

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 February 9, 2001, the Petitioner, Crown Communication Inc. ("Crown"), filed a motion to strike a list of alternate sites provided by the Intervenor, Ernest Green. Mr. Green filed a response to this motion on February 13, 2001. Having considered the record, the motion of Crown, and Mr. Green's response, the Commission hereby denies Crown's motion to strike.

In rendering this decision, the Commission takes into account the procedural aspects of this case. By Order dated January 3, 2001, the Commission, sua sponte, set this case for a hearing on March 14, 2001. In that Order, the Commission directed Mr. Green to file information concerning any alternate sites within 30 days of the date of the Order. Crown then had 15 days in which to file its responses to Mr. Green's proposal of alternate sites.

By letter received January 5, 2001, Mr. Green requested discovery. On January 8, 2001, the Commission received from Crown a motion for expedited treatment and for a prehearing Order. By Order dated January 16, 2001, the Commission continued the hearing until April 18, 2001. The Commission also granted Mr. Green's request to review the confidential file in this case. The Order further stated that all other Orders of the Commission in this case remained in full force and effect.

As stated previously, the Commission did not receive Mr. Green's proposal of alternate sites until February 6, 2001. By the explicit terms of the Order, the filing is untimely. However, Mr. Green states that he mailed the filing on February 1, 2001. Also, given the procedural changes that occurred subsequent to the January 3, 2001 Order, the Commission rejects Crown's argument that responding to the site proposals would be an undue burden. Even if the Commission granted Crown's motion, the April 18, 2001 hearing of this case would not be cancelled. The issue of the effect of the towers on land use and values is alive in this case. KRS 278.650(4). The Commission does not agree that it is manifestly unjust to require Crown to respond to alternative site proposals while preparing for the hearing. It is in the best interests of all involved that this case be fully developed and all issues considered at the hearing.

Based upon the foregoing, and the Commission being otherwise sufficiently advised, IT IS HEREBY ORDERED that:

1. Crown's motion to strike is denied.
2. The alternate sites provided by Mr. Green are hereby accepted and shall be incorporated into the record of this case.

3. Crown shall have until March 9, 2001 in which to respond to Mr. Green's proposal for alternate sites.

Done at Frankfort, Kentucky, this 26<sup>th</sup> day of February, 2001.

By the Commission

ATTEST:

  
Executive Director