

2-20-21

RECEIVED

Kentucky Public Service Commission
Attn: Executive Director – Kent Chandler
211 Sower Boulevard
PO BOX 615
Frankfort KY 40602

FEB 25 2021

PUBLIC SERVICE
COMMISSION

SUBJECT:

Request for Intervention

Docket Number 2021-00049

Notice of Proposed Construction of Wireless Communications Facility Site Name: Weed Relo/Edmonton

Dear Mr. Chandler,

This letter is in reference to Docket Number 2021-00049 and a Request for Emergency Intervention and Discovery of items applicable to Federal Communications Commission (FCC) Rules & Regulations compliance.

My husband and I, Thomas and Rachel Dzieran, are the property owners of property adjoining a proposed wireless communications facility construction facility, site name: Weed Relo/Edmonton. On the copies provided to us via mail, our properties are listed as #5 and #6 on the 500' Radius & Adjoiner's drawing C-1, produced by B&T Engineering, Inc.

We are requesting emergency intervention by the Kentucky Public Service Commission into the proposed construction to ensure our rights as property owners are protected and our land is not encroached upon in violation of FCC rules and regulations.

Specifically, we are requesting discovery of the information below with a public hearing prior to approval/denial/relocation of said wireless communication facility. Until all items have been complied with and a public hearing for review is provided, all activity regarding construction of this proposed wireless facility site must be placed on hold.

There are two primary areas to be addressed:

First, In accordance with FCC guidelines, prior to approval of any construction, a review of property within the 500 ft radius of planned structure for documentation as to whether or not the following applies MUST occur: (<https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting>). There are two specific items from the list that apply to this site:

1. That might affect threatened and endangered species or their habitat (ESA)
2. That involve high intensity lighting in a residential area or would cause RF radiation in excess of FCC-established limits.

In relation to our property:

- (1) An Endangered Species and habitat (ESA) does exist on our property and is identified as the Northern Long-Eared Bat (*Myotis septentrionalis*). This is a Federally Protected Endangered Species and would prevent the approval of any Cellular Tower built near our property.
- (2) What is the RF radiation FCC limits and what are the expected RF radiation affects from this tower currently and if 5G is implemented?

The expectation, per FCC guidelines is for a thorough review of these items, prior to submission of any proposal for wireless communications facilities. The docket provided to the Kentucky PSC, as published for public review fails to provide documentation on these areas. Research is required as part of the discovery process verified from the following federal and/or state agencies with expertise and jurisdiction over each of the categories required by FCC in section 1.1307:

Endangered Species: U.S. Fish and Wildlife Service. You may also contact the Commission's staff biologist, Joelle Gehring, 202-418-2356, Joelle.Gehring@fcc.gov

Excessive Radiofrequency Emission: Federal Communications Commission's Office of Engineering and Technology

*Failing to confirm Federal rules and regulations are complied with prior to construction could result in significant fines and penalties for the wireless communications company and the local governing authority.

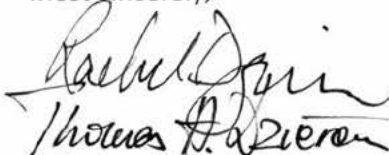
The Second area to be addressed is Cell Phone Tower set back regulations. The national standard is a minimum setback from adjoining properties of 1ft per each foot of the tower/antennae height. The paperwork provided for the proposed wireless communications facility specifies a tower of 212 feet in total height.

Based on Cell Phone Tower set back regulations, the proposed tower requires the location of the structure to be a minimum of 212 feet from the property line. The documentation provided with the docket shows the tower sitting within a few feet of the property line which is a significant violation of the set back rules.

We request clarification as to the exact distance of the physical structure from the property line. If the tower is not refused outright based on the first identified disqualifying factors per FCC guidelines, the requirement expectation is for the structure to be a minimum of 1 foot set back per 1 foot height of tower/antennae.

Your acknowledgement of receipt of our request for assistance and discovery of the required elements needed for review of the Weed Relo/Edmonton site for approval/denial/relocation is greatly appreciated.

Most Sincerely,

Handwritten signatures of Rachel and Thomas Dzieran in black ink. The signature for Rachel is on top and the signature for Thomas is below it.

