

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO, L.P. THROUGH ITS AGENT )  
AND GENERAL PARTNER, SPRINT SPECTRUM, L.P. FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT A PERSONAL ) CASE NO.  
COMMUNICATION SERVICES FACILITY IN THE LOUISVILLE ) 96-310  
MAJOR TRADING AREA [ MCCAWLEY AVENUE PCS FACILITY )  
LV03XC044B5] )

O R D E R

On July 10, 1996, Sprint Spectrum, L.P. on behalf of WirelessCo, L.P. filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") facility in the Louisville Major Trading Area, which encompasses the entire Commonwealth of Kentucky. On August 9, 1996, WirelessCo, L.P., through its agent and general partner Sprint Spectrum, L.P., amended the application, stating that the jurisdictional utility and applicant in this matter is WirelessCo, L.P. WirelessCo, L.P. has requested authorization to construct a PCS site in Jefferson County. WirelessCo, L.P. was previously granted the authority to operate in Case No. 96-077.<sup>1</sup>

The proposed PCS site consists of a 100-foot or less monopole antenna tower to be located at 6220 Old Shepherdsville Road, Jefferson County, Kentucky ("the McCawley

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<sup>1</sup> Case No. 96-077, The Application of WirelessCo, L.P., d/b/a Sprint Telecommunications Venture for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Commercial Mobile Radio Service Transmission Facilities in Kentucky.

Avenue PCS site"). The coordinates for the McCawley Avenue PCS site are North Latitude 38° 09' 26" by West Longitude 85° 39' 40".

WirelessCo, L.P. has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the McCawley Avenue PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the McCawley Avenue PCS site's construction is exempt from local zoning ordinances; however, WirelessCo, L.P. notified the Jefferson County Planning Commission of the pending construction.<sup>2</sup> The Airspace Safety Analysis Corporation determined that a filing with the Federal Aviation Administration for the McCawley site would not be required. WirelessCo, L.P. has filed with and awaits approval from the Kentucky Airport Zoning Commission ("KAZC").

WirelessCo, L.P. has verified that each person who owns property or who resides within 500 feet of the McCawley Avenue PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after WirelessCo, L.P.'s application was filed. To date, no intervention requests have been received.

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<sup>2</sup> The Admendment to KRS 100.324, which requires that the Jefferson County Planning Unit review proposed cellular and PCS antenna tower construction, was not yet in effect when this application was filed.

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, WirelessCo, L.P. should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services 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 WirelessCo, L.P.

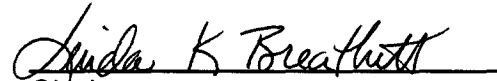
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that WirelessCo, L.P. should be granted a Certificate of Public Convenience and Necessity to construct and operate the McCawley Avenue PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:


1. WirelessCo, L.P. is granted a Certificate of Public Convenience and Necessity to construct and operate the McCawley Avenue PCS site.
2. WirelessCo, L.P. shall file a copy of the final decision regarding the pending KAZC application for this cell site construction within 10 days of receiving this decision.
3. WirelessCo, L.P. 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 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 12th day of November, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director