# **COMMONWEALTH OF KENTUCKY**

# RECEIVED

# BEFORE THE PUBLIC SERVICE COMMISSION

MAR 2 2018

PUBLIC SERVICE COMMISSION

In the matter of:

THE APPLICATION OF EAST KENTUCKY NETWORK	)	
LIMITED LIABILITY COMPANY FOR THE ISSUANCE	)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO. 2015-00372
NECESSITY TO CONSTRUCT A TOWER IN MAGOFFIN	)	
COUNTY, KENTUCKY.	)	

East Kentucky Network, LLC, d/b/a Appalachian Wireless, was granted authorization to provide cellular service in the KY-9 Cellular Market Area (CMA451) by the Federal Communications Commission (FCC). FCC license is included as Exhibit 1. East Kentucky Network, LLC merger documents were filed with the Commission on February 2, 2001 in Case No. 2001-022. East Kentucky Network, LLC is a Kentucky Limited Liability Company that was organized on June 16, 1998. East Kentucky Network, LLC is in good standing with the state of Kentucky.

In an effort to improve service in Magoffin County, pursuant to KRS 278.020 Subsection 1 and 807 KAR 5:001, East Kentucky Network, LLC is seeking the Commission's approval to construct a 300 foot self-supporting tower on a tract of land located near HC 61 Box 486, Salyersville, Magoffin County, Kentucky (37°'40'19.88"N 83°07'05.35"W). A map and detailed directions to the site can be found in Exhibit 7.

Exhibit 2 is a list of all Property owners according to the Property Valuation Administrator's record who own property within 500 feet of the proposed Tower and all property owners that own property contiguous to the property upon which construction is proposed in accordance with the Property Valuation Administrator's record.

Pursuant to 807 KAR 5:063 Section 1 (1)(1), Section 1(m) and Section 2 all affected property owners according to the Property Valuation Administrator's record who own property within 500 feet of the proposed Tower or contiguous to the property upon which construction is proposed were notified by certified mail return receipt requested of East Kentucky Network, LLC's proposed construction and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 2 is a copy of that notification.

Magoffin County has no formal local planning unit. In absence of this unit, the Magoffin County Judge Executive's office was notified by certified mail, return receipt requested of East Kentucky Network, LLC's proposal and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 3 is a copy of that notification.

Notice of the location of the proposed construction was published in the The Salyersville Independent, February 25, 2016, edition. Enclosed is a copy of that notice in Exhibit 3. The Salyersville Independent is the newspaper with the largest circulation in Magoffin County.

A geologist was employed to determine soil and rock types and to ascertain the distance to solid bedrock. The geotechnical report is enclosed as Exhibit 4.

A copy of the tower design information is enclosed as Exhibit 5. The proposed tower has been designed by engineers at Allstate Tower, Inc. and will be constructed under their supervision. Their qualifications are evidenced in Exhibit 5 by the seal and signature of the registered professional engineer responsible for this project.

The tower will be erected by S & S Tower Services of St. Albans, West Virginia. S & S Tower Services has vast experience in the erection of communications towers.

FAA and Kentucky Airport Zoning Commission approvals are included as Exhibit 6.

No Federal Communications Commission approval is required prior to construction of this facility. Once service is established from this tower we must immediately notify the Federal Communications Commission of its operation. Prior approval is needed only if the proposed facility increases the size of the cellular geographic service area. This cell site will not expand the cellular geographic service area.

East Kentucky Network, LLC will finance the subject Construction with earned surplus in its General Fund.

Estimated Cost of Construction \$ 350,000.00 Annual Operation Expense of Tower \$ 12,500.00

Two notice signs meeting the requirements prescribed by 807 KAR 5:063, Section 1(2), measuring at least two (2) feet in height and four (4) feet in width and containing all required language in letters of required height, have been posted, one at a visible location on the proposed site and one on the nearest public road. The two signs were posted on February 10, 2016, and will remain posted for at least two weeks after filing of this application as specified.

Enclosed in Exhibit 8 is a copy of East Kentucky Network, LLC's Memorandum of Lease for the site location along with a lot description.

The proposed construction site is on a very rugged mountaintop some feet from the nearest structure.

Due to the steep hillside surrounding the proposed site, the property in close proximity is unsuitable for any type of development. East Kentucky Network, LLC's operation will not affect the use of nearby land nor its value. No more suitable site exists in the area. A copy of the search area map is enclosed in Exhibit 7. No other tower capable of supporting East Kentucky Network, LLC's load exists in the general area; therefore, there is no opportunity for co-location of our facilities with anyone else.

Enclosed, and filed as Exhibit 9 is a survey of the proposed tower site signed by a Kentucky registered professional engineer.

Exhibit 11 contains a vertical sketch of the tower supplied by Mark Sanders, Kentucky registered professional engineer.

**WHEREFORE,** Applicant, having met the requirements of KRS 278.020(1), 278.650, 278.665, and all applicable rules and regulations of the PSC, respectfully requests that the PSC accept the foregoing Application for filing and grant a Certificate of Public Convenience and Necessity to construct and operate the proposed tower.

The foregoing document was prepared by Cindy McCarty, Staff Attorney for East Kentucky Network, LLC d/b/a Appalachian Wireless. All related questions or correspondence concerning this filing should be mailed to East Kentucky Network, LLC d/b/a/ Appalachian Wireless, 101 Technology Trail, Ivel, KY 41642.

SUBMITTED BY:

DATE: 2/25/2016

Lynn Haney, Regulatory Compliance Director

APPROVED BY:

WA Sillum

DATE: 2/26/2016

W.A. Gillum, General Manager

ATTORNEY:

Hon. Cindy McCarty, Attorney

DATE: 2/25/2016

# **CONTACT INFORMATION:**

W.A. Gillum, General Manager Phone: (606) 477-2355, Ext. 111 Email: wagillum@ekn.com

Lynn Haney, Regulatory Compliance Director

Phone: (606) 477-2355, Ext. 1007

Email: lhaney@ekn.com

Cindy McCarty, Attorney

Phone: (606) 477-2355, Ext. 1006

Email: cmccarty@ekn.com

# **Mailing Address:**

East Kentucky Network, LLC d/b/a Appalachian Wireless 101 Technology Trail Ivel, KY 41642

