

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. 95-031
NECESSITY TO CONSTRUCT AN ADDITIONAL)
CELL FACILITY IN THE LOUISVILLE, KENTUCKY)
METROPOLITAN STATISTICAL AREA)
(BROWNSBORO ROAD CELL FACILITY))

O R D E R

On February 3, 1995, GTE Mobilnet, formerly known as Contel Cellular of Kentucky, Inc. filed an application requesting authority to construct a cellular facility in the Louisville Metropolitan Statistical Area on property known as the Brownsboro Office Park. In response to opposition to the proposed site, and after a hearing, the Commission issued an Order, entered November 7, 1995, directing GTE Mobilnet to amend its application to reflect that its cellular facility is proposed to be constructed approximately 200 feet south-southeast of its originally proposed site. On January 26, 1996, GTE Mobilnet filed its amendment, which included a statement that all persons who reside or own property within 500 feet of the new site have been notified. Rudy Lane Inc. ("Rudy Lane"), as well as some other intervenors, continued to oppose the construction.

On June 25, 1996, after notice to all parties, an informal conference was held at the Commission's offices in Frankfort. No intervenor other than Rudy Lane appeared.

On July 16, 1996, Rudy Lane and GTE Mobilnet filed a joint motion requesting that the amended application be submitted to the Commission for a decision on the record. Movants state that GTE Mobilnet has made numerous concessions to the intervenors, modifying the style of the proposed facility and agreeing to provide certain landscaping and other services to minimize any aesthetic impact of the monopole. Movants request that the Commission enter an Order stating that, if no party to this case files a request for hearing within 10 days, the case will stand submitted for decision on the existing record.


Movants' request is reasonable. The record in this case is voluminous, and one hearing has already been held. The Commission having been sufficiently advised, IT IS THEREFORE ORDERED that if the Commission does not receive, within 10 days of the date of this Order, a written request for a hearing from a party to this case wherein the requesting party states his intent to appear at the hearing to offer evidence in opposition to the proposed cell site, this case shall stand submitted to the Commission on the record without further Orders herein.

Done at Frankfort, Kentucky, this 18th day of July, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director