

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW PAR, A DELAWARE)
PARTNERSHIP, D/B/A AIRTOUCH CELLULAR,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO.
AND NECESSITY TO CONSTRUCT A CELLULAR) 97-180
TELECOMMUNICATIONS FACILITY IN CAMPBELL)
COUNTY, KENTUCKY)

ORDER


The Commission has received the attached letters from David and Jackie Rowe, Roger Lawson, Geneva Lawson, Paul and Janet Maloney, Janet Newberry, Victor, Nancy, and Lauren Steffen, and Michael A. Duncan on behalf of the City of Alexandria and the City of Alexandria Planning Commission (hereinafter referred to collectively as "Petitioners") regarding the proposed cellular telecommunications facility to be located at 100 Fairground Lane, Alexandria, Campbell County, Kentucky.

IT IS THEREFORE ORDERED that:

1. New Par, d/b/a AirTouch Cellular ("AirTouch") shall respond to Petitioners' concerns by certified letter, within 20 days from the date of this Order.
2. AirTouch 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 16th day of May, 1997.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

DAVID AND JACKIE ROWE
39 Riley Road
Alexandria, Kentucky 41001
(606) 635-4873 (Residence)
(513) 739-4703 (Mobile)

RECEIVED

MAY 13 1997

PUBLIC SERVICE
COMMISSION

VIA CERTIFIED MAIL

May 9, 1997

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

VIA FAX
502-564-3460

Re: Public Notice
Case No. 97-180
Alexandria, Kentucky

Dear Mr. Mills:

Reference is made to the subject case number relative to a proposal by New Par d.b.a. Airtouch Cellular to construct and operate a new facility for cellular radio telecommunication service at 100 Fairground Lane in Alexandria, Kentucky.

Relative thereto, please be advised as a recipient of notification of the applicant's proposal and also being located within the 500' radius of the proposed tower, we request to intervene in this case. We also request to be provided all appropriate documentation relative to the subject case including communications received by the Commission concerning same.

As a party to the local organization established previously within the Alexandria community in opposition to the applicant's proposal, we have assisted in obtaining over 1,015 signatures indicating overwhelming community opposition to this particular project. Originals of such signature petitions are being forwarded to the Commission. In addition, both the Alexandria City Council and the Alexandria Planning and Zoning Commission have each expressed their opposition to the project as well.

We request via individually and/or through our representative the opportunity to address the Commission as a whole at the time the subject case will be heard and would appreciate being advised of the scheduled time and place for such hearing.

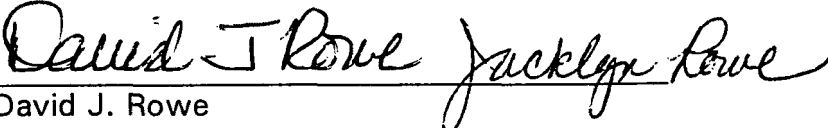
Mr. Don Mills
Public Service Commission of Kentucky
May 9, 1997
Page 2

This initial communication to the Commission will be supplemented with complete support documentation and analysis on why the applicant's request for a Certificate of Public Convenience and Necessity for this specific location should be denied by the Commission. In an effort to provide timely submittal to the Commission, we request the Commission inform us of the date by which such documentation is preferred to be received.

In addition, we request the applicant provide timely answers to those initial questions concerning this particular proposal as included herein and listed as Exhibit A attached hereto. Receipt of such answers will allow appropriate responses and evaluations to be made via the previously mentioned documentation and analysis submittal.

The Commission's consideration of this initial correspondence and the requests herein is appreciated.

