### FOR THE PUBLIC RECORD

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

IN THE MATTER OF:

APPLICATION OF SHARED SITES, LLC. AND AMERICAN CELLULAR CORPORATION FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVIENENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT 150 PROVIDENCE CHURCH ROAD RUSSELL SPRINGS, KY 42642 IN THE WIRELESS COMMUNICATIONS LICENSE AREA IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF ADAIR RECEIVED

MAR 0 6 2007 PUBLIC SLAVICE COMMISSION

Case No. 2007-00060

SITE NAME: LITTLE CLIFTY SITE NUMBER: KY-143

\* \* \* \* \* \*

Shared Sites, LLC. As ultimate owner, and American Cellular Corporation, as a licensed

public utility in the commonwealth of Kentucky, make this application.

The property on which the Wireless Communications Facility ("WCF") will be built is located

at 150 Providence Church Road, Russell Springs, Kentucky 42642. The WCF site is

geographically positioned at 37° 03' 7.56" North latitude, 85° 09' 49.20" West longitude.

1. The complete names and addresses of the Applicants are:

Shared Sites WV, LLC., a Kentucky Limited Liability Company, having a mailing address of 1390 Chain Bridge Road #40, McLean, Virginia 22101 (703) 893-0806.

American Cellular Corporation, a Delaware Corporation, 3910 South Ave. Youngstown, OH 44512, 73134 having a local address of 124 South Keeneland Drive, Suite 1, Richmond, KY 40475, (606) 544-2355.

2. Shared Sites constructs, owns, manages, maintains, and operates independent communications networks. Shared Sites owns and manages safe, clean and well maintained facilities. Shared Sites facilities do not generate smoke, odors, noise, noxious gases, vibrations, or traffic increase. Shared Sites facilities will not pollute air, soil, or water, nor will they adversely affect radio or television reception or transmission. A certified copy of the Certificate of a Limited Liability Company issued by the Secretary of State of the State of West Virginia and a copy of the Certificate of Authorization which was issued by the Secretary of State of the Secretary of State of the Commonwealth of Kentucky for Shared Sites WV, LLC. are attached or described as part of **Exhibit A.** A copy of the Certificate of Authorization issued by the Secretary of State of the Commonwealth of Kentucky and a copy of the Certificate of Merger issued by the Secretary of State of the State of Delaware for the Provider are attached or described as part of **Exhibit B**.

3. After completion of the proposed WCF, Shared Sites will lease or license space on said tower and the surrounding site so the Provider may locate and operate its facility including all required antennas and appurtenances. The proposed WCF will serve an area completely within the Provider's Federal Communications Commission ("FCC")

licensed service area in the Commonwealth of Kentucky. The Provider is authorized to provide wireless service by the FCC and the PSC. A copy of the Provider's FCC license to provide wireless service is attached to this Application or described as part of **Exhibit C**. Shared Sites has located the proposed site in a manner such that other wireless communications service providers will desire to collocate on said tower, and will endeavor to provide all necessary facilities to make collocation attractive to them.

4. The public convenience and necessity require the construction of the proposed WCF. The construction of the WCF will bring the Provider's services to an area currently not served or not adequately served by the Provider and will thereby enhance the public's access to innovative and competitive wireless telecommunications services. The WCF will provide a necessary link in the Provider's telecommunications network that is designed to meet the increasing demands for wireless services in Kentucky's wireless communications licensed area. The WCF is an integral link in the Provider's network design that must be in place to cover the proposed service area.

5. Shared Sites' construction of the described WCF is desirable because it allows for the collocation of additional wireless service providers within this portion of the Kentucky wireless communications licensed area. These services may include telecommunications, wireless data transfer and internet services, wireless cable, paging systems, 911 service, and other new products currently being developed in the wireless industry. In addition, the WCF will be available for use by governmental agencies and providers of emergency services. The WCF will provide a necessary link in Shared Sites' and the Provider's wireless infrastructure networks, and Shared Sites, as part of it's business structure, will diligently pursue and encourage other wireless providers to collocate on the WCF. These services will provide increased competition in the in the local

Kentucky telecommunications market, which will, in turn, promote competitive pricing, quality, and coverage options to users of telecommunications services in this area. Shared Sites' vested interest in the collocation of wireless service providers promotes the same goals for the local consumers.

The Applicants propose to construct a WCF at 150 Providence Church Road, 6. Russell Springs, Kentucky 42642 (37° 03' 7.56" North latitude, 85° 09' 49.20" West longitude). In an area located entirely within the county referenced in the caption of this application. The property on which the WCF will be located is owned by Joseph Matthew Dalton and Fred Dalton and Estelle Dalton. The proposed WCF will consist of a 325 foot guyed tower with an approximately 6-foot lightning arrester attached to the top, for a total height of 331 feet. The WCF will also include concrete foundations to accommodate the placement of the Provider's proprietary radio electronics equipment. The equipment will be housed in a prefabricated cabinet or shelter that will contain: (i) the transmitting and receiving equipment required to connect the WCF with the Provider's users in Kentucky, (ii) telephone lines that will link the WCF with the Provider's other facilities, (iii) battery back-up that will allow the Provider to operate even after a loss of outside power, and (iv) all other necessary appurtenances. The Provider's equipment cabinet or shelter will be approved for use in the commonwealth of Kentucky by the relevant building inspector. The WCF compound will be fenced and all access gate(s) will be secured. A description of the manner in which the proposed WCF will be constructed is attached as Exhibit D and Exhibit E. Periodic inspections will be performed on the WCF in accordance with the applicable regulations or requirements of the PSC. The list of competing utilities, corporations, or persons is attached as Exhibit F.

7. Reduced copies of the site development plan have been included as **Exhibit D** and **Exhibit E** of this application. A vertical profile sketch of the WCF signed and sealed by a professional engineer registered in Kentucky depicting the tower height, as well as a proposed configuration for the antennas of the provider and future antenna mounts, has also been included as part of **Exhibit E**. Foundation design plans and a description of the standards according to which the tower was designed signed and sealed by a professional engineer registered in Kentucky is included as part of **Exhibit D**.

8. The Applicants have considered the likely effects of the installation of the proposed WCF on nearby land uses and values and have concluded there is no more suitable location reasonably available from which adequate services can be provided, and that there are no reasonably available opportunities to collocate. The Applicants have attempted to collocate on suitable existing structures such as telecommunications towers or other suitable structures capable of supporting the Provider's facilities. No other suitable and available collocation site was found to be located in the vicinity of the site. Information regarding the Applicants' efforts to achieve collocation in the vicinity are presented as **Exhibit G**.

9. The Applicants have conducted a preliminary aeronautical evaluation for the proposed WCF. The evaluation determined that the proposed structure height at this site meets Federal Aviation Administration ("FAA") Regulation requirements. Furthermore, FAA notice is required for the proposed construction, and lighting or marking requirements may be applicable to this facility. A copy of the FAA Application is attached as **Exhibit H**. Upon receiving a "Determination" from the FAA, the Applicants will forward a copy as a supplement to this Application Proceeding

10. A copy of the Kentucky Airport Zoning Commission ("KAZC") Application for the proposed WCF is attached as **Exhibit I**. Upon receiving authorization from the KAZC, the Applicants will forward a copy of the determination as a supplement to this Application Proceeding

11. The WCF will be registered with the FCC pursuant to applicable federal requirements. Appropriate required signage will be posted on this site upon receipt of the tower registration number.

12. A geotechnical-engineering firm has performed soil boring(s) and subsequent geotechnical-engineering studies at the WCF site under the supervision of a professional engineer registered in the Commonwealth of Kentucky who specializes in geotechnical engineering, including subsurface exploration. The geotechnical-engineering firm has performed many such studies for the communications industry. A copy of the geotechnical-engineer registered in the Commonwealth of sealed by a professional engineer registered in the Commonwealth of Kentucky who specializes in geotechnical engineering, including subsurface exploration signed and sealed by a professional engineer registered in the Commonwealth of Kentucky who specializes in geotechnical engineering, including subsurface exploration, is attached as **Exhibit J**. The name and address of the geotechnical-engineering firm and the professional engineer registered in the Commonwealth of Kentucky who supervised the examination of this WCF site are included in **Exhibit J**.

13. Clear directions to the proposed WCF site from the County seat are attached as **Exhibit K**. The name and address of the preparer of **Exhibit K** is included in **Exhibit K**.

14. Shared Sites, pursuant to a written agreement, has acquired the right to use the WCF site and associated property rights. A copy of the agreement or an abbreviated agreement recorded with the County Clerk is attached as **Exhibit L**. Also included as part

of **Exhibit L** is the portion of the full agreement demonstrating that in the case of abandonment a method is provided to dismantle and remove the cellular antenna tower .

Personnel directly responsible for the design and construction of the 15. proposed WCF are well-gualified and experienced. World Tower Company, Inc. (the Tower Manufacturer) performed the tower and foundation design. The Tower Manufacturer is a nationally recognized manufacturer and designer of communication towers. The Tower Manufacturer has designed and installed communications towers throughout North America. The Tower Manufacturer has assigned Peter Jernigan, a professional engineer registered in the commonwealth of Kentucky to design the Tower for the WCF. This engineer specializes in the design and engineering of guyed, self support and monopole structures, and has extensive experience in the design and construction of projects similar These projects include the design of towers and the required to the Applicants'. foundations of many other wireless facilities. All of the designs have/will be signed and sealed by Peter Jernigan or Kirk R. Hall. The construction of the proposed WCF will be performed by Shared Sites or their agents who are insured and experienced tower erection specialists. The Project Manager, David Jantzi, will manage the construction of the WCF and the tower erection. David has been erecting towers for the telecommunications industry for over 15 years. All tower designs will meet or exceed applicable laws and regulations.

16. Based on a review of Federal Emergency Management Agency Flood Insurance Rate Maps, the registered land surveyor has certified in **Exhibit M** that the proposed WCF is not located within any flood hazard area.

17. The possibility of high winds has been considered in the design of this tower. The tower has been designed and engineered by professional engineers using computer

assistance and the same accepted codes and standards as are typically used for high-rise building construction. The tower has been designed to withstand a wind loading of 70 m.p.h. with ½ inch of radial ice. This tower has been designed in accordance with the Electronic Industries Association ("EIA") 222-F 1996 Standards, which have been accepted and approved by ANSI and is a nationally recognized tower design standard. Similarly, the proposed WCF design has been developed with consideration of potential ground shaking based on a negligible seismic zone of 1. Seismic loading is regarded as secondary to the wind loading.

18. The site development plan signed and sealed by a professional engineer registered in Kentucky was prepared by David B. Sharp, and was designed from a survey performed by Michael E. McKinney. This site development plan is drawn to a scale of no less than one (1) inch equals 200 feet, and identifies every owner of real estate within 500 feet of the proposed tower (according to the Property Valuation Administrator) and is incorporated in the survey as part of **Exhibit E**. Every structure and every easement within 500 feet of the proposed tower or within 200 feet of the access road including intersection with the public street system is incorporated in the survey as part of **Exhibit E**.

19. Shared Sites, on behalf of itself and the Provider, has notified every person who owns property within 500 feet of the proposed tower by certified mail, return receipt requested, of the proposed construction. Each property owner has been informed of their right to request intervention. A list of the nearby property owners who received the notices, together with copies of the certified letters, are attached as **Exhibit N** and **Exhibit O**, respectively.

20. Shared Sites, on behalf of itself and the Provider, has notified the Adair County Judge Executive by certified mail, return receipt requested, of the proposed

construction. This notice informed the Adair County Judge Executive of his/her right to request intervention. A copy of this notice is attached as **Exhibit P**.

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21. Two appropriate notice signs measuring at least two (2) feet in height and four (4) feet in width with all required language in letters of required height 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 filing of the Application. Copies of the postings are attached as **Exhibit Q**. The location of the proposed facility has been published in a newspaper of general circulation in the county where the WCF is located.

22. The property where the WCF is proposed to be constructed is not zoned.

23. The process that was used in selecting the site for the proposed WCF by the Applicants' radio frequency engineers was consistent with the process used for selecting generally all other existing and proposed WCF facilities within the proposed network design area. Before beginning the acquisition process, the Applicants carefully evaluated the location of the required WCF for possible collocation opportunities on existing structures. Radio Frequency Engineers used computer programs to evaluate the most effective coverage design for facilitating collocation potential on the proposed tower. Shared Sites and the Provider's radio frequency engineers have combined their efforts in order to develop a highly efficient network that is designed to serve the Federal Communications Commission licensed territory without extending beyond the Provider's approved boundary. The engineers selected the optimum vicinity in terms of elevation and location to provide the best quality service to customers in the service area. A proposed coverage area was considered by the Applicants when searching for sites that would provide both (i) the coverage deemed necessary by the Provider, and (ii) the coverage deemed necessary by

Shared Sites to permit the integration of the proposed WCF into Shared Sites' overall network design. No suitable towers or existing structures were found in the immediate area which would meet the technical requirements for this element of the telecommunications network. A map of the area in which the tower is proposed to be located which is drawn to scale and clearly depicts the necessary search area within which the site, pursuant to radio frequency requirements, be located is attached as **Exhibit R**.

24. A grid map showing the location of all existing cellular antenna towers that includes the general position of proposed construction sites for new cellular antenna towers within the Commission's jurisdiction and one-half mile outside the boundary of the planning unit's jurisdiction if that area contains either existing or proposed construction sites for cellular antenna towers is attached as **Exhibit S**.

25. All Exhibits to this application are hereby incorporated by reference as if fully set out as part of the Application.

26. All responses and requests associated with this Application may be directed

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to:

David Jantzi Boulevard Properties, LLC 7383 Utica Blvd. Lowville, NY 13367 Telephone: (315) 523-6258

And

Kamal Doshi Shared Sites WV, LLC 1390 Chain Bridge Road #40 McLean, VA 22101 Wherefore, the applicants respectfully request that the PSC accept the foregoing Application for filing and having met the requirements of KRS 278.020 and all applicable rules and regulations of the PSC, grant a Certificate of Public Convienence and Necessity to construct and operate the WCF at the location set forth herein for the respective networks in the commonwealth of Kentucky.

Respectfully submitted,

Kamal Doshi Shared Sites WV, LLC 1390 Chain Bridge Road #40 McLean, Virginia 22101 Telephone: (703) 893-0806

And

Timothy J. Duffy Chief Technical Officer / Senior Vice President Network Operations & Engineering American Cellular Corporation 14201 Wireless Way Oklahoma City, OK 73134 (405) 529-8660

#### LIST OF EXHIBITS

- A. Certificate of LLC from the State of West Virginia and copy of application for Certificate of Authority to the State of Kentucky for Shared Sites WV, LLC.
- B. Certificate of Authorization from the State of Kentucky and Certificate of Merger for American Cellular Corporation
- C. Copy of FCC license for American Cellular Corporation
- D. Tower and Foundation Plan
- E. Site Development Plan:

Vicinity Map Property Owner Listing 500' Vicinity Map Legal Descriptions Site Plan Vertical Tower Profile

- F. Competing Utilities, Corporations, or Persons List
- G. Collocation Report
- H. Application to FAA
- I. Application to Kentucky Airport Zoning Commission
- J. Geotechnical report
- K. Directions to WCF Site
- L. Copy of Real Estate Agreement
- M. Flood Plain Certification
- N. Certification of Notification
- O. Copy of Property Owner Notification
- P. Copy of County Judge Executive Notice
- Q. Copy of Posting Notices
- R. Copy of Radio Frequency Design Search Area
- S. Tower Map for Subject County

## EXHIBIT A

in.

