

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION	)	
INC., NEXTEL WEST CORP., AND	)	
POWERTEL/KENTUCKY, INC. FOR ISSUANCE OF	)	
A CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	
COMMUNICATIONS FACILITY AT 716 CLARK	)	
STATION ROAD IN THE TRUNKED SMR LICENSE	)	CASE NO. 98-176
AREA AND BASIC TRADING AREA IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF JEFFERSON	)	
SITE NAME: EASTWOOD	)	
SITE NUMBER: 235KYA	)	

O R D E R

On November 4, 1998, Crown Communication Inc. ("Crown"), Nextel West Corporation and Powertel/Kentucky, Inc. (collectively, the "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 245 feet in height, with attached antennas, to be located at 716 Clark Station Road, Fisherville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 13' 23.55" by West Longitude 85° 25' 10.84".

Pursuant to 807 KAR 5:063, the Applicants submitted a proposal to the local planning unit for the proposed construction. The Louisville and Jefferson County Planning Commission approved the construction. 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.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received comments from one nearby property owner who requested and was granted intervention. A public hearing was held on March 10, 1999.

During the hearing the Applicants provided extensive testimony demonstrating that the proposed facility was necessary. In addition, the Applicants documented their investigation of alternative sites and provided evidence in support of their determination that there were no more suitable locations reasonably available, including opportunities to co-locate on existing structures, from which adequate utility service could be provided.

The intervenor challenged the necessity of the proposed construction, as proposed, claiming that a shorter structure would suffice. The intervenor also argued that the Applicants have not demonstrated that the proposed tower would be safe, citing inadequate consideration of wind conditions.

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, which include consideration for wind loading, and the plans have been certified by a Registered Professional Engineer.

The Commission finds that the proposed construction is necessary to provide adequate utility service and that there does not appear to be a more suitable location, including opportunities to co-locate, from which adequate utility service can be provided.

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 the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore 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 245 feet in height, with attached antennas, to be located at 716 Clark Station Road, Fisherville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 13' 23.55" by West Longitude 85° 25' 10.84".

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 10<sup>th</sup> day of August, 1999.

By the Commission

ATTEST:

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Executive Director