

**Dinsmore & Shohl** LLP  
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FEB 18 2005

PUBLIC SERVICE  
COMMISSION

February 18, 2005

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

**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 Response to BellSouth Mobility's Motion to Hold Application and All Pending Motions in Temporary Abeyance in the above-styled case.

In addition, I have enclosed an extra copy of the response to be file-stamped. Please return the file-stamped copy to me in the enclosed, self-addressed, stamped envelope.

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.  
97478v1; 33380/1

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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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 ) CASE NO. 2004-00413  
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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**RESPONSE TO MOTION TO HOLD APPLICATION AND ALL  
PENDING MOTIONS IN TEMPORARY ABEYANCE**

East Kentucky Network, LLC (“East Kentucky Network”), by counsel, hereby responds to the Motion to Hold Application and All Pending Motions in Temporary Abeyance of BellSouth Mobility, LLC d/b/a Cingular Wireless (“Cingular”). In support of its response, East Kentucky Network states as follows.

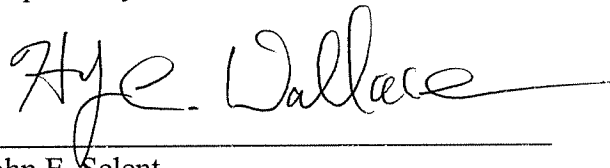
East Kentucky Network has expressed, and continues to express, its willingness to negotiate in good faith with Cingular. As East Kentucky Network noted in its Response to Cingular’s Motion for Joinder, it is Cingular that abruptly terminated the negotiation process and sought Commission intervention, not East Kentucky Network.

Now that Cingular has also expressed its willingness to negotiate in good faith, there is no need for Commission intervention in this matter. Nothing in the Kentucky Revised Statutes

or corresponding regulations requires Commission oversight of the parties' co-location negotiations. Cingular's continued efforts to involve the Commission in the parties' negotiations has no basis in law.

For the foregoing reasons, and those indicated in East Kentucky Network's Response to Cingular's Motion for Joinder, the Commission should deny Cingular's Motion to Hold its Application and All Pending Motions in Abeyance, and deny its Motion for Joinder.

Respectfully submitted,



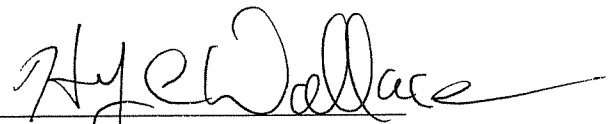
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**Counsel to East Kentucky Network, LLC**

**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 18<sup>th</sup> day of February, 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*



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**Counsel to East Kentucky  
Network, LLC**