

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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 ) CASE NO. 98-010  
COMMONWEALTH OF KENTUCKY IN THE )  
COUNTY OF HART )  
SITE NAME: TEMPLEMAN (GUY AND HILDA )  
TEMPLEMAN) )  
SITE NUMBER: K-5005-B )

O R D E R

On January 15, 1998, Crown Communication Inc. ("Crown") and Nextel West Corporation ("Nextel") (collectively, "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. Crown requests authorization to construct a facility consisting of a guyed antenna tower not to exceed 315 feet in height, with attached antennas, to be located at 824 I. Childress Road, Munfordville, Hart County, Kentucky (the "Templeman site"). The coordinates for the proposed facility are North Latitude 37° 18' 17.23" by West Longitude 85° 55' 38.28".

Applicants have 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. Nextel states it will locate antennas on the proposed structure and has demonstrated the need for a communications facility at the Templeman site.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, Applicants have notified the Hart County Planning Commission ("Planning Commission") of the proposed construction. To date, no comments have been filed by the Planning Commission. Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction of the proposed facility. Both decisions are pending.

Applicants have filed notices verifying that each person who owns property within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, Applicants have posted notice of the proposed construction in a visible location for at least two weeks after filing their application. The Commission received comments from one surrounding property owner. As ordered by the Commission, the Applicants responded in writing to the property owner's concerns. Under a separate letter, the Commission informed the property owner of the right to request intervention and a public hearing if not satisfied with the response. To date, no further comments have 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 Crown

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 Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Crown should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a guyed antenna tower not to exceed 315 feet in height, with attached antennas, to be located at 824 I. Childress Road, Munfordville, Hart County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 18' 17.23" by West Longitude 85° 55' 38.28".

2. Applicants shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

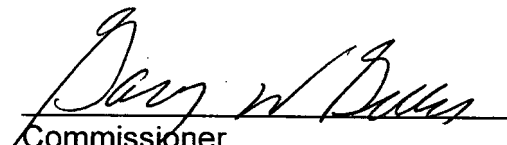
3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 15th day of July, 1998.

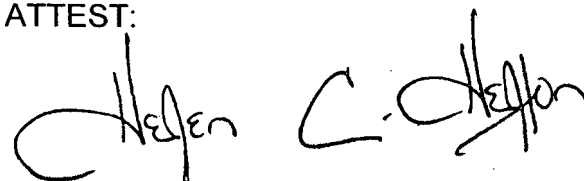
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director