### CERTIFICATE OF LLC FROM THE STATE OF WEST VIRGINIA

AND

# CERTIFICATE OF AUTHORITY FROM THE COMMONWEALTH OF KENTUCKY

FOR SHARED SITES WV, LLC



## I, Betty Ireland, Secretary of State of the State of West Virginia, hereby certify that

#### SHARED SITES WV, LLC

Control Number: 90252

has filed its "Articles of Organization" in my office according to the provisions of West Virginia Code §§31B-2-203 and 206. I hereby declare the organization to be registered as a limited liability company from its effective date of December 20, 2006 until the expiration of the term or termination of the company.

Therefore, I hereby issue this

### **CERTIFICATE OF A LIMITED LIABILITY COMPANY**



Given under my hand and the Great Seal of the State of West Virginia on this day of December 20, 2006

Detty Treland

Secretary of State

## Commonwealth of Kentucky Trey Grayson Secretary of State

### **Certificate of Authorization**

I, Trey Grayson, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

### SHARED SITES WV, LLC

, a limited liability company organized under the laws of the state of West Virginia, is authorized to transact business in the Commonwealth of Kentucky and received the authority to transact business in Kentucky on December 20, 2006.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that an application for certificate of withdrawal has not been filed; and that the most recent annual report required by KRS 275.190 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 7th day of February, 2007.

Certificate Number: 43278 Jurisdiction: Boulevard Properties, LLC Visit <u>http://apps.sos.ky.gov/business/obdb/certvalidate.aspx\_to</u> validate the authenticity of this certificate.



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Trey Grayson Secretary of State Commonwealth of Kentucky 43278/0653332

### EXHIBIT B

### CERTIFICATE OF AUTHORIZATION FROM THE COMMONWEALTH OF KENTUCKY

### AND

## CERTIFICATE OF MERGER FROM THE STATE OF DELAWARE

### FOR AMERICAN CELLULAR CORPORATION

## Commonwealth of Kentucky Trey Grayson Secretary of State

### **Certificate of Authorization**

I, Trey Grayson, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

### AMERICAN CELLULAR CORPORATION

, a corporation organized under the laws of the state of Delaware, is authorized to transact business in the Commonwealth of Kentucky, and received the authority to transact business in Kentucky on January 20, 2004.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that an application for certificate of withdrawal has not been filed; and that the most recent annual report required by KRS 271B.16-220 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 13th day of February, 2006.

Certificate Number: 26879 Jurisdiction: Shared Sites, LLC Visit <u>http://apps.sos.ky.gov/business/obdb/certvalidate.aspx\_to</u> validate the authenticity of this certificate.



Tmbr

Trey Grayson Secretary of State Commonwealth of Kentucky 26879/0576718

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## The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ACC OF KENTUCKY LLC", A DELAWARE LIMITED LIABILITY COMPANY,

WITH AND INTO "AMERICAN CELLULAR CORPORATION" UNDER THE NAME OF "AMERICAN CELLULAR CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2003, AT 10:30 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2003, AT 11:30 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2222565 8100M 030845574

Darriet Smith Windson

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2856461

DATE: 01-07-04

EXHIBIT C

## COPY OF FCC LICENSE FOR AMERICAN CELLULAR

#### Federal Communications Commission

#### Wireless Telecommunications Bureau

Page 1 of 6

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### Radio Station Authorization

CENSEE NAME: America	n Cellular Corporation		FCC Registration Number (FRN) 0003767324			
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Grant Date 10-30-2001	Effective Date 01-07-2004	Expiration Date	Five Yr Build-Out Date		Print Date 01-14-2004	
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Conditions:

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

EXHIBIT D

TOWER AND FOUNDATION DESIGN



i-ebruary 13, 2007

Boulevard Properties 7383 Utica Blvd. Lowville, NY 13367

Ann: Mr. Dave Janiz:

Re: Tower and Foundation Designs for Kentucky EOM#8959A

Dear Dave.

This letter is in response to your inquiry about the design of your towers and foundations being located in Kentucky

- The tower and foundation designs are reviewed and sealed by a Professional Engineer actively licensed in the State of Kentucky. More specifically, it is planned that the structural drawings will be sealed by me or Mr. Kirk R. Hall, P.E.
- We use site-specific soils reports (as provided by the tower owner) to design tower foundations. The soils reports are then referenced in the foundation general notes of the structural drawings.
- The full tower loading and reactions are used for the foundation designs. The foundation design reactions are listed on the tower and foundation grawings.

This criteria will be applied to the following proposed sites.

- Crayeraft, Adair County
- Fittle Cliffy, Adair County
- Duff, Lincoln County
- Horntown, Russell County
- · Kings Mountain, Emeoin County
- Wilderness Trail, Lincoln County
- Neals Creek, Lincoin County
- Zula, Wayne County
- Cartwright, Clinton County
- Snow, Clinton County
- Greene Grove, Cumberland County

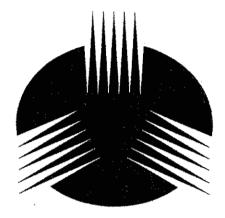
Sincerely.

Pete Jernigan, P.E. TEP #070002.02



Kirk R. Hall, P.F. EOM Civil Structura: Group

1984 COFFMAN RD SUITE C • NEWARK, OH 43935 PHONE 743 302 2287 • EAN 749 502 4925



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# WORLD TOWER COMPANY, INC.

1213 Compressor Drive P.O. Box 508 Mayfield, KY 42066 270.247.3642 Fax, 270. 247.0909 worldtower@worldtower.com www.worldtower.com

## TYPICAL DESIGN NOT SITE SPECIFIC

Fabrication, Installation, and Maintenance of TV, AM, FM, & Wireless Communications Towers



World Tower

1213 Compressor Drive P.O. Box 508 Mayfield, KY 42066 270-247-3642 FAX: 270-247-0909 E-mail: <u>worldtower/@worldtower.com</u> Web: <u>www.worldtower.com</u>

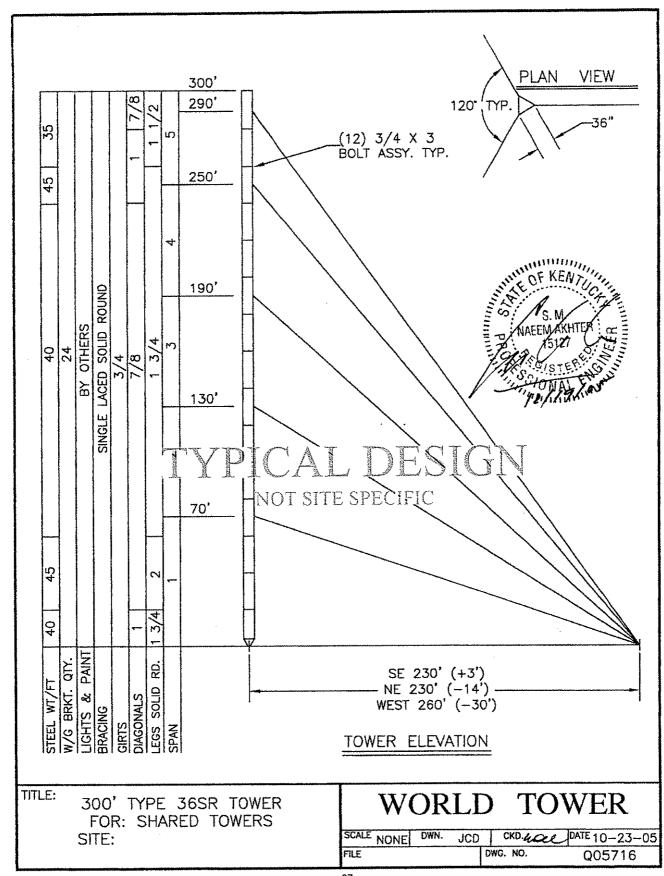
## TYPICAL DESIGN NOT SITE SPECIFIC

## 300' TYPE 36SR TOWER FOR: SHARED TOWERS SITE:

## **DESIGN PACKAGE**



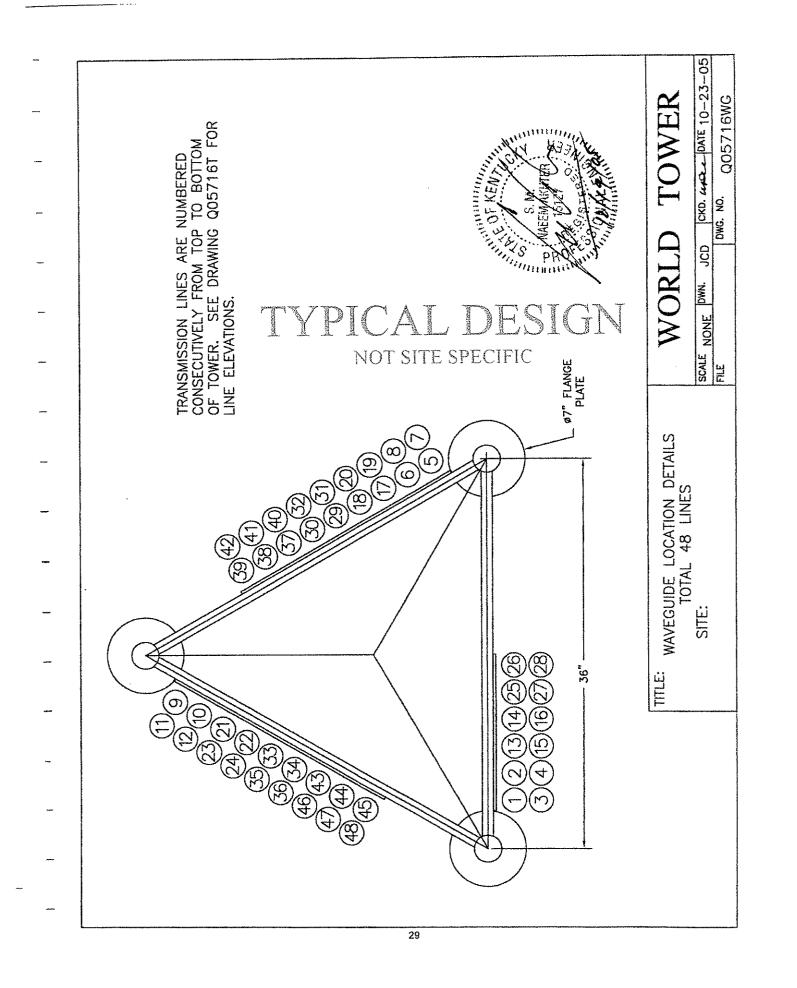
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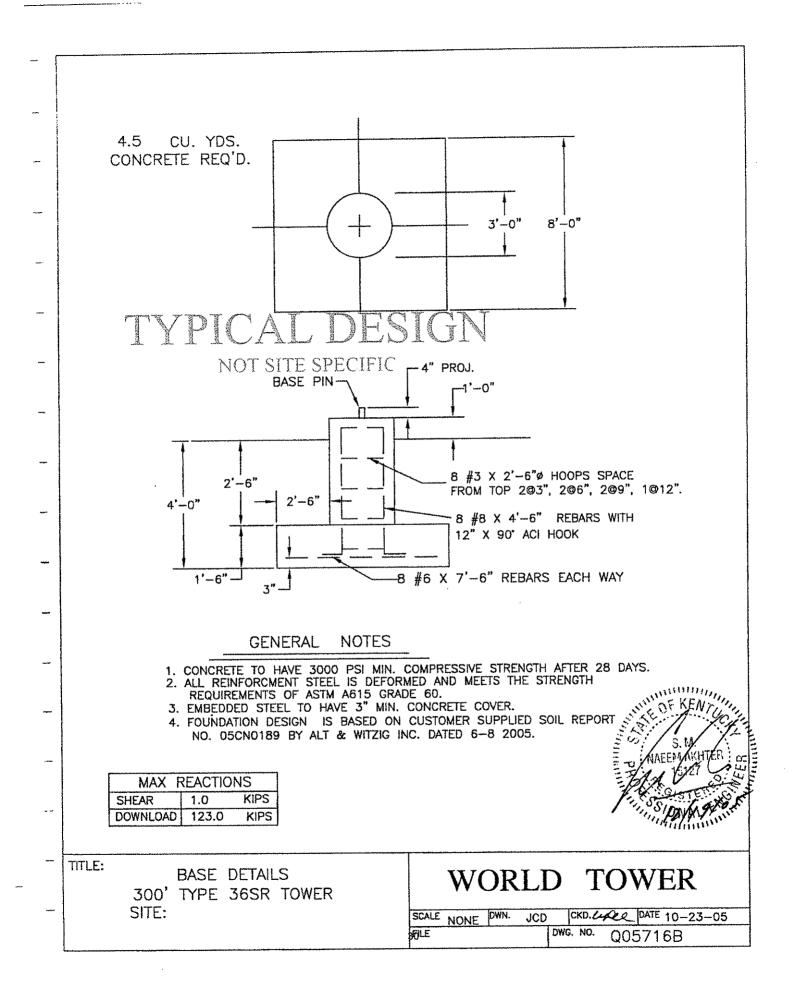


