



Matthew G. Bevin  
Governor

Charles G. Snavelly  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

Michael J. Schmitt  
Chairman

Robert Cicero  
Vice Chairman

Daniel E. Logsdon Jr.  
Commissioner

February 22, 2017

Mr. Steve Billman  
6390 Beech Creek Road  
Clifton, TN 38425

RE: Case No. 2016-00390  
Verizon Wireless: Blood River Tower

Dear Mr. Billman:

This is in response to your letter received on January 19, 2017, stating your opposition regarding Verizon Wireless request 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. On January 20, 2017, the Commission responded to your letter and sent a copy of your letter to Verizon Wireless. Unfortunately the Commission's January 20, 2017 letter to you was sent to the incorrect address and returned to the Commission as undeliverable. Verizon Wireless, in the meantime, has responded to your letter, a copy of the response is attached.

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 Verizon Wireless' reply has satisfied the concerns raised in your letter.

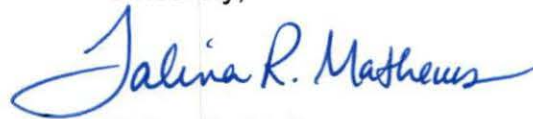
It may be helpful for you to know the state authority, specifically, that of the Commission in this matter has been limited by federal law. For example, Section 704, of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis 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 at <http://psc.ky.gov>.

Mr. Steve Billman  
February 7, 2017  
Page 2

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

cc: Parties of Record



1578 Highway 44 East, Suite 6  
P.O. Box 369  
Shepherdsville, KY 40165-0369  
Phone (502) 955-4400 or (800) 516-4293  
Fax (502) 543-4410 or (800) 541-4410

January 24, 2017

VIA FEDEX

Talina Matthews, Executive  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602-0615

RECEIVED

JAN 25 2017

PUBLIC SERVICE  
COMMISSION

Location: Derek Trail, Murray, KY  
Applicants: Skyway Towers, LLC and Kentucky RSA No. 1 Partnership  
d/b/a Verizon Wireless  
Site Name: Blood River  
PSC Case No.: 2016-00390

Dear Ms. Matthews:

We have received and responded to the letter from Mr. and Mrs. Billman concerning this tower site. Please find enclosed our response to their concerns and make this letter and its enclosures a part of the administrative record. Do not hesitate to contact us with any concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Pike".

David A. Pike  
Attorney for Applicants

cc: J.E.B. Pinney, Div. of General Counsel



1578 Highway 44 East, Suite 6  
P.O. Box 369  
Shepherdsville, KY 40165-0369  
Phone (502) 955-4400 or (800) 516-4293  
Fax (502) 543-4410 or (800) 541-4410

January 24, 2017

**VIA PRIORITY MAIL**

Steve and Laura Billman  
6390 Beech Creek Road  
Clifton, TN 38425

Location: Derek Trail, Murray, KY  
Applicant: Skyway Towers, LLC and Kentucky RSA No. 1 Partnership  
d/b/a Verizon Wireless  
Site Name: Blood River  
PSC Case No.: 2016-00390

Dear Mr. and Mrs. Billman:

The Applicants in the above-referenced matter have been informed of your inquiry to the PSC, and Applicants' response to your inquiry is enclosed.

Sincerely,

A handwritten signature in black ink that reads "David A. Pike". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David A. Pike  
Attorney for Applicants

CC:  
Talina Matthews, Executive Director of The Kentucky Public Service Commission

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

In the Matter of:

THE APPLICATION OF )  
SKYWAY TOWERS, LLC )  
AND KENTUCKY RSA NO. 1 PARTNERSHIP )  
D/B/A VERIZON WIRELESS )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC ) CASE NO.: 2016-00390  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF CALLOWAY )

SITE NAME: BLOOD RIVER

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**RESPONSE TO LETTER OPPOSING APPLICATION**

Applicants Kentucky RSA No. 1 Partnership d/b/a Verizon Wireless ("Verizon Wireless") and Skyway Towers, LLC ("Skyway Towers"), by counsel, make this Response to letter submitted by Steve Billman and Laura Billman in the within proceeding. Applicants respectfully state, as follows:

1. Steve Billman and Laura Billman, by letter to the Kentucky Public Service Commission, state that they oppose the within application because "it is absolutely of no benefit to me and lessens the value of my property which is at a minimum presently at best."

2. Under applicable law, Applicants are not required to make a showing that the proposed facility will benefit every citizen or specifically benefit individual citizens. Nonetheless, Applicants state that the proposed facility will benefit a significant number of citizens in this area by providing and improving wireless communications services in the subject area.

3. The Billman letter offers no evidence in support of the claim that the facility "lessens the value of my property which is at a minimum presently at best," and there is no basis in the case record to support this claim.

4. The Application can not be denied based upon the Billmans' assertions.<sup>1</sup> Moreover, the Billmans do not detail why the proposed tower site should be rejected under any statute or regulation even if specific allegations as to the Billmans' individual benefit or property values were true.

5. The Public Service Commission should not become a facilitator to the Billmans' efforts to circumvent clear and controlling legal precedent. 807 K.A.R. 5:001 - Section 4 - (11)(b) provides:

"(b) The commission shall grant a person leave to intervene if the commission finds that he or she had made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her 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." (Emphasis added). *Id.* at 807 K.A.R. 5:001 - Section 4 -1 (11)(b).

When read in connection with state statutes and regulations, the Billman letter clearly fails to provide any material issue for the Commission's consideration and offers no support for the claims made therein.

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<sup>1</sup> As stated by the U.S. District Court in *Cellco Partnership, et al v. Franklin County, Kentucky, et al*, 553 F.Supp.2d 838 (E.D. Ky. 2008): "Area residents questions the safety of the proposed tower, the need for it, whether there were other suitable locations for it, and whether it would affect property values. There is no evidence, however, that any of these residents had any personal knowledge regarding these issues. Nor did any of these residents offer any evidence in support of their concerns. Thus, this testimony is "unsupported opinion" and does not constitute evidence supporting the Planning Commission's denial of the application." (*Emphasis added*). *Id.* at 849.

**WHEREFORE**, Applicants respectfully request the Kentucky Public Service Commission:

- (a) Accept this Response to the Billman Letter Dated January 13, 2017 for filing;
- and
- (b) Grant Applicants any other relief to which they are entitled.

Respectfully submitted,



David A. Pike  
Pike Legal Group, PLLC  
1578 Highway 44 East, Suite 6  
P. O. Box 369  
Shepherdsville, KY 40165-0369  
Telephone: (502) 955-4400  
Telefax: (502) 543-4410  
Email: dpike@pikelegal.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 24th day of January 2017, a true and accurate copy of the foregoing was sent by U.S. Postal Service priority mail, postage prepaid, to Steve and Laura Billman, 6390 Beech Creek Road, Clifton, TN 38425.

Respectfully submitted,



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David A. Pike  
Pike Legal Group, PLLC  
1578 Highway 44 East, Suite 6  
P. O. Box 369  
Shepherdsville, KY 40165-0369  
Telephone: (502) 955-4400  
Telefax: (502) 543-4410  
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\*Honorable David A Pike  
Attorney at Law  
Pike Legal Group PLLC  
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P. O. Box 369  
Shepherdsville, KENTUCKY 40165-0369

\*Kentucky RSA #1 Partnership  
One Verizon Way  
Mailcode VC53S475  
Basking Ridge, NJ 07920