

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TELESPECTRUM, INC.)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A CELL SITE) CASE NO. 99-072
AT 405 COLLEGE HILL ROAD, IN GRAYSON,)
CARTER COUNTY, KENTUCKY (GRAYSON SITE))

O R D E R

On April 23, 1999, the Commission entered an Order setting a hearing date on the request of Ms. Carol Malone Parker, an intervenor in this action who objects to the proposed site for the construction at issue. The hearing was set for May 26, 1999, and stated that, if no one filed a statement of intent to appear at the hearing to present evidence in opposition to the proposed construction within 10 days of the date of the Order, "the hearing will be cancelled and this matter submitted to the Commission for a decision based on the record." On May 18, 1999, fifteen days after the deadline for filing a notice of intent to appear at the hearing, counsel for Ms. Parker sent to the Commission, by facsimile, a request that the hearing be held as originally scheduled. On May 19, 1999, Telespectrum, Inc. ("Telespectrum"), the applicant in this case, sent by facsimile a Motion to Submit Case on the Existing Record, stating, among other things, that it had believed the hearing had been cancelled pursuant to the Order. In the alternative, Telespectrum requests that the hearing be rescheduled, as neither Telespectrum's attorney nor its expert witness is now available on May 26.

Ms. Parker's statement was submitted too late to preserve the initial hearing date. However, the statement demonstrates her intention to provide the Commission

with additional information regarding the tower site proposed. It further appears that no party will be prejudiced by rescheduling the hearing in accordance with Telespectrum's alternative request.

The Commission being sufficiently advised,

IT IS HEREBY ORDERED that:

1. The hearing scheduled for May 26, 1999, is rescheduled for July 2, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

2. Prefiled testimony, if any, shall be filed by June 21, 1999.

3. The prescriptions in ordering paragraphs 2, 3, and 4 of the Order dated April 23, 1999, regarding the scope and procedure of the hearing, remain in full force and effect.

Done at Frankfort, Kentucky, this 27th day of May, 1999.

By the Commission

ATTEST:

Executive Director