

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW PAR, A DELAWARE)
PARTNERSHIP, D/B/A AIRTOUCH CELLULAR,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO.
AND NECESSITY TO CONSTRUCT A CELLULAR) 97-277
TELECOMMUNICATIONS FACILITY IN BOONE)
COUNTY, KENTUCKY)

O R D E R

The Commission has received the attached letters from Lowell T. Runion and Kevin T. Wall (hereinafter referred to collectively as "Petitioners") regarding the proposed cellular telecommunications facility to be located at 1982 Florence Pike, Burlington, Boone County, Kentucky.

IT IS THEREFORE ORDERED that:

1. New Par, d/b/a AirTouch Cellular ("AirTouch") shall respond to the Petitioners' concerns by certified letter, within 10 days from the date of this Order.
2. AirTouch 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 6th day of August, 1997.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

July 24, 1997

To: Mr. Don Mills, Executive Director Via Fax and U.S. Mail
Public Service Commission of Kentucky

From: Lowell T. Runion

Re: Public Notice- Public Service Commission of Kentucky
Case No. 97-277

Please be advised that I own the real estate adjacent to the the property described in the above public notice. It is my understanding that a 185 ft. cellular telecommunication monopole is proposed for the site adjacent to my property. (See attached site plan)

My real estate consist of approx. 80 acres that is currently being used for a 18 hole public golf course. I purchased the property in 1989 for \$1,850,000 and have invested over \$600,000 in improvements. A substantial amount of time and effort has gone into the improvement of this property.

Although the real estate is currently being used for a golf course the economics of the business may force me to sell for residential use in the future. The current value of this property is approx. \$35,000 per acre.

The proposed location is near the highly visible intersection of Ky 18 and and Ky 237. The general area is currently experiencing the growth of various new residential projects and will have major growth in the future. The proposed site is on one of the highest elevations in Boone County and has little vegetation or large trees that might help soften the effect of this type of construction.

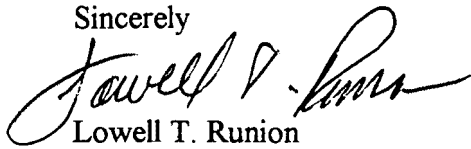
There is no question that the proposed project would destroy any future development of my site and drastically reduce the value of this land. Since I've spent the past 8 years working to improve the site, I feel it would be extremely unfair to me for the commission to allow this construction especially with the negative economic impact it would have on me and the immediate area.

In the spring of this year a smaller monopole was constructed on another site closer to the intersection of Ky. 18 and Ky 237 approx. 300 ft. from my property. It is my understanding that all property owners within a 500' radius were to be notified. I was not notified by anyone regarding this construction. This monopole although smaller and further away then the proposed, has impacted my property severely and will affect my future plans for this property.

RECEIVED
JUL 29 1997
PUBLIC SERVICE
COMMISSION

I will be in touch with your office in the near future to discuss details for my intervention. I do hereby request a hearing relative to this matter.