1	FCC License
2	Copies of Cell Site Notices to Land Owners
3	Notification of County Judge Executive and Newspaper Advertisement
4	Universal Soil Bearing Analysis
5	Tower Design
6	FAA and KAZC Approvals
7	Driving Directions from County Court House and Map to Suitable Scale
8	Memorandum of Lease for Proposed Site with Legal Description
•	Survey of Site Signed/Sealed by Professional Engineer Registered in State of Kentucky
10	Site Survey Map with Property Owners Identified in Accordance with PVA of County
11	Vertical Profile Sketch of Proposed Tower
12	

**ULS** License



# Cellular License - KNKN880 - East Kentucky Network, LLC d/b/a **Appalachian Wireless**

Call Sign

**KNKN880** 

Radio Service

CL - Cellular

**Status** 

Active

Auth Type

Regular

Market

Market

CMA451 - Kentucky 9 - Elliott

Channel Block

Submarket

Phase

2

В

**Dates** 

Grant

08/30/2011

Expiration

10/01/2021

Effective

08/30/2011

Cancellation

Five Year Buildout Date

10/23/1996

**Control Points** 

1

U.S. 23, HAROLD, KY

Licensee

FRN

0001786607

Type

Limited Liability Company

Licensee

East Kentucky Network, LLC d/b/a Appalachian

101 Technology Trail

Ivel, KY 41642

ATTN Gerald Robinette, Manager

P:(606)477-2355

F:(606)874-7551

Contact

Lukas, Nace, Gutierrez & Sachs, LLP

Pamela L Gist Esq 8300 Greensboro Drive McLean, VA 22102

P:(703)584-8665 F:(703)584-8695 E:pglst@fcclaw.com

Ownership and Qualifications

Radio Service

Mobile

Type

Regulatory Status Common Carrier

Interconnected

Yes

Allen Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications** 

The Applicant answered "No" to each of the Basic Qualification questions.

# **EXHIBIT II: LIST OF PROPERTY OWNERS:**

# Statement Pursuant to Section 1 (1) (I) 807 KAR 5:063

**Section 1 (1)(I) 1.** The following is a list of every property owner who according to property valuation administrator's records, owns property within 500 feet of the proposed tower and each have been: notified by certified mail, return receipt requested, of the proposed construction,

**Section 1 (1)(I) 2.** Every person listed below who, according to the property valuation administrator's records, owns property within 500 feet of the proposed tower has been: Given the Commission docket number under which the application will be processed: and

**Section 1 (1)(I) 3.** Every person listed below who, according to property valuation administrator's records owns property within 500 feet of the proposed tower has been: Informed of his right to request intervention.

<u>Section 2.</u> If the construction is proposed for an area outside the incorporated boundaries of a city, the application shall state that public notices required by Section 1(1)(L) have been sent to every person who, according to the property valuation administrator, owns property contiguous to the property upon which the construction is proposed

#### LIST OF PROPERTY OWNERS

Steve and Regina Collett HC 60 Box 486 Salyersville, KY 41465

Larry and Renee Shepherd P.O. Box 457 Salyersville, KY 41465

Luther Curtis Arnett 161 Pineur Drive Richmond, KY 40475

Terry and Rebecca Howard HC 61 Box 510 Salversville, KY 41465 Eric and Harel Hall 1663 Mallett Fork Rd Pinetop, KY 41843

Jeffrey Arnett HC 61 Box 484 Salyersville, KY 41465

Darrel and Mary Minix HC 61 Box 488 Salyersville, KY 41465

Dairen Minix HC 61 Box 486 Salyersville, KY 41465

Ethan Allen 8615 Meridan Ave. North Seattle, WA 98103



# PUBLIC NOTICE

February 23, 2016

Steve and Regina Collett HC 60 Box 486 Salyersville, KY 41465

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2015-00372)

East Kentucky Network, LLC d/b/a Appalachian Wireless has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular telecommunications service in Magoffin County. The facility will include a 300-foot self-supporting tower with attached antennas extending upwards, and an equipment shelter located on a tract of land near HC 61 Box 486, Salyersville, Magoffin County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you may own property within a 500' radius of the proposed tower or own property contiguous to the property upon which construction is proposed.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. The Commission must receive your initial communication within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2015-00372 in your correspondence.

If you have any questions for East Kentucky Network, LLC, please direct them to my attention at the following address: East Kentucky Network, LLC, 101 Technology Trail, Ivel, KY 41642 or call me at 606-477-2355, Ext. 1007.

Sincerely,

Lynn Haney

Regulatory Compliance Director



#### PUBLIC NOTICE

February 23, 2016

Larry and Renee Shepherd P.O. Box 457 Salyersville, KY 41465

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Sincerely,

Lynn Haney

Regulatory Compliance Director

Lynn Haney



#### PUBLIC NOTICE

February 23, 2016

Luther Curtis Arnett 161 Pineur Drive Richmond, KY 40475

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Sincerely,

Lynn Haney

Regulatory Compliance Director



#### PUBLIC NOTICE

February 23, 2016

Terry and Rebecca Howard HC 61 Box 510 Salyersville, KY 41465

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If you have any questions for East Kentucky Network, LLC, please direct them to my attention at the following address: East Kentucky Network, LLC, 101 Technology Trail, Ivel, KY 41642 or call me at 606-477-2355, Ext. 1007.

Sincerely,

Lynn Haney

Regulatory Compliance Director

Lyn Haney



#### PUBLIC NOTICE

February 23, 2016

Eric and Harel Hall 1663 Mallett Fork Rd. Pinetop, KY 41843

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Sincerely,

Lynn Haney

Regulatory Compliance Director



# PUBLIC NOTICE

February 23, 2016

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Sincerely,

Lynn Haney

Regulatory Compliance Director



# PUBLIC NOTICE

February 23, 2016

Darrel and Mary Minix HC 61 Box 488 Salyersville, KY 41465

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2015-00372)

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Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2015-00372 in your correspondence.

If you have any questions for East Kentucky Network, LLC, please direct them to my attention at the following address: East Kentucky Network, LLC, 101 Technology Trail, Ivel, KY 41642 or call me at 606-477-2355, Ext. 1007.

