

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A PERSONAL COMMUNICATIONS)	CASE NO. 98-001
SERVICES FACILITY IN THE CINCINNATI MAJOR)	
TRADING AREA [LODER CREEK FACILITY])	

O R D E R

On December 4, 1998, SprintCom filed a petition pursuant to KRS 278.400 for rehearing and/or for clarification of the November 20, 1998 Order. On December 23, 1998, the Commission entered an Order requiring SprintCom to produce certain documents and evidence that it may have in its possession that would further aid the Commission in determining if the petition should be denied or granted. On January 15, 1999, Arlinghaus Builders, Inc.; Phil Duncan Builder, Inc.; and Phil Duncan and Janet Duncan (the Intervenors) filed a Motion to reconsider the December 23, 1998 Order. The Intervenors contend that SprintCom has gorged itself on a whole apple to which it was entitled to only one bite, and that KRS 278.400 does not permit SprintCom to offer additional evidence. The Commission is not bound by the technical rules of legal evidence. The determination of what evidence may be offered is subject to a ruling on the evidence offered, if any, by a party at the hearing. The Order of the Commission did not state that any party may offer additional evidence, but that one party, SprintCom, is directed to present specific evidence to the Commission.

The Commission, being sufficiently advised, HEREBY ORDERS that the motion of the Intervenors to reconsider the Order of December 23, 1998 is denied.

Done at Frankfort, Kentucky, this 4th day of February, 1999.

By the Commission

ATTEST:

Executive Director