

CASE

NUMBER:

99.159

INDEX FOR CASE: 99-159UAC
AT&T WIRELESS PCS, INC.

Construct

CELL SITE - 1211 COX AVENUE - ERLANGER

IN THE MATTER OF THE UNIFORM APPLICATION OF AT&T WIRELESS
PCS, INC., ACTING BY AND THROUGH ITS AGENT, WIRELESS PCS,
INC., FOR THE ISSUANCE OF A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL
COMMUNICATIONS SERVICES NETWORK FACILITY IN ERLANGER,
KENTUCKY AND CALLED THE TURFWAY/OUR DESIGNS CELL SITE

SEQ NBR	ENTRY DATE	REMARKS
0001	04/30/99	Application.
0002	05/03/99	Acknowledgement letter.
M0001	05/17/99	HOLLAND MCTYIRE AT&T WIRELESS-NOTICE OF FILING OF STAMPED SURVEY RADIUS MAP
M0002	05/20/99	QUINT MCTYIRE AT&T WIRELESS-AFFIDAVITS OF PUBLICATION & CERTIFIED RETURN RECEIPT CARDS
M0004	05/20/99	VERNON WHITE-CITIZEN LETTER OF CONCERN
0003	05/21/99	Filing deficiencies letter; response due 6/7/99.
M0003	05/24/99	THOMAS SACKSTEDER PASTOR-LETTER OF CONCERN TO CELL TOWER
0004	05/26/99	Response sent to Reverend Sacksteder.
0005	05/26/99	Response sent to Vernon White.
M0005	06/02/99	AT&T WIRELESS PSC INC-RESPONSE TO FILING DEF LETTER FROM PSC ON MAY 21,99
0006	06/15/99	Deficiencies cured letter
M0006	06/21/99	KEVIN COSTELLO BOONE CO PLANNING-COPY OF RESOLUTION
M0007	06/30/99	QUINT MCTYIRE AT&T WIRELESS-MOTIN ACCEPTING THE RECOMMENDATION OF BCPC TO APPROVE IT UNIFOR
0007	08/12/99	Final Order granting a Certificate to construct.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-159 UAC
AT&T WIRELESS PCS, INC.

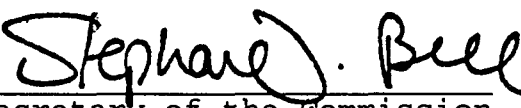
I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on August 12, 1999.

Parties of Record:

Honorable Catherine Blue
General Counsel
AT&T Wireless Services
15 East Midland Avenue
Paramus, NJ. 07652

Laura Adams
Site Acquisition Specialist
SBA, Inc. agent for AT&T Wireless
11500 Goldcoast Drive
Cincinnati, OH. 45249

Eric L. Ison
& Holland N. McTyeire, V
Greenebaum Doll & McDonalds PLLC
3300 National City Tower
Louisville, KY. 40202


Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)	
PCS, INC., ACTING BY AND THROUGH ITS)	
AGENT, WIRELESS PCS, INC., FOR THE)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
A PERSONAL COMMUNICATIONS SERVICES)	99-159-UAC
NETWORK FACILITY IN ERLANGER, KENTUCKY)	
AND CALLED THE TURFWAY/OUR DESIGNS CELL)	
SITE, SITE # CN-251-01)	

O R D E R

On June 2, 1999, AT&T Wireless PCS, Inc. ("AT&T Wireless ") 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 1211 Cox Avenue, Erlanger, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 2' 15.36" by West Longitude 84° 37' 46.98".

AT&T Wireless 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 the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987(2)(a), AT&T Wireless has submitted the uniform application to the local planning unit. The Boone County Planning Commission approved

the proposed construction. AT&T Wireless 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. The FAA application has been approved and the KAZC decision is pending.

AT&T Wireless 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. The Commission received comments from two individuals but no requests for intervention or a public hearing have been filed.

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, AT&T Wireless 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 AT&T Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Wireless 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.

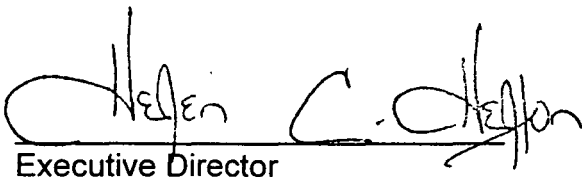
IT IS THEREFORE ORDERED that:

1. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct a wireless communications facility to be located at 1211 Cox Avenue, Erlanger, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 2' 15.36" by West Longitude 84° 37' 46.98".
2. AT&T Wireless shall file a copy of the final decision regarding its pending KAZC application for the proposed construction within 10 days of receiving the decision.
3. AT&T Wireless 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 August, 1999.

By the Commission

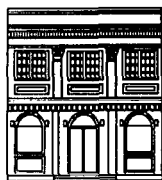
ATTEST:


Executive Director

99-159
UAC

BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005



606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

June 16, 1999

RECEIVED

JUN 21 1999

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

PUBLIC SERVICE
COMMISSION

RE: Uniform Application - Wireless PCS, Inc. (Agent) for
AT&T Wireless, PSC, Inc. (Leaseholder)
1211 Cox Avenue, Boone County, KY

Dear Ms. Helton:

Enclosed is a copy of Resolution No. R-99-014-A, which was adopted by the Boone County Planning Commission at its June 16, 1999 Business Meeting. This resolution informs the Kentucky Public Service Commission of action taken by the Boone County Planning Commission on a Uniform Application by **Wireless PSC, Inc. (Agent)** for **AT&T Wireless PSC, Inc. (Leaseholder)** for a site located at 1211 Cox Avenue, Boone County, Kentucky. By a vote of 11 to 0 with one abstention, the Planning Commission is recommending that **Wireless PSC, Inc. (Agent)** Uniform Application for a Certificate of Convenience and Necessity be approved.

If you have any questions about the Planning Commission's action or recommendation, please don't hesitate to contact me at your convenience.

Sincerely,

Kevin P. Costello, AICP
Executive Director

KPC/vlm

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Brown, Chairman

DATE: June 16, 1999

RE: Request of **Wireless PCS, Inc., (agent) for AT & T Wireless PCS, Inc., (leaseholder)** to consider a Uniform Application for the Issuance of a Certificate of Public Convenience and Necessity to allow a 140 foot wireless communication facility. The 3,500 square foot leased area and remainder of the parcel, located at 1211 Cox Avenue, Boone County, Kentucky, are zoned Industrial One (I-1).

REMARKS:

We, the Committee, recommend approval of this request based upon the findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the proposed Uniform Application to allow a 140 foot monopole communication tower is in general agreement with Article 31, Section 3197 of the Boone County Zoning Regulations. The proposed wireless communication facility is located in a preferred zoning district (I-1), and meets all setback and height requirements.
2. The Committee has concluded that the attached condition(s) are necessary to achieve consistency with Article 31, Section 3197 of the Boone County Zoning Regulations. The Committee has also concluded that the attached condition(s) are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. The perimeter of the wood fence compound needs to be screened with Buffer Yard "A". Article 37, Section 3745 of the Boone County Zoning Regulations specifies that Buffer Yard "A" is 10 feet in width and contains 5 small trees, 3 large trees, and 20 shrubs for each 100 linear feet of buffer area. AT & T will write a letter to the Zoning Administrator which asks for a waiver of the Type "A" buffer yard on the eastern side of the fence compound.
2. AT & T will contact the Point Pleasant Fire Department to see if they are interested in co-locating on the tower at a minimal cost.

A copy of the Public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Larry Brown

Larry Brown, Chairman

For Against _____
Abstain _____ Absent _____

Richard Knock

Richard Knock

For _____ Against _____
Abstain Absent _____

David Zimmer

~~Bob~~ **David Zimmer**

For Against _____
Abstain _____ Absent _____

Carol Smith

For _____ Against _____
Abstain _____ Absent

Lisa Wilson

Lisa Wilson

For Against _____
Abstain _____ Absent _____

TOTAL: _____ FOR _____ AGAINST _____ ABSTAIN _____ ABSENT

PUBLIC HEARING ITEM NO. 2:

Commission members present: Vice Chairman Phil Damstrom, Judy Arnett, Mark Hicks, Richard Knock, Don McMillian, Bob Newman, Bob Ries, Carol Smith, Earl White, Lisa Wilson and Dave Zimmer.

Staff members present: Executive Director Kevin Costello, Assistant Zoning Administrator/ZEO Mitchell A. Light, and Planner Todd Morgan.

Legal Counsel present: Dale T. Wilson

Vice Chairman Damstrom introduced the second item on the Public Hearing Agenda, at 8:47 p.m.:

2. Applicant: **Wireless PCS, Inc., (Agent) for AT&T Wireless PCS, Inc., (Leaseholder)**

Request: **Uniform Application Review of Wireless Communication Facility**

The request of **Wireless PCS, Inc., (Agent) for AT&T Wireless PCS, Inc., (Leaseholder)** to consider a **Uniform Application for the Issuance of a Certificate of Public Convenience and Necessity to allow a 140 foot wireless communication facility. The 3,500 square foot leased area and remainder of the parcel, located at 1211 Cox Avenue, Boone County, Kentucky are zoned Industrial One.**

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

Vice Chairman Damstrom asked for the applicant's presentation, and recognized Holland N. McTyeire, V, attorney representing the applicant.

Mr. McTyeire introduced Douglas Rosequist, Radio Frequency Design Engineer, PCS Division, AT&T Wireless Services and Laura Adams, a site acquisition specialist for AT&T Wireless.

Mr. McTyeire reviewed the history of House Bill 168 which became effective in July 1998 and which gives the Planning Commission jurisdiction to review cell towers. He recalled that when he had previously made a similar presentation to the Commission, it was prior to the time the Kentucky Public Service Commission (PSC) had revised its administrative regulations to more fully delineate those things required by HB 168, and before this Commission had adopted Article 3197.

Mr. McTyeire advised that his client has now filed the Uniform Application with the PSC, which was sent to this Planning Commission on April 30th. He stated they have attempted to comply with all the rules and regulations of HB 168, the administrative regulations of the PSC, and Article 3197. Mr. McTyeire stated they have also had informal discussions with Staff prior to filing regarding the plans, and it was his belief that they have supplied all documentation necessary to demonstrate that they meet all the requirements and that the application should be approved.

Mr. McTyeire stated that this site, perhaps more so than others in the area, experienced severe constraints based on the requirements of the FAA and Airport in terms of height and location of the tower.

With regard to the three Staff concerns, Mr. McTyeire stated that they are in an area zoned Industrial One (I-1), that the residences are in a commercially zoned area, and that they have complied with the regulations with regard to siting the tower. Mr. McTyeire recalled that the Staff referenced a letter from Mr. White, an adjoining property owner, adding that while he had not seen a copy of the letter, Staff had advised him of the concerns of this resident. Mr. McTyeire stated that he understood Mr. White was primarily concerned with radio frequency emissions, and he referenced the Telecom Act which sets out that as long as the facility meets the Federal requirements, that issue is removed from consideration by this Commission. He assured the Commission that his client does meet the Federal requirements, and while that may be legally sufficient, he thought it was more important to stress that the radio emissions are less than one percent of any Federally allowable level to try to alleviate the concerns. He stated that the vast majority of evidence collected indicates that these do not present any health concerns.

Mr. McTyeire stated that with regard to the third concern raised by Staff, he thought the applicant had met the buffer requirements based on the property being in an industrial zone and surrounded by other industrial zones. He stated that if they are in error, they would certainly work with Staff to correct the buffering plans.

Vice Chairman Damstrom asked if there was anyone present who wished to speak in favor of the request. None were forthcoming.

Vice Chairman Damstrom asked if there was anyone present who wished to speak in opposition to the request, or who had questions. He then recognized Mr. Vernon White, who advised he had written the previously referenced letter.

Mr. White stated he was quite concerned with radiation, and made reference to the applicant's statement that emissions were less than one percent of the Federal government's approved level. He asked what form of radiation was being emitted, and what power it has. He stated that these towers can communicate between themselves over long distances, so sitting 280 feet "under the gun is sitting in a pretty hot spot."

Mr. White stated that it was his understanding that his home was not zoned commercially as had been indicated earlier, but rather proposed commercial.

Mr. White stated that his wife had been exposed to a tremendous amount of radiation during the last three months in terms of medical tests and procedures, and that any additional radiation could cause her more health problems.

Mr. White asked what the source of this radiation is and what power it has, adding that he hears discussion about the tower, but never about what is on top of the tower. He stated that there are 270 children across the road in Mary Queen of Heaven School, and he was concerned that the radiation might adversely affect their development or that of their offspring.

Mr. White stated that while he was not against the tower itself, he was opposed to the siting of it in that location. He stated he was confused about the reference in the Staff report to the Point Pleasant Fire Department tower.

Vice Chairman Damstrom recognized Legal Counsel Dale Wilson who asked Mr. White if he had been in contact with Helen Helton of the Kentucky Public Service Commission (KPSC), inasmuch as his letter had been addressed to her. Mr. White responded that Stephanie Bell of the KPSC had replied with correspondence which explained the Federal Telecommunications Act of 1996. Mr. Wilson encouraged Mr. White to follow up and make his position known to the KPSC, the agency which will decide whether to issue the Certificate of Public Necessity on this tower.

Mr. White stated he could understand why the Airport would be concerned about how this might interfere with their radar or other communication facilities, or how their radar might damage this tower.

Mr. McTyeire explained that the recommendation of the Planning Commission is forwarded to the PSC, and if a concerned individual requests a hearing at the PSC level, they may be granted a hearing as long as they are raising issues other than planning issues that were already considered by the Planning Commission.

Mr. Wilson reiterated that Mr. White should keep in touch with the KPSC and ask to be heard regarding his concerns.

Mr. White stated that he had spoken with the pastor at Mary Queen of Heaven who had seemed unaware of this issue, and who had indicated he would share the information with the children's parents.

Vice Chairman Damstrom asked if the applicant desired to respond to Mr. White's questions regarding the source and power of radiation.

Mr. McTyeire noted that the applicant did list in the application and project narrative the reasons why they were unable to co-locate, and noted a lot of those reasons had to do with the height restrictions imposed by the FAA for facilities near the Airport. He noted that the effort was to cover the Airport and provide supplemental coverage for Turfway Park, and that could not be accomplished from the other locations.

Mr. McTyeire asked that Mr. Rosequist address the technical concerns raised by Mr. White. Mr. Rosequist explained that this request is for a personal communications tower that transmits to radio frequency signals, and not a microwave tower. He stated that the signals transmitted are in the 1930 to 1945 megahertz range, that they are non-ionizing signals meaning that they do not change the structure of a cell, but can only elevate its temperature, so there is no cumulative or long term effect. With regard to Mr. White's concern for the school children and their offspring, Mr. Rosequist stated that sort of problem does not happen with this type of energy.

Mr. Rosequist explained that the FCC has established guidelines for how much power can be transmitted including a buffer zone of 10% of an amount determined perceivable based on all the tests conducted, and that limit is one milowatt per centimeter squared. Mr. Rosequist stated that AT&T Wireless transmissions fall well below that limit, usually on the order of 1/100 of 1%, which is so low instruments have a difficult time measuring that value. He explained that mobile phones can receive down to a trillionth of a watt, a miniscule amount of power. He stated that a "full-blown" site will transmit 100 watts per channel, with up to eight channels on each of three sectors, or the total power equivalent of 24 100-watt light bulbs which would be, in this case, 140 feet up in the air. Mr. Rosequist reiterated that the FCC and AT&T have determined it is not a health hazard.

Vice Chairman Damstrom asked whether AT&T plans to lease or share any space on that tower with other communication companies; Mr. Rosequist responded that while they don't have any others at this time, space will be available for two other carriers as well as attachment space for local emergency services such as the police.

Mr. Knock asked if this tower is being built for Cincinnati Bell Wireless; Mr. McTyeire responded that AT&T Wireless is actually the agent for Cincinnati Bell Wireless, that AT&T Wireless has been charged with building and operating the network while Cincinnati Bell Wireless has been charged with marketing and managing the sales of the network.

Vice Chairman Damstrom then recognized John Jaymont with Metroweb Corporation. Mr. Jaymont stated that Metroweb is a printing company situated across the street from the Sumerel Tire Company, and that they utilize a lot of technology, including satellites on their roof. He stated he appreciated the letter he had received from Mr. Rosequist, but that he was concerned whether the applicant had a contingency plan in place to deal with changes related to future technological advances.

Mr. McTyeire noted that Metroweb representatives had had discussions with Mr. Rosequist who sent correspondence to them indicating AT&T Wireless is willing to test and minimize or eliminate any interference that might occur.

Mr. Rosequist reiterated that the applicant is regulated by the FCC and would be required to follow FCC mitigation guidelines in the event any problems occurred. Mr. Rosequist added that there had been a problem in a downtown building with 900 megahertz paging bleeding over and interfering with his equipment necessitating a mitigation process wherein filters were added to clear the interference. He indicated the same kind of mitigation could be implemented for any other interference problems.

Vice Chairman Damstrom asked whether the applicant's operation had ever caused problems for anyone else; Mr. Rosequist responded it had not.

Vice Chairman Damstrom asked Mr. Jaymont if Mr. Rosequist's response answered his question; Mr. Jaymont replied that it did not sound like they really had a contingency plan other than FCC regulations, consequently he still had some concern, but felt somewhat more comfortable with the situation. Mr. Jaymont requested a copy of AT&T Wireless' compliance document be sent to Metroweb.

Vice Chairman Damstrom then recognized Bill Steimer, Vice President of Bob Sumerel Tire Company, who stated he shared Mr. Jaymont's concern as it related to interference with his firm's computers. Mr. Steimer added that he was also concerned whether the tower would interfere with Sumerel's 80 cell phones, particularly if they were using a different service.

Mr. Rosequist explained that the tower will not interfere, and noted that they are opening the tower for two other co-locators which would be within ten to fifteen feet of AT&T's equipment, and that the co-locators could be transmitting at a much higher power than that required for a phone, which would cause them no problem. He added that they have never documented a case where any other licensed communications services or cellular companies have interfered with each other due to this type of set up.

Mr. Steimer asked about interference with computers; Mr. Rosequist responded there would be none, adding that the transmitters and cell equipment is all computerized and they do not require any special shielding other than normal grounding.

Vice Chairman Damstrom asked if there were any comments or questions from the Commissioners.

Mr. Ries asked what changes had taken place which would require a public hearing as opposed to the previous procedure wherein the applicant went directly to the Technical Design Committee before presenting it to the full Commission. Mr. Costello responded that he had

been involved in HB 168 along with Representative Paul Marcotte and Roger Rolfes, that they had developed the text that set out a procedure for the local review process, the first step of which would be the public hearing process and notification. He added that the applicant then goes to the Technical Design Review Committee for a recommendation to the full Commission, and that all of this must occur within a 60-day time period, after which the Planning Commission's recommendation is forwarded to the PSC. He noted that there had been no public hearing process before approval of the text amendment to the zoning code.

Mr. Costello explained that the Commission adopted the text amendments because they wanted to provide the service providers some direction in terms of where they should be located in Boone County, that the first priority would be to get the providers on existing towers or facilities, and that if new facilities had to be constructed, they would recommend the appropriate areas based on zoning. He added that this the first application under the new guidelines.

Mr. McMillian asked whether any future co-locators on the AT&T Wireless facility would be required to submit to a similar public hearing process; Mr. Morgan responded that under the ordinance, co-locations do not need to go through this process. Mr. Costello added that the process applies only to new towers.

Mr. McMillian asked whether the co-locators that would lease space from the originally approved applicant would have any power limitations; Mr. Morgan responded that they could co-locate any type of equipment they desired including microwave equipment, and that this would be out of the Planning Commission's control.

