

**CASE**

**NUMBER:**

99-153

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III +  
STEPHEN C. CAWOOD  
LISA ENGLISH HINKLE  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
LUKE BENTLEY III  
STEPHEN G. AMATO  
MARY ESTES MCGINNIS  
R. STEPHEN MCGINNIS ++  
JON A. WOODALL  
MARIA S. BUCKLES  
MARGARET M. YOUNG  
MELINDA G. WILSON  
REBECCA L. BRIGGS  
MARY ELIZABETH CUTTER  
J. BRADFORD DERIFIELD ++  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO  
+ ALSO ADMITTED IN TEXAS & FLORIDA  
++ ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 280  
GREENUP, KENTUCKY 41144-0280  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

August 18, 1999

Ms. Helen C. Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

RE: ACC of Kentucky, LLC - PSC Case No. 99-153  
(White City Facility)

Dear Ms. Helton:

Pursuant to the Commission's Order dated July 30, 1999 in the above-referenced case I am enclosing herewith for filing final determinations of the Kentucky Airport Zoning Commission and the Federal Aviation Administration. Thank you for your attention to this matter

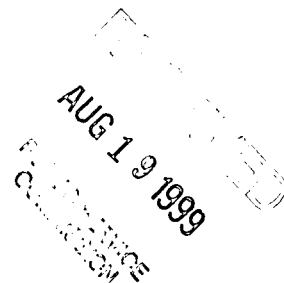
Sincerely,



W. Brent Rice  
Counsel for ACC of Kentucky, LLC

WBR/dkw

Enclosures



KENTUCKY TRANSPORTATION CABINET, DIVISION OF AERONAUTICS, 125 HOLMES STREET, FRANKFORT, KY 40622 <b>APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE</b> - INSTRUCTIONS ON REVERSE SIDE OF FORM -	AERONAUTICAL STUDY NUMBER AS-062-EKX-99-034
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<b>1. NATURE OF PROPOSAL</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 2px;"> <b>A. TYPE</b>  <input checked="" type="checkbox"/> NEW CONSTRUCTION  <input type="checkbox"/> ALTERATION                 </td> <td style="width:33%; padding: 2px;"> <b>B. CLASS</b>  <input checked="" type="checkbox"/> PERMANENT  <input type="checkbox"/> TEMPORARY                 </td> <td style="width:33%; padding: 2px;"> <b>C. WORK SCHEDULE</b>                  After FAA Approval                  BEGIN _____                  END Within 6 Months                 </td> </tr> </table>	<b>A. TYPE</b> <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ALTERATION	<b>B. CLASS</b> <input checked="" type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY	<b>C. WORK SCHEDULE</b> After FAA Approval BEGIN _____ END Within 6 Months	<b>2. DESCRIPTION OF STRUCTURE</b> This proposed cellular communications installation will operate in the 824.0 - 896.0 MHz band with 500.0 Watts ERP; 2.000 Ghz Microwave with 28 dBm.  Request approval of a dual obstruction lighting system for this tower, consisting of red lights for nighttime and medium intensity white obstruction lights for daytime and twilight.  The proposed site is located 3,300' North from the intersection of U.S. Route 31E and State Route 84 (chart attached). The ARP of ADDINGTON FIELD is located 13.45 NM on a True Bearing of 293.61° from the site.
<b>A. TYPE</b> <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ALTERATION	<b>B. CLASS</b> <input checked="" type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY	<b>C. WORK SCHEDULE</b> After FAA Approval BEGIN _____ END Within 6 Months		
<b>3A. APPLICANT - NAME, ADDRESS &amp; TELEPHONE</b> David Ginter Cellular One 124 South Keeneland Dr. Richmond, KY 40475 (606) 544-5805	<b>B. REPRESENTATIVE OF APPLICANT - NAME, ADDRESS &amp; TELEPHONE</b> William F. McPhaul Airspace Safety Analysis Corporation 1745 Phoenix Boulevard, Suite 120 Atlanta, Georgia 30349 (770) 994-1557			

<b>4. LOCATION OF STRUCTURE</b> County: LaRue			<b>5. HEIGHT &amp; ELEVATION</b>	
<b>A. GEOGRAPHIC COORDINATES (NEAREST SECOND)</b>	<b>B. NEAREST KY CITY</b> White City	<b>C. NEAREST KY AIRPORT</b> ADDINGTON FIELD	<b>A. SITE ELEVATION (ABOVE MEAN SEA LEVEL)</b> 600' 0" 899'	891'
<b>LATITUDE</b> 37° 35' 50.5"	<b>(1) DISTANCE TO CB</b> In City	<b>(1) DISTANCE TO RUNWAY</b> 13.17 NM	<b>B. HEIGHT OF OBSTRUCTION INCLUDING APPURTENANCES AND LIGHTS (ABOVE GROUND LEVEL)</b> 299'	
<b>LONGITUDE</b> 085° 40' 04.3"	<b>(2) DIRECTION TO CB</b> In City	<b>(2) DIRECTION TO AIRPORT</b> 295.49° True Bearing	<b>C. OVERALL HEIGHT (AMSL) (A+B)</b> 1,190'	

<b>6. OBSTRUCTION MARKING &amp; LIGHTING</b>	YES	NO
A. MARKED FOR THE PROTECTION OF AIR NAVIGATION (FLAGS, SPHERES, ETC.)		X
B. OBSTRUCTION MARKED IN ACCORDANCE WITH 602KAS0-100 (FAA AC 70/7460-1E)		X
C. OBSTRUCTION LIGHTED IN ACCORDANCE WITH 602KAS0-100 (FAA AC 70/7460-1F)	X	

**7. HAS "NOTICE OF CONSTRUCTION OR ALTERATION" (FORM 7460-1) BEEN FILED WITH THE FEDERAL AVIATION ADMINISTRATION? IF SO, WHEN?**

**8. CERTIFICATION - I HEREBY CERTIFY THAT ALL THE ABOVE STATEMENTS MADE BY ME ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

BY David Ginter *David Ginter* DATE 3/9/99  
 NAME (PRINTED), SIGNATURE & TITLE

PENALTIES. PERSONS FAILING TO COMPLY WITH KENTUCKY REVISED STATUTES AND KENTUCKY AIRPORT ZONING COMMISSION ADMINISTRATIVE REGULATIONS ARE LIABLE FOR FINES OR IMPRISONMENT AS SET FORTH IN KRS 193.9903. NON-COMPLIANCE WITH FEDERAL AVIATION ADMINISTRATION REGULATIONS MAY RESULT IN FURTHER PENALTIES.

COMMISSION ACTION <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	CHAIRMAN, KAZC (OR) ADMINISTRATOR, KAZC <i>Ronald J. Bland</i>	DATE <u>7/13/99</u>
---	---	---------------------

Federal Aviation Administration  
 Southern Region, ASO-520  
 P.O. Box 20636  
 Atlanta, GA 30320

AERONAUTICAL STUDY  
 No: 99-ASO-1041-OE

ISSUED DATE: 03/23/99

DAVID GINTER  
 CELLULAR ONE  
 124 SOUTH KEENELAND DR.  
 RICHMOND, KY 40475

**\*\* 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:

Description: NEW ANTENNA TOWER  
 824-896 MHZ/500 WATTS, 2.000 GHZ/28 DBM  
 Location: WHITE CITY KY  
 Latitude: 37-35-50.50 NAD 83  
 Longitude: 085-40-04.30  
 Heights: 299 feet above ground level (AGL)  
 1190 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 70/7460-1J, Obstruction Marking and Lighting, Chapters 4, 8(M-Dual), & 13.

-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:

N/A At least 10 days prior to start of construction  
 (7460-2, Part I)

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

-To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact TERRANCE JOHNSON at 606-282-4966.

This determination expires on 09/23/00 unless:

- (a) extended, revised or terminated by the issuing office or
- (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 on 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.

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

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including increase in 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 Communication Commission if the structure is subject to their licensing authority.

<sup>5531</sup>  
If we can be of further assistance, please contact our office at 404-305-5583. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 99-ASO-1041-OE.

*Mary Z. Mc Burney*

*for* Mary Z. Mc Burney  
Specialist, Airspace Branch

(DNE)

7460-2 Attached

ACC OF KENTUCKY, LLC

AS OF : 08/02/99

Construct

CELL SITE - 495 WHITE CITY - LARUE COUNTY

IN THE MATTER OF THE APPLICATION OF ACC OF KENTUCKY LLC, A  
DELAWARE LIMITED LIABILITY COMPANY FOR ISSUANCE OF A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT  
AN ADDITIONAL CELL FACILITY IN THE KENTUCKY RURAL SERVICE  
AREA NO. 4 WHICH INCLUDES SPENCER, ANDERSON, HARDIN, NELSON,  
WASHINGTON, MERCER, MARION, LARUE, GREEN AND TAYLOR COUNTIES  
IN KENTUCKY  
(THE WHITE CITY CELL FACILITY)

SEQ NBR	ENTRY DATE	REMARKS
M0001	04/15/99	BRENT RICE / ACC OF KENTUCKY-NOTICE OF INTENT TO FILE A CELL SITE APPLICATION
0001	04/16/99	Application.
0002	04/20/99	Acknowledgement letter.
M0002	04/27/99	DAVID THOMAS CITIZEN-LETTER OF CONCERN TO PLACEMENT OF CELLULAR TOWER
0003	04/28/99	No deficiency letter.
M0003	04/28/99	BRENT RICE ACC OF KY-RETURN RECEIPTS FOR CERTIFIED MAIL
0004	05/03/99	Response to Mr. & Mrs. David G. Thomas, may intervene.
0005	07/30/99	FINAL ORDER GRANTING CONSTRUCTION



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-153  
ACC OF KENTUCKY, LLC

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on July 30, 1999.

Parties of Record:

Lisa Jenrette  
General Manager  
ACC of Kentucky, LLC  
301 Highland Park Drive  
Richmond, KY. 40475

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

*Stephanie D. Bell*

Secretary of the Commission

SB/sa  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ACC OF KENTUCKY LLC, A DELAWARE )  
LIMITED LIABILITY COMPANY FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY )  
TO CONSTRUCT AN ADDITIONAL CELL FACILITY IN THE )  
KENTUCKY RURAL SERVICE AREA NO. 4 WHICH INCLUDES ) CASE NO.  
SPENCER, ANDERSON, HARDIN, NELSON, WASHINGTON, ) 99-153  
MERCER, MARION, LARUE, GREEN, AND TAYLOR COUNTIES )  
IN KENTUCKY (THE WHITE CITY CELL FACILITY) )

O R D E R

On April 16, 1999, ACC of Kentucky LLC ("ACC of Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. ACC of Kentucky has requested authorization to construct a cell site in Larue County.

The proposed cell site consists of a 280-foot or less self-supporting antenna tower to be located at 495 White City Road, Hodgenville, Larue County, Kentucky ("the White City cell site"). The coordinates for the White City cell site are North Latitude 37° 35' 50.5" by West Longitude 85° 40' 04.3".

ACC of Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the White City cell site. Based upon the



application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, Section 1, ACC of Kentucky notified the Larue County Judge/Executive of the pending construction. ACC of Kentucky has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the White City cell site. Both applications are pending.

ACC of Kentucky has filed notices verifying that each person who owns property within 500 feet of the White City cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notices were published in a newspaper of general circulation and were posted in a visible location on the proposed site and on the nearest public road. The posted notices remained posted for at least two weeks after ACC of Kentucky's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, ACC of Kentucky should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute

proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by ACC of Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that ACC of Kentucky should be granted a Certificate of Public Convenience and Necessity to construct and operate the White City cell site in RSA No. 4 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. ACC of Kentucky is granted a Certificate of Public Convenience and Necessity to construct and operate the White City cell site.
2. ACC of Kentucky shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.
3. ACC of Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 30th day of July, 1999.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KENTUCKY 40602  
www.psc.state.ky.us  
(502) 564-3940  
Fax (502) 564-3460

**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**

**Helen Helton**  
**Executive Director**  
**Public Service Commission**

**Paul E. Patton**  
**Governor**

May 3, 1999

Mr. and Mrs. David G. Thomas  
1602 Louise Ave.  
Louisville, KY 40216

Re: Case No. 99-153

Dear Mr. and Mrs. Thomas:

The Commission is in receipt of your letter concerning the above application for approval to construct a cell facility. The Commission will carefully analyze this application before rendering its final decision. If you wish to intervene in this matter, you must notify the Commission in writing.

It may be helpful for you to know that authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Thank you for your interest and concern in this matter.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

sh



April 26, 1999

RECEIVED  
APR 27 1999  
PUBLIC SERVICE  
COMMISSION

Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, Kentucky 40602

Dear Sir;

This letter is in regards to Cellular One's application to erect a cell tower on the property of Mrs. Allen in LaRue County, Ky., as stated in a letter dated April 16th.

The case No. is 99-153. We own the property behind Mrs. Allen's, which would be directly behind the proposed tower.

We have no objections to this except that this construction and, when completed, the tower, not interfere with the access to our place. This is the only access to our property and as we understand it that will not be a problem.

If this is not the case or if you should need to contact us further about anything else our new address is:

David and Barbara Thomas  
1602 Louise Ave. Louisville, Ky. 40216  
1-502-361-7012

Sincerely,

*David S. Thomas*  
*Barbara A. Thomas*  
1602 LOUISE AVE.  
Louisville, Ky 40216

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

April 27, 1999

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
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LINDA J. WEST  
JARON P. BLANDFORD

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FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

RECEIVED  
APR 28 1999  
PUBLIC SERVICE  
COMMISSION

Ms. Helen C. Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

RE: **ACC of Kentucky LLC - PSC Case No. 99-153**  
**(The White City Facility)**

Dear Ms. Helton:

Please find enclosed the originals and six copies each of return receipts for correspondence forwarded via certified mail, return receipt requested, to the Larue County Judge and all property owners within 500' of the proposed facility referenced above. The following property owners have been notified:

Mark Ovesen  
597 White City Road  
Hodgenville, KY 42748

Judith Ann Cox  
618 White City Road  
Hodgenville, KY 42748

David and Barbara Thomas  
5336 Buckner Avenue  
Louisville, KY 40200

Bernard Darrell and Susie Crain  
560 White City Road  
Hodgenville, KY 42748

Galen and Eugenia Eads  
417 White City Road  
Hodgenville, KY 42748

Ms. Helen C. Helton, Executive Director  
April 27, 1999  
Page 2

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Please file the enclosed with the Commission at your earliest convenience. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Brent Rice". The signature is written in a cursive, somewhat stylized font.

W. Brent Rice  
Counsel for ACC of Kentucky LLC

WBR/dkw

Enclosures

Z 463 757 965

US Postal Service  
Receipt for Certified Mail  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- 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.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
**Bernard Darrell and Susie Crain**  
**560 White City Road**  
**Hodgenville, KY 42748**

4a. Article Number  
**Z 463 757 965 (5007-42)**

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
**4/20/99**

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

*X Susie Crain*

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

Sent to <b>Bernard Darrell &amp; Susie Crain</b>	
Street & Number <b>Crain</b>	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <b>4/16/99 5007-42</b>	

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- 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.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
**Hon. Tommy Turner**  
**Larue County Judge**  
**Courthouse**  
**High Street**  
**Hodgenville, KY 42748**

4a. Article Number  
**Z 463 757 959 (5007-42)**

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
**4-19-99**

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

*X Renee Strook*

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 463 757 559

US Postal Service  
Receipt for Certified Mail  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <b>Hon. Tommy Turner</b>	
Street & Number <b>Larue County Judge</b>	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <b>4/16/99 5007-42</b>	

Z 463 757 961

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- 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.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**Mark Ovesen**  
597 White City Road  
Hodgenville, KY 42748

4a. Article Number

**Z 463 757 961 (5007-42)**

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

**4-19-99**

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

Return Receipt

Thank you for using Return Receipt Service. PS

US Postal Service  
Receipt for Certified Mail  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <b>Mark Ovesen</b>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <b>4/16/99 5007-42</b>	

Z 463 757 963

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- 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.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**Galen and Eugenia Eads**  
417 White City Road  
Hodgenville, KY 42748

4a. Article Number

**Z 463 757 963 (5007-42)**

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

**4-19-99**

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

X *Eugenia Eads*

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service. F

US Postal Service  
Receipt for Certified Mail  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <b>Galen and Eugenia Eads</b>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <b>4/16/99 5007-42</b>	



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- 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.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
  - 2.  Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

David and Barbara Thomas  
5336 Buckner Avenue  
Louisville, KY 40200

4a. Article Number

Z 463 757 962 (5007-42)

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

2/21/99

5. Received By: (Print Name)

BARBARA THOMAS

6. Signature: (Addressee or Agent)

*Barbara Thomas*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Z 463 757 962

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <b>David and Barbara Thomas</b>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 4/16/99 5007-42	

Thank you for using Return Receipt Service.  
PS

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- 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.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
  - 2.  Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Judith Ann Cox  
618 White City Road  
Hodgenville, KY 42748

4a. Article Number

Z 463 757 964 (5007-42)

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

4/23/99

5. Received By: (Print Name)

*J. Cox*

6. Signature: (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

102595-98-B-0229

Domestic Return Receipt

Z 463 757 974

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <b>Judith Ann Cox</b>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 4/23/99 5007-42	

Thank you for using Return Receipt Service.  
PS Form 3811, December 1994



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

April 28, 1999

Steve Lochmueller  
Vice President  
Central Kentucky Cellular  
221 South Porter Drive  
Richmond, KY. 40475

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

RE: Case No. 99-153  
CENTRAL KENTUCKY CELLULAR

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/sh  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
APR 16 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF ACC OF KENTUCKY LLC, A )  
DELAWARE LIMITED LIABILITY COMPANY FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
AN ADDITIONAL CELL FACILITY IN THE )  
KENTUCKY RURAL SERVICE AREA NO. 4 WHICH )  
INCLUDES SPENCER, ANDERSON, HARDIN, )  
NELSON, WASHINGTON, MERCER, MARION, )  
LARUE, GREEN AND TAYLOR COUNTIES )  
IN KENTUCKY )  
(THE WHITE CITY CELL FACILITY) )

CASE NO. 99-153

**FILED**

APR 16 1999

**PUBLIC SERVICE  
COMMISSION**

APPLICATION

ACC of Kentucky LLC, a Delaware limited liability company ("ACC") applies for a Certificate of Public Convenience and Necessity to construct and operate an additional cell facility to serve the customers of its cellular radio telecommunications system in the Kentucky Rural Service Area No. 4 (the "Kentucky RSA No. 4"). In support of this Application, ACC respectfully states that:

1. Its complete name, address and telephone number are: ACC of Kentucky LLC, c/o American Cellular Wireless, LLC, 1336 Basswood, Ste. F, Schaumburg, Illinois, (847)843-9081. The address and telephone number for the principal offices in Kentucky of ACC are: 124 South Keeneland Drive, Suite 1, Richmond, KY 40475 (606)544-2355. ACC does business under the name Cellular One.

