

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO	)	CASE NO.
CONSTRUCT A PERSONAL COMMUNICATIONS	)	98-301
SERVICES FACILITY IN THE CINCINNATI	)	
MAJOR TRADING AREA [NEWPORT FACILITY]	)	

O R D E R

On March 9, 1999, Sprintcom, Inc. ( Sprintcom ) moved this Commission to reopen and reactivate the Application filed herein. The Commission, having considered the motion to reopen, and being otherwise sufficiently advised, finds that:

1. On June 19, 1998, Sprintcom filed an Application for a Certificate of Public Convenience and Necessity to construct and operate a Personal Communications Services ("PCS ) facility in Dayton, Campbell County, Kentucky.

2. During the 1998 Legislative Session, the General Assembly enacted changes to KRS Chapters 100 and 278 with regard to antenna towers. This newly enacted legislation became law on July 15, 1998.

3. On August 4, 1998, subsequent to the effective date of the new laws, Sprintcom voluntarily moved the Commission to dismiss the application filed herein.

4. Sprintcom s motion was granted and this case dismissed on September 10, 1998.

5. Sprintcom's motion to reopen and reactivate the application filed herein should be denied as improper pursuant to changes in applicable law.

6. If Sprintcom wishes to obtain a Certificate of Public Convenience and Necessity to construct a personal communications services facility at the location specified in this case, which has been dismissed upon motion of Sprintcom, it should file a new application as prescribed in 1998 Ky. Acts. Ch. 231, effective July 15, 1998, and the regulations promulgated thereunder.

IT IS THEREFORE ORDERED that the motion of Sprintcom to reopen and reactivate this case is denied.

Done at Frankfort, Kentucky, this 23<sup>rd</sup> day of March, 1999.

By the Commission

ATTEST:

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Executive Director