Sincerely

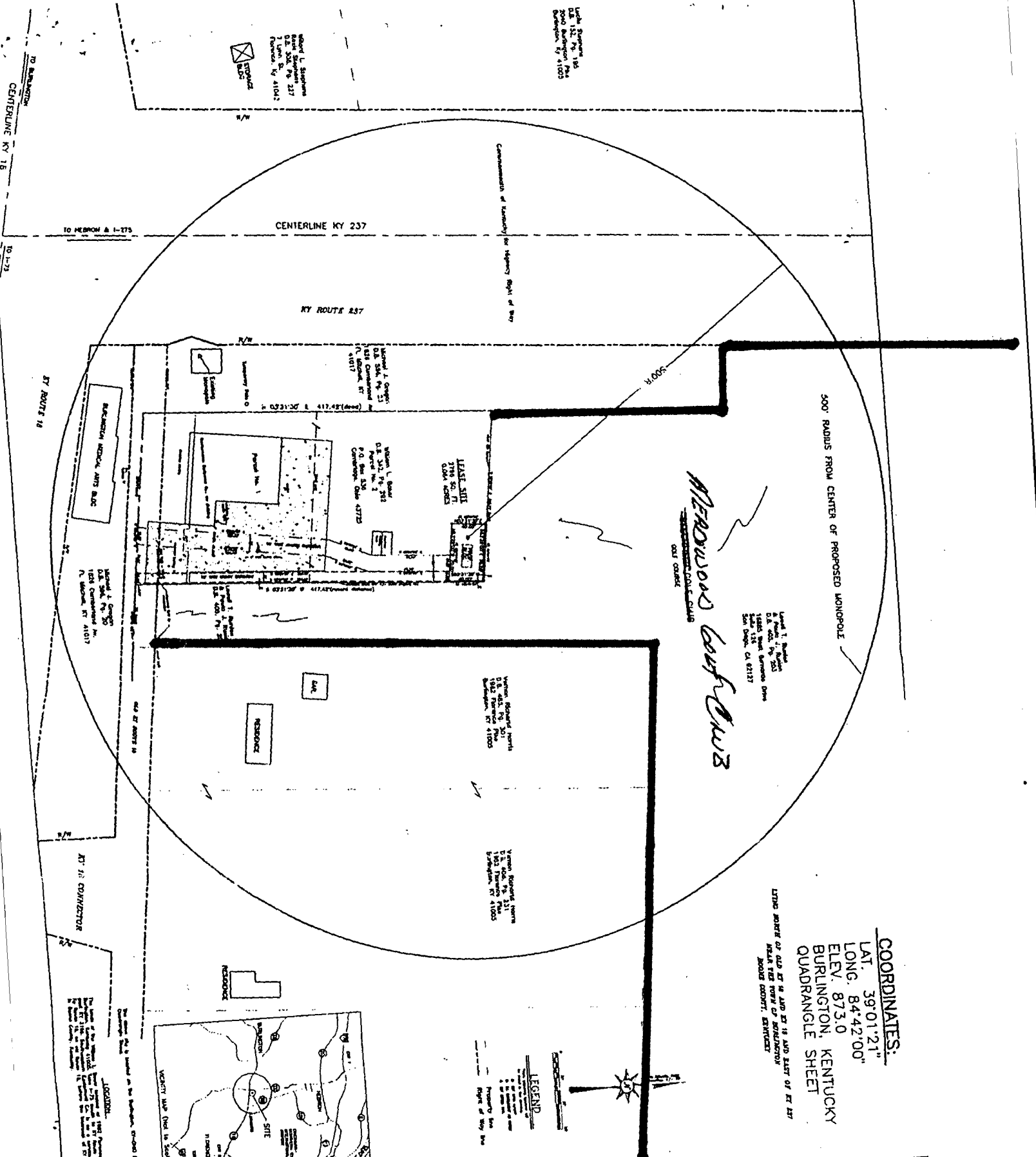
A handwritten signature in cursive script, appearing to read "Lowell T. Runion".

Lowell T. Runion

cc: Denise Wade

John Simpson
 148 1st St. N.E.
 3000 Burlington Road
 Burlington, Ky 41005

Robert L. Simpson
 148 1st St. N.E.
 3000 Burlington Road
 Burlington, Ky 41005



NEARBY COFFEE SHOPS
 (Handwritten note)

Robert L. Simpson
 148 1st St. N.E.
 3000 Burlington Road
 Burlington, Ky 41005

Vernon Roberts, Home
 1525 4th St. N.E.
 1922 Florence Pike
 Burlington, KY 41005

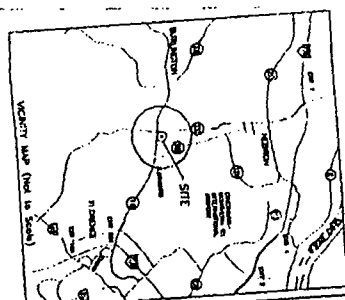
Vernon Roberts, Home
 1525 4th St. N.E.
 1922 Florence Pike
 Burlington, KY 41005

