

John E. Selent
(502) 540-2315 (Direct Dial)
john.selent@dinslaw.com

January 26, 2018

Mr. Corey M. Biddle
6070 Haysville Road
Guston, Kentucky 40142

RECEIVED

JAN 29 2018

PUBLIC SERVICE
COMMISSION

**Re: Bluegrass Cellular Application – Stephensport Application
Kentucky Public Service Commission Case No. 2017-00143**

Dear Mr. Biddle:

This firm represents Kentucky RSA #3 Cellular General Partnership d/b/a Bluegrass Cellular ("Bluegrass Cellular") in its application to construct a cell tower facility at 6199 Highway 2779, Hardinsburg, Kentucky (the "Stephensport Cell Site"). This letter, in addition to our letter to you dated December 11, 2017, is intended to respond to your concerns as they have been articulated in your emails to the Public Service Commission dated December 5 and December 21, 2017 (**Exhibit 1**, email dated Dec. 5, 2017; **Exhibit 2**, email dated Dec. 21, 2017) and in your letter requesting intervention dated November 7, 2017. (**Exhibit 3**, letter dated Nov. 7, 2017 letter.) We are sending this letter in anticipation and in advance of the informal conference currently scheduled for Monday, February 5, 2018 at 2:00 p.m. EST.

As we understand, your correspondence has expressed concern regarding perceived opportunities for collocation and the necessity of the proposed cell tower given your understanding that there is no current coverage gap.

I. Coverage

The coverage currently afforded in the vicinity of the Stephensport Cell Site is provided by the existing cell tower on wheels ("COW") on the site. The proposed Stephensport tower would replace the existing COW, which was put into operation in March 2008, but is intended only as temporary coverage gap solution. The existing cellular coverage along U.S. Highway 144 that you've noted in your correspondence is a result of the COW.

In replacing the COW with a permanent tower, Bluegrass Cellular would be able to ensure quality coverage along U.S. Highway 144 and in the intended coverage areas between Cloverport and Union Star.

II. The Proposed Location

While we certainly understand your concerns regarding the Stephensport Cell Site's proximity to the Ohio River, in order to achieve our coverage objectives, it is necessary that the site be along U.S. Highway 144. It just so happens that U.S. Highway 144 also runs alongside the river. Furthermore, the elevation of the proposed site would permit the cell signal to "shoot" over the highway.

In an effort to maximize the coverage of all the sites in our network, Bluegrass Cellular contracts with a radio frequency consulting firm to analyze current sites to determine whether there are gaps in the cellular or data coverage within Bluegrass Cellular's service territory. In this instance, it was determined that there was a gap in coverage along U.S. Highways 2779 and 144 in Breckinridge County. The radio frequency engineers determined a location that would resolve the coverage issue – the aforementioned COW, installed in 2008, was that location.¹

Bluegrass Cellular considers the following two criteria in considering sites for its cell towers:

- a. **Utilities.** Are utilities readily available at the proposed site?
- b. **Accessibility.** Is the site accessible? What is the cost to build an access road? What is the likely cost of maintaining an access road? Will the site be accessible during inclement weather? Can Bluegrass Cellular find a willing property owner?

Once a potential site has been identified, Bluegrass Cellular must go through a rigorous review and approval process required by both the federal government and local governing authorities. This process includes a review, required by the Federal Communications Commission ("FCC"), that considers the potential site's impact on any environmental, historic or cultural resources. This review was completed in the instant case. The review confirmed that no environmental, historic or cultural resources would be impacted. (**Exhibit 4**, NEPA Review without appendices dated Oct. 6, 2017.) Furthermore, the Stephensport Cell Site has been registered with the FCC, and Bluegrass Cellular has received approval of the site from the Kentucky Airport Zoning Commission. (**Exhibit 5**, Antenna Structure Registration; **Exhibit 6**, Kentucky Airport Zoning Commission approval letter.)

Please be advised, notice of a potential issue at any point in the review and approval process would cause Bluegrass Cellular to either delay its construction, revise its plan in some manner, and/or move the location of the proposed cell tower.

¹Bluegrass Cellular has experienced no interruptions in service in this service area since the COW became operational.

III. Collocation

Before Bluegrass Cellular decides to build a new site, it considers and pursues all possibilities of collocation on any existing facility or suitable structure that is within the necessary coverage area. In this case, there were no facilities or suitable structures close enough to the proposed site make collocation feasible. You have identified certain towers in the area that were considered for collocation. We've identified those towers below, along with an explanation for why collocation was not feasible in each instance.

A. Tower near Milliner's School Along U.S. Highway 144

We believe this is a tower owned by American Tower. In any regard, this particular tower site was initially considered, however, collocation on it would not meet Bluegrass Cellular's coverage objectives and would negatively affect coverage along U.S. Highway 144.

B. Two Towers on U.S. 60

You have also referenced two towers along "U.S. 60." (**Exhibit 1**, Email dated December 5, 2017.) Bluegrass Cellular was unable to identify which two towers on U.S. Highway 60 you were referencing. Nonetheless, the closest point on Highway 60 is approximately five miles from the Stephensport Cell Site. Even if one or both of the aforementioned tower sites were located at the intersection of U.S. Highway 60 and U.S. Highway 144, neither tower would be able to service the coverage gap on Highway 144 that would exist were the existing COW not present. Furthermore, Bluegrass Cellular has two towers along U.S. Highway 60. Neither of these sites can provide the coverage that would be provided by the Stephensport Cell Site.

C. Tower Off of Flood Road

Bluegrass Cellular was unable to positively identify any tower locations on Flood Road. Nonetheless, the closest point on Flood Road to the proposed Stephensport Cell Site is approximately 3.5 miles away. Furthermore, the area between Flood Road and U.S. Highway 144 is densely covered with trees. Any tower at this location would not provide the necessary coverage on U.S. Highway 144.

