

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. 97-013
("MTA") WHICH INCLUDES BOONE, KENTON,)
CAMPBELL, GALLATIN, GRANT, PENDLETON,)
BRACKEN, MASON, LEWIS, GREENUP, CARTER,)
BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN,)
FLOYD AND PIKE COUNTIES, KENTUCKY ("KY)
NO. 0231/BP OIL CELL FACILITY"))

O R D E R

On February 6, 1997, 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 proposed facility consists of a monopole antenna tower not to exceed 110 feet in height, with attached antennas, to be located at 401 River Road, Bromley, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 28.69" by West Longitude 84° 33' 45.72".

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 requested approval from the Northern Kentucky Area Planning Commission ("NKAPC") for the proposed construction. The NKAPC approved the proposed construction on January 8, 1997. 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. The KAZC determined that a permit was not required for the proposal and the FAA decision is pending.

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 one letter commenting on the proposed construction and requesting intervention, which was later granted. GTE Mobilnet responded to the intervenor's concerns and under separate letter, the Commission informed the intervenor of his right to request a hearing if he was not satisfied with GTE Mobilnet's response. 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 110 feet in height, with attached antennas, to be located at 401 River Road, Bromley, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 28.69" by West Longitude 84° 33' 45.72".
2. GTE Mobilnet shall file a copy of the final decision regarding its pending FAA application for the proposed construction within 10 days of receiving the decision.
3. 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 9th day of May, 1997.

PUBLIC SERVICE COMMISSION

Lynda K. Breathitt
Chairman

Edwin Z. Holmes
Vice Chairman

B. J. Helton
Commissioner

ATTEST:

Don Mills
Executive Director