

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)	
INC. AND WESTEL-MILWAUKEE COMPANY, LLC,)	
D/B/A CINGULAR WIRELESS - OWENSBORO FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	CASE NO.
HENRY PIGMAN ROAD, DIXON, KENTUCKY 42409)	2001-00391
IN THE WIRELESS COMMUNICATIONS LICENSE)	
AREA IN THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF WEBSTER)	
SITE NAME: DIXON)	
SITE NUMBER:22978)	

O R D E R

On December 10, 2001, Crown Communcation Inc. and Westel-Milwaukee Company, LLC d/b/a Cingular Wireless ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 320 feet in height, with attached antenna, to be located along Henry Pigman Road, Dixon, Webster County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 31' 54" by West Longitude 87° 40' 52".

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 807 KAR 5:063, the Applicants have notified the Webster County Judge/Executive of the proposed construction and, to date, no comments have been filed. 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 decisions are pending.

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 January 15, 2002, Jerry Brown requested intervention, which was granted by an Order dated February 12, 2002. A hearing was set for March 19, 2002, and Mr. Brown was asked to notify the Commission by February 22, 2002 if he wished to present any evidence in opposition to the facility and informed that if no notice was received, the hearing would be cancelled and the case would stand submitted. Since no such filing has been made, the case stands submitted.

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. The proposed facility consists of a guyed antenna tower not to exceed 320 feet in height, with attached antenna and is to be located along Henry Pigman Road, Dixon, Webster County, Kentucky. The coordinates for the proposed facility are North Latitude $37^{\circ} 31' 54''$ by West Longitude $87^{\circ} 40' 52''$.

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

3. 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 12th day of March, 2002.

By the Commission

ATTEST:


Executive Director