Sincerely,


David J. Rowe
Jacklyn M. Rowe

DJR/sos

cc: Thomas Breidenstein, Esq.
Via Fax 341-1469

Exhibit A

- A. A more detailed site plan is requested to be submitted by applicant for proper public review including:
1. The total area of the site.
 2. The existing zoning of the property in question and of all adjacent properties.
 3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
 4. Existing topography with a requested maximum of five (5) foot contour intervals.
 5. The proposed finished grade of the development requested to be shown by contours not exceeding five (5) foot intervals.
 6. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings.
 7. The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
 8. All existing and proposed sidewalks and open areas on the site.
 9. The location of all proposed fences, screening and walls.
 10. The location of all existing and proposed streets.
 11. All existing and proposed utilities including types and grades.
 12. The schedule of any phasing of the project.
 13. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular communications tower on all adjacent residential zoning districts.

- B. What is the specific type of structure proposed to be constructed on site.
- C. What is the service area and grid system the proposed facility is intended to cover (in terms of general geographic boundaries).
- D. Why was applicant's original location proposal terminated and relocated to the existing site?
- E. Who initiated and/or specifically proposed such relocation?
- F. Why has applicant's proposed site location not been properly posted with public notification of applicant's plans and why has such posting not been maintained relative to applicant's plans per existing requirements?
- G. How many users other than applicant are proposed to be permitted on applicant's proposed facility.
- H. Does applicant's existing agreement provide for any restrictions to multiple users on the proposed facility.
- I. Are there provisions within applicant's agreement with the proposed location's property owner to provide for the removal of the proposed facility upon termination of applicant's service and/or use?
- J. What safety considerations and/or studies have been performed by applicant relative to the frequent dense use of both the immediately contiguous surrounding area by the public?
- K. What specific land route, including public right of way access, is proposed to be used to connect applicant's service facility to existing public telecommunication lines for operation?
- L. How does applicant propose to service the proposed facility (i.e., roadway access)?
- M. How does applicant propose to service the proposed facility with required utilities (i.e., electric, etc.) and is same intended to be overhead or underground?
- N. What is applicant's specific proposal for lighting of the proposed facility including general lighting of the surface area as well as the tower facility itself.

- O. What entity (i.e. Cincinnati Bell, etc.) is proposed to provide the interconnection with the applicants proposed telecommunications facility?
- P. What efforts and/or plans by applicant have been made to minimize the adverse visual effects of applicant's proposed tower and support structures through proper siting, design, landscaping, and screening?
- Q. What efforts have been made by applicant to co-locate with any new or existing communication and/or support structures, including utility facilities, in order to reduce the number of same within the City of Alexandria?
- R. What efforts have been made by applicant to avoid damage to neighboring properties from communication tower and support-structure failure?
- S. What other uses accessory to the proposed facility (i.e., business offices, maintenance depots, and material and vehicle storage), is proposed to be located and/or provided on site?
- T. What communication, correspondence, and/or program(s) have applicant initiated with those residences adjacent to the proposed facility for the purposes of explaining and/or discussing such proposed facility prior to the subject application?
- U. The applicant has publicly stated that after its proposal to locate at the subject site, the applicant received in excess of thirty (30) additional locations as alternative sites. What is the result of applicant's evaluation of such alternate sites?
- V. What communication to appropriate owners and/or public officials has been made by applicant to co-locate with existing facilities within the proposed service area?
- W. Repeated requests were made to the applicant's legal representative, Mr. Thomas Breidenstein, relative to the consideration by the applicant for alternative locations. Why did such representative fail to respond in writing to such requests?
- X. Why was correspondence to applicant from State Representative Katie Stine inquiring as to the need for co-location never responded to in writing by applicant?

- Y. Why was correspondence to applicant from one of the signatures to this letter relative to assisting applicant with co-location possibilities never responded to in writing by applicant?
- Z. What communications, if any, have taken place between applicant and the following public entities relative to evaluating and/or discussing co-location possibilities available within the service area and, if such communication has taken place, who were the individuals contacted and on what dates?
1. Alexandria City Administration
 2. Alexandria City Council
 3. Alexandria Planning & Zoning Commission
 4. Campbell County Fiscal Court and Administration
 5. Campbell County Municipal Planning & Zoning Commission
- AA. What considerations and evaluations by applicant were given to the current Zoning Ordinance and Comprehensive Plan of the City of Alexandria relative to applicant's proposal for placement of applicant's facility at the proposed location.

