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Commonwealth of Kentucky
Public Service Commission
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Mary Pat Regan
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October 12, 2023

Kay Ball
49 Mimosa Lane
Harlan, KY 40831

RE: Case No. 2023-00296
ELECTRONIC APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC,
D/B/A AT&T MOBILITY AND TILLMAN INFRASTRUCTURE LLC 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 HARLAN

Dear Mr. Ball:

This is in response to your letter received on October 10, 2023, regarding the application for approval to construct a wireless tower facility. 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 comment, with a copy to the Commission, within 15 days of the date of this letter.

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 based on environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also 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 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

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documents on our website at [View Case Filings for: 2023-00296 \(ky.gov\)](https://www.ky.gov/courts/courts/casefilings).

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

Sincerely,



Linda C. Bridwell, P.E.
Executive Director

CC: Parties of Record

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