

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. 99-469
FACILITY AT 426 G. HIGHBAUGH ROAD, BONNIEVILLE)
KENTUCKY 42784 IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF HART SITE NAME: 263-108)
SITE NUMBER: BONNIEVILLE)

O R D E R

On December 10, 1999, Crown Communication Inc. ("Crown"), as ultimate owner, and Tritel Communications, Inc. and Tritel Finance, Inc. filed an application seeking a Certificate of Public Convenience and Necessity to build a cellular radio telecommunications system for the Louisville Major Trading Area ("MTA"). Crown has requested authorization to construct a cell site in Hart 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 300-foot or less guyed antenna tower to be located at 426 G. Highbaugh Road, Bonnieville, Hart County, Kentucky ("the 263-108 site"). The coordinates for the 263-108 site are North Latitude 37° 24' 25.97" by West Longitude 85° 53' 10.82".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the 263-108 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 Hart 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 263-108 site. Both applications are pending.

Crown has filed notices verifying that each person who owns property within 500 feet of the 263-108 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 Hart 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 the 263-108 site in the Louisville MTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct and operate the 263-108 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 24th day of February, 2000.

By the Commission

ATTEST:

Executive Director