

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 699 BUSH)	CASE NO.
ROAD, CADIZ, KENTUCKY 42211 IN THE)	2002-00057
WIRELESS COMMUNICATIONS LICENSE AREA IN)	
THE COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF TRIGG)	
)	
SITE NAME: MUDDY FORK)	
SITE NUMBER: 29522)	

O R D E R

On April 11, 2002, Crown Communication Inc. and Westel-Milwaukee Company, LLC d/b/a Cingular Wireless - Owensboro (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 699 Bush Road, Cadiz, Trigg County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 55 41.76 by West Longitude 87° 49 46.05 .

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. The local planning unit with jurisdiction has not registered with the Commission for the right to regulate cell sites. To date, the local planning unit has filed no comments with the Commission. 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 status of full intervention was granted to Cordell and Sheila Turner and Walden Adams by Commission Order dated July 1, 2002. The Order set a hearing date for July 29, 2002, and required the intervenors to file with the Commission a notice of intent to appear at the public hearing within 10 days of the Order. The Commission received no notification from the intervenors stating their intent to appear at the hearing, and thus, the hearing for July 29, 2002 has been cancelled.

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 699 Bush Road, Cadiz, Trigg County, Kentucky. The coordinates for the proposed facility are North Latitude $36^{\circ} 55' 41.76''$ by West Longitude $87^{\circ} 49' 46.05''$.

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 1st day of August, 2002.

By the Commission

ATTEST:

Deputy W. H. Fowler
Executive Director