



Matthew G. Bevin  
Governor

Charles G. Snavely  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
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Fax: (502) 564-3460  
psc.ky.gov

Michael J. Schmitt  
Chairman

Robert Cicero  
Vice Chairman

Daniel E. Logsdon Jr.  
Commissioner

January 9, 2017

Mr. Sam Hays  
2672 Rocky Hill Road  
Bonnieville, KY 42713

RE: Case No. 2016-00260  
East Kentucky Network: Robinson Forest Tower

Dear Mr. Hays:

This is in response to your letter received on January 6, 2017, stating your questions regarding East Kentucky Network's application for approval to construct a wireless tower facility. You request more precise information regarding the location of the proposed tower in relation to land that you own that is contiguous to the property upon which the tower is proposed to be constructed. The letter has been placed in the official case file of this proceeding and the Commission will carefully analyze this application before rendering its final decision. By this letter, the attached request for information has been forwarded to East Kentucky Network for a response. Commission Staff requests the East Kentucky Network to submit a written response to the request for information, with a copy to the Commission, within 15 days of the date of this letter.

If a person wishes to become a party in this matter he should submit to the Commission a request for intervention, if intervention is desired. If no request for intervention is received within 30 days of the date of this letter, the Commission Staff will presume that the Applicant's reply has satisfied the concerns raised in your letter.

It may be helpful for you to know the state authority, specifically that of the Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute

to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

You may view Orders and data requests issued by the Commission or other formal case documents on our website <http://psc.ky.gov>.

If you have any questions, please contact J.E.B. Pinney, Staff Attorney, at (502) 782-2587 or at [jeb.pinney@ky.gov](mailto:jeb.pinney@ky.gov).

Sincerely,



Talina R. Mathews  
Executive Director

JEP/ph

Attachment

cc: Parties of Record

2 January 2017

Executive Director's Office  
Public Service Commission of KY  
P.O. Box 615  
Frankfort, KY 40602

RECEIVED

Case No. 2016-00260

JAN 6 2017

Dear Sir/Madam:

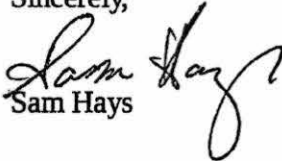
Public Service  
Commission

In regard to your certified letter of December 2016:

1) I am not aware that I have property within a 500' radius of or contiguous to your proposed facility to provide telecommunications service in Breathitt County. The map included in your mailing was not clear enough for me to determine exactly where the location of the facility will be in conjunction to any property that I own in Breathitt County. The proposed address of 2000 Lookout Tower Rd., Clayhole, KY, does not give me an overview of the proposed site and its conjunction to my property.

2) If my property does, indeed, lie within the distances of the proposed facility as described in your certified mailing, I would have a commentary to make in that regard. Can you be more precise in the location of your proposed site and any property that I own? Until I have this information, I will withhold any comments that I might have in regard to the project.

Sincerely,

  
Sam Hays

cc:Lynn Haney, East KY Network, LLC.  
101 Technology Trail  
Ivel, KY 41642

*[Faint, illegible text at the bottom of the page, possibly a scan artifact or bleed-through.]*

\*Cindy D McCarty  
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East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642

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\*W.A. Gillum  
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