

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN	)	
COMMUNICATION, INC. AND NEXTEL WEST	)	
CORPORATION FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	
COMMUNICATIONS FACILITY AT 13301 DATA	)	CASE NO. 98-008
VAULT DRIVE IN THE TRUNKED SMR LICENSE	)	
AREA IN THE COMMONWEALTH OF KENTUCKY	)	
IN THE COUNTY OF JEFFERSON SITE NAME:	)	
WOODLAND HILLS SITE NUMBER: 227KYA	)	

O R D E R

On May 8, 1998, Crown Communication, Inc. ("Crown") and Nextel West Corp. ("Nextel") (collectively, "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. Crown requests authorization to construct a facility consisting of a self-supporting antenna tower not to exceed 205 feet in height, with attached antennas, to be located at 13301 Data Vault Drive, Louisville, Jefferson County, Kentucky (the "Woodland Hills site"). The coordinates for the proposed facility are North Latitude 38° 14' 47.6" by West Longitude 85° 30' 18.8".

Applicants have 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. Nextel states it will locate antennas on the proposed structure and has demonstrated the need for a communications facility at the Woodland Hills site.

Pursuant to KRS 278.650(1), Applicants submitted a proposal for the construction to the Louisville and Jefferson County Planning Commission ("Planning Commission"). On May 8, 1998, Applicants filed evidence of the Planning Commission's approval of the proposed construction. Crown has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction of the proposed facility. Both decisions are pending.

Applicants have filed notices verifying that each person who owns property within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, Applicants have posted notice of the proposed construction in a visible location for at least two weeks after filing their application. To date, no comments have been filed.

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, Applicants should notify the Commission if this antenna tower is not used to provide service in the manner set out in the 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 Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Crown should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a self-supporting antenna tower not to exceed 205 feet in height, with attached antennas, to be located at 13301 Data Vault Drive, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 14' 47.6" by West Longitude 85° 30' 18.8".

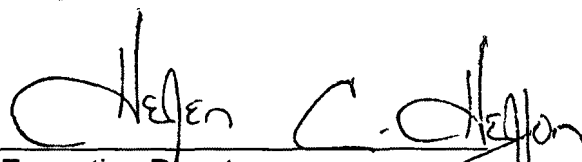
2. Crown shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown 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 30th day of June, 1998.


PUBLIC SERVICE COMMISSION

ATTEST:

  
Executive Director

  
Chairman

  
Vice Chairman

  
Commissioner