



CONSOL ENERGY

**P. O. Box 130
Mousie, Kentucky 41839**

March 31, 2009

Kentucky Public Service Commission
Executive Director
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602

RECEIVED

APR - 2 2009

PUBLIC SERVICE
COMMISSION

Re: Case Number 2009-00114
Certified Letter 7099 3400 0006 7041 6927

Dear Director:

I am writing on behalf of CONSOL of Kentucky Inc. (CONSOL) in regards to the above referenced Case Number and Public Notice by New Cingular Wireless PCS, LLC (Cingular) of proposed construction of a 300' tower and related facilities at 251 Babe Bolen Drive. Babe Bolen Drive is located in Sycamore Fork of Rock Fork of Right Beaver Creek in Knott County, Kentucky and CONSOL owns all the coal underlying Sycamore Fork and most of the surface in Sycamore Fork.

CONSOL hereby formally protests the proposed construction and requests an intervention in relation to Cingular's application for a certificate. Cingular has made no contact with CONSOL concerning the proposed construction nor has Cingular requested access to CONSOL's property. CONSOL is concerned that the proposed facility will isolate and sterilize coal reserves owned by CONSOL and may possibly be located over existing underground mine workings that could possibly create a subsidence problem for the tower. Also, CONSOL is concerned that Cingular may be proposing facilities on surface owned by CONSOL.

Please contact me at (606) 946-3119 or the address listed above as to how CONSOL should proceed in regards to this protest.

Sincerely,

James O. Childers
Senior Land Agent