

James A. Henning & Nancy E. Henning  
10362 South Hwy 259  
McDaniels, KY 40152

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PUBLIC SERVICE  
COMMISSION

February 18, 2009

Executive Director's Office  
Public Service Commission of Kentucky  
P O Box 615  
Frankfort, KY 40602

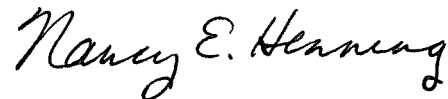
Ref: Case No. 2009-00006. Received notice from McBrayer, McGinnis, Leslie & Kirkland, PLLC Attorneys at Law on January 16, 2009. Powertel / Memphis

Attn: Executive Director

We received your letter of February 4, 2009, stating you had forwarded our questions / concerns to the Applicant. The letter informed us we would be hearing from the Applicant within 15 days of the date of that letter regarding those concerns. We received a phone call from Brent Rice on January 26, 2009. He stated he would "see what he could do". We have not heard any more from him or the Applicant.

Please advise as to what action we should take next.

Sincerely,



James A. Henning  
Nancy E. Henning



Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
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Frankfort, Kentucky 40602-0615  
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David L. Armstrong  
Chairman

James Gardner  
Vice-Chairman

John W. Clay  
Commissioner

February 4, 2009

Mr. & Mrs. James Henning  
10362 South Highway 259  
McDaniels, Kentucky 40152

RE: 2009-00006  
Powertel/Memphis

Dear Mr. and Mrs. Henning:

This is in response to your letter received on January 21, 2009 requesting information regarding the application for approval to construct a wireless tower facility. The letter has been placed in the official case file of this proceeding and the Commission will carefully analyze this application before rendering its final decision. By this letter, the attached request for information has been forwarded to the Applicant for a response. Commission Staff requests the Applicant to submit a written response to the request for information, with a copy to the Commission, within 15 days of the date of this letter.

If a person wishes to become a party in this matter he should submit to the Commission a request for intervention, if intervention is desired. If no request for intervention is received within 30 days of the date of this letter, the Commission Staff will presume that the Applicant's reply has satisfied the concerns raised in the attached request for information.

It may be helpful for you to know the state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Mr. Gordon Weston  
November 17, 2008  
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You may view Orders and data requests issued by the Commission or other formal case documents on our website <http://psc.ky.gov>.

Thank you for your letter of interest and concern in this matter.

Sincerely



Executive Director

JD/TW

cc: Parties of Record