

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS	)	
PCS, LLC AND SBA TOWERS V, LLC	)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
A WIRELESS COMMUNICATIONS FACILITY AT	)	CASE NO.
7810 U.S ROUTE 60, ASHLAND	)	2014-00337
BOYD COUNTY, KENTUCKY, 41102	)	
	)	
SITE NAME: ROCKDALE 2 (KY15745-S)	)	

ORDER

On September 30, 2014, New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility, and SBA Towers V, LLC, a Florida limited liability company, (jointly, "the 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 199 feet in height, with attached antenna, to be located at 7810 U.S. Route 60, Ashland, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 25' 13.268" by West Longitude 82° 42' 7.596".<sup>1</sup> On December 24, 2014, the Applicant filed an amended application confirming the accuracy of these coordinates and including revised Exhibits E and G reflecting the correct coordinates.

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the

---

<sup>1</sup> See application, Exhibit B, engineering map.

information contained in 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 and 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 October 13, 2014, the Commission received a letter from Manual and Mary Moore requesting additional time to review the proposed tower location indicated in the application to determine the impact of the proposed construction on their property located on 1430 East Williams Drive. The Commission issued a response letter on November 3, 2014, giving the Moores ten days to request full intervention in this proceeding if further participation was desired. To date, the Commission has received no additional correspondence related to this matter.

The Applicant has filed evidence indicating that authorization from the Federal Aviation Administration and the Kentucky Airport Zoning Commission was not required for the construction and operation of the proposed facility.

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 self-supporting antenna tower not to exceed 199 feet in height, with attached antenna, and is to be located at 7810 U.S. Route 60, Ashland, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude  $38^{\circ} 25' 13.268''$  by West Longitude  $82^{\circ} 42' 7.596''$ .

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. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the utility's general correspondence files.

By the Commission

ENTERED  
JAN 12 2015  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

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

Case No. 2014-00337

Todd R Briggs  
Briggs Law Office, PSC  
4965 U.S. Highway 42  
Suite 1000  
Louisville, KENTUCKY 40222