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Shepherdsville, KY 40165-0369  
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November 9, 2004

**VIA OVERNIGHT DELIVERY**

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

**RECEIVED**  
NOV 10 2004  
PUBLIC SERVICE  
COMMISSION

Re: BellSouth Mobility, LLC, d/b/a Cingular Wireless – Kentucky  
PSC Case No.: 2004-00358  
Cingular Site Name: Mountain Parkway  
Federal Aviation Administration Approval  
Kentucky Airport Zoning Commission Approval

Dear Susan:

Please accept this letter and the attached documents as an official filing in the above-referenced Public Service Commission action. The Certificate of Public Convenience and Necessity issued in this action called for the Applicant to file a copy of the Federal Aviation Administration and Kentucky Airport Zoning Commission approvals once they were obtained. Copies of this relevant documentation are attached to this letter for inclusion in the official case file.

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 in a cursive style.

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

Enclosures



Federal Aviation Administration  
 Southern Regional Office  
 1701 Columbia Avenue-ASO-520  
 College Park, GA 30337

Aeronautical Study No.  
 2004-ASO-4582-OE

Issued Date: 8/18/2004

Kimberlyn Russell  
 Cingular Wireless  
 17330 Preston Road, Suite 100A  
 Dallas, TX 75252

**\*\* 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:

Structure Type: Antenna Tower  
 Location: Clay City, KY  
 Latitude: 37-54-33.31 NAD 83  
 Longitude: 83-55-30.3  
 Heights: 270 feet above ground level (AGL)  
 1687 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 70/7460-1 AC 70/7460-1K Change 1, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual), &12.

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:

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

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

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 the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination expires on 2/18/2006 unless:

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

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

If we can be of further assistance, please contact our office at (404)305-5579. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2004-ASO-4582-OE.

**Signature Control No: 391960-297518**

(DNE)

Earl P Newalu Jr.  
Specialist

Attachment(s)  
Case Description  
Frequency Data

7460-2 Attached

**Case Description for ASN 2004-ASO-4582-OE**

Applicant is proposing to construct a 270` AGL structure.

Frequency Data for ASN 2004-ASO-4582-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
806	824	MHz	500	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



**Kentucky Airport Zoning Commission**  
**200 Mero Street**  
**Frankfort, KY 40622**

(502) 564-4480  
fax: (502) 564-7953  
No.: AS-099-150-04-156

September 13, 2004

**APPROVAL OF APPLICATION**

**APPLICANT:**

Cingular Wireless LLC  
Jayne Cano  
17330 Preston Road  
Suite 100A  
Dallas, TX 75252

**SUBJECT:** AS-099-150-04-156

**STRUCTURE:** Antenna Tower  
**LOCATION:** Clay City, KY  
**COORDINATES:** 37-54-33.32 N / 83-55-30.3 W  
**HEIGHT:** 270'AGL/1686.79'AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 270'AGL/1686.79'AMSL Antenna Tower near Clay City, KY 37-54-33.32 N / 83-55-30.3 W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Dual obstruction lighting is required in accordance with 602 KAR 50:100.

A handwritten signature in black ink, appearing to read "John Houlihan".

John Houlihan, Administrator



Kentucky Airport Zoning Commission  
200 Mero Street  
Frankfort, KY 40622

(502) 564-4480  
fax: (502) 564-7953  
No.: AS-099-150-04-156

## AERONAUTICAL STUDY OF PROPOSED CONSTRUCTION OR ALTERATION

July 12, 2004

Cingular Wireless LLC  
Jayne Cano  
17330 Preston Road  
Suite 100A  
Dallas, TX 75252

*Mountain Parkway KAZC*

CONSTRUCTION LOCATION	Clay City, KY
LATITUDE/LONGITUDE	37-54-33.32 N / 83-55-30.3 W
HEIGHT (In Feet)	270'AGL/1686.79'AMSL
CONSTRUCTION PROPOSED	Antenna Tower

An application has been filed with the Kentucky Airport Zoning Commission for a permit to construct or alter the above described structure. Accordingly, the Kentucky Airport Zoning Commission is conducting an aeronautical study of the proposal to determine its effect upon the safe and efficient use of navigable airspace by aircraft and on the operation of air navigation facilities.

