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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of May 18, 2024***2009-00064**

RECEIVED: 03/06/09

FILED: 03/06/09

FINAL: 02/22/10

REOPENED:

SUSPENSION DATE:

CASE NATURE: Dry Fork Site; Letcher County

**CASE CODE**

Construct Cell Site - No P&amp;Z Commission

**UTILITIES:**

East Kentucky Network, LLC dba Appalachian Wireless

INTERVENORS: Etta Cummins

**HEARINGS:**

|          |                     |
|----------|---------------------|
| 11/06/09 | Informal Conference |
| 10/23/09 | Informal Conference |
| 10/15/09 | Informal Conference |
| 10/06/09 | Formal Hearing      |
| 06/23/09 | Informal Conference |
| 04/23/09 | Informal Conference |

**INDEX OF EVENTS:**

|          |   |
|----------|---|
| 11/10/10 | POST CASE: East Kentucky Network's FAA and KAZC Approval Letters for Dryfork Tower  |
| 02/22/10 | Order Entered; Applicant is granted a CPCN to construct a wireless facility: Shall file final decisions regarding the pending FAA and KACZ applications within 10 days of receiving them: Shall notify the PSC in writing if after the antenna tower is built and utility service is commenced the tower is not used for a period of three months |
| 01/11/10 | Lee Etta Cummings' Agreed Order to Re-Open Record to Allow Applicant to File Limited Reply Brief  |
| 01/07/10 | EKN's Reply Brief Regarding Substructure of Tower Site  |
| 01/05/10 | East KY Network's Notice of Withdrawal of Motion to Strike  |
| 12/21/09 | Lee Etta Cummings' Response to EKN's Motion to Strike Portions of Fred Webb's Testimony   |
| 12/21/09 | East Kentucky Network's Memorandum Brief in Support of its Motion to Strike Portions of the Transcript of Evidence of the Witness, Fred Webb  |
| 12/21/09 | East Kentucky Network's Notice of Filing Additional Affidavit in Support of Motion to Strike  |
| 12/14/09 | East Kentucky Network's Brief   |
| 12/14/09 | East Kentucky Network's Motion to Strike Portions of the Transcript of Evidence as to the Witness, Fred Webb, and Affidavit in Support Thereof  |
| 12/11/09 | Brief on Behalf of Intervenor, Lee Etta Cummings  |
| 11/12/09 | Order Entered: Briefs in this matter are to be filed with the PSC on or before December 11, 09  |
| 11/12/09 | Memorandum dated 11/10/09 for Informal Conference of 11/06/09; Comments, if any, due within seven days of receipt   |
| 10/30/09 | PSC staff notice of Telephonic informal conference  |
| 10/21/09 | Memorandum dated 10/21 for Informal Conference of 10/15; Comments, if any, due within 5 days of receipt   |
| 10/21/09 | East Kentucky Network's Transcript of Evidence for DOH:100609   |
| 10/20/09 | Commission Staff's Notice of Telephonic Informal Conference   |
| 10/20/09 | East KY Network dba Appalachian Wireless Nepa Assessment for Dry Fork Site per 100609 Hearing   |
| 10/14/09 | PSC staff notice of telephonic informal conference  |
| 09/25/09 | East Kentucky Network's Notice of Filing of Rebuttal Testimony  |
| 09/24/09 | Lee Etta Cummings' Notice of Filing Exhibits  |
| 09/23/09 | East Kentucky Network's Exhibits  |
| 09/18/09 | East Kentucky Network's Prefiled Testimony of Marty Thacker and James Caudill   |
| 09/10/09 | East Kentucky Network Witness List  |
| 09/09/09 | Order Entered: Motion for extension of time is granted: Direct testimony due no later than Sept 18, 09: Witness list no later than Sept 8, 09: Rebuttal testimony no later than Sept 25, 09 : Parties shall submit their exhibit lists no later than Sept 25, 09  |
| 09/08/09 | Witness List on Behalf of Intervenor  |
| 08/14/09 | Order Entered: A hearing on the proposed cell facility is scheduled for Oct 6, 09 at 9 am at the PSC offices on or before Sept 8, 09 each party shall file with the PSC a list of witnesses it proposes to  |

