

1578 Highway 44 East, Suite 6 P.O. Box 369 Shepherdsville, KY 40165-0369 Phone (502) 955-4400 or (800) 516-4293 Fax (502) 543-4410 or (800) 541-4410

June 25, 2007

RECEIVED

JUN **26** 2007

PUBLIC SERVICE COMMISSION

VIA FEDEX

Kentucky Public Service Commission Attn: Mr. Jeff Cline 211 Sower Blvd. P.O. Box 615 Frankfort, KY 40602-0615

RE: Application to Construct Wireless Communications Facility

Location: 416 Jimtown Road, Mayfield, Kentucky 42066 Applicant: Cellco Partnership, d/b/a Verizon Wireless

Site Name: Mayfield Case No.: 2007-00110

Dear Mr. Cline:

Please accept this letter and the attached Motion to Submit for Expedited Decision Without Public Hearing as an official filing in the above-referenced Public Service Commission action. We have also enclosed six (6) copies and a self-address stamped envelope. Please return a file stamped copy to us upon receipt in the enclosed envelope. If you have any questions or comments concerning this matter, please do not hesitate to contact us.

If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,

Dávid Á. Pike

Attorney for Cellco Partnership

d/b/a Verizon Wireless

enclosures

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF)
CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO.:2007-00110
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
416 JIMTOWN ROAD, MAYFIELD, KENTUCKY 42066)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF GRAVES)

SITE NAME: MAYFIELD

* * * * * * *

APPLICANT'S MOTION TO SUBMIT FOR EXPEDITED DECISION WITHOUT PUBLIC HEARING

Cellco Partnership, a Delaware General Partnership, d/b/a Verizon Wireless ("Applicant"), by counsel, moves to Submit for Expedited Decision Without Public Hearing and requests that the Kentucky Public Service Commission ("PSC") grant a Certificate of Public Convenience and Necessity ("CPCN") forthwith in this case, based on the following facts and circumstances:

- 1. On March 20, 2007 Applicant filed an application requesting the issuance of a CPCN to construct, maintain, and operate a wireless telecommunications facility at 416 Jimtown Road, Mayfield, Kentucky.
- 2. By Commission Order dated May 9, 2007, Angela Williamson was granted full intervention.
- 3. By Commission Order dated June 5, 2007, any Intervenor who intends to appear at the hearing scheduled for July 17, 2007 and present evidence against

construction of the proposed Cell Facility is required to file, within 10 days of the date of the Order, a statement of intent to appear at the hearing in opposition. If no statement is filed within 10 days of the date of the Order, then the hearing is to be canceled and the matter submitted to the Commission on the existing record.

- 4. No Intervenor has filed with the Commission an intent to appear in opposition at the hearing scheduled for July 17, 2007 and the hearing should therefore be canceled and the matter submitted to the Commission on the existing record in accordance with this Commission's June 5, 2007 Order.
- 5. By Commission Order dated June 5, 2007, any Intervenor who intends to propose suitable and acceptable alternative locations to the proposed site must submit a list with supporting technical radio frequency information, evidence, and technical rationale, where the proposed Cell Facility might be located or constructed within 10 days of the date of the Commission's Order. The Order also excludes any evidence regarding alternative sites at the hearing except as to those locations of record, properly identified.
- 6. The sole Intervenor, Angela Williamson, has failed to submit a list of proposed suitable and acceptable alternative locations to the proposed site within 10 days of the Commission Order, or to otherwise comply in any respect with the Commission Order, and therefore is precluded from presenting any evidence on the subject. Consequently, there are no material issues for the Commission to consider at a public hearing on the Application.
- 7. Because no Intervenor has timely filed an intent to appear at the scheduled public hearing, and because there are not material issues for the

Commission to consider at a public hearing, the hearing should be canceled and the matter submitted to the Commission on the existing record in accordance with this Commission's June 5, 2007 Order.

8. The wireless communications facility that is the subject of the Application for a CPCN filed in this case remains a vital element of the Applicant's wireless communications network, and is necessary to provide service in accordance with the provisions of Applicant's Federal Communications Commission license.

WHEREFORE, the Applicant, by counsel, urges the PSC to grant a CPCN forthwith in accordance with the terms of the Application in this proceeding and without public hearing.

Respectfully submitted,

David A. Pike

Pike Legal Group, PLLC

1578 Highway 44 East, Suite 6

P. O. Box 369

Shepherdsville, KY 40165-0369

Telephone: (502) 955-4400 Telefax: (502) 543-4410

Attorney for Cellco Partnership,

d/b/a Verizon Wireless

CERTIFICATE OF SERVICE

I hereby certify that on June <u>25</u>, 2007 a copy of the foregoing was mailed, postage prepaid, to Angela C. Williamson, 274 Jimtown Road, Mayfield, KY 42066

David A Pike