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Commissioner

November 23, 2009

Dr. Mark K. Wourms
Executive Director
Bernheim Arboretum and Research Forest
P.O. Box 130
Clermont, KY 40110-0130

Re: Case No. 2009-00432
Application of New Cingular Wireless PCS, LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Telecommunications Facility at 6628 Clermont Road, Cox's Creek, Bullitt County, Kentucky 40013 in the Wireless Communications License Area in the Commonwealth of Kentucky
Site Name: Lotus (263P0427)

Dear Dr. Wourms:

On November 12, 2009, the Kentucky Public Service Commission ("Commission") received your public comments in this proceeding.

By Order dated November 19, 2009, the Commission placed the New Cingular Wireless PCS, LLC ("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 any publicly filed comments until such time as this proceeding becomes active again. No further action will be required 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 Derbuen
Executive Director

JD/tjb

cc: Main Case File – 2009-00432
Parties of Record