

**CASE**

**NUMBER:**

99-337

INDEX FOR CASE: 1999-337UAC  
NPCR, INC. DBA NEXTEL PARTNERS  
Construct  
CELL SITE - FRANKFORT NORTH - 240 CLIFTY DRIVE, FRANKFORT

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION INC.  
AND NPCR, INC., (NEXTEL PARTNERS) FOR ISSUANCE OF A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT  
A WIRELESS COMMUNICATIONS FACILITY AT 240 CLIFTY DRIVE,  
FRANKFORT, KY 40601

IN THE WIRELESS COMMUNICATIONS LICENSE AREA  
IN THE COMMONWEALTH OF KENTUCKY  
IN THE COUNTY OF FRANKLIN  
SITE NAME: FRANKFORT NORTH

SEQ NBR	ENTRY DATE	REMARKS
0001	08/23/1999	Application.
M0001	08/23/1999	DAVID PIKE CROWN COMMUNICATIONS-APPLICATION
0002	08/27/1999	Acknowledgement letter.
0003	09/01/1999	No deficiencies letter
M0002	09/09/1999	VICKI ELLIOTT CITIZEN-REQUEST FOR INTERVENTION
M0003	09/13/1999	JOE SANDERSON FRANKFORT FRANKLIN CO-COMMENTS ON LOCATION OF CELL STRUCTURE
0004	09/17/1999	Order granting motion of Vicki M. Elliott to intervene.
M0004	11/03/1999	DAVID PIKE CROWN COMMUNICATIONS-RESPONSE TO OBJECTOR CONCERNS LIGHTNING AND ALTERNATE SITES
M0005	11/12/1999	CROWN COMMUNICATIONS DAVID PIKE-MOTION FOR EXPEDITED HEARING & PREHEARING SCHEDULE
0005	02/29/2000	Order scheduling hearing on 5/9; prefiled testimony, if any, due 5/1/2000.
M0006	03/17/2000	CROWN COMMUNICATIONS DAVID PIKE-MOTION TO CONSIDER ON AS EXPEDITED BASIS
M0007	03/17/2000	DAVID PIKE CROWN COMMUNICATIONS-NOTICE OF SUBMISSION
0006	04/13/2000	Order entered, hearing scheduled for 5/9/2000 is cancelled; matter stands sub.
0007	04/27/2000	Final Order granting a Certificate to construct a wireless telecom. facility.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-337 UAC  
NPCR, INC. DBA NEXTEL PARTNERS

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 April 27, 2000.

See attached parties of record.

  
Secretary of the Commission

SB/hv  
Enclosure

Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA. 98033

Lloyd McCarthy  
Crown Communication Inc.  
Commonwealth Business Center  
11001 Bluegrass Parkway, Suite 330  
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Honorable David A. Pike  
Counsel for Crown Communication Inc.  
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Honorable W. Brent Rice  
Counsel for Nextel Partners  
McBraye, McGinnis,  
Leslie & Kirkland  
163 West Short Street  
Lexington, KY. 40507 1361

Vicki M. Elliott  
225 Clifty Drive  
Frankfort, KY. 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND NPCR, INC., D/B/A NEXTEL PARTNERS FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT 240 )  
CLIFTY DRIVE, FRANKFORT, KY 40601 IN THE )  
WIRELESS COMMUNICATIONS LICENSE AREA IN )  
THE COMMONWEALTH OF KENTUCKY IN THE )  
COUNTY OF FRANKLIN )  
SITE NAME: FRANKFORT NORTH )  
SITE NUMBER: 014KY )

CASE NO.  
99-337-UAC

O R D E R

On August 23, 1999, Crown Communication Inc. ("Crown") and NPCR, Inc. d/b/a Nextel Partners (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 Clifty Drive, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 12' 49.27" by West Longitude 84° 53' 4.13".

Crown 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 Licensed Professional Engineer.

Pursuant to KRS 100.987, the Applicants submitted the uniform application to the local planning unit. The Frankfort-Franklin County Planning Commission filed comments but did not make a decision approving or disapproving the application and therefore, by law, the uniform application is presumed to have been approved by the planning commission. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. One property owner filed comments and a request for intervention, which was granted. A public hearing was scheduled but later cancelled after the intervenor failed to file a statement of intent to appear at the hearing. At that time, the matter was submitted to the Commission for a decision.

