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7383 Utica Blvd.
Lowville, NY 13367

November 29, 2007

RE: Case No. 2007-00440
American Cellular Corporation
(Construct Cell Site - No P&Z Commission)
SITE - ALPINE
630 Heath Rd., Burnside, KY 42519

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received November 29, 2007 and has been assigned Case No. 2007-00440. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at (502) 564-3940.

Sincerely,

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

Beth O'Donnell
Executive Director

BOD/tw

FOR THE PUBLIC RECORD

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

RECEIVED

NOV 29 2007

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

APPLICATION OF SHARED TOWERS, LLC.)
AND AMERICAN CELLULAR CORPORATION)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVIENENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
630 HEATH ROAD)
BURNSIDE, KENTUCKY 42519)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF PULASKI)

SITE NAME: ALPINE
PSC CASE NUMBER: 2007-00440

* * * * *

Shared Towers, 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 510 Heath Road, Burnside, Kentucky 42519. The WCF site is geographically positioned

at

36° 56' 10.52" North latitude, 84° 31' 24.11" West longitude.

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

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AND AMERICAN CELLULAR CORPORATION)
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IN THE COUNTY OF PULASKI)

SITE NAME: ALPINE
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* * * * *

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

Shared Towers, LLC. ("Shared Towers"), as ultimate owner, and American Cellular Corporation ("Provider") as a licensed public utility in the Commonwealth of Kentucky, hereinafter jointly referred to as "Applicants", respectfully submit their Application for a Certificate of Public Convenience and Necessity from the Public Service Commission to construct, maintain, and operate a Wireless Communications Facility ("WCF") to serve the customers of the Provider with wireless and telecommunications services, and other wireless service provider collocations in the area described herein.

In support of this Application, the Applicants respectfully provide and state the following information:

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

Shared Towers, 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 Towers constructs, owns, manages, maintains, and operates independent communications networks. Shared Towers owns and manages safe, clean and well maintained facilities. Shared Towers facilities do not generate smoke, odors, noise, noxious gases, vibrations, or traffic increase. Shared Towers 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 Commonwealth of Kentucky for Shared Towers, 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 Towers 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 Towers 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 Towers' 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 Towers' and the Provider's wireless infrastructure networks, and Shared Towers, as part of its 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 Towers' vested interest in the collocation of wireless service providers promotes the same goals for the local consumers.

6. The Applicants propose to construct a WCF at 510 Heath road, Burnside, Kentucky 42519 (36° 56' 10.52" North latitude, 84° 31' 24.11" 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 Lloyd Ruckel, Donna Ruckel, George VanHook Jr. and Diane VanHook. The proposed WCF will consist of a 300 foot guyed tower with an approximately 6-foot lightning arrester attached to the top, for a total height of 306 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-engineering report and evaluation 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 Towers, 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 .

15. Personnel directly responsible for the design and construction of the proposed WCF are well-qualified and experienced. Nello Corporation (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 an Ianello and/or Dennis Abel, both professional engineers registered in the commonwealth of Kentucky, to design the Tower for the WCF. Both engineers specialize in the design and engineering of guyed, self support and monopole structures, and have extensive experience in the design and construction of projects similar to the Applicants'. These projects include the design of towers and the required foundations of many other wireless facilities. All of the designs have been/will be signed and sealed by an Ianello and/or Dennis Abel. The construction of the proposed WCF will be performed by Shared Towers 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 Mike 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 Towers, 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 Towers, on behalf of itself and the Provider, has notified the Pulaski County Judge Executive by certified mail, return receipt requested, of the proposed

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

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 general character of the area in which the WCF is proposed is wooded and the existing land use of the specific property involved is uninhabited woods. The property where 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 Towers 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 Towers to permit the integration of the proposed WCF into Shared Towers' 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

to:

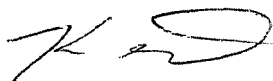
David Jantzi
Boulevard Properties, LLC
7383 Utica Blvd.
Lowville, NY 13367
Telephone: (315) 523-6258

And

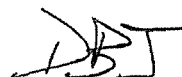
Kamal Doshi
Shared Towers, LLC
1390 Chain Bridge Road #40
McLean, VA 22101

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 Convenience and Necessity to construct and operate the WCF at the location set forth herein for the respective networks in the commonwealth of Kentucky.

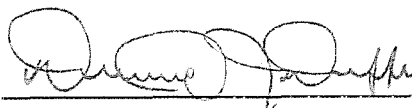
Respectfully submitted,



Kamal Doshi
Shared Towers, 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 Towers, 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