

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On September 1, 1999 the Commission entered an Order that directed SprintCom, Inc. (SprintCom) to produce certain documents and evidence concerning its application for the issuance of a certificate to construct a facility at its Loder Creek Site. SprintCom was to present certain documents and evidence as to its attempts to co-locate the facility; its investigation of alternative locations for the Loder Creek site; and its determination as to whether the Cinergy towers are not suitable for co-location. In addition, SprintCom was ordered to provide documentation, in conjunction with Cinergy's co-location division, regarding the structural integrity of the towers and powermount options suitable to Cinergy for co-location on its towers. A hearing was set for November 19, 1999 on these issues. On November 3, 1999, SprintCom filed a Response of Applicant and a Renewed Motion to cancel the November 19, 1999 hearing.

On November 10, 1999 Arlinghaus Builders, Inc., Phil Duncan Builder, Inc., Phil Duncan and Janet Duncan (Intervenors) filed a motion to submit and to cancel the hearing on November 19, 1999.

Both of these motions seek the same objective - the cancellation of the hearing. The grounds offered for the motions are, however, very different.

807 KAR 5:001, Section 4 (3) states that the Commission may obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties. The Commission's Order stands. The hearing set for November 19, 1999 will be held as scheduled.

IT IS THEREFORE ORDERED that:

1. The Motion filed by SprintCom to cancel the hearing is denied.
2. The Intervenors motion to submit and cancel is denied

Done at Frankfort, Kentucky, this 15th day of November, 1999.

By the Commission

ATTEST:

Executive Director