

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 TO CONSTRUCT)	
A PERSONAL COMMUNICATIONS SERVICES)	CASE NO.
FACILITY IN THE CINCINNATI BASIC TRADING)	2000-143-UAC
AREA)	
(SLAMMERS FACILITY))	

O R D E R

On March 28, 2000, SprintCom, Inc. ("Applicant") 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 7567 Mall Road, Florence, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 0' 3.86" by West Longitude 84° 39' 20.31".

The Applicant has 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.

Pursuant to 807 KAR 5:063, the Applicant submitted the uniform application and was denied approval from the Boone County Planning Commission ("Planning Commission") for the proposed construction. The Applicant 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 proposed facility.

The Applicant has 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. J. Blair Fields, III, Pastor of Hopeful Lutheran Church, and Bruce A. Krone of Eichel & Krone Co., L.P.A. chose to intervene in this matter. A hearing was subsequently scheduled for August 16, 2001.

At the hearing, SprintCom discussed filing a Uniform Application and receiving approval from the Planning Commission on July 19, 2000. After SprintCom received the approval, a discrepancy was noted concerning the ground elevation at an alternate Hopeful Lutheran Church site. Upon inspection, it was found that SprintCom erred in reporting the ground elevation. The Planning Commission was told that the elevation was 24 feet lower than the actual ground level. Therefore, SprintCom complied with an October 6, 2000 request from the Planning Commission to refile the application and disregard the previous approval.

The Planning Commission, at the January 3, 2001 rehearing, denied the Slammers site, preferring an alternative site on the Hopeful Lutheran Church's 23 acres. In its denial, the Planning Commission found that the request was not in compliance with the Boone County Comprehensive Plan requirements providing that (1) installation of utilities and development around utilities shall occur in a manner that protects the safety of the general public, and (2) wireless communications and similar facilities shall not be obtrusive to residential or scenic areas, and co-location shall be implemented wherever possible.

The Planning Commission determined that the alternative church site was located in the search ring; that it could achieve a great deal of SprintCom's coverage objectives; and that it was preferable aesthetically to the proposed site. Nevertheless, SprintCom requested this Commission to override the Planning Commission's rejection. Based upon the statutory criteria, we may not do so.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, determines pursuant to KRS 100.987(5)(a) that there is an acceptable alternative site. The Hopeful Lutheran Church alternate site will provide adequate service to the area for SprintCom. RF coverage objective issues are minor in nature and can be overcome by slight engineering modifications. Therefore, the public convenience and necessity does not require construction at the Mall Road site, and the Planning Commission's rejection should be affirmed.

Accordingly, the Commission will hold this docket open so that SprintCom may file the information necessary to apply for a certificate for the alternative site on the Hopeful Lutheran Church property, such information to be filed within 60 days of the date of this Order.

IT IS THEREFORE ORDERED that:

1. The Planning Commission's rejection of the Mall Road site is affirmed.
2. Within 60 days of the date of this Order, SprintCom shall file the necessary information to apply for a certificate for the alternate Hopeful Lutheran Church location pursuant to 807 KAR 5:063, Section (1)(b), (d), (f), (h), (j), (k), (l), (m), (p) and (q).

Done at Frankfort, Kentucky, this 28th day of November, 2001.

By the Commission

ATTEST:

Deputy W^m H. Fowler
Executive Director