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PUBLIC SERVICE
COMMISSION

Jerry G. Phillips
443 Highway 3459
Harlan, Kentucky 40831

Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

Case Number 2023-00296

September 14, 2023

Dear Executive Director,

I am writing this letter in protest of the application for the proposed construction of the Clover Fork Wireless Communication Facility by New Cingular Wireless PCS, LLC doing business as AT&T Mobility and Tillman Infrastructure LLC, Case Number 2023-00292. The address of the site is 227 Industrial Park Road, Harlan, Kentucky 40831. I have several concerns about the tower, and I will discuss them below.

My understanding is this facility is to improve the cell signal in the area around downtown Harlan. The initial site proposed for this facility was near downtown. I understand that the City of Harlan rejected that plan and inhibited it from moving forward. Now, the proposed site is unnecessary and wasteful in its current location as signal will be inhibited by mountainous terrain. K.R.S. 278.54611. Additionally, the City of Harlan lacks adequate zoning laws (there are none) to provide guidance on and protection from the location of the cell phone tower away from residential areas. The Public Service Commission is tasked with looking at "the general area concerned and the likely effects of the installation on nearby land uses and values." KY Public Service Commission, Case No. 2022-00010, May 19, 2023.

I have family and friends that live in the Fairview section of Harlan and I also attend the Kelly Street Baptist Church in Fairview, there is no cell signal at any of these locations and will continue to be a dead zone after construction of this tower. The signal from the new facility will be blocked by a mountain from going to these locations. The residents of the 75 apartments of Harlan Housing Authority's low-income apartments, the 18 low-income apartments at the Anna Lee Housing

Complex, the 4 COAP low-income apartments and private homes will still be without cell service. Fairview is home to the Cawood Ledford Boys and Girls Club and the Sunshine Preschool and they will continue to be without service. The proposed Communications facility needs to be built to the north of the current proposed site so the communication signals can be clearly transmitted to downtown as well as Fairview, Harlan Gas, Kitts and up the Clover Fork Valley along Kentucky Highway 38. There are several sites around downtown Harlan and in the Fairview section of the city where the facility could be constructed. Some of the areas around downtown are the area around the Civic Center (this is the site shot down by the city and it would have sent signal to Fairview), the lot at the corner of Main and Railroad Streets, the vacant lot next door to the Liquor Store, and the parking lot of the former Creech Chevrolet sales lot. Over in the Fairview section there are several possible sites on River Street and May Street. Another alternative option would be the leasing of tower space from Appalachian Wireless at their wireless facility that is located on the mountain just to the south of the proposed Clover Fork Site. Leasing space from Appalachian Wireless would eliminate the unnecessary wasteful need for a duplicative tower. The Appalachian Wireless tower would provide comparable signal for the downtown area as the Clover Fork . In my opinion the best two possible sites are on the mountain on Red Dog Road in Fairview or on the mountain across the railroad tracks from the Harlan High School Football Field.

The health risks from the proposed facility are a great concern for me. A lifelong friend of mine was a Cellular Tower Technician for AT&T in Columbia, South Carolina for around 20 years. He passed away on June 19, 2022, due to a lost battle with brain cancer.

While the U. S. Federal Communication Commission (FCC) claims that wireless facilities are safe, the U.S. Department of the Interior states that “the electromagnetic radiation standards used by the FCC continues to be based on thermal heating, a criterion now 30 years out of date and inapplicable today.” See https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp;ATTACHMENTS=HPm37w1xh8naZq8MimLp2TMB1PB7D-1P2PnsS4qKmwOsVS65sqJF!-1507790802!-415575850?applType=search&fileKey=587578382&attachmentKey=19485623&applID=4295285&attachmentPath=uls/storage/201409/converted/ASR_19485623.p

[df&attchExt=pdf&applOrLicKey=T](#). Other countries now limit public exposure to far lower than the FCC standards. If exposure isn't safe for wildlife, how can it be safe for residents of Sunshine?

Studies have shown that even at low levels of radiation, there is evidence of biological damage, Brain tumors, cancer, Weakened Immune function, childhood leukemia, and ovarian follicles.

In May of 2011 the World Health Organization (WHO) classified the type of radiation from cell towers as Class 2B carcinogenic, which means possible carcinogenic to Humans, the same category as lead and DDT.

An article published by the American Association of Pediatrics raises concerns that children may be more vulnerable than adults "because of the potential greater susceptibility of their developing nervous system. In addition, their brain tissue is more conductive, radio frequency radiation penetration is greater relative to head size, and they will have longer lifetime exposure than adults." See <https://pubmed.ncbi.nlm.nih.gov/16061584/>.

In addition, Southern Wholesale, the business directly adjacent to the proposed site, has a large American Flag that flies on a flagpole by their store. Seeing Old Glory fly from that flagpole is a beautiful sight that I love to see. The proposed site for this tower will impede not only mine, but many other members of the Sunshine community's view of the flag.

Finally, the health hazards and the unsightliness of these installations will decrease property values. The perceived threat of construction alone would lower property values. Which in turn, means less tax dollars for an already economically distressed county. The U.S. Department of Housing and Urban Development (HUD) guidelines categorize cell towers with "hazard and nuisances," and HUD requires its certified appraisers to take the presence of nearby cell towers into consideration when determining the value of single-family residential properties. Studies show that proximity to a cell tower can lower property values from 5% to 10%. See <https://archives.hud.gov/offices/hsg/sfh/ref/sfh1-18f.cfm>.

I am including a map of the Harlan area denoting the mountainous terrain that will block the signal. The downtown area is the area with all the yellow pens marking

possible tower sites. You can see that the area is at the mouth of the Clover Fork Valley. The proposed Clover Fork facility is in the Martins Fork Valley, it is marked with the red pin.

If the City of Harlan doesn't want the facility downtown, I sure don't want it across the railroad tracks from my home. I am asking please spare our neighborhood of this unsightly communication facility and its 185 foot tower and all the health hazards that go with it. I request the commission with my utmost emphasis to reject the construction of the tower at this site.

Cordially Yours,

A handwritten signature in cursive script that reads "Jerry Phillips". The signature is written in black ink and is positioned above the printed name.

Jerry Phillips