Sincerely,

Lynn Haney

Regulatory Compliance Director



# PUBLIC NOTICE

February 23, 2016

Dairen Minix HC 61 Box 486 Salyersville, KY 41465

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Sincerely,

Lynn Haney

Regulatory Compliance Director

Lyen Haney



# **PUBLIC NOTICE**

February 23, 2016

Ethan Allen 8615 Meridan Ave. North Seattle, Washington 98103

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2015-00372)

East Kentucky Network, LLC d/b/a Appalachian Wireless has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular telecommunications service in Magoffin County. The facility will include a 300-foot self-supporting tower with attached antennas extending upwards, and an equipment shelter located on a tract of land near HC 61 Box 486, Salyersville, Magoffin County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you may own property within a 500' radius of the proposed tower or own property contiguous to the property upon which construction is proposed.

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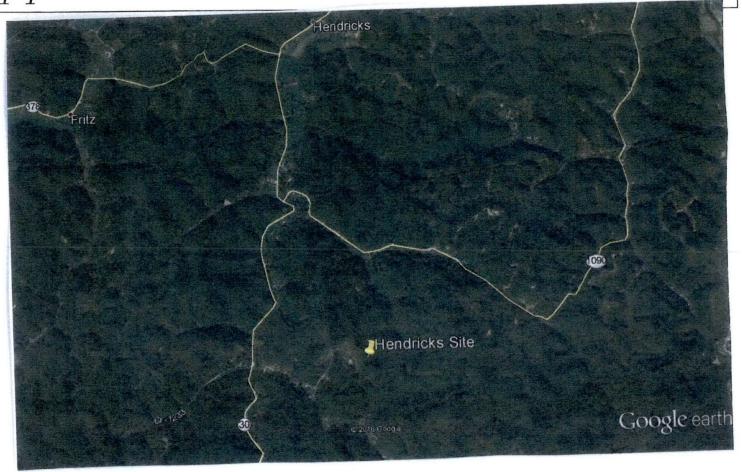
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Sincerely,

Lynn Haney

Regulatory Compliance Director

# Appalachian Wireless Location Map



Site Name

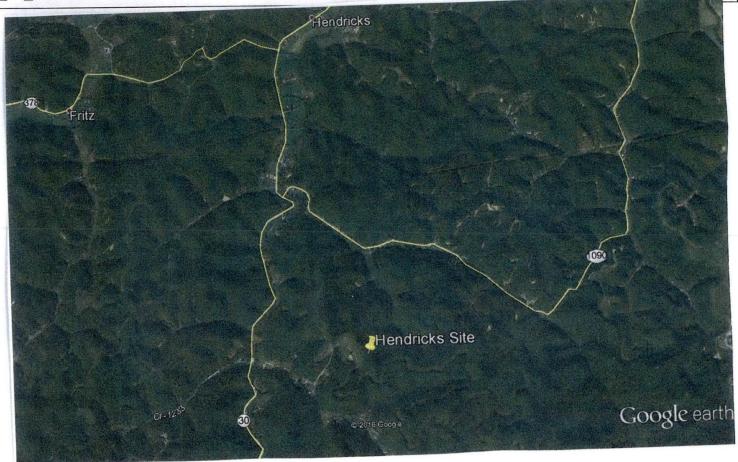
Hendricks Site

Location

HC 61 Box 486 Salyersville, KY.

GPS Location

N 37 40 19,88 W 83 07 05,35 Appalachian Wireless Location Map



Site Name

Hendricks Site

Location

HC 61 Box 486 Salyersville, KY.

GPS Location

N 37 40 19.88 W 83 07 05.35 dba Appalachian Wireless 101 Technology Trail Ivel, KY 41642 Phone: 606.477-2355

Phone: 606-477-2355 Fax: 606-791-2225



To: The Salyersville Independent From: Raina Helton
Attn: Classifieds Regulatory Compliance Assistant

Email: jo@salyersvilleindependent.com
Date: February 19, 2016

Re: PUBLIC NOTICE ADVERTISEMENT Pages: 1

Please place the following Public Notice Advertisement in The Salyersville Independent to be ran on February 25, 2016.

# **PUBLIC NOTICE:**

RE: Public Service Commission of Kentucky (CASE NO. 2015-00372)

Public Notice is hereby given that East Kentucky Network, LLC, dba Appalachian Wireless has applied to the Kentucky Public Service Commission to construct a cellular telecommunications tower on a tract of land located near HC 61 Box 486, Salyersville, Magoffin County, Kentucky. The proposed tower will be a 300 foot self-supporting tower with attached antennas. If you would like to respond to this notice, please contact the Executive Director, Public Service Commission, 211 Sower Boulevard, PO Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 2015-00372.

If you have any questions about the placement of the above mentioned notice, please call me at 606-477-2375, ext. 1005.

Thank you,

Raina Helton Regulatory Compliance Assistant

The message above and the information contained in the documents transmitted are confidential and intended only for the person(s) named above. Dissemination, distribution or copying of this communication by anyone other than the person(s) named above is prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address listed above via regular mail. Thank you.



February 23, 2016

Charles "Doc" Hardin, Judge Executive P.O. Box 430 Salyersville, KY 41465

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2015-00372)

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The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. The Commission must receive your initial communication within 20 days of the date of this letter as shown above.

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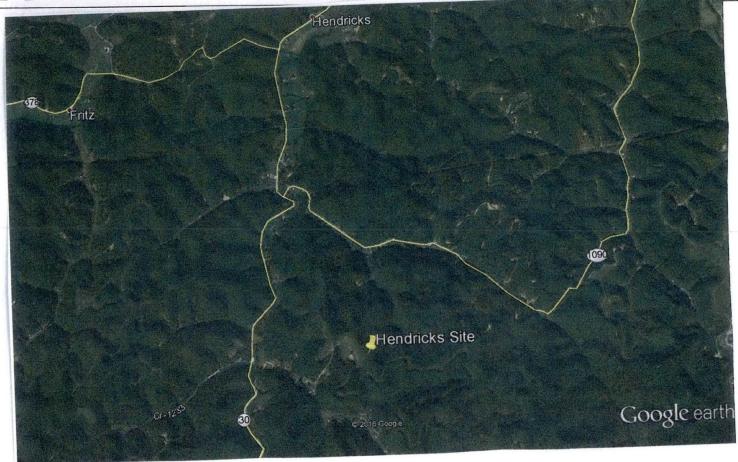
Sincerely,

Lynn Haney

Regulatory Compliance Director

Lyn Haney

Appalachian Wireless Location Map



Site Name

Hendricks Site

Location

HC 61 Box 486 Salyersville, KY.

