

Writers Direct:  
Phone: (859) 426-2151  
Fax: (859) 341-4879  
E-mail: phughes@dbllaw.com

April 20, 2005

**FEDERAL EXPRESS**

Public Service Commission  
**Attn: Thomas M. Dorman**  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40601

RECEIVED

APR 22 2005

PUBLIC SERVICE  
COMMISSION

Re: Slick Rock, Kentucky  
Docket No. 2005-00078

Dear Mr. Dorman:

Please find enclosed for filing an original and five (5) copies of the Application of Nextel WIP Lease Corp. and Hemphill Corporation for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communication Facility.

Thank you for your assistance in this matter. If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, which appears to be 'Patrick R. Hughes', is written over a horizontal line. The signature is fluid and cursive.

Patrick R. Hughes

PRH/rmc  
Enclosures

62338.1

ATTORNEYS AT LAW

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

**In the Matter of:**

**APPLICATION OF NEXTEL WIP LEASE )  
CORP. AND HEMPHILL CORPORATION )  
FOR ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT A )  
WIRELESS COMMUNICATIONS )  
FACILITY IN THE NASHVILLE (71) )  
MAJOR TRADING AREA, )  
Glasgow, Barren COUNTY, KENTUCKY )  
)**

**DOCKET NO. 2005-00078**

**RECEIVED**

**APR 22 2005**

**PUBLIC SERVICE  
COMMISSION**

**[SLICK ROCK], SITE NO. 1412**

**APPLICATION:**

Nextel WIP Lease Corp. and Hemphill Corporation, collectively "Applicant", pursuant to 807 KAR 5:063, hereby apply for a Certificate of Public Convenience and Necessity to construct and operate a Wireless Communications Facility ("WCF") to complement the network which will serve the customers of the NASHVILLE (71) Basic Economic Area ("BEA"). In support of this Application, Applicant respectfully states the following:

1. The complete names and addresses of the applicants are: Nextel WIP Lease Corp., 4500 Carillon Point, Kirkland, WA 98033 and Hemphill Corporation, 3315 Dawson Road, Tulsa, OK 74115.

2. Nextel is a Delaware corporation qualified to do business in Kentucky. Hemphill is an Oklahoma corporation qualified to do business in Kentucky. A copy of Nextel and Hemphill's Articles of Incorporation are attached hereto as **Exhibit A**.

3. Applicant proposes to construct a Guyed tower for multiple wireless carriers near , Glasgow, Barren County, Kentucky, an area located entirely within the NASHVILLE (71) BEA. Applicant refers to the site of such tower, for short hand purposes, as the "" site.

4. The proposed WCF facility will consist of a 340' Guyed tower, with attached antennae extending upward for a maximum total height of 340', and a compound area to accommodate three (3) base transceiver station(s) ("BTS") unit(s). The BTS unit(s) will consist of one (1) current unit(s) and two (2) future unit(s). The entire proposed WCF facility will be fenced with a secured access gate. Tower design information, including the vertical tower profile and the foundation design, signed and sealed by a professional engineer registered in Kentucky is attached hereto as **Exhibit B and Exhibit C**.

5. The site development plan, signed and sealed by a professional engineer registered in Kentucky is included as **Exhibit C**. A site survey and a location plan, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within 500 feet of the proposed site and all of the easements and structures within 200 feet of the access drive (including the intersection with the public street system) is included in **Exhibit C**. Please note:

(a) There is/are No existing structure(s) within the 500 foot radius around the proposed tower compound; and

(b) There is/are No existing structure(s) within the 200-foot radius around the proposed access road to the tower compound.

The site development plan was prepared by Hemphill Corporation. The site survey and location plans were prepared by Hemphill Corporation. Certification, by a professional engineer licensed in Kentucky, that the proposed facility is not within the limits of a designated flood

hazard area per FEMA/FIRM Map #210334 0004A, Barren County, Kentucky, effective date of August 19, 1977, is included in **Exhibit C**. Thus, a detailed description of the manner in which the proposed facility will be constructed may be found in **Exhibits B and C**.

6. The proposed new construction is likely to compete with the following public utilities corporations or persons: ALLTEL Communications, Inc.; American Cellular Corporation, BellSouth Personal Communications, LLC, dba Cingular Wireless; Cellco Partnership dba Verizon Wireless; Cumberland Cellular Partnership d/b/a Bluegrass Cellular; East Kentucky Network, LLC dba Appalachian Wireless.

7. Public convenience and necessity require the construction of this proposed WCF facility. The proposed WCF facility is essential to implement service to Applicant's current and future customers.

The process that was used in selecting the site for the proposed WCF facility by Applicant was consistent with the process used for selecting all other existing and proposed facilities within the NASHVILLE (71) BEA. With respect to the precise selection procedures and co-location efforts please refer to **Exhibit D** attached hereto. A map of the area and further information regarding Applicant's search ring/area is attached hereto as **Exhibit E**.

8. The proposed WCF facility will serve Kentucky customers in an area totally within Applicant's proposed service area in NASHVILLE (71) BEA.

9. The proposed WCF facility is designed per TIA/EIA-222 F for 70 MPH wind load, with half-inch ice. The Electronic Industry's Association standards are consistent with the American National Standards Institute and the proposed facility is a nationally accepted tower design.

