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John W. Clay  
Commissioner

Christopher L. Lilly  
Commissioner  
Department of Public Protection

November 2, 2006

Brian and Debbie Vinsant  
Route 6, Box 1476  
Monticello, KY 42633

Re: Cumberland Cellular Partnership  
d/b/a Bluegrass Cellular, Inc. ("Cumberland")  
Monticello-West Site  
PSC Case No. 2006-00320

Dear Mr. and Ms. Vinsant:

This is to acknowledge receipt of your letter dated October 3, 2006. The Public Service Commission ("PSC") received the letter on October 5, 2006. Your letter makes three statements: (1) "we would like to intervene on Case 2006-320"; (2) "we are opposed to the proposed cellular telephone tower located at ..."; and (3) "notify us of any public hearing..." A copy of your letter is attached.

The decision to grant intervention or the status of intervenor is within the sole discretion of the PSC Commission. Based upon a request or motion for intervention, the Commission examines several factors as set out in PSC Administrative Regulation 807 KAR 5:001, Section 3(8). After your request, the PSC Staff re-examined every document and map in this case. The survey and certified maps filed with Cumberland's application were studied in detail in an effort to locate your property. At no place on the maps or in any of the documents does your name appear. Your letter does not explain, nor does the case file reveal, what "interest" you have to protect if you became an intervenor. Your opposition alone is insufficient grounds to be granted intervention.

No other person, corporation, or entity has requested intervention in this case. In PSC cases of proposed cellular tower construction, if the Commission has **not** granted intervention to any person or entity, the case is processed by PSC Staff within a reasonable period of time sufficient to allow for all requests for intervention. In this case, 2006-00320, public notice was published in the *Wayne County Outlook* newspaper on July 19, 2006 and July 26, 2006.

Your letter, which may not have been sufficient to qualify pursuant to the regulations, was not received until October 5, 2006. This was over two months (77 days) after the

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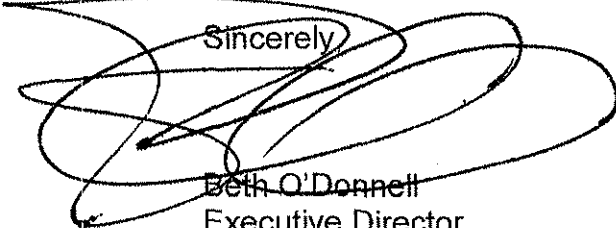
last public notice by newspaper. Without special circumstances, i.e., "interest to protect," 77 days is beyond a reasonable period of time to request intervention.

807 KAR 5:001, Section 3(8), provides in pertinent part:

Any person who wishes to become a party (intervenor) to a proceeding before the Commission may by **timely** motion request that he be granted leave to intervene. (emphasis added).

Unfortunately, before your letter was received, the record of the case was submitted to the Commission for decision based on the record. Therefore, there will not be a public hearing in this case. Even if your letter had been timely filed with the Commission, your request for intervention, with no interest to protect, would not have been granted.

If you have questions or would like to discuss the matter, please call Dale Wright at 502/564-3940, Extension 235.

Sincerely,  
  
Beth O'Donnell  
Executive Director

CDW:v

Enclosure