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MAY 13 2009
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FRED G. FRANCIS
1916-2003

May 5, 2009

Allyson Honaker
211 Sower Blvd.
Frankfort, KY 40602

Dear Ms. Honaker:

Per your cover letter of April 29, 2009 by which you transmitted the Memorandum re the Informal Conference held in this matter in your offices on April 23, 2009, we offer the following comments:

1. Memorandum, p. 2, first para., line 5, reads: “. . . that she **did** give her permission for a new access road to be graded across the property she co-owns.” (this is probably just a typo omission).

Should read: “that she did **not** give her permission . . .”

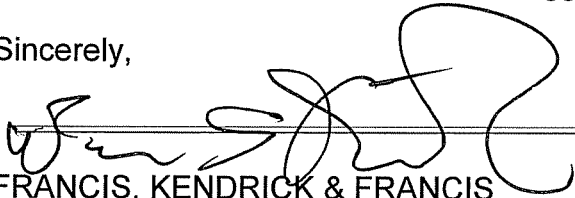
Note: My client recalls it the same way and that of course is the case—EKN has no written consent signed by Ms. Cummings in its favor re the use of the road over the co-owned tract. Our consent is signed by our Lessor of the tower site, Raymond Brown, and his consent was assigned to him by Ms. Cumming’s fellow co-owner in the co-owned tract. EKN’s right of entry documents appear in the record as part of EKN’s application.

2. Memorandum, p. 2, last para., lines 4,5, and 6. This statement is incorrect. EKN representatives said that that the main objection that they hear from landowners about cellular towers being located nearby involves health concerns. EKN did not and does not admit that its facilities cause property values to decline, and this statement to the contrary as it appears in the Memo. is incorrect, and we object to its inclusion in the Memorandum.

The part of lines 5 and 6 that reads “that people usually welcome the cellular tower because they want better cellular coverage” is correct.

Please correct the Memorandum as suggested above.

Sincerely,

A handwritten signature in black ink, appearing to read 'William S. Kendrick', is written over a horizontal line. The signature is stylized and cursive.

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