

Dinsmore & Shohl LLP
ATTORNEYS

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JUL 25 2008

PUBLIC SERVICE
COMMISSION



Holly C. Wallace
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July 24, 2008

VIA FEDERAL EXPRESS

Hon. Stephanie Stumbo
Executive Director
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

RE: *Application of Bluegrass Wireless LLC for issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Pricetown), in Rural Service Area #6 (Casey) of the Commonwealth of Kentucky, Case No. 2007-00501*

Dear Ms. Stumbo:

I have enclosed for filing in the above-styled case the original and eleven (11) copies of Bluegrass Wireless' Witness List and the original and eleven (11) copies of Bluegrass Wireless' Motion to Cancel Hearing and Take Under Submission. Please return a file-stamped copy of each pleading in the self-addressed, postage prepaid envelopes furnished herewith.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP

A handwritten signature in cursive script that reads "Holly C. Wallace".

Holly C. Wallace

HCW/rk
Enclosures

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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BLUEGRASS WIRELESS LLC)	
FOR ISSUANCE OF A CERTIFICATE)	CASE NO. 2007-00501
OF PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A CELL SITE (PRICETOWN) IN RURAL)	
SERVICE AREA #6 (CASEY) OF THE)	
COMMONWEALTH OF KENTUCKY)	

MOTION TO CANCEL HEARING AND TAKE CASE UNDER SUBMISSION

Bluegrass Wireless LLC ("Bluegrass Wireless"), by counsel, hereby files its motion to cancel hearing and take case under submission based on the existing written record. In support of its motion, Bluegrass Wireless states as follows.

Pursuant to the July 9, 2008 Order (the "Order") of the Public Service Commission of the Commonwealth of Kentucky (the "Commission") in the above-referenced matter, the Intervenor had ten days, until July 19, 2008, to notify the Commission in writing of their intent to participate in the hearing scheduled for August 27, 2008 at 9:00 a.m. Pursuant to the Order, if no Intervenor so notifies the Commission, the hearing shall be cancelled and this matter shall stand submitted based on the written record.

If any Intervenor wishes to appear at the hearing in opposition to the application for the proposed Cell Facility, he or she must, within ten (10) days of the date of this Order, so notify the Commission in writing. A copy of the notice from the Intervenor shall be mailed or delivered to all the parties of record. If no statement of intent to appear at the hearing and to present evidence against the construction of the proposed Cell Facility is received by that date, the hearing will be cancelled and the matter will be

submitted to the Commission for a decision based on the written record.¹

None of the Intervenors have advised the Commission that they intend to appear at the hearing and present evidence in opposition to the proposed Pricetown Cell Site. Although the Intervenors, Terry Wilson and Mariea Jo and Carl Wilson, filed letters with the Commission on July 21, 2008 acknowledging receipt of the Order and notice of the August 27, 2008 hearing, none of the Intervenors stated that they intend to participate in the hearing.

Moreover, the Commission is not statutorily required to conduct a public hearing before granting a certificate of public convenience and necessity. KRS 278.020. "It is clear from the statutory language that the Commission may, in its discretion, choose not to hold a public hearing on an application for a Certificate of Public Convenience and Necessity, if the circumstances of the particular case do not require such a public hearing."² The circumstances of the present case do not require a public hearing. The July 9, 2008 Order expressly provides that "the hearing will be cancelled and the matter will be submitted to the Commission for a decision based on the written record" if the Intervenors do not file a written statement of intent "to appear at the hearing and to present evidence against the construction of the proposed Cell Facility." Order, pp. 1-2 (emphasis added). The Intervenors have not advised the Commission in writing of their intent to appear at the hearing, and the time to do so has expired. Accordingly, the Commission should cancel the public hearing and take this matter under submission based on the written record.

