

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY AT 251 BABE)	2009-00114
BOLEN DRIVE, GARRETT, KNOTT COUNTY,)	
KENTUCKY 41630 SITE NAME BOYLN)	
(252GO125))	

O R D E R

On June 5, 2009, the Commission ordered the parties to this matter to submit status reports giving the Commission updated information as to the efforts that have been made by the parties to develop resolutions to Intervenor CONSOL of Kentucky, Inc.'s ("CONSOL") objections to the construction of a wireless communications facility in Knott County, Kentucky by New Cingular Wireless PCS, LLC ("New Cingular").

On June 11, 2009, CONSOL moved for an extension of time to file its status report, as CONSOL's counsel would be out of the office through the deadline for the submission of the reports, which is June 15, 2009. CONSOL requested an extension of time up to and including June 30, 2009 to file its status report. The Commission finds that CONSOL has shown good cause for an extension of time and that the filing extension of June 30, 2009 shall be granted.

The Commission also finds that, to ensure that this proceeding continues to move forward in a timely matter, an informal conference shall be scheduled and held at

the Commission's offices. The informal conference shall be conducted by Commission Staff and will be held on July 23, 2009 at 1:30 p.m., Eastern Daylight Time, at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. The purpose and goal of this conference will be to discuss the location of New Cingular's proposed cell site in relation to CONSOL's current coal reserves and existing underground mining facilities and to possibly reach settlement of the conflicts between the parties. The parties should bring all necessary maps, deeds, lease agreements, surveys, and other documentation in support of their respective arguments. Counsel should make best efforts to attend this conference in person and to have the necessary representatives from each company also attend, if feasible. If parties are unable to attend the conference in person, they may participate in the conference by telephone by calling the Commission's offices at (502) 564-3940 and asking to be placed into the conference line 7098.

IT IS HEREBY ORDERED that:

1. CONSOL's motion for an extension of time to file its status report is granted.
2. CONSOL shall have until June 30, 2009 to file its status report, as provided herein.
3. An informal conference shall be held in this matter on July 23, 2009 at 1:30 p.m., Eastern Daylight Time, at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, as provided herein.

By the Commission

ENTERED
JUN 19 2009 *M*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

[Handwritten Signature]

Executive Director

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