

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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)	99-337-UAC
THE COMMONWEALTH 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. ("Crown") and NPCR, Inc. d/b/a Nextel Partners (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 is to be located at 240 Clifty Drive, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 12' 49.27" by West Longitude 84° 53' 4.13".

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 Licensed Professional Engineer.

Pursuant to KRS 100.987, the Applicants submitted the uniform application to the local planning unit. The Frankfort-Franklin County Planning Commission filed comments but did not make a decision approving or disapproving the application and therefore, by law, the uniform application is presumed to have been approved by the planning commission. 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 decisions 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. One property owner filed comments and a request for intervention, which was granted. A public hearing was scheduled but later cancelled after the intervenor failed to file a statement of intent to appear at the hearing. At that time, 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 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 wireless telecommunications facility. The proposed facility is to be located at 240 Clifty Drive, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 12' 49.27" by West Longitude 84° 53' 4.13".

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 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 27th day of April, 2000.

By the Commission

ATTEST:


Executive Director