

Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Ky.
40602-0605

M7
RECEIVED
JUN 05 2006
PUBLIC SERVICE
COMMISSION

Re: Application of Cumberland Partnership Necessity to Construct a Cell Site (Alligator) in Rural Service Area #5 (Russell) of the Commonwealth of Kentucky- Case No. 2006-00052

Dear Ms. O'Donnell:

As a follow-up to my earlier e-mails, I'm writing to formally object to the action taken by Applicant, Cumberland Partnership for issuance of a convenience and necessity to construct a cell tower in Rural Service Area #5. Reading information submitted by Applicant to the Commission on March 9, 2006, to correct a filing deficiency in letter dated March 8, 2006, it is apparent that Applicant based on action taken to date (having erected cell tower) intently pursuant to 807 KAR 5:063 Section 1(1)(m) failed to list and/or provide notice to owners within 500' radius and adjoining landowners (ref. March 9, 2006 correspondence attached).

Based on action taken by applicant, I formally request the Public Service Commission to find Applicant's application to be in non-compliance. Furthermore, based on cited action by Applicant, I request PSC to require Applicant to remove existing structure (tower) immediately.

Additionally, I would like to know how the Applicant's non-compliance with Subdivision Regulations (Indiana Hills Estate) has been addressed within the application filed with PSC.

If you have any question about this matter, please call or write me.

Respectfully,



James F. Abbott
333 Springhill Rd.
Danville, Ky.
40422
Home Phone 859-236-7558

Dinsmore & Shohl LLP
ATTORNEYS

Kerry W. Ingle
(502) 540-2354 (Direct Dial)
kerry.ingle@dinslaw.com

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MAR 10 2006

**PUBLIC SERVICE
COMMISSION**

March 9, 2006

Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602-0615

RE: *Application of Cumberland Cellular Partnership for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Alligator) in Rural Service Area #5 (Russell) of the Commonwealth of Kentucky - Case No. 2006-00052*

Dear Ms. O'Donnell:

The purpose of this letter is to provide the Public Service Commission of the Commonwealth of Kentucky (the "Commission") with the information necessary to satisfy the filing deficiency referenced in its letter dated March 8, 2006, in the application for a certificate of public convenience and necessity in regard to the cell site referenced above.

Pursuant to 807 KAR 5:063, Section 1(1)(m) A list of the property owners who received the notice, together with copies of the certified letters sent to listed property owners.

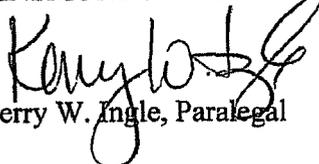
Enclosed herewith are 10 copies of the list of property owners as required by the Commission to satisfy this deficiency.

If you have any questions with respect to this matter, please call me.

Thank you, very much.

Very truly yours,

DINSMORE & SHOHL LLP


Kerry W. Ingle, Paralegal

JES/kwi

Enclosures

108147v1
21965-13

1400 PNC Plaza, 500 West Jefferson Street Louisville, KY 40202
502.540.2300 502.585.2207 fax www.dinslaw.com



Ernie Fletcher
Governor

LaJuana S. Wilcher, Secretary
Environmental and Public
Protection Cabinet

Christopher L. Lilly
Commissioner
Department of Public Protection

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Mark David Goss
Chairman

Teresa J. Hill
Vice Chairman

Gregory Coker
Commissioner

March 8, 2006

Honorable John E. Selent
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202

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PUBLIC SERVICE
COMMISSION

RE: Case No 2008-00052
Filing Deficiencies

The Commission staff has reviewed your application in the above case. This filing is rejected for the reasons set forth below. These items are either required to be filed with the application or to be referenced in the application if they are already on file in another case.

1. Filing deficiencies pursuant to 807 KAR 5:063:

807 KAR 5:063: Section 1(1)(m) A list of the property owners who received the notice, together with copies of the certified letters sent to listed property owners.

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. If your filing contains a proposed effective date, the rejection of your filing for reasons of deficiencies voids that proposed effective date. When you file the required information to correct the deficiencies, you may refile your proposed tariff with a new proposed effective date that is at least 30 days from the date you file the required information. You are requested to file 10 copies of this information within 15 days of this letter. If you need further assistance, please contact Eric Bowman at 502/564-3940 ext. 440.

