

CASE

NUMBER:

99 - 286

INDEX FOR CASE: 1999-286UAC
GTE WIRELESS OF THE MIDWEST

Construct
CELL SITE - 240 MASON ROAD - WILLIAMSTOWN, GRANT

IN THE MATTER OF THE APPLICATION OF SBA TOWERS, INC. AND GTE WIRELESS OF THE MIDWEST INCORPORATED FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY IN THE CINCINNATI-DAYTON MAJOR TRADING AREA WHICH INCLUDES BOONE KENTON, CAMBELL GALLATIN, GRANT, PENDLETON, BRACKEN MASON, LEWIS, GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY

SEQ NBR	ENTRY DATE	REMARKS
0001	07/06/1999	Application.
M0001	07/06/1999	BRENT RICE/GTE WIRELESS OF MIDWEST-NOTICE OF INTENT TO FILE CELL SITE APPLICATION
0002	07/13/1999	Acknowledgement letter.
M0002	07/20/1999	BRENT RICE/GTE WIRELESS OF MIDWEST-RETURN RECEIPTS FOR CORRESPONDENCE FORWARDED VIA CERTIFI
0003	07/21/1999	No def. letter
M0003	07/29/1999	GRANT CO PLANNING COMMISSION-MOTION FOR INTERVENTION
0004	08/11/1999	Order granting intervention to Grant County Planning Commission
M0004	08/19/1999	JOHN SIMKONIS GRANT CO PLANNING COMM-RECOMMENDATION FOR APPROVAL OF CELL SITE
M0005	11/03/1999	SBA INC & GTE WIRELESS SANDRA KEENE-MOTION TO SUBMIT MATTER FOR APPROVAL ON THE RECORD
0005	12/28/1999	Final Order approving cell site construction.
0006	12/28/1999	Final Order approving cell site construction.



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. 1999-286 UAC
GTE WIRELESS OF THE MIDWEST

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 December 28, 1999.

See attached parties of record.

Stephanie J. Bell

Secretary of the Commission

SB/sh
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL. 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY. 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

John V. Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY. 41097

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
WIRELESS OF THE MIDWEST INCORPORATED)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY IN)
THE CINCINNATI-DAYTON MAJOR TRADING)
AREA ("MTA") WHICH INCLUDES BOONE,)
KENTON, CAMPBELL, GALLATIN, GRANT,)
PENDLETON, BRACKEN, MASON, LEWIS,)
GREENUP, CARTER, BOYD, ELLIOTT,)
LAWRENCE, JOHNSON, MARTIN, FLOYD, AND)
PIKE COUNTIES, KENTUCKY ("MASON/01-1547)
FACILITY"))

CASE NO.
99-286-UAC

O R D E R

On July 6, 1999, SBA Towers, Inc. ("SBA") and GTE Wireless of the Midwest Incorporated (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 240 Mason Road, Williamstown, Grant County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 33' 32.5" by West Longitude 84° 35' 54.38".

SBA 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.

IT IS THEREFORE ORDERED that:

1. SBA is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 240 Mason Road, Williamstown, Grant County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 33' 32.5" by West Longitude 84° 35' 54.38".

2. SBA 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 28th day of December, 1999.

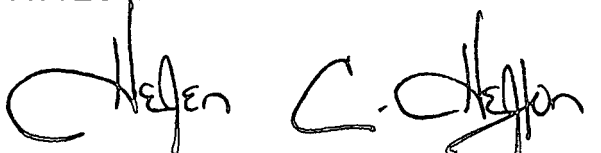
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

Grant County Planning Commission

Grant County Courthouse – 101 North Main Street
Williamstown, Kentucky 41097
606 824 7770 – 606 824 7796 – www.grantcopz.com

Kentucky Public Service Commission (KYPSC)
Attn: Helen C. Helton, Executive Director
730 Schenkel Lane
Frankfort, Kentucky 40602-0615

AUG 19 1999

August 17, 1999

PLANNING COMMISSION
COMMUNICATIONS

RE: Communications Services Facility – **Case Number 99-286 UAC.**

Dear Mrs. Helton:

On July 6, 1999 the Grant County Planning Commission received an application from SBA Towers, Inc. / GTE Wireless (6001 Broken Sound Parkway 4th Floor – Boca Raton, FL 33487), to construct a communications facility (“tower”) at 240 Mason Road, Mason, Grant County, Kentucky.