GPS Location

N 37 40 19,88

# WENDELL R. HOLMES, P.G.

424 Pear Street Hazard, KY 41701 November 18, 2015

Hendricks Tower Site

# Purpose:

A site assessment was conducted for Appalachian Wireless on a tract of land located in Magoffin County near Hendricks, Kentucky. The site of the proposed tower is now forestland. The purpose of this investigation was to determine the depth to bedrock and of what type of rock the bedrock consists.

# Site Investigation:

The trenching method was used to determine the type of bedrock material at the proposed tower site. The outcrop method was used to dig a trench to expose the sandstone material. (See attached page for descriptions of materials encountered.)

The terrain in Magoffin County is slightly to moderately steep. The tower site is located on top of a ridge 2.40 miles south of the community of Hendricks, KY in Magoffin County. The sandstone bedrock below the tower site is approximately 4.00 feet deep based on the information obtained from the site investigation and geological maps of the area.

#### Conclusions:

The proposed tower site is located on a ridge in the area. Tests were not conducted to determine the load-bearing strength of the sandstone bedrock. However, it is apparent that the tower will be constructed on the sandstone material.

The field work for this site was performed by Wendell R. Holmes, using generally accepted methods in the practice of geological science.



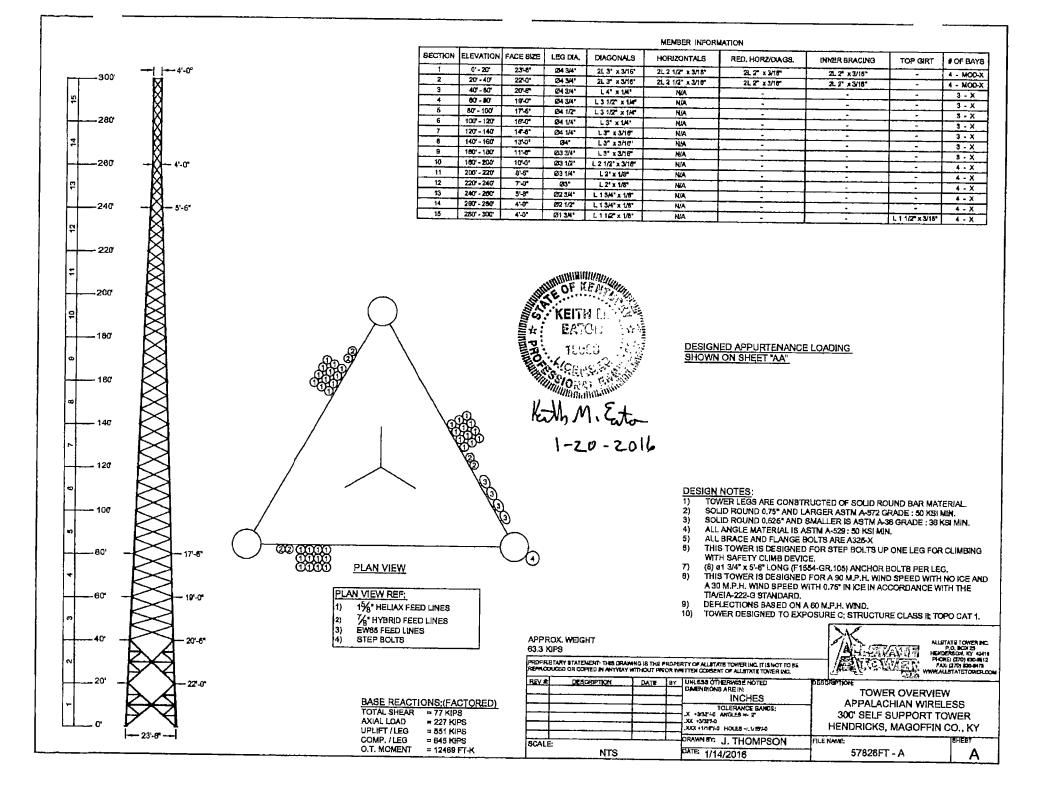
# WENDELL R. HOLMES, P.G.

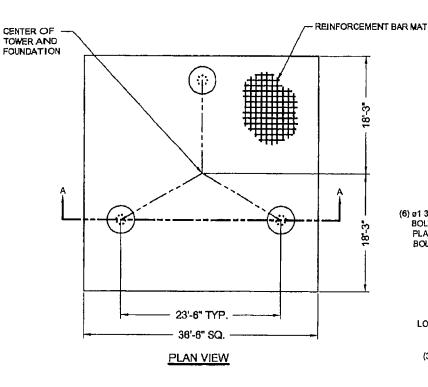
# 424 Pear Street Hazard, Ky. 41701 (606)438-7250

# **Geologist Log**

Location: Hendricks Tower Site

Unit Thickness	Total depth	Strata	Description
4.00′	4.00′	Soil	Brown, Sandy w/ Plant Fragments
10.00′	14.00′	Sandstone	Weathered, Brown and Gray