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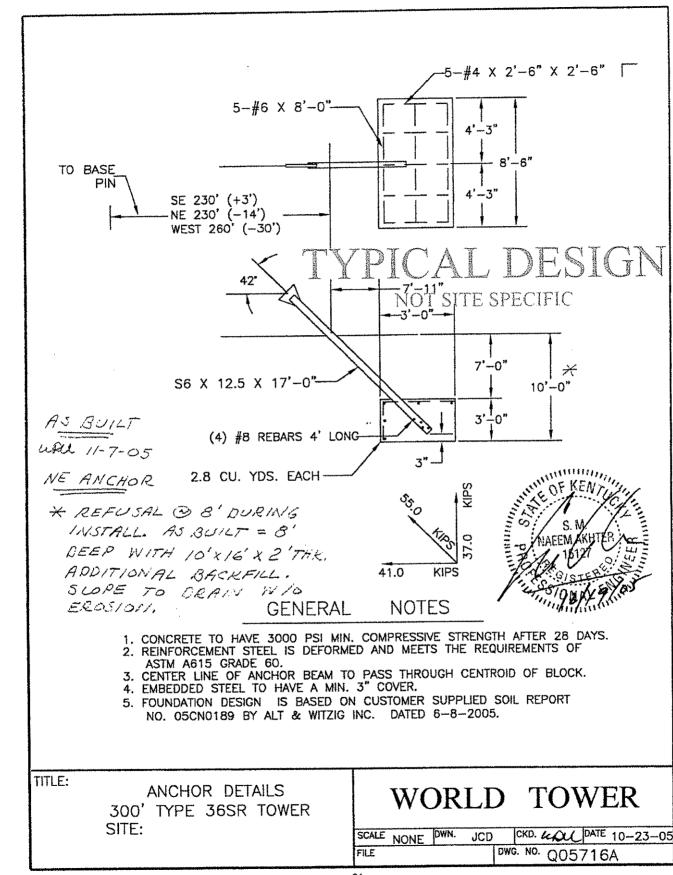
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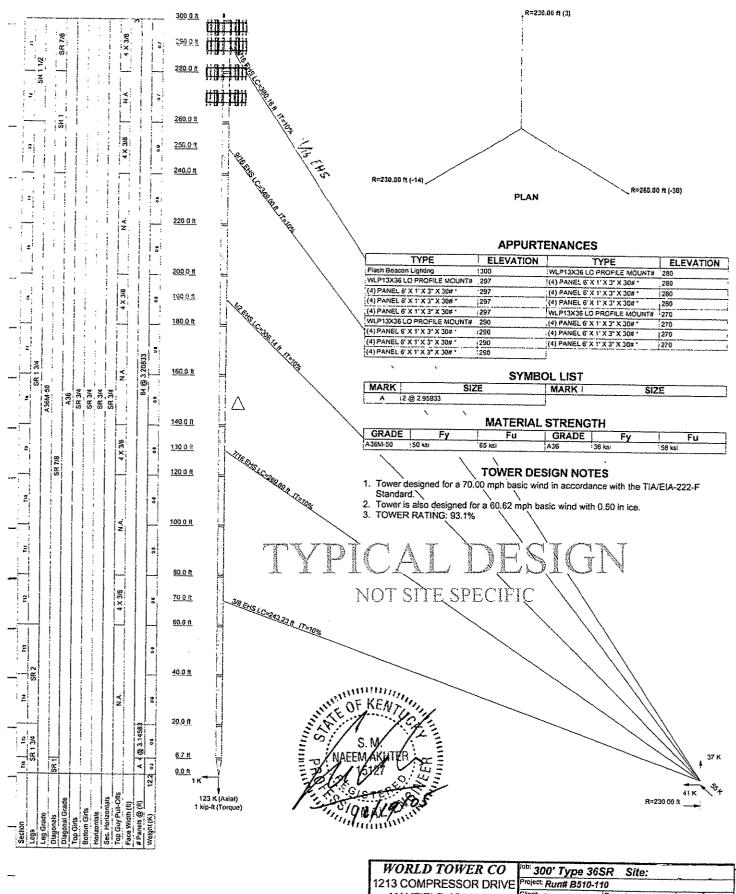
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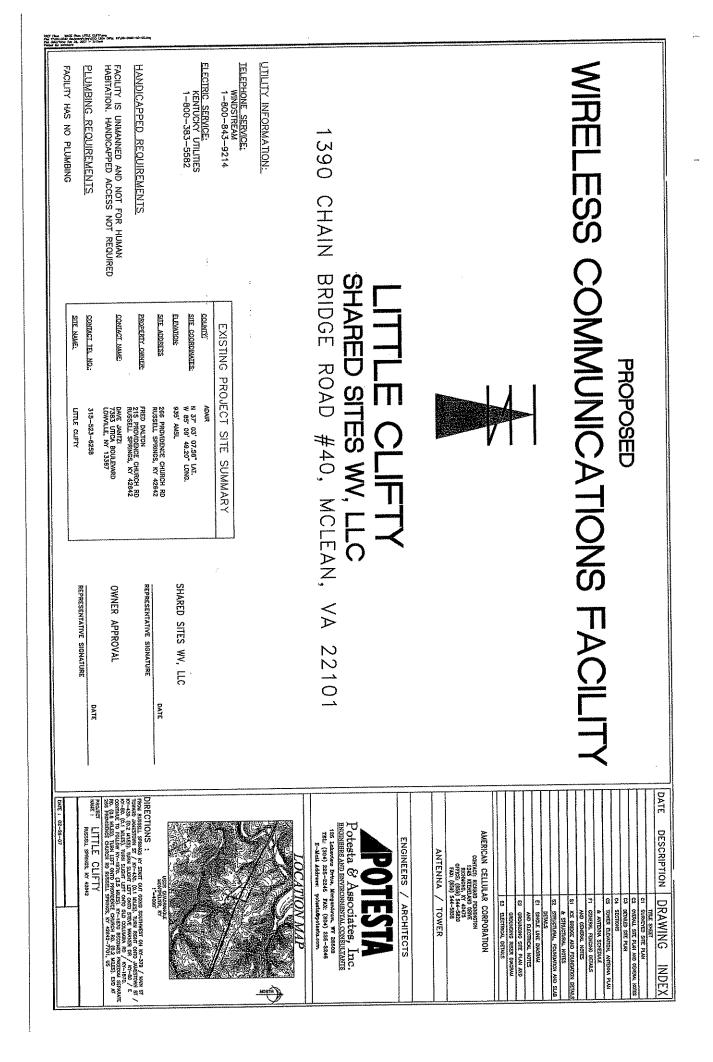


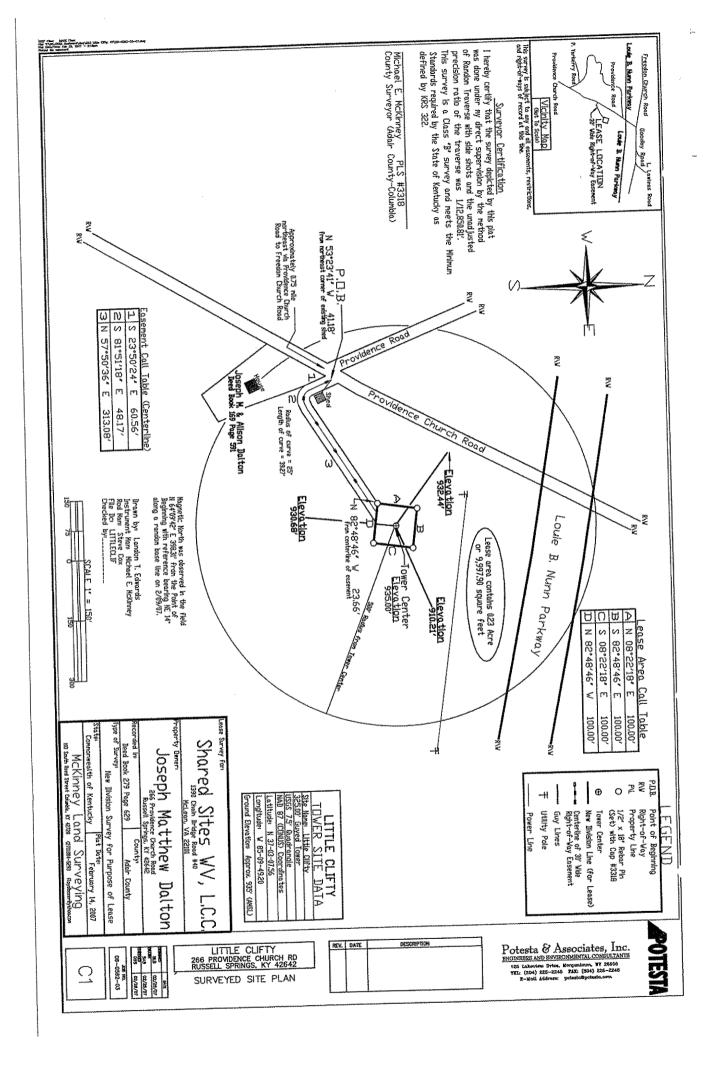
	"" 300' Type 36SR Site:	
1213 COMPRESSOR DRIVE	Project: Run# B510-110	
MAYFIELD, KY 42066	Client: Shared Towers Grawn by: Bill Uphoff	App'd: JCO
	Code: TIA/EIA-222-F Date: 10/20/05	Scale: NTS
FAX: 270 247 0909	Path: "Serverserver NER! TOWER FILESUSSIO-110 en	Owg No. E-1

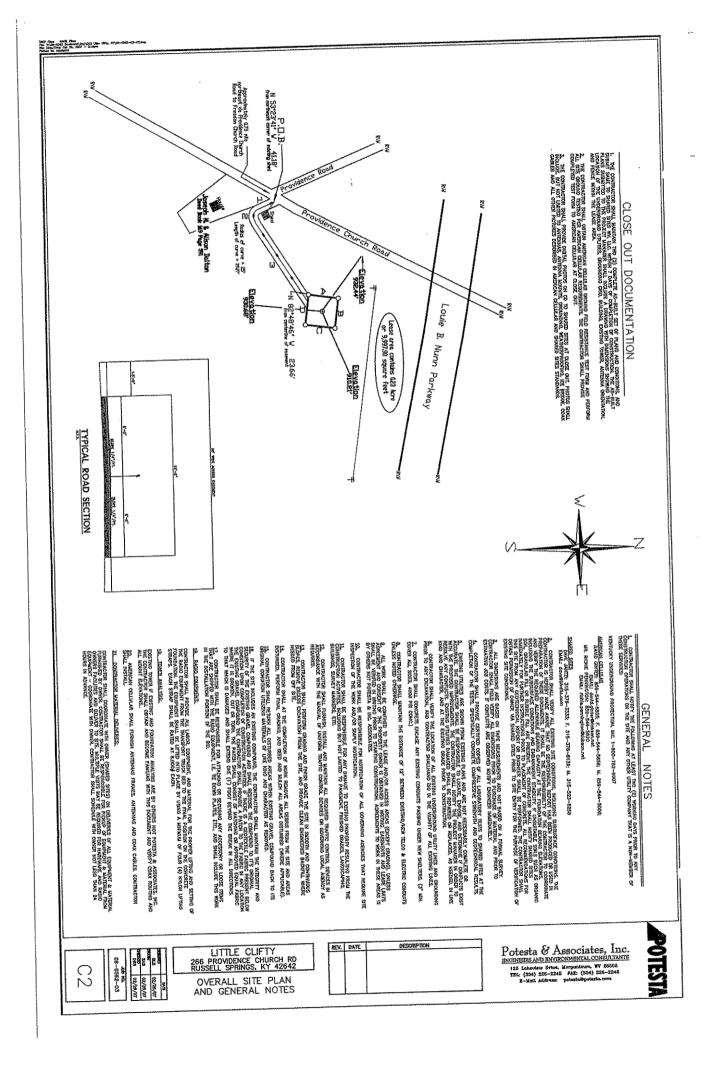
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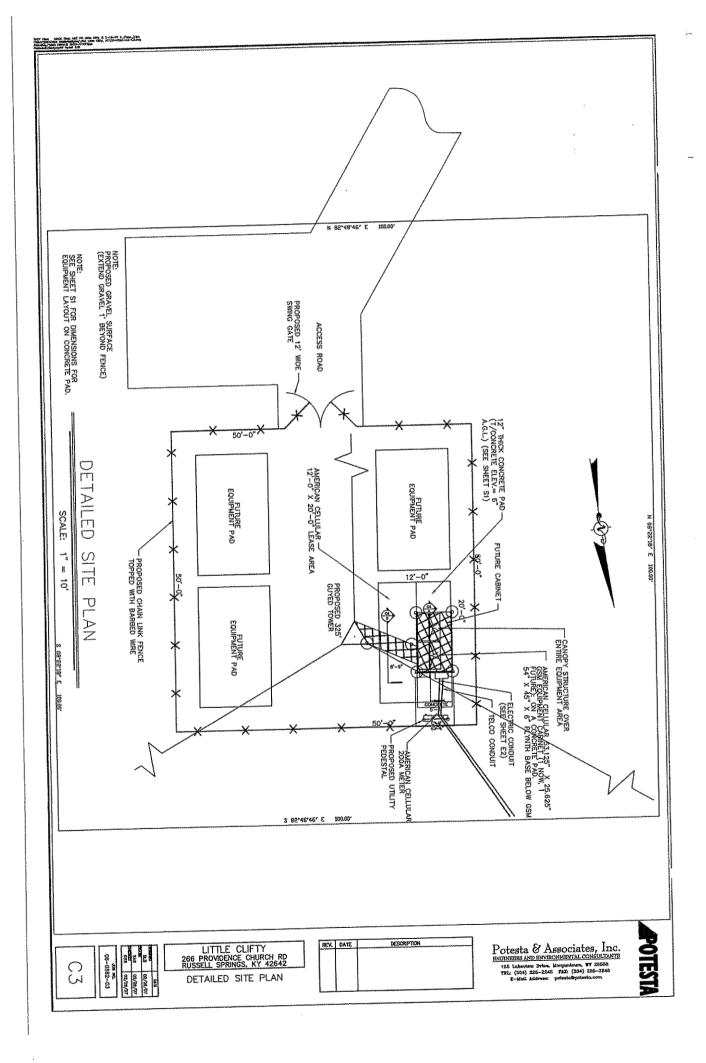
### SITE DEVELOPMENT PLAN

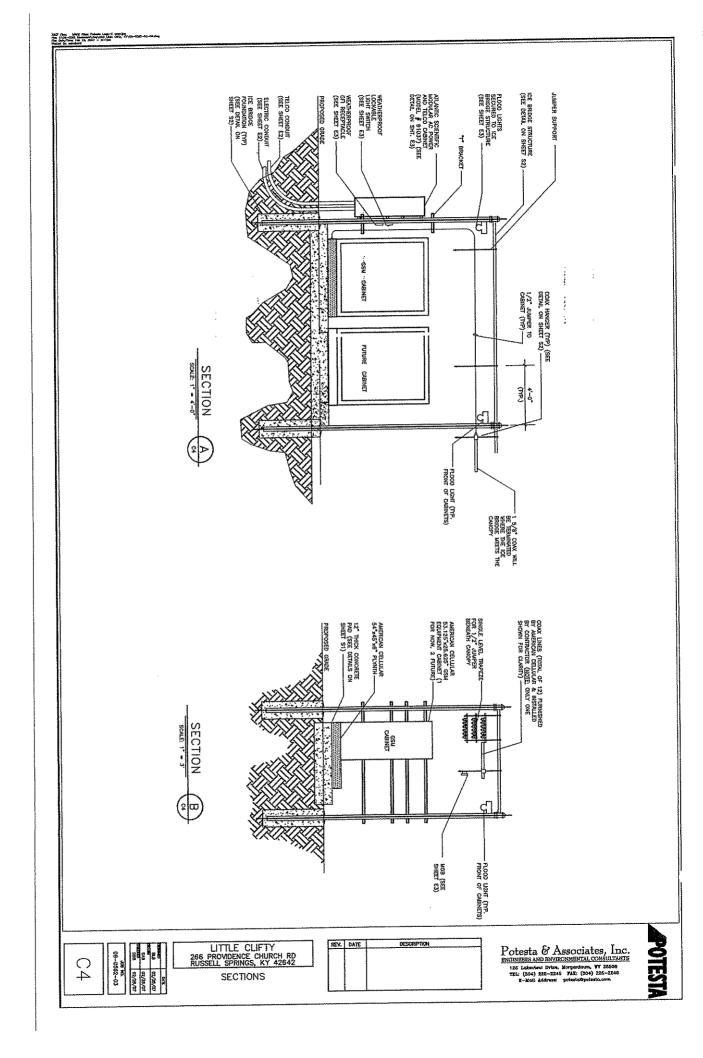
VICINITY MAP PROPERTY OWNER LISTING 500' VICINITY MAP LEGAL DESCRIPTIONS SITE PLAN VERTICAL TOWER PROFILE

