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**Public Service Commission**  
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Vice Chairman

Daniel E. Logsdon Jr.  
Commissioner

January 5, 2017

Mr. Thomas W. Keeth  
319 Ramey Road  
East Point, Kentucky 41216

RE: Case No. 2016-00326

The Application of East Kentucky Network, LLC for the Issuance of a Certificate of Public Convenience and Necessity to Construct a Tower in Magoffin County, Kentucky

Dear Mr. Keeth:

This is in response to your letter received on December 20, 2016, stating your concerns and objections regarding East Kentucky Network's application for approval to construct a wireless tower facility. 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 intervention has been forwarded to East Kentucky Network for a response. Commission Staff requests 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.

In your letter you request to intervene in this proceeding. As grounds for your interest you dispute the ownership of the property upon which the proposed tower is to be built. You allege there is a defect in the deed under which the current owner of the property, Eagle Well Service, Inc., took ownership. You also allege that you and your brother are entitled to one-half of the property and that half has yet to be determined. Therefore, you state that it is not known if the tower will be built upon the half of land to which you and your brother may be entitled.

The Commission will grant intervention to a party if that party, "has a special interest in the case that is not otherwise adequately represented" or the party's "intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings." 807 KAR 5:001, Section 4(11).

You have raised allegations pertaining to the proper ownership of the property that East Kentucky Network seeks to lease in order to construct a wireless tower. While a disputed title may be an issue that could assist the Commission in considering the application, you have provided no documentation that such a dispute legally exists.

The Commission is not a court of law and only has the power given to it by statute. The Commission's jurisdiction does not extend to property disputes and is not the appropriate venue in which to adjudicate such a dispute and absent proof that such a dispute exists, the Commission cannot determine if you have a special interest in the case or an interest that would not otherwise be represented. Therefore, within 20 days of the date of this letter, please provide either: 1) an order from a court of competent jurisdiction proving your and your brother's interest in the property; or, 2) documents demonstrating that the ownership of the property is being disputed before a court of law.

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

JEB/ph

Attachment

cc: Parties of Record

Executive Directors Office 12-15-2016  
Public Service Commission of Kentucky  
P.O. Box 415  
Frankfort, Ky. 40602

RECEIVED

DEC 20 2016

Public Service  
Commission

Re: Case No. 2016-00326

I received a letter from  
Lynn Honey, Regulatory Compliance  
Director for East Kentucky Network  
located in Ives, Ky. and regard to  
the construction of a 180' Cellular  
Communication Tower on property  
partially owned by Eagle Well Services  
I wish to intervene in the issuing  
a permit for the construction of this  
project, based on the following:

My father Hershel Keeth divorced  
my mother Geneva Keeth in 1991. My  
mother Geneva Keeth had a marital  
interest in this tract of land by  
way of Deed recorded in Deed Bk.  
111 Page 223 Magoffin County Court  
Clerks Office lodged for record 1-22-1976  
This deed was overlooked by the  
attorneys and apparently not submitted  
to the Judge in determining my  
mothers interest in this property.

There was no mention of this deed in the "Findings of Fact Conclusions of Law and Decree of Dissolution of Marriage" executed by the Judge on August 1, 1992 of Geneva Keeth's interest in this property.

The defect in present deed to Eagle Well Service was brought to our attention when John Estill done a Title Search for Kentucky Department of Highway.

Hershel Keeth and his new wife Kay Keeth conveyed property to Eagle Well Service in 1995 apparently without a title search being done.

My mother Geneva Keeth passed away in 1994 without a will therefore her legal heirs are her son's Thomas Keeth and Darrel Keeth who own one half interest in the Tract No 2 mentioned in the deed. Since it has not been determined which half Eagle Well Service owns, How can East Ky Network enter into a lease agreement without all ownership parties of the real Estate excluding the lease?

I look forward to receiving  
a letter of response from you  
as to this request from East  
Kentucky Network on this project.

Sincerely,

Thomas W. Heath  
319 Ramey Fk  
East Point, Ky 40216

Phone #



land line  
cell

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101 Technology Trail  
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