

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)	
AND WESTEL-MILWAUKEE COMPANY, INC. D/B/A)	
BELLSOUTH MOBILITY INC. FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT EASTERN)	
GARRETT OFF OF NEW HIGHWAY 680,)	CASE NO. 99-334
GARRETT, KY 41630 IN THE WIRELESS)	
COMMUNICATIONS LICENSE AREA IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF FLOYD)	
SITE NAME: GARRETT)	
SITE NUMBER: KY271)	

O R D E R

On September 29, 1999, Crown Communication Inc. ("Crown") and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc. (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 consists of a self-supporting antenna tower not to exceed 370 feet in height, with attached antennas, to be located in Eastern Garrett, off of New Highway 680, Garrett, Floyd County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 29' 9.45" by West Longitude 82° 47' 50.35".

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 807 KAR 5:063, the Applicants have notified the Floyd County Judge/Executive. To date, no comments have been filed by the Judge/Executive. 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.¹

The Applicants have filed evidence of the appropriate public notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments opposing the proposed construction 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 the Applicants have demonstrated that a facility is necessary

¹ The application states that the final decisions of the FAA and the KAZC will be forwarded as a supplement. However, Exhibits F and G to the application indicate that approvals from both agencies have been obtained.

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. Crown is granted a Certificate of Public Convenience and Necessity to construct a self-supporting antenna tower not to exceed 370 feet in height, with attached antennas, to be located in Eastern Garrett, off of New Highway 680, Garrett, Floyd County, Kentucky. The coordinates for the proposed facility are North Latitude $37^{\circ} 29' 9.45''$ by West Longitude $82^{\circ} 47' 50.35''$.

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 21st day of December, 1999.

By the Commission

ATTEST:

Executive Director