

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO, L.P. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
CONSTRUCT A PERSONAL COMMUNICATION) CASE NO. 96-281
SERVICES FACILITY IN THE LOUISVILLE)
MAJOR TRADING AREA (FERGUSON PCS)
FACILITY LV03XC069B1))

O R D E R

The Commission has received the attached letters from Richard Terry and Francis W. and Virginia E. Burkart (hereinafter referred to as "Petitioners") regarding the proposed personal communication services facility to be located at 136 Ferguson Road, Shepherdsville, Bullitt County, Kentucky.

IT IS THEREFORE ORDERED that:

1. WirelessCo, L.P. ("WirelessCo") shall respond to Petitioners' concerns by certified letter, within 10 days from the date of this Order.
2. WirelessCo 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 15th day of July, 1996.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Director


For/the Commission

RECEIVED

JUL - 5 1996

PUBLIC SERVICE
COMMISSION

CITY OF HILLVIEW
298 PRAIRIE DRIVE
HILLVIEW, KENTUCKY 40229

MAYOR
RICHARD TERRY

CITY CLERK
BLEND A WEBER

COUNCILMEMBERS
HERBERT "BUD" EADENS
JOHN DALE RUSS
BUDDY HOSKINSON
RITA MCGLASSON
DAN WHITIS
BONNIE WILLIAMS

TELEPHONE
(502)957-5280

FAX
(502)955-5673

EXECUTIVE DIRECTOR'S OFFICE
PUBLIC SERVICE COMMISSION OF KENTUCKY
P.O. BOX 615
FRANKFORT, KY ~~40602~~

JULY 2, 1996

RE: PUBLIC NOTICE - PUBLIC SERVICE
COMMISSION OF KENTUCKY
CASE NO. 96-281

TO WHOM IT MAY CONCERN;

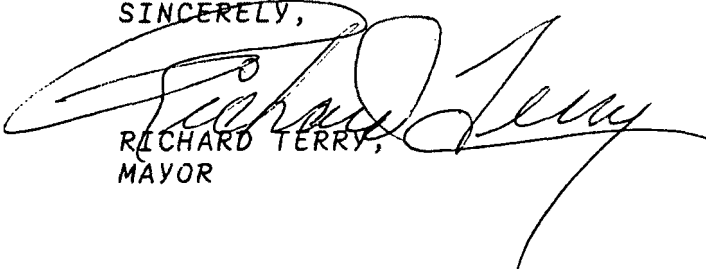
IT HAS BEEN BROUGHT TO MY ATTENTION THAT GEARON & COMPANY, INC. HAS INTENTIONS OF ERECTING A PUBLIC COMMUNICATION FACILITY IN OUR CITY. I HAVE NOT PERSONALLY BEEN CONTACTED BY THE GEARON & COMPANY REPRESENTATIVES BUT CERTAINLY HAVE MANY QUESTIONS TO BE ANSWERED.

I BELIEVE THE PROPOSED CONSTRUCTION OF THIS FACILITY WILL CERTAINLY EXPLORE MANY PROBLEMS FOR OUR CITY AND THE EXPANSION OF THIS TRACK OF LAND. THE QUESTIONS THAT HAVE BEEN RAISED BY MR. & MRS FRANCIS W. SR. & VIRGINIA BURKART ARE CONCERNS OF MINE ALSO.

I ALSO WOULD LIKE TO OPPOSE THE CONSTRUCTION OF THIS FACILITY IN OR AROUND OUR CITY.

PLEASE CONTACT MY OFFICE IF YOU HAVE FURTHER QUESTIONS.

SINCERELY,


RICHARD TERRY,
MAYOR

Case No. 96-281

June 27, 1996

Mr. & Mrs. Francis W. Sr. & Virginia Burkart
8106 Ebert Drive
Manassas, VA 22111

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

RECEIVED

JUL - 1 1996

PUBLIC SERVICE
COMMISSION

Dear Sir or Madam:

On June 20, 1996, I received the enclosed letter from GEARON & CO., INC. This company proposes to erect a lattice tower with attached antennas extending upward for a total height of 265 feet. In addition, they intend to build an equipment shelter with the tower. Both of these structures are to be built somewhere on the property located at 136 Ferguson Road, Sheperdsville, Kentucky. A map showing the general location of the new Public Services facility was also enclosed.

I am being notified about these structures because I own property within a 500-foot radius of the proposed lattice tower. This letter notified me that your Commission invited my comments regarding the proposed construction and that I had the right to intervene in this matter. In addition, I was told that my initial communication must be received within 20 days of the date of their letter which was June 18, 1996.