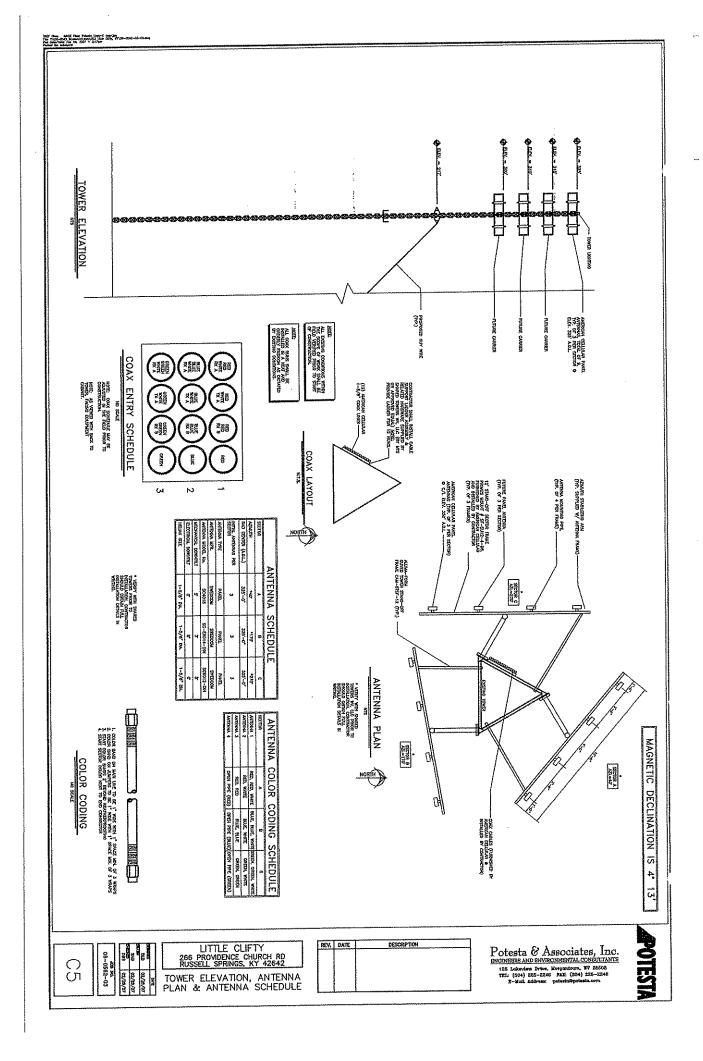


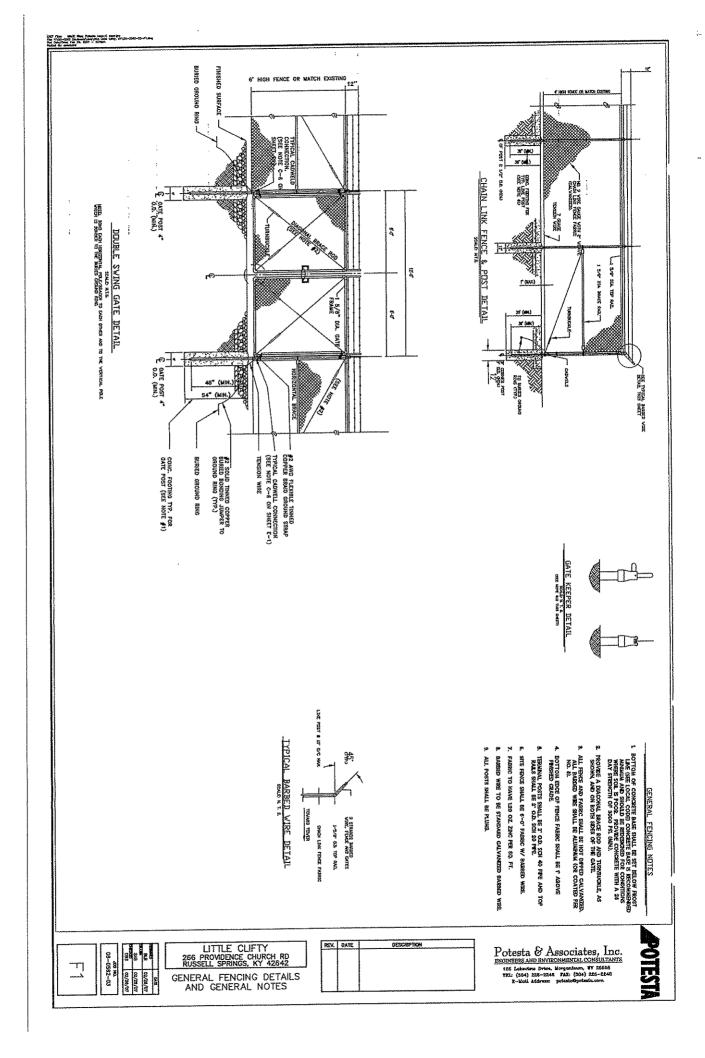


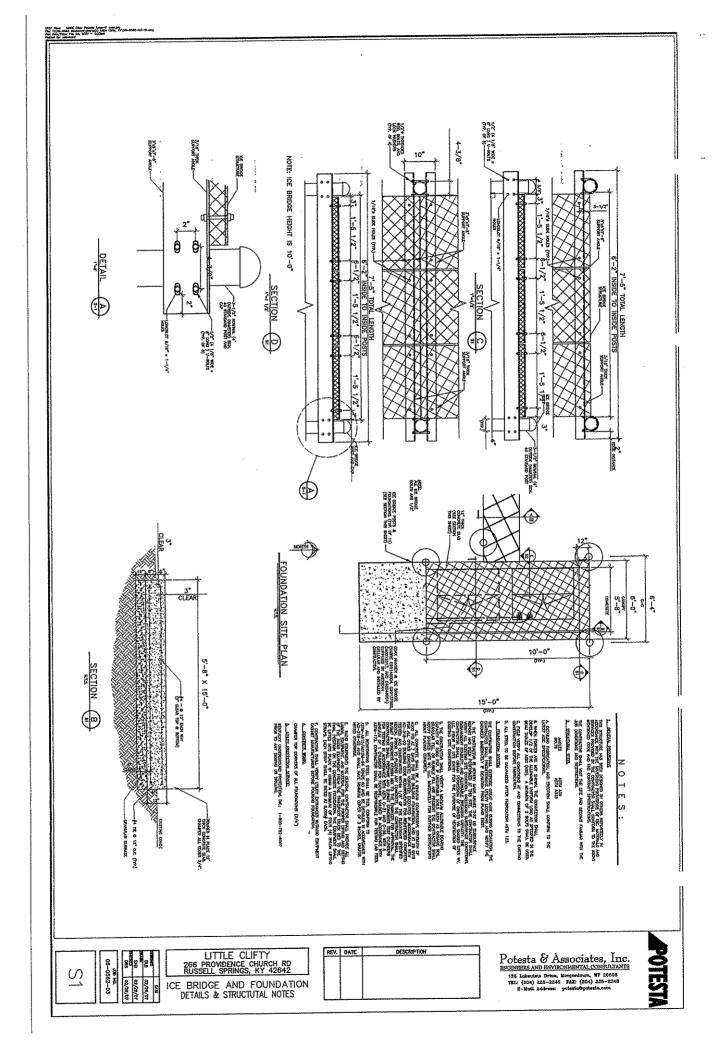


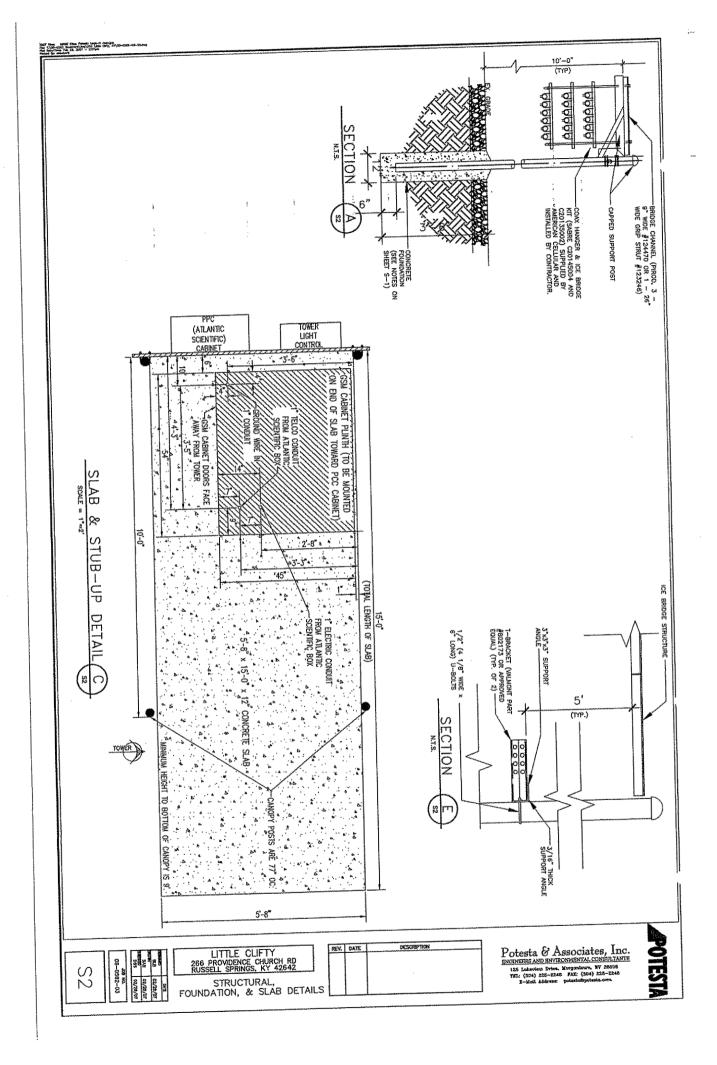


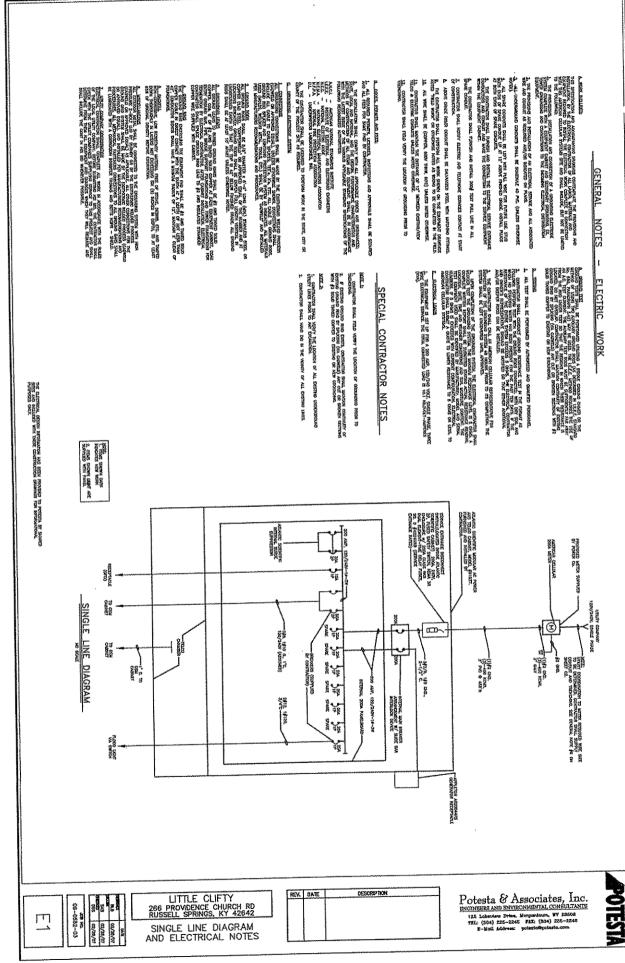




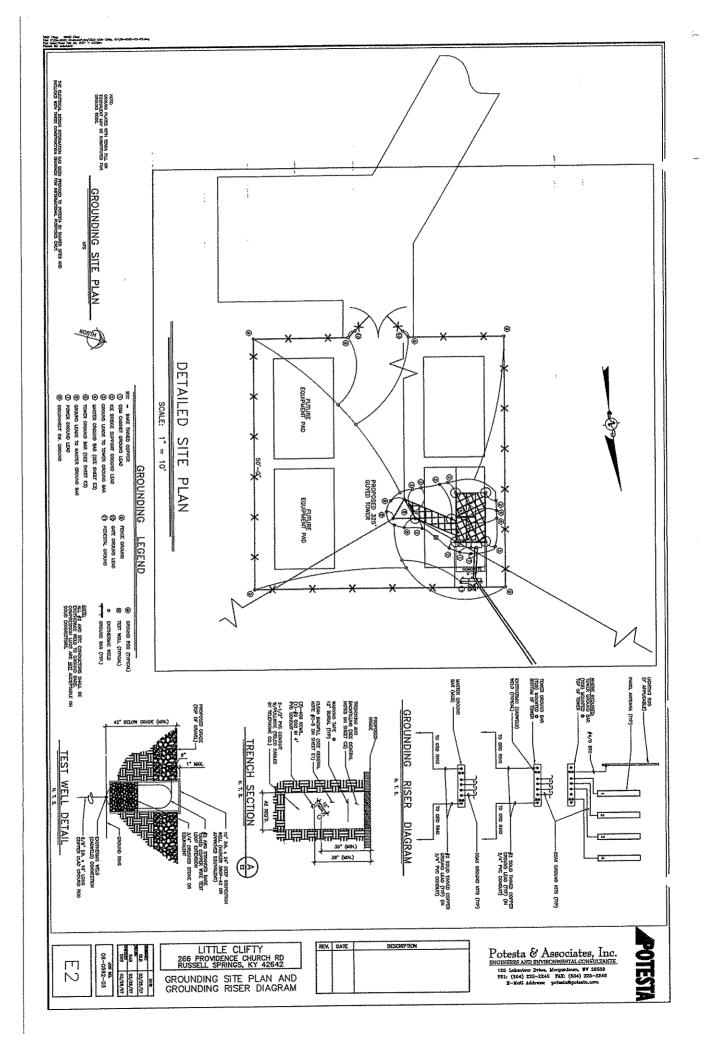








CY flee MACC Flee feature (con-C cont)in NUMERICAL Fleet feature (cont) (con-C cont)in a Control Fleet Sta, 2017 - 210pts



