

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION	)	
INC. AND ACC OF KENTUCKY, LLC FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO	)	
CONSTRUCT A WIRELESS COMMUNICATION	)	
FACILITY AT HIGHWAY 1006 BYPASS,	)	CASE NO. 2001-050
LONDON, KENTUCKY 40741 IN THE	)	
WIRELESS COMMUNICATIONS LICENSE	)	
AREA IN THE COMMONWEALTH OF	)	
KENTUCKY IN THE COUNTY OF LAUREL	)	
SITE NAME: PINE GROVE	)	
SITE NUMBER: 13274	)	

O R D E R

On April 5, 2001, the Commission issued a Certificate of Public Convenience and Necessity ("CPCN") to Crown Communication, Inc. and ACC of Kentucky, LLC ("Applicants") to construct a wireless telecommunications facility ("WCF") at Highway 1006 Bypass, London, Laurel County, Kentucky. Unknown to Applicants and immediately prior to the filing of the application with the Commission, the area in which the cell site was located was annexed by the city of London. The city of London has a planning and zoning unit that has adopted planning and zoning regulations, although the planning and zoning unit has not registered with the Commission for the right to regulate cell sites. The Commission processed the application without the advice or knowledge that the annexation had occurred. Pursuant to Commission regulations, it is the responsibility of Applicants to advise the Commission of such matters.

Because the Commission was not timely advised, it approved the application to construct a WCF. The Applicants have requested by motion that the case be reopened to allow for proper notification to the planning and zoning unit pursuant to 807 KAR 5:063. The notice to the planning and zoning unit will allow an opportunity to intervene, if it chooses to do so.

The Commission, being sufficiently advised, HEREBY ORDERS that:

1. In approving and issuing the CPCN on April 5, 2001, the Commission relied upon erroneous information provided in the application. The final Order approving and issuing the CPCN herein is hereby revoked and withdrawn.

2. The case is reopened and the Applicants are directed to immediately give proper notice, pursuant to 807 KAR 5:063, to the local planning and zoning unit and to file proof of notice with the Commission.

3. No final Order shall issue herein until at least 30 days from the date of this Order.

Done at Frankfort, Kentucky, this 14<sup>th</sup> day of August, 2001.

By the Commission

ATTEST:

  
Executive Director