

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

**RECEIVED**

NOV 09 2005

In the matter of:

PUBLIC SERVICE  
COMMISSION

THE APPLICATION OF EAST KENTUCKY NETWORK )  
LIMITED LIABILITY COMPANY FOR THE ISSUANCE )  
OF A CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE No 2005-00372  
NECESSITY TO CONSTRUCT A TOWER IN MAGOFFIN )  
COUNTY, KENTUCKY).

In case number 91-002 East Kentucky Network, LLC, formerly Mountaineer Cellular Limited Liability Company 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 10.

In an effort to improve service in Magoffin 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 near Kearnie, Kentucky. The proposed tower will be a 190 foot self-supporting tower located on a ridgeline west of Johnson Creek, which is a tributary of the Licking River, approximately one & one half miles west of the community of Gilford in Magoffin County, Kentucky. A map and detailed 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 does not require FAA or KAZC notification for this tower as documented in Exhibit 4 and Exhibit 6 by Leroy A. Adam, Senior Consulting Engineer for Lucas, Nace Gutierrez & Sachs.

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 All-State 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, also contains a vertical sketch of the tower supplied by Coleman Engineering.

Pursuant to 807 KAR5:063 Section s1 (1)(L) and Section 1(1)(n)(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 proposal 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. Magoffin County has no formal local planning unit. In absence of this unit the Magoffin County Judge Executive's office was notified by certified mail, return receipt requested of

East Kentucky Network'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 will finance subject Construction with earned surplus in General Fund.

Estimated Cost of Construction	140,000.00
Annual Operation Expense of Tower	12,500.00

A sign 24" X 48" which conforms to the Public Service Commissions guidelines issued on September 3, 1997 was posted on the site on November 1, 2005 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 first & second weeks of November in the Salyersville Independent in Magoffin County, Kentucky. Enclosed is a copy of that notice in Exhibit 1. The Salyersville Independent is the newspaper with the largest circulation in Magoffin 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.

**WHEREFORE**, Applicant respectfully requests that the PSC accept the foregoing Application for filing, and having met the requirements of KRS [278.020(1), 278.650, and 278.665] and all applicable rules and regulations of the PSC, grant a Certificate of Public Convenience and Necessity to construct and operate the proposed tower.

The foregoing document was prepared by Janice Robinson, Technical Site Coordinator for East Kentucky Network d/b/a Appalachian Wireless. All related questions or correspondence concerning this filing should be mailed to Gerald Robinette, General Manager, East Kentucky Network, LLC d/b/a Appalachian Wireless, P. O. Box 405, Prestonsburg, KY 41653.

SUBMITTED BY:: Gerald F. Robinette DATE: 11-8-05

**Gerald Robinette, General Manager**

**Contacts:**

**Gerald Robinette, General Manager**  
**Phone: (606) 791-2375, Ext. 111**  
**Email: grobinette@ekn.com**

**Janice Robinson, Technical Site Coordinator**  
**Phone: (606) 791-2375, Ext. 166**  
**Email: jrobinson@ekn.com**

**Mailing Address:**

**East Kentucky Network, LLC.**  
**d/b/a Appalachian Wireless**  
**355 Village Drive**  
**P. O. Box 405**  
**Prestonsburg, KY 41653**



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

**(CASE # 2005-00372)**

**KERNIE TOWER SITE**  
**MAGOFFIN COUNTY, KENTUCKY**

**EXHIBIT**

**ITEM**

1. Notification: County Judge Exec. / Public Notice Ad.
2. List of Property Owners / Public Notice Letters.
3. Universal Letter: Soil Bearing Analysis / Geotechnical Report.
4. Kentucky Airport Zoning Commission Application & Determination.
5. Tower and Foundation Design.
6. FAA Approval & Notice of Proposed Construction.
7. 2004 Audited Financial Statements.
8. Directions from County Seat to Site/Map.
9. Deed of Conveyance or Lease Agreement Proposed Tower Property.
10. Site Development :
  - (1) Survey Map Signed & Sealed by Professional Engineer Registered in Kentucky.
  - (2) Vertical Profile Sketch of Tower.



EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
PRESTONSBURG, KY 41653  
PHONE: (606)886-6007  
(606)886-0206  
EMAIL: INFO@EKN.COM  
WEBSITE: EKN.COM



VIA: U.S. CERTIFIED MAIL  
KERNIE CELL SITE  
PUBLIC NOTICE

November 1, 2005

Bill May, Judge Executive  
Magoffin County Court House  
P. O. Box 430  
Salyersville, KY 41465

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2005-00372)

East Kentucky Network, LLC d/b/a Appalachian Wireless has 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 cellular telecommunications service. The facility will include a 190-foot self-supported tower, with attached antennas extending upwards, and an equipment shelter to be located on a ridgeline west of of Johnson Creek, which is a tributary of the Licking River, approximately one and one half miles west of the community of Gilford in Magoffin County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you are the County Judge Executive for Magoffin County.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. The Commission must receive your initial communication 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, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2005-00372 in your correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Janice Robinson".

Janice Robinson  
Technical Site Coordinator  
enclosure



d/b/a Appalachian Wireless  
P.O. Box 405  
355 Village Drive  
Prestonsburg, KY 41653  
Phone: 606/886-6007  
Fax: 606/791-2225

# EAST KENTUCKY NETWORK



**Fax**

**To:** Salyersville Independent, LLC      **From:** JANICE ROBINSON  
**ATT:** Public Notice Advertising      **Technical Site Coordinator**

---

**Fax:** 606-349-8609      **Phone:** 606-791-2375, Ext. 166

---

**Phone:** 606-349-2915      **Pages:**  Pages (INCLUDING COVER)

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**Re:** PUBLIC NOTICE ADVERTISEMENT      **CC:**

We would like to have the following public notice printed in the Salyersville Independent for the next two weeks. The notice should state the following:

**PUBLIC NOTICE:**

**RE: Public Service Commission of Kentucky (CASE NO. 2005-00372)**

Notice is hereby given that East Kentucky Network, LLC, dba Appalachian Wireless has applied to the Kentucky Public Service Commission to construct a tower near Kernie in Magoffin County, Kentucky. The proposed tower will be a 190-foot self-supporting tower. The proposed tower site is located on a ridgeline west of Johnson Creek, which is a tributary of the Licking River, approximately one & one half miles west of the community of Gilford in Magoffin County, Kentucky..

If you would like to respond to this notice, please contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P o Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 2005-00372.

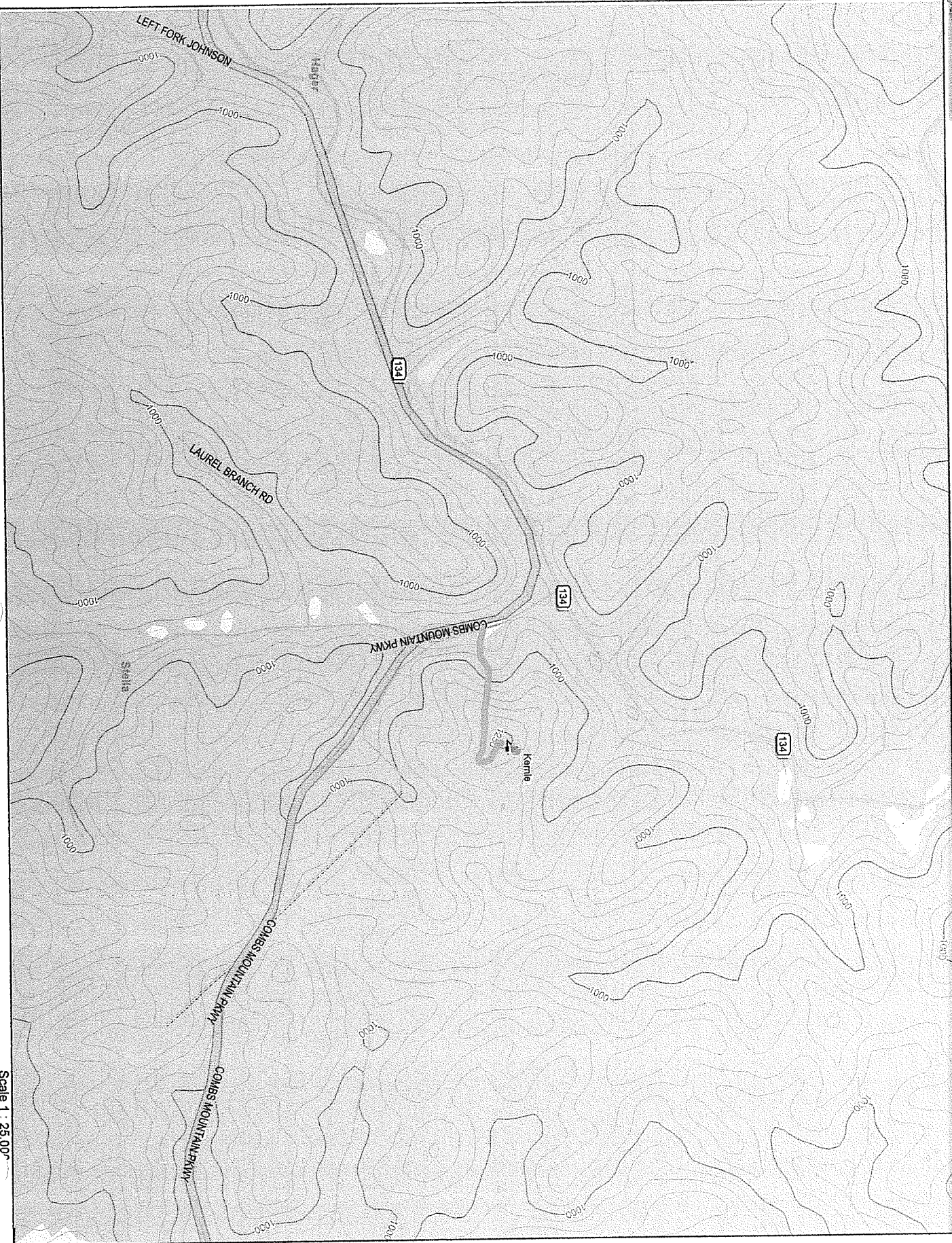
If you have questions about the placement of the above mentioned notice, please call me at 606-791-2375, ext. 166.

Thank you,

*Janice Robinson*

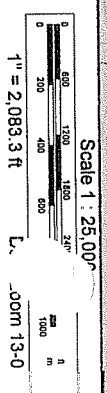
**Accounting Department** If you have any problems with this fax, please call 606/886-6007.

The message above and the information contained in the documents transmitted are confidential and intended only for the person(s) named above. Dissemination, distribution or copying of this communication by anyone other than the person(s) named above is prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address listed above via regular mail. Thank you.



