

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF GTE MOBILNET OF	)	
KENTUCKY FOR ISSUANCE OF A CERTIFICATE	)	
OF PUBLIC CONVENIENCE AND NECESSITY TO	)	
CONSTRUCT A CELL COMMUNICATION TOWER	)	CASE NO. 98-133
IN SEBREE, KENTUCKY PURSUANT TO 807 KAR	)	
5:001(9)	)	

O R D E R

On May 22, 1998, GTE Mobilnet of Kentucky, Inc., now, GTE Wireless of the South, Inc. ("GTE Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 300 feet in height, with attached antennas, to be located off Eastwood Ferry Road, Sebree, Webster County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 36' 45.8" by West Longitude 87° 29' 34.8".

GTE Wireless has 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.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, GTE Wireless has notified the Webster County Judge

Executive of the proposed construction. To date, no comments have been filed by the Judge Executive. GTE Wireless has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

GTE Wireless has 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 request intervention. In addition, notice of the proposed construction has been posted in a visible location for at least two weeks after filing the 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, GTE Wireless should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its 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 GTE Wireless.


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

IT IS THEREFORE ORDERED that:

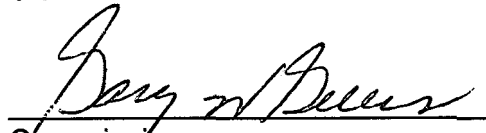
1. GTE Wireless is granted a Certificate of Public Convenience and Necessity to construct a guyed antenna tower not to exceed 300 feet in height, with attached antennas, to be located off Eastwood Ferry Road, Sebree, Webster County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 36' 45.8" by West Longitude 87° 29' 34.8".
2. GTE Wireless 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. GTE Wireless 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 17th day of August, 1998.

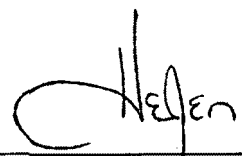
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director