CASE NUMBER:

KY. PUBLIC SERVICE COMMISSION

AS OF : 03/08/00

HISTORY INDEX FOR CASE: 1999-201UAC SPRINTCOM, INC.

Construct

CELL SITE - 4546 U.S. HIGHWAY 27 - CAMPBELL COUNTY

IN THE MATTER OF THE APPLICATION OF SPRINTCOM, INC., FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE CINCINNATI BASIC TRADING AREA (JUNKYARD DOG FACILITY)

SEQ NBR	ENTRY DATE	REMARKS
M0001	05/18/1999	SANDRA KEENE-NOTICE OF INTENT TO FILE CELL SITE APPLICATION
0001	07/12/1999	Application.
0002	07/19/1999	Acknowledgement letter.
0003	07/22/1999	Def. letter, info due 8/6
M0002	08/02/1999	SANDRA KEENE SPRINTCOM INC-RESPONSE TO FILING DEFICIENCY
M0003	08/20/1999	STEVEN DOWELL CCMPZ-NOTIFICATION ON AUG 10,99 CCMPZ APPROVED SITE PLANS FOR CELLULAR TOW
0004	08/23/1999	Def. cured letter
0005	09/15/1999	FINAL ORDER GRANTING CONSTRUCTION
M0004	12/28/1999	SANDRA KEENE SPRINTCOM, INCAPPROVALS FROM THE KY AIRPORT ZONING COMMISSION & FEDERAL AVIA
0006		First Reminder to Jeffrey M. Pfaff C: Honorable Sandra F. Keene

1999-201 VII-I-25H BOX 33



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) 564-1582

Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Paul E. Patton Governor

January 20, 2000

Mr. Jeffrey M. Pfaff Legal/Regualtory Department Sprint Spectrum, L.P. C/O Sprint PCS 4900 Main St., 11th Floor Kansas City, MO 64112

Re: Case No. 99-201 UAC First Reminder Letter

Dear Mr. Pfaff:

The Commission entered its Final Order in this case on September 15, 1999. Among other things, the Commission ordered that SprintCom shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site within 10 days of receiving these decisions. This must be filed to fully comply with the Commission's Order. Please make this filing, referencing the case number 99-201 UAC.

If you have questions concerning this letter, please contact Howell Brady, Principal Assistant to the Executive Director at 502-564-3940, extension 265. Otherwise, please mail the required filing to Helen C. Helton, Executive Director, Public Service Commission, 730 Schenkel Lane, Post Office Box 615, Frankfort, Kentucky 40602.

Sincerely,

Stephanie Bell

Secretary to the Commission

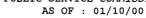
SB/Ic

C: The Honorable Sandra F. Keene



KY. PUBLIC SERVICE COMMISSION





HISTORY INDEX FOR CASE: 1999-201UAC SPRINTCOM, INC.

Construct

CELL SITE - 4546 U.S. HIGHWAY 27 - CAMPBELL COUNTY

IN THE MATTER OF THE APPLICATION OF SPRINTCOM, INC., FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE CINCINNATI BASIC TRADING AREA (JUNKYARD DOG FACILITY)

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	DATE 05/18/1999 07/12/1999 07/19/1999 07/22/1999 08/02/1999 08/20/1999 08/23/1999

RECEIVED

COMMONWEALTH OF KENTUCKY

DEC 2 8 1999

BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

In the matter of:

APPLICATION OF SPRINTCOM, INC.,)
FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO. 99-201 UAC
COMMUNICATIONS SERVICES FACILITY)
IN THE CINCINNATI BASIC TRADING AREA)
[JUNKYARD DOG FACILITY])

NOTICE OF FILING SUPPLEMENTAL MATERIAL

Comes the Applicant, SprintCom, Inc., by counsel, and submits for filing the attached approvals from the Kentucky Airport Zoning Commission, attached hereto as <u>Exhibit A</u>, and the Federal Aviation Administration, attached hereto as <u>Exhibit B</u>, regarding the construction of the facility approved herein.

Respectfully submitted,

Mark W. Dobbins

Sandra F. Keene

TILFORD, DOBBINS, ALEXANDER BUCKAWAY & BLACK, LLP

1400 One Riverfront Plaza Louisville, Kentucky 40202

(502) 584-6137

Counsel for SprintCom, Inc.

