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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Charles R. Borders
Commissioner

November 6, 2009

PARTIES OF RECORD

RE: Case No. 2009-00114

Enclosed is the memorandum that has been filed in the record of the above-referenced case. Any comments regarding this memorandum's content should be submitted to the Commission, in writing, within seven (7) days of receipt of this letter.

Questions regarding this memorandum should be directed to Tiffany Bowman at (502) 564-3940, extension 465 or by e-mail at TiffanyJ.Bowman@ky.gov.

Sincerely,

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

Jeff R. Derouen
Executive Director

JD/tjb

enc.

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File – Case No. 2009-00114

FROM: Tiffany Bowman
Commission Staff Attorney

DATE: November 6, 2009

SUBJECT: Informal Conference Memorandum

An informal conference (“IC”) was held in this matter on November 4, 2009. A copy of the conference attendance list is attached. The purpose of the IC was to discuss the status of settlement negotiations between the parties.

Mr. James Combs, counsel for CONSOL Energy stated that the parties had entered into settlement discussions several months ago and had drafted and exchanged settlement documents. However, Mr. Combs stated that those documents had not been fully executed and he had not reviewed them.

Mr. Todd Briggs, counsel for the Applicant, stated that he would send the necessary settlement documents to Mr. Combs very shortly.

The parties stated that if the settlement terms were identical to the terms discussed several months before, each side would be satisfied and CONSOL Energy would not remain as an intervenor in this proceeding.

Commission Staff agreed to give the parties until the first week of December 2009 to finish their discussions. Commission Staff stated that by December 4, 2009, if the parties are satisfied with the result of the negotiations, CONSOL Energy will submit a written statement to the Commission and to New Cingular indicating that CONSOL will withdraw from the case as an intervenor and does not desire to have the Commission hold a formal hearing in this matter. Commission Staff stated that after CONSOL’s withdrawal, New Cingular’s cell tower application would be presented to the Commission for final decision.

If CONSOL Energy does not withdraw as an intervenor, Commission Staff will inform the Commission and a subsequent Order will be issued outlining the next procedural steps for this case.

The conference then adjourned.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CASE NO. 2009-00114

APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC FOR ISSUANCE OF
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT 251 BABE
BOLEN DRIVE, GARRETT, KNOTT COUNTY, KENTUCKY 41630 SITE NAME:
BOYLN (252GO125)

SIGN IN

November 4, 2009

PERSON

REPRESENTING

Tiffany Bowman

PSC Staff

Iodd Briggs (by phone)

New Cingular / Counsel

Jim Combs (by phone)

Consol Energy