2. ACC of Kentucky LLC is a Delaware limited liability company which is authorized to do business in the Commonwealth of Kentucky. An authenticated copy, issued by



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

April 20, 1999

Steve Lochmueller  
Vice President  
Central Kentucky Cellular  
221 South Porter Drive  
Richmond, KY. 40475

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

RE: Case No. 99-153  
CENTRAL KENTUCKY CELLULAR  
(Construct) CELL SITE - 495 WHITE CITY - LARUE COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received April 16, 1999 and has been assigned Case No. 99-153. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

*Stephan Bell*

Stephanie Bell  
Secretary of the Commission

SB/jc

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III +  
STEPHEN C. CAWOOD  
CHRISTOPHER M. HILL  
LISA ENGLISH HINKLE  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
LUKE BENTLEY III  
STEPHEN G. AMATO  
MARY ESTES HAGGIN  
R. STEPHEN MCGINNIS \*\*  
JON A. WOODALL  
MARIA S. BUCKLES  
MARGARET M. YOUNG  
JULIE A. COBBLE  
MELINDA G. WILSON  
MARY ELIZABETH CUTTER  
LINDA J. WEST  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO

\*\* ALSO ADMITTED IN COLORADO

+ ALSO ADMITTED IN TEXAS & FLORIDA

\*\* ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 347  
GREENUP, KENTUCKY 41144-0347  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

April 16, 1999

RECEIVED  
APR 16 1999  
PUBLIC SERVICE  
COMMISSION

**HAND DELIVERED**

Ms. Helen C. Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

**RE: Application of ACC of Kentucky LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct an Additional Cell Facility in the Kentucky Rural Service Area No. 4 which Includes Spencer, Anderson, Hardin, Nelson, Washington, Mercer, Marion, Larue, Green and Taylor Counties – Case No. 99-153 (White Cell Facility)**

Dear Ms. Helton:

Please be advised that the undersigned represents ACC of Kentucky LLC in regard to the above-referenced application which I am filing on its behalf today with the Commission.

Pursuant to KRS 278.020(1) you will find enclosed for filing the original and five copies of the application. Additionally, three (3) Site Surveys are submitted with the application. Any comments or questions in regard to the application should be forwarded to the undersigned.

Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice  
Counsel for ACC of Kentucky LLC

WBR/dkw  
Enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
APR 16 1999  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF ACC OF KENTUCKY LLC, A )  
DELAWARE LIMITED LIABILITY COMPANY FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
AN ADDITIONAL CELL FACILITY IN THE )  
KENTUCKY RURAL SERVICE AREA NO. 4 WHICH )  
INCLUDES SPENCER, ANDERSON, HARDIN, )  
NELSON, WASHINGTON, MERCER, MARION, )  
LARUE, GREEN AND TAYLOR COUNTIES )  
IN KENTUCKY )  
(THE WHITE CITY CELL FACILITY) )

CASE NO. 99-153

FILED

APR 16 1999

PUBLIC SERVICE  
COMMISSION

APPLICATION

ACC of Kentucky LLC, a Delaware limited liability company ("ACC") applies for a Certificate of Public Convenience and Necessity to construct and operate an additional cell facility to serve the customers of its cellular radio telecommunications system in the Kentucky Rural Service Area No. 4 (the "Kentucky RSA No. 4"). In support of this Application, ACC, respectfully states that:

1. Its complete name, address and telephone number are: ACC of Kentucky LLC, c/o American Cellular Wireless, LLC, 1336 Basswood, Ste. F, Schaumburg, Illinois, (847)843-9081. The address and telephone number for the principal offices in Kentucky of ACC are: 124 South Keeneland Drive, Suite 1, Richmond, KY 40475 (606)544-2355. ACC does business under the name Cellular One.

2. ACC of Kentucky LLC is a Delaware limited liability company which is authorized to do business in the Commonwealth of Kentucky. An authenticated copy, issued by

the office of the Secretary of State of Delaware, of the Certificate of Merger of Central Kentucky Cellular Corporation into Three Cellular Corporation and the Certificate of Merger of Three Cellular Corporation into ACC of Kentucky LLC and the Commonwealth of Kentucky Certificate of Authority to transact business were filed with the Commission in PSC Case No. 99-143.

3. ACC proposes to construct an additional cellular telephone communicating facility in Larue County, Kentucky situated in the Kentucky Rural Service Area No. 4 (the "Cell Facility"). The Cell Facility will be comprised of a 280' self-supporting tower with attached antennas extending upwards for a total height of 299' and an equipment shelter. The equipment shelter will contain the transmitters and receivers required to connect the cell facility with cellular telephone users, which will link the Cell Facility with ACC's other cells. The Cell Facility will be fenced with a secured access gate. Three (3) Site Surveys are being submitted with this Application. A detailed description of the manner in which the Cell Facility will be constructed is included as the Site Detail Plan (scale: 1" = 40') on the Site Survey. A reduced copy of the Site Survey is attached as Exhibit A. The Site Survey is signed and sealed by Tim Thompson, a professional engineer registered in Kentucky and it depicts the proposed location of the tower and all easements and existing structures on the property on which the tower will be located. A vertical tower profile and its foundation, each signed and sealed by a professional engineer registered in Kentucky are attached as Exhibit B. The tower design plans include a description of the standard according to which the tower was designed.

4. A geotechnical investigation report performed by Fuller, Mossbarger, Scott & May Engineers, Inc. of Lexington, Kentucky, dated March 4, 1999 is attached as Exhibit C. The geotechnical investigation report is signed and sealed by Barry L. Bryant, a professional engineer

registered in Kentucky. The geotechnical investigation report includes boring logs, foundation design recommendations, and a finding as the proximity of the proposed site to flood hazard areas.

5. As noted on the Site Survey attached as Exhibit A, the surveyor has determined that the site is not within any FIA flood hazard area.

6. The possibility of a strong ground shaking has been considered in the design of this self-supporting tower. Formulas are given in codes for earthquake loading. The formulas are for lateral loads, and they take into account the seismic zone, ground motion and structure. The two most important components of the structure are its weight and shape. Applying all of the factors to the formula, the resultant earthquake load is less than the design wind load. Seismic loading has been considered in the design of this tower, although it is regarded as secondary to the wind loading.

Even if the tower would fall as result of an earthquake, it should not damage any occupied buildings. In the event of failure of the tower mast, all of the debris will most likely lie within a circle whose center is the tower base and whose radius is no more than 60% of the tower height.

7. Similarly, the possibility of a strong wind has been considered in the design of this tower. It has been designed and engineered by professional engineers using computer assistance and the same accepted codes and standards as are typically used for high-rise building construction. This tower has been designed in accordance with the Electronic Industries Association ("EIA") Standard RS-222E, which has been accepted and approved by ANSI and is a nationally recognized tower design standard. The ANSI/EIA standard utilizes a "stepped" wind loading in tower design. This means that a standardized wind speed (the "basic wind



speed") is applied to the tower structure at the 33-foot level and then is "increased" with increments of tower height. In this case, the design wind speed is 70 mph. Using the appropriate wind speed for each antenna level, the thrust of the antenna and its corresponding waveguide load are applied to the tower structure for maximum member loads.

8. Personnel directly responsible for the design and construction of the proposed tower are qualified and experienced. The soil testing and part of the foundation design was performed by Fuller, Mossbarger, Scott & May Engineers, Inc. of Lexington, Kentucky, under the supervision of W. Evan Mossbarger, a registered professional engineer in the Commonwealth of Kentucky. His specialty is geotechnical engineering which includes sub-surface exploration and foundation design. He has served as project and principal engineer on various projects similar to the applicant's. These projects include construction, tower crane foundations, and nexrad doppler radar towers, other mobile telephone towers and elevated water towers. Foundation types for these towers have included drilled piers, auger-cast piles, driven piles and spread footings. Design of the tower and foundation was performed by Central Tower, Inc. of Newburgh, Indiana, which designs, manufactures and installs such communications towers, monopoles and antenna systems that mount to them. Founded in 1985, Central Tower, Inc. has designed and installed worldwide hundreds of towers in all climates. This tower was designed by Chi S. Lee, who additionally certified the design. Mr. Lee is a registered engineer in the Commonwealth of Kentucky. The applicant uses qualified installation crews and site inspectors for construction of its towers.

9. The public convenience and necessity require the construction of this additional Cell Facility. The additional Cell Facility is essential to improve service to ACC's current customers in that transmission and reception "weak spots" within the area to be covered by the

Cell Facility will be substantially reduced. The Cell Facility will also increase the system's capacity to meet the increasing demands for cellular service in the Kentucky Rural Service Area No. 4.

The process that was used in selecting the site for the proposed Cell Facility by the applicant's radio frequency engineers was consistent with the process used for selecting generally all other existing cell facilities within the Kentucky Rural Service Area No. 4. The engineers used computer programs to locate cell sites that will enable the cell facilities to serve the Federal Communications Commission certificated territory without extending beyond its approved boundary and to meet other mandates of the Commission. The engineers select the optimum site in terms of elevation and location to provide the best quality service to customers in the service area.

It is imperative that the proposed Cell Facility be constructed to allow ACC to meet its licensing requirements as mandated by the Federal Communications Commission and to further meet the increasing demands for cellular service in the Kentucky Rural Service Area No. 4.

10. The Cell Facility will serve an area totally within ACC's current service area in the Kentucky Rural Service Area No. 4.

11. Since the proposed Cell Facility will serve only the Kentucky Rural Service Area No. 4, no further approvals by the Federal Communications Commission ("FCC") are required. See 47 C.F.R. §24.11(b), "[b]lanket licenses are granted for each market and frequency block. Applications for individual sites are not required and will not be accepted."

12. An application to the Federal Aviation Administration ("FAA") was filed on March 9, 1999, a copy of which is attached as Exhibit D. Upon receiving a determination from the FAA, the applicant will forward a copy of such determination as a supplement to this

Application. An application to the Kentucky Airport Zoning Commission ("KAZC") was filed on March 9, 1999, a copy of which is attached as Exhibit E. Upon receiving a determination from KAZC, the applicant will forward a copy of such determination as a supplement to this application.

13. Approval of the local planning unit is not necessary for the location of the Cell Facility by virtue of KRS 100.324 Section 2(1). Larue County does not have a planning unit that has adopted planning and zoning regulations in accordance with KRS Chapter 100 and therefore there has been no official registration by a planning unit with the Public Service Commission. ACC has notified the Larue County Judge, by certified mail, return receipt requested, of the proposed construction. ACC included in said notice the Commission docket number under which the application will be processed and informed said person of his right to request intervention. A copy of said notice is attached as Exhibit F.

14. The Cell Facility will be located at 495 White City Road, (Kentucky 470), Hodgenville, Larue County, Kentucky. Appropriate notices 2' X 4' with the word "TOWER" in letters at least four inches high, have been posted in a visible location on the proposed site and on the nearest public road and shall remain posted for at least two (2) weeks after the Application is filed. The location of the proposed facility has been published in a newspaper of general circulation in Larue County, Kentucky. The Cell Facility's coordinates are: Latitude: 37° 35' 50.5"; Longitude: 85° 40' 04.3".

15. Clear directions to the proposed site are set forth on the Site Survey submitted with this Application. The telephone number of the person preparing the directions to the proposed site is 606-873-5252. A Project Area, drawn to a scale no less than one (1) inch equals

200' that identifies every structure and every owner of real estate within 500' of the proposed tower is included on the Site Survey.

16. ACC has notified every person who owns property within 500' of the proposed tower by certified mail, return receipt requested, of the proposed construction. ACC included in said notice the Commission docket number under which the Application will be processed and informed each person of his or her right to request intervention. A list of the property owners so notified follows and copies of the certified letters sent to the referenced property owners are attached as Exhibit G. Copies of the return receipts will be filed with the Commission when received. The property owners notified and their addresses are:

Mark Ovesen  
597 White City Road  
Hodgenville, KY 42748

Judith Ann Cox  
618 White City Road  
Hodgenville, KY 42748

David and Barbara Thomas  
5336 Buckner Avenue  
Louisville, KY 40200

Bernard Darrell and Susie Crain  
560 White City Road  
Hodgenville, KY 42748

Galen and Eugenia Eads  
417 White City Road  
Hodgenville, KY 42748

17. The Project Area as depicted on the Site Survey, in which the proposed facility is not in a zoned area. It is a rural area. The nearest residence is over 300' from the proposed facility. There is no county zoning in Larue County.

18. ACC has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service can be provided. ACC attempted to co-locate on existing towers or structures. There are no existing towers or structures in the area.

19. The site for the Cell Facility is to be leased from Mary M. Allen. A copy of the

Option and Site Lease Agreement is attached as Exhibit H.

20. The names of all public utilities, corporations, or persons with whom the proposed new construction is likely to compete is Bluegrass Cellular.

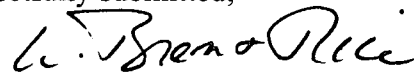
21. The estimated cost of construction of the Cell Facility (as described in paragraph 3 supra) is \$350,000, and the cost of operating the Cell Facility for one year is estimated at \$15,000.

22. ACC plans to finance the construction of the Cell Facility through the use of working capital. If sufficient funds are not available from this source, the company will obtain funds through short-term loans payable within two years.

23. Any customer complaints may be reported by dialing 611 on the customer's cellular phone, or by dialing 800-695-2835, which is a toll-free number provided to all of the Applicant's customers.

WHEREFORE, ACC requests that the Commission, pursuant to KRS 278.020, grant a Certificate of Public Convenience and Necessity to ACC for construction and operation of the proposed Cell Facility and providing for such other relief as is necessary and appropriate.

Respectfully submitted,



W. Brent Rice  
MCBRAYER, MCGINNIS, LESLIE &  
KIRKLAND  
163 West Short Street, Suite 300  
Lexington, KY 40507-1361  
Phone: 606/231-8780

COUNSEL FOR ACC OF KENTUCKY LLC

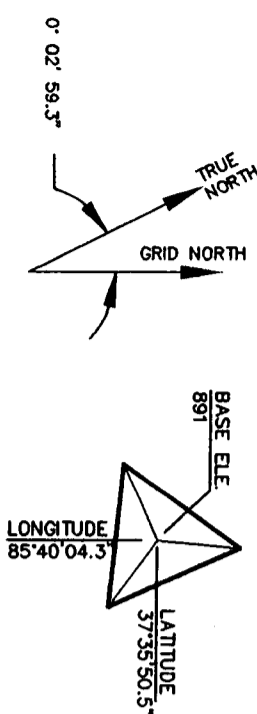
wbr\acc\white city\psc app 4

## LIST OF EXHIBITS

- Exhibit A      Reduced Site Survey
- Exhibit B      Tower and Foundation Profile
- Exhibit C      Report of Geotechnical Exploration
- Exhibit D      FAA Application
- Exhibit E      KAZC Application
- Exhibit F      Correspondence to Larue County  
                    Judge Executive
- Exhibit G      Notice to Adjoining Property Owners
- Exhibit H      Real Estate Lease Agreement

**ELECTRIC**  
NOUN REC  
(502) 765-6153  
BUILDING PERMIT  
PLANNING AND ZONING  
COMMISSION  
MICHAEL HERSHMAN  
(502) 358-0830

**TELEPHONE**  
GTE  
1-800-483-5300  
CONTRACT  
MARGARET ALLEN  
(502) 358-4420



LINE	BEARING	LENGTH
1	S 13°56'02\" E	198.64
2	S 65°37'34\" W	21.81
3	S 24°22'26\" E	69.00
4	S 65°37'34\" W	100.00
5	N 24°22'26\" W	72.85
6	N 15°07'05\" E	35.18
7	N 65°37'34\" E	77.63
8	S 24°22'26\" E	51.00

**GRID/TWUE NORTH CONVERGENCE**  
TOWER DATA  
TOWER HEIGHT 280'  
TOWER BASE 20'

**LEGAL DESCRIPTION**  
THAT TRACT OF LAND LYING EAST OF HODGENVILLE IN LARUE COUNTY, KY NORTH OF WHITE CITY AND U.S. 31E AND WEST OF KENTUCKY HIGHWAY 470 AND MORE FULLY DESCRIBED AS FOLLOWS:  
**ACCESS EASEMENT**

"A STRIP OF LAND THIRTY FEET IN WIDTH THE CENTERLINE OF WHICH BEGINS AT A POINT IN THE WEST RIGHT-OF-WAY OF KENTUCKY HIGHWAY 470, SAID POINT BEING S 13° 56' 02\" E, 198.64 FEET FROM A STEEL PIN SET AT THE NORTH CORNER OF MARY M. ALLEN (DB 94, PG 191) AND A CORNER TO MARK OWSEN (DB 150, PG 171), THENCE FROM SAID POINT OF BEGINNING AND WITH A LINE THROUGH THE MARY M. ALLEN PROPERTY  
S 65° 37' 34\" W 21.81 FEET TO THE ENDING POINT, SAID POINT BEING IN THE NORTHEAST LINE OF, AND BEING THE POINT OF BEGINNING OF THE LEASE AREA.  
**LEASE AREA**

"BEGINNING AT THE ENDING POINT OF THE ACCESS EASEMENT AS DESCRIBED ABOVE, THENCE WITH A LINE THROUGH THE MARY M. ALLEN PROPERTY FOR THREE CALLS:  
(1) S 24° 22' 26\" E 69.00 FEET TO A STEEL PIN SET (ID 1304), THENCE  
(2) S 65° 37' 34\" W 100.00 FEET TO A STEEL PIN SET (ID 1304) AND  
(3) N 24° 22' 26\" W 72.85 FEET TO A STEEL PIN SET (ID 1304) IN THE SOUTHEAST LINE OF MARK OWSEN, THENCE WITH SAID LINE  
N 15° 07' 05\" E 35.18 FEET TO A STEEL PIN SET (ID 1304), THENCE LEAVING OWSEN AND THROUGH THE MARY M. ALLEN PROPERTY FOR TWO CALLS  
(1) N 65° 37' 34\" E 77.63 FEET TO A STEEL PIN SET (ID 1304) AND  
(2) S 24° 22' 26\" E 31.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,686 SQUARE FEET."  
BASED ON A RANDOM TYPE "B" SURVEY PERFORMED BY TIM THOMPSON IN FEBRUARY, 1999 WITH A PRECISION GREATER THAN 1:15,000. THE SURVEY WAS NOT CLOSED OR BALANCED. BEARINGS BASED ON STATE PLANE AND GRID NORTH.