Date: \_\_\_\_\_  
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MM (6.8")





LIST OF PROPERTY OWNERS

KERNIE TOWER SITE

(WITHIN 500 FEET)

Mr. J. R. Dunn  
HC 62, Box 570  
Salyersville, KY 41465

Edd Harvey  
c/o Linville Harvey  
HC 62, Box 505  
Salyersville, KY 41465

Delania Slone Cook  
HC 75  
Box 5775  
Wellington, KY 40387

EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
PRESTONSBURG, KY 41653  
PHONE: (606)886-6007  
(606)886-0206  
EMAIL: INFO@EKN.COM  
WEBSITE: EKN.COM

EAST KENTUCKY  
NETWORK



VIA: U.S. CERTIFIED MAIL

KERNIE CELL SITE  
PUBLIC NOTICE

October 31, 2005

Mr. J. R. Dunn  
H.C. 62, Box 570.  
Salersville, KY 41465

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2005-00372)

East Kentucky Network, LLC d/b/a Appalachian Wireless has 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 cellular telecommunications service. The facility will include a 190-foot self-supported tower, with attached antennas extending upwards, and an equipment shelter to be located on a ridgeline west of Johnson Creek, which is a tributary of the Licking River, approximately one and one half miles west of the community of Gilford in Magoffin County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you may own property or reside 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. The Commission must receive your initial communication 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, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2005-00372 in your correspondence.

Sincerely,

Janice Robinson  
Technical Site Coordinator  
enclosure

EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
STONSBURG, KY 41653  
PHONE: (606)886-6007  
FAX: (606)886-0206  
EMAIL: INFO@EKN.COM  
WEBSITE: EKN.COM

EAST KENTUCKY  
NETWORK



VIA: U.S. CERTIFIED MAIL

KERNIE CELL SITE  
PUBLIC NOTICE

October 31, 2005

Mr. Delania Slone Cook  
HC 75, Box 5775  
Wellington, KY 40387

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2005-00372)

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Sincerely,

Janice Robinson  
Technical Site Coordinator  
enclosure

EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
WESTONSBURG, KY 41653  
PHONE: (606)886-6007  
(606)886-0206  
EMAIL: INFO@EKN.COM  
WEBSITE: EKN.COM

EAST KENTUCKY  
NETWORK



VIA: U.S. CERTIFIED MAIL

KERNIE CELL SITE  
PUBLIC NOTICE

October 31, 2005

Mr. Edd Harvey  
c/o Linville Harvey, HC 62.  
Box 505  
Salyersville, KY 41465

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2005-00372)

East Kentucky Network, LLC d/b/a Appalachian Wireless has 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 cellular telecommunications service. The facility will include a 190-foot self-supported tower, with attached antennas extending upwards, and an equipment shelter to be located on a ridgeline west of Johnson Creek, which is a tributary of the Licking River, approximately one and one half miles west of the community of Gilford in Magoffin County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you may own property or reside within a 500' radius of the proposed tower.

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Sincerely,

Janice Robinson  
Technical Site Coordinator  
enclosure

7005 1160 0005 2444 446

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OFFICIAL USE

Postage	\$	.37	
Certified Fee		2.30	
Return Receipt Fee (Endorsement Required)		1.75	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	4.42	

Sent To  
 Mr. Edol Harvey Gblinville Harvey  
 Street, Apt. No., or PO Box No. HC 62, Box 505  
 City, State, ZIP+4 Salmonville, Ky 41165  
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0005 2444 447

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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

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Certified Fee		2.30	
Return Receipt Fee (Endorsement Required)		1.75	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	4.42	

Sent To  
 Mr. Delania Slom Cook  
 Street, Apt. No., or PO Box No. HC 75 Box 5775  
 City, State, ZIP+4 Wellington, Ky 40377  
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0005 2444 4450

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Postage	\$	.37	
Certified Fee		2.30	
Return Receipt Fee (Endorsement Required)		1.75	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	4.42	

Sent To  
 Bill May, Judge Exec  
 Street, Apt. No., or PO Box No. Magoffin Court house, P.O. Box 430  
 City, State, ZIP+4 Salmonville, Ky 41165  
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0005 2444 4498

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Certified Fee		2.30	
Return Receipt Fee (Endorsement Required)		1.75	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	4.42	

Sent To  
 Mr. J.R. Dunn  
 Street, Apt. No., or PO Box No. HC 62 Box 570  
 City, State, ZIP+4 Salmonville, Ky 41165  
 PS Form 3800, June 2002 See Reverse for Instructions





**EXHIBIT 3**

November 7, 2005

Allstate Tower, Inc.  
P. O. Box 25  
Henderson, KY 42419-0025

Appalachian Wireless  
P. O. Box 405  
Prestonsburg, Kentucky 41653

RE: TOWER SITE GEOTECHNICAL DATA

Dear Sirs,

The present manner in which Allstate Tower, Inc gathers geotechnical information on all respective projects has, in our experience, proven to be a sufficient means of collecting data for tower foundation design. This information has historically consisted of a certified geotechnical report that includes site and soil analysis, complete recommendations, and copies of field boring logs.

If you should have any questions or comments pertaining to the content of this letter, or any other topic, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Brandon K. Austin". The signature is written in black ink and includes a horizontal line at the end.

Brandon K. Austin, P.E.

**WENDELL R. HOLMES, P.G.**  
**139 Wabaco Circle Road**  
**Hazard, KY 41701**  
**(606) 435-8100**

July 24, 2005

Kernie Tower Site

Purpose:

A site assessment was conducted for Appalachian Wireless on a tract of land located in Magoffin County, near Salyersville, Kentucky. The site of the proposed tower is now forestland. The purpose of this investigation was to determine the depth to bedrock and what type of rock the bedrock consists of.

Site Investigation:

The trenching method was used to determine the type of bedrock material at the proposed tower site. A Caterpillar 315 Excavator was used to expose the bedrock material. It is approximately one foot to the shale bedrock. (See attached page for descriptions of materials encountered.)

The terrain in Magoffin County is slightly to moderately steep. The tower site is located on a ridgeline west of Johnson Creek, which is a tributary of the Licking River, approximately one and one half miles west of the community of Gilford in Magoffin County. The shale formation below the tower site is approximately ten feet thick, based on the information obtained from the site investigation and geological maps of the area.

Conclusions:

The proposed tower site is located on a ridge in the area. The shale bedrock on the proposed tower site is part of the Breathitt Formation and is middle to lower Pennsylvanian in age. Tests were not conducted to determine the load-bearing strength of the bedrock. However, it is apparent that the tower will be constructed on the shale bedrock formation, which is underlain by a massive sandstone bed over thirty feet in thickness.

The fieldwork for this site was performed by Wendell R. Holmes using generally accepted methods in the practice of geological science.

Wendell R. Holmes, P.G.



**WENDELL R. HOLMES, P.G.**

**139 Wabaco Circle Road  
Apartment 2  
Hazard, Ky. 41701**

**Geologist Log**

Location: Kernie Tower Site

Unit Thickness	Total depth	Strata	Description
1.00'	1.00'	Soil	Yellow and Brown, with Shale and Plant Fragments
10.00'	11.00'	Shale	Brown and Gray, Weathered
0.50'	11.50'	Coal	Black, Soft and Weathered
0.50'	12.00'	Fireclay	Gray and Soft
33.00'	45.00'	Massive Sandstone	Gray and Brown



# LUKAS, NACE GUTIERREZ & SACHS

CHARTERED

1650 TYSONS BOULEVARD, SUITE 1500  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX  
WWW.FCCLAW.COM

RUSSELL D. LUKAS\*  
DAVID L. NACE\*  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
GEORGE L. LYON, JR.  
PAMELA L. GIST\*  
DAVID A. LAFURIA  
B. LYNN F. RAYNAVALE\*  
TODD SLAMOWITZ\*  
STEVEN M. CHERNOFF\*

CONSULTING ENGINEERS  
ALI KUZEMKANANI  
LEROY A. ADAM  
LEILA REZANAVAZ  
SUMEET K. BHALOTIA  
—  
OF COUNSEL  
JOHN J. MCAVOY\*  
J.K. HAGE III\*  
LEONARD S. KOLSKY\*  
HON. GERALD S. MCGOWAN\*  
—  
\*NOT ADMITTED IN VA

November 2, 2005

Direct Dial  
703-584-8669

## Via Federal Express

Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-0615

To Whom It May Concern:

I have been asked to assess the need to notify the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") regarding the proposed construction of a communications support structure near Kernie (Magoffin Co.), KY.

The proposed tower structure would be located at NAD83 geographic coordinates 37° 45' 18.0" North Latitude and 83° 09' 41.0" West Longitude. The overall height of the tower plus appurtenances will not exceed 200 feet above ground level ("AGL").

Based on the following considerations, the proposed tower does not require FAA or KAZC notification.

Generally, if an FAA study is required for a proposed tower to be constructed in Kentucky then a KAZC application is also required. The first "rule of thumb" that compels an FAA study is if the overall height of the proposed structure is over 200 feet AGL. When a tower structure is less than 200 feet in height AGL, such as the proposed Kernie tower, chances are good but not certain that applications are not required by the FAA and the KAZC. A follow-on test used is the FCC's TOWAIR test which, for a tower less than 200 feet in height, identifies towers for which FAA notification is necessary but not conclusively if it is not necessary. The results of the TOWAIR test for the proposed Kernie tower did not require notification to the FAA (See Exhibit A).

Further assessment of the proposed tower was based on Part 17.7, Subpart B, of the Federal Communications Commission ("FCC") Rules which define the criteria for notification of the FAA of a proposed structure; and likewise, the Kentucky Administrative Regulation ("KAR") (602 KAR 50:070, "Standards for Determining Obstructions") which is the criteria employed by the KAZC to determine if its application is required. Distance to the nearest public airport and the height of the proposed tower relative to the height of the nearest airport are the criteria applied for this determination under Part 17.7 of the FCC Rules and 602 KAR 50:07. An "FAA Airport Search" program was used to identify all public airports within a radius of twenty (20) miles of the proposed tower site. Three (3) such facilities were identified (see Exhibit B), the closest of which is 12.1 miles from the proposed Kernie site. The distances from the tower site to these airport facilities extend well beyond the distances for which slope tests are applicable under both FCC and KAR rules.

Finally, Mr John Houlihan, Administrator KAZC, confirmed that its rules applicable to Kernie tower do not require KAZC reporting.

Again, based on the above, the Kernie tower, as proposed, does not require FAA or KAZC notification.

Please feel free to contact the undersigned if you have questions concerning any of the above information.

