# CASE NUMBER: 99.341



#### KY. PUBLIC SERVICE COMMISSION AS OF : 05/10/00



CELL SITE - CULP ROAD NEAR INTERSTATE 24 - PADUCAH

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION INC. AND WESTEL-MILWAUKEE COMPANY, INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT 1160 OLD ROSEBOWER CHURCH ROAD, PADUCAH, KY 42003 IN THE WIRELESS COMMUNICATIONS LICENSE AREA IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF MCCRACKEN SITE NAME: REIDLAND

SEO ENTRY NBR DATE REMARKS 0001 09/29/1999 Application. 0002 10/08/1999 Acknowledgement letter. 10/08/1999 LLOYD MCCARTHY CROWN COMMUNICATIONS-LETTER SENT TO RESIDENTS CONCERNING CELL SITE LOCATION M0001 M0002 10/14/1999 JOHN SAMSIL CITIZEN-LETTER OF CONCERN TO LOCATION OF CELL FACILITY M0003 10/14/1999 GARY & BRENDA FOX-LETTER OF CONCERN TO CELL SITE LOCATION 10/15/1999 DONALD ORAZANE MCCRACKEN CO JUDGE/EX-LETTER OF CONCERN TO LOCATION OF TOWER M0004 M0005 10/15/1999 JAMES FARRELL CITIZEN-LETTER OF CONCERN TO PLACEMENT OF TOWER 10/18/1999 No def. letter 0003 M0006 10/18/1999 CARL WILKINS CITIZEN-LETTER OF CONCERN & REQUEST INTERVENTION 10/19/1999 Letter sent to Lloyd McCarthy et. al. applicants re: protest. 0004 0005 10/19/1999 Response sent to James J. Farrell re: cell tower construction. 0006 10/20/1999 Copies of Samsil/Fox protest letters to Richard Guittar et.al. applicants 10/22/1999 Letter to John A. Samsil regarding cell tower construction. 0007 10/22/1999 Letter to Gary and Brenda Fox regarding cell tower construction. 0008 10/22/1999 Letter to The Honorable Danny Orazine regarding cell tower construction. 0009 10/28/1999 DANNY ORAZINE MCCRACKEN CO JUDGE-REQUEST FOR INTERVENTION M0007 10/29/1999 DANNY ORAZINE MCCRACKEN CO JUDGE-REQUEST FOR INTERVENTION M0008 11/01/1999 Letter to Richard Guittar on 10/28 re: Danny Orazine/to intervene. 0010 0011 11/01/1999 Letter to Richard Guittar on 10/26 re: protest by Carl W. Wilkins. 11/01/1999 Letter sent to Carl W. Wilkins on 10/28 re: protest of cell site. 0012 11/24/1999 DAVID PIKE CROWN COMMUNICATION-NOTICE OF DISCUSSIONS REGARDING ALTERNATIVE SITE M0009 M0010 12/27/1999 DAVID PIKE CROWN COMMUNICATION-NOTICE OF PREGRESS IN DISCUSSIONS REGARDING ALTERNATIVE SITE 02/07/2000 BRENDA & GARY FOX CITIZEN-FORMAL WITHDRAWAL OF OBJECTION M0011 02/07/2000 CROWN COMMUNCATIONS DAVID PIKE-NOTICE OF FIRST AMENDMENT OF APPLICATION M0012 02/07/2000 DANNY ORAZINE MCCRACKEN CO JUDGE-FORMAL REQ TO WITHDRAW OF OBJECTION, REQ FOR INTERVENTION & M0013 02/09/2000 CARL WILKINS CITIZEN-FORMAL WITHDRAWAL OF APPLICATION WHEN AMENDED APP IS FILED M0014 0013 02/11/2000 Copy of Carl W. Wilkins letter to Lloyd McCarthy et. al. of Crown Communication. CROWN COMMUNICATIONS DAVID PIKE-NOTICE OF PROGRESS CONCERNING PROPOSED RELOCATION OF FACILI M0015 02/14/2000 02/14/2000 JOHN SAMSIL CITIZEN-FORMAL WITHDRAWAL OF OBJECTION TO LOCATION OF CELL TOWER M0016 02/14/2000 W.E. PUCKETT CITIZEN-FORMAL WITHDRAWAL OF OBJECTIONS TO CELL LOCATION M0017 02/21/2000 Rec'd letter from John Samsil withdrawing objection to cell tower location. 0014 02/21/2000 Rec'd letter from W. E. Puckett withdrawing his objection to cell tower location 0015 M0018 03/02/2000 DAVID PIKE CROWN COMMUNICATIONS-MOTION TO SUBMIT FOR EXPIDITED DECISION WITHOUT PUBLIC HEAR 03/06/2000 JAMES FARRELL CITIZEN-UPON FILING OF AMENDED APP WITHDRAWAL OF OBJECTIONS M0019 Final Order granting a Certificate to construct a wireless telecom. facility. 0016 03/17/2000 04/24/2000 DAVID PIKE/CROWN COMMUNICATIONS-FEDERAL AVIATION ADMIN & KY ZONING COMMISSION APPROVALS M0020



RECEIVED

APR 2 4 2000 PUBLIC SERVICE COMMISSION

April 22, 2000

Susan G. Hutcherson Filings Division Manager, Docket Branch Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

Re: Applicant: Crown Communication, Inc. PSC Case No.: 99-341 Crown Site No.: KY269 Crown Site Name: Reidland Federal Aviation Administration Approval Kentucky Airport Zoning Commission Approval

Dear Susan:

Please accept this letter and the attached documents as an official filing in the abovereferenced Public Service Commission action. The Certificate of Public Convenience and Necessity issued in this action called for the Applicant to file a copy of the Federal Aviation Administration and Kentucky Airport Zoning Commission approvals once they were obtained. Copies of this relevant documentation are attached to this letter for inclusion in the official case file.

If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely

David A. Pike Regional Counsel, Crown Communication Inc. E-mail: pikelegal@aol.com

DAP/slb

Enclosures

Shepherdsville Office • 200 S. Buckman Street • P.O. Box 369 • Shepherdsville, Kentucky 40165-0369 • (502) 955-4400 / Fax: (502) 543-4410 Frankfort Office • Frankfort Plaza • P.O. Box 771 • Frankfort, Kentucky 40602-0771 • (502) 875-4048 Mar-22-00 12:30pm From-CROWN C

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T-249 P.04/07 F-572

AERONAUTICAL STUDY

No: 00-AS0-0167-0E

KY-Reidland

Federal Aviation Administration Southern Region, ASO-520 P.O. Box 20636 Atlanta, GA 30320

ISSUED DATE: 02/01/00

C/O S. DUNLAP CROWN COMMUNICATIONS SITE 800109 > BELLSOUTH MOBILITY 375 SOUTHPOINTE BLVD C -- - - -CANONSBURG, PA 15317

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

The Federal Aviation Administration has completed 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:

Description:	NEW ANTENNA TOWER
-	SEE ATTACHED FREQUENCIES
	SHARPE KY
Latitude:	36-59-45.64 NAD 83
Longitude:	088-29-30.18
Heights:	295 feet above ground level (AGL)
	678 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:

-As a condition to this determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1J, Obstruction Marking and Lighting, Chapters 4, 8(M-Dual), & 13.

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

N/A At least 10 days prior to start of construction (7460-2, Part I)

 $\chi$  Within 5 days after construction reaches its greatest height (7460-2, Part II)

-See attachment for additional condition(s) or information.

This determination expires on 08/01/01 unless:

- extended, revised or terminated by the issuing office or the construction is subject to the licensing authority of (a)
- (b) 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 on the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

-As a result of this structure being critical to flight safety, it is

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required that the FAA be kept apprised as to the status of this project. Failure to respond to periodic FAA inquiries could invalidate this determination.

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

A copy of this determination will be forwarded to the Federal Communication: Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at 404-305-5581. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 00-ASO-0167-0E.

Wade Carpenter(/ Specialist, Airspace Branch

(DNE)

7460-2 Attached Attachment •`:

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# ATTACHMENT

#### AERONAUTICAL STUDY NO-00-ASO-0167-OE

## FREQUENCIES

33-54 MHz	100 Watts
72-73 MHz	100 Watts
144-162 MHz	250 Watts
220-222 MHz	100 Watts
450-502 MHz	250 Watts
800-960 MHz	500 Watts
1,500 MHz	500 Watts
1,900-2,000 MHz	500 Watts
5,000-6,500 MHz	100 Watts
10,000-11,000 MHz	100 Watts
18,000 MHz	100 Watts
21,000 MHz	100 Watts
38,000 MHz	100 Watts
2-18 Ghz	80 dbm EIRP



125 Holmes Street

Frankfort, KY 40622

T-249 P.07/07 F-572 fax: (502) 564-7953 No.: AS-073-M34-00-008

CCC 28691

March 10, 2000

APPROVAL OF APPLICATION

APPLICANT: CROWN COMMUNICATION INC SHAWN DUNLAP, REGULATORY COORDINATOR 375 SOUTH POINTE BOULEVARD Cannonsburg, PA 15317

SUBJECT: AS-073-M34-00-008

STRUCTURE:Antenna TowerLOCATION:Sharpe, KYCOORDINATES:36°59'45.64"N / 88°29'30.18"WHEIGHT:295'AGL/678'AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct (295'AGL/678'AMSL) Antenna Tower near Sharpe, KY 36°59'46"N, 88°29'30"W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Dual obstruction lighting is required in accordance with 602 KAR 50:100...

Ronald Bland, Administrator

February 6, 2000

RECEIVED YULIC SERVICE

Martin Huelsmann Executive Director Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

Re: Application of Kentucky CGSA, Inc. and Crown Communication Inc. Kentucky Public Service Commission Docket No.: 1999-341 For Inclusion in Official Administrative File

Dear Mr. Huelsmann:

Crown Communication Inc. ("Crown") has addressed the concerns expressed in my previous letter submitted to the Kentucky Public Service Commission ("PSC") by agreeing to file an Amended Application moving the site of the proposed self-supporting tower to a site along Culp Road near Interstate 24. This alternate site is on real estate owned by John T. and Margie L. Rudolph, who also owned the original site of the proposed cell tower at 1160 Old Rosebower Church Road, Paducah, KY 42003.

This change in location addresses the concerns expressed in my previous letter submitted to the PSC. Upon Crown's filing of this Amended Application, please accept this letter as my formal withdrawal of objections to the proposed cell tower at its new location.

If you have any questions or comments concerning this matter, please do not hesitate to contact me.

For the Trustees of Rosebower Baptist Church, Jimmy Lockett, Amos Anderson, and myself.

Sincerely. arell Will

Carl W. Wilkins Chairman of Trustees, Rosebower Baptist Church 1120 Tyree Road Paducah, KY 42003

CC: David A. Pike Pike Legal Group 200 S. Buckman Street P.O. Box 369 Shepherdsville, KY 40165



Paul E. Patton Covernor

February 11, 2000

Mr. Lloyd McCarthy Crown Communication Inc. 11001 Bluegrass Parkway, Suite 330 Louisville, KY 40299

RE: Case 1999-341

Dear Mr. McCarthy:

Enclosed is correspondence from Mr. Carl W. Wilkins for your information.

Sincerely,

. pree ND -

Stephanie Bell Secretary of the Commission

SB/lc

C: Richard Guittar Sam McNamara Steve Skinner

Enclosure



Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DEC 27 1999

RECEIVED

PUBLIC SERVICE COMMISSION

APPLICATION OF CROWN COMMUNICATION INC.)AND WESTEL-MILWAUKEE COMPANY, INC.)FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)CONVENIENCE AND NECESSITY TO CONSTRUCT)CONVENIENCE AND NECESSITY TO CONSTRUCT)A WIRELESS COMMUNICATIONS FACILITY AT)1160 OLD ROSEBOWER CHURCH ROAD, PADUCAH, KY 42003 )IN THE WIRELESS COMMUNICATIONS LICENSE AREA)IN THE COMMONWEALTH OF KENTUCKY)IN THE COUNTY OF MCCRACKEN)

SITE NAME: REIDLAND SITE NUMBER: KY269

#### \* \* \* \* \* \* \*

#### NOTICE OF PROGRESS IN DISCUSSIONS REGARDING ALTERNATIVE SITE (ANTICIPATED AMENDMENT FOR RELOCATED SITE BY 2/15/00)

Please take Notice that Crown Communication Inc. ("Crown"), and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc. ("Provider"), as a licensed public utility in the Commonwealth of Kentucky, Applicants herein, have undertaken active discussions with area residents, the McCracken County Judge Executive, representatives of McCracken Fiscal Court, and other government officials concerning alternative nearby sites for the proposed Wireless Communications Facility ("WCF"). As a result of these negotiations a tentative agreement for a new agreeable nearby site has been reached, and engineering drawings and geotechnical investigations are being completed for the new location.

The Applicants anticipate filing appropriate pleadings with the PSC on or before February 15, 2000 to amend their Application to reflect the new nearby location and required engineering configuration. WHEREFORE, the Applicants, by counsel, move the PSC to enter all appropriate Orders or notations granting the Applicants additional time up to and including February 15, 2000 to tender anticipated pleadings seeking to amend their Application in this proceeding to move the proposed WCF to a nearby location agreeable to the Interveners.

Respectfully submitted,

David A. Pike Pike Legal Group 200 S. Buckman Street Post Office Box 369 Shepherdsville, KY 40165-0369 Telephone: (502) 955-4400 Telefax: (502) 543-4410 E-Mail: pikelegal@aol.com ATTORNEY FOR CROWN COMMUNICATION INC.

and

Sam G. McNamara McNamara & Jones 315 High Street P.O. Box 916 Frankfort, KY 40602 Telephone: (502) 875-8808 ATTORNEY FOR WESTEL-MILWAUKEE COMPANY, INC.

RECEIVED

#### COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NOV 2 4 1999

COMMENCE

APPLICATION OF CROWN COMMUNICATION INC. ) AND WESTEL-MILWAUKEE COMPANY, INC. ) FOR ISSUANCE OF A CERTIFICATE OF PUBLIC ) CONVENIENCE AND NECESSITY TO CONSTRUCT ) CASE NO.: 99-341 A WIRELESS COMMUNICATIONS FACILITY AT ) 1160 OLD ROSEBOWER CHURCH ROAD, PADUCAH, KY 42003 ) IN THE WIRELESS COMMUNICATIONS LICENSE AREA ) IN THE COMMONWEALTH OF KENTUCKY ) IN THE COUNTY OF MCCRACKEN

SITE NAME: REIDLAND SITE NUMBER: KY269

#### \* \* \* \* \* \* \*

#### NOTICE OF DISCUSSIONS REGARDING ALTERNATIVE SITE

Please take Notice that Crown Communication Inc. ("Crown"), and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc. ("Provider"), as a licensed public utility in the Commonwealth of Kentucky, Applicants herein, are currently involved in active discussions with area residents, the McCracken County Judge Executive, representatives of McCracken Fiscal Court, and other government officials concerning the possibility of seeking alternative nearby sites for the proposed Wireless Communications Facility ("W.CF").

The Applicants, by counsel, will promptly advise the Kentucky Public Service Commission ("PSC") of the results of these discussions on or before December 31, 1999 by formal filings with the PSC. Respectfully submitted,

Dávid A. Pike Pike Legal Group 200 S. Buckman Street Post Office Box 369 Shepherdsville, KY 40165-0369 Telephone: (502) 955-4400 Telefax: (502) 543-4410 E-Mail: pikelegal@aol.com ATTORNEY FOR CROWN COMMUNICATION INC.

and

Sam G. McNamara McNamara & Jones 315 High Street P.O. Box 916 Frankfort, KY 40602 Telephone: (502) 875-8808 ATTORNEY FOR WESTEL-MILWAUKEE COMPANY, INC.



COMMONWEALTH OF KENTUCKY **PUBLIC SERVICE COMMISSION** 730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

November 9, 1999

Alton Warford Manager South Anderson Water District 246 Court Street P. O. Box 16 Lawrenceburg, KY. 40342

Honorable Reginald L. Thomas Attorney for Ruben Barnett P.O. Box 1704 Lexington, KY. 40588 1704

Mr. Ruben Barnett Complainant 1560 Aaron-Barnett Road Lawrenceburg, KY. 40324

RE: Case No. 99-431

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Bell Secretary of the Commission

SB/sa Enclosure

#### COMMONWEALTH OF KENTUCKY

#### BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RUBEN BARNETT	)
COMPLAINANT	)
<b>v</b> .	) CASE NO. 99-431
SOUTH ANDERSON WATER DISTRICT	)
DEFENDANT	)

#### ORDER TO SATISFY OR ANSWER

South Anderson Water District ("South Anderson") is hereby notified that it has been named as defendant in a formal complaint filed on October 20, 1999, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, South Anderson is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 9th day of November, 1999.

By the Commission

ATTEST: tive Director

RECEIVED

OCT 2 0 1999

COMMONWEALTH OF KENTUCKY

PUBLIC SERVICE

# BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

RUBEN BA	······································
(You	Full Name) ) ) No. <u>QQ.431</u>
/S.	
SOUTH AN	DERSON WATER DISTRICT
(Nam	e of Utility) ) ) DEFENDANT )
	COMPLAINT
he compla	aint of <u>RUBEN BARNETT</u> respectfully shows:
	(Your Full Name)
(a)	RUBEN BARNETT
	(Your Full Name)
•	1560 AARON-BARNETT ROAD: LAWRENCEBURG, KY 40324
	(Your Address)
(b)	SOUTH ANDERSON WATER DISTRICT
	(Name of Utility)
	246 COURT STREET: P.O. BOX 16; LAWRENCEBURG, KY 40324
	(Address of Utility)
(c)	That: See Attachment
	(Describe here, attaching additional sheets if necessary,
	the specific act, fully and clearly, or facts that are the reason
	and basis for the complaint.)

Continued on Next Page

Formal Complaint RUBEN BAKNETT vs. SOUTH ANDRERSON WATER DISTRICT Page 2 of 2 Wherefore, complainant asks \_\_\_\_\_ See Attachment (Specifically state the relief desired.) Dated at Lawrenceburg \_\_\_\_, Kentucky, this \_\_<sup>20th</sup>\_day (Your City) of October \_\_\_\_\_, 19<u>99</u>. (Month) meth our Signature) Mame and address of attorney, if any) P.O. Box 1704 Lexington, K7 40588-1704

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#### ATTACHMENT PARAGRAPH 1(C) TO THE COMPLAINT

This pleading represents an appeal to the Public Service Commission from determinations by the South Anderson Water District and the Anderson County Judge Executive denying Ruben Barnett the opportunity to be included in a proposed water expansion project of the South Anderson Water District.

#### I. STATEMENT OF FACTS

The facts of this case are as follows. The petitioner herein, Ruben Barnett, resides at 1560 Aaron-Barnett Road (formerly Willow Creek Road) in rural Anderson County. Mr. Barnett's family consist of two small children whom he is raising by himself. His home and land are <u>not</u> located on a water line and therefore in order to provide water to his family he must constantly transport water to his home. Mr. Barnett has resided at his present location for the past thirty-six (36) years and has lived on Aaron-Barnett Road for all but one (1) year of his life.

In or about the summer of 1998 the Board of Commissioners of the South Anderson Water District ("District") decided to initiate an expansion project to add more water lines throughout the District. On August 18, 1998 the Anderson County Community Development Block Grant Program sponsored a meeting to discuss the proposed South Anderson Water District expansion project. Although this meeting was described as a public hearing, it is not clear whether the South Anderson Water District issued a public notice about the meeting prior to its occurrence. In any event, following this meeting the South Anderson Water District prepared a preliminary engineering report describing the proposed water expansion project. This report was completed on September 30, 1998 and on October 1, 1998 the Board of Commissioners agreed to submit an application to the United State Department of Agriculture - Rural Development Office for federal funding. A public notice indicating an intent by the South Anderson Water District to file an application for federal funds in connection with its proposed expansion was published in <u>The Anderson News</u> on October 7, 1998.

This October, 1998 public notice issued by the South Anderson Water District did not mention the areas to be served by the proposed water expansion project, but the notice merely stated that a public meeting would be held in the future. Also, near or around the same time as the District submitted an application with the United States Department of Agriculture, the Anderson County Fiscal Court sought companion community development block grant funds to supplement the proposed project. The cooperation and assistance of the Anderson County Fiscal Court was essential for the District because Chapter 74 of the Kentucky Revised Statute requires the Anderson County Fiscal Court to approve any construction projects planned by the District. The first public notice outlining the areas to be included in the water expansion project of the South Anderson Water District was published in February, 1999. This notice announced that:

The specific areas to be served by the project include the following roads/communities: Ballard, Dugansville, Rd., Hoophole, Puncheon Ck. Rd., and Searcy Sch. Rd.; Fairview, Lick Skillet Rd., and Ky Hwy 1291; Drydock, Anderson City, Buntain Sch. Rd., and Ky 44 east of Glensboro; US 62 west of Johnsonville, KY Hwy 248 and KY Hwy 3358 (Tanner Rd.); Burgin Rd.; US 127 Bypass from Sidney to US 127; Cox Rd.; <u>Willow Ck. Rd.</u>; Ky Hwy 44 west of Glensboro; Ashby Rd.; Gilberts Ck. Rd.; Woolridge Rd.; and Fox Ck. Rd. (emphasis supplied.)

Mr. Barnett saw this notice and reasonably believed that all of Willow Creek Road (now Aaron-Barnett Road) was to be served by the proposed water expansion project. Because the public notice did not stipulate that only a segment of Willow Creek Road was included within the proposed District project, Mr. Barnett did not attend the public hearing.

In early June, 1999 Mr. Barnett learned for the first time that the proposed water expansion project of the South Anderson Water District did <u>not</u> include his residence or land. In fact, Mr. Barnett discovered at this time that the proposed water lines along Aaron-Barnett Road <u>stopped</u> at his property line. Because he felt that he had been misled by the public notice of the District and was being treated inequitably under the proposed project, Mr. Barnett immediately contacted the South Anderson Water District to voice concern about his exclusion from the project. Shortly thereafter on June 24, 1999 he filed a formal motion with the Board of Commissioners of the District requesting that the District modify its construction plans to include ALL of Aaron-Barnett Road (formerly Willow Creek Road) within the expansion project as has been publicized in the public notice.

An informal meeting between members of the Board of Commissioners of the South Anderson Water District and representatives of Ruben Barnett took place in the law office of the attorney for the District on July 22, 1999. Mr. Barnett was unable to attend this meeting because he was hospitalized. Although it was hoped that some compromise could be reached between the parties, the meeting failed to achieve a satisfactory resolution. Subsequently, and official meeting was held by the Board of Commissioners on August 19, 1999 to formally consider Mr. Barnett's motion for the District to modify its proposed water expansion project to incorporate <u>all</u> of Aaron-Barnett Road within the project. Mr. Barnett's motion was unanimously defeated by the District's Board of Commissioners.

On August 23, 1999 Mr. Barnett appealed this decision of the Board of Commissioners of the South Anderson Water District to the Anderson County Fiscal Court. In a letter dated September 7, 1999 from Anthony D. Stratton, County Judge/Executive of Anderson County, Mr. Barnett was notified that his request for a hearing before the Anderson County Fiscal Court was being denied. As a result this appeal ensued.

#### **II. ARGUMENT OF RUBEN BARNETT**

Mr. Barnett asks the Public Service Commission to exercise its oversight responsibilities and order the South Anderson Water District to modify its proposed water expansion project to include all of Aaron-Barnett Road in said project. Mr. Barnett believes that such an order is justified for the following reasons:

- 1. The public notice promulgated by the South Anderson Water District listing the roads which would be included in the water expansion project was misleading and defective. The notice clearly stated that Willow Creek Road (now Aaron-Barnett Road) would be served by new water lines without any qualification that a portion of said road was to be excluded from the project. A reasonable person reading the notice would believe that water lines along the entire roadway of Willow Creek Road would be installed under the project. Because this was not the intent of the project and because the public notice misrepresented such intent, the proposed water expansion project of the South Anderson Water District should be ordered to hold another public hearing which fairly informs every South Anderson County resident of the areas to be served by the proposed project and which reconsiders the scope of the project.
- 2. Secondly, it is inequitable and grossly unfair for the proposed water expansion project of the South Anderson Water District not to include Mr. Barnett's property. Aaron-Barnett Road in rural southern Anderson County is approximately 3.0 miles long. The current proposal of the South Anderson Water District calls for construction of new water lines along 1.7 miles of Aaron-Barnett Road. The proposed project expansion stops water line construction at Mr. Barnett's property line. There is no reasonable or logical basis to cease water line construction at this point along Aaron-Barnett Road rather than completing construction along the remaining 1.3 miles of Aaron-Barnett Road.
- 3. The cost to construct an additional 1.3 miles of water line along Aaron-Barnett Road is relatively inexpensive. A reasonable estimate to add this water line to the project is around Forty Thousand Dollars (\$40,000). The total cost of the expansion project proposed by the South Anderson Water District is in excess of Two Million Dollars (\$2,000,000). Consequently, to finish water line construction entirely along Aaron-Barnett Road would only account for two percent (2%) of the construction budget.
- 4. Fourthly, it is practical and efficient from an engineering standpoint to complete a "loop" along Aaron-Barnett Road, that is, to attach the water line on Aaron-Barnett Road at both ends of the Road to the water line which currently exists on U.S. Highway 62. The establishment of a water "loop" enhances the flow and movement of water throughout a system of lines. The current proposed expansion

project which would construct water lines along part of Aaron-Barnett Road does <u>not</u> create a water "loop".

- 5. The proposed water expansion project of the District has an inherent inequity in that the project intends to construct a water line along a roadway in southern Anderson County which water would serve exclusively Washington County residents. The proposed project plans to construct water lines along Lick Skillet Road between Fairview and U.S. Highway 62 on which only one(1) Anderson County resident would benefit from said installation. In contrast, there are eight Anderson County residents living on the 1.3 miles of Aaron-Barnett Road not presently incorporated within the water expansion project. This particular water line expansion runs contrary to the legal mission of the South Anderson Water District to serve the residents of Anderson County.
- 6. Finally, Mr. Barnett is the sole caretaker and provider for his two young children. It is no secret that several areas of Kentucky, including Anderson County, experienced severe water shortages in 1999. The prospect of continuing water shortages in Anderson County in the near future remains an ominous possibility. The Board of Commissioners of the South Anderson Water District have indicated that once this water expansion project is completed, it will be another ten years before the District pursues any further expansion plans. In light of this reality to require Mr. Barnett to have to transport water to his home for the next ten years as the only means of providing water to his family would be unconscionable.

