

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
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| APPLICATION OF AT&T WIRELESS PCS, INC., |) | |
| ACTING BY AND THROUGH ITS AGENT, |) | |
| WIRELESS PCS, INC., FOR THE ISSUANCE OF A |) | |
| CERTIFICATE OF CONVENIENCE AND |) | |
| NECESSITY TO CONSTRUCT A PERSONAL |) | CASE NO. |
| COMMUNICATIONS SERVICES NETWORK |) | 98-545-UAC |
| FACILITY IN ERLANGER, KENTUCKY AND |) | |
| CALLED THE ERLANGER DAM/WORKS SITE, |) | |
| #CN-240-01 |) | |

O R D E R

On October 30, 1998, AT&T Wireless PCS, Inc. ("AT&T Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 314 Pleasure Isle Drive, Erlanger, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 58' 54.51" by West Longitude 84° 32' 44.73".

AT&T Wireless 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.

Pursuant to KRS 100.987, AT&T Wireless has notified the Kenton County and Municipal Planning and Zoning Commission (Planning Commission) of the proposed construction. To date, no comments have been filed by the Planning Commission, but

AT&T Wireless has filed notice of the Planning Commission's recommendations. AT&T Wireless 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. AT&T Wireless has filed the FAA's statement approving the proposed construction.

AT&T Wireless has filed evidence of having given the appropriate notices pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. One property owner requested and was granted intervention in this matter. The Commission later ordered that any party desiring a hearing should file a written request or the case would stand submitted to the Commission. To date, no requests for a 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, AT&T Wireless 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 AT&T Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Wireless has 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. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct a self-supporting antenna tower not to exceed 285 feet in height, with attached antennas, to be located at 314 Pleasure Isle Drive, Erlanger, Kenton County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 58' 54.51" by West Longitude 84° 32' 44.73".

2. AT&T Wireless 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. AT&T Wireless 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 2nd day of June, 1999.

By the Commission

ATTEST:

Executive Director