

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MOUNTAINEER CELLULAR )  
GENERAL PARTNERSHIP FOR THE ISSUANCE ) CASE NO.  
OF A CERTIFICATE OF PUBLIC CONVENIENCE ) 96-519  
AND NECESSITY TO CONSTRUCT A TOWER )

O R D E R

The Commission has received the attached letter from Intervenor Phillip Ray Slone regarding the proposed cellular telecommunications services facility to be located 1.8 miles north of the intersection of State Routes 550 and 1087, Mousie, Knott County, Kentucky. In his letter, Mr. Slone expresses additional questions and concerns which the Commission finds should be addressed. Mr. Slone also requests that a hearing be set in this matter. However, a number of interested persons have contacted the Commission in regard to this cell site and may yet wish to file motions to intervene. Consequently, the Commission will hold in abeyance Mr. Slone's motion for a hearing and will address it at the appropriate time.

IT IS THEREFORE ORDERED that:

1. Mountaineer Cellular General Partnership ("Mountaineer Cellular") shall respond to Mr. Slone's concerns by certified letter, within 10 days from the date of this Order.
2. Mountaineer Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date of the receipt.
3. Mr. Slone's motion for a hearing shall be held in abeyance until further Order of the Commission.

Done at Frankfort, Kentucky, this 21st day of January, 1997.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
For the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director

B. Dotson

Phillip Ray Slone  
Box 231  
Lackey, KY 41643

RECEIVED  
JAN 07 1997  
PUBLIC SERVICE  
COMMISSION

January 5, 1997

Mountaineer Cellular General Partnership  
PO Box 1148  
Hindman, KY 41822

Executive Director's Office  
Public Service Commission of Kentucky  
PO Box 615  
Frankfort, KY 40602

To Whom It May Concern:

This letter is written in response to the letter I received from Mountain Cellular on Dec. 26, 1996. It concerns the placement of a cellular tower, PSC Case No. 96-519.

I would like to clarify a statement that was made in the letter I wrote on December 19, 1996. In this letter, I stated that several residences were within the proposed area. In your first letter to me, it said that I was being notified because I either resided or owned property within 500 ft. of the tower site. I used your statement to respond. There are several other people who own land within the 500 ft. radius.

I am still concerned about the health risks involved with the transmissions coming from the tower. Your letter said that research has been conducted concerning radio transmissions and that no health risks had been established. They may not have been established, but have they ever been discounted? I would also like to know why cellular phones now have warning labels to that effect. You stated that the antenna would be more than 900 ft. in elevation which implies that the transmissions would not reach the residences close by. Does this mean the radio waves follow a straight line, and will remain 900 ft. above the ground? I would like to do some research on the health risks myself. In order to do this, I need to know exactly what type of tower and radio waves would be coming from the tower. Where can I find this information?

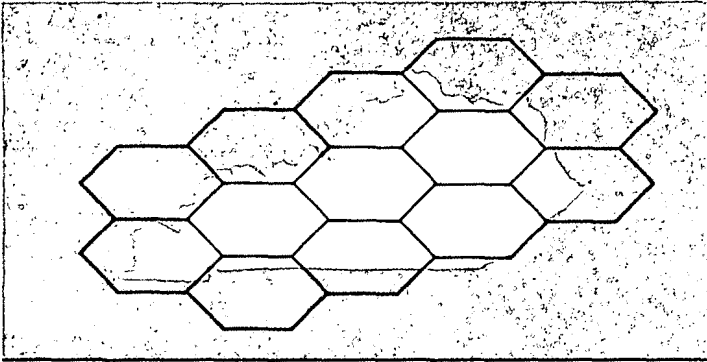
I am still concerned about the use of our road for the construction of this tower. You pointed out the fact that some mining had been done and homes had been built on this road. The mining was done in the 1940's when the road was dirt. The majority of the homes were built when the road was dirt and most of the hauling to build them was done using pick-up trucks. The access road that has been constructed has already done damage to the asphalt, as three of the culverts are falling in and the asphalt is breaking up in some places. The use of the road to visit the site once a week is not what I consider rarely and the timing of these visits is also a concern.

I mentioned other towers already in the area. I am told that one tower was tom down by the Thacker and Grigsby television company in the past 2 or 3 years. There is one tower at the mouth of Rock Fork that I have been told is in the 150 to 200 ft. range. There is another group of towers already in place at the head of Jones Fork. If these are already there, did you consider placing your new tower in one of these places that are already prepared for this type of construction?

I was told in my efforts to resolve this matter before it went this far and before the road was constructed over my objections, that Mountain Cellular had a dead spot in the Lackey-Garrett area. The tower that was going to be constructed was going to be a self-supporting 75 ft. tower. That is not what Mountain Cellular applied for. Wouldn't the tower in Rock Fork cover this area? I would like to request a hearing before the Public Service Commission unless this matter can be resolved otherwise.