¹ Order, *In the matter of Application of Bluegrass Wireless, LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Pricetown) in Rural Service Area No. 6 (Casey) of the Commonwealth of Kentucky*, Case No. 2007-00501, pp. 1-2 (July 9, 2008) (emphasis added)

² Order, *In the Matter of: The Application of Kentucky Power Company for a Certificate of Public Convenience and Necessity to Construct a 138 KV Transmission Line in Floyd County, Kentucky*, Case No. 2007-00155, 2007 KY PUC LEXIS 556, *5-6 (July 12, 2007)

For the foregoing reasons, Bluegrass Wireless LLC respectfully requests that the Commission grant its motion to cancel the hearing and take this matter under submission based on the existing written record.

Respectfully submitted,



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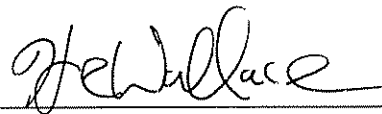
Counsel to BLUEGRASS WIRELESS LLC

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was served upon the following individuals via First Class United States Mail on the 25th day of July, 2008.

Carl and Mariea Jo Wilson
76 Fred Murphy Road
Liberty, Kentucky 42539

Terry Wilson
99 Fred Murphy Road
Liberty, Kentucky 42539



Counsel to Bluegrass Wireless LLC

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BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BLUEGRASS WIRELESS LLC)
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OF PUBLIC CONVENIENCE AND NECESSITY TO)
CONSTRUCT A CELL SITE (PRICETOWN) IN RURAL)
SERVICE AREA #6 (CASEY) OF THE)
COMMONWEALTH OF KENTUCKY)

WITNESS LIST OF BLUEGRASS WIRELESS LLC

Bluegrass Wireless LLC ("Bluegrass Wireless"), by counsel, hereby submits its witness list, and brief summary of testimony, pursuant to paragraph #6 of the order of the Public Service Commission of the Commonwealth of Kentucky dated July 9, 2008 in this matter.¹

1. Doug Updegraff - Group Manager Wireless Network Planning and Engineering, Bluegrass Cellular Inc. Mr. Updegraff will testify as to the public necessity for the construction and operation of the Pricetown cell site.

2. Leila Rezanavaz - Senior Consulting Engineer, Lukas, Nace, Gutierrez, and Sachs. Ms. Rezanavaz will testify as to the selection of the proposed location of the Pricetown cell site pursuant to radio frequency requirements and as to the public necessity for the construction and operation of the Pricetown cell site.

3. Johnny Rhodes - President, Eastpointe Engineering Group, LLC. Mr. Rhodes will testify as to the jurisdictional safety issues, that is, the design, engineering, and construction

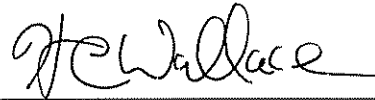
¹ No intervenors in this matter have filed a notice to appear at the public hearing. Therefore, contemporaneous with the filing of this Witness List, Bluegrass Wireless is filing a separate motion to cancel the public hearing and take this matter under submission. This Witness List should not be considered a waiver of Bluegrass Cellular's motion to cancel the hearing. Bluegrass Wireless is filing this Witness List solely to comply with the Commission's July 9, 2008 order.

of the tower and its foundation, including the suitability and preparation of the Pricetown cell site.

4. George Chapman - Managing Director, Integra Realty Resources. Mr. Chapman will testify as to the character of the general area of the Pricetown cell site and the likely effects of the Pricetown cell site on nearby land uses and values.

The testimony of the witnesses may overlap to a degree.

Respectfully submitted,



John E. Selent
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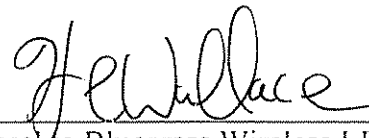
Counsel to BLUEGRASS WIRELESS LLC

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing witness list of Bluegrass Wireless LLC was served upon the following individuals identified below, whom have been granted full intervention in this matter, via First Class United States Mail on the 25th day of July, 2008.

Carl and Mariea Jo Wilson
76 Fred Murphy Road
Liberty, Kentucky 42539

Terry Wilson
99 Fred Murphy Road
Liberty, Kentucky 42539



Counsel to Bluegrass Wireless LLC