

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 901 CRAIG)	CASE NO.
ROAD, SACRAMENTO, KENTUCKY 42372 IN THE)	2002-00078
WIRELESS COMMUNICATIONS LICENSE AREA IN)	
THE COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF MCLEAN)	
)	
SITE NAME: MOORMAN)	
SITE NUMBER: 804697)	

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 consists of a guyed antenna tower not to exceed 320 feet in height, with attached antenna, to be located at 901 Craig Road, Sacramento, McLean County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 23 49.32 by West Longitude 87° 12 47.65 .

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 807 KAR 5:063, the Applicants have notified the local planning unit with jurisdiction of the proposed construction. The planning unit with jurisdiction has not registered with the Commission for the right to regulate cell sites and, to date, the local planning unit has filed no comments. 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. The FAA application has been approved, but the KAZC decision is still 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 a letter of concern to the placement of the tower from George Seymour on April 29, 2002. However, the Commission did not receive any further correspondence from Mr. Seymour regarding his desire to pursue the matter further.

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 consists of a guyed antenna tower not to exceed 320 feet in height, with attached antenna, and is to be located at 901 Craig Road, Sacramento, McLean County, Kentucky. The coordinates for the proposed facility are North Latitude $37^{\circ} 23' 49.32''$ by West Longitude $87^{\circ} 12' 47.65''$.

2. The Applicants shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within 10 days of receiving this decision.

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 24th day of May, 2002.

By the Commission

ATTEST:

Deputy W^m H. Fowler
Executive Director