

John E. Selent (502) 540-2354 (Direct Dial) john.selent@dinslaw.com

April 26, 2006

## RECEIVED

Beth O'Donnell Executive Director Public Service Commission 211 Sower Blvd. P.O. Box 615 Frankfort, KY 40602-0615 APR 2 7 2006 PUBLIC SERVICE

COMMISSION

### **RE:** Application of Cumberland Cellular Partnership for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Frazer) in Rural Service Area #5 (Wayne) of the Commonwealth of Kentucky - Case No. 2005-00445

Dear Ms. O'Donnell:

I am enclosing with this letter an original and 10 copies of the affidavit of John E. Selent for filing with the Public Service Commission of the Commonwealth of Kentucky in the above referenced matter.

If you have any questions with respect to this matter, please call me.

Thank you.

Very truly yours,

**DINSMORE & SHOHL LLP** alent Johr

JES/kwi

Enclosures

Cimcinnati

Columbus

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#### **COMMONWEALTH OF KENTUCKY**

#### **BEFORE THE PUBLIC SERVICE COMMISSI**

#### In the Matter of:

9

1.

APPLICATION OF CUMBERLAND CELLULAR PARTNERSHIP FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A CELL SITE (FRAZER) IN **RURAL SERVICE AREA #5 (WAYNE) OF THE COMMONWEALTH OF KENTUCKY** 

#### CAS

# **AFFIDAVIT OF JOHN E. SELENT**

APR 2 7 2006

RECEIVED

PUBLIC SERVICE COMMISSION I, John E. Selent, being duly sworn, depose and state as follows:

1. My name is John E. Selent and I am a member of the Kentucky Bar Association.

I am legal counsel to Cumberland Cellular Partnership and am submitting this affidavit in conjunction with the above referenced matter.

2. In order to demonstrate compliance with 807 KAR 5:063 §1(1)(1), Exhibit A

identifies the names of the residents/tenants and property owners within 500 feet of the proposed tower who have been: (i) notified by written notice of the proposed construction, sufficient postage prepaid, by United States certified mail, return receipt requested; (ii) given the Commission docket number under which the application will be processed; and (iii) informed of the right to request intervention.

3. A copy of the public notice of the proposed construction to, and U.S. certified mail return receipt for Sandra C. Duncan, whose name is on Exhibit A, is attached as Exhibit B.

The addresses for Ronnie Douglas Cowan, David and Georgia Dick, John 4. Thomas Cooper, Lafayette Shelton, James Shelton, Misha Williams Gover and Rocky and Judy Arlene Perkins, all of whom are identified on Exhibit A, are P.O. Boxes and therefore cannot be served by U.S. Certified Mail, pursuant to 807 KAR 5:063 § 1(1) and (m).

ORIGINAL

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5. For the reason set forth in paragraph 4, the public notice of the proposed construction for Misha Williams Gover, whose name is on Exhibit A, was sent via U.S. Express Mail. A copy of the public notice and proof of service for Misha Williams Gover is attached hereto as Exhibit C.

6. For the reason set forth in paragraph 4, the public notice of the proposed construction for David and Georgia Dick, whose names are on Exhibit A, were sent via U.S. Express Mail. A copy of the public notice and proof of service for David and Georgia Dick is attached hereto as Exhibit D.

7. For the reason set forth in paragraph 4, the public notice of the proposed construction for Lafayette Shelton, whose name is on Exhibit A, was sent via U.S. Express Mail.A copy of the public notice and proof of service for Lafayette Shelton is attached hereto as Exhibit E.

For the reason set forth in paragraph 4, the public notice of the proposed construction for Rocky and Judy Arlene Perkins, whose names are on Exhibit A, were sent via U.S. Express Mail. A copy of the public notice and proof of service for Rocky and Judy Arlene Perkins is attached hereto as Exhibit F.

9. For the reason set forth in paragraph 4, the public notice of the proposed construction for Ronnie Douglas Cowan, whose name is on Exhibit A, was sent via U.S. Express Mail. A copy of the public notice and proof of service for Ronnie Douglas Cowan is attached hereto as Exhibit G.

