

EAST KENTUCKY NETWORK  
101 TECHNOLOGY TRAIL  
IVEL, KY 41642  
PHONE: (606) 874-7550  
FAX: (606) 874-7551  
EMAIL: INFO@EKN.COM  
WEBSITE: WWW.EKN.COM



April 29, 2009

Ryan Gatewood, Director  
Division of Filings  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602-0615

**RECEIVED**

APR 30 2009

PUBLIC SERVICE  
COMMISSION

RE: FINAL FAA AND KAZC DETERMINATIONS


Dear Mr. Gatewood,

Please find enclosed the final FAA and KAZC Determinations for the following cellular tower sites constructed in 2008.

1. 2008-00003 (Little Asher)
2. 2008-00004 (Thousand Sticks)
3. 2008-00088 (Downtown McKee)
4. 2008-00087 (Vincent)
5. 2008-00089 (Blackey)
6. 2008-00265 (Index)
7. 2008-00266 (Dressen)
8. 2008-00267 (Evarts)
9. 2008-00318 (Pine Hill)
10. 2008-00466 (Hyden)
11. 2008-00450 (Egypt)
12. 2008-00319 (Bear Branch)

If there is any further information you require, please don't hesitate to let me know. My direct line is 606-874-7550, ext. 166.

Thank you so much,

  
Janice Robinson  
Technical Site Coordinator

Enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK )  
LIMITED LIABILITY COMPANY FOR ISSUANCE OF )  
A CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A TOWER IN )  
HARLAN COUNTY, KENTUCKY )

CASE NO.  
2008-00318

Pine Hill

Township 4, 3 E 4

O R D E R

On January 15, 2009, East Kentucky Network, LLC, formerly Mountaineer Cellular Limited Liability Company ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 314 feet in height, with attached antenna, to be located on a tract of land at Pine Hill approximately 2.9 miles NNE of Baxter, Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 54' 1.3" by West Longitude 83° 18' 16.7".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 314 feet in height, with attached antenna, and is to be located on a tract of land at Pine Hill approximately 2.9 miles NNE of Baxter, Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 54' 1.3" by West Longitude 83° 18' 16.7".

2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

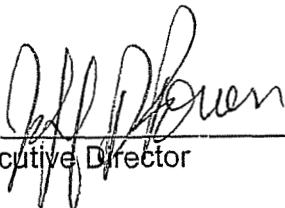
3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

4. The Applicant shall also notify the Commission in writing, within 20 days of completion, that it has finished construction of the tower and the date upon which said construction was complete.

Done at Frankfort, Kentucky, this 24th day of February, 2009.

By the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director

Case No. 2008-00318



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## Antenna Structure Registration

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ASR Registration Search

### Registration 1267784

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#### Registration Detail

Reg Number	1267784	Status	Constructed
File Number	A0629834	Constructed	04/01/2009
FAA Study	2008-ASO-6290-OE	EMI	No
FAA Issue Date	12/08/2008	NEPA	No

#### Antenna Structure

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

**Location** (in NAD83 Coordinates - [Convert to NAD27](#))

Lat/Long 36-54-01.3 N 083-18-16.7 W Pine Hill, 4.7 km NNE of

City, State Baxter , KY

Center of  
AM Array

#### Heights (meters)

Elevation of Site Above Mean Sea Level	835.2	Overall Height Above Ground (AGL)	95.7
Overall Height Above Mean Sea Level	930.9	Overall Height Above Ground w/o Appurtenances	91.4

#### 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 d/b/a Appalachian Wireless 101 Technology Trail Ivel , KY 41642	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	04/01/2009
Purpose	Notification	Entered	04/01/2009

Mode Interactive

**Related Applications**

- 04/01/2009 [A0629833](#) - New (NE)
- 04/01/2009 [A0629834](#) - Notification (NT)

**Comments**

**Comments**

None

**Automated Letters**

None

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Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Phone: 1-877-480-3201  
TTY: 1-717-338-2824  
[Submit Help Request](#)



**KENTUCKY AIRPORT ZONING COMMISSION**

Steven Beshear  
Governor

90 AIRPORT ROAD, Bldg 400  
FRANKFORT, KY 40601  
502 564-4480

January 16, 2009

APPROVAL OF APPLICATION

APPLICANT:

EAST KENTUCKY NETWORK, LLC

MR LEROY A. ADAM

C/O Lukas, Nace, Gutierrez, & Sachs, Chartered|1650 Tyson Blvd., Suite 1500

MCLEAN, VA 22102

SUBJECT: AS-048-135-2008-216

STRUCTURE: Antenna Tower  
LOCATION: Baxter, KY  
COORDINATES: 36° 54' 1.30" N / 83° 18' 16.70" W  
HEIGHT: 314' AGL/3054' AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 314' AGL/ 3054' AMSL Antenna Tower near Baxter, KY 36° 54' 1.30" N / 83° 18' 16.70" W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Dual Obstruction Lighting is required.

A handwritten signature in black ink, appearing to read "John Houlihan".

