

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
AN ADDITIONAL CELL SITE IN LOUISVILLE,) CASE NO.
KENTUCKY FOR THE PROVISION OF DOMESTIC) 96-081
PUBLIC CELLULAR RADIO TELECOMMUNICATIONS)
SERVICE TO THE PUBLIC IN JEFFERSON)
COUNTY, KENTUCKY AND THE LOUISVILLE MSA)

O R D E R

This matter arising upon the motion of the city of Watterson Park, Cardinal Tool Supply, Inc., and Michael Seibert (hereinafter referred to collectively as "Petitioners"), filed March 22, 1996, for full intervention. Petitioners' motion also included a request for a formal hearing. It appears to the Commission that Petitioners have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of Petitioners to intervene is granted.
2. Each Petitioner shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should any Petitioner file documents of any kind with the Commission in the course of these proceedings, said Petitioner shall also serve a copy of said documents on all other parties of record.

4. Petitioners' motion for a hearing is hereby held in abeyance pending Kentucky CGSA, Inc.'s response to Petitioners' concerns. If, after receipt of Kentucky CGSA's response, Petitioners still desire a hearing, they may renew their motion for a hearing at that time.

Done at Frankfort, Kentucky, this 3rd day of April, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC CELLULAR RADIO TELECOMMUNICATIONS)
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O R D E R

The Commission has received the attached letters from Lawrenceburg Transfer, Inc., Michael Seibert, Cardinal Tool Supply, Inc., Norton Gatz, KYANA Sheet and Iron Corporation, Auto, Truck & Fiberglass of Louisville, Inc., Pete Van Note and the attached motion from the city of Watterson Park, Cardinal Tool Supply, Inc., and Michael Seibert (hereinafter referred to collectively as "Petitioners") regarding the proposed cellular telecommunications facility to be located at 1418 Sanita Road, Louisville, Jefferson County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA, Inc. ("Kentucky CGSA") shall respond to Petitioners' concerns and the concerns raised in the attached motion by certified letter, within 20 days of the date of this Order.

2. Kentucky CGSA 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 3rd day of April, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt
For the Commission

ATTEST:

Don Mills
Executive Director

Louisville
451-1765

Lexington
252-3325

LAWRENCEBURG TRANSFER INC.

GENERAL OFFICES

P.O. BOX 267
LAWRENCEBURG, KY. 40342
PHONE 839-4525

Datson
Danville
236-4442

Cincinnati
242-4746

March 18, 1996

RECEIVED

MAR 22 1996

PUBLIC SERVICE
COMMISSION

Public Service Commission of Kentucky
Executive Director's Office
P.O. Box 615
Frankfort, Kentucky 40602

Reference Case No. 96-081

Gentlemen:

Lawrenceburg Transfer's only concern with Ky. CGSA, Inc.'s proposal is that there is very limited space available at the proposed site that will force the placement of the tower too close to active roadways and too close to property boundaries of Lawrenceburg's facility.

Sincerely,

LAWRENCEBURG TRANSFER, INC.

John Ripy
John Ripy *By* *J.P.*
President

RECEIVED

MAR 26 1996

PUBLIC SERVICE
COMMISSION

Michael & Brenda Seibert
4266 Regina Lane
Louisville, KY 40213

Datson

March 22, 1996

Executive Directors Office
Public Service Commission of Kentucky
P O Box 615
Frankfort, KY 40602

RE: Case # 96-081

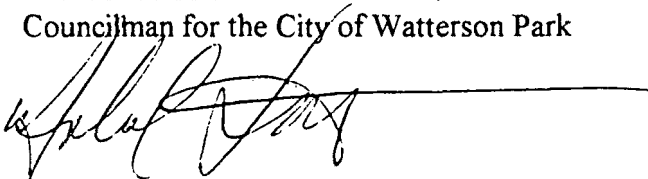
To Whom It May Concern:

I am writing in opposition of the 126' cellular tower proposed on the property of 1418 Sanita Road. I oppose this proposed tower for the following reasons.

- 1) The tower will be an eyesore that will be viewed as soon as anyone enters the City of Watterson Park.
- 2) The positioning of the tower is to close the road, which will make the tower very uncitely.
- 3) The tower is positioned between company's that could be affected if the tower was to be damaged by storms.
- 4) Health concerns. The tower is approximately 500' from my house and I have no idea what kind of health concerns could arise from the constant pounding of various waves.

Thanks for your concern,

Michael Seibert
Councilman for the City of Watterson Park





Dolson

CARDINAL TOOL SUPPLY, INC.

RECEIVED
MAR 27 1996
PUBLIC SERVICE
COMMISSION

March 25, 1996

Executive Directors Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

Re: Case No. 96-081

In response to the Public Service Commission of Kentucky's letter of March 6, 1996, Cardinal Tool Supply is opposed to Kentucky CGSA's (BellSouth) application to construct and operate a cellular radio and telecommunications tower adjacent to our building located at 1418 Sanita Road. Please note that this tower (126') will reside within eighty feet (80') of our building as well as a three other businesses and a personal residence.

Further, this cellular tower (126') will reside within ten feet (10') of Watterson Park Road. Cardinal Tool Supply is concerned because this tower has a minimal 'safety-zone' due to the fact that the U.S. Postal Service and Lawrenceburg Transfer direct their fleet of tractor-trailers to use this road as their main thoroughfare in transit to their facilities.

Cardinal Tool Supply has maintained this adjacent property for four years. We are interested in who will maintain this property once a tower is erected. We would prefer that this tower be safely away from our building as well as the other businesses. Is there not a more suitable location away from the immediate businesses in our area?

In considering that this cellular tower be placed in a more suitable area, Cardinal Tool Supply, Auto Truck & Fiberglass and many other affected businesses request that the Public Service Commission of Kentucky and BellSouth reconsider their application at this time.

Sincerely,

Vernon G. Weickel
President

RECEIVED

MAR 27 1996

PUBLIC SERVICE
COMMISSION

March 25, 1996

Mr. Norton Gatz
1420 Sanita Road
Louisville, KY 40213

Executive Directors Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

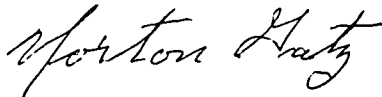
Re: Case No. 96-081

As a resident within eighty feet (80') of BellSouth's proposed new cellular tower, I am writing to voice my concern at the proximity of this tower to my home, other businesses, and Watterson Park Road.

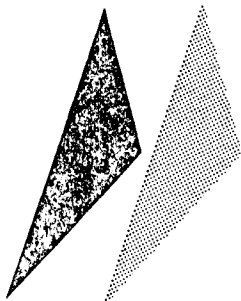
In observing the placement of this tower, I have noticed that it would **not** be safely located away from traffic. It seems that a tower so large would be better suited further away from the street (Watterson Park Road) or in an area with much less traffic and congestion.

Please reconsider BellSouth's application in constructing this tower. I feel that their interests are better served by placing such a tower further away from the residential area, businesses, and congested traffic area.

Regards,



Norton Gatz



KYANA Sheet and Iron Corporation

1415 Hugh Avenue P.O.Box 36188 Louisville, Ky. 40233 502-451-4755 Fax 502-454-0716

RECEIVED
MAR 27 1996
PUBLIC SERVICE
COMMISSION

March 22, 1996

Executive Directors Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

Re: Case #96-081

Gentlemen:

Please consider this letter an expression of our strong opposition to the 150 cell tower proposed at 1414 Sanita Rd.

Thanking you in advance for your re-consideration, we are

Sincerely,

KYANA SHEET & IRON CORP.

C. E. Berger
President

CEB/jak

RECEIVED

Auto, Truck & Fiberglass of Louisville, Inc.

MAR 27 1996
4387 Poplar Level Road
Post Office Box 32577
Louisville, KY 40223
PUBLIC SERVICE
COMMISSION

Phone (502) 451-0712
Fax (502) 451-5998

March 26, 1996

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

This is in regards to the proposed tower at 1418 Sanita Road, case #96-081.

We do not wish to have the tower built there, as we sometimes have to use that space to maneuver large trucks into our building. The tower would certainly hinder our business.

We feel there are other, nearby, places in which the tower could be installed.

Please consider locating it in a place where it would not be in anyone's way.

Thank you.

Sincerely,



Larry Wentzell

bjg

**VAN NOTE
SUPPLY INC.**

1403 HUGH AVENUE
LOUISVILLE, KY 40213
(502) 458-5097
FAX: (502) 456-6321

Dotson

RECEIVED

MAR 29 1996

**PUBLIC SERVICE
COMMISSION**

March 22, 1996

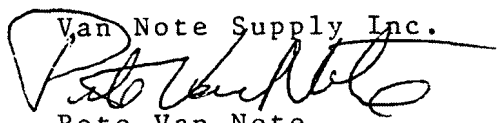
Executive Directors Office
Public Service Commission of Kentucky
P. O. Box 615
Frankfort, KY 40602

Re: Case # 96-081

Gentleman:

Please consider this letter an expression of our
opposition to the 150' cell tower proposed at the
site near 1418 Sanita Road.

Sincerely,

Van Note Supply Inc.

Pete Van Note

PVN/jr

Dotson

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAR 22 1996

PUBLIC SERVICE COMMISSION

In the matter of)	
Kentucky CGSA, Inc.)	
for a Certificate of)	Case No. 96-081
Public Convenience)	
and Necessity)	

MOTION TO INTERVENE AND MOTION FOR HEARING

Movants, the City of Watterson Park, Cardinal Tool Supply, Inc. and Michael Seibert, all by counsel, respectfully move the Commission: (1) to intervene in this case on the basis of full intervention to oppose the application for the Certificate of Public Convenience and Necessity; and (2) to grant a hearing on the application.

The interests of the movants are that the proposed new facility will be located on property situated within the corporate boundaries of the City of Watterson Park, a fifth class city, will be adjacent to Cardinal Tool Supply, Inc., and will be approximately five hundred (500) feet from Mr. Seibert's home.

The parties names and addresses are: (1) City of Watterson Park, c/o Norm Liebert, Mayor, 4264 Regina Lane, Louisville, Kentucky 40213; (2) Cardinal Tool Supply, Inc., 1418 Sanita Road, Louisville, Kentucky 40213; and (3) Michael Seibert, 4266 Regina Lane, Louisville, Kentucky 40213.

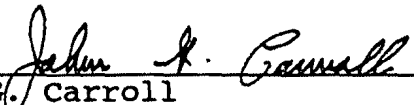
Respectfully submitted:

John G. Carroll

 John G. Carroll
 Ackerson, Yann & Miller, P.S.C.
 1800 One Riverfront Plaza
 Louisville, Kentucky 40202
 (502) 589-4130
 Counsel for Movants

CERTIFICATE OF SERVICE

I hereby certify the foregoing motion has been served on Sam G. McNamara, P.O. Box 916, Frankfort, Kentucky, 40602, counsel for Kentucky CGSA, Inc., by mailing a copy of same to him by first class United States mail, postage prepaid, this 21st day of March, 1996.



John G. Carroll