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produce at Hearing: On or before Sept 25, 09 each party shall file with the PSC a list of exhibits it proposes to produce at hearing: East Kentucky shall appear at the Hearing and address the necessity of the construction and operation of the cell facility: Jurisdictional safety issues eng and construction including the suitability and preparation of the Cell Facility Character of the general area of concern and the likely effects on nearby land values: Proposed alternate locations: Opening statements shall not be permitted at the Hearing: Any interested person shall have the opportunity to present comments about the proposed cell facility

07/20/09 Order Entered: East Kentucky objection and request to strike Ms Cummings documents filed on June 25, 09 is denied: Ms Cummings response to East Kentucky's objection which request to strike the documents filed by East Kentucky on May 20, 09 and May 22, 09 is denied

07/06/09 East Kentucky Network's Reply to the Intervenor's Response to Objection

06/30/09 Lee Etta Cummings' Response to East Kentucky Network's Objection

06/26/09 East Kentucky Network's Objection to Intervenor's Offer of Additional Information

06/25/09 Troublesome Creek Gas' Letter to Lee Etta Cummings and Estimate regarding cost of an Access Road

06/12/09 East Kentucky Network's Response to Filing of Alternate Tower Locations of the Intervenor

06/01/09 Letter dated 5/27/09 from the President of Sapphire Coal Company to Gerald Robinette

05/28/09 Lee Etta Cummings' Notice of Filing of Alternate Tower Locations by Intervenor

05/22/09 East Kentucky Network's copy of letter sent to Fred Webb of Sapphire Coal Company

05/21/09 East Kentucky Network's Notice of Filing of Appraisal Report by Applicant

05/20/09 East Kentucky Network's copy of letter to Letcher County Judge Executive

05/19/09 Order Entered: East Kentucky shall have until May 20, 09 to file a response to the Intervenor's appraisal report

05/13/09 East Kentucky Networks Comments Regarding Memorandum

05/13/09 East Kentucky Network's Request and Motion in Support for Extension of Time and Affidavit

05/13/09 East Kentucky Network's Request and Motion in Support for Extension of Time and Affidavit

05/08/09 Order Entered:

- (1) East Kentucky shall have until May 13, 2009 to file a response to the Appraisal Report.
- (2) The Intervenor shall file with the Commission, within 20 days of the date of this Order, a list of specific, suitable, and acceptable alternative locations.
- (3) With the list of alternative Cell Facility locations, the Intervenor shall also file with the Commission a statement of whether she intends to appear at a formal hearing, if scheduled.
- (4) The Intervenor shall file an original and five copies of all statements, pleadings and evidence with the Commission.
- (5) East Kentucky shall have a period of 15 days from the date of the Intervenor's filing of the information described above to respond to the Intervenor's proposed alternative locations.
- (6) The Federal Communications Commission has exclusive jurisdiction over issues regarding radio frequency, interference, and radio frequency emissions. This Commission will not receive any evidence regarding this matter in a hearing, if so scheduled, because it is without authority to consider such evidence.

05/08/09 Lee Etta Cummings' Comments and Suggestions Regarding PSC's Corrected Memorandum dated 4/29/09

05/04/09 East KY Network's Second Amendment to Original Filing Regarding Dry Fork Cellular Application

04/29/09 Memorandum dated 4/29/09 for Informal Conference of 4/23/09; Comments, if any, due within five days of receipt

04/23/09 East Kentucky Network dba Appalachian Wireless Amendment to Original Filing of 030509 Site Survey Map

04/20/09 Order Entered:

- (1) The motion for intervention is granted, and Lee Etta Cummings is hereby made a party to these proceedings.
- (2) An informal conference shall be held on April 23, 2009 at 1:00 p.m. Eastern Daylight Time, in Conference Room 1 of the Commission's offices at 211 Sower Blvd., Frankfort, KY.

04/08/09 William Kendrick's Notice of Appearance of Counsel

04/01/09 Letter to William S. Kendrick regarding filing of Notice of Entry of Appearance

03/24/09 Lee Etta Cummings Letter of Intervention in Response to East Kentucky Network, LLC dba Appalachian Wireless Application

03/24/09 Lee Etta Cummings Letter of Intervention in Response to Public Notice dated 03/04/09 to East Kentucky Network's application

03/13/09 No Deficiency Letter

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|          |   |
|----------|---|
| 03/06/09 | Acknowledge Receipt of Filing   |
| 03/06/09 | APPLICATION OF EAST KENTUCKY NETWORK LIMITED LIABILITY COMPANY FOR THE<br>ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A<br>TOWER IN LETCHER COUNTY, KENTUCKY |

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Total Number of Cases: 1