

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION)
INC. AND NEXTEL WEST CORP. FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A WIRELESS) CASE NO.
COMMUNICATIONS FACILITY AT 3844 BRIAR HILL) 98-206
ROAD IN THE TRUNKED SMR LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF FAYETTE)

O R D E R

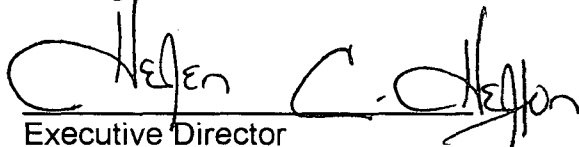
The Commission has received the attached letters regarding the proposed telecommunications services facility to be located at 3844 Briar Hill Road, Lexington, Fayette County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Crown Communication Inc. and NEXTEL West Corp. ("Applicants") shall respond to the concerns stated in each letter by certified mail, within 10 days from the date of this Order.
2. Applicants shall file a copy of the certified letters and dated receipts, within 7 days of the date on the receipt.

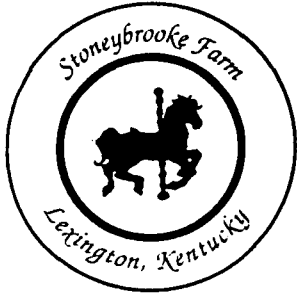
Done at Frankfort, Kentucky, this 1st day of June, 1998.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission



Stoneybrooke Farm

RECEIVED

MAY 27 1998

PUBLIC SERVICE
COMMISSION

May 23, 1998

Executive Director's Office
Public Service Commission of Kentucky
PO Box 615
Frankfort, KY 40602

Re: Case No: 98-206, Crown Communications Site No: 033kya

Dear Director:

This letter is written as a request for intervention in the proposed construction of a cellular radio communication facility at 3844 Briar Hill Road, Lexington. Stoneybrooke Farm is located within 1,000 foot radius of the proposed tower and we are adverse to any such development!

Briar Hill Road is one of the few remaining areas in Fayette County where pristine horse farms are located, and is zoned to remain that way by the Fayette Urban County Government. Placing a facility requested by Crown Communications here is unwarranted and unconscionable.

Within three to five miles of this proposed site (direct line of sight), both Channel 27 and Channel 36 have antennas that are covered with various data communication links. Why can Crown Communications not locate in that area, or even use one of the existent towers? Would you be so kind as to notify our farm on any hearings or mailings in reference to your actions. Thank you.

Cordially,

Vivian R. Hill

STONEYBROOKE FARM
Vivian R. Hill, Owner

John Kiser
3951 Briar Hill Road
Lexington, Kentucky 40516

May 19, 1998

RECEIVED
MAY 21 1998
PUBLIC SERVICE
COMMISSION

Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Re: Case No. 98-206

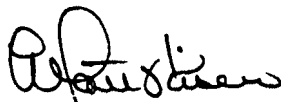
Dear Sir:

This is to advise that I wish to intervene in the proposed construction of a 200 foot communication tower at 3844 Briar Hill Road, Lexington, Kentucky.

In order to have an opportunity to obtain answers to a number of questions, it is requested that a public meeting be scheduled at a location convenient to the proposed site, and that Crown Communications, as well as representatives of the Public Service Commission be available to respond to questions.

Please advise at the earliest your intentions in this matter.

Sincerely,


Watt J. Kiser

Stockplace

4224 Briar Hill Road
Lexington, Kentucky 40516
Telephone (606) 299-9390, FAX (606) 299-4432

RECEIVED

MAY 20 1998

PUBLIC SERVICE
COMMISSION

May 19, 1998

Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RECEIVED

MAY 20 1998

RE: 98-206

Dear Executive Director:

I am a resident of Briarhill Road in Fayette County Kentucky. I live approximately 8/10 of a mile from the proposed cellular tower site (site number 033 Kya). I am very opposed to the construction of such a tower anywhere on Briarhill Road. I believe that the Briarhill Neighborhood Association also will be adamant in their opposition of this project.

I would formally request intervention in this matter. I would also like to be notified of any type of hearings or meetings regarding the construction of this tower. Also, I protest the very small notification sign at the sight placed on the side of the road in the weeds. This is the very type of negative activity I have come to expect from our State Government. Please contact me.

