

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)
NECESSITY TO CONSTRUCT AN ADDITIONAL) CASE NO. 95-088
CELL FACILITY IN THE LEXINGTON,)
KENTUCKY METROPOLITAN STATISTICAL AREA)
(SPINDLETOP CELL FACILITY))

O R D E R

On April 10, 1995, the Commission received the attached letter from the Lexington-Fayette Urban County Government ("LFUCG") regarding the proposed cellular telecommunications facility to be located at 4550 (rear) Iron Works Road, Lexington, Fayette County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Contel Cellular of Kentucky, Inc. ("Contel Cellular") shall respond to the LFUCG's questions by certified letter, within 10 days of the date of this Order.

2. Contel Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 14th day of April, 1995.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director



Lexington-Fayette Urban County Government

Department of Housing & Community Development • Division of Planning • Planning Services

Becky

April 6, 1995

Don Mills, Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RECEIVED

~~APR 07 1995~~
APR 10 1995

~~PUBLIC SERVICE COMMISSION~~
PUBLIC SERVICE COMMISSION

RE: PSC Application 95-088

Dear Mr. Mills:

The Lexington-Fayette Urban County Government wishes to state its concerns regarding the above-captioned application for a cellular tower and equipment shelter for property located at 4550 (rear) Iron Works Road. At its April 4, 1995 meeting, the Urban County Council specifically requested that the following questions and concerns be forwarded to the Public Service Commission:

1. Relocation of the tower to a point further west so that at least the 60% fall zone does not include any lanes of I-75.

Did Contel Cellular consider before requesting this site that the proposed tower would be located immediately adjacent to Interstate 75 and that the fall line of this tower, including the 60% fall zone, would include both the north and south bound lanes of the interstate, and therefore, if the tower were to fall, it would not only block a major highway but potentially cause serious harm to travelers on the interstate?

It is felt that common sense would dictate that the applicant and PSC consider relocating the tower further to the west provided that such relocation would not have an adverse impact on properties along Georgetown Road to the west of the site.

2. Provision of adequate landscape buffering of the equipment shelter if it is visible from I-75, Iron Works Road, Georgetown Road, or the Spindletop Estates area.

What screening, if any, does Contel Cellular intend to provide for the equipment shelter for the tower facility?

The Council agrees with the comments contained in a letter of concern from Susan Byars, area resident, over this same issue (copy attached). In addition to the interstate proximity issue, Ms. Byars expressed concern regarding the architectural design and screening of the attendant equipment shelter for the tower facility. The Council requests that the applicant agree to provide a

screening plan.

3. Addition of a condition by the PSC that the tower be removed if it ever ceases to be used as a cellular transmitting facility.

Will the PSC require that the tower be removed if it ever ceases to be used as a cellular transmitting facility?

I believe that this restriction may have become a standard PSC requirement - if not, the Lexington-Fayette Urban County Government would request that the PSC impose this restriction, with a surety if necessary to ensure future compliance.

The Lexington-Fayette Urban County Government hopes that these concerns can be addressed short of requesting intervention. I am also sending a copy of this letter to Brent Rice, attorney for Contel Cellular. I have spoken with him previously regarding this application and believe he is generally aware of these concerns.

The Lexington-Fayette Urban County Government looks forward to a response from Contel Cellular and/or the Public Service Commission on these issues.

Sincerely,



Christopher D. King
Deputy Planning Manager
Chairman, LFUCG Cellular Tower Committee

CDK/MKH

Attachments (2)

c: Mayor Pam Miller
Urban County Council Members
W. Brent Rice
Susan Byars

KY
HORSE
PARK

IRON W

RAILROAD
ROAD

A-R
B-3

GERRETSON ROAD

I-75



SPINDLETOP
ESTATES

SCALE:
1" = 200'

NOTES

Cedar Spring Farm

April 3, 1995

Chris King
Division of Planning
Cellular Tower committee Chairman
Lexington-Fayette Urban county Government
200 East Main Street
Lexington, KY 40507

Rec
4/3/95
CD

Dear Mr. King,

I am faxing this to you since I will be unable to attend the meeting which I understand will be held today at 4:00 p.m. to consider the construction of a cellular tower at 4550 Iron Works Road. I have been out of town and returned yesterday to learn that this meeting has been recently scheduled.

From my understanding of the proposed location of the tower, it would represent a hazard to the travelers on Interstate 75 and possibly to the railroad as well. Also of concern to me and many of my neighbors is the construction of another eyesore near the I75 Interchange which leads to the Kentucky Horse Park. Recently AT&T constructed an ugly "hut" directly across Iron Works Road from the property where the tower will be built. Hundreds of thousands of tourists pass through this area on their way to the Park each year. We do not want to see the Interchange littered with inappropriate industrial architecture in an area which is zoned as an agricultural area and which is a gateway to one of Kentucky's premier tourist attractions.

Thank you for your consideration of these concerns.

Sincerely,

Susan Byars
Susan Byars

CC: Gloria Martin
Spindletop Neighborhood Association