10. For the reason set forth in paragraph 4, the public notice of the proposed construction for John Thomas Cooper, whose name is on Exhibit A, was sent via U.S. Express

Mail. A copy of the public notice and proof of service for John Thomas Cooper is attached hereto as Exhibit H.

11. For the reason set forth in paragraph 4, the public notice of the proposedconstruction for James Shelton, whose name is on Exhibit A, was sent via U.S. Express Mail.A copy of the public notice and proof of service for James Shelton is attached hereto as Exhibit I.

Further Affiant saith not.

COMMONWEALTH OF KENTUCKY COUNTY OF JEFFERSON SUBSCRIBED AND SWORN to before me this 1 day of April, 2006. My commission expires:

Notary Public

, 1



Land Surveyors and Consulting Engineers

#### Site Name: FRAZER

#### 500' RADIUS & ADJOINING LANDOWNER LIST

Map 102, Lot 13 SANDRA C. DUNCAN 5502 CAMP FIRE TRAIL AUSTIN, TX 78749 MISHA WILLIAMS GOVER RR #1, P.O. BOX 436 MONTICELLO, KY 42633 Deed Book 172, Page 140 No Zoning

Map 101, Lot 15 DAVID & GEORGIA DICK ROUTE 1 BOX 284 MONTICELLO, KY. 42633 Deed Book 263, Page 294 No Zoning

Map 102, Lot 11 JOHN THOMAS COOPER ROUTE 1 BOX 291 MONTICELLO, KY. 42633 NO DEED OF RECORD FOUND No Zoning

Map 101, Lot 14 LAFAYETTE SHELTON ROUTE 1 BOX 287 MONTICELLO, KY. 42633 Deed Book 180, Page 212 No Zoning

Map 102, Lot 13 JOHN THOMAS COOPER ROUTE 1 BOX 291 MONTICELLO, KY. 42633 Deed Book 113, Page 120 No Zoning

Map 101, Lot 18 JOHN THOMAS COOPER ROUTE 1 BOX 291 MONTICELLO, KY. 42633 Deed Book 124, Page 196 No Zoning



## Land Surveyors and Consulting Engineers

Former's F.S. Land, & C. . for feel Companies

Map 102, Lot 21.00 ROCKY & JUDY ARLENE PERKINS ROUTE 1, BOX 403 MONTICELLO, KY. 42633 Deed Book 184, Page 430 No Zoning

Map 102, Lot 12.00 RONNIE DOUGLAS COWAN ROUTE 1, BOX 283 MONTICELLO, KY. 42633 Deed Book 187, Page 75 No Zoning

Map 101, Lot 14.00 JAMES SHELTON ROUTE 1, BOX 283-P MONTICELLO, KY 42633 NO DEED OF RECORD FOUND No Zoning (Structure Only)

TO: Sandra C. Duncan 5502 Camp Fire Trail Austin, Texas 78749

As you may be aware, and as you may have been previously advised, Cumberland Cellular Partnership is applying to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for a certificate of public convenience and necessity to construct and operate a new facility to provide cellular telephone. The facility would include a 260-foot tower to be located at 900 KY Old Loop #3, Monticello, Kentucky 42633. A map showing the location is attached. This notice is being sent to you because you either own property and/or reside on property that is located within a 500 ft. radius of the proposed tower <u>or</u> you own property contiguous to the property where the proposed tower will be located.

The Commission invites your comments regarding the utility's proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. Your comments and/or request for intervention must be received within twenty (20) days from the date of this notice and should be addressed to:

### Executive Director's Office Public Service Commission of Kentucky P.O. Box 615 Frankfort, Kentucky 40602

Please refer to case number 2005-00445 in your correspondence.

If you have all ready sent the Commission your comments, or have requested intervention, you need not do so again, unless they were mailed to the Commission prior to December 16, 2005, which was the date Cumberland Cellular filed its application with the Commission to construct a new cellular tower facility.

If you mailed your comments and/or request for intervention prior to December 16, 2005, please mail them again so that they will be included in the Commission's application file in Case No. 2005-00445.

Dudley Meadows Box 290 Q Monticello, Kentucky 42633

James Shelton Box 283 P Monticello, Kentucky 42633

Robert W. Merrick Box 290 Monticello, Kentucky 42633

John and Linda Tate Box 398 Monticello, Kentucky 42633

Elizabeth Caylor Box 398 Monticello, Kentucky 42633

Mark McCutchen Box 293 Monticello, Kentucky 42633

Stanley Hutchinson Box 400C Monticello, Kentucky 42633

Steve Allen W. Allen Sheri Allen Mary Beth Allen Box 394 Monticello, Kentucky 42633

Arlene Dabney 109 Phillip Court Monticello, Kentucky 42633

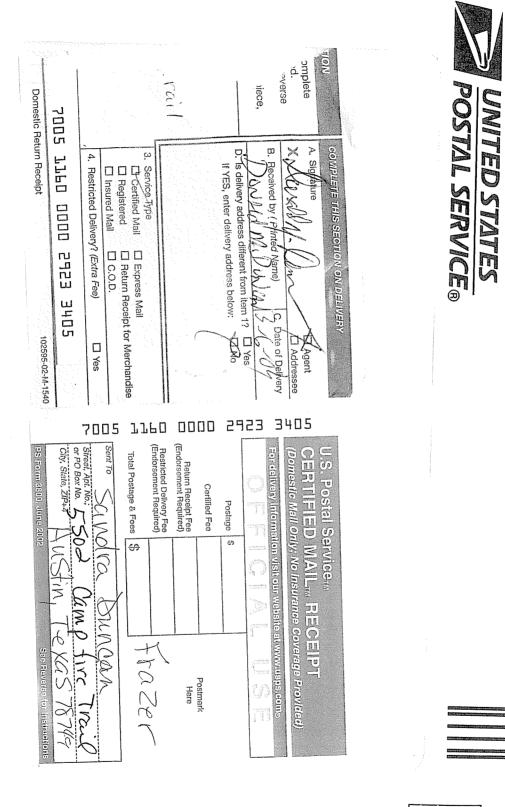
Jack Eller Box 290 Monticello, Kentucky 42633

Gary Muse Box 281 Monticello, Kentucky 42633 Lance and Naomi Duncan Box 280 B Monticello, Kentucky 42633

Katy Upchurch Box 1011 Monticello, Kentucky 42633

Jeff Humble Box 5841 Monticello, Kentucky 42633

Elizabeth Cowan Box 373 Monticello, Kentucky 42633



First-Class Mail Postage & Fees Paid USPS Permit No. G-10

TO: Misha Williams Gover RR #1 P.O. Box 436 Monticello, Kentucky 42633

As you may be aware, and as you may have been previously advised, Cumberland Cellular Partnership is applying to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for a certificate of public convenience and necessity to construct and operate a new facility to provide cellular telephone. The facility would include a 260-foot tower to be located at 900 KY Old Loop #3, Monticello, Kentucky 42633. A map showing the location is attached. This notice is being sent to you because you either own property and/or reside on property that is located within a 500 ft. radius of the proposed tower <u>or</u> you own property contiguous to the property where the proposed tower will be located.

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Stanley Hutchinson Box 400C Monticello, Kentucky 42633

Steve Allen W. Allen Sheri Allen Mary Beth Allen Box 394 Monticello, Kentucky 42633