**PROPERTY**  
MARY M. ALLEN  
DB 94, PG 191  
K001  
(502) 358-3502

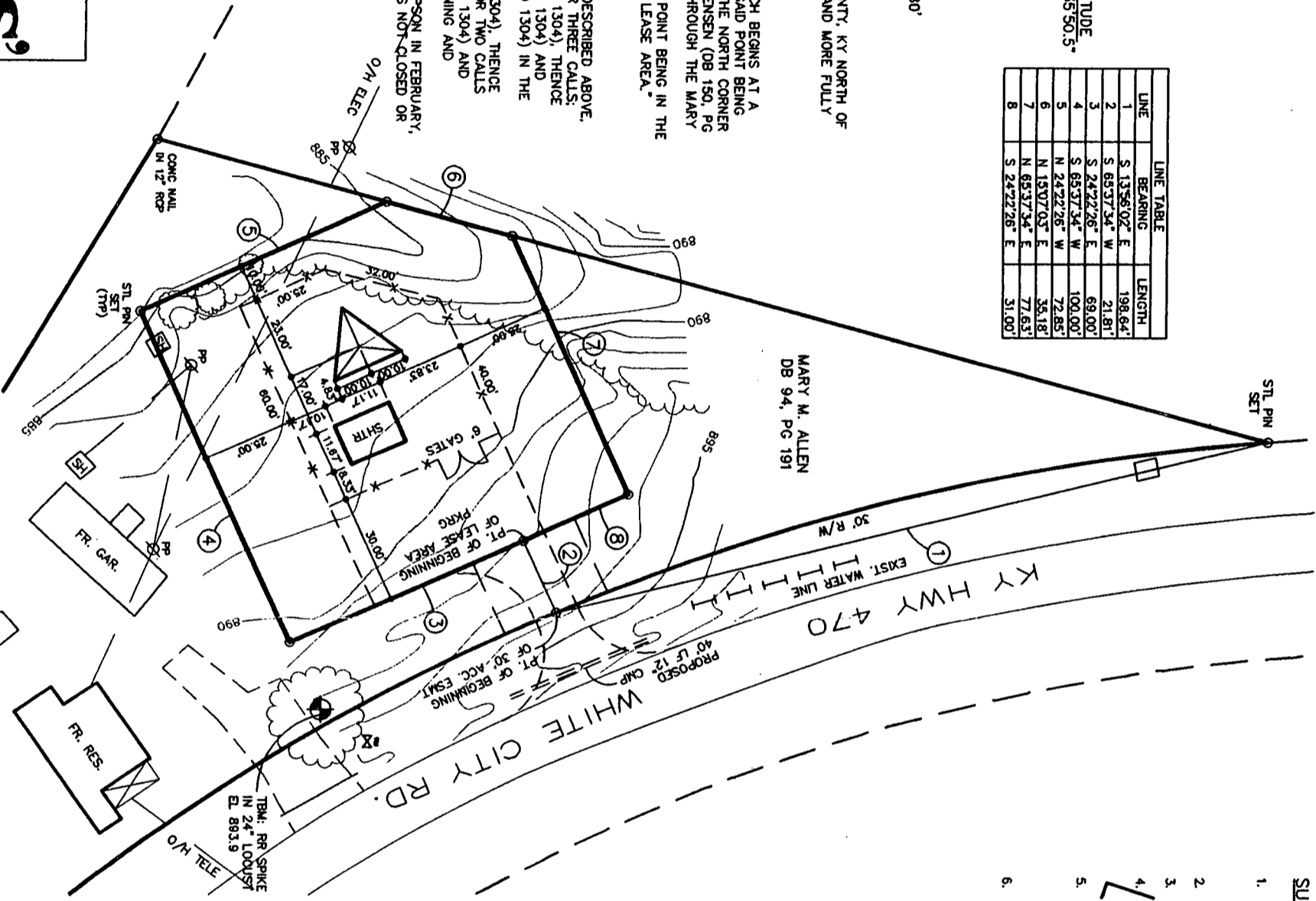
**ENCROACHMENT PERMIT**

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE INFORMATION SHOWN HEREON IS TRUE AND ACCURATE.  
*Tim Thompson*  
TIM THOMPSON, LS 1304  
DATE: FEB 22 1999

STATE OF KENTUCKY  
REGISTERED  
LAND SURVEYOR  
TIM THOMPSON  
1304

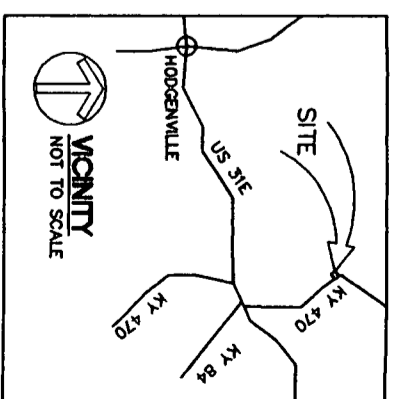
**TIM THOMPSON**  
Civil Engineer  
Land Surveyor  
**T&S**  
160 S. Main St., Suite 3  
Versailles, KY 40383  
Tel: (606) 873-5252 Fax: (606) 873-2525

FILE: WHITECTY.DWG  
DATE: FEB. 16, 1999  
SHEET 1 OF 1



**SURVEY NOTES**

1. THE SURVEY DATA SHOWN HEREON IS BASED ON STATE PLANE AND GRID NORTH. CONVERGENCE TO TRUE NORTH AT THE PROPOSED TOWER CENTER AS SHOWN IS 00° 02' 59.3\" WEST OF GRID NORTH. LATITUDE AND LONGITUDE ARE BASED ON NAD 83
2. ELEVATIONS ARE BASED ON NAVD 88
3. A TITLE SEARCH WAS NOT PERFORMED ON THIS PROPERTY. THIS SURVEY WAS LIMITED TO FEATURES IN THE VICINITY OF THE ACCESS EASEMENT AND LEASE AREA ONLY.
4. UNDERGROUND UTILITIES MAY EXIST ON THIS SITE WHICH ARE NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES AND HAVE THEM LOCATE ANY UTILITY THAT THEY MAY HAVE IN THE AREA.
5. THE PROPOSED LEASE AREA FOR THIS FACILITY DOES NOT LIE WITHIN ANY FIA FLOOD HAZARD AREA.



**DIRECTIONS**  
FROM HODGENVILLE KY TAKE US 31E EAST 4.5 MILES TO WHITE CTY. TURN LEFT ON KY 470 (WHITE CITY ROAD) AND GO 0.5 MILES TO SITE ON LEFT.

**PROJECT AREA**  
SCALE: 1\"=200'

**SITE SURVEY FOR A PROPOSED TRANSMISSION FACILITY**  
AMERICAN CELLULAR CORPORATION  
NAME: WHITE CTY, KY

**MARY M. ALLEN**  
PROPERTY  
495 WHITE CITY ROAD  
HODGENVILLE, LARUE CO., KY 42748



GRAPHIC SCALE

**SITE DETAIL PLAN**  
SCALE: 1\"=40'

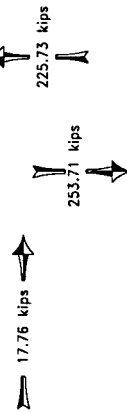
MEMBER CHART

SECTION	ELEVATION	FACE SIZE	LEGS	GIRTS		SECTION WEIGHT (lbs.)
				DIAGONALS	HORIZONTALS	
A	0' - 20'	20' - 18.5'	3-3/4	L 3-1/2 x 3-1/2 x 1/4	N/A	4800
B	20' - 40'	18.5' - 17'	3-3/4	L 3 x 3 x 3/16	N/A	3950
C	40' - 60'	17' - 15.5'	3-1/2	L 3 x 3 x 3/16	N/A	3575
D	60' - 80'	15.5' - 14'	3-1/2	L 2-1/2 x 2-1/2 x 3/16	N/A	3300
E	80' - 100'	14' - 12.5'	3-1/4	L 2-1/2 x 2-1/2 x 3/16	N/A	2925
F	100' - 120'	12.5' - 11'	3-1/4	L 2-1/2 x 2-1/2 x 3/16	N/A	2850
G	120' - 140'	11' - 9.5'	3-1/4	L 2 x 2 x 3/16	N/A	2650
H	140' - 160'	9.5' - 8'	3	L 1-3/4 x 1-3/4 x 1/4	N/A	2400
I	160' - 180'	8' - 6.5'	3	L 1-3/4 x 1-3/4 x 3/16	N/A	2225
J	180' - 200'	6.5' - 5'	2-3/4	L 1-3/4 x 1-3/4 x 3/16	N/A	1925
K	200' - 220'	5' - 4'	2-1/4	7/8 S.R.	7/8 S.R.	1425
L	220' - 240'	4' - 3'	2	7/8 S.R.	7/8 S.R.	1175
M	240' - 260'	3'	1-3/4	3/4 S.R.	3/4 S.R.	900
N	260' - 280'	3'	1-3/4	3/4 S.R.	3/4 S.R.	900

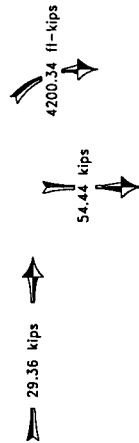
ANTENNA INFORMATION

ANTENNA	ELEVATION	LINE
(9) 740-218 OMNIS	● 280'	1-5/8
(2) 8' DISH	● 240'	EW52
(2) 8' DISH	● 200'	EW52
(2) 8' DISH	● 160'	EW52
(3) 740-198 OMNIS	● 150'	1-5/8
(3) 740-218 OMNIS	● 150'	1-5/8
(2) 8' DISH	● 100'	EW52

MAX INDIVIDUAL LEG LOADS



MAX TOTAL FOUNDATION LOAD



DESIGN & DRAWING NOTES:

- SOME DETAIL HAS BEEN OMITTED FOR CLARITY OF ILLUSTRATION.
- TOWER STRUCTURE IS DESIGNED IN ACCORDANCE WITH ANSI/EIA-222-F STANDARDS FOR A BASIC WIND SPEED OF 70 MPH WITH 1/2" ICE.
- STEP BOLTS ARE PROVIDED.
- T-MOUNTS ARE PROVIDED.
- ALL LEG MATERIAL IS ASTM A-529 MODIFIED (fy = 50 ksi).
- ALL OTHER MATERIAL IS ASTM A36 (fy = 36 ksi).
- SECTIONS A - J ARE 3-BAY X-BRACED (74" BAYS)
- SECTIONS K - N ARE 6-BAY X-BRACED (38-1/2" BAYS)
- (6) 1-1/8" # ASTM A449 ANCHOR BOLTS REQUIRED PER LEG.



OTHER I.D. # 81293R1  
 Complete Manufacturer Of Communication Towers  
**CENTRAL TOWER, INC.**  
 2855 HWY. 261 NEWBURGH, INDIANA 47630 @12-653-6695

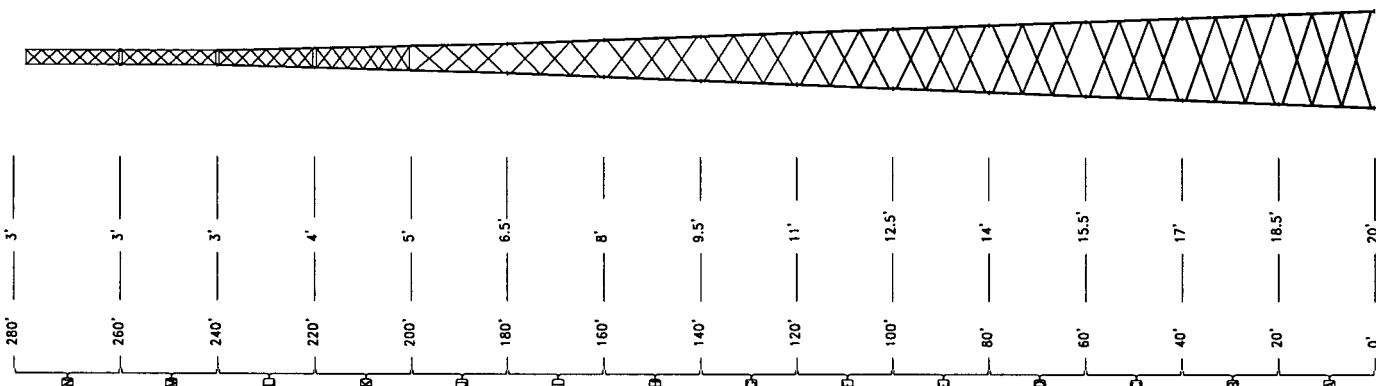
TOWER STOCK # AM - S - 280 - 070 - 51 - B - 99

REVISIONS BY

DATE: 3-12-99  
 SCALE: NO  
 DISK NO: SS#200  
 NAME: SS-432-1

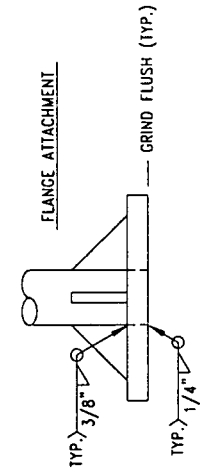
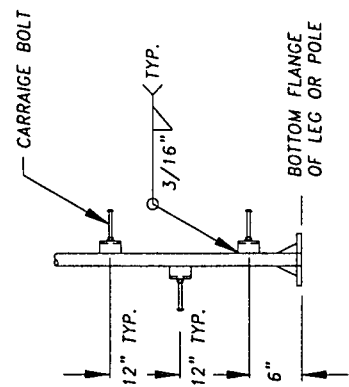
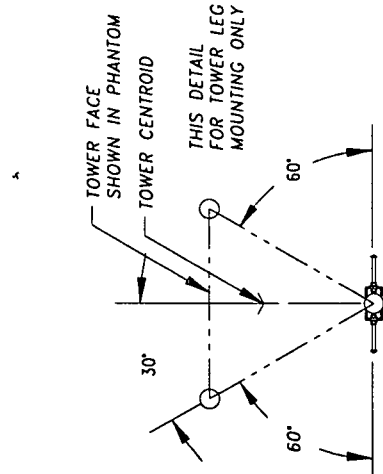
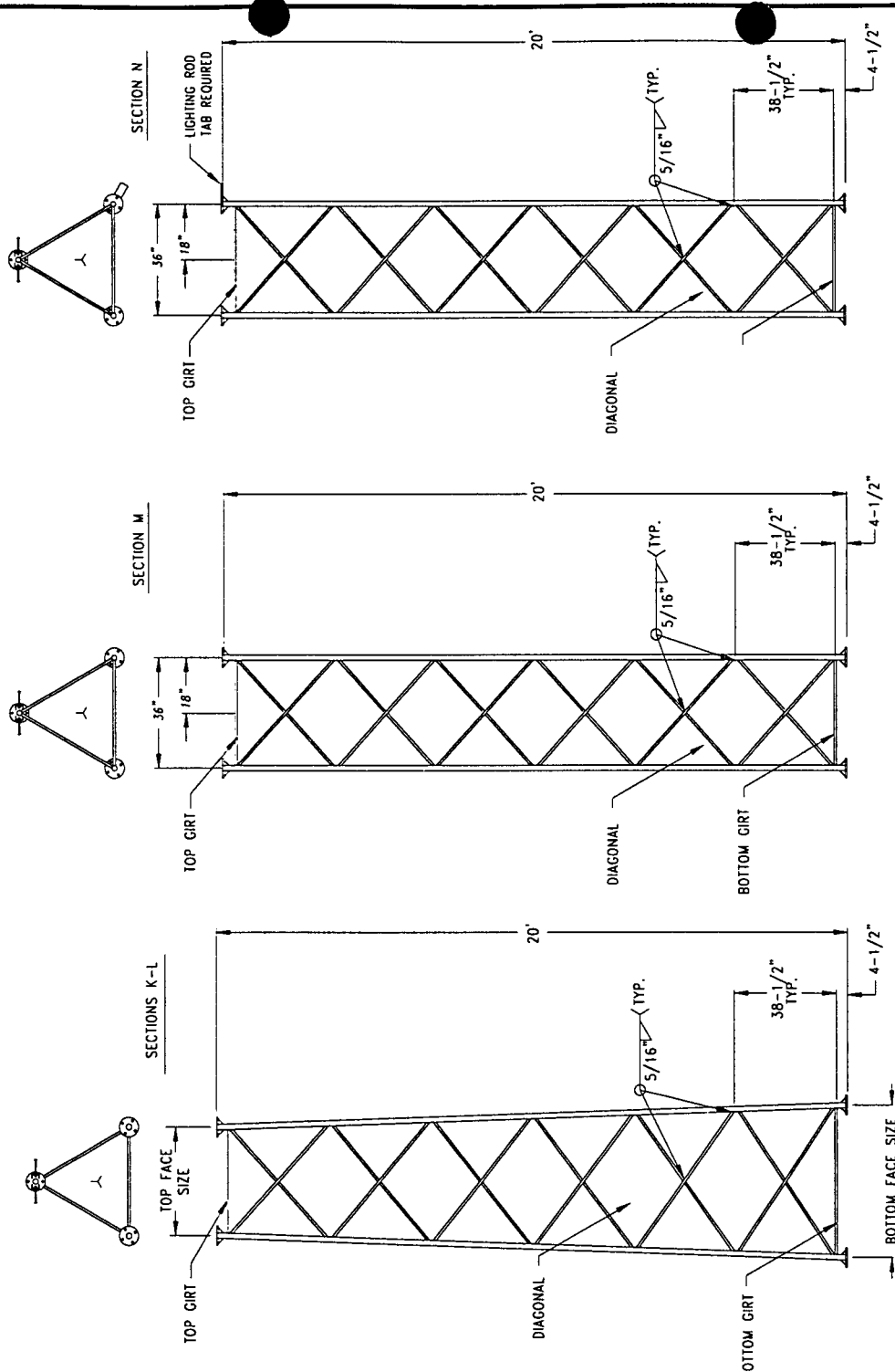
SITE: White City, KY. FOR: AMERICAN CELLULAR  
 DESIGNED BY: C.C. DRAWN BY: A.J.H.  
 PROJ. NO: SS 432  
 APP. BY: [Signature]  
 DRAWING NO: SS-432-1

