

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SPRINTCOM, INC.,	)	
FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	CASE NO.
TO CONSTRUCT A PERSONAL	)	2000-143-UAC
COMMUNICATIONS SERVICES FACILITY	)	
IN THE CINCINNATI BASIC TRADING AREA	)	
(SLAMMERS FACILITY)	)	

O R D E R

On March 28, 2000, SprintCom, Inc. ( SprintCom ) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 7567 Mall Road, Florence, Boone County, Kentucky. The application requested this Commission to override a denial from the Boone County Planning Commission ( Planning Commission ) for the proposed construction. J. Blair Fields, III, pastor of Hopeful Lutheran Church, Bruce A. Krone of Eichel and Krone Company, LPA, and the Planning Commission intervened in this proceeding. A hearing was held August 16, 2001.

On November 28, 2001, we issued an Order finding that the Planning Commission's rejection of the proposed site should be affirmed. Pursuant to KRS 100.987(5)(a) this Commission is not authorized to override the decision of the Planning Commission unless we find that there is no acceptable alternate site. The Planning Commission determined that the alternate site at Hopeful Lutheran Church was located in the search ring, that it could achieve a great deal of SprintCom's coverage objectives, and that it was preferable aesthetically to the proposed site. Based upon the record of

evidence, we found that the Hopeful Lutheran Church alternate site would provide adequate service to the area for SprintCom. Therefore, public convenience and necessity does not require construction at the proposed Mall Road site.

On December 19, 2001, SprintCom filed a motion for rehearing, arguing that the alternative is, in fact, not adequate. The Planning Commission and Pastor Fields oppose this motion, contending that service compromises involving the required relocation would be marginal. This, in fact, was essentially the testimony of SprintCom's witness. The approved alternative site is within SprintCom's search ring, only 2/10 of a mile from SprintCom's proposed site. Though SprintCom's witness argued that necessary power adjustments at the alternative site could diminish capacity somewhat, he admitted that no studies so demonstrating had been done.<sup>1</sup>

SprintCom's motion offers no arguments or evidence not previously considered by this Commission. Accordingly, pursuant to KRS 278.400, rehearing is denied. As we previously determined, SprintCom has provided insufficient justification for overriding the determination reached by the Planning Commission.

The Commission, having considered SprintCom's motion for rehearing and responses thereto, HEREBY ORDERS that:

1. SprintCom's motion for rehearing is denied.

---

<sup>1</sup> Transcript of Evidence at 115-116.

2. The November 28, 2001 Order is affirmed in every respect except that SprintCom shall have 60 days from the date of this Order to comply with ordering paragraph number 2 of the November 28, 2001 Order.

Done at Frankfort, Kentucky, this 7<sup>th</sup> day of January, 2002.

By the Commission

ATTEST:

*W. H. Fowler*  
Deputy Executive Director