Arlene Dabney 109 Phillip Court Monticello, Kentucky 42633

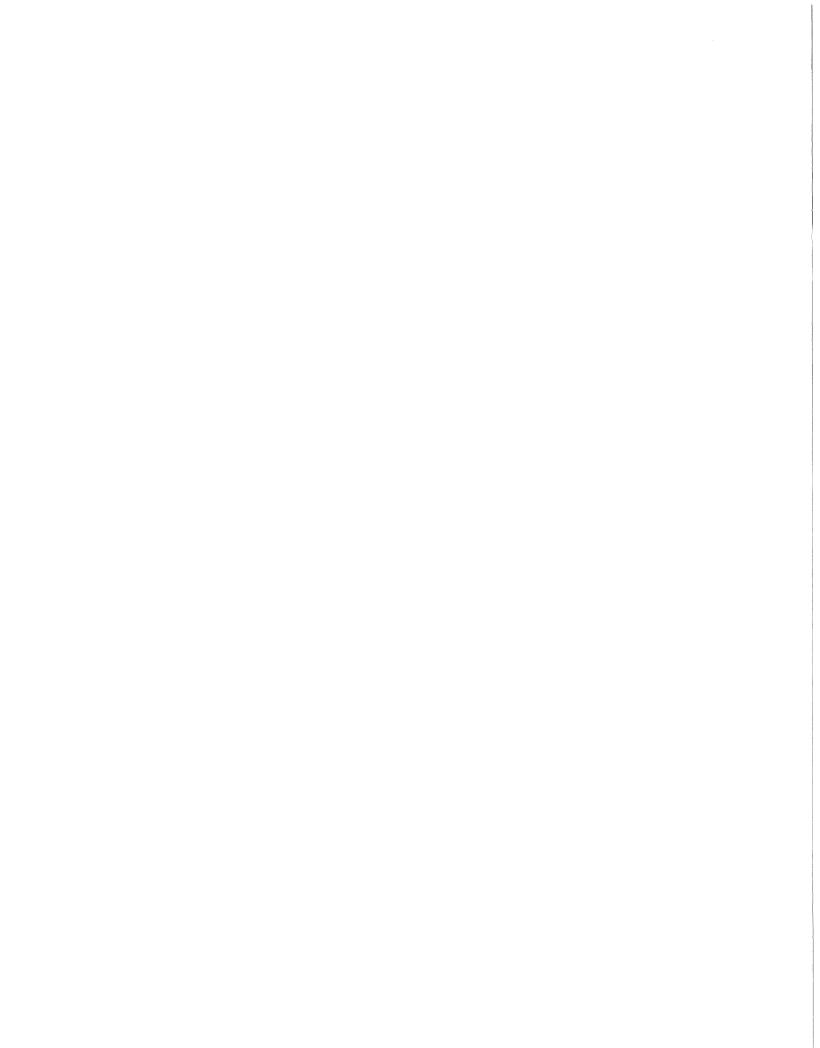
Jack Eller Box 290 Monticello, Kentucky 42633

Gary Muse Box 281 Monticello, Kentucky 42633 Lance and Naomi Duncan Box 280 B Monticello, Kentucky 42633

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Dudley Meadows Box 290 Q Monticello, Kentucky 42633

James Shelton Box 283 P Monticello, Kentucky 42633

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Arlene Dabney 109 Phillip Court Monticello, Kentucky 42633

Jack Eller Box 290 Monticello, Kentucky 42633

Gary Muse Box 281 Monticello, Kentucky 42633 Lance and Naomi Duncan Box 280 B Monticello, Kentucky 42633

Katy Upchurch Box 1011 Monticello, Kentucky 42633

Jeff Humble Box 5841 Monticello, Kentucky 42633

Elizabeth Cowan Box 373 Monticello, Kentucky 42633

TO: David & Georgia Dick Route 1 Box 284 Monticello, Kentucky 42633

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If you mailed your comments and/or request for intervention prior to December 16, 2005, please mail them again so that they will be included in the Commission's application file in Case No. 2005-00445.

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TO: Lafayette Shelton Route 1 Box 287 Monticello, Kentucky 42633

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# **<u>PUBLIC NOTICE</u>** DATED AS OF MARCH 2, 2006

TO: Rocky and Judy Arlene Perkins Route 1 Box 403 Monticello, Kentucky 42633

As you may be aware, and as you may have been previously advised, Cumberland Cellular Partnership is applying to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for a certificate of public convenience and necessity to construct and operate a new facility to provide cellular telephone. The facility would include a 260-foot tower to be located at 900 KY Old Loop #3, Monticello, Kentucky 42633. A map showing the location is attached. This notice is being sent to you because you either own property and/or reside on property that is located within a 500 ft. radius of the proposed tower <u>or</u> you own property contiguous to the property where the proposed tower will be located.