BD

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MAY 07 1997

PUBLIC SERVICE
COMMISSION

April 28, 1997

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

REF: CASE NUMBER 97-180 CELLULAR TOWER IN ALEXANDRIA, KY.

Dear Mr. Mills:

I am making a plea to you and to ask you to please deny the permit to put up a 285' tower in a residential area of our small town of Alexandria, Ky.

There is so much other land to put this tower, which could serve better a small distance away. There are too many homes, surrounding this tower and they are too close to this site. This is a very bad choice to put this on the Alexandria Fairgrounds. With all of the people that attends the Alexandria Fair, I feel there could be a better site chosen.

We have other towers within a small distance of this proposed tower site. This nice community has joined together and we greatly oppose this tower. Why not use the existing towers?

I am a Garage owner which is located 350 to 400' from this proposed site. I am greatly opposed to this tower. It will lower property values in this area.

The Alexandria Fairgrounds is greatly attended by lots and lots of people. They have Tractor Pulls, Demolition Derbies, Heritage Days, Wedding Receptions in their Dining Hall, Birthday Parties, Reunions, a lot of people would be in this area thru the year.

I don't feel this is a place for the tower. Please consider.

PLEASE MOVE IT OUT OF OUR TOWN.

Please help the residents of Alexandria to have a voice in our community.

I THANK YOU,

Roger Lawson,
Garage Owner Operator

Roger Lawson

*4596 Bous Branch Road
ALEXANDRIA, KY 41001*

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MAY 07 1997

PUBLIC SERVICE
COMMISSION

April 29, 1997

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

Ref: CASE NUMBER 97-180 CELLULAR TOWER IN ALEXANDRIA, KENTUCKY

Dear Mr. Mills:

I am writing to you to protest the construction of the 285 foot cellular tower in a residential area of our nice little town of Alexandria, Kentucky.

This tower could be placed a small distance away outside of town. There is plenty space to put this on instead in the middle of our town. There are many areas this could be assembled on, which would not be a few feet from a person's back or front door. This would be located about 150 feet, from a neighbor of mine, which would be in their back door. It would be about 400 ft. from my front picture window. I would be looking out of my window straight at this Monstrous Tower, with all of it's ugly discs hanging on it.

I have lived in this area since 1955, a wonderful town. Our neighbors all signed the petition against this in May, Jun, and Jul. Dec, 1996. I headed the drive for the signatures. The neighbors did not know anything about this coming event. They were not going to be told until now, if I hadn't gone from door to door to inform them. We have 1017 signatures against this tower in our area. Everyone wants it moved from this area. With the vast area to choose from, there would not be a problem to find a space which is not so close to our homes. I own 5 pieces of property which all of them would be facing this tower, and they all are within 400 to 500 ft. from this tower.

I worry greatly about the devaluation of my property. I DO NOT WANT THIS. I am begging you to use your power to see that they go out of town with this. My husband and I worked very hard to acquire this land and the 5 pieces of property. We started on a shoe string, and tried and saved and saved. My husband died on August 28, 1995. Nine months later, this came into being. I have tried legally to fight this with all I have got. I am 68 years old, I don't want our land, that my Roy worked so very hard for to be devaluated. HELP ME, HELP US. The Alexandria Fair Ground is a very bad choice. There are so many homes surrounding the Fair Grounds.

THANK YOU FOR GIVING THIS GREAT CONSIDERATION.