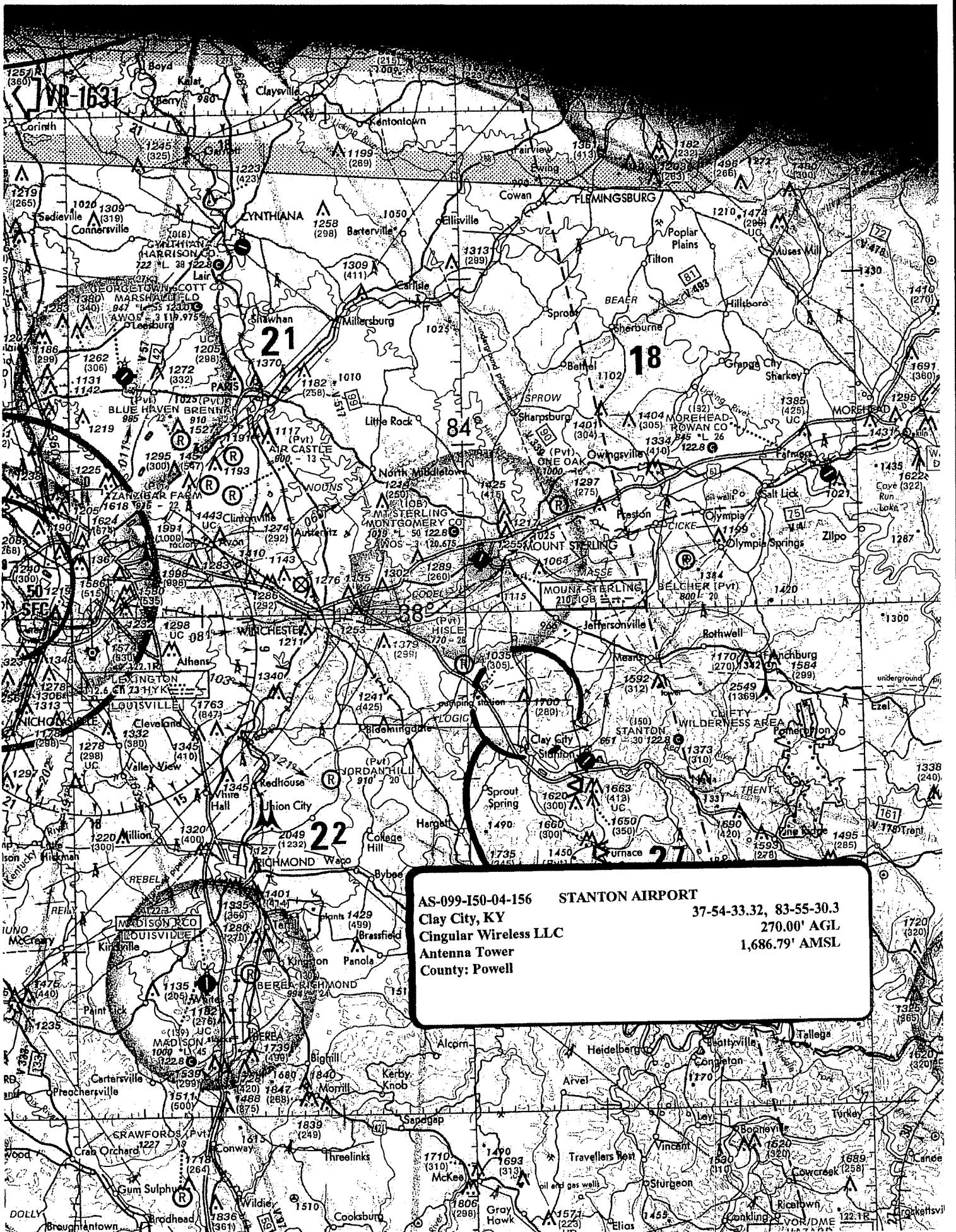
In the study, consideration will be given to all facts relevant to the effect of the structure on the safety of airport users and surface persons and property; the character of the flying operations conducted at the airport; the nature of the terrain; the height of existing structures and trees above the level of the airport, the views of the officials of the Federal Aviation Administration as to the safe approaches required for operations of the airport, the future development of the airport including extension to runways that may be required; the interest of the public in developing a sound public transportation system and the views and opinions of those owning the land in the area.

Interested persons are invited to participate in the aeronautical study by submitting written comments to the Administrator of the Kentucky Airport Zoning Commission. To be eligible for consideration, comments must be relevant to the effect of the proposed construction with the consideration set out above. The comments should provide sufficient details to permit a clear understanding, and be received before August 7, 2004. Please refer to the Aeronautical Study Number printed in the upper right hand corner of this notice.

The antenna tower will be located 5 NM north west of the Stanton Airport. Preliminary review indicates this structure exceeds no state obstruction standards.  
Obstruction lighting is proposed.

CHAIRMAN, POWELL COUNTY AIRPORT BOARD  
JUDGE/EXECUTIVE, LEE COUNTY  
JUDGE/EXECUTIVE, POWELL COUNTY

John Houlihan, Administrator



AS-099-150-04-156 STANTON AIRPORT  
 37-54-33.32, 83-55-30.3  
 Clay City, KY  
 Cingular Wireless LLC  
 270.00' AGL  
 Antenna Tower  
 1,686.79' AMSL  
 County: Powell





Kentucky Airport Zoning Commission
200 Mero Street
Frankfort, KY 40622

(502) 564-4480
fax: (502) 564-7953
No.: AS-099-150-04-156

CONSTRUCTION/ALTERATION STATUS REPORT

September 13, 2004

AERONAUTICAL STUDY NUMBER: AS-099-150-04-156

Cingular Wireless LLC
Jayne Cano
17330 Preston Road
Suite 100A
Dallas, TX 75252

This concerns the permit which was issued to you by the Kentucky Airport Zoning Commission on September 9, 2004. This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within the said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit. When appropriate, please indicate the status of the project in the place below and return this letter to John Houlihan, Administrator, Kentucky Airport Zoning Commission, 200 Mero Street, Frankfort, KY 40622. (502) 564-4480.

