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PUBLIC SERVICE  
COMMISSION

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

In the Matter of:

APPLICATION OF VERTICAL BRIDGE DEVELOPMENT, LLC	)	
AND POWERTEL/MEMPHIS, INC.	)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	<b>CASE NO:</b>
A WIRELESS COMMUNICATIONS FACILITY AT	)	<b>2019-00359</b>
5698 WINCHESTER ROAD (AKA KY HWY 89)	)	
IRVINE, 40336 ESTILL COUNTY	)	

**APPLICATION FOR CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY**

This letter is in response to the filing deficiencies identified by the Commission Staff in the above Application. The information below and the documents enclosed will cure those deficiencies and should be considered as part of and included in the Application.

- (1) Powertel/Memphis, Inc. was incorporated in the State of Delaware on October 26, 1994 and I attest to the fact that Powertel/Memphis, Inc. is in Good Standing with the Division of Corporations, Department of State, State of Delaware. Powertel/Memphis, Inc. is authorized to transact business in Kentucky as evidenced by the enclosed copy of their Certificate of Authorization issued by the Commonwealth of Kentucky. I further attest to the fact that Vertical Bridge Development, LLC is in Good Standing with the Division of Corporations, Department of State, State of Delaware.
- (2) Information for the preparer can be found on sheet T-1 in Exhibit B of the Application. The directions were prepared by Mark E. Patterson, P.E. and his telephone number is (502) 437-5252.
- (3) Sheet Number B-1 of Exhibit B erroneously identified the property owner which corresponds to the property owner marked as H1 in Exhibit J. Enclosed is a revised Sheet B-1 correcting the owner information and is to be inserted into Exhibit B of the Application. Jason Cox is the correct owner of said parcel. Also included is a copy of the Certified Mail Return Receipt addressed to and signed by Jason Cox.

Respectfully submitted,



Todd R. Briggs  
 Briggs Law Office, PSC  
 10200 Forest Green Blvd  
 Suite 112  
 Louisville, KY 40223  
 Telephone (844) 331-3402  
 Counsel for Applicant

1° 04' 27" N  
 TRUE NORTH  
 GRID NORTH

BASED ON KENTUCKY STATE PLANE SINGLE ZONE AND DETERMINED BY GPS OBSERVATIONS COMPLETED ON DECEMBER 26, 2018.

LINE	BEARING	DISTANCE
L1	S34°24'56"W	50.47'
L2	N39°34'55"W	250.24'
L3	N60°43'48"E	52.05'
L4	N56°38'23"E	52.74'
L5	N52°45'41"E	94.80'
L6	N63°44'56"E	64.11'
L7	N50°12'09"E	45.08'
L8	N36°33'05"E	112.17'
L9	N40°17'51"E	273.97'
L10	N52°17'30"W	228.33'
L11	N65°07'29"W	227.06'
L12	N69°31'55"W	158.62'
L13	N67°18'21"W	79.87'
L14	N51°29'57"W	210.26'
L15	S30°26'04"W	153.49'

**FAA COORDINATE POINT**

NAD 83  
 LATITUDE: 37°46'56.75"  
 LONGITUDE: -84°00'01.12"  
 NAVD 88  
 ELEVATION: 1230± AMSL  
 NORTHING: 3,813,211.0090  
 EASTING: 5,426,855.9437

**TEMPORARY BENCHMARK**

NORTHING: 3,813,037.0150  
 EASTING: 5,426,838.3700  
 ELEVATION: 1,204.62'  
 LOCATION: A SET 60-D NAIL  
 S12°13'27"W 105.8± FROM  
 THE SOUTHERN CORNER OF  
 THE TOWER AREA.

**GENERAL NOTES**

NO SEARCH OF PUBLIC RECORDS HAS BEEN COMPLETED BY POD GROUP TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE SUBJECT PROPERTY.

THIS SURVEY IS FOR THE TOWER AREA AND THE ACCESS & UTILITY EASEMENT ONLY, AND ONLY A PARTIAL BOUNDARY SURVEY OF THE PARENT TRACT HAS BEEN PERFORMED. THERE WERE NO VISIBLE ENCROACHMENTS AFFECTING THE TOWER AREA OR ANY OF THE EASEMENTS, AT THE TIME THE SURVEY WAS COMPLETED.