TITLE: Elevation View & Member Information



SECT. ELEV. FACE SIZE





NOTES:  
 1) SEE DRAWING SS-432-1 FOR LEG & INNER MEMBER SIZES

OTHER I.D. TOWER STOCK # AM - S - 280 - 070 - 51 - B - 99	OTHER I.D. SS-432
BID # 81293R1	FOR: American Cellular
Complete Manufacturer	APP. BY:
Of	DRAWN BY: A. J. H.
Communication Towers	SCALE: NO
REVISIONS	DATE: 3-12-99
BY	NAME: SS-432-2
	DISK NO: SS#200
	NAME: SS-432-2
	DRAWING NO: SS-432-2

**CENTRAL TOWER, INC.**  
 2855 HWY. 261 NEWBURGH, INDIANA 47630 (317) 853-6985

**WELDED SECTION DETAILS**





Fuller  
Mossbarger  
Scott &  
May



ENGINEERS

**Report of Geotechnical  
Exploration**

**White City Cellular Tower  
White City, Larue County,  
Kentucky**

Prepared for  
American Cellular Wireless  
Richmond, Kentucky

March, 1999

Fuller  
Mossbarger  
Scott &  
May

**FMSM**  
ENGINEERS

1409  
North Forbes Road  
Lexington, Kentucky  
40511-2050  
606-233-0574  
606-254-4800 FAX

March 4, 1999

RECEIVED

O.1.1.99038R01

APR 16 1999

PUBLIC SERVICE  
COMMISSION

Mr. Richie Pennington  
American Cellular Wireless  
124 South Keeneland Drive  
Richmond, Kentucky 40475

Re: Report of Geotechnical Exploration  
White City Cellular Tower  
White City, Larue County, Kentucky

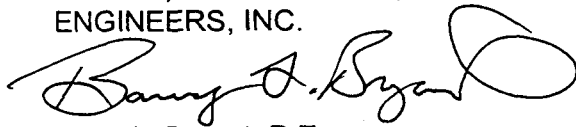
Dear Mr. Pennington:

Fuller, Mossbarger, Scott and May Engineers, Inc. (FMSM) has completed a geotechnical exploration for the above referenced site. The attached report provides a summary of the exploration, conclusions regarding subsurface conditions, and geotechnical engineering recommendations for use in design of the project.

We appreciate the opportunity to provide these geotechnical services. If you have any questions, please call.

Very truly yours,

FULLER, MOSSBARGER, SCOTT AND MAY  
ENGINEERS, INC.



Barry L. Bryant, P.E.  
Senior Project Engineer



W. Evan Mossbarger, P.E.  
Project Manager

/cmp

c: Troy Meyer, Central Tower

Report of Geotechnical  
Exploration

White City Cellular Tower  
White City, Larue County,  
Kentucky

Prepared for  
American Cellular Wireless  
Richmond, Kentucky

March, 1999

# Report of Geotechnical Exploration White City Cellular Tower White City, Larue County, Kentucky

## 1. General Site Description

The White City tower site is located adjacent to property at 495 White City Road (Kentucky 470) approximately ½-mile north of the intersection of Kentucky 470 and US 31E, in eastern Larue County, Kentucky. More specifically, the site is depicted on the Hodgenville, Kentucky USGS 7½-Minute Topographic Quadrangle at approximate geodetic coordinates of 37°35'51" north latitude and 85°40'04" west longitude, as shown in Figure 1.

At the time of the exploration, the site consisted of a tilled garden and grassed area. Topography within the vicinity of the tower site is relatively flat, and slopes in a southwesterly direction toward a natural drainage hollow. The ground surface at the tower center is at approximate elevation 888.7 feet.

## 2. Site Geology

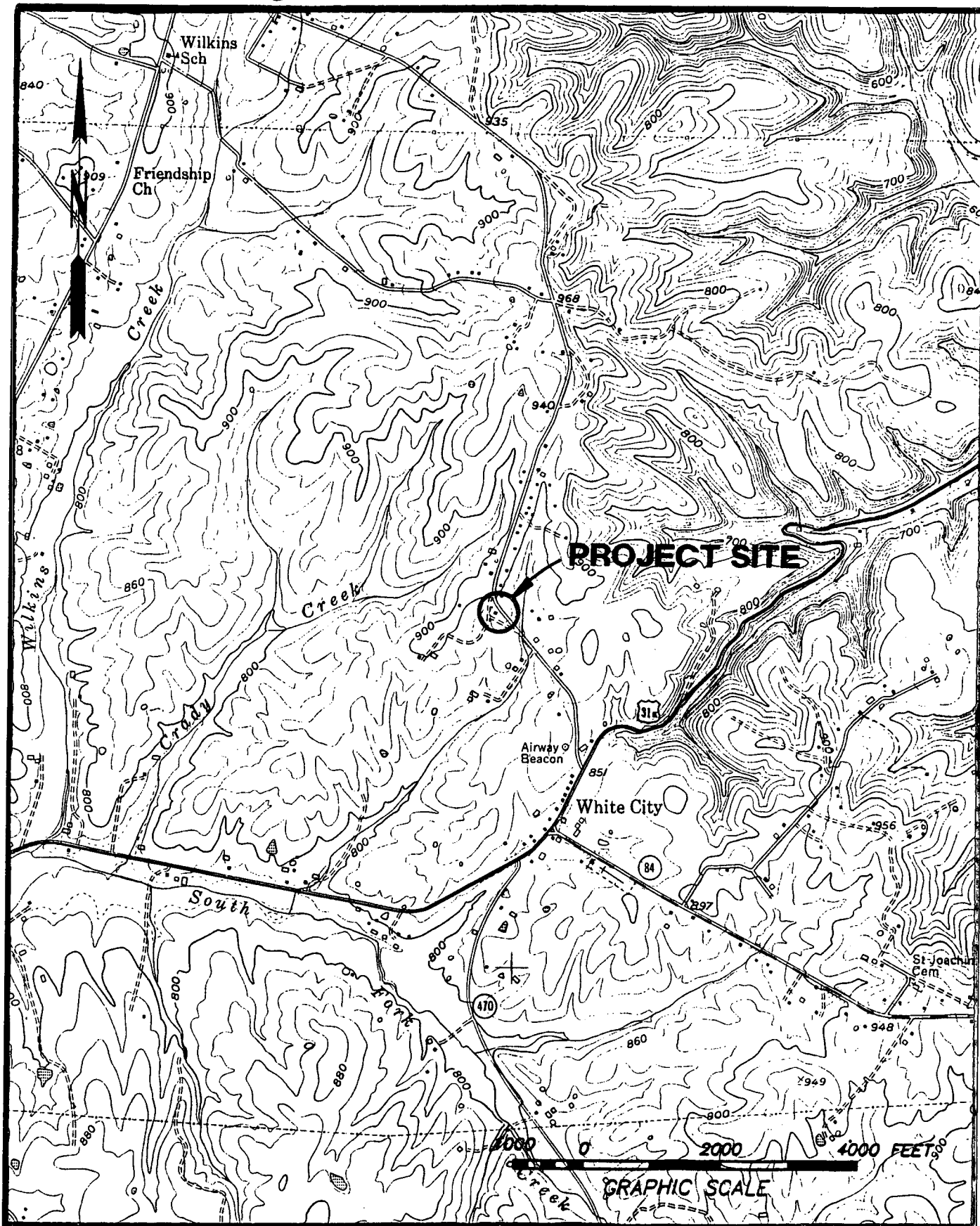
Available geologic mapping (Geologic Map of the Hodgenville Quadrangle, Larue County, Kentucky, USGS, 1968) shows the site to be underlain by limestone and dolomite of the St. Louis Limestone Formation representative of the Mississippian geologic period. The limestone is described as light to medium dark gray, very fine to medium grained, locally dolomitic, argillaceous, thin to thick bedded, and carbonaceous. The dolomite is described as yellowish gray, very fine grained, thick to very thick bedded, calcareous, and silty. Residual soil derived from weathering of the bedrock is described as red clay with chert fragments.

Structural contours drawn on the base of New Albany Shale indicate a rock strata dip on the order of 59 feet per mile (0.64°) to the southwest in the region of the site. No faults or other geologic features of significant seismic concern are shown by the USGS geologic mapping in the immediate vicinity of the site.

## 3. Scope of Work Performed

One boring was drilled during the geotechnical exploration, designated herein as Boring 1. Boring 1 was drilled at the center of the proposed tower which was surveyed prior to the exploration by Tim Thompson, Civil Engineer and Land Surveyor, of Versailles, Kentucky. All drilling operations were supervised by a geotechnical engineer.

The boring was drilled using a truck-mounted drill rig equipped with eight-inch diameter hollow-stem augers following a carbide-tipped tooth bit. Field sampling consisted of three undisturbed (Shelby) tubes and one standard penetration test (SPT) to evaluate the strength and moisture characteristics of the in-situ soil. In addition, a bag sample of the predominant soil horizon encountered was collected for classification testing. The boring was checked for the presence of ground water during the augering process. At the completion of drilling, the boring was backfilled with the auger cuttings. Due to the depth to bedrock, no rock coring was performed in Boring 1.



99038vr01-fgr1.doc

Figure 1  
 White City Cellular Tower  
 White City, Larue County, Kentucky  
 Portion of USGS 7½-Minute Topographic Map  
 (Hodgenville, Kentucky Quadrangle)  
 Showing Project Site



Following completion of the field work, the soil samples were transported to our laboratory for analyses. The bag sample was subjected to a wash gradation analysis (ASTM D-1140) and Atterberg limits (ASTM D-4318). The SPT sample was tested for natural moisture content determination (ASTM D-2216). Selected specimens extruded from the Shelby tubes were tested for natural moisture content, dry and wet unit weight, and unconfined compressive strength.

#### 4. Results of Exploration

The accompanying drawing in Appendix I show the boring layout, log of boring, results of laboratory tests and other pertinent geotechnical data. A summary of the boring drilled during this exploration is presented in Table 1 (all measurements are expressed in feet).

**Table 1. Summary of Boring**

Boring No.	Surface Elevation	Top of Bedrock*		Bottom of Hole	
		Depth	Elevation	Depth	Elevation
1	888.7	22.4	866.3	22.4	866.3

\*Top of rock as determined by augering. Exact top of rock cannot be verified without rock coring.

##### 4.1. Soil Conditions

Underlying a topsoil mantle on the order of 1.1 feet thick, one residual soil material was encountered during the augering process. This material, referred to as Soil 1, is described as a sandy lean clay, brown to red in color with pale-gray mottling, moist in natural moisture content and stiff to very stiff in consistency. In addition, Soil 1 was noted to contain chert fragments throughout. This soil classifies as CL according to the Unified Soil Classification System (USCS) with a liquid limit equal to 35 percent, a plastic limit of 16 percent and a plasticity index of 19 percent.

The results of the standard penetration test performed in Boring 1 are shown next to the graphical boring log in Appendix I and summarized below in Table 2. A standard penetration test consists of driving a two-inch diameter split-spoon sampler 1.5 feet into the material being tested by means of a 140-pound hammer raised 30 inches and allowed to free-fall. The number of blows by the hammer to drive the sampler each six-inch increment is recorded. The N-value is defined as the sum of the number of blows recorded for the last two increments of the 1.5-foot test interval.

**Table 2. Summary of Standard Penetration Tests**

Boring No.	Sample Interval		Blow Counts Per 6" Penetration	SPT "N" Value (blows)	Moisture Content (percent)
	Depth (feet)	Elevation (feet)			
1	20.0 - 21.5	868.7 - 867.2	4/3/4	7	35

Natural moisture content determinations, unit weight determinations, and unconfined compressive strength tests were performed on selected Shelby tube specimens obtained in Boring 1. The results are summarized in Table 3.

**Table 3. Summary of Tests Performed on Shelby Tube Specimens**

Boring No.	Specimen Depth Interval (feet)	Unit Weight		Moisture Content (%)	Unconfined Compressive Strength (tons/sq. ft)
		Wet (pcf)	Dry (pcf)		
1	5.0 - 7.0	121.7	95.7	27	2.27
	10.0 - 12.0	122.2	94.4	30	2.83
	15.0 - 17.0	119.1	90.8	31	1.90

#### 4.2. Ground Water Conditions

Ground water was not encountered in the boring.

### 5. Conclusions and Recommendations

It is our understanding that the tower for this site is to consist of a self-supporting 280-foot structure founded with a spread footing. A small building will also be constructed near the tower site. At the time of this report, information relative to foundation, shear, and axial loading was not available.

The boring showed the soil overburden (Soil 1) to be sand lean clay, moist in natural moisture content, stiff to very stiff in consistency and containing chert fragments. Bedrock at the site is moderately deep, encountered at a depth of 22.4 feet (elevation 866.3 feet) below the ground surface.

The recommendations which follow are based on the information stated above, and interpretation of the subsurface conditions encountered in the borings. If changes are made to the type of structures proposed for the site, or if the tower and building locations are significantly altered, our firm should be notified so that the changes can be reviewed and the recommendations modified, if necessary.

#### 5.1. Tower Foundation System

5.1.1. Based on the depth to bedrock and the type of structure, it is recommended that a soil bearing foundation system consisting of a spread footing be utilized.

5.1.2. If a spread footing is to be used for tower support, the foundation should be totally soil bearing and appropriately sized so that overturning and uplift forces will be restricted by the weight of the footing and backfill.

5.1.3. Observing the recommendations presented herein, the recommended maximum allowable bearing capacity for isolated spread footings bearing on the in-situ soil, Soil 1, or suitable engineered fill consisting of Soil 1, is three thousand (3,000) pounds per square foot at all bearing elevations.

5.1.4. The following parameters are recommended for estimating passive earth pressure in Soil 1 for level (horizontal) compacted backfill conditions.

Material	Internal Angle of Friction $\phi$ (degrees)	Passive Earth Pressure Coefficient $K_p$	Unit Weight $\gamma$ (pcf)	Effective Cohesion $\bar{c}$ (psf)
Soil 1	25	2.5	115	100

The values presented above are based on published data for compacted soils presented in Foundations & Earth Structures, Design Manual 7.02, Naval Facilities Engineering Command (September, 1992) exhibiting a classification and plasticity index similar to Soil 1. The passive earth pressure coefficient,  $K_p$ , was calculated on the following formulation.

$$K_p = \tan^2(45 + \phi/2)$$

It is recommended that a factor of safety of 1.5 or greater be used when computing the allowable lateral earth pressure.

## 5.2. Building Foundation System

5.2.1. Based on the depth to bedrock and type of structure, it is recommended that the proposed building be provided with a soil bearing foundation system. In no case should the building bear on a combination of soil and bedrock due to the potential for differential settlements.

5.2.2. Observing the recommendations presented herein the recommended maximum allowable bearing capacity for isolated spread footings bearing on Soil 1 is three thousand (3,000) pounds per square foot at all bearing elevations.

## 5.3. General Recommendations

5.3.1. Reinforcing steel should be placed in all foundation elements to provide rigidity and strength to bridge over any weak or more compressible material which may come in contact with the foundation system. Although no shear failures are expected if the recommended allowable stresses are not exceeded, some settlement, on the order of less than one-inch, may occur and should be anticipated. This precaution will tend to cause settlements which occur to be of a more uniform nature and help reduce damage to the foundation elements. It should be noted that a formal settlement analysis of the in-situ soils was beyond our scope of work and was not performed.

5.3.2. Foundation excavations should be cleaned of all loose, soft, wet or compressible materials prior to placement of reinforcing steel and concrete. The bottoms of all excavations should be level to provide uniform loading conditions. A qualified engineering technician should inspect the foundation excavation prior to the placement of reinforcing steel and concrete.

5.3.3. Areas to receive fill should be stripped of all vegetation and organic material (topsoil) prior to fill placement. It is estimated that stripping of the topsoil will generally have to extend to a depth of approximately 1.5 feet below the ground surface. If organic material is still

present, greater stripping depths will be required. Once stripping is complete, the surface of the natural soil should be proof-rolled and brought to subgrade elevation with approved fill material compacted in accordance with Item 5.3.4.

5.3.4. The on-site soil (Soil 1) is suitable for use as compacted backfill around foundation elements provided it is free of topsoil and organic material. It is recommended that the fill material be placed in maximum eight-inch loose lifts and compacted to a minimum of 100 percent of the standard Proctor maximum dry density at a moisture content between minus four percent and plus two percent of the optimum moisture content. A standard Proctor moisture-density test (ASTM D-698) will be required for determining the maximum dry density and optimum moisture content of any backfill soil.

