

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE UNIFORM APPLICATION OF THE)	
CINCINNATI SMSA LIMITED PARTNERSHIP)	
FOR THE ISSUANCE OF A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY TO)	99-464-UAC
CONSTRUCT A WIRELESS COMMUNICATIONS)	
FACILITY IN FLORENCE, BOONE COUNTY,)	
KENTUCKY IN THE KENTUCKY PORTIONS OF)	
THE CINCINNATI MSA AND CALLED THE)	
FLORENCE/TURFWAY PARK CELL SITE, AACM)	

O R D E R

On March 3, 2000, the Commission entered its Order in this case granting Cincinnati SMSA Limited Partnership (“Ameritech Cellular”) a certificate of public convenience and necessity to construct a wireless telecommunications tower in Florence, Boone County, Kentucky. Pursuant to KRS 100.987, the Boone County Planning and Zoning Commission (the “Planning Commission”) was entitled to review the proposed construction and to approve or reject it, prior to this Commission’s issuance of an order. However, also pursuant to KRS 100.987, the time given to planning commissions is limited to sixty days or a longer time agreed to by the applicant and the planning commission. After the deadline has passed without issuance of a written decision by the planning commission, the planning commission is presumed by law to have approved the application. As of March 3, the date of the Order in this case, the Commission had not received a planning commission decision, and the sixty-day period had long since expired. Accordingly, the case appeared to be ripe for decision and the Order was entered.

On March 16, 2000, Ameritech Cellular submitted a motion to vacate the Commission's March 3 Order. As grounds for its motion, Ameritech Cellular explains that it had agreed to extend the Planning Commission's time for review pursuant to KRS 100.987(4) and had inadvertently failed to inform this Commission of that extension.

The information filed by Ameritech Cellular makes it clear that the March 3 Order should be vacated. Pursuant to law, the Planning Commission is entitled to enter its decision and to forward that decision to this Commission prior to issuance of a final Order.

IT IS THEREFORE ORDERED that:

1. The motion of Ameritech Cellular to vacate the Commission's March 3, 2000 Order in this case is granted.
2. This case is hereby reopened and returned to the Commission's docket.

Done at Frankfort, Kentucky, this 24th day of March, 2000.

By the Commission

ATTEST:



Executive Director