

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF CELLCO	)	
PARTNERSHIP D/B/A VERIZON WIRELESS FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	CASE NO.
CONVENIENCE AND NECESSITY TO	)	2022-00332
CONSTRUCT A WIRELESS COMMUNICATIONS	)	
FACILITY IN THE COMMONWEALTH OF	)	
KENTUCKY IN THE COUNTY OF EDMONSON	)	

ORDER

This matter arises on the request of Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless) for the Commission to provide guidance to Verizon Wireless concerning the possible re-issuance of notice to certain property owners within the vicinity of the proposed site of the wireless communications facility at issue in this case.<sup>1</sup> Though not by way of formal motion, the Commission will treat this request as a motion.

BACKGROUND

On February 16, 2023, the Commission re-opened this case to investigate whether all property owners within 500 feet of Verizon Wireless's proposed facility site had received sufficient notice of Verizon Wireless's application. The Commission received a public comment on February 1, 2023, alleging that Verizon Wireless had failed to provide nearby property owners of notice of Verizon Wireless's application. Shortly thereafter, on February 3, 2023, Verizon Wireless filed a supplement to its application. This

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<sup>1</sup> Verizon Wireless's Response to Commission Staff's Second Request for Information (filed Mar. 7, 2023) (Response to Staff's Second Request), Item 7.

supplemental filing contained a new Exhibit S to Verizon Wireless’s application. Specifically, the exhibit included copies of the certified mail envelopes to each property owner within 500 feet of the proposed facility site, copies of any signed return receipts received, copies of any mailings returned to Verizon Wireless’s counsel, and printouts of the tracking information available through the United States Postal Service’s website. The table below summarizes each mailing Verizon Wireless sent to property owners on October 4, 2022:

Property Owner(s)	Last Four Tracking ID Digits	Status of Delivery
Watt Harold & Patricia Ella	1302	Return receipt signed by Patricia Watt <sup>2</sup>
Watt Patricia E	1319	Return receipt signed by Patricia Watt <sup>3</sup>
Watt Larry Joe	1326	Returned to sender as verified by tracking information <sup>4</sup>
Duncan Bobby Joe	1333	Return receipt signed by Bobby Joe Duncan. <sup>5</sup>
Lindsey Lisa K & Wilson Randy S	1340	Successfully delivered to individual located at the intended address verified via tracking information <sup>6</sup>
Davis Keith	1357	Returned to sender <sup>7</sup>
Cowles William B & Dora A	1364	Mailing shown as still in transit as verified by tracking information <sup>8</sup>

<sup>2</sup> Verizon Wireless’s Exhibit S (filed Feb. 3, 2023).

<sup>3</sup> Verizon Wireless’s Exhibit S (filed Feb. 3, 2023).

<sup>4</sup> Verizon Wireless’s Exhibit S (filed Feb. 3, 2023).

<sup>5</sup> Verizon Wireless’s Exhibit S (filed Feb. 3, 2023).

<sup>6</sup> Verizon Wireless’s Response to Order (filed Feb. 22, 2023), Item 2.

<sup>7</sup> Verizon Wireless’s Exhibit S (filed Feb. 3, 2023).

<sup>8</sup> Verizon Wireless’s Response to Order (filed Feb. 22, 2023), Item 2.

Meredith John W & Lori Ann	1371	Returned to sender <sup>9</sup>
Basham Yvonne Watt Est.	1388	Return receipt signed by Darrell Basham <sup>10</sup>
Webb Todd K & Lisa Michelle	1395	Returned to sender <sup>11</sup>
Bowles Steven & Kimberly	1401	Returned to sender <sup>12</sup>
Willoughby Sean M & Fallon A	1418	Returned to sender <sup>13</sup>
Murphy Tara L	3801	Returned to sender <sup>14</sup>
Massey T J & Alex	3788	Returned to sender <sup>15</sup>

Upon its review of the Edmonson County property valuation administrator's records, Verizon Wireless identified that ownership of one of the properties within 500 feet of the proposed facility site was transferred to a new individual on March 4, 2022.<sup>16</sup> The notice sent by certified mail to Sean M. and Fallon A. Willoughby on October 4, 2022, should have been sent to the new property owner. Accordingly, Verizon Wireless provided documentation that it sent notice of the application to "Julie Skaggs Reep" by

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<sup>9</sup> Verizon Wireless's Exhibit S (filed Feb. 3, 2023).

<sup>10</sup> Verizon Wireless's Exhibit S (filed Feb. 3, 2023).

<sup>11</sup> Verizon Wireless's Exhibit S (filed Feb. 3, 2023).

<sup>12</sup> Verizon Wireless's Exhibit S (filed Feb. 3, 2023).

<sup>13</sup> Verizon Wireless's Exhibit S (filed Feb. 3, 2023).

<sup>14</sup> Verizon Wireless's Exhibit S (filed Feb. 3, 2023).