Sincerely,



Tom VanMeter

98-206

John Melvin
2732 Chelsea Wood
Lexington, KY 40509



May 13, 1998

Helen Helton
PSC
730 Schenkle Lane
PO Box 615
Frankfort, KY 40602

RECEIVED

MAY 18 1998

PUBLIC SERVICE
COMMISSION

Dear Helen:

I am submitting this letter to document my objection on the proposed construction of a cellular tower on Briar Hill Road in Lexington, KY. I believe this is referenced by case # 98-206. I am currently constructing a house on Briar Hill and have many concerns on construction of a tower near my home. I would like any documentation on the proposed construction of this site. I believe the term "intervener" is used to obtain this information and also participate in future dialog on the issue.

I can be reached at 2732 Chelsea Wood, Lexington KY, 40409. Phone is [redacted] at home and [redacted] for work.

Sincerely,

John Melvin

.....

4000 Briar Hill Rd
Lexington, KY 40516
May 15, 1998

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RECEIVED
MAY 30 1998
PUBLIC SERVICE
COMMISSION

Re: Case No: 98-206

Dear Sir or Madam:

We are greatly concerned with the notice we received regarding the application of Crown Communications to construct and operate a new cellular radio communication tower on property in our neighborhood and next door to our home. As directed in the letter we received from Crown, we are letting you know of our questions and concerns within the 20 days from the receipt of the letter dated May 6, 1998. We have the following general and specific concerns, and hereby request intervenor status regarding this case.

1. Towers can decrease property value. We want evidence to demonstrate that towers built in the Lexington community have not decreased the value of surrounding property following their construction.
2. The effects of the radiation emanating from these towers on health are still under debate, even though the FCC would have consumers believe they are completely harmless. We want proof that demonstrates such a tower will cause no ill effects on health to humans.
3. Additional towers may only be inherently beneficial to the cellular phone providers and the individual landowner who chooses to lease the land. There are sufficient antennas in Lexington for essential services (police officers, fire protection, emergency medical services) that benefit the entire community. Towers for private cellular phone companies are not supporting essential services— it is still a minority of Americans that own and use cellular phones, thus creating a danger, a nuisance, and an eyesore for the neighborhood so a small group of individuals can enjoy a luxury product.
4. The pristine beauty of the Briar Hill Road region will be irreversibly altered by the placement of this structure. The destruction of the rural Bluegrass has received close attention lately and a growing number of citizens oppose increased growth and development in rural areas of Lexington. In many newer developments, care is taken to place utility structures underground to avoid the eyesore of telephone poles. If a mere telephone

pole would be considered to be intrusive by some communities, certainly a 200 foot metal tower would be terribly intrusive and an eyesore without equal.

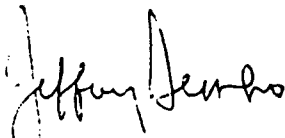
5. We need to know what the master plan is for placement of antennas in Lexington. Given the intense competition among cellular phone providers and tower builders, Crown Communications may represent one of perhaps eight, ten or more companies that will apply for a site in our (or any) neighborhood. Without any preconceived plan or acknowledgement of the number of towers needed in Lexington, our countryside may become riddled with hundreds of new towers built by these different companies with no master plan for co-location.
6. We want to know that Crown has explored alternative sites for the communications equipment. Specifically:
 - a. use of nearby existing tall structures (for example, a water tower or grain silo) that would be more esthetic and less of an eyesore.
 - b. use of a nearby publically owned fire station to build a tower
 - c. building on the right-of-way on Interstate 64, a short distance away from the proposed site.

Any of these alternatives would be further away from residences and would detract less from the natural beauty.

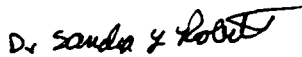
7. We want Crown to guarantee the following should they desire to build in our community, including but not limited to safety of the tower, purchasing of homes and property at fair market value if properties will become devalued despite Crown's claims to the contrary, and the purchase of homes should they become unsaleable specifically due to the presence of the tower.

We respectfully request that the Commission address these concerns regarding the Crown proposal.

