

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SPRINTCOM, INC. FOR )	
ISSUANCE OF A CERTIFICATE OF PUBLIC )	CASE NO.
CONVENIENCE AND NECESSITY TO )	2000-00143-UAC
CONSTRUCT A PERSONAL )	
COMMUNICATIONS SERVICE FACILITY IN )	
THE CINCINNATI BASIC TRADING AREA )	
(SLAMMERS FACILITY) )	

O R D E R

On March 28, 2000, SprintCom, Inc. ( SprintCom ) filed an application seeking a Certificate of Public Convenience and Necessity ( CPCN ) to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 7567 Mall Road, Florence, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 0' 3.86" by West Longitude 84° 39' 20.31".

SprintCom 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.

On November 28, 2001, the Commission upheld the Boone County Planning Commission's rejection of the proposed site. SprintCom appealed to the U.S. District Court, Eastern District of Kentucky, asserting that the Commission had violated 47 USC Section 332(c)(7)(B)(iii). On September 9, 2003, the Court issued a Memorandum

Opinion and Order and Judgment requiring the Commission to issue all necessary approvals for the Slammers site as proposed by SprintCom. Accordingly, the CPCN is issued herein.

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, SprintCom should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its 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 SprintCom.

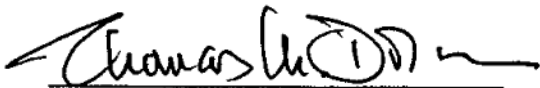
The Commission HEREBY ORDERS that:

1. The application of SprintCom to construct a wireless telecommunications facility at 7567 Mall Road, Florence, Boone County, Kentucky, at the coordinates of North Latitude 39° 0' 3.86" by West Longitude 84° 39' 20.31" is approved.
2. SprintCom 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 16<sup>th</sup> day of October, 2003.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Charles H. [unclear]", written over a horizontal line.

Executive Director

Case No. 2000-00143-UAC