5.3.5. Foundation excavations and any fill placement should be performed in the presence of a qualified technician experienced in the monitoring of earthwork, working under the direct supervision of a professional engineer experienced in geotechnical engineering.

5.3.6. Soil 1 is moderately plastic. Soils of this type can undergo moderate to significant volume changes with changes in moisture content. As these soils increase in moisture, they tend to swell. Likewise, as they decrease in moisture, they tend to shrink. Care should be taken during design, construction, and usage of the proposed facility to minimize the potential for changes in moisture content.

5.3.7. Foundation excavations should be protected from severe weather conditions. Water should not be allowed to remain in any excavation for extended periods of time. Exposure to water and/or freezing and thawing may cause a loss in strength of the foundation materials. If excavations are exposed to water or freezing/thawing and bearing materials deteriorate, the excavations should be deepened until suitable bearing conditions are achieved.

5.3.8. Although no ground water was observed in any of the borings, the contractor should provide means to dewater foundation excavations if such operations become necessary.

5.3.9. Site grading should be maintained during and after construction so that positive drainage is promoted at all times. Perimeter diversion and subsurface drains should be installed, as necessary, to divert surface runoff and ground water away from foundation elements.

5.3.10. It is recommended that the bottom of exterior footings extend a minimum of twenty-four (24) inches below finished grade to provide frost protection.

#### **5.4. Special Considerations**

5.4.1. The site is underlain by limestone bedrock, which can be susceptible to solutioning, and the subsequent development of karst features such as voids, sinkholes, solution channels and caves in the soil overburden and/or in the underlying bedrock. Surface depressions were not observed on the site although it should be noted that an investigation to determine the locations and extent of any underground cavern was beyond the scope of work. The Owner should be aware that construction in limestone areas is accompanied by some risk that karst activity could affect the cellular tower foundation in the future, although we believe that compliance with the recommendations presented herein can help reduce the risk to an acceptable level. Due to unknown nature of karst areas, no warranties can be

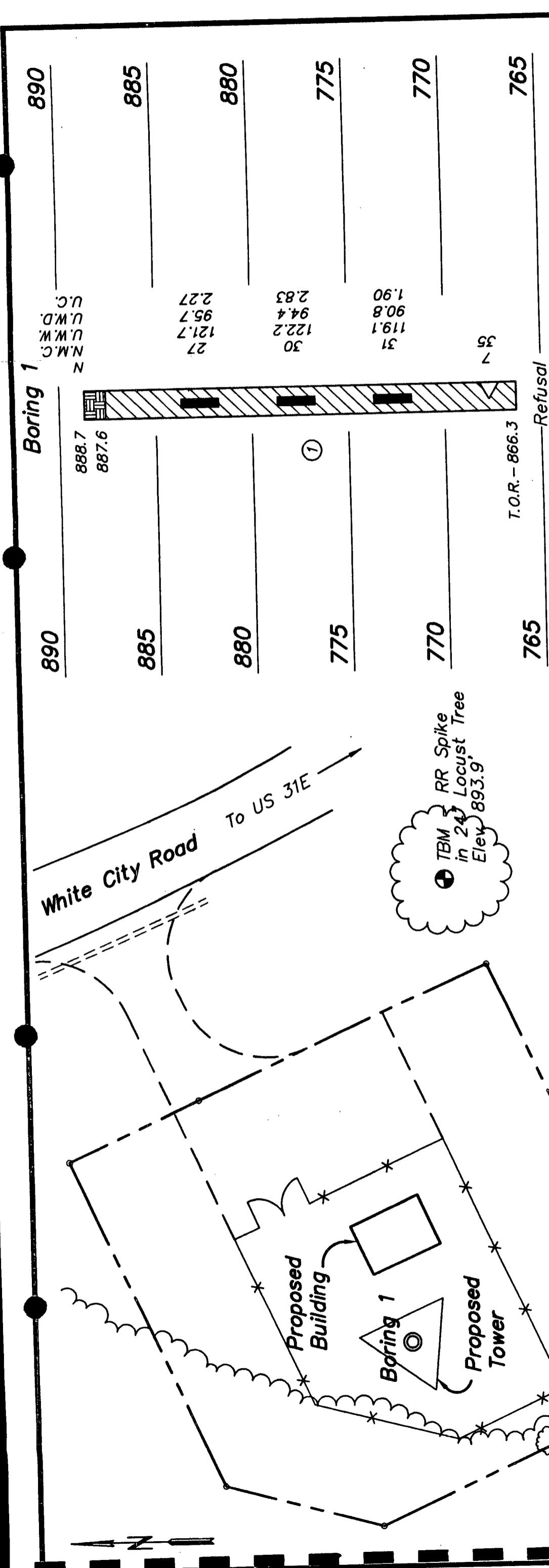
made regarding the development of future karst features. If karst features are encountered during construction they should be explored and evaluated by a qualified geotechnical engineer.

5.4.2. The scope of FMSM's services did not include an environmental assessment or investigation for the presence or absence of wetlands and hazardous or toxic materials in the soil, surface water, ground water or air, on, below or around the site. Any statements in this report or on the boring log regarding odors noted or unusual or suspicious items or conditions observed are strictly for the information of the client.

5.4.3. The conclusions and recommendations presented herein are based on information gathered from the borings advanced during this exploration using that degree of care and skill ordinarily exercised under similar circumstances by competent members of the engineering profession. No warranties can be made regarding the continuity of conditions between borings.

Appendix I

Boring Layout and Log



**LOG OF BORING**

SCALE: 1"=5'

1.) The boring logs and related information shown on this drawing depict approximate subsurface conditions only at the specific boring locations noted and at the time of drilling. Conditions at other locations may differ from those occurring at the boring locations. Also, the passage of time may result in a change in the subsurface conditions at the boring locations. Any correlations shown between borings are generally based on straight line interpolation. Actual conditions between borings are unknown and may differ from those shown.

2.) Topographic and survey information for the boring layout was taken from a survey drawing supplied by Tim Thompson, P.E. and L.S., Versailles, Kentucky. The information is believed to be correct, but is not to be used by the Contractor for construction of the project.

**SOIL SUMMARY**

SAMPLE NO.	1
STATION	Boring 1
DEPTH	1.1'-5.0'
Composition of Total Sample	GRAVEL (-3" + No. 4) 0 SAND (-No. 4 + No. 200) 22 SILT (-No. 200 + 0.005mm) * CLAY (-0.005mm) *
LIQUID LIMIT	35
PLASTIC LIMIT	16
PLASTICITY INDEX	19
SPECIFIC GRAVITY	-
AASHTO CLASSIFICATION	CL
UNIFIED CLASSIFICATION	-
CALIF. BEARING RATIO	-
MAXIMUM DRY DENSITY (pcf)	-
OPTIMUM MOISTURE (%)	-
* SILT + CLAY (%)	78

**BORING LAYOUT**

Soil Boring with Undisturbed (Shelby) Tube Samples and Standard Penetration Test

- Soil Boring with Undisturbed (Shelby) Tube Samples and Standard Penetration Test
- Topsoil
- ▨ Sandy Lean Clay, brown to red with pale-gray mottling, moist, stiff to very stiff with chert fragments
- ▩ Undisturbed Thin-Walled (Shelby) Tube sample Interval
- ▴ Standard Penetration Test Interval
- ▽ Standard Penetration Test Blow Count (blows/ft.)
- N North
- N.M.C. Natural Moisture Content (%)
- U.W.W. Unit Wet Wet (lbs./cu. ft.)
- U.W.D. Unit Weight Dry (lbs./cu. ft.)
- U.C. Unconfined Compressive Strength (tons/sq. ft.)
- T.O.R. Top of Rock (Indicates the beginning of rock-like resistance to the advancement of the augers. This may indicate the beginning of weathered bedrock, boulders or rock remnants. An exact determination cannot be made without performing rock coring.)



WHITE CITY CELLULAR TOWER  
LARUE COUNTY, KENTUCKY



DRAWN BY	CMQ	DATE	MAR., 1999	REVISION	
CHECKED BY	BLB	PROJECT NO.	99038 1		8
CHECKED BY	WEM	SCALE	AS SHOWN 1/2		4
					1 OF 1

D





KENTUCKY TRANSPORTATION CABINET, DIVISION OF AERONAUTICS, 125 HOLMES STREET, FRANKFORT, KY 40622

AERONAUTICAL STUDY NUMBER

**APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER  
A STRUCTURE**

**FILE COPY**

- INSTRUCTIONS ON REVERSE SIDE OF FORM -

<b>1. NATURE OF PROPOSAL</b>			<b>2. DESCRIPTION OF STRUCTURE</b>		
<b>A. TYPE</b> <input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ALTERATION	<b>B. CLASS</b> <input checked="" type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY	<b>C. WORK SCHEDULE</b> After FAA BEGIN <u>Approval</u> END <u>Within 6 Months</u>	This proposed cellular communications installation will operate in the 824.0 - 896.0 MHz band with 500.0 Watts ERP; 2.000 Ghz Microwave with 28 dBm.		
<b>3A. APPLICANT - NAME, ADDRESS &amp; TELEPHONE</b> David Ginter Cellular One 124 South Keeneland Dr. Richmond, KY 40475 (606) 544-5805			Request approval of a dual obstruction lighting system for this tower, consisting of red lights for nighttime and medium intensity white obstruction lights for daytime and twilight.		
<b>B. REPRESENTATIVE OF APPLICANT - NAME, ADDRESS &amp; TELEPHONE</b> William F. McPhaul Airspace Safety Analysis Corporation 1745 Phoenix Boulevard, Suite 120 Atlanta, Georgia 30349 (770) 994-1557			The proposed site is located 3,300' North from the intersection of U.S. Route 31E and State Route 84 (chart attached). The ARP of ADDINGTON FIELD is located 13.45 NM on a True Bearing of 293.61° from the site.		
<b>4. LOCATION OF STRUCTURE</b>			<b>5. HEIGHT &amp; ELEVATION</b>		
<b>A. GEOGRAPHIC COORDINATES (NEAREST SECOND)</b>	<b>B. NEAREST KY CITY</b> White City	<b>C. NEAREST KY AIRPORT</b> ADDINGTON FIELD	<b>A. SITE ELEVATION (ABOVE MEAN SEA LEVEL)</b>	891'	
<b>LATITUDE</b> 37° 35" 50.5"	<b>(1) DISTANCE TO 4B</b> In City	<b>(1) DISTANCE TO RUNWAY</b> 13.17 NM	<b>B. HEIGHT OF STRUCTURE, INCLUDING APPURTENANCES AND LIGHTS (ABOVE GROUND LEVEL)</b>	299'	
<b>LONGITUDE</b> 085° 40" 04.3"	<b>(2) DIRECTION TO 4B</b> In City	<b>(2) DIRECTION TO AIRPORT</b> 295.49° True Bearing	<b>C. OVERALL HEIGHT (AMSL) (A+B)</b>	1,190'	
<b>6. OBSTRUCTION MARKING &amp; LIGHTING</b>			YES	NO	
<b>A. MARKED FOR THE PROTECTION OF AIR NAVIGATION (FLAGS, SPHERES, ETC.)</b>				X	
<b>B. OBSTRUCTION MARKED IN ACCORDANCE WITH 602KAR50:100 (FAA AC 70/7460-1H)</b>				X	
<b>C. OBSTRUCTION LIGHTED IN ACCORDANCE WITH 602KAR50:100 (FAA AC 70/7460-1H)</b>			X		
<b>7. HAS "NOTICE OF CONSTRUCTION OR ALTERATION" (FORM 7460-1) BEEN FILED WITH THE FEDERAL AVIATION ADMINISTRATION? IF SO, WHEN?</b>					
<b>8. CERTIFICATION - I HEREBY CERTIFY THAT ALL THE ABOVE STATEMENTS MADE BY ME ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</b>					
David Ginter BY <u>Engineer</u> NAME (PRINTED), SIGNATURE & TITLE			DATE <u>3/9/99</u>		
PENALTIES. PERSONS FAILING TO COMPLY WITH KENTUCKY REVISED STATUTES AND KENTUCKY AIRPORT ZONING COMMISSION ADMINISTRATIVE REGULATIONS ARE LIABLE FOR FINES OR IMPRISONMENT AS SET FORTH IN KRS 183.990(3). NON-COMPLIANCE WITH FEDERAL AVIATION ADMINISTRATION REGULATIONS MAY RESULT IN FURTHER PENALTIES.					
<b>COMMISSION ACTION</b>	CHAIRMAN, KAZC (OR) ADMINISTRATOR, KAZC				
APPROVED	DATE				
DISAPPROVED					

223003

**FILE COPY**



**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
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\* ALSO ADMITTED IN OHIO  
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WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 347  
GREENUP, KENTUCKY 41144-0347  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

April 16, 1999

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Hon. Tommy Turner  
Larue County Judge  
Courthouse  
High Street  
Hodgenville, KY 42748

Re: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-153 (White City Cell Facility)**

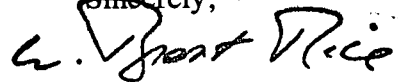
Dear Judge Turner:

ACC of Kentucky LLC, which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 280' self-supporting tower with attached antennas extending upwards for a total height of 299' and an equipment shelter to be located at 495 White City Road, (Kentucky 470), Hodgenville, Larue County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent pursuant to KRS 100.987.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 99-153 in your correspondence.

Sincerely,



W. Brent Rice  
Counsel for ACC of Kentucky LLC

WBR/dkw

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STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1178  
FACSIMILE 502-226-8234

April 16, 1999

Mark Ovesen  
597 White City Road  
Hodgenville, KY 42748

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-153 (White City Cell Facility)**

Dear Mr. Ovesen:

ACC of Kentucky LLC which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 280' self-supporting tower with attached antennas extending upwards for a total height of 299' and an equipment shelter to be located at 495 White City Road, (Kentucky 470), Hodgenville, Larue County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 99-153 in your correspondence.

Sincerely,



W. Brent Rice  
Counsel for ACC of Kentucky LLC

WBR/dkw

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163 WEST SHORT STREET  
SUITE 300

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DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

April 16, 1999

David and Barbara Thomas  
5336 Buckner Avenue  
Louisville, KY 40200

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-153 (White City Cell Facility)**

Dear Mr. and Mrs. Thomas:

ACC of Kentucky LLC which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 280' self-supporting tower with attached antennas extending upwards for a total height of 299' and an equipment shelter to be located at 495 White City Road, (Kentucky 470), Hodgenville, Larue County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

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Sincerely,



W. Brent Rice  
Counsel for ACC of Kentucky LLC

WBR/dkw

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502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

April 16, 1999

Galen and Eugenia Eads  
417 White City Road  
Hodgenville, KY 42748

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-153 (White City Cell Facility)**

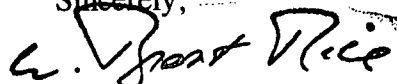
Dear Mr. and Mrs. Eads:

ACC of Kentucky LLC which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 280' self-supporting tower with attached antennas extending upwards for a total height of 299' and an equipment shelter to be located at 495 White City Road, (Kentucky 470), Hodgenville, Larue County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

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Sincerely,



W. Brent Rice  
Counsel for ACC of Kentucky LLC

WBR/dkw

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

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606-231-8780

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April 16, 1999

Judith Ann Cox  
618 White City Road  
Hodgenville, KY 42748

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-153 (White City Cell Facility)**

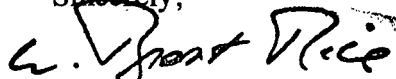
Dear Ms. Cox:

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Sincerely,



W. Brent Rice

Counsel for ACC of Kentucky LLC

WBR/dkw



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DIRECTOR OF GOVERNMENTAL RELATIONS  
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SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

April 16, 1999

Bernard Darrell and Susie Crain  
560 White City Road  
Hodgenville, KY 42748

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-153 (White City Cell Facility)**

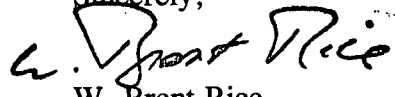
Dear Mr. and Mrs. Crain:

ACC of Kentucky LLC which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 280' self-supporting tower with attached antennas extending upwards for a total height of 299' and an equipment shelter to be located at 495 White City Road, (Kentucky 470), Hodgenville, Larue County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 99-153 in your correspondence.

Sincerely,



W. Brent Rice

Counsel for ACC of Kentucky LLC

WBR/dkw

H

Market: KY4  
Site Name: White City

### OPTION AND LAND LEASE AGREEMENT

THIS OPTION AND LAND LEASE AGREEMENT (this "Agreement") is made and entered into as of the 10th day of February, 1999, by and between Mary M. Allen ("Landlord") and ACC of Kentucky LLC, d/b/a CellularOne ("Tenant").

WHEREAS, Tenant desires to obtain an option to lease certain real property from Landlord and Landlord desires to grant an option to lease property to Tenant.

NOW THEREFORE, for and in consideration of the premises and the mutual covenants and promises hereinafter contained and in consideration of the sum of Two Hundred Fifty and No/100 Dollars (\$ 250.00) (the "Option Fee") paid simultaneously with the execution of this Agreement, Landlord agrees to grant an irrevocable option to Tenant to lease the real property upon the following terms and conditions:

#### W I T N E S S E T H:

1. Premises: Landlord agrees to grant Tenant an option to lease a portion of real property (the "Leased Premises") situated in the City of Hodgenville, County of Larue, Commonwealth of Kentucky, as more particularly described on Exhibit "A" attached hereto. Landlord also grants Tenant a non-exclusive access for ingress and egress, parking, utilities, construction, maintenance, operation and removal relating to Tenant's use of the Leased Premises on, over, under and upon the adjacent land of Landlord.