Mr. McMillian asked how firms such as Metroweb and Sumerel would find out if the future co-locators' transmissions would negatively affect their equipment; Mr. McTyeire stated they would still have to go through a notification process to the PSC, that the carriers who would be considered for co-locating are primarily well known carriers such as Sprint and that they would be already certificated at the PSC. He explained that the Commission, with approval of this request, would be, in a way, pre-recommending them to the PSC. He added that the letter notification process would remain and that they would not be dealing with any carrier that was not certificated at the PSC since an uncertificated carrier would not be permitted by the PSC to co-locate.

Mr. McMillian asked what would happen if AT&T Wireless got an offer from a firm that was not certified; Mr. McTyeire stated he could not imagine that AT&T Wireless would allow anybody that was not certified, because they could not provide any communications for compensation unless they were certified by the PSC. Mr. McTyeire continued, stating that AT&T Wireless would not allow uncertificated users inasmuch as their own equipment might then be affected.

Mr. Costello advised that there is a procedure by which one could file a complaint with the PSC and the FCC if there is interference, which would result in an investigation and, if there is non-compliance with federal and state requirements, the Certificate of Public Necessity could be revoked.

Mr. Knock asked Mr. White if he knew of any kind of formal studies that would support the concerns contained in his letter so the Commission could look into that documentation further; Mr. White indicated he did not know of any such studies, but he reiterated his concerns with regard to the kind of emissions that might be transmitted from the facility.

Vice Chairman Damstrom asked what would be the lowest height a co-locator's equipment could occupy on the tower; Mr. Rosequist responded that generally speaking, higher is better, that if it is attached at least ten meters above the ground, it meets the FCC limits and permits exclusion from conducting various tests. He added that signals do not bend very well and need to be in the line of sight, preferably above the trees.

Vice Chairman Damstrom asked regarding the lowest height AT&T Wireless ever co-located on someone else's tower; Mr. Rosequist responded that he did not know of any under 100 feet, however he had heard of GTE going in at around 80 feet in some places.

Ms. Arnett asked how many facilities currently exist in Boone County; Mr. McTyeire responded that he thought there were a total of eleven, adding that the application included a grid map showing all existing facilities within Boone County as well as one half mile outside the County.

Ms. Adams noted that the PSC, for purposes of their website, has requested AT&T Wireless to provide a spreadsheet describing the eleven facilities within Boone County including co-location on other towers, rooftops and tower communications facilities.

Ms. Arnett noted that if this request is approved, AT&T Wireless would have three locations within a two mile radius; Ms. Adams responded that this is the only one that is new, the others are existing. Ms. Adams explained that one of the issues AT&T Wireless is facing currently is the development of capacity sites, that previous appearances before the Commission involved installing the infrastructure and doing a lot more corridor sites which tend to be along the major thoroughfares. She added that they are now trying to expand their coverage due in part to public demand, and this involves filling in the skeletal system with capacity sites, as in this instance.

Ms. Arnett noted that AT&T Wireless has currently filed a request for a zone change.

Mr. Zimmer asked if one of the co-locators could be a microwave transmitter; Mr. Rosequist responded affirmatively.

Mr. Zimmer asked whether microwave transmissions were more harmful than radio frequency transmissions, referencing Mr. Rosequist's expression when the term was brought up earlier. Mr. Rosequist responded, "Only in the fact that people hear microwave and they think of microwave ovens."

Mr. Zimmer again asked whether microwave transmissions are more harmful than RF; Mr. Rosequist responded, "No sir, the amount of total energy is the only problem."

Mr. Zimmer asked whether one of the reasons for not co-locating on the tower at Point Pleasant Fire Station even though it is out of the search ring was a matter of height; Mr. Rosequist responded that they try to select the optimum spot to get the desired coverage and that being within the search ring is obviously a consideration. He stated that sometimes RF Engineering accepts a site out of search ring because of the zoning requirements, but in such cases, the facility has to be tall enough to still provide the needed coverage.

Mr. Zimmer commented that he understood from the report that if there is a tower there and it is not tall enough or it is structurally incapable of supporting the equipment, those would not be sufficient reasons for not co-locating because rebuilding that site to accommodate is not out of the question. He asked whether being out of the search ring would still be an issue if the Point Pleasant Fire tower was taller, FAA standards notwithstanding; Ms. Adams responded that that question has many layers, adding that they are rebuilding, and that it is a new concept within the telecommunications industry. She stated they have been working with Staff for quite some time with regard to a rebuild tower on KY 18. She added that this is a situation where they have been able to get the cooperation of the other carriers in order to rebuild the tower.

Ms. Adams noted that the Boone County code has very strict set back requirements, that if a tower is taller, it has to be further away. She explained that a lot of the towers built in the past did not have these stipulations placed upon them, therefore they may not fit all the guidelines currently in place. Ms. Adams stated that the fire station has a very miniscule tower, that it is not a telecommunications tower, but rather a distribution for that public safety agency, therefore it was not a feasible site for AT&T Wireless consideration, not to mention being outside of the search area.

Mr. Zimmer asked whether AT&T Wireless would lease or own the subject property; Ms. Adams indicated AT&T Wireless and Cincinnati Bell have entered into a 30-year lease agreement with the property owner of Our Designs Warehouse for the perimeter area, and that area is of sufficient size to accommodate three equipment facilities at the base of the tower.

Mr. Zimmer asked whether the lease agreement included a provision for dismantling the tower once technology catches up with the ability to bounce the signals off of satellites; Ms. Adams responded affirmatively, adding that a dismantling provision is a requirement of the PSC and has been submitted in the application.

Mr. Zimmer asked how soon the technology would change so that such towers would no longer be necessary; Mr. Rosequist responded that he personally thought it would be a fairly long time inasmuch as transmissions to and from satellites require more power than the amount needed for a mobile to transmit to a tower. He added that they are still working on the problem of communicating indoors.

There being no further comments, Vice Chairman Damstrom stated that the request will come before the Technical Design Review Committee on June 16, 1999 at 7:00 p.m. in Courtroom 3A of the Boone County Administration Building. He advised that while the public is invited to attend, no new testimony will be permitted, but that the Committee may ask questions for clarification of information presented at this public hearing. The action date for this request will be June 16, 1999 at 7:30 p.m. in the same room.


Vice Chairman Damstrom declared this Public Hearing closed, the time being 9:44 p.m.

APPROVED:



Phil Damstrom, Vice Chairman

ATTEST:



Jan Hancock, Recording Secretary

The minutes of this meeting were recorded and transcribed by Betsy R. Conrad, Recording Secretary.

RESOLUTION R-99-014-A

A RESOLUTION AND RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION TO BE OFFICIALLY REGISTERED WITH THE KENTUCKY PUBLIC SERVICE COMMISSION REGARDING A UNIFORM APPLICATION FOR WIRELESS PCS, INC. (AGENT) FOR AT&T WIRELESS PCS, INC. (LEASEHOLDER) PURSUANT TO HOUSE BILL NO. 168 AS ENACTED BY THE GENERAL ASSEMBLY OF KENTUCKY, THE KENTUCKY REVISED STATUTES CHAPTER 100.987; AND ARTICLE 31, SECTION 3197 OF THE BOONE COUNTY ZONING REGULATIONS.

WHEREAS, the Boone County Planning Commission serves as a joint city/county planning unit serving the Boone County Fiscal Court and the Cities of Florence, Union and Walton and established pursuant to Chapter 100 of the Kentucky Revised Statutes, and

WHEREAS, the Boone County Planning Commission has studied the issue of regulating the siting of cellular antennae towers through the adoption of Article 31, Section 3197 of the Boone County Zoning Regulations (Regulations for Wireless Communication Facilities and Services), which is consistent with House Bill No. 168, and the Kentucky Revised Statutes, Chapter 100.987 and,

WHEREAS, the Boone County Planning Commission has previously registered with the Kentucky Public Services Commission its right or authority to review cellular antennae tower Uniform Applications on a local level.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

At its June 16, 1999 Business Meeting, the Boone County Planning Commission approved a Uniform Application by Wireless PCS, Inc. (Agent) for AT&T Wireless PCS, Inc. (Leaseholder) for the site located at 1211 Cox Avenue, Boone County, Kentucky based upon the findings of fact stated at the June 16, 1999 Business Meeting (see Exhibit A).

Minutes from the June 16, 1999 Business Meeting and the June 2, 1999 Public Hearing are available at the Boone County Planning Commission's office.

SECTION II

This resolution serves as notification of the action and recommendation of the Boone County Planning Commission and hereby registered with the Kentucky Public Services Commission as required by House Bill No. 168 and the Kentucky Revised Statutes, Chapter 100.987. Upon adoption of this Resolution, the appropriate officials of the Boone County Planning Commission are hereby directed to forward this Resolution to the Kentucky Public Services Commission.

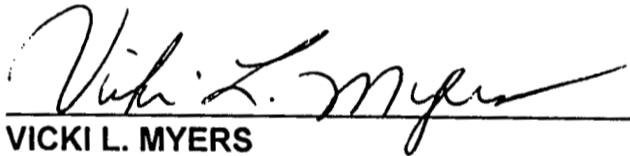
PASSED AND APPROVED ON THIS 16TH DAY OF JUNE, 1999.

APPROVED:



**PHIL DAMSTROM
VICE-CHAIRMAN**

ATTEST:

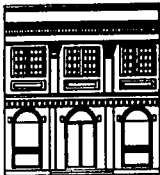


**VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES**

PD:vlm

99-159
UAC

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

June 16, 1999

RECEIVED

JUN 21 1999

PUBLIC SERVICE
COMMISSION

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: Uniform Application - Wireless PCS, Inc. (Agent) for
AT&T Wireless, PSC, Inc. (Leaseholder)
1211 Cox Avenue, Boone County, KY

Dear Ms. Helton:

Enclosed is a copy of Resolution No. R-99-014-A, which was adopted by the Boone County Planning Commission at its June 16, 1999 Business Meeting. This resolution informs the Kentucky Public Service Commission of action taken by the Boone County Planning Commission on a Uniform Application by **Wireless PSC, Inc. (Agent)** for **AT&T Wireless PSC, Inc. (Leaseholder)** for a site located at 1211 Cox Avenue, Boone County, Kentucky. By a vote of 11 to 0 with one abstention, the Planning Commission is recommending that **Wireless PSC, Inc. (Agent)** Uniform Application for a Certificate of Convenience and Necessity be approved.

If you have any questions about the Planning Commission's action or recommendation, please don't hesitate to contact me at your convenience.

Sincerely,

Kevin P. Costello, AICP
Executive Director

KPC/vlm

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Brown, Chairman

DATE: June 16, 1999

RE: Request of Wireless PCS, Inc., (agent) for AT & T Wireless PCS, Inc., (leaseholder) to consider a Uniform Application for the Issuance of a Certificate of Public Convenience and Necessity to allow a 140 foot wireless communication facility. The 3,500 square foot leased area and remainder of the parcel, located at 1211 Cox Avenue, Boone County, Kentucky, are zoned Industrial One (I-1).

REMARKS:

We, the Committee, recommend approval of this request based upon the findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the proposed Uniform Application to allow a 140 foot monopole communication tower is in general agreement with Article 31, Section 3197 of the Boone County Zoning Regulations. The proposed wireless communication facility is located in a preferred zoning district (I-1), and meets all setback and height requirements.
2. The Committee has concluded that the attached condition(s) are necessary to achieve consistency with Article 31, Section 3197 of the Boone County Zoning Regulations. The Committee has also concluded that the attached condition(s) are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. The perimeter of the wood fence compound needs to be screened with Buffer Yard "A". Article 37, Section 3745 of the Boone County Zoning Regulations specifies that Buffer Yard "A" is 10 feet in width and contains 5 small trees, 3 large trees, and 20 shrubs for each 100 linear feet of buffer area. AT & T will write a letter to the Zoning Administrator which asks for a waiver of the Type "A" buffer yard on the eastern side of the fence compound.
2. AT & T will contact the Point Pleasant Fire Department to see if they are interested in co-locating on the tower at a minimal cost.

A copy of the Public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Larry Brown

Larry Brown, Chairman
For: Against _____
Abstain _____ Absent _____

Richard Knock

Richard Knock
For _____ Against _____
Abstain Absent _____

David Zimmer

~~David Zimmer~~ **David Zimmer**
For Against _____
Abstain _____ Absent _____

Carol Smith
For _____ Against _____
Abstain _____ Absent

Lisa Wilson

Lisa Wilson
For Against _____
Abstain _____ Absent _____

TOTAL: _____ FOR _____ AGAINST _____ ABSTAIN _____ ABSENT

PUBLIC HEARING ITEM NO. 2:

Commission members present: Vice Chairman Phil Damstrom, Judy Arnett, Mark Hicks, Richard Knock, Don McMillian, Bob Newman, Bob Ries, Carol Smith, Earl White, Lisa Wilson and Dave Zimmer.

Staff members present: Executive Director Kevin Costello, Assistant Zoning Administrator/ZEO Mitchell A. Light, and Planner Todd Morgan.

Legal Counsel present: Dale T. Wilson

Vice Chairman Damstrom introduced the second item on the Public Hearing Agenda, at 8:47 p.m.:

2. Applicant: **Wireless PCS, Inc., (Agent) for AT&T Wireless PCS, Inc., (Leaseholder)**

Request: **Uniform Application Review of Wireless Communication Facility**

The request of **Wireless PCS, Inc., (Agent) for AT&T Wireless PCS, Inc., (Leaseholder)** to consider a **Uniform Application for the Issuance of a Certificate of Public Convenience and Necessity to allow a 140 foot wireless communication facility.** The 3,500 square foot leased area and remainder of the parcel, located at 1211 Cox Avenue, Boone County, Kentucky are zoned Industrial One.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

Vice Chairman Damstrom asked for the applicant's presentation, and recognized Holland N. McTyeire, V, attorney representing the applicant.

Mr. McTyeire introduced Douglas Rosequist, Radio Frequency Design Engineer, PCS Division, AT&T Wireless Services and Laura Adams, a site acquisition specialist for AT&T Wireless.

Mr. McTyeire reviewed the history of House Bill 168 which became effective in July 1998 and which gives the Planning Commission jurisdiction to review cell towers. He recalled that when he had previously made a similar presentation to the Commission, it was prior to the time the Kentucky Public Service Commission (PSC) had revised its administrative regulations to more fully delineate those things required by HB 168, and before this Commission had adopted Article 3197.

Mr. McTyeire advised that his client has now filed the Uniform Application with the PSC, which was sent to this Planning Commission on April 30th. He stated they have attempted to comply with all the rules and regulations of HB 168, the administrative regulations of the PSC, and Article 3197. Mr. McTyeire stated they have also had informal discussions with Staff prior to filing regarding the plans, and it was his belief that they have supplied all documentation necessary to demonstrate that they meet all the requirements and that the application should be approved.

Mr. McTyeire stated that this site, perhaps more so than others in the area, experienced severe constraints based on the requirements of the FAA and Airport in terms of height and location of the tower.

With regard to the three Staff concerns, Mr. McTyeire stated that they are in an area zoned Industrial One (I-1), that the residences are in a commercially zoned area, and that they have complied with the regulations with regard to siting the tower. Mr. McTyeire recalled that the Staff referenced a letter from Mr. White, an adjoining property owner, adding that while he had not seen a copy of the letter, Staff had advised him of the concerns of this resident. Mr. McTyeire stated that he understood Mr. White was primarily concerned with radio frequency emissions, and he referenced the Telecom Act which sets out that as long as the facility meets the Federal requirements, that issue is removed from consideration by this Commission. He assured the Commission that his client does meet the Federal requirements, and while that may be legally sufficient, he thought it was more important to stress that the radio emissions are less than one percent of any Federally allowable level to try to alleviate the concerns. He stated that the vast majority of evidence collected indicates that these do not present any health concerns.

Mr. McTyeire stated that with regard to the third concern raised by Staff, he thought the applicant had met the buffer requirements based on the property being in an industrial zone and surrounded by other industrial zones. He stated that if they are in error, they would certainly work with Staff to correct the buffering plans.

Vice Chairman Damstrom asked if there was anyone present who wished to speak in favor of the request. None were forthcoming.

Vice Chairman Damstrom asked if there was anyone present who wished to speak in opposition to the request, or who had questions. He then recognized Mr. Vernon White, who advised he had written the previously referenced letter.

Mr. White stated he was quite concerned with radiation, and made reference to the applicant's statement that emissions were less than one percent of the Federal government's approved level. He asked what form of radiation was being emitted, and what power it has. He stated that these towers can communicate between themselves over long distances, so sitting 280 feet "under the gun is sitting in a pretty hot spot."

Mr. White stated that it was his understanding that his home was not zoned commercially as had been indicated earlier, but rather proposed commercial.

Mr. White stated that his wife had been exposed to a tremendous amount of radiation during the last three months in terms of medical tests and procedures, and that any additional radiation could cause her more health problems.

Mr. White asked what the source of this radiation is and what power it has, adding that he hears discussion about the tower, but never about what is on top of the tower. He stated that there are 270 children across the road in Mary Queen of Heaven School, and he was concerned that the radiation might adversely affect their development or that of their offspring.

Mr. White stated that while he was not against the tower itself, he was opposed to the siting of it in that location. He stated he was confused about the reference in the Staff report to the Point Pleasant Fire Department tower.

Vice Chairman Damstrom recognized Legal Counsel Dale Wilson who asked Mr. White if he had been in contact with Helen Helton of the Kentucky Public Service Commission (KPSC), inasmuch as his letter had been addressed to her. Mr. White responded that Stephanie Bell of the KPSC had replied with correspondence which explained the Federal Telecommunications Act of 1996. Mr. Wilson encouraged Mr. White to follow up and make his position known to the KPSC, the agency which will decide whether to issue the Certificate of Public Necessity on this tower.

Mr. White stated he could understand why the Airport would be concerned about how this might interfere with their radar or other communication facilities, or how their radar might damage this tower.

Mr. McTyeire explained that the recommendation of the Planning Commission is forwarded to the PSC, and if a concerned individual requests a hearing at the PSC level, they may be granted a hearing as long as they are raising issues other than planning issues that were already considered by the Planning Commission.

Mr. Wilson reiterated that Mr. White should keep in touch with the KPSC and ask to be heard regarding his concerns.

Mr. White stated that he had spoken with the pastor at Mary Queen of Heaven who had seemed unaware of this issue, and who had indicated he would share the information with the children's parents.

Vice Chairman Damstrom asked if the applicant desired to respond to Mr. White's questions regarding the source and power of radiation.

Mr. McTyeire noted that the applicant did list in the application and project narrative the reasons why they were unable to co-locate, and noted a lot of those reasons had to do with the height restrictions imposed by the FAA for facilities near the Airport. He noted that the effort was to cover the Airport and provide supplemental coverage for Turfway Park, and that could not be accomplished from the other locations.

Mr. McTyeire asked that Mr. Rosequist address the technical concerns raised by Mr. White. Mr. Rosequist explained that this request is for a personal communications tower that transmits to radio frequency signals, and not a microwave tower. He stated that the signals transmitted are in the 1930 to 1945 megahertz range, that they are non-ionizing signals meaning that they do not change the structure of a cell, but can only elevate its temperature, so there is no cumulative or long term effect. With regard to Mr. White's concern for the school children and their offspring, Mr. Rosequist stated that sort of problem does not happen with this type of energy.

Mr. Rosequist explained that the FCC has established guidelines for how much power can be transmitted including a buffer zone of 10% of an amount determined perceivable based on all the tests conducted, and that limit is one milliwatt per centimeter squared. Mr. Rosequist stated that AT&T Wireless transmissions fall well below that limit, usually on the order of 1/100 of 1%, which is so low instruments have a difficult time measuring that value. He explained that mobile phones can receive down to a trillionth of a watt, a miniscule amount of power. He stated that a "full-blown" site will transmit 100 watts per channel, with up to eight channels on each of three sectors, or the total power equivalent of 24 100-watt light bulbs which would be, in this case, 140 feet up in the air. Mr. Rosequist reiterated that the FCC and AT&T have determined it is not a health hazard.