Respectfully,

  
LeRoy A. (Art) Adam  
Senior Consulting Engineer

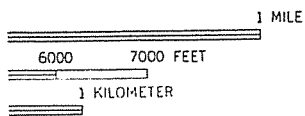
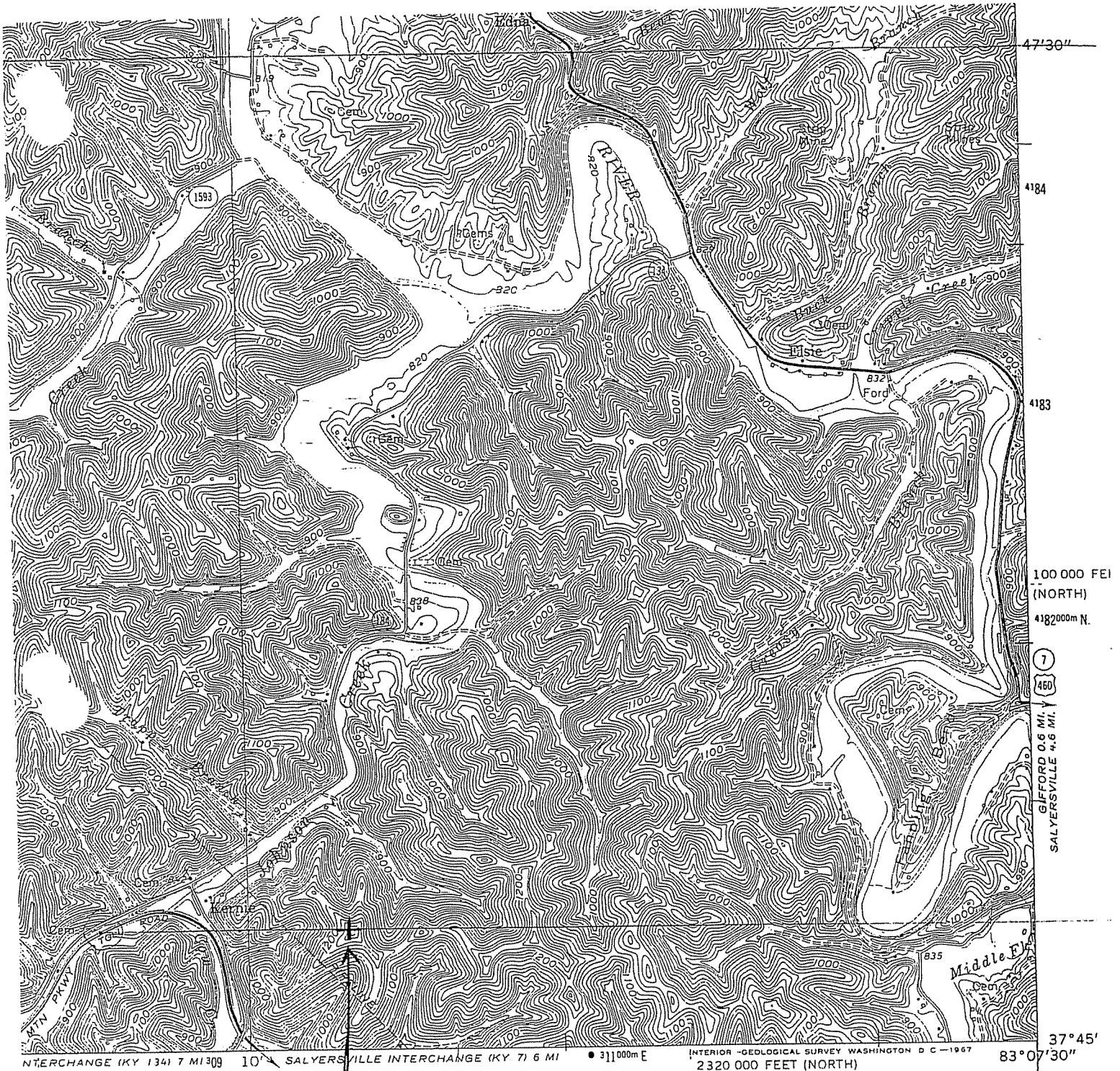
Enclosures 2

Exhibit A**TOWAIR Determination Results****\*\*\* NOTICE \*\*\***

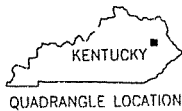
TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

<b>DETERMINATION Results</b>	
Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.	
<b>Your Specifications</b>	
<b>NAD83 Coordinates</b>	
Latitude	37-45-18.0 north
Longitude	083-09-41.0 west
<b>Measurements (Meters)</b>	
Overall Structure Height (AGL)	60.7
Support Structure Height (AGL)	57.9
Site Elevation (AMSL)	387.1
<b>Structure Type</b>	
TOWER - Free standing or Guyed Structure used for Communications Purposes	





*Kernie site*  
*GE = 1200' AMSL*



V. D. 742,  
 JCKY 5,  
 KENTUCKY 40601  
 TABLE ON REQUEST

ROAD CLASSIFICATION

- |             |  |                 |  |
|-------------|--|-----------------|--|
| Heavy-duty  |  | Light-duty      |  |
| Medium-duty |  | Unimproved dirt |  |
| U S Route   |  | State Route     |  |

WHITE OAK, KY.  
 SW/4 DINGUS 15' QUADRANGLE  
 N3745—W8307.5/7.5




1965

AMS 4359 I SW—SERIES VB53

(SALYERSVILLE 4.6 MI.)

# Airport Search Results

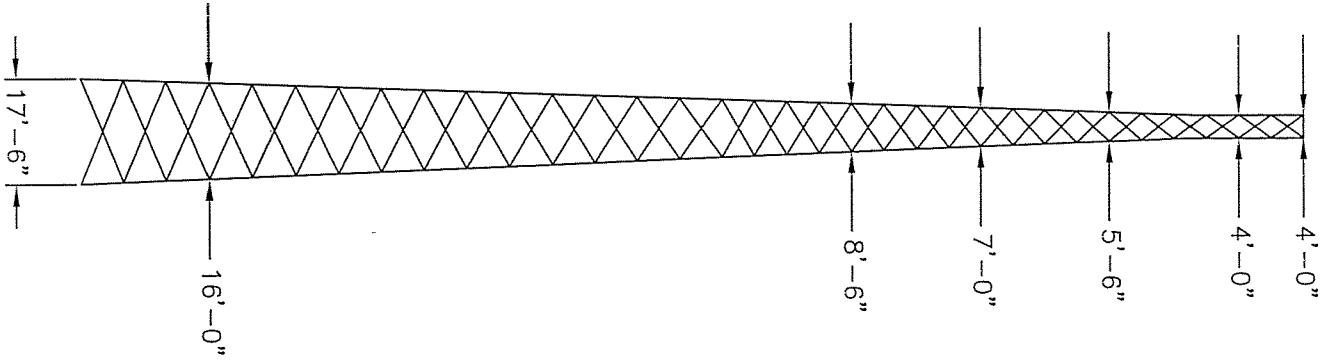
**3 airports found**

ID	CITY	AIRPORT NAME	WHERE
 913	WEST LIBERTY, KY	WEST LIBERTY AIRPORT	12.1 mi NNW
 JKL	JACKSON, KY	JULIAN CARROLL AIRPORT	14.0 mi SW
 06KY	JACKSON, KY	FALCON HELIPORT	18.7 mi SSW



NOTE:  
A = 1 3/4" x 3/16"

LEG DIA.	3 3/4"	3 3/4"	3 1/2"	3 1/2"	3"	2 3/4"	2 1/2"	2 1/4"	2"	1 3/4"	
DIAGONALS	L3"x1/4"	L3x3/16	L2 1/2x3/16	L2 1/2x3/16	L2x3/16	L1 3/4x3/16				A	
GIRTS	N/A										
BRACE BOLTS	.75					.625		.75			
FLANGE BOLTS	1"	1"	1"	1"	.75	.75	.75	.75	.75	.75	
# OF BAYS	3 X-B	3 X-B	3 X-B	3 X-B	3 X-B	4 X-B	4 X-B	4 X-B	4 X-B	2 X-B	
	0'	20'	40'	60'	80'	100'	120'	140'	160'	180'	190'



**ALLSTATE TOWER INC.**

P.O. BOX 25  
HENDERSON, KENTUCKY 42419  
PHONE: (270) 533-6000  
FAX: (270) 533-6888

SCALE:  
N.T.S.

TOLERANCE  
BANDS  
ALL DIMENSIONS  
ARE FIVE  
DIGIT  
ALL ANGULAR DIM  
ENSIONS  
OTHERWISE NOTED  
APPROX WEIGHT  
SUBJECT TO CHANGE

PROPRIETARY STATEMENT: THIS DRAWING IS THE PROPERTY OF ALLSTATE TOWER CO. IT IS NOT TO BE REPRODUCED OR COPIED IN ANYWAY WITHOUT PRIOR WRITTEN CONSENT OF ALLSTATE TOWER CO.  
APPALACHIAN WIRELESS  
190' SELF SUPPORTING TOWER  
MAGOFFIN CO., KY  
SITE: KERNIE  
FILE NAME:  
21.17 KIPS LBS.

TOWER AND FOUNDATION ARE DESIGNED AT 70 MPH FASTEST-MILE WIND SPEED PER IEA-222-F-1996 OR 85 MPH 3-SECOND GUST WIND SPEED PER IBC 2003 AND THE CURRENT KENTUCKY BUILDING CODE + 1/2" RADIAL ICE (w/ WIND REDUCTION TAKEN)

**BASE REACTIONS:**

TOTAL SHEAR = 30 KIPS  
AXIAL LOAD = 36 KIPS  
UPLIFT / LEG = 210 KIPS  
COMP. / LEG = 234 KIPS  
O.T. MOMENT = 3356 FT-K

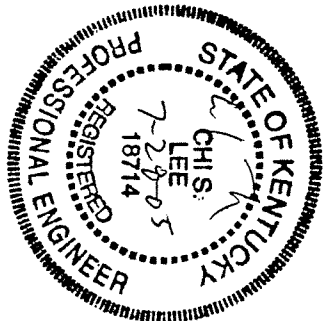
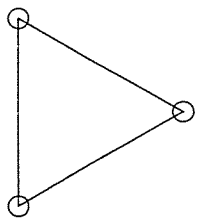
ELEV.	ANTENNAS	FEEDLINES
190'	(12) 1' x 5' PANELS + MOUNTS	(12) 1-5/8"
180'	(12) 1' x 5' PANELS + MOUNTS	(12) 1-5/8"
170'	(12) 1' x 5' PANELS + MOUNTS	(12) 1-5/8"

- W.G. SUPPORTS ARE OVER 3 TOWER FACES
- TOTAL LINES = 36; MAX. 6 EXPOSED TO THE WIND PER FACE
- FEEDLINES ARE ON (2) ROWS AND OVER (3) TOWER FACES
- CLIMB LADDER WITH SAFETY DEVICE

