

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.	)	
AND WESTEL-MILWAUKEE COMPANY, INC. FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
A WIRELESS COMMUNICATIONS FACILITY AT	)	CASE NO.
606 CLARK LANDING ROAD, MORGANTOWN, KY	)	1999-446
40004 IN THE COMMONWEALTH OF KENTUCKY	)	
IN THE COUNTY OF BUTLER	)	
SITE NAME: NATCHER PARKWAY	)	
SITE NUMBER: KY276	)	

O R D E R

On November 10, 1999, Crown Communication Inc. ("Crown") and Westel-Milwaukee Company, 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 consists of a guyed antenna tower, with attached antennas, not to exceed 470 feet in height. The proposed facility is to be located at 606 Clark Landing Road, Morgantown, Butler County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 6' 19.18" by West Longitude 86° 38' 19.62".

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 807 KAR 5:063, the Applicant has notified the Butler County Judge/Executive of the proposed construction. To date, no comments have been filed by the County Judge/Executive. 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. To date, no public comments have been filed with the Commission.

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 consists of a guyed antenna tower, with attached antennas, not to exceed 470 feet in height. The facility is to be located at 606 Clark Landing Road, Morgantown, Butler County, Kentucky. The coordinates for the facility are North Latitude  $37^{\circ} 6' 19.18''$  by West Longitude  $86^{\circ} 38' 19.62''$ .

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 9<sup>th</sup> day of March, 2000.

By the Commission

ATTEST:

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Executive Director