Based upon the aforementioned reasons, Mr. Barnett asks the Public Service Commission for the following relief (1) to immediately enjoin the South Anderson Water District from beginning construction on the proposed water expansion project, and (2) to continue such injunction until the District revises its expansion project to include <u>all</u> of Aaron-Barnett Road within the project. Please be advised that Mr. Barnett is prepared to have a hearing before the Public Service Commission to substantiate the claims made herein.

Sincerely. Reginald L. Thomas

Attorney for Ruben Barnett



Danny Orazine

McCracken County Judge Executive



McCracken County Courthouse 301 South Sixth Street Paducah, KY 42003-1700 Office: (270) 444-4707 Fax: (270) 444-4731

OCT 2 9 1999

October 27, 1999

PUBLIC GEENICE COMMNESION

Helen C. Helton Executive Director Public Service Commission 230 Shankel Lane Post Office Box 615 Frankfort, KY 40602

### Re: Public Service Commission Case No. 99-341 Application to construct cell tower; Old Rosebower Church Road, Paducah, KY

Dear Director Helton:

I hereby accept my right to intervene in Public Service Commission Case No. 99-341, and would like to be a party to any proceedings thereof.

It is my opinion that there are nearby sites that would adequately serve the telecommunication needs of the utility, and would have a less negative impact on nearby property values. A list and description of these alternative sites will be available upon request by any interested party.

There is no question that these communication structures are needed in McCracken County, but appropriate placement of these facilities should be given strong consideration in order to promote and protect the health, safety, and welfare of its citizens.

Sincerely,

Day Rin .

Danny Orazine McCracken County Judge/Executive

DO:ljy

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Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission

Paul E. Patton Covernor

October 28, 1999

Mr. Richard Guittar 1650 Lyndon Farms Court Louisville, KY 40223

RE: Case Number 99-341

Dear Mr. Guittar:

I have enclosed a copy of intent to intervene by The Honorable Danny Orazine for your information.

Sincerely,

Skywad beel

Stephanie Bell Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara The Honorable David A. Pike Steve Skinner

Enclosure





# Danny Orazine

McCracken County Judge Executive

RECEIVED

October 26, 1999

OCT 2 8 1999 GENERAL UUUNJEL

Mr. Dale Wright Public Service Commission P. O. Box 615 Frankfort, KY 40602

McCracken County Courthouse

301 South Sixth Street Paducah, KY 42003-1700

> Office: (270) 444-4707 Fax: (270) 444-4731

COLUMNED ON

OCT 2 8 1999

Dear Mr. Wright:

Re: Public Service Commission Case No. 99-341 Application to Construct Cell Site Tower; Old Rosebower Church Road, Paducah

In regard to the Crown Communications tower being placed in the Reidland community, I understand from Stephanie Bell's letter dated October 21, 1999, that the County Judge and Fiscal Court have a right to intervene in this matter. We are formally intervening in this matter by request that the location of this tower be moved to a less visible and less populated area.

Respectfully,

Danny Orazine McCracken County Judge Executive

DBO/smr

cc: Lloyd McCarthy, Crown Communications McCracken County Commissioner Zana Renfro McCracken County Commissioner Ronnie Freeman McCracken County Commissioner Bob Grimm



Paul E. Patton Governor

October 26, 1999

Mr. Richard Guittar 1650 Lyndon Farms Ct. Louisville, KY 40223

RE: Case Number 99-341

Dear Mr. Guittar:

I have enclosed a copy of protest by Carl W. Wilkins for your information.

Sincerely,

. Bul "enharo"

Stephanie Bell Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara The Honorable David A. Pike Steve Skinner

Enclosure



Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission



Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission

Paul E. Patton Governor

October 22, 1999

Gary and Brenda Fox 1325 Rosebower Ch. Rd. Paducah, KY 42003

RE: Case No. 99-341

Dear Mr. and Mrs. Fox:

The Commission is in receipt of your letter concerning the above application for approval to construct a cell facility. The Commission will carefully analyze this application before rendering its final decision.

It may be helpful for you to know that state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the Federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the 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. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Thank you for your interest and concern in this matter.

Sincerely, SKAMAD Deco

Stephanie Bell Secretary of the Commission

SB/lc





Ronaid B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission

Paul E. Patton Governor

October 22, 1999

Mr. John A. Samsil 1220 Rosebower Ch. Rd. Paducah, KY 42003

RE: Case No. 99-341

Dear Mr. Samsil:

The Commission is in receipt of your letter concerning the above application for approval to construct a cell facility. The Commission will carefully analyze this application before rendering its final decision.

It may be helpful for you to know that state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the Federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the 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. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Thank you for your interest and concern in this matter.

Sincerely, Sterhad Bed

Stephanie Bell Secretary of the Commission

SB/lc





Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen C. Helton Executive Director Public Service Commission

Paul E. Patton Governor

Honorable Donald Orazane McCracken County Judge/Executive Courthouse, 301 South Sixth Street Paducah, Kentucky 42003-1700

> Re: Public Service Commission Case No. 99-341 Application to Construct Cell Site Tower; Old Rosebower Church Road, Paducah

Dear Judge Orazane:

The Commission acknowledges receipt of your letter dated October 12, 1999, regarding the application for approval to construct a cell site facility at the above-named location. Your letter is now a part of the record in PSC Case No. 99-341 and will be fully considered whenever the decision is made by the Commission regarding approval of the application.

It is understood that residents in the area of 1160 Rosebower Church Road have expressed their opposition to the construction of the tower and that your belief is that the tower should be placed in a more remote and less visible location. I am sure that you understand that the Public Service Commission's authority in these matters has been severely limited by federal law. For example, Section 704 of the Federal Communications Act of 1966 prohibits this Commission from regulating placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the facilities comply with Federal Communication Commission regulations. Section 704 also prohibits a state or local government from forbidding a telecommunication facility's 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 telecommunication service, is adequate and reliable. However, the Commission does consider appropriate placement of necessary facilities within applicable engineering boundaries, and pursues a policy of collocation of facilities whenever possible.

Also, remember that you have a right to intervene in this matter by simply sending a letter to the Commission to that effect. The same procedure applies for the local residents with whom you have spoken. As an intervenor, all documents filed of record will be shared with you and you will be notified of any proceedings conducted in the matter.

If you have any further questions, please contact Staff Attorney Dale Wright, who has been assigned this case, at 564-3940, extension 235.

Sincerely, Stephal Bell

Stephanie Bell Secretary of the Commission

DW:v



Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission

Paul E. Patton Governor

October 20, 1999

Mr. Richard Guittar 1650 Lyndon Farms Ct. Louisville, KY 40223

RE: Case Number 99-341

Dear Mr. Guittar:

I have enclosed copies of protest by John A. Samsil and Gary and Brenda Fox, for your information.

Sincerely,

Stephad bee

Stephanie Bell Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara The Honorable David A. Pike Steve Skinner

Enclosures





Paul E. Patton Governor

October 19, 1999

Mr. Lloyd McCarthy Crown Communication, Inc. 11001 Bluegrass Parkway, Commonwealth Business Center Suite 330 Louisville, KY 40299

#### RE: Case Number 99-341

Dear Mr. McCarthy:

I have enclosed copies of protest by The Honorable Danny Orazine and Mr. James J. Farrell for your information.

Sincerely,

Stenhad Bell

Stephanie Bell Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara Richard Guittar The Honorable David A. Pike Steve Skinner

Enclosures



Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission



Ronald B. McCloud, Secretary Public Protection and Regulation Cabinet

Helen Helton Executive Director Public Service Commission

Paul E. Patton Governor

October 19, 1999

Mr. James J. Farrell 1240 Old Rosebower Church Rd. Paducah, KY 42003

RE: Case No. 99-341

Dear Mr. Farrell:

The Commission is in receipt of your letter concerning the above application for approval to construct a cell facility. The Commission will carefully analyze this application before rendering its final decision.

It may be helpful for you to know that state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the Federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of radio frequency emissions to the extent the 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. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Thank you for your interest and concern in this matter.

Sincerely,

Sternal Bell

Stephanie Bell Secretary of the Commission

SB/lc



October 15, 1999

8

RECEIVER OCT 1 8 1999 PUEL SETVICE

Executive Director's Office Public Service Commission P.O.Box 615 Frankfort, KY 40602

Re: Case No.: 99-341

BellSouth Mobility, Inc. Site No.: KY269 - Reidland

**Dear Executive Director's Office:** 

I am enclosing a copy of a letter that Rosebower Baptist Church received from Crown Communications.

We are writing this letter to protest the erection of a 375 foot tower that will be within 500 feet of Rosebower Baptist Church.

The reasons for our objection in this matter are:

This communication tower will cause property values to decrease in the surrounding area.

The frequency from the tower may interfere with the church's audio equipment.

I do not know if this letter will serve as an intervention in this matter, but if additional information is required, please send the request to:

Carl W. Wilkins Rosebower Baptist Church 1120 Tyree Road Paducah, KY 42003

For the Trustees of Rosebower Baptist Church, Jimmy Lockett, Amos Anderson, and Carl Wilkins.

Yours truly,

Carl W. Wilkins Chairman of Trustees, Rosebower Baptist Church

170 BABRLAND DRIVE PADUCAH, KXY 2003

cc: Lloyd McCarthy Crown Communications



September 28,1999

Rosebower Baptist Church 1120 Tyree Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear Sir or Madam:

Crown Communication Inc. and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350 foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No: 99-341 in your correspondence.

Feel free to call me at (502) 240-0044 (extension 52), if you have any questions.

Sincerely, CROWN COMMUNICATIONS Lloyd McCarthy For Crown Communication, Inc



COMMONWEALTH OF KENTUCKY **PUBLIC SERVICE COMMISSION** 730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602

(502) 564-3940

October 18, 1999

To: All parties of record

RE: Case No. 99-341 KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell Secretary of the Commission

SB/sa Enclosure Lloyd McCarthy Crown Communication Inc. 11001 Bluegrass Parkway, Suite 330 Louisville, KY. 40299

Richard Guittar 1650 Lyndon Farms Court Louisville, KY. 40223

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Honorable Sam G. McNamra Attorney at Law McNamara & Jones 315 High Street P. o. Box 916 Frankfort, KY. 40602

Honorable David A. Pike Attorney at Law Pike Legal Group 200 South Buckman Street P. O. box 369 Shepherdsville , KY. 40165 0369

Steve Skinner Manager of External Affairs Kentucky CGSA,Inc.,dba Bellsouth Mobility,Westel-Milwaukee,BSCC of IN 1100 Peachtree Street Room 809 Atlanta, GA. 30309

# RECEIV

SEP 2 9 199

COMMISSION

#### COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. AND WESTEL-MILWAUKEE COMPANY, INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT 1160 OLD ROSEBOWER CHURCH ROAD, PADUCAH, KY 42003 ) IN THE WIRELESS COMMUNICATIONS LICENSE AREA IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF MCCRACKEN

CASE NO.: 99-341

SEP 2 9 1999

COMMISS

**CRVICE** 

SITE NAME: Reidland SITE NUMBER: KY269

\* \* \* \* \* \* \*

Crown Communication Inc. ("Crown"), and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., ("Provider"), as a licensed public utility in the Commonwealth of Kentucky, hereinafter jointly referred to as "Applicants", by counsel, pursuant to (i) KRS 278.020 and the rules and regulations applicable thereto, and (ii) the Telecommunications Act of 1996, respectfully submit their Application for a Certificate of Public Convenience and Necessity ("CPCN") from the Public Service Commission of Kentucky ("Commission") to construct, maintain, and operate a Wireless Communications Facility ("WCF") to serve the customers of the Provider with wireless telecommunications services, and other wireless service provider collocations in the area described herein.

In support of this Application, the Applicants respectfully provide and state the following information:
Re. IN RESPONSE TO YOUR PROPOSAL

I. JAMES J FARRALL - 1240 OLD ROS-PBOWER CH, RD. PROTEST THE BUILDIng OF THE PROPOSED TOWER CASE # 99-1341 ON THE SITE # 492-19341 ON THE GROUNDS THAT IT MAY DECREASE THE VALUE OF MY PROPERTY. I PROTEST ALSO ON THE GROUMAS THAT IT COULD BE A SAFETS HAZARD IN THEEVENT OF A EARTH QUARE, OR TORNADO

James / Fault 1240 Old Rosebower, Church Road PAducah, KY 42003 OCT 157999

PUBLIC BUT VICE COMMERCIA



Danny Orazine

McCracken County Judge Executive

McCracken County Courthouse 301 South Sixth Street Paducah, KY 42003-1700 Office: (270) 444-4707 Fax: (270) 444-4731

October 12, 1999

Public Service Commission of Kentucky Office of the Executive Director P. O. Box 615 Frankfort, KY 40602



OCT 1 5 1999

PUBLIC GLIMICE COMPUSION

Dear Sir:

RE: CASE NO. 99-341

In regard to Crown Communications' application for a tower in McCracken County (1160 Rosebower Church Road, Paducah, Kentucky), the proposed location is too close to a church and residential area. Not only have I have received complaints from residents in the area, but I also personally believe the tower should be placed in a more remote and less visible location.

Your consideration in this matter is appreciated.

Sincerely,

king Omi

Danny Orazine McCracken County Judge Executive

DBO/smr

TDD: 1 (800) 247-2510

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OCT 1 4 1999

PUBLIC SERVICE COMMISSION

October 11, 1999

Executive Director's Office Public Service Commission P. O. Box 615 Frankfort, KY 40602

Re: Case No. 99-341

Dear Sir,

This is an official protest to the erection of a 375 foot communications tower that is within 500 foot of my property line.

The reason for protest in this matter is that it will cause my property on Rosebower Church Road to decrease in value.

The letter I received from Crown Communications said there was a map enclosed showing the location of the proposed tower. There was no map but we have seen the marked stakes on the property location.

This letter is to serve as an intervention in this matter. If there is anything else we need to fill out or sign, please let us know.

Sincerely,

O & Brenda Fox

Gary & Brenda Fox/ 1325 Rosebower Church Rd. Paducah, KY 42003

Cc: Lloyd McCarthy Crown Communications John A. Samsil 1220 Rosebower Ch. Rd. Paducah, KY 42003 (270)-898-7760

ECEIVED OCT 1 4 1999 PUSLIC SERVICE CONTRACTION

October 12, 1999

Executive Director's Office Public Service Commission P.O. Box 615 Frankfort, KY 40602

RE: Case No.: 99-341 Site No.: KY269-Reidland

Dear Executive Director's Office:

I am writing to you in regards to the Crown Communication letter that I received. The letter explains that Crown Communication has planned to build a wireless communication tower directly across the street from my residence. The letter stated that there was a map enclosed showing the location of the tower. However, there was no map enclosed in the letter. I have learned of the location through the survey stakes and the sign located on the property in question. I would like to officially protest this tower, as it will have a traumatic effect on my property value. I have enclosed some pictures of my house in relation to the tower to show the close proximity of the tower. 1

The property value my house is not my only concern. I have some medical concerns about the tower. I am concerned about possible cancerous causing radiation from the waves emitted by the tower. I also have some safety concerns. I am curious how a tower this grand in magnitude can be constructed on such a small piece of ground (80 feet\*80 feet). Will guy wires be used, and if so how far out must they reach on to other peoples property to maintain the safety of the tower?

I believe that the address for the property that is in question is incorrect. My address is 1220 and the property in question is directly across the street. Therefore, I think the address should be an odd number.

I thank you in advance for your attention to this matter. If I may be of assistance, please contact me by phone or mail.

Sincerely,

John A. Samsil cc: Crown Communication McCracken County Judge Danny Orazine McCracken County Commissioners State Senators State Representative



Proposed Site IS only 145' from my House

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$\wedge$	FTTA A A I®
3 1	
1.500	COMMUNICATIONS

For Crown Communication, Inc

September 28, 1999

John and Marsha Samsil 1220 Rosebower Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear John and Marsha:

Crown Communication Inc. and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350 foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No: 99-341 in your correspondence.

Feel free to call me at (502) 240-0044 (extension 52), if you have any questions.

Sincerely, CROWN COMMUNICATIONS

Lloyd McCarthy



September 28, 1999

Glenda Sue and WE. Puckett 1040 Tyree Road Paducah, KY 42003



RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear Sir or Madam:

Crown Communication Inc. and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350 foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No: 99-341 in your correspondence.

Feel free to call me at (502) 240-0044 (extension 52), if you have any questions.

Sincerely, **CROWN COMMUNICATIONS** 

Lloyd McCarthy For Crown Communication, Inc

October 4, 1999

Executive Director's Office Public Service Commission P. O. Box 615 Frankfort, KY 40602

RE: CASE NO. 99-341

Dear Sir,

I am enclosing a copy of a Leter that I received from Crown Communications.

This letter I write to you is my official protest to the erection of a 375 foot tower that is within 50' of my property line.

My reasons for objections in this matter arevery obvious. The erection of this tower will cause my property to decrease in value. I have property both on Rosebower Road and Tyree Road.

I did not receive the map showing the locations, but there are marked grade stakes positioned on the property location.

I do not know if this letter will serve as an intervention in this matter, nor do I dnow the exact procedure to follow in order to intervene. Would you please send me the necessary paperwork in order for me to properly intervene in this matter?

I would appreciate an immediate reply.

Yours truly ) = fucher

W. E. Puckett 1040 Tyree Road Paducah, KY 42003

cc: Lloyd McCarthy Crown Communications



COMMONWEALTH OF KENTUCKY **PUBLIC SERVICE COMMISSION** 730 SCHENKEL LANE POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

October 8, 1999

To: All parties of record

RE: Case No. 99-341 KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC (Construct) CELL SITE - 1160 OLD ROSEBOWER CHURCH ROAD - PADUCAH

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received September 29, 1999 and has been assigned Case No. 99-341. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sterverly,

Stephanie Bell Secretary of the Commission

SB/jc

Lloyd McCarthy Crown Communication Inc. 11001 Bluegrass Parkway, Suite 330 Louisville, KY. 40299

Richard Guittar 1650 Lyndon Farms Court Louisville, KY. 40223

.

Honorable Sam G. McNamra Attorney at Law McNamara & Jones 315 High Street P. o. Box 916 Frankfort, KY. 40602

Honorable David A. Pike Attorney at Law Pike Legal Group 200 South Buckman Street P. O. box 369 Shepherdsville , KY. 40165 0369

Steve Skinner Manager of External Affairs Kentucky CGSA, Inc., dba Bellsouth Mobility, Westel-Milwaukee, BSCC of IN 1100 Peachtree Street Room 809 Atlanta, GA. 30309

### RECEIVE

#### COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. AND WESTEL-MILWAUKEE COMPANY, INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT 1160 OLD ROSEBOWER CHURCH ROAD, PADUCAH, KY 42003 IN THE WIRELESS COMMUNICATIONS LICENSE AREA IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF MCCRACKEN

SITE NAME: Reidland SITE NUMBER: KY269

\* \* \* \* \* \* \*

Crown Communication Inc. ("Crown"), and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., ("Provider"), as a licensed public utility in the Commonwealth of Kentucky, hereinafter jointly referred to as "Applicants", by counsel, pursuant to (i) KRS 278.020 and the rules and regulations applicable thereto, and (ii) the Telecommunications Act of 1996, respectfully submit their Application for a Certificate of Public Convenience and Necessity ("CPCN") from the Public Service Commission of Kentucky ("Commission") to construct, maintain, and operate a Wireless Communications Facility ("WCF") to serve the customers of the Provider with wireless telecommunications services, and other wireless service provider collocations in the area described herein.

In support of this Application, the Applicants respectfully provide and state the following information:

SEP 2 9 1999

PUBLIC SERVICE COMMISSION

CASE NO.: 99-341 SEP. 2 9 1999 CONMIS

1. The complete names and addresses of the Applicants are:

Crown Communication Inc., a Delaware Corporation, 375 Southpointe Boulevard, Canonsburg, PA 15317, (724) 416-2000, having a local address of Commonwealth Business Center, 11001 Bluegrass Parkway, Suite 330, Louisville, Kentucky 40299, (502) 240-0044.

Westel-Milwaukee Company, Inc., a Georgia Corporation, 1100 Peachtree Street, Suite 14E06, Atlanta, GA 30309, having a local address of 1650 Lyndon Farms Ct., Louisville, KY 40223.

2. Crown constructs, owns, manages, maintains, and operates independent communications networks. Crown owns and manages safe, clean, and well-maintained facilities. Crown facilities do not generate smoke, odors, noise, noxious gases, vibrations, or increase traffic. Studies show that Crown's facilities will not pollute air, soil, or water, nor will they adversely affect radio or television reception or transmission. A certified copy of the Certificate of Authority issued by the Secretary of State of the Commonwealth of Kentucky for Crown and the Provider are attached hereto as **Exhibit A**.

3. After completion of the proposed WCF, Westel-Milwaukee Company, Inc., will be the ultimate owner of the WCF, with Crown acting as ultimate sublessor to further lease or license space on said tower and the surrounding site so that other Providers may locate and operate their facilities including all required antennas and appurtenances. The proposed WCF will serve an area completely within the Provider's Federal Communications Commission ("FCC") licensed service area in the Commonwealth of Kentucky. The Provider is authorized to provide wireless services by the FCC and Commission. The proposed site is located in a manner such that other wireless communications service providers will desire to collocate on said tower, and Crown will

endeavor to provide all necessary facilities to make collocation attractive to them.

4. The public convenience and necessity require the construction of the proposed WCF. The construction of the WCF will bring or improve the Provider's services to an area currently not adequately served by the Provider with increased coverage or capacity and will thereby enhance the public's access to innovative and competitive wireless telecommunications services. The WCF will provide a necessary link in the Provider's telecommunications network that is designed to meet the increasing demands for wireless services in Kentucky's wireless communications licensed area. The WCF is an integral link in the Provider's network design that must be in place to provide adequate coverage to the service area.

5. Crown's construction of the described WCF is desirable because it allows for the collocation of additional wireless service providers within this portion of the Kentucky wireless communications licensed area. These services may include telecommunications, wireless data transfer and Internet services, wireless cable, paging systems, 911 service, and other new products currently being developed in the wireless industry. In addition, the WCF will be available for use by governmental agencies and providers of emergency services. The WCF will provide a necessary link in Crown's wireless infrastructure network, and Crown, as part of its business structure, will diligently pursue and encourage other wireless providers to collocate on the WCF. These services will provide increased competition in the local Kentucky telecommunications market, which will, in turn, promote competitive pricing, quality, and coverage options to users of telecommunications services in this area. Crown's vested interest in the collocation of wireless service providers

promotes the same goals for the local consumers.

6. The Applicants propose to construct a WCF at 1160 Old Rosebower Church Road, Paducah, Kentucky 42003 (37° 00' 06.93" North latitude, 88° 30' 06.43" West longitude), in an area located entirely within the county referenced in the caption of this application. The property on which the WCF will be located is owned by John T. Rudolph and Marge L. Rudolph. The proposed WCF will consist of a 350-foot self-support tower, with an approximately 25-foot lightning arrestor attached at the top, for a total height of 375 feet. The WCF will also include concrete foundations to accommodate the placement of the Provider's proprietary radio electronics equipment. The equipment will be housed in a prefabricated cabinet or shelter that will contain: (i) the transmitting and receiving equipment required to connect the WCF with the Provider's users in Kentucky, (ii) telephone lines that will link the WCF with the Provider's other facilities, (iii) battery back-up that will allow the Provider to operate even after a loss of outside power, and (iv) all other necessary appurtenances. The Provider's equipment cabinet or shelter will be approved for use in the Commonwealth of Kentucky by the relevant building inspector. The WCF compound will be fenced and all access gate(s) will be secured. A description of the manner in which the proposed WCF will be constructed is attached as Exhibit B and Exhibit C. Periodic inspections will be performed on the WCF in accordance with the applicable regulations or requirements of the Commission. The list of competing utilities, corporations, or persons is attached as Exhibit D.

7. Reduced copies of the site development plan have been included as ExhibitB and Exhibit C of this Application. A vertical profile sketch of the WCF signed and sealed

by a professional engineer registered in Kentucky depicting the tower height, as well as a proposed configuration for the antennas of the Provider and future antenna mounts, has also been included as part of **Exhibit B**. Foundation design plans and a description of the standards according to which the tower was designed signed and sealed by a professional engineer registered in Kentucky is included as part of **Exhibit C**.

8. The Applicants have considered the likely effects of the installation on nearby land uses and values and have concluded that there is no more suitable location reasonably available from which adequate services can be provided, and that there are no reasonably available opportunities to collocate. The Applicants have attempted to collocate on suitable existing structures such as a telecommunications towers or other suitable structures capable of supporting the Provider's facilities. No other suitable and available collocation site was found to be located in the vicinity of the site. Information regarding the Applicants' efforts to achieve collocation in the vicinity are presented as **Exhibit E**.

9. The Applicants have conducted a preliminary aeronautical evaluation for the proposed WCF. The evaluation determined that the proposed structure height at this site meets Federal Aviation Administration ("FAA") Regulation requirements. Furthermore, FAA notice is required for the proposed construction, and lighting or marking requirements may be applicable to this facility. A copy of the FAA Application is attached as **Exhibit F**. Upon receiving authorization from the FAA, the Applicants will forward a copy of the determination as a supplement to this Application proceeding.

10. A copy of the Kentucky Airport Zoning Commission ("KAZC") Application for

the proposed WCF is attached as **Exhibit G**. Upon receiving authorization from the KAZC, the Applicants will forward a copy of the determination as a supplement to this Application proceeding.

11. The WCF will be registered with the FCC pursuant to applicable federal requirements. Appropriate required FCC signage will be posted on the site upon receipt of the tower registration number.

12. A geotechnical-engineering firm has performed soil boring(s) and subsequent geotechnical-engineering studies at the WCF site under the supervision of a professional engineer registered in the Commonwealth of Kentucky who specializes in geotechnical engineering, including subsurface exploration. The geotechnical-engineering firm has performed many such studies for the communications industry. A copy of the geotechnical-engineering report and evaluation signed and sealed by a professional engineer registered in the Commonwealth of Kentucky who specializes in geotechnical engineer registered in the Commonwealth of Kentucky who specializes in geotechnical engineer registered in the Commonwealth of Kentucky who specializes in geotechnical engineering, including subsurface exploration, is attached as **Exhibit H**. The name and address of the geotechnical-engineering firm and the professional engineer registered in the Commonwealth of Kentucky who supervised the examination of this WCF site are included in **Exhibit H**.