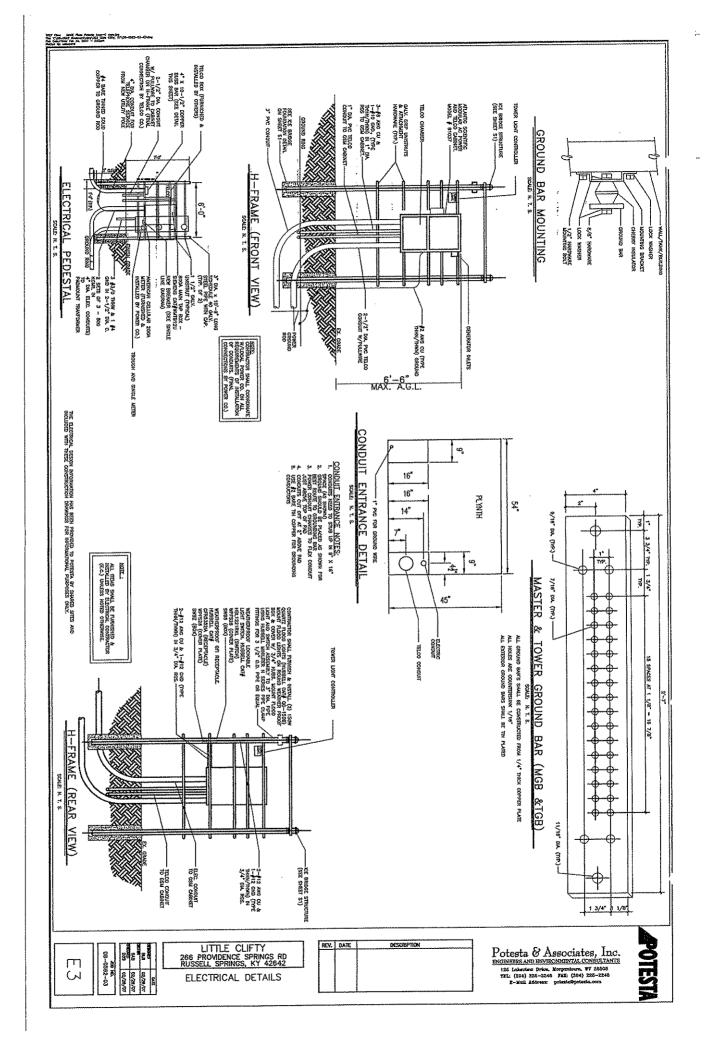


EXHIBIT F

COMPETING UTILITIES, CORPORATIONS, OR PERSONS LIST

## COMPETING UTILITIES, CORPORATIONS, OR PERSONS LIST:

- American Towers
- Crown Communications
- SBA
- Verizon
- Cingular/AT&T
- Nextel
- T-Mobil
- Sprint
- Bluegrass Cellular
- Ramcell Cellular

## EXHIBIT G

## **COLLOCATION REPORT**

## **Cellular One**

124 S. Keeneland Drive Richmond, KY 40475

February 13, 2007

To Whom it may Concern:

In regard to the proposed cellular communications site known as Little Clifty, KY, this letter will seek to explain co-location issues.

To be able to serve the area, a structure in the realm of 285 ft. above ground level will be required. According to a survey by our site acquisition team, there simply are no tall structures in the area. Therefore, while it is the policy of American Cellular to pursue co-location opportunities wherever possible, there are no opportunities in this area. Thus, the construction of a new tower is the only alternative open to American Cellular.

Sincerely,

mento

W. Eric Broviak Regional Rf Engineering Manager

EXHIBIT H

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## APPLICATION TO FAA

## Notice of Proposed Construction or Alteration (7460-1)

i.

Project Name: S	HARE-000059494-07	Sponsor:	Shared Si	tes, L.L.C.
	Details for Ca	ase : LITTLE C	LIFTY	
	Show F	Project Summary		
Case Status ASN: 2007-AS	:0-659-0E	Date	Accepted:	02/09/2007
Status: Accepted			Determined:	0 , 0
Status, Accepter	4	Lette		None
Construction / Alte			cture Summ	· · · · · · · · · · · · · · · · · · ·
Notice Of:	Construction	Strue	cture Name:	LITTLE CLIFTY
Duration:	Permanent	Strue	cture Type:	Antenna Tower
if Tempora	ary :Months: Days:		Othe	<i>r</i> :
Work Schedule - Star	<b>t:</b> 05/01/2007	FCC	Number:	
Work Schedule - End	. 08/30/2007	Prior	ASN:	
State Filing:				
Structure Details Latitude:	37° 3' 7.56" N			eq Freq Unit ERP ERP Un
Longitude:	85° 9' 49.2'' W		824 84	24 MHz 500 W 49 MHz 500 W
Horizontal Datum:	NAD83			66 MHz 500 W 94 MHz 500 W
Site Elevation (SE):	935 (nearest foot)		+	01 MHz 500 W 02 MHz 7 W
Structure Height (AG	L): 331 (nearest foot)		930 93	31 MHz 3500 W 32 MHz 3500 W
Marking/Lighting:	White-medium intens	ity	932 932	.5 MHz 17 dBW
0	ther :		940 94	40 MHz 1000 W 41 MHz 3500 W
Nearest City:	Russell Springs		1850 19 1930 19	90 MHz 1640 W
Nearest State:	Kentucky		2305 23 2345 23	
Traverseway:	No Traverseway	-		
Description of Location:	266 Providence Churc Rd Russell Springs, KY 42642		cific Frequer	TCIES
Description of Proposal:	325' Wireless Communications towe w/ 6' lightning rod located within a fence compound.			

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EXHIBIT I

## APPLICATION TO KENTUCKY AIRPORT ZONING COMMISSION

Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 200 Mero S APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER	
INSTRUCTIONS INCLUDED         1. APPLICANT - Name, Address, Telephone, Fax, etc.         Shared Sites WV, LLC- Kamal Doshi         1390 Chain Bridge Rd #40         Mclean, VA 22101         703-852-7289 (fax)         2. Representative of Applicant - Name, Address, Telephone, Fax         Boulevard Properties, LLC- Matt Wallack         7383 Ultica Blvd         Lowville, NY 13367         315-376-3333 (phone)         315-376-8139 (fax)         3. Application for. Remonstruction R Alteration Resisting         4. Duration: Remonstruction Restartion         7 Work Schedule: Start 01.May 2007_End 30.Aug 2007_         6. Type: R Antenna Tower R Crane Restarting         7. Marking/Painting and/or Lighting Preferred;         7. White - Heigh Intensity R Outlar - Red & Medium Intensity White         7. White - High Intensity R Outlar - Red & High Intensity White         7. White - High Intensity R Other         8. FAA Aeronautical Study Number	9. Latitude:       37       3       7       56         10. Longitude:       85       9       49       2         11. Datum:       F NAD83       F NAD27       F) Other         12. Nearest Kentucky City:       Russell Sprint County Adair         13. Nearest Kentucky public use or Military airport:
22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460- F No 河 Yes, When February 09, 2007 CERTIFICATION: I hereby certify that all the above statements made by me are true, c	
Matthew J. Wallack	Date 09 Feb 2007
PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 1: 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3 in further penalties.	183.861 through 183.990) and Kentucky Administrative Regulations (602 F 3). Non-compliance with Federal Aviation Administration Regulations may n 

 $http://transportation.ky.gov/kytci-forms/Tc_56_50/tc5650.html_{41}$ 

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2/9/2007

Page 1 of 1

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EXHIBIT J

## **GEOTECHNICAL REPORT**

# SUBSURFACE INVESTIGATION & FOUNDATION RECOMMENDATIONS

### PROPOSED TOWER LITTLE CLIFTY RUSSELL SPRINGS, KENTUCKY

**Prepared** for:

### SHARED SITES, LLC LOWVILLE, NEW YORK

Prepared by:

ALT & WITZIG ENGINEERING, INC. WEST CHESTER, OHIO

**FEBRUARY 13, 2007** 

PROJECT NO. 07CN0023

in.



Alt & Witzig Engineering, Inc. 6205 Schumacher Park Drive • West Chester, Ohio 45069 (513) 777-9890 • Fax (513) 777-9070

February 13, 2007

Shared Sites, L.L.C. 7383 Utica Blvd Lowville, NY 13367 ATTN: Mr. Matthew J. Wallack

> RE: Subsurface Investigation & Foundation Recommendations Tower Site: Little Clifty 266 Providence Church Road Russell Springs, Kentucky Alt & Witzig File: 07CN0023

Gentlemen:

In compliance with your request, we have completed a foundation investigation and evaluation for the above referenced project. It is our pleasure to transmit herewith four (4) copies of our report.

#### SITE LOCATION:

The site is located in Russell Springs, Kentucky. Specifically, this site is located at 266 Providence Church Road. The general vicinity of the site is shown on the enclosed site location map in the appendix of this report.

The purpose of this subsurface investigation was to determine the various soils profile components, determine the engineering characteristics of the materials encountered, and provide information to be used in preparing foundation designs for the proposed communication tower.

#### **Field Services**

The field investigation included reconnaissance of the project site, drilling four (4) soil borings for the tower. Additionally, or investigation included performing standard penetration tests, and obtaining soil samples retained in the standard split-spoon sampler. The apparent groundwater level at the boring location was also determined.

The soil boring was performed with a conventional drilling rig equipped with a rotary head. Conventional hollow-stem augers were used to advance the holes. Representative samples were obtained employing split-spoon sampling procedures in accordance with ASTM Procedure D-1586.

Shared Sites, LLC Alt & Witzig File No.: 07CN0023 February 13, 2007 Page 2

During the sampling procedure, standard penetration tests were performed at regular intervals to obtain the standard penetration value of the soil. The standard penetration value is defined as the number of blows of a 140-pound hammer, falling thirty (30) inches, required to advance the split-spoon sampler one (1) foot into the soil. The results of the standard penetration tests indicate the relative density and comparative consistency of the soils, and thereby provide a basis for estimating the relative strength and compressibility of the soil profile components.

#### Laboratory Testing

The types of soils encountered in the borings were visually classified are described in detail on the boring logs. Representative samples of the soils encountered in the field were placed in sample jars and are now stored in our laboratory. Unless notified to the contrary, all samples will be disposed of after three (3) months.

#### Recommendations for Tower

Information provided by Shared Site, LLC indicates that a self-supporting cellular tower will be constructed at this site. It is anticipated that the tower will not exceed 325 feet in height. It is anticipated that the structural loads of the tower will be supported by conventional spread footings if possible.

Our borings encountered medium stiff silt and silty clay to the termination or auger refusal depth of our borings at fourteen (14) to thirty-seven (37) feet below existing grade. A relatively soft layer was encountered at boring B-1 from twelve (12) to sixteen (16) feet and from sixteen (16) to twenty-one (21) feet at boring B-4.

The following soil parameters can be used to design a shallow foundation. Due to the seasonal variations in moisture content and freeze thaw cycles, no skin friction or resistance to passive pressure should be considered above three (3) feet.

Soil Description	Depth Below Existing Grade	Bearing Pressure (psf) SF=3	Dry Density (pcf)	ф	Kp	Coefficient of Friction Against Sliding
Silt and Clay	4' – 12'	2,500	100	10°	1.4	0.50
Silt and Clay	12' +	2,000	100	10°	1.4	0.50

The weight of the backfill above the footings will be used to resist uplift forces; therefore, it is recommended that proper compaction techniques be maintained. It is recommended that a density of 98% maximum dry density in accordance with ASTM D-698 be achieved above the

Shared Sites, LLC Alt & Witzig File No.: 07CN0023 February 13, 2007 Page 3

footings to finished grade for all fill. If on-site soils are used, the excavation should be ramped so that a drive or walk-behind sheepfoot can be used to compact the clayey soils.

Boring B-4 encountered water at thirty-four (34) feet during drilling operations and had risen to twenty-nine and one-half  $(29\frac{1}{2})$  feet at completion of the boring. Additionally, groundwater should be anticipated at the soil/rock interface. Depending upon the weather conditions while excavations are open, seepage from surface runoff may occur into shallow excavations. Since these foundation materials tend to soften when exposed to free water, every effort should be made to keep the excavations dry should water be encountered. It is especially important to protect these soils from moisture changes due to the mix of silt and clay within the soil matrix they are susceptible to significant strength loss if they become wetted.

Often, because of design and construction details that occur on a project, questions rise concerning the soil conditions. If we can give further service in these matters, please contact us at your convenience.

Respectfully Submitted,

ALT & WITZIG ENGINEERING, INC.

Khuf Smith

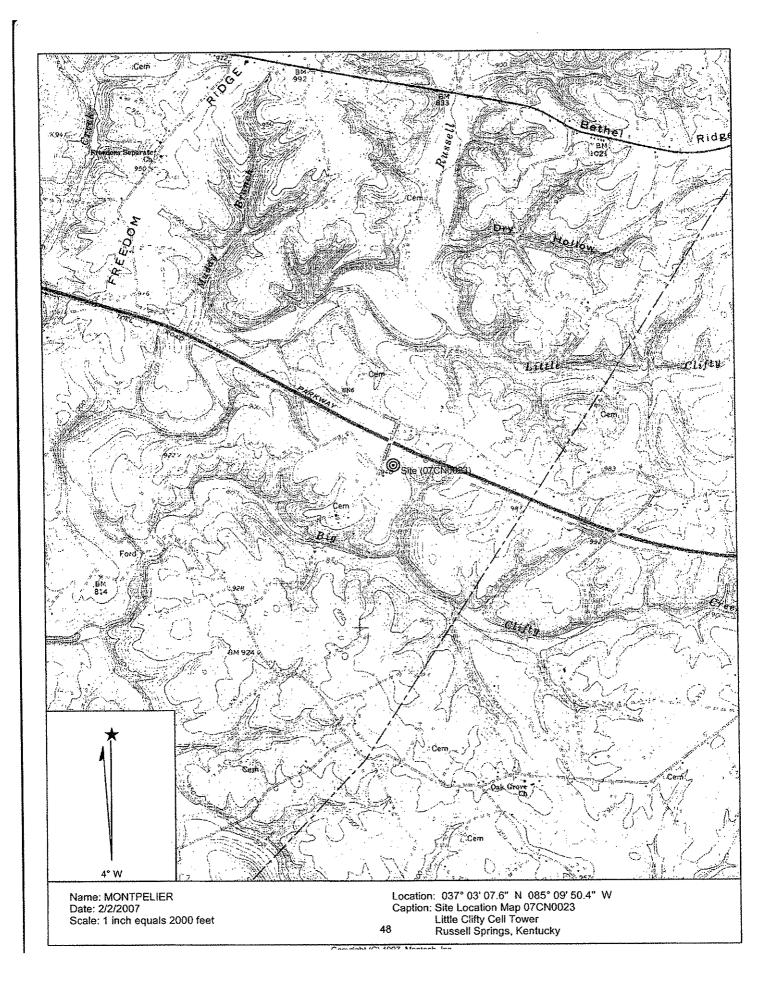
Robert Smith, Project Engineer

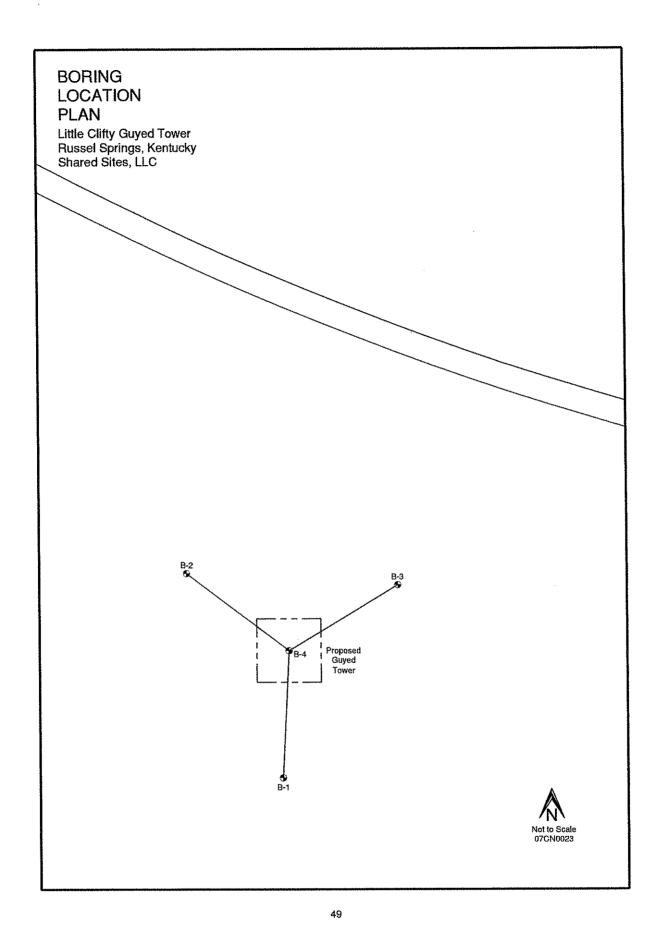
Patrick A. Knoll, P.E.