Rachel and Thomas Dzieran

251 W. Central Ave

Ste 243

Springboro OH 45066



1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165-0369
Phone (502) 955-4400 or (800) 516-4293
Fax (502) 543-4410 or (800) 541-4410

**Notice of Proposed Construction of
Wireless Communications Facility
Site Name: Weed Relo / Edmonton**

Dear Landowner:

New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility and Uniti Towers LLC, a Delaware limited liability company have filed an application with the Kentucky Public Service Commission ("PSC") to construct a new wireless communications facility on a site located at 7481 Edmonton Road, Columbia, KY 42728 (37° 02' 41.72" North latitude, 85° 27' 27.50" West longitude). The proposed facility will include a 202-foot tall tower, with an approximately 10-foot tall lightning arrestor attached at the top, for a total height of 212-feet, plus related ground facilities. This facility is needed to provide improved coverage for wireless communications in the area.

This notice is being sent to you because the County Property Valuation Administrator's records indicate that you may own property that is within a 500' radius of the proposed tower site or contiguous to the property on which the tower is to be constructed. You have a right to submit testimony to the Kentucky Public Service Commission ("PSC"), either in writing or to request intervention in the PSC's proceedings on the application. You may contact the PSC for additional information concerning this matter at: Kentucky Public Service Commission, Executive Director, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602. Please refer to docket number 2021-00049 in any correspondence sent in connection with this matter.

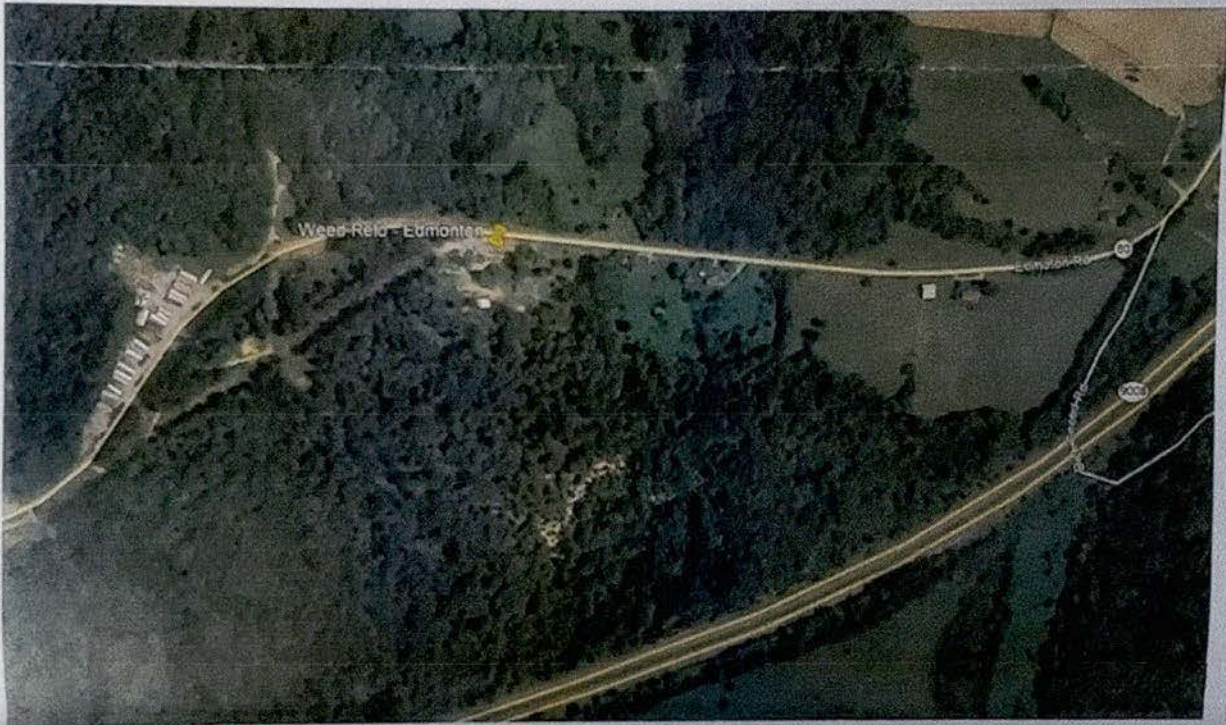
We have attached a map showing the site location for the proposed tower. AT&T Mobility's radio frequency engineers assisted in selecting the proposed site for the facility, and they have determined it is the proper location and elevation needed to provide quality service to wireless customers in the area. Please feel free to contact us toll free at (800) 516-4293 if you have any comments or questions about this proposal.

