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August 23, 2005

Fayrene P. Gilliland  
103 Vicki Lane  
Somerset, KY 42501

Re: Case Number 2005-00283

Dear Ms. Gilliland:

The Commission is in receipt of your August 9, 2005 letter requesting information regarding the application by Bluegrass Wireless LLC, for approval to construct a wireless tower facility in Somerset, Kentucky. The letter has been placed in the official case file of this proceeding and the Commission will carefully analyze this application before rendering its final decision. By this letter, the attached request for information has been forwarded to the Applicant for a response.

Commission Staff requests the Applicant to submit a written response to the request for information, with a copy to the Commission, within 15 days of the date of this letter. After receipt of the Applicant's response, the party requesting the information should submit to the Commission a request for intervention or a hearing, if intervention or a hearing is desired. If no request for intervention or a hearing is received within 30 days of the date of this letter, the Commission Staff will presume that the Applicant's reply has satisfied the concerns raised in the attached request for information.

It may be helpful for you to know the state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and



reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Once again, thank you for your interest and concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell", written in a cursive style.

Beth O'Donnell  
Executive Director

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cc: Parties of Record