

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JAN 21 2016

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF GOGO, LLC)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
5011 SCAFFOLD CANE ROAD, MT. VERNON)
ROCKCASTLE COUNTY, KENTUCKY, 40456)

CASE: **2015-00310**

SITE NAME: CONWAY (KY005 THACKER)

**RESPONSE TO REQUEST BY COMMISSION FOR INFORMATION
TO GOGO, LLC**

GoGo, LLC, ("GoGo") by counsel, does hereby submit the following information in response to the Commission's request in regards to the above Application. The information found in this document on behalf of the Applicant is true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.

GoGo is a leading global aero-communications service provider that offers in-flight internet, entertainment, text messaging, voice, connected aircraft services and a host of other communications related services to the commercial and business aviation markets. GoGo operates a commercial mobile radio service and is governed under the Code of Federal Regulations as an Air-Ground Radiotelephone Service provider.¹ The Federal Communications Commission Wireless Telecommunications Bureau issued GoGo a Commercial Aviation Air-Ground Radiotelephone license covering the U.S. and Possessions. A copy of

¹ 47 C.F.R. §22.801 (2005)

said license was provided in Exhibit H of the Application. GoGo operates their equipment within the 800 mHz cellular band. GoGo's land based locations are designed by in-house radio frequency engineers in order to maximize the coverage objective.

Each numbered section below corresponds to the numbered paragraph found on Commission's request.

1. Line 8, Paragraph 1 of the Application is hereby replaced with the following: "GoGo is in good standing with the State of Delaware and has submitted a certificate of authority to transact business in the Commonwealth of Kentucky to the Kentucky Secretary of State." A copy of the certificate of authority to transact business in the Commonwealth of Kentucky submitted to the Kentucky Secretary of State is attached as Exhibit 1.
2. GoGo's failure to register with the Commission as a utility was an administrative oversight. GoGo is currently in the process of completing the necessary form(s) and will register with the Commission as expeditiously as possible. GoGo further confirms their status as a commercial mobile radio service subject to limited regulation by the Commission.²
3. GoGo proposes to construct an antenna tower for cellular telecommunication services. GoGo operates an Air-Ground Radiotelephone service that allows GoGo, as licensee holder, to provide two-way voice, fax and data services for hire to subscribers in

² K.R.S. §278.54611

aircraft, in-flight or on the ground. GoGo operates on a cellular network utilizing the 800 mHz spectrum and CDMA EV-DO technology. The same technology used by wireless carriers Sprint and Verizon Wireless.

GoGo submits the above information without prejudice and respectfully defers to the Commission's decision regarding the proper jurisdiction to render approval for GoGo's proposed wireless communications facility in Rockcastle County.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Todd R. Briggs", is written over a horizontal line.

Todd R. Briggs
Counsel for GoGo, LLC
Briggs Law Office, PSC
4965 U.S. Hwy 42
Suite 1000
Louisville, KY 40222
(502) 412-9222
todd@briggslawoffice.net

Exhibit 1



COMMONWEALTH OF KENTUCKY
ALISON LUNDERGAN GRIMES, SECRETARY OF STATE

Division of Business Filings
Business Filings
PO Box 718
Frankfort, KY 40602
(502) 564-3490
www.sos.ky.gov

Certificate of Authority
(Foreign Business Entity)

FBE

Pursuant to the provisions of KRS 14A and KRS 271B, 273, 274, 275, 362 and 386 the undersigned hereby applies for authority to transact business in Kentucky on behalf of the entity named below and, for that purpose, submits the following statements:

1. The entity is a : ☐ profit corporation (KRS 271B). ☐ nonprofit corporation (KRS 273). ☐ professional service corporation (KRS 274).
☐ business trust (KRS 386). ☒ limited liability company (KRS 275). ☐ professional limited liability company (KRS 275).
☐ limited partnership (KRS 362).

2. The name of the entity is GOGO LLC

(The name must be identical to the name on record with the Secretary of State.)

3. The name of the entity to be used in Kentucky is (if applicable):

(Only provide if "real name" is unavailable for use; otherwise, leave blank.)

4. The state or country under whose law the entity is organized is DE

5. The date of organization is 12/14/2007

and the period of duration is

(if left blank, the period of duration is considered perpetual.)

6. The mailing address of the entity's principal office is

111 N. Canal Street, Suite 1500

Chicago

IL

60606

Street Address

City

State

Zip Code

7. The street address of the entity's registered office in Kentucky is

306 W. Main Street, Suite 512

Frankfort

KY

40601

Street Address (No P.O. Box Numbers)

City

State

Zip Code

and the name of the registered agent at that office is CT Corporation System

8. The names and business addresses of the entity's representatives (secretary, officers and directors, managers, trustees or general partners):

Michael J. Small	111 N. Canal St., Ste. 1500	Chicago	IL	60606
Name	Street or P.O. Box	City	State	Zip Code
Norman Smagley	111 N. Canal St., Ste. 1500	Chicago	IL	60606
Name	Street or P.O. Box	City	State	Zip Code
Marguerite M. Elias	111 N. Canal St., Ste. 1500	Chicago		60606
Name	Street or P.O. Box	City	State	Zip Code

9. If a professional service corporation, all the individual shareholders, not less than one half (1/2) of the directors, and all of the officers other than the secretary and treasurer are licensed in one or more states or territories of the United States or District of Columbia to render a professional service described in the statement of purposes of the corporation.

10. I certify that, as of the date of filing this application, the above-named entity validly exists under the laws of the jurisdiction of its formation.

11. If a limited partnership, it elects to be a limited liability limited partnership. Check the box if applicable: ☐

12. If a limited liability company, check box if manager-managed: ☐

13. This application will be effective upon filing, unless a delayed effective date and/or time is provided.

The effective date or the delayed effective date cannot be prior to the date the application is filed. The date and/or time is

(Delayed effective date and/or time)

Signature of Authorized Representative

Norman Smagley

Printed Name & Title

Date

12/21/15

C T Corporation System

Type/Print Name of Registered Agent

consent to serve as the registered agent on behalf of the business entity.

Signature of Registered Agent

Ternell Kearney Asst. Secretary

Printed Name

Title

Date

1/7/16

(09/15)