

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE 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	)	
COMMUNICATIONS FACILITY AT AUDUBON	)	
PARKWAY & KY HWY 279, OWENSBORO,	)	CASE NO.
KENTUCKY 42301 IN THE WIRELESS	)	2001-00222-UAC
COMMUNICATIONS LICENSE AREA IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF DAVIESS	)	
SITE NAME: SORGHO	)	
SITE NUMBER: 20089	)	

O R D E R

On July 31, 2001, Crown Communication Inc. and GTE Wireless of the Midwest Inc. d/b/a Verizon Wireless ( Applicants ) 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 Audubon Parkway and Kentucky Highway 279, Owensboro, Daviess County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 45 45.16 by West Longitude 87° 14 5.05 .

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 KRS 100.987, the Applicants have submitted the uniform application to the local planning unit. On September 13, 2001, the Owensboro Metropolitan Planning Commission approved the application on the condition that a nearby tower, owned by Adelphia Cable, Inc., be removed concurrently with construction of the proposed facility. Applicants have agreed to comply with the conditions contained in the approval recommendation. 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. On October 25, 2001, the Commission granted full intervention to Wayne Collier. Mr. Collier failed to supply the Commission with a notice of intent to appear at the public hearing, which was scheduled for January 17, 2002. However, full intervention was also granted to Ree Wilson, who subsequently filed a notice to appear at hearing. At the hearing, a settlement was reached between Mr. Wilson and the Applicants. On January 17, 2002, Mr. Wilson filed a waiver of objections with the Commission that also included his motion to withdraw intervention.

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 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 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.

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 is to be located at Audubon Parkway and Kentucky Highway 279, Owensboro, Daviess County, Kentucky. The coordinates for the proposed facility are North Latitude  $37^{\circ} 45' 45.16''$  by West Longitude  $87^{\circ} 14' 5.05''$ .

2. Applicants shall remove, or cause to be removed, the existing tower located at the northeast corner of the intersection of Audubon Parkway and Kentucky Highway 279 in Daviess County with the coordinates North Latitude  $37^{\circ} 45' 48.6''$  by West Longitude  $87^{\circ} 13' 48.6''$ . The removal of the existing tower shall be completed within ninety (90) days of the completion of construction of the proposed tower with written notice to the Commission.

3. Mr. Wilson's motion to withdraw his intervention is granted.

4. The Applicants shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

5. 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 22<sup>nd</sup> day of March, 2002.

By the Commission

ATTEST:

Deputy W<sup>m</sup> H. Fowler  
Executive Director