

CASE

NUMBER:

99-455

Construct

CELL SITE - 2040 MORRIS DRIVE - BEREA, MADISON COUNTY

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION
INC., TRITEL COMMUNICATIONS, INC. AND TRITEL FINANCE, INC.
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT
2040 MORRIS DRIVE, BEREA, KY 40403

IN THE WIRELESS COMMUNICATIONS LICENSE AREA

IN THE COMMONWEALTH OF KENTUCKY

IN THE COUNTY OF MADISON

SITE NAME: PEGGY FLATS

SEQ NBR	ENTRY DATE	REMARKS
0001	11/18/1999	Application.
0002	11/22/1999	Acknowledgement letter.
0003	11/29/1999	No def. letter
M0001	01/28/2000	CROWN COMMUNICATIONS DAVID PIKE-MOTION TO SUBMIT FOR EXPEDITED DECISION WITHOUT PUBLIC HEARING
0004	02/25/2000	FINAL ORDER GRANTING CONSTRUCTION



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. 1999-455 UAC
TRITEL FINANCE, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on February 25, 2000.

Parties of Record:

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

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

Honorable Sandra F. Keene
& Honorable Mark W. Dobbins
Attorneys for Tritel
tilford, Dobbins, Alexander,
Buckaway & Black
One Riverfront Plaza, Suite 1400
Louisville, KY. 40202

Stephanie J. Bell

Secretary of the Commission

SB/sa
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)	
TRITEL COMMUNICATIONS, INC. AND TRITEL)	
FINANCE, INC. FOR ISSUANCE OF A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY TO)	99-455-UAC
CONSTRUCT A WIRELESS COMMUNICATIONS)	
FACILITY AT 2040 MORRIS DRIVE, BERE A, KY 40403)	
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)	
IN THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF MADISON)	
SITE NAME: PEGGY FLATS)	
SITE NUMBER: 252-003)	

O R D E R

On November 18, 1999, Crown Communication Inc. ("Crown"), as ultimate owner, and Tritel Communications, Inc. and Tritel Finance, Inc. filed an application seeking a Certificate of Public Convenience and Necessity to build a wireless telecommunications tower for the Louisville Major Trading Area ("MTA"). Crown has requested authorization to construct a cell site in Madison County and Tritel has provided evidence that the public convenience and necessity will be served by the proposed construction.

The proposed cell site is to be located at 2040 Morris Drive, Berea, Madison County, Kentucky ("the Peggy Flats site"). The coordinates for the Peggy Flats site are North Latitude 37° 35' 48.89" by West Longitude 84° 19' 23.49".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Peggy Flats site. Based upon the

application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), Crown has submitted the uniform application to the Planning Commission for the City of Berea and as no response has been filed with the Commission, pursuant to KRS 100.987(4)(c), the application is deemed approved. Crown has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") for the construction and operation of the Peggy Flats site. Both applications are pending.

Crown has filed notices verifying that each person who owns property within 500 feet of the Peggy Flats site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Crown should be granted a Certificate of Public Convenience and Necessity to construct and operate the Peggy Flats cell site in the Louisville MTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct the Peggy Flats site.
2. Crown shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site construction within 10 days of receiving the 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 25th day of February, 2000.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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

November 29, 1999

To: All parties of record

RE: Case No. 1999-455 UAC
TRITEL FINANCE, INC.

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 D. Bell".

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

David Burak
Tritel Finance, Inc.
1512 Crums Lane
Louisville, KY. 40216

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

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

Honorable Sandra F. Keene
& Honorable Mark W. Dobbins
Attorneys for Tritel
tilford, Dobbins, Alexander,
Buckaway & Black
One Riverfront Plaza, Suite 1400
Louisville, KY. 40202

RECEIVED

NOV 18 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.,)
TRITEL COMMUNICATIONS, INC. AND TRITEL)
FINANCE, INC. FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
CONSTRUCT A WIRELESS COMMUNICATIONS)
FACILITY AT 2040 MORRIS DRIVE, BEREA, KY 40403)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF MADISON)

CASE NO.: 99-455 UAC

FILED

NOV 18 1999

PUBLIC SERVICE
COMMISSION

SITE NAME: PEGGY FLATS
SITE NUMBER: 252-003

Crown Communication Inc., as ultimate owner; and Tritel communications, Inc. and Tritel Finance, Inc., as licensed public utilities in the Commonwealth of Kentucky, make this application.

The property on which the Wireless Communications Facility ("WCF") will be built is located at 2040 Morris Drive, Berea, Kentucky, 40403. The WCF site is geographically positioned at 37° 35' 48.89" North latitude, 84° 19' 23.49" West longitude.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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

November 22, 1999

To: All parties of record

RE: Case No. 1999-455 UAC
TRITEL FINANCE, INC.
(Construct) CELL SITE - 2040 MORRIS DRIVE - BEREА, MADISON COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received November 18, 1999 and has been assigned Case No. 1999-455. 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

David Burak
Tritel Finance, Inc.
1512 Crums Lane
Louisville, KY. 40216

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

Honorable David A. Pike
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Pike Legal Group
200 South Buckman Street
P. O. Box 369
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