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David L. Armstrong  
Chairman

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Vice Chairman

John W. Clay  
Commissioner

April 13, 2009

## PARTIES OF RECORD

Re: Case No. 2009-00006

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact Allyson Honaker at 502/564-3940, Extension 265 or by e-mail at [Allyson.Honaker@ky.gov](mailto:Allyson.Honaker@ky.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen  
Executive Director

Attachment

## INTRA-AGENCY MEMORANDUM

### KENTUCKY PUBLIC SERVICE COMMISSION

**TO:** Case File

**FROM:** Allyson Honaker  
Staff Attorney

**DATE:** April 13, 2009

**SUBJECT:** Case No. 2009-00006  
Informal Conference

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Pursuant to the Commission Order issued on March 17, 2009, an informal conference was held in this matter on April 7, 2009. Present for the conference were: Mr. Brent Rice, counsel for the applicant, Powertel/Memphis, Inc. d/b/a T-Mobile ("T-Mobile"); the Intervenor, James August Henning and Nancy Henning ("Hennings"); and Commission Staff.

The purpose of the conference was to discuss the Intervenor's objections and concerns as to the proposed tower location.

The Hennings stated that their primary concern was the decline in the value of their property, due to the placement of the tower within 60 feet of their property line. The Hennings provided aerial photographs of the area including their property and the property where the tower is to be located. The Hennings stated that they would not be able to afford to hire experts to testify regarding the effects on property values.

Mr. Rice stated that he would be able to provide at least two experts to testify that there is no effect on property values associated with the construction of cellular towers. Mr. Rice also went through each exhibit contained in the application and discussed the relevance of each one and the expenses already incurred in the placement of this tower. Mr. Rice stated that the tower could be moved 40 feet further away from the Hennings' property without having to obtain new permits and clearances. Mr. Rice also offered to provide copies of different real estate studies to show there is no impact on property values, which the Hennings declined.

The Hennings provided copies of the aerial photos to Mr. Rice and will provide copies to the Commission. The Commission provided a copy of the entire application to the Hennings prior to their departure.

Commission Staff discussed the factors, under the law, which the Commission is allowed to consider when wireless companies seek approval for new tower construction. Commission Staff also stated that Intervenors may present specific information on suitable alternative sites for cell tower construction and that the applicant is allowed to rebut such evidence and argue why the alternate sites are not conducive or feasible for the company's needs.

Based on the discussion during the conference, Commission Staff stated that it did not appear that a resolution would be reached soon in this matter. Commission Staff informed the parties that a memo would be issued shortly after the conference to memorialize the issues that were discussed and that the parties would have an opportunity to comment on the memo.

Commission Staff informed the parties that the Commission would issue an Order outlining the next steps to be taken, including giving the Hennings a date by which they must present their evidence of alternative sites. After the information regarding suitable sites is submitted to the record, the Commission will review the information and determine if a hearing will be held in this matter.

The conference was then adjourned.

AH/ew

Attachment:

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CASE NO. 2009-00006

APPLICATION OF POWERTEL/MEMPHIS INC DBA T-MOBILE FOR  
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY TO CONSTRUCT AN ADDITIONAL CELL FACILITY AT LEO  
BOWLDS ROAD, HARDINSBURG, BRECKINRIDGE COUNTY, KENTUCKY

SIGN IN

April 7, 2009

PERSON

REPRESENTING

*Allyson Honaker*

*PSC*

*Harry Borman*

*PSC*

*Nancy E. Henning*

*myself*

*August Henning*

*"*

*w. Jennifer*

*T-Mobile*