

Dinsmore & Shohl LLP
ATTORNEYS

Holly C. Wallace
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March 21, 2005

via Hand Delivery
Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

RECEIVED
MAR 21 2005
PUBLIC SERVICE
COMMISSION

Re: *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 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; Case No. 2004-00413*

Dear Ms. O'Donnell:

Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") is one original and ten (10) copies of East Kentucky Network, LLC's First Progress Report in the above-styled case.

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk
Enclosures

cc: Laura Phipps
David A. Pike, Esq.
John E. Selent, Esq.
97478v1; 33380/1

**COMMONWEALTH OF KENTUCKY
BEFORE THE 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)
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)

CASE NO. 2004-00413

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SITE NAME: BRAINARD

FIRST PROGRESS REPORT OF EAST KENTUCKY NETWORK, LLC

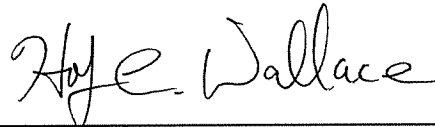
East Kentucky Network, LLC ("East Kentucky Network"), by counsel, pursuant to the March 1, 2005 Order of the Kentucky Public Service Commission (the "Commission"), hereby submits its First Progress Report regarding negotiations with BellSouth Mobility, LLC, d/b/a Cingular Wireless-Kentucky ("Cingular") in the above-referenced case.

East Kentucky Network received Cingular's application for co-location containing the amount of space requested on the tower and the types of facilities to be attached, on March 2, 2005 via e-mail from Kent Sheppard to Laura Phipps. As a small telecommunications company, East Kentucky Network does not have the staff, nor the resources, to devote a single staff person to co-location negotiations. Therefore, the General Manager, Laura Phipps, addresses co-location negotiations along with her other duties. Ms. Phipps has been out of the office much of the month of March, 2005 on business trips, however, she responded to Cingular's application on

her first day back in the office on Friday, March 18, 2005. (See E-mail from Laura Phipps to Kent Sheppard, March 18, 2005, attached as Exhibit A.) In addition, Ms. Phipps sent a more detailed response to Cingular's co-location request today via email to Kent Sheppard. (See E-mail from Laura Phipps to Kent Sheppard, March 21, 2005, attached as Exhibit B.)

East Kentucky Network looks forward to continuing its negotiations with Cingular.

Respectfully submitted,

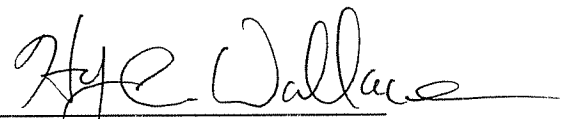


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Counsel to East Kentucky Network, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was served by first class United States mail this 21st day of March, 2005, upon the following:

David A. Pike
Pike Legal Group, PLLC
1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165-0369
Counsel to BellSouth Mobility



**Counsel to East Kentucky
Network, LLC**

From: Laura Phipps [mailto:lphipps@ekn.com]
Sent: Friday, March 18, 2005 4:23 PM
To: 'Sheppard, Kent'
Cc: 'SELENT, JOHN'; 'jkossitch@ekn.com'; 'Michael Huffman'
Subject: RE: Appalachian Wireless

Kent Sheppard
Project Manager
Cingular Wireless

I appreciate the information you provided and know the significance of this request. However, we are a small company that must deliver our services in the most cost effective way and I, along with several members of our technical staff, have been out of the office for much of the last three weeks dealing with other aspects of our business that demanded our immediate attention.

Today is my first day back in the office, and I have been in consultation with our attorney and technical & engineering staff, concerning our response to both BellSouth Mobility, LLC, d/b/a Cingular Wireless and to the Commission, that will be filed on Monday. In the meantime, I need to know at what location on the tower you are requesting to place your equipment.

Regards,
Laura Phipps

From: Sheppard, Kent [mailto:kent.sheppard@cingular.com]
Sent: Wednesday, March 02, 2005 3:09 PM
To: Laura Phipps (lphipps@ekn.com)
Cc: Baker, Dwayne; Tharp, Chris
Subject: FW: Appalachian Wireless

Laura Phipps
General Manager
East Kentucky Network

Thank You for your time and consideration in order to review and approve the following standard application equipment information. We at Cingular Wireless look forward to the opportunity to develop and grow a cooperative relationship with Appalachian Wireless. Our combined effort toward co-location opportunities can and will be a positive for Appalachian Wireless, Cingular Wireless, and the community as a whole.

We look forward to working with you and your staff. Please let me know if you should have any questions or concerns.

Standard equipment:

This equipment list is intended to be a preliminary generic list of equipment for most or all Cingular Wireless sites. This equipment list will be applicable for 90% of Cingular Wireless applications and any exceptions will be documented and pre-approved.

A

Ground space lease area-

Standard lease area of 384 sq. ft. 16ft X 24ft.

Tower space lease area-

- 10ft of tower space for the purpose of attaching transmit and receive antennas plus appropriate spacing from other tenants so as to avoid interference with said tenants.
- Up to 12 transmit and receive antennas mounted at a height appropriate to achieve designed RF coverage objectives.
- Up to 12 tower mounted amplifiers.
- Antennas and TMAs mounted with standard boom gate attachments.
- Up to 12 runs of coaxial cable not to exceed 2 ¼ inch in diameter.
- Access to attach a small GPS antenna above a standard ice-bridge or on the tower leg in the area of the ice-bridge.

Standard utility and access easements.

As stated this equipment list is intended as a generic application for review and approval. Specific site application equipment list will be submitted for review and approval upon feedback on this information.

**Regards,
Kent Sheppard
Project Manager
Cingular Wireless
502-550-0735**

**RESPONSE TO CINGULAR WIRELESS'S
CO-LOCATION REQUEST**

Kent Sheppard, Project Manager, Cingular Wireless

The purpose of this-email is to follow up with my e-mail to you of Friday, March 18, 2005 in response to your co-location request. As I indicated in that email, in order to address your request, it would be very helpful to know at what location on the Rough and Touch cell site tower you would like to co-locate your equipment.

The reason this information is particularly important in this instance is that we are currently in the process of switching to CDMA technology. As part of this process, we have hired consultants to analyze how we may best utilize our existing facilities and resources as we upgrade our technology and respond to the public's increasing demand for our services. As part of this process, and at our consultant's suggestion, we are analyzing the feasibility of significantly reducing the height of several of our towers, including the Rough and Tough tower, and reusing the excess materials at separate cell sites. As you are no doubt aware, some of our towers, including the Rough and Tough tower, are significantly taller than necessary to provide cellular phone service via CDMA technology.

We have not yet made a final decision with regard to the feasibility as we are now conducting extensive testing. Nonetheless, as you evaluate your co-location needs, please do keep in mind that the Rough and Tough tower may ultimately be less than half its present size.

In the meantime, please let us know at what location on the tower you are requesting to place your equipment so that we can fully evaluate your request.

We look forward to continuing our negotiations with you.

With regards,

Laura Phipps