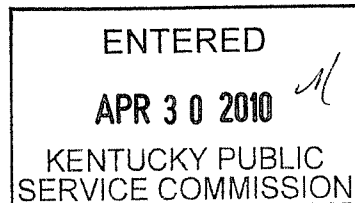
IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antenna, and is to be located at Tunnel Hollow Road, Middlesboro, Bell County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 37' 49.81" by West Longitude 83° 42' 22.87".

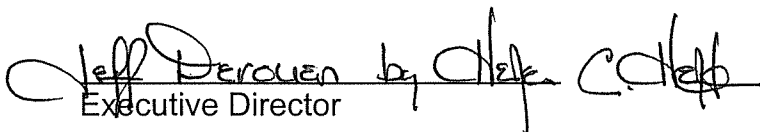
2. The Applicant shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. Any documents filed in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the utility's general correspondence file.

By the Commission



ATTEST:


Executive Director

Honorable Todd Briggs
Attorney at Law
Briggs Law Office, PSC
1301 Clear Springs Trace, Suite 205
Louisville, KY 40223

Tony A Taylor
New Cingular Wireless PCS, LLC dba AT&T
601 W. Chestnut Street
4th Floor East
Louisville, KY 40203