John Houlihan  
Administrator



An Equal Opportunity Employer M/F/D





**KENTUCKY AIRPORT ZONING COMMISSION**

Steven Beshear  
Governor

90 Airport Road, Bldg 400  
FRANKFORT, KY  
www.transportation.ky.gov/aviation  
502 564-4480

**CONSTRUCTION/ALTERATION STATUS REPORT**

January 16, 2009

AERONAUTICAL STUDY NUMBER: AS-048-I35-2008-216

EAST KENTUCKY NETWORK, LLC  
MR LEROY A. ADAM  
C/O Lukas, Nace, Gutierrez, & Sachs, Chartered|1650 Tyson Blvd., Suite 1500  
MCLEAN, VA 22102

This concerns the permit which was issued to you by the Kentucky Airport Zoning Commission on January 16, 2009. This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within the said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit. When appropriate, please indicate the status of the project in the place below and return this letter to John Houlihan, Administrator, Kentucky Airport Zoning Commission, 90 Airport Road, Bldg 400, FRANKFORT, KY, 40601. 502 564-4480.

STRUCTURE: Antenna Tower  
LOCATION: Baxter, KY  
COORDINATES: 36° 54' 1.30" N / 83° 18' 16.70" W  
HEIGHT: 314' AGL /3054' AMSL

**CONSTRUCTION/ALTERATION STATUS**

1. The project ( ) is abandoned. ( ) is not abandoned.

2. Construction status is as follows:

Structure reached its greatest height of \_\_\_\_\_ ft. AGL  
\_\_\_\_\_ ft. AMSL on \_\_\_\_\_ (date).

Date construction was completed. \_\_\_\_\_

Type of obstruction marking/painting. \_\_\_\_\_

Type of obstruction lighting. \_\_\_\_\_

As built coordinates. \_\_\_\_\_

Miscellaneous Information. \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE/TITLE \_\_\_\_\_



Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 200 Mero Street, Frankfort, KY 40622  
**APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE**  
INSTRUCTIONS INCLUDED

Kentucky Aeronautical Study Number

AS-048-135-08-216

1. APPLICANT -- Name, Address, Telephone, Fax, etc.  
East Kentucky Network, LLC  
c/o Lukas, Nace, Gutierrez & Sachs, Chtd  
1650 Tysons Blvd, Suite 1500  
McLean, VA 22102  
T: 703-584-8667 F: 703-584-8692

9. Latitude: 36 ° 54 ' 01 " 3 "  
10. Longitude: 83 ° 18 ' 16 " 7 "  
11. Datum:  NAD83  NAD27  Other \_\_\_\_\_  
12. Nearest Kentucky City: Baxter County Harlan ✓

2. Representative of Applicant -- Name, Address, Telephone, Fax  
Ali Kuzehkanani  
Lukas, Nace, Gutierrez & Sachs, Chtd  
1650 Tysons Blvd, Suite 1500  
McLean, VA 22102  
T: 703-584-8667 F: 703-584-8692

13. Nearest Kentucky public use or Military airport:  
Tucker-Guthrie Memorial Airport  
14. Distance from #13 to Structure: 4.1 mi  
15. Direction from #13 to Structure: NE

3. Application for:  New Construction  Alteration  Existing  
4. Duration:  Permanent  Temporary (Months \_\_\_\_\_ Days \_\_\_\_\_)  
5. Work Schedule: Start 12/1/2008 End 12/15/2008

16. Site Elevation (AMSL): 2,740.00 Feet  
17. Total Structure Height (AGL): 314.00 Feet  
18. Overall Height (#16 + #17) (AMSL): 3,054.00 Feet

6. Type:  Antenna Tower  Crane  Building  Power Line  
 Landfill  Water Tank  Other \_\_\_\_\_  
7. Marking/Painting and/or Lighting Preferred:  
 Red Lights and Paint  Dual - Red & Medium Intensity White  
 White - Medium Intensity  Dual - Red & High Intensity White  
 White - High Intensity  Other \_\_\_\_\_

19. Previous FAA and/or Kentucky Aeronautical Study Number(s): \_\_\_\_\_  
20. Description of Location: (Attach USGS 7.5-minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey)  
Site is located in Pine Hill, Approx. 2.9 mi (4.7 km) NNE of Baxter (Harlan), KY

8. FAA Aeronautical Study Number \_\_\_\_\_

21. Description of Proposal:

The structure will include a 300' tower with top-mounted antennas (overall height of 314' AGL). The ERP will be 500 watts.

22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration?

No  Yes, When November 05, 2008

**CERTIFICATION:** I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge and belief.

All Kuzehkanani/Dir of Engineering  
Printed Name and Title

*Ali Kuzehkanani*  
Signature

11/18/2008  
Date

**PENALTIES:** Persons failing to comply with Kentucky Revised Statutes (KRS 183.861 through 183.990) and Kentucky Administrative Regulations (602 KAR 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3). Non-compliance with Federal Aviation Administration Regulations may result in further penalties.

**Commission Action:**

Chairman, KAZC

Administrator, KAZC

Approved  
 Disapproved

*[Signature]*

Date 11/16/09



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

Aeronautical Study No.  
 2008-ASO-6290-OE

Issued Date: 12/08/2008

Ali Kuzehkanani  
 East Kentucky Network, LLC  
 1650 Tysons Boulevard, Suite 1500  
 McLean, VA 22102

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted 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:           Antenna Tower Pine Hill (Baxter)  
 Location:            Baxter, KY  
 Latitude:            36-54-01.30N NAD 83  
 Longitude:          83-18-16.70W  
 Heights:             314 feet above ground level (AGL)  
                           3054 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 is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K. Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that 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)

This determination expires on 06/08/2010 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 (718) 553-4542. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-ASO-6290-OE.

**Signature Control No: 606195-103759804**

(DNE)

Katie Venticinque  
Technician

Attachment(s)  
Frequency Data

**Frequency Data for ASN 2008-ASO-6290-OE**

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W