

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF CINCINNATI BELL)
WIRELESS, LLC BY AND THROUGH ITS AGENT,)
AT&T WIRELESS SERVICES, INC. FOR THE)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A PERSONAL COMMUNICATIONS SERVICES)
NETWORK FACILITY IN BELLEVUE, KENTUCKY)
AND CALLED THE BELLEVUE/THOMPSON)
ENAMEL CELL SITE, SITE # CN-361-01)

CASE NO.
2001-00156-UAC

O R D E R

On June 27, 2001, Cincinnati Bell Wireless, LLC, by and through its agent, AT&T Wireless Services, Inc. ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The application was amended on November 19, 2001. The proposed facility is to be located at 650 Colfax Avenue, Bellevue, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 5' 44" by West Longitude 84° 28' 47".

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 the plans have been certified by a Licensed Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicant has notified the local planning unit of the proposed construction. The City of Bellevue Local Planning Commission filed comments and intervened in this matter. An informal conference was held at the Commission's offices. The Applicant later amended the application to accept certain conditions requested by the city of Bellevue. The city of Bellevue has not filed any additional comments and appears to have been satisfied by the amendments filed by the Applicant.

The Applicant has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

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. The Commission received comments from nearby property owners, but no requests for intervention or a public hearing have been filed.

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

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 Applicant 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 the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 650 Colfax Avenue, Bellevue, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 5' 44" by West Longitude 84° 28' 47".

2. The Applicant 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 15th day of February, 2002.

By the Commission

ATTEST:


Executive Director