

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO., L.P. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
CONSTRUCT A PERSONAL COMMUNICATION) CASE NO. 96-240
SERVICES FACILITY IN THE LOUISVILLE)
MAJOR TRADING AREA (LONGRUN PCS)
FACILITY LV03XC0085B5))

O R D E R

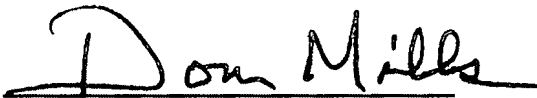
The Commission has received the attached letters from Dr. and Mrs. Brooks Jackson II and Joseph J. Solomon regarding the proposed personal communication services facility to be located on the right at 7075 Colt Run Road, Simpsonville, Shelby County, Kentucky.

IT IS THEREFORE ORDERED that:

1. WirelessCo., L.P. ("WirelessCo") shall respond to the Jacksons' and Mr. Solomon's concerns by certified letter, within 10 days from the date of this Order.
2. WirelessCo shall file a copy of the certified letter and dated receipt, within 7 days of the date of the receipt.

Done at Frankfort, Kentucky, this 24th day of June, 1996.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

MATHIS, RIGGS, PRATHER & DEAN, P.S.C.

ATTORNEYS AT LAW

500 MAIN STREET · P.O. BOX 1039

SHELBYVILLE, KENTUCKY 40066-1039

C. LEWIS MATHIS, JR.
T. SHERMAN RIGGS
DONALD T. PRATHER
MARK D. DEAN

HAROLD Y. SAUNDERS
OF COUNSEL

TELEPHONE: (502) 633-5220
FAX: (502) 633-0667

June 18, 1996

Mr. Don Mills
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

JUN 19 1996

Re: Case No. 96-240

Dear Mr. Mills:

This office represents Dr. Brooks Jackson, II, and Barbara Jackson, who reside at 9770 Shelbyville Road, Simpsonville, Kentucky. The Jacksons intend to vigorously contest the location of the proposed 165' antenna.

We assume that the proponents of the tower will be able to justify that a tower is needed in the general vicinity. The Jacksons do not oppose the existence of the tower. However, the proposed location is totally inappropriate. It is in the middle of a developed residential neighborhood of 5 acre tracts whose owners have made very sizeable financial expenditures on their homes and properties. The proposed location is not even a hilltop.

Better locations exist in the immediate vicinity. To the best of the undersigned's knowledge, the proponents have never even approached West Shelby Water District about locating their antenna facilities on top of West Shelby's existing water tower in Simpsonville, Kentucky. Additionally, the proposed location is approximately 1 mile north of the I-64 corridor. As opposed to the proposed location, which is located along heavily developed U.S. Highway 60, the I-64 corridor has relatively little residential development. A location along I-64 would make more sense from the public's standpoint. Additionally, it is my understanding that Sprint has a fiberoptic cable and easement running along the north side of I-64 in the immediate area.

Mr. Don Mills
June 18, 1996
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We would additionally point out that the notice to the neighboring residents was defective and the proponent should be required to re-notice all residents. My clients did not receive any direct notice at all. They were advised of the matter by their neighbors, Joe and Ann Solomon. Attached is a copy of the letter to the Solomons. You will note that their last name is incorrectly spelled as Sullivan, their address is incorrectly given as 90790 Shelbyville Road (their actual address as shown in the Shelby County phone book is 9790 Shelbyville Road), the zip code is incorrect, and although the letter is dated May 30, 1996, it was not post marked until June 11, 1996. Although this office does not represent the Solomons, it is my understanding that they intend to oppose this project.

Please accept this letter as notice of the Jacksons' formal opposition to this project and notice of their intention to intervene in this proceeding.

Yours truly,

MATHIS, RIGGS, PRATHER & DEAN, P.S.C.

By: 

Donald T. Prather

DTP/bs

Enclosure

cc: Dr. & Mrs. Brooks Jackson
Mr. & Mrs. Joe Solomon

2CPJACK-PSC.CVR

JUN 19 1996

M. Brooks and Barbara H. Jackson
9770 Shelbyville Rd.
Simpsonville, KY 40067
(502) 722-8340
June 17, 1996

Executive Director
Public Service Commission of KY
Post Office Box 615
Frankfort, KY 40602

RE: Case No. 96-240

Dear Sir or Madam:


This is in response to a tardy letter received by our neighbor, note enclosure with postdated envelope, with incorrect name, address and zip code.

We have never been notified of your proposed monopole, though our property is immediately adjacent to the area of the proposed tower. We are adamantly opposed to the construction of the tower at this location. We live in a residential area with fine homes.

We will utilize all resources to prevent this from being built at this location.

We look forward to a response.

Sincerely,



M. Brooks Jackson II
Barbara H. Jackson

Gearon & Co., Inc.

Wireless Network Development

9000 Wessex Place - Suite 100

Louisville, Kentucky 40222

Phone: (502) 394-9900 - Fax: (502) 394-3571

May 30, 1996

Mr. and Mrs. Joe & Ann Sullivan
90790 Shelbyville Road
Simpsonville, KY 40270

Re: Public Notice - Public Service Commission of Kentucky,
Case No. 96-240

Dear Sir or Madam:

WirelessCo., L.P., doing business in Kentucky as Sprint Spectrum, has applied to the Public Service Commission (the "Commission") of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new Public Communications Services ("PCS") facility to provide personal wireless telephone and data services. Over fifty percent of Sprint Spectrum's proposed new facilities will be located on existing structures (ie., rooftops and water tanks). Unfortunately, no such appropriate and available structure exists in this area. Therefore, the proposed new facility will include a monopole, with attached antennas extending upward for a total height of 165', and an equipment shelter to be located at 7075 Colt Road, Simpsonville, Kentucky. A map showing the location of the proposed new PCS facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed monopole.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 96-240 in your correspondence.

Yours truly,

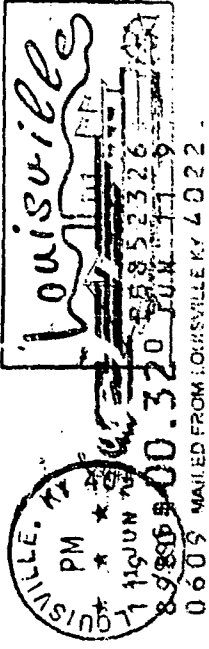
Cheryl J. Pence/c

Cheryl J. Pence

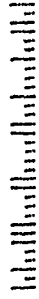
J.D., M.C.P.

9000 Wesssex Place
Suite 10F
Louisville,
Kentucky 40222

Sprint Telecommunications Venture



Occupant
90790 Shelbyville Rd.
Simpsonville, Ky. 40270



RECEIVED

JUN 26 1996

PUBLIC SERVICE
COMMISSION

Executive Director's Office
Public Service Commission of Ky.
P.O. Box 615
Frankfort, KY 40602

June 18, 1996

RE: Case no. 96-240

Dear Sir or Madam:

I want you to be aware that the proposed 165' monopole on Colt Run Road is in a residential area with approximately 12 to 14 residential homes within 500 to 600 ft. therefore I am against any erection of this nature in such a heavily populated area.

Thank you for your attention.

Sincerely,



Joseph J. Solomon
9790 Shelbyville Rd.
Simpsonville, KY 40065