30' ACCESS AND UTILITY EASEMENT IS CONTIGUOUS WITH KENTUCKY HIGHWAY 89 a.k.a. WINCHESTER ROAD, WHICH IS A 70' WIDE PUBLIC RIGHT OF WAY.

TOWER AREA AND MOST OF THE 30' ACCESS AND UTILITY EASEMENT LAY ENTIRELY WITHIN THE PARENT PARCEL AS DESCRIBED IN DEED BOOK 124, PAGE 352, PARCEL ID: 053-00-00-008.00, BUT PART OF THE ACCESS & UTILITY EASEMENT IS ON ESTILL COUNTY WATER DISTRICT NO. 1 AS RECORDED IN DEED BOOK 167, PAGE 630, PARCEL ID: 053-00-00-005.00.

A PORTION OF THIS SURVEY WAS CONDUCTED BY METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. UNADJUSTED CLOSURE EQUALS 0.1', FOR A PRECISION OF 1:44,440 AND HAS NOT BEEN ADJUSTED.

THIS PROPERTY IS SUBJECT TO ANY RECORDED EASEMENTS AND/OR RIGHTS OF WAY SHOWN HEREON OR NOT.

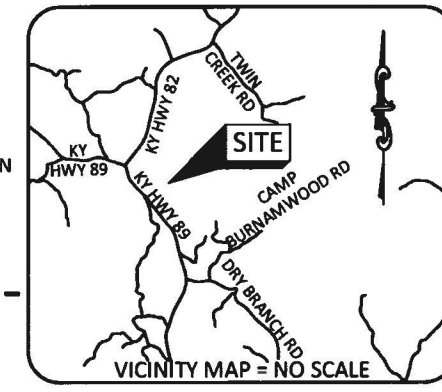
THIS PLAT IS NOT INTENDED FOR LAND TRANSFER.

THE TOWER AREA AND THE ACCESS & UTILITY EASEMENT SHOWN HEREON ARE NOT LOCATED IN A 100-YEAR FLOOD PLAIN (ZONE X) PER FLOOD HAZARD BOUNDARY MAP, COMMUNITY-PANEL NUMBER 21065C0020D, DATED MAY 24, 2011. THE PARENT PARCEL IS IN COMMUNITY-PANEL NUMBER 21065C0020D AND 21065C0040D, DATED MAY 24, 2011 (ZONE X).

**LEGEND**

- P.O.C. POINT OF COMMENCEMENT
- P.O.R. POINT OF REFERENCE
- P.O.B. POINT OF BEGINNING
- EOP EDGE OF PAVEMENT
- ROW EXISTING RIGHT OF WAY
- EX. EXISTING

- SET 1/2" REBAR 18" LONG CAPPED "PATTERSON PLS 3136"
- FOUND 1/2" REBAR 18" LONG WITH RED CAP STAMPED "SPENCER, PLS 4068" UNLESS OTHERWISE NOTED
- - - - - PROPERTY LINE
- - - - - ADJACENT PROPERTY LINE



PREPARED BY:

11490 BLUEGRASS PARKWAY  
 LOUISVILLE, KY 40299  
 502-437-5252

PREPARED FOR:

750 PARK OF COMMERCE DRIVE  
 BOCA RATON, FLORIDA 334487  
 (561) 948-6367

**SURVEY**

REV.	DATE	DESCRIPTION
A	9.18.19	PRELIM ISSUE WITH TITLE
0	9.20.19	ISSUED AS FINAL
1	11.21.19	ADJACENT PROPERTY OWNER UPDATE

**SITE INFORMATION:**  
**WINCHESTER**  
 KENTUCKY HIGHWAY 89  
 a.k.a. WINCHESTER ROAD  
 IRVINE, KY 40336  
 ESTILL COUNTY

**TAX PARCEL NUMBER:**  
 053-00-00-008.00

**PROPERTY OWNER:**  
 JIMMIE R. WISE  
 P.O. BOX 479  
 IRVINE, KY 40336

**SOURCE OF TITLE:**  
 BOOK W S, PAGE 370  
 (DEED BOOK 124, PAGE 352)

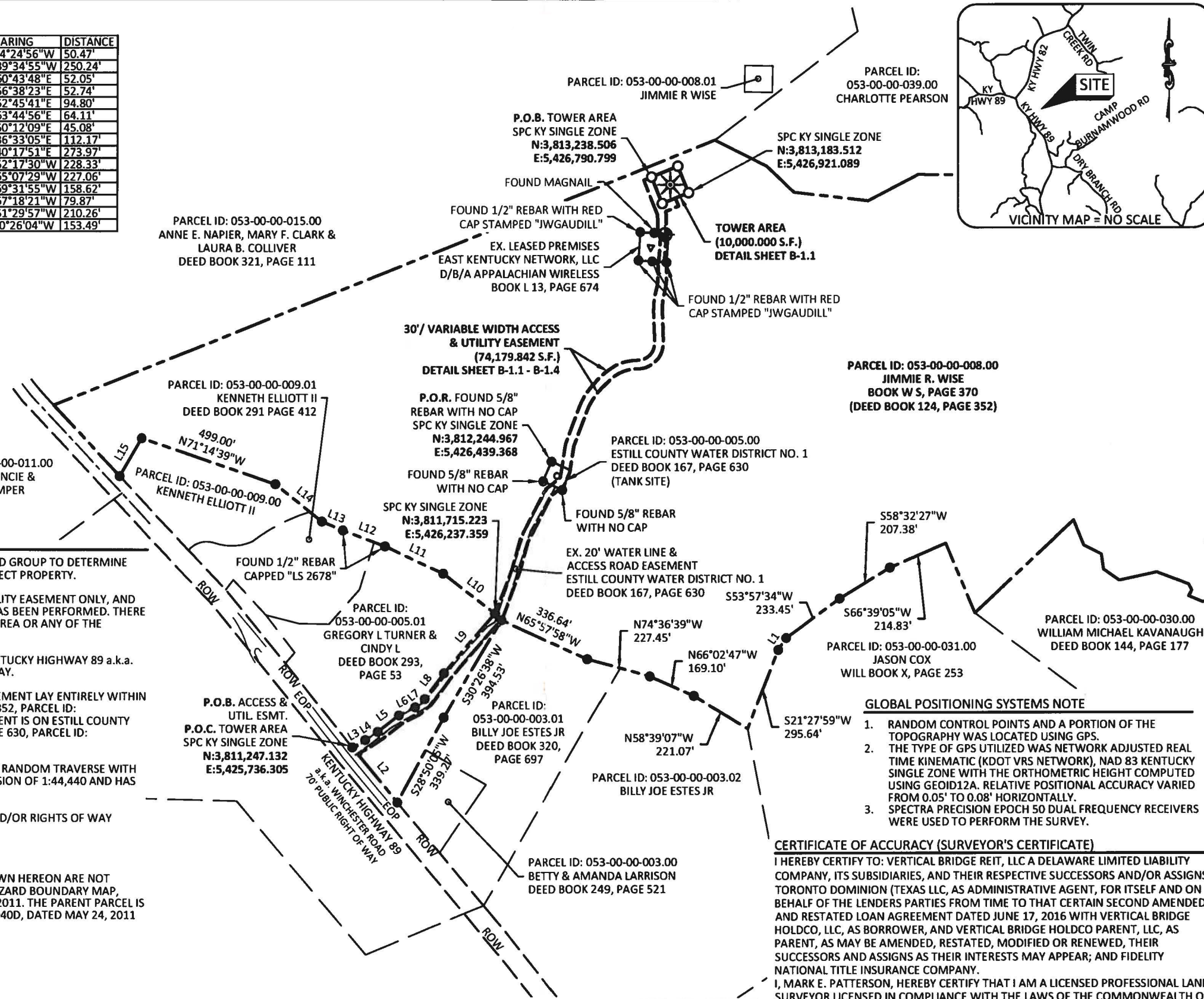
**SITE NUMBER:**  
 US-KY-5051

**POD NUMBER:** 18-26957

**DRAWN BY:** JRS  
**CHECKED BY:** MEP  
**SURVEY DATE:** 12.26.18  
**PLAT DATE:** 9.18.19

**SHEET TITLE:**  
**SITE SURVEY**  
 THIS DOES NOT REPRESENT A  
 BOUNDARY SURVEY OF THE  
 PARENT PARCEL

**SHEET NUMBER:** (7 pages)  
**B-1**



**GLOBAL POSITIONING SYSTEMS NOTE**

1. RANDOM CONTROL POINTS AND A PORTION OF THE TOPOGRAPHY WAS LOCATED USING GPS.
2. THE TYPE OF GPS UTILIZED WAS NETWORK ADJUSTED REAL TIME KINEMATIC (KDOT VRS NETWORK), NAD 83 KENTUCKY SINGLE ZONE WITH THE ORTHOMETRIC HEIGHT COMPUTED USING GEOID12A. RELATIVE POSITIONAL ACCURACY VARIED FROM 0.05' TO 0.08' HORIZONTALLY.
3. SPECTRA PRECISION EPOCH 50 DUAL FREQUENCY RECEIVERS WERE USED TO PERFORM THE SURVEY.

**CERTIFICATE OF ACCURACY (SURVEYOR'S CERTIFICATE)**

I HEREBY CERTIFY TO: VERTICAL BRIDGE REIT, LLC A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARIES, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS; TORONTO DOMINION (TEXAS LLC, AS ADMINISTRATIVE AGENT, FOR ITSELF AND ON BEHALF OF THE LENDERS PARTIES FROM TIME TO THAT CERTAIN SECOND AMENDED AND RESTATED LOAN AGREEMENT DATED JUNE 17, 2016 WITH VERTICAL BRIDGE HOLDCO, LLC, AS BORROWER, AND VERTICAL BRIDGE HOLDCO PARENT, LLC, AS PARENT, AS MAY BE AMENDED, RESTATED, MODIFIED OR RENEWED, THEIR SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR; AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

