

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND KENTUCKY CGSA, INC. FOR ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT THE NW)
CORNER OF HURSTBOURNE AND SIX MILE) CASE NO. 2000-041
LANE, LOUISVILLE, KENTUCKY 40220 IN THE)
WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF JEFFERSON)
SITE NAME: SIX MILE)

O R D E R

Intervenor Atria Communications, Inc. ("Atria") filed its motion to amend the procedural schedule on April 3, 2000, stating that it needed additional time to complete its investigation, and then filed its request for information on April 4, 2000. On April 5, 2000, Crown Communication, Inc. and Kentucky CGSA, Inc. ("Applicants") filed a motion *in limine* to exclude testimony and other evidence regarding the environmental effects of radio frequency interference.

Atria operates an assisted-living facility in the vicinity of the cell tower site, and it is concerned that the radio frequency of the tower will interfere with an intra-facility communications system called "Code Alert." By its motion, Atria seeks to extend all of the scheduled dates in the proceeding by an additional two weeks. The Applicants assert that the frequency interference issue has been preempted by the Telecommunications Act of 1996 and is controlled by the Federal Communications

Commission, not this Commission. Moreover, Atria has been aware of this application since approximately October 1999, when notice was first provided to it by Applicants.

The Commission, having considered the motions and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Atria's motion to amend the scheduled dates in this proceeding is denied.
2. Applicants' motion *in limine* is taken under consideration and a ruling shall be issued later in these proceedings.
3. Atria shall file a responsive brief or memorandum of law to Applicants' motion *in limine* on or before April 21, 2000.

Done at Frankfort, Kentucky, this 14th day of April, 2000.

By the Commission

ATTEST:



Executive Director