

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF AMERICAN TOWERS, INC.,	)	
TRITEL COMMUNICATIONS, INC. AND TRITEL	)	
FINANCE, INC. FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO.
NECESSITY TO CONSTRUCT A PERSONAL	)	2001-00133-UAC
COMMUNICATIONS SERVICES FACILITY IN THE	)	
LOUISVILLE MAJOR TRADING AREA	)	
[GREENWOOD MALL]	)	

ORDER

On June 13, 2001, American Towers, Inc., Tritel Communications, Inc., and Tritel Finance, Inc. ( 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 1017 Shive Lane, Bowling Green, Warren County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 56 54.72 by West Longitude 86° 25 8.56 .

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 KRS 100.987, the Applicants have submitted the uniform application to the local planning unit. The local planning unit has reviewed and approved the application. The Applicants have filed applications with the Federal Aviation

Administration ( FAA ) and the Kentucky Airport Zoning Commission ( KACZ ) seeking approval for the construction and operation of the proposed facility. Both decisions have been approved.

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. The Commission received a request for full intervention by Steven Koontz on August 6, 2001. The Commission granted Mr. Koontz full intervention, and a hearing was held on November 15, 2001. At the hearing, the Applicants and Mr. Koontz came to an agreement which included moving the location of the tower fifteen feet to the south of the proposed location. The Commission received a copy of the Agreed Order between the Applicants and Mr. Koontz. The Applicants also agreed to double the amount of plantings surrounding the site to provide additional buffering. Based on this Agreed Order, Mr. Koontz withdrew his intervention. If Applicants are unable to secure the necessary approvals to move the tower, Applicants will file a motion with the Commission to reconvene the hearing on the initial application.

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 Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their 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 Applicants.

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 a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility at the location referenced in the Agreed Order. The proposed facility is to be located at 1017 Shive Lane, Bowling Green, Warren County, Kentucky.

2. Within 10 days of the date of this Order, Applicants shall file the exact latitude and longitude for the site approved herein.


3. Applicants shall notify the Commission when all necessary approvals have been granted for the site authorized herein.

4. The Applicants 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 25<sup>th</sup> day of February, 2002.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Charles McQuinn", written over a horizontal line.

Executive Director