

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO )  
CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES ) CASE NO.  
FACILITY IN THE CINCINNATI MAJOR TRADING AREA ) 98-001  
(LODER CREEK FACILITY) )

O R D E R

On January 7, 1998, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications services facility for the Cincinnati MTA. The Cincinnati MTA includes Boone, Kenton, and Campbell counties. SprintCom has requested authorization to construct a site in Boone County. SprintCom was previously granted authority to operate a PCS radio telecommunications system in the Cincinnati MTA in Case No. 97-294.<sup>1</sup>

The proposed site consists of a 150-foot or less monopole antenna tower to be located at 255 North Bend Road, Hebron, Boone County, Kentucky ("the Loder Creek site"). The coordinates for the Loder Creek site are North Latitude 39° 07' 19" by West Longitude 84° 44' 26".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Loder Creek site. Based upon the

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<sup>1</sup> Case No. 97-294, The Application of SprintCom, Inc. for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Personal Communications Services Facilities in Kentucky.

application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.324(1), the Loder Creek site's construction is exempt from local zoning ordinances; however, SprintCom notified the Boone County Planning Commission of the pending construction. The Airspace Safety Analysis Corporation conducted a study for SprintCom and determined that an approval from the Federal Aviation Administration was not necessary for this site. The Kentucky Airport Zoning Commission does not require approval, as the tower does not exceed 200 feet in height.

SprintCom has filed notices verifying that each person who owns property within 500 feet of the Loder Creek site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after SprintCom's application was filed.

On February 3, 1998, Arlinghouse Builders, Inc. were granted intervenor status and on February 18, 1998 intervenor status was granted to Phil Duncan Builders, Inc. A hearing was scheduled for May 19, 1998. SprintCom requested a change in the hearing date, which was subsequently moved to June 16, 1998 and continued on July 27, 1998.

At the hearing, the intervenors raised objections to the location of the Loder Creek site. They provided information about a string of Cinergy electric transmission towers located within the SprintCom search ring. SprintCom did not study the Cinergy option due to the tower locations, and produced a cost prohibitive access road estimate. The

intervenors stated that SprintCom had not approached them for the purpose of accessing the Cinergy towers. They further stated that they could provide cheaper access than that estimated by SprintCom.

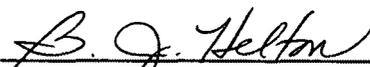
The Commission is aware that site construction is exempt from local zoning ordinances. Therefore, in considering the public interest with regard to Certificates of Public Convenience and Necessity, it cannot decline to be cognizant of and sensitive to the concerns of the residents and landowners whose property is affected.

The Commission, having considered the evidence of record and balancing the interests of the applicant against the interests of the intervenors, finds that the public interest and convenience is not served by granting this certificate.

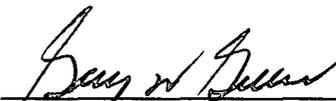
IT IS THEREFORE ORDERED that SprintCom should continue this case and seek other locations for the Loder Creek site.

Done at Frankfort, Kentucky, this 20th day of November, 1998.

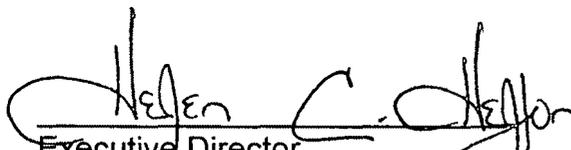
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director