

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)	
INC. AND ACC OF KENTUCKY, LLC FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	
HIGHWAY 1006 BYPASS, LONDON, KENTUCKY)	CASE NO.
40741 IN THE WIRELESS COMMUNICATIONS)	2001-050
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 March 6, 2001, Crown Communication Inc. and ACC of Kentucky, LLC ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. On April 5, 2001, with no requests for intervention having been filed, the Commission issued its Order granting the Applicants a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility ("WCF"). The proposed facility consists of a self-supporting antenna tower not to exceed 215 feet in height, with attached antenna, to be located at Highway 1006 Bypass, London, Laurel County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 06' 32.42" by West Longitude 84° 6' 01.19".

On July 17, 2001, the Applicants filed a motion with the Commission to reopen the proceedings in this administrative action in order to provide notice of the proposed construction to the city of London, Kentucky. After issuance of the Certificate of Public

Convenience and Necessity and prior to the construction of the WCF, the Applicants discovered that the exhibits provided at the time the application was filed did not indicate that the proposed WCF would be located within the city of London, Kentucky. The oversight occurred because the proposed cell tower site was annexed after the exhibits were prepared and before the application was filed with the Commission. The city of London, Kentucky has adopted planning and zoning regulations, but has not registered for the right to regulate cell sites with the Commission.

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.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. The Applicants have also provided notice to the city of London, Kentucky. No parties have requested intervention in this case. 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.

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 self-supporting antenna tower not to exceed 215 feet in height, with attached antenna, and is to be located at Highway 1006 Bypass, London, Laurel County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 06' 32.42" by West Longitude 84° 6' 01.19".

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. 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 22nd day of August, 2001.

By the Commission

ATTEST:


Executive Director