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Robert Cicero
Vice Chairman

Talina R. Mathews
Commissioner

February 1, 2019

Thomas C. and Mary Beth McQuary
695 MH Dowell Lane
Irvington, KY 40146

RE: Case No. 2019-00010

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 Ohio

Dear Mr. and Mrs. McQuary:

The Public Service Commission acknowledges receipt of your public comment letter regarding your concerns as to the application for approval to construct a wireless tower facility in the case referenced above. Your comment has been placed in the official case file of this proceeding. The Commission will carefully analyze your comment as part of its review before rendering its final decision in this matter.

By this letter, we are forwarding a copy of your comment to the Applicant for a response. Commission Staff requests the Applicant to submit a written response to the comment, with a copy to the Commission, within 15 days of the date of this letter.

It may be helpful for you to know that federal law limits state authority, specifically that of the Commission, in the review of this matter. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities based on 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.

You may view Orders issued by the Commission or other formal case documents on our website at <http://psc.ky.gov>.

Thank you for your letter of interest and concern in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gwen R. Pinson". The signature is stylized and cursive, with a large initial "G" and "P".

Gwen R. Pinson
Executive Director

Cc: Parties of Record

RECEIVED

JAN 28 2019

PUBLIC SERVICE
COMMISSION

Thomas C. and Mary Beth McQuary
695 MH Dowell Lane
Irvington, KY 40146

January 24, 2019

Kentucky Public Service Commission
Executive Director
211 Slower Boulevard
PO Box 615
Frankfort KY 40602

Reference: Docket No 2019-00010; Wireless Communications Facility at Bells Run

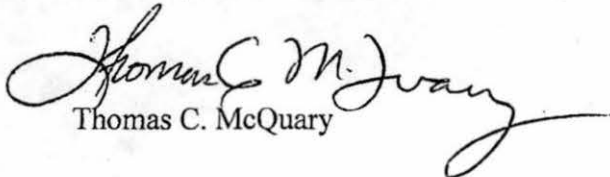
Ladies/ Gentlemen"

We write to object to construction of the referenced cell tower on the land adjacent to our property (parcel ID: 20-29) in Ohio County, Kentucky. We request that the Kentucky PSC block construction of this tower for the following reasons:


1. Negative Health Effects: There is evidence that the microwave radiations from cell phone towers can cause health concerns including opening the blood brain barrier, neuronal death and memory loss, calcium efflux in brain tissue, creation of stress proteins, increase production of histamines, and other adverse impacts on humans. Our source for these findings is a number of studies whose results were published in the Journal of Pathophysiology, the publication of the International Society for Pathophysiology.

3. Property Value: According to a survey by the National Institute for Science, Law & Public Policy, of over 1000 respondents, over 90% of those surveyed responded stated they would not purchase or rent property located near a cell phone tower. This survey also indicates the proximity of a cell phone tower to one's property can lower the property value by approximately 4%. Our property lies within 600 feet of the tower and would, in all likelihood, suffer a similar devaluation

In summary, the construction of this tower would have an adverse effect upon the health of those in close proximity, as well as an adverse effect on any potential to sell or develop the property. The utility is introducing this adverse health and economic effect upon our property and urgently propose that permits to proceed with any such construction be denied.


Thomas C. McQuary

Mary Beth McQuary

Property Owners' 

*Honorable David A Pike
Attorney at Law
Pike Legal Group PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KENTUCKY 40165-0369

*New Cingular Wireless PCS, LLC dba AT&T
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San Antonio, TX 78215