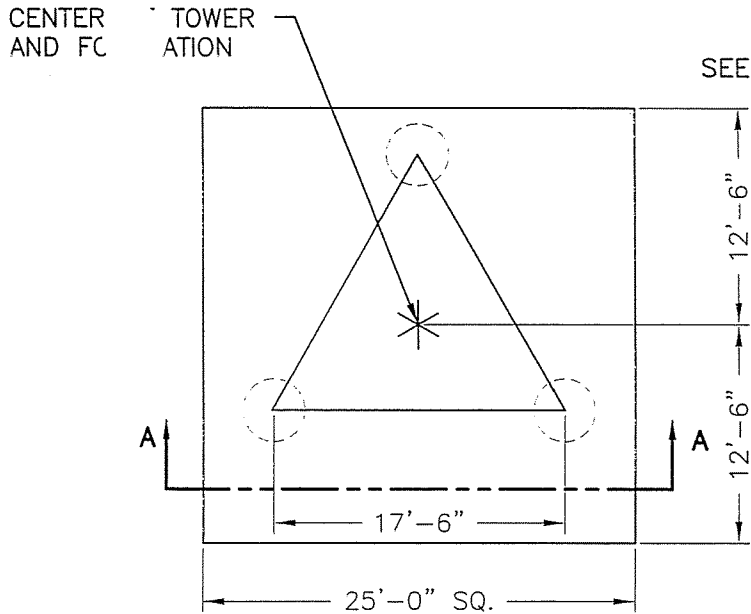
**DESIGN NOTES:**

- 1) ALL LEGS ARE 50 KSI
- 2) ALL BRACES ARE 36 KSI
- 3) ALL BRACE AND SPLICE BOLTS ARE A325-X
- 4) ESTIMATED STEEL WT. OF TOWER - 21.17 KIPS.
- 5) USE (8)  $\phi$ 1.50" x 6'-0" LONG (OVERALL) ANCHOR BOLTS (A36) WITH 16" O.D. x 2.00" THK. (A36) BASE PLATE PER LEG WITH A  $\phi$ 11.00" BOLT CIRCLE WITH (8) .50" x 3.00" x 4.00" STIFFENERS WITH .25" WELD

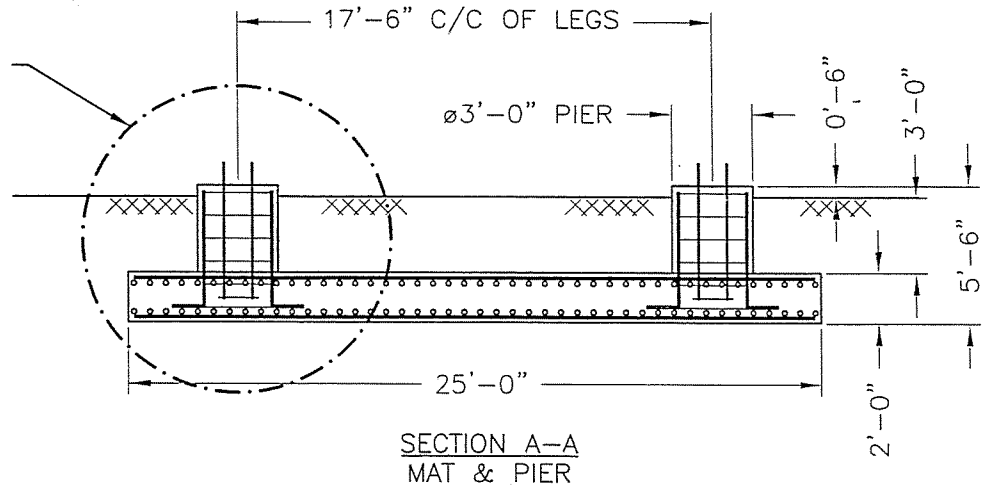
PLAN VIEW



JOB NO. AF140 SHEET A  
REV. DATE: 07/26/05  
DRAWN BY: C WYAN  
DATE: 07/26/05



PLAN VIEW

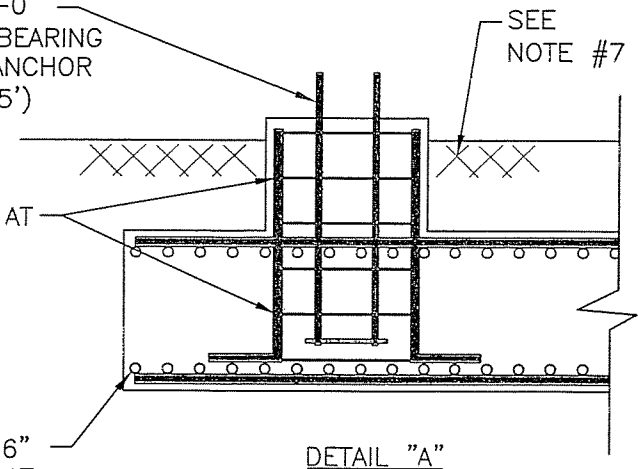


SECTION A-A  
MAT & PIER

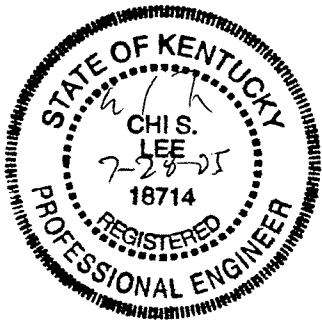
(8)  $\phi 1.50$ " ANCHOR BOLTS x 6'-0"  
OVERALL LENGTH w/ 3/4" THK BEARING  
PLATE AT THE BOTTOM OF THE ANCHOR  
BOLTS (MIN. EMBED. LENGTH = 5')

(9) #8 V-BARS w/ #4 TIES AT  
14" O.C.

(25) #8 HORIZONTAL BARS x 24'-6"  
LONG EQUALLY SPACED EACH WAY AT  
TOP AND BOTTOM OF MAT. (TOTAL = 100)



DETAIL "A"



**NOTES:**

1. TOTAL VOLUME OF CONCRETE IS 49.1 C.Y.
2. FOUNDATION DESIGNED IS PER SOIL DATA BY WENDELL R. HOLMES P.G. OF HAZARD, KY DATED 7-24-05.
4. HITS ROCK AT 1'-0" BELOW GRADE.
5. REBARS PER ASTM A615 GR. 60
6. ULTIMATE CONCRETE COMPRESSIVE STRENGTH = 3000 PSI
7. MIN. COVER OF CONCRETE = 3"
8. COMPACT BACKFILL IN 8" LIFTS TO GROUND SURFACE.
9. COMPACT BACKFILL TO 90% TO 95% OF THE OPTIMUM DRY DENSITY PER ASTM D1557.

<b>ALLSTATE TOWER INC.</b>					
PO BOX 25 HENDERSON, KY 42419 PHONE: (270) 844-0003 FAX: (270) 844-0037					
PROPRIETARY STATEMENT: THIS DRAWING IS THE PROPERTY OF BTI. IT IS NOT TO BE REPRODUCED OR COPIED IN ANYWAY WITHOUT PRIOR WRITTEN CONSENT OF UNIVERSAL TOWER INC.					
TOLERANCE BANDS ARE AS FOLLOWS:  ALL DIMENSIONS ARE $\pm 1/16"$ ALL ANGULAR DIM ARE $\pm 1/2^\circ$ UNLESS OTHERWISE NOTED	<table border="1"> <tr> <td style="text-align: center;">DESIGNED BY: C. WYAN</td> </tr> <tr> <td style="text-align: center;">DATE: 07/28/05</td> </tr> <tr> <td style="text-align: center;">JOB NO. AF140</td> </tr> <tr> <td style="text-align: center;">SHEET F</td> </tr> </table>	DESIGNED BY: C. WYAN	DATE: 07/28/05	JOB NO. AF140	SHEET F
DESIGNED BY: C. WYAN					
DATE: 07/28/05					
JOB NO. AF140					
SHEET F					
SCALE: NOT TO SCALE	DWG NO.				
<table border="1"> <tr> <td style="text-align: center;">APPALACHIAN WIRELESS MAT AND PIER FOUNDATION MAGOFFIN CO., KY SITE: KERNIE</td> </tr> </table>		APPALACHIAN WIRELESS MAT AND PIER FOUNDATION MAGOFFIN CO., KY SITE: KERNIE			
APPALACHIAN WIRELESS MAT AND PIER FOUNDATION MAGOFFIN CO., KY SITE: KERNIE					



# LUKAS, NACE GUTIERREZ & SACHS

CHARTERED

1650 TYSONS BOULEVARD, SUITE 1300  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX  
WWW.FCGLAW.COM

RUSSELL D. LUKAS\*  
DAVID L. NACE\*  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
GEORGE L. LYON, JR.  
PAMELA L. GIST\*  
DAVID A. LAFURIA  
B. LYNN F. RAYNAVALE\*  
TODD SLAMOWITZ\*  
STEVEN M. CHERNOFF\*

CONSULTING ENGINEERS  
ALI KUZEHKANANI  
LEROY A. ADAM  
LEILA REZANAVAZ  
SUMEET K. BHALOTIA  
OF COUNSEL  
JOHN J. MCAVOY\*  
J.K. HAGE III\*  
LEONARD S. KOLEKY\*  
MON. GERALD S. MCGOWAN\*  
\*NOT ADMITTED IN VA

November 2, 2005

Direct Dial  
703-584-8669

## Via Federal Express

Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-0615

To Whom It May Concern:

I have been asked to assess the need to notify the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") regarding the proposed construction of a communications support structure near Kernie (Magoffin Co.), KY.

The proposed tower structure would be located at NAD83 geographic coordinates 37° 45' 18.0" North Latitude and 83° 09' 41.0" West Longitude. The overall height of the tower plus appurtenances will not exceed 200 feet above ground level ("AGL").

Based on the following considerations, the proposed tower does not require FAA or KAZC notification.

Generally, if an FAA study is required for a proposed tower to be constructed in Kentucky then a KAZC application is also required. The first "rule of thumb" that compels an FAA study is if the overall height of the proposed structure is over 200 feet AGL. When a tower structure is less than 200 feet in height AGL, such as the proposed Kernie tower, chances are good but not certain that applications are not required by the FAA and the KAZC. A follow-on test used is the FCC's TOWAIR test which, for a tower less than 200 feet in height, identifies towers for which FAA notification is necessary but not conclusively if it is not necessary. The results of the TOWAIR test for the proposed Kernie tower did not require notification to the FAA (See Exhibit A).

Further assessment of the proposed tower was based on Part 17.7, Subpart B, of the Federal Communications Commission ("FCC") Rules which define the criteria for notification of the FAA of a proposed structure; and likewise, the Kentucky Administrative Regulation ("KAR") (602 KAR 50:070, "Standards for Determining Obstructions") which is the criteria employed by the KAZC to determine if its application is required. Distance to the nearest public airport and the height of the proposed tower relative to the height of the nearest airport are the criteria applied for this determination under Part 17.7 of the FCC Rules and 602 KAR 50:07. An "FAA Airport Search" program was used to identify all public airports within a radius of twenty (20) miles of the proposed tower site. Three (3) such facilities were identified (see Exhibit B), the closest of which is 12.1 miles from the proposed Kernie site. The distances from the tower site to these airport facilities extend well beyond the distances for which slope tests are applicable under both FCC and KAR rules.

Finally, Mr John Houlihan, Administrator KAZC, confirmed that its rules applicable to Kernie tower do not require KAZC reporting.

