

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE WIRELESS OF THE)
MIDWEST INCORPORATED AND AT&T WIRELESS)
PCS, INC., ACTING BY AND THROUGH ITS AGENT,)
WIRELESS PCS, INC., FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL)
COMMUNICATIONS SERVICES FACILITY IN)
BURLINGTON, KENTUCKY LOCATED IN THE)
CINCINNATI-DAYTON MAJOR TRADING AREA)
("MTA") WHICH INCLUDES BOONE, KENTON,)
CAMPBELL, GALLATIN, GRANT, PENDLETON,)
BRACKEN, MASON, LEWIS, GREENUP, CARTER,)
BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN,)
FLOYD, AND PIKE COUNTIES, KENTUCKY (THE)
"BURLINGTON/GTE REBUILD FACILITY"))

CASE NO.
98-554-UAC

O R D E R

On November 6, 1998, GTE Wireless of the Midwest Incorporated (GTE Wireless) and AT&T Wireless PCS, Inc. (AT&T Wireless) (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 is to be located at the point Old KY Route 18 deadends into Route 237, Burlington, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 17.75" by West Longitude 84° 42' 2.59". The proposed facility will be constructed by AT&T Wireless and will replace an existing structure owned and operated by GTE Wireless. Upon completion of the proposed construction, AT&T Wireless will convey ownership to GTE Wireless and enter into a permanent co-location agreement.

Applicants have 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, the Applicants submitted a copy of the uniform application to the Boone County Planning Commission (Planning Commission). To date, no comments have been filed by the Planning Commission. Sixty days having expired since the Applicants filed with the Planning Commission on November 5, 1998, the Planning Commission is presumed to have approved the proposed construction. KRS 100.987(4). No comments have been filed with the Commission in response to public notice made by the Applicants.

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, the Applicants should notify the Commission if this antenna tower is not used to provide service in the manner set out in the 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 the Applicants.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the public convenience and necessity require the proposed

construction and that AT&T Wireless 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 wireless telecommunications facility to be located at the point Old KY Route 18 deadends into Route 237, Burlington, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 17.75" by West Longitude 84° 42' 2.59".

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

3. Applicants 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 16th day of February, 1999.

By the Commission

ATTEST:

Executive Director