

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION)	
INC., NPCR, INC., TRITEL COMMUNICATIONS,)	
INC. AND TRITEL FINANCE, INC. FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT 810 U.S.)	
HIGHWAY 151, FRANKFORT, KY 40601 IN THE)	CASE NO.
WIRELESS COMMUNICATIONS LICENSE AREA IN)	99-494-UAC
THE COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF FRANKLIN)	
SITE NAME: GRAEFENBURG)	
SITE NUMBER 800622)	

O R D E R

On December 22, 1999, Crown Communication Inc. ("Crown"), NPCR, Inc., Tritel Communications and Tritel Finance (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. Crown has requested authorization to construct a cell site in Franklin County and Tritel has provided evidence that the public convenience and necessity will be served by the proposed construction.

The proposed facility is to be located at 810 U.S. Highway 151, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 08' 50.9" by West Longitude 84° 58' 46.9".¹

¹ The Applicants amended the application on January 24, 2000 and moved the location of the proposed facility approximately 25 feet north and 19 feet west of the original proposed location.

The Applicants have 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 a Licensed Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), Crown has submitted the uniform application to the Franklin County Planning and Zoning Commission for the proposed construction and, as no response has been filed with the Commission, pursuant to KRS 100.987(4)(c), the application is deemed to have been approved. 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 is to be located at 810 U.S. Highway 151, Frankfort, Franklin County, Kentucky. The coordinates for the facility are North Latitude 38° 08' 50.9" by West Longitude 84° 58' 46.9".

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 17th day of March, 2000.

By the Commission

ATTEST:

Executive Director