

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC.)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
CONSTRUCT A PERSONAL) CASE NO. 2000-005-UAC
COMMUNICATIONS SERVICES)
FACILITY IN THE CINCINNATI BASIC)
TRADING AREA [NEWPORT FACILITY])

O R D E R

On January 14, 2000, SprintCom, Inc. ("Applicant") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 900 Seventh Avenue, Dayton, Campbell County, Kentucky. The local planning and zoning commission of the city of Dayton approved the application on March 16, 2000. Howard W. Ranshaw, represented by Philip Taliaferro, III, and Mr. and Mrs. Robert C. Peelman (collectively "Intervenors") exercised their right to intervene herein and the Commission finds that such intervention is likely to present and develop facts that will assist the Commission in fully considering the matter without duly complicating or disrupting the proceedings and full intervention should be allowed.

A petition was filed with the Commission containing the signatures of 90 citizens of Dayton, Kentucky, including Mr. and Mrs. Peelman, requesting intervention. The Commission finds that such intervention is unlikely to present issues and help develop facts that will assist the Commission in fully considering the matter. It appears to the

Commission that the reasons supporting the request for intervention by these citizens are identical to those relied upon by Mr. and Mrs. Peelman. The Commission finds that the interests of these citizens will be adequately represented by Mr. and Mrs. Peelman; therefore, intervention by these citizens should be denied. The petition is a part of the record herein, and the Commission will give it due consideration in making its decision.

In addition, the Commission, on its own motion, has scheduled a hearing concerning the proposed wireless telecommunications facility for September 28 and 29, 2000 beginning at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

Intervenors are put on notice that the Commission is not empowered and will not make or revisit findings as to issues within the local planning and zoning commission's jurisdiction, including the character of the general area concerned or the likely effects of the installation of the facility on nearby land uses and values. The Commission's jurisdiction is limited to safety issues (design and structure of the tower) and service issues (whether the public convenience and necessity require construction of the facility to extend and improve the Applicant's service to its customers).

IT IS THEREFORE ORDERED that:

1. The request of Mr. and Mrs. Robert C. Peelman and Howard W. Ranshaw to intervene is granted.

2. The petition for intervention signed by 88 citizens of Dayton, Kentucky, excluding Mr. and Mrs. Peelman, is hereby made a part of the record for due consideration by the Commission, but the request to intervene by the signatories is denied.

3. The intervenors shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by the parties after the date of this Order.

4. Should any intervenor file documents of any kind with the Commission in the course of these proceedings, a copy of said documents shall be served upon all other parties of record.

5. A hearing on the proposed wireless telecommunications facility is scheduled for September 28 and 29, 2000 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

6. If an intervenor does not file a statement of intent to appear in opposition to the proposed wireless telecommunications facility within 10 days of the date of this Order, the hearing shall be cancelled and the matter submitted to the Commission on the existing record without further Orders herein.

7. Discovery, if any, shall be completed on or before September 15, 2000.

8. Testimony and evidence at hearing shall be limited as set out in the text of this Order hereinabove.

9. The Applicant shall appear at the hearing and shall be prepared to present testimony on the engineering design, location, and construction of the proposed facility, as well as the jurisdictional safety issues relating to the facility.

10. The Commission will not hear testimony or take evidence regarding matters and issues that were within the jurisdiction of the planning and zoning commission of the city of Dayton.

11. Neither opening statements nor witnesses' summaries of prefiled testimonies shall be permitted at the hearing in this matter.

12. Any interested person shall have the opportunity to present testimony or comment on the proposed facility within the guidelines set herein.

13. Prefiled testimony, if any, shall be filed within 60 days of the date of this Order.

14. Pursuant to KRS 100.324, a copy of this Order is being sent to the planning and zoning commission of Dayton, Kentucky for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 8th day of August, 2000.

By the Commission

ATTEST:



Executive Director, Acting