

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THIRD KENTUCKY CELLULAR CORP.	)	
D/B/A WIRELESS 2000 TELEPHONE COMPANY FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO CONSTRUCT A PERSONAL	)	CASE NO.
COMMUNICATION SERVICE FACILITY IN THE BASIC TRADING	)	98-142
AREA NO. 098 WHICH INCLUDES LAUREL, CLAY, WHITLEY,	)	
AND KNOX COUNTIES IN KENTUCKY	)	
(PLEASANT VIEW FACILITY)	)	

O R D E R

On April 7, 1998, Third Kentucky Cellular Corp. d/b/a Wireless 2000 filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") for the Basic Trading Area No. 098, which includes Laurel, Clay, Whitley, and Knox counties in the Commonwealth of Kentucky. Wireless 2000 has requested authorization to construct a PCS site in Whitley County. Wireless 2000 was previously granted the authority to operate in Case No. 96-610.<sup>1</sup>

The proposed PCS site consists of a 180-foot or less guyed antenna tower to be located one-half mile off Highway 628 on the Dean Chambers property, Whitley County, Kentucky ("the Pleasant View PCS site"). The coordinates for the Pleasant View PCS site are North Latitude 36° 40' 45.2" by West Longitude 84° 08' 26.2".

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<sup>1</sup> Case No. 96-610, The Application of Third Kentucky Cellular Corp. D/B/A Wireless 2000 Telephone Company for Issuance of a Certificate of Public Convenience and Necessity to Provide Personal Communications Service in the Commonwealth of Kentucky.

Wireless 2000 has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Pleasant View PCS site. 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 Pleasant View PCS site's construction is exempt from local zoning ordinances; however, Wireless 2000 notified the Whitley County Judge/Executive of the pending construction. Wireless 2000 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 Pleasant View PCS site. Both applications are pending.

Wireless 2000 has filed notices verifying that each person who owns property within 500 feet of the Pleasant View PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after Wireless 2000's application was filed. To date, no intervention requests have been received.

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, Wireless 2000 should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services 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 Wireless 2000.

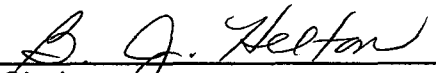
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Wireless 2000 should be granted a Certificate of Public Convenience and Necessity to construct and operate the Pleasant View PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Wireless 2000 is granted a Certificate of Public Convenience and Necessity to construct and operate the Pleasant View PCS site.
2. Wireless 2000 shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.
3. Wireless 2000 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 18th day of May, 1998.

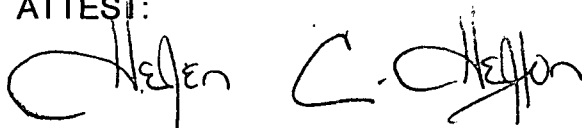
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director