

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 )  
LEXINGTON, KENTUCKY FOR THE PROVISION ) CASE NO. 97-072  
OF DOMESTIC PUBLIC CELLULAR RADIO )  
TELECOMMUNICATIONS SERVICE TO THE )  
PUBLIC IN FAYETTE COUNTY, KENTUCKY )  
AND THE LEXINGTON MSA )

O R D E R

The Commission has received the attached letters from William E. Hellard, Teresa A. Ernest, and Atheen Stigall (hereinafter referred to collectively as "Petitioners") regarding the proposed cellular telecommunications facility to be located at 3459 Buckhorn Drive, Lexington, Fayette County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA, Inc. ("Kentucky CGSA") shall respond to Petitioners' concerns by certified letter, within 10 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 22nd day of October, 1997.

ATTEST:

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Executive Director

  
\_\_\_\_\_  
For the Commission

RECEIVED

OCT 06 1997

PUBLIC SERVICE  
COMMISSION

September 30, 1997

VIA CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Re: Public Notice - Public Service Commission of KY  
Case No. 97-072

Kentucky CGSA, Inc. has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular radio telecommunication service. The facility will include a 150' monopole tower with nine (9) antennas for a total height of 160' to be located in the rear of a unoccupied shopping center building at 3459 Buckhorn Drive, Lexington, Fayette County, Kentucky 40515, in an area zoned "B-6P (Planned Shopping Center Zone)". Directions to the site are as follows: From Lexington, take I-75 south to Exit #109 Man O'War; go right (west) and continue approximately 4.5 miles until you reach Buckhorn Drive; take a left and go approximately .3 mile, entrance to shopping center is just past Berry Hill Park; site is at rear of abandoned shopping center building. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed 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 twenty (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, Kentucky 40602. Please refer to Case No. 97-072 in your correspondence.

Sincerely,



Sam G. McNamara  
Attorney for Kentucky CGSA,  
Inc.

SGM/j

Enclosure

Lexington, Kentucky  
March 6, 1997

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

Reference # 97-072

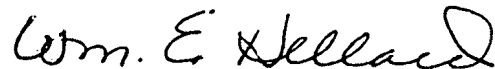
Dear Sir/ or Madam,

Please accept this letter in response to the proposed building of a communication tower in a neighborhood in Lexington, Ky., where I just recently bought a residence.

If the PSC grants permission for the construction of this facility, it will be "permission in perpetuity".. If such action is taken, then owners of property in the affected area, who may be opposed to this, will be precluded from taking any further action from an administrative standpoint.

We respectfully request that a six-month delay be ordered, to give both sides of this issue an opportunity to consider alternatives that may be acceptable to all concerned.

Very truly yours,



William E. Hellard  
213 Catalpa Road  
Lexington, Kentucky 40502



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

March 17, 1997

Mr. William E. Hellard  
213 Catalpa Road  
Lexington, Kentucky 40502

Dear Mr. Hellard:

RE: Case No. 97-072, Kentucky CGSA, Inc.

The Commission is in receipt of your letter concerning Kentucky CGSA, Inc.'s ("Kentucky CGSA") application for approval to construct a cell facility in the Lexington area. The Commission will carefully analyze this application before rendering its final decision.

Attached is a copy of an Order, dated March 17, 1997, requiring Kentucky CGSA to respond to your concerns. Your letter is being treated as an official protest and will be placed in the case file of this proceeding. However, if after reviewing Kentucky CGSA's response to the attached Order you wish to actually participate in the proceeding, **you must file a letter requesting full intervention with the Commission within 10 days of receiving Kentucky CGSA's response.** The letter requesting intervention should include the above case number, your name, and address. A copy of the Commission's regulation on intervention is enclosed for your convenience.

The Commission does not always schedule a hearing in a case of this nature. Consequently, if you desire a hearing, that request must be made in the letter requesting intervention.

The Attorney General's Office of Rate Intervention, which represents consumers' interests, may be able to provide you with additional assistance. You may contact them at (502) 573-4994 to inquire whether there will be a representative from that office participating in this case.

Thank you for your interest and concern in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Don Mills".

Don Mills

Executive Director

Attachment

Case No 97-072

Lexington, Ky 40515

Oct 3, 1997

Athens Stegall  
3340 Mt Forester Dr  
Lexington, Ky 40515

RECEIVED  
OCT 06 1997  
PUBLIC SERVICE  
COMMISSION

To, Public Service Commission

I do not agree to have this tower  
this close to my house because of the  
radiation and having grand children so  
close to this antenna. I object totally  
to this.

Thanks  
Athens Stegall

RECEIVED

OCT 08 1997

PUBLIC SERVICE  
COMMISSION

October 7, 1997

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

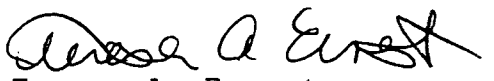
Case No. 97-072

Dear Sir:

This letter is in response to the Public Notice mailed to those property owners near the proposed telecommunications tower near 3459 Buckhorn Drive, Lexington, Kentucky.

I wish to strongly protest the proposed construction of the tower in this neighborhood. I have lived in this neighborhood for over 14 years. Other than the housing in the area, there is only a convenient-type store, a pub, a pizza delivery storefront and a liquor store. There are no other commercial properties and the construction of such a tower would reflect negatively on this area. There is also a neighborhood park with tennis courts and a swimming pool with lots of traffic by not only vehicles but also many young children. Please do NOT allow construction of such a structure!!

Sincerely,

  
Teresa A. Ernest  
3313 Smoky Mountain Drive  
Lexington, Kentucky 40515  
Home 606-273-3732  
Work 606-233-3722