<sup>15</sup> Verizon Wireless's Exhibit S (filed Feb. 3, 2023).

<sup>16</sup> Verizon Wireless's Response to Staff's Second Request, Item 7.

certified mail, return receipt requested, on March 7, 2023.<sup>17</sup> However, a review of the Edmonson County property valuation administrator’s records show that “Julie Skaggs Reed” is the current owner of that property. There is a typographical error in the spelling of Ms. Reed’s name in the notice Verizon Wireless transmitted by certified mail on March 7, 2023. Additionally, the property valuation administrator shows a tax mailing address for Ms. Reed that is different from the address of the parcel close to proposed facility site, where Verizon Wireless mailed its notice to “Julie Skaggs Reep” [*sic*] on March 7, 2023.

### LEGAL STANDARD

Commission regulation 807 KAR 5:063, Section 1(1)(l) requires:

A statement that every person who, according to the records of the property valuation administrator, owns property within 500 feet of the proposed tower has been:

1. Notified by certified mail, return receipt requested, of the proposed construction;
2. Given the commission docket number under which the application will be processed; and
3. Informed of his right to request intervention[.]

Additionally, KRS 278.665(2) requires “that every person who owns property contiguous to [the proposed facility site] receives notice by certified mail, return receipt requested, of the proposed construction, given the commission docket number [...], and informed of the opportunity to intervene[.]”

### DISCUSSION AND FINDINGS

Verizon Wireless has now identified Julie Skaggs Reed as a property owner that did not receive notice of Verizon Wireless’s application despite her having owned property

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<sup>17</sup> Verizon Wireless’s Response to Staff’s Second Request, Item 7.

within 500 feet of the proposed facility site as of the date of Verizon Wireless's application. Based upon a review of the Edmonson County property valuation administrator's website, it appears that Verizon Wireless, though likely an inadvertent typographical error, addressed its March 7, 2023 letter to the wrong person. That inadvertent error is only compounded by the fact that the March 7, 2023 letter was not mailed to the tax mailing address on record with the Edmonson County property valuation administrator. Verizon Wireless should send a new letter addressed to Julie Skaggs Reed to the tax mailing address on record with the Edmonson County property valuation administrator.

Additionally, considering the issues with delivery of the mailed notice to many other property owners on October 4, 2022, the Commission finds that Verizon Wireless should transmit new letters to the following property owners by certified mail, return receipt requested, informing these property owners of the proposed construction, providing the Commission docket number for this case, and informing each of his or her right to request intervention:

- Larry Joe Watt
- Davis Keith
- John W. and Lori Ann Meredith
- Todd K. and Lisa Michelle Webb
- Steven and Kimberly Bowles
- Tara L. Murphy
- T J and Alex Massey
- Julie Skaggs Reed<sup>18</sup>

Further, the Commission finds that Verizon Wireless should address each new mailing to the relevant property owner at the tax mailing address of record in the Edmonson County property valuation administrator's office. Verizon Wireless should also

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<sup>18</sup> Notice should be sent again to Ms. Reed because of the typographical error in Ms. Reed's name in the March 7, 2023 mailing, as well as to send notice to her correct tax mailing address.

provide documentation of the status of each mailing and file same with the Commission within 30 days of the entry of this Order.

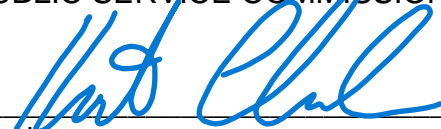
IT IS THEREFORE ORDERED that:

1. Verizon Wireless shall transmit new letters by certified mail, return receipt requested, to Larry Joe Watt, Davis Keith, John W. and Lori Ann Meredith, Todd K. and Lisa Michelle Webb, Steven and Kimberly Bowles, Tara L. Murphy, T J and Alex Massey, and Julie Skaggs Reed, providing notice of this proceeding in accordance with 807 KAR 5:063, Section 1(1)(l).

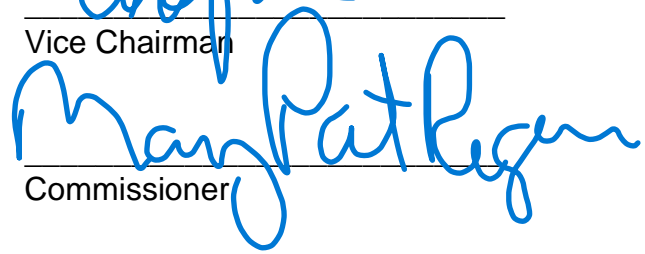
2. Verizon Wireless shall address each letter to the relevant property owner at the tax mailing address of record in the Edmonson County property valuation administrator's office.

3. Verizon Wireless shall file an update as to the delivery status of each new mailing within 30 days of the entry of this Order.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ENTERED  
MAR 30 2023 bsb  
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SERVICE COMMISSION

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