

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION INC.	)	
AND KENTUCKY CGSA, INC. FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	CASE NO.
COMMUNICATIONS FACILITY AT 6375 WADES	)	99-407-UAC
MILL ROAD, WINCHESTER, KY 40391	)	
IN THE WIRELESS COMMUNICATIONS LICENSE AREA	)	
IN THE COMMONWEALTH OF KENTUCKY	)	
IN THE COUNTY OF CLARK	)	
SITE NAME: STONER CREEK	)	

O R D E R

On October 8, 1999, Crown Communication Inc. and Kentucky CGSA, Inc., d/b/a BellSouth Mobility Inc. (collectively, the "Applicants") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 6375 Wades Mill Road, Winchester, Clark County, Kentucky. Ms. Gail Wells-Ball and Mr. Tim Bankes, neighboring property owners, have filed motions to intervene in this matter. The Commission finds that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, the motions of Ms. Wells-Ball and Mr. Bankes (collectively, the Intervenors ) to intervene should be granted.

In addition, the Commission, on its own motion, has scheduled a hearing on the proposed wireless telecommunications facility for February 9, 2000, at 9:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort,

Kentucky. If an Intervenor wishes to appear at the hearing in opposition to the proposed facility he or she must, within 10 days of the date of this Order, so notify the Commission in writing, with a copy to all parties of record. If no statement of intent to appear at the hearing and to present evidence against the proposed facility is received by that date, the hearing will be cancelled and this matter submitted to the Commission for a decision based on the written record without further Orders herein.

The Intervenors are also put on notice that evidence regarding potential alternative sites for the proposed construction, if any, must be filed with the Commission, with a copy to all parties of record, no later than 30 days from the date of this Order. No intervenor may produce evidence regarding alternative sites at the hearing except in regard to specific sites filed of record as described in this Order.

If information regarding potential alternative sites is filed by an intervenor, the Applicants shall file their response to that information within 45 days from the date of this Order, including in such response a report of their review of the feasibility of the alternative sites presented by the intervenor.

As a final matter, Ms. Wells-Ball also requests an extension because she states that she received notice of the proposed construction on October 27. Presumably, the requested extension concerns the time in which a motion to intervene may be filed. Since Ms. Wells-Ball's motion to intervene is granted by this Order, the requested extension is moot.

IT IS THEREFORE ORDERED that:

1. The motions of Ms. Wells-Ball and Mr. Bankes to intervene are granted.
2. The Intervenors shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should an Intervenor file documents of any kind with the Commission in the course of these proceedings, he or she shall also serve a copy of said documents on all other parties of record.
4. A hearing on the proposed wireless telecommunications facility is scheduled for February 9, 2000, at 9:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
5. If an Intervenor does not file a statement of intent to appear in opposition to the proposed wireless telecommunications facility within 10 days of this Order, the hearing shall be cancelled and the matter submitted to the Commission on the existing record without further Orders herein.
6. Neither the Intervenors nor any person subsequently granted intervention herein may submit evidence regarding alternative sites for the proposed facility at the hearing in this matter except in regard to those specific sites for which information has been filed within 30 days of the date of this Order.
7. The Applicants shall respond in writing to a filing regarding potential alternative sites, if any, within 45 days of the date of this Order, and shall include in their response information concerning the availability and technical feasibility of such sites.

8. The Applicants shall appear at the hearing and shall be prepared to present testimony on the engineering design, location, and construction of the proposed facility, as well as the jurisdictional safety issues relating to the facility.

9. Neither opening statements nor witnesses' summaries of prefiled testimony shall be permitted at the hearing in this matter.

10. Any interested person shall have the opportunity to present testimony or comment on the proposed facility.

11. Prefiled testimony, if any, shall be filed within 60 days of the date of this Order.

12. Pursuant to KRS 100.324, a copy of this Order is being sent to the Clark County Planning Commission for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 9<sup>th</sup> day of November, 1999.

By the Commission

ATTEST:

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Executive Director