

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)
INC., NEXTEL WEST CORP., AND)
POWERTEL/KENTUCKY, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT 8000 BLOCK)
WOLF PEN BRANCH ROAD IN THE TRUNKED SMR)
LICENSE AREA AND BASIC TRADING AREA IN THE)
COMMONWEALTH OF KENTUCKY IN THE COUNTY)
OF JEFFERSON SITE NAME: BROWNSBORO FARM)
SITE NUMBER: 216KYC)

CASE NO. 98-173

O R D E R

On July 14, 1998, Crown Communication Inc. (Crown), Nextel West Corporation ("Nextel"), and Powertel/Kentucky, Inc. (Powertel) (collectively the Applicants) 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 self-supporting antenna tower not to exceed 225 feet in height, with attached antennas, to be located at 8000 Block Wolf Pen Branch Road, Prospect, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 19' 2.85" by West Longitude 85° 34' 42.85".¹ Both Nextel and Powertel have stated their intent to co-locate wireless telecommunications facilities on the proposed tower.

¹ The application erroneously lists the coordinates for the proposed facility as North Latitude 38 ° 13 23.55 by West Longitude 85 ° 25 10.84 . However, exhibits to the application correctly specify the coordinates as stated herein.

Crown 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 278.650(1), the Applicants have notified the Louisville and Jefferson County Planning Commission (Planning Commission) of the proposed construction. The Planning Commission approved the proposed construction. The Applicants have 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.

In response to public notice made by the Applicants, the Commission received comments from one party who was granted intervention in this proceeding. No response to the Commission's Order requiring a written request for a public hearing was filed. Accordingly, this matter was submitted to the Commission for a decision on the existing record.

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, Crown 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 Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds the public convenience and necessity require the proposed construction and that Crown should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a self-supporting antenna tower not to exceed 225 feet in height, with attached antennas, to be located at 8000 Block Wolf Pen Branch Road, Prospect, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude $38^{\circ} 19' 2.85''$ by West Longitude $85^{\circ} 34' 42.85''$.

2. Crown 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 5th day of February, 1999.

By the Commission

ATTEST:

Executive Director