

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NEW PAR, A DELAWARE	)	
PARTNERSHIP, D/B/A AIRTOUCH CELLULAR, FOR	)	
A CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO. 98-276
NECESSITY	)	

O R D E R

On June 16, 1998, New Par d/b/a AirTouch Cellular ("New Par") 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 monopole antenna tower not to exceed 181 feet in height, with attached antennas, to be located at the intersection of KY 20 (Petersburg Road) and Ridgedale Drive, Hebron, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 32.21" by West Longitude 84° 39' 33.8". The proposed facility will replace an existing 85-foot high tower owned by New Par.

New Par 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, New Par has notified the local planning unit of the proposed construction. To date, no comments have been filed by the local planning unit. New Par has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

New Par 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, New Par 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 New Par.

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

IT IS THEREFORE ORDERED that:

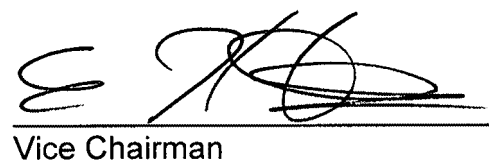
1. New Par is granted a Certificate of Public Convenience and Necessity to construct a monopole antenna tower not to exceed 181 feet in height, with attached antennas, to be located at the intersection of KY 20 (Petersburg Road) and Ridgedale Drive, Hebron, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 32.21" by West Longitude 84° 39' 33.8".

2. New Par 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.

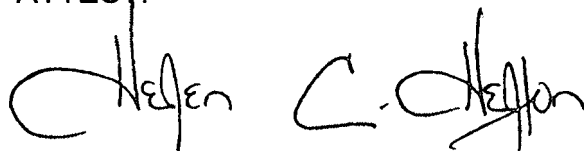
Done at Frankfort, Kentucky, this 2nd day of September, 1998.


PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner