

RECEIVED

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

MAR 17 2005

PUBLIC SERVICE  
COMMISSION

In the Matter of:

|   |   |                      |
|---|---|----------------------|
| THE APPLICATION OF                          | ) |                      |
| BELLSOUTH MOBILITY, LLC,                    | ) |                      |
| D/B/A CINGULAR WIRELESS - KENTUCKY          | ) |                      |
| FOR ISSUANCE OF A CERTIFICATE OF PUBLIC     | ) | CASE NO.: 2004-00413 |
| CONVENIENCE AND NECESSITY TO CONSTRUCT      | ) |                      |
| A WIRELESS COMMUNICATIONS FACILITY AT       | ) |                      |
| ROUGH AND TOUGH ROAD                        | ) |                      |
| PRESTONSBURG, KENTUCKY 41653 OR, IN THE     | ) |                      |
| ALTERNATIVE, AN ORDER REQUIRING CO-LOCATION | ) |                      |
| ON REASONABLE TERMS AND CONDITIONS          | ) |                      |
| IN THE WIRELESS COMMUNICATIONS              | ) |                      |
| LICENSE AREA IN THE COMMONWEALTH OF         | ) |                      |
| KENTUCKY IN THE COUNTY OF FLOYD             | ) |                      |

SITE NAME: BRAINARD

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**FIRST PROGRESS REPORT OF CINGULAR WIRELESS:  
COLLOCATION NEGOTIATIONS WITH EAST KENTUCKY NETWORK**

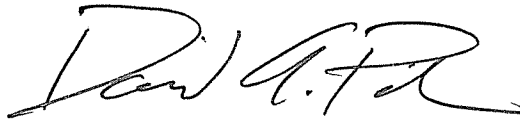
Pursuant to Order of the Commission dated March 1, 2005, New Cingular Wireless PCS, LLC, successor in interest to BellSouth Mobility, LLC, d/b/a Cingular Wireless – Kentucky (hereinafter, “Cingular”) submits this First Progress Report to inform the Commission as to the general progress of negotiations between Cingular and East Kentucky Network Limited Liability Company (“East Kentucky Network”).

Between February 28, 2005 and March 14, 2005, Cingular Real Estate/Construction Manager Kent Sheppard has initiated eleven (11) attempts to discuss collocation of Cingular Wireless’ wireless communications facilities on East Kentucky Network towers through telephone calls and email to East Kentucky Network. Each contact and the

response received from East Kentucky Network, if any, is described in **Exhibit A**.

Cingular Wireless will continue to pursue collocation on reasonable terms and conditions through negotiation with East Kentucky Network during such time as proceedings in the within case are held in temporary abeyance and will report status of negotiations as directed in the Commission's March 1, 2005 Order.

Respectfully submitted,

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

David A. Pike  
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Attorney for New Cingular Wireless PCS, LLC

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing was mailed this 17th day of March, 2005, to John E. Selent and Holly C. Wallace, Dinsmore & Shohl, LLP, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40402, attorneys for East Kentucky Network.

A handwritten signature in black ink, appearing to read "David A. Pike". The signature is written in a cursive style with a horizontal line underneath it.

David A. Pike

# EXHIBIT A



March 16, 2005

David A. Pike  
Pike Legal Group, PLLC  
P.O. Box 369  
Shepherdsville, KY 40165

RE: Contact Log – Efforts to Discuss Collocation Opportunities

Dear Mr. Pike:

I have enclosed a contact log detailing the dates and circumstances of my efforts on behalf of Cingular Wireless to contact East Kentucky Network, LLC, d/b/a Appalachian Wireless to discuss mutual collocation opportunities for wireless communications facilities on existing structures. This contact log is provided for inclusion in a report which I understand will be filed with the Kentucky Public Service commission.

Sincerely,

A handwritten signature in black ink that reads 'Kent Sheppard'.