D. Tower Off of Lawrence Eskridge Road

Bluegrass Cellular identified this site. It is approximately 1.24 miles away from the proposed Stephensport Cell Site. This site's elevation is under 200 feet. Bluegrass Cellular's radio frequency engineers did not approve this site as a potential spot for collocation because it will not meet Bluegrass Cellular's coverage objectives and would negatively affect coverage to the northeast of U.S. Highway 144. In fact, if Bluegrass Cellular were to collocate on this site, an additional tower would be required to meet its coverage objectives.

Mr. Corey M. Biddle
January 26, 2018
Page 4

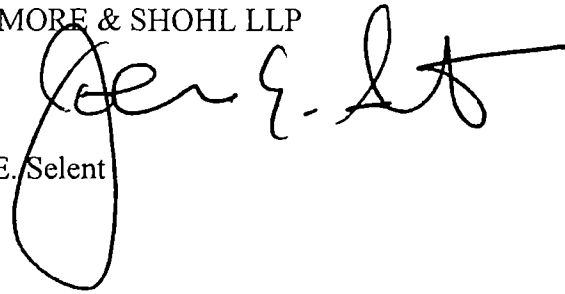
We hope this letter and its exhibits give you additional insight into the process leading to the filing of this application and why the Stephensport location was selected.

Thank you for your consideration.

Very truly yours,

DINSMORE & SHOHL LLP

John E. Selent

A handwritten signature in black ink, appearing to read "John E. Selent", written over the printed name. The signature is fluid and cursive, with a large loop at the beginning and a horizontal stroke at the end.

JES/ kwi

Enclosures

cc: John K. Potts
204 North Main Street
Hardinsburg, Kentucky 40143

cc: Felix H. Sharpe, II, Esq.
Edward T. Depp, Esq.

From: Melnykovich, Andrew (PSC)
To: "Corey Biddle"
Subject: your comments in case number 2017-00143 - APPLICATION OF KENTUCKY RSA #3 CELLULAR GENERAL PARTNERSHIP FOR APPROVAL TO CONSTRUCT AND OPERATE A NEW CELL FACILITY TO PROVIDE CELLULAR RADIO SERVICE (STEPHENSPORT) IN RURAL SERVICE AREA #3 (BRECKINRIDGE COUNTY)
Date: Wednesday, December 06, 2017 3:20:00 PM

Dear Mr. Biddle:

Thank you for your comments in the above-referenced case.

Your comments have been received and will be placed into the case file for the Commission's consideration.

The application and other documents in this case are available at http://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?case=2017-00143.

Thank you for your interest in this matter.

Andrew Melnykovich

Director of Communications
Kentucky Public Service Commission

[REDACTED]
[REDACTED]
[REDACTED]

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By Kentucky PSC at 3:52 pm, Dec 06, 2017

From: Corey Biddle [REDACTED]
Sent: Tuesday, December 05, 2017 4:58 PM
To: PSC - Public Information Officer <PSC.Info@ky.gov>
Subject: Case # 2017-00143; Request for Response

I would like to receive a response as well as have the public service commission review these issues.

a) Item 19 in the application states that "this existing land use is agricultural (completely forested)". None of the immediately affected property is forested, but is part of a subdivided tract of land intended for development. This proposed tower would be located in the front entrance of these parcels which would significantly impact their potential value. It is a subdivision, so why is it being presented in this way? I can again provide a survey if necessary.

b) Item 20 states that there are no other places or opportunities to co-locate this equipment. From this location, one can see five towers (one at Milliner's school along 144, two along US 60, one off of Flood Road, and another off of Lawrence Eskridge Road). I would like to see the correspondence requesting co-location or other reasoning that these would not be suitable spots for co-locating. The tower along Lawrence Eskridge Road is on the hill directly south and probably within a half mile of this proposed sight and the elevation is close to 150 feet higher.

c) The tower off of Lawrence Eskridge Road affects ONE property owner on a large tract of land, not four like this proposed site. I find it reasonable that Bluegrass Cellular should be expected to be as low impact also. There are plenty of options for locating this tower in this area but on a piece of property that only affects the landowner that has the tower on their property. My immediate neighbor has been interested in a tower for years, owns hundreds of acres, and has land that is both accessible and higher in elevation. Again, this proposed site unnecessarily affects 4 different land owners. Isn't it reasonable for these companies to be as low impact as possible? Is it sensible or reasonable to place a tower of this size on a one acre piece of land when it could be placed on one of the many large tracts in this area?

d) When you research Stephensport, one of the first things that are mentioned include the beautiful ridge lines surrounding the town and the view of the Ohio River Valley. This proposed site is along the ridge line immediately above town and a tower of this size would be very inconsistent with the community image. There are motorcades of classic cars, motorcycles, etc. that travel this corridor on a continuous basis due to this setting/scenery. With so much of the area being high hills and ridges, how is it reasonable or neighborly to place such an eye sore right over town and in a subdivision that is probably the most valuable piece of property in the area?

e) We have no significant coverage gaps in this area. I am currently farming through the area and between myself and the two others whom use different providers (one of us has Bluegrass Cellular and it is by far the better), I'd like to understand the reason for putting ANOTHER tower in this area. Where are there coverage gaps that the existing towers do not cover (or co-locating on one of them won't fix)?

Several of my neighbors and I are very hopeful that the Public Service Commission will recognize the significance of this proposal and ensure that it has a minimal impact on those of us that do not want to be immediately impacted. It is unnecessary and should not be permitted with so many viable options.

Thank you.

Corey M. Biddle

Adjoining Land Owner

6070 Haysville Road

Guston, Ky 40142



*Kentucky RSA #3 Cellular General Partnership,
2902 Ring Road
P. O. Box 5012
 Elizabethtown, KY 42701

*Felix Sharpe
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101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

From: Melnykovych, Andrew (PSC)
To: "Corey Biddle"
Subject: your comments in case number 2017-00143 - Bluegrass Cellular CPCN
Date: Thursday, December 21, 2017 3:51:00 PM

Dear Mr. Biddle:

Thank you for your comments on the application of Bluegrass Cellular for a certificate to construct a cell tower.

Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration.

As you noted, the case number in this matter is 2017-00143. It would be helpful if you would please refer to it in any further correspondence.

The application and other documents in this case are available at http://psc.ky.gov/PSC_WebNet/ViewCaseFilings.aspx?case=2017-00143.

Thank you for your interest in this matter.

Andrew Melnykovych

Director of Communications
Kentucky Public Service Commission

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

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By Kentucky PSC at 4:07 pm, Dec 21, 2017

From: Corey Biddle [REDACTED]
Sent: Thursday, December 21, 2017 3:05 AM
To: PSC - Public Information Officer <PSC.Info@ky.gov>
Subject: Case # 2017-00143

We have been studying the coverage maps for Bluegrass Cellular whom is requesting this tower installation. There are no coverage gaps represented on their coverage maps in the immediate area or to the north in southern Indiana. The closest gaps are quite a few miles to the southwest along 144 and quite a few miles south along New Bethel Road. That being said, the existing tower that is on Lawrence Eskridge Road is closer to these areas and the elevation is approximately 217 feet higher. That tower is at 817 feet verses the 600 foot elevation of the proposed sight. If they were to use this proposed sight, the larger hill would be between the proposed tower location and the gaps on the coverage gaps.

Based upon the information and reasoning that we've been given for seeking a tower location, wouldn't the higher and more central location better meet their needs and prevent building another tower unnecessarily?

Thank you,

Corey M. Biddle

Adjoining Land Owner

6070 Haysville Road

Guston, Ky. 40142

RECEIVED

DEC 27 2017

PUBLIC SERVICE
COMMISSION

11/07/2017

Subject: Case # 2017-00143

To: Kentucky Public Service Commission

This letter is to confirm that the undersigned parties are requesting intervention from the Kentucky Public Service Commission. We have received a response from the firm representing the case and we are in no way satisfied.

We are not satisfied that the property value would not be affected. Anything that can adversely affect one's desire to purchase property has an impact upon us as land owners and as we've previously stated, this tower would be very inconsistent with the community image which is undesirable. Just as they have noted that they can provide "expert" testimony, we too can provide studies and opinions that support our position as land owners. Value is in the eye of the beholder and the majority of people that chose to live where we are located want to be there to avoid this type of commercial/industrial development. Neither of us want to own land near a tower of this type so it most certainly has an impact upon the way a property is viewed/considered. We would not be potential buyers had a 240 foot tower been located there previously. If this were an urban area that is very dense and only small tracts exist, one could make an argument that this is the only possible site but that is simply not the case. It is an option to locate this tower on a more isolated, appropriate piece of property.

Their desire to be in the area of the highway intersection is not unattainable. I can provide the name and contact information for a neighbor that is immediately west of us that has a large farm, with equal and/or greater elevation, has good road access and would like to allow a site such as this on his land. He has enough land that it would only affect him, a more reasonable way of doing business. Further, that is not the only property that was originally requested so to now say it is the most desirable location is nonsense. I have spoken to several of the land owners in that area that turned down requests previously so the cellular company was obviously willing to use other locations along that same area.

They list their interest in allowing co-locating of other equipment to prevent future towers. As I have detailed previously, there are already two very large towers in close proximity to this one that they should co-locate too instead of building yet another tower. There are a total of five visible towers from this property (one probably within a half mile on Lawrence Eskridge Lane). The area is not very populated so there cannot be a tremendous demand for "space" such as in urban areas. They note that the tower could accommodate other carriers in their letter. There is no good reason the two towers that are very close cannot accommodate this equipment instead of building yet another tower.

It is our understanding that we are to submit this letter requesting intervention within 30 days of receiving the mailings from the Kentucky Public Service Commission. Please let us know if we need to do anything further.

Regards,

C. M. Biddle
Corey M. Biddle

Adjoining Land Owner

6070 HAYSVILLE ROAD

GUSTON, KY 40192



John K. Potts
John K. Potts

Adjoining Land Owner

104 North Main Street
Hartsville, Ky 40143

Communications Tower NEPA Review

Proposed Stephensport Tower

6199 Highway 2779

Hardinsburg, Breckinridge County, Kentucky

October 6, 2017

Terracon Project No. 57177011



Prepared for:

Bluegrass Cellular, Inc.
Elizabethtown, Kentucky

Prepared by:

Terracon Consultants, Inc.
Louisville, Kentucky

Offices Nationwide
Employee-Owned

Established in 1965
terracon.com

Terracon

Geotechnical ■ Environmental ■ Construction Materials ■ Facilities

NEPA REVIEW

Proposed Stephensport Tower ■ Hardinsburg, KY
October 6, 2017 ■ Terracon Project No. 57177011



TABLE OF CONTENTS

	Page No.
CHECKLIST SUMMARY / SHPO CONCURRENCE LETTER	i
1.0 NEPA REVIEW SCOPE OF SERVICES	3
1.1 Introduction	3
1.2 Background and Purpose	3
1.3 Standard of Care	4
1.4 Additional Scope Considerations and Limitations	4
1.5 Reliance	4
2.0 NEPA REVIEW.....	5
2.1 Site Location and Description	5
2.2 Project Description	5
2.3 NEPA Review Items	6
2.3.1 Wilderness Areas	6
2.3.2 Wildlife Preserves	6
2.3.3 Protected Species.....	6
2.3.4 Archaeological and Historical Resources.....	7
2.3.5 Indian Religious Sites.....	7
2.3.6 Floodplains	8
2.3.7 Surface Features	8
2.3.8 High Intensity White Lights.....	9
2.3.9 Radio Frequency Radiation.....	9
3.0 CONCLUSIONS	10
4.0 QUALIFICATIONS OF PERSONNEL	10
5.0 REPORT SIGN-OFF	10

NEPA REVIEW

Proposed Stephensport Tower ■ Hardinsburg, KY
October 6, 2017 ■ Terracon Project No. 57177011