I, MARK E. PATTERSON, HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE COMMONWEALTH OF KENTUCKY. I FURTHER CERTIFY THAT THIS PLAT AND THE SURVEY ON THE GROUND WERE PERFORMED BY PERSONS UNDER MY DIRECT SUPERVISION, AND THAT THE DIRECTIONAL AND LINEAR MEASUREMENTS BEING WITNESSED BY MONUMENTS SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THE "RURAL" SURVEY, AND THE PLAT ON WHICH IT IS BASED, MEETS ALL SPECIFICATIONS AS STATED IN KAR 201 18:150.

11/21/2019  
 DATE

**Commonwealth of Kentucky**  
**Alison Lundergan Grimes, Secretary of State**

Alison Lundergan Grimes  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3490  
<http://www.sos.ky.gov>

**Certificate of Authorization**

Authentication number: 213503  
Visit <https://app.sos.ky.gov/ftshow/certvalidate.aspx> to authenticate this certificate.

I, Alison Lundergan Grimes, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

**POWERTEL/MEMPHIS, INC.**

, a corporation organized under the laws of the state of Delaware, is authorized to transact business in the Commonwealth of Kentucky, and received the authority to transact business in Kentucky on February 23, 1996.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that an application for certificate of withdrawal has not been filed; and that the most recent annual report required by KRS 14A.6-010 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 12<sup>th</sup> day of March, 2019, in the 227<sup>th</sup> year of the Commonwealth.



*Alison Lundergan Grimes*

Alison Lundergan Grimes  
Secretary of State  
Commonwealth of Kentucky  
213503/0412295

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jason Cox  
3110 Harris Ferry Rd  
Irvine, KY 40336



9590 9402 5052 9092 5791 55

2. Article Number (Transfer from service label)

7018 3090 0000 6666 4453

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Jason Cox*

- Agent
- Addressee

B. Received by (Printed Name)

Jason Cox

C. Date of Delivery

11-9-19

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery