

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)	
INC. AND GTE WIRELESS OF THE SOUTH, INC.)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	CASE NO.
4805 LEESTOWN ROAD, LEXINGTON 40511 IN)	2000-071-UAC
THE WIRELESS COMMUNICATIONS LICENSE)	
AREA IN THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF FAYETTE)	
SITE NAME: YARNALLTON)	

O R D E R

On March 9, 2000, Crown Communication Inc. ("Crown") and GTE Wireless of the South, Inc. ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 4805 Leestown Road, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 7' 28.17" by West Longitude 84° 36' 18.45".

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 the plans have been certified by a Licensed Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants submitted the uniform application to the local planning commission for review. The Lexington-Fayette Urban County Government,

Division of Planning, filed a letter stating that the application was approved. The Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

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. The Commission received comments from several nearby property owners. One property owner intervened and requested a public hearing. The Commission scheduled a hearing and required the intervenor to file a notice of intent to appear or the hearing would be cancelled and the matter submitted to the Commission for a decision. No notice of intent to appear at the hearing having been filed, the matter was submitted to 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 proposed facility is to be located at 4805 Leestown Road, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude $38^{\circ} 7' 28.17''$ by West Longitude $84^{\circ} 36' 18.45''$.

2. 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 8th day of February, 2001.

By the Commission

ATTEST:


Executive Director