

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. 97-364
CONSTRUCT A PERSONAL COMMUNICATIONS)	
SERVICES NETWORK FACILITY IN TAYLOR MILL,)	
KENTUCKY AND CALLED THE CG&E TAYLOR)	
MILL TOWER SITE, SITE #02-160-02)	

O R D E R

On August 20, 1997, 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 service facility in the Cincinnati-Dayton Major Trading Area ("Cincinnati-Dayton MTA"). The proposed facility consists of a self-supporting antenna tower not to exceed 350 feet in height, with attached antennas, to be located at 25 Magellan Way, Taylor Mill, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 28.6" by West Longitude 84° 30' 43.7".

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 Northern Kentucky Area Planning Commission of the proposed construction. To date, no comments have been filed by the Planning Commission. 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. The Commission received one letter from an adjacent property owner concerning the proposed construction. As ordered by the Commission, AT&T Wireless responded in writing to the property owner's concerns. By separate letter, the Commission notified the property owner of the right to request intervention and a public hearing if not satisfied with AT&T Wireless' response. The property owner filed a letter stating that no intervention was requested and indicating that the objection to the instant application was withdrawn.

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 the Cincinnati-Dayton MTA 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 self-supporting antenna tower not to exceed 350 feet in height, with attached antennas, to be located at 25 Magellan Way, Taylor Mill, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 28.6" by West Longitude 84° 30' 43.7".

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.

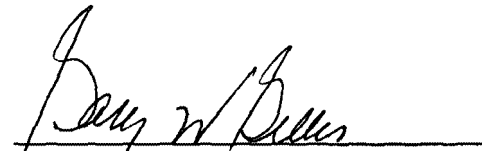
3. AT&T Wireless shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 4th day of December, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director