



1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165-0369
Phone (502) 955-4400 or (800) 516-4293
Fax (502) 543-4410 or (800) 541-4410

September 20, 2005

VIA EXPRESS MAIL

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

RECEIVED
SEP 21 2005
P.O. BOX 369
SHEPHERDVILLE KY

Re: Motion To Withdraw Application to Continue Due Diligence and Lease
Negotiations on Alternative Site
PSC Case Number: 2004-00328
Site Name: Odds

Dear Susan:

Please find the enclosed original and five (5) copies of a Motion to Withdrawal for filing in the above referenced matter. After the filing, please return the additional file-stamped copy to:

Pike Legal Group PLLC
Attn: F. Keith Brown
P.O. Box 369
Shepherdsville, KY 40165

Please do not hesitate to contact me if you have any questions.

Sincerely,

F. Keith Brown

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)
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)

CASE NO. 2004-00328

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SEP 21 2005

PUBLIC SERVICE
COMMISSION

**MOTION TO WITHDRAW APPLICATION TO CONTINUE DUE DILIGENCE AND
LEASE NEGOTIATIONS ON ALTERNATIVE SITE**

Comes the Applicant BellSouth Mobility LLC, D/B/A Cingular Wireless - Kentucky, by counsel, and moves to withdraw the within Application, without prejudice to a new filing, based on the following facts and circumstances:

1. Beech Fork Processing, Inc. requested and was granted intervention in the within proceeding based on claims as to a mineral rights interest in the real property for which the within Odds wireless telecommunications facility site was proposed.
2. Applicant and Intervenor Beech Fork Processing have cooperated to identify an Alternative Site on property for the location of a wireless communications facility that could serve the need for wireless service identified in the within Application.

3. Applicant has conducted extensive due diligence to determine the economic and technical feasibility of the Alternative Site to the property originally proposed in the original application in PSC Case No. 2004-00328.
4. Applicant and Intervenor have engaged in significant good faith negotiations in order to attempt to finalize an Option and Lease Agreement that would allow the location of a wireless communications facility on the Alternative Site.
5. The Public Service Commission has allowed the within Application to remain on its docket without scheduling a Hearing based on Motions and Status reports of Applicant and Intervenor in order to allow Applicant and Intervenor to attempt to work out an alternative to the site for which Applicant had originally applied and to then amend the Application to request a Certificate of Public Convenience and Necessity for the Alternative Site.
6. Due diligence for the Alternative Site has been complicated by the need for access and utilities to run up a mountain to the wireless communications facility site and serious cost, feasibility, and rights and obligations issues remain in connection with resolution of such issues. Such issues are intertwined with lease negotiations on the Alternative Site. In this context, Applicant cannot predict early resolution of all of these issues so as to justify continued presence of the original Application on the docket of the Kentucky Public Service Commission.

7. Applicant intends to continue to attempt resolve the remaining due diligence and lease negotiations issues for the identified Alternative Site or any subsequently identified appropriate alternative site in the vicinity in order to attempt to meet the need for service in the area as identified in the original Application. Upon an appropriate resolution of such due diligence and lease issues, Applicant's intent is to file a new application to meet the need for service in the area.

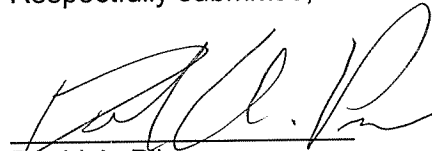
WHEREFORE, Applicant requests the Kentucky Public Service Commission to:

- (a) Deem the within Application to be withdrawn, without prejudice to a future application for a Certificate of Public Convenience and Necessity to construct a wireless communications facility on an alternative site to serve the need for service identified in the original Application; and
- (b) For any other relief to which Applicant is entitled.

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, and Rebecca Gohmann, General counsel, Beech Fork Processing, Inc., 107 Dennis Drive, Lexington, KY 40503 on this 20 day of September 2005.

Respectfully submitted,



David A. Pike,
and



F. Keith Brown
Pike Legal Group, PLLC
P.O. Box 369
Shepherdsville, KY 40165
Phone: 502-955-4400
Telefax: 502-543-4410
Attorneys for Applicant