13. Clear directions to the proposed WCF site from the County seat are attached as **Exhibit I**. The name and address of the preparer of **Exhibit I** is included in **Exhibit I**.

14. The Applicants, pursuant to a written agreement, have acquired the right to use the WCF site and associated property rights. A copy of the abbreviated agreement

recorded with the County Clerk is attached as **Exhibit J**. Also included as part of **Exhibit J** is the portion of the full agreement demonstrating that in the case of abandonment a method is provided to dismantle and remove the cellular antenna tower, including a timetable for removal.

Personnel directly responsible for the design and construction of the 15. proposed WCF are well-qualified and experienced. Central Tower, Inc. ("the Tower Manufacturer"), performed the tower and foundation design. The Tower Manufacturer is a nationally recognized manufacturer and designer of communications towers. The Tower Manufacturer has designed and installed communications towers throughout North America. The Tower Manufacturer has assigned Chi S. Lee, a professional engineer registered in the Commonwealth of Kentucky to design the WCF. This engineer specializes in the design and engineering of guyed, self-support and monopole structures, and has extensive experience in the design and construction of projects similar to the Applicants'. These projects include the design of towers and the required foundations of many other wireless facilities. All of the designs have been signed and sealed by Chi S. Lee. The construction of the proposed WCF will be performed by Crown Network Systems, an experienced, bonded, and insured erection company. The Tower Erection Manager, Harold Harrington, will manage the tower erection. Harold Harrington is a tower installation manager for Crown and has been erecting towers for the telecommunications industry for over 8 years. All tower designs will meet or exceed applicable laws and regulations.

16. Based on a review of Federal Emergency Management Agency Flood Insurance Rate Maps, the registered land surveyor has noted in **Exhibit B** that the

proposed WCF is not located within any flood hazard area.

17. The possibility of high winds has been considered in the design of this tower. The tower has been designed and engineered by professional engineers using computer assistance and the same accepted codes and standards as are typically used for high-rise building construction. The tower has been designed to withstand a wind loading of 70 m.p.h., using the Uniform Building Code of 1991 ("UBC-91") and further modified by the 1993 Administrative Code. This tower has been designed in accordance with the Electronic Industries Association ("EIA") 222-F Standards, which have been accepted and approved by ANSI and is a nationally recognized tower design standard. Similarly, the proposed WCF design has been developed with consideration of potential ground shaking based on a negligible seismic zone of 1. Seismic loading is regarded as secondary to the wind loading.

18. The site development plan signed and sealed by a professional engineer registered in Kentucky was prepared by Tashsin Gurpinar, and was designed from a survey performed by Frank Sellinger. This site development plan is drawn to a scale of no less than one (1) inch equals 200 feet, and identifies every owner of real estate within 500 feet of the proposed tower (according to the Property Valuation Administrator) and is incorporated in the survey as part of **Exhibit B**. Every structure and every easement within 500 feet of the proposed tower or within 200 feet of the access road including intersection with the public street system is incorporated in the survey as part of **Exhibit B**.

19. Crown, on behalf of itself and the Provider, has notified every person who owns property within 500 feet of the proposed tower by certified mail, return receipt

requested, of the proposed construction, along with the possibility of a temporary site being built while awaiting Commission approval. Each property owner has been given the docket number under which the proposed Application will be processed and has been informed of their right to request intervention. A list of the nearby property owners who received the notices, together with copies of the certified letters, are attached as **Exhibit K** and **Exhibit L**, respectively.

20. Crown, on behalf of itself and the Provider, has notified the Judge Executive of the county where the WCF is located by certified mail, return receipt requested, of the proposed construction. Crown included in said notice the Public Service Commission ("PSC") docket number under which the application will be processed and informed said entity of its right to request intervention. A copy of this notice is attached as **Exhibit M**. The county where the WCF is located has not registered for the right to regulate cell sites with the PSC, and has not adopted planning and zoning regulations in accordance with KRS Chapter 100.

21. Two appropriate notice signs measuring at least two (2) feet in height and four (4) feet in width with all required language in letters of required height have been posted in a visible location on the proposed site and on the nearest public road and shall remain posted for at least two (2) weeks after filing of the Application. Copies of the postings are attached as **Exhibit N**. The location of the proposed facility has been published in a newspaper of general circulation in the county where the WCF is located.

22. There are five (5) residences within a 500-foot radius of the centerline of the proposed tower location. The land surrounding the WCF site is presently being used for

agriculture with the balance of the remaining land consisting of raw acreage.

23. The process that was used in selecting the site for the proposed WCF by the Applicants' radio frequency engineers was consistent with the process used for selecting generally all other existing and proposed WCF facilities within the proposed network design area. Before beginning the acquisition process, the Applicants carefully evaluated the location of the required WCF for possible collocation opportunities on existing structures. Radio frequency engineers used computer programs to evaluate the most effective coverage design for facilitating collocation potential on the proposed tower. Crown and the Provider's radio frequency engineers have combined their efforts in order to develop a highly efficient network that is designed to serve the Federal Communications Commission licensed territory without extending beyond the Provider's approved boundary. The engineers selected the optimum vicinity in terms of elevation and location to provide the best quality service to customers in the service area. A proposed coverage area was considered by the Applicants when searching for sites that would provide both (i) the coverage deemed necessary by the Provider, and (ii) the coverage deemed necessary by Crown to permit the integration of the proposed WCF into Crown's overall network design. No suitable towers or existing structures were found in the immediate area which would meet the technical requirements for this element of the telecommunications network. A map of the area in which the tower is proposed to be located which is drawn to scale and clearly depicts the necessary search area within which the site should, pursuant to radio frequency requirements, be located is attached as Exhibit O.

24. A grid map showing the location of all existing cellular antenna towers that

includes the general position of proposed construction sites for new cellular antenna towers within the planning commission's jurisdiction and one-half mile outside the boundary of the planning unit's jurisdiction if that area contains either existing or proposed construction sites for cellular antenna towers is attached as **Exhibit P**.

25. All Exhibits to this Application are hereby incorporated by reference as if fully set out as part of the Application.

26. All responses and requests associated with this Application may be directed

to:

Lloyd McCarthy Crown Communication Inc. 11001 Bluegrass Parkway, Suite 330 Louisville, Kentucky 40299 Telephone: (502) 240-0044 and **Richard Guittar** 1650 Lyndon Farms Court Louisville, Kentucky 40223 (502) 329-4700 and Sam G. McNamara McNamara & Jones 315 High Street P.O. Box 916 Frankfort, Kentucky 40602 (502) 875-8808 COUNSEL FOR WESTEL-MILWAULKEE COMPANY, INC. and David A. Pike Pike Legal Group 200 S. Buckman Street P. O. Box 369 Shepherdsville, Kentucky 40165-0369 Telephone: (502) 955-4400

COUNSEL FOR CROWN COMMUNICATION INC.

WHEREFORE, the Applicants respectfully request that the Commission accept the foregoing Application for filing, and having met the requirements of KRS 278.020 and all applicable rules and regulations of the Commission, grant a Certificate of Public Convenience and Necessity to construct and operate the WCF at the location set forth herein for the respective networks in the Commonwealth of Kentucky.

Respectfully submitted,

David A. Pike Pike Legal Group 200 S. Buckman Street P. O. Box 369 Shepherdsville, Kentucky 40165-0369 (502) 955-4400 COUNSEL FOR CROWN COMMUNICATION INC.

and

M. Mamara

Sam G. McNamara McNamara & Jones 315 High Street P.O. Box 916 Frankfort, Kentucky 40602 (502) 875-8808 COUNSEL FOR WESTEL-MILWAULKEE COMPANY, INC.

### LIST OF EXHIBITS

- A Copy of Articles of Incorporation & Certificate of Authority
- B Site Development Plan:

Vicinity Map Property Owner Listing 500' Vicinity Map Legal Descriptions Flood Plain Certification Site Plan Vertical Tower Profile

- C Tower and Foundation Design
- D Competing utilities, corporations, or persons list
- E Collocation report
- F Application to FAA
- G Application to Kentucky Airport Zoning Commission
- H Geotéchnical Report
- I Directions to WCF Site
- J Copy of Real Estate Agreement
- K Notification Listing
- L Copy of Property Owner Notification
- M Copy of Judge Executive Notice
- N Copy of Posting Notices
- O Copy of Radio Frequency Design Search Area
- P Tower Map for Subject County

### EXHIBIT A COPY OF ARTICLES OF INCORPORATION, CERTIFICATE OF AUTHORITY & FCC AUTHORIZATION



## Federal Communications Commission RADIO STATION AUTHORIZATION

United States of America

### Cellular Radiotelephone Service

WESTEL-MILWAUKEE COMPANY, INC. 8410 WEST BRYN MAWR AVE - SUITE 700 CHICAGO, IL 606313486

Call Sign: KNKN830

Market 0443	Channel Block: A-1	SID: 1273	KAI 1
Market Name:	KENTUCKY 1-FULTON		$\cup$

The Licensee hereof is authorized, for the period indicated, to operate a radio transmitting station in accordance with the terms and conditions hereinafter described. This authorization is subject to the provisions of the mmunications Act of 1934, as amended, subsequent Acts of Congress, international treaties and agreements to which the United States is a signatory, and all pertinent rules and regulations of the Federal Communications Commission, contained in Title 47 of the Code of Federal Regulations.

### WAIVERS / CONDITIONS:

Pursuant to Section 309(h) of the Communications Act 1934, as amended, (47 U.S.C. § 309(h)), this authorization is subject to the following conditions: (1) This authorization does not vest in the licensee any right to operate a station nor any right in the use of the electromagnetic spectrum designated herein beyond the term thereof nor in any other manner than authorized herein. (2) Neither this license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended (47 U.S.C. § 151, *et. seq.* (3) This authorization is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended (47 U.S.C. § 606).

This authorization does not convey to the licensee the right to receive protection from the capture of subscriber traffic, co-channel interference or first-adjacent-channel interference in any area outside of the authorized cellular geographic service area (CGSA) of the system. Moreover, any facility authorized herein with a service area boundary (SAB) extending into the CGSA of any other operating cellular system on the same channel block, regardless of when such other cellular system was authorized, is subject to the following condition: In the event that the licensee of the other cellular system requests that the SAB of the facilities authorized herein be removed from its CGSA, the licensee herein must reduce transmitting power or antenna height (or both) as necessary to remove the SAB from the CGSA, unless written consent from the licensee of the other cellular system, allowing the SAB extension to remain, is obtained.

Issued by PL on Wednesday Feb FCC Form 463A For Additional Information Please Contact:

KY Engineering 1650 Lyndon Farms Court (502) 329-4700



OFFICE OF THE SECRETARY OF STATE

### FOREIGN CORPORATION CERTIFICATE OF AUTHORIZATION

I, JOHN Y. BROWN III, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State, <u>CROWN COMMUNICATION INC.</u> is a corporation organized and existing under the laws of the state or country of <u>DELAWARE</u>; that was first authorized to transact business in the Commonwealth of Kentucky on <u>AUGUST 12, 1997</u>.

I further certify that all fees and penalties owed to the Secretary of State have been paid to date; that an Application for Certificate of Withdrawal has not been filed; and that the most recent annual report required by KRS Chapter 271B.16-220 or 273.3671 has been delivered to the Secretary of State on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at Frankfort, Kentucky, this \_\_\_\_\_\_day of \_\_\_\_\_\_\_

111\_ JOHN T BROWN III

Secretary of State Commonwealth of Kentucky

SSC-228(1/96)

JS

IN WITNESS WHEREOF, I have hereunto



JOHN Y. BROWN III SECRETARY OF STATE

# CERTIFICATE

I, JOHN Y. BROWN III, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of CERTIFICATE OF AUTHORITY OF CROWN COMMUNICATION INC. FILED AUGUST 12, 1997.

#### IN WITNESS WHEREOF, I have hereunto

set my hand and affixed my official seal.

Done at Frankfort this \_\_\_\_\_\_ day of

DECEMBER 19 97 111

SSC-208



## John Y. Brown III Secretary of State

### **Certificate of Authorization**

I, JOHN Y. BROWN III, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

### WESTEL-MILWAUKEE COMPANY, INC.

, a corporation organized under the laws of the state of Wisconsin, is authorized to transact business in the Commonwealth of Kentucky, and received the authority to transact business in Kentucky on March 10, 1997.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that an application for certificate of withdrawal has not been filed; and that the most recent annual report required by KRS 271B.16-220 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 8<sup>th</sup> day of September, 1999.

JOHN Y. BROWN III Secretary of State Commonwealth of Kentucky tbates/0429768



## JOHN Y. BROWN III SECRETARY OF STATE

# CERTIFICATE

I, JOHN Y. BROWN III, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of CERTIFICATE OF AUTHORITY OF WESTEL-MILWAUKEE COMPANY, INC. FILED MARCH 10, 1997.

### EXHIBIT B

SITE DEVELOPMENT PLAN: VICINITY MAP PROPERTY OWNER LISTING 500' VICINITY MAP LEGAL DESCRIPTIONS FLOOD PLAIN CERTIFICATION SITE PLAN VERTICAL TOWER PROFILE





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# EXHIBIT C TOWER AND FOUNDATION DESIGN









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- 3) SEE SHIPMENT LIST FOR BOLT SIZES & LOCATIONS.
- 4) ALL INNER MEMBER CONNECTIONS ARE SINGLE ANGLE CONNECTIONS UNLESS NOTED OTHERWISE.
- 5) INSIDE DIAGONAL INSTALL INSTRUCTIONS. INSIDE DIAGONALS TO BE INSTALLED FIRST. (INSIDE TOWER FACE) BOLTS ARE TO BE INSTALLED FROM THE INSIDE OF THE TOWER SO THAT THE THREADS ARE PRO-TRUDING TOWARDS THE OUTSIDE OF THE TOWER FACE.
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	<b>JLT GIRCUBLE</b>		12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12 00	12 00	00 01			0.50	05.0		02.0	7 50			7.50	7.50	7 50	7.50	7.50	7.50	
	PLG. 0.0, 180	2	16.00	16.00	16.00	Ť	16.00	16.00	16.00	16.00	16.00	16.00	<u> </u> 		:	; 			12.00	;	<u> </u> 		!	10.00			10.00	10.00	10.00	سالي والمراجع
	CENT, DRILL	5.625	5.625	5.375	5.375	5.375	5.375	5.125	5,125	5.125	5.125	4.875	4.875	4.875	4.875	4.625	4.625	4.375	4.375	4.375	4.375	4.125	4.125	3.875	3.875	3.875	3.875	3.625	3.625	
	THICKNESS IC		:		1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	
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**GUSSET DETAIL CHART** 

JOB NO. S3-548

TOWER HT 280

LOCATION McCracken CO. KY

25	
FACE WIDTH (FT.)	

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T. GUSI				 										:			•			): :			 :	•				
ANGLEVELT	**************************************	215	£  !	15	15	15	15	15	15	15	15	15	<u>e</u>  !	22 1	53	53	8	23	53	8	8 I	81	8	8	8	8	81	30
GUS/BOLT (CLR)	0.44				0.04	0.04	0.04	0.04	0.04	0.04	0.04	10.0		+0'D	66.0		56'0	££.0	fero -		0.43	0.43	0.43	0.43	0.43	0.43	0.43	0.43
GUB/FLG (CLR) G	_	1 25		0001	8C'1	1.38	1.38	1.50	1.50	1.30			4 6 1					0000	80.0						59'0	0.03	0.74	C. 'n
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TOTAL REG'D	36.00	36.00	36.00	36.00	36.00	20.00	00.00	00.00	20.00	36.00	36.00	36.00	36.00	24 00	24.00	24.00	24.00	24 00	24.00	18.00	18.00	18.00	18.00	18 00	18.00	18.00	18.00	
	0.82	0.82	0.82	0.82	0.87	1000		100	0.82	0.82	0.82	0.82	0.82	0.88	0.88	0.88	0.88	0.88	0.88	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	
<u>ا</u> د	2.25	2.25	2.25	2.25	2.25	2.25	200	2 25	2.25	2.25	2.25	2.25	2.25	1.50	1.50	1.50	1.50	1.50	1.50	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	
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	0.373	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	110
		20	20	40	40	60	60	80	80	100	100	120	120	140	140	160	160	180	180	200	200	220	220	240	240	260	260	000
BOTTON		10P	BOTTOM	TOP	BOTTOM	<b>TOP</b>	BOTTOM	100	BOTTOM	10P	BOTTOM	10P	BOTTOM	<b>TOP</b>	BOTTOM	TOP	BOTTOM	TOP	BOTTOM	10P	BOTTOM	TOP	BOTTOM	T0P	BOTTOM	10P	BOTTOM	
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# DIAGONALS

Job No. : 53:546

Site Location : McCracken CO, KY.

Diagonal Dimension Information

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Complete Manufarturer Of Communication Towers	nrturer Towern	CENTRAL TOWER, INC. 245611WY, 261 NEWBUILDIANA A520 1812 455 255
REVISIONS	ärun γ8	
		RITE AS REQ'D FOR: AS REQ'D FRAN. NO. AS REQ'D FRAN. NO. AS REQ'D FOR AS ANY RAY. AS REQ'D
····		SCALE NO R.E.N.
		DISK NO: MOUNT#3 NAME: PIPE-PT1 PIPE-PT1

· · ·	PART DETAIL CHART	
PART NO.	"DESCRIPTION"	"LENGTH"
P2040-63	2" SCH 40 PIPE	63"
P2040-84	2" SCH 40 PIPE	84"
P2040-96	2" SCH 40 PIPE	96"
P2040-252	2" SCH 40 PIPE	252"
P2540-63	2-1/2" SCH 40 PIPE	63"
P2540-84	2-1/2" SCH 40 PIPE	84"
P2540-96	2-1/2" SCH 40 PIPE	96"
P2540-252	2-1/2" SCH 40 PIPE	252"
P3040-63	3" SCH 40 PIPE	63"
P3040-84	3" SCH 40 PIPE	84"
P3040-96	3" SCH 40 PIPE	
P3040-252	3" SCH 40 PIPE	252"
P4040-63	4" SCH 40 PIPE	63"
P4040-72	4" SCH 40 PIPE	72"
P4040-84	4" SCH 40 PIPE	84"
P4040-96	4" SCH 40 PIPE	.96
P4040-120	4" SCH 40 PIPE	120"
P4040-144	4" SCH 40 PIPE	144"
P4040-168	4" SCH 40 PIPE	168"
P4040-252	4" SCH 40 PIPE	252"
P4080-192	4" SCII 80 PIPE	192"
P`4080-204	4" SCII 80 PIPE	204"





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	"LENGTH"	63"	B4"		232"		96°	252"	63"	84"	96 	63"	72"	84"	96" I	120"	144"		252	204"	AL TOWER, INC. REWULLICH MADANA, AGAD, LIANC.	STANDARD PIPE PARTS LIST	PRON: AS REQ'D FROM NO. AS REG'D
DETAIL CHART	"DESCRIPTION" "LEN	SCH 40 PIPE 6			r 40 rift	SCH 40 PIPE	SCII 40 PIPE	SCII 40 PIPE	40 PIPE	3did 04	40 PIPE	40 PIPE	SCH 40 PIPE 72			SCIE 40 PHYE 12	40 PIPE	40 Pitri		80 PIPE	CENTRAL 2866 INVY, 261 NEWRUNIG		STITE AS REQ'D
PARI D	PART NO. "DES		<b>3</b>	-96 2"			P2540-96 2-1/2"	P2540-252 2-1/2"	<b>.</b>	P3040-84 3" SC	n : m	-	P4040-72 4" SC	P4040 R4 4" SC	P404096 4" SC	P4040 120 4" SC	144 4"	÷.;		- 4	Complete Manufacturer or Communication Towers	REVISIONS BY	

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| \* | \* EXHIBIT D COMPETING UTILITIES, CORPORATIONS, OR PERSONS LIST

# COMPETING UNIDENESS CORPORATIONS, OR PERSONSI JIST

- 1. American Tower
- 2. APEX
- 3. Tritel Communications
- 4. Nextel Partners
- 5. Spectra Site
- 6. CommNet
- 7. GTE Mobilenet, Inc.
- 8. BellSouth Mobility, Inc.
- 9. BellSouth Wireless Cable, Inc.
- 10. NextelWave
- 11. Powertel Kentucky, Inc.
- 12. SBA
- 13. Sprint PCS

# EXHIBIT E COLLOCATION REPORT

### Collocation Statement <u>KY269 Reidland</u>

BellSouth Mobility Inc. has stated their need to install four 10' omni stick antennas at 250'. The proposed site will improve the digital/portable usage in the town of Reidland, and provide coverage along US 62 and I-24 between Paducah and Calvert City as well as on US 68 between Paducah and Daffenville. There are no known towers within a two-mile radius of the proposed site, as illustrated in the attached map, which shows all registered towers in McCracken County and the outlining area. In addition to not having any towers in the vicinity, and based on our own observation, there are no other structures capable of supporting the proposed antennas at the necessary height requirement.

# EXHIBIT F APPLICATION TO FAA

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08/11/99 WED 10:14				k⁄1028∕030
Please Type of Print on This		JM Ke	idland	
			-	
U.S. Department of Transportation Federal Aviation Administration	Notice of Proposed Cons	struction o	r Alteration	
	y, etc. proposing this action):	9. Latitude:	<u>37 ° 00 '</u>	06,93 "
		10 1		
Name: BellSouth Mob	Type of Print on This Form     Provide All Requested Information May Delay Processing of Your Notice     Provide All Requested Information May Delay Processing of Your Notice     Provide All Requested Information May Delay Processing of Your Notice     Provide All Requested Information May Delay Processing of Your Notice     Provide All Requested Information May Delay Processing of Your Notice     Provide All Requested Information May Delay Processing of Your Notice     Provide All Requested Information     Provide All Requested     Provide All Requested     Provide All Requested     Provide All Reports     Provide All Reports			
Address: 1650 Lyndon F	arms Court	11. Datum: 🛛 N/	AD 83 🖾 NAD 27 🗖 Othe	ər
	101 10000	12. Nearest: City:	Reidland	State: KY
Telephone: (502) 329-70	501Fax:	13. Nearest Public-	use (not private-use) or Milita	ary Airport or Heliport:
2. Engandia Degeneration	lif other than #11.	WEST KENT	UCKY AIRPARK	
Atte of John R. Schro	eter	14. Distance from	#13. to Structure: 3.45 N	M I
		15. Direction from	#13. to Structure: MMANA	
		16. Site Elevation (	AMSL):	401 ft.
		17. Total Structure	Height (AGL):	375 ft.
	57 Fax: (770) 994-1637		•	
		15. Uverall Height	(#16. + #17.) (AMSL):	<u>/16</u> ft.
		19. Previous FAA A	Aeronatical Study Number (if	applicable):
	_ `			. OF
4. Duration: , X Permar	ent L Temporary ( months, days)	20. Description of I		
5. Work Schedule: Beginn	ning After FAA Approval End Within 18 Months			
			•	
Landfill La Water	Tank L Other	attached). The	site is located 3.70 NM	I on a True Bearing of
7. Marking/Painting and/or L	ichting Preferred:	55.24° from t	he ARP of WEST KEN	TUCKY AIRPARK.
Red Lights and Paint				
	<u> </u>			
			•	
8. FCC Antenna Structure R	egistration Number (if applicable):			· ·
21. Complete Description of	Proposal:			Frequency/Power (kW)
This proposed cellular	communications installation will oper	ate in the 800 (	0 - 960.0 1500.0 -	
ERP.			onere mai o nacio	F
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Notice is required by 14 Code requirements of part 77 are s	of Federal Regulations, part 77 pursuant to 49 U ubject to civil penalty of \$1,000 per day until the	S.C., Section 44718 notice is received, p	B. Persons who knowingly and ursuant to 49 U.S.C., Section	d willingly violate the notice 46301 (a).
I hereby certify that all of the and/or light the structure in a	e above statements made by me are true, comple accordance with established marking & lighting st	ite, and correct to the transformer to the transfor	he best of my knowledge. In a	addition, I agree to mark
Date	Typed or Printed Name and Title of Person Filing No	tice	Signature	
08/09/1999	Dan Bennett, R.F. Engineer		Signature Dan Bennett	
		·		

