

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



November 1, 2006

Michael F. Burford, Director  
Division of filings  
Public Service Commission  
P. O. Box 615  
Frankfort, KY 40602-0615

RECEIVED

NOV 17 2006

PUBLIC SERVICE  
COMMISSION

RE: (CASE NO. 2006-00025)

As requested by your letter dated October 17, 2006, please find enclosed copies of the final determinations regarding the FAA and KAZC application for the proposed construction of the Neon Cell Tower in Letcher County, Kentucky.

We do apologize for any inconvenience this delay may have caused your department. You may contact me at my office at 606-874-7550, Ext. 166 if you need any further information concerning this filing.

Thank you,

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

Janice Robinson  
Technical Site Coordinator

Enclosures: 2



Federal Aviation Administration  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0520

Aeronautical Study No.  
2006-ASO-666-OE

Issued Date: 03/02/2006

L A ADAM C/O LUKAS NACE GUTIERREZ & SACHS CHTD  
EAST KENTUCKY NETWORK LLC  
1650 TYSONS BLVD SUITE 1500  
MCLEAN, VA 22102

**\*\* 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:

Structure Type: Antenna Tower  
Location: FLEMING - NEON, KY  
Latitude: 37-11-8.37 NAD 83  
Longitude: 82-42-39.57  
Heights: 265 feet above ground level (AGL)  
2065 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 70/7460-1 K, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual), &12.

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:

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

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

As a result of this structure being critical to flight safety, it is required that the FAA be kept appraised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination expires on 09/02/2007 unless:

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

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to 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 Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (847)294 7575. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-ASO-666-OE.

**Signature Control No: 451440-442521**

(DNE)

Vivian Vilaro  
Technician

Attachment(s)  
Frequency Data

7460-2 Attached

Frequency Data for ASN 2006-ASO-666-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
880	890	MHz	.2	KW

ASR Registration Search

# Registration 1253181

 [Reference Copy](#)  [Map Registration](#)

### Registration Detail

Reg Number	1253181	Status	Constructed
File Number	A0500675	Constructed	04/28/2006
FAA Study	2006-ASO-666-OE	EMI	No
FAA Issue Date	03/02/2006	NEPA	No

### Antenna Structure

Structure Type TOWER - Free standing or Guyed Structure used for Communications Purposes

### Location (in NAD83 Coordinates)

Lat/Long 37-11-08.4 N 082-42-39.6 W 0.6 km SSE of  
 City, State Fleming-Neon , KY  
 Center of  
 AM Array

### Heights (meters)

Elevation of Site Above Mean Sea Level	Overall Height Above Ground (AGL)
548.6	80.8
Overall Height Above Mean Sea Level	Overall Height Above Ground w/o Appurtenances
629.4	76.2

### Painting and Lighting Specifications

FAA Chapters 4, 8, 12  
Paint and Light in Accordance with FAA Circular Number 70/7460-1K

### Owner & Contact Information

FRN	0001786607	Licensee ID	L00000729
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#### Owner

East Kentucky Network, LLC P.O. Box 405 Prestonsburg , KY 41653	P: (606)886-6007 E:
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#### Contact

Gist , Pamela L Esq 1650 Tysons Blvd., Suite 1500 McLean , VA 22102	P: (703)584-8665 E: pgist@fcclaw.com
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### Last Action Status

Status	Constructed	Received	04/28/2006
Purpose	Notification	Entered	04/28/2006
Mode	Interactive		

### Related Applications

- 04/28/2006 A0500674 - New (NE)
- 04/28/2006 A0500675 - Notification (NT)

# SUPPLEMENTAL NOTICE

**Submission Instructions:** For Advance Notice of Actual Construction or Alteration Complete items 1, 2, 3A (1), 3A(2), and 6 If applicable, also complete items 4 and 5 Detach Part 1 Fold and tape at bottom Mail to the FAA Regional Office for your area. Part 1A is provided for your file.

Aeronautical Study No  
2006-ASO-666-OE

**Notice of Actual Construction or Alteration**  
 (Please Type or Print on this Form)

U S Department of Transportation  
 Federal Aviation Administration

<b>1. Construction</b>	
A Type and Description of Construction <input checked="" type="checkbox"/> New <input type="checkbox"/> Alteration	B Owner of Structure  <p style="text-align: center; font-size: 1.2em;">East Kentucky Network LLC</p>

