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February 7, 2005

**VIA OVERNIGHT MAIL**

Susan G. Hutcherson  
Filings Division Manager, Docket Branch  
Kentucky Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602-0615

RECEIVED

FEB 08 2005

PUBLIC SERVICE  
COMMISSION

Re: PSC Case No.: 2004-00328  
Report on Settlement Process  
Cingular Site Name: Odds

Dear Susan:

Please accept this letter and the attached Report on Settlement Progress as an official filing in the above-referenced Public Service Commission action. We have also enclosed five copies and a self-address stamped envelope. Please return a file stamped copy to us upon receipt in the enclosed envelope. If you have any questions or comments concerning this matter, please do not hesitate to contact us.

Please do not hesitate to contact us with any questions or comments. I may be reached at 502-955-4400.

Sincerely

A handwritten signature in black ink that reads 'F. Keith Brown'.

F. Keith Brown  
Email: kbrownplg@aol.com

Enclosures

RECEIVED  
FEB 03 2005  
PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELLSOUTH )  
MOBILITY, LLC, D/B/A CINGULAR )  
WIRELESS - KENTUCKY FOR )  
ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO CONSTRUCT A WIRELESS ) CASE NO. 2004-00328  
COMMUNICATIONS FACILITY AT )  
99 MOUNTAIN SPRING ROAD, )  
VAN LEAR, KENTUCKY 41265 IN THE )  
WIRELESS COMMUNICATIONS )  
LICENSE AREA IN THE COMMONWEALTH )  
OF KENTUCKY IN THE COUNTY OF )  
JOHNSON )  
SITE NAME: ODDS )

**REPORT ON SETTLEMENT PROGRESS**

Comes the Applicant BellSouth Mobility LLC, D/B/A Cingular Wireless - Kentucky, and provides notice to the Public Service Commission that it has made progress in its settlement efforts with Intervenor Beech Fork Processing, Inc. and such settlement efforts are ongoing. The parties have this week, after involvement of engineers of both companies, identified two possible sites near the original site applied for which appear to meet the criteria of both avoiding mineral rights difficulties and of being suitable for Applicant from a radio frequency engineering standpoint. This process required some effort considering the mountainous terrain in the vicinity and the mineral interests associated with many properties in the area. The parties intend to soon schedule and conduct a site visit and conduct further due diligence. The two possible sites are owned or under the control of affiliates of Intervenor. The parties'

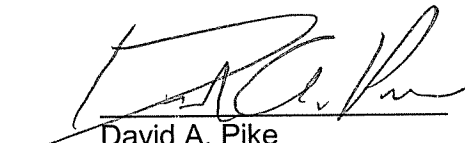
goal is to reach an agreement on one of the recently identified sites so that Applicant may amend its application in the within proceeding and then proceed to seek a Certificate of Public Convenience and Necessity to meet the need for improved wireless service in the area as identified in the original Application.

Applicant will continue to periodically inform the Commission of the status of its settlement efforts.

CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of the foregoing was served by United States First Class Mail, postage prepaid, upon: Rebecca Gohmann, Counsel Beech Fork Processing, Inc., 107 Dennis Drive, Lexington, Kentucky 40503, and J.R. Goff, PSC Staff Counsel, 211 Sower Lane, Frankfort, Kentucky 40602-0615 on this 7th day of February, 2005

Respectfully Submitted,



David A. Pike  
and



F. Keith Brown  
Pike Legal Group, PLLC  
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Shepherdsville, KY 40165  
Phone: 502-955-4400  
Telefax: 502-543-4410  
Attorneys for Applicant