

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BLUEGRASS WIRELESS)
LLC FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO) CASE NO.
CONSTRUCT A WIRELESS) 2009-00145
TELECOMMUNICATIONS FACILITY (WHITLEY)
WEST) IN RURAL SERVICE AREA #11)
(WHITLEY) OF THE COMMONWEALTH OF)
KENTUCKY)

O R D E R

On May 15, 2009, Bluegrass Wireless LLC (“Bluegrass”) filed an application with the Commission for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a wireless telecommunications facility in Whitley County, Kentucky. Prior to the submission of the application, John and LaDonna Doppel, Ricky and Katrina Davis, and Ray and Justine Young, owners of properties near the proposed cell site, submitted comments objecting to the construction of the proposed tower and/or requests to intervene in this proceeding.¹ The reasons stated are mainly health concerns, but a safety issue with the cell site access road is also raised. After the application was filed, the Commission received a letter from Shane A. Romines, an attorney in Corbin, Kentucky, stating that he represented the interests of Keith and Charlotte Barnett and

¹ See Appendix to this Order.

Kim and Darrell Barnett and that his clients were opposed to the tower location, also due to health concerns.²

The Commission hereby finds that, prior to a determination of whether John and LaDonna Dopel and Ricky and Katrina Davis should be allowed to intervene in this proceeding, Bluegrass shall be afforded the opportunity to provide a written response to their concerns and objections, as expressed in their motions. Bluegrass shall have 20 days from the date of this Order to issue a written response to all property owners commenting or requesting intervention in this matter. The mailing information for all property owners is provided in the letters attached as the Appendix, except for Ray and Justine Young. The mailing information for the Youngs is as follows:

Justine and Ray Young
405 Ernest Alsip Road
Corbin, KY 40701

All property owners shall have 10 days from the date they receive Bluegrass's response to send their replies to Bluegrass and the Commission. The property owners shall send the reply to Bluegrass, by and through its counsel of record:

John E. Selent
Holly C. Wallace
Dinsmore & Shohl LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202

After the schedule for submission of Bluegrass's response and replies by the property owners has concluded, the Commission shall review the pleadings and determine, by separate Order, if the persons requesting intervention shall be allowed to intervene in this proceeding.

² *Id.*

IT IS HEREBY ORDERED that:

1. Within 20 days of the date of this Order, Bluegrass shall serve a response upon all property owners submitting comments and/or requests for intervention regarding their objections and concerns to the proposed cell site, as provided in this Order.

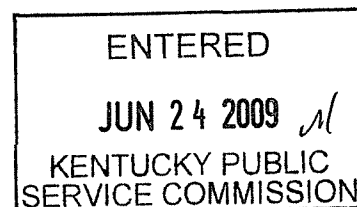
2. Within 10 days after they receive the response from Bluegrass, the property owners shall send a reply to Bluegrass and the Commission. The reply to Bluegrass is to be sent by and through its counsel, as provided in this Order.

3. Bluegrass shall file five copies of its response with the Commission, in addition to serving the response upon the property owners.

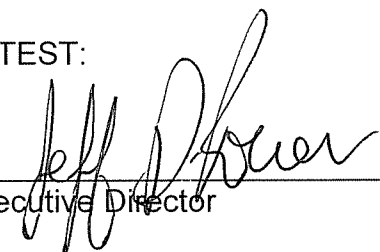
4. The property owners shall file five copies of their reply with the Commission, in addition to serving the response upon Bluegrass, by and through its counsel of record.

5. The Executive Director shall serve a copy of this Order upon John and LaDonna Dopel, Ray and Justine Young, Ricky and Katrina Davis, and Hon. Shane A. Romines at the addresses provided in this Order or in the Appendix to this Order.

By the Commission



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2009-00145 DATED **JUN 24 2009**

Legal

May 11, 2009

RECEIVED

MAY 13 2009

PUBLIC SERVICE
COMMISSION

From: Ricky and Katrina Davis
472 Cane Creek Road
Williamsburg, Kentucky 40769

CASE # 2009-00145

(This letter is being written on behalf of regarding our comments and request concerning proposed construction and our right to intervene in this matter.)

