

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)
INC. AND ACC OF KENTUCKY LLC FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT 31)
EAST BARDSTOWN ROAD, BARDSTOWN, KY)
40004 IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF)
KENTUCKY IN THE COUNTY OF NELSON)
SITE NAME: OLD KENTUCKY HOME)

CASE NO.
2000-324-UAC

O R D E R

On July 19, 2000, Crown Communication Inc. ("Crown") and ACC of Kentucky LLC ("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 31 East Bardstown Road, Bardstown, Nelson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 46' 52.06" by West Longitude 85° 29' 41.56".

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 807 KAR 5:063, the Applicants filed with the local planning unit the application for the proposed construction, which the local planning unit rejected on October 26, 2000. By order dated November 1, 2000, the Commission informed the local planning unit of its right to intervene and request a hearing. On November 3, 2000, the Applicants moved the Commission to override the local planning unit's decision and informed the Commission of its intent to appear and provide testimony at a hearing. As the planning unit failed to move to intervene and request a hearing, the case stands submitted.

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 intervention requests have been received.

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 31 East Bardstown Road, Bardstown, Nelson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 46' 52.06" by West Longitude 85° 29' 41.56".

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 1st day of February, 2001.

By the Commission

ATTEST:


Executive Director