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, Crown 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 Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 240 Clifty Drive, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 12' 49.27" by West Longitude 84° 53' 4.13".

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

3. Crown 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 27th day of April, 2000.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

April 13, 2000

To: All parties of record

RE: Case No. 1999-337 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/hv  
Enclosure



Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA 98033

Lloyd McCarthy  
Crown Communication Inc.  
Commonwealth Business Center  
11001 Bluegrass Parkway, Suite 330  
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Honorable David A. Pike  
Counsel for Crown Communication Inc.  
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Shepherdsville , KY 40165 0369

Honorable W. Brent Rice  
Counsel for Nextel Partners  
McBraye, McGinnis,  
Leslie & Kirkland  
163 West Short Street  
Lexington, KY 40507 1361

Vicki M. Elliott  
225 Clifty Drive  
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION )  
INC. AND NPCR, INC. D/B/A NEXTEL PARTNERS )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT 240 )  
CLIFTY DRIVE, FRANKFORT, KY 40601 IN THE )  
WIRELESS COMMUNICATIONS LICENSE AREA IN )  
THE COMMONWEALTH OF KENTUCKY IN THE )  
COUNTY OF FRANKLIN )  
SITE NAME: FRANKFORT NORTH )  
SITE NUMBER: 014KY )

CASE NO.  
99-337-UAC

O R D E R

By Order issued on February 29, 2000, the Commission set this case for public hearing on May 9, 2000 but also ordered that, if the intervenor failed to advise the Commission within 10 days of the date of the Order of her desire to appear at a public hearing, the hearing would be cancelled and the matter would stand submitted without hearing.

The intervenor has not notified the Commission of her desire to appear at a public hearing. Accordingly, the Commission, being sufficiently advised, HEREBY ORDERS that the hearing scheduled for May 9, 2000 is cancelled and that the matter stands submitted to the Commission for decision.

Done at Frankfort, Kentucky, this 13th day of April, 2000.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
211 SOWER BOULEVARD  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

February 29, 2000

To: All parties of record

RE: Case No. 1999-337 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/hv

Enclosure

cc: Frankfort/Franklin County Planning Commission  
315 West Second Street  
Frankfort, Kentucky 40601

Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA 98033

Lloyd McCarthy  
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Vicki M. Elliott  
225 Clifty Drive  
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION )  
INC. AND NPCR, INC., D/B/A NEXTEL PARTNERS )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
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CLIFTY DRIVE, FRANKFORT, KY 40601 IN THE )  
WIRELESS COMMUNICATIONS LICENSE AREA IN )  
THE COMMONWLEALTH OF KENTUCKY IN THE )  
COUNTY OF FRANKLIN )  
SITE NAME: FRANKFORT NORTH )  
SITE NUMBER: 014KY )

CASE NO.  
1999-337-UAC

O R D E R

On August 23, 1999, Crown Communication Inc. and NPCR, Inc. d/b/a Nextel Partners (collectively, the "Applicants") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 240 Clifty Drive, Frankfort, Franklin County, Kentucky. Vickie Elliott, a neighboring property owner, filed a motion for intervention in this matter which was granted.

The Frankfort-Franklin County Planning Commission received a copy of the uniform application herein, but did not make a decision approving or disapproving the application pursuant to KRS 100.987(4)(c). Therefore, by law, the uniform application is presumed to have been approved by the planning commission. KRS 100.987. Accordingly, the character of the general area concerned and the likely effects of the facility on nearby land uses and values shall not be taken into consideration by the

Commission, as these matters are within the jurisdiction and expertise of the local planning commission. Testimony received by the Commission shall be limited to areas of service, pursuant to KRS 278.020, and safety, pursuant to KRS 278.280.

