

EAST KENTUCKY NETWORK
101 TECHNOLOGY TRAIL
IVEL, KY 41642
PHONE: (606) 874-7550
FAX: (606) 874-7551

EAST KENTUCKY
NETWORK



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FEB 10 2016

PUBLIC SERVICE
COMMISSION

February 10, 2016

Linda Faulkner, Division Director Filings
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602-0615

RE: Deficiency Notice for Relief Cell Site (Case No. 2015-00366)

Dear Ms. Faulkner:

Please find enclosed one (1) original and five (5) copies of the amended application for Relief (Case No. 2015-00366). I have also enclosed one (1) original and five (5) copies of corrected exhibits 2 and 10 to replace the original exhibits filed.

If you have any further questions, feel free to contact me at 606-477-2355, ext. 1007 or via email lhane@ekn.com.

Sincerely,

By:

Lynn Haney
Regulatory Compliance Director
Enclosures

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

FEB 10 2016

PUBLIC SERVICE
COMMISSION

In the matter of:

THE AMENDED APPLICATION OF EAST KENTUCKY)
NETWORK LIMITED LIABILITY COMPANY FOR THE)
ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE No 2015-00366
CONVENIENCE AND NECESSITY TO CONSTRUCT A)
TOWER IN MORGAN COUNTY, KENTUCKY).

East Kentucky Network, LLC, d/b/a Appalachian Wireless, was granted authorization to provide cellular service in the KY-9 Cellular Market Area (CMA451) by the Federal Communications Commission (FCC). FCC license is included as Exhibit 1. East Kentucky Network, LLC merger documents were filed with the Commission on February 2, 2001 in Case # 2001-022. East Kentucky Network, LLC is a Kentucky Limited Liability Company that was organized on June 16, 1998. East Kentucky Network, LLC is in good standing with the state of Kentucky.

In an effort to improve service in Morgan County, East Kentucky Network, LLC pursuant to KRS 278.020 Subsection 1 and 807 KAR 5:001 Section 9 is seeking the Commission's approval to construct a 300 foot self-supporting tower on a tract of land located on Fyffe Branch, West Liberty, Morgan County, Kentucky (37°57'09.7078"N 82°59'40.5220"W). A map and detailed directions to the site can be found in Exhibit 7.

Exhibit 2 is a list of all Property owners according to the property valuation administrator's record who own property within 500 feet of the proposed Tower and all property owners that own property contiguous to the property upon which construction is proposed in accordance with the Property Valuation Administrator.

Pursuant to 807 KAR 5:063 Section 1 (1)(L), Section 1(1)(n) and Section 2 all affected property owners according to the property valuation administrator's record who own property

within 500 feet of the proposed Tower or are contiguous to the property upon which construction is proposed were notified by certified mail return receipt requested of East Kentucky Network, LLC's proposed construction and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 2 is a copy of that notification.

Morgan County has no formal local planning unit. In absence of this unit the Morgan County Judge Executive's office was notified by certified mail, return receipt requested of East Kentucky Network Limited Liability Company's proposal and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 3 is a copy of that notification.

Notice of the location of the proposed construction was published in the The Licking Valley Courier, January 21, 2016, edition. Enclosed is a copy of that notice in Exhibit 3. The Licking Valley Courier is the newspaper with the largest circulation in Morgan County.

Environmental Resources Management Consulting Company was employed to determine soil and rock types and to ascertain the distance to solid bedrock. The geotechnical report is enclosed as Exhibit 4.

A copy of the tower design information is enclosed as Exhibit 5. The proposed tower has been designed by engineers at World Tower Company, Inc. and will be constructed under their supervision. Their qualifications are evidenced in Exhibit 5 by the seal and signature of the registered professional engineer responsible for this project.

The tower will be erected by S & S Tower Services of St. Albans, West Virginia. S & S Tower Services has vast experience in the erection of communications towers.

FAA and Kentucky Airport Zoning Commission approval is included as Exhibit 6.

No Federal Communications Commission approval is required prior to construction of this facility. Once service is established from this tower we must immediately notify the Federal

Communications Commission of its operation. Prior approval is needed only if the proposed facility increases the size of the cellular geographic service area. This cell site will not expand the cellular geographic service area.

East Kentucky Network, LLC will finance the subject construction with earned surplus in its General Fund.

Estimated Cost of Construction	\$ 350,000.00
Annual Operation Expense of Tower	\$ 12,500.00

Two notice signs meeting the requirements prescribed by 807 KAR 5:063, Section 1(2), measuring at least two (2) feet in height and four (4) feet in width and containing all required language in letters of required height, have been posted, one at a visible location on the proposed site and one on the nearest public road. The two signs were posted on December 23, 2015, and will remain posted for at least two weeks after filing of this application as specified.

Enclosed in Exhibit 8 is a copy of East Kentucky Network LLC's Memorandum of Lease for the site location along with a lot description.

The proposed construction site is on a very rugged mountaintop some feet from the nearest structure.

Due to the steep hillside surrounding the proposed site, the property in close proximity is unsuitable for any type of development. East Kentucky Network LLC's operation will not affect the use of nearby land nor its value. No more suitable site exists in the area. A copy of the search area map is enclosed in Exhibit 7. No other tower capable of supporting East Kentucky Network, LLC's load exists in the general area; therefore, there is no opportunity for co-location of our facilities with anyone else.

Enclosed, and filed as Exhibit 9 is a survey of the proposed tower site signed by a Kentucky registered professional engineer.

