

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)
INC., TRITEL COMMUNICATIONS, INC. AND)
TRITEL FINANCE, INC. NPCP, INC., D/B/A NEXTEL)
PARTNERS AND GTE WIRELESS OF THE SOUTH,)
INC. FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
CONSTRUCT A WIRELESS COMMUNICATIONS)
FACILITY AT 6769 FRANKFORT ROAD,)
VERSAILLES, KENTUCKY IN THE WIRELESS)
COMMUNICATIONS LICENSE AREA IN THE)
COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF WOODFORD)
SITE NAME: MCKEES CROSSROADS)
SITE NUMBER: 412KY)

CASE NO.
1999-092-UAC

O R D E R

On May 18, 1999, Crown Communication Inc. ("Crown"), Tritel Communications, Inc., Tritel Finance, Inc., NPCR, Inc., d/b/a Nextel Partners and GTE Wireless of South, Inc. ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 6769 Frankfort Road, Versailles, Woodford County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 7' 35.91" by West Longitude 84° 47' 5.86". Crown has requested authorization to construct a cell site in Woodford County, and Tritel has provided evidence that the public convenience and necessity will be served by the proposed construction.

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

Pursuant to 807 KAR 5:063, the Applicants have notified the local planning commission of the proposed construction. The Zoning Administrator notified the Commission by letter dated May 21, 1999 that the planning commission objected to the location proposed. The original site location met with much opposition and, after negotiation, the Applicants amended the application to change the proposed location of the tower.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. Numerous entities intervened. However, after the Applicants filed their amendment, many of those intervenors withdrew their objections. No one requested a hearing on the location at which the tower is currently proposed.

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, Crown should notify the Commission if it does not use this antenna tower to provide service 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 Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that the facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 6769 Frankfort Road, Versailles, Woodford County, Kentucky. The coordinates for the proposed facility are North Latitude $38^{\circ} 7' 35.91''$ by West Longitude $84^{\circ} 47' 5.86''$.

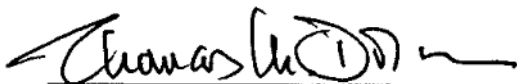
2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown 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 13th day of October, 2000.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas W. [unclear]", written over a horizontal line.

Executive Director