

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)
COMMUNICATIONS FACILITY AT 6375 WADES)
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)
SITE NUMBER: KY259)

CASE NO.
99-407-UAC

O R D E R

On October 8, 1999, Crown Communication Inc. ("Crown") and Kentucky CGSA, 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.¹ The proposed facility is to be located at 6375 Wades Mill Road, Winchester, Clark County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 3' 12.01" by West Longitude 84° 3' 45.2".

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.

¹ On December 22, 1999, the Applicants amended the application to reflect a lower

Pursuant to KRS 100.987, the Applicants have submitted the uniform application to the local planning unit for review. No decision of the local planning unit having been filed with this Commission, it is presumed that the local planning unit approved the proposed construction. KRS 100.987(4)(c). 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 have been approved.

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 several letters protesting the proposed construction and three parties requested and were granted intervention. A public hearing was held on February 9, 2000 at the Commission's offices in Frankfort. No parties opposing the proposed construction attended the hearing 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 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.

structure height than originally proposed.

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 facility is to be located at 6375 Wades Mill Road, Winchester, Clark County, Kentucky. The coordinates for the facility are North Latitude 38° 3' 12.01" by West Longitude 84° 3' 45.2".

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 10th day of March, 2000.

By the Commission

ATTEST:

Executive Director