

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION	)	
INC., NEXTEL WEST CORP., AND	)	
POWERTEL/KENTUCKY, INC. FOR ISSUANCE OF	)	
A CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	
COMMUNICATIONS FACILITY AT 3686 N.	)	
CLEVELAND ROAD IN THE TRUNKED SMR	)	CASE NO. 98-331
LICENSE AREA & BASIC TRADING AREA IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF FAYETTE	)	
SITE NAME: UTTINGERTOWN TOWER	)	
SITE NUMBER: 032KYB	)	

O R D E R

On July 14, 1998, Crown Communication Inc. ("Crown") and Nextel West Corporation (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, as amended, consists of a self-supporting antenna tower not to exceed 225 feet in height, with attached antennas, to be located at 3730 North Cleveland Road, Lexington, Fayette County, Kentucky.<sup>1</sup> The coordinates for the proposed facility are North Latitude 38° 3' 4.43" by West Longitude 84° 21' 8.86".

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

---

<sup>1</sup> As discussed herein, the Applicants submitted a motion to amend their application

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

The Applicants have notified the local planning unit of the proposed construction. The Lexington-Fayette Urban County Government, Division of Planning, filed comments and intervened in this proceeding. The Applicants have 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 applications are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received numerous comments and requests for intervention and a public hearing was subsequently held on December 8, 1998. On July 8, 1998, the Commission ordered the Applicants to further investigate alternative sites presented during the hearing. In response to the Commission's Order, the Applicants submitted a motion to amend the application and to move the proposed facility approximately 300 feet to a location on nearby property. The Commission received motions to intervene from two property owners who opposed the new location for the proposed facility. However, both parties later withdrew their motions for intervention and the matter was submitted to the Commission for a decision.

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

---

by moving the proposed facility approximately 300 feet to a location on nearby property.

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 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 225 feet in height, with attached antennas, to be located at 3730 North Cleveland Road, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude  $38^{\circ} 3' 4.43''$  by West Longitude  $84^{\circ} 21' 8.86''$ .

2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. 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

ATTEST:  
months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 14<sup>th</sup> day of February, 2000.

\_\_\_\_\_  
Executive Director

By the Commission