The Commission has scheduled a public hearing on the proposed wireless telecommunications facility for May 9, 2000, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. If an Intervenor wishes to appear at the hearing in opposition to the proposed facility he or she must, within 10 days of the date of this Order, so notify the Commission in writing, with a copy to all parties of record. If no statement of intent to appear at the hearing and to present evidence against the proposed facility is received by that date, the hearing will be cancelled and this matter submitted to the Commission for a decision based on the written record without further Orders herein.

The Intervenors are also put on notice that evidence regarding potential collocation sites for the proposed facility, if any, must be filed with the Commission, with a copy to all parties of record, no later than 30 days from the date of this Order.

If information regarding potential collocation sites is filed by an Intervenor, the Applicants shall file their response to that information within 45 days from the date of this Order, including in such response a report of their review of the feasibility of the collocation sites presented by the Intervenor.

IT IS THEREFORE ORDERED that:

1. A hearing on the proposed wireless telecommunications facility is scheduled for May 9, 2000, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. If an Intervenor does not file a statement of intent to appear in opposition to the proposed wireless telecommunications facility within 10 days of this Order, the hearing shall be cancelled and the matter submitted to the Commission on the existing record without further Orders herein.

3. Neither the Intervenors nor any person subsequently granted intervention may submit evidence regarding collocation sites for the proposed facility at the hearing in this matter except in regard to those specific sites for which information has been filed within 30 days of the date of this Order.

4. The Applicants shall respond in writing to a filing regarding potential collocation sites, if any, within 45 days of the date of this Order, and shall include in their response information concerning the availability and technical feasibility of such sites.

5. The Applicants shall appear at the hearing and shall be prepared to present testimony on the engineering design, location, and construction of the proposed facility, as well as the jurisdictional safety issues relating to the facility.

6. Neither opening statements nor witnesses' summaries of prefiled testimony shall be permitted at the hearing in this matter.

7. Any interested person shall have the opportunity to present testimony or comment on any aspect of service and safety.

8. Prefiled testimony, if any, shall be filed within 60 days of the date of this Order.

9. Pursuant to KRS 100.324, a copy of this Order is being sent to the Franklin County Planning Commission for the purpose of notification that the above-

scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 29th day of February, 2000.

By the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director





## Frankfort/Franklin County Planning Commission

315 WEST SECOND STREET • FRANKFORT, KENTUCKY 40601 • (502) 875-8567

September 10, 1999

Mr. David A. Pike  
Pike Legal Group  
200 S. Buckman Street  
P.O. Box 369  
Shepardsville, Kentucky 40165-0369

RECEIVED

SEP 13 1999

PUBLIC SERVICE  
COMMISSION

RE : PSC Case Number: 99-337UAC  
Crown Site Number: O14KY Called Frankfort North

Dear Mr. Pike:

The Frankfort-Franklin County Planning Commission received a copy of your Application for Wireless Communications Facility and the copy of the formal request for a Certificate of Public Convenience and Necessity from the Kentucky Public Services Commission. As the Chairman and representative of the Planning Commission, I offer the following comments regarding this project.

Currently, neither the Planning Commission nor the City of Frankfort have locational guidelines for the placement of telecommunication antennae or towers. For this reason, we do not make any recommendation for or against this proposed project's plan. However, we have reviewed the site and offer some facts for consideration by the Public Service Commission in their review of the project. These facts are listed as follows:

- There are two existing telecommunication towers less than 1,000 feet from the proposed tower site.
- There are residential structures in the vicinity of these two existing towers and proposed tower.
- The resident of the structure located at 225 Clifty Drive complained to the City of Frankfort's Planning and Building Codes Department about a lightning strike that traveled down an existing tower and damaged the electrical system in her home and also killed her canine.

Thank you for the opportunity to respond to this project.

