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January 24, 2017

VIA FEDEX

Talina Matthews, Executive
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED

JAN 25 2017

PUBLIC SERVICE
COMMISSION

Location: Derek Trail, Murray, KY
Applicants: Skyway Towers, LLC and Kentucky RSA No. 1 Partnership
d/b/a Verizon Wireless
Site Name: Blood River
PSC Case No.: 2016-00390

Dear Ms. Matthews:

We have received and responded to the letter from Mr. and Mrs. Billman concerning this tower site. Please find enclosed our response to their concerns and make this letter and its enclosures a part of the administrative record. Do not hesitate to contact us with any concerns regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David A. Pike', is written over the typed name and title.
David A. Pike
Attorney for Applicants

cc: J.E.B. Pinney, Div. of General Counsel



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January 24, 2017

VIA PRIORITY MAIL

Steve and Laura Billman
6390 Beech Creek Road
Clifton, TN 38425

Location:	Derek Trail, Murray, KY
Applicant:	Skyway Towers, LLC and Kentucky RSA No. 1 Partnership d/b/a Verizon Wireless
Site Name:	Blood River
PSC Case No.:	2016-00390

Dear Mr. and Mrs. Billman:

The Applicants in the above-referenced matter have been informed of your inquiry to the PSC, and Applicants' response to your inquiry is enclosed.

Sincerely,

A handwritten signature in blue ink that reads 'David A. Pike'.

David A. Pike
Attorney for Applicants

CC:

Talina Matthews, Executive Director of The Kentucky Public Service Commission

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

THE APPLICATION OF)	
SKYWAY TOWERS, LLC)	
AND KENTUCKY RSA NO. 1 PARTNERSHIP)	
D/B/A VERIZON WIRELESS)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	CASE NO.: 2016-00390
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY)	
IN THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF CALLOWAY)	

SITE NAME: BLOOD RIVER

* * * * *

RESPONSE TO LETTER OPPOSING APPLICATION

Applicants Kentucky RSA No. 1 Partnership d/b/a Verizon Wireless ("Verizon Wireless") and Skyway Towers, LLC ("Skyway Towers"), by counsel, make this Response to letter submitted by Steve Billman and Laura Billman in the within proceeding. Applicants respectfully state, as follows:

1. Steve Billman and Laura Billman, by letter to the Kentucky Public Service Commission, state that they oppose the within application because "it is absolutely of no benefit to me and lessens the value of my property which is at a minimum presently at best."

2. Under applicable law, Applicants are not required to make a showing that the proposed facility will benefit every citizen or specifically benefit individual citizens. Nonetheless, Applicants state that the proposed facility will benefit a significant number of citizens in this area by providing and improving wireless communications services in the subject area.

3. The Billman letter offers no evidence in support of the claim that the facility "lessens the value of my property which is at a minimum presently at best," and there is no basis in the case record to support this claim.

4. The Application can not be denied based upon the Billmans' assertions.¹ Moreover, the Billmans do not detail why the proposed tower site should be rejected under any statute or regulation even if specific allegations as to the Billmans' individual benefit or property values were true.

5. The Public Service Commission should not become a facilitator to the Billmans' efforts to circumvent clear and controlling legal precedent. 807 K.A.R. 5:001 - Section 4 - (11)(b) provides:

"(b) The commission shall grant a person leave to intervene if the commission finds that he or she had made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings." (Emphasis added). *Id* at 807 K.A.R. 5:001 - Section 4 -1 (11)(b).

When read in connection with state statutes and regulations, the Billman letter clearly fails to provide any material issue for the Commission's consideration and offers no support for the claims made therein.

¹ As stated by the U.S. District Court in *Cellco Partnership, et al v. Franklin County, Kentucky, et al*, 553 F.Supp.2d 838 (E.D. Ky. 2008): "Area residents questions the safety of the proposed tower, the need for it, whether there were other suitable locations for it, and whether it would affect property values. There is no evidence, however, that any of these residents had any personal knowledge regarding these issues. Nor did any of these residents offer any evidence in support of their concerns. Thus, this testimony is "unsupported opinion" and does not constitute evidence supporting the Planning Commission's denial of the application." (*Emphasis added*). *Id.* at 849.

WHEREFORE, Applicants respectfully request the Kentucky Public Service Commission:

- (a) Accept this Response to the Billman Letter Dated January 13, 2017 for filing;
- and
- (b) Grant Applicants any other relief to which they are entitled.

Respectfully submitted,



David A. Pike
Pike Legal Group, PLLC
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Shepherdsville, KY 40165-0369
Telephone: (502) 955-4400
Telefax: (502) 543-4410
Email: dpike@pikelegal.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of January 2017, a true and accurate copy of the foregoing was sent by U.S. Postal Service priority mail, postage prepaid, to Steve and Laura Billman, 6390 Beech Creek Road, Clifton, TN 38425.

Respectfully submitted,



David A. Pike
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