

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION	)	
INC. AND KENTUCKY CGSA, LLC, D/B/A	)	
CINGULAR WIRELESS FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	
COMMUNICATIONS FACILITY AT 708 DOWNS	)	CASE NO.
AVENUE, LEXINGTON, KENTUCKY 40505 IN THE	)	2001-00268-UAC
WIRELESS COMMUNICATIONS LICENSE AREA IN	)	
THE COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF FAYETTE	)	
SITE NAME: LAKEVIEW	)	
SITE NUMBER: 29532	)	

O R D E R

On September 14, 2001, Crown Communication Inc. and Kentucky CGSA, LLC, d/b/a Cingular 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 708 Downs Avenue, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 1' 43.49" by West Longitude 84° 27' 25.74".

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. The local planning unit with jurisdiction requested, and was granted, intervention in this matter by Commission Order dated October 2, 2001. The Commission released a procedural Order on January 10, 2002 setting the hearing date for March 5, 2002. The Order also allowed the intervenor 10 days from the date of the Order to file a statement of intent to appear at the hearing. No statement of intent to appear was received, and the hearing was subsequently cancelled. 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. The Commission received two letters of concern regarding the placement of the tower; however, to date, no request for intervention was filed by either party.

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 a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

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 708 Downs Avenue, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 1' 43.49" by West Longitude 84° 27' 25.74".

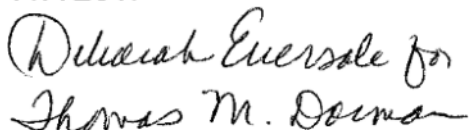
2. The Applicants shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

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 12<sup>th</sup> day of February, 2002.

By the Commission

ATTEST:

  
Thomas M. Doonan  
Executive Director