

McBRAYER, McGINNIS, LESLIE & KIRKLAND, <sup>PLLC</sup>  
ATTORNEYS-AT-LAW

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W. BRENT RICE  
[brice@mmlk.com](mailto:brice@mmlk.com)

201 E. Main Street, Suite 1000  
Lexington, Kentucky 40507  
(859) 231-8780  
FAX (859) 231-6518

December 7, 2004

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DEC 09 2004

PUBLIC SERVICE  
COMMISSION

Ms. Beth A. O'Donnell, Executive Director  
Public Service Commission  
P.O. Box 615  
211 Sower Blvd.  
Frankfort, KY 40602-0615

RE: **Case Number 2004-00353**  
**(Conway Site)**

Dear Ms. O'Donnell:

Please find enclosed the FAA and KAZC determinations for the above-referenced site pursuant to the Commission's Order dated October 15, 2004. Please file with the Commission at your earliest convenience. Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw  
Enclosures

cc: Amy Inman/Verizon Wireless  
Jana Luecke/CANDA, LLC





Federal Aviation Administration  
Southern Regional Office  
1701 Columbia Avenue-ASO-520  
College Park, GA 30337

Aeronautical Study No.  
2004-ASO-4731-OE

Issued Date: 8/30/2004

Jennifer Flynn  
Cellco Partnership (JF)  
30 Independence Blvd  
Warren, NJ 07059

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

The Federal Aviation Administration has completed 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 Type: Antenna Tower  
Location: Brodhead, KY  
Latitude: 37-27-0.79 NAD 83  
Longitude: 84-20-1.8  
Heights: 310 feet above ground level (AGL)  
1496 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:

As a condition to this Determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

\_\_\_ At least 10 days prior to start of construction  
(7460-2, Part I)

X Within 5 days after the construction reaches its greatest height  
(7460-2, Part II)

As a result of this structure being critical to flight safety, it is required that the FAA be kept appraised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination expires on 2/28/2006 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) 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 POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE



EXPIRATION DATE.

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.

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

If we can be of further assistance, please contact our office at (404)305-5579. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2004-ASO-4731-OE.

**Signature Control No: 393301-306536**

(DNE)

Earl P Newalu Jr.  
Specialist

Attachment(s)  
Case Description  
Frequency Data

7460-2 Attached



**Case Description for ASN 2004-ASO-4731-OE**

Applicant proposes to construct a 310 foot self support tower.



Frequency Data for ASN 2004-ASO-4731-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
1930	1990	MHz	1640	W
1850	1910	MHz	1640	W



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VERIZON WIRELESS  
Kentucky Airport Zoning Commission  
200 Mero Street  
Frankfort, KY 40622

9086078118 P. 04/07  
(502) 564-4480  
fax: (502) 564-7953  
No.: AS-102-139-04-172



*Conway*

November 12, 2004

**APPROVAL OF APPLICATION**

**APPLICANT:**  
Cellco Partnership  
Jen Flynn  
30 Independence Blvd  
Warren, NJ 07059

**SUBJECT:** AS-102-139-04-172

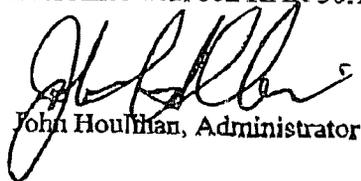
**STRUCTURE:** Antenna Tower  
**LOCATION:** Brodhead, KY  
**COORDINATES:** 37-27-00.79 N / 84-20-01.8 W  
**HEIGHT:** 310'AGL/1496'AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 310'AGL/1496'AMSL Antenna Tower near Brodhead, KY 37-27-00.79 N / 84-20-01.8 W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

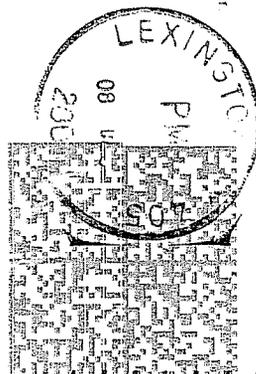
A copy of the approved application is enclosed for your files.

Dual obstruction lighting is required in accordance with 602 KAR 50:100.

  
John Houffigan, Administrator



McBrayer, McGinnis, Leslie & Kirkland  
201 East Main Street, Suite 1000  
Lexington, KY 40507



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