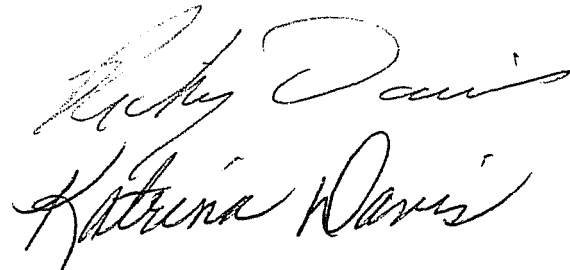
To: The Executive Director's Office Public Service Commission of
Kentucky

We do not agree on the Bluegrass Wireless Facility to construct a new cell facility to provide cellular telephone service. We do not agree for a 240 foot tower to be located at 351 Ernest Alsip Road, Corbin, Whitley County, Kentucky, 40701. We do not want the Bluegrass Cellular or any wireless facility to put up a cell phone tower in our community. Here are our reasons why: First of all there are potential health effects caused from radio frequency emissions formed of electromagnetic radiation (EMR), from cell towers which are harmful to communities. Children living near three TV and FM Broadcast towers which are similar to cell phone towers have more than seven miles away has caused miscarriages, cardiac disruption with the heart, sleep disturbances, chronic fatigue, and early indicates of adverse health effects, as well as, symptoms of reduced immune system competence and cardiac problems, especially of the arrhythmic type and cancers, especially brain tumor and leukemia are probable. The electromagnetic radiation are also linked to Alzheimer's Disease, depression, damage to cell tissue and the DNA, Vibroacoustic Disease-----People develop a disease caused by low frequency noise exposure symptoms can include mood swings, indigestion, ulcers and joint pain.

Among the health concerns related of exposure of cell towers are: Abnormal cell growth promotion, DNA damage, reduced immune system competence, sleeplessness, irritability, anxiety, depression, weakened blood barrier, as well as childhood and adult leukemia, eye cancer, infertility and as mentioned miscarriage, attention span deficit and general memory loss, Brain Tumors, and Cardiac Problems and the health effects are not only restricted to humans but also to animals such as cows etc., Dairy cows are effected by the cell phone tower sites which causes reduced milk production and increases behavioral abnormalities in the cows. This is caused from

being around the antenna site of a cell phone tower. Please respect our request and concerns. We do not want to expose our community with The Bluegrass Wireless Facility 240 Foot Cell Phone Tower of Electromagnetic Radiation which will give us potential health effects, with adverse effects. My husband and I as well as our two children: Nathaniel Davis and Zachary Davis are planning on living on Ernest Alsip Road in the near future. We are going to build a house or set a trailer over there. At the present time all of my immediate family live on Ernest Alsip Road: My mom and dad live in that community Homer Ray and Justine Young, my aunt and cousin: Imogene and Zandal White, my sister: Sherry Hensley, my brother-in-law ,Dale Hensley, and nieces Amanda and Kassandra Brimm live in a trailer on Ernest Alsip Road, my youngest sister and her family: LaDonna Dopel and my brother-in-law, John Dopel as well as their four children: Landon Dopel, Johnna Dopel, Jadon Dopel, Amber Dopel.

Sincerely,
Ricky and Katrina Davis

The image shows two handwritten signatures in black ink. The top signature is 'Ricky Davis' and the bottom signature is 'Katrina Davis'. Both are written in a cursive, flowing style.

April 20, 2009

Ricky and Katrina Davis
472 Cane Creek Road
Williamsburg, Kentucky 40769

Public Notice

Bluegrass Wireless LLC ("Bluegrass Wireless") is a Kentucky limited liability Company that markets its services as Bluegrass Cellular. Bluegrass Cellular has been serving Central Kentucky with wireless communications services for over 15 years.

Bluegrass Wireless is applying to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for a Certificate of Public Convenience and Necessity to construct a new cell facility to provide cellular telephone service. This facility will include a 240 foot tower to be located at 351 Ernest Alsip Road, Corbin, Whitley County, Kentucky, 40701. A map showing the location is attached.

The Commission invites your comments regarding this proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. Your comments and request for intervention should be addressed to:

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

Please refer to case number 2009-00145 in your correspondence.

