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January 13, 2006

**VIA EXPRESS MAIL**

Kentucky Public Service Commission  
Attn: Filings Division, Docket Branch  
P.O. Box 615  
Frankfort, KY 40602-0615

RECEIVED

JAN 17 2006

PUBLIC SERVICE  
COMMISSION

Re: Joint Motion for an Amended Procedural Order  
PSC Case Number: 2004-00413  
Site Name: Brainard

Dear Filings Division Manager:

Please find the enclosed original and five (5) copies of a Joint Motion for an Amended Procedural Order for filing in the above referenced matter. After the filing, please return the additional file-stamped copy to me in the postage paid enclosed envelope.

Please do not hesitate to contact me if you have any questions.

Sincerely,

F. Keith Brown

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

In the Matter of:

THE APPLICATION OF )  
NEW CINGULAR WIRELESS PCS, LLC )  
F/D/B/A BELLSOUTH MOBILITY, LLC, )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
ROUGH AND TOUGH ROAD )  
PRESTONSBURG, KENTUCKY 41653 OR, IN THE )  
ALTERNATIVE, AN ORDER REQUIRING CO-LOCATION )  
ON REASONABLE TERMS AND CONDITIONS )  
IN THE WIRELESS COMMUNICATIONS )  
LICENSE AREA IN THE COMMONWEALTH OF )  
KENTUCKY IN THE COUNTY OF FLOYD )

CASE NO. 2004-0413

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COMMISSION

SITE NAME: BRAINARD

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**JOINT MOTION FOR AN AMENDED PROCEDURAL ORDER**

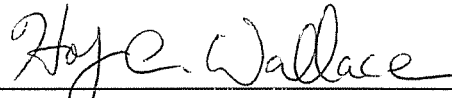
New Cingular Wireless PCS, LLC, formerly BellSouth Mobility, LLC ("Cingular"), and East Kentucky Network, LLC ("East Kentucky Network"), by counsel, hereby move the Public Service Commission of the Commonwealth of Kentucky (the "Commission") to enter an amended procedural order. In support of their joint motion, the parties state as follows.

On Friday, December 9, 2005, the parties reached an agreement in principle concerning financial terms for the Penny and Brainard (Rough and Tough) cell sites. Pursuant to the agreement, the parties agreed to forego the mediation session scheduled for Monday, December 12, 2005. In addition, the parties agreed to tender this joint motion seeking an amended procedural order. Specifically, the parties request that the Commission enter an order holding this case in abeyance until February 15, 2006 to give the parties ample time to draft and execute a co-location agreement consonant with the parties' agreement. Upon execution of the co-

location agreement, the parties will move to voluntarily dismiss the case. The parties also request that the Commission schedule a status conference for February 15, 2006, or as soon thereafter as practical at a mutually convenient time subject to the Commission's docket and availability of Commission staff, to discuss any remaining issues. It is the sincere hope of the parties, however, that the case will be resolved prior to that date.

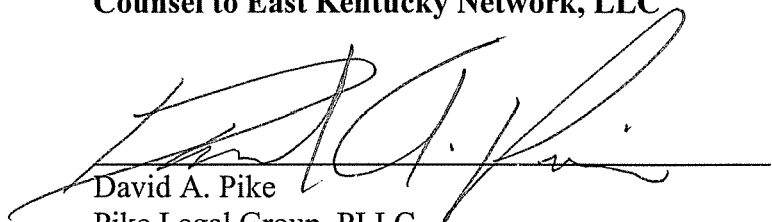
Accordingly, the parties respectfully request that the Commission enter an amended procedural order holding this case in abeyance until February 15, 2006, and scheduling a status conference for February 15, 2006, or as soon thereafter as practical at a mutually convenient time.

Respectfully submitted,



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**Counsel to East Kentucky Network, LLC**



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