

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LEXINGTON MSA LIMITED)
PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT AN)
ADDITIONAL CELL SITE IN LEXINGTON,) CASE NO. 96-001
KENTUCKY FOR THE PROVISION OF)
DOMESTIC PUBLIC CELLULAR RADIO)
TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC IN THE LEXINGTON MSA)

O R D E R

The Commission has received the attached letters from the Lexington-Fayette Urban County Government, Dr. Sharon Napier, Vicki Holladay, David Hungerford, Thelma P. Goodwin, and Harriet H. Finn (hereinafter referred to as "Petitioners") regarding the proposed cellular telecommunications facility to be located at the Waller Place Condominiums, Waller Avenue, Lexington, Fayette County, Kentucky.


IT IS THEREFORE ORDERED that:

1. Lexington MSA Limited Partnership ("Lexington MSA") shall respond to Petitioners' questions by certified letter, within 20 days of the date of this Order.

2. Lexington MSA 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 26th day of January, 1996.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission



Dotson

Lexington-Fayette Urban County Government

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

January 16, 1996

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

RE: PSC Case Number 96-001

Dear Mr. Mills:


The Lexington-Fayette Urban County Government (hereinafter referred to as LFUCG) wishes to state its concerns regarding the above-captioned application for a cellular tower and equipment shelter for property located at 342 Waller Avenue. The information provided to us by Lexington MSA limited partnership is not detailed enough for us to properly determine the potential impact of the tower upon the existing residential and office development on this site and the surrounding properties, many of which are residential. I specifically request that the following items be provided for our review, or issue otherwise addressed as appropriate:

1. A copy of the application filed with the PSC; in particular, the nature of the proposed tower (monopole or lattice), and a detailed plan (to scale) showing how the proposed tower would be sited in relation to the existing development (buildings, parking, etc.) on this property; demonstrating that requirements of the Zoning Ordinance can be maintained for the property. Also, the boundary lines of any proposed subdivision for the purposes of leasing as required by KRS Chapter 100; demonstrating compliance with the Subdivision Regulations.
2. Information as to whether or not Lexington MSA considered utilizing the existing eight story building on this site as part of the structure to elevate the transmitting equipment.
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.
4. Information as to proposed screening/buffering of the proposed facilities from adjoining properties.

The LFUCG's Cellular Tower Committee will review the requested information in the hope that any concerns can be addressed short of requesting intervention. I am also sending a copy of this letter to Sam McNamara, attorney for Lexington MSA Limited Partnership.

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

Sincerely,



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

- c: Mayor Pam Miller (c/o Charlie Boland)
Sam G. McNamara, Attorney for Lexington MSA
Cellular Tower Committee Members:
Councilmember Fred Brown, Jimmy Campbell, Keith Horn, Terry Tipton,
& Casey Wilson

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Datsun
January 9, 1996

Sharon Napier MD
1539 Heron Lane
Lexington, Kentucky 40503

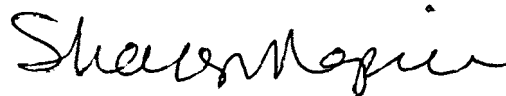
Dear Executive Directors Office:

I am writing this letter regarding Case No. 96-001. As you know, this refers to potential construction of a cellular communications tower within 500 feet of my home!

I have many objections to the construction of such a tower so close to my home. The property value of my house will surely decrease. In addition, the natural beauty of this portion of the neighborhood will be destroyed. There certainly must be better choices for a construction site. Perhaps a more industrial area. If such an unsightly tower is constructed in this neighborhood, I would hope that the local residents would be provided with information regarding possible interference with other electronic/communications devices.

Please choose another location for construction of the tower.

Sincerely,



Sharon Napier MD

January 18, 1996

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JAN 22 1996

PUBLIC SERVICE
COMMISSION

Dotz

Dear Sir or Madame,

re: Case No. 96-001

It would be atrocious to build a tower of 160' @ this location. It would be ugly at any location, but it is especially inappropriate where an entire neighborhood can overlook it, and where even the businesses & offices for the most part do not exceed 2 or 3 stories. I don't want to look at it, I feel it would affect the quality of our daily lives and our property values. The front wall of my living room is nearly all window and should zero in on this monstrosity nicely.

Also, I find it hard to believe that this wouldn't cause us problems with our telephones, televisions, pacemakers, etc. Or, looking at it from the point of view of a thunderstorm. If you were taking along at 30-40 MPH and saw

a great, ugly, steel thing; wouldn't you jump on it
and burn it to the ground?

Thank you very much for your time & attention

Picki Holladay
1540 Heron Lane

Lex. Ky. 40503-1110

Dotson

David A. Hungerford
Lauralyn S. Hungerford
1547 Heron Lane
Lexington, Ky 40503

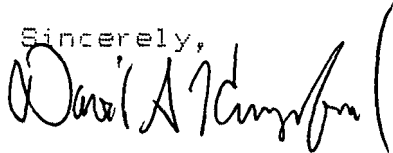
Executive Director's Office
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, Kentucky 40602

Re: Case No. 96-001

To Whom It May Concern:

This is to inform the commission of our strong objection to Lexington MSA Limited Partnership's application to build a 160 foot tower adjoining our property. Because such a facility is inappropriate to a long established residential neighborhood, and will significantly damage the value of our property, and our enjoyment of it, we request the right of intervention in this matter.

Sincerely,



David Hungerford



Ms. Thelma P. Goodwin
635 Wichita Dr.
Lexington, KY 40503

Dots on

Jan 16, 1996
RECEIVED

Exec Dir Office
Frankfort Ky 40602

JAN 18 1996

PUBLIC SERVICE
COMMISSION

Re: Case # 96-001

Due to this address being
an 80 unit apartment bldg
I am opposed to this
proposal.

Thank you

Thelma P. Goodwin
unit owner

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JAN 24 1996

PUBLIC SERVICE
COMMISSION

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January 15, 1996

Executive Director's Office
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, Kentucky 40502

RE: Public Notice - Public Service commission of KY
Case No. 96-001

Dear Sir:

This is in response to your letter dated January 2, 1996 concerning Lexington MSA Limited Partnership request for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular radio telecommunication service at 342 Waller Avenue, Lexington, Kentucky 40504.

I object to the proposed tower to be placed near my property (1554 Jacana Avenue) because of the health hazard, based on studies associated with electro-magnetic generation. A certain amount of electro-magnetic energy is radiated from the transmission of cellular phone service and is considered dangerous to our health.

The construction of the tower will definitely have a negative influence on property values due to the tower's unsightly appearance, and the health hazards associated with the service.

If the construction of the tower is approved and erected, all property owners should be compensated by Lexington MSA Limited Partnership for the detrimental impact it will have on the property resale values.

Please advise me on the result of the request.

Sincerely,

Harriet H Finn

Harriet H. Finn
10913 Fenway Glen Court
Riverview, Florida 33569

Copy: Sam G. McNamara
Attorney At Law
315 East High Street
Frankfort Kentucky 40602