STRUCTURE: Antenna Tower
LOCATION: Clay City, KY
COORDINATES: 37-54-33.32 N / 83-55-30.3 W
HEIGHT: 270'AGL/1686.79'AMSL

CONSTRUCTION/ALTERATION STATUS

1. The project ( ) is abandoned. ( ) is not abandoned.

2. Construction status is as follows:
Structure reached its greatest height of \_\_\_\_\_ ft. AGL
\_\_\_\_\_ ft. AMSL on \_\_\_\_\_ (date).

Date construction was completed. \_\_\_\_\_

Type of obstruction marking/painting. \_\_\_\_\_

Type of obstruction lighting. \_\_\_\_\_

As built coordinates. \_\_\_\_\_

Miscellaneous Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE/TITLE \_\_\_\_\_

INSTRUCTIONS INCLUDED

TC 56-50E (Rev. 06)

Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 125 Holmes Street, Frankfort, KY 40622	Kentucky Aeronautical Study Number
<b>APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE</b>	

<p>1. APPLICANT – Name, Address, Telephone, Fax, etc.                  Jayne Cano                  Cingular Wireless LLC                  17330 Preston Road, Ste 100A                  Dallas TX 75252                  Tel (972) 733-7018 Fax (972) 733-5924</p> <p>2. Representative of Applicant – Name, Address, Telephone, Fax                  Lisa K. Glass                  Cingular Wireless                  5310 Maryland Way                  Brentwood TN 37027                  Tel (615) 221-3583 Fax (615) 221-3626</p> <p>3. Application for: <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing</p> <p>4. Duration: <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Months _____ Days _____)</p> <p>5. Work Schedule: Start <u>July 30, 2004</u> End <u>June 30, 2005</u></p> <p>6. Type: <input checked="" type="checkbox"/> Antenna Tower <input type="checkbox"/> Crane <input type="checkbox"/> Building <input type="checkbox"/> Power Line  <input type="checkbox"/> Landfill <input type="checkbox"/> Water Tank <input type="checkbox"/> Other _____</p> <p>7. Marking/Painting and/or Lighting Preferred:  <input type="checkbox"/> Red Lights and Paint <input type="checkbox"/> Dual - Red &amp; Medium Intensity White  <input type="checkbox"/> White - Medium Intensity <input type="checkbox"/> Dual - Red &amp; High Intensity White  <input type="checkbox"/> White - High Intensity <input type="checkbox"/> Other _____</p> <p>8. FAA Aeronautical Study Number _____</p>	<p>9. Latitude: <u>37</u> ° <u>54</u> ' <u>33</u> " <u>32</u> "</p> <p>10. Longitude: <u>83</u> ° <u>55</u> ' <u>30</u> " <u>30</u> "</p> <p>11. Datum: <input checked="" type="checkbox"/> NAD83 <input type="checkbox"/> NAD27 <input type="checkbox"/> Other _____</p> <p>12. Nearest Kentucky City: <u>Clay City</u> County: <u>KY</u></p> <p>13. Nearest Kentucky public use or Military airport:  <u>Stanton Airport</u></p> <p>14. Distance from #13 to Structure: <u>5.10810 NM</u></p> <p>15. Direction from #13 to Structure: <u>135.81259</u></p> <p>16. Site Elevation (AMSL): <u>1,416.79</u> Feet</p> <p>17. Total Structure Height (AGL): <u>270.00</u> Feet</p> <p>18. Overall Height (#16 + #17) (AMSL): <u>1,686.79</u> Feet</p> <p>19. Previous FAA and/or Kentucky Aeronautical Study Number(s):                  _____</p> <p>20. Description of Location: (Attach USGS 7.5 minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey)                   Site is located 4 miles NNW of Clay City, KY                   The physical address is 2283 Black Creek Rd., Clay City, KY 40312.</p>
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21. Description of Proposal:

See attachment for Tower location Frequency/Power (kW)

New structure will be a 250 ft tower with 20 ft top mounted antennas, including lightning rod. Overall tip height will be 270 ft AGL.

Site Name: Mountain Parkway

22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration?  
 No  Yes, When June 22, 2004

**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.

John Dasch, Bechtel Construction Manager June 25, 2004  
 Printed Name and Title Signature Date

**PENALTIES:** Persons failing to comply with Kentucky Revised Statutes (KRS 183.881 through 183.990) and Kentucky Administrative Regulations (602 KAR 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3). Non-compliance with Federal Aviation Administration Regulations may result in further penalties.

**Commission Action:**  Approved  Disapproved

Chairman, KAZC  Administrator, KAZC

John Huchman Date 9-13-04



**David A. Pike** MBA/JD  
Managing Owner - Attorney at Law

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