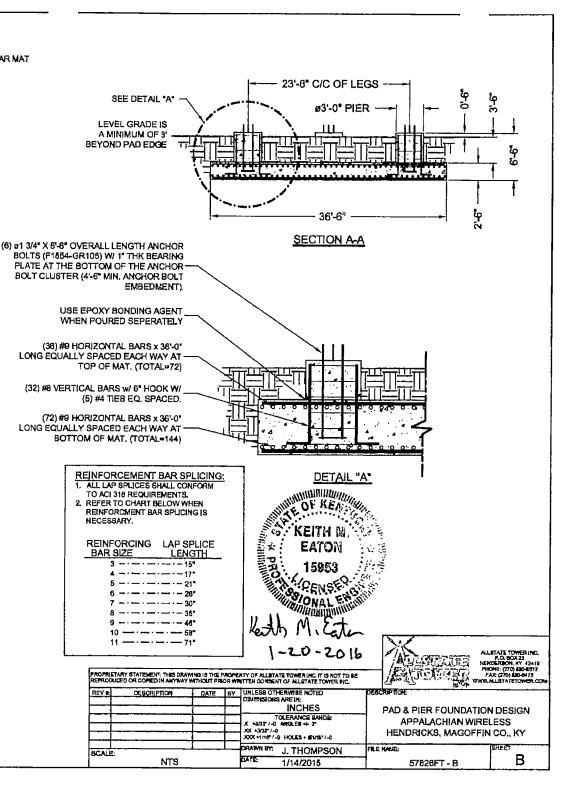




TOTAL VOLUME OF CONCRETE = 126.5 YD<sup>3</sup>

#### FOUNDATION INSTALLATION/DESIGN NOTES:

- THIS FOUNDATION IS DESIGNED TO MEET ALL STANDARDS SET FORTH BY ACI 318:
   AMERICAN CONCRETE INSTITUTE, BUILDING CODE REQUIREMENTS FOR STRUCTURAL
   CONCRETE, ANSI/TIA/EIA 222-G: STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS
   AND ANTENNA SUPPORTING STRUCTURES,
- THIS FOUNDATION IS DESIGNED UTILIZING THE GEOTECHNICAL REPORT PERFORMED BY WENDELL. R. HOLMES, P.G.; DATED 11-18-16. THE FOUNDATION CONTRACTOR SHALL INSTALL THE FOUNDATIONS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT.
- ALL WORK PERFORMED FROM THESE DRAWINGS SHOULD BE BY QUALIFIED CONTRACTORS EXPERIENCED IN TOWER FOUNDATION CONSTRUCTION,
- 4. ALL FOOTING EXCAVATIONS SHALL BE MANUALLY CLEANED PRIOR TO PLACING CONCRETE. COMPACT THE EXPOSED SOIL SURFACE AND ANY GRANULAR FILL UNDER THE FOUNDATION TO 90% OF THE MODIFIED PROCTOR DENSITY.
- ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AFTER 28 DAYS. COPIES OF THE CONCRETE CYLINDER TEST REPORTS SHALL BE SENT TO THE RESIDENT ENGINEER / INSPECTOR.
- MINIMUM CONCRETE COVER FOR REINFORCING BARS SHALL BE 3". ALL REINFORCING BARS SHALL BE GRADE 60 REBAR (MIN YIELD = 60KSI)
- 7. FIELD BENDING OR WELDING OF REINFORCEMENT BARS IS NOT PERMITTED.
- 8. PROVIDE CHAMFERS AT ALL EXPOSED CORNERS OF CONCRETE.
- BACKFILL NEAR AND AROUND THE FOUNDATIONS SHALL BE A WELL GRADED FILL MATERIAL PLACED IN 8" THICK LAYERS THAT HAS BEEN COMPACTED TO 90% OF THE MODIFIED PROCTOR DENSITY PER ASTM D1557.
- 10. SOME DETAIL HAS BEEN PURPOSELY OMITTED TO CLARIFY ILLUSTRATION.

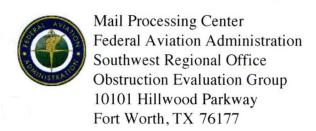


#### **ANTENNA INFORMATION**

ELEVATION	ANTENNA	LINE
300'	(6) WPA-800102/4CF	(6) 1 5/8" HEL. + (1) 7/8" HYB.
300'	(3) BXA-70063/6CF	-
300'	(3) ERICSSON - RRUS11	-
290	(6) WPA-800102/4CF	(6) 1 5/8" HEL. + (1) 7/8" HYB.
290'	(3) BXA-70063/6CF	-
290'	(3) ERICSSON - RRUS11	
280'	(6) WPA-800102/4CF	(6) 1 5/8" HEL, + (1) 7/8" HYB.
280'	(3) BXA-70083/6CF	-
280'	(3) ERICSSON - RRUB11	
270'	(8) WPA-800102/4CF	(8) 1 5/8" HEL. + (1) 7/8" HYB.
270'	(3) BXA-70063/8CF	-
270'	(3) ERICSSON - RRUS11	•
250"	(2) 8' STD DISH W/ RADOME	(2) EW85
200'	(6) WPA-800102/4CF	(8) 1 5/8" HEL. + (1) 7/8" HYB.
200'	(3) BXA-70083/8CF	-
200	(3) ERICSSON - RRUS11	-
190'	(8) WPA-800102/4CF	(6) 1 5/8" HEL. + (1) 7/8" HYB.
190'	(3) BXA-70083/9CF	-
190'	(3) ERICSSON - RRUS11	-
185	(2) 6' STD DISH W/ RADOME	(2) EW85



PROPRIETAR REPRODUCI	RY STATEMENT: THIS DRAI ED OR COPIED IN ANYMAY	MING IS THE I	PROPE FOR WE	RTY OF ALLITATE TOWER INC. IT IS NOT TO BE RTTEN CONSENT OF ALLITATE TOWER INC.	AULSTANTE II	LLBTATE TOMER BIO. P.O. BCX 25 EMOGRBON, NY 42418 HIDNE (229) EID-8112 FAX; (279) EID-8125 NALLSTATETOWER.COM	
RRY#	DESCRIPTION	PATE	βY	UNLESS OTHERWISE NOTED DIMENSIONS ARE IN:	DESCRIPTION:		
			1	INCHES	TOWER OVERVI		
				TOLERANCE BANDS:	APPALACHIAN WIRELESS		
			-	XX +932740 XXX +918740 HOLES H, 918740	300' SELF SUPPORT HENDRICKS, MAGOFFI		
				DRAYM BY: J. THOMPSON	FILE NAME	BHEET	
SCALE:	NT8			DATE: 1/14/2016	57826FT - A	AA	



Issued Date: 01/05/2016

Ali Kuzehkanani East Kentucky Network, LLC 8300 Greensboro Drive, Suite 1200 McLean, VA 22102

# \*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\*

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:

Antenna Tower Hendricks

Location:

Hendricks, KY

Latitude:

37-40-19.88N NAD 83

Longitude:

83-07-05.35W

Heights:

1342 feet site elevation (SE)

310 feet above ground level (AGL) 1652 feet above mean sea level (AMSL)

nis aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 L, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

	At least 10 days prior to start of construction (7460-2, Part 1)	
_X_	Within 5 days after the construction reaches its greatest height (7460-2, P	art 2)

This determination expires on 07/05/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

m we can be of further assistance, please contact our office at (816) 329-2523. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-ASO-19108-OE.