The Grant County Planning Commission met on August 16, 1999 to review SBA Towers, Inc. / GTE Wireless’s application and will make the recommendation of approval for this site with the following conditions:

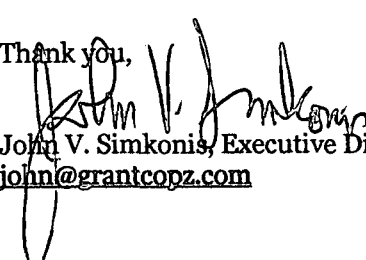
1. The communications facility (“tower”) have a permitted height of 350 feet (with possible adjustment to 400 feet).
2. The communications facility (“tower”) have at least one parking space.
3. The communications facility (“tower”) have all access drives and parking spaces paved with asphalt.
4. The communications facility (“tower”) use barbwire on the top of the fences and slats within the chain links for privacy when building the compound.
5. The communications facility (“tower”) have landscaping on all four sides of the compound.
6. A written agreement between SBA Towers, Inc. / GTE Wireless and the local governing body for the upkeep of all landscaping and equipment.

Please see attached meeting minutes for more details on the public hearing for this communications facility (“tower”) at Mason.

In addition, the Grant County Planning Commission would like to ask for the possibly to have the SprintCom Tower (Case Number 99-101) be review with regards to this tower – is there possible co-location for SprintCom on this tower. We would love to see only one tower in this area not two.

Please contact me with any questions about the hearing or application for SBA Towers, Inc. / GTE Wireless.

Thank you,


John V. Simkonis, Executive Director
john@grantcopz.com

ITEM 3. TELECOMMUNICATIONS TOWER - 220 CRITTENDEN MT. ZION RD. - SBA/GTE

Chairman, John Lawrence declared the public hearing open at 8:40.

The commission reviewed copies of the site plan.

Mrs. Keene stated that they were asking the tower be built to 350 ft. she presented a letter from AT&T stating they would co-located at 300 ft. She said they were not asking for the paving or landscaping waiver.

Chairman, John Lawrence asked if anyone wished to speak for or against the request.

Mrs. Taylor questioned why there were 2 towers so close.

A representative of SBA stated that she had tried to contact SprintCom to discuss co-locating but her calls were never returned.

The Commission discussed that this site was better than the SprintCom site but if this site was approved there could possibly be 2 towers ½ mile apart.

The Commission decided to include along with their recommendation to the PSC a letter stating that they felt this site was a better location than the SprintCom site.

Chairman, John Lawrence declared the public closed at 8:50.

Steven Mann made a motion to approve the site and to include a letter to the PSC stating that the Commission prefers this site over the previously approved SprintCom site because this tower would allow for more co-location and was in a more secluded area. Vernon Webster seconded the motion. A roll call vote was taken: Vernon Webster: yes, Robert Worthington: yes, Sam Womble: yes, William Covington: yes, Marvin Faulkner: yes, Steven Mann: yes, Brooke Wooton: yes, Jim Weigel: yes. Motion passes 8 to 0.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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

August 11, 1999

To: All parties of record

RE: Case No. 99-286 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

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

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY 40507 1361

John V. Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY 41097

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
WIRELESS OF THE MIDWEST INCORPORATED)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY IN)
THE CINCINNATI-DAYTON MAJOR TRADING) CASE NO.
AREA ("MTA") WHICH INCLUDES BOONE,) 99-286-UAC
KENTON, CAMPBELL, GALLATIN, GRANT,)
PENDLETON, BRACKEN, MASON, LEWIS,)
GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE,)
JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES,)
KENTUCKY ("MASON/01-1547 FACILITY"))

O R D E R

This matter arising upon the motion of the Grant County Planning Commission ("Planning Commission"), filed July 29, 1999, for full intervention, and it appearing to the Commission that the Planning Commission has a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of the Planning Commission to intervene is granted.