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cc: See attached list

;

James Shelton Box 283 P Monticello, Kentucky 42633

Robert W. Merrick Box 290 Monticello, Kentucky 42633

John and Linda Tate Box 398 Monticello, Kentucky 42633

Elizabeth Caylor Box 398 Monticello, Kentucky 42633

Mark McCutchen Box 293 Monticello, Kentucky 42633

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Arlene Dabney 109 Phillip Court Monticello, Kentucky 42633

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Gary Muse Box 281 Monticello, Kentucky 42633 Lance and Naomi Duncan Box 280 B Monticello, Kentucky 42633

Katy Upchurch Box 1011 Monticello, Kentucky 42633

Jeff Humble Box 5841 Monticello, Kentucky 42633

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# **<u>PUBLIC NOTICE</u>** DATED AS OF MARCH 2, 2006

TO: Ronnie Douglas Cowan Route 1 Box 283 Monticello, Kentucky 42633

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cc: See attached list

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Katy Upchurch Box 1011 Monticello, Kentucky 42633

Jeff Humble Box 5841 Monticello, Kentucky 42633

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POSTAL INSPECTORS sit

# **<u>PUBLIC NOTICE</u>** DATED AS OF MARCH 2, 2006

TO: John Thomas Cooper Route 1 Box 291 Monticello, Kentucky 42633

As you may be aware, and as you may have been previously advised, Cumberland Cellular Partnership is applying to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for a certificate of public convenience and necessity to construct and operate a new facility to provide cellular telephone. The facility would include a 260-foot tower to be located at 900 KY Old Loop #3, Monticello, Kentucky 42633. A map showing the location is attached. This notice is being sent to you because you either own property and/or reside on property that is located within a 500 ft. radius of the proposed tower <u>or</u> you own property contiguous to the property where the proposed tower will be located.

The Commission invites your comments regarding the utility's proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. Your comments and/or request for intervention must be received within twenty (20) days from the date of this notice and should be addressed to:

### Executive Director's Office Public Service Commission of Kentucky P.O. Box 615 Frankfort, Kentucky 40602

Please refer to case number 2005-00445 in your correspondence.

If you have all ready sent the Commission your comments, or have requested intervention, you need not do so again, unless they were mailed to the Commission prior to December 16, 2005, which was the date Cumberland Cellular filed its application with the Commission to construct a new cellular tower facility.

If you mailed your comments and/or request for intervention prior to December 16, 2005, please mail them again so that they will be included in the Commission's application file in Case No. 2005-00445.

cc: See attached list

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James Shelton Box 283 P Monticello, Kentucky 42633

Robert W. Merrick Box 290 Monticello, Kentucky 42633

John and Linda Tate Box 398 Monticello, Kentucky 42633

Elizabeth Caylor Box 398 Monticello, Kentucky 42633

Mark McCutchen Box 293 Monticello, Kentucky 42633

Stanley Hutchinson Box 400C Monticello, Kentucky 42633

Steve Allen W. Allen Sheri Allen Mary Beth Allen Box 394 Monticello, Kentucky 42633

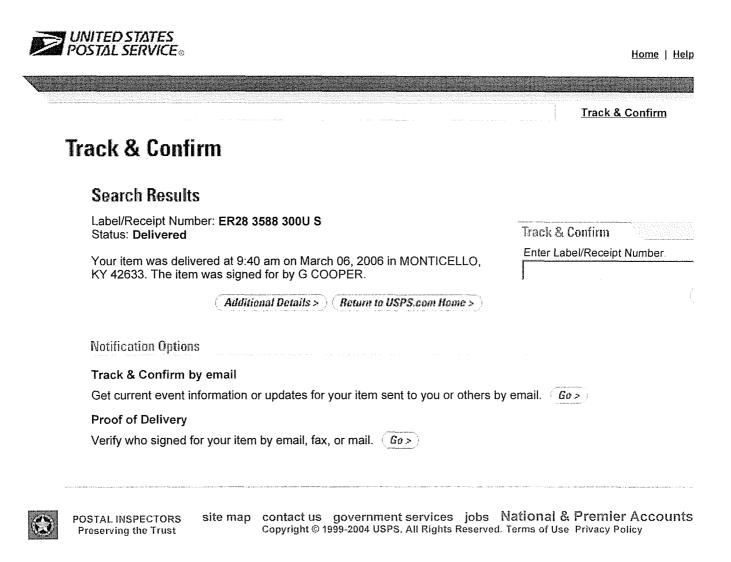
Arlene Dabney 109 Phillip Court Monticello, Kentucky 42633

