

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T WIRELESS PCS, INC.,)
BY AND THROUGH ITS AGENT, WIRELESS PCS,)
INC., FOR THE ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO) CASE NO. 97-038
CONSTRUCT A PERSONAL COMMUNICATIONS)
SERVICES NETWORK FACILITY IN FLORENCE,)
KENTUCKY AND CALLED THE AUTOBATH SITE)

O R D E R


The Commission has received the attached letters from Mayor Evelyn Kalb, Bill Keller, and Kevin T. Wall (hereinafter referred to collectively as "Petitioners") regarding the proposed personal communications services facility to be located at 8001 Dream Street, Florence, Boone County, Kentucky.

IT IS THEREFORE ORDERED that:

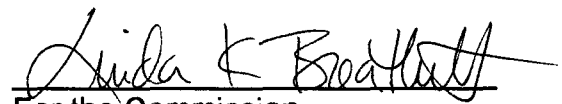
1. AT&T Wireless PCS, Inc. ("AT&T Wireless") shall respond to Petitioners' concerns by certified letter, within 10 days from the date of this Order.
2. AT&T Wireless shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 24th day of February, 1997.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

City of Florence



EVELYN M. KALB
Mayor

OFFICE OF THE MAYOR

February 6, 1997

Don Mills, Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

RECEIVED

FEB 10 1997

PUBLIC SERVICE
COMMISSION

Reference case number 97-038

Dear Don:

In response to the AT&T Wireless PCS, Inc. application to build a 190 foot monopole tower at 8001 Dream Street, Florence, Kentucky 41042, this is to advise that the City of Florence plans to build a tower nearby. It is in the city's interest to keep the number of towers in the area to a minimum.

The City of Florence is in the process of building a new government center on Ewing Boulevard near the proposed AT&T site on Dream Street. The Boone County Public Services Communications Center (PSCC), which serves the communications needs of all Police Fire and EMS agencies in Boone County, will be located within the Florence Government Center. We plan to build a communications tower for PSCC on Tanners Lane less than a half mile from the proposed facility on Dream Street.

We recommend that AT&T Wireless PCS co-locates on our tower. We are willing to negotiate a mutually agreeable lease arrangement for AT&T on our tower. Florence Police Chief Paul Buelterman has been in touch with AT&T Wireless PCS attorney Holland McTyeire about this issue.

For the reasons stated above, the City of Florence objects to the construction of the AT&T Wireless PCS, Inc. tower as described in Case no. 97-038.

Sincerely,

Evelyn Kalb
Mayor

February 13, 1997

Mr. Don Mills
Executive Director
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, KY 40602

RECEIVED
FEB 18 1997
PUBLIC SERVICE
COMMISSION



AMERIKING

RE: Autobath Site #02-133-01-Case 97-038

Dear Mr. Mills:

I am in receipt of a Public Notice in which, AT&T Wireless PCS, Inc. has applied for a 190 foot monopole tower within 500 feet of our location. While I know very little about these towers, I would like an "expert" to assure me that none of our existing equipment will be interrupted.

As a fast food restaurant, we utilize wireless communication devices within our restaurant. These devices have assigned FCC frequencies. Additionally, there are other electronic components such as a Muzak music system operating on an antenna, drive-thru ordering electronics using loop detectors and backup communications should our wireless experience a problem.

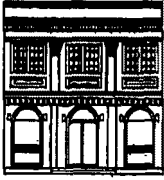
Until I receive these assurances, that I will not have any issues, I am against the construction of this tower near our restaurant.

Sincerely,



Bill Keller
Managing Director of Operations

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

RECEIVED

FEB 18 1997

PUBLIC SERVICE
COMMISSION

February 14, 1997

Mr. Don Mills, Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 97-038; 190 Foot Monopole Tower Proposed by AT&T Wireless at 8001
Dream Street, Florence, Kentucky

Dear Mr. Mills:

On behalf of the Boone County Planning Commission (the planning unit for the City of Florence), and as Zoning Administrator for the City of Florence, I am writing to voice my objection to the above referenced monopole proposal due to the following reasons.

First, the site is within a Office Two (O-2) zone and within the Parkway Corridor Study Overlay District (a specialized land use study for the area in question). The O-2 zone does not permit the type of public utility facility in question and the maximum building height in this zone is 70 feet (the proposed tower exceeds this height by 120 feet, or over two and one half times the permitted building height). In addition, the Parkway Corridor Study does not acknowledge the use of this site or the immediate vicinity for public utility or telecommunication tower use.

Second, the site and its immediate vicinity are designated for "Commercial" uses by the 1995 Boone County Comprehensive Plan's "2020 Land Use Plan." This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." In contrast, the map also has a "Public/Institutional" land use designation which normally includes public utility facilities and which is not applied to the site or area in question. The text of the Land Use Element in the 1995 Boone County Comprehensive Plan states that the area to the east of I-75, north of US 42, and south of KY 18 (i.e., the area in question), "shall be developed in a cohesive manner to form a city center for Florence." The Land Use Element continues by stating that "a mixture of office, retail, commercial, recreation, and residential development is the goal" for this area. Public facility or utility uses, including telecommunications towers, are notably absent from this list.

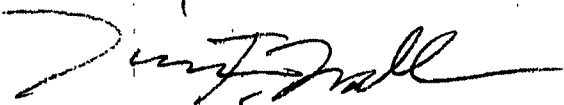
Mr. Don Mills, Executive Director
February 14, 1997
Page 2

Third, due to the location on I-75/I-71, the site is highly visible within an urban area. The 190 foot tower at this location would be a very noticeable, yet unwelcome visual intrusion in this area, as well as a poor precedent for a multitude of future monopole proposals along this portion of the I-75/I-71 corridor. It is my opinion that the proposed monopole would constitute an extremely visible nuisance at the proposed location.

Fourth, in an effort to help coordinate the telecommunications industry's needs and to help reduce the number of individual towers in the area, the City of Florence is in the process of planning a multi-user tower that is in the same general vicinity (on the east of I-75/I-71 between KY 18 and US 42) as the Dream Street site. This tower is planned for a site that is near I-75/I-71, but is visually buffered from the freeway by intervening development. This site is planned to be developed among other public facility uses. The City of Florence may be contacted through Roger Rolfes, City Coordinator, at (606) 647-5413.

I will stress that I am not opposed to telecommunications towers in general, however, the monopole structure in question is extremely inappropriate at this highly visible site.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Roger Rolfes, City Coordinator, City of Florence