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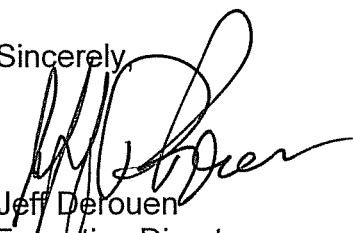
May 4, 2010

PARTIES OF RECORD

Re: Case No. 2010-00044

Enclosed is information regarding the response of the Applicant to Mr. and Mrs. Harvey and Jo Brewer in the above-named proceeding. If you have any questions, please contact Tiffany Bowman at 502/564-3940, Extension 465 or by email at TiffanyJ.Bowman@ky.gov.

Sincerely,



Jeff Derouen
Executive Director

JD/tb

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File
FROM: Tiffany Bowman
Staff Attorney
DATE: May 4, 2010
SUBJECT: Case No. 2010-00044

Application of Cumberland Cellular Partnership For Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Telecommunications Facility (Burkesville II) In Rural Service Area #5 (Cumberland) of the Commonwealth of Kentucky

Response of Applicant to Mr. and Mrs. Harvey and Jo Brewer

The attached information was provided to Commission Staff by the counsel for the Applicant. This information is being placed into the public file for this proceeding and will be distributed to the parties of record.

The attached information contains the following:

Applicant's response to the letter dated April 2, 2010 by Mr. and Mrs. Brewer.



Dinsmore & Shohl LLP
ATTORNEYS

Holly C. Wallace
(502) 540-2309 (Direct Dial)
holly.wallace@dinslaw.com

April 22, 2010

Mr. and Mrs. Harvey and Jo Brewer
411 Watson Road
Austin, Kentucky 42123

Re: *Application of Cumberland Cellular Partnership d/b/a Bluegrass Cellular for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Burkesville II) in Rural Service Area #5 (Cumberland County) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2010-00044*

Dear Mr. and Mrs. Brewer:

We are legal counsel to Cumberland Cellular Partnership d/b/a Bluegrass Cellular ("Cumberland Cellular"). In that capacity, we are responding to your letter dated April 2, 2010, 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 5451 Celina Road, Burkesville, Kentucky, 42717.

Pursuant to 807 KAR 5:063 § 1 (l), you were sent notice of the construction of the proposed cell tower facility because you own property within 500 feet of the location of the proposed cell tower facility. The location of the proposed cell tower facility will not result in any restrictions on your use of your property. In addition, and pursuant to 807 KAR 5:063 § 1 (k), the map which was sent to you, along with a copy of the notice of the proposed cell tower facility, identifies all structures and every owner of real estate within 500 feet of the proposed cell tower.

Cumberland Cellular proposes to construct this cell tower facility in Cumberland County in order to provide enhanced wireless communication services in the area. The proposed cell tower facility will accommodate the citizens of Cumberland County and individuals traveling along State Roads 61 and 449 and in the vicinity. 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; and (3)

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Mr. and Mrs. Harvey and Jo Brewer
April 22, 2010
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its proximity to State Roads 61 and 449. The proposed cell tower facility will 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 Cumberland Cellular, who used their expertise and applicable propagation prediction tools to determine that this site is the optimum site in terms of location to provide the best quality service to customers in the service area.

Cumberland Cellular, 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, in Kentucky P.S.C. Case No. 2005-00445, we addressed the issue of decreased property value due to the construction of a cellular tower facility. We introduced expert testimony in that case which opined that the proposed cell tower facility would not negatively affect the value of the property.

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
John E. Selent, Esq.