Federal Aviation Administration Southern Region, ASO-520 P.O. Box 20636 Atlanta, GA 30320 AERONAUTICAL STUDY No: 99-ASO-3086-OE

ISSUED DATE: 06/28/99

DAN KRUSE C133XCO17F SPRINTCOM, INC DBA SPRINT PCS 9801 HIGGINS RD, STE 220 ROSEMONT, IL 60018

** THIS IS NOT A DETERMINATION **

The Federal Aviation Administration has received your notice concerning:

Description: NEW ANTENNA TOWER

1945-1950 MHZ/1000 WATTS

Location: ALEXANDRIA KY Latitude: 38-55-47.00 NAD 83

Longitude: 084-23-29.00

Heights: 260 feet above ground level (AGL) 969 feet above mean sea level (AMSL)

NOTE: If the coordinates of your notice were submitted in NAD 27 datum, they have been converted to NAD 83 datum as shown above. NAD 83 datum will be referenced on all future correspondence and will be used for the purpose of this study.

Your notice has been assigned Aeronautical Study Number 99-ASO-3086-OE and we are in the process of conducting an aeronautical study to determine the effect on air navigation. A determination or response will be forthcoming.

Please inform involved consultants of this correspondence.

If you have any questions, please contact SANDY BRODNAX at 404-305-5618. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 99-ASO-3086-OE.

(REC)

Federal Aviation Administration Southern Region, ASO-520 P.O. Box 20636 Atlanta, GA 30320 AERONAUTICAL STUDY No: 99-ASO-3086-OE

ISSUED DATE: 08/02/99

DAN KRUSE C133XCO17F
SPRINTCOM, INC DBA SPRINT PCS
9801 HIGGINS RD, STE 220
ROSEMONT, IL 60018

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Description: NEW ANTENNA TOWER

1945-1950 MHZ/1000 WATTS

Location: ALEXANDRIA KY Latitude: 38-55-47.00 NAD 83

Longitude: 084-23-29.00

Heights: 260 feet above ground level (AGL) 969 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

-As a condition to this determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1J, Obstruction Marking and Lighting, Chapters 4, 8(M-Dual), & 13.

-It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part I)

Within 5 days after construction reaches its greatest height (7460-2, Part II)

This determination expires on 02/02/01 unless:

(a) extended, revised or terminated by the issuing office or the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case the determination expires on the date prescribed by the FCC for completion of construction or on the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

-As a result of this structure being critical to flight safety, it is



required that the FAA be kept apprised as to the status of this project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including increase in heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at 404-305-5614: On any future correspondence concerning this matter, please refer to Aeronautical Study Number 99-ASO-3086-OE.

Mary Z. Mc Burney

Specialist, Airspace Branch

(DNE)

7460-2 Attached



Kentucky Airport Zoning Commiss 125 Holmes Street Frankfort, KY 40622

(502) 564-4480 fax: (502) 564-7953 No.: AS-019-CVG-99-131

September 14, 1999

APPROVAL OF APPLICATION

APPLICANT: SPRINTCOM INC DBA SPRINT PCS DAN KRUSE, RF MANAGER 9801 HIGGINS ROAD SUITE 220 ROSEMONT, IL 60018

SUBJECT: AS-019-CVG-99-131

STRUCTURE:

Antenna Tower

LOCATION:

Alexandria, KY

COORDINATES: 38°55'47.0"N / 84°23'29.0"W

HEIGHT:

260'AGL/969'AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct (260'AGL/969'AMSL) Antenna Tower near Alexandria, KY 38°55'47"N, 84°23'29"W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Dual obstruction lighting is required in accordance/with 602 KAR 50:100...

Ronald Bland, Administrator



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. 99-201 UAC SPRINTCOM, 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 September 15, 1999.

