

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF THE TOWERS,)	
LLC D/B/A VERTICAL BRIDGE AND KENTUCKY)	
RSA NO. 1 PARTNERSHIP BY CELLCO)	
PARTNERSHIP D/B/A VERIZON WIRELESS, ITS)	
MANAGING PARTNER FOR ISSUANCE OF A)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND)	2025-00302
NECESSITY TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF MARSHALL)	

ORDER

On October 22, 2025, The Towers, LLC d/b/a Vertical Bridge and Kentucky RSA No. 1 Partnership by Cellco Partnership d/b/a Verizon Wireless (collectively, Joint Applicants) filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility. The proposed facility consisted of a 255-foot tall tower with a 10-foot lightning arrestor attached, for a total height of 265-feet, to be located at 1429 JB Copeland Road, Symsonia, Marshall County, Kentucky 42082. The coordinates for the proposed facility are North Latitude 36° 52' 45.31" by West Longitude 88° 27' 27.72".

On December 8, 2025, Jennifer Fisk filed a motion to intervene and requested a hearing as an adjoining landowner.¹ On December 15, 2025, the Joint Applicants filed a

¹ Motion to Intervene and Request for Hearing of Jennifer Fisk (Fisk Motion) (filed Dec. 8, 2025).

response to the motion and objected to Ms. Fisk being granted intervention.² On December 29, 2025, Joint Applicants filed a motion requesting that the Commission stay the proceeding for 60 days to facilitate a settlement with Jennifer Fisk.³ The Commission granted the motion for no more than 75 days on January 9, 2026.⁴ Movant, Jennifer Fisk, subsequently filed a withdrawal of her motion to intervene and request for hearing on February 10, 2026, stating that she had entered into a confidential, written agreement with Joint Applicants.⁵

On February 24, 2026, Joint Applicants filed an Amendment to the CPCN Application, consistent with the private written agreement with Jennifer Fisk.⁶ All references to a 255-foot-tall tower with a 10-foot-tall lightning arrester in the filed application were amended to refer to a 195-foot-tall tower with a 4-foot-tall lightning arrester, for a total height of 199 feet.⁷ Joint Applicants stated the change in height had been reflected across the submitted amended Exhibit B-1, sheets T-1, P-1, P-2, P-3 and P-4, and is the only alteration.⁸

Pursuant to 807 KAR 5:063, Joint Applicants previously filed statements of having provided the required notifications regarding the proposed construction.⁹ Pursuant to 807

² Response to Motion to Intervene and Request for Hearing

³ Motion to Stay Proceeding for Days to Facilitate Settlement with Jennifer Fisk (Motion) (filed Dec. 29, 2025).

⁴ Order (Ky. PSC Jan. 9, 2026), at 2.

⁵ Fisk Motion (filed Feb. 10, 2026).

⁶ Amendment to CPCN Application (filed Feb. 24, 2026).

⁷ Amendment to CPCN Application, at 2.

⁸ Amendment to CPCN Application, at 2.

⁹ Application (filed Oct. 22, 2025) at 6-7.

KAR 5:063, Joint Applicants previously filed evidence that the county judge/executive¹⁰ and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction.¹¹ The notices solicited any comments and informed the recipients of their right to request intervention.¹²

Joint Applicants previously filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. The application to the KAZC has been approved.¹³ The FAA made a determination of no air hazard.¹⁴

Joint Applicants previously provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility.¹⁵ Amendments to the site plan and tower profile were filed in the Amendment to CPCN Application.¹⁶ 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.

Joint Applicants previously provided information, including a radio frequency analysis, that the proposed facility is required to provide adequate service and improve

¹⁰ Application, Exhibit L.

¹¹ Application, Exhibits J and K.

¹² Application, Exhibit K.

¹³ Application, Exhibit F.

¹⁴ Application, Exhibit E.

¹⁵ Application, Exhibits B and C.

¹⁶ Amendment to CPCN Application, Exhibit B-1.

its service coverage.¹⁷ Joint Applicants also previously provided information that there is no reasonable opportunity to co-locate its equipment on existing structures.¹⁸

To obtain a CPCN, Joint Applicants must demonstrate a need for such facilities and an absence of wasteful duplication.¹⁹

“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.”²⁰ “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.”²¹ 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.²²

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that Joint Applicants tendered an amended application with their February 24, 2026 filing.²³ The Commission accepts the amended application filed as of February 24, 2026. Having considered the evidence of the record, the Commission finds

¹⁷ Application at 3, Exhibit N.

¹⁸ Application at 4.

¹⁹ *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885 (Ky. 1952).

²⁰ *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952).

²¹ *Kentucky Utilities Co. v. Public Service Com’n*, 252 S.W.2d 885, 890 (Ky. 1952).

²² See KRS 278.54611.

²³ Amendment to CPCN Application.

that Joint Applicants have demonstrated that there is a need for the proposed facility as a result of increasing demand for telecommunications services, to assure adequate coverage in the area, and to improve service in Marshall County by providing interconnection between Verizon Wireless' other sites forming a more cohesive network.

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, Joint Applicants 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 Joint Applicants.

Finally, the Commission finds it should grant Jennifer Fisk's request to withdraw her motion to intervene and request for a hearing (Motion to Intervene) filed December 8, 2025.

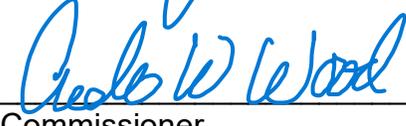
IT IS THEREFORE ORDERED that:

1. The application is amended and deemed filed February 24, 2026.
2. The withdrawal of Jennifer Fisk's Motion to Intervene is granted.
3. Joint Applicants are granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 199 feet in height, with attached antennas, to be located at 1429 JB Copeland Road, Symsonia, Marshall County, Kentucky 42082. The coordinates for the proposed facility are North Latitude 36° 52' 45.31" by West Longitude 88° 27' 27.72".
4. Joint Applicants 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.
5. Documents filed, if any, in the future pursuant to ordering paragraph 4 herein shall reference this case number and shall be retained in the post-case correspondence file.
6. This case is closed and removed from the Commission's docket.

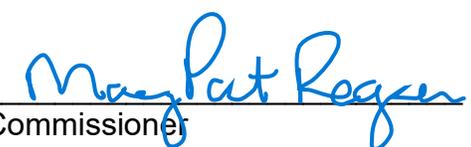
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director





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