

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS,	)	
PCS, INC., ACTING BY AND THROUGH ITS	)	
AGENT, WIRELESS PCS, INC., FOR THE	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	CASE NO.
A PERSONAL COMMUNICATIONS SERVICES	)	98-549 - UAC
NETWORK FACILITY IN LATONIA LAKES,	)	
KENTUCKY AND CALLED THE LATONIA	)	
LAKES/GLOVER SITE, SITE #CN-242-02	)	

O R D E R

On November 6, 1998, AT&T Wireless PCS, Inc. ("AT&T Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 5909 Lieberman Drive, Covington, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 58' 27.5" by West Longitude 84° 29' 18.22".

AT&T 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 KRS 100.987, Section 2(2), AT&T Wireless has submitted the uniform application to the Kenton County and Municipal Planning and Zoning Commission

( Planning Commission ) for the proposed construction. The Planning Commission approved the uniform application subject to certain conditions. On February 11, 1999, AT&T Wireless filed information indicating its acceptance of the Planning Commission's recommendation. AT&T 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 decisions are pending.

AT&T Wireless has filed evidence of notices pursuant to 807 KAR 5:063, Section 1. In response to public notice made by AT&T Wireless, the Commission received numerous protests and one request for intervention that was granted. The Commission ordered that any party desiring a hearing must file a written request or this matter would stand submitted for a decision. To date, no requests for a public hearing have been filed.

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, AT&T 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 AT&T Wireless.

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

IT IS THEREFORE ORDERED that:

1. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct a wireless facility at 5909 Lieberman Drive, Covington, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude  $38^{\circ} 58' 27.5''$  by West Longitude  $84^{\circ} 29' 18.22''$ .

2. AT&T 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. AT&T 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 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 19<sup>th</sup> day of April, 1999.

By the Commission

ATTEST:

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Executive Director