

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., FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A PERSONAL ) CASE NO. 99-262  
COMMUNICATIONS SERVICES FACILITY )  
IN THE LOUISVILLE MAJOR TRADING AREA )  
[MARSHALL FACILITY] )

O R D E R

On July 30, 1999, WirelessCo, L.P., by and through its agent and general partner, Sprint Spectrum, L.P., filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Louisville Major Trading Area ("MTA"). WirelessCo, L.P. has requested authorization to construct a cell site in Carroll County.

The proposed cell site consists of a 250-foot or less self-supporting lattice antenna tower to be located at 7881 Hwy 36, in Sanders, Carroll County, Kentucky ("the Marshall cell site"). The coordinates for the Marshall cell site are North Latitude 38° 39' 36.81" by West Longitude 85° 02' 15.75".

WirelessCo, L.P. has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Marshall cell 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, WirelessCo, L.P. notified the Carroll County Judge/Executive of the pending construction. WirelessCo, L.P. 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 Marshall cell site. Both applications are pending.

WirelessCo, L.P. has filed notices verifying that each person who owns property within 500 feet of the Marshall cell 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 Carroll 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 WirelessCo, L.P.'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, WirelessCo, L.P. 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 WirelessCo, L.P.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that WirelessCo, L.P. should be granted a Certificate of Public Convenience and Necessity to construct and operate the Marshall cell site in the Louisville MTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. WirelessCo, L.P. is granted a Certificate of Public Convenience and Necessity to construct and operate the Marshall cell site.
2. WirelessCo, L.P. 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. WirelessCo, L.P. 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 15<sup>th</sup> day of September, 1999.

By the Commission

ATTEST:

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Executive Director