Sincerely,

Geneva Lawson
GENEVA LAWSON
HEAD OF THE DRIVE THAT OPPOSED THE 285' TOWER

211 E. Main Street Alexandria, KY 41001

BD

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MAY 07 1997

PUBLIC SERVICE
COMMISSION

April 28, 1997

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

REF: CASE NUMBER 97-180 CELLULAR TOWER IN ALEXANDRIA, KY.

Dear Mr. Mills:

This letter is sent to ask you to deny the permit to install a 285' cellular tower in a residential area in our nice small town of Alexandria, Ky.

I was born and raised in this community. I would like only good things to happen to my town. I was born in 1958 and have seen this town grow tremendously thru these years. Good things have happened and I would not like the aesthetics of this community to be damaged by these towers. Towers tend to lower property values. We do not need this in our town.

There are plenty of hills outside of town that this tower could be put on. Please consider another site for this tower.

I have never missed a year going to the great Alexandria Fair besides last year, 1996, when I heard of their proposal. This is not a good decision, to put it on this property.

I ask you to kindly convey the towns feelings, give this lots of thought, and please move this to another site.

I THANK YOU FOR YOUR TIME,

Janet Maloney,
Paul Maloney and family

Paul A Maloney
Janet R Maloney

164 Buckenridge Lane
Alexandria, KY 41001

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MAY 12 1997

PUBLIC SERVICE
COMMISSION

April 30, 1997

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

REF: Case Number 97-180 Cellular Tower in
Alexandria, Ky.

Dear Mr. Mills:

As a resident of Alexandria, Ky, and a person living in this wonderful town. In fact, my family and I are living about 550 feet from the proposed Cellular Tower that Air Touch is wanting to install. We are all greatly opposed to this.

We ask that you deny the permit for this 285 foot Cellular Tower. We, as a community do not want this. Last year, my neighbor went from door to door to inform all of us about the proposal to put up the Tower. We all had our reasons for not wanting this tower. We would not like the looks of it. It most certainly would devaluate the property in this area. For health reasons, we definitely don't want this.

We value our town, we only want good things to happen in this area. This is not a good thing to look forward to. With all of the out of town land around this area, we think this is a very bad proposal. Why can't Air Touch consider other sites, which is not 150 feet from overtop a home here in this town.

Please consider this. We ask your help at this time.

PLEASE MOVE THIS OUT OF OUR AREA.

We all thank you,

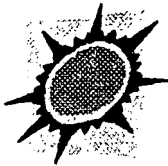
Janet Newberry

JANET NEWBERRY
RICK AND JOHN NEWBERRY

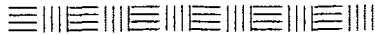
202 East Main Street

Alexandria, KY 4001

BD



Victor S. Steffen



3 Fairground Road • Alexandria, Ky 41001 • Telephone (606) 635-1979 • Fax (606) 635-9051

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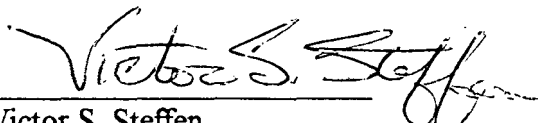
PUBLIC SERVICE
COMMISSION

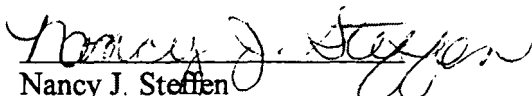
Case # 97-180

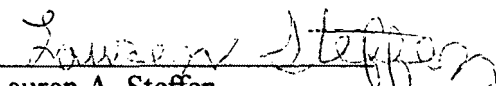
May 3, 1997

Dear Sir:

This letter is to voice our opposition to the proposed cellular tower at 100 Fairground Lane, Alexandria, Ky. We own two parcels of property adjoining the Alexandria Fairgrounds. We own at three Fairground Road and at 216 East Main St. (Schultz property on map). The tower would be built in the middle of a residential area and therefore could possibly damage property values. There are dozens if not hundreds of other sites more suited for this development. We also feel Airtouch could use the existing water tower or the tower already located at the Courthouse or the tower already located at the Campbell Co. Police station. We are asking you to heavily consider using the existing structures. Thank you for your consideration of this matter.


