

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO., L.P., BY)	
AND THROUGH ITS AGENT AND GENERAL)	
PARTNER SPRINT SPECTRUM, L.P., AND)	
SBA TOWERS KENTUCKY, INC., JOINTLY,)	
FOR ISSUANCE OF A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY)	99-194 UAC
TO CONSTRUCT A PERSONAL)	
COMMUNICATIONS SERVICES FACILITY)	
IN THE LEXINGTON MAJOR TRADING)	
AREA (SWIGERT ROAD FACILITY))	

O R D E R

On July 6, 1999, WirelessCo., L.P., by and through its agent and general partner, Sprint Spectrum, L.P., and SBA Towers Kentucky (Applicants) filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a telecommunications facility at 189 Swigert Road, Lexington, Fayette County, Kentucky. Pursuant to KRS 100.987(2), Applicants submitted the uniform application to the Planning Commission of the Lexington-Fayette Urban County Government (Planning Commission). In accordance with the staff report submitted to it, and subsequent to a public hearing on the matter, the Planning Commission disapproved the proposed construction. The Planning Commission s finding and written record of the meeting in which the finding was made have been filed into the record in this case. This Commission may override the decision of the Planning Commission only if the public convenience and necessity require the construction and if there is no acceptable alternative site from which service can be provided. KRS 100.987(5).

Several persons living near the proposed site have requested and have been granted intervention in this case. Accordingly, the Commission, on its own motion, has scheduled a hearing to assist it in determining whether the circumstances presented in this case require it to override the decision of the Planning Commission. The hearing will be held on October 13, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky.

IT IS THEREFORE ORDERED that:

1. A hearing on the proposed construction is scheduled for October 13, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky.

2. Applicants shall appear at the hearing and be prepared to present testimony on the need to construct a facility to serve wireless telecommunications customers and on their efforts made to locate a facility at other, more suitable locations.

3. Neither opening statements nor witnesses summaries of prefiled testimony shall be permitted.

4. Any interested person shall have the opportunity to present testimony or comment on the proposed cell site.

5. Prefiled testimony, if any, shall be filed by September 30, 1999.

6. Pursuant to KRS 100.324, a copy of this Order is being sent to the Lexington-Fayette Urban County Planning Commission for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 7th day of September, 1999.

By the Commission

ATTEST:

Executive Director