Vice Chairman Damstrom asked whether AT&T plans to lease or share any space on that tower with other communication companies; Mr. Rosequist responded that while they don't have any others at this time, space will be available for two other carriers as well as attachment space for local emergency services such as the police.

Mr. Knock asked if this tower is being built for Cincinnati Bell Wireless; Mr. McTyeire responded that AT&T Wireless is actually the agent for Cincinnati Bell Wireless, that AT&T Wireless has been charged with building and operating the network while Cincinnati Bell Wireless has been charged with marketing and managing the sales of the network.

Vice Chairman Damstrom then recognized John Jaymont with Metroweb Corporation. Mr. Jaymont stated that Metroweb is a printing company situated across the street from the Sumerel Tire Company, and that they utilize a lot of technology, including satellites on their roof. He stated he appreciated the letter he had received from Mr. Rosequist, but that he was concerned whether the applicant had a contingency plan in place to deal with changes related to future technological advances.

Mr. McTyeire noted that Metroweb representatives had had discussions with Mr. Rosequist who sent correspondence to them indicating AT&T Wireless is willing to test and minimize or eliminate any interference that might occur.

Mr. Rosequist reiterated that the applicant is regulated by the FCC and would be required to follow FCC mitigation guidelines in the event any problems occurred. Mr. Rosequist added that there had been a problem in a downtown building with 900 megahertz paging bleeding over and interfering with his equipment necessitating a mitigation process wherein filters were added to clear the interference. He indicated the same kind of mitigation could be implemented for any other interference problems.

Vice Chairman Damstrom asked whether the applicant's operation had ever caused problems for anyone else; Mr. Rosequist responded it had not.

Vice Chairman Damstrom asked Mr. Jaymont if Mr. Rosequist's response answered his question; Mr. Jaymont replied that it did not sound like they really had a contingency plan other than FCC regulations, consequently he still had some concern, but felt somewhat more comfortable with the situation. Mr. Jaymont requested a copy of AT&T Wireless' compliance document be sent to Metroweb.

Vice Chairman Damstrom then recognized Bill Steimer, Vice President of Bob Sumerel Tire Company, who stated he shared Mr. Jaymont's concern as it related to interference with his firm's computers. Mr. Steimer added that he was also concerned whether the tower would interfere with Sumerel's 80 cell phones, particularly if they were using a different service.

Mr. Rosequist explained that the tower will not interfere, and noted that they are opening the tower for two other co-locators which would be within ten to fifteen feet of AT&T's equipment, and that the co-locators could be transmitting at a much higher power than that required for a phone, which would cause them no problem. He added that they have never documented a case where any other licensed communications services or cellular companies have interfered with each other due to this type of set up.

Mr. Steimer asked about interference with computers; Mr. Rosequist responded there would be none, adding that the transmitters and cell equipment is all computerized and they do not require any special shielding other than normal grounding.

Vice Chairman Damstrom asked if there were any comments or questions from the Commissioners.

Mr. Ries asked what changes had taken place which would require a public hearing as opposed to the previous procedure wherein the applicant went directly to the Technical Design Committee before presenting it to the full Commission. Mr. Costello responded that he had

been involved in HB 168 along with Representative Paul Marcotte and Roger Rolfes, that they had developed the text that set out a procedure for the local review process, the first step of which would be the public hearing process and notification. He added that the applicant then goes to the Technical Design Review Committee for a recommendation to the full Commission, and that all of this must occur within a 60-day time period, after which the Planning Commission's recommendation is forwarded to the PSC. He noted that there had been no public hearing process before approval of the text amendment to the zoning code.

Mr. Costello explained that the Commission adopted the text amendments because they wanted to provide the service providers some direction in terms of where they should be located in Boone County, that the first priority would be to get the providers on existing towers or facilities, and that if new facilities had to be constructed, they would recommend the appropriate areas based on zoning. He added that this the first application under the new guidelines.

Mr. McMillian asked whether any future co-locators on the AT&T Wireless facility would be required to submit to a similar public hearing process; Mr. Morgan responded that under the ordinance, co-locations do not need to go through this process. Mr. Costello added that the process applies only to new towers.

Mr. McMillian asked whether the co-locators that would lease space from the originally approved applicant would have any power limitations; Mr. Morgan responded that they could co-locate any type of equipment they desired including microwave equipment, and that this would be out of the Planning Commission's control.

Mr. McMillian asked how firms such as Metroweb and Sumerel would find out if the future co-locators' transmissions would negatively affect their equipment; Mr. McTyeire stated they would still have to go through a notification process to the PSC, that the carriers who would be considered for co-locating are primarily well known carriers such as Sprint and that they would be already certificated at the PSC. He explained that the Commission, with approval of this request, would be, in a way, pre-recommending them to the PSC. He added that the letter notification process would remain and that they would not be dealing with any carrier that was not certificated at the PSC since an uncertificated carrier would not be permitted by the PSC to co-locate.

Mr. McMillian asked what would happen if AT&T Wireless got an offer from a firm that was not certified; Mr. McTyeire stated he could not imagine that AT&T Wireless would allow anybody that was not certified, because they could not provide any communications for compensation unless they were certified by the PSC. Mr. McTyeire continued, stating that AT&T Wireless would not allow uncertificated users inasmuch as their own equipment might then be affected.

Mr. Costello advised that there is a procedure by which one could file a complaint with the PSC and the FCC if there is interference, which would result in an investigation and, if there is non-compliance with federal and state requirements, the Certificate of Public Necessity could be revoked.

Mr. Knock asked Mr. White if he knew of any kind of formal studies that would support the concerns contained in his letter so the Commission could look into that documentation further; Mr. White indicated he did not know of any such studies, but he reiterated his concerns with regard to the kind of emissions that might be transmitted from the facility.

Vice Chairman Damstrom asked what would be the lowest height a co-locator's equipment could occupy on the tower; Mr. Rosequist responded that generally speaking, higher is better, that if it is attached at least ten meters above the ground, it meets the FCC limits and permits exclusion from conducting various tests. He added that signals do not bend very well and need to be in the line of sight, preferably above the trees.

Vice Chairman Damstrom asked regarding the lowest height AT&T Wireless ever co-located on someone else's tower; Mr. Rosequist responded that he did not know of any under 100 feet, however he had heard of GTE going in at around 80 feet in some places.

Ms. Arnett asked how many facilities currently exist in Boone County; Mr. McTyeire responded that he thought there were a total of eleven, adding that the application included a grid map showing all existing facilities within Boone County as well as one half mile outside the County.

Ms. Adams noted that the PSC, for purposes of their website, has requested AT&T Wireless to provide a spreadsheet describing the eleven facilities within Boone County including co-location on other towers, rooftops and tower communications facilities.

Ms. Arnett noted that if this request is approved, AT&T Wireless would have three locations within a two mile radius; Ms. Adams responded that this is the only one that is new, the others are existing. Ms. Adams explained that one of the issues AT&T Wireless is facing currently is the development of capacity sites, that previous appearances before the Commission involved installing the infrastructure and doing a lot more corridor sites which tend to be along the major thoroughfares. She added that they are now trying to expand their coverage due in part to public demand, and this involves filling in the skeletal system with capacity sites, as in this instance.

Ms. Arnett noted that AT&T Wireless has currently filed a request for a zone change.

Mr. Zimmer asked if one of the co-locators could be a microwave transmitter; Mr. Rosequist responded affirmatively.

Mr. Zimmer asked whether microwave transmissions were more harmful than radio frequency transmissions, referencing Mr. Rosequist's expression when the term was brought up earlier. Mr. Rosequist responded, "Only in the fact that people hear microwave and they think of microwave ovens."

Mr. Zimmer again asked whether microwave transmissions are more harmful than RF; Mr. Rosequist responded, "No sir, the amount of total energy is the only problem."

Mr. Zimmer asked whether one of the reasons for not co-locating on the tower at Point Pleasant Fire Station even though it is out of the search ring was a matter of height; Mr. Rosequist responded that they try to select the optimum spot to get the desired coverage and that being within the search ring is obviously a consideration. He stated that sometimes RF Engineering accepts a site out of search ring because of the zoning requirements, but in such cases, the facility has to be tall enough to still provide the needed coverage.

Mr. Zimmer commented that he understood from the report that if there is a tower there and it is not tall enough or it is structurally incapable of supporting the equipment, those would not be sufficient reasons for not co-locating because rebuilding that site to accommodate is not out of the question. He asked whether being out of the search ring would still be an issue if the Point Pleasant Fire tower was taller, FAA standards notwithstanding; Ms. Adams responded that that question has many layers, adding that they are rebuilding, and that it is a new concept within the telecommunications industry. She stated they have been working with Staff for quite some time with regard to a rebuild tower on KY 18. She added that this is a situation where they have been able to get the cooperation of the other carriers in order to rebuild the tower.

Ms. Adams noted that the Boone County code has very strict set back requirements, that if a tower is taller, it has to be further away. She explained that a lot of the towers built in the past did not have these stipulations placed upon them, therefore they may not fit all the guidelines currently in place. Ms. Adams stated that the fire station has a very miniscule tower, that it is not a telecommunications tower, but rather a distribution for that public safety agency, therefore it was not a feasible site for AT&T Wireless consideration, not to mention being outside of the search area.

Mr. Zimmer asked whether AT&T Wireless would lease or own the subject property; Ms. Adams indicated AT&T Wireless and Cincinnati Bell have entered into a 30-year lease agreement with the property owner of Our Designs Warehouse for the perimeter area, and that area is of sufficient size to accommodate three equipment facilities at the base of the tower.

Mr. Zimmer asked whether the lease agreement included a provision for dismantling the tower once technology catches up with the ability to bounce the signals off of satellites; Ms. Adams responded affirmatively, adding that a dismantling provision is a requirement of the PSC and has been submitted in the application.

Mr. Zimmer asked how soon the technology would change so that such towers would no longer be necessary; Mr. Rosequist responded that he personally thought it would be a fairly long time inasmuch as transmissions to and from satellites require more power than the amount needed for a mobile to transmit to a tower. He added that they are still working on the problem of communicating indoors.

There being no further comments, Vice Chairman Damstrom stated that the request will come before the Technical Design Review Committee on June 16, 1999 at 7:00 p.m. in Courtroom 3A of the Boone County Administration Building. He advised that while the public is invited to attend, no new testimony will be permitted, but that the Committee may ask questions for clarification of information presented at this public hearing. The action date for this request will be June 16, 1999 at 7:30 p.m. in the same room.


Vice Chairman Damstrom declared this Public Hearing closed, the time being 9:44 p.m.

APPROVED:



Phil Damstrom, Vice Chairman

ATTEST:



Jan Hancock, Recording Secretary

The minutes of this meeting were recorded and transcribed by Betsy R. Conrad, Recording Secretary.

RESOLUTION R-99-014-A

A RESOLUTION AND RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION TO BE OFFICIALLY REGISTERED WITH THE KENTUCKY PUBLIC SERVICE COMMISSION REGARDING A UNIFORM APPLICATION FOR WIRELESS PCS, INC. (AGENT) FOR AT&T WIRELESS PCS, INC. (LEASEHOLDER) PURSUANT TO HOUSE BILL NO. 168 AS ENACTED BY THE GENERAL ASSEMBLY OF KENTUCKY, THE KENTUCKY REVISED STATUTES CHAPTER 100.987; AND ARTICLE 31, SECTION 3197 OF THE BOONE COUNTY ZONING REGULATIONS.

WHEREAS, the Boone County Planning Commission serves as a joint city/county planning unit serving the Boone County Fiscal Court and the Cities of Florence, Union and Walton and established pursuant to Chapter 100 of the Kentucky Revised Statutes, and

WHEREAS, the Boone County Planning Commission has studied the issue of regulating the siting of cellular antennae towers through the adoption of Article 31, Section 3197 of the Boone County Zoning Regulations (Regulations for Wireless Communication Facilities and Services), which is consistent with House Bill No. 168, and the Kentucky Revised Statutes, Chapter 100.987 and,

WHEREAS, the Boone County Planning Commission has previously registered with the Kentucky Public Services Commission its right or authority to review cellular antennae tower Uniform Applications on a local level.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

At its June 16, 1999 Business Meeting, the Boone County Planning Commission approved a Uniform Application by Wireless PCS, Inc. (Agent) for AT&T Wireless PCS, Inc. (Leaseholder) for the site located at 1211 Cox Avenue, Boone County, Kentucky based upon the findings of fact stated at the June 16, 1999 Business Meeting (see Exhibit A).


Minutes from the June 16, 1999 Business Meeting and the June 2, 1999 Public Hearing are available at the Boone County Planning Commission's office.

SECTION II

This resolution serves as notification of the action and recommendation of the Boone County Planning Commission and hereby registered with the Kentucky Public Services Commission as required by House Bill No. 168 and the Kentucky Revised Statutes, Chapter 100.987. Upon adoption of this Resolution, the appropriate officials of the Boone County Planning Commission are hereby directed to forward this Resolution to the Kentucky Public Services Commission.

PASSED AND APPROVED ON THIS 16TH DAY OF JUNE, 1999.

APPROVED:



PHIL DAMSTROM
VICE-CHAIRMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

PD:vlm



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 15, 1999

Honorable Catherine Blue
General Counsel
AT&T Wireless Services
15 East Midland Avenue
Paramus, NJ. 07652

Laura Adams
Site Acquisition Specialist
SBA, Inc. agent for AT&T Wireless
11500 Goldcoast Drive
Cincinnati, OH. 45249

Eric L. Ison
& Holland N. McTyeire, V
Greenebaum Doll & McDonalds PLLC
3300 National City Tower
Louisville, KY. 40202

RE: Case No. 99-159 UAC
AT&T WIRELESS PCS, INC.

The Commission staff has reviewed your response of June 2, 1999 and has determined that your application in the above case now meets the minimum filing requirements set by our regulations. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further information, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
APR 30 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)
PCS, INC., Acting By And Through Its Agent, WIRELESS)
PCS, INC., For The Issuance Of A Certificate Of Public)
Convenience And Necessity To Construct A Personal)
Communications Services Network Facility In Erlanger,)
Kentucky And Called The Turfway/Our Designs Cell)
Site, Site # CN-251-01)

CASE NO.
99-159 UAC

FILED

JUN - 2 1999

PUBLIC SERVICE
COMMISSION

* * *

FOR THE PUBLIC RECORD

Applicant, AT&T Wireless PCS, Inc. ("AT&T Wireless"), acting by and through its agent, Wireless PCS, Inc., through counsel, pursuant to KRS 278.020 and the rules and regulations applicable thereto and the Telecommunications Act of 1996, and House Bill 168 ("HB 168"), respectfully submits to the Commission its Uniform Application For A Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services ("PCS") Network Facility at 1211 Cox Avenue, Erlanger, Kentucky 41018 and called the Turfway/Our Designs Cell Site, Site #CN-251-01.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

May 26, 1999

Rev. Thomas B. Sacksteder
Pastor, Mary, Queen of Heaven
1150 Donaldson Highway
Erlanger, KY 41018-1048

Re: Case No. 99-159 UAC

Dear Reverend Sacksteder:

The Commission is in receipt of your letter concerning the above application for approval to construct a cell facility. The Commission will carefully analyze this application before rendering its final decision. If you wish to intervene in this matter, you must notify the Commission in writing. However, please be advised that property rights issues are not within the scope of the Commission's jurisdiction.

It may be helpful for you to know that authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.



Reverend Sacksteder
Page Two
May 26, 1999

Thank you for your interest and concern in this matter.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

sh



AN EQUAL OPPORTUNITY EMPLOYER M/F/D



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

May 26, 1999

Mr. E. Vernon White
1212 Donaldson Road
Erlanger, KY 41018-1047

Re: Case No. 99-159 UAC

Dear Mr. White:

The Commission is in receipt of your letter concerning the above application for approval to construct a cell facility. The Commission will carefully analyze this application before rendering its final decision. If you wish to intervene in this matter, you must notify the Commission in writing. However, please be advised that property rights issues are not within the scope of the Commission's jurisdiction.

It may be helpful for you to know that authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Mr. E. Vernon White
Page Two
May 26, 1999

Thank you for your interest and concern in this matter.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

sh



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

MARY, QUEEN OF HEAVEN CHURCH
1150 Donaldson Highway
Erlanger, Ky., 41018-1048
(606) 525-6909
Fax: (606) 525-7067

RECEIVED

MAY 24 1999

PUBLIC SERVICE
COMMISSION

May 20, 1999

Ms. Helen C. Helton
Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Dear Helen,

Re: Case No 99-159 UAC

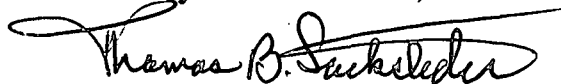
It is a concern to me as pastor and to the 430 families as well as the 270 students who attend Church and School at Mary Queen of Heaven Parish that the 140 foot tower is most inappropriate for that location on 1211 Cox Avenue, Erlanger Kentucky (Site # CN-251-01).

There is no way a tower of that size can fit into our area and look appropriate.

It is very unsafe for children to be in the vicinity and it is our collective hope that the construction not be allowed at this location.

With appreciation and best regards, I am

Sincerely Yours in Christ,



Rev. Thomas B. Sacksteder
Pastor, Mary, Queen of Heaven



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

May 21, 1999

Honorable Catherine Blue
General Counsel
AT&T Wireless Services
15 East Midland Avenue
Paramus, New Jersey 07652

Re: Case No. 99-159 UAC
Filing Deficiencies

Dear Ms. Blue:

The Commission staff has reviewed your application in the above case. This filing is rejected pursuant to 807 KAR 5:001, Section 2, for the reasons set forth below. These items are either required to be filed with the application or to be referenced in the application if they are already on file in another case or will be filed at a later date.

Filing deficiency pursuant to 807 KAR 5:063, Section 4(1):

Copies of certified letters sent to listed property owners.

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. You are requested to file one copy of this information within 15 days of this letter. If you need further information, please contact Amy Dougherty of my staff at 502-564-3940, extension 257.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

hv
cc: Parties of Record



May 17, 1999

RECEIVED
MAY 20 1999
PUBLIC SERVICE
COMMISSION

Helen C. Helton
Executive Director
Public Service Commission of Kentucky
P. O. Box 615
Frankfort, Ky. 40602

Dear Ms. Helton,

In response to the RUSH "PUBLIC NOTICE" dated April 30, 1999 that was somehow not postmarked until May 11, 1999 and delivered, Registered Mail-Receipt Requested, at 11:50am on May 12, 1999 regarding Case No. 99-159 UAC, I submit the following.

As I understand progress, this is most likely a Micro-Wave Tower. Even if it is something else, the obvious radiation emissions from what-ever the source, is dangerous enough to create this Public Notice. Since the Notice specifies a perimeter of a 500 foot radius, there has to exist a serious detrimental problem. Realizing that these Towers can transmit for many miles, the hazard could most likely be extreme within the stated 500 feet and be considered a health threat for quite some distance beyond.

By residing within the defined 500 feet 24 hours a day, the constant bombardment of this radiation would, without a doubt, affect every electronic device in our home and create long suffering followed by reduced longevity.

You see, by exposing my wife to this hazard, the results could be catastrophic. During the last three months, she has been subjected to extensive diagnostic radioactive examinations. So many in fact, that she most surely has neared, if not reached, a total saturation point whereby she could be in real trouble should she be subjected to any further irradiation.

