

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)	
AND POWERTEL/KENTUCKY, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	CASE NO.
8590 GLASGOW RD. IN THE TRUNKED PCS)	98-607 - UAC
LICENSE AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF WARREN)	
SITE NAME: OAKLAND)	
SITE NUMBER: 251KY)	

O R D E R

On January 15, 1999, Crown Communication Inc. ("Crown") and Powertel/Kentucky, Inc. ("Powertel/Kentucky") (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 is to be located at 8590 Glasgow Road, Smiths Grove, Warren County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 2' 20.64" by West Longitude 86° 10' 35.96". Powertel/Kentucky has demonstrated the need to place facilities in the area to serve its customers, and has stated its intent to place facilities on the proposed structure.

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 100.987, the Applicants state that they submitted the uniform application to the Warren County Planning Commission (“Planning Commission”) on January 15, 1999. In addition, the Applicants state that there is no agreement with the Planning Commission to extend the statutory 60-day period for its review of the application. To date, no comments have been filed by the Planning Commission and, accordingly, KRS 100.987(4)(c), requires the Public Service Commission to presume that the Planning Commission has approved the uniform application. 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.

The Applicants also have filed evidence of notices given pursuant to the applicable subsections of 807 KAR 5:063, Section 4. To date, no comments have been filed with the Commission.

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 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 wireless telecommunications facility to be located at 8590 Glasgow Road, Smiths Grove, Warren County, Kentucky. The coordinates for the proposed facility are North Latitude $37^{\circ} 2' 20.64''$ by West Longitude $86^{\circ} 10' 35.96''$.

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 18th day of May, 1999.

By the Commission

ATTEST:

Executive Director