



Holly C. Wallace 502-540-2309 holly.wallace@dinslaw.com

July 14, 2009

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JUL 1 4 2009

PUBLIC SERVICE COMMISSION

via Hand Delivery Jeff Derouen, Executive Director Kentucky Public Service Commission 211 Sower Blvd P.O. Box 615 Frankfort, KY 40602-0615

## Re: Application of Bluegrass Wireless LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Whitley West) in Rural Service Area #6 (Casey) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2009-00145

Dear Mr. Derouen:

Pursuant to the order of the Public Service Commission of the Commonwealth of Kentucky dated June 24, 2009 and its letter of July 2, 2009 in regard to the above-referenced case, enclosed for filing please find six (6) copies each of the responses of Bluegrass Wireless LLC to the letters of concern of (1) Dale and Sherry Hensley; (2) Shane A. Romines, Esq., legal counsel to Keith and Charlotte Barnett and Darrell and Kim Barnet; (3) John and LaDonna Dopel; (4) Ricky and Katrina Davis; and (5) Ray and Justine Young. Please file-stamp one copy, and return it to our courier.

Thank you, and if you have any questions, please call me.

Sincerely,

**DINSMORE & SHOHL LLP** 

Holly C. Wallace





Holly C. Wallace (502) 540-2309 (Direct Dial) holly wallace@dinslaw.com JUL 1 4 2009 PUBLIC SERVICE COMMISSION

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July 14, 2009

Dale and Sherry Hensley 431 Ernest Alsip Road Corbin, Kentucky, 40701

# Re: Application of Bluegrass Wireless LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Whitley West) in Rural Service Area #6 (Casey) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2009-00145

Dear Mr. and Mrs. Hensley:

We are legal counsel to Bluegrass Wireless LLC ("Bluegrass Wireless"). In that capacity, we are responding to your letter dated June 26, 2009, addressed to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") regarding your concerns with respect to the proposed construction of a cell tower facility to be located at 351 Ernest Alsip Road, Corbin, Kentucky, 40701.

Bluegrass Wireless proposes to construct this cell tower facility in Whitley County in order to provide enhanced wireless communication services in the area. The proposed cell tower facility will accommodate the citizens of Whitley County and individuals traveling along U.S. Highway 25. The proposed cell tower facility will also accommodate emergency medical services and other emergency response services, such as 911, that are vital to all communities. To date, there have been no objections to this proposed cell tower facility from any local or other governmental agencies and officials.

The proposed location of the cell tower facility is the most suitable location in this area of the county due to: (1) its elevation; (2) the nature of the terrain in the surrounding area; (3) its proximity to U.S. Highway 25; and (4) its proximity to the existing Bluegrass Wireless cellular tower located in Whitley County that the proposed cellular tower will work in conjunction with for optimum coverage purposes. The proposed cell tower facility may accommodate other carriers in the future which will eliminate additional cell tower facilities being constructed near your property as well as others in the vicinity. The site for the proposed cell tower facility was selected by radio frequency engineers, on behalf of Bluegrass Wireless, who used their expertise and applicable propagation prediction tools and determined that this site is the optimum site in terms of location to provide the best quality service to customers in the service area.

Dale and Sherry Hensley July 14, 2009 Page 2

Bluegrass Wireless, as well as all other wireless carriers, is required to adhere to stringent Federal Communications Commission and Federal Aviation Administration rules governing cell tower construction, maintenance and safety. A typical cell tower in a suburban or rural area emits 150 to 350 watts of power or less. In contrast, a television tower emits up to 5 million watts while a commercial radio station tower operates at up to 1 million watts. Local police and fire department towers produce up to 500 watts of power. In any event, the Federal Telecommunications Act of 1996 prohibits local governments from establishing local safety or environmental standards for human exposure to radio frequency emissions.

Finally, during the construction process of the proposed tower, there will be vehicular and foot traffic at the proposed cell site. Thereafter, vehicular and foot traffic to and from the cell site will generally consist of one maintenance visit per month, or less.

I hope that this letter satisfactorily addresses your concerns.

Thank you.

Very truly yours,

DINSMORE & SHOHL LLP Olace

Holly C. Wallace

JES:kwi

cc: Tiffany Bowman, Esq., Staff Counsel, Kentucky Public Service Commission Eric Bowman, Engineering, Kentucky Public Service Commission



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July 14, 2009

Shane A. Romines, Esq. Copeland & Romines Law Office PLLC 1305 South Main Street P.O. Drawer 1580 Corbin, Kentucky, 40702

# Re: Application of Bluegrass Wireless LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Whitley West) in Rural Service Area #6 (Casey) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2009-00145

Dear Mr. Romines:

We are legal counsel to Bluegrass Wireless LLC ("Bluegrass Wireless"). In that capacity, we are responding to your letter dated May 26, 2009, addressed to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") regarding the concerns of your clients, Keith and Charlotte Barnett and Darrell and Kim Barnett, regarding the proposed construction of a cell tower facility to be located at 351 Ernest Alsip Road, Corbin, Kentucky, 40701.