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## EXHIBIT G APPLICATION TO KENTUCKY AIRPORT ZONING COMMISSION

LATITUDE       (1) DISTANCE TO 4B       (1) DISTANCE TO RUNWAY       B. REIGHT OF STRUCTURE, INCLUDING APPORTENANCES AND LIGHTS (ABOVE GROUND       375         37° 00* 06.92*       .5 NM       3.45 NM       LEVEL	11/99 WED 10:1	6 FAX				₩030/030
APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER BERNITEDA STUDY NUMBER BERNITEDA STUDY NUMBER BERNITEDA STUDY NUMBER A TYPE X NEW CONSTRUCTION X NEW CONSTRUCTION A DECISION 3. APPLICANT - NAME, ADDRESS & TELEPHONE Data Beanett BallSouth Mobility, Inc. 1650 Lyndon Parms Court Longiaville, KT 40223 (502) 323-7601 A DECISION A DECISION				IV Keidland	KAZO	FORM TC 56-50 (01/96
1. NATURE OF PROPOSAL       2. DESCRIPTION OF STRUCTURE         A. TYPE       B. CLASS       C. WORK STRUCTURE       This       proposed       cellular         A. TYPE       B. CLASS       C. WORK STRUCTURE       This       proposed       cellular         A. APPLICANT -NAME, ADDRESS & TELEPHONE       A. THE MICHAIN WIT SOLO APPLICANT -NAME, ADDRESS & TELEPHONE       The proposed site (collection)       cellular         Data       Description Parage Court       The Sciences application of the second applicapplicati		TION FOR PERMIA SI	TT TO CONSTRUCT O		RONAUTICAL STUDY	( NUMBER
A. TYPE     B. CLASS     C. WORK ACCEPTURE     This     proposed     cellular       A. HERK CONTRUCTION	1. NATURE OF			2. DESCRIPTION OF S	STRUCTURE	
X. NEW CONSTRUCTION       X. MEMANENT       REAL       After 79A       Communications installations will	А. ТҮРБ	B. CLASS	C. WORK SCREDULE			Cellular
Jan APPLICANT - NAME, ADDRESS & TELEPHONE     Dand with 500.0 watts ERP; 6.000       Jan Bennett BallSouth Mobility, Inc. 1650 Lyndon Parme Court Louisville, KY 40233     The proposed site is located intersection of U.S. Routes 63 (chart attached).       Louisville, KY 40233     U.S. Route 66 (chart attached).     The site is located intersection of U.S. Route 67 and Intersection of U.S. Route 68 (chart attached).       a HEPHENNTATIVS OF APPLICANT - NAME, ADDRESS & TELEPHONE John R. Schroeter Airspace Safety Analysis Corporation 1745 Phoenix Boulevard, Suite 120 Atlanta. Georgia 30349     Sheroeter Airspace 500 (chart attached).       4. LOCATION OF STRUCTURE     S. HENOHT & ELEVATION     ASTE ELEVATION       a REPRESENTATIVE OF APPLICANT - NAME, ADDRESS & TELEPHONE John R. Schroeter Airspace Safety Analysis Corporation 1745 Phoenix Boulevard, Suite 120 Atlanta. Georgia 30349     S. HENOHT & ELEVATION       4. LOCATION OF STRUCTURE     A INFLACENT Y ARONT     A STE ELEVATION       6. OBSTRUCTURE     O DESTANCE TO 69 O DESTANCE TO 69 O DESTANCE TO 69 O DESTANCE TO 69 O DESTANCE TO 60 O DESTANCE TO 70 O 06.93 <sup>1</sup> . 5 NM     3.45 NM       1. ANTUDA     O DESTANCE TO 69 O DESTANCE TO 70 O DESTA	X NEW CONSTRUC	TION Z PERMANENT	BEGN Approval	communications operate in the	installatio	n will 960.0
3.A. APPLICANI - ADJUE, ADJUESS & (ELEPHONE Dan Bennett Beilsouth Mobility, Inc. 1650 (700) Southeast from the state state is located 1,300 "Southeast from the bit stream the is located 1,700 "Southeast from the bit stream the bit stream the is located 1,700 "Southeast from the bit stream the	ALTERATION	TEMPORARY	END Within 18 Month	Phand with 500.0	Watts RRP	: 6.000
John R. Schroeter Airspace Safety Analysis Corporation 1745 Phoenix Boulevard, Suite 120 Atlanta, Georgia 30349 (770) 994-1557 4. LOCATION OF STRUCTURE A GEOGRAPHIC B NEAREST KY CITY C. NEAREST KY ARPORT A GEOGRAPHIC B NEAREST KY CITY C. NEAREST KY ARPORT A SITE ELEVATION A GEOGRAPHIC B NEAREST KY CITY C. NEAREST KY ARPORT A SITE ELEVATION OF STRUCTURE B NEAREST KY CITY C. NEAREST KY ARPORT A SITE ELEVATION OF STRUCTURE A GEOGRAPHIC B NEAREST KY CITY C. NEAREST KY ARPORT A SITE ELEVATION OF STRUCTURE A GEOGRAPHIC B NEAREST KY CITY C. NEAREST KY ARPORT A SITE ELEVATION OF STRUCTURE, MCLUDDIG ODDITANCE TO 40 () DISTANCE TO 4	Dan Bennett BellSouth M 1650 Lyndon Louisville,	obility, Inc. Farms Court KY 40223	TELEPHONE	The proposed 3,300' South intersection of U.S. Route 68 The site is loc True Bearing of	site is aast from U.S. Route (chart att ated 3.70 f	located m the 62 and ached). NM on a rom the
A. GEOGRAPHIC COORDINATES (CONDENTITIES (CONDENTITIES (CARAEST SECOND)       B. NEAREST KY CITY Reidland       C. NEAREST KY AIRPORT (NEST KENTUCKY AIRPORT)       A. STE ELEVATION (ABOVE MEAN SEA LEVEL)         A. STE ELEVATION (ABOVE MEAN SEA LEVEL)       Reidland       WEST KENTUCKY AIRPORT       A. STE ELEVATION (ABOVE MEAN SEA LEVEL)         IAITTUDE       (I) DISTANCE TO 40       (I) DISTANCE TO 40       (I) DISTANCE TO 40       (I) DISTANCE TO 40         3.7°       0.0°       06.92°       .5 NM       3.45 NM       LEVEL)       377         IONGTUDE       (2) DRECTION TO 48       (2) DRECTION TO ABRORT       C. OVERALL HEIGHT (AMSL) (A+B)       776         088°       30°       06.42°       NOTLEWEST       235.28236.59       776         088°       30°       06.42°       NOTLEWEST       X       X         A MARKED FOR THE PROTECTION OF AIR NAVIGATION GLAGS, SPHERES, ETC.)       X       X       X         A MARKED FOR THE PROTECTION OF AIR NAVIGATION GLAGS, SPHERES, ETC.)       X       X       X         C. OBSTRUCTION MARKED IN ACCORDANCE WITH GEREARSOLID (FAA AC 707460-18)       X       X       X         C. GESTRUCTION MARKED IN ACCORDANCE WITH GEREARSOLID (FAA AC 707460-18)       X       X       X         C. GESTRUCTION MARKED IN ACCORDANCE WITH GEREARSOLID (FAA AC 707460-18)       X       X       X <td>John R. Sch Airspace Sa 1745 Phoeni Atlanta, Geo</td> <td>roeter fety Analysis Con x Boulevard, Suit orgia 30349</td> <td>poration</td> <td></td> <td></td> <td><i>.</i>•</td>	John R. Sch Airspace Sa 1745 Phoeni Atlanta, Geo	roeter fety Analysis Con x Boulevard, Suit orgia 30349	poration			<i>.</i> •
COORDINATES       Reidland       WEST KENTUCKY AIRFARK       401         LATTUDE       (I) DISTANCE TO 4B       (I) DISTANCE TO RUNWAY       B. REIGHT OF STRUCTURE, INCLUDE, INCLUDE, INCLUDE, INCLUDE, INCLUDES       401         37° 00° 06.92       · 5 NM       3.45 NM       LEVEL       401         LONGITUDE       (I) DISTANCE TO 4B       (I) DISTANCE TO RUNWAY       B. REIGHT OF STRUCTURE, INCLUDE, INCLUDES, OND USENS (ACMORE GROUND       371         LONGITUDE       (I) DISTANCE TO 4B       (I) DISTANCE TO RUNWAY       ILEVEL       APPORTMENT AMERICA AND LIGHTS (ABOVE GROUND       371         LONGITUDE       (I) DISTANCE TO 4B       (I) DISTANCE TO RUNWAY       ILEVEL       TO COMPACE AND LIGHTS (ABOVE GROUND       372         LONGITUDE       (I) DISTANCE TO AB       (I) DISTANCE TO RUNWAY       ILEVEL       COVERALL HEIGHT (AMES) (A+B)       776         OBSTRUCTION       (I) ALST ANAVIGATION (I) DIRECTION TO ABRONT       (I) DIRECTION TO ABRONT       (I) DIRECTION (I) ALST AND LIGHTS (ABOVE GROUND       372         C OBSTRUCTION MARKED IN ACCORDANCE WITH GUZARSOLID (FAA AC 707460-18)       X       X       X       X         C OBSTRUCTION LIGHTED IN ACCORDANCE WITH GUZARSOLID (FAA AC 707460-18)       X       X       X       X         C OBSTRUCTION ADMUNISTRATION       (FORM 7460-1) BEEN FILED WITH THE FEDERAL AVIATION ADMUNISTRATION <td< td=""><td>4. LOCATION OF ST</td><td>RUCTURE</td><td></td><td>5. HEIGHT &amp; ELEVATION</td><td></td><td></td></td<>	4. LOCATION OF ST	RUCTURE		5. HEIGHT & ELEVATION		
OPERAGEST SECOND)       Reidland       WEST KENTUCKY AIRPARK       401         LATITUDE       (I) DISTANCE TO 48       (I) DISTANCE TO RUNVAY       B. REIGHT OF STRUCTURE, INCLIDENC       375         37° 00° 06.93'.       5 NM       3.45 NM       LEVEL       LEVEL       375         LONGTUDE       (I) DISTANCE TO 48       (I) DISTANCE TO ABROKT       C. OVERALL BEDENT (AMSL) (A+B)       375         LONGTUDE       (I) DISTANCE TO 48       (I) DISTANCE TO ABROKT       C. OVERALL BEDENT (AMSL) (A+B)       776         6. OBSTRUCTION MARKING & LIGHTING       235.28236.59       YES       NO         A. MARKED FOR THE PROTECTION OF AR NAVIGATION (FLAGS, SPHERES, ETC.)       X       X         B. OBSTRUCTION MARKED IN ACCORDANCE WITH 602KAR50-100 (FAA AC 707460-18)       X       X         C. OBSTRUCTION ILIGHTED IN ACCORDANCE WITH 602KAR50-100 (FAA AC 707460-18)       X       X         C. OBSTRUCTION ILIGHTED IN ACCORDANCE WITH 602KAR50-100 (FAA AC 707460-18)       X       X         C. OBSTRUCTION ILIGHTED IN ACCORDANCE WITH 602KAR50-100 (FAA AC 707460-18)       X       X         C. OBSTRUCTION ILIGHTED IN ACCORDANCE WITH 602KAR50-100 (FAA AC 707460-18)       X       X         C. OBSTRUCTION ILIGHTED IN ACCORDANCE WITH 602KAR50-100 (FAA AC 707460-18)       X       X         C. OBSTRUCTION ILIGHTED IN ACCORDANCE WITH 602KAR50-100 (FAA		B. NEAREST KY CITY	C. NEAREST KY AIRPORT	A. SITE ELEVATION (ABOVE M	TEAN SEA LEVEL)	
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# EXHIBIT H GEOTECHNICAL REPORT

# GEOTECHNICAL ENGINEERING SERVICES REPORT

Proposed Self Supporting Tower (KY 269) Old Rosebower Church Road Paducah, Kentucky

PSI File No. 358-95135

#### PREPARED FOR

Mr. Don Spencer National Assessment Corporation 1331 Union Avenue, Suite 1025 Memphis, Tennessee 38104

July 26, 1999

BY

PROFESSIONAL SERVICE INDUSTRIES, INC.



Palph Rouss

Ralph Reuss Vice President-Engineering

Tracey-Reagan 🔾

Project Manager Geotechnical Services

### TABLE OF CONTENTS

### Page No.

PROJECT INF	ORMATION.	1
• Projec	t Authorization	1
Project	Description	1
• Purpos	e and Scope of Services.	l
SITE AND SUI	SURFACE CONDITIONS	2
• Site Lo	cation and Description	,
• Subsur	face Conditions	, ,
· Ground	iwater Information	\$
RECOMMEND	ATIONS	Ļ
• Founda	tion Type and Design Parameters 4	-
• Founda	tion Construction	,
CONSTRUCTI	ON CONSIDERATIONS	
• Moistur	re Sensitive Soils/Weather Related Concerns	
• Ground	water Concerns	
• Excava	tions.:6	
REPORT LIMI	TATIONS 6	
APPENDIX	BORING LOCATION PLAN	
	GENERAL NOTES	
	BORING LOGS	

-1-

#### PROJECT INFORMATION

#### Project Authorization

Professional Service Industries, Inc. (PSI) has completed a geotechnical exploration for the proposed Self Supporting Tower on Old Rosebower Church Road in Paducah, Kentucky. Our services were authorized by Mr. Don Spencer of National Assessment Corporation.

#### Project Description

Project information was provided by Mr. Don Spencer of National Assessment Corporation on June 18, 1999. We have also been furnished with a fax drawing of the proposed site from GEM Engineering Company.

The proposed construction consists of a Self Supporting tower with an overall height of 350 feet. The tower will be supported by 3 legs approximately 20 to 30 feet from each other. Loading information was not provided at the time of the report. We assumed typical loading for these types of towers for the preparation of this report. Specific loading information should be provided for review to PSI.

The geotechnical recommendations presented in this report are based on the available project information, tower location, and the subsurface materials described in this report. If any of the noted information is incorrect, please inform PSI in writing so that we may amend the recommendations presented in this report if appropriate and if desired by the client. PSI will not be responsible for the implementation of its recommendations when it is not notified of changes in the project.

#### Purpose and Scope of Services

The purpose of this study was to explore the subsurface conditions at the site to enable an evaluation of acceptable foundation systems for the proposed tower. Our scope of services included drilling 3 soil test borings at the site to 20 feet, select laboratory testing, and preparation of this geotechnical report. This report briefly outlines the testing procedures, presents available project information, describes the site and subsurface conditions, and presents design parameters

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for foundation recommendations.

The scope of services did not include an environmental assessment for determining the presence or absence of wetlands, or hazardous or toxic materials in the soil, bedrock, surface water, groundwater, or air, on, or below, or around this site. Any statements in this report or on the boring logs regarding odors, colors, and unusual or suspicious items or conditions are strictly for informational purposes. Prior to development of this site, an environmental assessment is advisable.

#### SITE AND SUBSURFACE CONDITIONS

#### Site Location and Description

The site for the proposed Self Supporting Tower is located on the north side of Interstate 24 and west of Old Rosebower Church Road in Paducah, Kentucky. It is bordered by an existing row of bushes to the north and open fields to the south and west.

At the time of our exploration, the site surface was covered in grass approximately 2 feet high. The site was fairly level at the proposed tower area.

The surficial soils were firm at the time of the field exploration. Our truck mounted drill rig experienced no difficulty in moving about the site.

#### Subsurface Conditions

The site subsurface conditions were explored with 3 soil test borings, drilled at the proposed tower base. The boring locations and depths were selected by GEM Engineering Company. The borings were located in the field by PSI. The borings were advanced utilizing a hollow stem auger method and soil samples were routinely obtained during the drilling process. Drilling and sampling techniques were accomplished generally in accordance with ASTM procedures.

Select soil samples were tested in the laboratory to determine material properties for our evaluation. Laboratory testing was accomplished generally in accordance with ASTM

National Assessment Corporation

Professional Service Industries, Inc.

-2-

JUL 34 '99 15:14 FR PSI-NASHVILLE

procedures.

The 3 borings were drilled to pre-determined termination depth of 20 feet. All 3 borings encountered 8 inches of topsoil underlain by lean clays. These lean clays consisted of occasional roots, sand and gravel. Sand with gravel and trace clay was encountered below 18.5 feet at all 3 borings. Standard penetration resistance N-values within the soils ranged from 4 to 21 blows per foot, indicating soil consistencies of soft to very stiff. Standard penetration resistance N-values within the sands ranged from 19 to 51 blows per foot, indicating relative densities of medium dense to very dense. The moisture content of the clay soils ranged from 17 to 23 percent, with the majority in the upper teens. Unconfined compressive strengths, as measured by a calibrated pocket penetrömeter, indicated that the clay soil had relative strength values ranging from 0.5 tsf to 3.5 tsf. The soil was visually classified as mostly CL with some SP according to the United Soil Classification System.

The above subsurface description is of a generalized nature to highlight the major subsurface stratification features and material characteristics. The boring logs included in the appendix should be reviewed for specific information at individual boring locations. These records include soil descriptions, stratifications, penetration resistances, locations of the samples and laboratory test data. The stratifications shown on the boring logs represent the conditions only at the actual boring locations. The stratifications represent the approximate boundary between subsurface materials and the actual transition may be gradual. Water level information obtained during field operations is also shown on the boring logs. The samples that were not altered by laboratory testing will be retained for 60 days from the date of this report and then will be discarded.

#### Groundwater Information

The borings were dry upon completion of soil drilling, indicating that the continuous groundwater level at the site at the time of the exploration was either below the terminated depth of the borings, or that the soils encountered were relatively impermeable. Although groundwater was not encountered at this time, it is possible for groundwater to exist within the depths explored during other times of the year depending upon climatic and rainfall conditions. Additionally, discontinuous zones of perched water may exist within the overburden materials.

National Assessment Corporation

Professional Service Industries, Inc.

-3-

JUL 30 '99 15:14 FR PSI-NASHVILLE

#### RECOMMENDATIONS

#### Foundation Type and Design Parameters

It is anticipated that the foundations will likely be subjected to compression, uplift and lateral loads. Considering that uplift will likely control foundation dimensions, it is recommended that the structure be supported on drilled piers. Lateral stability analysis utilizing Com 624 or L-Pile will be required to select pier diameter and depth. Parameters recommended for design are as follows:

Depth Range	Ultimate Shear Strength, psf	Ultimate Side Friction, psf	Stress Modulus k, pci	Strain Factor
0-2	Neglect	Neglect	Neglect	Neglect
2 - 18.5	2000	1100	200	0.007
18.5 - 20	4000	2200	400	0.005

Assumes:

Groundwater below 20 ft Total soil density = 125 pcf

The upper two feet of soils should be ignored in the lateral stability calculations. A factor of safety of 2.0 should be applied to all loads for selection of the pier dimensions. Determination of pier length will be determined by the designer.

#### Foundation Construction

The pier excavations should be observed by a representative of the geotechnical engineer to determine the adequacy of the bearing material and to verify that the materials are consistent with those identified in this study. The bottom of the piers should be leveled, cleared of loose material or other extraneous matter and dewatered before it is inspected.

It may be necessary to utilize a temporary steel casing to support the walls of the shaft. This procedure will also reduce the potential for an inflow of water during the drilling and cleaning operations. Care must be exercised during concreting and removal of the temporary liner so that the possibility of soil/water intrusions are avoided. The contractor should submit

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-4-

JUL 30 '99 15:15 FR PSI-NASHVILLE

-5-

his procedures for pier installations prior to the start of work.

Concrete placed in the pier excavations should have a slump in the range of 7 to 9 inches to reduce the potential for the formation of voids as the temporary pier casing is extracted. The concrete mix should be designed to attain the required 28 day design strength when placed at this slump. The foundation excavation should be filled with concrete as soon as practical to reduce the possibility of ground water related problems that could occur.

#### CONSTRUCTION CONSIDERATIONS

PSI should be retained to provide observation and testing of construction activities involved in the foundations, earthwork, and related activities of this project. PSI cannot accept responsibility for any conditions which deviated from those described in this report, nor for the performance of the foundations if not engaged to also provide construction observation and testing for this project.

#### Moisture Sensitive Soils/Weather Related Concerns

The upper fine-grained soils encountered at this site may be sensitive to disturbances caused by construction traffic and changes in moisture content. During wet weather periods, increases in the moisture content of the soil can cause significant reduction in the soil strength and support capabilities. In addition, soils which become wet may be slow to dry and thus significantly retard the progress of grading and compaction activities. It will, therefore, be advantageous to perform earthwork and foundation construction activities during dry weather.

#### Groundwater Concerns

Groundwater was not encountered in the borings at the time of soil drilling. It is possible that seasonal variations will cause fluctuations or a water table to be present in the upper soils at a later time. Additionally, perched water may be encountered in discontinuous zones within the overburden. Any water accumulation should be removed from excavations by pumping. Should excessive and uncontrolled amounts of seepage occur, the geotechnical engineer should be

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JUL JU '99 15:15 FR PSI-NASHVILLE

consulted.

#### Excavations

In Federal Register, Volume 54, No. 209 (October 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its "Construction Standards for Excavations, 29 CFR, part 1926, Subpart P". This document was issued to better insure the safety of workmen entering trenches or excavations. It is mandated by this federal regulation that excavations, whether they be utility trenches, basement excavations or footing excavations, be constructed in accordance with the new OSHA guidelines. It is our understanding that these regulations are being strictly enforced and if they are not closely followed, the owner and the contractor could be liable for substantial penalties.

The contractor is solely responsible for designing and constructing stable, temporary excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. The contractor's "responsible person", as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case should slope height, slope inclination, or excavation depth, including utility trench excavation depth, exceed those specified in local, state, and federal safety regulations.

We are providing this information solely as a service to our client. PSI does not assume responsibility for construction site safety or the contractor's or other parties' compliance with local, state, and federal safety or other regulations.

#### REPORT LIMITATIONS

The recommendations submitted in this report are based on the available subsurface information obtained by PSI and design details furnished by Mr. Don Spencer for the proposed project. If there are any revisions to the plans for this project, or if deviations from the subsurface conditions noted in this report are encountered during construction, PSI should be notified immediately to determine if changes in the recommendations are required. If PSI is not notified of such changes, PSI will not be responsible for the impact of those changes on the project.

National Assessment Corporation

Professional Service Industries, Inc.

-6-

-7-

The geotechnical engineer warrants that the findings, recommendations, specifications, or professional advice contained herein have been made in accordance with generally accepted professional geotechnical engineering practices in the local area. No other warranties are implied or expressed.

After the plans and specifications are more complete, the geotechnical engineer should be retained and provided the opportunity to review the final design plans and specifications to check that our engineering recommendations have been properly incorporated into the design documents. At this time, it may be necessary to submit supplementary recommendations. This report has been prepared for the exclusive use of National Assessment Corporation for the specific application to the proposed Self Supporting Tower on Old Rosebower Church Road in Paducah, Kentucky.

National Assessment Corporation

Professional Service Industries. Inc.

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### APPENDIX

National Assessment Corporation

Professional Service Industries, Inc.





### GENERAL NOTES



# BORING LOG

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NV 85135 7/20/99



		used Self Suppor	ting Tower (KY 269)	)			No.: 358			Date: 7	15/9	9
oring l	No.: B-1	Total	20.0' Elev:			Loca	tion: Pad	ecah, K	entuc	ky		
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# EXHIBIT I DIRECTIONS TO WCF SITE

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Site Number: KY269





Take US 60/Park Ave west to I-24, take I-24 south to exit #16 US Hwy 68 and turn left going North. Go north on US Hwy 68 .5 mi. to Tyree Rd and turn right. Take Tyree Rd. .3 mi. to Roseblower Church Rd. and turn Right. Property will be on your right approx. .15 mi. south of Tyree Rd

Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Confidential Pursuant to Company Instructions

# EXHIBIT J COPY OF REAL ESTATE AGREEMENT

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#### **OPTION AND LEASE AGREEMENT**

PAD-I24

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THIS AGREEMENT, made this <u>6<sup>th</sup></u> day of April, 1999 between John T. & Margie L. Rudolph, hereinafter designated LESSOR and BellSouth Mobility, Inc., hereinafter designated TENANT.

#### **RECITALS:**

LESSOR is the owner of certain real property located in Reidland in McCracken County, State of Kentucky, TENANT desires to obtain an Option to lease a portion of said real property, containing approximately <u>6.400</u> square feet, together with a right of way for access thereto (said lease parcel and right of way hereinafter called "Property"). The property is more specifically described in and substantially shown outlined in red on Exhibit "A" attached hereto and made a part hereof.

NOW THEREFORE, in consideration of a sum of the sum of the second second

The Option may be exercised at any time on or prior to April 6, 2000

contiguous thereto, Lessor shall immediately notify TENANT in writing so that TENANT can take steps necessary to protect TENANT's interest in the Property.

LESSOR covenants that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants that there are no other liens, judgments or impediments of title on the Property.

This option may not be sold, assigned, or transferred, at any time except to TENANT's principal, affiliates or subsidiaries of its principal. As to other parties, this Option may not be sold, assigned or transferred without the written consent of the LESSOR, such consent not to be unreasonably withheld.

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Should TENANT fail to exercise this Option or any extension thereof within the time herein limited, all rights and privileges granted hereunder shall be deemed completely surrendered, this Option terminated, and LESSOR shall retain all money paid for the Option, and no additional money shall be payable by either party to the other.

The LESSOR shall permit TENANT during the Option Period, free ingress and egress to the Property to conduct such surveys, structural strength analysis, subsurface boring tests and other activities of similar nature, as TENANT may deem necessary, at the sole cost of TENANT.

Notice of the exercise of the Option shall be given by TENANT to the LESSOR in writing by certified mail, return receipt requested. Notice shall be deemed effective on the date it is posted. On the date of such notice the following Agreement shall take effect:

. . . . .

#### LEASE AGREEMENT

1. LESSOR hereby leases to TENANT that certain parcel of real Property, containing approximately <u>6,400</u> square feet, situated in <u>McCracken</u> County, State of <u>Kentucky</u>, together with the nonexclusive right for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of utility wires, cables, conduits and pipes over, under or along a twenty foot (20') wide right of way extending from the nearest public right of way <u>Old Rosebower Church Road</u>, to the leased parcel, said parcel and right of way for access being substantially as described herein Exhibit "A" and as shown enclosed within red lines on Exhibit "A" attached hereto and made a part hereof. Said leased parcel and right of way for access shall be hereinafter referred to as "Property". LESSOR shall cooperate with TENANT in TENANT's effort to obtain utility services along said right of way by signing such documents or easements as may be required by said utility companies. In the event any public utility is unable to use the aforementioned right of way, the LESSOR hereby agrees to grant an additional right of way either to the TENANT or to the public utility at no cost to the TENANT.

2. LESSOR also hereby grants to TENANT the right to survey said Property, and the legal description on said survey shall become Exhibit "B", which shall be attached hereto and made a part hereof, and shall control in the event of discrepancies between it and Exhibit "A". LESSOR grants TENANT the right to take measurements, make calculations, and to note other structures, setbacks, uses, or other information as deemed by TENANT to be relevant and pertinent as such information relates to LESSOR's real property, leased or otherwise abutting or surrounding the Property. Cost for such survey work shall be borne by the TENANT.

3. This Agreement shall be for an initial term of five (5) years beginning on the date the Option is exercised by TENANT at an annual rental payment of

to be paid in equal monthly installments on the first day of the month, in advance, to <u>John T. Rudolph</u> or to such other person, firm or place as the LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date.

4. TENANT shall have the option to extend this lease for four (4) additional five (5) year terms by giving the LESSOR written notice of its intention to do so at least six (6) months prior to the end of the then current term.

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6. If at the end of the fourth  $(4^{th})$  five (5) year extension term this Agreement has not been terminated by either party by giving to the other written notice of an intention to terminate it at least six (6) months prior to the end of such term, this Agreement shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of such term. Monthly rental for this period shall be equal to the rent paid for the last month of the fourth (4) five (5) year extension term.

