

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET OF KENTUCKY )  
INCORPORATED FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT AN ADDITIONAL ) CASE NO. 96-071  
CELL FACILITY IN THE LOUISVILLE, KENTUCKY )  
METROPOLITAN STATISTICAL AREA (KOSMO )  
CELL FACILITY) )

O R D E R

On February 26, 1996, GTE Mobilnet of Kentucky Incorporated ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications service facility in the Louisville Metropolitan Statistical Area ("the Louisville MSA"). Pursuant to the application, as amended on January 6, 1997, and April 18, 1996, the proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antennas, to be located at 585 Nichols Hill Road, West Point, Bullitt County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 1' 16.25" by West Longitude 85° 53' 12.87".

GTE Mobilnet has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. 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 proposed facility's construction is exempt from local zoning ordinances. However, GTE Mobilnet has notified the Bullitt County Planning Commission of the proposed construction. To date, no comments have been filed by the Planning Commission. GTE Mobilnet has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

GTE Mobilnet has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility 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, GTE Mobilnet has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Commission received comments from counsel for nearby property owners ("Intervenors") expressing his clients' opposition to the proposed construction. The Commission later granted them intervention and a hearing was scheduled at their request. Upon motion of GTE Mobilnet, the hearing was canceled and an informal conference scheduled instead. After the informal conference held July 23, 1996, GTE Mobilnet continued to negotiate with the Intervenors and the case was held in abeyance pending potential relocation of the proposed construction. On January 6, 1997, GTE Mobilnet filed its second amendment to its application. The amendment, inter alia, relocated the proposed construction approximately 120 feet west of its originally proposed location and changed the proposed structure from a self-supporting tower to a monopole. Persons who

own property or reside within 500 feet of the newly proposed site were notified. To date, no further comments have been received by the Commission.

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, GTE Mobilnet should notify the Commission if it does not use this antenna tower to provide service 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 GTE Mobilnet.

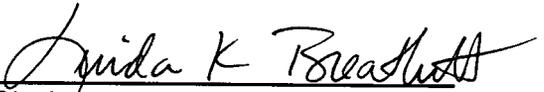
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE Mobilnet should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in the Louisville MSA under its currently approved tariff.

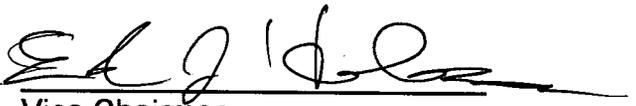
IT IS THEREFORE ORDERED that:

1. GTE Mobilnet is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 199 feet in height, with attached antennas, to be located at 585 Nichols Hill Road, West Point, Bullitt County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 1' 16.25" by West Longitude 85° 53' 12.87".
2. GTE Mobilnet 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 24th day of February, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director