

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TITAN TOWERS, LP,)	
TRITEL COMMUNICATIONS, INC. AND TRITEL)	
FINANCE, INC. FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	CASE NO.
NECESSITY TO CONSTRUCT A PERSONAL)	2001-00218-UAC
COMMUNICATIONS SERVICES FACILITY IN THE)	
LOUISVILLE MAJOR TRADING AREA [MOBERLY)	
FACILITY])	

O R D E R

On August 6, 2001, Titan Towers, LP, 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 185 Kennedy Lane, Richmond, Madison County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 44 57.3 by West Longitude 84° 10 8.8 .

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 Madison County Planning Commission approved the proposed construction on September 7, 2001. The Applicants have 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 applications 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. On October 30, 2001, Robert and LaRue Sharp filed a motion to intervene in this matter. In its Order of January 15, 2002, the Commission granted Mr. and Mrs. Sharp full intervention and set up an informal conference to be held on February 20, 2002. On April 17, 2002, the Commission issued an Order requesting the intervenors to notify the Commission if they desired a public hearing to be held in this matter. The time period set forth in the Order for the intervenors to respond has passed, and the Commission has not received notification from the intervenors of their intent to appear at a hearing.

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.

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.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 185 Kennedy Lane, Richmond, Madison County, Kentucky. The coordinates for the proposed facility are North Latitude $37^{\circ} 44' 57.3$ by West Longitude $84^{\circ} 10' 8.8$.

2. 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 17th day of May, 2002.

By the Commission

ATTEST:

Deputy W. H. Fowler
Executive Director