Sincerely,

Joe Sanderson, Chairman  
Frankfort-Franklin County Planning Commission

CC: Executive Director, PSC, 730 Schenkel Lane, P.O. Box 615, Frankfort, KY 40602



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

September 17, 1999

To: All parties of record

RE: Case No. 99-337 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/hv  
Enclosure

Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA 98033

Lloyd McCarthy  
Crown Communication Inc.  
Commonwealth Business Center  
11001 Bluegrass Parkway, Suite 330  
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Counsel for Crown Communication Inc.  
Pike Legal Group  
200 South Buckman Street  
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Shepherdsville , KY 40165 0369

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McBraye, McGinnis,  
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163 West Short Street  
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Vicki M. Elliott  
225 Clifty Drive  
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION )  
INC. AND NPCR, INC. (NEXTEL PARTNERS) )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT ) CASE NO.  
240 CLIFTY DRIVE, FRANKFORT, KENTUCKY ) 99-337-UAC  
40601 IN THE WIRELESS COMMUNICATIONS )  
LICENSE AREA IN THE COMMONWEALTH OF )  
KENTUCKY IN THE COUNTY OF FRANKLIN )  
SITE NAME: FRANKFORT NORTH )  
SITE NUMBER: 014KY )

O R D E R

This matter arising upon the motion of Vicki M. Elliott, filed September 9, 1999, for full intervention, and it appearing to the Commission that Mrs. Elliott 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 Vicki M. Elliott to intervene is granted.
2. Mrs. Elliott 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 Mrs. Elliott file documents of any kind with the Commission in the course of these proceedings, she shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 17th day of September, 1999.

By the Commission

ATTEST:

  
Executive Director

3 September 1999

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, Kentucky 40602

RECEIVED

SEP 09 1999

PUBLIC SERVICE  
COMMISSION

Dear Sirs,

I received by mail and am writing in response to a letter from Don Owen, Site Acquisition Specialist with Crown Communications, Case No. 99-337-UAC regarding the construction of an antenna tower.

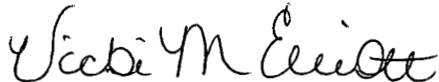
My husband, daughter and I are against the construction of this tower and are exercising our rights as property owners to intervene in this matter.

At present, we get phone interference that we feel is a result of the two existing towers. We are also concerned about lightning strikes and our safety. Three months ago lightning struck the tower adjacent to our property and killed our dog 150' away.

The landowner that is allowing this tower to be erected owns a ridge to the north side of his home that is considerably higher than the proposed site. We recommend you consider an alternate site on his property rather than the current proposed site.

I request that the construction and erection of this tower at the proposed site be denied.

Sincerely,



Vicki M. Elliott  
225 Clifty Drive  
Frankfort, Kentucky 40601

September 8, 1999

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, Kentucky 40601

RE: Case No: 99-337-UAC

TO WHOM IT MAY CONCERN:

I am responding to the letter from Mr. Don Owen regarding building of another tower at 240 Clifty Drive, Frankfort, Kentucky 40601.

We have a quiet neighborhood and would like to keep it that way. We do not need a third tower in our front yards. If this third tower is built, I will have towers all around me which I do not think is very safe. If lightning strikes these towers we could be badly injured or even killed.

The value of my property would be tremendously lowered and I am concerned as to the problems we possibly could have with our telephones and televisions. Also, will my drive be properly maintained?

I hope this letter will be taken into consideration before any decision is made.

Thank you,

*Billie Sue Belwood*

Billie Sue Belwood

*235 Clifty Drive  
Frankfort, Ky 40601*

RECEIVED

SEP 09 1999

PUBLIC SERVICE  
COMMISSION



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

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

September 1, 1999

To: All parties of record

RE: Case No. 99-337 UAC  
NPCR, INC. DBA NEXTEL PARTNERS

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,  
*Stephanie Bell*

Stephanie Bell  
Secretary of the Commission

SB/hv  
Enclosure



Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA. 98033

Lloyd McCarthy  
Crown Communication Inc.  
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11001 Bluegrass Parkway, Suite 330  
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Honorable W. Brent Rice  
Counsel for Nextel Partners  
McBraye, McGinnis,  
Leslie & Kirkland  
163 West Short Street  
Lexington, KY. 40507 1361

**FOR THE PUBLIC RECORD**

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**FILED**

AUG 21

**PUBLIC SERVICE  
COMMISSION**

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND NPCR, INC., (NEXTEL PARTNERS) )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
240 Clifty Drive, Frankfort, KY 40601 )  
IN THE WIRELESS COMMUNICATIONS LICENSE AREA )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF Franklin )

CASE NO.:99-337 UAC

**RECEIVED**

AUG 23 1999

**PUBLIC SERVICE  
COMMISSION**

**FILED**

AUG 23 1999

**PUBLIC SERVICE  
COMMISSION**

SITE NAME: Frankfort North  
SITE NUMBER: 014KY

\*\*\*\*\*

Crown Communication Inc. (Crown), as ultimate owner, and NPCR, INC., d/b/a Nextel Partners (Provider), as a licensed public utility in the Commonwealth of Kentucky make this application.