Again, based on the above, the Kernie tower, as proposed, does not require FAA or KAZC notification.

Please feel free to contact the undersigned if you have questions concerning any of the above information.

Respectfully,

  
LeRoy A. (Art) Adam  
Senior Consulting Engineer

Enclosures 2



## TOWAIR Determination Results

### \*\*\* NOTICE \*\*\*

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

#### DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

#### Your Specifications

##### NAD83 Coordinates

Latitude 37-45-18.0 north  
Longitude 083-09-41.0 west

##### Measurements (Meters)

Overall Structure Height (AGL) 60.7  
Support Structure Height (AGL) 57.9  
Site Elevation (AMSL) 387.1

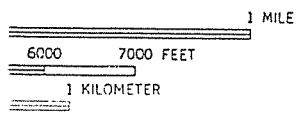
##### Structure Type

TOWER - Free standing or Guyed Structure used for Communications Purposes



47°30"  
 4184  
 4183  
 100 000 FEET (NORTH)  
 4182000m N.  
 37°45'  
 83°07'30"

INTERCHANGE (KY 134) 7 MI 309 10 SALYERSVILLE INTERCHANGE (KY. 7) 6 MI • 311000m E INTERIOR - GEOLOGICAL SURVEY WASHINGTON D C - 1967 2 320 000 FEET (NORTH)

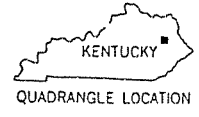


Kernie Site  
 GE = 1270' AMSL

ROAD CLASSIFICATION

Heavy-duty	—————	Light duty	—————
Medium-duty	—————	Unimproved dirt	—————
U S Route		State Route	

D  
 0242,  
 KY 0506,  
 CENT 40601  
 BLE QUEST



WHITE OAK, KY.  
 SW/4 DINGUS 15' QUADRANGLE  
 N3745—W8307.5/7.5




1965  
 AMS 4359 I SW—SERIES V853

GIFFORD 0.6 MI  
 SALYERSVILLE 4.6 MI

SALYERSVILLE

# Airport Search Results

## 3 airports found

	ID	CITY	AIRPORT NAME	WHERE
	9I3	WEST LIBERTY, KY	WEST LIBERTY AIRPORT	12.1 mi NNW
	JKL	JACKSON, KY	JULIAN CARROLL AIRPORT	14.0 mi SW
	06KY	JACKSON, KY	FALCON HELIPORT	18.7 mi SSW



**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**FINANCIAL REPORT**

**December 31, 2004**

## INDEPENDENT AUDITOR'S REPORT

To the Members  
East Kentucky Network, LLC  
dba Appalachian Wireless  
Prestonsburg, Kentucky 41653

We have audited the accompanying balance sheets of East Kentucky Network, LLC, dba Appalachian Wireless as of December 31, 2004 and 2003 and the related statements of income, members' equity and cash flows for the years then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of East Kentucky Network, LLC, dba Appalachian Wireless as of December 31, 2004 and 2003 and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

*Jones, Nale & Mattingly P.C.*

Louisville, Kentucky  
February 18, 2005

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**BALANCE SHEETS  
December 31, 2004 and 2003**

ASSETS	2004	2003
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	\$ 2,115,534	\$ 2,781,0
Short-term investments	100,000	2,617,4
Accounts receivable, less allowance for doubtful accounts of \$378,680 in 2004 and \$280,280 in 2003	1,481,900	1,205,5
Accounts receivable, members (Notes 6 and 7)	54,397	77,7
Inventory	826,636	419,8
Prepaid expenses	148,558	107,3
Total current assets	<u>\$ 4,727,025</u>	<u>\$ 7,208,9</u>
<b>PROPERTY, PLANT AND EQUIPMENT (Note 4)</b>		
Plant in service:		
General support	\$ 7,536,872	\$ 7,021,9
MTSO equipment	10,925,458	6,265,7
Cell equipment	31,817,505	25,509,
Paging equipment	3,309,174	3,300,
Fiber ring	4,484,626	3,987,
Unfinished plant	1,708,762	1,520,
	<u>\$ 59,782,397</u>	<u>\$ 47,605,</u>
Less accumulated depreciation	23,457,869	19,301,
	<u>\$ 36,324,528</u>	<u>\$ 28,303,</u>
<b>OTHER ASSETS</b>		
Investment in affiliated company, RTFC (Note 4)	\$ 873,368	\$ 867
Intangible assets, net of accumulated amortization of \$1,741,672 in 2004 and \$1,301,347 in 2003 (Note 2)	4,762,678	5,159
Goodwill	787,286	787
Other	29,788	30
	<u>\$ 6,453,120</u>	<u>\$ 6,845</u>
	<u>\$ 47,504,673</u>	<u>\$ 42,358</u>

The Notes to Financial Statements are an integral part of these statements.

## LIABILITIES AND MEMBERS' EQUITY

	2004	2003
<b>CURRENT LIABILITIES</b>		
Notes payable (Note 3)	\$ 400,000	\$ 2,200,000
Current maturities of long-term debt (Note 4)	847,380	798,055
Accounts payable	1,142,766	662,323
Accounts payable, member (Notes 6 and 7)	604	6,178
Accrued expenses	1,174,425	780,509
Customer deposits	152,350	164,192
<b>Total current liabilities</b>	<b>\$ 3,717,525</b>	<b>\$ 4,611,257</b>
<b>LONG-TERM DEBT, less current maturities (Note 4)</b>	<b>9,880,604</b>	<b>7,408,929</b>
<b>MEMBERS' EQUITY</b>	<b>33,906,544</b>	<b>30,338,641</b>
	<b>\$ 47,504,673</b>	<b>\$ 42,358,827</b>



**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**STATEMENTS OF INCOME  
Years Ended December 31, 2004 and 2003**

	2004	2003
<b>REVENUE</b>		
Retail	\$ 18,777,436	\$ 16,436,390
Roamer	4,693,531	3,784,721
Long distance	168,585	178,971
Paging	1,282,952	1,606,370
Equipment sales, cellular	1,571,027	1,365,233
Equipment sales, paging	79,573	87,928
Other	2,308,826	1,908,727
<b>Total revenue</b>	<b>\$ 28,881,930</b>	<b>\$ 25,368,340</b>
 <b>EXPENSES</b>		
Cost of cellular service	\$ 7,155,982	\$ 7,019,191
Cost of paging service	589,260	629,904
Cost of equipment sales, cellular	3,202,000	2,256,150
Cost of equipment sales, paging	101,331	140,398
Customer service	1,004,290	950,566
Billing	1,100,361	1,016,679
Selling	1,598,369	1,337,980
Maintenance	873,613	705,705
Utilities	306,593	303,426
Bad debts	698,471	937,244
Cell site rental	120,866	127,313
Taxes	243,180	241,575
Advertising	688,001	470,732
General and administrative	1,868,518	1,473,026
Occupancy	452,041	253,738
Depreciation	4,084,043	3,481,218
Amortization	507,010	609,215
<b>Total expenses</b>	<b>\$ 24,593,929</b>	<b>\$ 21,954,060</b>
<b>Income from operations</b>	<b>\$ 4,288,001</b>	<b>\$ 3,414,280</b>
 <b>OTHER INCOME (EXPENSE)</b>		
Interest income	\$ 29,556	\$ 38,725
Interest expense	(574,654)	(591,177)
	<b>\$ (545,098)</b>	<b>\$ (552,452)</b>
<b>Net income</b>	<b>\$ 3,742,903</b>	<b>\$ 2,861,828</b>

The Notes to Financial Statements are an integral part of these statements.

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**STATEMENTS OF MEMBERS' EQUITY  
Years Ended December 31, 2004 and 2003**

	Cellular Services, Inc.	Gearhart Communi- cations Company, Inc.	Mountain Tele- communi- cations, Inc.	Thacker- Grigsby Telephone Co., Inc.	Peoples Rural Telephone Coop- erative Corp- oration, Inc.	Total
Balance, January 1, 2003	\$ 4,995,363	\$ 4,995,362	\$ 4,995,362	\$ 4,995,363	\$ 4,995,363	\$24,976,813
Net income	572,366	572,366	572,366	572,365	572,365	2,861,828
Capital contributions	500,000	500,000	500,000	500,000	500,000	2,500,000
Balance, December 31, 2003	<u>\$ 6,067,729</u>	<u>\$ 6,067,728</u>	<u>\$ 6,067,728</u>	<u>\$ 6,067,728</u>	<u>\$ 6,067,728</u>	<u>\$30,338,641</u>
Net income	748,580	748,581	748,581	748,581	748,580	3,742,903
Capital distributions	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(175,000)
Balance, December 31, 2004	<u>\$ 6,781,309</u>	<u>\$ 6,781,309</u>	<u>\$ 6,781,309</u>	<u>\$ 6,781,309</u>	<u>\$ 6,781,308</u>	<u>\$33,906,544</u>

The Notes to Financial Statements are an integral part of these statements.

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**STATEMENTS OF CASH FLOWS  
Years Ended December 31, 2004 and 2003**

	2004	2003
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Net income	\$ 3,742,903	\$ 2,861,828
Adjustments to reconcile net income to net cash provided by operating activities:		
Depreciation	4,084,043	3,481,218
Amortization	507,010	609,215
Changes in assets and liabilities, net of the effects of investing and financing activities:		
(Increase) decrease in accounts receivable	(276,339)	261,472
(Increase) decrease in accounts receivable, members	23,313	(77,710)
(Increase) decrease in inventory	(406,781)	437,460
(Increase) in prepaid expenses	(41,233)	(20,127)
Decrease in other assets	1,121	1,119
Increase in accounts payable	480,443	22,942
(Decrease) in accounts payable, member	(5,574)	(45,077)
Increase in accrued expenses	393,916	107,040
Increase (decrease) in customer deposits	(11,842)	47,660
Net cash provided by operating activities	\$ 8,490,980	\$ 7,687,040
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Purchase of property, plant and equipment	\$ (12,214,324)	\$ (4,933,301)
Proceeds from sale of short-term investments	2,517,468	--
Purchase of short-term investments	--	(2,517,468)
Purchase of RTFC equity certificates	(5,619)	(3,352)
Net cash (used in) investing activities	\$ (9,702,475)	\$ (7,454,121)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
Proceeds from capital contributions	\$ --	\$ 2,500,000
Capital distributions	(175,000)	--
Net borrowings (payments) on notes payable	1,500,000	(500,000)
Payments on long-term borrowings	(779,000)	(728,750)
Net cash provided by financing activities	\$ 546,000	\$ 1,271,250
Net increase (decrease) in cash and cash equivalents	\$ (665,495)	\$ 1,504,169
Cash and cash equivalents:		
Beginning	2,781,029	1,276,860
Ending	\$ 2,115,534	\$ 2,781,029
<b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION</b>		
Cash payments for interest	\$ 619,257	\$ 531,577

The Notes to Financial Statements are an integral part of these statements.

