

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



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JUL 29 2016

Public Service  
Commission

July 26, 2016

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

RE: Public Service Commission of Kentucky (Case No. 2015-00420)

Dear Ms. Faulkner:

Please find enclosed the approval letters from the FAA and KAZC for the Benham Tower (Case No. 2015-00420).

If you have any questions, feel free to contact me at 606-477-2355, ext. 1007 or via email [lhane@ekn.com](mailto:lhane@ekn.com).

Sincerely,

A handwritten signature in blue ink that reads "Lynn Haney". The signature is written in a cursive, flowing style.

Lynn Haney  
Regulatory Compliance Director

Enclosures



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2016-ASO-762-OE

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JUL 29 2016

Public Service  
 Commission

Issued Date: 04/28/2016

Ali Kuzehkanani  
 East Kentucky Network, LLC  
 8300 Greensboro Drive, Suite 1200  
 McLean, VA 22102

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower Benham
Location:	Benham, KY
Latitude:	36-57-44.96N NAD 83
Longitude:	82-56-58.33W
Heights:	1634 feet site elevation (SE)
	190 feet above ground level (AGL)
	1824 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L.

This determination expires on 10/28/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (718) 553-2611. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2016-ASO-762-OE.

**Signature Control No: 277630660-290250478**  
Angelique Eersteling  
Technician

( DNE )

Attachment(s)  
Frequency Data

cc: FCC

Frequency Data for ASN 2016-ASO-762-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

## Ali Kuzehkanani

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**From:** Houlihan, John (KYTC) <John.Houlihan@ky.gov>  
**Sent:** Thursday, January 14, 2016 3:30 PM  
**To:** Ali Kuzehkanani  
**Subject:** RE: 638 - KAZC study request for the proposed Benham tower

The structure is not in KAZC's jurisdiction and does not require a permit.

### Aeronautical Study Result

The structure is not in KAZC's jurisdiction and does not require a permit.

Structure's Coordinates: 36°57'44.96"N, 82°56'58.33"W

Structure's Height :190ft

User-submitted ground elevation is 1634 ft.

DEM's ground elevation is 1634.89 ft (KYAPED 5-FT DEM).

Kentucky Airport Zoning Commission (KAZC)  
John Houlihan, Administrator  
90 Airport Road, Building 400  
Frankfort, KY 40601  
Direct Line 502-564-0310, Cell 502-330-3955, Office 502-564-4480, Fax 502-564-7953

KAZC webpage: <http://transportation.ky.gov/Aviation/Pages/Zoning-Commission.aspx>

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**From:** Ali Kuzehkanani [mailto:AKuzehkanani@fcclaw.com]  
**Sent:** Thursday, January 14, 2016 3:03 PM  
**To:** Houlihan, John (KYTC)  
**Cc:** Raina Helton; Lynn Haney (lhaney@ekn.com); m.thacker@tgtel.com; Pamela Gist  
**Subject:** 638 - KAZC study request for the proposed Benham tower

Dear John:

Forwarded herewith in accordance with KRS 183.990 and Chapter 50 of Title 602 of the Kentucky Administrative Regulations, is an "Application for Permit to Construct or Alter a Structure" (Form TC 56-50) for a new 190-foot communications support structure (Benham) proposed near Benham (Harlan), KY. The site is located off of McKnight Road, Benham (Harlan), KY at geographic coordinates (**NAD83**) N 36-57-44.96; W 82-56-58.33.

Attached is a copy of the electronic FAA 7460-1 filing. A copy of the final FAA determination will be provided to you as soon as it is issued.

Please let me know if you have any questions or require any additional information.

Thank you in advance for your help in this matter.

Regards

***Ali Kuzehkanani***

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Director of Engineering

**Lukas, Nace, Gutierrez & Sachs, LLP**

8300 Greensboro Drive, Suite 1200

McLean, VA 22102

Direct (703) 584-8667

Mobile (703) 927-1961

Fax (703) 584-8696

Email [ali@fcclaw.com](mailto:ali@fcclaw.com)

Email [akuzehkanani@fcclaw.com](mailto:akuzehkanani@fcclaw.com)