

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE UNIFORM APPLICATION OF)	
CROWN COMMUNICATION INC. AND)	
WESTEL-MILWAUKEE COMPANY, LLC)	
D/B/A CINGULAR WIRELESS OWENSBORO)	
FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY AT)	CASE NO. 2002-00026
604 SCOGGINS ROAD, BOWLING GREEN,)	
KENTUCKY 42104 IN THE WIRELESS)	
COMMUNICATIONS LICENSE AREA IN)	
THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF WARREN)	
SITE NAME: RICHARDSVILLE)	

O R D E R

On March 7, 2002, Crown Communication Inc. and Westel-Milwaukee Company, LLC, d/b/a Cingular Wireless--Owensboro (Joint Applicants) filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a personal communications services facility at 604 Scoggins Road, Bowling Green, Warren County, Kentucky.

On March 21, 2002, Bonnie Stanley and Mr. and Mrs. Ralph Petty requested full intervention in this proceeding. On March 26, 2002, Kelly M. Smith requested full intervention in this proceeding. The Commission finds that such interventions are likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, the

requests for full intervention by Bonnie Stanley, Mr. and Mrs. Ralph Petty, and Kelly M. Smith should be granted.

The Commission finds that the City-County Planning Commission of Warren County (Planning Unit) has registered with the Commission for the right to regulate cell sites. On April 18, 2002, the Planning Unit met and approved a wireless telecommunications facility to be located at 604 Scoggins Road, Bowling Green, Kentucky.

The Commission, on its own motion, has scheduled a hearing in this case on June 20, 2002 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission s offices at 211 Sower Boulevard, Frankfort, Kentucky.

If Bonnie Stanley, Mr. and Mrs. Ralph Petty, or Kelly M. Smith wishes to appear at the hearing in opposition to the proposed facility, he or she should so notify the Commission in writing within 10 days of the date of this Order, with a copy to all parties of record. If no statement from Bonnie Stanley, Mr. and Mrs. Ralph Petty, or Kelly M. Smith of his or her intent to appear at the hearing and present evidence against the proposed facility is received within 10 days of the date of this Order, the hearing shall be cancelled without further Order.

The issues to be addressed by the Commission at the hearing are engineering, design, and construction of the proposed facility, jurisdictional safety issues, and the public necessity for the construction and operation of the cellular tower.

IT IS THEREFORE ORDERED that:

1. The requests of Bonnie Stanley, Mr. and Mrs. Ralph Petty, and Kelly M. Smith to fully intervene are granted.

2. Bonnie Stanley, Mr. and Mrs. Ralph Petty, and Kelly M. Smith shall each be entitled to the full rights of a party and each shall be served with Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by the parties after the date of this Order.

3. Should Bonnie Stanley, Mr. and Mrs. Ralph Petty, and Kelly M. Smith file documents of any kind with the Commission during the course of these proceedings, they shall also serve a copy of said documents on all parties of record.

4. A hearing on the proposed wireless telecommunications facility is scheduled for June 20, 2002 at 9:00 a.m., Eastern Daylight Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

5. Within 10 days of the date of this Order, Bonnie Stanley, Mr. and Mrs. Ralph Petty, and Kelly M. Smith shall file a statement of intent to appear and present evidence in opposition to the proposed wireless telecommunications facility. The statement shall contain a brief summary of the evidence to be offered. If no notice of intent to appear and present evidence in opposition to the proposed wireless telecommunications facility is filed with the Commission within 10 days of the date of this Order, the hearing shall be cancelled and the matter submitted to the Commission on the existing record without further Order herein.

6. In regard to this uniform application, proceeding, and hearing, it is understood and ordered that the Federal Communications Commission has exclusive jurisdiction over issues regarding radio frequency emissions, including radio frequency interference. 47 U.S.C. § 332(c) and Southwestern Bell Wireless, Inc. v. Johnson County Bd. of Education Commissioners, 199 F.3d 1185 (10th Cir. 1999).

7. The Joint Applicants shall appear at the hearing and shall be prepared to present testimony on the engineering, design, and construction of the proposed facility, jurisdictional safety, and the public necessity for the facility.

8. Pursuant to 807 KAR 5:063, the Commission will not admit evidence concerning land use, land value, or the potential effects of the tower on the surrounding area.

9. Neither opening statements nor witnesses summaries of prefiled testimony shall be permitted at the hearing in this matter.

10. Any interested persons shall have the opportunity to present testimony or comment on the proposed facility.


11. Prefiled testimony, if any, shall be filed within 20 days of the date of this Order.

12. Pursuant to KRS 100.324, a copy of this Order shall be sent to the City-County Planning Commission of Warren County, 1141 State Street, Bowling Green, Kentucky 42101.

Done at Frankfort, Kentucky, this 22nd day of May, 2002.

By the Commission

ATTEST:


Deputy Executive Director