

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND NEXTEL WEST CORPORATION FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT) CASE NO. 97-505
FRANKLIN IN THE TRUNKED SMR LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF SIMPSON SITE NAME: BROWN)
(ALONZO MEADOR HEIRS C/O AUDRY BROWN))
SITE NUMBER: T-5032-A)

O R D E R

On April 9, 1998, a representative for Apex Site Management ("Apex") filed documents in Case Nos. 98-010,¹ 98-011,² and 98-029,³ (Attachment A) alleging generally that Nextel West Corp. ("Nextel") may not be fully considering collocation opportunities.

¹ Case No. 98-010, The Application of Crown Communication Inc. and Nextel West Corp. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at Munfordville in the Trunked SMR License Area in the Commonwealth of Kentucky in the County of Hart. Site Name: Templeman (Guy & Hilda Templeman) Site Number: K-5005-B.

² Case No. 98-011, The Application of Crown Communication Inc. and Nextel West Corp. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at Cave City in the Trunked SMR License Area in the Commonwealth of Kentucky in the County of Barren. Site Name: Hay (Eduard Hay) Site Number: K-5006-C.

³ Case No. 98-029, The Application of Crown Communication Inc. and Nextel West Corp. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at Upton in the Trunked SMR License Area in the Commonwealth of Kentucky in the County of Hardin. Site Name: Knight (Johnnie D. Knight & Ann Knight) Site Number: K-5004-C.

Specifically, Apex claims that the proposed construction of three wireless facilities currently pending before the Commission may be unnecessary and that collocation opportunities on existing structures exist in the immediate vicinity of each proposed location.

The Commission is concerned that the possibilities of using existing structures have not been fully explored by Nextel, or at least, that the application does not adequately discuss collocation alternatives that were considered.

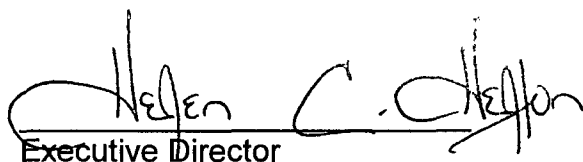
IT IS THEREFORE ORDERED that:

1. Nextel shall file all evidence of its investigation of the use of existing structures in the instant case.
2. Nextel shall fully discuss the specific reasons each collocation alternative investigated was not selected and include copies of any engineering analyses used in its determination. The discussion should include all engineering requirements that would have to be met for a successful collocation at the particular site(s).
3. Nextel shall identify the height above ground level and above mean sea level at which its facilities will be located on the proposed structure.
4. Nextel shall file any other documents or information which may aid the Commission in this matter.

Done at Frankfort, Kentucky, this 17th day of April, 1998.

PUBLIC SERVICE COMMISSION

ATTEST:


Executive Director


For the Commission

ATTACHMENT A

ATTACHMENT TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 97-505 DATED APRIL 17, 1998



Phone (610) 290-3100 Fax (610) 290-3134

April 7, 1998

Ms. Helen C. Helton
Executive Director
Public Service Commission
730 Schenkel Lane
Frankfort, KY 40602

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APR 09 1998

PUBLIC SERVICE COMMISSION

RE: Nextel West - PriCellular Possible Co-Locations

Thank you for your time last month, I hope the meeting was mutually beneficial in the big picture. With PriCellular's dedication to co-location and Apex's management of their assets (more than 40 communications towers in the state of Kentucky), we hope to minimize the construction of new towers in Kentucky.

As a follow-up, we have found three specific applications currently before the Commission, where a new tower may be built which is unnecessary. All three applications were filed by Crown Communications as a build-to-suit vendor to Nextel West d/b/a Nextel Communications. We want to highlight some basic facts about these three applications:

KY PSC App No.	Distance to PriCellular tower	PriCellular Property Name	Property Address	Latitude	Longitude	Height ft.
98-010	0.224 mi	Munfordville (ky-0007)	752 Irwin Childress Road, Munfordville	37-18-06	85-55-43	250
98-011	0.025 mi	Prewits Knob (ky-0001)	Glascow Road, Cave City	37-06-40	85-58-43	250
98-029	0.099 mi	I-65-Upton (ky-0045)	15385 South Dixie Hwy, Upton	37-28-41	85-53-50	300

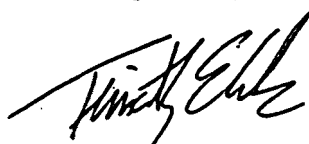
- Nextel has a *signed lease* with PriCellular Communications, the parent company of Central Kentucky Cellular d/b/a Cellular One, for each of these three, *as well as two others* in the state.
- Crown's applications are for new towers *as close as 130ft* from the existing PriCellular towers. The *furthest* of the three is less than 1/4 of a mile away from an existing PriCellular tower.
- Crown has misrepresented the heights of existing PriCellular towers as well as the available mounting heights for Nextel's antennae on those towers. In all cases Nextel has been "reserved" a mounting height in excess of 200 feet.
- Nextel's *total cost* for structural work on these three towers is \$12,000 because PriCellular has previously agreed to absorb the balance of these costs.
- The Crown applications are riddled with inaccuracies and misstatements.

As you know, build-to-suit vendors exist to build and own towers. Their existence is based on the ability to build new towers, and further, their ability to steer carriers away from existing co-location opportunities. They can always claim that the new towers are necessary because the existing ones are not tall enough or not in the right location or that it is not economically feasible to upgrade them, but when an existing tower is within 500 feet of a proposed new structure,

which does not need any structural modifications and provides the height the carrier "requires" for their antennae ... well, where do you draw the line. It would certainly make me suspect of the next application. The reality is that RF designs in rural America are not that precise, ten feet here or there, a quarter mile (or even a mile) here or there will not drastically affect the performance of the carrier's system. Surely these new towers are not in the public's best interest, nor is it evidence of good corporate citizenship.

For your information and use, I have attached copies of internal memos with respect to these three sites. Although I have not included copies of the Nextel-PriCellular leases or correspondence between these companies, I could make them available for your review upon your request. Please feel free to contact me if you have any questions or should you require additional information in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Timothy E. Conte". The signature is stylized and cursive.

Timothy E. Conte

attachments

Cc: Kyle Willard, Kentucky PSC



555 NORTH LANE • SUITE 6138 • CONSHOHOCKEN, PA 19428

MEMORANDUM

Date: March 26, 1998
To: File
From: Timothy E. Conte
RE: Nextel Kentucky PSC Application 98-029, Upton

NEXTEL APPLICATION

Item 22 - lat/long for new tower 37-28-43.040/85-53-55.776

Item 29 - "Applicant's have attempted to collocate on an existing 230-foot tower ... which is owned by Price Cellular and operated by Apex, is not structurally strong enough nor engineered to accommodate Nextel West's antennas thout significantly upgrading the tower. The cost associated with the redesign and structural upgrade or modification has been determined by Nextel West to significantly exceed the reasonable cost and effort to collocate. Additionally, the Price Cellular tower will not provide the height required by Nextel West for proper radio frequency propogation ... requires the antennas for this WCF site to be positioned at a height greater than what can be achieved on the Price Cellular tower. Further the expressed reservation by Price Cellular ... will not permit the collocation of other competing wireless providers as will the construction of the proposed WCF site."

FACTS

- (1) The tower is owned by PriCellular Corp which is the parent of Central Kentucky Cellular (f/k/a Cellular Information Systems of Florence) which does business in its Kentucky markets as Cellular One. Apex is a real estate management company which manages the co-location effort for PriCellular around the country, Apex does not own towers or operate any cellular systems.
- (2) Nextel has executed an option and a lease with PriCellular for a 300 foot (not 230 as Crown/Nextel application states) tower located at 37-28-39/85-53-52 which is less than 1/10 of a mile from the proposed Nextel/Crown site. Nextel's antennae were to be installed with a radiation center of 276 feet above grade, certainly within reach of their 280 foot goal. **NO STRUCTURAL MODIFICATIONS** would be required in order for Nextel to co-locate on the tower..
- (3) Although increasing the height of this tower was never discussed, PriCellular has expressed a willingness to permit Nextel to increase the mounting height of their antennae by installing standoffs which could increase the mounting height of Nextel's antennae by approx 24 feet.
- (4) For this site, Nextel has apparently executed a ground lease with the same property owner as the PriCellular tower.

CONCLUSIONS

This site is being constructed by Crown for Crown's ownership to satisfy the build-to-suit obligations of the Nextel-Crown nationwide contract. Contrary to Crown's assertions, the PriCellular site is useable ... it requires minimal structural work, the site is less than 1/10 of a mile away and a minimum height of 276'RC is available (with the possibility to add 24' to that for a total 300'RC available). Nextel is not living up to its public statements supporting co-location, Crown/Nextel is testing the PSC's resolve with respect to co-location.



MEMORANDUM

Date: March 26, 1998
To: File
From: Timothy E. Conte
RE: Nextel Kentucky PSC Application 98-010, Munfordville

NEXTEL APPLICATION

Item 22 - lat/long for new tower 37-18-17.230/85-55-38.275

Item 29 - "Applicant's have attempted to collocate on an existing 250-foot tower ... This tower, which is owned by Apex (d.b.a Price Cellular), will not accommodate Nextel West's height requirement for proper radio frequency propagation. The only remaining position on the Price Cellular tower is at or below 200 feet. The distance (approx 10 miles) between this and other towers proposed to be constructed by Crown in order to permit interconnection of Nextel West's network system along I-65 ... requires the antennas for this WCF site to be positioned at a height above the referenced 200-foot height."