APPENDIX

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### Alt & Witzig Engineering, Inc.

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PROJECT NAME       Little Clifty Tower       Alt & Witzig File No.       07CN0023         LOCATION         DRILLING and SAMPLING INFORMATION         Date Completed 2/8/2007       Hammer Vit, 140       Ibs.         Decimp Method       HSA       Spoon Sampler OD 2	CLIEI	NT		Shared Site	s, LLC									Borir			<u>B-4</u>	<del></del>
Date Started <u>2/8/2007</u> Hammer Wt. <u>140</u> Ibs. Date Completed <u>2/8/2007</u> Hammer Drop <u>30</u> in. Boring Method HSA Spoon Sampler OD <u>2</u> in. STRATA SOIL CLASSIFICATION SIternative Content structure Structure Content structure Content structure Content structure Content structure Structu			ME											Alt 8	Witzig	File No.	07CN0023	
Date Started       2/8/2007       Hammer Wt. 140       lbs.         Date Completed       2/8/2007       Hammer Drop 30       in.         Boring Method       HSA       Spoon Sampler OD 2       in.         STRATA       SOIL CLASSIFICATION       else Strated of the second																		
Date Started       2/8/2007       Hammer Wt. 140       lbs.         Date Completed       2/8/2007       Hammer Drop 30       in.         Boring Method       HSA       Spoon Sampler OD 2       in.         STRATA       SOIL CLASSIFICATION       else Strated of the second																		
Date Completed       2/8/2007       Hammer Drop 30 in.         Boring Method       HSA       Spoon Sampler OD 2 in.         Strata       Solil CLASSIFICATION       Image: Strata Debth Scale         Strata       Solil CLASSIFICATION       Strata         Strata       Solil Classific       No         Strata       Debth Scale       No         Moistrac       Debth Scale       No         Strata       Debth Scale       No         Strata       Debth Scale       No         Strata       Debth Scale       No         Strata       Debth Scale			DR	ILLING and SAMI	PLING INFORMATION													
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Alt & Witzig Engineering, Inc.

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						•										
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	/D - Mud Drillin				- <b>X</b>				urs s <u>Dr</u>	v	ft. ft.					RC - Rock Core CU - Cuttings
									ved D							- · · · ·

Page 1 of 1

Alt & Witzig Engineering, Inc.

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CLIENT     Shared Sites, LLC       PROJECT NAME     Little Clifty Tower       LOCATION     Russell Springs, Kentucky											Boring : Alt & W		le No.	B-2 07CN0023
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Boring Method	HSA	Spoon Sampler OD 2_ in.							tion Test, I	Blows/foot	Qu - tsf Unconfined Compressive Strength	Pp - tsf Pocket Penetromater	%	
STRATA ELEV.		SOIL CLASSIFICATION		cale	epth	No.	Type	Graphics	Water d Penetral	ot	Unconfine	Pocket Pe	Moisture Content %	ş
		SURFACE ELEVATION		Depth Scale	Strata Depth	Sample No.	Sample Type	Sampler Graph	Ground Water Standard Pen	Blows/fc	Qu - tsf Strength	Pp - tsf	Moisture	Remarks
		0.0-0.6 Topsoil	1											
		0.6-4.0 Brown to Brownish Gray Silt with Gravel			4.0	1	ss	Ø	1	15			16.2	
		4.0-16.0 Reddish Brown Silty Clay with Limestone	-	5		2	SS	Ø	2	24		3.8	20.8	
		,	-			3	SS	Ø		17			33.4	
			-	10		4	SS	Ø		24				
			-	15	-	5	SS	Ø		11		1.0		
		· · · · · · · · · · · · · · · · · · ·		1''	16.0	6	SS	Д		12				
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Boring Method HSA - Hollow Stem Augers					OUNE Compl er tter on - Borir	etion hou Rods	<u>Dry</u> Irs Irs		ft. ft. ft. 1	-			9 0 7	Sample Type SS - Driven Split Spoon IT - Pressed Sheiby Tube A - Continuous Flight Auger CC - Rock Core U - Cuttings

Alt & Witzig Engineering, Inc.

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CLIENT		Shared Sites, LLC								Boring	#		B-1
	٨ME	Little Clifty Tower		-						Alt & V	Vitzig F	ile No.	07CN0023
LOCATION		Russell Springs, Kentucky		-									
				~									
	DR	ILLING and SAMPLING INFORMATION				,				······			
Date Started	2/8/	2007 Hammer Wt. <u>140</u> lbs.											
Date Completed	2/8/	2007 Hammer Drop <u>30</u> in.								ą			
Boring Method	HS/				1				ż	ressi	ter		
•		······································							Test	iduio	ome		
		· · · · · · · · · · · · · · · · · · ·						\$	Standard Penetration Test, N - Blows/foot	Qu - tsf Unconfined Compressive Strength	Pp - tsf Pocket Penetrometer	%	
STRATA		SOIL CLASSIFICATION			6		φ	er aphic	aneth	bonfin	ket P	Moisture Content %	
ELEV.			_	Depth Scale	Strata Depth	Sample No.	Sample Type	<u>Sampler Graph</u> Ground Water	rd P	л Ц	Poc	о С е С	ırks
		SURFACE ELEVATION		pth	rata	du	umple		anda	i - ts reng	- 151	oistu	Remarks
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		0.0-0.6 Topsoil	$^+$										
		0.5-4.0 Brown and Gray Clayey Silt	F			1	SS	X	13			15.9	
		4.0-12.0 Brown and Red Silty Clay with Limestor		5	4.0								
		4.0-12.0 biomrana rea oky oky marchicolor	Ĕ	Ť		2	SS	X	18		4.5	23.8	
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	-	Boring Terminated at 16.0 feet		·	10.0	` <b> </b>		Ĥ					
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Boring N			L	 		1	1 reo						Sample Type
HSA - Hollow S CFA - Continue			V		Comp				ft.			5	SS - Driven Split Spoon ST - Pressed Shelby Tube
DC - Driving Ca			Y			ho			ft.			(	CA - Continuous Flight Auger

MD - Mud Drilling

**^**1

- O Water on Rods Dry ft. C Boring Caved Depth

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53

RC - Rock Core CU - Cuttings

Page 1 of 1

#### SAMPLE IDENTIFICATION

The Unified Soil Classification System is used to identify the soil unless otherwise noted.

#### SOIL PROPERTY SYMBOLS

- N: Standard "N" penetration: Blows per foot of a 140 pound hammer falling 30 inches on a 2 inch O.D. split-spoon.
- Qu: Unconfined compressive strength, TSF
- Qp: Penetrometer value, unconfined compressive strength, TSF
- Mc: Water content, %
- LL: Liquid limit, %
- PL: Plastic limit, %
- Dd: Natural dry density, PCF
- Apparent groundwater level at time noted after completion

#### DRILLING AND SAMPLING SYMBOLS

- SS: Split-spoon 1 3/8" I.D., 2" O.D., except where noted
- ST: Shelby tube 3" O.D., except where noted
- AU: Auger sample
- DB: Diamond bit
- CB: Carbide bit
- WS: Washed sample

#### **RELATIVE DENSITY AND CONSISTENCY CLASSIFICATION**

#### TERM (NON-COHESIVE SOILS)

#### BLOWS PER FOOT

Very loose	0 - 4
Loose	5 - 10
Firm	11 - 30
Dense	31 - 50
Very Dense	Over 50

#### **TERM (COHESIVE SOILS)**

Very soft Soft Medium Stiff Very Stiff Hard

#### <u>Qu (TSF)</u>

-	- 0.25
0.2	5 - 0.50
0.5	0 - 1.00
1.0	0 - 2.00
2.0	0 - 4.00
4.0	0+

#### PARTICLE SIZE

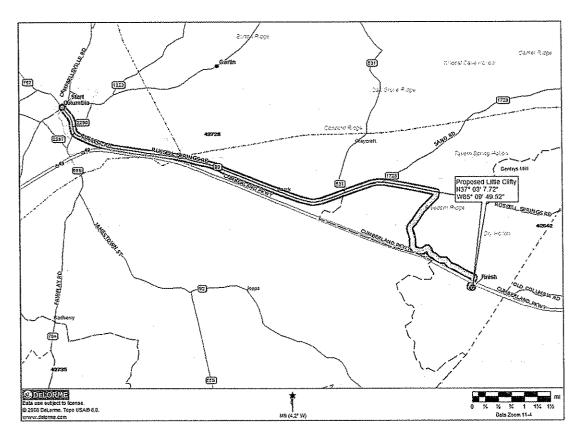
Boulders	8 in.(+)	Coarse Sand	5 mm-0.6 mm	Silt	0.075 mm - 0.005 mm
	8 in 3 in.	Medium Sand	0.6mm-0.2 mm	Clay	0.005mm(-)
Gravel	3 in 5 mm	Fine Sand	0.2mm-0.075 mm		

EXHIBIT K

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DIRECTIONS TO WCF SITE

### WCF LOCATION MAP



### DIRECTIONS TO WCF FROM COUNTY SEAT

From the Adair County Court House proceed south on SR 55 approx. .5 miles to the intersection of SR 55 and SR 80. Turn left (east) on SR 80 and proceed approx. 7.25 miles to the intersection of SR 80 and the Freedom Church Road. Turn right (south) on the Freedom Church Road and proceed approx. 2.7 miles to the intersection of the Freedom Church Road and the Providence Church Road. Turn right (south) on the Providence Church Road and proceed approx. .25 miles. Proposed tower access will be on the left.

These directions were prepared by:

David B. Jantzi Boulevard Properties 7383 Utica Boulevard Lowville, NY 13367 (315) 523-6258 EXHIBIT L

## COPY OF REAL ESTATE AGREEMENT

#### SITE LEASE AGREEMENT

County: <u>Adair</u> Site Address: <u>266 Providence Church Rd., Russell Springs, Kentucky, 42642</u> Site I. D.: <u>Little Clifty</u> Latitude: <u>N37° 03' 7.56"</u> Longitude: <u>W85° 09' 49.20"</u>

 Premises and Use. In consideration of the expenditures and efforts of lessee to develop and use the premises described below, the undersigned (jointly and severally, the "Owner") hereby leases to Shared Sites WV, LLC, a West Virginia limited liability company ("Lessee"), or its permitted assignee, the site described below:

The exclusive right to use and occupy real property, approximately 10,000 square feet of land, as approximately described and shown on Exhibit A, together with non-exclusive easements (a) to a public right of way, for reasonable access, (b) to the appropriate sources of electric and telephone facilities as determined by Lessee, (c) for placement of any supporting guyed wires as reasonably determined by Lessee per good engineering practices (d) to meet fall-zone or set back requirements and (e) temporary staging area for equipment and assembly during construction (collectively, the "Site"). The Site will be used for installing, maintaining and/or operating, a wireless communications and broadcast facility, including, without limitation, antenna towers or poles, guyed wires (if applicable), foundations, utility lines, equipment shelters, ice bridges, radio equipment, antennas, security alarms, cameras, lights, and supporting equipment thereto (collectively, the "Facility"), or for any other use permitted by applicable law. Title to the Facility shall be held by Lessee and the Facility shall remain Lessee's personal property and in no event shall be construed as fixtures.

- 2. Term. The term of this Agreement (the "Initial Term") is five (5) years, starting on the date Lessee signs this Agreement. This Agreement will be automatically renewed for ten (10) additional terms (each a "Renewal Term") of five years each with a % increase in rent at each renewal, unless Lessee provides Owner notice of intention not to renew 90 days prior to the expiration of any term.
- 3. Rent. Beginning with the date upon which construction of the Facility is completed; rent will be paid quarterly, on the first day of each calendar quarter, at the rate of **\$** and the per quarter, partial months to be prorated.
- 4. Title, Quiet Possession, and Access. Owner represents and agrees (a) that it is the owner of the Site pursuant to the instrument set forth on Exhibit A; (b) that the Site is free from all encumbrances except as set forth on Exhibit A, (c) that it has the right to enter into this Agreement; (d) that the person signing this Agreement has the authority to sign; (e) that Lessee, its employees, agents, subcontractors, clients, and invitees are entitled to access to the Site at all times and to the quiet possession of the Site so long as Lessee is not in default beyond the expiration of any cure period; and (f) that Owner will not have unsupervised access to the Site or to the related Facility. Owner further represents, agrees and covenants that during the Initial Term and Renewal Terms of this Agreement Owner will not use, or permit others to use, any part of any real property currently owned, or hereafter acquired, by Owner within two (2) miles of the Site for any type of communication or broadcast tower or otherwise provide advice, services for development of competing properties or release any information about Lessee's business.

Owner shall obtain non-disturbance, subordination and attornment agreement from prior lien holders as required by Lessee's title insurance company.

