

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)
KENTUCKY, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 95-004
NECESSITY TO CONSTRUCT AN ADDITIONAL)
CELL FACILITY IN THE LOUISVILLE, KENTUCKY)
METROPOLITAN STATISTICAL AREA (ST. REGIS)
PARK CELL FACILITY))

O R D E R

On January 6, 1995, Contel Cellular of Kentucky, Inc. ("Contel Cellular") filed an application to construct an additional cell facility at 4308-U Taylorsville Road, Louisville, Jefferson County, Kentucky. Subsequently, a number of persons and entities who cited, inter alia, concerns regarding property values, health, and safety, requested and were granted intervention. The parties hereto have corresponded and conducted several meetings in attempting to reach mutually acceptable solutions. On November 6, 1995, Contel Cellular filed an amendment to its application ("Amendment") which incorporates several suggestions proposed by intervenors. Contel Cellular now proposes to locate the facility nearer to the Southeast Church of the Nazarene; to construct a wooden privacy fence at least as tall as the equipment shelter around that shelter; to install certain landscaping and screening; and to construct a less obtrusive facility, a monopole, rather than a self-supporting tower. Contel Cellular also states, inter alia, that no wires or lighting will be attached to the monopole and that any electric or telephone distribution lines used to provide

service to the monopole or its equipment shelter will be routed underground from their sources.

The Amendment states that all persons who own property or who reside within 500 feet of the new site have been notified of the proposed construction. No additional protests or requests to intervene have been received. However, intervenors Elizabeth K. Simon, Nicholas X. Simon, Michael J. Simon, Nicholas X. Simon, Trustee of the Frank E. Simon Trust, and Elisabeth S. Montgomery, have filed a statement in support of the Amendment.

It remains for the Commission to determine whether the numerous amendments to the application have adequately addressed the concerns of the other intervenors, or whether any intervenor wishes to pursue this matter to a hearing. Consequently, each intervenor should be notified that a hearing on the proposed cellular facility is scheduled for January 9, 1996, at 10:00 a.m., Eastern Standard Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky. Any intervenor who wishes to appear at the hearing in opposition to the proposed facility should, within 20 days of the date of this Order, so notify the Commission. If no statements of intent to appear at the hearing and to present evidence against the proposed facility are received by the Commission, the hearing should be cancelled and this matter submitted to the Commission for a decision based on the record.

The Commission being sufficiently advised, IT IS THEREFORE ORDERED that:

1. A hearing on the proposed cell site is scheduled for January 9, 1996, at 10:00 a.m., Eastern Standard Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky.

2. Contel Cellular shall appear at the hearing and be prepared to present testimony on the engineering design, location, and construction of the proposed cell site, the health and safety issues relating to the operation of the cell site, and all other issues raised by the intervenors.

3. Any interested person shall have the opportunity to present testimony or comment on any aspect of the proposed cell site.

4. Pursuant to KRS 100.324, a copy of this Order is being sent to the Louisville and Jefferson County Planning Commission to notify it that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

5. Any party who wishes to appear at the hearing in opposition to the proposed cell site shall file a statement to that effect within 20 days of the date of this Order.

6. If the Commission does not receive, within 20 days of the date of this Order, any statements expressing a party's intent to appear in opposition to the proposed cell site, the hearing shall be cancelled and the matter shall be submitted to the Commission for a decision on the record.

Done at Frankfort, Kentucky, this 5th day of December, 1995.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director