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**PUBLIC SERVICE
COMMISSION**

CASE NO. 2004-000150

**PENNY ROAD
TOWER**

PIKE COUNTY, KENTUCKY

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COMMISSION

CASE NO. 2004-000150

**PENNY ROAD
TOWER**

PIKE COUNTY, KENTUCKY

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

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MAY 04 2004

PUBLIC SERVICE
COMMISSION

In the matter of:

THE APPLICATION OF EAST KENTUCKY NETWORK)
LIMITED LIABILITY COMPANY FOR THE ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE No 2004-00150
NECESSITY TO CONSTRUCT A TOWER IN PIKE)
COUNTY, KENTUCKY).

In case number 91-002 East Kentucky Network, LLC was granted a Certificate of Public Convenience and Necessity by the Kentucky Public Service Commission to construct and operate a cellular radio telecommunications system for KY RSA 9 and KY RSA 10.

In an effort to improve service in Pike County, East Kentucky Network, LLC Pursuant to KRS 278.020 Subsection 1 and 807 KAR 5:001 Section 9 is seeking the Commission's approval to construct a tower on Penny Road in Pike County, Kentucky. The proposed tower will be a 300 foot self-supporting tower located on a ridgeline near the confluence of Caney Creek and Shelby Creek near Virgie, KY: both being tributaries of the Levisa Fork of the Big Sandy River, approximately 3 miles east of Virgie, in Pike County, Kentucky. A map and detailed driving directions to the site can be found in Exhibit 8.

East Ky Network LLC merger documents were filed with the Commission on February 2, 2001 in Case # 2001-022.

FAA and Kentucky Airport Zoning Commission approvals have been applied for but are still pending. Final approvals will be submitted to the commission at a later date. These applications are enclosed as Exhibit 4 and 6.

No Federal Communications Commission approval is required prior to construction of this facility. Once service is established from this tower we must immediately notify the Federal Communications Commission of its operation. Prior approval is needed only if the proposed

facility increases the size of the cellular geographic service area. This cell site will not expand the cellular geographic service area.

A geologist was employed to determine soil and rock types and to ascertain the distance to solid bedrock. The geotechnical report is enclosed as Exhibit 3.

A copy of the tower design information is enclosed as Exhibit 5. The proposed tower has been designed by engineers at Universal Tower Inc. of Henderson, KY and will be constructed under their supervision. Their qualifications are evidenced in Exhibit 5 by the seal and signature of the registered professional engineer responsible for this project.

The tower will be erected by A & D Communication of Cattlesburg, Kentucky. A & D has vast experience in the erection of communications towers.

Enclosed, and should be filed with Exhibit 10, back of folder, is a survey of the proposed tower site signed by a Kentucky registered professional engineer. There is no structure within 500 feet of the proposed tower as indicated in this enclosure. Exhibit 2 is a list of all Property owners or residents within 500' of the proposed tower. No other properties are contiguous with East Kentucky's property.

Exhibit 10, back of folder, contains a vertical sketch of the tower by Justice Land Surveying & Engineering, Inc, licensed in the State of Kentucky.

Pursuant to 807 KAR5:063 Sections 1 (1) : all affected property owners according to the property valuation administrator's record who reside or own property within 500 feet of the proposed Tower were notified by certified mail return receipt requested of East Kentucky Network, LLC's proposed construction and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 2 is a copy of that notification.

Pike County has no formal local planning unit. In absence of this unit the Pike County Judge Executive's office was notified by certified mail, return receipt requested of East Kentucky

Network Limited Liability Company's proposal and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 1 is a copy of that notification.

East Kentucky Network, LLC will finance the subject Construction with earned surplus in its General Fund.

Estimated Cost of Construction	140,000.00
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Annual Operation Expense of Tower	12,500.00
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A sign 24" X 48" which conforms to the Public Service Commissions guidelines issued on September 3, 1997 was posted on the site on February 26, 2004 and will remain posted for at least two weeks after filing of this application as specified by the PSC guidelines. A second such sign was posted at the nearest public road, and will remain posted two weeks after this filing.

Enclosed in Exhibit 9 is a copy of East Kentucky Network LLC's deeds to the site.

Notice of the location of the proposed construction was published on the fourth week of April and the first week of May in the Appalachian News Express in Pikeville, Kentucky.

Enclosed is a copy of that notice in Exhibit 1. The Appalachian News Express is the newspaper with the largest circulation in Pike County.

The proposed construction site is on a very rugged mountaintop some feet from the nearest structure. Prior to construction the site was wooded.

Due to the steep hillside surrounding the proposed site, the property in close proximity is unsuitable for any type of development. East Kentucky Network LLC's operation will not affect the use of nearby land nor its value. No more suitable site exists in the area. A copy of the search area map is enclosed in Exhibit 8. No other tower capable of supporting East Kentucky Network LLC's load exists in the general area; therefore, there is no opportunity for co-location of our facilities with anyone else.

The foregoing document was prepared by the Accounting Department of East Kentucky Network d/b/a Appalachian Wireless. All related questions or correspondence concerning this filing should be mailed to Michael Huffman, Controller, East Kentucky Network, P. O. Box 405, Prestonsburg, KY 41653.

APPROVED BY: Michael Huffman Date: 4/30/04
Michael Huffman, Controller

Phone: (606) 791-2375, Ext. 164

Email: (mhuffman@ekn.com)

Michael Huffman, Controller

East Kentucky Network, LLC.

355 Village Drive, P. O. Box 405

Prestonsburg, KY 41653

**EAST KENTUCKY NETWORK, LLC
d/b/a APPALACHIAN WIRELESS**

PENNY ROAD SITE

CASE # 2004-00150

PIKE COUNTY, KENTUCKY

EXHIBIT

ITEM

- | | |
|-----|---------------------------------------------------------------------------------------|
| 1. | Notification/Response from County |
| 2. | Copies of Cell Site Notices |
| 3. | Core Drilling Analysis |
| 4. | Kentucky Airport Zoning Commission
Application |
| 5. | Tower Design |
| 6. | FAA Notice of Proposed Construction |
| 7. | 2003 Audited Financial Statements |
| 8. | Maps to Suitable Scale |
| 9. | Deed of Conveyance or Lease Agreement for
the Proposed Tower Site Property |
| 10. | Survey of Site signed and sealed by a
Professional Engineer Registered in Kentucky |