7. TENANT shall use the Property for the purpose of constructing, maintaining and operating a Communications Facility and uses incidental thereto, consisting of a building or buildings as necessary now or in the future to shelter telecommunications equipment and related office space, a free standing monopole or three sided antenna structure of sufficient height now or in the future to meet TENANT's telecommunication needs and all necessary appurtenances a security fence consisting of chain link construction or similar but comparable construction may atthe option of TENANT be placed around the perimeter of the Property (not including the access easement). All improvements shall be at TENANT's expense. LESSOR grants TENANT the right to use adjoining and adjacent land as is reasonably required during construction, installation, maintenance, and operation of the Communication Facility. TENANT will maintain the Property in a reasonable condition. It is understood and agreed that TENANT's ability to use the Property is contingent upon its obtaining after the execution date of this Agreement, all of the certificates, permits and other approvals that may be required by any federal, state or local authorities. LESSOR shall cooperate with TENANT in its effort to obtain such approvals and shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by TENANT. LESSOR agrees to sign such papers as required to file applications with the appropriate zoning authority and/or commission for the proper zoning of the Property as required for the use intended by the TENANT. TENANT will perform all other acts and bear expenses associated with the rezoning procedure. LESSOR agrees not to register any written or verbal opposition to the rezoning procedures. In the event TENANT is unable to use the leased parcel and/or access easement to the leased parcel, due to imposed zoning conditions or requirements, LESSOR hereby grants to TENANT the right to modify Exhibit "A" in order to satisfy any imposed zoning conditions or requirements. In the event that any of such applications should be finally rejected or any certificate, permit, license or approval issued to TENANT is canceled, expires, lapses, or is otherwise withdrawn or terminated by government authority or soil boring test or radio frequency propagation tests are found to be unsatisfactory so that TENANT, in its sole discretion, will be unable to use the Property for its intended purposes, TENANT shall have the right to terminate this Agreement. Notice of the TENANT's exercise of its right to terminate shall be given to LESSOR in writing by certified mail, return receipt requested, and shall be effective upon the receipt of such notice by the LESSOR as evidenced by the return receipt. All rentals paid to said termination date shall be retained by the LESSOR. Upon such termination, this Agreement shall become null and void and all parties shall have no further obligations, including the payment of money, to each other.

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po m J R 8. TENANT shall indemnify and hold LESSOR harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the use and occupancy of the Property by the TENANT, its servants or agents, excepting, however such claims or damages as may be due to or caused by the acts of the LESSOR, or its servants or agents.

9. LESSOR agrees that TENANT may self-insure against any loss or damage which could be covered by a comprehensive general public liability insurance policy.

10. Tenant will be responsible for making any necessary returns for and paying any and all property taxes separately levied or assessed against its improvements on the Property. TENANT shall reimburse LESSOR as additional rent for any increase in real estate taxes levied against the leased Property which are directly attributable to the improvements constructed by TENANT and are not separately levied or assessed against TENANT's improvement's by the taxing authorities.

11. TENANT upon termination of this Agreement, shall, within a reasonable period, remove its personal property and fixtures and restore the property to its original above grade condition, reasonable wear and tear excepted. At LESSOR's option when this agreement is terminated and upon LESSOR's advance written notice to TENANT, TENANT will leave the foundation and security fence to become the property of the LEASOR. If such time for removal causes TENANT to remain on the Property after termination of this Agreement, TENANT shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of personal property and fixtures are completed.

12. Should the LESSOR, at any time during the term of this Agreement, decide to sell all or any part of his real property which includes the parcel of property leased by TENANT herein and/or the right of way thereto to a purchased other than TENANT, such sale shall be under and subject to this Lease Agreement and TENANT's right hereunder. LESSOR agrees not to sell, lease or use any other areas of the larger parcel upon which Property is situated for the placement of other communications facilities if, in TENANT's sole judgment, such installation would interfere with the facilities in use by TENANT.

13. LESSOR covenants that TENANT, on paying the rent and performing the covenants shall peaceably and quietly have, hold and enjoy the Property.

14. LESSOR covenants that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants that there are not other liens, judgments or impediments of title on the Property.

15. It is agreed and understood that this Agreement contains all agreements, promises and understandings between the LESSOR and TENANT and that no verbal or oral agreement, promises or understandings shall be binding upon either the LESSOR or TENANT in any dispute, controversy or proceedings at law, and any addition, variation or modification to this Agreement shall be void and ineffective unless made in writing and signed by the parties.

16. This Lease agreement and the performance thereof shall be governed, interpreted, constructed and regulated by the laws of the State of Kentucky.

17. This lease may not be sold, assigned or transferred at any time except to TENANT's principal, affiliates or subsidiaries of its principal or to any company upon which TENANT is merged or consolidated. As to other parties, this Lease may not be sold, assigned or

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transferred without the written consent of the LEASOR, such consent not to be unreasonably withheld. TENANT may sublease this Lease upon notice to LESSOR.

18. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested, addressed as follows (or to any other address that the party to be notified may have designated to the sender by like notice):

LESSOR: John T. Rudolph

1160 Old Rosebower Church Road Puducah, KY 42003

TENANT:

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Bellsouth Mobility, Inc. 1650 Lyndon Farms CT. Louisville, KY 40223 Attn.: Real Estate Manager

19. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of the parties hereto.

20. At LESSOR's option, this Agreement shall be subordinate to any mortgage by LESSOR which from time to time may encumber all or part of the property or right of way; provided, however, every such mortgage shall recognize the validity of this Agreement in the event of a foreclosure of LESSOR's interest and also TENANT's right to remain in occupancy of and have access to the Property as long as TENANT is not in default of this Agreement. TENANT shall execute in a timely manner whatever instruments as may reasonably be required to evidence this subordination clause. In the event the leased Property is encumbered by a mortgage, the LESSOR, no later than ten (10) days after this lease is exercised, shall have obtained and furnished to TENANT a non-disturbance instrument in recordable form for each such mortgage.

21. If the whole of the leased premises or such portion thereof as will make the premises unusable for the purposes herein leased, are condemned by any legally constituted authority for any public use or purpose, then in either of said events the term hereby granted shall cease from the time when possession thereof is taken by public authorities, and rental shall be accounted for as between LESSOR and TENANT as of that date. Any lesser condemnation shall in no way affect the respective rights and obligation of LESSOR and TENANT hereunder. Nothing in this provision shall be constructed to limit or affect TENANT's right to an award of compensation of any eminent domain proceeding for the taking of TENANT's leasehold interest hereunder.

22. TENANT, at TENANT's option, may obtain title insurance on the leased property. LESSOR, at LESSOR's expense, shall cooperate with TENANT's efforts to obtain such title insurance policy by executing documents or obtaining requested documentation as required by the title insurance company. At TENANT's option, should the LESSOR fail to provide the requested documentation within thirty (30) days of TENANT's request, or fail to provide the non-disturbance instrument(s) as noted in Paragraph 20 of this Agreement, TENANT

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may withhold and accrue the monthly rental until such time as the requested document(s) is (are) received.

23. LESSOR shall hold TENANT harmless from and indemnify TENANT against and from any damage, loss, expenses or liability resulting from the discovery by any person of hazardous substances generated, stored, disposed of, or transported to or over Property, as long as such substance was not stored, disposed of, or transported to or over the Property by TENANT, its agents, contractors, employees, or invitees. TENANT will be responsible for any and all damages, losses, and expenses and will indemnify LESSOR against and from any discovery by any persons of hazardous wastes generated, stored, or disposed of as a result of TENANT's equipment and uses of the aforementioned Property.

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IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS

WITNESS

LESSOR: (Seal)

John T. Rudolph

Sudalph (Seal) Tar

Margie L. Rudolph

Coll

NOTARY PUBLIC

Signed, sealed and delivered in the presence of:

TENANT:

WITNESS

WITNESS

NOTAR / PUBLIC

Becky M. Robinson, Notary Public State at Large Kentucky My Commission Expires Mar. 14, 2003

BellSouth Mobility, Inc.

BY: Regional Vice Pres. & TITLE: <u>Gen. Mngr. - KY</u>

(CORPORATE SEAL)

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# EXHIBIT K NOTIFICATION LISTING

## **CERTIFICATION OF NOTIFICATION**

## 1)

John T. Rudolph 1160 Rosebower Road Paducah, KY 42003

## 2)

Glenda Sue and WE. Puckett 1040 Tyree Road Paducah, KY 42003

## 3)

Brenda Fox 1325 Old Rosebower Road Paducah, KY 42003

#### 4)

Rosebower Baptist Church 1120 Tyree Road Paducah, KY 42003

## 5)

James L. Farrell 1240 Rosebower Road Paducah, KY 42003

## 6)

John and Marsha Samsil 1220 Rosebower Road Paducah, KY 42003

## 7)

Honorable Danny Orazine McCracken County Judge Executive 301 South 6 Paducah, KY 42003

# EXHIBIT L COPY OF PROPERTY OWNER NOTIFICATION

September 28, 1999

John T. Rudolph 1160 Rosebower Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear Mr. Rudolph:

Crown Communication Inc. and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350-foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No: 99-341 in your correspondence.

Feel free to call me at (502) 240-0044 (extension 52), if you have any questions.

Sincerely, CROWN COMMUNICATIONS

LIGyd McCarthy

For Crown Communication, Inc

#### Site Name: Reidland

#### Site Number: KY269



Take US 60/Park Ave west to I-24, take I-24 south to exit #16 US Hwy 68 and turn left going North. Go north on US Hwy 68 .5 mi. to Tyree Rd and turn right. Take Tyree Rd. .3 mi. to Roseblower Church Rd. and turn Right. Property will be on your right approx. .15 mi. south of Tyree Rd

Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Contidential Pursuant to Company Instructions September 28 , 1999

Glenda Sue and WE. Puckett 1040 Tyree Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

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Dear Sir or Madam:

Crown Communication Inc. and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350 foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower

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Feel free to call me at (502) 240-0044 (extension 52), if you have any questions.

Sincerely, CROWN COMMUNICATIONS

Llovd McCarthy For Crown Communication, Inc.

#### Site Name: Reidland

#### Site Number: KY269



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Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Contidential Pursuant to Company Instructions September 28, 1999

Brenda Fox 1325 Old Rosebower Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear Ms. Fox:

Crown Communication Inc. and BellSouth Mobility Inc. have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350 foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No: 99-341 in your correspondence.

Feel free to call me at (502) 240-0044 (extension 52), if you have any questions.

Sincerely, CROWN COMMUNICATIONS Llovd McCarthy

For Crown Communication, Inc

Site Name: Reidland

Site Number: KY269



Take US 60/Park Ave west to I-24, take I-24 south to exit #16 US Hwy 68 and turn left going North. Go north on US Hwy 68 .5 mi. to Tyree Rd and turn right. Take Tyree Rd. .3 mi. to Roseblower Church Rd. and turn Right. Property will be on your right approx. .15 mi. south of Tyree Rd

Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Contidential Pursuant to Company Instructions September 28,1999

Rosebower Baptist Church 1120 Tyree Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear Sir or Madam:

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Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Contidential Pursuant to Company Instructions September 28,1999

James L. Farrell 1240 Rosebower Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear Mr. Farrell:

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Llovd McCarthy For Crown Communication, Inc

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Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Contidential Pursuant to Company Instructions September 28,1999

John and Marsha Samsil 1220 Rosebower Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear John and Marsha:

Crown Communication Inc. and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350 foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed tower

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Llóvd McCarthy

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Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Contidential Pursuant to Company Instructions

# EXHIBIT M COPY OF JUDGE EXECUTIVE NOTICE

September 28,1999

Honorable Danny Orazine McCracken County Judge Executive 301 South 6 Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Honorable Judge Orazine:

Crown Communication Inc. and BellSouth Mobility Inc. have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 350 foot tower with appurtenances attached to a maximum height of 375 feet, and a ground level equipment shelter to be located at 1160 Old Rosebower Church Road, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you are the Judge Executive of McCracken County.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No: 99-341 in your correspondence.

Feel free to call me at (502) 240-0044 (extension 52), if you have any questions.

Sincerely, CROWN COMMUNICATIONS Lloyd McCarthy For Crown Communication, Inc



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Prepared by: Rick Powers, Telephone: (502) 240-0044 x 37

Proprietary, Restricted & Confidential Pursuant to Company Instructions

# EXHIBIT N COPY OF POSTING NOTICES

**Copies of Posting Notices** 

# Crown Communication, Inc proposes to construct a TELECOMMUNICATIONS TOWER

on this site. If you have questions, please contact the General Manager, Crown Communication, Inc., 11001 Bluegrass Parkway, Suite 330, Louisville, KY 40299, (502) 240-0044 or the Executive Director, Public Service Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, KY 40602. Please refer to Case # 99-341 in your correspondence.

# Crown Communication, Inc., proposes to construct a TELECOMMUNICATIONS TOWER

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# EXHIBIT O COPY OF RADIO FREQUENCY DESIGN SEARCH AREA

## Memorandum

To: Larry Hester CC: Garry Bowling, Richard Guittar, Roy Johnson, Mike Dobbs, Rob South, Kenny Rowland From: Sherri Roberts Date: 2/15/99 Re: Reidland/124 Search Area

The attached map indicates the search area for the Reidland/I24 site. This site is located in eastern McCracken county near the intersection of U.S. 62, U.S. 68 and just north of I-24. This is a coverage site needed to enhance coverage on I-24 and U.S. 62 between Paducah and Calvert City, along U.S. 68, and in the town of Reidland. This site will be an omni cell site. The ground elevation in this area is around 360 to 400 feet. The tower height will need to be 250 to 300 feet, depending on ground elevation.

If you have any questions, please let me know.



# EXHIBIT P TOWER MAP FOR SUBJECT COUNTY



# CASE NUMBER: 99-341

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INDEX FOR CASE: 1999-341 KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC Construct CELL SITE - CULP ROAD NEAR INTERSTATE 24 - PADUCAH				
IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION INC. AND WESTEL-MILWAUKEE COMPANY, INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT 1160 OLD ROSEBOWER CHURCH ROAD, PADUCAH, KY 42003 IN THE WIRELESS COMMUNICATIONS LICENSE AREA IN THE WIRELESS COMMUNICATIONS LICENSE AREA IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF MCCRACKEN SITE NAME: REIDLAND				
SEQ NBR	ENTRY DATE	REMARKS		
NDR	DAIL			
0001	09/29/1999	Application.		
0002	10/08/1999	Acknowledgement letter.		
M0001	10/08/1999	LLOYD MCCARTHY CROWN COMMUNICATIONS-LETTER SENT TO RESIDENTS CONCERNING CELL SITE LOCATI	ON	
M0002	10/14/1999			
M0003	10/14/1999			
M0004		DONALD ORAZANE MCCRACKEN CO JUDGE/EX-LETTER OF CONCERN TO LOCATION OF TOWER		
M0005	10/15/1999			
0003	· · · ·	No def. letter		
M0006		CARL WILKINS CITIZEN-LETTER OF CONCERN & REQUEST INTERVENTION		
0004		Letter sent to Lloyd McCarthy et. al. applicants re: protest.		
0005		Response sent to James J. Farrell re: cell tower construction.		
0006		Copies of Samsil/Fox protest letters to Richard Guittar et.al. applicants		
0007		Letter to John A. Samsil regarding cell tower construction.		
0008		Letter to Gary and Brenda Fox regarding cell tower construction.		
0009		Letter to The Honorable Danny Orazine regarding cell tower construction.		
M0007		DANNY ORAZINE MCCRACKEN CO JUDGE-REQUEST FOR INTERVENTION		
M0008	· · ·	DANNY ORAZINE MCCRACKEN CO JUDGE-REQUEST FOR INTERVENTION		
0010		Letter to Richard Guittar on 10/28 re: Danny Orazine/to intervene.		
0011		Letter to Richard Guittar on 10/26 re: protest by Carl W. Wilkins.		
0012		Letter sent to Carl W. Wilkins on 10/28 re: protest of cell site.		
M0009 M0010		DAVID PIKE CROWN COMMUNICATION-NOTICE OF DISCUSSIONS REGARDING ALTERNATIVE SITE DAVID PIKE CROWN COMMUNICATION-NOTICE OF PREGRESS IN DISCUSSIONS REGARDING ALTERNATIVE S	TTT	
M0010 M0011		BRENDA & GARY FOX CITIZEN-FORMAL WITHDRAWAL OF OBJECTION	115	
M0011 M0012	· · · ·	CROWN COMMUNCATIONS DAVID PIKE-NOTICE OF FIRST AMENDMENT OF APPLICATION		
M0012 M0013		DANNY ORAZINE MCCRACKEN CO JUDGE-FORMAL REQ TO WITHDRAW OF OBJECTION, REQ FOR INTERVENTIO	NT C.	
M0013 M0014	02/09/2000		in ac	
0013	. ,	Copy of Carl W. Wilkins letter to Lloyd McCarthy et. al. of Crown Communication.		
M0015	02/14/2000	•• • •	TLT	
M0015 M0016	02/14/2000			
M0017		W.E. PUCKETT CITIZEN-FORMAL WITHDRAWAL OF OBJECTIONS TO CELL LOCATION		
0014	02/21/2000			
0015	02/21/2000			
M0018		DAVID PIKE CROWN COMMUNICATIONS-MOTION TO SUBMIT FOR EXPIDITED DECISION WITHOUT PUBLIC H	EAR	
M0019	03/06/2000			
0016	03/17/2000			
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COMMONWEALTH OF KENTUCKY PUBLIC SERVICE COMMISSION 211 SOWER BOULEVARD POST OFFICE BOX 615 FRANKFORT, KY. 40602 (502) 564-3940

#### CERTIFICATE OF SERVICE

RE: Case No. 1999-341 KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 17, 2000.

See attached parties of record.

SB/hv Enclosure Lloyd McCarthy Crown Communication Inc. 11001 Bluegrass Parkway, Suite 330 Louisville, KY. 40299

Richard Guittar 1650 Lyndon Farms Court Louisville, KY. 40223

Honorable Sam G. McNamara Attorney for Westel-Milwaukee McNamara & Jones 315 High Street P. O. Box 916 Frankfort, KY. 40602

Honorable David A. Pike Attorney for Crown Communication Pike Legal Group 200 South Buckman Street P. O. Box 369 Shepherdsville , KY. 40165 0369

Steve Skinner Manager of External Affairs Kentucky CGSA,Inc.,dba BellSouth Mobility,Westel-Milwaukee,BSCC of IN 1100 Peachtree Street Room 809 Atlanta, GA. 30309

#### COMMONWEALTH OF KENTUCKY

### BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)AND WESTEL-MILWAUKEE COMPANY, INC. FOR)ISSUANCE OF A CERTIFICATE OF PUBLIC)CONVENIENCE AND NECESSITY TO CONSTRUCT)A WIRELESS COMMUNICATIONS FACILITY AT)1160 OLD ROSEBOWER CHURCH ROAD,)PADUCAH, KY 42003 IN THE WIRELESS)COMMUNICATIONS LICENSE AREA IN THE)COMMONWEALTH OF KENTUCKY IN THE)SITE NAME: REIDLAND)SITE NUMBER: KY269)

CASE NO. 99-341

#### <u>O R D E R</u>

On September 29, 1999, Crown Communication Inc. ("Crown") and Westel-Milwaukee Company, Inc. d/b/a BellSouth Mobility, Inc. (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility.<sup>1</sup> The proposed facility, as amended, is to be located at Culp Road, Paducah, McCracken County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 59' 45.64" by West Longitude 88° 29' 30.18".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

<sup>&</sup>lt;sup>1</sup> On February, 7, 2000, the Applicants amended the application to reflect a new site location on nearby property for the proposed facility.

recognized building standards, and the plans have been certified by a Licensed Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed facility. The McCracken County Judge/Executive filed comments and intervened in this proceeding. Subsequent to the Applicants' amendment to the application, the objections of the Judge/Executive were withdrawn. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. Several property owners filed comments and one request for intervention was received and granted. Subsequent to the Applicants' amendment to relocate the proposed facility to nearby property, the objections of the Intervenor, as well as those of all other persons filing comments, were withdrawn.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the

-2-

Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The facility is to be located at Culp Road, Paducah, McCracken County, Kentucky. The coordinates for the facility are North Latitude 36° 59' 45.64" by West Longitude 88° 29' 30.18".

2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

-3-

Done at Frankfort, Kentucky, this 17th day of March, 2000.

By the Commission

ATTEST:

Ma Arels -Executive Director

February <u>29</u>, 2000

RECEIVED

MAR 0 6 2000

PUBLIC SERVICE COMMISSION

Martin Huelsmann Executive Director Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

Re: Application of Kentucky CGSA, Inc. and Crown Communication Inc. Kentucky Public Service Commission Docket No.: 1999-341 For Inclusion in Official Administrative File

Dear Mr. Huelsmann:

Crown Communication Inc. ("Crown") has addressed the concerns expressed in my previous letter submitted to the Kentucky Public Service Commission ("PSC") by agreeing to file an Amended Application moving the site of the proposed self-supporting tower to a site along Culp Road near Interstate 24. This alternate site is on real estate owned by John T. and Margie L. Rudolph, who also owned the original site of the proposed cell tower at 1160 Old Rosebower Church Road, Paducah, KY 42003.

This change in location addresses the concerns expressed in my previous letter submitted to the PSC. Upon Crown's filing of this Amended Application, please accept this letter as my formal withdrawal of objections to the proposed cell tower at its new location, withdrawal of any requests for intervention, and a request that a Certificate of Public Convenience and Necessity be issued by the PSC for this facility at its new location without additional public hearings.

If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,

James J Ganell

James J. Farrell 1240 Old Rosebower Church Road Paducah, KY 42003

CC: David A. Pike Pike Legal Group 200 S. Buckman Street P.O. Box 369 Shepherdsville, KY 40165
February <u>29</u>, 2000



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In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. AND WESTEL-MILWAUKEE COMPANY, INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT CULP ROAD, PADUCAH, KY 42003 IN THE WIRELESS COMMUNICATIONS LICENSE AREA IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF MCCRACKEN

SITE NAME: REIDLAND SITE NUMBER: KY269 MAR 0 2 2000

PUNLIC & SHICH

CASE NO.: 99-341

MAR 0 2 2000

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### MOTION TO SUBMIT FOR EXPEDITED DECISION WITHOUT PUBLIC HEARING (OPPONENTS HAVE WITHDRAWN OBJECTIONS FOLLOWING AMENDMENT TO MOVE SITE)

Come Crown Communication Inc. ("Crown"), and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc. ("Provider"), as a licensed public utility in the Commonwealth of Kentucky, hereinafter jointly referred to "Applicants", by counsel, and move the Kentucky Public Service Commission ("PSC") to promptly grant a Certificate of Public Convenience and Necessity ("CPCN") in the within Application proceeding based on the following facts and circumstances:

1. The Applicants have met all filing requirements under the Kentucky Revised Statutes and the Kentucky Administrative Regulations applicable to this proceeding.

2. The Applicants filed their Notice of First Amendment of Application on February 7, 2000 moving the proposed Wireless Communications Facility ("WCF") to a new location in the vicinity. New mailed notice, signage and newspaper notice were

undertaken for the new location in compliance with the Kentucky Revised Statutes and the Kentucky Administrative Regulations. As a result of the Amendment, all individuals who previous requested intervention, including Hon. Danny Orazine, McCracken County Judge Executive, have now filed written withdrawals of their objections and requests for intervention as part of the record in this administrative proceeding.

3. There are no requests for intervention in this proceeding after the filing of the First amendment of the Application and new Notice has been afforded pursuant to the terms of the Kentucky Revised Statutes and the Kentucky Administrative Regulations.

4. The WCF which is the subject of this Application for a CPCN is a vital element of the Provider's wireless communications network, and is necessary to provide service in accordance with provisions of its license with the Federal Communications Commission.

5. The county where the WCF is located has not registered for the right to regulate cell cites with the PSC, and has not adopted planning and zoning regulations in accordance with KRS 100.

6. The Application in this administrative proceeding was originally filed with the PSC on September 29, 1999, with an amendment filed and new Notice afforded on February 7, 2000, which is 24 days before the submission of this Motion.

WHEREFORE, the Applicants herein, by counsel, urge the Kentucky Public Service Commission to promptly grant a Certificate of Public Convenience and Necessity in accordance with the terms of the Application in this proceeding without public hearing. Respectfully submitted,

David A. Pike

Pike Legal Group 200 S. Buckman Street Post Office Box 369 Shepherdsville, KY 40165-0369 Telephone: (502) 955-4400 Telefax: (502) 543-4410 E-Mail: pikelegal@aol.com ATTORNEY FOR CROWN COMMUNICATION INC.

and

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s<sup>41</sup> .

Sam G. McNamara McNamara & Jones 315 High Street P.O. Box 916 Frankfort, KY 40602 Telephone: (502) 875-8808 ATTORNEY FOR WESTEL-MILWAUKEE COMPANY, INC.

February //\_, 2000

RECEIVED

Martin Huelsmann Executive Director Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

FEB 1 4 2000 PUBLIC SERVICE COMMISSION

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If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely. n a. Som 2-11-00

John A. Samsil 1220 Old Rosebower Church Road Paducah, KY 42003

CC: David A. Pike Pike Legal Group 200 S. Buckman Street P.O. Box 369 Shepherdsville, KY 40165

February 11, 2000

Martin Huelsmann Executive Director Kentucky Public Service Commission P. O. Box 615 Frankfort, KY 40602



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If you have any questions or comments concerning this matter, please do not hesitate to call me.

Sincerely, 4) E.

W. E. Puckett 1040 Tyree Road Paducah, KY 42003

cc: David A. Pike
 Pike Legal Group
 200 S. Buckman St.
 P. O. Box 369
 Shepherdsville, KY 40165



Danny Orazine

McCracken County Judge Executive

February 4, 2000

McCracken County Courthouse 301 South Sixth Street Paducah, KY 42003-1700 Office: (270) 444-4707 Fax: (270) 444-4731



Martin Huelsmann Executive Director Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

FEB 0 7 2000

PUBLIC SERVICE COMMISSION

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Danny Orazine McCracken County Judge Executive

CC: David A. Pike Pike Legal Group 200 S. Buckman Street P.O. Box 369 Shepherdsville, KY 40165

Established 1824 • Over 175 Years of Progress



Martin Huelsmann **Executive Director** Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

RECEIVED FEB 0 7 2000

Application of Kentucky CGSA, Inc. and Crown Communication Integ Re: Kentucky Public Service Commission Docket No.: 1999-341 For Inclusion in Official Administrative File

Dear Mr. Huelsmann:

Crown Communication Inc. ("Crown") has addressed the concerns expressed in my previous letter submitted to the Kentucky Public Service Commission ("PSC") by agreeing to file an Amended Application moving the site of the proposed self-supporting tower to a site along Culp Road near Interstate 24. This alternate site is on real estate owned by John T. and Margie L. Rudolph, who also owned the original site of the proposed cell tower at 1160 Old Rosebower Church Road, Paducah, KY 42003.

