

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF GTE WIRELESS OF THE	)	
MIDWEST INCORPORATED FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A PERSONAL	)	
COMMUNICATIONS SERVICE FACILITY IN THE	)	
CINCINNATI-DAYTON MAJOR TRADING AREA	)	
WHICH INCLUDES BOONE, KENTON, CAMPBELL,	)	CASE NO. 98-308
GALLATIN, GRANT, PENDLETON, BRACKEN,	)	
MASON, LEWIS, GREENUP, CARTER, BOYD,	)	
ELLIOTT, LAWRENCE, JOHNSON, MARTIN,	)	
FLOYD, AND PIKE COUNTIES, KENTUCKY (THE	)	
CVG 320 FACILITY)	)	

O R D E R

On June 22, 1998, GTE Wireless of the Midwest, Inc. ("GTE Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility originally consisted of a monopole antenna tower not to exceed 110 feet in height, with attached antennas, to be located at 1801 Alexandria Pike, Highland Heights, Campbell County, Kentucky. The application was later amended to reflect a monopole antenna tower that, with antennas, does not exceed 75 feet in height. The coordinates for the proposed facility are North Latitude 39° 2' 57.24" by West Longitude 84° 26' 45.86".

GTE Wireless 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 807 KAR 5:063, GTE Wireless has notified the local planning unit of the proposed construction. The Campbell County Municipal Planning Commission filed comments and intervened in this matter, as did the city of Highland Heights. GTE Wireless 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 applications have been approved.

GTE Wireless has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received numerous protests and a request for a public hearing in this matter. Ultimately a public hearing was scheduled. However, after several months of deliberations and negotiations in this matter, GTE Wireless moved to cancel the hearing and amended its application by reducing the total height of the facility from 110 feet to 75 feet and by revising the type of fencing and landscaping that would surround the compound. GTE Wireless states that the amendments to the application were agreed to by the City of Highland Heights. Absent any comments to the contrary since GTE Wireless's filing of May 25, 1999, GTE Wireless appears to have adequately addressed the concerns of interested parties in this proceeding. Accordingly, the public hearing was cancelled and the matter submitted to the Commission for a decision.

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, GTE Wireless 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 GTE Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE Wireless has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. GTE Wireless is granted a Certificate of Public Convenience and Necessity to construct a monopole antenna tower not to exceed 75 feet in height, with attached antennas, to be located at 1801 Alexandria Pike, Highland Heights, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 2' 57.24" by West Longitude 84° 26' 45.86".

2. GTE Wireless 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. GTE Wireless 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

~~ATTEST:~~  
3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 30<sup>th</sup> day of July, 1999.

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Executive Director

By the Commission