I am really at a loss as to why this site was chosen. It is too close to many people. Along with the other people living within range of this tower, also consider the personnel in the two close industrial buildings plus the factories across Cox Road. Also, directly across Turfway Road is the Mary Queen of Heaven grade school. When the weather is good, the children, during and after school, often play in the field which is in, or just barely outside, the 500 foot radius. This location is, in one word, UN-ACCEPTABLE.

I feel that I have presented my concerns. That thing belongs in a more remote area. It is quite obvious, that tower, when operating this close to so many people, would negatively affect too many people, including my Wife and me.

Please, DO NOT approve this site.

In all sincerity, I remain,

E. Vernon White
E. Vernon White

1212 Donaldson Road
Erlanger, Ky. 41018-1047
Phone 606-371-2430
e-mail Whitey@one.net

attachments:

Photo-Copy-"Public Notice"
Photo-Copy-copy of envelope
showing delayed mailing date

PUBLIC NOTICE

MAILED TO LANDOWNERS, RESIDENTS, AND LOCAL PLANNING UNIT

On Friday, April 30, 1999, AT&T Wireless PCS, Inc. will apply to the Public Service Commission of Kentucky for a Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility in Erlanger, Kentucky and called the Turfway/Our Designs Cell Site, Site #CN-251-01. AT&T Wireless may install and employ a Temporary Personal Communications Services Network Facility, at or near the above Cell Site, during the pendency of the above Uniform Application. The facility will include a 140-foot tower to be located at 1211 Cox Avenue, Erlanger, Kentucky 41018. A map showing the location of the proposed new facility is enclosed.

This notice is being sent to you because you own property that is located within a 500 foot radius of the proposed tower or are the proper Planning Commission for this facility in Boone County.

The Public Service Commission invites your comments regarding the proposed construction by AT&T Wireless. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date you receive this notice. Your comments and requests for intervention should be addressed to:

Helen C. Helton
Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Please refer to Case No. 99-159 UAC in your correspondence.

This NOTICE was mailed on Friday, April 30, 1999.

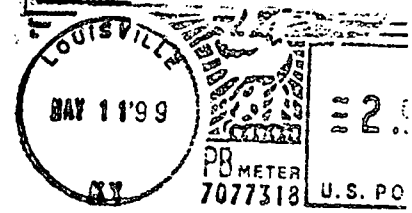
This Notice was mailed, via Certified Mail, Return Receipt Requested, to all landowners within 500 feet of the proposed PCS Network Facility and the local planning unit set forth on Exhibit G.

GREENEBAUM DOLL & McDONALD PLLC
3300 NATIONAL CITY TOWER
101 SOUTH FIFTH STREET
LOUISVILLE, KENTUCKY 40202-3197

CERTIFIED

Z 312 353 801

MAIL



E. VERNON + ESSIE M. WHITE

Vernon E. and Bessie M. White
1212 Donaldson Road
Erlanger, KY 41018





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

May 3, 1999

Honorable Catherine Blue
General Counsel
AT&T Wireless Services
15 East Midland Avenue
Paramus, NJ. 07652

Laura Adams
Site Acquisition Specialist
SBA, Inc. agent for AT&T Wireless
11500 Goldcoast Drive
Cincinnati, OH. 45249

Eric L. Ison
& Holland N. McTyeire, V
Greenebaum Doll & McDonalds PLLC
3300 National City Tower
Louisville, KY. 40202

RE: Case No. 99-159 UAC
AT&T WIRELESS PCS, INC.
(Construct) CELL SITE - 1211 COX AVENUE - ERLANGER

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received April 30, 1999 and has been assigned Case No. 99-159. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
APR 30 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)
PCS, INC., Acting By And Through Its Agent, WIRELESS)
PCS, INC., For The Issuance Of A Certificate Of Public)
Convenience And Necessity To Construct A Personal)
Communications Services Network Facility In Erlanger,)
Kentucky And Called The Turfway/Our Designs Cell)
Site, Site # CN-251-01)

CASE NO.

99-159 UAC

FILED

JUN - 2 1999

PUBLIC SERVICE
COMMISSION

* * *

FOR THE PUBLIC RECORD

Applicant, AT&T Wireless PCS, Inc. ("AT&T Wireless"), acting by and through its agent, Wireless PCS, Inc., through counsel, pursuant to KRS 278.020 and the rules and regulations applicable thereto and the Telecommunications Act of 1996, and House Bill 168 ("HB 168"), respectfully submits to the Commission its Uniform Application For A Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services ("PCS") Network Facility at 1211 Cox Avenue, Erlanger, Kentucky 41018 and called the Turfway/Our Designs Cell Site, Site #CN-251-01.

GREENEBAUM DOLL & MCDONALD PLLC

3300 NATIONAL CITY TOWER
101 SOUTH FIFTH STREET
LOUISVILLE, KENTUCKY 40202-3197
502/589-4200
FACSIMILE 502/587-3695

HOLLAND N. MCTYEIRE, V
502/587-3672
FACSIMILE 502/540-2223
E-MAIL hnm@gdm.com

Via Hand Delivery

June 30, 1999

Ms. Helen C. Helton
Executive Director
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

RECEIVED
JUN 30 1999
PUBLIC SERVICE
COMMISSION

Re: In the Matter of: Uniform Application Of AT&T Wireless PCS, Inc., Acting By And Through Its Agent, Wireless PCS, Inc., For The Issuance Of A Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility In Erlanger, Kentucky And Called The Turfway/Our Designs Cell Site. Site # CN-251-01. Case No. 99-159 UAC

Dear Ms. Helton:

Enclosed herewith please find the original of the Motions Of AT&T Wireless Accepting The Recommendation Of The BCPC And To Approve Its Uniform Application and six copies of this letter for filing with the Commission in the above-styled matter.

If you or your staff have any questions regarding the Motions Of AT&T Wireless Accepting The Recommendation Of The BCPC And To Approve Its Uniform Application, please do not hesitate to contact me.

Sincerely,

Holland N. McTyeire

Holland N. McTyeire, V

HNM/cew
Enclosures

cc: Kevin Costello
Craig Bloom
Laura Adams
Debbie Braun

LOU-248878-1

*Willard
Amy D.
Dotson*

RECEIVED
JUN 30 1999
PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)	
PCS, INC., Acting By And Through Its Agent, WIRELESS)	CASE NO.
PCS, INC., For The Issuance Of A Certificate Of Public)	
Convenience And Necessity To Construct A Personal)	99-159 UAC
Communications Services Network Facility In Erlanger,)	
Kentucky And Called The Turfway/Our Designs Cell)	
Site, Site # CN-251-01)	

* * *

**MOTIONS OF AT&T WIRELESS ACCEPTING
THE RECOMMENDATION OF THE BCPC
AND TO APPROVE ITS UNIFORM APPLICATION**

Applicant, AT&T Wireless PCS, Inc., acting by and through its agent, Wireless PCS, Inc. ("AT&T Wireless"), through counsel, respectfully Moves the Commission: (i) that it will Accept the June 16, 1999 Recommendation of the Boone County Planning Commission (the "BCPC"); and (ii) to Approve its Uniform Application. The grounds in support of AT&T Wireless' Motions are set forth below.

1. On April 23, 1999, AT&T Wireless caused to be published a Legal Notice in The Cincinnati Enquirer and The Kentucky Post.
2. On April 30, 1999, AT&T Wireless filed its Uniform Application herein with the Commission.
3. On May 3, 1999, the Commission issued its Receipt of Notice of the Uniform Application of AT&T Wireless.

4. On May 10, 1999, AT&T Wireless transmitted by Certified Mail, Return Receipt Requested, the Public Notice attached as G to its Uniform Application to all landowners within 500 feet of the Turfway/Our Designs Cell Site, as well as the local planning unit.

5. By May 14, 1999, all persons and entities listed on Exhibit G to the April 30, 1999 Uniform Application of AT&T Wireless had received notice of same.

6. On May 20, 1999, AT&T Wireless filed with the Commission the Certified Mail Return Receipt Requested Cards from the landowners within 500 feet of the proposed PCS Network Facility as well as the local planning unit and the Affidavits of Publication from *The Cincinnati Enquirer* and *The Kentucky Post*.

7. On May 21, 1999, the Commission issued its Notice of Filing Deficiency.

8. On June 2, 1999, AT&T Wireless filed its Response to the Commission's Notice of Filing Deficiency indicating that its May 20, 1999 Notice of Filing should have cured the Filing Deficiency.

9. By June 14, 1999 no one had chosen to Intervene in this matter and the time to Intervene had expired.

10. On June 15, 1999, the Commission advised AT&T Wireless that its Uniform Application meets the Commission's minimum filing requirements.

11. Pursuant to House Bill 168, the BCPC, the proper planning unit for this matter, conducted proceedings with regard to AT&T Wireless' Uniform Application. On June 16, 1999, the BCPC approved the Uniform Application of AT&T Wireless subject to the following two conditions:

The perimeter of the wood fence compound need to be screened with Buffer Yard "A". Article 37, Section 3745 of the Boone County Zoning Regulations specifies that Buffer Yard "A" is 10 feet in width and contains 5 small trees, 3 large trees, and 20 shrubs for each 100 linear feet of buffer area. AT&T will write a letter to the Zoning Administrator which asks for a waiver of the Type "A" buffer yard on the eastern side of the fence compound.

AT&T will contact the Point Pleasant Fire Department to see if they are interested in collocating on the tower at a minimal cost.

Letter from Todd Morgan to Laura Adams, June 16, 1999, p. 1.

12. On June 17, 1999, AT&T Wireless accepted the two conditions imposed by the BCPC. A copy of the June 16, 1999 letter from the BCPC to AT&T Wireless and accepted by AT&T Wireless on June 17, 1999 is attached hereto as Exhibit A.

13. On June 16, 1999 the BCPC provided the Commission with Resolution No. R-99-014-A approving the Turfway/Our Designs Cell Site with the two conditions set forth above. A copy of the BCPC's June 16, 1999 cover letter to the Commission, June 16, 1999 Resolution No. R-99-014-A, and June 16, 1999 Committee Report of the BCPC, is attached hereto as Exhibit B.

14. A copy of a revised Site Plan Map reflecting AT&T Wireless' acceptance and conformity with Condition No. 1 imposed by the BCPC is attached hereto as Exhibit C.

15. A copy of AT&T Wireless' June 18, 1999 letter to the Point Pleasant Fire Department, as well as the Certified Mail Return Receipt Requested Card, reflecting AT&T

CERTIFICATE OF SERVICE

I hereby certify that a copy of Motions Of AT&T Wireless Accepting The Recommendation Of The BCPC And To Approve Its Uniform Application was mailed via United States Mail, postage prepaid, to Kevin Costello, Executive Director, Boone County Planning Commission, 2995 Washington, Burlington, Kentucky 41005, on this 30th day of June, 1999.

H.N. McTigair

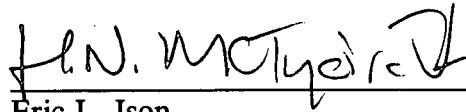
COUNSEL FOR APPLICANT

LOU-246032-1

Wireless' acceptance and conformity with Condition No. 2 imposed by the BCPC is attached hereto as Exhibit D.

For the reasons set forth above, the Uniform Application of AT&T Wireless for a Certificate Of Public Convenience And Necessity To Construct And Operate A PCS Network Facility at the Turfway/Our Designs Cell Site subject to the two conditions imposed by the BCPC and accepted by AT&T Wireless should be approved.

Respectfully submitted,



Eric L. Ison
Holland N. McTyeire, V

GREENEBAUM DOLL & MCDONALD PLLC
3300 National City Tower
Louisville, Kentucky 40202
(502) 589-4200

-and-

Debbie Braun
Attorney

AT&T Wireless Services-Central Region
15 E. Midland Avenue
Paramus, New Jersey 07652
(201) 291-8089

COUNSEL FOR APPLICANT

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

June 16, 1999

Ms. Laura Adams
11500 Gold Coast Drive
Cincinnati, OH 45249

RE: Request of Wireless PCS, Inc., (agent) for AT & T Wireless PCS, Inc., (leaseholder) to consider a Uniform Application for the Issuance of a Certificate of Public Convenience and Necessity to allow a 140 foot wireless communication facility. The 3,500 square foot leased area and remainder of the parcel, located at 1211 Cox Avenue, Boone County, Kentucky, are zoned Industrial One (I-1).

Dear Ms Adams:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Technical/Design Review Committee. If you, as the agent for AT & T Wireless PCS, Inc., agree to the following condition, please indicate so by signing at the space provided below.

Condition

1. The perimeter of the wood fence compound needs to be screened with Buffer Yard "A". Article 37, Section 3745 of the Boone County Zoning Regulations specifies that Buffer Yard "A" is 10 feet in width and contains 5 small trees, 3 large trees, and 20 shrubs for each 100 linear feet of buffer area. AT & T will write a letter to the Zoning Administrator which asks for a waiver of the Type "A" buffer yard on the eastern side of the fence compound.
2. AT & T will contact the Point Pleasant Fire Department to see if they are interested in co-locating on the tower at a minimal cost.

Sincerely,

Todd K. Morgan
Planner

TKM/pr

I, the agent for AT & T Wireless PCS, Inc., agree to the above listed conditions for approval of the Uniform Application for the 140 foot monopole communication tower.

Ms. Laura Adams (Agent for AT & T Wireless PCS)

6.17.99
Date

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196
FAX 606-334-2264
E-Mail plancom@one.net

June 16, 1999

Ms. Helen Helton
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

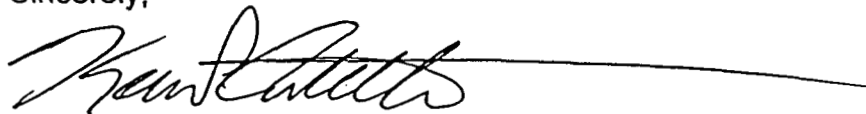
RE: Uniform Application - Wireless PCS, Inc. (Agent) for
AT&T Wireless, PSC, Inc. (Leaseholder)
1211 Cox Avenue, Boone County, KY

Dear Ms. Helton:

Enclosed is a copy of Resolution No. R-99-014-A, which was adopted by the Boone County Planning Commission at its June 16, 1999 Business Meeting. This resolution informs the Kentucky Public Service Commission of action taken by the Boone County Planning Commission on a Uniform Application by Wireless PSC, Inc. (Agent) for AT&T Wireless PSC, Inc. (Leaseholder) for a site located at 1211 Cox Avenue, Boone County, Kentucky. By a vote of 11 to 0 with one abstention, the Planning Commission is recommending that Wireless PSC, Inc. (Agent) Uniform Application for a Certificate of Convenience and Necessity be approved.

If you have any questions about the Planning Commission's action or recommendation, please don't hesitate to contact me at your convenience.

Sincerely,



Kevin P. Costello, AICP
Executive Director

KPC/vlm

RESOLUTION R-99-014-A

A RESOLUTION AND RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION TO BE OFFICIALLY REGISTERED WITH THE KENTUCKY PUBLIC SERVICE COMMISSION REGARDING A UNIFORM APPLICATION FOR WIRELESS PCS, INC. (AGENT) FOR AT&T WIRELESS PCS, INC. (LEASEHOLDER) PURSUANT TO HOUSE BILL NO. 168 AS ENACTED BY THE GENERAL ASSEMBLY OF KENTUCKY, THE KENTUCKY REVISED STATUTES CHAPTER 100.987; AND ARTICLE 31, SECTION 3197 OF THE BOONE COUNTY ZONING REGULATIONS.

WHEREAS, the Boone County Planning Commission serves as a joint city/county planning unit serving the Boone County Fiscal Court and the Cities of Florence, Union and Walton and established pursuant to Chapter 100 of the Kentucky Revised Statutes, and

WHEREAS, the Boone County Planning Commission has studied the issue of regulating the siting of cellular antennae towers through the adoption of Article 31, Section 3197 of the Boone County Zoning Regulations (Regulations for Wireless Communication Facilities and Services), which is consistent with House Bill No. 168, and the Kentucky Revised Statutes, Chapter 100.987 and,

WHEREAS, the Boone County Planning Commission has previously registered with the Kentucky Public Services Commission its right or authority to review cellular antennae tower Uniform Applications on a local level.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

At its June 16, 1999 Business Meeting, the Boone County Planning Commission approved a Uniform Application by Wireless PCS, Inc. (Agent) for AT&T Wireless PCS, Inc. (Leaseholder) for the site located at 1211 Cox Avenue, Boone County, Kentucky based upon the findings of fact stated at the June 16, 1999 Business Meeting (see Exhibit A).

Minutes from the June 16, 1999 Business Meeting and the June 2, 1999 Public Hearing are available at the Boone County Planning Commission's office.

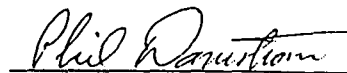
BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-99- 014-A
PAGE TWO

SECTION II

This resolution serves as notification of the action and recommendation of the Boone County Planning Commission and hereby registered with the Kentucky Public Services Commission as required by House Bill No. 168 and the Kentucky Revised Statutes, Chapter 100.987. Upon adoption of this Resolution, the appropriate officials of the Boone County Planning Commission are hereby directed to forward this Resolution to the Kentucky Public Services Commission.

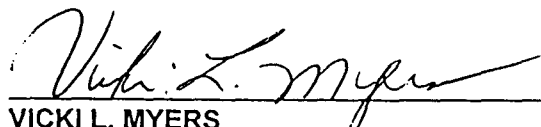
PASSED AND APPROVED ON THIS 16TH DAY OF JUNE, 1999.

APPROVED:



PHIL DAMSTROM
VICE-CHAIRMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

PD:vlm

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Brown, Chairman

DATE: June 16, 1999

RE: Request of Wireless PCS, Inc., (agent) for AT & T Wireless PCS, Inc., (leaseholder) to consider a Uniform Application for the Issuance of a Certificate of Public Convenience and Necessity to allow a 140 foot wireless communication facility. The 3,500 square foot leased area and remainder of the parcel, located at 1211 Cox Avenue, Boone County, Kentucky, are zoned Industrial One (I-1).

REMARKS:

We, the Committee, recommend approval of this request based upon the findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the proposed Uniform Application to allow a 140 foot monopole communication tower is in general agreement with Article 31, Section 3197 of the Boone County Zoning Regulations. The proposed wireless communication facility is located in a preferred zoning district (I-1), and meets all setback and height requirements.
2. The Committee has concluded that the attached condition(s) are necessary to achieve consistency with Article 31, Section 3197 of the Boone County Zoning Regulations. The Committee has also concluded that the attached condition(s) are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. The perimeter of the wood fence compound needs to be screened with Buffer Yard "A". Article 37, Section 3745 of the Boone County Zoning Regulations specifies that Buffer Yard "A" is 10 feet in width and contains 5 small trees, 3 large trees, and 20 shrubs for each 100 linear feet of buffer area. AT & T will write a letter to the Zoning Administrator which asks for a waiver of the Type "A" buffer yard on the eastern side of the fence compound.
2. AT & T will contact the Point Pleasant Fire Department to see if they are interested in co-locating on the tower at a minimal cost.

A copy of the Public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Larry Brown
Larry Brown, Chairman
For Against
Abstain Absent

Richard Knock
Richard Knock
For Against
Abstain Absent

David Zimmer
~~David Zimmer~~ David Zimmer
For Against
Abstain Absent

Carol Smith
For Against
Abstain Absent

Lisa Wilson
Lisa Wilson
For Against
Abstain Absent

TOTAL: ___ FOR ___ AGAINST ___ ABSTAIN ___ ABSENT

PUBLIC HEARING ITEM NO. 2:

Commission members present: Vice Chairman Phil Damstrom, Judy Arnett, Mark Hicks, Richard Knock, Don McMillian, Bob Newman, Bob Ries, Carol Smith, Earl White, Lisa Wilson and Dave Zimmer.