This change in location addresses the concerns expressed in my previous letter submitted to the PSC. Upon Crown's filing of this Amended Application, please accept this letter as my formal withdrawal of objections to the proposed cell tower at its new location, withdrawal of any requests for intervention, and a request that a Certificate of Public Convenience and Necessity be issued by the PSC for this facility at its new location without additional public hearings.

If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,

Harry Jop Gary Fox and ?2...la For

Brenda Fox 1325 Old Rosebower Church Road Paducah, KY 42003

David A. Pike CC: **Pike Legal Group** 200 S. Buckman Street P.O. Box 369 Shepherdsville, KY 40165



FEB 07 2000

### COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

FUBLIC SERVICE

In the Matter of:

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8-

	CROWN COMMUNICATION INC.	<b>)</b>
AND WESTEL-MIL	WAUKEE COMPANY, INC.	)
FOR ISSUANCE C	OF A CERTIFICATE OF PUBLIC	)
<b>CONVENIENCE A</b>	ND NECESSITY TO CONSTRUCT	) CASE NO.: 99-341
A WIRELESS COM	IMUNICATIONS FACILITY AT	) ,
1160 OLD ROSEB	OWER CHURCH ROAD, PADUCAH, KY 42003	)
IN THE WIRELES	S COMMUNICATIONS LICENSE AREA	)
IN THE COMMON	WEALTH OF KENTUCKY	)
IN THE COUNTY (	OF MCCRACKEN	)
		)
SITE NAME:	REIDLAND	
SITE NUMBER:	KY269	

### NOTICE OF FIRST AMENDMENT OF APPLICATION (RELOCATED SITE FOR WIRELESS COMMUNICATIONS FACILITY)

\* \* \* \* \* \* \*

Come Crown Communication Inc. ("Crown"), and Westel-Milwaukee Company, Inc., d/b/a BellSouth Mobility, Inc. ("Provider"), as a licensed public utility in the Commonwealth of Kentucky, hereinafter jointly referred to "Applicants", by counsel, and tender this Notice of First Amendment of Application originally filed in this administrative action on September 29, 1999. This Notice of First Amendment of Application is submitted to address concerns of area residents by moving the proposed location for the Wireless Communications Facility ("WCF") to a new location in the vicinity. The original Application filed with the Kentucky Public Service Commission ("PSC") on September 29, 1999 ("Application") is amended as follows:

1. The caption of the Application is amended to replace the "1160 Old Rosebower Church Road" street address with "Culp Road." All other provisions of the caption of the Application remain unchanged.

2. Paragraph 6 of the Application is amended so as to replace the first three sentences of the paragraph with the following text: "The Applicants propose to construct a WCF at Culp Road, Paducah, KY 42003 (36 degrees 59 minutes 45.64 seconds North latitude, 88 degrees 29 minutes 30.18 seconds West Longitude) in an area located entirely within the county referenced in the caption of this Application. The property on which the WCF will be located is owned by John T. Rudolph and Marge L. Rudolph. The proposed WCF will consist of a two hundred seventy foot self-support tower, with an approximately 25-foot lightening arrestor attached to the top, for a total height of two hundred ninety five feet." All other provisions of Paragraph 6 of the Application remain unchanged.

3. Paragraph 18 of the Application is amended to replace the "Tashsin Gurpinar" reference with "Charles E. Weiter." All other provisions of Paragraph 18 of the Application remain unchanged.

4. Paragraph 21 of the Application is amended to as to add the following text to replace the last sentence of this paragraph: "In order to ensure adequate notice, the same two sign formats were placed at the new proposed location of the new site of the proposed WCF, and shall remain posted for at least two (2) weeks. The original location of the proposed facility was published in a newspaper of general circulation in the county where the WCF is located, contemporaneous with the filing of the original Application. The new location of the proposed facility has been published again in a newspaper of general circulation in the county where the WCF is located, contemporaneous with the filing of the original Application. The new location of the proposed facility has been published again in a newspaper of general circulation in the county where the WCF is located." All other provisions of Paragraph 21 of the Application remain unchanged.

5. Exhibit B to the Application is amended so as to replace the existing Exhibit B with the attached "Replacement Exhibit B," being an amended site development plan for

the new location of the proposed WCF. All other provisions of Exhibit B remain unchanged.

6. Exhibit C to the Application is amended so as to replace the existing Exhibit C with the attached "Replacement Exhibit C," being the new tower and foundation design for the new location of the proposed WCF. All other provisions of Exhibit C remain unchanged.

7. Exhibit E to the Application is amended so as to replace the existing Exhibit E with the attached "Replacement Exhibit E," being the collocation report for the new location of the proposed WCF. All other provisions of Exhibit E remain unchanged.

8. Exhibit F to the Application is amended so as to replace the existing Exhibit F with the attached "Replacement Exhibit F," being the application to the Federal Aviation Administration ("FAA") for the new location of the proposed WCF. All other provisions of Exhibit F remain unchanged.

9. Exhibit G to the Application is amended so as to replace the existing Exhibit G with the attached "Replacement Exhibit G," being the application to the Kentucky Airport Zoning Commission ("KAZC") for the new location of the proposed WCF. All other provisions of Exhibit G remain unchanged.

10. Exhibit H to the Application is amended so as to replace the existing Exhibit H with the attached "Replacement Exhibit H," being the geotechnical report for the new location of the proposed WCF. All other provisions of Exhibit H remain unchanged.

11. Exhibit I to the Application is amended so as to replace the existing Exhibit I with the attached "Replacement Exhibit I," being the directions to the WCF site for the new location of the proposed WCF. All other provisions of Exhibit I remain unchanged.

12. Exhibit J to the Application is amended so as to replace the existing Exhibit J with the attached "Replacement Exhibit J," being a copy of real estate agreement for the new location of the proposed WCF. All other provisions of Exhibit J remain unchanged.

13. Exhibit K to the Application is amended so as to replace the existing Exhibit K with the attached "Replacement Exhibit K," being the notification listing for the new location of the proposed WCF. All other provisions of Exhibit K remain unchanged.

14. Exhibit L to the Application is amended so as to replace the existing Exhibit L with the attached "Replacement Exhibit L," being the copy of property owner notification for the new location of the proposed WCF. All other provisions of Exhibit L remain unchanged.

15. Exhibit M to the Application is amended so as to replace the existing Exhibit M with the attached "Replacement Exhibit M," being the copy of Judge Executive notification for the new location of the proposed WCF. All other provisions of Exhibit M remain unchanged.

16. Exhibit O to the Application is amended so as to replace the existing Exhibit O with the attached "Replacement Exhibit O," being a copy of the radio frequency design area. All other provisions of Exhibit O remain unchanged.

17. Exhibit P to the Application is amended so as to replace the existing Exhibit P with the attached "Replacement Exhibit P," being a copy of the tower map for the subject county. All other provisions of Exhibit P remain unchanged.

18. All other provisions of the rest of the original Application remain unchanged.

WHEREFORE, the Applicants, by counsel, urge the PSC to enter all necessary notations or Orders to give effect to this Notice of First Amendment of Application.

Respectfully submitted,

Dávid Á. Pike

Pike Legal Group 200 S. Buckman Street Post Office Box 369 Shepherdsville, KY 40165-0369 Telephone: (502) 955-4400 Telefax: (502) 543-4410 E-Mail: pikelegal@aol.com ATTORNEY FOR CROWN COMMUNICATION INC.

and

Sam G. McNamara McNamara & Jones 315 High Street P.O. Box 916 Frankfort, KY 40602 Telephone: (502) 875-8808 ATTORNEY FOR WESTEL-MILWAUKEE COMPANY, INC. DU-21-1 7, mg

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	N N	(Ibs.)						10			_	5		5			_	5		LINE	1-5/8	1-5/8	EW63		
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CHART		DIAGONALS	L 3-1/2 × 3-1/2 × 3/8	L 3-1/2 × 3-1/2 × 5/16	L 3-1/2 × 3-1/2 × 1/4	L 3 x 3 x 3/8	L 3 x 3 x 5/16	L 3 x 3 x 1/4	L 2-1/2 × 2-1/2 × 3/8	L 2-1/2 × 2-1/2 × 5/16	L 2-1/2 × 2-1/2 × 1/4	L 2-1/2 × 2-1/2 × 1/4	L 2 × 2 × 5/16	L 2 × 2 × 1/4	2 x 2 x 1/4	1-1/8 S.R.	1-1/8 S.R.	1-1/8 S.R.		A	(12) DB 878	(12) DB 878	(2) 8' HP DISHES		DESIGN & DE
MEMBER CHART		ā	L 3-1/2	L 3-1/2	L 3-1/2	L 3	۲3	L 3	L 2-1/2	۲ 2-1/2	۲ 2-1/2	L 2-1/3	۲ 2	۲ 7 ۲	۲ 2					LINE	1-5/8	1-5/8	1-5/8	1-5/8	EW63
		LEGS	5-3/4	5-1/2	5-1/2	5-1/4	5	s	4-3/4	4-1/2	4-1/4	4	3-3/4	3-1/2	3-1/4	2-3/4	2-3/4	2-3/4							
	-	FACE SIZE	20' - 18.77'	18.77' - 17.54'	17.54' - 16.31'	16.31' - 15.08'		13.85' - 12.62'	12.62' - 11.38'	11.38' - 10.15'	10.15' - 8.923'	8.923' - 7.692'	7.692' - 6.462'	6.462' - 5.231'	5.231' - 4'	.4	4	-4	FORMATION	FI FVATION		6 285'	<b>6</b> 270'	<b>0</b> 255'	<b>0</b> 240'
		ELEVATION	0' = 20'	20' - 40'	1	1.	1	100' - 120'	120' - 140'	140' - 160'	160' - 180'	180' - 200'	200' - 220'	220' - 240'	1		270' - 280'	1	RE ANTENNA INFORMATION						
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						·	     	····· ··· ···			5.231		6 467			7.692*			B.923 <sup>°</sup>		10.15'			11.38'	

- 280'

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- 270'

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- 260

240

220'

(2) 8' HP DISHES		

- 12.62

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TOWER IS DESIGNED ACCORDING TO THE FEEDLINE DISTRIBUTION DIAGRAM BELOW



15.08'-

80,

13.85

-10,

MAX INDIVIDUAL LEG LOADS

12 tt-kips 27.08 kips MAX TOTAL FOUNDATION LOAD 🗕 66.10 kips 👃 ananusunna

DESIGN & DRAWING NOTES:

1) SOME DETAIL HAS BEEN OMITTED FOR CLARITY OF ILLUSTRATION.

2) TOWER STRUCTURE IS DESIGNED IN ACCORDANCE WITH ANSI/EIA-222-F STANDARDS FOR A BASIC WIND SPEED OF 70 MPH WITH  $1/2^{\rm m}$  ICE.

3) STEP BOLTS ARE PROVIDED.

4) all leg & leg flange  $P_{\rm k}$  material is astm a-572 grade 50 (fy 2.50 ksi). All other material is astm as6 (fy 2.56 ksi).

5) SECTIONS A - M ARE 3-BAY X-BRACED (74" BAYS) SECTIONS N - P ARE 6-BAY X-BRACED (38-1/2" BAYS)

6) (16) 1-1/8" # ASTM A449 ANCHOR BOLTS REQUIRED PER LEG.

7) TOWER DESIGNED FOR INITIAL HEIGHT OF 270', TOWER DESIGNED TO EXTEND TO 300'.

STTE I.D.:		
(0) N	0	大人200 tower stock #: c1 - 5 - 300 - 30 - 31 - 30
Complete Manufacturer Of	cturer	CENTRAL TOWER, INC.
Communication Towers	owers	2655 HWY. 261 NEWBURCH, INDIANA 47630 (812)-653-0585
REVISIONS	вү тығ	mits Flevation View & Member Information
		STTE: MCCRACKEN CO., KY. FOR: CROWN CASTLE PROJ. NO: B-901122
		J.B.
		DATE: 1-10-99 SCALE: NO DATE: 0
		DISK NO: R#001122 NAME: B-001122-1 B-001122-1

109.53

SS/ONAL ENGLAND

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SECT. ELEV. FACE SIZE

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AR EQUALLY SPACED NOTES: ART FOR VERTICAL 1) DESIGNED TO CONFORM WITH CURRENT ANSI/EIA-222-F STANDARDS UTILIZING THE ED. SOIL REPORT PROVIDED BY ATC ASSOC. INC. ON 12-22-99 PROJECT #13800.9135.	<ol> <li>CONCRETE STRENGTH TO EQUAL 3000 PSI AT 28 DAYS.</li> <li>NON-CHLORIDE, NON-CORROSIVE CONCRETE SET ACCELERATE MAY BE UTILIZED IN</li> <li>NON-CHLORIDE, WITH ASTM-C-AOA TYPE C AND ACI-318</li> </ol>	4) WATER REDUCING ADMIXTURE MAY BE UTILIZED IN COMPLIANCE WITH ASTM-C-494 .	5) ALL ADMIXTURES SHOULD BE DISPENSED INTO FRESH CONCRETE AND SUFFICIENTLY MIXED. ALL ADMIXTURES MUST BE ADDED SEPARATELY.	6) MINIMUM CONCRETE COVER OF 3" ON ALL STEEL.	- 7) CROWN TOP OF PIER FOR DRAINAGE AND CHAMFER ALL EXPOSED CONCRETE EDGES 1"	8) SUBCONTRACTORS PHOTOGRAPH WITH SCALE REFERENCE CAISSON REBAR STRUCTURE PRIOR TO POURING CONCRETE, AFTER POURING CONCRETE BUT PRIOR TO BACKFILL, AND AFTER BACKFILL. PROVIDE A COPY OF PHOTOGRAPHS TO CENTRAL TOWER INC.	6	10) WEATHERED SANDSTONE MAY BE ENCOUNTERED BELOW 8.5'.	APPROXIMATE CONCRETE REQ'D PER CAISSON = $47 \text{ YD}^3$ TOTAL CONCRETE = $141 \text{ YD}^3$	(1)-CAISSON	@ 12" C-C	VERIS #9 GRADE 60 X/A 90" Ø 30 TIES #4 GRADE 60 N/A 90" Ø 30	REBAR 1014 REBAR SIZE REBAR LENGTHS REBAR DIA. DCS. OF REBAR TOTAL FT.	#9 GRADE 60	┼╶┨			REVISIONS BY THE CAISSON FOUNDATION DESIGN (C	SITE MCCRACKEN CO., KY. FOR: CROWN CASTLE DESIGNED BY: C.C. DRAWN BY: J.J.B.	DATE: 1-10-0	
- VERTICAL REBAR EQUALLY SPACED SEE REBAR CHART FOR VERTICAL REBAR REQUIRED.						ر پر ۱۱ ۱۱		5 0 	- <u>55</u> -		TIES @ 12" C-C			(		1.547' PLAN VIEW	ſ			20' 20' 20' 20' 20' 20' 20' 20' 20' 20'	

# **TEMPLATE DESIGN**

	# Req'd	e
nation	Cut Length" (Ft.)	18
Support Angle Information		0.25
SI	Description (Angle)	2.5 X
		×
		2.5

F

20.000

Base Size (In Feet) :

_		
	# Req'd	3
rmation	<b>Bolt Circle</b>	16
Bearing Plate Information	<b>Bolt Drill</b>	1.25
Bearing	# Holes	16
	Outer Dia.	20

	"A" (In.) Embed. Depth "B" (In.)	7.5 61.5
nformation	GTH. (in) # Req'd	69 48
Anchor Bolt Inf	Bolt Diameter L(	1.125
	Material Tvne	ASTM A449

Securing Plate Information # Holes Bolt Drill Bolt Circle # Req'd 16 1.1875

"C" (ft) 17.321

 Template Assembly

 Face Size
 "A" (ft)
 "B" (ft)

 20
 5.774
 11.547

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D ARE FOR APPROXIMATE BOLT LOCATION ONLY. THE DISTANCE FROM OUTER MOST BOLT HOLES (BOLTS FARTHEST FROM THE TOWER CENTER).
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LEGS

Job No. : B-001122

### Site Location : McCracken CO., KY.

Leg Dimension Inforamtion

											Bo	ttom Flang	e	T	op Flange	•	#	Grounding
Section	5	Stock L	ea Ni	umbe	rs	Leg Type	Leg Size	Legt	"A" (in.)	"B" (in.)	O. D. (in.)	Angle	Tilt (in.)	O. D. (in.)	Angle	Tilt (in.)	Req'd	Tab Req'd
A	A	575	50	88	NH	SR	5.75	N/A	240	9	20	2.04	0.7188	20	N/A	0.0000	3	Y
B	<del>1</del>	550	50	88	NH	SR	5.5	N/A	240	9	20	N/A	0.0000	16	N/A	0.0000	3	N
- C	s	550	50	88	NH	SR	5.5	N/A	240	9	16	N/A	0.0000	16	N/A	0.0000	3	N
- D	s	525	50	88	NH	SR	5.25	N/A	240	9	16	N/A	0.0000	16	N/A	0.0000	3	N
Ē	s	500	50	88	NH	SR	5	N/A	240	9	16	N/A	0.0000	16	N/A	0.0000	3	N
	s	500	50	88	NH	SR	5	N/A	240	9	16	N/A	0.0000	16	N/A	0.0000	3	N
G	s	475	50	88	NH	SR	4.75	N/A	240	9	16	N/A	0.0000	16	N/A	0.0000	3	N
H H	ΤŪ	450	50	88	NH	SR	4.5	N/A	240	9	16	N/A	0.0000	12	N/A	0.0000	3	N
	s	425	50	88	NH	SR	4.25	N/A	240	9	12	N/A	0.0000	12	N/A	0.0000	3	N
	ΗŬ	400	50	88	NH	SR	4	N/A	240	9	12	N/A	0.0000	10	N/A	0.0000	3	N
ĸ	S	375	50	88	NH	SR	3.75	N/A	240	9	10	N/A	0.0000	10	N/A	0.0000	3	N
$\vdash$	s	350	50	88	NH	SR	3.5	N/A	240	9	10	N/A	0.0000	10	N/A	0.0000	3	N
M	A	325	50	88	NH	SR	3.25	N/A	240	9	10	N/A	0.0000	10	2.04	0.3438	3	N

Note 1: For Grounding Tab, - Enter Yes Or No ( Y, N ) .

# LEG PLATES

Job No. :

B-001122

Site Location : McCracken CO., KY.

		Lea P	late Dimensio	n Informati	on	
				#		Minimum
Section	"A"	"B"	"C"	Req'd	Drill Size	Weld
A	2.4375	2.5625	0.50	24	0.9375	0.3125
В	2.4375	2.5625	0.50	24	0.9375	0.3125
С	2.4375	2.5625	0.50	24	0.9375	0.3125
D	2.4375	2.5625	0.50	24	0.9375	0.3125
E	2.4375	2.5625	0.50	24	0.9375	0.3125
F	2.4375	2.5625	0.50	24	0.9375	0.3125
G	2.4375	2.5625	0.50	24	0.9375	0.3125
н	2.4375	2.5625	0.50	24	0.9375	0.3125
1	2.4375	2.5625	0,50	24	0.9375	0.3125
J	2.4375	2.5625	0.50	24	0.9375	0.3125
ĸ	2.5625	2.4375	0.50	24	0.9375	0.3125
L	2.5625	2.4375	0.50	24	0.9375	0.3125
M	2.5625	2.4375	0.50	24	0.9375	0.3125

Note 1: "A" Dimension For 4" o Leg & Above = 2-7/16" (2.4375) .

B-001122

"A" Dimension For 3-3/4" o Leg & Bellow = 2-9/16" (2.5625) . Note 2:

## **SPACERS**

Job No. :

Site Location :

McCracken CO., KY.

Canada Cina		
Spacer Size	Length	Req'd
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
1" Sch. 40	0.5	9
Use 1" sch 40 P	Pipe For 1" o Bo	olts & Under.
	1" Sch. 40 1" Sch. 40	1" Sch. 40         0.5           1" Sch. 40         0.5



# FLANGE DETAIL CHART

JOB NO. B-001122 TOWER HT.

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Ξ,

. , LOCATION McCracken CO., KY.

TOWER HT. 270

BASE (FT.) 20

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	nnection)	LENGTH	69.00	4.25		4.25		4.25		4.25		4.25		4.25	1	4.25		4.25		4.25	-	3.75		3.75		3.75		3.75		AN
	Per Leg Connection	SIZE	1.125	1.125		1.125		1.125		1.125		1.125		1.125		1.125		1.125		1.125		1.125		1.125		1.125		1.125		N/A
- 16	<b>BOLT DETAILS (P</b>	# BOLTS	16	16		12		12		12		12		12		12		8		∞		9		6		9		9		N/A
	BOLTI	ELEV	0	20		40		99		80		<del>1</del> 0		120		140		160		180		200		220		240		260		270
	OUT. BEVEL	WELD/SIZE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	A/A	N/A	A/A	N/A	A/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	A/A	N/A
	OUT. FILLET	WELD	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000
	IN. BEVEL	WELD/SIZE	N/A	N/A	N/A	N/A	N/A	N/A	N/A	NIA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	A/A
	IN. FILLET	WELD	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000	0.5000
ETAILS		# REQ'D	ю 1	3	9	3	9	3	3	e	°.	e	e	3	e	e	e		с Г	6	e	3	e	3	3	3	3	3	ę	3
FLANGE DETAILS		# HOLES	16	16	16	12	12	12	12	12	12	12	12	12	12	12	12	80	8	8	80	9	9	9	9	9	9	9	9	9
		BOLT DRILL	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250	1.250
		B.C.	16.00	16.00	16.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	9.50	9.50	9.50	9.50	7.50	7.50	7.50	7.50	7.50	7.50	7.50	7.50	7.50
		<u>0.0</u>	20.00	20.00	20.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	12.00	12.00	12.00	12.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
			5 875	5.875	5 625	5.625	5.625	5.625	5.375	5.375	5.125	5.125	5.125	5.125	4.875	4.875	4.625	4.625	4 375	4.375	4.125	4.125	3.875	3.875	3.625	3.625	3.375	3.375	2.875	2.875
		THICKNESS	1 250	1 250	1 250	1.250	1 250	1 250	1 250	1.250	1.250	1.250	1 250	1.250	1 250	1 250	1 250	1.250	1 250	1.250	1.250	1.000	1.000	1.000	1 000	1.000	1 000	1.000	1.000	1.000
			1-	, <b>č</b>		40	Q V	2	3 2	3 8	88	8	100	120	120	140	140	160	160	180	180	200	200	220	220	240	240	260	260	270
		NOTATION			POTTOM	TOP	D TOM		D LOL		ROTTOM	TOP	NOTTON	TOP	ROTTOM	TOP	BOTTOM		DUTTOM	TOP	ROTTOM	TOP	ROTTOM	TOP	MOTTOR	TOP	MOTTON	TOP	ROTTOM	TOP
		SECTION	SECTION A	<	( 0		s c	, c	, ,		s u	Ju		- 4				- 3	-	-		-		: ×	-	<b>J</b>				: z

# **GUSSET DETAIL CHART**

TOWER HT. 270 JOB NO. B-001122

FACE WIDTH (FT.)

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ANGLE (BLT - GUS)	11	1	11	15	15	15	15	15	15	15	15	15	15	15	15	23	23	23	23	30	30	30	30	30	30	30	30	30
GUS / BOLT (CLR)	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.33	0.33	0.33	0.33	0.43	0.43	0.43	0.43	0.43	0.43	0.43	0.43	0.43
GUS / FLG (CLR)	3.13	3.13	3.25	1.25	1.25	1.25	1.38	1.38	1.50	1.50	1.50	1.50	1.63	1.63	1.75	0.75	0.88	0.88	1.00	0.50	0.63	0.63	0.75	0.75	0.88	0.88	1.13	4 42
WELD	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0.3125	0 2425
H/F/N	L.	L	L	L	u.	L	Ŀ	<b>L</b>	L.	ш	L	L.	L	u.	L	L	Ŀ	Ŀ	L	L	L	Ŀ	L	L	u.	L	LL.	u
TOTAL REQ'D	48.00	48.00	48.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	24.00	24.00	24.00	24.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	10.00
. <b>O</b> .	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.82	0.88	0.88	0.88	0.88	0.73	0.73	0.73	0.73	0.73	0.73	0.73	0.73	
יי <u>כ</u> יי	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	1.50	1.50	1.50	1.50	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	
8	4.00	4.00	4.00	4.00	4.00	4 00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	3.00	3.00	3.00	3 00	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	
"A"	4.00	4.00	4.00	4.00	4 00	4 00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4 00	4 00	3.00	3.00	3.00	00 %	250	250	2.50	250	250	2.50	2.50	2.50	
THICKNESS	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	0.375	2000
Ш	je	20	2	40			89	8	8	905		120	120		140	160	160	180				220	220	240	240	280	260	3
I OCATION	BOTTOM	TOP	BUTTOM				MOTTOR		MOTTOR	TOP	MOTTOR	TOD	NOTTON												ROTTOM			<b>MOLIO</b>
SECTION		x <	<		0 (	- د اد	- م د		ם כ		J		-		בופ		-	-	-	-  -	2	23	د -	- -	7 2	E	E	Z

LOCATION McCracken CO., KY.

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DIAGONALS

Job No. : B-001122

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Site Location : McCracken CO., KY.

