

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF POWERTEL/KENTUCKY,)	
INC., A DELAWARE CORPORATION, FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO. 98-500
A PERSONAL COMMUNICATIONS FACILITY IN B-)	
263 BASIC TRADING AREA (THE L-KY-056-009R)	
FACILITY))	

O R D E R

On September 22, 1998, Powertel/Kentucky, Inc. ("Powertel/Kentucky") 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 monopole antenna tower not to exceed 140 feet in height, with attached antennas, to be located at 4011 Shelbyville Road, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 15' 18.52" by West Longitude 85° 39' 4.69".¹

Powertel/Kentucky 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.

¹ The application erroneously lists the coordinates for the proposed facility as North Latitude 35° 15' 14" by West Longitude 85° 39' 06". However, exhibits to the application correctly specify the coordinates as stated herein.

Pursuant to KRS 278.650(1), Powertel/Kentucky submitted a proposal to the Louisville and Jefferson County Planning and Zoning Commission, which approved the proposed construction. Powertel/Kentucky has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

Powertel/Kentucky 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 public comments from two property owners and one requested and was granted intervention in this matter. The Commission ordered that any party desiring a public hearing must file a written request or the case would stand submitted to the Commission for a decision. To date, no requests for public hearing have 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, Powertel/Kentucky 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 Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a monopole antenna tower not to exceed 140 feet in height, with attached antennas, to be located at 4011 Shelbyville Road, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 15' 18.52" by West Longitude 85° 39' 4.69".

2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky 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 9th day of February, 1999.

By the Commission

ATTEST:

Executive Director