Bluegrass Wireless proposes to construct this cell tower facility in Whitley County in order to provide enhanced wireless communication services in the area. The proposed cell tower facility will accommodate the citizens of Whitley County and individuals traveling along U.S. Highway 25. The proposed cell tower facility will also accommodate emergency medical services and other emergency response services, such as 911, that are vital to all communities. To date, there have been no objections to this proposed cell tower facility from any local or other governmental agencies and officials.

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Shane A. Romines, Esq. July 14, 2009 Page 2

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I hope that this letter satisfactorily addresses the concerns of your clients...

Thank you.

Very truly yours,

DINSMORE & SHOHL LLP

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Holly C. Wallace

JES:kwi

cc: Tiffany Bowman, Esq., Staff Counsel, Kentucky Public Service Commission Eric Bowman, Engineering, Kentucky Public Service Commission

 $Dinsmore \& Shohl_{LLP}$ 



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July 14, 2009

John and LaDonna Dopel 441 Ernest Alsip Road Corbin, Kentucky, 40701

#### Re: Application of Bluegrass Wireless LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Whitley West) in Rural Service Area #6 (Casey) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2009-00145

Dear Mr. and Mrs. Dopel:

We are legal counsel to Bluegrass Wireless LLC ("Bluegrass Wireless"). In that capacity, we are responding to your letter dated May 9, 2009, addressed to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") regarding your concerns with respect to the proposed construction of a cell tower facility to be located at 351 Ernest Alsip Road, Corbin, Kentucky, 40701.

Bluegrass Wireless proposes to construct this cell tower facility in Whitley County in order to provide enhanced wireless communication services in the area. The proposed cell tower facility will accommodate the citizens of Whitley County and individuals traveling along U.S. Highway 25. The proposed cell tower facility will also accommodate emergency medical services and other emergency response services, such as 911, that are vital to all communities. To date, there have been no objections to this proposed cell tower facility from any local or other governmental agencies and officials.

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John and LaDonna Dopel July 14, 2009 Page 2

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Finally, during the construction process of the proposed tower, there will be vehicular and foot traffic at the proposed cell site. Thereafter, vehicular and foot traffic to and from the cell site will generally consist of one maintenance visit per month, or less.

I hope that this letter satisfactorily addresses your concerns.

Thank you.

Very truly yours,

**DINSMORE & SHOHL LLP** 1 Nrillice

Holly C. Wallace

JES:kwi

cc: Tiffany Bowman, Esq., Staff Counsel, Kentucky Public Service Commission Eric Bowman, Engineering, Kentucky Public Service Commission



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

#### Re: Application of Bluegrass Wireless LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Whitley West) in Rural Service Area #6 (Casey) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2009-00145

Dear Mr. and Mrs. Davis:

We are legal counsel to Bluegrass Wireless LLC ("Bluegrass Wireless"). In that capacity, we are responding to your letter dated May 11, 2009, addressed to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") regarding your concerns with respect to the proposed construction of a cell tower facility to be located at 351 Ernest Alsip Road, Corbin, Kentucky, 40701.

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Ricky and Katrina Davis July 14, 2009 Page 2

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I hope that this letter satisfactorily addresses your concerns.

Thank you.

Very truly yours,

**DINSMORE & SHOHL LLP** Holly C. Wallace

JES:kwi

cc: Tiffany Bowman, Esq., Staff Counsel, Kentucky Public Service Commission Eric Bowman, Engineering, Kentucky Public Service Commission

Dinsmore & Shohl



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July 14, 2009

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

## Re: Application of Bluegrass Wireless LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Whitley West) in Rural Service Area #6 (Casey) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2009-00145

Dear Mr. and Mrs. Young:

We are legal counsel to Bluegrass Wireless LLC ("Bluegrass Wireless"). In that capacity, we are responding to your letter dated May 11, 2009, addressed to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") regarding your concerns with respect to the proposed construction of a cell tower facility to be located at 351 Ernest Alsip Road, Corbin, Kentucky, 40701.

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Ray and Justine Young July 14, 2009 Page 2

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Very truly yours,

**DINSMORE & SHOHL LLP** tellere

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cc: Tiffany Bowman, Esq., Staff Counsel, Kentucky Public Service Commission Eric Bowman, Engineering, Kentucky Public Service Commission

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