

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SPRINTCOM, INC.,)
FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY) CASE NO. 97-460
TO CONSTRUCT A PERSONAL)
COMMUNICATIONS SERVICES FACILITY)
IN THE CINCINNATI MAJOR TRADING AREA)

O R D E R

The Commission reopens this proceeding solely to dispose of issues raised by the July 10, 2000 motion of Carol Ernst, an intervenor in this case (“Intervenor”), objecting to supplemental material recently filed by SprintCom, Inc. (“SprintCom”). The material filed by SprintCom consists of an update to the application approved by this Commission in 1998. Due to numerous additional proceedings on the proposed construction, including an inquiry with the Federal Communications Commission and appeals to Kentucky courts, SprintCom has not yet exercised its right to construct. It now plans to do so, and informs the Commission of a change in choice of tower manufacturer. All other information filed in this case remains unaltered.

Intervenor cites 807 KAR 5:001, Section 5(4), in her motion to strike the material submitted by SprintCom. That section of the Commission’s regulations states that, “[e]xcept as may be expressly permitted,” the Commission will not accept documents “for consideration” after the close of the testimony. SprintCom, in its response to the

motion, contends that the regulation cited does not apply to SprintCom's supplemental filing.

SprintCom is correct. Its filing makes no material change in its application such that reconsideration of the Commission's final decision, which is almost 2 years old, is warranted. Striking the supplemental information would serve no purpose, and would delete from the case record a full description of the construction for which the certificate was issued.

The Commission being sufficiently advised, IT IS THEREFORE ORDERED that:

1. The motion of Carol Ernst to strike the supplemental material filed by SprintCom in this matter is denied.

2. This case is hereby reopened for the sole purpose of filing into the record herein the supplemental material filed by SprintCom.

3. This case is closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 28th day of July, 2000.

By the Commission

ATTEST:


Executive Director