

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. 99-029
4400 PARALEE DRIVE IN THE BASIC TRADING)
AREA IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF JEFFERSON)
SITE NAME: SOUTH PARKLAND)
SITE NUMBER: 239KYD)

O R D E R

On February 16, 1999, Crown Communication Inc. (Crown) and Powertel/Kentucky, Inc. (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. Pursuant to KRS 278.650, the Applicants submitted an application to the Louisville and Jefferson County Planning Commission (Planning Commission) for Community Facility Review for the proposed construction. The Planning Commission denied the proposed construction citing non-compliance with various Comprehensive Plan guidelines and failure, pursuant to local Development Code, to demonstrate that co-location on existing structures cannot be accommodated. Specifically, the Planning Commission determined that co-location on a nearby antenna tower owned or controlled by GTE Wireless had not been fully investigated.

The Applicants filed a statement in support of their request to override the Planning Commission's recommendation advising this Commission that no acceptable alternative sites exist. As evidenced by exhibits to the application, Crown attempted to negotiate an arrangement with GTE Wireless in which a new tower would be constructed to replace the existing GTE Wireless antenna tower. GTE Wireless could not agree to the proposal as offered due to corporate funding difficulties. However, GTE Wireless advised Crown that it was open to considering other offers that would not require investment by GTE Wireless.

The Commission finds that further investigation of consolidating the Applicants and GTE Wireless's facilities is warranted. Accordingly, the Applicants should report to the Commission, within 45 days of the date of this Order, whether a reasonable arrangement can be negotiated for the construction of a facility for the joint purposes of the affected parties. If an agreement cannot be negotiated, the Applicants should inform the Commission of the specific elements of the agreement that cannot be resolved.

The Commission will forward a copy of this Order to GTE Wireless for the purpose of notifying it of the Commission's decision.

The Commission, having been sufficiently advised, **HEREBY ORDERS** that additional information be provided as described herein.

Done at Frankfort, Kentucky, this 28th day of June, 1999.

By the Commission

ATTEST:

Executive Director