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August 29, 2006

Mr. Michael Huffman  
Controller  
East Kentucky Network, LLC  
dba Appalachian Wireless  
P.O. Box 405  
Prestonsburg, Kentucky 41653

RE: Case No. 2005-00064  
Status Request – 2<sup>nd</sup> notice

Dear Mr. Huffman:

The Commission entered the enclosed Final Order in this case on September 29, 2005. It was ordered that "The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions."

On July 20, 2006, you were sent the first status request letter. To date, this information has still not been received. This letter is a second attempt to request a status on the information requested in said Order. We would appreciate receiving a response to this letter within 15 days. Please mail this response to Michael F. Burford, Director of Filings Division, Public Service Commission, 211 Sower Blvd., Post Office Box 615, Frankfort, Kentucky 40602.

Sincerely,

Michael F. Burford  
Director  
Division of Filings

Enclosure  
/mb

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY NETWORK )  
LIMITED LIABILITY COMPANY FOR THE ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE NO.  
NECESSITY TO CONSTRUCT A TOWER IN KNOTT ) 2005-00064  
COUNTY, KENTUCKY )

O R D E R

An application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility was filed by East Kentucky Network, LLC, formerly Mountaineer Cellular Limited Liability Company ("Applicant") on July 18, 2005. The proposed facility consists of a self-supporting antenna tower not to exceed 270 feet in height, with attached antenna, to be located between Bates Branch and Arnold Fork of Right Fork of Beaver Creek, Kite, Knott County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 18' 27" by West Longitude 82° 45' 59".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning

Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 270 feet in height, with

attached antenna, and is to be located between Bates Branch and Arnold Fork of Right Fork of Beaver Creek, Kite, Knott County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 18' 27" by West Longitude 82° 45' 59".

2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 29<sup>th</sup> day of September, 2005.

By the Commission

ATTEST:



Executive Director

Case No. 2005-00064