

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION)	
INC., NPCR, INC. AND KENTUCKY CGSA, INC.)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	
1100 ARMSTRONG MILL ROAD, LEXINGTON, KY)	CASE NO.
40515 IN THE WIRELESS COMMUNICATIONS)	99-411-UAC
LICENSE AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF FAYETTE)	
SITE NAME: TATES CREEK)	
SITE NUMBER: KY 114)	

O R D E R

On October 13, 1999, Crown Communication Inc. ("Crown"), NPCR, Inc. d/b/a Nextel Partners 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. The proposed facility is to be located at 1100 Armstrong Mill Road, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 58' 46.75" by West Longitude 84° 29' 36.22".

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 have submitted a uniform application to the local planning unit for review. The Lexington-Fayette Urban County Government, Division of Planning, approved the proposed construction. 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. The Commission received several public comments regarding the proposed construction. However, no requests for intervention or a public hearing have been filed.

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 facility is to be located at 1100 Armstrong Mill Road, Lexington, Fayette County, Kentucky. The coordinates for the facility are North Latitude 37° 58' 46.75" by West Longitude 84° 29' 36.22".

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 3rd day of March, 2000.

By the Commission

ATTEST:

Executive Director