2. The Planning Commission shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should the Planning Commission file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 11th day of August, 1999.

By the Commission

ATTEST:



Executive Director

Grant County Planning Commission

Grant County Courthouse - 101 North Main Street
Williamstown, Kentucky 41097
606 824 7770 - 606 824 7796 - www.grantcopz.com

RECEIVED
JUL 29 1999
PUBLIC SERVICE
COMMISSION

Kentucky Public Service Commission (KYPSC)
Attn: Helen C. Helton, Executive Director
730 Schenkel Lane
Frankfort, Kentucky 40602-0615

July 27, 1999

RE: Cell Tower for Case Number 99-250 UAC (The Crittenden/01-1545 Facility)
Cell Tower for Case Number 99-241 UAC (The Dry Ridge/01-1546 Facility)
Cell Tower for Case Number 99-244 UAC (The Wmstown/01-1549 Facility)
Cell Tower for Case Number 99-253 UAC (The Corinth/01-1548 Facility)
Cell Tower for Case Number 99-286 UAC (The Mason/01-1547 Facility)

Dear Mrs. Helton:

The Grant County Planning Commission would like to make a Motion to Intervene with regards to the above cases. The utility company representing these applications has not made any attempt to conform to the local codes regarding cell towers for Grant County, Kentucky.

I wanted to make sure that the Grant County Planning Commission had sent a statement regarding these towers before our 60 days were up to respond to these issues. The commission will meet on August 16, 1999 to hold a public hearing on the matter (still within 60 days to respond), I will be sending you our recommendations on August 17.

I hope that the Public Service Commission will not accept these applications as complete without allowing said utility company to meet all local codes.

Please call me with any questions.

Thank you,


John W. Simkonis, Executive Director
john@grantcopz.com



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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

July 21, 1999

To: All parties of record

RE: Case No. 99-286 UAC
GTE WIRELESS OF THE MIDWEST

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. 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 assistance, please contact my staff at 502/564-3940.

Sincerely,

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

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
One Town Center Road
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Lexington, KY. 40507 1361

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

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WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
CHRISTOPHER M. HILL
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
JULIE A. COBBLE
MELINDA G. WILSON
MARY ELIZABETH CUTTER
LINDA J. WEST
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

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FACSIMILE 606-473-9003

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502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
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FACSIMILE 502-226-8234

July 2, 1999

FILED
JUL 06 1999
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JUL - 6 1999
PUBLIC SERVICE
COMMISSION

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: **Case Number 99-286 UAC**
SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated
(Mason/01-1547 Facility)

Dear Ms. Bell:

This letter is to follow up my request for a case number on July 2, 1999. The application is on behalf of SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated for a cell site located at 240 Mason Road, Williamstown, Grant County, Kentucky. I was given Case Number 99-286 UAC. We intend to file the application no later than July 8, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw

FOR THE PUBLIC RECORD
COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JUL - 6 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

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CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON,)
MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY)
("Mason/01-1547 FACILITY"))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction at 240 Mason Road, Williamstown, Grant County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

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FACSIMILE 502-226-6234

July 2, 1999

FILED

JUL 06 1999

PUBLIC SERVICE
COMMISSION

RECEIVED

JUL - 6 1999

PUBLIC SERVICE
COMMISSION

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: **Case Number 99-286 UAC**
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Sincerely,



W. Brent Rice

WBR/dkw



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PUBLIC SERVICE COMMISSION
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POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
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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 17, 1999

To: All parties of record

RE: Case No. 99-286 UAC
GTE WIRELESS OF THE MIDWEST
& SBA TOWERS, INC.
(Construct) CELL SITE – 240 MASON ROAD – WILLIAMSTOWN, GRANT

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received July 6, 1999 and has been assigned Case No. 99-286 UAC. 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 black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
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Atlanta, GA. 30338

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Boca Raton, FL. 33486

SBA Towers, Inc.
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