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Vice Chairman

Daniel E. Logsdon Jr.
Commissioner

March 7, 2017

Mr. Michael Watts
3278 HWY 2036
Letcher, KY 41832

RE: Case No. 2017-00048
East Kentucky Network: Roxana Tower

Dear Mr. Hays:

This is in response to your letter received on March 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

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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.

Sincerely,



Talina R. Mathews
Executive Director

J.E.P/ph

cc: Parties of Record

March 2, 2017

Executive Director's Office

Public Service Commission of Kentucky

P.O. Box 615

Frankfort, KY 40602

RECEIVED

MAR 6 2017

Public Service
Commission

RE: Case No. 2017-00048

My sister and brother in law received a letter from East Kentucky Network concerning the above case number. My sister and her husband are prior owners of property where a proposed tower is being construction. My sister responded to this letter favorably due to fact that we have no cell service in our area. My sister does not live in the Roxana Kentucky area and she does not own this property. I am the owner of this property and I also am in favor of having a tower but I am concerned where the location is. I am the owner and I have not been contacted by East Kentucky Network or anyone else. By viewing the enclosed map the proposed tower could be on my property or on the property line. The map is a google earth map and extremely difficult to see where

the top of the mountain is. My property line runs up a ridge to the top of the mountain and by viewing the map it looks as if the Roxana site is or could be on my property.

Evidently a title search nor a survey was not conducted or someone would have known that I am the owner of this property. My deed is filed in the Letcher County Court Clerk's Office. I am concerned about the placement of this tower on my property and also very concerned about not being contacted. If the company is relying on some type of old mining map or another property owner's say so and not a survey then in my opinion this is not only wrong but legally liable.

Again I am requesting some type of intervention due to the fact as a property owner of this property I have not been notified. I have no access to my property which has two cemeteries located on my property due to a gate being installed and locked on the only road to the property. There is another cemetery located past my property which has graves of civil war veterans but no one has access to due to the property owner where the road is keeping the gate locked and refusing to let anyone have access.

I am concerned about this matter due to fact of the google map that my sister received it looks like the proposed site could be on my property or on the property line.

I would appreciate any assistance in this matter that your office may provide.

Sincerely,

A handwritten signature in black ink that reads "Michael Watts". The signature is written in a cursive style with a large, sweeping "M" and "W".

Michael Watts

3278 HWY 2036

Letcher, KY 41832

A solid black horizontal bar used to redact information, likely a phone number.A solid black horizontal bar used to redact information, likely an email address.A solid black horizontal bar used to redact information, likely a second phone number or address line.

*Cindy D McCarty
Staff Attorney
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101 Technology Trail
Ivel, KY 41642

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