

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC.)
FOR ISSUANCE OF A CERTIFICATE)
OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO. 99-103-UAC
COMMUNICATIONS SERVICES FACILITY)
IN THE CINCINNATI BASIC TRADING AREA)
[CRITTENDEN FACILITY])

O R D E R

On May 3, 1999, SprintCom, Inc. ("SprintCom") filed its application in this matter. By letter dated June 2, 1999, the Grant County Planning Commission (the "Planning Commission") notified this Commission that it had, pursuant to its jurisdiction under KRS Chapter 100, rejected SprintCom's application. Subsequently, SprintCom filed a motion requesting that this Commission override the Planning Commission's rejection on the bases that service needs require a wireless telecommunications facility at the proposed location and that there is no suitable alternative site reasonably available upon which SprintCom can construct. See KRS 100.987(5)(a).

The City of Crittenden ("City") then moved to intervene in this matter, citing objections to the proposed site. The Commission granted the motion and scheduled a hearing for October 12, 1999. A copy of the Order was mailed to the Planning Commission, although it had not requested intervention. Shortly before the hearing was scheduled to take place, the Commission was notified that the City, the only intervenor in the case, no longer opposed the construction and that it wished to be dismissed as a

party. SprintCom then filed a motion to cancel the hearing and to submit the matter to the Commission. The Commission granted the respective motions of SprintCom and the City by Order dated October 12, 1999.

On October 13, 1999, the Planning Commission filed a motion to intervene in the case. It states that it had expected the City to "represent the Planning Commission and the citizens of the City of Crittenden and County of Grant in expressing our concerns on the placement of this tower," and that the City's unexpected withdrawal had precipitated the Planning Commission's motion to intervene. SprintCom has filed a response to the motion, arguing principally that 807 KAR 5:001, Section 3, requires a motion to intervene to be "timely," and that granting the Planning Commission's motion at this stage of the proceedings would unduly complicate them.

This Commission must agree. This case was docketed six months ago. A hearing has been scheduled and, by mutual agreement of the parties, canceled. Moreover, the Planning Commission itself held a hearing in regard to the proposed construction, rejected the application, and filed its decision with this Commission. Pursuant to KRS 100.897, this Commission may, on a motion to override, consider only the public convenience and necessity and whether an acceptable alternative site exists. Thus, the Planning Commission's views, and its decision, are already of record in this case.

The Commission, having been sufficiently advised, HEREBY ORDERS that the motion of the Grant County Planning Commission to intervene be, and it hereby is, denied.

Done at Frankfort, Kentucky, this 4th day of November, 1999.

By the Commission

ATTEST:

Executive Director