Parties of Record:

Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO. 64112

Honorable Sandra F. Keene Attorney at Law Tilford, Dobbins, Alexander Buckaway & Black 1400 One Riverfront Plaza Louisville, KY. 40202

Secretary of the Commission

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO.
A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE) 99-201-UAC CINCINNATI BASIC TRADING AREA [JUNKYARD DOG FACILITY])

ORDER

On July 12, 1999, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") for the Cincinnati Basic Trading Area. SprintCom has requested authorization to construct a PCS site in Campbell County. SprintCom was previously granted the authority to operate in Case No. 97-294.¹

The proposed PCS site is located at 4546 U.S. Highway 27, Alexandria, Campbell County, Kentucky ("the Junkyard Dog PCS site"). The coordinates for the Junkyard Dog PCS site are North Latitude 38° 55' 47" by West Longitude 84° 23' 29".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Junkyard Dog PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally

¹ Case No. 97-294, The Application of SprintCom, Inc. for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Personal Communications Services Facilities in Kentucky.

recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), SprintCom has submitted the uniform application and received approval from the Campbell County Planning Commission for the pending construction. SprintCom 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 Junkyard Dog PCS site. Both applications are pending.

SprintCom has filed notices verifying that each person who owns property within 500 feet of the Junkyard Dog PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after SprintCom's application was filed. To date, no intervention requests have been received.

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, SprintCom should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services 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 SprintCom.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SprintCom should be granted a Certificate of Public Convenience and Necessity to construct and operate the Junkyard Dog PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

- SprintCom is hereby granted a Certificate of Public Convenience and Necessity to construct and operate the Junkyard Dog PCS site.
- 2. SprintCom shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site within 10 days of receiving these decisions.
- 3. SprintCom 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 15th day of September, 1999.

By the Commission

ATTEST

Executive Director

STEVEN R. DOWELL

Attorney at Law 335 East Third Street, Suite 210 The Taylor Mansion Newport, Kentucky 41071



Telephone (606) 491-1965 Facsimile (606) 491-9178

August 18, 1999

Ms. Helen C. Helton, Executive Director KENTUCKY PUBLIC SERVICE COMMISSION 730 Schenkel Lane Frankfort, Kentucky 40602

RE: SPRINT, PCS

PSC NO.: 99-201-UAC

Dear Ms. Helton:

Please be advised that I represent the Campbell County and Municipal Planning and Zoning Commission (CCMPZ). Pursuant to its statutory duty to inform the Kentucky Public Service Commission within sixty (60) days of an application, please be advised that on August 10, 1999 the CCMPZ approved the site plans for a cellular tower proposed to be located within the unincorporated sections of Campbell County. The PSC number for your records is listed above. I anticipate that the minutes of this meeting will be approved at the CCMPZ's next meeting making the approval final.

As Always, should you have any questions or comments, please do not hesitate to contact me.

SINCERELY

STEVEN R. DOWELL

SRD/sd



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

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

August 23, 1999

Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO. 64112

Honorable Sandra F. Keene Attorney at Law Tilford, Dobbins, Alexander Buckaway & Black 1400 One Riverfront Plaza Louisville, KY. 40202

RE: Case No. 99-201 UAC SPRINTCOM, INC.

The Commission staff has reviewed your response of August 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

Stephanie Bell Secretary of the Commission

SB/sa Enclosure FILED

FOR THE PUBLIC RECORD

RECEIVED

COMMONWEALTH OF KENTUCKY

JUL 1 2 1999

BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

In the matter of:

APPLICATION OF SPRINTCOM, INC.,)
FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO. 99-201 UAC
COMMUNICATIONS SERVICES FACILITY) .
IN THE CINCINNATI BASIC TRADING AREA)
[JUNKYARD DOG FACILITY])

SprintCom, Inc., has filed an application to construct a wireless telecommunications facility at 4546 U.S. Highway 27, Campbell County, Kentucky. The coordinates for the proposed facility are: Latitude 38-55-47; Longitude: 84-23-29.

Respectfully submitted,

Mark W. Dobbins Sandra F. Keene

TILFORD, DOBBINS, ALEXANDER BUCKAWAY & B LACK

1400 One Riverfront Plaza Louisville, Kentucky 40202

(502) 5844-6137

G:\OFFICE\MWD\SPCOM3\002\PUBLICNO.1



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
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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

July 22, 1999

Jeffrey M. Pfaff SprintCom, Inc. 4900 Main Street, 11th Floor Kansas City, MO 64112

Sandra F. Keene Attorney at Law Tilford, Dobbins, Alexander Buckaway & Black 1400 One Riverfront Plaza Louisville, KY 40202

Re: Case No. 99-201 UAC Filing Deficiencies

Dear Ms. Keene & Mr. Pfaff:

The Commission staff has conducted an initial review of your filing in the above case. This filing is rejected pursuant to 807 KAR 5:001, Section 2, as it is deficient in certain filing requirements. The items listed below are either required to be filed with the application or must be referenced if they are already on file in another case or will be filed at a later date.

