

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ACCESS POINT,)
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
OPERATE AS A RESELLER OF) CASE NO. 96-304
TELECOMMUNICATIONS SERVICES WITHIN)
THE COMMONWEALTH OF KENTUCKY)

O R D E R

On June 28, 1996, Access Point, Inc. ("Access Point") applied to the Commission for a Certificate of Public Convenience and Necessity to provide intrastate resold telecommunications services in accordance with its proposed tariff. The proposed tariff contains an effective date of July 27, 1996.

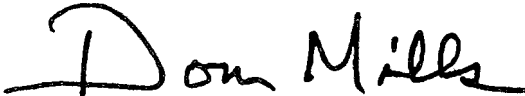
The Commission finds that, pursuant to KRS 278.190, further proceedings are necessary in order to determine the reasonableness of the proposed tariff and that such proceedings cannot be completed prior to the proposed effective date.

IT IS THEREFORE ORDERED that:

1. The proposed tariff is hereby suspended for 5 months from July 27, 1996 up to and including December 26, 1996.
2. Nothing contained herein shall prevent the Commission from entering a final decision in this case prior to the termination of the suspension period.

Done at Frankfort, Kentucky, this 25th day of July, 1996.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission



City of Louisville
Louisville Development Authority

JERRY E. ABRAMSON
MAYOR

BARRY S. ALBERTS
EXECUTIVE DIRECTOR

600 West Main Street
Suite 300
Louisville, KY 40202
(502) 574-4140 • FAX (502) 574-4143

Dotson

July 2, 1996

Mr. Don Mills
Executive Director
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, Kentucky 40206

RE: Case No. 96-272

Dear Mr. Mills:

I am writing on behalf of the Louisville Development Authority of the City of Louisville, to express concern over the proposed cellular radio telecommunication facility at 949-951 Dixie Highway. The Louisville Development Authority wishes to intervene in the proposed construction.

The proposed site is within the City's Empowerment Zone and is located on a commercial corridor in Louisville's West End. While housing redevelopment has been successful in many sections of West Louisville, commercial — specifically, retail — development has not kept pace with new residential development. The blocks south of the industrial properties at 18th Street (Dixie Highway) and Broadway were recently identified as priority area for strengthening the retail and commercial character of the Dixie Highway corridor. The Chicago consulting firm of Shorebank Advisory Services is under contract to the City of Louisville to prepare a retail development strategy for the 18th Street/Dixie Highway Corridor. The results of the study are in preliminary form.

An Equal Opportunity Employer

printed on recycled paper

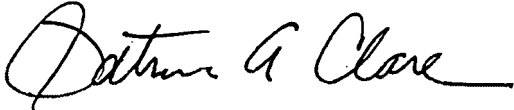


Mr. Don Mills
Page Two

The proposed telecommunications facility would take a potentially prime piece of commercial property out of the market. The two vacant parcels on which the proposed facility is to be constructed are adjacent to four parcels in public ownership. The public ownership in this block makes it likely candidate for redevelopment. On average, the blocks and tax parcels along Dixie Highway are narrow and shallow, making land assembly a necessary component of commercial redevelopment.

Although I realize that the application for this case was filed prior to the effective date of the new legislation concerning cellular telephone towers, because of the closeness of the date, I think it is appropriate for the Commission to honor the spirit and intent of the legislation and consider the case within the new process. I request that the Commission urge the applicant to work with the City of Louisville to find a more appropriate site for the proposed facility.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Clare". The signature is written in dark ink and is positioned above the typed name.

Patricia A. Clare, AICP
Administrator of Planning