

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) CASE NO. 98-256
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT 440 HARP)
INNIS ROAD IN THE TRUNKED SMR LICENSE)
AREA & BASIC TRADING AREA IN THE)
COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF FAYETTE)

O R D E R

On March 18, 1999, Crown Communication Inc., Nextel West Corp., and Powertel/Kentucky, Inc. (Applicants) filed a motion for dismissal of intervenors pursuant to filed agreement and for an early public hearing date.¹ The agreement, filed January 4, 1999, by Donald Spillman, represents negotiations between Applicant and Intervenors. In the agreement, Intervenors agreed to dismiss their objections to construction of the tower if Applicant would move the tower site.² Applicant filed an amended application for certification with the Commission on February 18, 1999,

¹ Motion for early Public Hearing Date and Renewed Motion for Dismissal of Intervenors Pursuant to Filed Agreement, filed on March 18, 1999, by Applicants.

² Correspondence and Agreement Between Intervenors and Crown Communication, filed January 4, 1999, by Donald Spillman.

including a provision to move the tower site.³ The Applicants sought dismissal of the intervenors named as parties in the Order of August 12, 1998.

However, on February 11, 1999, the Commission granted the motion of Dan Thompson for full intervention. On May 12, 1999, the Commission then granted the motion of the Paris Pike Corridor Commission for full intervention in the matter. Neither Dan Thompson nor the Paris Pike Corridor Commission were parties to the agreement of January 4, 1999, between Applicant and the Intervenors known at that time. The Paris Pike Corridor Commission specifically requested a public hearing.⁴ Thus, a public hearing will be held in this case. Intervenors may, at their discretion, participate in the public hearing.

The Commission HEREBY ORDERS that:

1. Applicants motion to dismiss the previously named intervenors is denied.
2. A formal hearing shall be held on July 7, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission s offices at 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 8th day of June, 1999.

By the Commission

ATTEST:

Executive Director

³ Motion to Amend Application to Move Proposed Wireless Communication Facility Location, filed February 18, 1999, by Applicant.

⁴ Motion to Intervene by Paris Pike Corridor Commission, filed on March 11, 1999, by counsel.