Exhibit 11 contains a vertical sketch of the tower supplied by James W. Caudill, Kentucky registered professional engineer.

WHEREFORE, Applicant respectfully requests that the PSC accept the foregoing Application for filing, and having met the requirements of KRS [278.020(1), 278.650, and 278.665] and all applicable rules and regulations of the PSC, grant a Certificate of Public Convenience and Necessity to construct and operate the proposed tower.

The foregoing document was prepared by staff at East Kentucky Network, LLC d/b/a Appalachian Wireless, and reviewed by William S. Kendrick, Attorney at Law. All related questions or correspondence concerning this filing should be mailed to East Kentucky Network, LLC d/b/a/ Appalachian Wireless, 101 Technology Trail, Ivel, KY 41642.

SUBMITTED BY: Lynn Haney DATE: 2/8/2016
Lynn Haney, Regulatory Compliance Director

APPROVED BY: W.A. Gillum DATE: 2/10/2016
W.A. Gillum, General Manager

ATTORNEY: Wm. S. Kendrick DATE: 02/08/2016
Hon. William S. Kendrick, Attorney

CONTACT INFORMATION:

W.A. Gillum, General Manager
Phone: (606) 477-2355, Ext. 111
Email: wagillum@ekn.com

Lynn Haney, Regulatory Compliance Director
Phone: (606) 477-2355, Ext. 1007
Email: lhane@ekn.com

William S. Kendrick, Attorney
Phone: (606) 263-4943
Email: wkendrick@pennstuart.com

Mailing Address:

**East Kentucky Network, LLC
d/b/a Appalachian Wireless
101 Technology Trail
Ivel, KY 41642**

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PUBLIC SERVICE
COMMISSION

EXHIBIT II: LIST OF PROPERTY OWNERS:

Statement Pursuant to Section 1 (1) (I) 807 KAR 5:063

Section 1 (1)(I) 1. The following is a list of every property owner who according to property valuation administrator's records, owns property within 500 feet of the proposed tower and each have been: notified by certified mail, return receipt requested, of the proposed construction,

Section 1 (1)(I) 2. Every person listed below who, according to the property valuation administrator's records, owns property within 500 feet of the proposed tower has been: Given the Commission docket number under which the application will be processed: and

Section 1 (1)(I) 3. Every person listed below who, according to property valuation administrator's records owns property within 500 feet of the proposed tower has been: Informed of his right to request intervention.

Section 2. If the construction is proposed for an area outside the incorporated boundaries of a city, the application shall state that public notices required by Section 1(1)(L) have been sent to every person who, according to the property valuation administrator, owns property contiguous to the property upon which the construction is proposed

LIST OF PROPERTY OWNERS

Laden and Joann Ferguson
584 Fyffe Branch
West Liberty, KY 41472

Richard Fyffe
19419 Hwy 32
Blaine, KY 41124

Dewey E. Brown, Jr
22929 Hwy 172
West Liberty, KY 41472

Clinton Lee and Eunice Lois Hurst
8242 North Mission Rd.
Clare, MI 48617

Joseph And Rosemary Showalter
540 Fyffe Branch
West Liberty, KY 41472

Doris Ferguson
21053 Hwy 172
West Liberty, KY 41472

James L. and Barbara Music
20651 Hwy 172
West Liberty, KY 41472

Army Corps of Engineers
Paintsville Lake
807 KY Route 2275
Staffordsville, KY 41256

Lewis and Wanda Holbrook
19963 Hwy 172
West Liberty, KY 41472

James L. Ferguson
764 Fyffe Branch
West Liberty, KY 41472

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VIA: U.S. CERTIFIED MAIL

PUBLIC NOTICE

February 5, 2016

Joseph and Rosemary Showalter
540 Fyffe Branch
West Liberty, KY 41472

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2015-00366)

East Kentucky Network, LLC d/b/a Appalachian Wireless has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular telecommunications service in Morgan County. The facility will include a 300-foot self-supporting tower with attached antennas extending upwards, and an equipment shelter-located on a tract of land on Fyffe Branch, West Liberty, Morgan County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you may own property within a 500' radius of the proposed tower or own property contiguous to the property upon which construction is proposed.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. The Commission must receive your initial communication within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2015-00366 in your correspondence.

If you have any questions for East Kentucky Network, LLC, please direct them to my attention at the following address: East Kentucky Network, LLC, 101 Technology Trail, Ivel, KY 41642 or call me at 606-477-2355, Ext. 1007.

Sincerely,

Lynn Haney
Regulatory Compliance Director
Enclosure 1

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February 5, 2016

Doris Ferguson
21053 Hwy 172
West Liberty, KY 41472

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James L. and Barbara Music
20651 Hwy 172
West Liberty, KY 41472

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19963 Hwy 172
West Liberty, KY 41472

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764 Fyffe Branch
West Liberty, KY 41472

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PUBLIC NOTICE

January 11, 2016

Laden and Joann Ferguson
584 Fyffe Branch
West Liberty, KY 41472

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Richard Fyffe
19419 Hwy 32
Blaine, KY 41124

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Dewey E. Brown, Jr.
22929 Hwy 172
West Liberty, KY 41472

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PUBLIC NOTICE

January 11, 2016

Clinton Lee and Eunice Lois Hurst
8242 North Mission Rd.
Clare, MI 48617

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Sincerely,

Lynn Haney
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2015-0366

CONTAINS

LARGE OR OVERSIZED

MAPS

RECEIVED ON:

Feb. 11th, 2016