

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE 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 )  
1470 ARROW CREEK ROAD IN THE TRUNKED ) CASE NO. 98-097  
SMR LICENSE AREA IN THE COMMONWEALTH )  
OF KENTUCKY IN THE COUNTY OF BULLITT )  
SITE NAME: LIMESTONE SPRINGS )  
SITE NUMBER: 241KYA )  
)

O R D E R

On June 8, 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 and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 305 feet in height, with attached antennas, to be located at 1470 Arrow Creek Road, Shepherdsville, Bullitt County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 57' 33.94" by West Longitude 85° 41' 24.69".

Crown has 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 wireless telecommunications facility at the proposed site.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, Crown has notified the Bullitt County Planning Commission ("Planning Commission") of the proposed construction. The Planning Commission intervened in this matter but later withdrew its objection. The Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

Crown has 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 request intervention. In addition, notice of the proposed construction has been posted in a visible location for at least two weeks after filing the application. The Commission received comments regarding the proposed construction from one property owner. To date, no request for intervention, other than that from the Planning Commission, or request for a public hearing has 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.

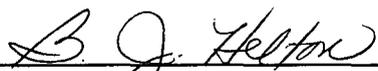
IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a self-supporting antenna tower not to exceed 305 feet in height, with attached antennas, to be located at 1470 Arrow Creek Road, Shepherdsville, Bullitt County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 57' 33.94" by West Longitude 85° 41' 24.69".

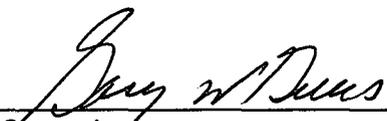
2. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 7th day of August, 1998.

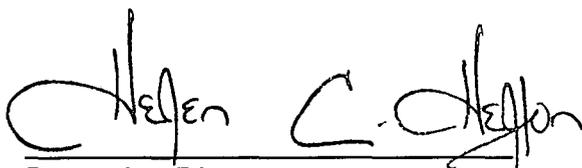
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director