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July 26, 2019

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PUBLIC SERVICE  
COMMISSION

*Via Federal Express*

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

*Application of Kentucky RSA #3 Cellular General Partnership d/b/a Bluegrass Cellular for a Certificate of Public Convenience and Necessity to construct a new cellular facility to be located at 415 Ridge Road, Fordsville, Ohio County, Kentucky, 42343, before the Public Service Commission of the Commonwealth of Kentucky, Case No. 2019-00177*

Dear Director Pinson:

Please accept this response to your July 17, 2019 letter identifying deficiencies with the application filed by Kentucky RSA #3 Cellular General Partnership d/b/a Bluegrass Cellular ("Kentucky RSA #3") in the above referenced case. Please find below the deficiencies identified and Kentucky RSA #3's respective responses.

\* \* \*

**(1) Deficiency:** Pursuant to 807 KAR 5:001, Section 15(b)(2)(c) - A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.

**Response:** The information requested can be found attached as Exhibit "M" with Kentucky RSA #3's application. Specifically, Exhibit "M" identifies all cellular tower facilities and the respective owners within Ohio County, Kentucky.

\* \* \*

**(2) Deficiency:** Pursuant to 807 KAR 5:063, Section 1(1)(b) – A copy of the utility’s applications to the Federal Aviation Administration and Kentucky Airport Zoning Commission.

**Response:** Applicant included the application to, and approval from, the Federal Aviation Administration as Exhibit “B” in its Application. Pursuant to 602 KAR 50:030, Section, Section 2(2) and 602 KAR 50:070 Section 1(2)(a), approval from the Kentucky Airport Zoning Commission is not necessary as the height of the proposed cell tower is less than 200 feet in height.

602 KAR 50:030, Section 2(2) provides as follows:

The commission shall have jurisdiction over the airspace of the Commonwealth that exceeds 200 feet in height above ground level.

602 KAR 50:070, Section 1(2)(a) provides as follows:

**Section 1.** Standards for Determining Obstructions. A permanent or temporary object shall be an obstruction to air navigation if it is of greater height than any of the following heights or penetrates any of the following surfaces:

- (a) A height that is more than 200 feet above ground level or above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of a public use and military airports, which has at least one (1) runway of more than 3,200 feet in actual length.

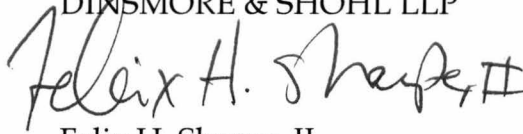
The proposed tower is less than 200 feet in height, and therefore, does not fall within the jurisdiction of the Airport Zoning Commission.

\* \* \*

Thank you and if you have any questions with respect to this matter, please call me.

Regards,

DINSMORE & SHOHL LLP



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