

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T WIRELESS PCS, INC., BY )  
AND THROUGH ITS AGENT, WIRELESS PCS, INC., )  
FOR THE ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO ) CASE NO. 96-390  
CONSTRUCT A PERSONAL COMMUNICATIONS )  
SERVICES NETWORK FACILITY IN CRESCENT )  
SPRINGS, KENTUCKY AND CALLED THE DUWELL )  
SITE, SITE #02-052-05 )

O R D E R

On August 21, 1996, AT&T Wireless PCS, Inc. ("AT&T Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a personal communications services ("PCS") facility in Cincinnati/Northern Kentucky. The proposed facility consists of a monopole antenna tower not to exceed 195 feet in height, with attached antennas, to be located at 2571 Ritchie Avenue, Crescent Springs, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 2' 39.3" by West Longitude 84° 34' 47.8".

AT&T Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, AT&T Wireless has notified the Boone County Planning Commission ("Planning Commission") of the proposed construction. To date, no comments have been filed by the Planning Commission. On September 10, 1996, the Commission received comments from the Northern Kentucky Area Planning Commission ("NKAPC") regarding the proposed construction. The NKAPC advised that GTE Mobilnet Incorporated's ("GTE Mobilnet") PCS facility presented in Case No. 96-370,<sup>1</sup> approximately 2300 feet from the proposed construction, should be collocated at the instant site. Upon motion of GTE Mobilnet, Case No. 96-370 was dismissed. GTE Mobilnet stated that an agreement had been reached to collocate on AT&T Wireless' communications tower.

AT&T Wireless has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

AT&T Wireless has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, AT&T Wireless has posted notice of the proposed construction in a visible location for at least two weeks after filing its application.

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<sup>1</sup> Case No. 96-370, Application of GTE Mobilnet Incorporated for Issuance of a Certificate of Public Convenience and Necessity to Construct a Personal Communications Service Facility in the Cincinnati-Dayton Major Trading Area ("MTA") which Includes Boone, Kenton, Campbell, Gallatin, Grant, Pendleton, Bracken, Mason, Lewis, Greenup, Carter, Boyd, Elliott, Lawrence, Johnson, Martin, Floyd and Pike Counties, Kentucky ("CVG #30/Wong Facility")

The Commission received several letters from nearby property owners commenting on the proposed construction. AT&T Wireless responded in writing to the comments as ordered by the Commission. Under separate letter, the Commission informed each property owner of the right to request intervention and a public hearing if AT&T Wireless' response was not satisfactory. To date, no further comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Wireless should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by AT&T Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Wireless should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in Cincinnati/Northern Kentucky under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 195 feet in height, with attached antennas, to be located at 2571 Ritchie Avenue, Crescent Springs, Boone County,

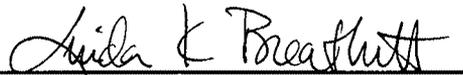
Kentucky. The coordinates for the proposed facility are North Latitude 39° 2' 39.3" by West Longitude 84° 34' 47.8".

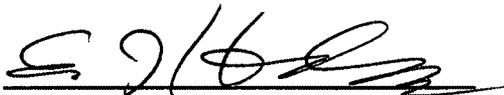
2. AT&T Wireless shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. AT&T Wireless shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 16th day of December, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director