

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND NEXTEL WEST CORP. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS) CASE NO.
COMMUNICATIONS FACILITY AT UPTON) 98-029
IN THE TRUNKED SMR LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY IN)
THE COUNTY OF HARDIN)

O R D E R

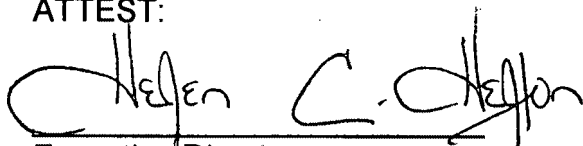
The Commission has received the attached letter regarding the proposed personal communication services facility to be located at 15385 Dixie Highway, Upton, Hardin County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Crown Communication Inc. and NEXTEL West Corp. ("Applicants") shall respond to the concerns stated in the attached letter by certified mail, within 10 days from the date of this Order.
2. Applicants 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 27th day of March, 1998.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

February 04, 1998

RECEIVED
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PUBLIC SERVICE
COMMISSION

Joanna Dutra

ZONING COORDINATE

PUBLIC SERVICE COMMISSION OF KY

P.O. Box 615

Frankfort KY 40602

RE: Case # 98029

This letter is a response to the above mentioned case #.

The construction of the proposed cellular radio telecommunication tower, requested by Crown Communications Inc., and Nextel Westcorp, (herein referred to as Company) to be located at 15385 South Dixie Highway, is of the great concern to me and my family.

I own 51 acres of farmland that is adjacent to the property on which the proposed tower is to be built. I **strongly** oppose the construction of the proposed tower.

The site of the existing tower, as well as proposed tower, is the land on which I was raised. I have dreamed of owning this land all of my life. These dreams have all but vanished, due to each reason stated below:

1) We have worked and saved for the past 16 years with the intention of building our home on the land that is directly across from the proposed building site. If the tower is constructed, it would literally be in our backyard! This would, to say the very least, be an eyesore!.

2) The current tower has taken away from the natural beauty and habitat that once occupied the area. Family picnics and church youth outings, as well as my son's own camp site preferences, have all but come to a halt. The flashing lights on the tower, and the constant buzzing/humming noise that is already heard, is an irritation to these groups. You can imagine how much the current problem will be amplified if a second tower is built. Flashing lights and loud noises are the very things that our family and other groups enjoy getting away from. These existing irritants are already bothersome, a second tower would only add to the frustration. We all may as well take our outdoor ventures to Grand Central Station!

3) We feel that the possibility of (our) children being injured, as a result of their 'curiosity' of these towers, greatly increases with the addition of the second one.

I assume that 'warning signs' will be sufficiently posted as fair warning to trespassers. While I realize that it is our responsibility to supervise and know the whereabouts of our children, but as we all know -- KIDS WILL BE KIDS!! Thus, the potential of injury to them will certainly rise!

4) I assume that a flashing light(s), such as the one that is on the existing tower, will accompany the new tower. This light certainly does its job of illuminating the area, as I have been near the tower at night and have witnessed this occurrence. Again, another nuisance already in place, should we choose to pursue our dream of building on the site in question.

5) We are currently customers of another cellular telephone service. My wife and I each have a cell phone. The sole purpose of purchasing these phones was that we would be able to communicate to each other while traveling between our farms. (I am a truck driver and I frequently work an 'on-call' shift. Therefore, it is a common need of my wife to be able to contact me when I am doing farm work. Having the availability/convenience of cell phones was a welcomed tool with this task.) These farms are within a 2 mile radius of one another, as well as a 2 mile radius of our home. The cell phones worked efficiently before the existing tower was built. Since the erection of the first tower in 1997, we are completely unable to utilize our cell phones while in the area described above. It is our *assumption* that this tower is the culprit of our cell phone problems.

Will the second tower multiply these cell phone problems? How many other cell phone customers in our area have been affected, and have not yet figured out the origination of their cell phone problems? An interesting question that will be addressed to the office of our current cell phone service.

6) To our knowledge, a law enforcement official has been called to the site of the current tower 2 times since its inception. Both times we heard that the officer was called due to an alarm on the tower being activated.

WAS THIS THE RESULT OF FAULTY EQUIPMENT?

I certainly understand the possibility of equipment failure. However, how often does this happen? We may not be affected by this unless we choose to build near the site. However, if we do, I am certain that we will be aware of each and every time an official is called, especially if he is called during the night.

WAS THIS THE RESULT OF A CURIOUS TRESPASSER? IF SO, WAS THE TRESPASSER ANIMAL OR HUMAN?

I not only have cattle and horses on the property surrounding this site, but I also rent pasture from my neighbor. Will these 'false alarms' continue as animals (or humans) wander near the tower, perhaps brushing against a piece of equipment that sets off an alarm?

