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PHONE: 859-623-3728 • FAX: 859-623-4224

JOHN D. SWORD
Retired

SALEM W. MOODY
1905-1992

June 29, 2009

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

RECEIVED
JUN 30 2009
PUBLIC SERVICE
COMMISSION

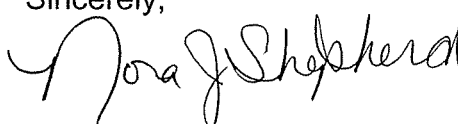
RE: Case No. 2009-00064
Intervenor Lee Etta Cummings

Dear Public Service Commission:

Enclosed please find an original and five copies of a Response to Objection of East Kentucky Network on behalf of Intervenor, Lee Etta Cummings, in the above-referenced matter to be filed of record. I have sent an extra copy of the Response and would appreciate you sending me a file-stamped copy in the envelope provided.

Thank you for your assistance in this matter. If you should have any questions, please contact me.

Sincerely,



Nora J. Shepherd
shepherd@sfmky.com

NJS/krw

Enclosures

O:\SHEPHERD\Cummings, Lee Etta\PSC Ltr to send Response 6-29-09.wpd

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

RECEIVED

JUN 30 2009

PUBLIC SERVICE
COMMISSION

IN RE: CASE NO. 2009-00064
APPLICANT: EAST KENTUCKY NETWORK, LLC, d/b/a APPALACHIAN
WIRELESS
INTERVENOR: LEE ETTA CUMMINGS

RESPONSE TO OBJECTION OF EAST KENTUCKY NETWORK

Comes the Intervenor, Lee Etta Cummings, by counsel, and states the following in response to East Kentucky Network's Objection to Intervenor's Offer of Additional Information, which is dated June 24, 2008:

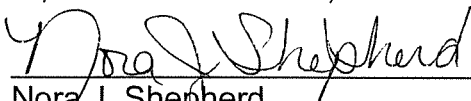
Ms. Cummings respectfully requests that the Commission file into the record and consider the documents submitted by cover letter from her undersigned counsel dated June 19, 2009, a true and correct copy of which are attached hereto and incorporated herein as Intervenor's Exhibit A. As grounds, Ms. Cummings states that the attached letter and estimate contain information relevant to this matter; contain information which will aid the Commission in determining this matter; and are directly responsive to EKN's claim that Ms. Cumming's proposed alternate tower location #1 is an unsuitable site for a cellular tower due to the location of a gas line and due to the cost of building an access road to the site. Although the Commission's Order of May 8, 2009, did not specifically grant Ms. Cummings a right to reply to EKN's response to her proposed alternate tower locations, Ms. Cummings has been granted the right of full intervention in this matter because it appeared to the Commission that her intervention "is likely to present issues or to develop facts that assist the commission in fully considering the

matter without unduly complicating or disrupting the proceedings....” 807 KAR 5:001, Section 8(b) (emphasis added). Ms. Cummings simply wishes for the Commission to be fully informed regarding her position and the evidence she would present at a hearing in this matter. If the Commission grants EKN’s objection and strikes Ms. Cummings’ submission from the record of this matter, Ms. Cummings respectfully requests that the Commission schedule a formal hearing in this matter so that she may present her evidence at said hearing.

Finally, EKN’s objection is rather disingenuous considering some “unauthorized” submissions it has made to the record of this matter. On or about May 20, 2009, and May 22, 2009, EKN’s General Manager, Gerald Robinette, filed into the record two letters he had authored to third parties regarding the proposed tower site, neither of which were authorized or required by the Commission’s Order dated May 8, 2009. If the Commission strikes Ms. Cummings’ June 19, 2009, submissions, it must also strike all similar unauthorized submissions by EKN.

WHEREFORE, the Intervenor, Lee Etta Cummings, respectfully requests that the Commission file into the record of this matter and consider the documents attached hereto as Intervenor’s Exhibit A.

SWORD, FLOYD & MOODY, PLLC

BY: 
Nora J. Shepherd
Counsel for Intervenor

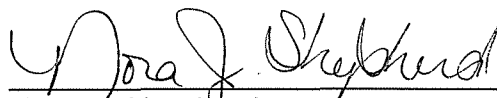
ADDRESS: 218 West Main Street
P. O. Box 300
Richmond, KY 40476-0300
859-623-3728
859-623-4224 fax

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **RESPONSE TO OBJECTION OF EAST KENTUCKY NETWORK** was served upon the following on this the 29th day of June, 2009:

William S. Kendrick
P. O. Box 268
Prestonsburg, KY 41653
Counsel for Applicant

Allyson Honaker
Counsel for Public Service Commission
211 Sower Blvd
Frankfort, KY 40602



Nora J. Shepherd

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JOHN D. SWORD
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SALEM W. MOODY
1905-1992

June 19, 2009

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

RE: Case No. 2009-00064

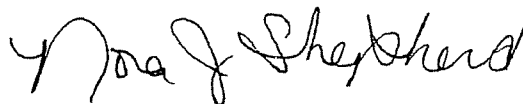
Dear Public Service Commission:

Attached are the following documents related to proposed alternate tower location #1:

1. A copy of a letter dated June 18, 2009, from Troublesome Creek Gas Company to Lee Etta Cummings.
2. An estimate regarding the cost of an access road for proposed alternate tower site #1 dated June 18, 2009, from Michael E. Cornett of C&C Construction.

Please file these documents into the record of this matter.

Sincerely,



Nora J. Shepherd
shepherd@sfnky.com

cc: Hon. Alysson Honaker
Public Service Commission
P. O. Box 615
Frankfort, KY 40602
Counsel for PSC

Hon. William S. Kendrick
P. O. Box 268
Prestonsburg, KY 41653
Counsel for EKN

**INTERVENOR'S
EXHIBIT A**

06/18/2009 07:31

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BASIN ENERGY TCG

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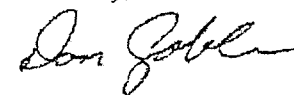
Troublesome Creek Gas Corporation
Basin Energy Company
P.O. Box 934
Prestonsburg, Kentucky 41653
Phone (606) 874-0761 Fax (606) 874-9090

June 18, 2009

Dear Lee Etta,

The gas lines that we have on your property are either four or two inch low pressure lines. Neither should pose a problem for the construction of a tower on your property. If there is a problem we are committed to relocate said line one time at our expense if necessary for the development of your property. If I can be of further assistance please advise.

Sincerely,



Michael E. Cornett DBA

C&C Construction
1163 Little Leatherwood Road
Leatherwood, KY 41731

June 18, 2009

To: To Whom it May Concern

RE: Invitation to bid

Construction of 1000' X 12' road to the proposed No. 1 Tower Site

It is our pleasure to provide an estimate for the construction of a road to the proposed Tower Site No. 1.

We estimate the road to be about 1,000' long and the finished roadway to be 12' wide. The road being constructed along the ridge, there will be no need for ditches or pipes.

Without testing for rock along the route we are providing a low and high estimate. The high estimate will be the maximum should rock be encountered and need to be hammered.

Low:

320 Excavator	20 hours	\$95	\$1,900
D-5 Dozer	20 hours	\$65	\$1,300
Stone			<u>\$2,000</u>
		Total	\$5,200

High:

320 Excavator	30 hours	\$95	\$2,850
D-5 Dozer	30 hours	\$65	\$1,950
Stone			<u>\$2,000</u>
		Total	\$6,800

Thank you for the opportunity to be considered for this project.

Michael E. Cornett