

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	)	CASE NO. 99-104
A PERSONAL COMMUNICATIONS SERVICES	)	
FACILITY IN THE CINCINNATI BASIC TRADING AREA)	)	
[BUTLER FACILITY]	)	

O R D E R

On June 30, 1999, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Cincinnati Basic Trading Area ( Cincinnati BTA ). SprintCom has requested authorization to construct a cell site in Pendleton County.

The proposed cell site consists of a 260-foot or less self-supporting lattice antenna tower to be located at RR3, Box 4, (Duckers Road), Butler, in Pendleton County, Kentucky ("the Butler site"). The coordinates for the Butler site are North Latitude 38° 47' 55" by West Longitude 84° 21' 49".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Butler site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, Section 1, SprintCom notified the Pendleton County Judge/Executive of the pending construction. SprintCom has filed applications with the

Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Butler site. Both applications are pending.

SprintCom has filed notices verifying that each person who owns property within 500 feet of the Butler site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notices were published in a newspaper of general circulation in Pendleton County and were posted in a visible location on the proposed site and on the nearest public road. The posted notices remained posted for at least two weeks after SprintCom's application was filed. To date, no intervention requests have been received.

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, SprintCom should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services 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 SprintCom.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SprintCom should be granted a Certificate of Public

Convenience and Necessity to construct and operate the Butler site in Cincinnati BTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. SprintCom is granted a Certificate of Public Convenience and Necessity to construct and operate the Butler site.
2. SprintCom shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.
3. SprintCom 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 17<sup>th</sup> day of August, 1999.

By the Commission

ATTEST:

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Executive Director