Diagonal Dimension Information

					1	Ulagoriar L	<b>NITIEI ISIO</b>	Ulagonal Dimension Injuniation					
ILAE	LABEL	#						= 0 =	č	"C"	Cut Length	# Ren'd	Drill Size
Section	Location	Bays		Desc	cription			0 404	117 10	700	240.24	2 20	0 9375
A	<b>~</b>	ი	3.5	×	3.5	×		201.24	04.711	17.7	12.10.2	<b>a</b>	0.0375
A	7	e	3.5	×	3.5	×		231./6	114.80	C1.2	234.70	5	0.0075
	e.	c.	3.5	×	3.5	x 0.375		228.35	113.04	2.28	231.35	٥	0.83/3
( a	- 1		3.5	×	3.5	×	1.91	223.42	110.57	2.29	226.42	9	0.9375
			3.5	×	3.5	×		217.90	107.87	2.17	220.90	9	0.9375
	1 4	0 0	3.5	×	3.5			214.59	106.15	2.30	217.59	9	0.9375
	) <del>-</del>	0 %	35	×	3.5	×	-	209.45	103.57	2.30	212.45	9	0.9375
s c	- 0	р (°	22	×	3.5	×	1.88	203.89	100.86	2.18	206.89	9	0.9375
s	7 0	2	200	<   ×	3.5	×	1.88	200.70	99.19	2.32	203.70	9	0.9375
ءد	°.≁	2 4	2.5	<		×		195.84	96.76	2.32	198.84	9	0.9375
	- ~	2 4	0	<  ×	0	×		190.24	94.02	2.20	193.24	9	0.9375
	7 9	2 4	6	<	6	×		187.17	92.42	2.34	190.17	9	0.9375
2	<b>,</b> ,	2 0	0 ~	<	2 9	:   ×	╞		90.01	2.35	185.37	9	0.9375
ц Г	-   c	<b>.</b>	<b>,</b> ,	< >	2 9	<  >			87.25	2.23	179.72	9	0.9375
цI	7	n (	<b>,</b>	<	2	<	-	-	85.72	2.37	176.81	9	0.9375
	ۍ ۲	<b>n</b> (	, c	<b>-</b>  ;	20	<   >	_		83.23	2.39	171.84	9	0.9375
L I	- 0	n	۰ ۱	×	, 	< >			80.45	2.26	166.15	9	0.9375
<b>L</b>	7	n	2	×	0	×			00.02	0 11	163.42	y	0 9375
ш	ო	e B	с. Г	×		×	20.1	-	76.67	2 43	158 77	9	0.9375
თ	1	e	2.5	×	<b>G</b> .2	×		-	10.01	0000	153.03	9 9	0 9375
თ	5	e	2.5	×	2.5	×			13.00	2.30	150.51	<u>ه</u> د	0.0375
ი	e	ი	2.5	×	2.5	×	_	14/.51	70.21	2.41	100.01	2 4	0.0275
I	-	e	2.5	×	2.5	×			70.24	2.49	145.97	0	0.8375
T	6	ę	2.5	×	2.5	× 0.3125	5 1.41	137.19	67.41	2.36	140.19	٥	0.93/5
	1 07	3	2.5	×	2.5	×			66.20	2.54	137.94	9	0.9375
-		c	25	×	2.5	×			63.98	2.58	133.53	9	0.9375
	• ~		2.5	×	2.5	×	1.38		61.14	2.44	127.72	9	0.9375
-	1 00	e.	2.5	×	2.5			122.79	60.07	2.65	125.79	9	0.9375
-		3	2.5	×	2.5				57.94	2.70	121.57	9	0.9375
<b> </b> -			2.5	×	2.5	×	1.38	112.74	55.09	2.56	115.74	9	0.9375
<b> </b> -	6	c	2.5	×	2.5	x 0.25	1.38		54.20	2.80	114.21	9	0.9375
	,	0	5	×	2	×			52.09	2.88	110.05	9	0.9375
		e.	0	×	2	x 0.3125	5 1.16	101.24	49.25	2.75	104.24	9	0.9375
	1 (7)		0	×	2	×	5 1.16		48.59	3.05	103.22	9	0.9375
	) <del>-</del>	6	2	×	5	×	1.13	96.60	46.71	3.17	<b>09</b> .60	9	0.9375
-			0	×	2	×	1.13	90.86	43.91	3.05	93.86	9	0.9375
J	1 9		~	×	2			90.47	43.51	3.46	93.47	9	0.9375
ZL	»( <del>-</del>	) (r.		×	5	×	 	87.31	41.82	3.67	90.31	9	0.9375
Ξ	- ~			×	2	×		81.75	39.08	3.59	84.75	9	0.9375
	1 (	) (r		×	2	×		82.15	38.97	4.22	85.15	9	0.9375
N	>	>	-										





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## Collocation Statement KY269 Reidland

BellSouth Mobility Inc. has stated their need to install four 10' omni directional antennas at 250'. The proposed site will improve the digital/portable usage in the town of Reidland, and provide coverage along US 62 and I-24 between Paducah and Calvert City as well as on US 68 between Paducah and Daffenville.

There are no known towers within a two-mile radius of the proposed site, as illustrated in the attached map, which shows all registered towers in McCracken County and the outlining area. In addition to not having any towers in the vicinity, and based on our own observation, there are no other structures capable of supporting the proposed antennas at the necessary height requirement.

JAN-07-2000 13:24					P.Ø2	
ase Type or Print on This Form				For	rm Approved OMB No.	2120-0
Failure To Provide All Requested Informat	on May Delay Pro	cessing of Y	Cour Noti		FOR FAA USE ON	NLY
	•	2			Aaronautical Study Nur	mber
LS. Coparigmans of Transportation Notice of Proposed Cor	istruction	or Alte	ratior			
			0		· · · · · · ·	
Sponsor (person, company, etc. proposing this action): trn. of: Shawn A. Dunlap Site #80010	9. Latitude:	36		<u>59 '</u>	45 64	
	10. Longitude:	088	0	29	<u>30 · 18</u>	
ame: BellSouth Mobility				:		
dress: c/o Crown Communications Inc.			NAD 27		er	
375 Southpointe Boulevard	12 Nearest Cit	v Shame			State: K	Y ·
ity: Canonsburg State: PA Zip: 15317	·			•		
alephone: (724) 416-2285 Fax:	13. Nearest Pub	lic-use (not p	rivate-use)	or Milit	ary Airport or Heliport	<b>::</b> .
	WEST KEN	TUCKY A	IRPARK	1		•
. Sponsor's Representative (if other than #1):				i		<u> </u>
ttn. of: Clinton T. Papenfuss	14. Distance fro			1		
ame: Airspace Safety Analysis Corporation	15. Direction fro	om #13. to Si	tructure:	65.30	<sup>o</sup> True Bearing	
ddress: Two Crown Center						
1745 Phoenix Boulevard, Suite 120	16. Site Elevation	on (AMŜL):			38	<u>83</u> ft.
ity: Atlanta State: GA Zip: 30349	17. Total Struct	ture Height (A	GLI:	1	2	95 ft.
elephone: (770) 994-1557 Fax: (770) 994-1637		-		4 4		<b>7</b> 0.
elephone: 1770/ 554-1557	- 18. Overall Hei	ght ( <b>≇</b> 16. + 4	<b>F17.</b> ] (AM	SU:	0	<u>78</u> ft.
	19. Previous FA	A Aeronatica	il Study N	umber (ii	f applicable):	
. Notice of: 🕅 New Construction 🔲 Alteration 🗌 Existi	ng					_
. Duration: Rermanent D Temporary ( months, day					· · ·	05
. Ouraction: Ka Permanent Co remposary ( months, ou	20. Description					
. Work Schedule: Beginning Afrec FAA Approval. End Within 18 Month					and any certfied surve	
	The propo	sed site i	s locate	×d 550	)' Northeast from	m th
6. Type: 🕅 Antenne Tower 🔲 Crane 🔲 Building 🗌 Power Li	<sup>ne</sup>   intersectior	n of Inters	tate 24	and S	tate Route 787.	(cha
Landfill 🔲 Water Tank 🗖 Other	attached). *	The site is	located	3.94 N	IM on a True Bea	ring
	63.51° fro	m the ARF	of WE	ST KEI	NTUCKY AIRPAR	₹K.
7. Marking/Painting and/or Lighting Preferred:	1			1	•••	
🗖 Rad Lights and Paint 🛛 🔀 Dual - Red and Medium Intensity Wi	Survey dat	a attachad	1	1		
White - Medium Intensity Dual - Red and High Intensity White	JUIVEY UZL		-			
White High Intensity Other				;		
			-			
8. FCC Antenna Structure Registration Number (if applicable):						
				1		
	l				Ereauanau/Rou	
21. Complete Description of Proposal:				1	Frequency/Pov	NBL (K
See attached sheet for frequencies and ERPs.				i i		
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Notice is required by 14 Code of Federal Regulations, part 77 pursuant to	9 49 U.S.C., Section	1 44718, Pors	ans wha t	nowingi	y and willingly violate	the n
requirements of part 77 are subject to civil penalty of \$1,000 per day un	til the notice is rece	lived, pursuan	1 to 49 U.	5.Ç., Sec	ction 46301 (a).	_
I hereby certify that all of the above statements made by me are true, and/or light the structure in accordance with established marking & ligh	complete, and com tring standards nec	ect to the bes assary.	t of my kr	nowiedąe	e. In addition, ) agree (	to ma
· · · · · · · · · · · · · · · · · · ·	112 Com					
Date Typed or Printed Name and Title of Person F		Sign	uture	17	~	
01/07/2000 Shawn A. Dunlap, Regulatory A	Administrator			-U.I.	- for -	

EAA Form 7460 1 iss part of the Destine Edition

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NEN: 0052.00.012-C

JAN-07-2000 13:24

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KAZC FORM TC 56-50 miles

· _ · · · _ · · · · · · _ ·				SAL R	NCH TC 56-50 (01/96)				
KENTUCKY TRANSPORTA	TION CARDIET, DIVISION OF A	ERONAUTICS, 125 HOLDRES STREET	, FRANKFORT, KY 40522 AERON/	AUTICAL STUDY NI	JUBER				
APPLICAT	A STR	TO CONSTRUCT OR UCTURE REVERSE SIDE OF FORM -	ALTER						
1. NATURE OF PI			2. DESCRIPTION OF STR	RUCTURE					
A. TYPE	B. CLASS	C. WORK SCHEDULE	The proposed site	is located	1 550'				
X NEW CONSTRUCT	TON _X FERMANENT	After FAA BEGN <u>Approval</u>	Northeast from t of Interstate 24	and State	Route				
ALTERATION	TEMPORARY	END Within 18 Month	787. (chart attach located 3.94 NM of	ad). The sin a True B	ite is				
	NAME, ADDRESS & T	ELEPHONE	Of 63.51° from 1 KENTUCKY AIRPARK	the ARP of	fWEST				
Shawn A. Dun BallSouth Mo c/o Crown Co 375 Southpoi Canonsburg, (724) 416-228	bility mmunications Inc. nte Boulévard PA 15317		Survey data attac	hed.	,				
		•	j						
Clinton T. P Airspace Saf	Eety Analysis Corr c Boulevard, Suite orgia 30349	oration							
4. LOCATION OF ST	RUCTURE		5. HEIGHT & ELEVATION		, 				
A. GEOGRAPHIC COORDINATES (NEAREST SECOND)	B. NEAREST KY CITY Sharpe	C. NEAREST BY AIRPORT WEST KENTUCKY AIRJ	A, STE ELEVATION (ABOVE ME BARK	AN SEA LEVEL)	3831				
LATITUDE	(1) DISTANCE TO 4B	B. HEROIT OF STRUCTURE, INC APPURTENANCES AND LIGHTS LEVEL)		295'					
36° 59" 45.64	CD DIRECTION TO 48	3.70 NM	C. OVERALL REIGHT (AMSL) (A	+B)					
088* 29= 30.10		243.56°			678*				
	N MARKING & LIGHT			YES	NO				
A MARKED FOR THE	PROTECTION OF AIR NAVIGATE	ON (FLAGS, SPHERES, ETC.)	•		x				
		22 AB30-100 (FAA AC 70/7460-1H)			x				
· · · · · · · · · · · · · · · · · · ·		12KAR50-100 (FAA AC 70/7460-18)	4	8					
7. HAS "NOTIC		OR ALTERATION" (FOR	M 7460-1) BEEN FILED IF SO, WHEN?	WITH THE FE	DERAL				
		T ALL THE ABOVE STATEMENTS N	ADE BY ME ARE TRUE, COMPLETE	AND CORRECT TO	THE BEST OF MY				
Shawn By Regula	ME AND BELDER. A. Dunlap tory Administrato	= <u>-</u> - <u>7</u> - <u>7</u> -	þ.	DATE01/	07/2000				
NAMES (PRINTED). SIGNATURE & TITLE									
PENALTISS, PERSONS FAILING TO COMPLY WITH KENTUCKY REVISED STATUTES AND KENTUCKY AIRPORT ZONING COMMISSION ADMINISTRATIVE REGULATIONS ARE LIABLE FOR FINES OR IMPRISONMENT AS SET FORTH IN KRS 183.990(3). NON-COMPLIANCE WITH FEDERAL AVIATION ADMINISTRA REGULATIONS MAY RESULT IN FURTHER PENALITIES.									
COMMISSION ACTION	И	CHARMAN	, KAZC (TR) ADMINISTRA	ATOR. KAZC					
APPROVED				DATE					
DISAPTROVED			<del></del>	;	PAGE I				
· ·				:					



JHN-01-	2000	13.51	
9ec-28-89	04:57pg	From CROWN	COMMUNICATIONS
DEC-13-9	non e	18:23	

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CROWN COMMUNICATIONS M 11001 BLUEGRASS PKWY, SUITE 330 LOUISVILLE, KY 40299 502-240-0044

2C Report

Date: November 29, 1999 Revised: December 10, 1999 Revised: December 13, 1999 TAN Project No: T-2756

Site: 269 KY

Reidland

For Aeronautical Study No.

Location: City County

U.S.G.S. Quadrangle:

Paducah, KY McCracken

Elva KY

(NAD 27) LATITUDE 36° 59' 45,43° LONGITUDE 88° 29' 30.02° 36° 59' 45.64" (NAD 83) LATITUDE

LONGITUDE

SITE GROUND ELEVATION (NAVD 58) 383' + AMSL PROPOSED TOWER HEIGHT 370° ± FAA AGL TOWER HEIGHT WITH ANTENNA 295 <u>+</u> FAA AGL OVERALL HEIGHT ELEVATION

678' ± AMSL

88° 29' 30.18"

I Certify, to the best of my knowledge and belief, that the horizontal and vertical datum as established from the referenced U.S.O.S. Quadrangle, is accurate to 2C Reporting requirements of  $\pm$  50 feet horizontally and  $\pm$  20 feet vertically.

The horizontal datum ( coordinates ) are in terms of the North American Dahm of 1927 (NAD 27) and 1983 (NAD 83) and expressed as degrees, minutes and seconds.

The vertical datum ( heights ) are in terms of the National Geodetic Vertical Datum of 1988 and are determined to the nearest foot.

STATE OF KENIL

Frank L. Sellinger IL P.L.S. No. 3282 T. Alto Neal Company 428 Warnock Street, Louisville, KY 40217 (502) 635-5866

Frequency Band	Effective Radiated Power
33-54 Mhz	100 Watts
72-73 Mhz	100 Watts
144-162 Mhz	250 Watts
220-222 Mhz	100 Watts
450-502 Mhz	250 Watts
800-960 Mhz	500 Watts
1,500 Mhz	500 Watts
1,900-2,000 Mhz	500 Watts
5,000-6,500 Mhz	100 Watts
10,000-11,000 Mhz	100 Watts
18,000 Mhz	100 Watts
21,000 Mhz	100 Watts
38,000 Mhz	100 Watts
2-18 Ghz	80 dbm EIRP


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GEOTECHNICAL ENGINEERING STUDY CROWN COMMUNICATIONS PROPOSED KY269 REIDLAND TOWER SSR 787 and I-24 PADUCAH, KENTUCKY ATC Project No. 13000.9735

BY .....

**Prepared For:** 

Crown Communications 11001 Bluegrass Parkway, Suite 330 Louisville, Kentucky 40299

Attention: Ms. Lisa Miller

December 22, 1999



2815 Watterson Trail Louisville, Kentucky 40299 502.267.8355 Fax 502.267.8528

December 22, 1999

Crown Communications. 11001 Bluegrass Parkway, Suite 330 Louisville, Kentucky 40299

Attention: Ms. Lisa Miller

Re: Geotechnical Engineering Study Proposed KY 269 Reidland Tower SSR 787 and I-24 Paducah, Kentucky ATC Project No. 13800.9135

Gentlemen:

Transmitted herewith is our geotechnical engineering report for the referenced project as authorized in accordance with our January 15, 1998 proposal for environmental and geotechnical support services. This report contains our findings, an engineering interpretation of these findings with respect to the available project characteristics, and recommendations to aid design and construction of the tower foundations. We appreciate the opportunity to be of service to you on this project. If you have any questions regarding this report, please contact our office.

Cordially,

ATC Associates Inc.

Elizabeth W. Stuber, E.I.T. **Project Engineer** 

Copies submitted:



David L. Warder, P.E. Regional Geotechnical Engineer

(4) Ms. Lisa Miller

# **TABLE OF CONTENTS**

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Pa	ge
LETTER OF TRANSMITTAL	
1. PURPOSE AND SCOPE	.1
2. PROJECT CHARACTERISTICS	.1
3. SUBSURFACE CONDITIONS	2
4. FOUNDATION DESIGN RECOMMENDATIONS	.3
4.1. Tower	.3
4.1.1. Drilled Pier	.4
4.1.2. Mat Foundation	.5
4.2. Equipment Building	.5
5. GENERAL CONSTRUCTION PROCEDURES AND RECOMMENDATIONS	.7
5.1. Drilled Pier Excavation Inspection	.7
5.2. FILL COMPACTION	.9
5.3. CONSTRUCTION DEWATERING	10
6. FIELD INVESTIGATION	10
7. LABORATORY INVESTIGATION	11
8. LIMITATIONS OF STUDY	11

# **APPENDIX**

BORING LOCATION PLAN GEOTECHNICAL BORING LOG SOIL SAMPLE CLASSIFICATION

#### GEOTECHNICAL ENGINEERING INVESTIGATION

Proposed Communications Transmission Tower Proposed KY 269 Reidland Tower SSR 787 and I-24 Paducah, Kentucky ATC Project No. 13000.9135

## 1. PURPOSE AND SCOPE

The purpose of this study was to determine the general subsurface conditions at the location of the proposed tower by drilling one soil test boring and to evaluate this data with respect to foundation concept and design for the proposed self-supporting tower. Also included is an evaluation of the site with respect to potential construction problems and recommendations dealing with quality control during construction.

# 2. **PROJECT CHARACTERISTICS**

Crown Communications is planning to construct a communications tower on a wooded hillside northeast of the intersection of SSR 787 and Interstate 24 in Paducah, Kentucky. The proposed tower location is shown on the Site Location Map in the Appendix.

We assume that the tower will be supported on three legs situated in a triangular pattern and that the legs of the tower will be supported on three drilled piers or on a common mat foundation bearing at a suitable depth below the existing ground surface. No foundation design loads have been provided for the proposed 270 foot self-supporting tower. We assume that the maximum downward load on the tower will not exceed about 400 kips/leg and that the maximum uplift and

> ATC Associates Inc. Page 1

lateral forces will be no greater than about 300 kips/leg and 40 kips/leg, respectively. The development will also include a small equipment building near the base of the tower.

## 3. SUBSURFACE CONDITIONS

The subsurface conditions were explored by drilling one test boring at the proposed tower location, the center of which was staked in the field by the project surveyor. The Geotechnical Soil Test Boring Log, which is included in the Appendix, describes the materials and conditions encountered. Sheets defining the terms and symbols used on the boring log and explaining the Standard Penetration Test (SPT) procedure can also be found in the Appendix. The general subsurface conditions disclosed by the test boring are discussed in the following paragraphs.

About 6 inches of topsoil was encountered at the ground surface. The boring then encountered apparently natural silty clay (CL) of moderate plasticity to about 8.5 feet below the ground surface. The SPT N-values in the clayey soil generally ranged from 8 to 14 blows per foot indicating a medium stiff to stiff consistency. Pocket penetrometer values used to estimate the unconfined compressive strength of cohesive soil ranged from approximately 1.3 to 6.0 tons per square foot. Very dense sand (SP), which contains limestone fragments and is apparently highly weathered sandstone with thin limestone layers interbedded was encountered from about 8.5 feet to auger refusal at about 28 feet. Auger refusal is the depth below which a test boring can no longer be advanced with hollow stem augers.

Groundwater observations made at the completion of drilling operations indicated the boring to be dry. It must be noted, however, that short term water readings in test borings are not necessarily a

ATC Associates Inc.

Page 2

reliable indication of the actual groundwater level. Furthermore, it must be emphasized that the groundwater level is not stationary, but will fluctuate seasonally.

According to the Seismic Zone Map of the United States, Paducah, Kentucky is within Zone 3. In this system, Zone 3 is the most seismically active while Zone 0 has the lowest earthquake potential. Considering the subsurface conditions encountered at the site and Table 16-J in the 1997 Uniform Building Code, the soil-profile type is  $S_c$ .

# 4. FOUNDATION DESIGN RECOMMENDATIONS

The following design recommendations have been developed on the basis of the previously described project characteristics (Section 2.0) and subsurface conditions (Section 3.0). This office must be notified if the project description included herein is incorrect, or if the proposed structure location is changed, to establish if revisions to the following recommendations are necessary.

#### 4.1. Tower

Our findings indicate that the proposed self-supporting tower legs can be supported on drilled piers or on a common mat foundation.

## 4.1.1. Drilled Pier

Drilled piers that bear in the very dense sand (highly weathered sandstone) encountered in the test boring below a depth of 8.5 feet can be designed for a net allowable end bearing pressure of 8,000 pounds per square foot. The following table summarizes the recommended values for use in analyzing lateral and frictional resistance for the various soil strata encountered at the test boring. It is important to note that these values are estimated based on the standard penetration test results and soil types, and were not directly measured. The values provided for undrained shear strength, angle of internal friction and total soil unit weight are ultimate values and appropriate factors of safety should be used in conjunction with these values. If the pier will bear deeper than 25 feet, a deeper boring should be drilled to determine the nature of the deeper material.

Depth Below Ground Surface, feet	Undrained Shear Strength, psf	Angle of Internal Friction, Ø, degrees	Total Soil Unit Weight, pcf	Allowable Passive Soil Pressure, psf/one foot of depth	Allowable Side Friction, psf
0 - 5	800	0	120	525 + 40D	0
5 - 9	1,200	0	120	1,000 + 40(D-5)	250
9 - 25	0	34	130	1,250 + 150(D-9)	1,300

Note: D = Depth below ground surface (in feet) to point at which the passive pressure is calculated.

It is important that the drilled piers be installed by an experienced, competent drilled pier contractor who will be responsible for properly installing the piers in accordance with industry standards and generally accepted methods, without causing deterioration of the subgrade. The recommendations contained herein relate only to the soil-pier interaction and do not account for the structural design of the pier.

## 4.1.2. Mat Foundation

As an alternative, the tower legs could be supported on a common mat foundation bearing at a depth of at least 30 inches in the stiff to very stiff clay. A net allowable bearing pressure of up to 3,000 pounds per square foot may be used. This value may be increased by 30 percent for the maximum edge pressure under transient loads. A friction value of 0.30 may be used between the concrete and the underlying silty clay. The passive pressures given for the drilled pier foundation may be used to resist lateral forces.

It is important that the mat be designed with an adequate factor of safety with regard to overturning under the maximum deign wind load.

# 4.2. Equipment Building

The equipment building may be supported on shallow spread footings bearing in the shallow clay soil and designed for a net allowable soil pressure of 2,500 pounds per square foot. The footings

should be at least ten inches wide and should bear at a depth of at least 30 inches to minimize the effects of frost action. All topsoil, frozen or soft material must be removed beneath footings.

The floor slab for the new equipment building may be subgrade supported on a properly prepared subgrade. The slab should be designed and adequately reinforced to resist the loads proposed. The exposed subgrade should be carefully inspected by probing and testing as needed. Any organic material still in place, frozen or excessively soft soil and other undesirable materials should be removed.

Once the subgrade has been properly prepared and evaluated, fill may be placed to attain the desired final grade. Any non-organic, naturally occurring, non-expansive soils can be used for structural fill, including those encountered on this site, pending evaluation by the geotechnical engineer.

All engineered fill should be compacted to a dry density of at least 100 percent of the standard Proctor maximum dry density (ASTM D698). The compaction should be accomplished by placing the fill in about eight inch loose lifts and mechanically compacting each lift to at least the specified density. Field tests should be performed on each lift as necessary to insure that adequate compaction is being achieved.

Surface run-off water should be drained away from the building and not allowed to pond. It is recommended that all foundation concrete be placed the same day the excavation is made.

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# 5. GENERAL CONSTRUCTION PROCEDURES AND RECOMMENDATIONS

It is possible that variations in subsurface conditions will be encountered during construction. Although only minor variations that can be readily evaluated and adjusted for during construction are anticipated, it is recommended the geotechnical engineer or a qualified representative be retained to perform continuous inspection and review during construction of the soils-related phases of the work. This will permit correlation between the test boring data and the actual soil conditions encountered during construction.

#### 5.1. Foundation Excavation Inspection

If drilled piers are used, the material at the bases of the drilled pier excavations should be inspected by the geotechnical engineer or qualified soil technician to insure that the piers will bear on satisfactory material. However, it is not necessary to directly inspect the soil material at the base of the drilled pier excavations. Rather, the inspection can be performed without entering the pier excavation by observing the drilling operations and auger cuttings throughout the entire length of the pier excavation to verify that the material at the bearing elevation is the material prescribed in Section 4.0. It is important that the pier excavations and subsurface conditions be monitored until the concrete is placed to verify that the otherwise competent soils are not adversely affected by improper construction methods or by groundwater seepage or surface water infiltration. If unsuitable conditions are encountered at the bases of pier excavations, the pier excavations should be extended to the bottom of such undesirable material and re-inspected. Unless it becomes necessary to enter the excavation, it may not be necessary to use temporary casing to prevent the

> ATC Associates Inc. Page 7

sides of the pier excavations from caving. It is important that the concrete be placed and the casing removed in such a fashion as to prevent "necking" of the drilled pier. Unless the pier excavation is completely dry, the concrete must be placed by tremie.

If a mat foundation is used, the tower excavation should be inspected by the geotechnical engineer or a qualified soils technician to insure that all undesirable material is removed and that the foundation will bear on satisfactory material as described in Section 4.1. At the time of such inspection, it will be necessary to make hand auger borings or use a hand penetration device in the base of the foundation excavation to insure that the soils below the base are satisfactory for foundation support. The necessary depth of penetration will be established during inspection.

