

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)	
INC. AND NPCR, INC., D/B/A NEXTEL PARTNERS)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT 240)	
CLIFTY DRIVE, FRANKFORT, KY 40601 IN THE)	CASE NO.
WIRELESS COMMUNICATIONS LICENSE AREA IN)	1999-337-UAC
THE COMMONWLEALTH OF KENTUCKY IN THE)	
COUNTY OF FRANKLIN)	
SITE NAME: FRANKFORT NORTH)	
SITE NUMBER: 014KY)	

O R D E R

On August 23,1999, Crown Communication Inc. and NPCR, Inc. d/b/a Nextel Partners (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 240 Clifty Drive, Frankfort, Franklin County, Kentucky. Vickie Elliott, a neighboring property owner, filed a motion for intervention in this matter which was granted.

The Frankfort-Franklin County Planning Commission received a copy of the uniform application herein, but did not make a decision approving or disapproving the application pursuant to KRS 100.987(4)(c). Therefore, by law, the uniform application is presumed to have been approved by the planning commission. KRS 100.987. Accordingly, the character of the general area concerned and the likely effects of the facility on nearby land uses and values shall not be taken into consideration by the

Commission, as these matters are within the jurisdiction and expertise of the local planning commission. Testimony received by the Commission shall be limited to areas of service, pursuant to KRS 278.020, and safety, pursuant to KRS 278.280.

The Commission has scheduled a public hearing on the proposed wireless telecommunications facility for May 9, 2000, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of 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 collocation sites for the proposed facility, 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.

If information regarding potential collocation 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 collocation sites presented by the Intervenor.

IT IS THEREFORE ORDERED that:

1. A hearing on the proposed wireless telecommunications facility is scheduled for May 9, 2000, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. 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.

3. Neither the Intervenors nor any person subsequently granted intervention may submit evidence regarding collocation 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.

4. The Applicants shall respond in writing to a filing regarding potential collocation 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.

5. 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.

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

7. Any interested person shall have the opportunity to present testimony or comment on any aspect of service and safety.

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

9. Pursuant to KRS 100.324, a copy of this Order is being sent to the Franklin 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 29th day of February, 2000.

By the Commission

ATTEST:

Executive Director