Staff members present: Executive Director Kevin Costello, Assistant Zoning Administrator/ZEO Mitchell A. Light, and Planner Todd Morgan.

Legal Counsel present: Dale T. Wilson

Vice Chairman Damstrom introduced the second item on the Public Hearing Agenda, at 8:47 p.m.:

2. Applicant: Wireless PCS, Inc., (Agent) for AT&T Wireless PCS, Inc., (Leaseholder)

Request: Uniform Application Review of Wireless Communication Facility

The request of Wireless PCS, Inc., (Agent) for AT&T Wireless PCS, Inc., (Leaseholder) to consider a Uniform Application for the Issuance of a Certificate of Public Convenience and Necessity to allow a 140 foot wireless communication facility. The 3,500 square foot leased area and remainder of the parcel, located at 1211 Cox Avenue, Boone County, Kentucky are zoned Industrial One.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

Vice Chairman Damstrom asked for the applicant's presentation, and recognized Holland N. McTyeire, V, attorney representing the applicant.

Mr. McTyeire introduced Douglas Rosequist, Radio Frequency Design Engineer, PCS Division, AT&T Wireless Services and Laura Adams, a site acquisition specialist for AT&T Wireless.

Mr. McTyeire reviewed the history of House Bill 168 which became effective in July 1998 and which gives the Planning Commission jurisdiction to review cell towers. He recalled that when he had previously made a similar presentation to the Commission, it was prior to the time the Kentucky Public Service Commission (PSC) had revised its administrative regulations to more fully delineate those things required by HB 168, and before this Commission had adopted Article 3197.

Mr. McTyeire advised that his client has now filed the Uniform Application with the PSC, which was sent to this Planning Commission on April 30th. He stated they have attempted to comply with all the rules and regulations of HB 168, the administrative regulations of the PSC, and Article 3197. Mr. McTyeire stated they have also had informal discussions with Staff prior to filing regarding the plans, and it was his belief that they have supplied all documentation necessary to demonstrate that they meet all the requirements and that the application should be approved.

Mr. McTyeire stated that this site, perhaps more so than others in the area, experienced severe constraints based on the requirements of the FAA and Airport in terms of height and location of the tower.

With regard to the three Staff concerns, Mr. McTyeire stated that they are in an area zoned Industrial One (I-1), that the residences are in a commercially zoned area, and that they have complied with the regulations with regard to siting the tower. Mr. McTyeire recalled that the Staff referenced a letter from Mr. White, an adjoining property owner, adding that while he had not seen a copy of the letter, Staff had advised him of the concerns of this resident. Mr. McTyeire stated that he understood Mr. White was primarily concerned with radio frequency emissions, and he referenced the Telecom Act which sets out that as long as the facility meets the Federal requirements, that issue is removed from consideration by this Commission. He assured the Commission that his client does meet the Federal requirements, and while that may be legally sufficient, he thought it was more important to stress that the radio emissions are less than one percent of any Federally allowable level to try to alleviate the concerns. He stated that the vast majority of evidence collected indicates that these do not present any health concerns.

Mr. McTyeire stated that with regard to the third concern raised by Staff, he thought the applicant had met the buffer requirements based on the property being in an industrial zone and surrounded by other industrial zones. He stated that if they are in error, they would certainly work with Staff to correct the buffering plans.

Vice Chairman Damstrom asked if there was anyone present who wished to speak in favor of the request. None were forthcoming.

Vice Chairman Damstrom asked if there was anyone present who wished to speak in opposition to the request, or who had questions. He then recognized Mr. Vernon White, who advised he had written the previously referenced letter.

Mr. White stated he was quite concerned with radiation, and made reference to the applicant's statement that emissions were less than one percent of the Federal government's approved level. He asked what form of radiation was being emitted, and what power it has. He stated that these towers can communicate between themselves over long distances, so sitting 280 feet "under the gun is sitting in a pretty hot spot."

Mr. White stated that it was his understanding that his home was not zoned commercially as had been indicated earlier, but rather proposed commercial.

Mr. White stated that his wife had been exposed to a tremendous amount of radiation during the last three months in terms of medical tests and procedures, and that any additional radiation could cause her more health problems.

Mr. White asked what the source of this radiation is and what power it has, adding that he hears discussion about the tower, but never about what is on top of the tower. He stated that there are 270 children across the road in Mary Queen of Heaven School, and he was concerned that the radiation might adversely affect their development or that of their offspring.

Mr. White stated that while he was not against the tower itself, he was opposed to the siting of it in that location. He stated he was confused about the reference in the Staff report to the Point Pleasant Fire Department tower.

Vice Chairman Damstrom recognized Legal Counsel Dale Wilson who asked Mr. White if he had been in contact with Helen Helton of the Kentucky Public Service Commission (KPSC), inasmuch as his letter had been addressed to her. Mr. White responded that Stephanie Bell of the KPSC had replied with correspondence which explained the Federal Telecommunications Act of 1996. Mr. Wilson encouraged Mr. White to follow up and make his position known to the KPSC, the agency which will decide whether to issue the Certificate of Public Necessity on this tower.

Mr. White stated he could understand why the Airport would be concerned about how this might interfere with their radar or other communication facilities, or how their radar might damage this tower.

Mr. McTyeire explained that the recommendation of the Planning Commission is forwarded to the PSC, and if a concerned individual requests a hearing at the PSC level, they may be granted a hearing as long as they are raising issues other than planning issues that were already considered by the Planning Commission.

Mr. Wilson reiterated that Mr. White should keep in touch with the KPSC and ask to be heard regarding his concerns.

Mr. White stated that he had spoken with the pastor at Mary Queen of Heaven who had seemed unaware of this issue, and who had indicated he would share the information with the children's parents.

Vice Chairman Damstrom asked if the applicant desired to respond to Mr. White's questions regarding the source and power of radiation.

Mr. McTyeire noted that the applicant did list in the application and project narrative the reasons why they were unable to co-locate, and noted a lot of those reasons had to do with the height restrictions imposed by the FAA for facilities near the Airport. He noted that the effort was to cover the Airport and provide supplemental coverage for Turfway Park, and that could not be accomplished from the other locations.

Mr. McTyeire asked that Mr. Rosequist address the technical concerns raised by Mr. White. Mr. Rosequist explained that this request is for a personal communications tower that transmits to radio frequency signals, and not a microwave tower. He stated that the signals transmitted are in the 1930 to 1945 megahertz range, that they are non-ionizing signals meaning that they do not change the structure of a cell, but can only elevate its temperature, so there is no cumulative or long term effect. With regard to Mr. White's concern for the school children and their offspring, Mr. Rosequist stated that sort of problem does not happen with this type of energy.

Mr. Rosequist explained that the FCC has established guidelines for how much power can be transmitted including a buffer zone of 10% of an amount determined perceivable based on all the tests conducted, and that limit is one milowatt per centimeter squared. Mr. Rosequist stated that AT&T Wireless transmissions fall well below that limit, usually on the order of 1/100 of 1%, which is so low instruments have a difficult time measuring that value. He explained that mobile phones can receive down to a trillionth of a watt, a miniscule amount of power. He stated that a "full-blown" site will transmit 100 watts per channel, with up to eight channels on each of three sectors, or the total power equivalent of 24 100-watt light bulbs which would be, in this case, 140 feet up in the air. Mr. Rosequist reiterated that the FCC and AT&T have determined it is not a health hazard.

Vice Chairman Damstrom asked whether AT&T plans to lease or share any space on that tower with other communication companies; Mr. Rosequist responded that while they don't have any others at this time, space will be available for two other carriers as well as attachment space for local emergency services such as the police.

Mr. Knock asked if this tower is being built for Cincinnati Bell Wireless; Mr. McTyeire responded that AT&T Wireless is actually the agent for Cincinnati Bell Wireless, that AT&T Wireless has been charged with building and operating the network while Cincinnati Bell Wireless has been charged with marketing and managing the sales of the network.

Vice Chairman Damstrom then recognized John Jaymont with Metroweb Corporation. Mr. Jaymont stated that Metroweb is a printing company situated across the street from the Sumerel Tire Company, and that they utilize a lot of technology, including satellites on their roof. He stated he appreciated the letter he had received from Mr. Rosequist, but that he was concerned whether the applicant had a contingency plan in place to deal with changes related to future technological advances.

Mr. McTyeire noted that Metroweb representatives had had discussions with Mr. Rosequist who sent correspondence to them indicating AT&T Wireless is willing to test and minimize or eliminate any interference that might occur.

Mr. Rosequist reiterated that the applicant is regulated by the FCC and would be required to follow FCC mitigation guidelines in the event any problems occurred. Mr. Rosequist added that there had been a problem in a downtown building with 900 megahertz paging bleeding over and interfering with his equipment necessitating a mitigation process wherein filters were added to clear the interference. He indicated the same kind of mitigation could be implemented for any other interference problems.

Vice Chairman Damstrom asked whether the applicant's operation had ever caused problems for anyone else; Mr. Rosequist responded it had not.

Vice Chairman Damstrom asked Mr. Jaymont if Mr. Rosequist's response answered his question; Mr. Jaymont replied that it did not sound like they really had a contingency plan other than FCC regulations, consequently he still had some concern, but felt somewhat more comfortable with the situation. Mr. Jaymont requested a copy of AT&T Wireless' compliance document be sent to Metroweb.

Vice Chairman Damstrom then recognized Bill Steimer, Vice President of Bob Sumerel Tire Company, who stated he shared Mr. Jaymont's concern as it related to interference with his firm's computers. Mr. Steimer added that he was also concerned whether the tower would interfere with Sumerel's 80 cell phones, particularly if they were using a different service.

Mr. Rosequist explained that the tower will not interfere, and noted that they are opening the tower for two other co-locators which would be within ten to fifteen feet of AT&T's equipment, and that the co-locators could be transmitting at a much higher power than that required for a phone, which would cause them no problem. He added that they have never documented a case where any other licensed communications services or cellular companies have interfered with each other due to this type of set up.

Mr. Steimer asked about interference with computers; Mr. Rosequist responded there would be none, adding that the transmitters and cell equipment is all computerized and they do not require any special shielding other than normal grounding.

Vice Chairman Damstrom asked if there were any comments or questions from the Commissioners.

Mr. Ries asked what changes had taken place which would require a public hearing as opposed to the previous procedure wherein the applicant went directly to the Technical Design Committee before presenting it to the full Commission. Mr. Costello responded that he had

been involved in HB 168 along with Representative Paul Marcotte and Roger Rolfes, that they had developed the text that set out a procedure for the local review process, the first step of which would be the public hearing process and notification. He added that the applicant then goes to the Technical Design Review Committee for a recommendation to the full Commission, and that all of this must occur within a 60-day time period, after which the Planning Commission's recommendation is forwarded to the PSC. He noted that there had been no public hearing process before approval of the text amendment to the zoning code.

Mr. Costello explained that the Commission adopted the text amendments because they wanted to provide the service providers some direction in terms of where they should be located in Boone County, that the first priority would be to get the providers on existing towers or facilities, and that if new facilities had to be constructed, they would recommend the appropriate areas based on zoning. He added that this the first application under the new guidelines.

Mr. McMillian asked whether any future co-locators on the AT&T Wireless facility would be required to submit to a similar public hearing process; Mr. Morgan responded that under the ordinance, co-locations do not need to go through this process. Mr. Costello added that the process applies only to new towers.

Mr. McMillian asked whether the co-locators that would lease space from the originally approved applicant would have any power limitations; Mr. Morgan responded that they could co-locate any type of equipment they desired including microwave equipment, and that this would be out of the Planning Commission's control.

Mr. McMillian asked how firms such as Metroweb and Sumerel would find out if the future co-locators' transmissions would negatively affect their equipment; Mr. McTyeire stated they would still have to go through a notification process to the PSC, that the carriers who would be considered for co-locating are primarily well known carriers such as Sprint and that they would be already certificated at the PSC. He explained that the Commission, with approval of this request, would be, in a way, pre-recommending them to the PSC. He added that the letter notification process would remain and that they would not be dealing with any carrier that was not certificated at the PSC since an uncertificated carrier would not be permitted by the PSC to co-locate.

Mr. McMillian asked what would happen if AT&T Wireless got an offer from a firm that was not certified; Mr. McTyeire stated he could not imagine that AT&T Wireless would allow anybody that was not certified, because they could not provide any communications for compensation unless they were certified by the PSC. Mr. McTyeire continued, stating that AT&T Wireless would not allow uncertificated users inasmuch as their own equipment might then be affected.

Mr. Costello advised that there is a procedure by which one could file a complaint with the PSC and the FCC if there is interference, which would result in an investigation and, if there is non-compliance with federal and state requirements, the Certificate of Public Necessity could be revoked.

Mr. Knock asked Mr. White if he knew of any kind of formal studies that would support the concerns contained in his letter so the Commission could look into that documentation further; Mr. White indicated he did not know of any such studies, but he reiterated his concerns with regard to the kind of emissions that might be transmitted from the facility.

Vice Chairman Damstrom asked what would be the lowest height a co-locator's equipment could occupy on the tower; Mr. Rosequist responded that generally speaking, higher is better, that if it is attached at least ten meters above the ground, it meets the FCC limits and permits exclusion from conducting various tests. He added that signals do not bend very well and need to be in the line of sight, preferably above the trees.

Vice Chairman Damstrom asked regarding the lowest height AT&T Wireless ever co-located on someone else's tower; Mr. Rosequist responded that he did not know of any under 100 feet, however he had heard of GTE going in at around 80 feet in some places.

Ms. Arnett asked how many facilities currently exist in Boone County; Mr. McTyeire responded that he thought there were a total of eleven, adding that the application included a grid map showing all existing facilities within Boone County as well as one half mile outside the County.

Ms. Adams noted that the PSC, for purposes of their website, has requested AT&T Wireless to provide a spreadsheet describing the eleven facilities within Boone County including co-location on other towers, rooftops and tower communications facilities.

Ms. Arnett noted that if this request is approved, AT&T Wireless would have three locations within a two mile radius; Ms. Adams responded that this is the only one that is new, the others are existing. Ms. Adams explained that one of the issues AT&T Wireless is facing currently is the development of capacity sites, that previous appearances before the Commission involved installing the infrastructure and doing a lot more corridor sites which tend to be along the major thoroughfares. She added that they are now trying to expand their coverage due in part to public demand, and this involves filling in the skeletal system with capacity sites, as in this instance.

Ms. Arnett noted that AT&T Wireless has currently filed a request for a zone change.

Mr. Zimmer asked if one of the co-locators could be a microwave transmitter; Mr. Rosequist responded affirmatively.

Mr. Zimmer asked whether microwave transmissions were more harmful than radio frequency transmissions, referencing Mr. Rosequist's expression when the term was brought up earlier. Mr. Rosequist responded, "Only in the fact that people hear microwave and they think of microwave ovens."

Mr. Zimmer again asked whether microwave transmissions are more harmful than RF; Mr. Rosequist responded, "No sir, the amount of total energy is the only problem."

Mr. Zimmer asked whether one of the reasons for not co-locating on the tower at Point Pleasant Fire Station even though it is out of the search ring was a matter of height; Mr. Rosequist responded that they try to select the optimum spot to get the desired coverage and that being within the search ring is obviously a consideration. He stated that sometimes RF Engineering accepts a site out of search ring because of the zoning requirements, but in such cases, the facility has to be tall enough to still provide the needed coverage.

Mr. Zimmer commented that he understood from the report that if there is a tower there and it is not tall enough or it is structurally incapable of supporting the equipment, those would not be sufficient reasons for not co-locating because rebuilding that site to accommodate is not out of the question. He asked whether being out of the search ring would still be an issue if the Point Pleasant Fire tower was taller, FAA standards notwithstanding; Ms. Adams responded that that question has many layers, adding that they are rebuilding, and that it is a new concept within the telecommunications industry. She stated they have been working with Staff for quite some time with regard to a rebuild tower on KY 18. She added that this is a situation where they have been able to get the cooperation of the other carriers in order to rebuild the tower.

Ms. Adams noted that the Boone County code has very strict set back requirements, that if a tower is taller, it has to be further away. She explained that a lot of the towers built in the past did not have these stipulations placed upon them, therefore they may not fit all the guidelines currently in place. Ms. Adams stated that the fire station has a very miniscule tower, that it is not a telecommunications tower, but rather a distribution for that public safety agency, therefore it was not a feasible site for AT&T Wireless consideration, not to mention being outside of the search area.

Mr. Zimmer asked whether AT&T Wireless would lease or own the subject property; Ms. Adams indicated AT&T Wireless and Cincinnati Bell have entered into a 30-year lease agreement with the property owner of Our Designs Warehouse for the perimeter area, and that area is of sufficient size to accommodate three equipment facilities at the base of the tower.


Mr. Zimmer asked whether the lease agreement included a provision for dismantling the tower once technology catches up with the ability to bounce the signals off of satellites; Ms. Adams responded affirmatively, adding that a dismantling provision is a requirement of the PSC and has been submitted in the application.

Mr. Zimmer asked how soon the technology would change so that such towers would no longer be necessary; Mr. Rosequist responded that he personally thought it would be a fairly long time inasmuch as transmissions to and from satellites require more power than the amount needed for a mobile to transmit to a tower. He added that they are still working on the problem of communicating indoors.

There being no further comments, Vice Chairman Damstrom stated that the request will come before the Technical Design Review Committee on June 16, 1999 at 7:00 p.m. in Courtroom 3A of the Boone County Administration Building. He advised that while the public is invited to attend, no new testimony will be permitted, but that the Committee may ask questions for clarification of information presented at this public hearing. The action date for this request will be June 16, 1999 at 7:30 p.m. in the same room.


Vice Chairman Damstrom declared this Public Hearing closed, the time being 9:44 p.m.

APPROVED:



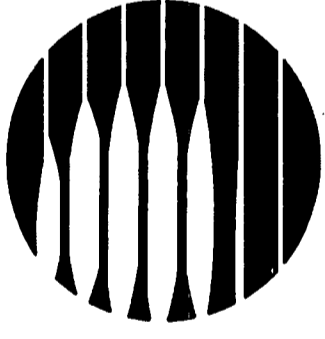
Phil Damstrom, Vice Chairman

ATTEST:



Jan Hancock, Recording Secretary

The minutes of this meeting were recorded and transcribed by Betsy R. Conrad, Recording Secretary.



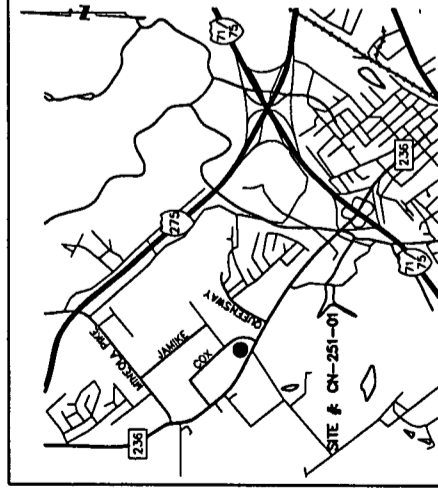
AT&T

CINCINNATI PCS SYSTEM AT&T WIRELESS SERVICES

11500 GOLDCOAST DRIVE
CINCINNATI, OH 45249

OUR DESIGNS INC. SITE NUMBER: CN-251-01

PROPOSED 140' MONOPOLE TOWER



VICINITY MAP (NO SCALE)

FROM DOWNTOWN CINCINNATI:
TAKE I-71/I-75 SOUTH TO I-275 WEST TO
MINNEOLA PIKE, AND TURN LEFT. PROCEED
DOWN 236, THEN LEFT ON TURFWAY RD.
TAKE A LEFT OFF TURFWAY ONTO COX RD.
SITE IS ON THE LEFT.

