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August 20, 2004

RECEIVED

VIA OVERNIGHT MAIL

AUG 23 2004

Susan G. Hutcherson
Filings Division Manager, Docket Branch
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

PUBLIC SERVICE
COMMISSION

Re: BellSouth Mobility, LLC, d/b/a Cingular Wireless – Kentucky
Motion for Expedited Hearing and Standard Pre-hearing Order
PSC Case No.: 2004-2004-00241
Cingular Site Name: Big Clifty

Dear Susan:

Please accept this letter and the attached Motion for Expedited Hearing and Standard Pre-Hearing Order as an official filing in the above-referenced Public Service Commission action. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pike", written over a horizontal line.

David A. Pike
Attorney for BellSouth Mobility, LLC,
d/b/a Cingular Wireless – Kentucky

Enclosures

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED

In the Matter of:

AUG 23 2004

THE APPLICATION OF)
BELLSOUTH MOBILITY, LLC,)
D/B/A CINGULAR WIRELESS - KENTUCKY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
CROWN ROCK ROAD, BIG CLIFTY, KY 42712)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF GRAYSON)

PUBLIC SERVICE
COMMISSION

CASE NO.: 2004-00241

SITE NAME: BIG CLIFTY

MOTION FOR EXPEDITED HEARING AND STANDARD PRE-HEARING ORDER

Comes BellSouth Mobility, LLC, d/b/a Cingular Wireless – Kentucky (hereinafter referred to as “Applicant”), by counsel, and moves the Kentucky Public Service Commission (“PSC”) to schedule an early public hearing in the within administrative action, and, so as to facilitate the orderly consideration of issues in this action and to incorporate the PSC's standard provisions and restrictions as part of its pre-hearing compliance schedule and hearing procedure, including, but not limited to:

- a. The Applicant requests that the PSC’s standard pre-hearing compliance schedule include a requirement that all proposed alternative sites must be identified and submitted by Intervenors within fifteen (15) days in order to be considered at the hearing in this action. No Intervenor or any person subsequently granted intervention may submit evidence regarding alternative sites for the proposed facility at the hearing in this matter, except in regard to those specific sites, if any, for which information is filed within fifteen (15) days.

- b. The Applicant requests that the PSC's standard pre-hearing compliance schedule include a requirement that Applicant file a response as to the availability and technical feasibility of utilizing any of the timely-submitted potential alternative sites within forty-five (45) days.
- c. The Applicant requests that the PSC's standard pre-hearing compliance schedule include a limitation on evidence that will be considered by the PSC in this action. Specifically, evidence pertaining to the effects Radio Frequency Emissions or Radio Frequency Interference, as consideration of such matters is preempted by federal law; (See Southwestern Bell Wireless, Inc. v. Johnson County Board of County Commissioners, 199 F.3d 1185 (10th Cir. 1999)), and is prohibited or not relevant under the Telecommunications Act of 1996. 47U.S.C. §332(7)(B)(iv). (See also: Paragraph 5 of PSC Order of December 21, 2000 in Case No. 2000-071UAC.)

WHEREFORE, the Applicant, by counsel, urges the PSC to schedule an early public hearing in the within administrative action, and to incorporate the above-referenced provisions and restrictions as part of its pre-hearing compliance schedule.

Respectfully submitted,



David A. Pike
Pike Legal Group, PLLC
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Telephone: (502) 955-4400
Telefax: (502) 543-4410
Attorney for BellSouth Mobility, LLC,
d/b/a Cingular Wireless – Kentucky

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2004 a copy of the foregoing was mailed, postage prepaid, to the following:

Christine Armes
429 Hardin Springs Road
Big Clifty, KY 42712

Homer and Kathy Basham
9336 Old E-Town Road
Big Clifty, KY 42712

Sherry Childress
458 Cemetery Road
Big Clifty, KY 42712

William and Martha Fletcher
3415 Dry Ridge Road
Big Clifty, KY 42712

James and Pauletta Gawarecki
525 Crown Rock Road
Big Clifty, KY 42712

Robert Harris
404 Crown Rock Road
Big Clifty, KY 42712

Willie Haynes
38 Crown Rock Road
Big Clifty, KY 42712

Paul and Rebecca Hughes
647 Crown Rock Road
Big Clifty, KY 42712

Paul D. and Xaviera Hughes
599 Crown Rock Road
Big Clifty, KY 42712

Ralph and Candy Mattingly
3520 Millerstown Road
Clarkson, KY 42726

Henry and Opal Neff
334 Crown Rock Road
Big Clifty, KY 42712



David A. Pike
Attorney for BellSouth Mobility, LLC,
d/b/a Cingular Wireless – Kentucky