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ATTORNEYS-AT-LAW

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July 19, 2006

RECEIVED

Ms. Beth O'Donnell, Executive Director  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615

JUL 20 2006

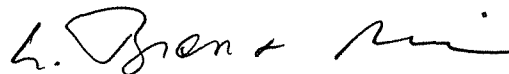
PUBLIC SERVICE  
COMMISSION

RE: **Application of Cellco Partnership d/b/a Verizon Wireless for Issuance of a Certificate of Public Convenience and Necessity to Construct an Additional Cell Facility on Burdette Road, Renfro Valley, Rockcastle County, Kentucky PSC Case No. 2004-00508 (Renfro II Site)**

Dear Ms. O'Donnell:

Enclosed please find the original and ten copies of Applicant's Motion in Limine in the above-referenced case. Please file same with the Commission at your earliest convenience. Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice

WBR/dkw  
Enclosures

cc: Amy Harper/Verizon Wireless

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

APPLICATION OF CELLCO PARTNERSHIP )  
D/B/A VERIZON WIRELESS FOR ISSUANCE )  
OF A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT AN )  
ADDITIONAL CELL FACILITY ON BURDETTE )  
ROAD, RENFRO VALLEY, ROCKCASTLE, )  
KENTUCKY ("RENFRO II CELL FACILITY") )

Case No. 2004-00508

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COMMISSION

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APPLICANT'S MOTION IN LIMINE

Comes now the Applicant, Cellco Partnership d/b/a Verizon Wireless ("Applicant"), by counsel, and respectfully moves the Commission for an Order in Limine precluding Intervenors from introducing any evidence during a hearing on this Application regarding any proposed alternative location or site to collocate or construct the Cell Facility (as defined in the Application). In support thereof, Applicant states as follows:

The Commission's July 11, 2006 Order clearly provides Intervenors are hereby advised that they, in part:

may not introduce evidence at the hearing regarding any other alternative location or site to collocate or construct an alternative cell tower collocation or construction site, unless they present such suitable alternative locations or sites that are supported by direct testimony of experts in the field of telecommunications that shall be additionally supported by written expert reports showing the technical feasibility of why a proposed alternative site is a better location than the site proposed in the application. This testimony with written supporting information may be received into evidence at the discretion of the Hearing Officer, pursuant to the prior Orders herein, and is subject to the cross-examination by Applicant.

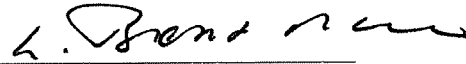
See July 11, 2006, Order, p. 3. Thus, it appears that Intervenors have been given leave to now, at the last minute, identify proposed alternative locations, to disclose an expert, and to provide an expert report; and gives the Hearing Officer discretion whether to admit such evidence. As a result, Applicant respectfully submits that none of this evidence should be introduced or considered by the Commission or Hearing Officer.

As the Commission is aware, this matter has now been proceeding for almost two (2) years. (The instant Application was filed on September 2, 2004). Despite almost two (2) full years having passed, and despite Intervenors having multiple opportunities to present such evidence, Intervenors have yet to file a single, substantive objection to the location of the proposed Cell Facility; nor have they ever provided any oral, much less written, proposals for alternative locations. The Commission's Order recognizes this.

However, because Intervenors have never provided or produced any information regarding proposed alternative locations (despite having multiple opportunities to do so), Applicant will be extremely prejudiced if Intervenors are now permitted, at the last minute, to identify proposed alternative locations, to disclose a purported expert or to provide a written report. Thus, even assuming that Intervenors file such evidence by July 21<sup>st</sup>, the Commission and Hearing Officer should exclude any such locations, experts, testimony, or reports, and enter an Order in Limine to that effect.

Accordingly, Application respectfully moves the Commission and Hearing Officer for an Order in Limine precluding Intervenors from introducing any evidence during a hearing on this Application regarding any proposed alternative location or site to collocate or construct the Cell Facility (as defined in the Application), or from disclosing any expert witnesses or providing any expert reports.

Respectfully Submitted,



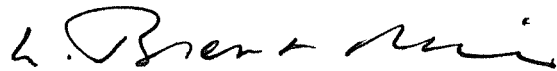
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COUNSEL FOR CELLCO  
PARTNERSHIP d/b/a  
VERIZON WIRELESS

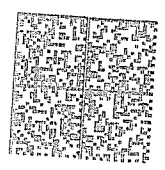
**CERTIFICATE OF SERVICE**

I certify to mailing a true and accurate copy of the foregoing, prepaid, first-class United States post, this ~~18th~~ day of July, 2006, to the following:

Ms. Rachael A. Rowe  
Keating Muething & Klekamp, PLLC  
One East Fourth Street  
Suite 1400  
Cincinnati, Ohio 45202-3752



W. Brent Rice, Esq.  
John N. Billings, Esq.



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