

RECEIVED

MAR 23 2018

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF)	
TILLMAN INFRASTRUCTURE LLC)	
A DELEWARE LIMITED LIABILITY COMPANY,)	
AND NEW CINGULAR WIRELESS PCS, LLC)	
A DELEWARE LIMITED LIABILITY COMPANY,)	
D/B/A AT&T MOBILITY)	
FOR ISSUANCE OF A CERTIFICATE OF)	CASE NO.:2017-00435
PUBLIC CONVENIENCE AND NECESSITY)	
TO CONSTRUCT A WIRELESS)	
TELECOMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF MARSHALL)	
("HANSEN" FACILITY))	

** ** * * * * *

Renewed Motion of SBA Communications Corporation ("SBA")
To Intervene in this Matter

Comes SBA Communications Corporation ("SBA"), by counsel, and respectfully renews its Motion to Intervene as a party in this matter. As grounds for this motion SBA submits the following.

On December 27, 2017, SBA by and through its Vice President, Ed Roach, filed a motion to intervene in this case. Thereafter, the Applicants filed a document it titles "Applicant's Response to Public Comment filed by SBA Communications Corporation," wherein it asserted several statements that are questionable if not untrue with respect SBA. No documentation was included to support those assertions. Furthermore, the pleading filed by SBA is a motion to intervene in the case; not simply a submission of public comment as is acknowledged by the notation on the Commission docket. In any

event, nothing in the Applicant's Response supports a denial of SBA's motion to intervene.

Pursuant to 807 KAR 5:001 Section 4(11)(a) a person who wishes to become a party to a case before the Commission may file a request for leave to intervene. SBA has done just that. Subsection (d) further provides that the Commission shall grant a person leave to intervene if the commission finds that he or she has 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 help to develop facts that assist the Commission in fully considering the matter without undue complication or disrupting the proceedings.

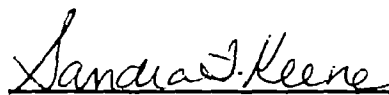
SBA meets the criteria for intervention in that it owns a facility virtually next to the site proposed for construction of a new facility by the Applicants. This existing facility is designed to host multiple carriers; and in fact, does host the current applicant, New Cingular Wireless. The Commission's regulations require a utility that proposes to construct a new telecommunications facility include a statement that there is no more suitable location reasonably available from which adequate service to the area can be provided and that there is no reasonably available opportunity to co-locate, including documentation of attempts to co-locate, if any, with supporting radiofrequency analysis and a statement indicating that the utility attempted to co-locate on towers designed to host multiple wireless providers. The Application filed herein does not address SBA's existing facility and other than generalized but unsupported statements that SBA's terms for colocation were unsatisfactory to the service provider, the Response to SBA's motion doesn't adequately address the issue either.

The Commission will note that New Cingular Wireless was a co-applicant for the construction of the existing SBA facility, thus it is difficult to imagine how the Applicant's can overcome the requirement to co-locate whenever possible to do so. In any event, SBA clearly can provide information the Commission on this issue to assist the Commission in fully considering the matter.

WHEREFORE SBA RESPECTFULLY REQUESTS

1. That it be granted to intervene as a party to this matter;
2. That is be provided copies of all pleadings filed subsequent to the Application herein; and
3. Any and all other relief which justice and equity may require.

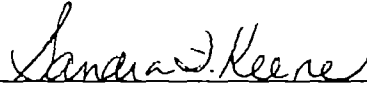
Respectfully submitted,



Sandra F. Keene
TILFORD DOBBINS & SCHMIDT PLLC
401 West Main Street, Suite 1400
Louisville, Kentucky 40202
(502) 584-1000
skeene@tilfordlaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was served this 21 day of March, 2018 via U.S. Mail, postage pre-paid upon: David A. Pike, Pike Legal Group, PLLC, 1578 Highway 44 East, Suite 6, P.O. Box 369, Shepherdsville, KY 50165-0369; and Scott Norman, 1923 Lee Burd Road, Benton, KY 42025-5288.



Sandra F. Keene
Counsel for SBA Communications Corp.