

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF WIRELESSCO., L.P.,	)	
BY AND THROUGH ITS AGENT AND	)	
GENERAL PARTNER SPRINT SPECTRUM,	)	
L.P., AND SBA TOWERS KENTUCKY, INC.,	)	
JOINTLY, FOR ISSUANCE OF A CERTIFICATE	)	CASE NO. 97-355
OF PUBLIC CONVENIENCE AND NECESSITY TO	)	
CONSTRUCT A PERSONAL COMMUNICATIONS	)	
SERVICES FACILITY IN THE LEXINGTON MAJOR	)	
TRADING AREA (ALTON FACILITY)	)	

O R D E R

On August 21, 1998, intervenors James A. Johnson and Rolf Hellinger ("Intervenors") filed with this Commission a motion requesting sufficient time to analyze and respond to radio frequency overlays of potential alternative sites filed by WirelessCo., L.P. ("WirelessCo") subsequent to the hearing in this matter. The potential alternative sites were suggested by the Intervenors during the hearing held on May 6, 1998. Intervenors also request mappings necessary for comparative analysis and additional radio frequency overlays regarding three additional alternative sites in Franklin County. The latter sites were not discussed at the hearing. Intervenors assert, however, that they have been told by WirelessCo's counsel that radio frequency studies of these sites would be made and filed.

WirelessCo in its response to the motion, filed August 27, 1998, states that mappings necessary for comparative analysis were presented at the hearing and therefore that it was unnecessary to include them in the post-hearing

mailings to the Intervenors. WirelessCo also states that, although its counsel did discuss the Franklin County locations, no assurance that overlays would be provided has been given. Instead, counsel for WirelessCo stated he would advise WirelessCo's radio frequency engineer of the sites' existence. By affidavit attached as Exhibit 1 to WirelessCo's response, the radio frequency engineer, Mr. Robert M. Rueff, states that the Franklin County sites are so distant from the search area that no radio frequency analysis is necessary to establish that adequate coverage could be provided from those sites. WirelessCo correctly notes that it has not been ordered to provide studies of coverage from the Franklin County sites, states that the Hearing Officer indicated that the matter would stand submitted once the additional overlays requested at the hearing were filed, and contends that its right to due process will be violated if time is given to the Intervenors to analyze the overlays filed pursuant to the order of the Hearing Officer. WirelessCo points out that this application has been pending for nearly a year, but acknowledges that its own difficulties in obtaining the overlays have delayed resolution of this matter.

The Commission finds that the affidavit filed by WirelessCo adequately establishes that the distant Franklin County locations are unsuitable. Accordingly, no additional overlays need be submitted. However, the Intervenors should be permitted a reasonable time to review the overlays filed and to submit comments if they wish. Thirty days from the date of this Order, in addition to the time these overlays have been on file at the Commission, should be more than adequate. WirelessCo may then respond to Intervenors' comments. Upon

receipt of WirelessCo's response, the record will be closed and the matter will be submitted for decision.

The Commission having been sufficiently advised, IT IS THEREFORE ORDERED that:

1. Intervenors' motion is granted in part and denied in part as described herein.

2. Within 30 days of the date of this Order, Intervenors shall file comments, if any, regarding the additional radio frequency overlays filed by WirelessCo.

3. Within 40 days of the date of this Order, or within 10 days of the filing of Intervenors' comments, whichever is sooner, WirelessCo shall file its response, if any.

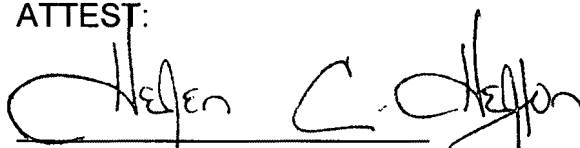
4. Within 40 days from the date of this Order, or upon receipt of WirelessCo's response to Intervenors' comments, whichever is sooner, the record in this case shall be closed and the matter shall stand submitted to the Commission for decision without further Orders herein.

Done at Frankfort, Kentucky, this 8th day of September, 1998.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director