Sincerely,

Mike Burford
Director Division of Filings

MB/bt



Land Surveyors and Consulting Engineers
Formerly F.S. Land & T. Alan Neal Companies

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MAR 10 2006

PUBLIC SERVICE
COMMISSION

Site Name: Alligator

500' RADIUS & ADJOINING LANDOWNER LIST

Map 71SE, Lot 46
Map 71SE-W, Lots 12-15, 73, 18-21 & 25-27
Dr. Charles E. Peck
203 Dowell Road
Russell Springs, KY 42642
No Zoning

Map 71SE-W, Lots 5-11
Daniel K. & Beverly Clark
73 Sylvan Drive
Independence, KY 41051
No Zoning

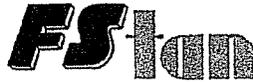
Map 71SE-W, Lots 1-4
Map 71SE-A, Lots 17 & 18
Thomas M. & Donna L. White
2817 Hamilton Mason Road
Hamilton, OH 45011
No Zoning

Map 71SE-B, Lots 45 & 46
Map 71SE-G, Lot 1
Indian Hills Fishing Camp
C/O Dr. Charles E. Peck
P.O. Box 130
Russell Springs, KY 42642
No Zoning

Map 71SE-1, Lot 8
Indian Hills Missionary Baptist Church
Pastor Bobby Oaks
107 Spring Hill Drive
Russell Springs, KY 42642
No Zoning

Map 71SE-B, Lots 43 & 44
Thomas A. & Diana Osborne
3122 Chickadee Road
Louisville, KY 40213
No Zoning

MAP 71SE-B, Lots 41 & 42
Alvin & Connie Earl, et al
3451 E. 1000 Street
Brookston, IN 47923
No Zoning



Land Surveyors and Consulting Engineers
Formerly E.S. Land & T. Alan Neal Companies

Map 71SE-B, Lots 35-40
Margaret Scaggs
1629 Rocky Springs Road
Cynthiana, KY 41031
No Zoning

Map 71SE-B, Lots 31-34
William E. & Odellia Jones
1967 Highway 1383
Russell Springs, KY 42642
No Zoning

Map 71SE-A, Lots 31-35
Sharon L. & John M. Adams, et al
8703 Gentry Lane
Louisville, KY 40291
No Zoning

Map 71SE-A, Lots 36-40
Gerald B. Jr. & Dewise Peyton
224 Wynding Brook
Shepherdsville, KY 40165
No Zoning

Map 71SE, Lots 1 & 2
Tracer L. & Stephanie Bryant
2704 Stonefield Lane
Lagrange, KY 40031
No Zoning

Map 71SE, Lot 47
David Wade & Sarona Sue Clark
2904 No Lyn-Mar Drive
Muncie, IN 47304
No Zoning

Map 71SE, Lot 3
Michael A. Reuter
12916 Waterridge Drive
McCordsville, IN 46055
No Zoning

Map 71AE, Lot 4
Ann K. Harlan
2911 Bowman Avenue
Louisville, KY 40205
No Zoning

Map 71SE, Lots 5 & 6
Jean M. & Louis E. Jr., Fister
3205 Blenheim Way
Lexington, KY 40503
No Zoning



Land Surveyors and Consulting Engineers
Formerly F.S. Land & T. Alan Neal Companies

Map 71SE-1, Lot 7
Saron Sue Clark
2904 No Lyn-Mar Drive
Muncie, IN 47304
No Zoning

Map 71SE, Lot 7
Deborah W. Miranda Living Trust
8712 Stockport Road
Louisville, KY 40222
No Zoning

Map 71SE, Lot 8
Leon Frank & Scott E. Farley
174 Buckshot Drive
Russell Springs, KY 42642
No Zoning

Map 71SE, Lot 9
Steve F. & Sandra S. Amsler
1609 Eaglenest Way
Louisville, KY 40222
No Zoning

