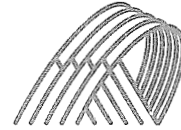


EAST KENTUCKY NETWORK  
101 TECHNOLOGY TRAIL  
IVEL, KY 41642  
PHONE: (606) 874-7550  
FAX: (606) 874-7551  
EMAIL: INFO@EKN.COM  
WEBSITE: WWW.EKN.COM

EAST KENTUCKY  
NETWORK



**RECEIVED**

OCT 3 2011

PUBLIC SERVICE  
COMMISSION

September 30, 2011

Linda Faulkner, Division Director Filings  
Public Service Commission  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, KY 40602-0615

RE: Public Service Commission of Kentucky (Case No. 2011-00173)

Dear Ms. Faulkner:

Please find enclosed the approval letter from the FAA and the KAZC notification that a permit is not required for the Fall Rock Tower (Case No. 2011-00173).

If you have any questions, feel free to contact me at 606-791-2375, ext. 1007 or via email [lhane@ekn.com](mailto:lhane@ekn.com).

Sincerely,

Lynn Haney  
Staff Accountant/  
Compliance Coordinator

Enclosures



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 2601 Meacham Boulevard  
 Fort Worth, TX 76137

Aeronautical Study No.  
 2011-ASO-4485-OE

**RECEIVED**

OCT 3 2011

PUBLIC SERVICE  
 COMMISSION

Issued Date: 08/09/2011

Ali Kuzehkanani  
 East Kentucky Network, LLC  
 8300 Greensboro Drive, Suite 1200  
 McLean, VA 22102

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Tower Fall Rock  
 Location: Fall Rock, KY  
 Latitude: 37-13-58.03N NAD 83  
 Longitude: 83-47-01.37W  
 Heights: 190 feet above ground level (AGL)  
 1334 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 02/09/2013 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO**

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (847) 294-8084. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2011-ASO-4485-OE.

**Signature Control No: 146318764-147447724**

( DNE )

Carole Bernacchi  
Technician

Attachment(s)  
Frequency Data

cc: FCC

Frequency Data for ASN 2011-ASO-4485-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

**Lynn Haney**

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**From:** Houlihan, John (KYTC) [John.Houlihan@ky.gov]  
**Sent:** Tuesday, August 16, 2011 3:29 PM  
**To:** Ali Kuzehkanani  
**Subject:** RE: 659 - KAZC study request for the proposed Fall Rock  
**Importance:** Low

The above subject does not require a permit from the Kentucky Airport Zoning Commission. The antenna does not exceed any of the following criteria:  
**602 KAR 50:030. Jurisdiction of the Kentucky Airport Zoning Commission.**

RELATES TO: KRS 183.861, 183.865, 183.867, 183.870

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.867 specifies that the commission has jurisdiction over zoning for all public use and military airports. This administrative regulation defines the areas over which the Kentucky Airport Zoning Commission has jurisdiction for the purpose of zoning in accordance with KRS Chapter 183 and specifics when the owner or person who has control over a structure which encroaches on the jurisdiction of the Kentucky Airport Zoning Commission shall apply for a permit.

Section 1. The commission has zoning jurisdiction over that airspace over and around the public use and military airports within the Commonwealth which lies above the imaginary surface that extends outward and upward at one (1) of the following slopes:

(1) 100 to one (1) for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each public use and military airport with at least one (1) runway 3,200 feet or more in length; or

(2) Fifty (50) to one (1) for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each public use and military airport with its longest runway less than 3,200 feet in actual length.

Section 2. The commission has zoning jurisdiction over the use of land and structures within public use airports within the state.

Section 3. The commission has jurisdiction from the ground upward within the limits of the primary and approach surfaces of each public use and military airport as depicted on Airport Zoning Maps approved by the Kentucky Airport Zoning Commission.

Section 4. The commission has jurisdiction over the airspace of the Commonwealth that exceeds 200 feet in height above ground level.

Section 5. The owner or person who has control over a structure which penetrates or will penetrate the airspace over which the commission has jurisdiction shall apply for a permit from the commission in accordance with 602 KAR 50:090. (KAV-9-1; 1 Ky.R. 807; eff. 5-14-75; Am. 2 Ky.R. 306; eff. 3-10-76; 5 Ky.R. 599; eff. 3-7-79; 10 Ky.R. 445; eff. 1-4-84; 14 Ky.R. 267; eff. 9-10-87; 19 Ky.R. 800; eff. 11-4-92; 27 Ky.R. 2228; 2774; eff. 4-9-2001.)

Please keep this email for your records. Thank you.

Kentucky Airport Zoning Commission

John Houlihan, Administrator

90 Airport Road, Building 400

Frankfort, KY 40601

Desk 502.564.0310

Cell 502.330.3955

<http://transportation.ky.gov/Aviation/Pages/Zoning-Commission.aspx>

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**From:** Ali Kuzehkanani [mailto:AKuzehkanani@fcclaw.com]  
**Sent:** Monday, July 18, 2011 12:57 PM  
**To:** Houlihan, John (KYTC)  
**Cc:** grobinette110@ekn.com; Marty Thacker  
**Subject:** 659 - KAZC study request for the proposed Fall Rock

9/30/2011

Dear John:

Forwarded herewith in accordance with KRS 183.990 and Chapter 50 of Title 602 of the Kentucky Administrative Regulations, is an "Application for Permit to Construct or Alter a Structure" (Form TC 56-50) for a 190-foot communications support structure (Fall Rock) proposed near Fall Rock (Clay), KY. The site is located approximately 0.9 mi north of Fall Rock (Clay), KY at geographic coordinates (**NAD83**) N 37-13-58.03; W 83-47-01.37.

Attached is a copy of the electronic FAA 7460-1 filing. A copy of the final FAA determination will be provided to you as soon as it is issued.

Please let me know if you have any questions or require any additional information.

Thank you in advance for your help in this matter.

Regards

***Ali Kuzehkanani***

-----  
Director of Engineering

**Lukas, Nace, Gutierrez & Sachs, LLP**

8300 Greensboro Drive, Suite 1200

McLean, VA 22102

Direct (703) 584-8667

Mobile (703) 927-1961

Fax (703) 584-8696

Email [ali@fcclaw.com](mailto:ali@fcclaw.com)

Email [akuzehkanani@fcclaw.com](mailto:akuzehkanani@fcclaw.com)

9/30/2011