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**NOTES TO FINANCIAL STATEMENTS**

Note 1. Summary of Significant Accounting Policies

Nature of operations

East Kentucky Network, LLC, dba Appalachian Wireless, is a Kentucky limited liability company formed by the merger of Appalachian Cellular, LLC, Mountaineer Cellular, LLC and East Kentucky Network, LLC on January 1, 2000. The Company is engaged in cellular telephone communications and paging services to residential and commercial customers located in eastern Kentucky. The Company's five members consist of Cellular Services, Inc.; Gearheart Communications Company, Inc.; Mountain Telecommunications, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; and Thacker-Grigsby Telephone Co., Inc.

Cash

The Company maintains its cash balances, which exceed the \$100,000 federally insured limit, with several financial institutions. These financial institutions have strong credit ratings and management believes that credit risk related to the accounts is minimal.

Cash equivalents

For purposes of the statement of cash flows, the Company considers temporary investments having a maturity of three months or less to be cash equivalents.

Short-term investments

Certificates of deposit having original maturities between three and nine months are classified as short-term investments, are carried at cost, which approximates fair value, and are held to maturity.

Inventory

Inventory is composed of cellular telephone equipment, paging equipment, and accessories purchased for resale during the ordinary course of business. The inventory is valued at the lower of cost or market, cost being determined by the first-in, first-out (FIFO) method.

Property, plant and equipment

Property, plant and equipment are recorded at cost. Depreciation is provided using the straight-line method over the estimated useful lives of the assets.

Investment

The investment in affiliated company is composed of equity certificates in Rural Telephone Finance Cooperative and is reported at cost, which approximates fair value.

## NOTES TO FINANCIAL STATEMENTS

### Note 1. Summary of Significant Accounting Policies (Continued)

#### Intangible assets

The customer lists, non-compete agreements, FCC licenses, and use of name are recorded at cost and are being amortized over 15 years by the straight-line method. The excess cost over the fair value of the net assets acquired (goodwill) related to paging acquisitions is measured for impairment on an annual basis, and written down, if necessary, to its estimated value at that time.

#### Recognition of revenue

Cellular service and paging revenues are recognized when earned. Monthly access and feature charges are billed one month in advance and recognized as revenue the following month. Revenue from telephone and accessories sold are recognized as revenue upon delivery to the customer.

#### Advertising

Advertising costs are expensed as incurred. At December 31, 2004 and 2003, these costs were \$688,001 and \$470,732, respectively.

#### Income taxes

Under existing provisions of the Internal Revenue Code, the income or loss of a limited liability company is recognized by the members for income tax purposes. Accordingly, no provision for income tax has been provided for in the accompanying financial statements.

#### Use of estimates

Management uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses.

#### Reclassification

Certain amounts presented in the prior year have been restated to conform with the current year presentation.

## NOTES TO FINANCIAL STATEMENTS

### Note 2. Intangible Assets

Intangible assets consist of the following at December 31, 2004:

	Gross Amount	Accumulated Amortization
Customer lists	\$ 5,363,530	\$ (1,438,317)
Non-compete agreements	220,348	(92,218)
FCC licenses	841,593	(198,350)
Use of name	10,000	(3,001)
Other	68,879	(9,786)
	<u>\$ 6,504,350</u>	<u>\$ (1,741,672)</u>

Intangible assets consist of the following at December 31, 2003:

	Gross Amount	Accumulated Amortization
Customer lists	\$ 5,363,530	\$ (1,080,021)
Non-compete agreements	220,348	(77,498)
FCC licenses	841,593	(132,073)
Use of name	10,000	(2,333)
Other	25,839	(9,422)
	<u>\$ 6,461,310</u>	<u>\$ (1,301,347)</u>

Aggregate amortization expense related to these intangible assets for the years ended December 31, 2004 and 2003 totaled \$440,325 and \$547,652, respectively. The following represents the total estimated amortization of intangible assets for each of the succeeding five years:

#### Year ending December 31:

2005	\$ 500,000
2006	500,000
2007	500,000
2008	500,000
2009	500,000

## NOTES TO FINANCIAL STATEMENTS

### Note 3. Notes Payable

Notes payable consist of the following:

	December 31,	
	2004	2003
RTFC, Line of Credit (a)	\$ --	\$ 1,800,000
Cumberland Mountain Paging (b)	400,000	400,000
Total	\$ 400,000	\$ 2,200,000

(a) The Company has a line of credit agreement with Rural Telephone Finance Cooperative (RTFC) that provides for borrowings up to \$5,000,000. The outstanding balance at December 31, 2004 and 2003 was \$3,300,000 and \$1,800,000, respectively. The agreement carries an interest rate at prime, plus one and one-half percent, is unsecured and was renewed June 28, 2004 for 24 months. Accordingly, the note is presented in the financial statements as long-term debt at December 31, 2004 (see Note 4).

(b) The Company issued two promissory notes in connection with the acquisition of certain paging assets. Both notes were due in one year with interest at a rate of 4%. The remaining note with a balance of \$400,000 is currently due, but the Company is negotiating the amount based upon the purchased customer lists.

### Note 4. Long-Term Debt

Long-term debt as of December 31, 2004 and 2003 consists of the following:

	December 31, 2004		
	Balance	Current	Long-Term
Notes payable, RTFC:			
Dated 11/13/97, variable rate (6.15% at 12/31/04)	\$ 218,285	\$ 22,714	\$ 195,571
Dated 11/13/97, variable rate (6.15% at 12/31/04)	999,575	104,012	895,563
Dated 11/13/97, fixed rate (7.20% at 12/31/04)	813,493	81,476	732,017
Dated 12/31/98, fixed rate (7.25% at 12/31/04)	677,532	55,516	622,016
Dated 02/13/01, variable rate (5.85% at 12/31/04)	861,959	80,750	781,209
Dated 02/13/01, variable rate (5.85% at 12/31/04)	1,011,829	94,791	917,038
Dated 07/27/01, variable rate (5.85% at 12/31/04)	2,845,311	408,121	2,437,190
Line of credit, variable rate (6.40% at 12/31/04)	3,300,000	--	3,300,000
	\$10,727,984	\$ 847,380	\$ 9,880,604

## NOTES TO FINANCIAL STATEMENTS

### Note 4. Long-Term Debt (Continued)

	December 31, 2003		
	Balance	Current	Long-Term
Notes payable, RTFC:			
Dated 11/13/97, variable rate (4.40% at 12/31/03)	\$ 240,199	\$ 20,054	\$ 220,145
Dated 11/13/97, variable rate (4.40% at 12/31/03)	1,093,351	95,994	997,357
Dated 11/13/97, fixed rate (7.20% at 12/31/03)	893,978	73,946	820,032
Dated 12/31/98, fixed rate (7.25% at 12/31/03)	733,212	52,230	680,982
Dated 02/13/01, variable rate (4.20% at 12/31/03)	932,054	76,974	855,080
Dated 02/13/01, variable rate (4.20% at 12/31/03)	1,094,112	90,358	1,003,754
Dated 07/27/01, variable rate (4.20% at 12/31/03)	3,220,078	388,499	2,831,579
	\$ 8,206,984	\$ 798,055	\$ 7,408,929

The notes payable to Rural Telephone Finance Cooperative (RTFC) are secured by mortgage and security agreements that include substantially all of the assets of the Company. In addition, the Company is required to purchase equity certificates in RTFC equal to 5% of the total amounts borrowed. The notes are payable in quarterly installments over 15 years with interest at variable or fixed rates set by RTFC.

The line of credit agreement with RTFC provides for borrowings up to \$5,000,000. The agreement carries an interest rate at prime, plus one and one-half percent, is unsecured and was renewed June 28, 2004 for 24 months. Accordingly, the note is presented in the financial statements as long-term debt at December 31, 2004 (see Note 3).

Approximate maturities or payments required on principal under note payable agreements for each of the succeeding five years are as follows:

Year ending December 31:

2005	\$ 847,380
2006	4,200,418
2007	956,799
2008	1,016,735
2009	1,080,451



## NOTES TO FINANCIAL STATEMENTS

### Note 5. Retirement Plans

The Company has a 401(k) plan for qualifying employees who have reached twenty-one years of age. Eligible employees are allowed to invest up to 15% of their compensation and the Company has agreed to match 100% of the first 3% of the employees' contribution and 50% of the employees' contribution between 3% and 5%. The Company contributed \$58,929 and \$59,472 matching funds for its 401(k) plan during the years ended December 31, 2004 and 2003, respectively.

The Company also offers an employer sponsored retirement savings plan for qualified employees who have reached twenty-one years of age. The Company has agreed to contribute 9% of the eligible employee's compensation, plus an additional 5% of the original contribution. The Company contributed \$214,464 and \$205,832 to its retirement savings plan during the years ended December 31, 2004 and 2003, respectively.

### Note 6. Related Party Transactions

The Company shares personnel with one of its members. The Company paid \$111,438 and \$126,331 for shared personnel during the years ended December 31, 2004 and 2003 respectively. The Company also leased offices and warehouse space from two members. The leases are for an unspecified length of time. The monthly lease payments total approximately \$7,000. In addition, the Company incurred interconnection charges from its members aggregating \$812,794 and \$765,004 for the years ended December 31, 2004 and 2003, respectively.

The Company leases two cellular tower sites from the officers and majority shareholders of a member for \$100 per month for each site. The leases are for an unspecified length of time. In addition, the Company leases two other sites from a company owned by this member for \$600 each on a month to month basis.

The Company leases cellular tower sites from the parent company of one of its other members for \$1,039 per month. The leases are for five years with options to renew.

### Note 7. Operating Leases

The Company has entered into operating leases with its members and other customers to provide fiber optic transmission capacity and ancillary services. The terms of these leases are for 15 years.

Total rental income earned from these operating lease commitments included in the statements of income were \$1,442,016 and \$1,157,527 for the years ended December 31, 2004 and 2003, respectively. Rental income earned from the Company's members from these leases was \$1,132,545 and \$858,714 for the years ended December 31, 2004 and 2003, respectively.

## NOTES TO FINANCIAL STATEMENTS

### Note 7. Operating Leases (Continued)

Investments in operating leases are as follows at December 31:

	2004	2003
Fiber ring	4,484,626	3,987,697
Accumulated depreciation	(563,677)	(355,090)
	\$ 3,920,949	\$ 3,632,607

The future minimum rental payments expected to be received under these lease agreements for each of the succeeding five years are approximately \$700,000 each year based upon new contracts negotiated during 2005.

The Company has also entered into lease agreements with its members to obtain fiber optic transmission and digital microwave transmission services. The terms of these leases are for 15 years.

Rental expenses incurred under these operating lease commitments included in the statements of income were \$54,420 and \$247,095 for the years ended December 31, 2004 and 2003, respectively.

The future minimum lease payments required under these lease agreements for each of the succeeding five years are \$115,734 each year.



