

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO) CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS) 98-001
FACILITY IN THE CINCINNATI MAJOR TRADING)
AREA (LODER CREEK FACILITY))

O R D E R

The Commission has received the attached letter regarding the proposed cellular telecommunications services facility to be located at 255 North Bend Road, Hebron, Boone County, Kentucky.

IT IS THEREFORE ORDERED that:

1. SprintCom, Inc. ("SprintCom") shall respond to the concerns stated in the letter by certified mail, within 10 days from the date of this Order.
2. SprintCom 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 18th day of February, 1998.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

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

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RECEIVED
GREGORY W. HUGHES
1898-1958
ANDREW W. BARK
1898-1958
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1888-1949
PUBLIC SERVICE
COMMISSION

REPLY TO:
FLORENCE

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

January 23, 1998

Ms. Helen C. Helton, Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

RE: Docket No. 98-001

Dear Ms. Helton:

The undersigned serves as legal counsel for Phil Duncan Builder, Inc., and Mr. and Mrs. Phil and Janet Duncan. My clients are the owners, developers and builders of Taylor Ridge Subdivision, an executive style subdivision in Boone County, Kentucky. Taylor Ridge is adjacent to the property upon which Sprint PCS wishes to construct a 150-foot monopole with attached antennas and related facilities to operate a personal telecommunications service. Additionally, Phil and Janet Duncan have recently built a new home and reside in the subdivision.

The purpose of this letter is to register my clients' opposition to issuance of a Certificate of Public Convenience and Necessity which would allow construction of these new facilities. I also request intervention on behalf of my clients. Further, I request copies of all pertinent materials filed with the Commission that would assist me in my investigation and representation of my clients in order to facilitate formulation of our position.

Please include any information which has been provided to you regarding the applicant's view of how this facility could be necessary to carry out the public convenience. This is doubtful since the proposed site is in an area of substantial growth, with not only Taylor Ridge Subdivision, but several other nearby tracts being developed or planned for residential expansion. What facts have been submitted that would show that this site is the most appropriate location available?

Ms. Helen C. Helton, Executive Director
January 23, 1998
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What has been submitted regarding how access will be gained to the proposed site? I ask this because we believe that the applicant had previously trespassed over my clients' private property when the applicant installed a temporary test antenna supported by a crane.

Finally, what has been submitted that shows why the applicant should be exempt from the Commission's regulations and applicable law that requires co-location with existing facilities? Surely there are ample co-location sites such as other poles, towers, water storage facilities and/or large electric transmission poles or towers.

I trust that the foregoing is acceptable. Please do not hesitate to contact me should you have any questions or comments. Appreciating your courtesies and cooperation, I write this with my

Best regards,



Michael A. Duncan
For ZIEGLER & SCHNEIDER, P.S.C.

MAD:kf

cc:

Hon. Mark W. Dobbins
Hon. Sandra F. Keene
Counsel for Sprint PCS

Mr. & Mrs Phil Duncan
Phil Duncan Builder, Inc.
Intervenors