Should I continue to rent pasture from my neighbor, I feel that the risk of injury to my livestock will increase with this additional tower. I will elaborate:

The first time that an official was called to the site, he was, of course, unfamiliar with the fences and gates that he had to get through before reaching the tower. Will these law enforcement officials be negligent in their haste of getting to the tower, thus threatening the safety of my property, including any livestock that may wander in their path?

I am also concerned for the same reasons with Company officials going to the tower to perform normal upkeep.

7) Will I have assurance, in writing, that neither my family nor my livestock's risk of electrical shock, under normal circumstances, will be increased with the existence of these towers? Does the tower's height and materials from which it is made attract lightning?

I understand that the second tower will be approximately 500 feet from my property line when it is completed? The current tower is approximately 500 feet from my property line. Who will be responsible for damage that my property (I.E. family, fences, gates, livestock, buildings) may incur as a result of the tower(s)? Certainly power lines, metal fragments from the tower, and other materials associated with the property may suffer separation perhaps during a windstorm, ice storm, or any other Act of Nature? These situations may cause parts of the tower(s) to end up on my property.

8) It has been brought to my attention that recent studies have proven that electrical power plants can cause health hazards. Those who reside within a close proximity to these structures are at the greatest risk. What assurance can be provided to me and my family that we will not be harmed in any way by such a tower? Even though we may be assured that current studies prove that this is not the case with cellular radio telecommunications towers, what about the studies that are concluded years from now?

9) The tower will greatly decrease the property value of my land. All of the factors explained in this letter may deter the chances of me finding an interested buyer for my property. Should I choose to sell any of my property adjacent to this tower, any sensible, prospective buyer will certainly see these deterrents. For lack of a better statement, it is simply unfair that I will suffer the consequences of my neighbor's '*good fortune*'.

I suppose that the owner of this land assumed that there was no opposition to the first tower, as he did not hear of any from me through your company. Which brings me to my last and most important point. Why was I not notified in writing of the construction of the first tower? It's existence has not only caused problems for myself as a land owner; but, personal indifferences between myself and my neighbor have also erupted.

These indifferences have affected the once valued relationship between my family and our neighbor. Situations such as this make it difficult to instill in (our) children the importance of a sound, strong relationship of any kind. Preventing disagreements between people is something that more of us should concern ourselves with.

Some may even argue that this issue has been 'blown out of proportion'. It is my opinion, however, that with the onset of a new generation, the reality of the extinction of personal and/or family values, is sadly evident. Furthermore, in today's society, we are not only seeing the latter, but we are also forced to deal with the destruction of the family farm.

Don't misunderstand me -- technology is a necessary and exciting part of life. Without it, some aspects of both of my jobs would be gruesome! However, I feel that few would disagree with the statement that "construction of any kind is an ever present threat to the natural beauty of our land". It saddens me that more people are not concerned with these types of issues. The very issue that has made this letter a necessity is physical proof of my argument.

I am an advocate of the preservation of the land and of the environment. This is evident by 2 facts:

1) eighty percent of the 51 acres effected by this proposal are currently covered in trees. I have no plans whatsoever of making any major changes that would effect the face of my land.

2) you may be aware that farmers are required by agricultural laws to sow a 'cover crop' on the ground where they have grown tobacco. I would, without a doubt, continue this ritual, even if it were no longer required.

The prevention of land erosion is another important factor that should be addressed. Even though my dream of owning the land effected by this proposal may still become a reality, why would I still be interested? I was told that the Company would do everything possible to prevent such erosion. To date, this task has not been completed to my satisfaction. Lack of thoroughness in this area is actively effecting the area. Grass that was destroyed during the initial construction has not grown back to it's original state. Ditches and ruts that were not a part of the area before construction began, are now clearly visible. (I have livestock that graze on land directly around the tower, as well as around the road that was built that leads up to the tower. This explains why I am aware of the present state of the area.) These things were largely affected by the fact that the first tower was constructed during inclement of weather conditions. I understand that a deadline probably had to be met; however, it appeared that no consideration concerning this matter was addressed. The possibility of erosion will effect future land owners more than the current land owner, as the evidence of erosion becomes more visible with the passing of time.

Not only I am standing up for what I believe in, but I am trying to do what I can in preserving the future of all children. Without a) fertile land, b) land that is accessible to building a home, c) land to pass to our children, what kind of a future will they have?

I am concerned that all of the problems existing now with one tower will more than double with the addition of a second tower.

You may be tempted to say that I am simply out of luck and will have to deal with this situation as best I can. However, after much thought and many sleepless nights, I intend to instigate my next course of action. This action is to pursue legal assistance. This assistance will largely be sought due to the fact that I was not notified in writing of my neighbors intent of the existing tower, along with the possibility of the second tower. I obviously have that legal right to be so notified as you stated in your letter to me dated January 15.

The purpose of this letter is to intervene the proposed project, and ultimately put a stop to it completely.

Thank you for the opportunity to voice my opinion. I will anxiously await your reply.

Sincerely,

Jamie Darrell Knight

Jamie Darrell Knight

Address: 15358 South Dixie Highway
Tipton, Ky. 42784