CIVIL ENGINEER:
ARCHITECT:

BURGESS & NIPLF, LIMITED
811 RACE STREET
CINCINNATI, OH 45202
(513) 579-0042

GEOTECHNICAL SERVICES:
PS
11581 LAMON LANE
SPRINGDALE, OH 45102
(513) 772-2555

SURVEYOR:
SMITH & ASSOCIATES
3635 ELREGO DRIVE
AMELIA, OHIO 45102
(513) 752-7925

CONSULTANT TEAM

SITE NAME: TURFWAY	
SITE NUMBER: CN-251-01	1211 COX AVENUE
SITE ADDRESS: CAROL ANN DAUGHERTY	P.O. BOX 17404
PROPERTY OWNER: COWINGTON, KY	CITY, ST. (606) 282 - 5500
APPLICANT: NAME AT&T WIRELESS SERVICES	ADDRESS 11500 GOLDCOAST DRIVE
	CITY, ST. CINCINNATI, OH 45249
	TEL. NO. (513) 494 - 9411
LEGAL DESCRIPTION: SEE SHEET C-1 FOR LEGAL DESCRIPTION	
A.P.N. : 71-37	
CURRENT ZONING : I-1 Industrial	
OCCUPANCY: S-2	
TYPE OF CONST.: 58	
NOTES:	

PROJECT SUMMARY

HANDICAP REQUIREMENTS
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.
HANDICAPPED ACCESS REQUIREMENTS NOT REQUIRED.
(CHECK WITH LOCAL CODES FOR ACCESS REQUIREMENTS)

SIT. NO.	DESCRIPTION
F-1	TITLE SHEET
C-1	SITE SURVEY
C-2	SITE LAYOUT
C-3	MECHANICAL DETAILS
E-1	ELECTRICAL NOTES & DETAILS
E-2	GROUNDING PLAN

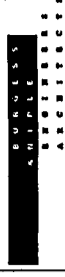
SHEET INDEX

NOTE:
FOR BUILDING DETAILS
SEE PLANS PROVIDED
BY AT&T WIRELESS SERVICES
FOR INDUSTRIALIZED UNIT



WIRELESS
SERVICES

11500 GOLDCOAST DRIVE
CINCINNATI, OH 45249
OFFICE: (513) 530-3000
FAX PH: (513) 530-3001



BURGESS & NIPLF, LIMITED
811 RACE STREET
CINCINNATI, OHIO 45202
OFFICE: (513) 579-0042
FAX: (513) 578-0321

SEAL

SIGNATURE

DATE: FEBRUARY 1999

PROJECT NUMBER: 23927

DRAWN BY: TAC

CHECKED BY: GB

NO.	DATE	DESCRIPTION	BY
1	2/12/99	REVIEW DATE	

APPROVALS

LEASING MANAGER: DATE:
ZONING MANAGER: DATE:
CONSTRUCTION: DATE:
ENGINEERING: DATE:
PROPERTY OWNER: DATE:

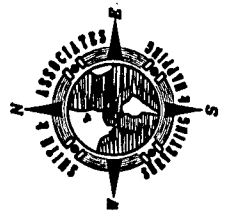
OUR DESIGNS INC.
SITE # CN-251-01
1211 COX AVENUE
ERLANGER, KY
41018

SHEET TITLE

TITLE SHEET

SHEET NUMBER

7-1



AREA DND 45102
 PER DAY 25-300
 PER DAY 25-300

SEAL

SIGNATURE _____
 DATE: February 16, 1999
 PROJECT NUMBER: AT8013R
 DRAWN BY: C.M.H. & A.J.E.
 CHECKED BY: _____

NO.	DATE	DESCRIPTION	BY

LEGEND
 + PROPOSED STRUCTURE
 O WIRE VALVE
 O IRON PIN FOUND
 O SAKURY MARKER
 O UTILITY POLE
 O SMALL POLE TREE
 O FIRE HYDRANT
 O WATER VALVE
 O CATCH BASIN
 O CATCH-BOUT
 O SPRUCE TREE
 O BUSH
 O 5/8" IRON PIN WITH CAP SET

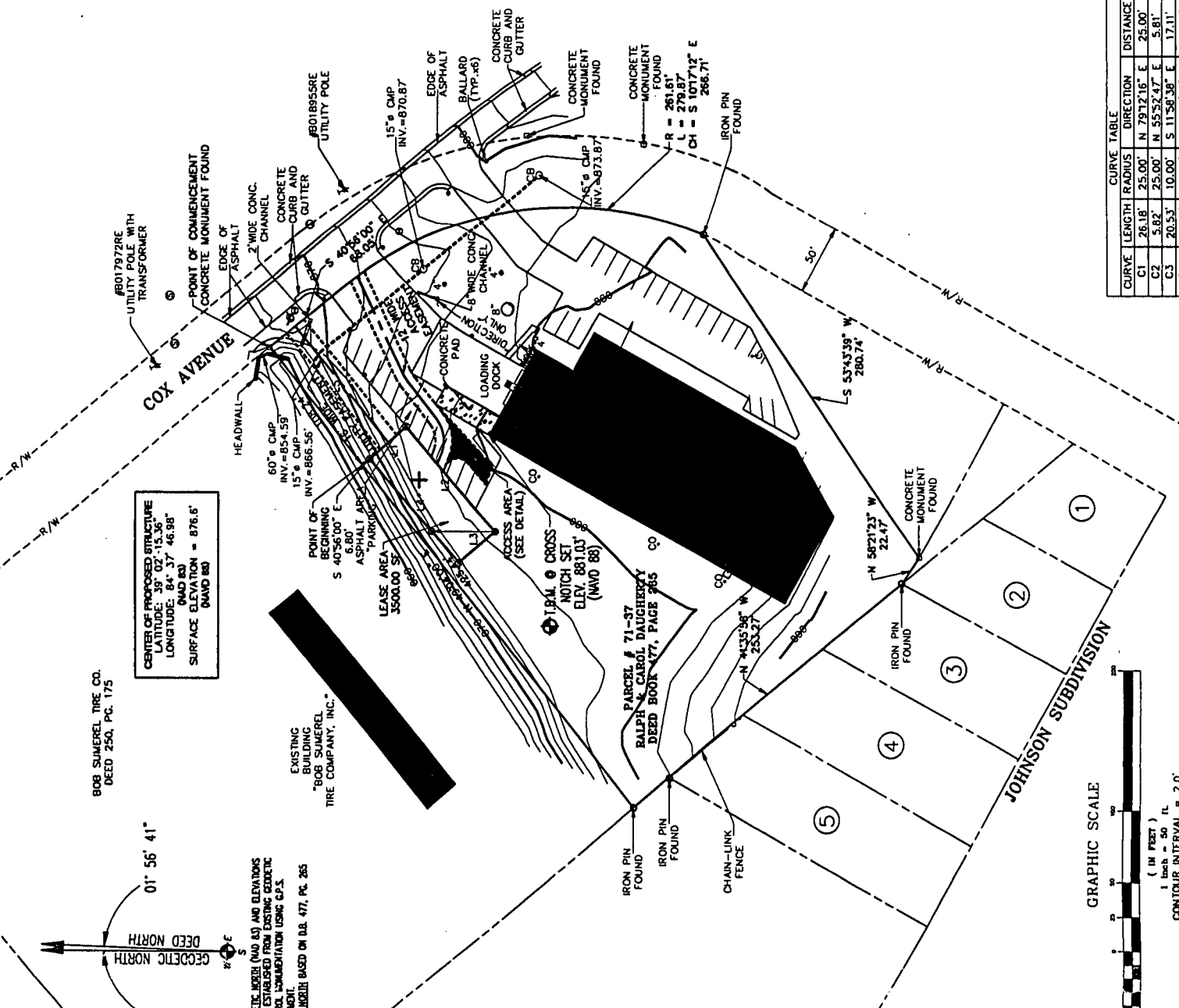
"OUR DESIGN, INC."
 SITE # CN-251-01
 1211 COX AVENUE
 ERLANGER, KENTUCKY
 41018

SHEET TITLE
SITE SURVEY

SHEET NUMBER
C-1

CENTERLINE OF A 16' WIDE UTILITY EASEMENT
 Commencing at a concrete monument found at the Northeastly corner of a tract of land conveyed to Ralph and Carol Daugherty as recorded in Deed Book 477, Page 265 of the Boone County, Kentucky Records Office, thence with the Northern line of said tract of land South 49°04'00" West, a distance of 108.24' to a point; thence leaving said Northern line South 40°56'00" East, a distance of 6.80' to a point; thence leaving said Northern line Northeastly corner of the aforementioned Lease Area; thence with the Northeastly line of said Lease Area South 42°55'36" East, a distance of 17.83' to a point, being the centerline and true point of beginning for this herein described 16' wide Utility Easement; thence from said true point of beginning, leaving said Northeastly line, and with said centerline North 48°39'39" East, a distance of 107.62' to a point on the Southeastly right-of-way line of Cox Avenue, being the terminus for this 16' wide Utility Easement.

The above described Lease Area, Access Area, and Easements are a part of a tract of land conveyed to Ralph and Carol Daugherty as recorded in Deed Book 477, Page 265 of the Boone County, Kentucky Records Office.



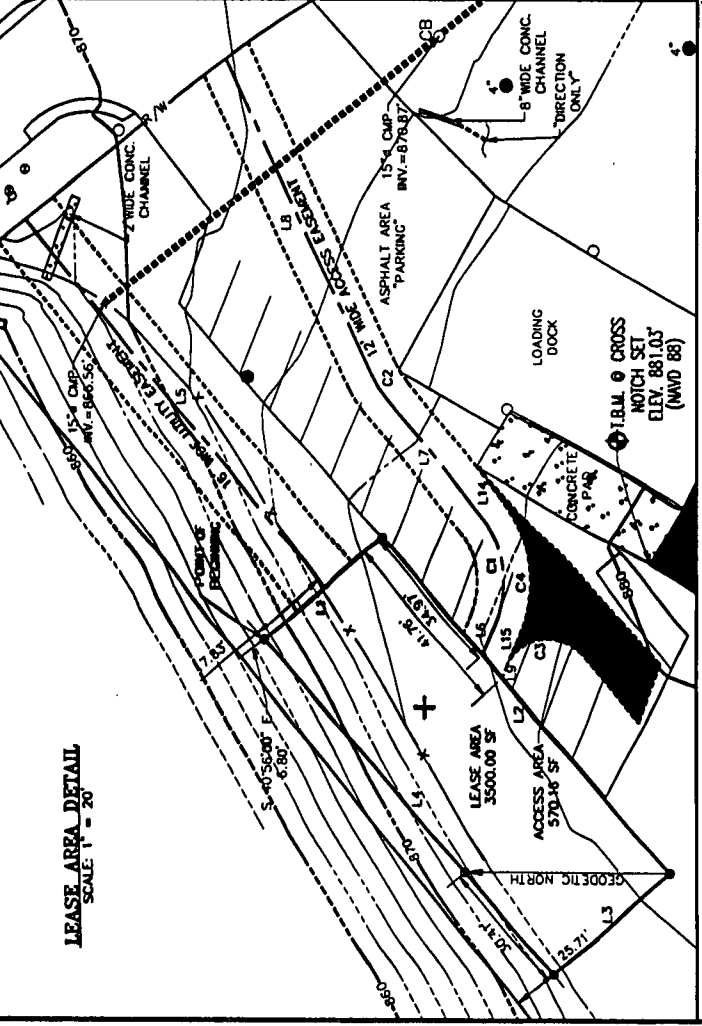
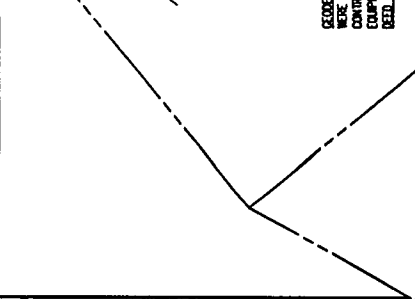
CURVE TABLE

CURVE	LENGTH	RADIUS	DIRECTION	DISTANCE
C1	26.18	25.00	N 79°12'16" E	25.00
C2	5.82	25.00	N 55°52'47" E	5.81
C3	20.53	10.00	S 11°58'30" E	17.11
C4	32.46	31.00	S 79°12'16" W	31.00

FLOOD SPECIFICATIONS
 NO PART OF THE PROPOSED LEASE AREA OR ACCESS EASEMENT IS WITHIN THE 100 YEAR FLOOD HAZARD ZONE OF THE COX AVENUE SUBDIVISION, BOONE COUNTY, KENTUCKY. COMMUNITY PANEL NUMBER 210013004-58. HAVING AN EFFECTIVE DATE 06/15/81. BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

LINE TABLE

LINE	LENGTH	BEARING
L1	35.00'	S 47°55'36" E
L2	100.00'	S 47°04'24" W
L3	35.00'	N 42°55'36" W
L4	100.00'	N 47°04'24" E
L5	107.62'	N 48°39'39" E
L6	81.3'	S 70°48'02" E
L7	34.01'	S 49°12'34" E
L8	78.33'	N 62°33'00" E
L9	2.93'	S 70°48'02" E
L10	20.00'	S 46°50'46" W
L11	13.55'	S 70°48'02" E
L12	13.71'	N 46°50'46" E
L13	42.55'	N 44°06'05" E
L14	8.57'	S 49°12'34" W
L15	8.38'	N 70°48'02" W



LEGAL DESCRIPTION
 Situated in Lot # 1C, Section 4, of the Mineola Industrial Park, in the County of Boone, Commonwealth of Kentucky, and being more particularly described as follows:

LEASE AREA
 Commencing at a concrete monument found at the Northeastly corner of a tract of land conveyed to Ralph and Carol Daugherty as recorded in Deed Book 477, Page 265 of the Boone County, Kentucky Records Office, thence with the Northern line of said tract of land South 49°04'00" West, a distance of 108.24' to a point; thence leaving said Northern line South 40°56'00" East, a distance of 6.80' to a 5/8" iron pin with cap set, being the Northeastly corner and true point of beginning for this herein described Lease Area; thence from said true point of beginning South 42°55'36" East, a distance of 17.83' to a point; thence leaving said Northeastly line, and with said centerline North 48°39'39" East, a distance of 107.62' to a point on the Southeastly right-of-way line of Cox Avenue, being the terminus for this 16' wide Utility Easement.

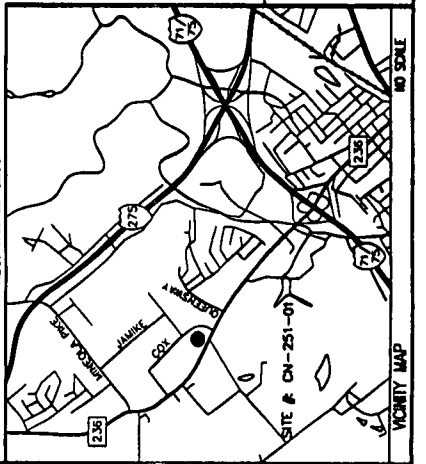
CENTERLINE OF A 12' WIDE ACCESS EASEMENT
 Commencing at a concrete monument found at the Northeastly corner of a tract of land conveyed to Ralph and Carol Daugherty as recorded in Deed Book 477, Page 265 of the Boone County, Kentucky Records Office, thence with the Northern line of said tract of land South 49°04'00" West, a distance of 108.24' to a point; thence leaving said Northern line South 40°56'00" East, a distance of 6.80' to a 5/8" iron pin with cap set, being the Northeastly corner of the aforementioned Lease Area; thence with the Northeastly line of said Lease Area South 42°55'36" East, a distance of 17.83' to a point; thence leaving said Northeastly line, and with said centerline North 48°39'39" East, a distance of 107.62' to a point on the Southeastly right-of-way line of Cox Avenue, being the terminus for this 12' wide Access Easement.

ACCESS AREA
 Commencing at a concrete monument found at the Northeastly corner of a tract of land conveyed to Ralph and Carol Daugherty as recorded in Deed Book 477, Page 265 of the Boone County, Kentucky Records Office, thence with the Northern line of said tract of land South 49°04'00" West, a distance of 108.24' to a point; thence leaving said Northern line North 49°38'00" East, a distance of 6.80' to a 5/8" iron pin with cap set at the Northeastly corner of the aforementioned Lease Area; thence with the Northeastly line of said Lease Area South 42°55'36" East, a distance of 17.83' to a point; thence leaving said Northeastly line, and with said centerline North 48°39'39" East, a distance of 107.62' to a point on the Southeastly right-of-way line of Cox Avenue, being the terminus for this 12' wide Access Easement.

ACCESS AREA
 Commencing at a concrete monument found at the Northeastly corner of a tract of land conveyed to Ralph and Carol Daugherty as recorded in Deed Book 477, Page 265 of the Boone County, Kentucky Records Office, thence with the Northern line of said tract of land South 49°04'00" West, a distance of 108.24' to a point; thence leaving said Northern line North 49°38'00" East, a distance of 6.80' to a 5/8" iron pin with cap set at the Northeastly corner of the aforementioned Lease Area; thence with the Northeastly line of said Lease Area South 42°55'36" East, a distance of 17.83' to a point; thence leaving said Northeastly line, and with said centerline North 48°39'39" East, a distance of 107.62' to a point on the Southeastly right-of-way line of Cox Avenue, being the terminus for this 12' wide Access Easement.

ACCESS AREA
 Commencing at a concrete monument found at the Northeastly corner of a tract of land conveyed to Ralph and Carol Daugherty as recorded in Deed Book 477, Page 265 of the Boone County, Kentucky Records Office, thence with the Northern line of said tract of land South 49°04'00" West, a distance of 108.24' to a point; thence leaving said Northern line North 49°38'00" East, a distance of 6.80' to a 5/8" iron pin with cap set at the Northeastly corner of the aforementioned Lease Area; thence with the Northeastly line of said Lease Area South 42°55'36" East, a distance of 17.83' to a point; thence leaving said Northeastly line, and with said centerline North 48°39'39" East, a distance of 107.62' to a point on the Southeastly right-of-way line of Cox Avenue, being the terminus for this 12' wide Access Easement.

SITUATED IN LOT # 1C, SECTION 4, OF THE MINEOLA INDUSTRIAL PARK, COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY.



THIS DRAWING IS BASED ON A SURVEY MADE UNDER MY DIRECTION
 L. EDWARD SMITH, P.S.
 REG. NO. LS-2803

APPROVALS
 LEASING MANAGER: _____ DATE: _____
 ZONING MANAGER: _____ DATE: _____
 CONSTRUCTION MANAGER: _____ DATE: _____
 ENGINEERING: _____ DATE: _____
 PROPERTY OWNER: _____ DATE: _____

REFERENCE DOCUMENTS
 DEED BOOK 017, PAGE 085 DEED BOOK 048, PAGE 026
 HWY BOOK 015, PAGE 017 DEED BOOK 017, PAGE 087
 DEED BOOK 017, PAGE 013 DEED BOOK 078, PAGE 013
 DEED BOOK 031, PAGE 019 DEED BOOK 059, PAGE 015
 DEED BOOK 040, PAGE 018 DEED BOOK 077, PAGE 024
 DEED BOOK 053, PAGE 032 PLAT BOOK 001, PAGE 001
 DEED BOOK 011, PAGE 009 W.C. BOOK 002, PAGE 075

NO PART OF THE PROPOSED LEASE AREA OR ACCESS EASEMENT IS WITHIN THE 100 YEAR FLOOD HAZARD ZONE OF THE COX AVENUE SUBDIVISION, BOONE COUNTY, KENTUCKY. COMMUNITY PANEL NUMBER 210013004-58. HAVING AN EFFECTIVE DATE 06/15/81. BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



AT&T Wireless Services
11500 Goldcoast Drive
Cincinnati, OH 45249
513 530-3000
FAX 513 530-3001

Via Certified Mail

June 18, 1999

Fire Chief
Pt. Pleasant Fire Department
3444 Turfway
Erlanger, KY 41018
(606) 283-2798

**RE: AT&T Wireless Services Telecommunications Facility
1211 Cox Avenue, Erlanger, KY 41018
PSC #99-159UAC- Turfway/Our Designs**

This letter has been sent to inform the Pt. Pleasant Fire Department of a proposed AT&T Wireless Services telecommunications facility to be located at 1211 Cox Avenue, Erlanger, KY 41018. ATTWS is proposing a 190 foot monopole tower which has been designed to support additional co-location tenants on the tower. It is for this reason that ATTWS has contacted you. ATTWS will evaluate any applications from public service and safety entities to share co-location space on their communications towers. ATTWS provides this opportunity as a public service to the community. If your group is interested in the placement of your equipment on this proposed tower, please feel free to contact me to obtain an application or any additional information.