Jack Eller Box 290 Monticello, Kentucky 42633

Gary Muse Box 281 Monticello, Kentucky 42633 Lance and Naomi Duncan Box 280 B Monticello, Kentucky 42633

Katy Upchurch Box 1011 Monticello, Kentucky 42633

Jeff Humble Box 5841 Monticello, Kentucky 42633



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<ul> <li>Notice Left, March 03, 2006</li> <li>Enroute, March 03, 2006, 43</li> <li>Arrival at Unit, March 03, 20</li> <li>Enroute, March 02, 2006, 73</li> </ul>	9:40 am, MONTICELLO, KY 42633 , 11:04 am, MONTICELLO, KY 42633 20 am, SOMERSET, KY 42501 006, 4:17 am, SOMERSET, KY 42501 06 pm, LOUISVILLE, KY 40231 6, 4:45 pm, LOUISVILLE, KY 40270	Enter Label/Recei	pt Number.
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# **<u>PUBLIC NOTICE</u>** DATED AS OF MARCH 24, 2006

TO: James Shelton Route 1 Box 283-P Monticello, Kentucky 42633

As you may be aware, and as you may have been previously advised, Cumberland Cellular Partnership is applying to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for a certificate of public convenience and necessity to construct and operate a new facility to provide cellular telephone. The facility would include a 260-foot tower to be located at 900 KY Old Loop #3, Monticello, Kentucky 42633. A map showing the location is attached. This notice is being sent to you because you either own property and/or reside on property that is located within a 500 ft. radius of the proposed tower <u>or</u> you own property contiguous to the property where the proposed tower will be located.

The Commission invites your comments regarding the utility's proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. Your comments and/or request for intervention must be received within twenty (20) days from the date of this notice and should be addressed to:

#### Executive Director's Office Public Service Commission of Kentucky P.O. Box 615 Frankfort, Kentucky 40602

Please refer to case number 2005-00445 in your correspondence.

If you have all ready sent the Commission your comments, or have requested intervention, you need not do so again, unless they were mailed to the Commission prior to December 16, 2005, which was the date Cumberland Cellular filed its application with the Commission to construct a new cellular tower facility.

If you mailed your comments and/or request for intervention prior to December 16, 2005, please mail them again so that they will be included in the Commission's application file in Case No. 2005-00445.

cc: See attached list

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Stanley Hutchinson Box 400C Monticello, Kentucky 42633

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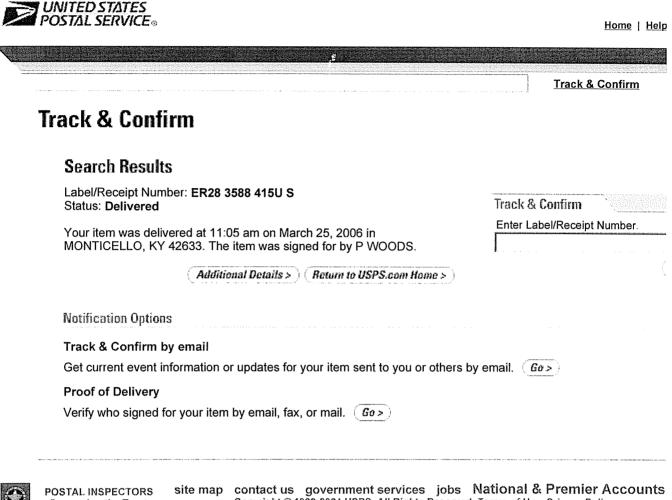
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Jeff Humble Box 5841 Monticello, Kentucky 42633



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<ul> <li>Arrival at Unit, March 25, 20</li> <li>Enroute, March 25, 2006, 4</li> <li>Enroute, March 24, 2006, 6</li> </ul>	11:05 am, MONTICELLO, KY 42633 006, 7:08 am, MONTICELLO, KY 42633 :00 am, SOMERSET, KY 42501 :43 pm, LOUISVILLE, KY 40231 6, 4:34 pm, LOUISVILLE, KY 40270	Enter Label/Receipt Numbe
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