

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                        |   |                 |
|----------------------------------------|---|-----------------|
| THE APPLICATION OF POWERTEL/KENTUCKY,  | ) |                 |
| INC., A DELAWARE CORPORATION, FOR      | ) |                 |
| ISSUANCE OF A CERTIFICATE OF PUBLIC    | ) |                 |
| CONVENIENCE AND NECESSITY TO CONSTRUCT | ) | CASE NO. 98-359 |
| A PERSONAL COMMUNICATIONS SERVICES     | ) |                 |
| FACILITY IN B-252 BASIC TRADING AREA   | ) |                 |
| (THE L-KY-034-214 FACILITY)            | ) |                 |

O R D E R

On July 14, 1998, Powertel/Kentucky, Inc. ("Powertel/Kentucky") 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 175 feet in height, with attached antennas, to be located at 448 Waveland Museum Lane, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 58' 19.5" by West Longitude 84° 32' 30.5".

Powertel/Kentucky 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, Powertel/Kentucky has notified the Lexington-Fayette

Urban County Government Planning Commission ("Planning Commission") of the proposed construction. The Planning Commission filed comments but later withdrew any objections to the proposed construction. Powertel/Kentucky 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 decisions are pending.

Powertel/Kentucky 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. The Commission received comments from one property owner but the property owner later withdrew any objections to the proposed construction.

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, Powertel/Kentucky 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 Powertel/Kentucky.

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

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a monopole antenna tower not to exceed 175 feet in height, with attached antennas, to be located at 448 Waveland Museum Lane, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 58' 19.5" by West Longitude 84° 32' 30.5".

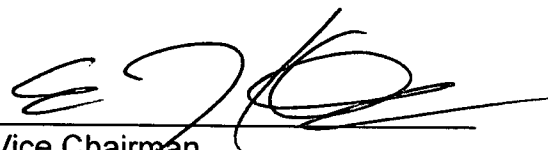
2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

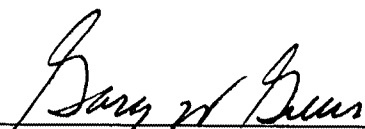
3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 13th day of October, 1998.

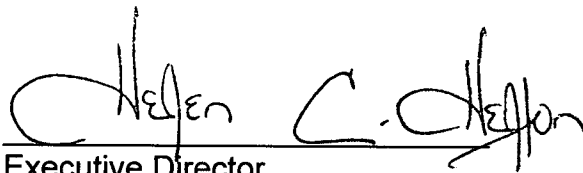
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director