2. Use: The Leased Premises shall be used to install, construct, operate, maintain, repair, alter, inspect, and remove a communications facility, which may include, but shall not be limited to, a transmission tower, radio and microwave communications equipment, an equipment building and, if necessary, a portable emergency generator with a self-contained gasoline- or diesel- powered fuel tank to be located on the Leased Premises adjacent to the equipment building. For the purposes of this Agreement, the transmission tower and all of Tenant's equipment, building, generator, cables, wires, antennas, switches, microwave dishes, and accessories shall hereinafter collectively be referred to as the "Communications Facility." The Communications Facility may be installed by Tenant or by any of Tenant's agents or contractors.

3. Term:

(a) Option Term. The option term of this Agreement shall be for an initial term of twelve (12) months from the date hereof (the "Initial Option Term"). The Tenant may exercise this option at any time prior to the expiration of the Initial Option Term by giving notice to Landlord of its intent to exercise such option. If this option is not exercised within twelve (12) months from the date of this Agreement, then the Option Fee will be forfeited to Landlord. Tenant will have the right, however, prior to the expiration of the Initial Option Term to extend the Agreement with the identical terms for an additional twelve (12) months by paying the Landlord an additional Two Hundred Fifty Dollars (\$ 250.00) ("Additional Option Fee"). This Additional Option Fee would also be forfeited if the option is not exercised. The additional twelve (12) months option time can be obtained by Tenant delivering the Additional Option Fee to Landlord on or before the expiration of the Initial Option Term.

(b) Primary Lease Term. In the event the Tenant exercises the option, the term of this lease (this "Lease") shall be for five (5) years, commencing upon written notification by Tenant to landlord of Tenant's receipt of all Government Approvals (the "Commencement Date") and terminating at 11:59PM on the last day of the month in which the fifth (5th) annual anniversary of the Commencement Date shall have occurred.

(c) **Extended Terms.** Tenant is granted the option to extend this Lease for four (4) additional periods of five (5) years each ("Extended Term") provided Tenant is not then in default hereunder. Each of Tenant's options to extend will be deemed automatically exercised without any action by either party unless Tenant gives written notice of its decision not to exercise any option(s) to Landlord at least thirty (30) days before expiration of the then current term.

4. **Rent:**

(a) Upon the Commencement Date, Tenant agrees to pay Landlord, as Base Rent, the annual sum of Three Thousand Dollars (\$ 3,000.00), payable in monthly installments of Two Hundred and Fifty Dollars (\$ 250.00), in advance on or before the first business day of each and every month during the Primary Lease Term and each Extended Term to Landlord at its address designated in Section 8.

(b) **Rent Adjustment.** The amount of Base Rent payable hereunder shall be adjusted every five years ("Adjustment Date") commencing with the fifth annual anniversary of the commencement date and thereafter on the first day of each and every Extended Term as provided in paragraph 3b above. Such adjustments shall be for the purpose of reflecting the increase, if any, in the cost of living. The adjustment, if any, shall be calculated based upon the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, Sub-group "All Items" (the "Index"). The Index published as of the most recent month prior to the Adjustment Date shall be compared with the Index sixty (60) months immediately preceding. On the Adjustment Date, the annual rent shall be increased by the percentage equal to the increase, if any, in the Index during said previous sixty (60) month period, not to exceed fifteen percent (15%). Notwithstanding any subsequent decrease in the Index, the adjusted Base Rent shall not be less than that paid the immediately preceding year. When the adjusted Base Rent payable on the Adjustment Date is determined, Landlord shall give Tenant written notice of such adjusted Base Rent and the manner in which it was computed.

(c) **Prorated Rent.** Rent for any period during the term hereof which is less than one (1) month shall be prorated based on a thirty-one (31) day month.

5. **Access and Utilities:** Landlord hereby grants to Tenant, for use by Tenant, its employees, agents, contractors, and by utility companies easements and licenses over, under, upon, and across adjoining lands of the Landlord, the property and rights-of-way or easements owned or leased by Landlord, on a twenty-four (24) hour daily basis for (a) ingress and egress to and from the Leased Premises (the "Access Easement"), and (b) the installation, operation, and maintenance of necessary utilities for the Leased Premises (the "Utility Easement"). If reasonable in Tenant's opinion, such Access Easement and Utility Easement shall be over and lie within existing roads, parking lots, and/or roads established by Tenant hereafter. Tenant shall have the right, but not the obligation to improve the Access Easement, by grading, graveling, or paving it. The Access Easement and the Utility Easement are more particularly described on Exhibit "A" attached hereto and made a part hereof. Tenant shall request approval from Landlord prior to any change in the particular location of any Access Easement or Utility Easement, if such shall differ from the descriptions on Exhibits "A" hereto.

6. **Utilities at Tenant's Cost:** Tenant shall be solely responsible for and promptly pay all charges for gas, electricity, telephone service, or any other utility used or consumed by Tenant on the Leased Premises. If necessary, Tenant shall have an electrical current meter installed at the Leased Premises for Tenant's electrical usage, and the cost of such meter and of installation, maintenance, and repair thereof shall be paid for by Tenant.

7. **Holding Over:** Should Tenant hold possession of the Leased Premises or any portion thereof after the date upon which the Leased Premises are to be surrendered, Tenant will become a tenant on a month-to-month basis upon all the terms, covenants, and conditions of this Lease except those pertaining to Lease term and, during any such month-to-month tenancy, Tenant shall pay monthly rent in the amount which is one-twelfth (1/12th) of the

Base Rent. Tenant will continue occupancy from month-to-month until terminated by Landlord or Tenant by the giving of thirty (30) days' written notice to the other.

8. Notice: All notices or demands are deemed to have been given or made when delivered in person or mailed by certified, registered, or express mail, return receipt requested, postage prepaid, United States mail, and addressed to the applicable party as follows:

Tenant:

ACC of Kentucky LLC  
c/o American Cellular Corporation  
1375 E. Woodfield Road, Suite 700  
Schaumburg, IL 60173  
Phone: (847) 995-8770

Landlord:

Mary M. Allen  
495 White City Road  
Hodgenville, KY 42748  
Phone: (502) 358 - 4420

With a copy to:

ACC of Kentucky LLC  
124 S. Keeneland Drive  
Richmond, KY 40475  
ATTN: David Ginter  
Phone: (606) 544-5805

A party may change its address to which any notice or demand may be given by written notice thereof to the other party.

9. Liability and Indemnity: Tenant agrees to indemnify and save the Landlord harmless from all claims (including costs and expenses of defending against such claims) arising or alleged to arise from any breach of this Lease by Tenant, or any negligent act, negligent omission, or intentional tort of Tenant or Tenant's agents, employees, or contractors, invitees or licensees occurring during the term of this Lease in or about the Leased Premises. Landlord agrees to indemnify and save Tenant harmless from all claims (including cost and expenses of defending against such claims) arising or alleged to arise from any breach of this Lease by Landlord, or any negligent act, negligent omission or intentional tort of Landlord or Landlord's agents, employees, contractors, invitees, licensees, or other tenants of Landlord occurring during the term of this Lease. The provisions of this Section 9 shall survive the termination of this Lease.

10. Termination:

- (a) Tenant has the right to terminate this Lease at any time upon any of the following events:
  - (i) Upon providing Landlord six (6) months written notice; or,
  - (ii) If the approval of any agency, board, court, or other governmental authority necessary for the construction and/or operation of the Communications Facility cannot be obtained, or is revoked, or if Tenant determines the cost of obtaining such approval is prohibitive; or,
  - (iii) If Tenant determines that the Leased Premises is not appropriate for locating the Communications Facility for technological reasons, including, but not limited to, signal interference; or,
  - (iv) If upon inspection of the Leased Premises Tenant identifies any environmental contamination or other geotechnical condition unacceptable in Tenant's sole discretion.

(b) Tenant will give Landlord thirty (30) days written notice of termination of this Lease under the terms of this Section 10(a) (ii), and (iii). Tenant may terminate immediately upon written notice under the terms of this Section 10(a) (iv). Upon termination, neither party will owe any further obligation under this Lease except as otherwise provided in Section 11 and except for the indemnities and hold harmless provisions in this Lease, the provisions of Section 21, Section 23, the prompt reimbursement of pro-rata prepaid rent, and Tenant's responsibility of removing all of the Communications Facility from the Leased Premises and restoring the Leased Premises to its condition as of the commencement date of this Lease, as near as practicable, save and except utilities and fences installed, access areas improved, removal of vegetation for construction purposes, concrete pads and guy anchors installed, items constructed or changed by any person(s) or entity(ies) other than Tenant, normal wear and tear, and matters beyond Tenant's control.

11. Default:

(a) Notwithstanding anything in the Lease to the contrary, Tenant shall not be in default under this Lease until thirty (30) days after receipt of written notice from Landlord specifying Tenant's failure to comply with any material provision of this Lease, which failure is not cured within said thirty (30) days; provided, however, where such default cannot reasonably be cured within thirty (30) days, Tenant shall not be deemed to be in default under this Lease if Tenant commences to cure such default within said thirty (30) days and thereafter diligently pursues such cure to completion.

(b) In the event of Tenant's default in the payment of rentals or compliance with any other material provision of this Lease, Landlord may, at its option, terminate this Lease without affecting its right to sue for all past due rentals and any other damages to which the Landlord may be entitled. Should Landlord be entitled to collect rentals or damages and be forced to do so through its attorney or by some other legal procedures, Landlord shall be entitled to its reasonable costs and attorney fees thereby incurred.

(c) In the event of Landlord's failure to comply with any material provision of this Lease, which failure is not cured within thirty (30) days after receipt of written notice thereof from Tenant (provided, however, where any such default cannot reasonably be cured within thirty (30) days, Landlord shall not be deemed to be in default under this Lease if Landlord commences to cure such default within said thirty (30) days and thereafter diligently pursues such cure to completion), Tenant may, at its option, cure the failure at Landlord's expense (which expense may, at Tenant's option, be deducted from rent) or terminate this Lease without affecting its right to demand, sue for, and collect all of its damages arising out of Landlord's said failure to comply (including consequential damages). If Tenant is entitled to collect or otherwise remedy said damages, and if Tenant should seek enforcement of its rights through an attorney or other legal procedures, Tenant is entitled to collect in addition to any other amounts owed, its reasonable costs and attorneys' fees thereby incurred.

(d) The rights and remedies stated in this Lease are not exclusive and the parties, in the event of a breach hereof or a dispute, are entitled to pursue any of the remedies provided herein, by law, or by equity.

(e) No course of dealing between the parties or any delay on the part of a party to exercise any right it may have under this Lease shall operate as a waiver of any of the rights hereunder or by law or equity provided, nor shall any waiver of any prior default operate as the waiver of any subsequent default, and no express waiver shall affect any term or condition other than the one specified in such waiver, for the time and manner specifically stated.

12. Taxes: Unless separately billed to Tenant by a taxing authority, Tenant shall pay annually to Landlord an amount equal to any increase in real estate taxes that may be attributable to any improvement to the Leased Premises made by Tenant. Tenant shall pay to Landlord Tenant's aforescribed share of any such tax within sixty (60) days of receipt of sufficient documentation indicating calculation of Tenant's said share and payment thereof by Landlord. Landlord shall pay annually when due all real estate taxes and assessments

attributable to the Leased Premises, Access Easement, Utility Easement, and the tax lot(s) of which they are a part. Upon written request by Tenant, Landlord shall furnish evidence of payment of said assessments and taxes.

13. Insurance: Tenant, at its expense, shall maintain in force during the term of this Lease a combined single limit policy of bodily injury and property damage insurance, with a limit of not less than \$1,000,000.00 insuring Landlord and Tenant against all liability arising out of Tenant's use, occupancy, or maintenance of the Leased Premises, which policy shall be endorsed to Landlord as additional insured.

14. Tests: Tenant is hereby given the right to survey, soil test, radio coverage test, and to conduct any other investigations needed to determine if the surface and location of the Leased Premises is suitable for Tenant's use as intended by this Lease.

15. Right of First Refusal: [Intentionally Omitted]

16. Fixtures: Landlord covenants and agrees that all personal property and improvements of every kind and nature constructed, erected, or placed by Tenant on the Leased Premises, or other real property owned by Landlord, shall be and remain the property of Tenant despite any default or termination of this Lease and may be removed by Tenant anytime in Tenant's discretion provided that Tenant at its expense shall restore the Leased Premises pursuant to Section 10(b).

17. Memorandum of Agreement: After preparation of the legal descriptions of the Leased Premises, Access Easement, and Utility Easement, each party, at the request of the other, shall sign a Memorandum of Lease and Right of First Refusal substantially in the form attached hereto as Exhibit "B"; and Tenant, at its sole expense, may record the Memorandum of Lease and Right of First Refusal in the land records recording office(s) reasonable for notice purposes.

18. Assignment and Subletting by Tenant: Tenant may, without Landlord's consent, assign or sublet any or all of Tenant's interest in this Lease, the Access Easement, the Utility Easement, any part of the foregoing, the leaseholder's interest of Tenant created hereby, and/or any or all of Tenant's right, title, and interest in and to any or all of the Communications Facility.

19. Permits: Landlord acknowledges that following the execution of this Lease, Tenant will be contacting the appropriate local governmental agencies for the purpose of obtaining all building permits and approvals, zoning changes and/or approvals, variances, use permits, and other governmental permits and approvals, including Federal Aviation Administration approval, (collectively, "Permits") necessary for the construction, operation, and maintenance of the Communications Facility. Landlord agrees to fully cooperate with Tenant in obtaining the Permits and to execute any applications, maps, certificates, or other documents that may be required in connection with the Permits.

20. Consent: Whenever under the Lease the consent or approval of either party is required or a determination must be made by either party, no such consent or approval shall be unreasonably withheld, conditioned, or delayed, and all such determinations shall be made on a reasonable basis and in a reasonable manner.

21. Environmental Matters:

(a) Landlord represents to the best of his knowledge that there are no Environmental Pollutants on or in the Leased Premises and the property is not in violation of any Applicable Environmental Law.

(b) Landlord agrees to indemnify and hold Tenant, and Tenant's agents, employees, successors and assigns, harmless from any and all claims, damages, fines, penalties, judgments, costs and liabilities

("Losses") arising out of or related to any breach or inaccuracy of Landlord's representations regarding the presence of Environmental Pollutants on or in the Leased Premises except Losses caused solely by Tenant's own use, spill discharge, release or deposit of Environmental Pollutants on the Leased Premises. Such Losses shall include, without limitation: attorney, consultant and laboratory fees and costs; investigation and assessment expenses; cleanup and remediation expenses; expenses associated with discharging any liens; business interruption expenses; and, all expenses associated with the preparation submittal of any plans, reports or other submissions to any governmental entity.

(c) Unless caused by Tenant or Tenant's agents, licensees or invitees, Landlord shall at Landlord's own expense, promptly take all steps necessary to contain, investigate and remedy the release of any Environmental Pollutants on or in the Leased Premises or which effects or threatens to effect the Leased Premises. Landlord shall report such release and coordinate its remedy with all appropriate governmental entities and shall remediate all resulting damage to any person or property. Should Landlord fail to respond to a remedy, Tenant may undertake such response or remedial action and all Tenant's costs and fees associated therewith shall be included as indemnified Losses.

(d) "Environmental Pollutants" means all hazardous or toxic substances so listed in Applicable Environmental Law, including without limitation, hazardous materials, petroleum, asbestos and nuclear waste.

(e) "Applicable Environmental Law" means federal, state, or local laws and regulations pertaining to hazardous, toxic or polluting substances, including but not limited to CERCLA and RCRA.

(f) Landlord shall promptly and fully cooperate with any environmental consultant retained by Tenant to inspect the Leased Premises and shall promptly provide all additional information which may be reasonably requested by Tenant in connection with such investigations by an environmental consultant.

(g) The provisions of this Section 21 shall survive termination of this Lease.

22. Fences: During the term of the Lease, as it may be extended, Tenant may fence in that portion of the Leased Premises as Tenant determines is reasonable for protection of the Communications Facility. In most cases, Tenant will only fence areas around the tower, equipment building and/or guy anchor points, if any. Landlord shall not prohibit Tenant's access to the Leased Premises, or be entitled to use such portion so fenced for any purpose.

23. Title: Landlord represents and warrants to Tenant that Landlord has good and marketable title to the Leased Premises, Access Easement, and Utility Easement, free and clear of all liens, encumbrances, and exceptions. Landlord shall warrant and defend the same to Tenant against the claims and demands of all persons and entities. If Landlord is a corporation, partnership or other legal entity, the individual(s) who execute(s) this Lease on behalf of Landlord represent(s) and warrant(s) that he or she is duly authorized to do so.

24. Condemnation of Leased Premises: In the event that any government, public body, or other condemning authority shall take, or if Landlord shall transfer in lieu of such taking, all or such part of the Leased Premises, Access Easement, or Utility Easement thereby making it physically or financially infeasible, at Tenant's reasonable discretion, for the Leased Premises to be used in the manner intended by this Lease, Tenant shall have the right to terminate this Lease effective as of the date of the taking by the condemning party and the rental shall be prorated appropriately. However, if only a portion of the Leased Premises, Access Easement, or Utility Easement is taken, and Tenant does not elect to terminate this Lease under this provision, then the Lease shall continue but rental payments provided under this Lease shall abate proportionally as to the portion taken which is not then usable by Tenant, and Landlord shall make all necessary repairs and alterations to restore the portion of the Leased Premises, Access Easement, and Utility Easement remaining to as near their former condition as circumstances will permit (at a cost not to exceed Landlord's proceeds from said condemnation or transfer).



25. Quiet Enjoyment: Landlord covenants that Tenant, upon paying the rent and observing the other covenants and conditions herein upon its part to be observed, shall peaceably and quietly hold and enjoy the right to use the Leased Premises, Access Easement, and Utility Easement on the terms and conditions and for the purposes stated herein during the term of this Lease, as it may be extended, without hindrance, ejection, or molestation by Landlord or any person(s) or entity(ies) claiming under the Landlord.