Sincerely,
David A. Pike
Attorney for Applicants

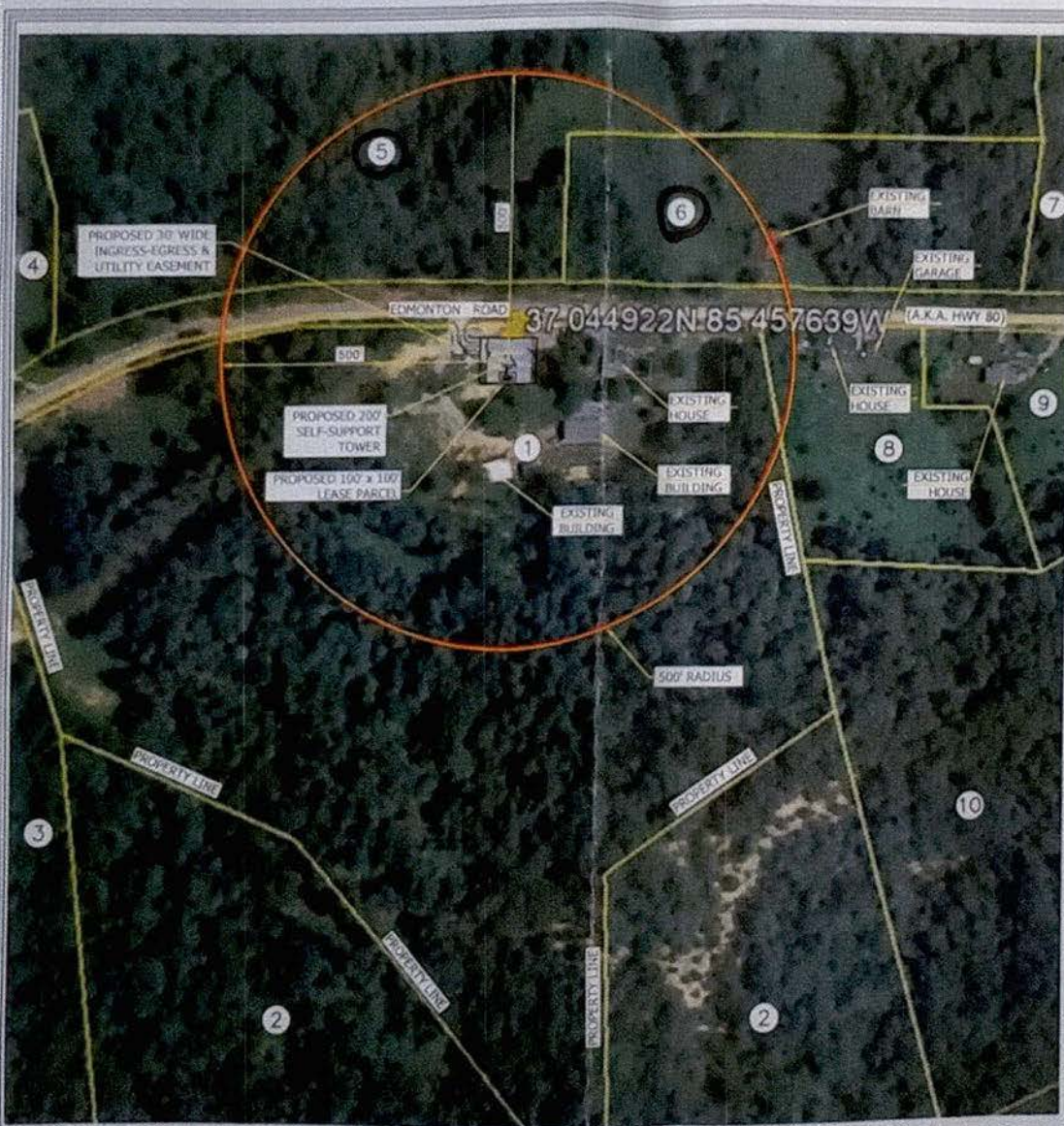
enclosures

Driving Directions to Proposed Tower Site

1. Beginning at the Adair County Judge Executive's Office, located at 424 Public Square, Suite # 1, Columbia, KY 42728, follow the traffic circle toward Burkesville Street and travel approximately 499 feet.
2. Exit the traffic circle onto KY-80 W / Burkesville Street and travel approximately 2.6 miles.
3. Turn right onto KY-80 W and travel approximately 7.5 miles.
4. The site is located on the left at 7481 Edmonton Road, Columbia, KY 42728.
5. The site coordinates are:
 - a. North 37 deg 02 min 41.72 sec
 - b. West 85 deg 27 min 27.50 sec



Prepared by:
Chris Shouse
Pike Legal Group
1578 Highway 44 East, Suite 6
P.O. Box 396
Shepherdsville, KY 40165-3069
Telephone: 502-955-4400 or 800-516-4293



#	OWNER	ADDRESS	PID	REF
1	GLEN WILHAM & CINDI ALEXANDER	7435 EDMONTON RD COLUMBIA, KY 42728	014-00-00-035.00	-
2	GLEN WILHAM & CINDI ALEXANDER	7435 EDMONTON RD COLUMBIA, KY 42728	014-00-00-034.01	-
3	STACIE & JOANN BENNETT REX & JANICE BENNETT	1932 WOOD KELTNER RD EDMONTON, KY 42129	014-00-00-035.01	-
4	CLYDE & ETHELEN FAULKNER	P.O. BOX 1123 EDMONTON, KY 42129	014-00-00-033.00	-
5	THOMAS & RACHEL OZZERAN	[REDACTED]	014-00-00-031.00	-
6	THOMAS & RACHEL OZZERAN	[REDACTED]	014-00-00-030.00	-
