

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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) CASE NO. 2004-00328
COMMUNICATIONS FACILITY AT)
99 MOUNTAIN SPRING ROAD,)
VAN LEAR, KENTUCKY 41265 IN THE)
WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH)
OF KENTUCKY IN THE COUNTY OF)
JOHNSON)
SITE NAME: ODDS)

JOINT REPORT ON SETTLEMENT PROGRESS

Comes the Applicant BellSouth Mobility LLC, D/B/A Cingular Wireless - Kentucky, and Intervenor Beech Fork Processing, Inc. ("Beech Fork") and provides notice to the Public Service Commission that they have made further substantial progress in their settlement efforts. Applicant and Beech Fork Processing, Inc. ("Beech Fork") believe a settlement will be forthcoming by August 15, 2005. Neither party requests a formal hearing be scheduled at this time.

Since the February 8, 2005 "Report of Settlement Progress", the Applicant and Beech Fork through their representatives conducted site visits at the two referenced alternative sites, and selected one of them as the site for the proposed tower. The site visits involved numerous professional due diligence contractors for Applicant and an Engineer for Beech Fork. Subsequent to the visit, a survey was prepared for the site

showing the proposed tower compound, guy anchor easements, and access and utility easements. Due diligence is difficult in this area because it is on a mountain accessed by an unpaved coal haul road. Moreover, it was not easy to identify a site that would avoid interference with the mineral rights of Beech Fork or other coal mining interests in this area. Nonetheless, Applicant is continuing in its efforts to provide wireless service in an area of Eastern Kentucky which Applicant believes is in need of improved service.

Applicant and Beech Fork have been negotiating an Option and Lease Agreement for this new alternative site and have corresponded repeatedly on lease terms. The main issues to be finalized involve specification of means of obtaining utility services to the site, specification of means of ingress and egress as to access and utilities, and defining any ability to use surrounding property outside the lease premises during construction. We believe all of these issues will be resolved in an executed Option and Lease Agreement in the near future.


The parties' goal is to reach a final Option and Lease on the identified site so that Applicant may amend its application in the within proceeding and then proceed to seek a Certificate of Public Convenience and Necessity to meet the need for improved wireless service in the area as identified in the original Application.

Applicant and Beech Fork will make either joint or individual reports to the Public Service Commission as to the continued progress of their negotiations on or before Friday July 29, 2005.

CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of the foregoing was served by United States First Class Mail, postage prepaid, upon J.R. Goff, PSC Staff Counsel, 211 Sower Lane, Frankfort, Kentucky 40602-0615 on this 30th day of June 2005.

Respectfully submitted,




David A. Pike
and



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Respectfully submitted,



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