## Directions TO Kernie

From the Magoffin County court house take Hwy. 460 East 1.3 miles to the Bert T. Combs Parkway, Turn Right on to the Bert T. Combs Parkway and continue 8.5 miles to Hwy. 134. Exit the parkway and turn right onto Hwy. 134. Go .3 miles to Kernie Ova Seitz Rd. turn right onto Kernie Ova Seitz Rd. and go .2 miles to Gate on your left. Go through the gate and continue up the gravel road to the top of the hill. Road dead ends at tower site.

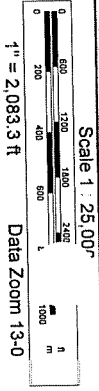
Directions were written by

**Marty Thacker**  
Appalachian Wireless  
606-634-9505  
[m.thacker@tgtel.com](mailto:m.thacker@tgtel.com)



Data u  
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 www.delorme.com

MAN (S. 87°W)





**DECLARATION and GRANT OF PERPETUAL EASEMENT  
and RIGHT OF WAY**

THIS DECLARATION and GRANT OF PERPETUAL EASEMENT AND RIGHT OF WAY made and executed on the 7<sup>th</sup> day of July, 2005 by and between **Matilda Adams and Steven**, wife and husband, **Kathleen Burton and Phillip**, wife and husband, **J.R. Dunn and \_\_\_\_\_**, husband and wife, hereinafter referred to individually and collectively as "GRANTOR", and the mailing address for purposes of this instrument shall be c/o J.R. Dunn, #C 62 Box 520, Sylversville, Kentucky 41465, and **East Kentucky Network, LLC**, d/b/a **Appalachian Wireless**, P.O. Box 405, Prestonsburg, Kentucky 41653, hereinafter referred to as "GRANTEE":

WHEREAS, Grantor is the owner of that certain tract of land located in Magoffin County, Kentucky, as more particularly described in that certain Deed of Conveyance by and between Boyd P'Simer and Mary P'Simer, his wife, to Garlin Dunn and Mary Louise Dunn, his wife, dated June 20, 1949 of record in Deed Book 72, Page 481, (hereinafter the "Property"), and see also Affidavit of Descent of Mary Louise Dunn, recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, and Affidavit of Descent of Garland Dunn, recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, Magoffin County Clerk's Office,

WHEREAS, Grantor and Grantee have, for a valuable consideration as set out hereinafter, agreed to the dedication and grant of a perpetual easement and right of way in favor of the Grantee, its successors and assigns, for a portion of the Property, described by metes and bounds in the description attached hereto and made a part hereof as Exhibit "A", and as shown on the Plat dated the \_\_\_\_\_ day of \_\_\_\_\_, 2005, prepared by Gary Dusley, LLS, and attached hereto and made a part hereof as Exhibit "B", said real

property being hereinafter referred to as the "Premises", together with certain non-exclusive easements and right of ways as set out hereinafter;

NOW THEREFORE, for and in consideration of the sum of \$ 30,000.00, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant and convey unto Grantee, its successors and assigns, the perpetual and exclusive right and easement to use the Premises as described at Exhibit "A" and shown upon the Plat at Exhibit "B", respectively, attached hereto and made a part hereof, for the purpose of constructing buildings, towers, guy lines, anchors and other related facilities, including, but not limited to telephone lines, coaxial lines, power lines and the installation of any and all other equipment deemed necessary by Grantee to receive and transmit any and all electronic signals in the rural service area now or hereafter to be served by the facility. The parties hereto recognize that technology in the communications field is advancing at a rapid rate and that this site may be used for any other purpose now in the development stage or which may later be developed in the communications industry to carry out the objectives of Grantee, that being to transmit and receive signals and communications by wire, fiber optics, radio and satellite, in connection with Grantee's business.

And for the consideration aforesaid, Grantor grants and conveys to Grantee the non-exclusive easement and right of way for ingress and egress by any method, whether pedestrian or motorized vehicles of all types and descriptions, and to construct or reconstruct a road to the Premises (or to construct a road to replace such road in whole or in part) on the remaining Property of the Grantor, together with the right, privilege and easement to reconstruct or relocate any such roadway or easement for a width of twenty feet (20'); Grantee shall not use existing road on Grantors' remaining property without the



express written permission of Grantors.

A non-exclusive easement and right of way of twenty feet (20') either side along any such roadway for the construction, installation and maintenance of utility lines, including telephone, electric power, including wires, poles, cables, conduits, and pipes over, under or along a twenty foot (20') wide right of way across the Property of Grantor extending from the nearest public right of way to the Premises.

It is understood that the easements and rights of way granted above whether exclusive or non-exclusive, as applicable, are perpetual in nature. After the lapse of the tenth (10<sup>th</sup>) year anniversary of this Agreement, if the Grantee thereafter (1) sells the Premises, or (2) transfers a majority interest of its then existing membership units to a third party or parties, then in either such event, the Grantors shall thereafter be paid the sum of \$600.00 per month by such transferee commencing with the next calendar month after such transfer, and thereafter on the first (1<sup>st</sup>) day of each month thereafter, so long as this Agreement shall remain in effect. In the event of such a transfer, the Grantors shall be notified thereof within sixty (60) days after final approval of the boards or governing bodies of both the transferor and transferee. The Grantee, if in its sole and exclusive judgment determines that the Premises are no longer needed in connection with Grantee's business, shall have the right to surrender the perpetual easements and rights of way granted herein upon sixty (60) days written notice of such intention to Grantor, and thereafter, shall have one hundred eighty (180) days within which to remove any and all of its buildings, equipment or facilities constructed upon the Premises, after such time the Premises shall revert to Grantor.

Grantor warrants generally the Premises, rights, easements, and privileges granted

herein.

Grantor shall not use the remainder of the Property of Grantor of which this Grant of Easement and Right of Way is a part for the construction, installation or operation of any wireless communications facilities which would unreasonably interfere with Grantee's communications facility.

This grant and the exhibits attached hereto constitute the entire agreement of the Parties, and no oral or implied agreements or representations will be binding upon the Parties hereto.

This instrument shall be interpreted under the laws of the Commonwealth of Kentucky.

The terms, covenants and provisions of this Grant of Easement and Right of Way shall be binding upon the Parties hereto, their respective executors, administrators, heirs, successors and assigns.

Grantee shall pay all personal property taxes assessed on, or any portion of such taxes attributable to, the equipment used by Grantee on the Premises. Grantor shall pay when due all real property taxes and all other fees and assessments attributable to the Premises. Grantee shall reimburse the Grantor as additional compensation for any increase in real estate taxes levied against the Grantor (or its successors or assigns) which are attributable to or arise as a result of the improvements constructed by the Grantee, its successors or assigns. Such reimbursement shall be made within sixty (60) days of Grantee being furnished with evidence of such additional compensation paid by Grantor.

Grantee shall indemnify and save harmless the Grantor of any liability by virtue of Grantee's activities upon the Premises or in the exercise of any of the rights, privileges and

rights of way granted herein, specifically including but not limited to any claim, loss, fine, penalty and costs (including reasonable attorney's fees) arising out of any violation of any environmental laws or regulation. This provision shall survive the termination of this Grant of Easement. Grantee shall maintain a liability insurance policy of at least \$1,000,000.00 for personal injury, property damage or loss of life arising or connected in any manner with Grantee's use of the Premises or Property.

All notices, demands or other writings provided to be given, made or sent hereunder, shall be deemed to have been given when made in writing and deposited in the United States mail, certified and postage prepaid, to Grantor and Grantee at the addresses stated in the caption of this Grant, unless addresses have been changed by written notice given by either Party.

WITNESS OUR HANDS, the day and year aforesaid.

**GRANTORS:**

*Matilda Adams*  
\_\_\_\_\_  
**MATILDA ADAMS**

*Steven K. Adams*  
\_\_\_\_\_  
**STEVEN K. ADAMS**

*Kathleen Burton*  
\_\_\_\_\_  
**KATHLEEN BURTON**

**J.R. DUNN**

*J.R. Dunn*  
\_\_\_\_\_

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

BY: Gerald F. Palmito

ITS: GENERAL MANAGER

STATE OF KY  
COUNTY OF Menifee

The foregoing Declaration of Grant of Perpetual Easement and Right of Way was this 4<sup>th</sup> day of July, 2005, produced and acknowledged before me by Matilda Adams and STEVEN, **wife and husband**, Grantor.

Dennis Shepherd  
NOTARY PUBLIC  
COMMISSION EXPIRES: oct: 2009

STATE OF KY  
COUNTY OF Menifee

The foregoing Declaration of Grant of Perpetual Easement and Right of Way was this 4<sup>th</sup> day of July, 2005, produced and acknowledged before me by Kathleen Burton and Phillip, **wife and husband**, Grantor.

Dennis Shepherd  
NOTARY PUBLIC  
COMMISSION EXPIRES: oct: 22-2009

STATE OF KENTUCKY  
COUNTY OF Menifee

The foregoing Declaration of Grant of Perpetual Easement and Right of Way was this 4<sup>th</sup> day of July, 2005, produced and acknowledged before me by J.R. Dunn and \_\_\_\_\_, **husband and wife**, Grantor.

Dennis Shepherd  
NOTARY PUBLIC  
COMMISSION EXPIRES: oct: 22-2009

STATE OF KENTUCKY  
COUNTY OF Floyd

The foregoing Declaration of Grant of Perpetual Easement and Right of Way was this 29<sup>th</sup> day of June, 2005, produced and acknowledged before me by **East Kentucky Network, LLC, dba Appalachian Wireless** by Gerald Robinette, its General Manager, Grantee.

Dennis Shepherd  
NOTARY PUBLIC  
COMMISSION EXPIRES: Oct-22-2005

This is to certify that this instrument was prepared by:

William S. Kendrick  
WILLIAM S. KENDRICK, ATTORNEY  
FRANCIS, KENDRICK & FRANCIS  
P.O. Box 268  
Prestonsburg, Kentucky 41653  
606/886-2812

STATE OF KENTUCKY  
COUNTY OF MAGOFFIN

**Clerk's Certificate of  
Lodgment and Record**

I, \_\_\_\_\_, Clerk of the County for the County and State aforesaid, certify that the foregoing Declaration and Grant of Perpetual Easement and Right of Way was on the \_\_\_\_ day of \_\_\_\_\_, 2005 lodged for record, whereupon the same, with the foregoing and this certificate have been duly recorded in my office.

WITNESS my hand, this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_ Clerk

By \_\_\_\_\_ D.C.