7	G/D SHELBY PATTON & JERRY ROYAN ROBERTSON BRYAN ESTATE	359 BURN TOWN GARFORD RD COLUMBIA, KY 42728	014-00-00-029.00	-
8	MARTIN JERRY D	7365 EDMONTON RD COLUMBIA, KY 42728	014-00-00-036.00	-
9	G/D LIRETA TAYLOR TEAM ANDERSON PATRICA	1123 PARK VIEW DR COVINA, CA 91724	014-00-00-037.00	-
10	HARRY & RODY HAMPTON/RANDI HAMLETT FLODGE ESTATE	P.O. BOX 917 COLUMBIA, KY 42728	014-00-00-038.00	-

NOTE:

1. PVA INFORMATION WAS OBTAINED ON 12/07/2020 FROM THE OFFICIAL RECORDS OF THE COUNTY'S PROPERTY VALUATION ADMINISTRATOR.
2. THIS MAP IS FOR GENERAL INFORMATION PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY.
3. NOT FOR RECORDING OR PROPERTY TRANSFER.





HARMONI TOWERS
EDMONTON ROAD

PAR 1516587
 PACER# ABTKN047955
 PTH# 10115703
 7481 EDMONTON ROAD
 COLUMBIA KY 42728
 AD AIR COUNTY

PROJECT NO.: 001159
 CHECKED BY: MAN

ISSUED FOR:

REV	DATE	BY	DESCRIPTION
0	09/07/20	RLS	ISSUED FOR PERMITS
1	09/10/20	RLS	ISSUED FOR PERMITS
2	12/17/20	RLS	ISSUED FOR PERMITS

B+T ENGINEERING, INC.
 CGA 4011
 Expires 12/31/21




I, S. A. B. & ASSOCIATES OF KENTUCKY, INC. (S.A.B. & ASSOCIATES) IS A REGISTERED PROFESSIONAL ENGINEERING FIRM UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, TO ALLOW THIS DRAWING.

500' RADIUS & ADJOINER'S DRAWING

SHEET NUMBER
C-1

1 500' RADIUS & ADJOINER'S DRAWING
 SCALE 1" = 200'




CALL KENTUCKY ONE CALL
 (800) 752-6007
 CALL 3 WORKING DAYS
 BEFORE YOU DIG!