

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC., )  
TRITEL COMMUNICATIONS, INC. AND TRITEL )  
FINANCE, INC. FOR ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
CONSTRUCT A WIRELESS COMMUNICATIONS ) CASE NO.  
FACILITY AT 800 ASKEW SERVICE ROAD ) 99-463  
HOPKINSVILLE, KY 42240 )  
IN THE WIRELESS COMMUNICATIONS LICENSE AREA )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF CHRISTIAN )  
SITE NAME: ASKEW SERVICE ROAD )  
SITE NUMBER: 083-198 )

O R D E R

On December 1, 1999, Crown Communication Inc. ("Crown"), as ultimate owner, and Tritel Communications, Inc. ("Tritel") and Tritel Finance, Inc. filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Louisville Major Trading Area ("MTA"). Crown has requested authorization to construct a cell site in Christian County and Tritel has provided evidence that the public convenience and necessity will be served by the proposed construction.

The proposed cell site consists of a 175-foot or less self supporting antenna tower to be located in Christian County, Kentucky ("the Askew Service Road site"). The coordinates

for the Askew Service Road site are North Latitude 36° 44' 32.38" by West Longitude 87° 28' 42.87".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Askew Service Road site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, Section 1, Crown notified the Christian County Judge/ Executive of the pending construction. Crown has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Askew Service Road site. Both applications are pending.

Crown has filed notices verifying that each person who owns property within 500 feet of the Askew Service Road site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notices were published in a newspaper of general circulation in Christian County and were posted in a visible location on the proposed site and on the nearest public road. The notices remained posted for at least two weeks after Crown's application was filed. To date, no intervention requests have been received.

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 cellular radio telecommunications services 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 Crown should be granted a Certificate of Public Convenience and Necessity to construct and operate the Askew Service Road site in the Louisville MTA.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct and operate the Askew Service Road site.
2. Crown shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site 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 18<sup>th</sup> day of February, 2000.

By the Commission

ATTEST:

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Executive Director