Matthew G. Bevin Governor

Charles G. Snavely Secretary Energy and Environment Cabinet



Commonwealth of Kentucky Public Service Commission 211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602-0615 Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov

October 3, 2017

Michael J. Schmitt Chairman

> Robert Cicero Vice Chairman

Talina R. Mathews Commissioner

Terrell Holley 432 Arant Road Benton, KY 42025

## RE: Case No. 2017-00368

Application of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility For Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Graves

Dear Terrell Holley:

This is in response to your letter received on October 2, 2017. The letter has been placed in the official case file of this proceeding and the Commission will carefully analyze this application before rendering its final decision.

By this letter, the attached public comment has been forwarded to the Applicant for a response. Commission Staff requests the Applicant to submit a written response to the public comment, with a copy to the Commission, within 15 days of the date of this letter.

If a person wishes to become a party in this matter he should submit to the Commission a request for intervention, if intervention is desired. If no request for intervention is received within 30 days of the date of this letter, the Commission Staff will presume that the Applicant's reply has satisfied the concerns raised in the attached request for information.

It may be helpful for you to know the state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also

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prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

You may view Orders and data requests issued by the Commission or other formal case documents on our website http://psc.ky.gov.

Thank you for your letter of interest and concern in this matter.

Sincerely,

Shwen R. Pinson

Gwen R. Pinson Executive Director

cc: Parties of Record



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PUBLIC SERVICE COMMISSION

September 22, 2017

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

RE: Case 2017-00368 New Wireless Facility at 850 State Route 348 East Symsonia, KY 42082

To Whom It May Concern:

Please be advised that I am in support of the proposed cell phone tower to be located at 850 State Route 348 East in Symsonia, KY. I know some people have expressed concern and have written letters of opposition. However, as a grandparent of a child with Type 1 Diabetes, I depend on coverage to read his constant glucose monitor that is connected to my phone. This is truly a medical need. Sometimes I have to go outside just to get a reading. I have been exploring dropping AT&T altogether as it is so important for my grandson. Unfortunately we have no internet provider. This in no way solves the problems that we face.

I am excited that a new tower is going up, which will greatly improve both my cell and internet service. We currently can't even watch a movie through our internet without constant buffering! Also, please take into consideration the safety hazards of not having quality service in our area. Several times we have had storms, power outages, etc. and were not able to get a call out. I would hate to think what could happen in an emergency if area residents can't make a cell phone call to 911. I have been an AT&T cell phone customer since 1996. I believe it is time to expand the coverage for AT&T customers.

Please don't let the few people who are loudly opposing stop you from putting up the tower. Please know there are citizens in this community that support putting up the tower and understand the need.

Sincerely,

Terrell Holley 432 Arant Road Benton, KY 42025 \*Honorable David A Pike Attorney at Law Pike Legal Group PLLC 1578 Highway 44 East, Suite 6 P. O. Box 369 Shepherdsville, KENTUCKY 40165-0369

\*New Cingular Wireless PCS, LLC dba AT&T 1010 N St Mary's Street, 9th Floor San Antonio, TX 78215