APPENDICES

APPENDIX A	Maps and Diagrams <ul style="list-style-type: none">Topographic MapDOI National Atlas MapIndian Reservations MapWilderness.net MapWildlife Preserve MapFlood MapsWetlands Map
APPENDIX B	Site Photographs
APPENDIX C	Protected Species – Supporting Documentation <ul style="list-style-type: none">USFWS Correspondence – Species Evaluations
APPENDIX D	Form 620 Section 106 – SHPO Documentation and Correspondence <ul style="list-style-type: none">SHPO Submittal Cover Letter (as applicable and/or required)Form 620 (with attachments)<ul style="list-style-type: none">Resume of Principal Investigator(s)TCNS Notice of Organizations (NOO)Local GovernmentsPublic NotificationsVisual Effects Determination and DocumentationDirect Effects Determination and DocumentationSHPO Reply and/or Concurrence Documentation
APPENDIX E	Tribal Coordination/Notification <ul style="list-style-type: none">Tribal Coordination – Summary TableTribal Replies – Coordination Close-out DocumentationTerracon Tribal Coordination Certification letter
APPENDIX F	Resumes of Project Personnel

CHECKLIST SUMMARY / SHPO CONCURRENCE LETTER

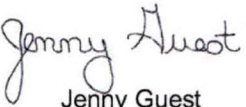
Site Type: <input checked="" type="checkbox"/> New Tower <input type="checkbox"/> Tower Collocation <input type="checkbox"/> Other Collocation	Site Name: Stephensport	Site Address: 6199 Highway 2779 Hardinsburg, Breckinridge County, KY	Coordinates (NAD 83): 37-54-07.4 N 86-31-56.1 W
--	-----------------------------------	--	--

Project Description: Proposed 240-foot (250-foot with appurtenances) self-support telecommunications tower with relevant equipment shelter

	<i>Check appropriate box(es) below</i>		
	No Adverse Effect	Potential Adverse Effect	Excluded from NEPA Review ¹
Facilities located in an officially designated wilderness area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities located in an officially designated wildlife preserve	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities that affect listed or proposed threatened or endangered species or designated critical habitats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities that affect districts, sites, buildings, structures or objects significant in American history, architecture, archeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities that affect an Indian religious site or site with cultural significance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities located in a flood plain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities whose construction will involve significant change in surface features (e.g. wetland fill, water diversion or deforestation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Towers or structures that are to be equipped with high intensity white lights in residential neighborhoods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note 1: As detailed in the text of the report, FCC guidelines found in Title 47 of the Code of Federal Regulations (47 CFR) Section 1.1306, the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas - 47 CFR Part 1, Appendix B, and the Nationwide Programmatic Agreement - 47 CFR Part 1, Appendix C provide for exclusions to the NEPA Review process for actions meeting specific exclusion criteria.

FINDINGS: A NEPA Review of the proposed action described above was performed by Terracon consistent with FCC guidelines for implementing NEPA (47 CFR 1.1301 to 1.1307) and industry practice. Based on Terracon's consideration of information obtained during this review (including information from the site visit, stakeholder and agency consultation, readily available published lists, files, and maps, and surveys or evaluations as discussed in the text of the report), the proposed action will not require the preparation and filing of an Environmental Assessment (EA). The NEPA review must be read in its entirety to obtain a full understanding of potential issues or concerns that may be associated with the proposed undertaking.

Signature: 
 Printed Name: Jenny Guest

Title: Project Manager
 Date: October 6, 2017



MATTHEW G. BEVIN
GOVERNOR

DON PARKINSON
SECRETARY

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

THE STATE HISTORIC PRESERVATION OFFICE

410 HIGH STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

REGINA STIVERS
DEPUTY SECRETARY

CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

July 7, 2017

Jenny Guest
Terracon Consultants, Inc.
13050 Eastgate Park Way
Suite 101
Louisville KY 40223

**Re: Above-ground ONLY Section 106 Review
Stephensport
6199 Highway 2779
Hardinsburg, Breckinridge County, Kentucky
Terracon Project No. 57177011**

Dear Ms. Guest:

Thank you for your letter, FCC-Form 620, KHC cover sheet, maps, and photos showing both the direct project area and the Area of Potential Effect (APE) for the site of the above-listed proposed new telecommunications tower. Pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U. S. C. Sec. 470f) and implementing regulations at 36 C. F. R. Part 800, the Kentucky Heritage Council (SHPO) received for review and comment the above FCC-Form 620. We understand that there is one historic resource within the Area of Potential Effect (APE) and we concur that it is not eligible for inclusion on the National Register of Historic Places (NRHP). We concur with your finding of **No Historic Properties Affected** for the aboveground resources for this proposed project.

Should the project plans change, or should additional information become available regarding cultural resources or citizens' concerns regarding impacts to cultural resources, please submit that information to our office as additional consultation may be warranted. Should you have any questions, feel free to contact Jennifer Ryall of my staff at 502.564.7005, extension 4656.

Sincerely,

Craig A. Potts,
Executive Director and
State Historic Preservation Officer

CP: 6, KHC #49346





MATTHEW G. BEVIN
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
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CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

April 19, 2017

Ms. Jenny Guest
Project Manager
Terracon Consultants, Inc.
13050 Eastgate Park Way, Suite 101
Louisville, KY 40223

Re: Phase I Archaeological Survey for the Proposed Stephensport Cell Tower, Breckinridge County, Kentucky prepared by Jared Barrett of TRC Environmental Corporation. Report dated March 2017.

Dear Ms. Guest:

Thank you for the letter concerning the above referenced report, received March 22, 2017. This letter pertains to the report of archaeological reconnaissance to the project area, and our office will provide comment on the Form 620 submission and effects to above-ground cultural resources in a separate letter.

This report describes the Phase I archaeological investigation of an area to be impacted by the construction of a permanent telecommunications tower south of the community of Stephensport, Breckinridge County, Kentucky. The proposed tower will replace an existing temporary tower at the same location. Intensive pedestrian survey supplemented by screened shovel tests did not locate any archaeological sites or identify any subsurface deposits. The investigator recommended that the proposed tower construction activities would have no effect on archaeological resources, and recommended no additional work.

We concur with the findings and recommendations of the report, and recommend that the proposed tower construction will result in No Effect on archaeological Historic Resources. We accept this report as final and acknowledge receipt of three copies.

If the project design or boundaries change, this office should be consulted to determine the nature and extent of additional documentation that may be needed. In the event of the unanticipated discovery of an archaeological site or object of antiquity, the discovery should be reported to the Kentucky Heritage Council and to the Kentucky Office of State Archaeology in the Anthropology Department at the University of Kentucky in accordance with KRS 164.730. In the event that human remains are encountered during project activities, all work should be immediately stopped in the area and the area cordoned off, and in accordance with KRS 72.020 the county coroner and local law enforcement must be contacted immediately. Upon confirmation that the human remains are not of forensic interest, the unanticipated discovery must be reported to the Kentucky Heritage Council.

J. Guest
Terracon
Stephensport Tower, Breckinridge County Kentucky
April 19, 2017
page 2

Should you have any questions, feel free to contact Chris Gunn of my staff at (502) 564-7005, extension 4450 or chris.gunn@ky.gov.

Sincerely,



Craig A. Polts,
Executive Director and
State Historic Preservation Officer

CP: cmg KHC # 48800
Cc: George Crothers (OSA); Jared Barrett (TRC)

**COMMUNICATIONS TOWER NEPA REVIEW
PROPOSED STEPHENSPORT TOWER
6199 HIGHWAY 2779
HARDINBURG, BRECKINRIDGE COUNTY, KENTUCKY**

Terracon Project No. 57177011

October 6, 2017

1.0 NEPA REVIEW SCOPE OF SERVICES

1.1 Introduction

The National Environmental Policy Act (NEPA) requires all Federal agencies to implement procedures to make environmental consideration a necessary part of an agency's decision-making process. As a licensing agency, the FCC complies with NEPA by requiring FCC licensees and applicants to review their proposed actions for environmental consequences. FCC rules implementing NEPA are found at Title 47 of the Code of Federal Regulations, Part 1, Subpart I, rule sections 1.1301 to 1.1319. If a licensee's proposed action falls within one of the categories listed in section 1.1307, section 1.1308(a) requires the licensee to consider the potential environmental effects from its construction of antenna facilities or structures, and in specified situations, disclose those effects to the FCC in an environmental assessment (EA).

In addition, Section 106 of the National Historic Preservation Act of 1966, as codified at 36 CFR Part 800, regulates assessment of cultural resources for all federal undertakings. The Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (47 CFR Part 1, Appendix B) and the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (47 CFR Part 1, Appendix C) further stipulate the review process for cultural resources and amend 47 CFR, Part 1, Subpart I, rule section 1.1307(a)(4).

1.2 Background and Purpose

Terracon conducted this NEPA Review for Kentucky RSA # 3 Cellular Partnership, a Kentucky general partnership, d/b/a Bluegrass Cellular (Client) pursuant to 47 CFR 1.1301-1.1319, as amended. Bluegrass Cellular is proposing to construct a 240-foot tall self-support tower (250-foot with appurtenances).

This report includes the evaluation of project impacts to prehistoric and historic resources (archaeological sites, historic structures, and Indian religious sites), threatened or endangered species (protected listed, candidate, and critical habitat), migratory birds, wilderness areas, wildlife preserves, floodplains, surface features (wetlands, water bodies and forested land), and the effects of white lighting in residential neighborhoods.

NEPA REVIEW

Proposed Stephenson Tower ■ Hardinsburg, Kentucky
October 6, 2017 ■ Terracon Project No. 57177011



The FCC rules and regulations also address project impacts to humans from radiofrequency radiation, which will be evaluated by the Client and are not part of Terracon's scope of work.

This NEPA Review has been completed based upon Client-provided site information, the review of readily available information obtained from commercial services, government agencies, and/or other sources as described herein. Throughout this report, the term "the Site" will be used to refer to the proposed site location and associated facilities.

This NEPA Review identifies whether a proposed facility will require the preparation and filing of an Environmental Assessment (EA) in accordance with FCC rules and regulations.

1.3 Standard of Care

This NEPA Review was performed in accordance with generally accepted practices of this profession, undertaken in similar studies at the same time and in the same geographical area. We have endeavored to meet this standard of care, but may be limited by conditions encountered during performance, a client-driven scope of work, or inability to review information not received by the report date. Where appropriate, these limitations are discussed in the text of the report along with their significance with respect to our findings.

1.4 Additional Scope Considerations and Limitations

This NEPA Review is based upon the application of scientific principles and professional judgment to certain facts with resultant subjective interpretations. Professional judgments expressed herein are based on the facts currently available within the limits of the existing data, scope of work, budget and schedule. Terracon makes no warranties, expressed or implied, including, without limitation, warranties as to merchantability or fitness for a particular purpose. In addition, the information provided to the Client in this report is not to be construed as legal advice.

This report represents our service to you as of the report date and constitutes our final document; its text may not be altered after final issuance. Findings in this report are based upon the nature of the Client's proposed action, Client-provided project descriptions, Site information derived from the most recent reconnaissance and from other activities described herein. Should any of this information materially change, the requirement for further evaluation must be considered.

1.5 Reliance

This NEPA Review is prepared for the exclusive use and reliance of the Client. Use or reliance by any other party is prohibited without the written authorization of the Client and Terracon Consultants, Inc. (Terracon). Reliance on the NEPA Review by the Client and all authorized parties will be subject to the terms, conditions and limitations stated in the proposal, NEPA Review, and Terracon's Agreement for Services. The limitation of liability defined in the

NEPA REVIEW

Proposed Stephensport Tower ■ Hardinsburg, Kentucky
October 6, 2017 ■ Terracon Project No. 57177011



Agreement for Services is the aggregate limit of Terracon's liability to the Client and all relying parties.

2.0 NEPA REVIEW

2.1 Site Location and Description

Site Name:	Stephensport
Terracon Project Number:	57177011
Address:	6199 Highway 2779
City, County, State:	Hardinsburg, Breckinridge County, Kentucky
Lat/Long (NAD 83):	37-54-07.4 N and 86-31-56.18 W
Proposed Lease Area:	100-foot by 100-foot with a 25' buffer
Existing Site	An existing temporary cell tower has been set up within a portion of the proposed cell tower location. Grass and weeds cover the remainder of the site.
Proposed Tower Height:	240-foot tall self-support tower (250-feet with appurtenances)
Tower Type:	Self-support
Access Road:	Existing gravel farm access drive from Highway 2779 that leads directly to the existing temporary tower compound
Utility Easements:	Existing utility pole located on the parent property and east of the site
Site Description	Existing temporary tower and farm land
Adjoining Area Description	Predominately farmland with scattered residential structures
Topo Quad Name/Date:	USGS 7.5-Minute Quadrangle, Rome, KY (2013)

Site topographic map is presented in Appendix A. Site photographs are provided in Appendix B. Additional project personnel may have performed Site visits, as needed to address Site-specific NEPA considerations. Additional Site visits, if performed, are detailed in the appended documentation.

2.2 Project Description

This Client's proposed project involves the construction of a 240-foot tall self-support tower (250-foot with appurtenances) along with the installation of an associated equipment including and the construction of any access and/or utility easements or improvements.

NEPA REVIEW

Proposed Stephensport Tower ■ Hardinsburg, Kentucky
October 6, 2017 ■ Terracon Project No. 57177011



2.3 NEPA Review Items

2.3.1 Wilderness Areas

Will the facility be located in an officially designated wilderness area?

No

Source: Site observations, U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle, U.S. Department of Interior (DOI) National Atlas (www.nationalatlas.gov) and www.wilderness.net. Applicable source documentation is included in Appendix A.

Finding(s): The proposed facility is not located in an officially designated wilderness area and will not cause an adverse effect related to this facility type.

2.3.2 Wildlife Preserves

Will the facility be located in an officially designated wildlife preserve?

No

Source: Site observations, U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle, U.S. Department of Interior (DOI) National Atlas (www.nationalatlas.gov) and U.S. Fish and Wildlife Service (USFWS) internet references. Applicable source documentation is included in Appendix A.

Finding(s): The proposed facility is not located in an officially designated wildlife preserve and will not cause an adverse effect related to this facility type.

2.3.3 Protected Species

Will the facility affect listed or proposed, threatened or endangered species or designated critical habitats?

No

Source: Site observations, and consultation with the U.S. Fish and Wildlife Service (USFWS). Applicable source documentation is included in Appendix C.

Finding(s): There are no federally listed threatened or endangered species or critical habitat at the Site that would be affected by the proposed project.

NEPA REVIEW

Proposed Stephenson Tower ■ Hardinsburg, Kentucky
October 6, 2017 ■ Terracon Project No. 57177011



Migratory Birds: USFWS recommendations published in Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommissioning (2000) state the preferred tower design to decrease potential effects on migratory birds is less than 200 feet tall, with no guy wires and no lights. The siting and design process for this project was able to conform to some of the USFWS preferred recommendations. It has included mitigating factors such as not using guy wires.

2.3.4 Archaeological and Historical Resources

Will the facility adversely affect districts, sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering or culture that are listed, or are eligible for listing, in the National Register of Historic Places?

No

Source: Review of State Historic Preservation Office (SHPO) files and/or internet resources, archaeological testing, public involvement, and Local Government and SHPO consultation. Applicable source documentation is included in Appendix D.

Finding(s): Based on the information provided, SHPO findings of No Historic Properties Affected for any sites, structures or objects listed on, or determined eligible for listing on the National Register of Historic Places.

Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800) and the Nationwide Programmatic Agreement on the Collocation of Wireless Antennas (adopted March 16, 2001), as well as and the Nationwide Programmatic Agreement effective March 7, 2005, require consultation with Native American tribal groups and native Hawaiian organizations (NHO) regarding proposed projects and potential impacts to Native American religious sites. Terracon's consideration of Native American resources is discussed in Section 2.3.5.

In the event that archaeological materials are encountered prior to or during construction of the facilities, SHPO, tribes and other consulting parties must be contacted. Archaeological materials consist of any items, fifty years or older, which were made or used by man. These items include stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal remains. These materials may be present on the ground surface and/or under the ground.

2.3.5 Indian Religious Sites

Will the facility adversely affect Indian religious sites?

No

NEPA REVIEW

Proposed Stephensport Tower ■ Hardinsburg, Kentucky
October 6, 2017 ■ Terracon Project No. 57177011



Source: *Site observations and archaeological field surveys (as applicable), U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle, U.S. Department of Interior (DOI) National Atlas (www.nationalatlas.gov), Indian Reservations in the Continental United States - Bureau of Indian Affairs Map, and consultation with federally recognized tribes using the FCC's Tower Construction Notification System (TCNS). Applicable source documentation is included in Appendix A and E.*

Finding(s): Due to the nature of this undertaking little potential exists for effects to Indian Religious sites. Current land use in the surrounding area was considered. It was determined through this review and tribal consultation, as outlined in the NPA, that the project will not adversely affect Indian religious sites.

In the event that archaeological materials are encountered prior to or during construction of the facilities, SHPO, tribes and other consulting parties must be contacted. Archaeological materials consist of any items, fifty years or older, which were made or used by man. These items include stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal remains. These materials may be present on the ground surface and/or under the ground.

2.3.6 Floodplains

Will the facility be located in a 100-year floodplain?

NO

Source: Site observations and Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), included in Appendix A.

Finding(s): No 100-year flood hazards are identified on the FIRM map for the proposed Site and the above project will not adversely affect a flood plain.

2.3.7 Surface Features

Will construction of the facility involve a significant change in surface features (e.g. wetland fill, water diversion, or deforestation)?