Signature Control No: 271502444-276804929

(DNE)

Steve Phillips Specialist

Attachment(s) Frequency Data Map(s)

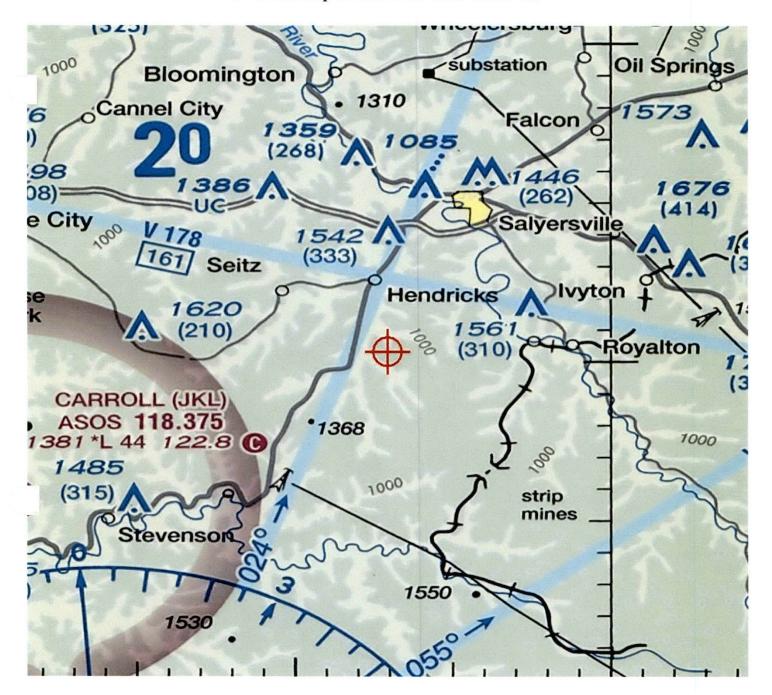
cc: FCC

# Frequency Data for ASN 2015-ASO-19108-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	$\mathbf{W}$

# TOPO Map for ASN 2015-ASO-19108-OE







# KENTUCKY AIRPORT ZONING COMMISSION

STEVEN BESHEAR

Governor

90 Airport Road, Bldg 400 Frankfort, KY 40601 www.transportation.ky.gov/aviation 502 564-4480

January 11, 2016

APPROVAL OF APPLICATION

APPLICANT:

East Kentucky Network, LLC. East Kentucky Network, LLC. 8300 Greensboro Drive|Suite 1200 McLean, VA 22102

SUBJECT: AS-077-JKL-2015-118

STRUCTURE:

Antenna Tower

LOCATION:

Hendricks, KY

COORDINATES: 37° 40' 19.88" N / 83° 7' 5.35" W

HEIGHT:

310' AGL/1652'AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 310'AGL/ 1652'AMSL Antenna Tower near Hendricks, KY 37° 40' 19.88" N / 83° 7' 5.35" W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Medium Dual Obstruction Lighting is required in accordance with 602 KAR 50:100.

John Houlihan Administrator





# KENTUCKY AIRPORT ZONING COMMISSION

STEVEN BESHEAR
Governor

90 Airport Road, Bldg 400 Frankfort, KY 40601 www.transportation.ky.gov/aviation 502 564-4480

# CONSTRUCTION/ALTERATION STATUS REPORT

January 11, 2016

AERONAUTICIAL STUDY NUMBER: AS-077-JKL-2015-118

East Kentucky Network, LLC.
East Kentucky Network, LLC.
8300 Greensboro Drive|Suite 1200
McLean, VA 22102

This concerns the permit which was issued to you by the Kentucky Airport Zoning Commission on January 11, 2016. This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within the said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit. When appropriate, please indicate the status of the project in the place below and return this letter to John Houlihan, Administrator, Kentucky Airport Zoning Commission, 90 Airport Road, Bldg 400, Frankfort, KY, 40601. 502 564-4480.

STRUCTURE:	Antenna Tower	
LOCATION:	Hendricks, KY	
	37° 40' 19.88" N / 83° 7' 5.35" W	
	310' AGL /1652'AMSL	
CONSTRUCTION/A	ALTERATION STATUS	
1. The project ( )	is abandoned. ( ) is not abandoned.	
2. Construction state	us is as follows:	
Structure reached	d its greatest height of ft. AGL	
ft	t. AMSL on(date).	
Date construction	on was completed.	
Type of obstruc	tion marking/painting.	
Type of obstruc	ction lighting.	······
As built coording	nates.	
Miscellaneous I	Information.	<del></del>
DATE	-	
	TITLE	





# **KENTUCKY TRANSPORTATION CABINET**

TC 56-50 Rev. 07/2010 Page 2 of 2

# **KENTUCKY AIRPORT ZONING COMMISSION**

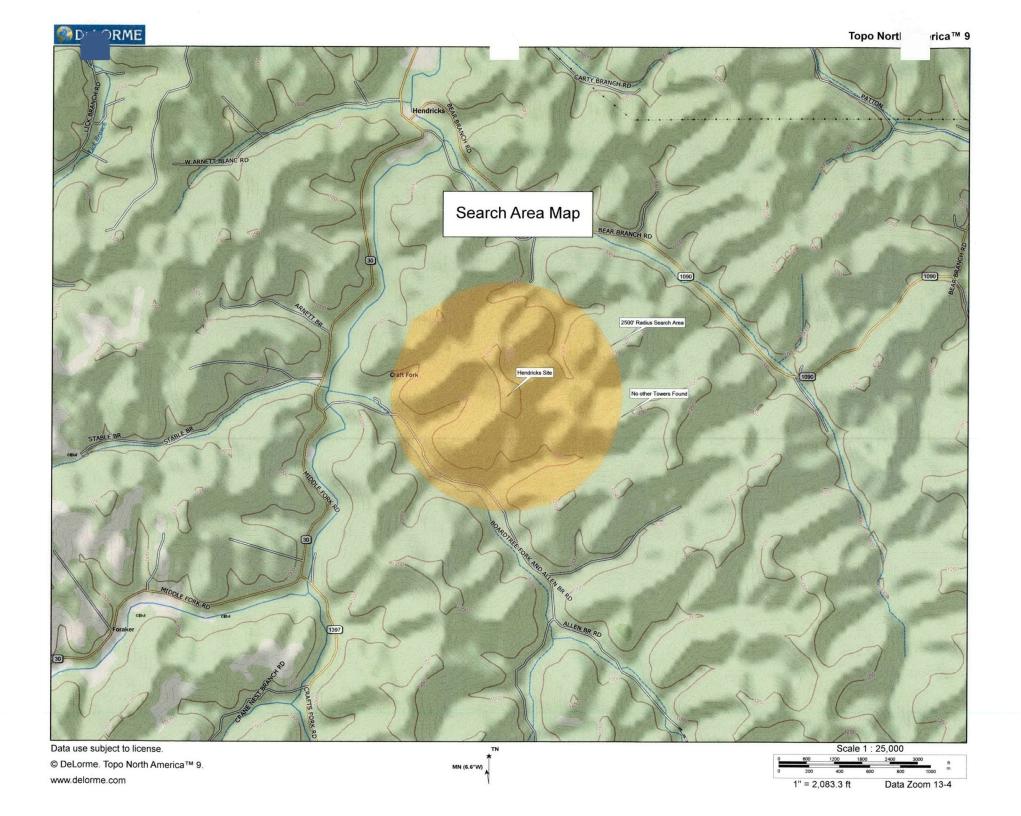
# APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE

APPLICANT (name)	PHONE	FAX	KY AERONAUTICA	L STUDY #		
East Kentucky Network, LLC c/o LNGS	703-584-8667	703-584-8692	A5-877-JK	L-2015-118		
ADDRESS (street)	CITY		STATE	ZIP		
8300 Greensboro Dr, #1200	McLean		VA	22102		
APPLICANT'S REPRESENTATIVE (nam		FAX				
Ali Kuzehkanani	703-584-8667	703-584-8692				
ADDRESS (street)	CITY		STATE	ZIP		
8300 Greensboro Dr, #1200	McLean		VA	22102		
APPLICATION FOR New Constr			WORK SCHEDULE			
	emporary (months	days )	Start 12/15/15 End	12/20/15		
TYPE Crane Building		IG/LIGHTING PREFE				
Antenna Tower		int White- med				
Power Line Water Tank	and the same of th	dium intensity white	Dual- red & h	igh intensity white		
Landfill Other	Other					
LATITUDE	LONGITUDE		DATUM NAC	083 NAD27		
37°40′19.88″	83°07'05.35"		Other			
NEAREST KENTUCKY	To receive commence of particular and approximate	Y PUBLIC USE OR M	ILITARY AIRPORT			
City Hendricks County Magoffin	Julian Carroll Airpo					
SITE ELEVATION (AMSL, feet)		HEIGHT (AGL, feet)	CURRENT (FAA ae	ronautical study #)		
1342	310					
OVERALL HEIGHT (site elevation plus	total structure height,	feet)	PREVIOUS (FAA at	eronautical study #)		
1652						
DISTANCE (from nearest Kentucky pu	blic use or Military airp	port to structure)	PREVIOUS (KY aer	onautical study #)		
12.2 mi						
DIRECTION (from nearest Kentucky p	ıblic use or Military aiı	rport to structure)				
WSW						
DESCRIPTION OF LOCATION (Attach	JSGS 7.5 minute quadi	rangle map or an air <sub>l</sub>	port layout drawing	with the precise site		
marked and any certified survey.)						
Approx. 2.5 mi S of Hendricks (Magoffin), KY						
DESCRIPTION OF PROPOSAL						
	antonna leverall bata	ht -f 2101 4Ct \				
A new 300' tower with top-mounted	antennas (overali neig	ut at 310. AGF)				
FAA Form 7460-1 (Has the "Notice of Construction or Alteration" been filed with the Federal Aviation Administration?)						
□ No ☑ Yes, when? 11/06/15						
CERTIFICATION (I hereby certify that all the above entries, made by me, are true, complete, and correct to the best of						
my knowledge and belief.)						
PENALITIES (Persons failing to comply with KRS 183.861 to 183.990 and 602 KAR 050 are liable for fines and/or						
imprisonment as set forth in KRS 183.990(3). Noncompliance with FAA regulations may result in further penalties.)						
NAME TITLE	SIGNATURE	-14 - 1	DATE			
Ali Kuzehkanani Dir of Engineering						
COMMISSION ACTION Chairperson, KAZC						
K 1 Administrator KA7C						
Approved SIGNATURE	1		DATE /-//-	16		
Disapproved	7		t .			
	h		DATE / //	7 6		

# Driving Directions for Hendricks

Starting in front of the Magoffin County Court House at the intersection of highways 460, 40 and 7, take Route 7 (South/460 East) .2 miles, turn right on Route 7 (south), go 1.1 miles, turn right on Mountain Parkway (West), go 2.8 miles, turn right. Go to end of ramp, turn left on Route 30 (West), go 4.9 miles, turn left on Board Tree Road, go .4 miles. Tower access road is on the left (signs will be posted here).

Prepared By: Jack Adkins Appalachian Wireless 606-339-0531

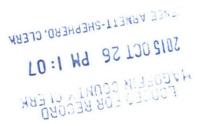


# MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made and entered into on this the day of Octoor, 2015, with a commencement date of octoor, by and between and Steve Earlen and Regina Collett, his wife, with the mailing address of HC 61 Box 486, Salyersville, KY, 41465, hereinafter refereed to as "Lessors" and East Kentucky Network, LLC d/b/a Appalachian Wireless, with a mailing address of 101 Technology Trail, Ivel, Kentucky, 41642, hereinafter referred to as "Lessee."

# WITNESSETH:

- 1. Demised Premises: For good and valuable consideration, Lessors do hereby lease to Lessee, and Lessee does hereby lease from Lessors, a portion of that certain tract of real estate located in Magoffin County, Kentucky, and being a portion of the same land conveyed to Lessors by Deed of Conveyance referenced in Deed Book 139, Page 280 and Deed Book 147 Page 72, in the Magoffin County Clerk's Office. Said property is more particularly described in the description and plat attached hereto and made a part hereof as Exhibits A and B, prepared by Steven E. Haywood of Summit Engineering, Licensed Professional Land Surveyor (hereinafter referred to as the "Premises"). A partial release is filed in Lease Book # 121 , Page # 379 from Chattaco, Inc.
- 2. Term: The term of the Lease shall be for a period of five (5) years from the commencement date of the Lease Agreement.
- 3. Option to Renew: Lessee shall have the option to renew the Lease for an additional six (6) terms of five (5) years each.



- 4. **Binding Effect:** All of the terms, conditions, and covenants hereof shall be binding and shall inure to the benefit of the heirs, representatives, successors, and assigns of the parties hereto.
- 5. **Purpose:** This Memorandum of Lease is prepared solely for the purpose of recordation, and is not intended, nor shall it be deemed, to modify any of the terms and conditions set forth in the Lease, nor to construe any of the rights, duties or responsibilities of Lessors and Lessee thereunder.

