

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4 CELLULAR )  
GENERAL PARTNERSHIP FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE NO. 92-134  
NECESSITY TO CONSTRUCT A CELL SITE IN )  
RURAL SERVICE AREA #4 (SPENCER) OF THE )  
COMMONWEALTH OF KENTUCKY )

O R D E R

On March 30, 1992, Kentucky RSA #4 Cellular General Partnership ("RSA #4 General Partnership") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor and Washington counties. RSA #4 General Partnership has requested authorization to construct a cell site in Taylor County. RSA #4 General Partnership was previously granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 90-308.<sup>1</sup>

The proposed cell site consists of a 400 foot or less guyed antenna tower to be located at 635 Smith Ridge Road,

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<sup>1</sup> Case No. 90-308, Application of Kentucky RSA #4 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #4 (Spencer) of the Commonwealth of Kentucky.

Campbellsville, Kentucky ("the Campbellsville site"). The coordinates for the Campbellsville site are North Latitude 37° 19' 25" by West Longitude 85° 19' 41".

RSA #4 General Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Campbellsville cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Campbellsville cell site's construction is exempt from local zoning ordinances. RSA #4 General Partnership has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Campbellsville cell site. RSA #4 General Partnership has received approval from the FCC, while the KAZC and FAA have yet to take action.

RSA #4 General Partnership has filed notices verifying that each property owner and/or resident within 500 feet of the Campbellsville cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. On May 14, 1992, the Commission received a protest letter from Marilyn Clarke. On May 20, 1992, RSA #4 General Partnership was

ordered by the Commission to respond to Ms. Clarke. The Commission concurrently notified Ms. Clarke of her right to intervene. To date, no intervention requests have been received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that RSA #4 General Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the Campbellsville cell site in RSA No. 4 under its previously approved tariff.

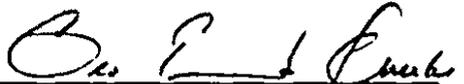
IT IS THEREFORE ORDERED that:

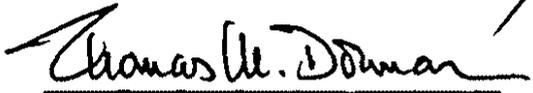
1. RSA #4 General Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 400 foot or less guyed cellular radio telecommunications antenna tower in RSA No. 4 to be located at 635 Smith Ridge Road, Taylor County, Campbellsville, Kentucky. The coordinates for the Campbellsville site are North Latitude  $37^{\circ} 19' 25''$  by West Longitude  $85^{\circ} 19' 41''$ .

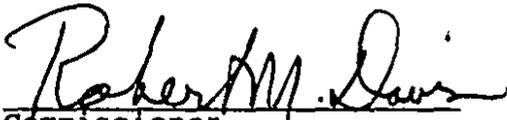
2. RSA #4 General Partnership shall file a copy of the final decisions regarding its pending FAA and KAZC applications for this cell site construction, within 10 days of receiving these decisions.

Done at Frankfort, Kentucky, this 6th day of July, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director , Acting