No

Source: *Site observations, U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle and U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) map. Applicable source documentation is included in Appendix A.*

NEPA REVIEW

Proposed Stephenson Tower ■ Hardinsburg, Kentucky
October 6, 2017 ■ Terracon Project No. 57177011



Finding(s): Due to the scope of the proposed project activities, the current Site conditions and review of applicable source data, significant changes in surface features such as wetland fill, water diversion or deforestation will not be required at the Site and the proposed project will not adversely affect these features.

2.3.8 High Intensity White Lights

Will the antenna, tower, and/or supporting structure be equipped with high intensity white lights which are to be located in residential neighborhoods, as defined in applicable zoning laws?

No

Source: Site observations, U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle, Natural Resources Conservation Service (NRCS) Soil Survey and U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) map. Applicable source documentation is included in Appendix A.

Finding(s): The design of the project does not require the use of high intensity white lights and the proposed project will not cause an adverse effect due to this feature.

2.3.9 Radio Frequency Radiation

The FCC requires that certain communications services and devices perform an environmental evaluation to assess compliance with radio frequency (RF) radiation exposure limits. The evaluation of RF exposure radiation limits will be the responsibility of the carrier and is not within Terracon's scope of work.

NEPA REVIEW

Proposed Stephensport Tower ■ Hardinsburg, Kentucky
October 6, 2017 ■ Terracon Project No. 57177011



3.0 CONCLUSIONS

A NEPA Review of the proposed action (as described in Sections 2.1 and 2.2) was performed by Terracon consistent with FCC guidelines for implementing NEPA (47 CFR 1.1301 to 1.1307) and industry practice. Based on Terracon's consideration of information obtained during this review (including information from the site visit, stakeholder and agency consultation, readily available published lists, files, and maps, and surveys or evaluations as discussed in the text of the report), the proposed action will not require the preparation and filing of an Environmental Assessment (EA).

4.0 QUALIFICATIONS OF PERSONNEL

The professional qualifications of project personnel are listed below. Resumes of project personnel are presented in Appendix F.

Name	Discipline
Fred Rogers, Principal Investigator	Architectural History
Jared Barrett, MA, RPA, Principal Investigator	Archaeology
Jenny Guest	Project Manager/Environmental Scientist
Craig Pruett	Quality Assurance

5.0 REPORT SIGN-OFF

Terracon Consultants, Inc.


Jenny Guest
Project Manager


Craig Pruett
Principal



**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
ANTENNA STRUCTURE REGISTRATION**



OWNER: KENTUCKY RSA 3 CELLULAR GENERAL PARTNERSHIP

FCC Registration Number (FRN): 0001786706

KENTUCKY RSA 3 CELLULAR GENERAL PARTNERSHIP PO BOX 5012 2902 RING ROAD ELIZABETHITOWN, KY 42701	Antenna Structure Registration Number 1304239						
	Issue Date 11-28-2017						
Location of Antenna Structure Stephensport, 6199 Highway 2779 Hardinsburg, KY 40143 County: BRECKINRIDGE	Ground Elevation (AMSL) 185.9 meters						
	Overall Height Above Ground (AGL) 77.7 meters						
<table border="0"> <tr> <td>Latitude</td> <td>Longitude</td> <td>NAD83</td> </tr> <tr> <td>37- 54- 07.5 N</td> <td>086- 31- 56.2 W</td> <td></td> </tr> </table>	Latitude	Longitude	NAD83	37- 54- 07.5 N	086- 31- 56.2 W		Overall Height Above Mean Sea Level (AMSL) 263.6 meters
Latitude	Longitude	NAD83					
37- 54- 07.5 N	086- 31- 56.2 W						
Center of Array Coordinates N/A	Type of Structure LTOWER Lattice Tower						
FAA Chapters 4, 8, 12 Paint and Light in Accordance with FAA Circular Number 70/7460-1L							

This registration is effective upon completion of the described antenna structure and notification to the Commission. **YOU MUST NOTIFY THE COMMISSION WITHIN 24 HOURS OF COMPLETION OF CONSTRUCTION OR CANCELLATION OF YOUR PROJECT, please file FCC Form 854.** To file electronically, connect to the antenna structure registration system by pointing your web browser to <http://wireless.fcc.gov/antenna>. Electronic filing is recommended. You may also file manually by submitting a paper copy of FCC Form 854. Use purpose code "NT" for notification of completion of construction; use purpose code "CA" to cancel your registration.

The Antenna Structure Registration is not an authorization to construct radio facilities or transmit radio signals. It is necessary that all radio equipment on this structure be covered by a valid FCC license or construction permit.

You must immediately provide a copy of this Registration to all tenant licensees and permittees sited on the structure described on this Registration (although not required, you may want to use Certified Mail to obtain proof of receipt), and *display* your Registration Number at the site. See reverse for important information about the Commission's Antenna Structure Registration rules.

You must comply with all applicable FCC obstruction marking and lighting requirements, as set forth in Part 17 of the Commission's Rules (47 C.F.R. Part 17). These rules include, but are not limited to:

- **Posting the Registration Number:** The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure. Exceptions exist for certain historic structures. See 47 C.F.R. 17.4(g)-(h).
- **Inspecting lights and equipment:** The obstruction lighting must be observed at least every 24 hours in order to detect any outages or malfunctions. Lighting equipment, indicators, and associated devices must be inspected at least once every three months.
- **Reporting outages and malfunctions:** When any top steady-burning light or a flashing light (in any position) burns out or malfunctions, the outage must be reported to the nearest FAA Flight Service Station, unless corrected within 30 minutes. The FAA must again be notified when the light is restored. The owner must also maintain a log of these outages and malfunctions.
- **Maintaining assigned painting:** The antenna structure must be repainted as often as necessary to maintain good visibility.
- **Complying with environmental rules:** If you certified that grant of this registration would not have a significant environmental impact, you must nevertheless maintain all pertinent records and be ready to provide documentation supporting this certification and compliance with the rules, in the event that such information is requested by the Commission pursuant to 47 C.F.R. 1.1307(d).
- **Updating information:** The owner must notify the FCC of proposed modifications to this structure; of any change in ownership; or, within 30 days of dismantlement of the structure.