**ALCHEMY ENGINEERING ASSOCIATES**  
546 WEST OLD MIDDLECREEK ROAD  
PRESTONSBURG, KENTUCKY 41653  
PHONE 606.886.8889  
FAX 606.886.8847

**LEGAL DESCRIPTION**

**PREPARED FOR EAST KENTUCKY NETWORK DBA APPALACHIAN WIRELESS**

"Beginning at an iron pin (set) at the base of a 12" walnut; thence **South 61 degrees 52 minutes 19 seconds East for a distance of 18.25 feet** to a 10" white oak with fence line; thence **South 50 degrees 58 minutes 34 seconds East for a distance of 35.89 feet** to an iron pin (set); thence **South 37 degrees 54 minutes 09 seconds East for a distance of 95.57 feet** to an iron pin (set); thence **South 29 degrees 10 minutes 23 seconds West for a distance of 150.06 feet** to an iron pin (set); thence **North 44 degrees 30 minutes 42 seconds West for a distance of 160.24 feet** to an iron pin (set); thence **North 33 degrees 52 minutes 08 seconds East for a distance of 148.58 feet** to the point of beginning."

The above-described tract contains 23,089.9 square feet, or 0.53 acres, as determined by survey.

This description was written by Vicki Small, engineering technician, under the direct supervision of Gary Ousley, LS #2912., and was derived from field work performed from May 13, 2005. All iron pins noted as (set) are 1/2" diameter x 18" minimum length, capped with a plastic cap emblazoned "RLS 2912".

The basis for the line bearings shown hereon was established from magnetic bearing on the day of survey.

STATE OF KENTUCKY  
MAGOFFIN COUNTY

I, Haden B. Arnett, Clerk of the County and State aforesaid certify that the foregoing Deed was on the 7 day of July, 2005 lodged for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office

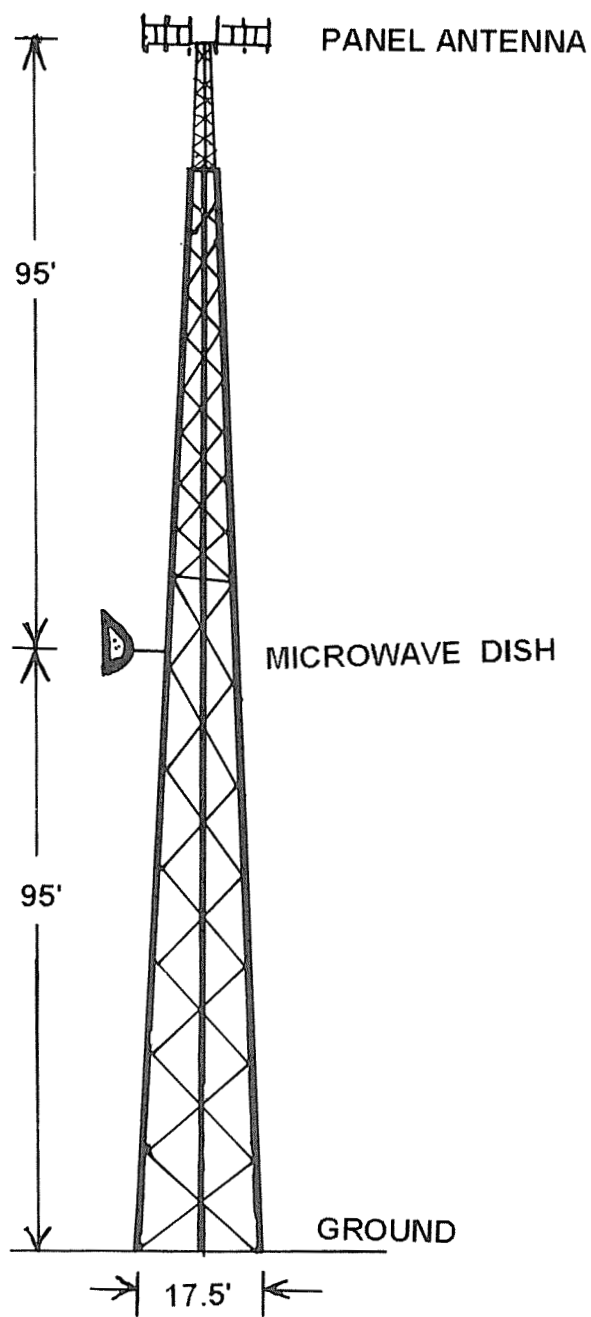
Given under my hand, this 13 day of July, 2005  
Book 182 Page 592 HADEN B. ARNETT, Clerk  
Time A.M. 12:00 P.M. By Gene Shepherd



# APPLACHIAN WIRELESS

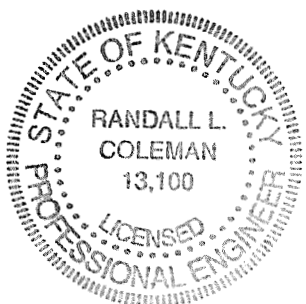
## VERTICAL PROFILE SKETCH

### KERNIE TOWER



SCALE: 1" = 30'

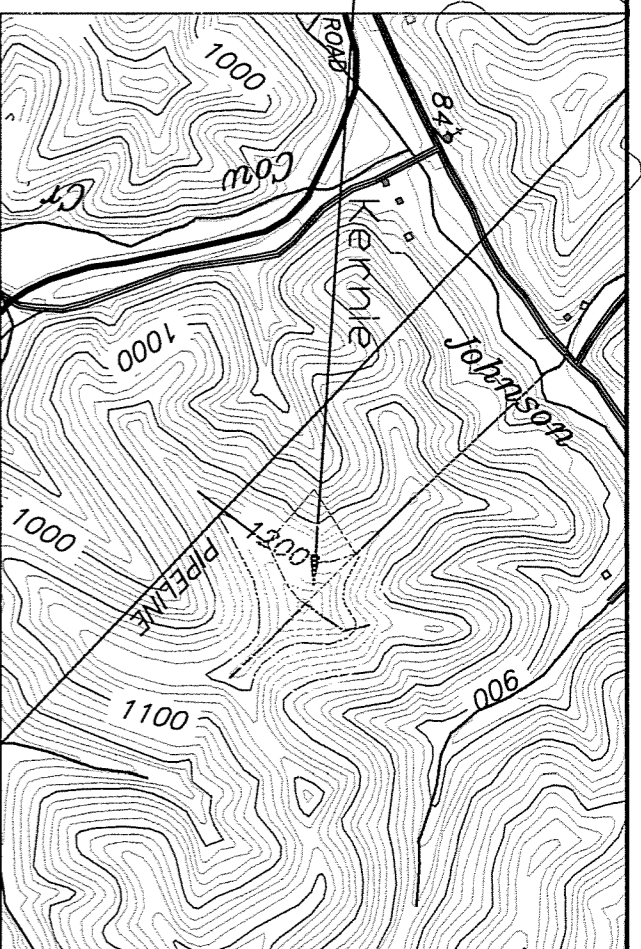
NOTE: This is a vertical sketch indicating the proposed tower height above ground, along with relative antenna and dish elevations. No structural tower design criteria was considered in the preparation of this drawing.



*Randall L. Coleman*

8/14/05





LOCATION MAP WHITE OAK USGS QUADRANGLE MAP  
NOT TO SCALE

property location

LEGEND

THESE STANDARD DRAWING SYMBOLS WILL BE FOUND IN THE DRAWING.

- PROPERTY LINE
- △ CONTROL POINT
- IRON PIN (SET)-1/2" DIAMETER -18" MINIMUM LENGTH REBAR CAPPED W/ FLUORESCENT CAP EMBLAZONED WITH "LLS 2912"
- ⊕ DECIDUOUS TREE-SPECIES/SIZE AS NOTED
- ADJACENT PROPERTY OWNERS (FROM PROPERTY VALUATION ADMINISTRATOR MAPPING)
- - - CENTERLINE OF EXISTING TOWER ACCESS ROAD
- CENTERLINE OF KENTUCKY ROUTE 134

NOTES

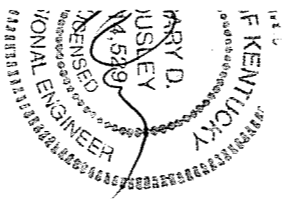
1. THE SURVEY PLOTTED HEREON REPRESENTS A SURVEY OF A PORTION OF THE PROPERTY AS RECORDED IN DEED BOOK - 152, PAGE - 708.
2. THE BEARING DATUM OF THE SURVEY PLOTTED HEREON WAS ASSUMED ROTATE MAP NORTH SHOWN BY 105.32335 DEGREES CLOCK-WISE TO OBTAIN GRID NORTH.
3. FIELD WORK WAS PERFORMED ON 05.13.05 THROUGH 7/15/05
4. NO INVESTIGATION WAS CONDUCTED TO DETERMINE THE EXISTENCE OF EASEMENTS, WHICH MAY BE REGARDED AS ENCUMBRANCES UPON THE PROPERTY PLOTTED HEREON.
5. IN THE ABSENCE OF A TITLE OPINION, IT IS ASSUMED THAT THE PROPERTY OWNER LISTED HEREON IS IN FACT THE OWNER OF RECORD.
6. BOUNDARY SHOWN HEREON IS BASED ON BEST EVIDENCE FOUND DURING THE COURSE OF THE SURVEY. SHOULD CONTRADICTING EVIDENCE BECOME AVAILABLE AT A LATER DATE, BOUNDARY LINES SHOWN MAY BE SUBJECT TO REVISION.

STATE AND COUNTY ROAD RIGHT-OF-WAY

ANY ROAD, STREET, HIGHWAY OR PARCEL OF GROUND DEDICATED AND LAD OFF AS A PUBLIC WAY AND USED WITHOUT RESTRICTIONS BY THE GENERAL PUBLIC FOR FIVE CONSECUTIVE YEARS, SHALL CONCLUSIVELY BE PRESUMED TO BE A PUBLIC ROAD.

IN THE ABSENCE OF ANY RECORD, THE WIDTH OF A PUBLIC ROAD RIGHT-OF-WAY SHALL BE PRESUMED TO EXTEND TO AND INCLUDE THAT AREA LYING OUTSIDE THE SHOULDERS AND DITCH LINES AND WITHIN ANY LANDMARKS SUCH AS FENCES, FENCE POSTS, CORNER STONES OR OTHER SIMILAR MONUMENTS INDICATING THE BOUNDARY LINE.

IN THE ABSENCE OF BOTH RECORD OR LANDMARK, THE RIGHT-OF-WAY OF A PUBLIC ROAD SHALL BE DEEMED TO EXTEND TO AND INCLUDE THE SHOULDERS AND DITCH LINES ADJACENT TO SAID ROAD, AND TO THE TOP OF CUTS OR TOE OF FILLS WHERE SUCH EXIST. (KRS 178.025)



GARY D. JUSLEY  
LICENSED PROFESSIONAL SURVEYOR  
2912

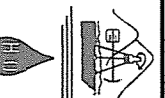
Y. I. SEITZ  
L.D.

1 Wireless  
Kentucky

SHT. NAME

Alchemy Engineering Associates  
MINING & CIVIL ENGINEERING CONSULTANTS  
H<sub>2</sub>O LABORATORIES

SHT. NO.



546 West Old Middletown Road  
Princeton, Kentucky 47653  
Phone: (502) 396-9889 Fax: 886-9847  
Email: alchem@alchemyeng.com