The property on which the WCF will be located is located at 240 Clifty Drive, Frankfort, Kentucky, 40601. The WCF site is geographically positioned at 38°12'49.27" North latitude, 84°53'04.13" West longitude.

**FILED**

AUG 23 1999

**PUBLIC SERVICE  
COMMISSION**



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

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

August 27, 1999

To: All parties of record

RE: Case No. 99-337 UAC  
NPCR, INC. DBA NEXTEL PARTNERS  
(Construct) CELL SITE - FRANKFORT NORTH - 240 CLIFTY DRIVE, FRANKFORT

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received August 23, 1999 and has been assigned Case No. 99-337. 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

• Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA. 98033

Lloyd McCarthy  
Crown Communication Inc.  
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COMMONWEALTH OF KENTUCKY  
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**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**

**Helen Helton**  
**Executive Director**  
**Public Service Commission**

**Paul E. Patton**  
**Governor**

September 20, 1999

Ms. Billie Sue Belwood  
235 Clifty Drive  
Frankfort, KY 40601

Re: Case Number 99-337 UAC

Dear Ms. Belwood:

Thank you for your letter of September 8, stating your concerns regarding the utility construction proposed in the above-referenced case. Your letter has been placed in the official case file of this proceeding. Please be assured that the Commission will carefully scrutinize this matter before rendering a final decision.

It may be helpful for you to know the state 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 the radio frequency emissions to the extent that 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.

Also, please be advised that this Commission is prohibited by law from releasing information contained in this application other than "information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility." KRS 278.665. The statute states that such information is "deemed



AN EQUAL OPPORTUNITY EMPLOYER M/F/D

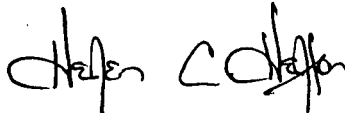
Billie Sue Belwood  
September 20, 1999  
Page 2 of 2

court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree..." Id.

You may contact the applying utility and request additional information. Before supplying such information, the utility may require you to enter into an agreement specifying that you will not release the information to other persons. The attorney of record for the applying utility in this case is Brent W. Rice, Counsel for Nextel Partners, McBrayer, McGinnis, Leslie & Kirkland, 163 W. Short St., Lexington, KY, 40507-1361. You may reach Mr. Rice at 606-231-8780.

Once again, thank you for your interest and concern.

Sincerely yours,



Helen C. Helton  
Executive Director

HCH/lc



**FOR THE PUBLIC RECORD**

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**FILED**

AUG 2 1999

**PUBLIC SERVICE  
COMMISSION**

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND NPCR, INC., (NEXTEL PARTNERS) )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
240 Clifty Drive, Frankfort, KY 40601 )  
IN THE WIRELESS COMMUNICATIONS LICENSE AREA )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF Franklin )

CASE NO.:99-337 UAC

**RECEIVED**

AUG 23 1999

**PUBLIC SERVICE  
COMMISSION**

SITE NAME: Frankfort North  
SITE NUMBER: 014KY

**FILED**

AUG 23 1999

**PUBLIC SERVICE  
COMMISSION**

\*\*\*\*\*

Crown Communication Inc. (Crown), as ultimate owner, and NPCR, INC., d/b/a Nextel Partners (Provider), as a licensed public utility in the Commonwealth of Kentucky make this application.

The property on which the WCF will be located is located at 240 Clifty Drive, Frankfort, Kentucky, 40601. The WCF site is geographically positioned at 38°12'49.27" North latitude, 84°53'04.13" West longitude.

**FILED**

AUG 23 1999

**PUBLIC SERVICE  
COMMISSION**