Copies of the Code of Federal Regulations (which contain the FCC's antenna structure registration rules, 47 C.F.R. Part 17) are available from the Government Printing Office (GPO). To purchase CFR volumes, call (202) 512-1800. For GPO Customer Service, call (202) 512-1803. For additional FCC information, consult the Antenna Homepage on the internet at <http://wireless.fcc.gov/antenna> or call (877) 480-3201 (TTY 717-338-2824).



KENTUCKY AIRPORT ZONING COMMISSION

MATTHEW BEVIN
Governor

421 Buttermilk Pike
Covington, KY 41017
www.transportation.ky.gov
502-341-2700

June 14, 2017

APPROVAL OF APPLICATION

APPLICANT:
BLUEGRASS CELLULAR
BLUEGRASS CELLULAR
2902 Ring Road
Elizabethtown, KY 42702

SUBJECT: AS-014-193-2017-029


STRUCTURE: Antenna
LOCATION: Hardinsburg, KY
COORDINATES: 37° 54' 7.45" N / 86° 31' 56.18" W
HEIGHT: 255' AGL/865' AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 255' AGL/ 865' AMSL Antenna near Hardinsburg, KY 37° 54' 7.45" N / 86° 31' 56.18" 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



An Equal Opportunity Employer M/F/D



KENTUCKY AIRPORT ZONING COMMISSION

MATTHEW BEVIN
Governor

421 Buttermilk Pike
Covington, KY 41017
www.transportation.ky.gov
502-341-2700

CONSTRUCTION/ALTERATION STATUS REPORT

June 14, 2017

AERONAUTICAL STUDY NUMBER: AS-014-193-2017-029

BLUEGRASS CELLULAR
BLUEGRASS CELLULAR
2902 Ring Road
Elizabethtown, KY 42702

This concerns the permit which was issued to you by the Kentucky Airport Zoning Commission on June 14, 2017. 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, 421 Buttermilk Pike, Covington, KY, 41017. 502-341-2700.

STRUCTURE: Antenna
LOCATION: Hardinsburg, KY
COORDINATES: 37° 54' 7.45" N / 86° 31' 56.18" W
HEIGHT: 255' AGL / 865' AMSL

CONSTRUCTION/ALTERATION STATUS

1. The project () is abandoned. () is not abandoned.
2. Construction status is as follows:
 - Structure reached its greatest height of _____ ft. AGL
_____ ft. AMSL on _____ (date).
 - Date construction was completed. _____
 - Type of obstruction marking/painting. _____
 - Type of obstruction lighting. _____
 - As built coordinates. _____
 - Miscellaneous Information. _____
 - DATE _____
 - SIGNATURE/TITLE _____



2017-029



KENTUCKY TRANSPORTATION CABINET
KENTUCKY AIRPORT ZONING COMMISSION

TC 55-2
Rev. 06/2016
Page 2 of 2

APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE

APPLICANT (name) Scott McCloud		PHONE 270-769-0339	FAX 270-737-0580	KY AERONAUTICAL STUDY # AS-014-193-2017-029
ADDRESS (street) 2902 Ring Road		CITY Elizabethtown		STATE KY
APPLICANT'S REPRESENTATIVE (name) Leila Rezanavaz		PHONE 703-584-8668	FAX 703-584-8694	ZIP 42702
ADDRESS (street) 8300 Greensboro Dr. Suite 1200		CITY McLean		STATE VA
APPLICATION FOR <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing		WORK SCHEDULE Start 05/15/17 End 05/20/17		
DURATION <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (months days)				
TYPE <input type="checkbox"/> Crane <input type="checkbox"/> Building <input checked="" type="checkbox"/> Antenna Tower <input type="checkbox"/> Power Line <input type="checkbox"/> Water Tank <input type="checkbox"/> Landfill <input type="checkbox"/> Other		MARKING/PAINTING/LIGHTING PREFERRED <input type="checkbox"/> Red Lights & Paint <input type="checkbox"/> White- medium intensity <input type="checkbox"/> White- high intensity <input checked="" type="checkbox"/> Dual- red & medium intensity white <input type="checkbox"/> Dual- red & high intensity white <input type="checkbox"/> Other		
LATITUDE 37°54'7.45"		LONGITUDE 86°31'56.18"		DATUM <input checked="" type="checkbox"/> NAD83 <input type="checkbox"/> NAD27 <input type="checkbox"/> Other
NEAREST KENTUCKY City Hardinsburg County Breckinridge		NEAREST KENTUCKY PUBLIC USE OR MILITARY AIRPORT Breckinridge County Airport (I93)		
SITE ELEVATION (AMSL, feet) 610		TOTAL STRUCTURE HEIGHT (AGL, feet) 255		CURRENT (FAA aeronautical study #) 2017-ASO-6448-OE
OVERALL HEIGHT (site elevation plus total structure height, feet) 865		PREVIOUS (FAA aeronautical study #) N/A		
DISTANCE (from nearest Kentucky public use or Military airport to structure) 9.5 Miles		PREVIOUS (KY aeronautical study #) N/A		
DIRECTION (from nearest Kentucky public use or Military airport to structure) NNW				
DESCRIPTION OF LOCATION (Attach USGS 7.5 minute quadrangle map or an airport layout drawing with the precise site marked and any certified survey.) Site is located at: 6199 Highway 2779, Hardinsburg, KY 40143				
DESCRIPTION OF PROPOSAL Proposed sel-supporting tower with top-mounted antennas for overall height of 255' AGL.				
FAA Form 7460-1 (Has the "Notice of Construction or Alteration" been filed with the Federal Aviation Administration?) <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, when? 03/23/2017				
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.)				
PENALTIES (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 Leila Rezanavaz	TITLE Sr. Consulting Engr	SIGNATURE <i>Leila Rezanavaz</i>	DATE 03/23/2017	
COMMISSION ACTION <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		<input type="checkbox"/> Chairperson, KAZC <input checked="" type="checkbox"/> Administrator, KAZC		SIGNATURE <i>[Signature]</i>
				DATE 6-14-17