Sincerely,



Laura Adams
SBA Inc., as agent
AT&T Wireless Services
(513) 530-7314

cc: Todd Morgan- Boone County Plg. Dept.
Quint McTyeire- Greenebaum, Doll & McDonald

\\a251-01 Fire Ltr 6-18.doc

P 303 955 916

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	
FIRE CHIEF - PT. PLEASANT	
Street & Number	
3444 TURFWAY	
Post Office, State, & ZIP Code	
ERLANGER, KY 41018	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

FIRE CHIEF
PT. PLEASANT FIRE DPT.
3444 TURFWAY
ERLANGER, KY 41018

4a. Article Number

P 303 955 916

4b. Service Type

- Registered
- Certified
- Express Mail
- Insured
- Return Receipt for Merchandise
- COD

7. Date of Delivery

4/21/99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

Barbara Marshall

Thank you for using Return Receipt Service.

GREENEBAUM DOLL & MCDONALD PLLC

3300 NATIONAL CITY TOWER
101 SOUTH FIFTH STREET
LOUISVILLE, KENTUCKY 40202-3197
502/589-4200
FACSIMILE 502/587-3695

HOLLAND N. MCTYEIRE, V
502/587-3672
FACSIMILE 502/540-2223
E-MAIL hnm@gdm.com

Via Hand Delivery

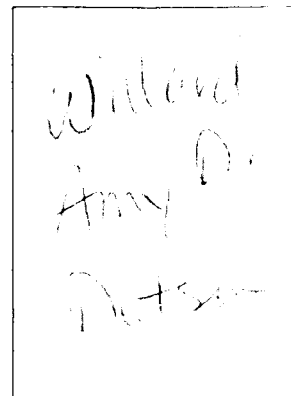
June 2, 1999

Ms. Helen C. Helton
Executive Director
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

RECEIVED

JUN 02 1999

PUBLIC SERVICE
COMMISSION



Re: In the Matter of: Uniform Application Of AT&T Wireless PCS, Inc.,
Acting By And Through Its Agent, Wireless PCS, Inc., For The Issuance Of
A Certificate Of Public Convenience And Necessity To Construct A Personal
Communications Services Network Facility In Erlanger, Kentucky And
Called The Turfway/Our Designs Cell Site, Site # CN-251-01,
Case No. 99-159 UAC

Dear Ms. Helton:

This letter is in response to Stephanie Bell's May 21, 1999 letter to me regarding a Filing Deficiency in the above-styled matter. On May 20, 1999 AT&T Wireless PCS, Inc. ("AT&T Wireless") filed with the Commission the Notice Of Filing Of Affidavits Of Publication And Certified Return Receipt Requested Cards reflecting that the certified letters sent to the property owners within 500 feet of the proposed PCS Network Facility had been received by them. Pursuant to the request contained in Ms. Bell's letter, AT&T Wireless hereby submits to the Commission copies of the certified letters sent to the property owners listed on Exhibit G to its Uniform Application in the above-styled matter.


Ms. Helen C. Helton

June 2, 1999

Page 2

AT&T Wireless has cured the Filed Deficiency in its Uniform Application both with its May 20, 1999 filing and this letter, however, if you have any questions with regard to this matter, or need further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Holland N. McTyeire".

Holland N. McTyeire, V

HNM/jh

Enclosures

cc: Amy E. Dougherty
Kevin Costello
Craig Bloom
Laura Adams
Debbie Braun

PUBLIC NOTICE

MAILED TO LANDOWNERS, RESIDENTS, AND LOCAL PLANNING UNIT

RECEIVED
JUN 02 1999
PUBLIC SERVICE
COMMISSION

On Friday, April 30, 1999, AT&T Wireless PCS, Inc. will apply to the Public Service Commission of Kentucky for a Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility in Erlanger, Kentucky and called the Turfway/Our Designs Cell Site, Site #CN-251-01. AT&T Wireless may install and employ a Temporary Personal Communications Services Network Facility, at or near the above Cell Site, during the pendency of the above Uniform Application. The facility will include a 140-foot tower to be located at 1211 Cox Avenue, Erlanger, Kentucky 41018. A map showing the location of the proposed new facility is enclosed.

This notice is being sent to you because you own property that is located within a 500 foot radius of the proposed tower or are the proper Planning Commission for this facility in Boone County.

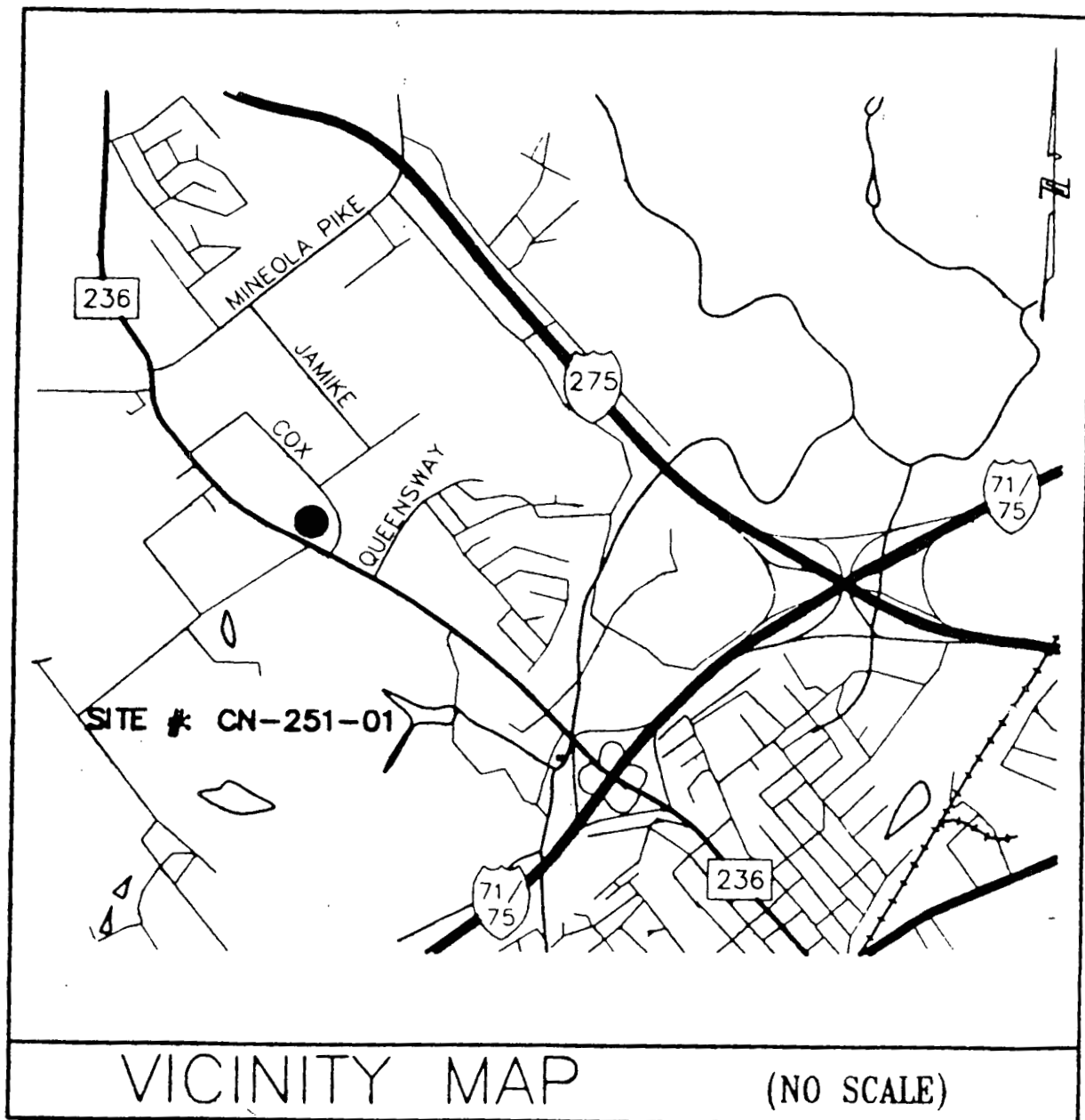
The Public Service Commission invites your comments regarding the proposed construction by AT&T Wireless. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date you receive this notice. Your comments and requests for intervention should be addressed to:

Helen C. Helton
Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Please refer to Case No. 99-159 UAC in your correspondence.

This NOTICE was mailed on Friday, April 30, 1999.

This Notice was mailed, via Certified Mail, Return Receipt Requested, to all landowners within 500 feet of the proposed PCS Network Facility and the local planning unit set forth on Exhibit G.



FROM DOWNTOWN CINCINNATI:

TAKE I-71/I-75 SOUTH TO I-275 WEST TO
MINNEOLA PIKE, AND TURN LEFT. PROCEED
DOWN 236, THEN LEFT ON TURFWAY RD.

TAKE A LEFT OFF TURFWAY ONTO COX RD.
SITE IS ON THE LEFT.

RECEIVED
JUN 02 1999
PUBLIC SERVICE
COMMISSION

PUBLIC NOTICE

MAILED TO LANDOWNERS, RESIDENTS, AND LOCAL PLANNING UNIT

On Friday, April 30, 1999, AT&T Wireless PCS, Inc. will apply to the Public Service Commission of Kentucky for a Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility in Erlanger, Kentucky and called the Turfway/Our Designs Cell Site, Site #CN-251-01. AT&T Wireless may install and employ a Temporary Personal Communications Services Network Facility, at or near the above Cell Site, during the pendency of the above Uniform Application. The facility will include a 140-foot tower to be located at 1211 Cox Avenue, Erlanger, Kentucky 41018. A map showing the location of the proposed new facility is enclosed.

This notice is being sent to you because you own property that is located within a 500 foot radius of the proposed tower or are the proper Planning Commission for this facility in Boone County.

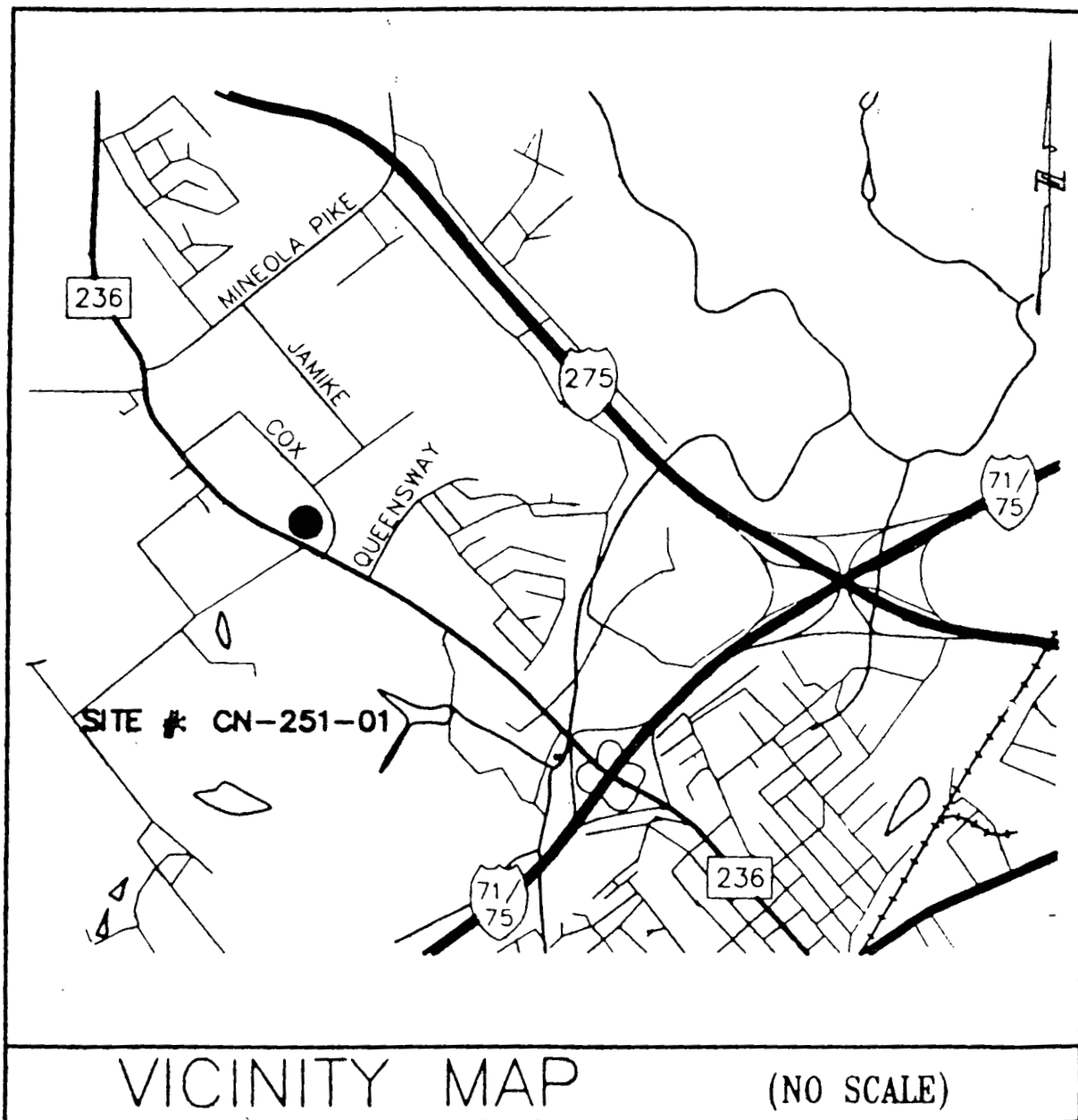
The Public Service Commission invites your comments regarding the proposed construction by AT&T Wireless. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date you receive this notice. Your comments and requests for intervention should be addressed to:

Helen C. Helton
Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Please refer to Case No. 99-159 UAC in your correspondence.

This NOTICE was mailed on Friday, April 30, 1999.

This Notice was mailed, via Certified Mail, Return Receipt Requested, to all landowners within 500 feet of the proposed PCS Network Facility and the local planning unit set forth on Exhibit G.

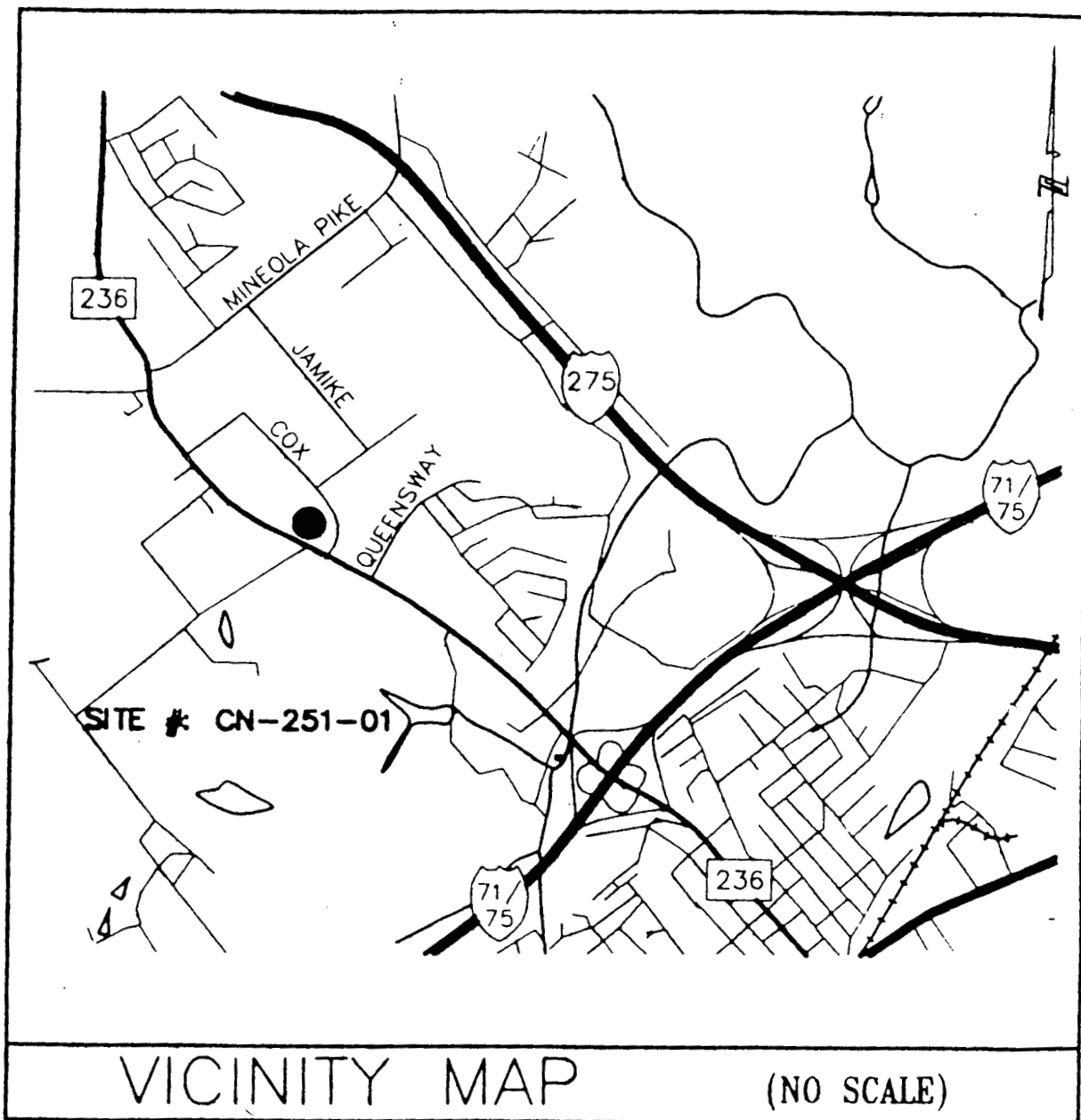


FROM DOWNTOWN CINCINNATI:

TAKE I-71/I-75 SOUTH TO I-275 WEST TO
MINNEOLA PIKE, AND TURN LEFT. PROCEED
DOWN 236, THEN LEFT ON TURFWAY RD.

TAKE A LEFT OFF TURFWAY ONTO COX RD.

SITE IS ON THE LEFT.



FROM DOWNTOWN CINCINNATI:

TAKE I-71/I-75 SOUTH TO I-275 WEST TO MINNEOLA PIKE, AND TURN LEFT. PROCEED DOWN 236, THEN LEFT ON TURFWAY RD. TAKE A LEFT OFF TURFWAY ONTO COX RD. SITE IS ON THE LEFT.