In Witness Whereof, Lessors and Lessee have executed this Memorandum of Lease as of the day, month and year first written above.

**LESSORS:** 

Steve Earlen Collett

Regina Collett

COMMONWEALTH OF KENTUCKY COUNTY OF Magazin

The foregoing instrument was acknowledged before me on this Ata day of 2015, by Steve Earlen Collett and Regina Collett, Lessors.

Notary Public

My Commission Expires

# LESSEE:

EAST KENTUCKY NETWORK, LLC

By WA Sillum

Its CEO/GM

COMMONWEALTH OF KENTUCKY COUNTY OF Floyd

The foregoing instrument was acknowledged before me on this 14th day of 2015, by W.A. Gillum, CEO/General Manager of East Kentucky Network, LLC, d/b/a Appalachian Wireless.

Notary Public

My Commission Expires Feb 3, 2010

This instrument was prepared by:

William S. Kendrick, Attorney at Law

Penn, Stuart & Eskridge

119 E. Court Street, Ste. 201

Prestonsburg, KY 41653

341115 Lodged on: 10/26/2015 1:07:00 PM Entered on: 10/27/2015 3:48:07 PM Book: LEASE Number: 121 Pages: 383 - 387 Renee Arnett-Shepherd, Magoffin County DC: MELISSA HOLLIDAY



#### Hendricks Tower Site

A certain tract of land located on Boardtree Fork of the Middle Fork of the Licking River, Magoffin County, Kentucky and more particularly described as follows.

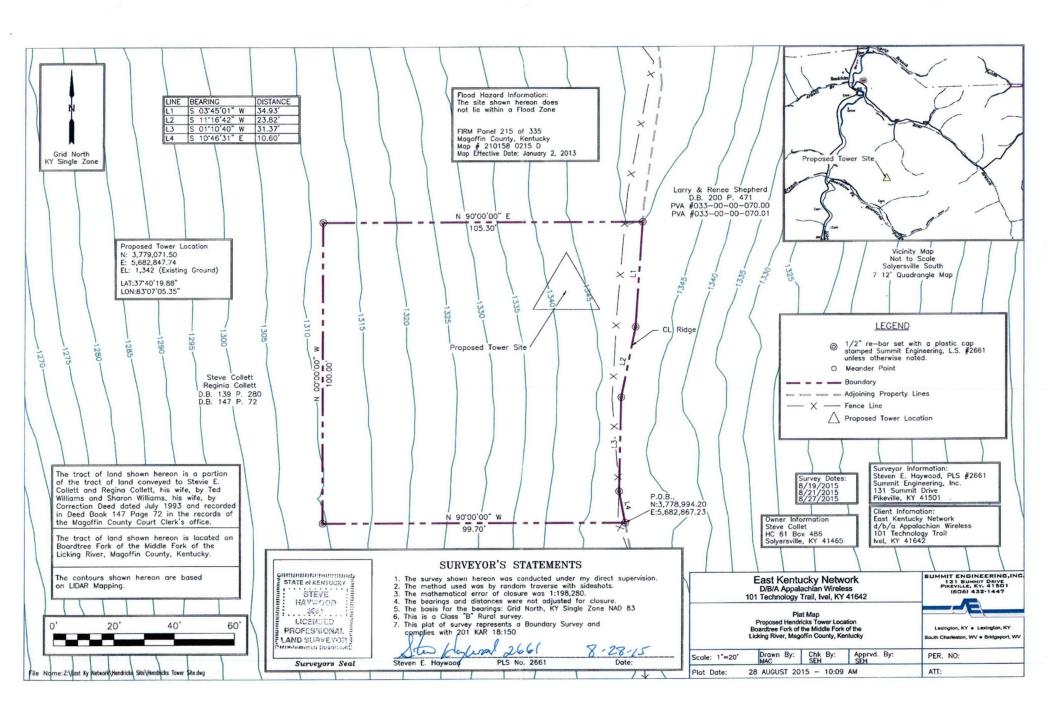
Unless stated otherwise any monument referred to herein as a Re-Bar and Cap is a set ½" steel re-bar eighteen (18") in length with a yellow plastic cap stamped Summit L.S. #2661. All bearings stated herein are referred to Grid North based on Kentucky Single Zone State Plane NAD 83 coordinates.

Beginning at a set Re-Bar and Cap on the center of the ridge between the lands of Larry & Renee Shepherd (D.B. 200 P. 471) and Stevie & Regina Collett (D.B. 147 P. 72) and being the ridge between Boardtree Fork and Bear Branch of the Middle Fork of the Licking River, Magoffin County, Kentucky, and having Kentucky State Plane NAD 83 Single Zone Coordinates of N: 3,799,071.50, E: 5,682,847.74; Thence leaving the lines of Larry & Renee Shepherd (D.B. 200 P. 471) N 90°00'00" W a distance of 99.70' to a Re-Bar and Cap on the hillside; Thence N 00°00'00" W a distance of 100.00' to a Re-Bar and Cap on the hillside; Thence N 90°00'00" E a distance of 105.30' to a Re-Bar and Cap on the center line of the ridge, corner to Larry & Renee Shepherd (D.B. 200 P. 471) and Stevie & Regina Collett (D.B. 147 P. 72); Thence with the lines of Larry & Renee Shepherd and Steve & Regina Collett S 03°45'01" W a distance of 34.93' to a Re-Bar and Cap on the center line of the ridge; Thence S 11°16'42" W a distance of 23.82' to a Re-Bar and Cap on the center line of the ridge; Thence S 01°10'40" W a distance of 31.37' to a Re-Bar and Cap on the center line of the ridge; Thence S 10°46'31" E a distance of 10.60' to the point of beginning and containing 0.23 acres more or less according to a survey by persons under the direct supervision of Steven E. Haywood, PLS #2661 with Summit Engineering on August 27, 2015 and being a portion of the tract of land conveyed to Stevie E. & Regina Collett, his wife, by Ted Williams and Sharon Williams, his wife, by Correction Deed dated July 1993 and recorded in Deed Book 147 Page 72 in the records of the Magoffin County Court Clerk's office.

Steven Haywood PLS #266 E

STEVE Date: 8/28/2015

STEVE STEVE



# CASE NO: 2015 - 372

# CONTAINS LARGE OR OVERSIZED MAP(S)

RECEIVED ON:

**RECEIVED** 

MAR 3 2016

PUBLIC SERVICE COMMISSION

