

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NPCR, INC., A DELAWARE)
CORPORATION, FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS SERVICES FACILITY AT 716)
U.S. 62 WEST, CYNTHIANA, KENTUCKY IN THE)
WIRELESS COMMUNICATIONS LICENSE AREA IN)
THE COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF HARRISON)

CASE NO.
2001-257-UAC

O R D E R

On August 23, 2001, NPCR, Inc., a Delaware corporation d/b/a Nextel Partners ("Applicant") 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 716 U.S. 62 West, Cynthiana, Harrison County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 21' 56.81" by West Longitude 84° 19' 53.57".

The Applicant has 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 Applicant has notified the local planning unit of the proposed construction. The local planning unit with jurisdiction has not registered with the

Commission for the right to regulate the siting of cell towers. To date, the local planning unit has filed no comments regarding the proposed construction. The Applicant has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicant has 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 public comments have been filed with 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, the Applicant 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 the Applicant.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has 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. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 716 U.S. 62 West, Cynthiana, Harrison County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 21' 56.81" by West Longitude 84° 19' 53.57".

2. The Applicant shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. The Applicant 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 3rd day of October, 2001.

By the Commission

ATTEST:


Executive Director