

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST	)	
KENTUCKY NETWORK, LLC D/B/A	)	
APPALACHIAN WIRELESS FOR THE ISSUANCE	)	CASE NO.
OF A CERTIFICATE OF PUBLIC CONVENIENCE	)	2025-00262
AND NECESSITY TO CONSTRUCT A	)	
REPLACEMENT TOWER IN LAWRENCE	)	
COUNTY, KENTUCKY	)	

ORDER

On August 28, 2025, East Kentucky Network, LLC d/b/a Appalachian Wireless (Appalachian Wireless) filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 190 feet in height, with attached antennas,<sup>1</sup> to be located near 25191 US Hwy 23, Catlettsburg, Kentucky. The coordinates for the proposed facility are North Latitude 38° 12' 08.27" by West Longitude 82° 36' 41.17".<sup>2</sup>

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<sup>1</sup> Notice of Intent to File an Application for the Issuance of A Certificate of Public Convenience and Necessity to Construct a Tower Using Electronic Filing Procedures (filed Aug. 4, 2025), Exhibit 2, stated, in pertinent part, the “. . . facility will include a 190-foot self-supporting tower with attached antennas extending upwards . . . .” However, Exhibit 6, the Federal Aviation Administration (FAA) and Kentucky Airport Zoning Commission (KAZC), Determination lists the Detroit airport code (DET) and Above Ground Level (AGL) altitude in the FAA application and Total Structure Height in the KAZC application as 200 feet respectively. The total structure height including any antenna was also not provided in the Exhibit 3, Notice to the County Judge Executive and the Newspaper Advisement; Exhibit 5, Tower Design; and Exhibit 12, Vertical Profile Sketch of Proposed Tower.

<sup>2</sup> The physical address provided in the application is located in Catlettsburg, Boyd County Kentucky. The coordinates provided in the application are located in Lawrence County, Kentucky.

Pursuant to 807 KAR 5:063, Appalachian Wireless has filed statements of having provided the required notifications regarding the proposed construction.<sup>3</sup> Pursuant to 807 KAR 5:063, Appalachian Wireless has filed evidence that the county judge/executive<sup>4</sup> and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction.<sup>5</sup> The notices solicited any comments and informed the recipients of their right to request intervention. As of the date of this Order, no public comments or requests for intervention have been received.

Appalachian Wireless submitted the determination from the Federal Aviation Administration (FAA) of no hazard to air navigation and the application to the Kentucky Airport Zoning Commission (KAZC) seeking approval for the construction and operation of the proposed facility. However, on November 11, 2025, Appalachian Wireless filed a determination by KAZC that a permit is not required.<sup>6</sup>

Appalachian Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility.<sup>7</sup> 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.

Appalachian Wireless has provided information, including a radio frequency analysis, that the proposed facility is required to provide adequate service and improve

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<sup>3</sup> Application (filed Aug. 28, 2025) at 2.

<sup>4</sup> Application Exhibit 3.

<sup>5</sup> Application Exhibit 2.

<sup>6</sup> Appalachian Wireless' Updated Information Regarding KAZC Filing (filed Nov. 11, 2025).

<sup>7</sup> Application Exhibit 5.

its service coverage.<sup>8</sup> Appalachian Wireless has also provided information that there is no reasonable opportunity to co-locate its equipment on existing structures.<sup>9</sup>

To obtain a CPCN, Appalachian Wireless must demonstrate a need for such facilities and an absence of wasteful duplication.<sup>10</sup>

“Need” requires “a showing of a substantial inadequacy of existing service, involving a consumer market sufficiently large to make it economically feasible for the new system or facility to be constructed or operated.”<sup>11</sup> “Wasteful duplication” is defined as “an excess of capacity over need” and “an excessive investment in relation to productivity or efficiency, and an unnecessary multiplicity of physical properties.”<sup>12</sup> The wireless market is competitive and, other than the placement of towers and interconnection with other telecommunications providers, the Commission has little jurisdiction over wireless providers, including no jurisdiction over the rates and earnings of a wireless provider.<sup>13</sup>

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that Appalachian Wireless has demonstrated that there is a need for the proposed facility as a result of increasing demand for telecommunications

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<sup>8</sup> Application at 1.

<sup>9</sup> Application at 4.

<sup>10</sup> *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885 (Ky. 1952).

<sup>11</sup> *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952).

<sup>12</sup> *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952)

<sup>13</sup> See KRS 278.54611.

services, to assure adequate coverage in the area, and to improve service in Lawrence County<sup>14</sup> by providing interconnection.

The Commission also finds that the proposed facility will not result in wasteful duplication. Building a new tower to improve telecommunication services and assure adequate coverage when there are no reasonable opportunities to co-locate the equipment required to do so is not wasteful duplication. The Commission, therefore, finds that a CPCN 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, Appalachian Wireless shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the antenna tower is not used for three consecutive months in the manner authorized by 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 shall be observed by Appalachian Wireless.

IT IS THEREFORE ORDERED that:

1. Appalachian Wireless is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 190 feet in height, with attached antennas, to be located near 25191 US Hwy 23,

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<sup>14</sup> Catlettsburg is located in Boyd County not Lawrence County, Kentucky.

Catlettsburg, Kentucky. The coordinates for the proposed facility are North Latitude 38°12'08.27" by West Longitude 82°36'41.17".


2. Appalachian Wireless 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 three consecutive 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 post-case correspondence file.

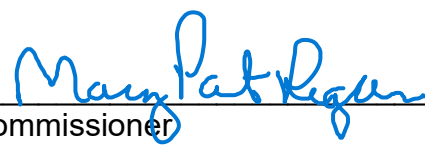
4. This case is closed and removed from the Commission's docket.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

  
Executive Director



Case No. 2025-00262

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