

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TRITEL COMMUNICATIONS, INC. )  
AND TRITEL FINANCE, INC. ( TRITEL ) FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT ) CASE NO. 99-401  
A PERSONAL COMMUNICATIONS SERVICES )  
FACILITY IN THE LOUISVILLE MAJOR )  
TRADING AREA [IROQUOIS FACILITY] )

O R D E R

On November 17, 1999, Tritel Communications, Inc. and Tritel Finance, Inc. ("Tritel") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications facility for the Louisville Major Trading Area ( MTA ). Tritel has requested authorization to construct a cell site in Jefferson County.

The proposed cell site consists of a 100-foot or less monopole-type structure to be located at 4615 Taylor Boulevard, Louisville, Jefferson County, Kentucky ("the Iroquois site"). The coordinates for the Iroquois site are North Latitude 38° 10' 27.31" by West Longitude 85° 46' 47.8".

Tritel has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Iroquois 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 KRS 278.650, Tritel received approval from the Jefferson County Planning Commission for the pending construction. Tritel has filed and received approval from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Iroquois site.

Tritel has filed notices verifying that each person who owns property within 500 feet of the Iroquois 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 Jefferson 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 Tritel'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, Tritel 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 Tritel.

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

and Necessity to construct and operate the Iroquois site in the Louisville MTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Tritel is granted a Certificate of Public Convenience and Necessity to construct and operate the Iroquois site.

2. Tritel 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 December, 1999.

By the Commission

ATTEST:

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Executive Director