

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )	
AND GTE WIRELESS OF THE MIDWEST INC. )	
D/B/A VERIZON WIRELESS FOR ISSUANCE OF A )	
CERTIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY TO CONSTRUCT A WIRELESS )	CASE NO.
COMMUNICATIONS FACILITY AT AUDUBON )	2001-222-UAC
PKWY & KY HWY 279, OWENSBORO, KENTUCKY )	
42301 IN THE WIRELESS COMMUNICATIONS )	
LICENSE AREA IN THE COMMONWEALTH OF )	
KENTUCKY IN THE COUNTY OF DAVIESS )	
)	
SITE NAME: SORGHO )	
SITE NUMBER: 20089 )	

O R D E R

Crown Communication Inc. and GTE Wireless of the Midwest Inc. d/b/a Verizon Wireless ( Applicants ) have filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility located at Audubon Parkway and Kentucky Highway 279, Owensboro, Kentucky 42301 (Site Name: Sorgho; Site Number: 20089).

Elinor Cary Wilson ( Intervenor ) has requested intervention in this matter. The Commission finds that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

The Commission, on its own motion, scheduled a hearing in this matter for January 17, 2002 at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission s offices at 211 Sower Boulevard, Frankfort, Kentucky.

Issues presented at this hearing by testimony and evidence are those relating to KRS 278.650(4), alternative sites, if any, engineering, design, construction, and safety of the facility, and the public necessity for the construction and operation of the facility.

In this proceeding and hearing, the Federal Communications Commission ( FCC ) has exclusive jurisdiction over radio emissions, including radio frequency interference. The Commission will not consider the environmental effects of radio frequency emissions that comply with FCC standards. 47 U.S.C. § 332(c)(7).

Accordingly, IT IS THEREFORE ORDERED that:

1. A hearing on the proposed wireless telecommunications facility is scheduled for January 17, 2002, at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission s offices, at 211 Sower Boulevard, Frankfort, Kentucky.

2. The motion to intervene is granted.

3. The Intervenor shall be entitled to the full rights of a party and shall be served with the Commission s Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

4. Should an Intervenor file documents of any kind with the Commission in the course of these proceedings, they shall also serve a copy of said documents on all other parties of record.

5. During this proceeding and public hearing, it is understood and ordered that the FCC has exclusive jurisdiction over issues regarding radio frequency emissions, including radio frequency interference, pursuant to 47 U.S.C. § 332(c)(7) and Southwest Bell Wireless, Inc. v. Johnson County Board of Education, 1999 F. 3d 1185 (10<sup>th</sup> Cir. 1999).

6. Issues to be addressed at the hearing by testimony and evidence are those relating to KRS 278.650(4), alternative sites, if any, engineering, design, construction, and safety of the facility, and the public necessity for the construction and operation of the facility.

7. Applicants shall appear at the hearing and shall be prepared to present testimony and evidence regarding the matters set out herein, including safety and public necessity issues.

8. Neither opening statements nor witnesses summaries of prefiled testimony shall be permitted at the hearing.

9. Any interested person shall have the opportunity to present testimony or comment on the proposed facility.

Done at Frankfort, Kentucky, this 10<sup>th</sup> day of January, 2002.

By the Commission

ATTEST:

  
Executive Director