

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE WIRELESS OF THE)	
MIDWEST INCORPORATED FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT AN ADDITIONAL)	CASE NO.
CELL FACILITY IN THE OWENSBORO)	98-546-UAC
METROPOLITAN STATISTICAL AREA WHICH)	
INCLUDES DAVIESS COUNTY, KENTUCKY (THE)	
KY 0299/OWENSBORO CELL FACILITY))	

O R D E R

On December 3, 1998, GTE Wireless of the Midwest Incorporated ("GTE 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 92 Boothfield Road, Owensboro, Daviess County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 47' 8.9" by West Longitude 87° 10' 48.5".

GTE 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 807 KAR 5:063, Section 4(3)(a), GTE Wireless sent notice of the proposed construction to the Owensboro Metropolitan Planning and Zoning Commission

(Planning Commission). The Planning Commission filed comments but did not intervene in this matter.

GTE Wireless has 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.

GTE Wireless has 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 several property owners and two requested and were granted intervention. A public hearing was held March 23, 1999.

During the hearing GTE Wireless provided extensive evidence in support of its application including the necessity of the proposed facility to maintain adequate utility service. GTE Wireless discussed its investigation of alternative sites including locating its facilities on an adjacent water tower and a distant telecommunications tower but determined that the sites were not suitable for providing adequate utility service. In addition, GTE Wireless provided evidence showing that the proposed facility would not negatively impact property values in the area.

One intervenor attended and participated in the hearing. The intervenor argued that the proposed construction would diminish property values and disturb the character of the area. The intervenor also requested that the Commission evaluate the suitability of an alternative site that he identified along Medley Road.

Based on the record, the Commission finds that GTE Wireless has firmly established that the public convenience and necessity require the proposed construction

and that there are no more suitable locations reasonably available from which adequate utility service can be provided. The evidence of the case demonstrates that the alternative site proposed by the intervenor is substantially outside the search area identified by GTE Wireless and, based on testimony of an expert witness, would not provide the desired coverage levels necessary for adequate utility service.

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, GTE 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 GTE Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE 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. GTE Wireless is granted a Certificate of Public Convenience and Necessity to construct the proposed facility to be located at 92 Boothfield Road, Owensboro, Daviess

County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 47' 8.9" by West Longitude 87° 10' 48.5".

2. GTE 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 8th day of July, 1999.

By the Commission

ATTEST:

Executive Director