FACTS

- (1) The tower is owned by PriCellular Corp which is the parent of Central Kentucky Cellular (f/k/a Cellular Information Systems of Florence) which does business in its Kentucky markets as Cellular One. Apex is a real estate management company which manages the co-location effort for PriCellular around the country, Apex does not own towers or operate any cellular systems.
- (2) Nextel has executed an option and a lease with PriCellular to co-locate on its 250 foot tower located at 37-18-06/85-55-41 which is approx 2/10 mile from the proposed Nextel/Crown site. Per this agreement, Nextel's antennae were to be installed with a radiation center of 226' above grade (not the "less than 200 feet" the Crown/Nextel application states). Minor structural modifications will be required which PriCellular has offered to split ... cost to Nextel is \$4000.
- (3) PriCellular has "reserved" a mounting height supporting a 226' rad ctr for Nextel and has expressed a willingness to permit Nextel to increase the mounting height by installing standoffs which could increase the rad ctr by approx 24 feet.

CONCLUSIONS

This site is being constructed by Crown for Crown's ownership to satisfy the build-to-suit obligations of the Nextel-Crown nationwide contract. Contrary to Crown's assertions, the PriCellular site is useable ... it requires minimal structural work, the site is less than 1/4 mile away and a minimum height of 226'RC is available (with the possibility to add 24' to that for a total 250'RC available). Nextel is not living up to its public statements supporting co-location, Crown/Nextel is testing the PSC's resolve with respect to co-location.



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MEMORANDUM

APR 09 1998

Date: March 26, 1998
To: File
From: Timothy E. Conte
RE: Nextel Kentucky PSC Application 98-011, Prewitt's Knob

PUBLIC SERVICE
COMMISSION

NEXTEL APPLICATION

Item 22 - lat/long for new tower 37-06-39.234/85-58-43.792

Item 29 - "Applicant's have attempted to collocate on either of two (2) existing towers ... with respect to the tower owned by Apex (d.b.a. Price Cellular), it supports two (2) sets of antennas, one which is operated by Price Cellular and the other by Cellular One. As with the tower owned by Bluegrass Cellular Tower, these antennas are located at various heights on the tower which precludes Nextel West from obtaining the height required for proper radio frequency propagation. Additionally, Nextel West has been informed that this tower would require significant structural modification in order to permit it to collocate. The height required by Nextel West on this and other towers to be constructed by Crown along that portion of the Interstate 65 corridor ... is critical. As these towers will be placed approximately ten (10) miles apart, Nextel West's antennas will have to achieve a height of at least 280 to 300 feet, and in some cases even higher heights. Neither of these towers ... will permit Nextel to attain that height."

FACTS

- (1) The tower is owned by PriCellular Corp which is the parent of Central Kentucky Cellular (f/k/a Cellular Information Systems of Florence) which does business in its Kentucky markets as Cellular One. Apex is a real estate management company which manages the co-location effort for PriCellular around the country, Apex does not own towers or operate any cellular systems.
- (2) Nextel has executed an option and a lease with PriCellular for its 250 foot tower located at 37-06-40/85-58-43 which is approx 130 feet from the proposed Nextel/Crown site. Per this agreement, Nextel's antennae were to be installed with a radiation center of 227' above grade (Nextel's stated goal of 280 feet was waived by the RF department on this site on 3 separate occasions). Minor structural modifications will be required which PriCellular has offered to split ... cost to Nextel is \$4000.
- (3) PriCellular has "reserved" a mounting height supporting a 227' rad ctr for Nextel and has expressed a willingness to permit Nextel to increase the mounting height by installing standoffs which could increase the rad ctr by approx 24 feet.

CONCLUSIONS

This site is being constructed by Crown for Crown's ownership to satisfy the build-to-suit obligations of the Nextel-Crown nationwide contract. Contrary to Crown's assertions, the PriCellular site is useable ... it requires minimal structural work, the site is approx 130 feet away and a minimum height of 227' RC is available (with the possibility to add 24' to that for a total 250' RC available). Nextel is not living up to its public statements supporting co-location, Crown/Nextel is testing the PSC's resolve with respect to co-location.

STATE OF KENTUCKY
DEPARTMENT OF REVENUE
DIVISION OF TAX SERVICES
MAILING LIST

98-010	0.224 mi	KY-0007	Mumfordsville	752 Irwin Childress Road, Mumfordsville	37-18-06	85-55-43	250	yes	9/10/97	226RC	250RC
98-011	0.025 mi	KY-0001	Prewitts Knob	Glascow Road, Cave City	37-06-40	85-58-43	250	yes	9/10/97	227RC	251RC
98-029	0.099 mi	KY-0045	I-65-Upton	15385 South Dixie Hwy, Upton	37-28-41	85-53-50	300	yes	9/10/97	276RC	300RC

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