

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION)	
INC. AND NPCR FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A)	
WIRELESS COMMUNICATIONS FACILITY AT)	
1640 OLD MADISONVILLE ROAD,)	CASE NO.
HENDERSON, KY 42420 IN THE)	2000-478-UAC
WIRELESS COMMUNICATIONS LICENSE)	
AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF HENDERSON)	

O R D E R

On October 26, 2000, Crown Communication Inc. and NPCR, Inc. (collectively "Applicants") filed an application requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 1640 Old Madisonville Road, Henderson, Henderson County, Kentucky. On or about October 23, 2000, the Applicants notified the Henderson County Planning Commission ("Planning Commission"), which serves as the Planning and Zoning Commission of the City of Henderson and Henderson County, Kentucky.

On November 22, 2000, the Commission received a letter from Ernest L. Green requesting full intervention in this case. The Commission granted Mr. Green's motion by Order dated December 1, 2000.

In addition, the Commission, on its own motion, has scheduled a hearing on the proposed wireless telecommunications facility for March 14, 2001 at 9:00 a.m.,

Eastern Standard Time, at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

If Ernest L. Green ("Intervenor") wishes to appear at the hearing in opposition to the proposed facility, he must, within 10 days of the date of this Order, so notify the Commission in writing, with a copy to all parties of record.

The Planning Commission has not registered with the Commission to regulate the construction and placement of cellular antenna towers pursuant to KRS 100.987(1). Therefore, a copy of this Order shall be sent to the Planning Commission. The Planning Commission will have ten (10) days from the date of this Order in which it may intervene in this proceeding. If the Planning Commission chooses to intervene, it should also notify the Commission, within ten (10) days of this Order, that it desires to appear at the hearing and present evidence against the proposed facility.

If neither the Planning Commission nor Mr. Green provides written notice of intent to appear at the hearing and present evidence against the proposed facility, the Commission will cancel the hearing and the matter will be submitted to the Commission for a decision based on the written record without further Orders herein.

Mr. Green, and the Henderson County Planning Commission, should it intervene in this proceeding, are put on notice that evidence regarding potential alternative sites for the proposed construction, if any, must be filed with the Commission, with a copy to all parties of record, no later than 30 days from the date of this Order. No intervenor will be permitted to produce evidence regarding alternative sites at the hearing except in regard to specific sites filed of record as described in this Order.

If information regarding potential alternative sites is filed by an intervenor, the Applicants shall file their response to that information within 45 days of this Order, including in such response a report of their review of the feasibility of the alternative sites presented by the intervenor.

IT IS THEREFORE ORDERED that:

1. The Intervenor, Ernest L. Green, shall, within ten (10) days of the date of this Order, notify the Commission in writing, with a copy to all parties of record, of his intention, if any, to appear at the hearing of this matter.

2. The Henderson County Planning Commission shall, by motion, notify this Commission of its intent, if any, to intervene in this matter, stating whether it intends to appear at the hearing and present evidence against the proposed facility, within (10) days of the date of this Order.

3. Should any intervenor file documents of any kind with the Commission during the course of these proceedings, said intervenor shall also serve a copy of said documents on all parties of record.

4. A hearing on the proposed wireless telecommunications facility is scheduled for March 14, 2001, at 9:00 a.m., Eastern Standard Time, at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. Any motion requesting a continuance must be in writing and served upon all parties of record. The Commission will grant a motion for continuance only upon compelling reasons.

5. Mr. Green, and the Henderson County Planning Commission, if it files a motion to fully intervene within the period allowed, shall notify the Commission within 10 days of the date of this Order of an intent, if any, to appear in opposition to the proposed

wireless telecommunications facility. If no notice of intent to appear and present evidence in opposition to the proposed wireless telecommunications facility is filed with the Commission by any intervenor within 10 days of this Order, the hearing shall be cancelled and the matter submitted to the Commission on the existing record without further Orders herein.

6. In regard to this uniform application, proceeding, and hearing, it is understood and ordered that the Federal Communications Commission has exclusive jurisdiction over issues regarding radio frequency emissions, including radio frequency interference. 47 U.S.C. § 332(c) and Southwest Bell Wireless, Inc. v. Johnson County Bd. of Education Commissioners, 199 F.3d 1185 (10th Cir. 1999).

7. The Applicants shall appear at the hearing and shall be prepared to present testimony on the engineering design and construction of the proposed facility, as well as the jurisdictional safety issues relating to the facility, and to the public necessity for the facility.

8. Intervenors must file with the Commission any evidence relating to potential alternative sites for the proposed construction of the wireless transmission facilities within 30 days of the date of this Order. No intervenor will be permitted to produce evidence regarding alternative sites at the hearing except in regard to specific sites filed of record as previously described in this Order.

9. The Applicants shall file their response to any proposed alternative sites filed by the intervenors within 45 days of the date of this Order. The Applicants shall further file a response of their review of the feasibility of the alternative site presented by the intervenors.

10. Neither opening statements or witnesses' summaries of prefiled testimony shall be permitted at the hearing in this matter.

11. Any interested persons shall have the opportunity to present testimony or comment on the proposed facility.

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

13. A copy of this Order is being sent to the Henderson County Planning Commission at the Henderson Municipal Center, 222 First Street, Henderson, Kentucky, 42420 for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the Planning Commission's jurisdiction and to allow them the opportunity to intervene as hereinabove set forth.

Done at Frankfort, Kentucky, this 3rd day of January, 2001.

By the Commission

ATTEST:


Executive Director