<b>2. Construction Location -- Height</b>					
A Coordinates (To hundredths of seconds, if known) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Latitude</td> <td style="text-align: center;">Longitude</td> </tr> <tr> <td style="text-align: center;">37° 11' 8.37" N</td> <td style="text-align: center;">82° 42' 39.57" W</td> </tr> </table>	Latitude	Longitude	37° 11' 8.37" N	82° 42' 39.57" W	B Location (City, State, include Street Address if any)  <p style="text-align: center;">Approx 0.4 miles SSE of the town of Fleming-Neon (Letcher). KY</p>
Latitude	Longitude				
37° 11' 8.37" N	82° 42' 39.57" W				
C Construction Heights <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Total Height (Structure &amp; Site) Above Mean Sea Level</td> </tr> <tr> <td style="text-align: center;">2,065 Ft. AMSL</td> </tr> </table>		Total Height (Structure & Site) Above Mean Sea Level	2,065 Ft. AMSL		
Total Height (Structure & Site) Above Mean Sea Level					
2,065 Ft. AMSL					
D Site Elevation Determined By <input type="checkbox"/> Actual Survey <input checked="" type="checkbox"/> USGS 7.5 Quad Chart <input type="checkbox"/> Other (Specify)	E Reference datum of coordinates <input type="checkbox"/> NAD 27 <input checked="" type="checkbox"/> NAD 83 <input type="checkbox"/> Other (Specify)	F Name of Nearest Public-Use or Military Airport (Include Distance and Direction from the Airport)  <p style="text-align: center;">Lonesome Pine Airport ("LNP")</p>			

<b>3. Construction Notifications</b>			
A Notification (Notice Is Critical to Flight Safety -- FAR Part 77 Required) ★	Date	B Construction/Project	Date
★ (1) Construction will start (Submit at least 48 hrs. in advance)	04/28/06	(1) Project Abandoned	
(2) Estimated Completion			
★ (3) Structure Reached Greatest Height (Submit within 5 days)	04/28/06	(2) Construction Dismantled	

<b>4. Marking and Lighting</b>			
A Marked <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Temporary	B Lighted <input checked="" type="checkbox"/> Medium Intensity White Dual (Medium Intensity White & Red) <input type="checkbox"/> High Intensity White Dual (High Intensity White & Red) <input type="checkbox"/> Red <input type="checkbox"/> None		


<b>5. Antenna Requiring FCC License</b>			
A Call Sign	B Frequency 870-880 MHz	C Date Applied for FCC Construction Permit	D Date Construction Permit Issued

<b>6. Preparer's Certification</b>			
Submitted by: (If submitted by a proponent's representative, please also complete item B.)	A Proponent's Representative Name: Ali Kuzehkanani  Address: Lukas. Nace, Gutierrez & Sachs. Chld 1650 Tysons Blvd, Suite 1500 McLean, VA 22102  Tel. No.: (Include Area Code) (703) 584-8667	B Construction Proponent Name: East Kentucky Network, LLC c/o Lukas. Nace. Gutierrez  Address: Lukas. Nace. Gutierrez & Sachs. Chld 1650 Tysons Blvd. Suite 1500 McLean, VA 22102 T: 703-584-8667 F: 703-584-8692  Tel. No.: (Include Area Code) (703) 584-8667	
	I hereby certify that the information provided is true, complete, and correct to the best of my knowledge.		
	Signature 	Title Dir of Engineering	Date 04/28/06

Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718 Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to 49 U.S.C., Section 46301(a)

**Form 7460-1 for ASN: 2006-ASO-666-OE**

**Overview**

**Study (ASN):** 2006-ASO-666-OE  
**Prior Study:**  
**Status:** Determined  
**Letters:** Determination 

**Received Date:**  
**Entered Date:** 02/03/2006  
**Completion Date:** 03/02/2006  
**Expiration Date:** 09/02/2007  
**Map:** [View Map](#)

**Sponsor Information**

**Sponsor:** EAST KENTUCKY NETWORK LLC  
**Attention Of:** L A ADAM C/O LUKAS NACE GUTIERREZ & SACHS CHTD  
**Address:** 1650 TYSONS BLVD SUITE 1500  
**City:** MCLEAN  
**State:** VA  
**Postal Code:** 22102  
**Country:** USA  
**Phone:** (703)584-8669  
**Fax:** (703)584-8692

**Sponsor's Representative Information**

**Representative:**  
**Attention Of:**  
**Address:**  
**City:**  
**State:**  
**Postal Code:**  
**Country:** USA  
**Phone:**  
**Fax:**

**Construction Info**

**Notice Of:** Construction  
**Duration:** Permanent (Months: 0 Days: 0)  
**Work Schedule:**  
**Date Built:**

**Structure Summary**

**Structure Type:** Antenna Tower  
**Other Description:**  
**NACO Number:**  
**FCC Number:**

**Structure Details**

**Latitude (NAD 83):** 37° 11' 08.37" N  
**Longitude (NAD 83):** 82° 42' 39.57" W  
**Datum:** NAD 83  
**Accuracy:**  
**Marking/Lighting:** Dual-red and medium intensity  
**Other Description:**  
**Name:**  
**City:** FLEMING - NEON  
**State:** KY  
**Nearest Airport:** WHIT  
**Distance to Structure:** 22207 feet  
**On Airport:** No  
**Direction to Structure:** 48.65  
**Traverseway:** NO  
**Description of Location:**  
**Description of Proposal:**

**Height and Elevation**

	Proposed	DNE	DET
<b>Site Elevation:</b>	1800		
<b>Structure Height:</b>	265	0	265
<b>Total Height (ASML):</b>	2065	0	2065

**Frequencies**

Low Freq	High Freq	Unit	ERP	Unit
880	890	MHz	0.2	KW