

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION, )	
INC. AND BELL SOUTH PERSONAL )	
COMMUNICATIONS, LLC FOR ISSUANCE OF A )	
CERTIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY TO CONSTRUCT A WIRELESS )	
COMMUNICATIONS FACILITY AT HIGHWAY 51 )	CASE NO.
SOUTH, WICKLIFFE, KY 42087 IN THE WIRELESS )	2004-00248
COMMUNICATIONS LICENSE AREA IN THE )	
COMMONWEALTH OF KENTUCKY IN THE )	
COUNTY OF BALLARD )	
)	
SITE NAME: WICKLIFFE )	

O R D E R

On June 25, 2004, Crown Communication Inc. and BellSouth Personal Communications, LLC ("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 monopole antenna tower not to exceed 115 feet in height, with attached antenna, to be located at Highway 51 South, Wickliffe, Ballard County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 57' 1.99" by West Longitude 89° 4' 57.19".

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 County Judge/Executive of the proposed construction. Comments from the County Judge/Executive of Ballard County were received by the Commission. However, no further comments or requests have been filed. 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 has approved the application. By letter, the KAZC returned the application to the Applicants, and stated that no application was necessary due to the fact that the height of the proposed tower does not exceed 200 feet.

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. To date, no public comments have been filed with the Commission.

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 that, 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 Applicant.

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 monopole antenna tower not to exceed 115 feet in height, with attached antenna, and is to be located at Highway 51 South, Wickliffe, Ballard County, Kentucky. The coordinates for the proposed facility are North Latitude  $36^{\circ} 57' 1.99''$  by West Longitude  $89^{\circ} 4' 57.19''$ .

2. 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 6<sup>th</sup> day of August, 2004.

By the Commission

ATTEST:



Executive Director

Case No. 2004-00248