

**CASE**

**NUMBER:**

99-389

INDEX FOR CASE: 1999-389UAC

AS OF : 12/28/99

KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

Construct

CELL SITE - 5001 SUTHERLAND ROAD - KY 281 called South Owensboro site

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION INC.

AND WESTEL-MILWAUKEE COMPANY, INC. FOR ISSUANCE OF A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO

CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT 5001

SUTHERLAND ROAD, OWENSBORO, KY 42303

IN THE WIRELESS COMMUNICATIONS LICENSE AREA

IN THE COMMONWEALTH OF KENTUCKY

IN THE COUNTY OF DAVIESS

SITE NAME: SOUTH OWENSBORO

SEQ NBR	ENTRY DATE	REMARKS
0001	09/29/1999	Application.
0003	10/13/1999	Acknowledgement letter.
M0001	10/14/1999	ROGER ANDERSON OWENSBORO METROPOLITA-INTENT TO INTERVENE
0004	10/20/1999	Copy/motion to intervene by Roger Anderson to Lloyd McCarthy et.al. appl.
0005	10/26/1999	No deficiencies letter
M0002	11/01/1999	CROWN COMMUNICATIONS DAVID PIKE-MOTION TO SUPPLEMENT OR AMEND APPLICATION
M0003	11/24/1999	CROWN COMMUNICAITONS DAVID PIKE-MOTION TO SUBMIT FOR EXPIDITED DECISION WITHOUT PUBLIC HEAR
M0005	11/24/1999	ROGER ANDERSON OWENSBORO METRO PLANN-COMMISSION DOES NOT INTEND TO INTERVENE IN CASE BUT WA
M0004	11/29/1999	ROGER ANDERSON OWENSBORO METRO PLANN-REQ FOR LETTER & TRANSCRIPT OF MEETING BE FILED IN CAS
0006	12/02/1999	Order granting motion of the Owensboro Metropolitan Planning Com. to intervene.
M0006	12/08/1999	ROGER ANDERSON OWENSBORO METRO PLANN-TRANSCRIPT FROM MEETING
0007	12/28/1999	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. 1999-389 UAC  
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

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 D. Bell*  
Secretary of the Commission

SB/hv  
Enclosure

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Owensboro, KY. 42302 0732

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND WESTEL-MILWAUKEE COMPANY, INC. FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
5001 SUTHERLAND ROAD, OWENSBORO, KY ) CASE NO.  
42303 IN THE WIRELESS COMMUNICATIONS ) 99-389-UAC  
LICENSE AREA IN THE COMMONWEALTH OF )  
KENTUCKY IN THE COUNTY OF DAVIESS )  
SITE NAME: SOUTH OWENSBORO )  
SITE NUMBER: KY281 )

O R D E R

On September 29, 1999, Crown Communication Inc. ("Crown") and Westel-Milwaukee Company, Inc. d/b/a BellSouth Mobility Inc. (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 5001 Sutherland Road, Owensboro, Daviess County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 42' 53.68" by West Longitude 87° 6' 36.26".

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 Registered Professional Engineer.

Pursuant to KRS 100.987, the Applicants submitted a uniform application to the local planning unit. The local planning unit intervened pending its review of this matter but later filed notice of its approval of the proposed construction. 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. To date, no public comments opposing the proposed construction have been filed with the Commission.

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 to be located at 5001 Sutherland Road, Owensboro, Daviess County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 42' 53.68" by West Longitude 87° 6' 36.26".

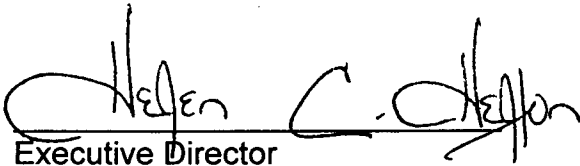
2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

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 28th day of December, 1999.

By the Commission

ATTEST:

  
Executive Director



December 6, 1999

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

RE: Case No. 99-389 UAC  
Site No. KY 281 called South Owensboro

RECEIVED  
DEC 08 1999  
PUBLIC SERVICE  
COMMISSION

Dear Sir or Madam:

In a letter to the Public Service Commission dated November 24, 1999, I forwarded comments made by the Owensboro Metropolitan Planning Commission regarding the case referenced above. As indicated by this previous letter, I am now forwarding the transcript of the Planning Commission meeting to be entered in the record.

Should you have any questions, please call.

With kind regards,

Roger Anderson  
Executive Director

attachment



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MR. PANTLE: Move for a favorable approval, Mr. Chairman.

CHAIRMAN: We have a motion by Mr. Pantle to send it back to Fiscal Court with our approval.

MR. KIRKLAND: Second.

CHAIRMAN: Second by Mr. Kirkland. All those in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That was unanimous.

-----  
**CELLULAR TELECOMMUNICATIONS FACILITIES  
PER KRS 100.987**

ITEM 5

5155 Sutherland Road  
Consider approval of a wireless telecommunication tower.  
Applicant: Crown Communications and Westel-Milwaukee Company, Incorporated

MR. ANDERSON: Mr. Chairman, this is the first cellular tower location that the Planning Commission has considered under the Kentucky Revised Statutes that came into effect July of, what, '98, July of '98 or '99, one. You know, we had requests from the city and county governments to register with the Public Service Commission wherein that we would be able to receive copies of applications that have been submitted by people wishing to locate cellular tower

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1 facilities. We did register Public Service Commission  
2 and we have received this application for Planning  
3 Commission to review and make recommendations back to  
4 the Public Service Commission. We received this  
5 application some maybe two weeks ago, three weeks ago,  
6 whenever, but the statutes make provision that the  
7 applications must be reviewed within a 60 day time  
8 period from the date in which they are received which  
9 means that a recommendation on this facility back to  
10 the Public Service Commission has to occur - and one  
11 of the other staff members if I'm incorrect on a date  
12 correct me - - by November 28th which means that there  
13 will not be another opportunity for the Planning  
14 Commission to look at this proposal. I would like to  
15 have that second meeting. So tonight will be the  
16 first night that you're hearing anything about it. We  
17 have people here with Crown Communications that are  
18 going to talk to you about the facility. At this  
19 time, Mr. Chairman, I think we'd just like maybe to  
20 hear from the applicants as to the location and type  
21 of facility they're talking about.

22 CHAIRMAN: All right. Is anyone  
23 representing Crown? If you would, please, step to the  
24 podium and be sworn in.

25 MR. ELLIOTT: State your name for the

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1 record, please.

2 MR. PIKE: David Pike.

3 (MR. PIKE SWORN BY ATTORNEY.)

4 MR. PIKE: Interesting to have lawyers  
5 tell the truth. This may be a new experience for some  
6 people in the community.

7 Roger, are we going to have a staff report  
8 on this or do you just want me to describe the  
9 facility and its location?

10 MR. ANDERSON: That will be fine with us  
11 if you would describe the facility and its location.

12 MR. PIKE: Before I begin, first of all my  
13 name is David Pike. I'm the regional counsel for  
14 Crown Communications, Incorporated. That's a company  
15 name that you may not have heard prior to this, but we  
16 suspect it's a company name that you're going to be  
17 hearing a good bit about in the near future. Crown  
18 Communications is now the state's largest provider of  
19 wireless infrastructure that's either cellular or  
20 communications tower locations or antennas on fixed  
21 facilities such as buildings, water tanks, etcetera.  
22 After the recent lease and lease pack arrangement  
23 between them and BellSouth Mobility and something that  
24 was announced in the Wall Street Journal just a couple  
25 of days ago and that is an accommodation under which

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1 Crown Communications is now in the process of  
2 acquiring all of GTE's towers in the nation, including  
3 all of them here in the Commonwealth of Kentucky.  
4 We're going to be working very hard in Western  
5 Kentucky just as we have in Central Kentucky where  
6 that much of the activity concerning new cellular  
7 providers entering the market has been focused to date  
8 in order to try to do not only the most responsible  
9 job but a job in which in order to locate these  
10 facilities we try to take into account the specific  
11 planning principals and objectives of all communities  
12 and, of course, major communities such as yours which  
13 is a significant population center here in Western  
14 Kentucky. That having been said I have several people  
15 with me this evening who can assist in answering any  
16 questions that I can't effectively feel that you may  
17 want to ask. First of all is Lisa Miller. Lisa,  
18 could you stand up for just a moment. Lisa is the  
19 Crown Communication regional project manager for the  
20 BellSouth Mobility deployment project. Next to her is  
21 Lloyd McCarthy. Lloyd is the Commonwealth of  
22 Kentucky's regulatory compliance officer for Crown  
23 Communication. Seated next to him is Rick Powers who  
24 is the cite acquisition specialist who worked on this  
25 particular site who could answer any questions that

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1 the other two people I've just introduced couldn't.

2 The facility that we're talking about is  
3 located at 5001 Sutherland Road. It's a largely  
4 agricultural area. Most of it in the flood plane.  
5 What we're proposing to do is to lease an area that's  
6 approximately 100 by 100 feet. Built within that will  
7 be a fenced enclosure of approximately 75 by 75 feet.  
8 Under the terms of the statute that Roger Anderson  
9 described, we are required to file a voluminous what's  
10 called uniform application under the statute which  
11 includes a variety of exhibits.

12 Gary, just to make sure that I'm on target  
13 here, we did waive confidentiality on this  
14 application, didn't we?

15 MR. NOFFSINGER: Yes.

16 MR. PIKE: Because in zoning there's a lot  
17 of things you can do that will get you sued. This is  
18 one of the few things you can do that will send you to  
19 jail and that is to discuss the elements of one of  
20 these if that hasn't been waived. So if we've done  
21 that I now want to further indicate that that letter I  
22 sent you should be introduced as an exhibit in this  
23 proceeding affirming that waiver on our part. If you  
24 have a copy, you might tender it for inclusion after  
25 our hearing today. Will that be all right with you?

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1 MR. NOFFSINGER: Yes.

2 MR. PIKE: Fine. The initial carrier on  
3 this facility will be BellSouth Mobility; however,  
4 this tower as is the case with almost all of the  
5 facilities that Crown Communication build is a state  
6 of the art facility that has the structural integrity  
7 necessary to accommodate initially three additional  
8 providers. Now, that may not seem real important  
9 right now, but as additional carriers enter this  
10 market, which is likely to occur over the next six  
11 months or less, the provision of those additional  
12 spots means that by co-locating additional providers  
13 on each of those towers you reduce what is referred to  
14 in the statute that Roger alluded to as tower  
15 proliferation; in other words, you don't have to have  
16 as many towers in order to service this carrier and  
17 additional carriers that enter the market. Since  
18 Crown Communications is essentially an infrastructure  
19 provider as opposed to being a provider it's very much  
20 in our interest to try to attract as many different  
21 providers to that tower as possible, thereby reducing  
22 the number of new towers because that's how Crown  
23 Communications and similar companies make a return on  
24 their very significant investment. We tried to take a  
25 lot of pains in order to try to meet your local

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1 planning concerns here. We think we've chosen a good  
2 site for that; although, it is in a flood plane area  
3 it's largely a back water area. Of course, the area  
4 to be filled in this case is minuscule in comparison  
5 with some of other types of development that I think  
6 you've had in flood plane properties in the past.  
7 This would be approximately 100 by 100 foot area  
8 because the telecommunications linkages and electrical  
9 linkages that would be necessary for this facility can  
10 be brought in overhead. Is that a fair summary you  
11 think of the application, Roger?

12 MR. ANDERSON: I think so.

13 MR. PIKE: If there are any questions  
14 either I or the other members of our team here will be  
15 glad to try to answer them.

16 MR. ANDERSON: Let me say this if I may,  
17 Mr. Chairman.

18 CHAIRMAN: Yes, sir.

19 MR. ANDERSON: We have a meeting scheduled  
20 in the office tomorrow, Mr. Pike and I think maybe  
21 some of these people that are you with you or not?

22 MR. PIKE: I think it will just be me.  
23 They get to go home tonight.

24 MR. ANDERSON: While we have no particular  
25 questions to ask of Mr. Pike tonight or his people out

1 here, there are some things that we do want to try to  
2 get into to sort of discovery and I guess as much as  
3 anything for educational purposes dealing with towers  
4 and tower locations and facilities. I also have a  
5 meeting scheduled next week with BellSouth Mobility  
6 and some of their engineers to discuss tower locations  
7 and what have you. One of the reasons that I brought  
8 up to you tonight that we had to have this  
9 recommendation back in the Public Service Commission  
10 by November 28th is that our request is going to be  
11 that you authorize the Planning Staff to communicate  
12 with the Public Service Commission concerning this  
13 facility and the site location sometime between this  
14 meeting and November 28th once we have had a chance to  
15 have these meetings and what have you and for us  
16 communicating back to the Public Service Commission.  
17 I'm not - - I don't mean to be indicating to you or  
18 Crown Communications or to the general public that we  
19 have any particular problems with this application.  
20 It's just that we feel like that we need to have some  
21 more discovery as to what is taking place and why and  
22 about the mapping and other facilities and trying to  
23 obtain maybe additional information and what have you.

24 MR. PIKE: Quite aside from this  
25 application, actually I think we were the people who

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1 originally volunteered to try to provide some  
2 additional assistance to Owensboro concerning some of  
3 your mapping projects. So this was not gotten out of  
4 us with a shoe horn.

5 MR. ANDERSON: That's true.

6 MR. PIKE: That was something we  
7 volunteered to do and it was our initiative, and  
8 that's something we're going to try to carry through  
9 with to the extent that we can to assist Owensboro  
10 because to be quite frank most of Western Kentucky  
11 will look to Owensboro as an example of what can and  
12 should be done in cell tower regulation. If we can  
13 assist you in getting off on the right foot on this,  
14 we very much want to do that.

15 CHAIRMAN: So we're not in possession of  
16 those maps at this time? We've not seen those maps?

17 MR. ANDERSON: We have a map in the  
18 application itself.

19 MR. PIKE: Which map would that be? Which  
20 exhibit is that?

21 CHAIRMAN: I guess my question is we're  
22 wanting to have additional information on the mapping  
23 itself.

24 MR. ANDERSON: Actually, Mr. Chairman,  
25 that's one of the issues that we want to discuss with

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1 Crown Communications and/or their attorney is to the  
2 GRID map, the interpretation of - - definition of what  
3 a GRID map is, what information should be contained on  
4 a GRID map. The other thing we want to discuss with  
5 BellSouth Mobility's technician, which I imagine Crown  
6 Communications can provide that same information, is  
7 that we're trying to take the opportunity to educate  
8 ourselves to some extent, you know, as to the signals  
9 and the strategic locations and towers and why they  
10 have to be in certain locations and what have you.

11 MR. PIKE: Mr. Anderson, I can indicate  
12 we're going to, especially since we initiated that  
13 suggestion, we're going to try to follow through and  
14 be of what assistance we can to Owensboro on that. I  
15 would indicate if it is possible, if we could have  
16 some resolution on this application this evening  
17 because in the absence of a formal action this evening  
18 under the terms of the statute you are deemed to have  
19 approved it at the end of the 60 days. It would, of  
20 course, be our hope that we could actually obtain a  
21 recommendation this evening that could then be  
22 communicated to the Public Service Commission instead  
23 of this being simply something that's deemed to have  
24 been approved in 60 days. So we've obviously invested  
25 a good bit of time in siting this location. To the

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1 best of our knowledge there are no other towers within  
2 a two mile radius of this location with the exception  
3 of a BellSouth temporary facility which we think makes  
4 this an ideal location in an underserved area that  
5 will not only provide additional service to Owensboro  
6 proper, but to Frederica and the 60 Bypass. If we  
7 could obtain a recommendation this evening on this  
8 site, we sure would like to have that if it's  
9 possible.

10 MR. ANDERSON: What I am suggesting to the  
11 Planning Commission, it may be satisfactory to them  
12 and may not be, is that we do get a motion on the  
13 floor and a second to a motion which would direct the  
14 Planning Staff or permit the Planning Staff to prepare  
15 a letter to communicate with the Public Service  
16 Commission as to the satisfactory compliance as to the  
17 cell tower location. You then authorize the Planning  
18 Staff to communicate that to the Public Service  
19 Commission - -

20 MR. PIKE: We're on the same page.

21 MR. ANDERSON: - - between now and  
22 November 28th.

23 MR. SCHMIDT: The height of the tower,  
24 what are the plans for the height of the tower?

25 MR. PIKE: It's a 300 foot self-supporting

1 tower which, of course, based on the flood plane  
2 issues and the like seemed appropriate since that's a  
3 much smaller foot print than a guide tower and there  
4 would be a 20 foot lightning arrester placed on top of  
5 that.

6 MR. SCHMIDT: What kind of a distance will  
7 you be able to receive from that tower?

8 MR. PIKE: I'd like to give you a pat  
9 answer to that. The only people who truly understand  
10 that are radio frequency engineers.

11 MR. SCHMIDT: I guess that might lead to  
12 my next question. Do you have plans for additional  
13 towers in the near future?

14 MR. PIKE: In Owensboro?

15 MR. SCHMIDT: Yes.

16 MR. PIKE: To be quite frank, yes, I  
17 suspect that's going to be happen because - - see,  
18 again although this is a very progressive city based  
19 on how the market forces have worked, almost all of  
20 the wireless deployment in Kentucky has either been  
21 along I-65, Louisville, Lexington and Northern  
22 Kentucky. Now that that initial deployment has been  
23 completed with new providers such as Tri-Tel and, of  
24 course, Nex-Tel which will be launching January 1, our  
25 company is the sole infrastructure provider for that

1 new launch and Power-Tel which has been in operation  
2 now for, what, Lisa, about nine months, ten months,  
3 something like that. All of those are new providers.  
4 For those of you who haven't been in that part of the  
5 state that has some pretty traumatic effects on rates  
6 and on quality of service and range of services and  
7 the like. The result is that up until now wireless  
8 communications here in Owensboro is pretty much the  
9 way it was five years ago. That's going to be  
10 changing. In order for that to change, the existing  
11 infrastructure here in town will quite frankly be  
12 upgraded. We'd like to suggest to you that in  
13 compliance with your own comprehensive plans,  
14 objectives regarding providing modern  
15 telecommunications operations, that's a good thing.  
16 We want to try to do that from the get-go in good  
17 communications with this Planning Commission.

18 MR. SCHMIDT: Will this tower reach out  
19 two miles, ten miles? I have no idea.

20 MR. PIKE: The way - - it depends on the  
21 type of provider that's on this tower and then I'm  
22 going to try to give you some more specific answers.  
23 Each of the types of providers that are available  
24 today operate in a different slice of the radio  
25 spectrum. Kind of a revolution. If I'm boring anyone

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1 with this and you need me to cut it short, just stick  
2 your hand up and I'll stop.

3 The revolution in the Telecommunications  
4 Act of 1996 at the federal level was the auctioning of  
5 significant portions of the radio spectrum. Each of  
6 those sections whether it's PCS, a term that you may  
7 have heard used before, Personal Communication  
8 Services, or whether it's traditional analog and  
9 digital work of the two providers that you currently  
10 have here in town. Each of those slices of the radio  
11 spectrum operates a little differently. Each of them  
12 has advantages and disadvantages. Some of them like  
13 analog signals with traditional cellular reach out a  
14 significant distance. So if we were to draw a map of  
15 the coverage area associated with this tower for  
16 traditional analog service - - Lisa, give me a  
17 guesstimate. How far?

18 MS. MILLER: Ten miles.

19 MR. PIKE: Ten miles. Now, if we were to  
20 draw the same map for some of the newer types of  
21 systems that will be deployed here in Owensboro for  
22 something like PCS systems which provide, according to  
23 PCS providers, much clearer service. They also  
24 provide a range of digital services. Getting stock  
25 quotes over your cell phone, weather forecast, your

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1 horoscope, digital messages over your cell phone, all  
2 sorts of just stuff that my 13 year old would refer to  
3 as cool. Also which from a business perspective can  
4 be a great advantage. The propagation for that would  
5 be, what?

6 MS. MILLER: You're correct and it can  
7 depend. It can depend upon what wattage that they're  
8 outputting at that site based on the type of - -  
9 there's all these variables that add into that.

10 MR. PIKE: Two and a half, three miles?

11 MS. MILLER: Yes. Sometimes fives miles.  
12 It can vary.

13 MR. SCHMIDT: That answers my question.

14 MR. PIKE: So I mean it's different based  
15 on the provider.

16 MR. SCHMIDT: So there's going to be  
17 numerous towers in the future?

18 MR. PIKE: Well, yes and no. There will  
19 be new towers. There will also be, if we looked into  
20 a crystal-ball today I dare say you will have some  
21 existing towers replaced which is something that we'll  
22 be coming to you on in the future which means that  
23 you'll take older towers that don't have the  
24 structural integrity to accommodate multiple providers  
25 and have those replaced which is one of the big

1 advantages of our company in picking up the BellSouth  
2 Mobility and GTE facilities in this area. You'll also  
3 see increasing number of antennas placed on roof tops  
4 and on existing infrastructural locations like water  
5 tanks because our first preference is to co-locate  
6 these antennas when possible on existing structures.  
7 If as an example you go to Louisville, it's very  
8 difficult to find any tall building that doesn't have  
9 one or more of these things located on the roof. We  
10 do a really good job of disguising them, but that's  
11 our first preference. So you'll see tall buildings  
12 and tall structures utilized for that. You'll see  
13 some existing towers replaced and you'll see new  
14 towers too.

15 MR. SCHMIDT: Thank you.

16 MR. ANDERSON: Mr. Pike, you mentioned  
17 existing towers replaced and it brought to mind a  
18 question that I have for you. In the location of this  
19 facility that we're talking about on the Sutherland  
20 Road, why was there not a place, why didn't you look  
21 for a place where there was an existing tower that  
22 could be replaced?

23 MR. PIKE: Let's understand why this tower  
24 was in this part of town in the first place.

25 MR. ANDERSON: That's what I mean.

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1 MR. PIKE: The selection process, and this  
2 is something that we'll be glad to begin with you in  
3 my meeting tomorrow and that will carry forward in  
4 future meetings where we bring whatever technical  
5 personnel we need to in the way of radio frequency or  
6 whatever else is necessary. The tower location  
7 process begins when we receive a map with a - -  
8 calling it a circle dignifies it. It looks a little  
9 like an omeba that's drawn on a map. What that omeba  
10 is we refer to that as a search ring is the term that  
11 you'll get used to hearing as you consider these  
12 cases. That search ring defines the geographic area  
13 within which a tower can be placed based on a given  
14 height of an antenna that we're given by a provider in  
15 order to provide the enhanced service that they need.  
16 What would happen is a company like BellSouth Mobility  
17 would do an analysis indicating that a certain  
18 geographic area within their existing coverage does  
19 not have digital service, one of the advantages that  
20 this new facility will provide. They also keep very  
21 careful records on the number of drop calls or the  
22 number of calls that you can't get through on. You  
23 know, when you hit your button "Send" and you get that  
24 - (indicating) - well, all of these providers are  
25 mandated under their FCC licenses to make that phone

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1 service just as reliable in theory as picking up your  
2 phone off the kitchen wall that's wired and it should  
3 be just that reliable. So in order to meet those  
4 enhanced coverage objectives in the case of this  
5 facility, not only to reduce the number of drop calls  
6 but to provide the enhanced digital service, they use  
7 a series of very sophisticated computer programs that  
8 are nationally certified and recognized as a best  
9 engineering practice. In order to determine where a  
10 facility should be located in order to provide the  
11 maximum coverage and to fill as much of that need as  
12 possible with one tower as opposed to multiple towers.  
13 The result of that computer printout is to give a  
14 geographic area in which it must be located and also  
15 in addition to providing that geographic area to  
16 provide a height at which it must be located. Now,  
17 the series of steps that we would then go through is  
18 first to determine whether or not there are any  
19 existing facilities within that search ring that could  
20 be utilized in order to provide it. So we have to  
21 look at A) are there facilities there, B) are they  
22 high enough, and C) can we enter a willing business  
23 relationship with the entity involved. Whether it's  
24 the owner of a building, water tower, municipality  
25 water district, etcetera. Of course, since we don't

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1 have condemnation power, it has to be a willing  
2 business relationship. In this instance there were no  
3 existing structures within that search ring. So we  
4 were left with the alternative that we have to build a  
5 location. Since we have to build it, then what we try  
6 to do is, of course, to find a location within that  
7 search ring that accommodates to the maximum extent  
8 possible good planning principals. It's not always  
9 possible to do that perfectly, but we try to take  
10 those issues into account. So the long and the short  
11 of your answer is there weren't any. If there had  
12 been we would have looked at getting it, replacing it,  
13 etcetera, because it's to our interest to replace  
14 those towers. First of all, the chances are we  
15 already own them, if they're wireless towers, and that  
16 eliminates additional cost associated with the  
17 project. The second reason it's to our interest is if  
18 we replace one we pick up the entity that's currently  
19 using that as a customer on our tower. From a  
20 business perspective nobody has to preach to us about  
21 the importance of co-location. It's how they pay  
22 their lawyers. We take it seriously.

23 MR. ANDERSON: The other thing you  
24 mentioned the height of the tower and I guess the  
25 specifications on the height that would be your

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1 primary carrier, primary user of that tower which in  
2 this case I guess is BellSouth Mobility would be, of  
3 course, the primary user on that.

4 MR. PIKE: That's correct.

5 MR. ANDERSON: When you're building a  
6 facility like this, facility you have, what is it, 280  
7 feet in height?

8 MR. PIKE: It's 300, I believe.

9 MR. ANDERSON: And we're talking about  
10 providing co-location with maybe four users.

11 MR. PIKE: That's correct.

12 MR. ANDERSON: A question that came to  
13 mind when I was looking at this application is why the  
14 structure couldn't - - assume the structure will be  
15 built there as to why the structure couldn't be  
16 constructed in such a way as to provide a greater use  
17 or instead of four carriers maybe six or eight.

18 MR. PIKE: That's its initial  
19 configuration and I think you've hit on a good point,  
20 Mr. Anderson, and that is many communities - - well,  
21 not many, but some communities here in Kentucky show a  
22 preference for monocol construction. Our general  
23 preference is to utilize either guide towers in  
24 certain situations or self-supporting towers. The  
25 reason we prefer those among others is the fact that

1 they can be modified easily. So as an example the  
2 additional steel that goes into this facility which  
3 makes it much, much, much more expensive will allow us  
4 in the future to augment that facility if that proves  
5 to be necessary and appropriate. We don't want to  
6 build that extra height unless and until it proves to  
7 be necessary because, again, from a community  
8 perspective that increases its visibility. We don't  
9 see the need to do that until such time as it's  
10 required, but because this is a self-supporting tower  
11 and because of the additional structural integrity  
12 that we're putting in it we can augment that structure  
13 in the future which is a big advantage of this type of  
14 structure.

15 MR. ANDERSON: Do you have any idea as to  
16 use the term augment as to what the engineering on  
17 that structure, the design of that structure will  
18 allow you to go to in the future?

19 MR. PIKE: I'd like to say I do. I don't.  
20 Do any of you all know? Maybe as much as 40 percent,  
21 but that would depend on a critical issue and that is  
22 these towers don't max out based on the weight of the  
23 stuff on them. They max out based on wind resistance.  
24 Stick your hand out the car window, it's pushed back,  
25 that's what determines what you can put on one of

1 these towers is the wind resistance. So the exact  
2 amount of augmentation that could occur would depend  
3 upon in large measure what would already be on the  
4 tower at that time and what we were proposing to put  
5 on it. Again, there are just like everything in the  
6 world today. There are computer models that tell us  
7 that.

8 CHAIRMAN: Any other questions,  
9 Commissioners?

10 (NO RESPONSE)

11 CHAIRMAN: Let's see if there's anyone in  
12 the audience that wants to ask a question of the  
13 commission on the cell tower location.

14 (NO RESPONSE)

15 CHAIRMAN: If not then I guess what the  
16 staff would like to see if a recommendation and a  
17 second in a motion or a vote to get staff to go  
18 further with this and have it back to state level by  
19 the 28th of this month?

20 MR. ANDERSON: Yes, sir.

21 MR. SCHMIDT: I move for a favorable  
22 recommendation.

23 CHAIRMAN: Motion by Mr. Schmidt.

24 MR. KIRKLAND: Second.

25 CHAIRMAN: Second by Mr. Kirkland. All

1 those in favor of the motion raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: That was unanimous.

4 MR. PIKE: With the Chair's permission  
5 would like to thank you all and also indicate that  
6 we're looking forward to working with your staff.

7 CHAIRMAN: Great. Thank you.

8 -----  
9 **ZONING CHANGES - CITY**

10 ITEM 6

11 416 Maplewood Drive, Portion of 501 East Highland  
12 Avenue, 0.499 acres

13 Consider zoning change:

14 From I-1 Light Industrial to R-1B Single-Family  
15 Residential

16 Applicant: Dorothy Whitmer Estate, Eddie L. & Shana  
17 L. Champion 9911.1370

18 MR. ELLIOTT: State your name for the  
19 record, please.

20 MR. NOFFSINGER: Gary Noffsinger.

21 (MR. NOFFSINGER SWORN BY ATTORNEY.)

22 **PROPOSED ZONE & LAND PLAN**

23 The applicant is seeking an R-1B Single-Family  
24 Residential zone. The subject property is located in  
25 a Professional/Service Plan Area, where urban  
low-density residential uses are appropriate in  
limited locations.

**Specific Land Use Criteria**

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(270) 683-7383

25,727



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

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

December 2, 1999

To: All parties of record

RE: Case No. 1999-389 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



Lloyd D. McCarthy  
Crown Communication Inc.  
11001 Bluegrass Parkway  
Suite 330  
Louisville, KY 40299

Richard Guittar  
1650 Lyndon Farms Court  
Louisville, KY 40223

Honorable Sam G. McNamara  
Counsel for Westel-Milwaukee Company  
McNamara & Jones  
315 High Street  
P. O. Box 916  
Frankfort, KY 40602

Honorable David A. Pike  
Counsel for Crown Communication Inc.  
Pike Legal Group  
200 S. Buckman Street  
P. O. Box 369  
Shepherdsville , KY 40165 0369

Steve Skinner  
Manager of External Affairs  
Kentucky CGSA, Inc., dba Bellsouth  
Mobility, Westel-Milwaukee, BSCC of IN  
1100 Peachtree Street  
Room 809  
Atlanta, GA 30309

Mr. Roger Anderson  
Executive Director  
Owensboro Metropolitan Planning  
Commission  
P. O. Box 732  
Owensboro, KY 42302

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND WESTEL-MILWAUKEE COMPANY, INC. )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT ) CASE NO.  
5001 SUTHERLAND ROAD, OWENSBORO, KY 42303 ) 99-389-UAC  
IN THE WIRELESS COMMUNICATIONS LICENSE AREA )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF DAVIESS )  
SITE NAME: SOUTH OWENSBORO )  
SITE NUMBER: KY 281 )

O R D E R

This matter arising upon the motion of the Owensboro Metropolitan Planning Commission ("Planning Commission"), filed October 14, 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. 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 2nd day of December, 1999.

By the Commission

ATTEST:

  
Executive Director



OWENSBORO  
METROPOLITAN  
PLANNING  
COMMISSION

(FAX)

101 East 4th Street  
Post Office Box 732  
Owensboro, Kentucky  
42302-0732

November 24, 1999

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

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NOV 24 1999

PUBLIC SERVICE  
COMMISSION

RE: Case No. 99-389 UAC  
Site No. KY 281 called South Owensboro

Dear Sir or Madam:

The Owensboro Metropolitan Planning Commission considered the case referenced above at a public hearing on November 11, 1999. The Planning Director was authorized to forward comments to the Public Service Commission.

The case referenced above is the first considered by the Owensboro Metropolitan Planning Commission per KRS 100.987. The Commission did not find the case to be in conflict with the adopted Comprehensive Plan or any locally adopted zoning regulations. As you are aware, KRS 100.987(2)(a) requires a grid map to be submitted with the uniform application. Future applications considered by the Owensboro Metropolitan Planning Commission will likely require applicant's to include additional information on the grid map.

In a letter to the Public Service Commission dated October 12, 1999, I had stated that the Owensboro Metropolitan Planning Commission intended to intervene in this case. The Commission does not desire intervention in this case. However, they would ask that this letter and transcript of the Planning Commission meeting be entered in the record. The transcript will be forwarded at a later date.

With kind regards,

Roger Anderson  
Executive Director

c: David A. Pike, Attorney for Crown Communication Inc.

November 24, 1999

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

RE: Case No. 99-389 UAC  
Site No. KY 281 called South Owensboro

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NOV 29 1999  
PUBLIC SERVICE  
COMMISSION

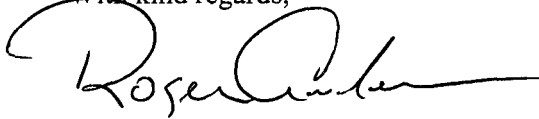
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With kind regards,



Roger Anderson  
Executive Director

c: David A. Pike, Attorney for Crown Communication Inc.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

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

October 26, 1999

To: All parties of record

RE: Case No. 99-389 UAC  
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

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 Bell".

Stephanie Bell  
Secretary of the Commission

SB/hv  
Enclosure

Lloyd D. McCarthy  
Crown Communication Inc.  
11001 Bluegrass Parkway  
Suite 330  
Louisville, KY. 40299

Richard Guittar  
1650 Lyndon Farms Court  
Louisville, KY. 40223

Honorable Sam G. McNamara  
Counsel for Westel-Milwaukee Company  
McNamara & Jones  
315 High Street  
P. O. Box 916  
Frankfort, KY. 40602

Honorable David A. Pike  
Counsel for Crown Communication Inc.  
Pike Legal Group  
200 S. Buckman Street  
P. O. Box 369  
Shepherdsville , KY. 40165 0369

Steve Skinner  
Manager of External Affairs  
Kentucky CGSA, Inc., dba Bellsouth  
Mobility, Westel-Milwaukee, BSCC of IN  
1100 Peachtree Street  
Room 809  
Atlanta, GA. 30309

RECEIVED

SEP 29 1999

PUBLIC SERVICE  
COMMISSION

**FOR THE PUBLIC RECORD**

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

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND WESTEL-MILWAUKEE COMPANY, INC. )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
5001 SUTHERLAND ROAD, OWENSBORO, KY 42303 )  
IN THE WIRELESS COMMUNICATIONS LICENSE AREA )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF DAVIESS )

CASE NO.: 99-389 UAC

**FILED**

SEP 29 1999

PUBLIC SERVICE  
COMMISSION

SITE NAME: SOUTH OWENSBORO  
SITE NUMBER: KY 281

\*\*\*\*\*

Crown Communication Inc. and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., as a licensed public utility in the Commonwealth of Kentucky, make this application.

The property on which the Wireless Communication Facility ("WCF") will be located is 5001 Sutherland Road, Owensboro, Kentucky, 42303. The WCF site is geographically positioned at 37° 42' 53.53" North latitude, 87° 06' 36.35" West longitude.





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**

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

October 20, 1999

Mr. Lloyd McCarthy  
Crown Communication, Inc.  
11001 Bluegrass Parkway,  
Commonwealth Business Center  
Suite 330  
Louisville, KY 40299

RE: Case Number 99-389 UAC

Dear Mr. McCarthy:

I have enclosed a copy of a letter of motion to intervene by Roger Anderson, Executive Director of the Owensboro Metropolitan Planning Commission, for your information.

Sincerely,

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

Stephanie Bell  
Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara  
Richard Guittar  
Steve Skinner

Enclosures





October 12, 1999

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

RE: Case No. 99-389 UAC  
Site No. KY 281 called South Owensboro

RECEIVED  
OCT 14 1999  
PUBLIC SERVICE  
COMMISSION

Dear Sir or Madam:

The Owensboro Metropolitan Planning Commission is in receipt of documents pertaining to the case referenced above. It is our intent to intervene in this matter. The site is located within a flood hazard area. Also, a subdivision plat as required by KRS 100.111 and KRS 100.277 will be necessary for consideration of approval by the Owensboro Metropolitan Planning Commission.

The Owensboro Metropolitan Planning Commission will review in their capacity as a Planning Commission registered with the Kentucky Public Service Commission documents pertaining to this site on November 11, 1999. Comments will then be forwarded to your office. Thank you in advance for your cooperation.

With kind regards,

Roger Anderson  
Executive Director

c: David A. Pike, Attorney for Crown Communication Inc.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

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

October 13, 1999

To: All parties of record

RE: Case No. 99-389 UAC  
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC  
(Construct) CELL SITE - 5001 SUTHERLAND ROAD - OWENSBORO

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received September 29, 1999 and has been assigned Case No. 99-389. 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 D. Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc

Lloyd D. McCarthy  
Crown Communication Inc.  
11001 Bluegrass Parkway  
Suite 330  
Louisville, KY. 40299

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Counsel for Crown Communication Inc.  
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Atlanta, GA. 30309

RECEIVED

SEP 29 1999

PUBLIC SERVICE  
COMMISSION

**FOR THE PUBLIC RECORD**

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

In the Matter of:

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IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF DAVIESS )

CASE NO.: 99-389 UAC

**FILED**

SEP 29 1999

PUBLIC SERVICE  
COMMISSION

SITE NAME: SOUTH OWENSBORO  
SITE NUMBER: KY 281

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