10. A geotechnical analysis was performed by Hemphill Corporation. Said analysis shows normal soil conditions. Hemphill Corporation's address is 3515 Dawson Road, Tulsa, OK 74115. A copy of the geotechnical site investigation report dated 3/9/2005 is attached hereto as **Exhibit F**.

11. The foundation design for this proposed tower and WCF facility has been developed with the information provided by Hemphill Corporation. The final design for the foundation is included as **Exhibit B**.

12. Personnel directly responsible for the design and construction of the proposed facility are qualified and experienced. The initial designs of the tower and foundations were performed by Hemphill Corporation. The engineer is John W. McCann, Ph.D., P.E. The construction Manager for the proposed WCF facility is Mr. Gary M. Connelly of Hemphill Corporation. Sharondale Surveying, Inc. is the consulting surveyor. Applicant certifies that all individuals involved in the construction of the proposed WCF facility will be experienced and qualified.

In the event the initial design of the tower and/or foundation is subsequently revised, Applicant will amend this Application accordingly and will file with the Commission original and final drawings pursuant to applicable laws and regulations.

13. Copies of Applicant's Application For a Permit to Construct an Antenna Tower from the Kentucky Airport Zoning Commission and request for a Determination of No Hazard to Air Navigation from the Federal Aviation Administration are attached hereto as **Exhibit G**. Please note, preliminary review indicates that the proposed antenna application does not exceed the standards for determining obstructions to navigable airspace as set forth in Subpart C of Part 77.

14. Applicant's final application to the FCC for Antenna Structure Registration cannot be completed until Applicant receives the permit and determination described in paragraph 15 hereof. Upon receipt of such permit and determination, Applicant will immediately finalize its application to the FCC and submit copies of the same to the Commission. Based on the foregoing, Applicant respectfully requests the commission to grant a temporary waiver of the requirement of 807 KAR 5:063, Section 1(1)(c) and begin its review of this application and issue a certificate of public convenience and necessity conditional upon satisfactory receipt and review of the information required pursuant to the foregoing regulation by the Commission, thereby allowing the Applicant to begin construction subject to final approval. In further support of the requested waiver, see documentation attached as **Exhibit G**.

15. The site for the proposed WCF facility is leased from Clifton and Joyce Vibbert, a married couple by Hemphill Corporation. Hemphill Corporation has entered into a site lease agreement with Applicant whereby Hemphill will lease to Applicant a certain portion of the WCF facility. The lease documents are attached hereto as **Exhibit H**.

16. The proposed WCF facility will be located near Glasgow, Barren County, Kentucky. The appropriate notices (in compliance with 807 K.A.R. 5:063 Section 1(2)), 2' x 4', with the word "TOWER" in letters at least 4" high, have been posted in a visible location on the proposed site and on the nearest public road and shall remain posted for at least two (2) weeks after the Application is filed. The location of the proposed facility has been published in Glasgow Daily Times, 100 Commerce Dr., Glasgow, KY 42141 (270) 678-5171, a newspaper of general circulation in Barren County, Kentucky.

17. Clear directions to the proposed site, as well as the name, address and telephone number of the person who prepared said directions are set forth in **Exhibit C**.

18. Applicant has notified every person who owns property within 500 feet of the proposed tower and adjacent property owners where the construction is in an area outside the incorporated boundaries of a city or within a rural service area in an urban-county, by certified mail, return receipt requested, of the proposed construction. Each such person has been given the docket number under which the proposed application will be processed and has been informed of his or her right to request intervention. Applicant identified the property owners according to the records of the property valuation administrator.

19. A list of property owners so notified is attached as **Exhibit I**, together with copies of the certified letters sent to listed property owners. Also included in **Exhibit I** is a copy of a certified letter to the County Judge Executive.

20. The area, as depicted in **Exhibit C**, in which the proposed facility is to be constructed is not zoned.

21. A grid map showing the location of existing cellular antennas and the general location of this proposed new antenna tower is attached as **Exhibit J**. The existing antenna towers shown in **Exhibit J** are owned by Forever Communications.

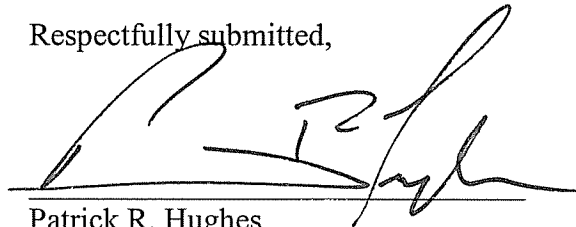
22. Applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service can be provided. Applicant also investigated the possibility of co-location, but there are no like facilities or other tall structures within Applicant's search ring upon which Applicant can reasonably co-locate. See **Exhibit D**. Information regarding Applicant's search ring/area is attached hereto as **Exhibit E**.

23. In the event that the WCF facility is abandoned for a period in excess of 180 days, Hemphill Corporation will dismantle the facility within a reasonable time period. See **Exhibit K**.

24. A brief description of the character of the general area in which the tower is proposed to be constructed, including existing land use, is attached hereto as **Exhibit L**.

25. Any response to this Application may be directed to Patrick R. Hughes of Deters, Benzinger & LaVelle at 207 Thomas More Parkway, Crestview Hills, Kentucky 41017 or by calling (859) 341-1881.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. R. Hughes', is written over a horizontal line.

Patrick R. Hughes  
Deters, Benzinger & LaVelle  
207 Thomas More Parkway  
Crestview Hills, Kentucky 41017  
(859) 341-1881