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**PUBLIC SERVICE  
COMMISSION**

**Kentucky Public Service Commission  
Executive Director  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, Kentucky 40602**

**RE:**

**CASE NO.: 2017-00368**

**THE APPLICATION OF  
NEW CINGULAR WIRELESS PCS, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY. 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**

**SITE NAME: SYMSONIA**

**REQUEST TO INTERVENE**

I, Jose M. Flores files this Request to Intervene in the above-referenced Application. I and my wife Pamela C. Flores own a property at 181 Symsonia Rd, Symsonia, Kentucky 42082. Pursuant to 807 K.A.R. 5:001 (11) this intervention is likely to present issues while developing facts that will aid the Commission in fully considering this Application without unduly complicating or disrupting the proceedings. My hope is that the commission will consider the following facts:

1. In early September, 2017 I received the Application of New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility ("AT&T") to construct a 320 foot cell phone tower at 850 State Route 348 East Symsonia, Kentucky. This site is directly adjacent to our residential property.

2. On or about September 13, 2017, I wrote to the Public Service Commission opposing the proposed construction of the cell phone tower at this location – in the middle of a residential neighborhood – and suggested that applicant could find a more suitable location within the miles of surrounding farmland. I quoted studies showing that the construction of cell phone towers decreases the property value of neighboring properties, amongst other issues.

3. In response to my letter and other similar letters AT&T's counsel filed a Response to Letters from Area Residents. In addition to pointing out that area residents could not legally raise an issue with respect to the environmental effects of radiofrequency emissions, despite their valid concerns, AT&T introduced a report from Glenn D. Katz purported to be a property valuation expert "concluding that the proposed tower will not have an impact on surrounding property values."

4. AT&T's response continues with the assertion that because Graves County has not adopted zoning regulations that "area residents have no reasonable expectation of input into the land use of surrounding properties or the impact a proposed land use will have on their property values". We bought our residence in 2006 and didn't have any expectation that a utility company would seek to destroy the aesthetic character and value of our neighborhood.

5. The report prepared by Glenn D. Katz is flawed in that it relies upon three case studies all involving structures in Louisville, Kentucky, a metropolitan area far different than the subject area of Symsonia, Kentucky. The first study involved construction of a high tension overhead electric power line corridor with transmission towers, installed prior to 1993; the second study involved a cell phone tower of only 219 feet in height installed in 2002 and the third study involved a tower of 140 feet installed in 2016. While all these studies purport to show modest gains in appreciation of land value it is important to note that the cell phone towers in issue were 219 feet and 140 feet respectively- *much smaller than the proposed 320 foot tower.*

6. I would like to point out to the commission of the Alternative Site Analysis prepared by LCC Telecom Services and filed as Exhibit B to the Response. In this report, Jim Fairchild states that the site development team "searched for the least intrusive alternative" for the tower but presents no evidence of this. In fact, the report states that of the five properties allegedly in consideration for the construction site, two properties were removed from consideration because the landowners were not interested and the other properties were rejected because the Reid property was considered "the best alternative to close growing coverage in capacity gaps". Respectfully, this is not evidence of searching for the least intrusive alternatives. The site report also states that the development team took into account "the potential impact of the facility on neighboring properties" but there is no evidence of this, no mention of the neighboring properties and no photographs of

the residences adjacent to the site. In fact, if one were to look solely at the photographs submitted by Mr. Fairchild in his report, it would be reasonable to assume that there are no residences near this "large agricultural parcel" but this is not the case. The proposed 320-foot structure will tower directly over our residence at 181 Symsonia Road and Brad McGregor's at 692 State Route 438 East.

To be clear, we do not deny that there is a problem with cell phone coverage in the surrounding area and we are not generally opposed to the construction of cell phone towers, but we believe that within the surrounding area of Graves County, Kentucky, (which is approximately 557 square miles), there are more appropriate locations for the construction of a cell phone tower and that AT&T should look for a more appropriate site before destroying the character and land value of this neighborhood. Alternatively, we believe that AT&T has not demonstrated the need to construct a cell phone tower of over 320 feet which would dwarf the surrounding houses in the neighborhood. Applicant has not demonstrated why construction of a smaller tower is not a feasible alternative.

7. With regards to the deployment of WLL (Wireless Local Loop) to provide internet access, Symsonia have already access to two satellite internet service provided by DISHnet and HughesNet plus an existing cable company, Mediacom.

WHEREFORE having fully plead, I requests permission to intervene in this Application.

Respectfully submitted,



Jose M. Flores  
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Symsonia, Kentucky 42082

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#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Request to Intervene has been sent by Priority Mail, postage prepaid to David A. Pike, Pike Legal Group, PLLC, 1578 Highway 44 East, Suite 6, P.O. Box 369, Shepherdsville, Kentucky 40165-0369, this the 6th day of November, 2017.



Jose M. Flores