

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION )  
INC. AND NEXTEL WEST CORP. FOR ISSUANCE OF )  
A CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A WIRELESS )  
COMMUNICATIONS FACILITY AT 3844 BRIAR HILL ) CASE NO. 98-206  
ROAD IN THE TRUNKED SMR LICENSE AREA IN THE )  
COMMONWEALTH OF KENTUCKY IN THE COUNTY )  
OF FAYETTE )

O R D E R

On July 14, 1998, Crown Communication Inc. and Nextel West Corp. ("Joint Applicants") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a personal communications service facility at 3844 Briar Hill Road, Lexington, Fayette County, Kentucky. By an Order dated February 2, 1999, this case was set for a hearing before the Commission on March 2, 1999. On February 16, 1999, an intervenor, Briar Hill Neighborhood Association, Inc. ("Briar Hill Association"), filed a motion for an expedited response to interrogatories and production of documents.

On February 18, 1999, the Joint Applicants filed a motion to withdraw their joint application for this site with leave to re-file. The motion to withdraw the application was based upon changed network parameters in the vicinity and additional efforts to collocate at other sites.

The Commission being sufficiently advised, IT IS HEREBY ORDERED that:

1. The motion of the Joint Applicants to withdraw their application herein is granted and this case is dismissed without prejudice.

2. The public hearing set for March 2, 1999 is cancelled.

3. The motion of Briar Hill Association is denied as moot.

4. This case shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 2<sup>nd</sup> day of March, 1999.

By the Commission

ATTEST:

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Executive Director