If undercutting is required in order to remove unsuitable materials at the tower foundation location, the foundation bearing elevation may be re-established by backfilling after all undesirable materials have been removed or the foundation can be placed at the lower depth. The undercut excavation beneath the foundation should extend to suitable bearing soils and the dimensions of the excavation base should be determined by imaginary planes extending outward and down on a 2 (vertical) to 1 (horizontal) slope from the base perimeter of the foundation. The entire excavation should than be refilled with a well-compacted granular fill as described in Section 5.2 or lean concrete may be used. Special care should be exercised to remove any sloughed, loose or soft materials near the base of the excavation slopes, to insure that no pockets of loose or soft materials will be left in place along the excavation slopes below the foundation bearing level.

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Page 8

Soils exposed in the base of the foundation excavation should be protected against any detrimental changes in conditions such as from disturbance, rain and freezing. Surface run-off water should be drained away from the excavation and not allowed to pond. If possible, all concrete should be placed that same day the excavation is made. If this is not practical, the excavation should be adequately protected.

#### 5.2. Fill Compaction

All engineered fill placed adjacent to and above the tower foundation should be compacted to a dry density of at least 95 percent of the standard Proctor maximum dry density (ASTM D-698). This minimum compaction requirement should be increased to 100 percent for any fill placed below the tower foundation bearing elevation. Any fill placed beneath the tower foundation should be limited to well-graded sand and gravel or crushed stone. The compaction should be accomplished by placing the fill in about 8 inch (or less) loose lifts and mechanically compacting each lift to at least the specified minimum dry density. Field density test should be performed on each lift as necessary to insure that adequate moisture conditioning and compaction is being achieved.

Compaction by flooding is not considered acceptable. This method will generally not achieve the desired compaction and the large quantities of water will tend to soften the foundation soils.

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## 5.3. Construction Dewatering

No serious dewatering problems are anticipated. At the time of our investigation, the ground water level appeared to be below the anticipated excavation depths. However, depending upon seasonal conditions, some minor seepage into excavations may be experienced. It is anticipated that any such seepage can be handled by conventional dewatering methods such as pumping from the drilled pier excavations or from sumps in shallow foundation excavations.

#### 6. FIELD INVESTIGATION

One soil test boring was drilled at the location established in the field by the project surveyor. Splitspoon samples were obtained by the Standard Penetration Test (SPT) procedure (ASTM D1586) in the test boring. The boring was extended to auger refusal at 28 feet below existing grade. Representative portions of the soil samples were sealed in glass jars and returned to our laboratory.

The boring log is included in the Appendix along with a sheet defining the terms and symbols used on the log and an explanation of the Standard Penetration Test (SPT) procedure. The log presents visual descriptions of the soil strata encountered, Unified System soil classifications, groundwater observations, sampling information, laboratory test results, and other pertinent field data and observations.

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Page 10

# 7. LABORATORY INVESTIGATION

The split-spoon samples were inspected and visually classified by a geotechnical engineer in general accordance with the Unified Soil Classification System and the field boring log was edited as necessary. To aid in classifying the soil samples and to check the general soil characteristics pocket penetrometer tests were performed on selected samples. The results of these tests are included on the boring log.

# 8. LIMITATIONS OF STUDY

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. This warranty is in lieu of all other warranties, either express or implied. ATC Associates Inc. is not responsible for the independent conclusions, opinions or recommendations made by others based on the field exploration and laboratory test data presented in this report.

A geotechnical study is inherently limited since the engineering recommendations are developed from information obtained from a test boring that only depicts subsurface conditions at the specific location, time and depth shown on the log. Soil conditions at other locations may differ from those encountered in the test boring, and the passage of time may cause the soil conditions to change from those described in this report.

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Page 11

The nature and extent of variation and change in the subsurface conditions at the site may not become evident until the course of construction. Construction monitoring by the geotechnical engineer or a representative is therefore considered necessary to verify the subsurface conditions and to check that the soils connected construction phases are properly completed. If significant variations or changes are in evidence, it may then be necessary to re-evaluate the recommendations of this report. Furthermore, if the project characteristics are altered significantly from those discussed in this report, if the project information contained in this report is incorrect, or if additional information becomes available, a review must be made by this office to determine if any modification in the recommendations will be required.

# **APPENDIX**

SITE LOCATION PLAN GEOTECHNICAL BORING LOG SOIL SAMPLE CLASSIFICATION





2815 Watterson Trail Louisville, Kentucky 40299

# GEOTECHNICAL BORING LOG

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CLIENT:	Crown Communications
PROJECT:	Proposed Reidland KY 269 Tower
LOCATION:	Paducah, Kentucky

BORING NUMBER:	B-1
PROJECT NUMBER:	13000.9135
PROJECT MANAGER:	Beth Stuber

	rface Elevation: Date Started: 12/14/99 Date Completed: 12/14/99	Ham	er Weigh mer Dro I Forema	p:	140 lbs. 30 in. J. Wharton	1		E	Boring M	e Dia.: 7.5 in. Iethod: HSA ervisor: B. Stuber
ELEV MATERIAL		LAYER DEPTH	DEPTH SCALE	SAMPLE DATA				NOTES		
	DESCRIPTION	& TYPE	D S	NO	BLOWS	ТҮРЕ	REC	w,%	PP,tsf	
	SILTY CLAY (CL) - stiff, moist, brown		-	1	3-5-6	SPT	100		1.3	About 6 inches of topsoil wer encountered at the ground surface.
	- medium stiff		-	2	5-5-5	SPT	100		2.2	surface.
			-	3	4-5-3	SPT	100		2.6	
			5-							
	- stiff		-	4	5-6-8	SPT	100		6.0	
	SAND (SP) - very dense, reddish	8.5	-							
	SAND (SP) - very dense, reddish brown, contains limestone fragments (highly weathered sandstone with interbedded limestone)	· · · · · · · · · · · · · · · · · · ·	10-	5	19-36-41	SPT	67			
			15	6	46-38-43	SPT	67			
		· · · · · · · · · · · · · · · · · · ·								
		· · · · · · · · · · · · · · · · · · ·	-	7	47-41-48	SPT	67			
		· · · · · · · · · · · · · · · · · · ·	20-							
		· · · · · · · · · ·	-							
		· · · · · · · · · · · · · · · · · · ·	-		46 41 49	CDT	(7)			
			25-	8	46-41-48	SPI	67			
			-							
_	AUGER REFUSAL	28.0								The borehole was dry at the completion of drilling
			30-							operations.
			-							
			35—							

Page 1 of 1

# SOIL SAMPLE CLASSIFICATION

# GRANULAR SOILS

(Silt, Sand, Gravel and Combinations)

<u>Density</u>	Particle Size Identification			1	
Very Loose	- 5 blows/ft. or less	Boulders	- 8 inch dian	neter or more	
Loose	- 6 to 10 blows/ft.	Cobbles - 3 to 8 inch diameter			
Medium Dense	- 11 to 30 blows/ft.	Gravel	- Coarse	- 1 to 3 inch	
Dense	- 31 to 50 blows/ft.		Medium	- $\frac{1}{2}$ to 1 inch	
Very Dense	- 51 blows/ft. or more		Fine	- ¼ to ½ inch	
		Sand	- Coarse	- 2.00 mm to ¼ inch	
Relative Proportion	s <u>Percent</u>		- Medium	- 0.42 to 2.00 mm	
Trace	1 - 10		- Fine	- 0.074 to 0.42 mm	
Little	11 - 20		- Silt	- 0.002 to 0.074 mm	
Some	21 - 35	Clay	- less than 0.0	002 mm	
And	36 - 50				

## **COHESIVE SOILS**

(Clay, Silt and Combinations)

<u>Consistency</u>		<u>Plasticity</u>	
Very Soft	- 3 blows/ft. or less	Degree of Plasticity	Plasticity Index
Soft	- 4 to 5 blows/ft.	None to Slight	0 - 4
Medium Stiff	<ul> <li>6 to 10 blows/ft.</li> </ul>	Slight	5 - 7
Stiff	- 11 to 15 blows/ft.	Medium	8 - 22
Very Stiff	- 16 to 30 blows/ft.	High to Very High	over 22
Hard	- 31 blows/ft. or more		

Classification on logs are made by visual inspection of samples unless otherwise undicated.

<u>Standard Penetration Test</u> - Driving a 2.0" O.D., 1-3/8" I.D. split-spoon sampler a distance of 12 inches into undisturbed soil with a 140 pound hammer free falling a distance of 30 inches. The sample is initially driven 6 inches to penetrate into undisturbed soil, then the test is performed. The number of hammer blows for seating the spoon and making the test are recorded for each 6 inches of penetration on the boring log (Example: 6-8-9). The standard penetration test N-value can be obtained by adding the last two figures (i.e. 8+9=17 blows/ft.). (ASTM D-1586)

<u>Strata Changes</u> - In the column "Material Description" on the boring log, the horizontal lines represent strata changes. A solid line ( ) represents an actually observed change, a dashed line (---) represents an estimated change.

<u>Ground Water</u> observations were made at the times indicated. Porosity of soil strata, weather conditions, site topography, etc. may cause changes in the water levels indicated on the logs.



Site Number:



From the County seat take US 60 west to I-24 and take I-24 south approximately 11 miles. Exit I-24 at exit 16 Hwy 68 and turn left going north for .5 miles to Tyree Rd. Turn right on Tyree Rd going east .3 miles to Old Rosebower Church Rd turn right going .44 mi. south to the end of the street and turn left, follow road .44 mi. until it ends at SSR 787. Turn left on SSR 787 going north for approximately 100ft. Turn right into the opening in the guardrail and follow dirt road over the culvert and into the open field, turn right into the field going south then follow trail up the hill to the sight.

Prepared by: Rick Powers 562-240-6044

Proprietary, Restricted & Confidential Pursuant to Company Instructions

## **OPTION AND LEASE AGREEMENT**

THIS AGREEMENT, made this <u>6<sup>th</sup></u> day of April, 1999 between John T. & Margie L. Rudolph, hereinafter designated LESSOR and BellSouth Mobility, Inc., hereinafter designated TENANT.

### **RECITALS:**

LESSOR is the owner of certain real property located in Reidland in McCracken County, State of Kentucky, TENANT desires to obtain an Option to lease a portion of said real property, containing approximately <u>6,400</u> square feet, together with a right of way for access thereto (said lease parcel and right of way hereinafter called "Property"). The property is more specifically described in and substantially shown outlined in red on Exhibit "A" attached hereto and made a part hereof.

NOW THEREFORE, in consideration of a sum of hereinafter referred to as "Option Money", to be paid by TENANT to the LESSOR, which TENANT will provide upon its execution of this Agreement, the LESSOR hereby grants to TENANT the right and Option to lease said portion of said real property including a right of way for access thereto for the term and in accordance with the covenants and conditions set forth herein.

The Option may be exercised at any time on or prior to April 6, 2000

At TENANT's election, and upon TENANT's prior written notification to LESSOR, the time during which the Option may be exercised may be further extended for one additional period of Six (6) months, through and including October 6, 2000 with an additional payment of by TENANT to LESSOR for the Option Period so extended. The time during which the Option may be exercised may be further extended by mutual agreement in writing. If during said Option Period, or during the term of the lease, if the Option is exercised, the LESSOR decides to subdivide, sell or change the status of the Property or Lessor's property contiguous thereto, Lessor shall immediately notify TENANT in writing so that TENANT can take steps necessary to protect TENANT's interest in the Property.

LESSOR covenants that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants that there are no other liens, judgments or impediments of title on the Property.

This option may not be sold, assigned, or transferred, at any time except to TENANT's principal, affiliates or subsidiaries of its principal. As to other parties, this Option may not be sold, assigned or transferred without the written consent of the LESSOR, such consent not to be unreasonably withheld.

O/L Fixed 5/92

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1

Should TENANT fail to exercise this Option or any extension thereof within the time herein limited, all rights and privileges granted hereunder shall be deemed completely surrendered, this Option terminated, and LESSOR shall retain all money paid for the Option, and no additional money shall be payable by either party to the other.

The LESSOR shall permit TENANT during the Option Period, free ingress and egress to the Property to conduct such surveys, structural strength analysis, subsurface boring tests and other activities of similar nature, as TENANT may deem necessary, at the sole cost of TENANT.

Notice of the exercise of the Option shall be given by TENANT to the LESSOR in writing by certified mail, return receipt requested. Notice shall be deemed effective on the date it is posted. On the date of such notice the following Agreement shall take effect:

#### LEASE AGREEMENT

1. LESSOR hereby leases to TENANT that certain parcel of real Property, containing approximately <u>6,400</u> square feet, situated in <u>McCracken</u> County, State of <u>Kentucky</u>, together with the nonexclusive right for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of utility wires, cables, conduits and pipes over, under or along a twenty foot (20') wide right of way extending from the nearest public right of way <u>Old Rosebower Church Road</u>, to the leased parcel, said parcel and right of way for access being substantially as described herein Exhibit "A" and as shown enclosed within red lines on Exhibit "A" attached hereto and made a part hereof. Said leased parcel and right of way for access shall be hereinafter referred to as "Property". LESSOR shall cooperate with TENANT in TENANT's effort to obtain utility services along said right of way by signing such documents or easements as may be required by said utility companies. In the event any public utility is unable to use the aforementioned right of way, the LESSOR hereby agrees to grant an additional right of way either to the TENANT or to the public utility at no cost to the TENANT.

2. LESSOR also hereby grants to TENANT the right to survey said Property, and the legal description on said survey shall become Exhibit "B", which shall be attached hereto and made a part hereof, and shall control in the event of discrepancies between it and Exhibit "A". LESSOR grants TENANT the right to take measurements, make calculations, and to note other structures, setbacks, uses, or other information as deemed by TENANT to be relevant and pertinent as such information relates to LESSOR's real property, leased or otherwise abutting or surrounding the Property. Cost for such survey work shall be borne by the TENANT.

3. This Agreement shall be for an initial term of five (5) years beginning on the date the Option is exercised by TENANT at an annual rental payment of

advance, to John T. Rudolph or to such other person, firm or place as the LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date.

4. TENANT shall have the option to extend this lease for four (4) additional five (5) year terms by giving the LESSOR written notice of its intention to do so at least six (6) months prior to the end of the then current term.

O/L Fixed 5/92

2

5. The annual rental for the first (1<sup>st</sup>) five (5) year extension term shall be increased to shall be increased to \_\_\_\_\_\_; the second (2<sup>nd</sup>) five (5) year extension term shall be increase to \_\_\_\_\_\_; the third (3<sup>rd</sup>) five (5) year extension term shall be increase to \_\_\_\_\_\_, and the fourth (4<sup>th</sup>) five (5) year extension term shall be increased to \_\_\_\_\_\_

6. If at the end of the fourth  $(4^{th})$  five (5) year extension term this Agreement has not been terminated by either party by giving to the other written notice of an intention to terminate it at least six (6) months prior to the end of such term, this Agreement shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of such term. Monthly rental for this period shall be equal to the rent paid for the last month of the fourth (4) five (5) year extension term.

TENANT shall use the Property for the purpose of constructing, maintaining and 7. operating a Communications Facility and uses incidental thereto, consisting of a building or buildings as necessary now or in the future to shelter telecommunications equipment and related office space, a free standing monopole or three sided antenna structure of sufficient height now or in the future to meet TENANT's telecommunication needs and all necessary appurtenances a security fence consisting of chain link construction or similar but comparable construction may atthe option of TENANT be placed around the perimeter of the Property (not including the access easement). All improvements shall be at TENANT's expense. LESSOR grants TENANT the right to use adjoining and adjacent land as is reasonably required during construction, installation, maintenance, and operation of the Communication Facility. TENANT will maintain the Property in a reasonable condition. It is understood and agreed that TENANT's ability to use the Property is contingent upon its obtaining after the execution date of this Agreement, all of the certificates, permits and other approvals that may be required by any federal, state or local authorities. LESSOR shall cooperate with TENANT in its effort to obtain such approvals and shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by TENANT. LESSOR agrees to sign such papers as required to file applications with the appropriate zoning authority and/or commission for the proper zoning of the Property as required for the use intended by the TENANT. TENANT will perform all other acts and bear expenses associated with the rezoning procedure. LESSOR agrees not to register any written or verbal opposition to the rezoning procedures. In the event TENANT is unable to use the leased parcel and/or access easement to the leased parcel, due to imposed zoning conditions or requirements, LESSOR hereby grants to TENANT the right to modify Exhibit "A" in order to satisfy any imposed zoning conditions or requirements. In the event that any of such applications should be finally rejected or any certificate, permit, license or approval issued to TENANT is canceled, expires, lapses, or is otherwise withdrawn or terminated by government authority or soil boring test or radio frequency propagation tests are found to be unsatisfactory so that TENANT, in its sole discretion, will be unable to use the Property for its intended purposes, TENANT shall have the right to terminate this Agreement. Notice of the TENANT's exercise of its right to terminate shall be given to LESSOR in writing by certified mail, return receipt requested, and shall be effective upon the receipt of such notice by the LESSOR as evidenced by the return receipt. All rentals paid to said termination date shall be retained by the LESSOR. Upon such termination, this Agreement shall become null and void and all parties shall have no further obligations, including the payment of money, to each other.

O/L Fixed 5/92

3

po m J R 8. TENANT shall indemnify and hold LESSOR harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the use and occupancy of the Property by the TENANT, its servants or agents, excepting, however such claims or damages as may be due to or caused by the acts of the LESSOR, or its servants or agents.

9. LESSOR agrees that TENANT may self-insure against any loss or damage which could be covered by a comprehensive general public liability insurance policy.

10. Tenant will be responsible for making any necessary returns for and paying any and all property taxes separately levied or assessed against its improvements on the Property. TENANT shall reimburse LESSOR as additional rent for any increase in real estate taxes levied against the leased Property which are directly attributable to the improvements constructed by TENANT and are not separately levied or assessed against TENANT's improvement's by the taxing authorities.

11. TENANT upon termination of this Agreement, shall, within a reasonable period, remove its personal property and fixtures and restore the property to its original above grade condition, reasonable wear and tear excepted. At LESSOR's option when this agreement is terminated and upon LESSOR's advance written notice to TENANT, TENANT will leave the foundation and security fence to become the property of the LEASOR. If such time for removal causes TENANT to remain on the Property after termination of this Agreement, TENANT shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of personal property and fixtures are completed.

12. Should the LESSOR, at any time during the term of this Agreement, decide to sell all or any part of his real property which includes the parcel of property leased by TENANT herein and/or the right of way thereto to a purchased other than TENANT, such sale shall be under and subject to this Lease Agreement and TENANT's right hereunder. LESSOR agrees not to sell, lease or use any other areas of the larger parcel upon which Property is situated for the placement of other communications facilities if, in TENANT's sole judgment, such installation would interfere with the facilities in use by TENANT.

13. LESSOR covenants that TENANT, on paying the rent and performing the covenants shall peaceably and quietly have, hold and enjoy the Property.

14. LESSOR covenants that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants that there are not other liens, judgments or impediments of title on the Property.

15. It is agreed and understood that this Agreement contains all agreements, promises and understandings between the LESSOR and TENANT and that no verbal or oral agreement, promises or understandings shall be binding upon either the LESSOR or TENANT in any dispute, controversy or proceedings at law, and any addition, variation or modification to this Agreement shall be void and ineffective unless made in writing and signed by the parties.

16. This Lease agreement and the performance thereof shall be governed, interpreted, constructed and regulated by the laws of the State of Kentucky.

17. This lease may not be sold, assigned or transferred at any time except to TENANT's principal, affiliates or subsidiaries of its principal or to any company upon which TENANT is merged or consolidated. As to other parties, this Lease may not be sold, assigned or

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transferred without the written consent of the LEASOR, such consent not to be unreasonably withheld. TENANT may sublease this Lease upon notice to LESSOR.

18. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested, addressed as follows (or to any other address that the party to be notified may have designated to the sender by like notice):

LESSOR: John T. Rudolph

1160 Old Rosebower Church Road Puducah, KY 42003

TENANT:

Bellsouth Mobility, Inc.

1650 Lyndon Farms CT.

Louisville, KY 40223

Attn.: Real Estate Manager

19. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of the parties hereto.

20. At LESSOR's option, this Agreement shall be subordinate to any mortgage by LESSOR which from time to time may encumber all or part of the property or right of way; provided, however, every such mortgage shall recognize the validity of this Agreement in the event of a foreclosure of LESSOR's interest and also TENANT's right to remain in occupancy of and have access to the Property as long as TENANT is not in default of this Agreement. TENANT shall execute in a timely manner whatever instruments as may reasonably be required to evidence this subordination clause. In the event the leased Property is encumbered by a mortgage, the LESSOR, no later than ten (10) days after this lease is exercised, shall have obtained and furnished to TENANT a non-disturbance instrument in recordable form for each such mortgage.

21. If the whole of the leased premises or such portion thereof as will make the premises unusable for the purposes herein leased, are condemned by any legally constituted authority for any public use or purpose, then in either of said events the term hereby granted shall cease from the time when possession thereof is taken by public authorities, and rental shall be accounted for as between LESSOR and TENANT as of that date. Any lesser condemnation shall in no way affect the respective rights and obligation of LESSOR and TENANT hereunder. Nothing in this provision shall be constructed to limit or affect TENANT's right to an award of compensation of any eminent domain proceeding for the taking of TENANT's leasehold interest hereunder.

22. TENANT, at TENANT's option, may obtain title insurance on the leased property. LESSOR, at LESSOR's expense, shall cooperate with TENANT's efforts to obtain such title insurance policy by executing documents or obtaining requested documentation as required by the title insurance company. At TENANT's option, should the LESSOR fail to provide the requested documentation within thirty (30) days of TENANT's request, or fail to provide the non-disturbance instrument(s) as noted in Paragraph 20 of this Agreement, TENANT

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may withhold and accrue the monthly rental until such time as the requested document(s) is (are) received.

23. LESSOR shall hold TENANT harmless from and indemnify TENANT against and from any damage, loss, expenses or liability resulting from the discovery by any person of hazardous substances generated, stored, disposed of, or transported to or over Property, as long as such substance was not stored, disposed of, or transported to or over the Property by TENANT, its agents, contractors, employees, or invitees. TENANT will be responsible for any and all damages, losses, and expenses and will indemnify LESSOR against and from any discovery by any persons of hazardous wastes generated, stored, or disposed of as a result of TENANT's equipment and uses of the aforementioned Property.

(Remainder of page intentionally left blank)

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IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESS

LESSOR: (Seal)

John T. Rudolph

<u>Margie J. Rudalph</u>(Seal) Margie L. Rudolph

WITNESS

Collum

NOTARY PUBLÍC

Signed, sealed and delivered in the presence of:

TENANT: He BellSouth Mobility, Inc.

ву: Regional Vice Pres. & тітіс: <u>Gen. Mngr. - KY</u>

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WITNESS

WITNESS

NOTAR / PUBLIC

Becky M. Robinson, Notary Public State at Large Kentucky My Commission Expires Mar. 14, 2003

(CORPORATE SEAL)



# **CERTIFICATION OF NOTIFICATION**

REIDLAND - RELOCATED SITE

1)

John T. Rudolph 1160 Rosebower Road Paducah, KY 42003

2)
Honorable Danny Orazine
McCracken County Judge Executive
301 South 6
Paducah, KY 42003



Crown Castle USA Inc. Kentucky Region 11001 Bluegrass Parkway, Suite 330 Louisville, KY 40299 Tel 502 240.0044 Fax 502 240.0045

www.crowncastle.com

February <u>7</u>, 2000

John T. Rudolph 1160 Rosebower Road Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Dear Mr. Rudolph:

Crown Communication Inc. and Westel-Milwaukee Company, Inc. d/b/a BellSouth Mobility Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to relocate a cell tower site; and to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 270 foot tower with appurtenances attached to a maximum height of 295 feet, and a ground level equipment shelter to be located at part of Culp Road, 550 feet N.E. from the intersection of I-24 and State Road (SSR) -787, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. This notice is being sent to you because you own property within a 500' radius of the proposed tower

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No.: 99-341 in your correspondence.

Feel free to contact Lisa Miller, Project Manager at (502) 240-0044 (extension 23), if you have any questions.

Sincerely, CROWN COMMUNICATION INC.

McCarthy



Crown Castle USA Inc. Kentucky Region 11001 Bluegrass Parkway, Suite 330 Louisville, KY 40299 Tel 502 240.0044 Fax 502 240.0045 www.crowncastle.com

February <u>7</u>, 2000

Honorable Danny Orazine McCracken County Judge Executive 301 South 6 Paducah, KY 42003

RE: Public Notice - Public Service Commission of Kentucky Case No.: 99-341 Our Site No: KY269- Reidland

Honorable Judge Orazine:

Crown Communication Inc. and Westel-Milwaukee Company, Inc. d/b/a BellSouth Mobility Inc., have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to relocate a cell tower site; and to construct and operate a new facility to provide wireless telecommunication services. The facility will include a 270 foot tower with appurtenances attached to a maximum height of 295 feet, and a ground level equipment shelter to be located at part of Culp Road, 550 feet N.E. from the intersection of I-24 and State Road (SSR) -787, Paducah, KY 42003. A temporary tower of shorter stature might be erected at said location while awaiting final PSC approval and the approved tower is operational. This notice is being sent to you because you are the Judge Executive of McCracken County.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above. Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, Kentucky 40602. Please refer to Case No.: 99-341 in your correspondence.

Feel free to contact Lisa Miller, Project Manager at (502) 240-0044 (extension 23), if you have any questions.

Sincerely, ROWN COMMUNICATION TNC. ADH

CROWN COMMUNICATION

-- BHI W. KY/EVV OPS/ENG

Fax:1-502-240-0045

Feb 4 2000 15:59 P.02 02/04 '00 :06 No.295 02/03

# Memorandum

To: Will Jacobs CC: Garry Bowling, Richard Guittar, Roy Johnson, Kenny Rowland From: Sherri Gossman Date: 2/4/00 Re: Reidland/T24 Revised Search Area

This is a revision to the original search area; it has been enlarged to encompase the new property location.

The attached map indicates the search area for the Reidland/I24 site. This site is located in eastern McCracken County near the intersection of U.S. 62, U.S. 68 and just north of I-24. This is a coverage site needed to enhance coverage on I-24 and U.S. 62 between Paducah and Calvert City, along U.S. 68, and in the town of Reidland. This site will be an omni cell site. The ground elevation in this area is around 360 to 400 feet. The tower height will need to be 250 to 300 feet, depending on ground elevation.

If you have any questions, please let me know.

Search Ring Center Coordinates: Lat. 37-00-24.93N Lon. 88-30-10.53W

New Property Coordinates: Lat. 36-59-45.64N Lon. 88-29-30.18W