Before I offer my comments and request intervention in this matter, I would like to mention that the GEARON letter did not offer any information which pinpointed the specific location where the lattice tower is to be constructed; how large a base this tower would require; what was the size, shape or color of the equipment shelter. In addition, it does not describe what the equipment shelter would house, nor what purpose(s) it might serve. The letter did not offer any reason why it was necessary to notify me because I own property within a 500-foot radius of the proposed tower. Is it mandated by law or regulation? If that is the case, is it a Federal, State, or county law? What is the reason for this mandate? The map that was sent with the letter speaks for itself. It is nearly impossible to interpret.

There are a number of reasons why my wife and I object to the construction of this facility on the 136 Ferguson Road Property:

1. I own the property next to 136 Ferguson Road. It is classified as commercial and I do not want anything erected that would lower the value of my property and make it less desirable for future development. I believe that the construction of this tower and any other equipment or building would prove to be an eyesore to any developer of my property or developers of other properties in this area. This area is now being rapidly developed along I-65 from the Brooks Street Exit.

2. The owners of property adjacent to my property, who operate a Horse Trailer Business were notified of this potential tower and building. They are very concerned that this tower would be an eyesore and detract from the value of their property. They are writing a letter of protest to the Mayor of this District.
3. In addition, there are approximately 50 acres of property adjacent to the Horse Trailer Business which are slated for development. It is important that this area maintains a professional and neat appearance along I-65 so that it retains its desirability and attractiveness for future growth and development.

Additionally, I have contacted the Office of Magnetic Fields, Environmental Protection Agency, regarding the facility to be built on the property located at 136 Ferguson Road. I was informed that:

- a) Tower described was a microwave tower for cellular phones;
- b) Such a tower, if not properly constructed and maintained could be a health hazard;
- c) Such waves operate in straight lines. However, if the tower was to lean at an angle, or if improperly constructed, these waves could be a detriment to animal and human life. Such waves could cause burns and shock. Such a tower could be subject to strong winds which could cause a shift in the tower. A tornado recently hit that same area one month ago.
- d) The Office of Magnetic Fields is in the process of sending me literature on this subject. I will send a copy to the Commission.

I respectfully request the Commission to be aware of the following suggestions, if applicable:

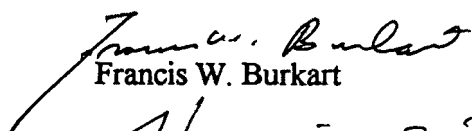
- a) Is an Environmental Impact Statement required?
- b) Are there any perceived health or safety hazards with this type of towers transmission?
- c) Are there any records or reports covering the subject matter described in a) & b) above?
- d) What type of waves will be emitted from this facility?
- e) What type of permits are required for this facility to be built?
- f) What is the specific location of the tower and building which is being built at 136 Ferguson Road?
- g) Does the Public Service Commission assure that the safety and health of people and animals is not impacted?

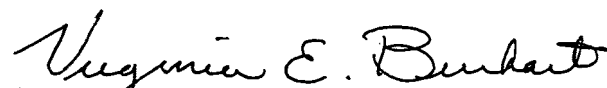
- h) Does the Commission assure that the erection of such a facility would not interfere with telephone, telecommunication, information systems, or other means of communication that would be utilized by any future businesses that would utilize by property or other properties in the neighborhood?
- i) Are there any laws, regulations, or ordinances that would be impacted by the erection of this tower or building?
- j) How many persons besides my wife and myself are similarly impacted as I am? Is it possible for me to obtain their names and addresses?
- k) Who is responsible for the payment of damages if this tower was to cause physical damage or health related problems in this area?

I appreciate the fact that my wife and I have the opportunity to intervene and offer comments on this matter. It would seem that Wireless Co., L.P., doing business as Sprint Spectrum, could find another location to satisfy their need without jeopardizing property values or future business development in this area. A 265-foot tower is equivalent to a city block in length; a collapse of such a lengthy tower could cause severe damage to any buildings or homes built in this area.

Thank you again for giving my wife and I the opportunity for expressing our concerns.

Yours Sincerely,


Francis W. Burkart


Virginia E. Burkart

Enclosure (June 18, 1996, letter and attached map)

Gearon & Co., Inc.

Wireless Network Development

9000 Wessex Place - Suite 100

Louisville, Kentucky 40222

Phone: (502) 394-9900 - Fax: (502) 394-3571

June 18, 1996

Mr. and Mrs. Francis W. & Virginia Burkart

8106 Ebert Drive

Manassas, VA 22110

Re: Public Notice - Public Service Commission of Kentucky,
Case No. 96-281

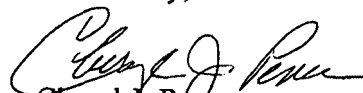
Dear Sir or Madam:

