

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)	
INC. AND CELLCO PARTNERSHIP FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT 2880 BARGE)	
ISLAND ROAD, BENTON, KY 42025 IN THE)	CASE NO.
WIRELESS COMMUNICATIONS LICENSE AREA IN)	2000-446
THE COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF MARSHALL)	
SITE NAME: GIRL SCOUT)	
SITE NUMBER: 15722)	

O R D E R

On September 29, 2000, Crown Communication Inc. ("Crown") and Cellco Partnership ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 310 feet in height, with attached antenna, to be located at 2880 Barge Island Road, Benton, Marshall County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 52' 41.6" by West Longitude 88° 12' 19.41".

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 the plans have been certified by a Licensed Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. 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. The FAA has given the Applicants approval, but the KAZC decision is pending.

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. To date, no public comments have been filed with the Commission.

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, the Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their 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 the Applicants.

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

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 310 feet in height, with attached antenna, and is to be located at 2880 Barge Island Road, Benton, Marshall County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 52' 41.6" by West Longitude 88° 12' 19.41".

2. The Applicants shall file a copy of the final decision regarding their pending KAZC application for the proposed construction within 10 days of receiving this decision.

3. The Applicants 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 November, 2000.

By the Commission

ATTEST:


Executive Director