Kent Sheppard  
Real Estate/Construction Manager  
New Cingular Wireless PCS, LLC

Enclosure

| Date      | Time     | Type                          | Target                           | Result  | Action   | Response |
|-----------|----------|-------------------------------|----------------------------------|---|--|----------|
| 15-Feb-05 | 4:45 PM  | Call to 800-438-2355          | Appalachian Wireless main office | Operator transferred my call to the office of Jerald Robinette and/or his assistant Candy.  | Left a voice mail message with Cindy, I identified myself and informed her that I had spoken with Mr. Robinette previously and would appreciate a return call from him to discuss mutual co-location opportunities.  | None     |
| 18-Feb-05 | 11:30 AM | Call to 800-438-2355          | Jerald Robinette                 | Candy, Jerald's assistant said I needed to speak with Jerald and transferred me to his voice mail. She assured me that he did check his voice mail and would call me back probable within 24 hrs. | Left a voice mail with Jerald Robinette, explained who I was and my purpose. He and I had spoken previously and I would like to follow-up with that discussion on East KY co-location possibilities of interest to both Appalachian Wireless and Cingular. Please return my call.  | None     |
| 18-Feb-05 | 11:45 AM | Call to 606-886-6007          | Laura Phipps                     | Operator said Ms Phipps was not in the office and transferred me to her assistant Theresa.  | Left a voice mail for Theresa, explained who I was and that I would appreciate a call back from Laura Phipps. I had contacted her in the past to discuss co-location options for East KY sites with both Appalachian Wireless and Cingular.  | None     |
| 23-Feb-05 | 12:45 PM | Call to 800-438-2355 ext. 201 | Jerald Robinette office          | Upon getting Jerald's voice mailbox, I transferred back to the operator. She then transferred me to Cindy, his assistant.   | Left a voice mail for Cindy, indicated who I was and that I would appreciate a return call from Jerald. I wanted to follow-up with previous discussions concerning co-location options in East KY for both Appalachian Wireless and Cingular.  | None     |
| 28-Feb-05 | 3:00 PM  | Call to 606-886-6007          | Laura Phipps office              | Operator put me through to Laura.   | Laura Phipps answered her direct line. She indicated she knew who I was and who I represented. I let her know that I wanted to follow-up with previous attempts to discuss co-location options with Appalachian. She said that all she needed to get started was a standard design lay-out listing what we wanted to put on the towers. I said I would send to her a generic equipment/attachment list for her review within the next 2 business days by Email. She confirmed her Email address. | None     |
| 1-Mar-05  | 3:00 PM  | Email to lphipps@ekn.com      | Laura Phipps Email               | Emailed standard equipment and attachment information to Laura Phipps   |  | None     |

| Date      | Time         | Type                 | Target              | Result  | Action  | Response   |
|-----------|--------------|----------------------|---------------------|---|---|--|
| 4-Mar-05  | 2:00 PM      | Call to 606-477-5880 | Laura Phipps mobile | Call to Laura Phipps to confirm receipt of Email.   | Laura Phipps did confirm that she received my Email and would have a response back to me soon. I asked if that could be as soon as next week and she said yes.  |  |
| 10-Mar-05 | 11:45 AM     | Call to 606-886-6007 | Laura Phipps office | Operator transferred me to Teresa, Laura's assistant. Teresa answered her office line.  | Theresa informed me that Laura was traveling and that she would send Laura an Email to remind her that she had promised me a response to my Email by the first of the week and I had yet received no response.  | None   |
| 10-Mar-05 | 11:50 AM     | Call to 606-477-5880 | Laura Phipps mobile | Laura Phipps answered her mobile phone  | Laura confirmed that she was traveling as Theresa had stated, however she did confirm that she had promised a response last week and would commit to having me a response later today or definitely no later that tomorrow morning.   | None   |
| 11-Mar-05 | 1:00 PM      | Call to 606-477-5880 | Laura Phipps mobile | Laura's voice mail  | Left her a voice mail indicating that I wanted to follow-up with the discussion we had yesterday in which she had promised to get me a response to my Email.  | None   |
| 14-Mar-05 | 2:10 PM      | Call to 606-886-6007 | Laura Phipps office | Operator informed me that Laura was not in the office. I asked that she transfer the call to Theresa. Theresa answered her line.  | Theresa remembered talking to me on Thursday last. Asked if Laura had given me any up-date as to a timeframe for her response. I told her that I had spoken to Laura on her mobile after speaking to Theresa and that Laura had committed to getting me a response later that day or by the next morning. Theresa said that Laura was out of the office, but that she would contact her with my request for a response. | None   |
| 15-Mar-05 | apx 10:00 AM | Received call        | From Theresa        | She informed me that she had been in contact with her boss, Laura Phipps and that Laura was out of town until Thursday, but that Laura had committed to getting me a response to my Email by end of week. | I confirmed with Theresa that this meant that I would have a response to my Email as promised previously no later than close of business Friday. Said response hopefully in Email form. She indicated that was her understanding of the contact she had with Laura Phipps. When asked again she said yes, I would receive a response from Laura Phipps by close of business Friday.                                     | This contact is in response to my earlier request for the response to my Email promised for several weeks. |