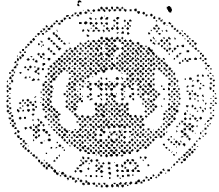
Sincerely,



Dr. Jeffrey B. Dembo



Dr. Sandra L. Roberts



Lexington-Fayette Urban County Government

Department of Housing & Community Development • Division of Planning • Current Planning

May 20, 1998

Helen C. Helton, Executive Director
Public Service Commission
P. O. Box 615
Frankfort, KY 40602

MAY 22 1998

PLANNING DIVISION

RE: PSC Case Number 98-206 (3844 Briar Hill Road)

Dear Ms. Helton:

The Lexington-Fayette Urban County Government (hereinafter referred to as LFUCG) wishes to state concerns regarding the above-captioned amended application for a cellular tower and equipment shelter for property located at 3844 Briar Hill Road. The information provided to date by Crown Communications and Nextel West Corporation is not detailed enough for us to properly determine all potential impact of the proposed 200' tower upon the site and adjoining properties. I specifically request that the following items be provided for our review, or otherwise addressed as appropriate:

1. A copy of the application filed with the PSC; in particular, a detailed plan (to scale) showing how the proposed tower would be sited in relation to existing farm facilities on the property
2. A map depicting the maximum potential search ring for locating a cell tower in this area. The LFUCG needs this information to assess whether or not alternative sites may exist.
3. A map clearly indicating the exact location of the proposed tower on this property in relation to existing scenic rural road corridors and the nearby interstate highway (I-64).
4. Addition of a condition by the PSC that the tower be removed if it ever ceases to be used as a cellular transmitting facility.
5. Information as to proposed screening/buffering of the proposed facilities from adjoining property.

The LFUCG also wishes to state that it has received a number of inquiries of concern from citizens residing near the proposed site and has advised them to contact the PSC so that each may become a party of record in this case.

This letter is to establish the LFUCG as a party of record in this case. The LFUCG will continue to review the application and any response received in the hope that any concerns can be addressed short of requesting intervention. The Lexington-Fayette Urban County Government

looks forward to a response from the applicant and/or the Public Service Commission on these requests.

Sincerely,



Christopher D. King
Planning Manager

C: Pam Miller, Mayor (c/o Charlie Boland)
Cellular Tower Committee Members
Councilmember Gloria Martin
CAO Ken Kerns
Foster Ockerman, Jr., Counsel for Crown/Nextel

Ck/towers/helton10



Terrell M. Falkner
4001 Briar Hill Rd.
Lexington, KY 40516-9712

Lexington, Kentucky
May 20, 1998

Executive Director's Office
Public Service Commission of Kentucky
Frankfort, KY 40602

Re: Case No. 98 - 206

Dear Commissioners:

We live in a beautiful rural area of Fayette County. In no way can we see adding a cellular tower on Briar Hill Road. It would not add in any way to the setting here or add to the property values.

This is the part of Fayette County where one must build his house on at least ten acres. With each acre selling at \$10,000.00 up, each lot is now worth at least \$100,000.00.

After talking to appraisers and real estate brokers, the value of the farm on which the tower will be built will drop by 50 to 70%. As you are aware, when appraising property, appraisers use like property as a guide in determining a property's sale value; therefore, if the value of the farm on which the tower is located has fallen 50 to 70%, when it goes in the mix, our property in the area has decreased the day Crown starts to build the tower. Does Crown believe they can be sued for lowering property value because of their towers?

We also have the following concerns:

1. Need: We do not need more cellular phone towers. The fire, police, and emergency agencies have all the towers they need. Our area will suffer for a few to have cellular phones.
2. Health: We heard the government say for over twenty years that DDT was safe. Did it turn out that way? These towers operate at ultra high frequencies (UHF) in the microwave bands which are absorbed by human tissue. We don't want our children to face this health risk.
3. Safety: Will Crown Communication guarantee the safety of the tower? Will they foot the medical bills for people in this area who become ill because of their facilities? Will the tower endanger cars on the road if it should fall?
4. Property evaluation: Will Crown guarantee property values? Will they purchase homes at fair market value?
5. Long-term goal: What is their ultimate goal as far as the construction of the tower? How many are going to be put in the Lexington area?

Thanks so much for your time. I know that you are a commission that will act responsibly in this matter. I know you will analyze our situation and will do justice to the citizens in this area.

Very truly yours,

Terrell M. Falkner
Terrell M. Falkner