COORDINATES:
 LAT. 39°01'21"
 LONG. 84°42'00"
 ELEV. 873.0
 BURLINGTON, KENTUCKY
 QUADRANGLE SHEET

LINE NORTH OF OLD ET 76 AND ET 78 AND EAST OF ET 76
 MAKE THE CORNER OF BURLINGTON
 MONUMENT. EXACTLY



LEGEND
 --- Property line
 --- Right of Way line



SITE AREA MAP
AIRTOUCH CELLULAR
BURLINGTON AREA
55036/BURLINGTON/WILLIAM L. BAKER

ES & M

REPORT
SUBMITTING
BY
DATE

201 W. Wilson Street
 Lexington, KY 40502
 517-255-2461
 Fax: 517-255-2461

Sheet _____ of _____
 Date _____
 Author: _____
 Title: _____

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plans@boone.net

RECEIVED

JUL 28 1997

**PUBLIC SERVICE
COMMISSION**

July 24, 1997

Mr. Don Mills
Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Case # 97-277 - 185 Foot Monopole Proposed by Air Touch Cellular, 1982 Florence Pike, Burlington, Boone County, Kentucky

Dear Mr. Mills:

On behalf of the Boone County Planning Commission, and as Zoning Administrator for the Boone County Fiscal Court, I strongly oppose the above referenced application monopole proposal based on the following facts.

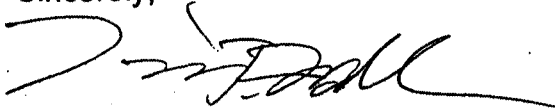
- A. The site in question is located in an "Office Two" (O-2) zone. Telecommunications towers are not permitted in this zone and the maximum building height permitted in this zone is seventy (70) feet.
- B. The 1995 Boone County Comprehensive Plan states that the site in question should develop as "low traffic-generating office uses" and not public utility uses as suggested by the proposal. In addition, the Comprehensive Plan states that "the northwest quadrant of the intersection of KY 18 and KY 237 (across KY 237 from the site in question) is planned for Office and High Suburban Density uses (residential uses up to 8 dwelling units per acre) to provide a suitable transition between Stephens Elementary School and KY 18, and would help establish the public facilities and office orientation of the entire intersection area." Keeping this policy statement in mind, the proposed monopole structure is completely contrary to the objectives set forth in the Comprehensive Plan, which was adopted by representative of the local community after many months of intense work and community involvement.
- C. The intersection area in question is highly visible. Other than a 125 foot high monopole that was recently approved by the PSC (case #96-459 which was also protested by the Boone County Planning Commission), the intersection is unspoiled by haphazard development. The addition of yet another tower, which is 60 feet higher than the recently constructed tower, would continue to erode the character of the area and

Mr. Don Mills
July 14, 1997
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would begin to create a "forest" of telecommunication towers. This fact is especially important when considering that the area to the west, across KY 237, is planned for residential uses as mentioned above, and due to the fact that the Planning Commission has received several complaints regarding the recently constructed tower.

In light of the fact that there is an existing tower in the immediate vicinity (albeit a shorter tower), the Planning Commission advocates co-location, particularly because this existing tower is so close in proximity to the proposed monopole site. If an additional tower is needed due to the shorter height of the existing tower at this intersection, the tower at the Hebron Fire Protection District facility to the north along KY 237 is available for additional antennae. The Hebron Fire Protection District tower may compensate for lost coverage.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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| APPLICATION OF NEW PAR, A DELAWARE |) | |
| PARTNERSHIP, D/B/A AIRTOUCH CELLULAR, |) | |
| FOR A CERTIFICATE OF PUBLIC CONVENIENCE |) | CASE NO. |
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| TELECOMMUNICATIONS FACILITY IN BOONE |) | |
| COUNTY, KENTUCKY |) | |

O R D E R

This matter arising upon the motion of Lowell T. Runion, filed July 29, 1997, for full intervention, and it appearing to the Commission that Mr. Runion has 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, Mr. Runion's motion to intervene should be granted. Mr. Runion also requests that a hearing should be set in this matter. However, other interested persons have contacted the Commission in regard to this cell site and may yet wish to file motions to intervene. Consequently, the Commission will hold in abeyance Mr. Runion's motion for a hearing and will address it at the appropriate time.

IT IS THEREFORE ORDERED that:

1. The motion of Lowell T. Runion to intervene is granted.
2. Mr. Runion 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 Mr. Runion file documents of any kind with the Commission in the course of these proceedings, he shall also serve a copy of said documents on all other parties of record.

4. Mr. Runion's motion for a hearing shall be held in abeyance until further Order of the Commission.

Done at Frankfort, Kentucky, this 6th day of August, 1997.

PUBLIC SERVICE COMMISSION



For the Commission

ATTEST:



Executive Director