

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)	
INC. AND KENTUCKY CGSA, INC. FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY AT 1220 EAST OAK)	2000-043
STREET IN LOUISVILLE, KENTUCKY 40204 IN THE)	
WIRELESS COMMUNICATIONS LICENSE AREA IN)	
THE COMMONWEALTH OF KENTUCKY IN THE COUNTY)	
OF JEFFERSON)	
SITE NAME: GRINSTEAD)	

O R D E R

On April 5, 2000, Crown Communication Inc. and Kentucky CGSA, Inc. (“Applicants”) filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 1220 East Oak Street, Louisville, Kentucky. The Louisville and Jefferson County Planning Commission has disapproved the proposed construction. The Planning Commission’s finding and written record of the meeting in which the finding was made has been filed into the record in this case. The Commission may override the decision of the Planning Commission only if the public convenience and necessity require the construction and if there is no acceptable alternative site from which service can be provided. KRS 278.650. The Louisville Board of Alderman, by its President, Steve Magre, and the Louisville and Jefferson County Planning Commission (hereinafter known as “Intervenors”), have both filed motions for full intervention in this matter. The Commission finds that such intervention is likely to present issues and

develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, the motion for full intervention should be granted.

In addition, the Commission, on its own motion, has scheduled a hearing on the proposed wireless telecommunications facility for September 21, 2000 at 9:00 a.m., Eastern Daylight Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. If Intervenors determine by means of discovery that the hearing scheduled herein will be unnecessary, then Intervenors shall immediately notify the Commission so that prehearing costs may be avoided. If no hearing is necessary, the matter will be submitted to the Commission based on the written record without further orders herein. Intervenors are put on notice that evidence regarding potential alternative sites for the proposed construction, if any, and any requests for information, must be filed with the Commission, with a copy to all parties of record, no later than 15 days from the date of this Order. No intervenor may produce evidence regarding alternative sites at the hearing except in regard to specific sites filed of record as described in this Order.

Responses to information requests and information regarding potential alternative sites, if filed by the Intervenors, shall be responded to by Applicants within 30 days from the date of this Order. Applicants shall include in such responses a report of their view of the feasibility of the alternative sites presented by the Intervenor.

IT IS THEREFORE ORDERED that:

1. The motions of the Intervenors to intervene are granted.
2. 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 parties after the date of this Order.

3. Should an Intervenor file documents of any kind with the Commission in the course of these proceedings, a copy of said documents shall be served on all other parties of record.

4. A hearing on the proposed wireless telecommunications facility is scheduled for September 21, 2000, at 9:00 a.m., Eastern Daylight Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

5. If an Intervenor determines that a hearing is not necessary, it shall give immediate notice to the Commission in order to avoid prehearing costs and the hearing will be cancelled and the matter submitted to the Commission on the existing record without further orders herein.

6. Neither the Intervenors nor any person subsequently granted intervention herein may submit evidence regarding alternative sites for the proposed facility at the hearing in this matter, except in regard to those specific sites for which information has been filed within 15 days of the date of this Order.

7. The Applicants shall respond in writing to a filing regarding information requests and potential alternative sites, if any, within 30 days of the date of this Order, and shall include in their response information concerning the availability and technical feasibility of such sites.

8. The Applicants 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.

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

10. Any interested person shall have the opportunity to present testimony or comment on the proposed facility.

11. Prefiled testimony, if any, shall be filed within 35 days of the date of this Order.

12. Pursuant to KRS 100.324, a copy of this Order is being sent to Louisville and Jefferson County Planning and Zoning Commission 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 7th day of August, 2000.

By the Commission

ATTEST:



Executive Director, Acting