Sincerely,

*B. Tolson*



**Mountaineer Cellular  
General Partnership**

P. O. Box 1148 • Hindman, Kentucky 41822  
Phone: (606) 785-9550

January 2, 1997

REC-1

JAN 07 1997

PUBLIC SERVICE  
COMMISSION

Don Mills  
Kentucky Public Service Commission  
730 Schenkel Lane  
Box 615  
Frankfort, KY 40602

RE: Application for a Certificate of Public Convenience and  
Necessity. Case No. 96-519

Dear Mr. Mills:

Enclosed per your order dated 12-11-96 in Case 96-519  
is a copy of Mountaineer Cellular General Partnership's  
response to Mr. Phillip Slone's letter of intervention.  
Also find enclosed is a copy of our return receipt for our  
response.

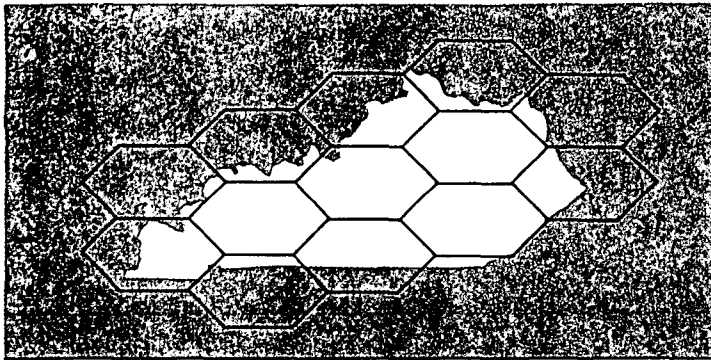
If any further response by this company is required  
please notify me.

Sincerely,

*William K. Grigsby*

William K. Grigsby

WKG/lw  
Enclosure



**Mountaineer Cellular**  
**General Partnership**

P. O. Box 1148 • Hindman, Kentucky 41822  
Phone: (606) 785-9550

December 19, 1996

RECEIVED

JAN 07 1997

PUBLIC SERVICE  
COMMISSION

Phillip Ray Slone  
P.O. Box 231  
Lackey, KY 40475

RE: KENTUCKY PUBLIC SERVICE COMMISSION CASE: 96:519

Dear Mr. Slone:

By way of this correspondence Mountaineer Cellular General Partnership will attempt to address concerns expressed in your Nov. 29, 1996 letter of intervention in PSC Case No. 96-519.

You stated that the proposed tower would be located "within a 500 foot radius of several residences". It is our contention that the tower would be more than 1500 feet from the nearest residence. We are willing to employ a registered land surveyor of your choice to make this measurement if such an action will satisfy this point.

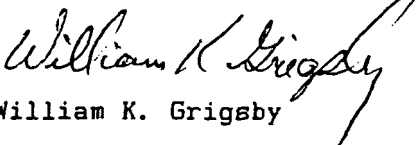
Concerning your statement about "health risks involved in the radio transmissions": Extensive research on possible health risks associated with radio transmissions has been conducted by many organizations with a variety of agendas. No health risks have ever been established. In addition to the antenna being more than 1500 feet away, it would be more than 900 feet in elevation above any residence in Dry Fork.

It's true that the Dry Fork Road was not intended for use by heavy equipment but it has been used for that purpose in the past during the construction of the homes that are now there as well as at least one mining operation many years ago. We view Mountaineer Cellular General Partnership's construction project to be no more disruptive than the construction of a house. The construction of the already completed access road to the tower site created far more traffic than anything we will be doing in the future. Any disruption would be minor and temporary. Once construction of the cellular site is complete, we would visit the site rarely, probably an average of less than once a week in a normal passenger vehicle.

In your letter you mentioned several other towers already in the area that could be utilized. Mountaineer Cellular General Partnership is not aware of a single tower of sufficient strength or height to provide cellular phone service in Rock Fork and Jones' Fork.

I hope we can resolve this matter soon in order to avoid a formal hearing before the Public Service Commission of Kentucky.

Sincerely,

  
William K. Grigsby

Is your RETURN ADDRESS completed on the reverse side?	<b>SENDER:</b> <ul style="list-style-type: none"> <li>• Complete items 1 and/or 2 for additional services.</li> <li>• Complete items 3 and 4a &amp; b.</li> <li>• Print your name and address on the reverse of this form so that we can return this card to you.</li> <li>• Attach this form to the front of the mailpiece or on the back if space does not permit.</li> <li>• Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered.</li> </ul>		I also wish to receive the following services (for an extra fee):
	1. <input type="checkbox"/> Addressee's Address		2. <input checked="" type="checkbox"/> Restricted Delivery
	3. Article Addressed to:		4a. Article Number:
	Phillip Ray Stone P.O. Box 231 Lockport, NY 14475		2314159548
	4b. Service Type:		Consult postmaster for fee.
	<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input checked="" type="checkbox"/> COD <input checked="" type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise		
5. Signature (Addresser):		7. Date of Delivery:	
Phillip Ray Stone		12-26-96	
6. Signature (Agent):		8. Addressee's Address (Only if requested and fee is paid):	

Thank you for using Return Receipt Service.