Bluegrass Cellular welcomes the opportunity to serve and provide wireless service in your community! (For more information, please check us out online at www.myblueworks.com)

Legal

May 09, 2009

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MAY 12 2009
PUBLIC SERVICE
COMMISSION

John and LaDonna Dopel
441 Ernest Alsip Road
Corbin, Kentucky 40701
Case number 2009-00145

I am writing this letter to inform Bluegrass Wireless LLC and the Commission that I would like to comment and request intervention in putting up a tower on 351 Ernest Alsip Road, Corbin, Whitley County, Kentucky, 40701

I would like to say that future health reasons and health issues at hand are my main concern. I have 4 children, and I feel as if the tower would be detrimental to my children's health in the future.

My dad has a heart stint, and has had cancer, both my nieces have heart devices, that could be affected by this tower and could possibly intervene with the function of the heart device. My aunt also has a heart pacemaker and I feel as if this could affect the regulation of her heartbeat by living so close to a tower.

We already have an Electrical Substation on this road, and there has been several cases of cancer reported by my neighbors and also deaths in this small community living so close to an Electrical Substation. Furthermore it is a one lane road, causing major problems trying to get out at times as it is. I know if we get a tower here on this one lane road it will cause difficulties and almost be impossible trying to get past each other as one would have to back up at least 1/2 mile, in doing this, it can not be safe for anyone. I will also include, that the Whitley County School Bus comes on this one lane road, and that could be a major problem, when meeting with work utilities coming in and out on this one lane road.

I think technology is a great thing but, I still feel as if the health and safety of my family is MOST important!

Thanks so much for your time and interest in my concerns.

Sincerely,

John A. Dopel

John A. Dopel

LaDonna K. Dopel

LaDonna K. Dopel

Legal

Case # 2009-00145

RECEIVED

MAY 13 2009

PUBLIC SERVICE
COMMISSION

To: Executive Director's Office
Public Service Comm. of Ky.
P.O. Box 415 Frankfort, Ky. 40602
Located 351 Ernest Alsip Rd. Corbin, Ky 40701
Ray & I (Justine Young) We do not
want the Blue Grass Tower put up
because of health problems. ~~It~~ Ray
has a heart stent & has had cancer
Our Granddaughters have heart devices
My sister Imogene White has a
pace maker. There's a one lane
road. When you ^{or} someone, one or the
other has to back up 1/2 mile. The
school bus comes over the road & back
I would be had meeting the truck
We just don't believe we need the
tower over here.

Thank you.
Justine Young
Ray Young

Date: 5-11-09

Haraker

COPELAND & ROMINES LAW OFFICE, PLLC

A PROFESSIONAL LIMITED LIABILITY COMPANY

P. O. DRAWER 1580
1305 SOUTH MAIN STREET
CORBIN, KENTUCKY 40702

MARTHA FARMER COPELAND
ATTORNEY & COUNSELOR

SHANE ALLEN ROMINES
ATTORNEY & COUNSELOR

ASSOCIATE:
JEREMY W. BRYANT

TELEPHONE: (606) 523-5100
FACSIMILE: (606) 523-5103
www.copelandandromines.com
martha@copelandandromines.com
shane@copelandandromines.com
jeremy@copelandandromines.com

LEGAL ASSISTANTS:
KYLA JONES
DONNA ROMINES

RECEIVED
MAY 28 2009
GENERAL COUNSEL

May 26, 2009

Executive Director's Office
Public Service Commission of Kentucky
PO Box 615
Frankfort, Kentucky 40602

RECEIVED

MAY 28 2009

PUBLIC SERVICE
COMMISSION

RE: Case No. 2009-00145
Bluegrass Wireless, LLC.
351 Ernest Alsip Road
Corbin, Kentucky 40701
Proposed tower

Dear Executive Director:

This office has been contacted to represent the interests of Keith and Charlotte Barnett and Kim and Darrell Barnett. My clients strenuously object to the tower being placed in the proposed location. The area has an electric substation now and there are many instances of cancer nearby that the homeowners cannot help but link to the station. Additional electronic stations would not be welcomed by the neighboring land owners. Please select an alternate site and contact me with any questions.

Sincerely,



Shane A. Romines

Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202