

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)	
PCS, INC., ACTING BY AND THROUGH ITS)	
AGENT, WIRELESS PCS, INC., FOR THE)	CASE NO.
ISSUANCE OF A CERTIFICATE OF PUBLIC)	98-623 UAC
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A PERSONAL COMMUNICATIONS SERVICES)	
NETWORK FACILITY IN INDEPENDENCE,)	
KENTUCKY AND CALLED THE INDEPENDENCE/)	
CEMETERY CELL SITE, SITE # CN-241-01)	

O R D E R

On March 12, 1999, the Applicant, AT&T Wireless PCS, Inc. (AT&T), filed a Motion for Informal Conference pursuant to 807 KAR 5:001, Section 4(4). The Commission, having considered the motion, and being otherwise sufficiently advised, finds that:

1. The city of Independence has requested and been granted intervention in this case.
2. The city of Independence contends that the approval of the Uniform Application of AT&T Wireless will be in violation of KRS 381.690 and that the Kenton County & Municipal Planning & Zoning Commission (KCMPZC) violated its own procedures in providing notice of its public hearing.
3. AT&T has requested the informal conference to resolve the issues raised by the city of Independence.
4. As an administrative agency, this Commission has only the powers conferred upon it by the Legislature.

5. There is no statutory authority for review by this Commission of the procedures employed by the KCMPZC or of its decision regarding the appropriateness of the site.

6. The motion for an informal conference should be granted by the Commission so that the parties may have an opportunity to meet and discuss the issues; however, any ruling in this case by the Commission will be within the parameters of applicable law.

IT IS THEREFORE ORDERED that an informal conference shall be held on March 31, 1999 at 1:00 p.m., Eastern Standard Time, in Conference Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 23rd day of March, 1999.

By the Commission

ATTEST:

Executive Director