Steven L. Beshear Governor

Leonard K. Peters Secretary Energy and Environment Cabinet



Commonwealth of Kentucky

Public Service Commission
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P.O. Box 615

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Telephone: (502) 564-3940

Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.kv.gov David L. Armstrong Chairman

James W. Gardner Vice Chairman

John W. Clay Commissioner

April 6, 2009

Mr. Floyd Skeans P.O. Box 0248 Dwale, Kentucky 41621

Re:

Case No. 2009-00093

Application of New Cingular Wireless PCS, LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless

Communications Facility at 114 Rising Son Lane, Prestonsburg,

Floyd County, Kentucky, 41653

Dear Mr. Skeans:

On April 1, 2009, the Kentucky Public Service Commission ("Commission") received your public comments and request for intervention in this proceeding.

By Order dated April 3, 2009, the Commission placed the New Cingular Wireless ("New Cingular") tower application in abeyance. This proceeding is being placed in abeyance pending a ruling by the Kentucky Supreme Court in a related matter concerning this Commission's jurisdiction over applications to build wireless communications towers at locations within the political boundary of a local planning commission that has adopted planning and zoning regulations. The Commission's jurisdiction over New Cingular's current application to build a tower in Floyd County is largely dependent upon the Supreme Court's decision. Please note that, although New Cingular's application will be affected by the ruling, New Cingular is not a party in the Supreme Court action.

As the application has been placed in abeyance, the Commission will not undertake a review of New Cingular's application or your request for intervention until such time as this proceeding becomes active again. No further action will be required



Mr. Floyd Skeans April 6, 2009 Page 2 of 2

by you at this time. If you have any questions or concerns regarding this matter, please contact Commission Staff Attorney, Tiffany Bowman at (502) 564-3940, ext. 465.

Sincerely,

Jeff/DeRouen Executive Director

TB/ew

cc: Parties of Record