- 5. Assignment/Subletting. Either party may assign or transfer this Agreement with notice to the other party. Upon delivery of such notice the transferor will have no further liability under the Agreement. Lessee shall be allowed to sublet, or otherwise grant use rights to all or any portion of the Site and/or the Facility without the prior written consent of Owner, it being the express intention of Lessee to lease or license antenna, towers, shelters, and related space of the Facility to separate wireless communication carriers and other clients.
- 6. Improvements. Lessee may make such future improvements on or to the Site and Facility as it deems necessary. Owner agrees to cooperate with Lessee with respect to obtaining any required building/zoning approvals for the Site and improvements. Upon termination or expiration of this Agreement, Lessee shall remove the Facility and its other property located upon the Site, excepting the foundation, and will restore the Site to substantially the condition existing at inception of this lease, except for ordinary wear and tear and casualty loss. Lessee shall reimburse Owner any property tax increases directly attributable to Lessee's improvements. Owner shall fully cooperate with Lessee in any available administrative or court appeals of such tax increases.
- 7. Compliance with Laws. Owner represents that Owner's property (including the Site), and all improvements located thereon, are in substantial compliance with building, life/safety, disability and other laws, codes and regulations of applicable governmental authorities. Lessee will substantially comply with all applicable laws relating to its possession and use of the Site.
- Utilities. Lessee will pay for all utility connections to the Site. Owner will cooperate with Lessee in Lessee's efforts to obtain utilities from the most economical source.
- 9. Termination. Lessee may terminate this Agreement at any time by notice to Owner without further liability, if Lessee does not obtain all permits or other approvals (collectively, "approval") required from any municipal and/or governmental authority or any easements required from any third party to construct/operate the Facility for its intended use, or if any such approval is canceled, expires or is withdrawn or terminated, or if Owner fails to have proper ownership of the Site or authority to enter into this Agreement, or if Lessee, for any other reason, in its sole discretion, determines that it will be unable to use the Site for its intended purpose.
- 10. Default. If either party is in default under this Agreement for a period thirty (30) days following receipt of notice from the non-defaulting party shall have the right to pursue all legal remedies including termination of this Agreement. If a non-monetary default may not reasonably be cured within a thirty (30) day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within such 30 day period.

and said default is substantially cured .in ninety (90) days of the initial notice of default.

- 11. Indemnity. Owner and Lessee each indemnify the other against and hold the other harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of the use and/or occupancy of the Site or Facility by the direct actions or culpable omissions of the indemnifying party, its employees, agents or independent contractors. This indemnity does not apply to any claims arising from the sole negligence or intentional misconduct or omission of the party seeking indemnification.
- 12. Hazardous Substances. Owner represents that it has no knowledge of any substance, ground contamination, chemical or waste (collectively, "substance") on the Site that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. Lessee will not introduce or use any such substance on the Site in violation of any applicable law. Owner shall indemnify Lessee against and hold it harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of any occurrence or condition causing the presence of any such substance on the Site that occurred prior to the date of this Agreement or is directly attributable to the Owner's use of adjoining premises during the term of this agreement.
- 13. Waiver of Owner's Lien. (a) Owner waives any lien rights it may have concerning the Facility, which is deemed Lessee's personal property and not fixtures, and Lessee has the right to remove the same at any time without Owner's consent. Owner (i) disclaims any interest, now or in the future, in and to the Facility, as fixtures or otherwise; (ii) agrees that the Facility and the leasehold or other use interest of Lessee or its authorized sub lessees or users, shall be exempt from execution, foreclosure, sale, levy, attachment, or distress for any rent due or to become due. and (iii)

agrees to provide an, Juch lender with an estoppel statement regarding the above facts, such as the lack of a default hereunder, and any other information or document reasonably requested, such as a non-disturbance, subordination and attornment agreement, within five (5) days of request.

- 14. Insurance. Lessee, at its sole cost and expense, shall upon commencement of construction (upon use of mechanical equipment to disturb the land, but not for taking of soil samples or surveys and measurements) procure and maintain bodily injury and property insurance on the Facility with a combined single limit of at least One Million Doltars (\$1,000,000) per occurrence. A copy of such policy shall be furnished to Owner within 30 days of written request.
- 15. Miscellaneous. (a) This Agreement applies to and binds the heirs, successors, executors, administrators and assigns of the parties to this Agreement; (b) This Agreement is governed by the laws of the State in which the Site is located; (c) This Agreement (including the Exhibits) constitutes the entire agreement between the parties and supersedes all prior agreements; any amendments to this Agreement must be executed by both parties; (e) If any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement, will not be affected and shall remain valid and enforceable to the extent permitted by law; (f) The prevailing party in any action or proceeding in court is entitled to receive its reasonable attorneys' fees and other reasonable enforcement (or, as applicable, defense) costs and expenses; (g) Owner agrees promptly to execute and deliver to Lessee, simultaneously herewith or forthwith hereafter, a recordable Memorandum of this Agreement in the form of Exhibit B; and (h) All notices are effective, on the third business day after their deposit via certified and postage prepaid mail, or, on the next business day after deposit via overnight delivery, to the address below.

	"Owner"	"Owner"	"Owner"	Shared Sites WV, LLC ("Lessee")
By:				
Name:	Joseph Matthew Dalton	Fred Dalton	Estelle Dalton	Name:David B. Jantzi
Title:	Owner	Owner	Owner	Site Developer (Subject to Approval)
Date:	01-29-07	01-29-07	01-29-07	Date:01-29-07
Address	266 Providence Church Rd.	215 Providence Rd.	215 Providence Rd.	
	Russell Springs, KY 42642	Russell Springs, KY 42642	Russell Springs, KY 42642	
Tax ID:	407-19-0021	412-48-6061	402-44-4903	Kamal Doshi, Manager (Final Approval)
Phone:	270-384-0797	270-384-2747	270-384-2747	Date: 1390 Chain Bridge Road #40

Phone:

(703)-893-0806

Mclean, VA 22101

A. <u>Fred Dalton</u> is hereby appointed as agent for the Owners to administer this lease, including signature on plans, utility easements, any county required documents, and to negotiate and make any and all future amendments, renewals, or corrections as may be required of the Owners. Any document signed by him/her shall be binding on the Owners. The Owners may appoint someone else or revoke this authority by a notice to tenant in writing signed by all the Owners.

B. All payments under the lease shall be sent to Fred Dalton and Estelle Dalton until their deaths at which time all payments shall be sent to Joseph Matthew Dalton.

C. Lessee will install a new gate at the public road end of the access road. The Owners will be allowed the combination to the lock and access through this gate.

#### Site Agreement - Site Description - Permitted Exceptions

#### Site Name: Little Clifty

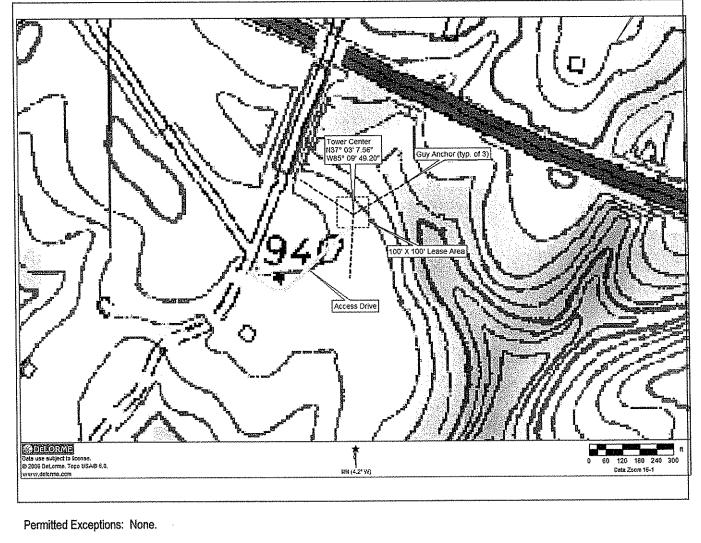
Site situated in the City/Town of Russell Springs, County of Adair, State of Kentucky commonly described as follows:

Site I.D.:

Legal Description: A portion of the premises located at address: 266 Providence Church Rd., Russell Springs, KY 42642

more particularly described in Deed to: Joseph Matthew Dalton dated 10-12-2004 and recorded in Adair County Registry of Deeds at Book 279, Page629. Tax Map 102, Plot 018.002

Sketch of Site:



Owner Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

Note: Owner and Lessee may, at Lessee's option, replace this Exhibit with an exhibit setting forth the legal description of the property on which the Site is located and/or a more detailed survey or drawing depicting the Site.

## EXHIBIT M

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## FLOOD PLAIN CERTIFICATION

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McKinney Land Surveying 103 South Reed Street Columbia, KY 42728

## McKinney Land Surveying

February 5, 2007

To Whom It May Concern:

The "Little Clifty" site located in Russell County, Kentucky {Proposed for lease by Shared Sites WV, L.L.C., for the purpose of erecting a telecommunications tower} is classified as **Zone N**. This classification is zoning for an unincorporated area. For more information on this zoning description, please refer to <u>The United States</u> <u>Department of Housing and Urban Authority-Federal Insurance Administration</u>.

Respectfully,

Michael E. McKinney 109/07 P.L.S. #3318

### EXHIBIT N

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#### **NOTIFICATION LISTING**

#### Little Clifty Certification of Notification

- The Honorable Jerry Vaughan Adair County Judge Executive 424 Public Square Columbia, KY 42728
- Fred Dalton & Estelle Dalton Estate 215 Providence Rd Russell Springs, KY 42642
- Gary and Megan Badgley 248D Freedom Church Rd Russell Springs, KY 42642
- Rebecca Moore Rt. 1 Box 161B Tollesboro, KY 41189
- Roy & Dorothy Williams 3257 Freedom Church Rd Russell Springs, KY 42642
- Stephen D. & Gail Flatt 3052 Freedom Church Rd Russell Springs, KY 42642
- Coby D. & Kathie Williams 2501 Hwy 1870 Russell Springs, KY 42642
- Michael Flatt & Joshua M. Flatt 3083 Freedom Church Rd Russell Springs, KY 42642

EXHIBIT O

in.

## COPY OF PROPERTY OWNER NOTIFICATION

Stephen D. and Gail Flatt 3052 Freedom Church Road Russell Springs, KY 42642

RE: Public Notice – Kentucky Public Service Commission Docket No.: 2007-00060

Dear Sir or Madam:

Shared Sites, LLC and American Cellular Corporation are making application to the Kentucky Public Service Commission (PSC) for a Certificate of Public Convienence and Necessity to construct and operate a new facility to provide wireless communication services. The facility will include a 325-foot tower with appurtenances attached to a maximum height of 331 feet, and a ground level equipment shelter(s) to be located at 266 Providence Church Road, Russell Springs, KY 42642. This notice is being sent to you because you own property within a 500' radius of the proposed tower or own property which adjoins the property on which the tower is proposed.

The Kentucky Public Service Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the PSC must be received by the PSC within 20 days of the date of the Postal cancellation on the envelope this letter was received in. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, 211 Sower Boulevard, Post Office Box 615, Frankfort, KY 40602-0615. Please refer to Docket No.: 2007-00060 in your correspondence.

Please feel free to contact David Jantzi at 315-376-3333, if you have any questions.

David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

Gary Badgley and Megan Badgley 2480 Freedon Church Road Russell Springs, KY 42642

RE: Public Notice – Kentucky Public Service Commission Docket No.: 2007-00060

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David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

Rebecca Moore Rt. 1 Box 161-B Tollesboro, KY 41189

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David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

Michael Flatt & Joshua M. Flatt 3083 Freedom Church Road Russell Springs, KY 42642

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David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

Roy and Dorothy Williams 3257 Freedom Church Road Russell Springs, KY 42642

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David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

Coby D. & Kathie Williams 2501 HWY 1870 Russell Springs, KY 42642

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David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

Fred Dalton Estelle Dalton Estate c/o Joseph M. Dalton 215 Providence Road Russell Springs, KY 42642

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Shared Sites, LLC and American Cellular Corporation are making application to the Kentucky Public Service Commission (PSC) for a Certificate of Public Convienence and Necessity to construct and operate a new facility to provide wireless communication services. The facility will include a 325-foot tower with appurtenances attached to a maximum height of 331 feet, and a ground level equipment shelter(s) to be located at 266 Providence Church Road, Russell Springs, KY 42642. This notice is being sent to you because you own property within a 500' radius of the proposed tower or own property which adjoins the property on which the tower is proposed.

The Kentucky Public Service Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the PSC must be received by the PSC within 20 days of the date of the Postal cancellation on the envelope this letter was received in. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, 211 Sower Boulevard, Post Office Box 615, Frankfort, KY 40602-0615. Please refer to Docket No.: 2007-00060 in your correspondence.

Please feel free to contact David Jantzi at 315-376-3333, if you have any questions.

David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

EXHIBIT P

COPY OF JUDGE EXECUTIVE NOTICE

February 26, 2007 Jerry Vaughan Judge Executive 424 Public Square Columbia, KY 42728

#### RE: Public Notice – Kentucky Public Service Commission Docket No.: 2007-00060

Dear Sir:

Shared Sites, LLC and ACC of Kentucky, LLC are making application to the Kentucky Public Service Commission for a Certificate of Public Convienence and Necessity to construct and operate a new facility to provide wireless communication services. The facility will include a 325-foot tower with appurtenances attached to a maximum height of 331 feet, and a ground level equipment shelter to be located at 299 Providence Church Road, Russell Springs, KY 42642. This notice is being sent to you because you are the Judge Executive for Adair County.

The PSC invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the PSC must be received by the PSC within 20 days of the date of the Postal cancellation on the envelope this letter was received in. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, 211 Sower Boulevard, Post Office Box 615, Frankfort, KY 40602-0615. Please refer to Docket No.:2007-00060 in your correspondence.

Please feel free to contact David Jantzi at 315-376-3333, if you have any questions.

David B. Jantzi Boulevard Properties, LLC Representing: Shared Sites, LLC

## EXHIBIT Q

## COPY OF POSTING NOTICES

## SHARED SITES WV, LLC PROPOSES TO CONSTRUCT A TELECOMMUNICATIONS TOWER NEAR THIS SITE

## IF YOU HAVE QUESTIONS PLEASE CONTACT

David Jantzi (Shared Sites Representative)Executive Director, Pt1390 Chain Bridge Rd. #40, McLean, VA 22101OR211 Sower Boulevard315-523-6258PO Box 615, Frankfor

Executive Director, Public Service Commission 211 Sower Boulevard PO Box 615, Frankfort, KY 40602 Docket# 2007-00059

# SHARED SITES WV, LLC PROPOSES TO CONSTRUCT A TELECOMMUNICATIONS TOWER ON THIS SITE

## IF YOU HAVE QUESTIONS PLEASE CONTACT

David Jantzi (Shared Sites Representative)Executive Director, Pu1390 Chain Bridge Rd. #40, McLean, VA 22101OR211 Sower Boulevard315-523-6258PO Box 615, Frankfor

Executive Director, Public Service Commission 211 Sower Boulevard PO Box 615, Frankfort, KY 40602 Docket# 2007-00059

#### 03/02/2007 13:59 FAX 270 384 6474

(PN) Public Notice

ORDINANCE NO. 239.16 AN ORDINANCE AMENDING ORDINANCE AMENDING ORDINANCE NO 439.14 SETTING FEES FOR THE COLLECTION OF GABAGE AND TRASH FROM RESIDENCES, CHURCHES AND RESIDENCES, CHURCHES AND

COMMERCIAL ESTABLISHMENTS WITHIN THE BOUNDARIES OF

THE CITY OF COLUMBIA

COUNCH AS FOLLOWS: - 1,0 The definitions and terms of a cenain ordinance consider: - "AN ORDINANCE PROVIDING

COLLECTION AND RECULATING SOLID WASTE MANAGEMENT

WITHIN THE CITY OF COLUMBIA

are incornersted into and made a

an of the ardinance. LuThe following popended cores for

garbage collections services are hereby levical and imposed upon all

faces and customers effective the 1st day of March, 2007. "2 (Residential Rates

Weekly pickup, limit faur (4) 20-30 gellon somainers per pickup, \$10,00

"Extra containers \$1.00 each. "I I Conunctual or Industrial Rates

Based on an average weekly

usages Class 1 +20 to 30 gal, cans or less

\$16 50 \$21.00 per munth

\$13.00 per awath.