Victor S. Steffen


Nancy J. Steffen


Lauren A. Steffen

BD

ZIEGLER & SCHNEIDER, P.S.C.
ATTORNEYS AT LAW

200 COVINGTON MUTUAL BUILDING
529 MADISON AVENUE
COVINGTON, KENTUCKY 41011
TELEPHONE (606) 581-4553
TELECOPIER (606) 581-0395

505 TURFWAY RIDGE OFFICE PARK
7300 TURFWAY ROAD
FLORENCE, KENTUCKY 41042
TELEPHONE (606) 525-7797
TELECOPIER (606) 525-7244

GREGORY W. HUGHES
1898-1958
ANDREW W. CLARK
1914-1967
D. COLLINS LEE
1888-1949
T.J. BRANDT
1948-1994

WILBERT L. ZIEGLER
DAVID A. SCHNEIDER
JOSEPH L. BAKER
WILLIAM J. DEUPREE, III
THOMAS C. SMITH
KAREN BURRIS BAKER
MICHAEL A. DUNCAN
LORI FIELDS-LEE
ROBERT C. ZIEGLER
LISA M. MOORE
SHARON SCHNEIDER ELLISTON
MICHAEL L. BAKER
DEBRA S. PLEATMAN

RECEIVED
MAY 12 1997
PUBLIC SERVICE
COMMISSION

REPLY TO:
FLORENCE

TO BE FAXED AND MAILED
PHONE: 1-502-564-3940; FAX: 1-502-564-7279
(ACCOUNT: 05344.09)

May 9, 1997

Mr. Don Mills
Executive Director
Public Service Commission
Commonwealth of Kentucky
730 Schenkel Lane
Post Office Box 615
Frankfort, Kentucky 40602

RE: Case No. 97-180 (New Par, a Delaware partnership, d/b/a AirTouch Cellular)

Dear Mr. Mills:

This office serves as City Attorney for the City of Alexandria, Campbell County, Kentucky. I write this letter as legal counsel to the Mayor and Council (the City), and to the City of Alexandria Planning Commission (the City Planning Commission). The City and the City Planning Commission have been made aware that New Par, a Delaware partnership, d/b/a AirTouch Cellular, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular radio telecommunication service. The facility will include a 285-foot tower, with attached antennas extending upwards for a total height of 289 feet; and an equipment shelter to be located at 100 Fairground Lane, Alexandria, Campbell County, Kentucky.

The purpose of this letter, I request that the City and the City Planning Commission be given the opportunity to provide comments and participate in the PSC meetings relative to this request. If full intervention is appropriate, both the City and the City Planning Commission request to be considered participants in that process.

Mr. Don Mills
May 9, 1997
Page 2

Although we will certainly want to provide further, and more detailed, information and evidence regarding the proposal, at this point suffice it to say that the City and the City Planning Commission are not convinced that the chosen site is the ideal location for such a facility. The proposed site is zoned Residential (with the current use enjoying a non-conforming use status); and the site is surrounded by residential uses. Many citizens live in the near proximity of the proposed cellular tower. Although the City, the City Planning Commission, and the citizenry of the City of Alexandria are not opposed to cellular telecommunications, we are not convinced that this is the most appropriate site for a development of this magnitude.

I trust that the foregoing is acceptable. I look forward to hearing from you regarding how the City and the City Planning Commission can assist in your review of this matter. Appreciating your courtesies and cooperation, I write this with my

Best regards,



Michael A. Duncan
ZIEGLER & SCHNEIDER, P.S.C.
Office of City Attorney
City of Alexandria, Kentucky

MAD:JMc

cc: Thomas W. Breidenstein, Esq.
Legal Counsel - AirTouch Cellular
Phone: 341-1881; Fax: 341-1469