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OCT 25 2017

PUBLIC SERVICE  
COMMISSION

Nancy M. Roche  
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mailing address:  
821 Fatherland Street  
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October 23, 2017

Kentucky Public Service Commission  
Executive Director  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky

**RE:**

**CASE NO.: 2017-00368**

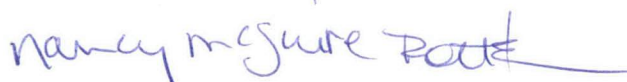
**THE APPLICATION OF  
NEW CINGULAR WIRELESS PCS, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY, D/B/A AT&T MOBILITY  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS  
FACILITY  
IN THE COMMONWEALTH OF KENTUCKY  
IN THE COUNTY OF GRAVES**

**SITE NAME: SYMSONIA**

Greetings:

Enclosed for filing please find a Petition to Intervene in the above referenced application.

Sincerely,



Nancy M. Roche

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PUBLIC SERVICE  
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Kentucky Public Service Commission  
Executive Director  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, Kentucky 40602

RE:

CASE NO.: 2017-00368

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IN THE COMMONWEALTH OF KENTUCKY  
IN THE COUNTY OF GRAVES

SITE NAME: SYMSONIA

**REQUEST TO INTERVENE**

COMES NOW Nancy M. Roche and files this Request to Intervene in the above-referenced Application. Movant would show that she owns property located at 540 State Route 348 East, Symsonia, Kentucky 42082. Movant would further show pursuant to 807 K.A.R. 5:001 (11) that her intervention is likely to present issues and develop facts that will aid the Commission in fully considering this Application without unduly complicating or disrupting the proceedings. Movant would show the Commission as follows:

1. In early September, 2017 Movant received the Application of New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility ("AT&T") to construct a 320 foot cell phone tower at 850 State Route 348 East Symsonia, Kentucky; upon information and belief this site is near Movant's residential property. It is also directly adjacent to farmland owned by Movant.

2. On or about September 14, 2017, Movant wrote to the Public Service Commission opposing the proposed construction of the cell phone tower at this location – in the middle of a residential neighborhood – and suggested that applicant could find a more suitable location within the miles of surrounding farmland. In her letter to the Commission, Movant quoted studies showing that the construction of cell phone towers decreases the property value of neighboring properties, amongst other issues.

3. In response to Movant's letter and other similar letters AT&T's counsel filed a Response to Letters from Area Residents. In addition to pointing out that area residents could not legally raise an issue with respect to the environmental effects of radiofrequency emissions, despite their valid concerns, AT&T introduced a report from Glenn D. Katz purported to be a property valuation expert "concluding that the proposed tower will not have an impact on surrounding property values."

4. AT&T's response continues with the assertion that because Graves County has not adopted zoning regulations that "area residents have no reasonable expectation of input into the land use of surrounding properties or the impact a proposed land use will have on their property values". Movant states that at the

time her parents purchased the land to build this residence in the late 1940's, neither they nor their neighbors had any reasons to expect that a utility company would seek to destroy the aesthetic character and value of their neighborhood.

5. Movant submits that the report prepared by Glenn D. Katz is flawed in that it relies upon three case studies all involving structures in Louisville, Kentucky, a metropolitan area far different than the subject area of Symsonia, Kentucky. The first study involved construction of a high tension overhead electric power line corridor with transmission towers, installed prior to 1993; the second study involved a cell phone tower of only 219 feet in height installed in 2002 and the third study involved a tower of 140 feet installed in 2016. While all these studies purport to show modest gains in appreciation of land value it is important to note that the cell phone towers in issue were 219 feet and 140 feet respectively- *much smaller than the proposed 320 foot tower.*

6. Movant intends to present testimony from a real estate expert contradicting Katz report and affirming that the construction of the proposed 320 cell tower will have a negative effect on property values in the surrounding neighborhood.

7. Additionally Movant would like the opportunity to question the author of the Alternative Site Analysis prepared by LCC Telecom Services and filed as Exhibit B to the Response. In this report, Jim Fairchild states that the site development team "searched for the least intrusive alternative" for the tower but presents no evidence of this. In fact the report states that of the five properties

allegedly in consideration for the construction site, two properties were removed from consideration because the landowners were not interested and the other properties were rejected because the Reid property was considered "the best alternative to close growing coverage in capacity gaps". Respectfully, this is not evidence of searching for the least intrusive alternatives. The site report also states that the development team took into account "the potential impact of the facility on neighboring properties" but there is no evidence of this, no mention of the neighboring properties and no photographs of the residences adjacent to the site. In fact, if one were to look solely at the photographs submitted by Mr. Fairchild in his report, it would be reasonable to assume that there are no residences near this "large agricultural parcel" but this is not the case. The proposed 320 foot structure will tower directly over the homes of Jose and Pamela Flores at 181 Symsonia Road and Brad McGregor at 692 State Route 438 East.

To be clear, Movant does not deny that there is a problem with cell phone coverage in the surrounding area and Movant is not generally opposed to the construction of cell phone towers but Movant believes that within the surrounding area of Graves County, Kentucky there are more appropriate locations for the construction of a cell phone tower and that AT&T should look for a more appropriate site before destroying the character and land value of this neighborhood. Alternatively, Movant believes that AT&T has not demonstrated the need to construct a cell phone tower of over 320 feet which would dwarf the

surrounding houses in the neighborhood. Applicant has not demonstrated why construction of a smaller tower is not a feasible alternative.

WHEREFORE having fully plead, Movant requests permission to intervene in this Application.

Respectfully submitted,

Nancy M. Roche

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#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Request to Intervene has been sent by Priority Mail, postage prepaid to David A. Pike, Pike Legal Group, PLLC, 1578 Highway 44 East, Suite 6, P.O. Box 369, Shepherdsville, Kentucky 40165-0369, this the 23<sup>rd</sup> day of October, 2017.

Nancy M. Roche

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