

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.	)	
AND NEXTEL WEST CORP. FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	
COMMUNICATIONS FACILITY OFF US HWY 25 IN	)	CASE NO. 99-017
THE TRUNKED CMRS/ESMR LICENSE AREA IN	)	
THE COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF LAUREL	)	
SITE NAME: LIVINGSTON	)	
SITE NUMBER: 310KY	)	

O R D E R

On February 8, 1999, Crown Communication Inc. ("Crown") and Nextel West Corp. ( Nextel ) (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 consists of a self-supporting antenna tower not to exceed 325 feet in height, with attached antennas, to be located off US Highway 25, East Bernstadt, Laurel County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 14' 13.91" by West Longitude 84° 13' 43.83". Nextel has indicated its intent to locate wireless facilities on the proposed structure and has demonstrated the need for a facility at this site.

Crown 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 1(1)(n), the Applicants have notified the Judge Executive of Laurel County of the proposed construction. To date, no comments have been filed by the Judge Executive. The Applicants have 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.

The Applicants have 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 comments from one property owner but no requests for intervention or 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, Crown 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 Crown.

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

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a self-supporting antenna tower not to exceed 325 feet in height, with attached antennas, to be located off US Highway 25, East Bernstadt, Laurel County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 14' 13.91" by West Longitude 84° 13' 43.83".

2. Crown 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 19<sup>th</sup> day of April, 1999.

By the Commission

ATTEST:

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Executive Director