PUBLIC NOTICE

MAILED TO LANDOWNERS, RESIDENTS, AND LOCAL PLANNING UNIT

RECEIVED
JUN 02 1999
PUBLIC SERVICE
COMMISSION

On Friday, April 30, 1999, AT&T Wireless PCS, Inc. will apply to the Public Service Commission of Kentucky for a Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility in Erlanger, Kentucky and called the Turfway/Our Designs Cell Site, Site #CN-251-01. AT&T Wireless may install and employ a Temporary Personal Communications Services Network Facility, at or near the above Cell Site, during the pendency of the above Uniform Application. The facility will include a 140-foot tower to be located at 1211 Cox Avenue, Erlanger, Kentucky 41018. A map showing the location of the proposed new facility is enclosed.

This notice is being sent to you because you own property that is located within a 500 foot radius of the proposed tower or are the proper Planning Commission for this facility in Boone County.

The Public Service Commission invites your comments regarding the proposed construction by AT&T Wireless. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date you receive this notice. Your comments and requests for intervention should be addressed to:

Helen C. Helton
Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Please refer to Case No. 99-159 UAC in your correspondence.

This NOTICE was mailed on Friday, April 30, 1999.

This Notice was mailed, via Certified Mail, Return Receipt Requested, to all landowners within 500 feet of the proposed PCS Network Facility and the local planning unit set forth on Exhibit G.

RECEIVED

JUN 02 1999

PUBLIC SERVICE
COMMISSION

PUBLIC NOTICE

MAILED TO LANDOWNERS, RESIDENTS, AND LOCAL PLANNING COMMISSION

On Friday, April 30, 1999, AT&T Wireless PCS, Inc. will apply to the Public Service Commission of Kentucky for a Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility in Erlanger, Kentucky and called the Turfway/Our Designs Cell Site, Site #CN-251-01. AT&T Wireless may install and employ a Temporary Personal Communications Services Network Facility, at or near the above Cell Site, during the pendency of the above Uniform Application. The facility will include a 140-foot tower to be located at 1211 Cox Avenue, Erlanger, Kentucky 41018. A map showing the location of the proposed new facility is enclosed.

This notice is being sent to you because you own property that is located within a 500 foot radius of the proposed tower or are the proper Planning Commission for this facility in Boone County.

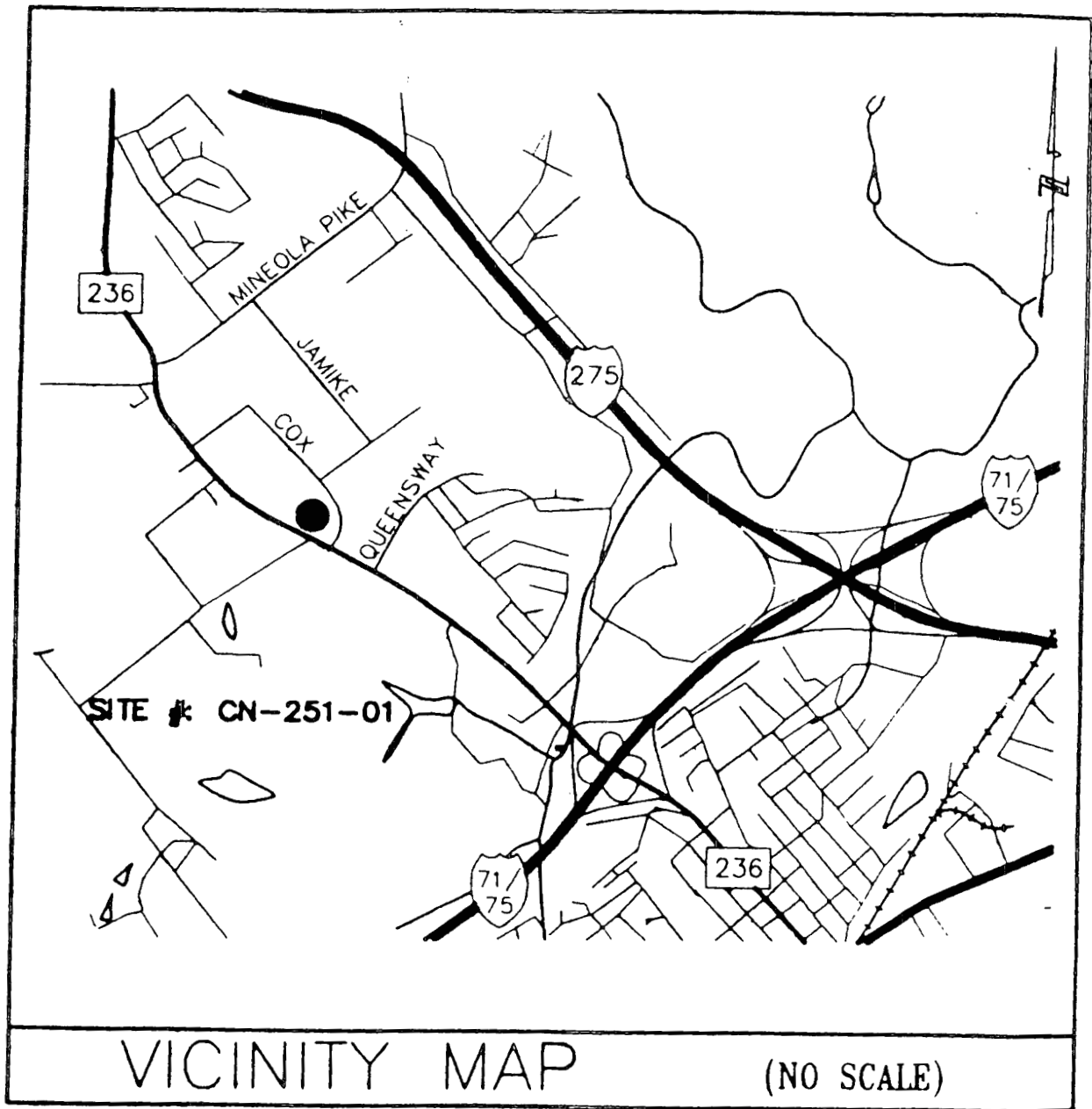
The Public Service Commission invites your comments regarding the proposed construction by AT&T Wireless. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date you receive this notice. Your comments and requests for intervention should be addressed to:

Helen C. Helton
Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Please refer to Case No. 99-159 UAC in your correspondence.

This NOTICE was mailed on Friday, April 30, 1999.

This Notice was mailed, via Certified Mail, Return Receipt Requested, to all landowners within 500 feet of the proposed PCS Network Facility and the local planning unit set forth on Exhibit G.



FROM DOWNTOWN CINCINNATI:

TAKE I-71/I-75 SOUTH TO I-275 WEST TO
MINNEOLA PIKE, AND TURN LEFT. PROCEED
DOWN 236, THEN LEFT ON TURFWAY RD.
TAKE A LEFT OFF TURFWAY ONTO COX RD.
SITE IS ON THE LEFT.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Charles Sassin Realty, Inc.
 1200 Donaldson Road
 Erlanger, KY 41018

4a. Article Number
Z 312 353 799

4b. Service Type

- | | |
|---|--|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input checked="" type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5-12-99

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

[Handwritten Signature]

PS Form 3811,

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower
101 South Fifth Street
Louisville, KY 40202

(TURFWAY)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Multi-Color Corporation
205 W. Fourth Street
Suite 1140
Cincinnati, OH 45202

4a. Article Number
Z 312 353 791

- 4b. Service Type
- | | |
|---|--|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input checked="" type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery
5/12/89

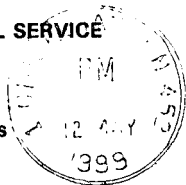
5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

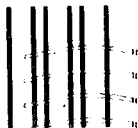
6. Signature (Agent)
[Handwritten Signature]

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business



~~PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300~~



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
2200 National City Tower



62
62

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

J & F Realty
1873 Highwater Road
Bromley, KY 41014

4a. Article Number

Z 312 353 792

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

5/2/99

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Flo Reilly

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Catholic Diocese of Covington
c/o Mary Queen of Heaven
1130 Donaldson Road
Erlanger, KY 41018

4a. Article Number

Z 312 353 793

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5-12-99 *BD*

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

J. Kappen

6. Signature (Agent)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower



82

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Bob Sumerel Tire Company, Inc.
1257 Cox Avenue
Erlanger, KY 41018

4a. Article Number

Z 312 353 794

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5-12-99

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



CO. TOWER INDUST

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower
101 South Fish Street



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Brinkman Jaymont Associates
1262 Cox Avenue
Erlanger, KY 41018

4a. Article Number

Z 312 353 795

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5/13/99

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower

62



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Joe Kearns, Chief District Engineer
Kentucky Transportation Cabinet
421 Buttermilk Pike
P.O. Box 17130
Covington, KY 41017

4a. Article Number
Z 312 353 797

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
5-12-99

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower

62



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Vernon E. and Bessie M. White
 1212 Donaldson Road
 Erlanger, KY 41018

4a. Article Number
 Z 312 353 801

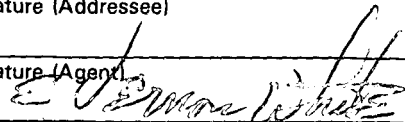
- 4b. Service Type
- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery
 5-12-99

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)



Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

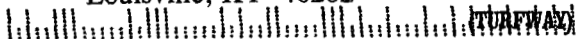
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower
101 South Fifth Street
Louisville, KY 40202

62



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
 2. Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:
Kevin Costello
Executive Director
Boone County Planning Commission
2995 Washington
Burlington, Kentucky 41005

4a. Article Number
Z 312 353 803

- 4b. Service Type
- | | |
|---|--|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input checked="" type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery
5/12/79

5. Signature (Addressee)
Jerris Mitchell

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower



62

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Frances C. York
P.O. Box 18662
Erlanger, KY 41018

4a. Article Number

Z 312 353 800

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5-14-95

5. Signature (Addressee)

X *Frances C. York*

6. Signature (Agent)

X FRANCES C. YORK

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Holland N. McTyeire, V
Greenebaum Doll & McDonald
3300 National City Tower
101 South Fifth Street
Louisville, KY 40202

62



GREENEBAUM DOLL & MCDONALD PLLC

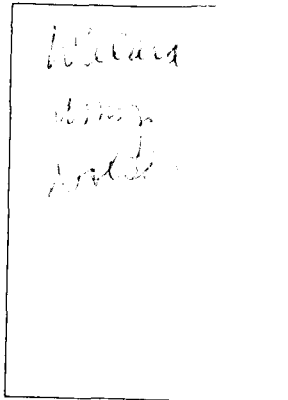
3300 NATIONAL CITY TOWER
101 SOUTH FIFTH STREET
LOUISVILLE, KENTUCKY 40202-3197
502/589-4200
FAX 502/587-3695

HOLLAND N. MCTYEIRE, V
502/587-3672
FAX 502/540-2223
E-MAIL hnm@gdm.com

Via Hand Delivery

May 20, 1999

Ms. Helen C. Helton
Executive Director
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602



RECEIVED

MAY 20 1999

PUBLIC SERVICE
COMMISSION

RECEIVED

MAY 20 1999

PUBLIC SERVICE
COMMISSION

Re: In the Matter of: Uniform Application Of AT&T Wireless PCS, Inc., Acting By And Through Its Agent, Wireless PCS, Inc., For The Issuance Of A Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility In Erlanger, Kentucky And Called The Turfway/Our Designs Cell Site. Site # CN-251-01. Case No. 99-159 UAC

Dear Ms. Helton:

Enclosed herewith please find the original of the Notice Of Filing Of Affidavits Of Publications And Certified Return Receipt Cards and six copies of this letter for filing with the Commission in the above-styled matter.

If you or your staff have any questions regarding the Notice Of Filing Of Affidavits Of Publications And Certified Return Receipt Cards, please do not hesitate to contact me.

Sincerely,

Holland N. McTyeire, V

HNM/jh

Enclosures

cc: Kevin Costello
Craig Bloom
Laura Adams
Debbie Braun

LOU-238041-1

LOU-230532-1

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)	
PCS, INC., Acting By And Through Its Agent, WIRELESS)	CASE NO.
PCS, INC., For The Issuance Of A Certificate Of Public)	
Convenience And Necessity To Construct A Personal)	99-159 UAC
Communications Services Network Facility In Erlanger,)	
Kentucky And Called The Turfway/Our Designs Cell)	
Site, Site # CN-251-01)	

* * *

**NOTICE OF FILING OF AFFIDAVITS OF PUBLICATION
AND CERTIFIED RETURN RECEIPT REQUESTED CARDS**

Applicant, AT&T Wireless PCS, Inc. ("AT&T Wireless"), acting by and through its agent, Wireless PCS, Inc., through counsel, files with the Commission the Certified Mail Return Receipt Requested Cards from the landowners within 500 feet of the proposed PCS Network Facility as well as the local planning unit and the Affidavits of Publication from the *The Cincinnati Enquirer* and *The Kentucky Post*, regarding its Uniform Application for a permit to construct a Personal Communications Services Network Facility in this matter.

1. On April 23, 1999, AT&T Wireless caused to be published a Legal Notice in *The Cincinnati Enquirer* and *The Kentucky Post*. AT&T Wireless submits for filing with the Commission the Affidavits of Publication from *The Cincinnati Enquirer* reflecting Publication of the Legal Notice regarding the above-styled action in *The Cincinnati Enquirer* and *The Kentucky Post*, on Monday, May 3, 1999.

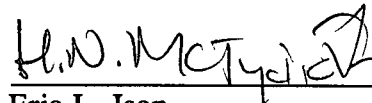
2. On April 30, 1999, AT&T Wireless filed its Uniform Application herein with the Commission.

3. On May 3, 1999, the Commission issued its Receipt Notice for the Uniform Application of AT&T Wireless.

4. On May 10, 1999, AT&T Wireless transmitted by Certified Mail, Return Receipt Requested, the Public Notice attached as Exhibit G to its Uniform Application to all landowners within 500 feet of the Turfway/Our Designs Cell Site, as well as the local planning unit.

5. By May 14, 1999, all persons and entities listed on Exhibit G to the April 30, 1999 Uniform Application of AT&T Wireless had received notice of same. AT&T Wireless submits for filing with the Commission the Certified Return Receipt Requested Cards from all landowners within 500 feet of the Turfway/Our Designs Cell Site and the local planning unit.

Respectfully submitted,



Eric L. Ison
Holland N. McTyeire, V

GREENEBAUM DOLL & MCDONALD PLLC
3300 National City Tower
Louisville, Kentucky 40202
(502) 589-4200

-and-

Debbie Braun
Attorney

AT&T Wireless Services-Central Region
15 E. Midland Avenue
Paramus, New Jersey 07652
(201) 291-8089

COUNSEL FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of Notice Of Filing Of Affidavits Of Publication And Certified Return Receipt Cards was mailed via United States Mail, postage prepaid, to Kevin Costello, Executive Director, Boone County Planning Commission, 2995 Washington, Burlington, Kentucky 41005, on this 20th day of May, 1999.



COUNSEL FOR APPLICANT

LOU-238018-1

THE CINCINNATI ENQUIRER
THE CINCINNATI POST
THE KENTUCKY POST

312 ELM STREET
CINCINNATI, OHIO 45202-2754
(513) 721-2700
AFFIDAVIT

(CASE NUMBER) HOLLAND N.
(CAPTION COPY) CASE #99-159 UAC
(QUOTED COST) \$61.28
(AD #) 46443
(ORDER #) 98994

STATE OF OHIO, SS.
HAMILTON COUNTY,

PERSONALLY APPEARED BEFORE ME,

A NOTARY PUBLIC, IN AND FOR HAMILTON
COUNTY, OHIO .. *Hinda Theobald*

WHO, BEING DULY SWORN, SAYS THAT THE

ANNEXED ADVERTISEMENT WAS PUBLISHED

IN THE

KENTUCKY POST

DAILY NEWSPAPERS 1 TIMES TO WIT:

..... *May 3, 1999.*

..... *Hinda Theobald*

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS

10th DAY OF *May, 1999.*

..... *Anita L. Alexander*

NOTARY PUBLIC

ANITA L. ALEXANDER

Notary Public, State of Ohio

My Commission Expires Aug. 7, 2000

LEGAL NOTICE
On Friday, April 30, 1999, AT&T Wireless PCS, Inc. applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility and called the Turfway/Our Designs Cell Site, Site #CN-251-01. The facility will include a 140-foot tower to be located at 1211 Cox Avenue, Erlanger, Kentucky 41018. AT&T Wireless may install and employ a Temporary Personal Communications Services Network Facility, at or near the above Cell Site, during the pendency of the the above Uniform Application. This Legal Notice is to advise you of the Uniform Application filed by AT&T Wireless. The Public Service Commission invites your comments regarding the proposed construction by AT&T Wireless. You may also contact your local planning commission. The Public Service Commission in its review of the proposed construction shall not consider the character of the general area concerned or the likely effects of the installation on nearby land uses and values if the local planning commission conducts a review of the proposed construction. If you have any questions, please contact Holland N. McTyeire, V. Greenebaum Doll & McDonald PLLC, 3300 National City Tower, 101 South Fifth Street, Louisville, Kentucky 40202, (502) 589-4200, counsel for AT&T Wireless Services, or the Executive Director, Public Service Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 99-159 UAC in your correspondence. 46443/98994



A WORLD OF DIFFERENT VOICES
WHERE FREEDOM SPEAKS

THE CINCINNATI ENQUIRER
THE CINCINNATI POST
THE KENTUCKY POST

312 ELM STREET
CINCINNATI, OHIO 45202-2754
(513) 721-2700
AFFIDAVIT

(CASE NUMBER) HOLLAND N.
(CAPTION COPY) CASE #99-159 UAC
(QUOTED COST) \$169.58
(AD #) 46499
(ORDER #) 99023

STATE OF OHIO, SS.
HAMILTON COUNTY,
PERSONALLY APPEARED BEFORE ME,

A NOTARY PUBLIC, IN AND FOR HAMILTON
COUNTY, OHIO *hinda freobald*

WHO, BEING DULY SWORN, SAYS THAT THE
ANNEXED ADVERTISEMENT WAS PUBLISHED
IN THE

CINCINNATI ENQUIRER

DAILY NEWSPAPERS 1 TIMES TO WIT:

.... *May 3, 1999*

..... *[Signature]*
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS

10th
.....DAY OF.... *May, 1999*

..... *[Signature]*
NOTARY PUBLIC

ANITA L. ALEXANDER
Notary Public, State of Ohio
My Commission Expires Aug. 7, 2000

LEGAL NOTICE
On Friday, April 30, 1999, AT&T Wireless PCS, Inc. applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience And Necessity To Construct A Personal Communications Services Network Facility and called the Turfway/Our Designs Cell Site, Site #CN-251-01. The facility will include a 140-foot tower to be located at 1211 Cox Avenue, Erlanger, Kentucky 41018. AT&T Wireless may install and employ a Temporary Personal Communications Services Network Facility, at or near the above Cell Site, during the pendency of the the above Uniform Application. This Legal Notice is to advise you of the Uniform Application filed by AT&T Wireless. The Public Service Commission invites your comments regarding the proposed construction by AT&T Wireless. You may also contact your local planning commission. The Public Service Commission in its review of the proposed construction shall not consider the character of the general area concerned or the likely effects of the installation on nearby land uses and values if the local planning commission conducts a review of the proposed construction. If you have any questions, please contact Holland N. McTyeire, V, Greenbaum Doll & McDonald PLLC, 3300 National City Tower, 101 South Fifth Street, Louisville, Kentucky 40202, (502) 589-4200, counsel for AT&T Wireless Services, or the Executive Director, Public Service Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 99-159 UAC in your correspondence. 45499/99023



A WORLD OF DIFFERENT VOICES
WHERE FREEDOM SPEAKS