26. Entire Agreement and Binding Effect: This Lease and any attached exhibits constitute the entire agreement between Landlord and Tenant; no prior written promises, or prior, contemporaneous, or subsequent oral promises or representations, shall be binding. This Lease shall not be amended or changed except by written instrument signed by the parties hereto. Section captions herein are for convenience of reference only and neither limits nor amplifies the provisions of this Lease. The invalidity of any portion of this Lease shall not have any effect on the balance thereof. The provisions of this Lease shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of said Landlord and Tenant.

27. Governing Law: This Lease shall be governed by the laws of the Commonwealth of Kentucky.

28. Duplicate: This Lease may be prepared for execution by duplicate originals, each of which shall constitute one in the same instrument.

[Signatures appear on the following pages.]

IN WITNESS WHEREOF, Landlord and Tenant have signed and sealed this Option and Land Lease Agreement as of the date and year first above written.

LANDLORD:

By: Mary M. Allen

Print Name: MARY M. ALLEN

Title: OWNER

SS# or Tax I.D.#: 402-78-1688

COMMONWEALTH OF KENTUCKY )  
COUNTY OF Letcher ) ss.

The foregoing instrument was acknowledged before me this 10 day of Feb., 1999, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, on behalf of the corporation.

Linda Carter  
Notary Public

My commission expires: 7-11-2001

NOTARIAL STAMP OR SEAL

TENANT:

ACC OF KENTUCKY LLC,  
d/b/a CellularOne

By: \_\_\_\_\_

  
Lisa Jenrette

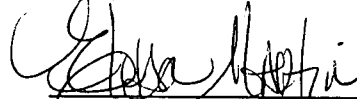
Title: General Manager

COMMONWEALTH OF KENTUCKY)

) ss.

COUNTY OF MADISON )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of February, 1999, by Lisa Jenrette, the General Manager of ACC OF KENTUCKY LLC, d/b/a CELLULARONE, on behalf of said corporation.



Notary Public

My commission expires: 12/31/02

NOTARIAL STAMP OR SEAL

**EXHIBIT "A"**

Page 1 of 2

Exhibit "A" attached to and made a part of that certain Option and Land Lease Agreement entered into by and between Mary M. Allen as Landlord, and ACC of Kentucky LLC, d/b/a CellularOne as Tenant, and dated February 10, 1999.

**Legal Description**

**LEASED PREMISES**

A parcel of real property, together with the improvements thereupon, if any, briefly described as located on 495 White City Road and containing approximately 9700 square feet, more or less, located in the City of Hodgenville, County of Larue, Commonwealth of Kentucky and as depicted by the sketch or drawing attached hereto and incorporated herein.

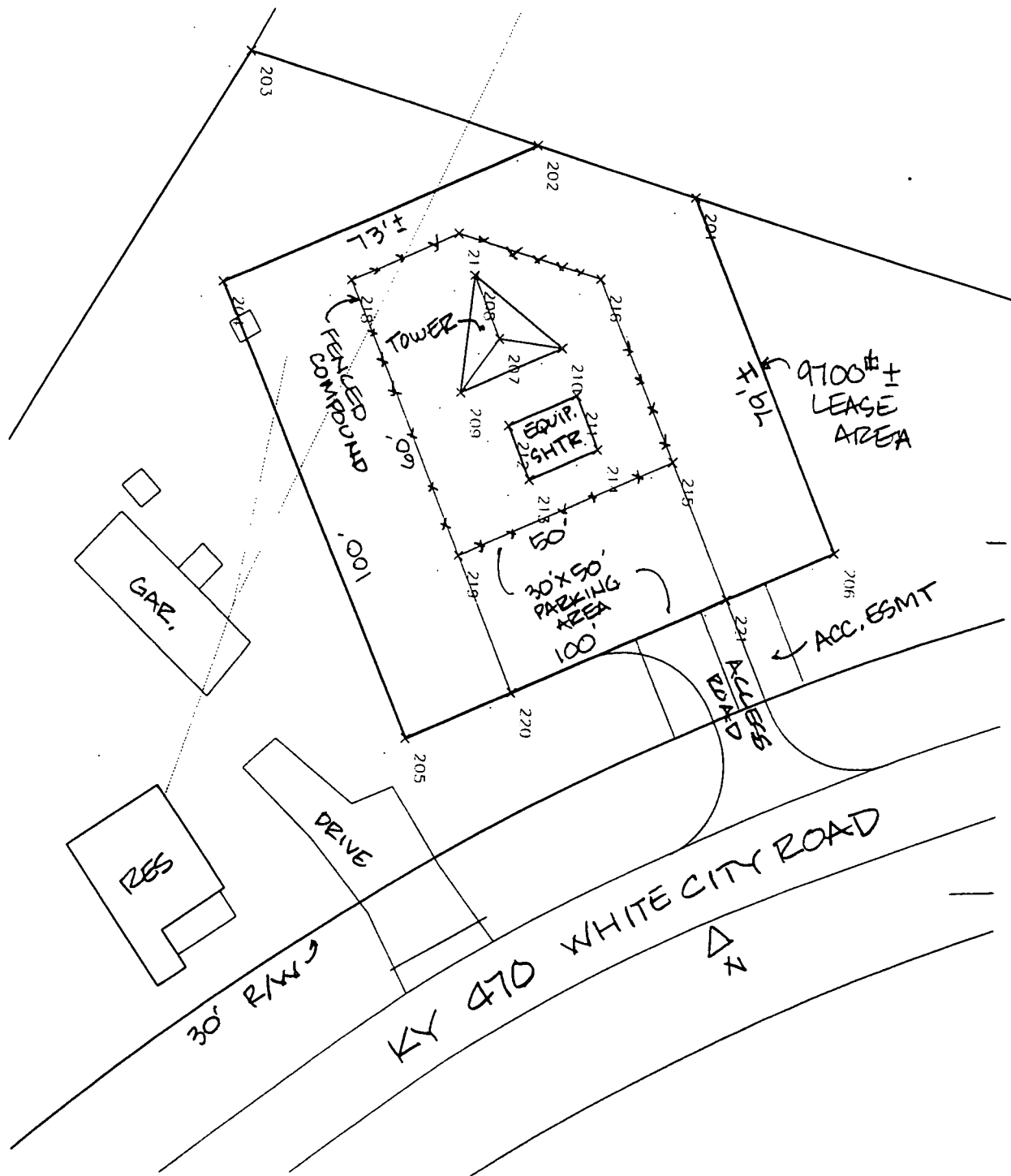
**ACCESS EASEMENT and UTILITY EASEMENT**

As defined in Section 5 of this Lease and as depicted by the sketch or drawing attached hereto and incorporated herein.

Said descriptions and drawing and/or sketch are intended as temporary identification of the Leased Premises, and the parties hereto agree that, upon completion, Tenant's legal description and surveyor's plat shall be substituted for the temporary descriptions and drawing and/or sketch of the Leased Premises by an addendum to this Lease. In the event Tenant's survey/legal description differs materially from the temporary identification of the Leased Premises provided herein, Tenant may terminate this Lease without further obligation to Landlord.

**EXHIBIT "A"**

Page 2 of 2



Market: KY4  
Site Name: White City

**EXHIBIT "B"**

Prepared By:

Denise Garza  
ACC of Kentucky LLC  
124 S. Keeneland Drive  
Richmond, KY 40475

Mail Recorded Original to:

ACC of Kentucky LLC  
124 S. Keeneland Drive  
Richmond, KY 40475  
ATTN: Denise Garza

**FOR RECORDER'S USE ONLY**

**MEMORANDUM OF LEASE**

THIS MEMORANDUM OF LEASE is made and entered into as of the 10th day of February, 1999, by and between Mary M. Allen of 495 White City Road, Hodgenville, KY 42748 ("Landlord"), and ACC of Kentucky LLC, d/b/a CellularOne, c/o American Cellular Corporation, 1375 E. Woodfield Road, Suite 700, Schaumburg, IL 60173 ("Tenant").

**W I T N E S S E T H:**

For good and valuable consideration, Landlord leases to Tenant and Tenant leases from Landlord, that certain real property, hereinafter referred to as "Leased Premises," situated in the City of Hodgenville, County of Larue, Commonwealth of Kentucky, and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The term of said lease is for five (5) years, upon written notification by Tenant to Landlord of Tenant's receipt of all Government Approvals (the "Commencement Date") and terminating at 11:59 on the last day of the month in which the fifth (5<sup>th</sup>) annual anniversary of the Commencement Date shall have occurred, subject to Tenant's option to extend the term for four (4) additional periods of five (5) years each, upon the consideration, terms, covenants, conditions, limitations, and restrictions set forth in that certain Option and Land Lease Agreement of even date herewith between the parties hereto covering the land hereinabove described, including the right of Tenant to remove any fixtures installed or improvements made by Tenant as permitted by said Lease, and said Lease is hereby incorporated herein with the same force and effect as though herein set forth at length, and a copy of the provisions of said Lease material to this Memorandum is available from either party hereto at their above-stated respective addresses.

[Signatures appear on the following pages.]

IN WITNESS WHEREOF, Landlord and Tenant have signed and sealed this Memorandum of Lease and Right of First Refusal as of the date and year first above written.

LANDLORD:

By: Mary M. Allen

Print Name: MARY M. ALLEN

Title: \_\_\_\_\_

SS# or Tax I.D.# 402-78-1688

COMMONWEALTH OF KENTUCKY)  
COUNTY OF Jesse ) ss.

The foregoing instrument was acknowledged before me this 10 day of Feb., 1999, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, on behalf of the corporation.

Jenib Carter  
Notary Public

My commission expires: 7-11-2001

NOTARIAL STAMP OR SEAL





**EXHIBIT "A"**

Page 1 of 2

Exhibit "A" attached to and made a part of that certain Land Lease Agreement entered into by and between Mary M. Allen as Landlord, and ACC of Kentucky LLC, d/b/a CellularOne as Tenant, and dated February 10, 1999.

**Legal Description**

**LEASED PREMISES**

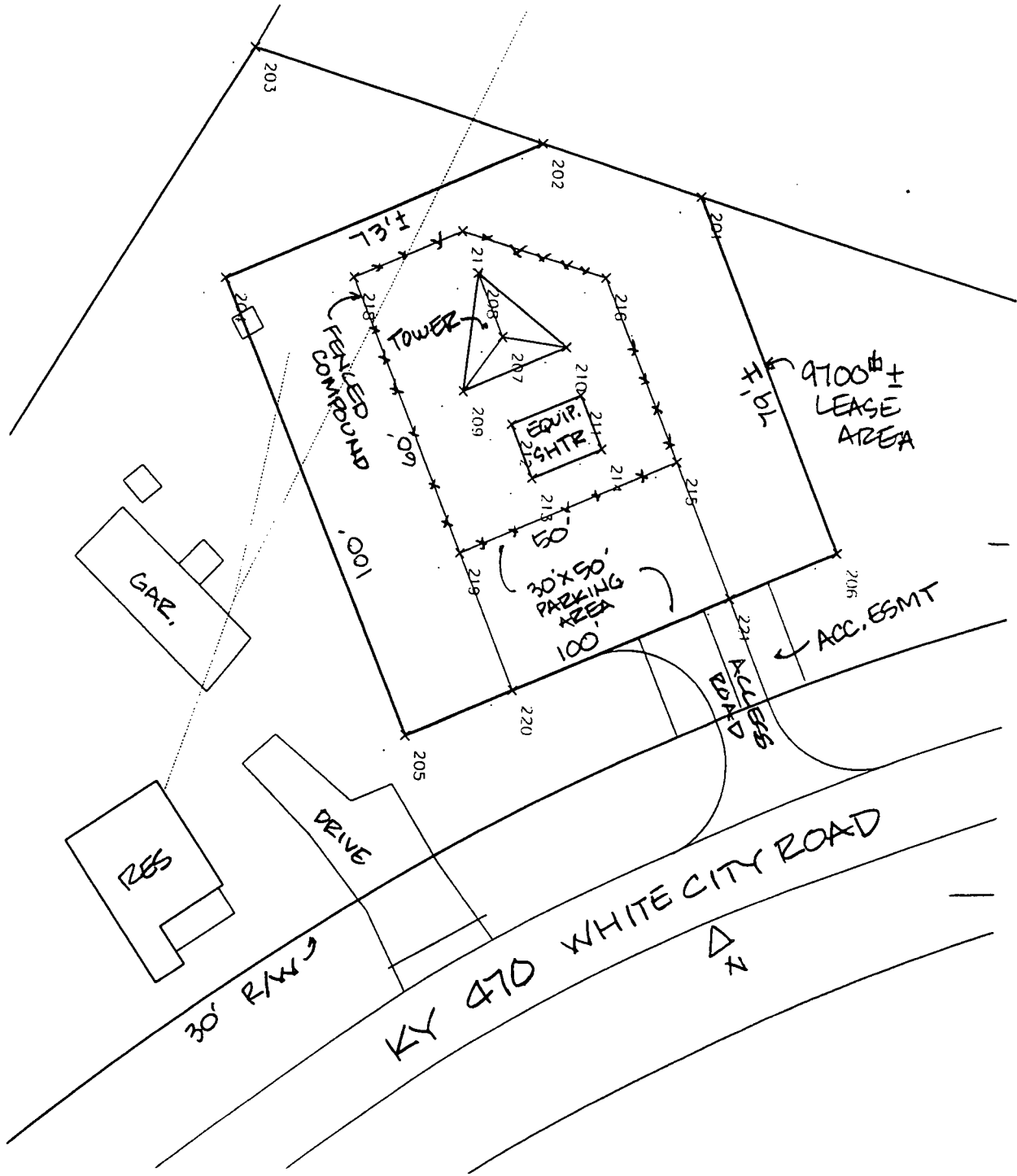
A parcel of real property , together with the improvements thereupon, if any, briefly described as located on 495 White City Road and containing approximately 9700 square feet, more or less, located in the City of Hodgenville, County of Larue, Commonwealth of Kentucky and as depicted by the sketch or drawing attached hereto and incorporated herein.

**ACCESS EASEMENT and UTILITY EASEMENT**

As defined in Section 5 of this Lease and as depicted by the sketch or drawing attached hereto and incorporated herein.

Said descriptions and drawing and/or sketch are intended as temporary identification of the Leased Premises, and the parties hereto agree that, upon completion, Tenant's legal description and surveyor's plat shall be substituted for the temporary descriptions and drawing and/or sketch of the Leased Premises by an addendum to this Lease. In the event Tenant's survey/legal description differs materially from the temporary identification of the Leased Premises provided herein, Tenant may terminate this Lease without further obligation to Landlord.

**EXHIBIT "A"**  
Page 2 of 2



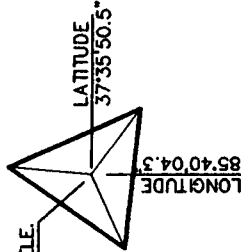
**ELECTRIC**  
 NOLIN RECC  
 (502) 765-6153

**BUILDING PERMIT**  
 PLANNING AND ZONING  
 COMMISSION  
 MICHAEL HERSHMAN  
 (502) 358-0850

**TELEPHONE**  
 GTE  
 1-800-483-5300

**CONTACT**  
 MARGARET ALLEN  
 (502) 358-4420

LINE	BEARING	LENGTH
1	S 13°56'02" E	198.64
2	S 65°37'34" W	21.81
3	S 24°22'26" E	69.00
4	S 65°37'34" W	100.00
5	N 24°22'26" W	72.85
6	N 15°07'03" E	35.18
7	N 65°37'34" E	77.63
8	S 24°22'26" E	31.00



0° 02' 59.3"

**GRID/TRUE NORTH CONVERGENCE**

**TOWER DATA**

TOWER HEIGHT 280'  
 TOWER BASE 20'

**LEGAL DESCRIPTION**

THAT TRACT OF LAND LYING EAST OF HODGENVILLE IN LARUE COUNTY, KY NORTH OF WHITE CITY AND U.S. 31E AND WEST OF KENTUCKY HIGHWAY 470 AND MORE FULLY DESCRIBED AS FOLLOWS:

**ACCESS EASEMENT**

"A STRIP OF LAND THIRTY FEET IN WIDTH THE CENTERLINE OF WHICH BEGINS AT A POINT IN THE WEST RIGHT-OF-WAY OF KENTUCKY HIGHWAY 470, SAID POINT BEING S 13° 56' 02" E 198.64 FEET FROM A STEEL PIN SET AT THE NORTH CORNER OF MARY M. ALLEN (DB 94, PG 191) AND A CORNER TO MARK OVENSEN (DB 150, PG 171), THENCE FROM SAID POINT OF BEGINNING AND WITH A LINE THROUGH THE MARY M. ALLEN PROPERTY (S 65° 37' 34" W 21.81 FEET TO THE ENDING POINT, SAID POINT BEING IN THE NORTHEAST LINE OF, AND BEING THE POINT OF BEGINNING OF THE LEASE AREA."

**LEASE AREA**

"BEGINNING AT THE ENDING POINT OF THE ACCESS EASEMENT AS DESCRIBED ABOVE, THENCE WITH A LINE THROUGH THE MARY M. ALLEN PROPERTY FOR THREE CALLS: (1) S 24° 22' 26" E 69.00 FEET TO A STEEL PIN SET (ID 1304), THENCE (2) S 65° 37' 34" W 100.00 FEET TO A STEEL PIN SET (ID 1304) AND (3) N 24° 22' 26" W 72.85 FEET TO A STEEL PIN SET (ID 1304) IN THE SOUTHEAST LINE OF MARK OVENSEN, THENCE WITH SAID LINE N 15° 07' 03" E 35.18 FEET TO A STEEL PIN SET (ID 1304), THENCE LEAVING OVENSEN AND THROUGH THE MARY M. ALLEN PROPERTY FOR TWO CALLS (1) N 65° 37' 34" E 77.63 FEET TO A STEEL PIN SET (ID 1304) AND (2) S 24° 22' 26" E 31.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,696 SQUARE FEET."