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

A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within 500 feet of the site on the property on which the tower will be located and all easements and existing structures within 200 feet of the access drive, including the intersection with the public street system.



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 10 copies of this information within 15 days of the date of this letter. If you need further information, please contact Jeff Johnson of my staff at (502)564-3940, ext. 417.

Sincerely,

Stephanie Bell

Secretary of the Commission

sa



COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION

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

July 19, 1999

Jeffrey M. Pfaff Legal/Regulatory Department SprintCom, Inc. c/o Sprint PCS 4900 Main Street, 11th. Floor Kansas City, MO. 64112

Honorable Sandra F. Keene Attorney at Law Tilford, Dobbins, Alexander Buckaway & Black 1400 One Riverfront Plaza Louisville, KY. 40202

RE: Case No. 99-201 UAC SPRINTCOM, INC. (Construct) CELL SITE - CLAYSVILLE - CAMPBELL COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received July 12, 1999 and has been assigned Case No. 99-201. 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,

Stephanie Bell

Secretary of the Commission

FILED AUG 02 1999

FOR THE PUBLIC RECORD

RECEIVED

COMMONWEALTH OF KENTUCKY

JUL 1 2 1999

BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

In the matter of:

APPLICATION OF SPRINTCOM, INC.,)
FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO. 99-201 UAC
COMMUNICATIONS SERVICES FACILITY)
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Respectfully submitted,

Mark W. Dobbins

Sandra F. Keene

TILFORD, DOBBINS, ALEXANDER BUCKAWAY & B LACK

1400 One Riverfront Plaza Louisville, Kentucky 40202 (502) 5844-6137

G:\OFFICE\MWD\SPCOM3\002\PUBLICNO.1

TILFORD, DOBBINS, ALEXANDER, BUCKAWAY & BLACK

ATTORNEYS AT LAW 1400 ONE RIVERFRONT PLAZA

STUART E. ALEXANDER, JR. WILLIAM A. BUCKAWAY, JR. CHARLES W. DOBBINS, JR. TERRELL L. BLACK JOHN M. NADER MARK W. DOBBINS STUART E. ALEXANDER, III JOHN A. WILMES Sandra F. Keene THOMAS J. B. HURST H. KEVIN EDDINS 1

CAROLYN K. BALLEISEN *2

RANDOLPH NOE 1 MICHAEL G. KAREM*4
* Of Counsel LOUISVILLE, KENTUCKY 40202

(502) 584-6137

HENRY J. TILFORD (1880-1968) CHARLES W. DOBBINS (1916-1992) DONALD H. BALLEISEN (1924-1993) LAWRENCE W. WETHERBY (1908-1994)

TELECOPIERS (502) 584-2318 (502) 587-1806 Also admitted in Indiana ²Also admitted in New York ³Also admitted in District of Columbia and Maryland ⁴Also admitted in District of Columbia

NOTICE OF INTENT TO FILE A CELL SITE APPLICATION

RECEIVED

May 17, 1999

MAY 1 8 1999

PUBLIC SERVICE COMMISSION

Stephanie Bell Secretary of the Commission **Public Service Commission** 730 Schenkel Lane P.O. Box 615 Frankfort, Kentucky 40602

Case No. 99-201 UA

Dear Ms. Bell:

This letter is to confirm my request for a case number on May 17, 1999. The Application is on behalf of SprintCom, Inc., for a cell site located in Claryville, Campbell County, Kentucky. I was given Case Number 99-201 UAC. We intend to file the Application no later than June 30, 1999, and we understand that the Case Number assigned to us in this matter may be reassigned if we have not submitted an Application by this date. If there are any questions, you may contact Mark Dobbins, Sandra Keene, or Heather Kuhn at 502-584-6137.

Thank you for your attention is this matter.

Sandia J. Keene

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