

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET)
INCORPORATED FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL)
COMMUNICATIONS SERVICE FACILITY IN THE)
CINCINNATI-DAYTON MAJOR TRADING AREA) CASE NO. 96-376
("MTA") WHICH INCLUDES BOONE, KENTON,)
CAMPBELL, GALLATIN, GRANT, PENDLETON,)
BRACKEN, MASON, LEWIS, GREENUP, CARTER,)
BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN,)
FLOYD, AND PIKE COUNTIES, KENTUCKY ("CVG)
NO. 18/GOOD SHEPHERD FACILITY"))

O R D E R

On August 9, 1996, GTE Mobilnet Incorporated ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a personal communications service facility in the Cincinnati-Dayton Major Trading Area ("Cincinnati-Dayton MTA"). The application was amended on January 21, 1997 and again on September 30, 1997. The proposed facility consists of a monopole antenna tower not to exceed 165 feet in height, with attached antennas, to be located at 930 Highland Avenue, Ft. Thomas, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 18.02" by West Longitude 84° 27' 55.40".

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 City of Ft. Thomas Planning Commission ("Planning Commission") of the proposed construction. The Planning Commission filed comments regarding the proposed construction. GTE Mobilnet responded in writing to the Planning Commission's concerns and an informal conference with the Commission staff was held on October 14, 1996. As discussed below, the application was amended on January 21, 1997 and no further comments were filed by the Planning Commission.

GTE Mobilnet has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission 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.

Numerous protests and comments regarding the proposed construction were filed with the Commission. Several protestors requested and were granted intervention in this proceeding. After discussions with interested parties, GTE Mobilnet amended its application on January 21, 1997. The amendment relocated the proposed construction on the same property and provided for additional notices to adjoining property owners and

residents. Subsequently, an additional property owner requested and was granted intervention in this proceeding. Pursuant to a motion filed by GTE Mobilnet, the application was held in abeyance pending negotiations with interested parties. On September 30, 1997, GTE Mobilnet filed a second amendment to its application. The amendment relocated, again, the proposed construction on the same property and included the consent of all but one property owner within 500 feet. A letter was later filed on behalf of the remaining property owner indicating that no objection would be made regarding the amended application. To date, no further comments have been filed with 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 Cincinnati-Dayton MTA.

IT IS THEREFORE ORDERED that:

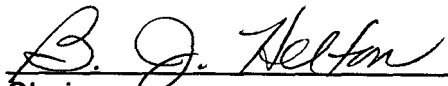
1. GTE Mobilnet is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 165 feet in height, with

attached antennas, to be located at 930 Highland Avenue, Ft. Thomas, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 18.02" by West Longitude 84° 27' 55.40".


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 21st day of November, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director