BASED ON A RANDOM TYPE "B" SURVEY PERFORMED BY TIM THOMPSON IN FEBRUARY, 1999 WITH A PRECISION GREATER THAN 1:15,000. THE SURVEY WAS NOT CLOSED OR BALANCED. BEARINGS BASED ON STATE PLANE AND GRID NORTH.

**PROPERTY**

MARY M. ALLEN  
 DB 94, PG 191

**ENCROACHMENT PERMIT**

KOOT  
 (502) 358-3502

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE INFORMATION SHOWN HEREON IS TRUE AND ACCURATE.

*Tim Thompson*  
 TIM THOMPSON, LS 1304  
 DATE: FEB 17, 1999

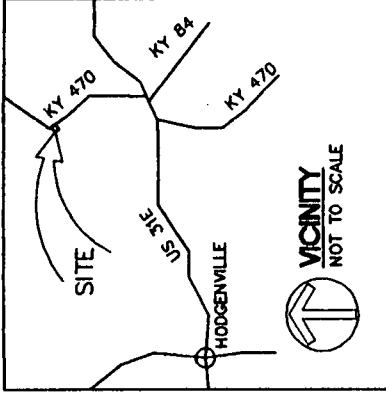
STATE OF KENTUCKY  
 REGISTERED  
 LAND SURVEYOR  
 TIM THOMPSON  
 1300

**TIM THOMPSON**  
 Civil Engineer  
 Land Surveyor  
 160 S. Main St., Suite 3  
 Versailles, KY 40383  
 Tel: (606) 873-5252 Fax: (606) 873-2525

FILE: WHITECTY.DWG  
 DATE: FEB. 16, 1999  
 SHEET 1 OF 1

**SURVEY NOTES**

1. THE SURVEY DATA SHOWN HEREON IS BASED ON STATE PLANE AND GRID NORTH. CONVERGENCE TO TRUE NORTH AT THE PROPOSED TOWER CENTER AS SHOWN IS 00° 02' 59.3" WEST OF GRID NORTH.
2. LATITUDE AND LONGITUDE ARE BASED ON NAD 83
3. ELEVATIONS ARE BASED ON NAVD 88
4. A TITLE SEARCH WAS NOT PERFORMED ON THIS PROPERTY. THIS SURVEY WAS LIMITED TO FEATURES IN THE VICINITY OF THE ACCESS EASEMENT AND LEASE AREA ONLY.
5. UNDERGROUND UTILITIES MAY EXIST ON THIS SITE WHICH ARE NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES AND HAVE THEM LOCATE ANY UTILITY THAT THEY MAY HAVE IN THE AREA.
6. THE PROPOSED LEASE AREA FOR THIS FACILITY DOES NOT LIE WITHIN ANY FIA FLOOD HAZARD AREA.



**DIRECTIONS**

FROM HODGENVILLE, KY TAKE US 31E EAST 4.5 MILES TO WHITE CITY. TURN LEFT ON KY 470 (WHITE CITY ROAD) AND GO 0.5 MILES TO SITE ON LEFT.

MARK OVENSEN  
 597 WHITE CITY RD  
 HODGENVILLE, KY 42748  
 DB 150, PG 171

MARK OVENSEN  
 DB 188, PG 361

BERNARD DARRELL  
 and SUSE CRAIN  
 560 WHITE CITY RD  
 HODGENVILLE, KY 42748  
 DB 116, PG 387

JUDITH ANN COX  
 618 WHITE CITY RD  
 HODGENVILLE, KY 42748  
 DB 166, PG 369

GALEN R. and  
 EUGENIA EADS  
 417 WHITE CITY RD  
 HODGENVILLE, KY 42748  
 DB 166, PG 228

DAVID and BARBARA THOMAS  
 5336 BUCKNER AVE.  
 LOUISVILLE, KY 40200  
 DB 123, PG 048

LATITUDE: 37°35'50.5"  
 LONGITUDE: 85°40'04.3"  
 TWR BASE EL 891

**PROJECT AREA**  
 SCALE: 1"=200'

**SITE SURVEY FOR A PROPOSED TRANSMISSION FACILITY  
 AMERICAN CELLULAR CORPORATION**

NAME: WHITE CITY, KY

MARY M. ALLEN

PROPERTY

495 WHITE CITY ROAD  
 HODGENVILLE, LARUE CO., KY 42748

0 1/2 1 INCH



GRAPHIC SCALE

**SITE DETAIL PLAN**  
 SCALE: 1"=40'

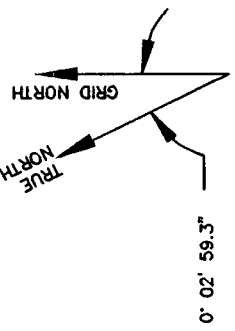


**ELECTRIC**  
 NOLIN RECC  
 (502) 765-6153

**BUILDING PERMIT**  
 PLANNING AND ZONING  
 COMMISSION  
 MICHAEL HERSHMAN  
 (502) 358-0830

**TELEPHONE**  
 GTE  
 1-800-483-5300

**CONTACT**  
 MARGARET ALLEN  
 (502) 358-4420



LINE	BEARING	LENGTH
1	S 13°56'02\" E	198.64
2	S 65°37'34\" W	21.81
3	S 24°22'26\" E	69.00
4	S 65°37'34\" W	100.00
5	N 24°22'26\" W	72.85
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7	N 65°37'34\" E	77.63
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**GRID/TRUE NORTH CONVERGENCE**  
 TOWER HEIGHT 280'  
 TOWER BASE 20'

**LEGAL DESCRIPTION**

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**PROPERTY**

MARY M. ALLEN  
 DB 94, PG 191

**ENCROACHMENT PERMIT**

KDOT  
 (502) 358-3502

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE INFORMATION SHOWN HEREON IS TRUE AND ACCURATE.

*Tim Thompson*  
 TIM THOMPSON, LS 1304  
 DATE: FEB 22, 1999

STATE OF KENTUCKY  
 REGISTERED  
 LAND SURVEYOR  
 TIM THOMPSON  
 1304

**TIM THOMPSON**  
 Civil Engineer  
 Land Surveyor  
 160 S. Main St., Suite 3  
 Versailles, KY 40383  
 Tel: (606) 873-5252 Fax: (606) 873-2525

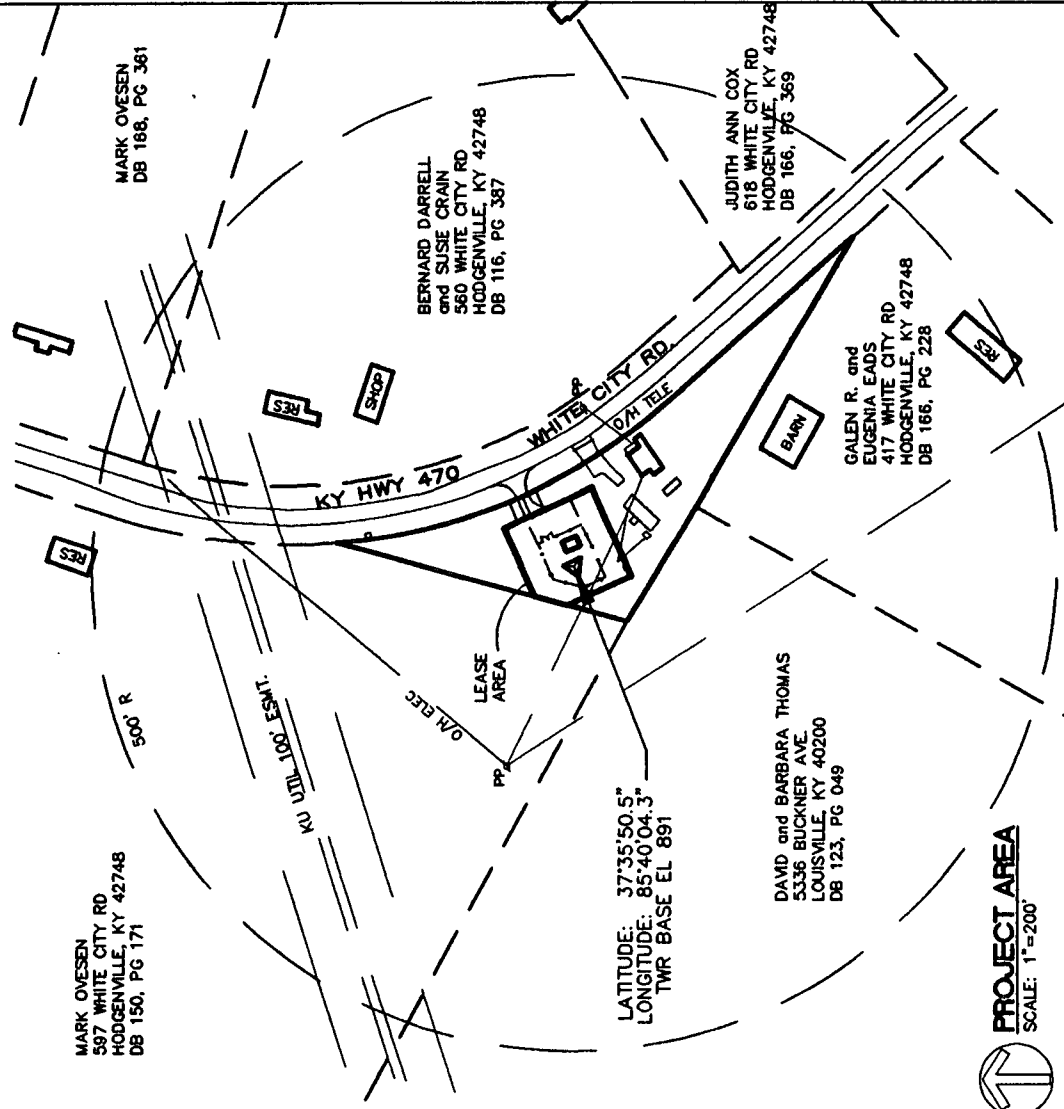
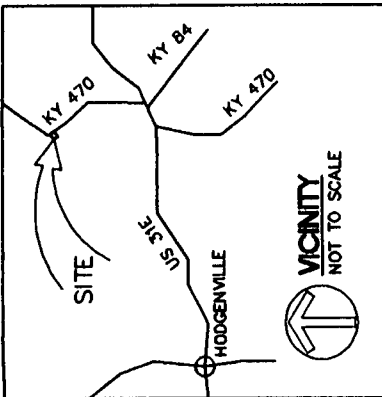
FILE: WHITECTY.DWG  
 DATE: FEB. 16, 1999  
 SHEET 1 OF 1

**SURVEY NOTES**

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**DIRECTIONS**

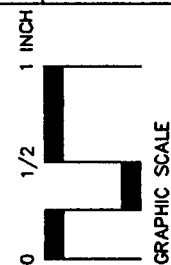
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**SITE SURVEY FOR A PROPOSED TRANSMISSION FACILITY**  
**AMERICAN CELLULAR CORPORATION**

NAME: WHITE CITY, KY

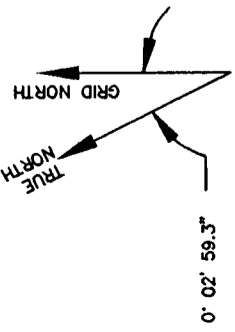
MARY M. ALLEN  
 PROPERTY  
 495 WHITE CITY ROAD  
 HODGENVILLE, LARUE CO., KY 42748



**SITE DETAIL PLAN**  
 SCALE: 1\"/>

**ELECTRIC**  
 NOLIN RECC  
 (502) 765-6153  
**BUILDING PERMIT**  
 PLANNING AND ZONING  
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 DB 94, PG 191

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Tim Thompson  
 FEB 12, 1999  
 DATE  
 TIM THOMPSON, LS 1304

STATE OF KENTUCKY  
 REGISTERED  
 LAND SURVEYOR  
 TIM THOMPSON  
 1304  
 160 S. Main St., Suite 3  
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 Tel: (606) 873-5252 Fax: (606) 873-2525

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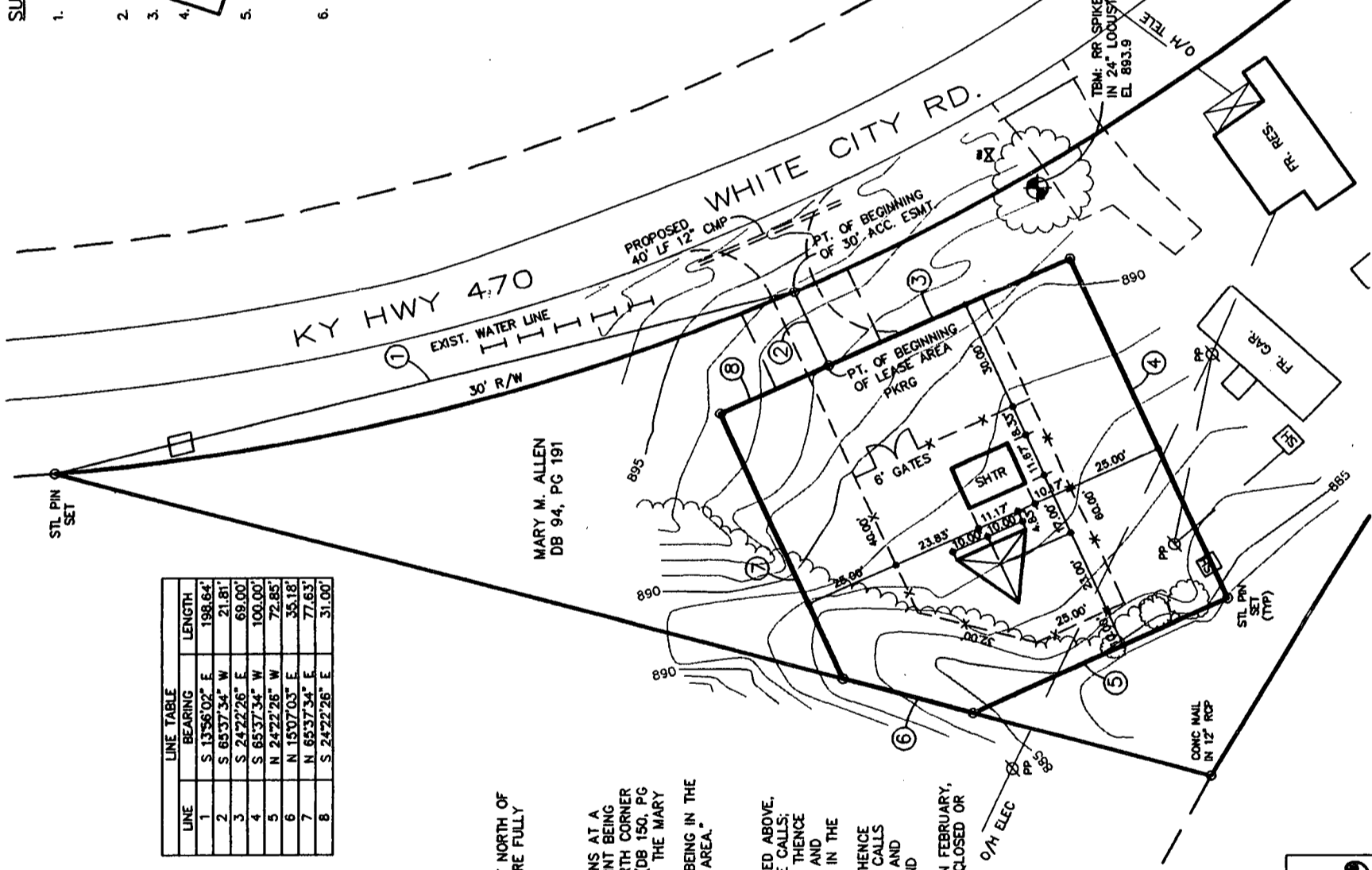
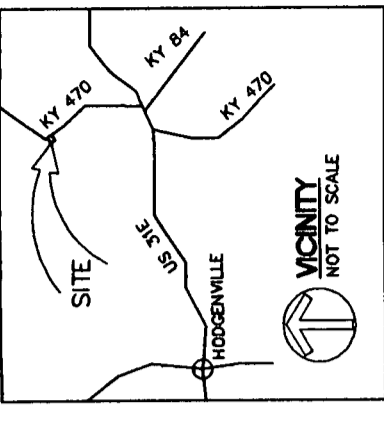
FILE: WHITECTY.DWG  
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**PROJECT AREA**  
 SCALE: 1"=200'



**SITE SURVEY FOR A PROPOSED TRANSMISSION FACILITY**  
**AMERICAN CELLULAR CORPORATION**

NAME: WHITE CITY, KY

MARY M. ALLEN  
 PROPERTY  
 495 WHITE CITY ROAD  
 HODGENVILLE, LARUE CO., KY 42748

RECEIVED  
APR 16 1999  
PUBLIC SERVICE  
COMMISSION

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III +  
STEPHEN C. CAWOOD  
CHRISTOPHER M. HILL  
LISA ENGLISH HINKLE  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
LUKE BENTLEY III  
STEPHEN G. AMATO  
MARY ESTES HAGGIN  
R. STEPHEN MCGINNIS ++  
JON A. WOODALL  
MARIA S. BUCKLES  
MARGARET M. YOUNG  
JULIE A. COBBLE  
MELINDA G. WILSON  
MARY ELIZABETH CUTTER  
LINDA J. WEST  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO  
+ ALSO ADMITTED IN TEXAS & FLORIDA  
++ ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 347  
GREENUP, KENTUCKY 41144-0347  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

April 15, 1999

RECEIVED

APR 15 1999

PUBLIC SERVICE  
COMMISSION

Ms. Stephanie Bell  
Secretary of the Commission  
Kentucky Public Service Commission  
P.O. Box 615  
730 Schenkel Lane  
Frankfort, KY 40601

RE: Case Number 99-153

Dear Ms. Bell:

This letter is to follow up my request for a case number on April 15, 1999. The application is on behalf of ACC of Kentucky LLC, for a cell site located at 495 White City Road, (Kentucky 470), Hodgenville, Larue, Kentucky. I was given Case Number 99-153. We intend to file the application no later than April 22, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw