

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO, L.P. THROUGH ITS AGENT)
AND GENERAL PARTNER, SPRINT SPECTRUM, L.P. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO.
AND NECESSITY TO CONSTRUCT A PERSONAL) 97-504
COMMUNICATION SERVICES FACILITY IN THE LOUISVILLE)
MAJOR TRADING AREA [FAYETTE MALL PCS FACILITY])

O R D E R

On December 24, 1997, Sprint Spectrum, L.P. on behalf of WirelessCo, L.P. filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") facility in the Louisville Major Trading Area, which encompasses the entire Commonwealth of Kentucky. WirelessCo, L.P. has requested authorization to construct a PCS site in Fayette County. WirelessCo, L.P. was previously granted the authority to operate in Case No. 96-077.¹

The proposed PCS site consists of a 140-foot or less monopole antenna tower to be located on Shillitos Park Road in Lexington, Fayette County, Kentucky ("the Fayette Mall PCS site"). The coordinates for the Fayette Mall PCS site are North Latitude 37° 59' 07.9" by West Longitude 84° 32' 01.4".

¹ Case No. 96-077, The Application of WirelessCo, L.P., d/b/a Sprint Telecommunications Venture for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Commercial Mobile Radio Service Transmission Facilities in Kentucky.

WirelessCo, L.P. has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Fayette Mall PCS site. 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 Fayette Mall PCS site's construction is exempt from local zoning ordinances; however, WirelessCo, L.P. notified the Lexington-Fayette Urban County Government Division of Planning of the pending construction. WirelessCo, L.P. has filed a response from the Airspace Safety Analysis Corporation which determined that the Fayette Mall tower would not require approval from the Federal Aviation Administration or the Kentucky Airport Zoning Commission.

WirelessCo, L.P. has verified that each person who owns property or who resides within 500 feet of the Fayette Mall PCS site 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, notice was posted in a visible location on the proposed site for at least two weeks after WirelessCo, L.P.'s application was filed. To date, no intervention requests have been received. On January 20, 1998, WirelessCo, L.P. filed a motion to submit its application for approval on the existing record, noting that no opposition to its application had been filed.

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, WirelessCo, L.P. should

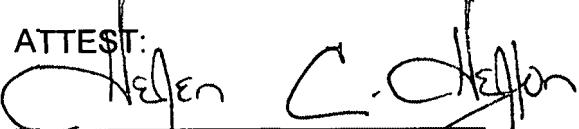
notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by WirelessCo, L.P.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that WirelessCo, L.P. should be granted a Certificate of Public Convenience and Necessity to construct and operate the Fayette Mall PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

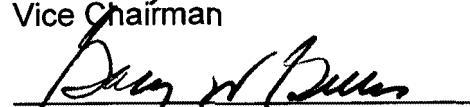
1. WirelessCo, L.P.'s motion for approval on the record is granted, and WirelessCo, L.P. is granted a Certificate of Public Convenience and Necessity to construct and operate the Fayette Mall PCS site.
2. WirelessCo, L.P. shall immediately notify the Commission in writing, if, after the antenna tower 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 19th day of February, 1998.

ATTEST:

C. Hefner
Executive Director

PUBLIC SERVICE COMMISSION

B. J. Helton
Chairman

E. R. Johnson
Vice Chairman

Doug W. Burns
Commissioner