

May 6, 2016

*Via U.S. Mail*

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

Re: In the Matter of: An Application of South Kentucky Rural Electric Cooperative Corporation for a Certificate of Public Convenience and Necessity to Construct a New Headquarters Facility and For Approval to Transfer Ownership of Certain Assets or, in the Alternative, a Determination That Such Approval is Unnecessary  
**PSC Case No. 2014-00355**

RECEIVED

MAY 10 2016

PUBLIC SERVICE  
COMMISSION

Dear Executive Director:

This letter is tendered pursuant to the Order entered by the Commission in the above-referenced matter on March 27, 2015 (the "Final Order"), which requires South Kentucky Rural Electric Cooperative Corporation ("SKRECC") to file with the Commission certain authorizations, permits, and related documents issued in connection with SKRECC's construction of its New Headquarters Facility in Somerset, Kentucky.<sup>1</sup>

SKRECC previously indicated that it may require the approval or authorization of the Kentucky Airport Zoning Commission ("KAZC") and/or the Federal Aviation Administration in order to construct a communications tower at its New Headquarters Facility. However, based on discussions with KAZC<sup>2</sup> and a review of relevant law,<sup>3</sup> it has been determined that no such approval or authorization is necessary for the tower.

With the filing of this letter, SKRECC believes it has provided the Commission with all relevant information and documentation concerning construction permits/authorizations, as required by the Final Order. However, SKRECC will keep the Commission abreast of any additional permitting and approval activities as necessary and appropriate.

<sup>1</sup> SKRECC tendered other relevant permits and documents to the Commission by correspondence dated June 22, 2015, June 25, 2015, and April 22, 2016.

<sup>2</sup> See e-mail from John Houlihan, Administrator of KAZC, to Dennis Holt, SKRECC's Vice President of Engineering and Operations, dated April 1, 2016 (a copy of which is enclosed).

<sup>3</sup> See 602 KAR 50:030 and 14 C.F.R. § 77.9, copies of which are enclosed.

KPSC Executive Director  
May 6, 2016  
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Please return to me a file-stamped copy of this correspondence utilizing the enclosed self-addressed, postage-prepaid envelope, and please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mark David Goss". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark David Goss

Enclosures

## Allen Anderson

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**From:** Dennis Holt  
**Sent:** Tuesday, May 03, 2016 5:39 PM  
**To:** Allen Anderson  
**Subject:** Fwd: FW: contact info.

*Sent from my Verizon Wireless 4G LTE Droid*

----- Forwarded message -----

**From:** "Houlihan, John (KYTC)" <John.Houlihan@ky.gov>  
**Date:** Apr 15, 2016 10:09 AM  
**Subject:** FW: contact info.  
**To:** Dennis Holt <dholt@skrecc.com>  
**Cc:**

### Aeronautical Study Result

The structure is not in KAZC's jurisdiction and does not require a permit.

Structure's Coordinates: 37°2'16.14"N, 84°37'2.75"W

Structure's Height :80ft

User-submitted ground elevation is 873 ft.

DEM's ground elevation is 877.7 ft(USGS 10-M DEM).

3,899 ft to SME runway 05/23. Below 100:1 Slope Surface by 12.99 ft .

**602 KAR 50:030. Jurisdiction of the Kentucky Airport Zoning Commission.**

RELATES TO: KRS 183.861, 183.867(2), 183.865, 183.867, 183.868, 183.870 STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 authorizes the Airport Zoning Commission to promulgate administrative regulations concerning the use of land within and around designated airports in the Commonwealth. KRS 183.867(2) authorizes the commission to promulgate administrative regulations concerning jurisdiction over zoning of areas over which jurisdiction is assumed. This administrative regulation establishes the areas over which the Kentucky Airport Zoning Commission has zoning jurisdiction and establishes whether a permit shall be required from a property owner.

Section 1. Zoning Jurisdiction. The commission shall have zoning jurisdiction over the airspace above and around the airports designated in KRS 183.861. This jurisdiction shall include the airspace that lies above the surface extending outward and upward at one (1) of the following slopes:

(1) If an airport has at least one (1) runway that is 3,200 feet or more in length, the slope shall be 100 to one (1) for a horizontal distance of 20,000 feet from the closest point of the nearest runway; or

(2) If an airport's longest runway is less than 3,200 feet in actual length, the slope shall be fifty (50) to one (1) for a horizontal distance of 10,000 feet from the nearest point of the nearest runway.

Section 2. Airspace. (1) The commission shall have jurisdiction from the ground upward within the limits of the primary and approach surfaces as depicted on Airport Zoning Maps approved by the Kentucky Airport Zoning Commission, in accordance with KRS 183.867.

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

(3) The owner or person with control of a structure that penetrates or may penetrate the airspace over which the commission has jurisdiction shall apply for a permit from the commission, in accordance with 602 KAR 50:090. (KAV-9-1; 1 Ky.R. 807; eff. 5-14-75; Am. 2 Ky.R. 306; eff. 3-10-76; 5 Ky.R. 599; eff. 3-7-79; 10 Ky.R. 445; eff. 1-4-84; 14 Ky.R. 267; eff. 9-10-87; 19 Ky.R. 800; eff. 11-4-92; 27 Ky.R. 2228; 2774; eff. 4-9-2001; 39 Ky.R. 1058; 1881; eff. 4-5-2013.)

**§ 77.7**

safety in air commerce and the efficient use and preservation of the navigable airspace and of airport traffic capacity at public use airports;

(2) Determine whether the effect of proposed construction or alteration is a hazard to air navigation;

(3) Determine appropriate marking and lighting recommendations, using FAA Advisory Circular 70/7460-1, Obstruction Marking and Lighting;

(4) Determine other appropriate measures to be applied for continued safety of air navigation; and

(5) Notify the aviation community of the construction or alteration of objects that affect the navigable airspace, including the revision of charts, when necessary.

**§ 77.7 Form and time of notice.**

(a) If you are required to file notice under § 77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

(c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.

(d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means.

**14 CFR Ch. I (1-1-16 Edition)**

You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

**§ 77.9 Construction or alteration requiring notice.**

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

(a) Any construction or alteration that is more than 200 ft. AGL at its site.

(b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.

(c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

(d) Any construction or alteration on any of the following airports and heliports:

(1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;

(2) A military airport under construction, or an airport under construction that will be available for public use;

(3) An airport operated by a Federal agency or the DOD.

(4) An airport or heliport with at least one FAA-approved instrument approach procedure.

(e) You do not need to file notice for construction or alteration of:

(1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;

(2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;

(3) Any construction or alteration for which notice is required by any other FAA regulation.

(4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

**§77.11 Supplemental notice requirements.**

(a) You must file supplemental notice with the FAA when:

(1) The construction or alteration is more than 200 feet in height AGL at its site; or

(2) Requested by the FAA.

(b) You must file supplemental notice on a prescribed FAA form to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construc-

tion to the FAA within 5 days after the structure reaches its greatest height.

(c) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned.

(d) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

**Subpart C—Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities**

**§77.13 Applicability.**

This subpart describes the standards used for determining obstructions to air navigation, navigational aids, or navigational facilities. These standards apply to the following:

(a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus.

(b) The alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein.

**§77.15 Scope.**

(a) This subpart describes standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. Such facilities include air navigation aids, communication equipment, airports, Federal airways, instrument approach or departure procedures, and approved off-airway routes.

(b) Objects that are considered obstructions under the standards described in this subpart are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in this subpart, along with FAA policy and