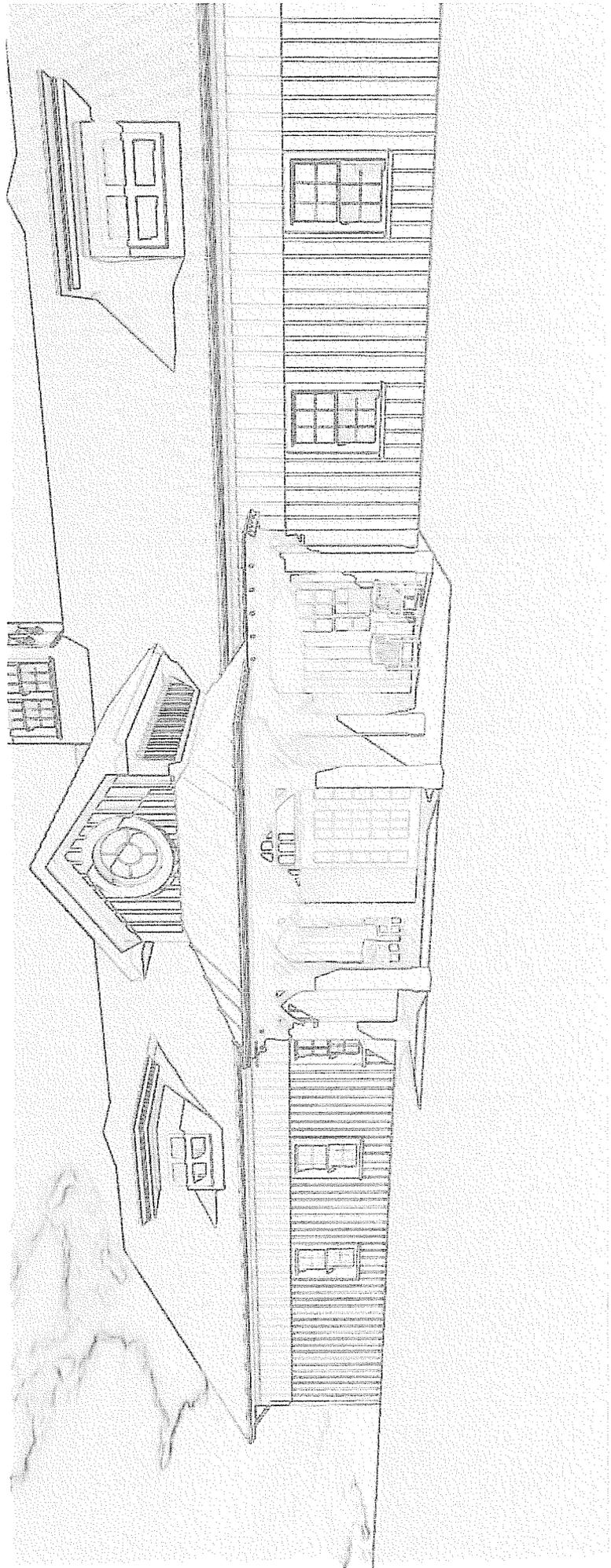
Map 71SE-1, Lot 6
James Fugate
12995 Highway 476
Hazard, KY 41701
No Zoning

Map 71SE-1, Lot 3
Jackie B. & Betty Harris
1792 Piney Creek Road
Chillicothe, OH 45601
No Zoning

Map 71SE-1, Lots 4 & 5
Clayton A. & Alma F. Rowland
1842 Highway 1383
Russell Springs, KY 42642
No Zoning

Map 71SE-W, Lots 22 & 23
Errol P. & Cecilia M. Johnson
P.O. Box 86
New Haven, KY 40051
No Zoning

Map 71SE-A, Lots 15 & 16
Joseph F. & Judith E. Boone
511 Iola Road
Louisville, KY 40207
No Zoning





Land Surveyors and Consulting Engineers
Formerly F.S. Land & T. Alan Neal Companies

Map 71SE-W, Lot 16 & 17
Frances Rohleder
2202 Emerson
Louisville, KY 40205
No Zoning

Map 71SE-B, Lots 17-20
Leon & Virginia Frank
174 Buckshot Drive
Russell Springs, KY 42642
No Zoning

Map 71SE-A, Lots 37-42
David A. & Gabrielle Gnadinger
5513 Pico Lane
Louisville, KY 40219
No Zoning

Map 71SE-A, Lots 13, 14 & 34-36
Lake Line Prop. LLC
5448 Overlook Road
Milford, OH 45150
No Zoning

Map 71SE-A, Lots 29 & 30
Willie & Ronda Begley
108 Riverview Road
Hazard, KY 41701
No Zoning

Map 71SE-A, Lots 31-33
Mike & Melinda Hoppenjans
11787 Suncrest Drive
Walton, KY 41094
No Zoning

Map 71SE-A, Lot 12
David L. McFarland & Michael E. Toncray
803 Spring Hill
Frankfort, KY 40601
No Zoning