FOR MANDATORY GARBAGE

i gan iyari

instruction

secondary school completion,

including dropout prevention strategies: 2) Alternative

secondary school offerings: 3) Summer employment

opportunities directly linked to academic and occupational

ADAIR PROGRESS

2001/001

all we or

their THE ADAR PROCRESS

PACE 12



00060

#### PUBLIC NOTICE

Shared Sites WV. LLC proposes to construct a CKC telecommunications tower at 266 Providence Church Rd; Russell Springs, KY 42642. If you have any questions. please contact David Jantzi (Shared Sites representative) 40 at 315-376-3333 or the Public Service Commission of Kentucky at 502-564-3940

#### and reference docket# 2007-4104. PUBLIC NOTICE

The Adair County Schools Encal Planning Committee (LPC) will hold a public forum on facilities Monday. March 12, 2007 at 6:00 p.m. in the Board of Education Conference Room. The committee will meet following the forum

For further information contact: Darre)! Treece.

Superintendent Adair County Board of

Education 1204 Greensbury St. Columbia, K.y 42728 (270) 384-2476

Register now for new classes beginning March 26 for day chose New wething chasts beginning April 16. Financing available to those who qualify. Indee conderland CDL Training school, Inc. 2000pt vista asterentil antrian express and discover. fail or today about corollist far our next classes. Lake Comberiand CDL

Lake Comberland CDL Training School. Inc. 597 Maple Street Russell Springs, KJ 42642 270-865-5717 270-866-5718 Fax

email: lecoledun com www.lakecastberiandedl.com



## (C) Pets for Sale FULL BLOODED

his actur ran

GERMAN Rouweller Τo stud for pick of litter. Coll adytime. 585-1721. Leave message, it no answer.

(E) Livestock For Sale

COWS FOR SALE. SCME WITH calves. Mostly binck and charolois. Pick and choose or all 270-034-

#### (F) Help Wanted

SEPERSON AIR CONDITIONING. PLUMBING. HEATING. ELECTRIC is seeking HVAC Mechanics. Call 606-679-7476, 112 W. University Dr., Somersel, KY 42503. EOE & Drug Free Workplace.

DEVELOPER: WEBSITE LOCAL ORGANIZATION looking to contact with someone to develop and maintaln a website. This individual should be skilled in multiple ospects of web design. Please send letters of Interest to P.O. Box 1352. Russell Springs. KY 42642 by March 16. Pay scale negoticole

#### (G) Childcare/Babysitting

CHILDCARE FOR AGES 6 WEEKS to 12 years, OPEN HOUSE on Saturday, March 3id, 10 o.m.-2 p.m. Catch A Stor Learning Center. Coll 270-385-9347 or 270-250-5854

#### (J) Articles For Sale

FOR SALE: ALUMINUM SHEETS, 500 each. Can be seen of The Adali Progress' office, 98 Grant Lane. Columbio, Ky.

TRANSMISSION, 4 CYL, 5 SPEED manual transmission for 2000 Mit. Eclipse GS model. Less than 3.000 milles. Call 270-384-6471 days: 270-384-9737 nights. ask for Donna.

FOR SALE: 200 TRACTOR machine, turning 378-5762. ...... FOR SALE: B

melan

XTREME 2, 400 resistance \$700 c 270-585-2475

(K) Cars for S 1992 BUICK PARK ULTRA. silver, leather Interior. windows and comfortable lide. 384-5395.

(L) Trucks Fa FORD 1094 EXTENDED CAB motor, tow hi Brokes, \$4,995. 0303.

FOR SALE: 197 PICKUP, short wi New motor and with lots of restoration. C p.m. CST, 384-436 (N) Yard/Gara

COLUMBIA CH GOD WILL jummage sale. 3 at the lellows Mitcheil St. 8-2 go to lodies min

(P) Furniture//

FURNITURE APPLIANCES. BRYANT'S FURI APPLIANCES (270) 384-582 Salurday. Tuesday, wedr 6:00. New renew reclining Lighted chir \$150: cherry Bedroom suite king bedroom \$495. NEW sofas, \$350; stove, \$195; 4 dishwashers and diver refrigerator. \$ PRICES on NI bedloom.

CLASS IV WATER PLANT OPERATOR N FOR THE NEW COLUMBIA/ADAIR COUNTY REGIONAL

We say Comm

Class II on to 1.25 cubic yards \$11.00 \$57.00 per month Class III up to 3 cubic yards Salu 00 Statu0 per month. Class IV up to 6 come yords 1507.00 \$269.00 per month Class V and 0 month Class V up to 9 cubic yatds \$299.00 \$389.00 per month - 5.290.00 STAPU per month - Class VI over 9 cubic yards - Class VI over 9 cubic yards - Class VI pay Class V rate plus - Class VI pay Class V rate plus - thange per onlic yard shows for each - Jac Viewer 9 - 2.5 - Church Rause 11) · Weckly pickup, limit four (4) 20-30 affen constituers per pickup, \$9.00 St3.00 per month. EXIS CONTRAINED ST 00 CACH. - EXIS CONTAINED ST 00 CACH. - ASSED AND APPROVED THIS 24th DAY OF FEBRUARY, 2007. FIRST READING \_\_\_\_February S.

SECOND READING \_\_\_\_\_ -Siened

MAYOR A TEST

20017

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Signal CAROLYN EDWARDS CITY CLERK/TREASURER

PUBLIC NOTICE

Cumberlands Workforce

Investment Board Request for Proposals Workforce Funding:

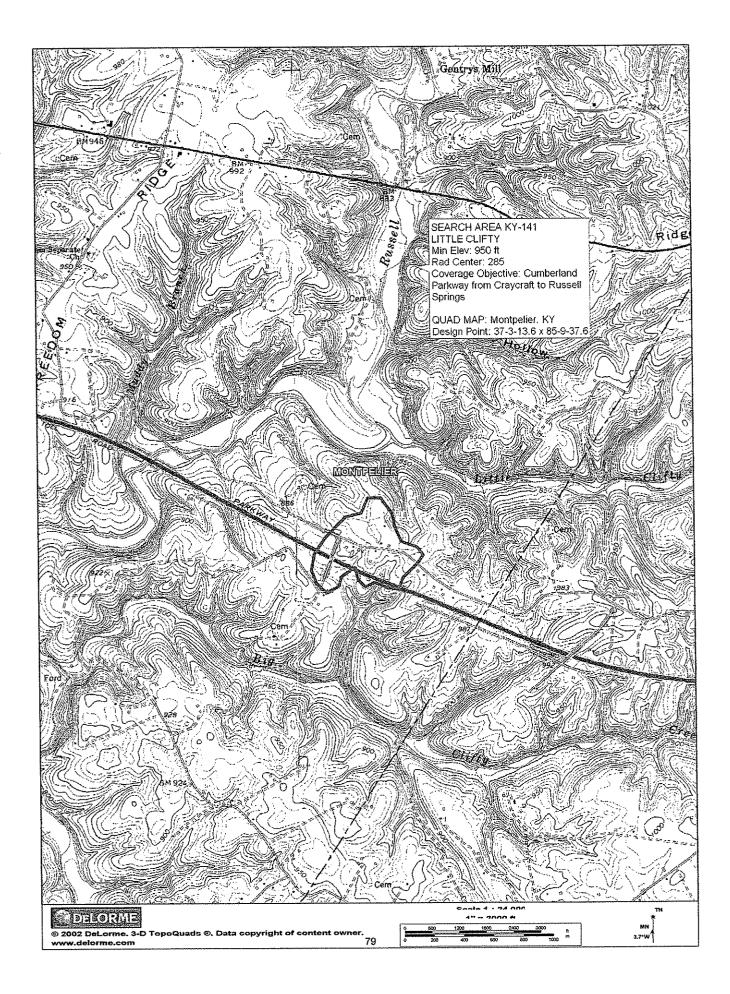
Tilvestment Act (WIA) Title 1 Youth Action: The Cumberlands Worxforce

learning; 4) Paid and unpaid work experiences, including internships and job shadowing as provided in 20 CFR Part 664,460 and 20 CFR Part 664,470. 5) Occupational skill training; 6) Leadership development opportunities. which may include such activities as positive social behavior and soft skills, decision making, team work, and other activities, as provided in 20 CFR 664.420 and 20 CFR Part 664.430, 7) Supportive services; 8) Adult mentoring for a duration of at least twelve (12) months, that may occur both during and after program participation: 9) Follow up services: 10) Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth (WIA Part (29(c)(2) and 20 CFR Part 664.410); Qutreach/recruitment/ eligibility/determination; 12) Assessment; and 13) Case management/intensive job placement. Applicants: Agencies or individuals interested in obtaining an application shall submit an inquiry by fax or mail to: Darryl McGaha, Lake Cumberland Area

Development District, P.O. Box 1570, Russell Springs, Kentucky 42642: (Fax: 270-866-2044). For further information call 270-866-4200. The RFP and proposal forms will also be made available after February 26. 2007 on the LCADD web site www.lcadd.org/ 21 cumberlands workforce and at the reception desk in the LCADD/WIA Department. 2384 Lakeway Drive, Russell Springs. Kentucky

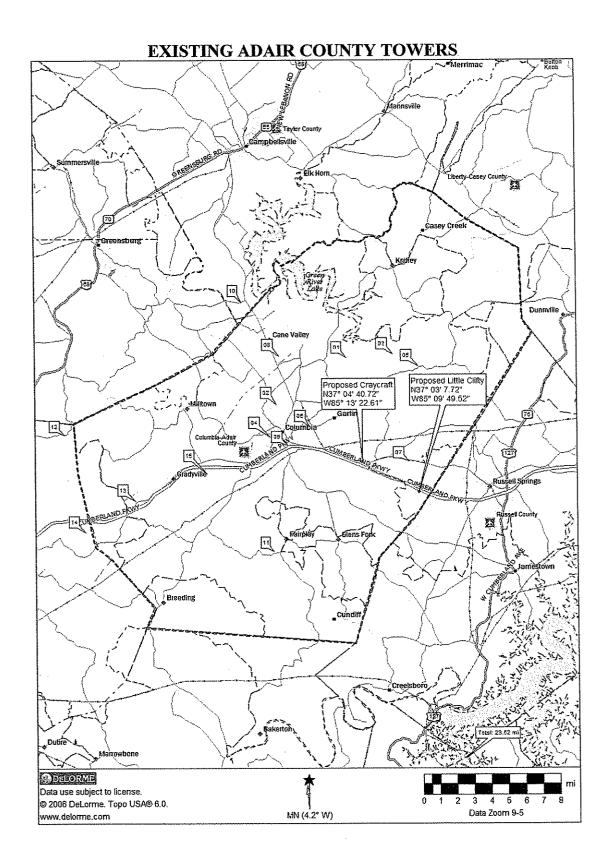
## EXHIBIT R

### RADIO FREQUENCY DESIGN SEARCH AREA



## EXHIBIT S

## TOWER MAP FOR SUBJECT COUNTY



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Overall Height (AGL)	298.88	419,95	403.54	197.83	498.69	215.88	285,10	956,36	305.77	250.00	283.14	257.87	254.92	306.10	286.09
Structure City/State	COLUMBIA, KY	COLUMBIA, KY	COLUMBIA, KY	COLUMBIA, KY	PURDY, KY	COLUMBIA, KY	RUSSELL SPRINGS, KY	ADAIR, KY	Columbia, KY	COLUMBIA, KY	FAIRPLAY, KY	COLUMBIA, KY	Edmonton, KY	Edmonton, KY	Columbia, KY
Latitude Longitude	37-09-55.0N 085-14-23.0W	37-07-32.0N 085-18-48.0W	37-10-04.0N 085-11-26.0W	37-05-53.0N 085-19-10.0W	37-09-29.0N 085-09-50.0W	I 37-06-26.2N 085-16-41.9W	37-04-40.6N 085-10-27.6W	37-10-00.0N 085-18-37.0W	37-05-28.2N 085-18-03.9W	37-12-42.6N 085-20-58.8W	37-00-07.0N 085-19-01.0W	37-06-00.0N 085-32-10.0W	37-02-38.7N 085-27-43.8W	37-01-04.3N 085-30-53.1W	37-04-03.1N 085-23-14.3W
Number Öwner Name	GTE SOUTH INCORPORATED	CUMBERLAND, CELLULAR, PARTNERSHIP DBA BLUEGRASS CELLULAR	Shoreline Communications, Inc.	Falcon Community Cable, L.P.	WESTERN KENTUCKY UNIVERSITY	TRI COUNTY BROADCASTING CORPORATION DBA = WAIN RADIO	SHORELINE COMMUNICATIONS INC.	AMERICAN CHESTNUT TELEVISION, INC.	SBA Properties, Inc.	C&C TOWER RENTAL LLC	TEXAS EASTERN COMMUNICATIONS, INC.	KENTUCKY, COMMONWEALTH OF DBA = KENTUCKY EMERGENCY WARNING SYSTEM	Cumberland Cellular Partnership d/b/a Bluegrass Cellular	Shared Sites, LLC	Shared Sites, LLC
File Number	A0362755	A0222586	A0506730	A0498515	A0052053	A0491463	A0379612	A0072860	A0490008	A0388624	A0392539	A0052873	A0362815	A0497952	A0512721
ר Status	Dismantled	Constructed	Granted	Constructed	Constructed	Granted	Constructed	Constructed	Constructed	Constructed	Constructed	Constructed	Constructed	Granted	Granted
Registration Number	1 1042800	2 <u>1043061</u>	<u> 3 1043197</u>	4 <u>1043978</u>	5 <u>1044249</u>	6 <u>1044964</u>	7 1048811	8 <u>1062332</u>	9 1228813	10 <u>1243210</u>	11 1041289	12 <u>1044821</u>	13 1242039	14 1252869	15 1254374

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