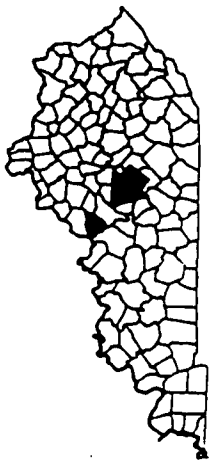
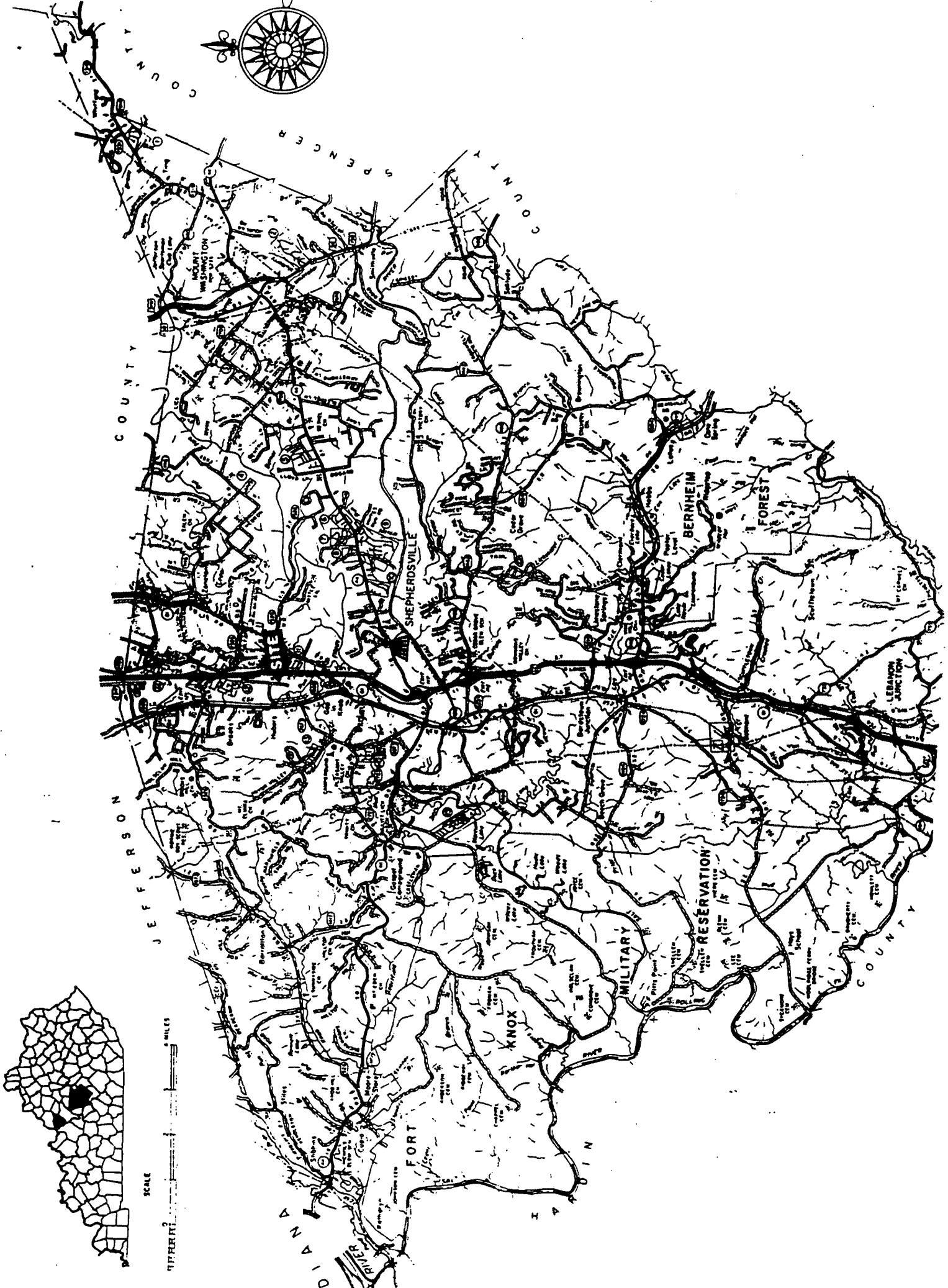
WirelessCo., L.P., doing business in Kentucky as Sprint Spectrum, has applied to the Public Service Commission (the "Commission") of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new Public Communications Services ("PCS") facility to provide personal wireless telephone and data services. Over fifty percent of Sprint Spectrum's proposed new facilities will be located on existing structures (ie., rooftops and water tanks). Unfortunately, no such appropriate and available structure exists in this area. Therefore, the proposed new facility will include a lattice tower, with attached antennas extending upward for a total height of 265', and an equipment shelter to be located at 136 Ferguson Road, Sheperdsville, Kentucky. A map showing the location of the proposed new PCS facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed lattice tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 96-281 in your correspondence.

Yours truly,


Cheryl J. Pence
J.D., M.C.P.



SCALE
TIPPERARY
MILES