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Case Management System - KY Public Service Commission

Regular Cases Before the Commission as of November 17, 2025

2009-00064 RECEIVED: 03/06/09 FILED: 03/06/09 FINAL: 02/22/10 REOPENED:

SUSPENSION DATE:

CASE NATURE: Dry Fork Site; Letcher County

CASE CODE

Construct Cell Site - No P&Z Commission

UTILITIES:

East Kentucky Network, LLC dba Appalachian Wireless

INTERVENORS: Etta Cummins

HEARINGS:

11/06/09	Informal Conference
10/23/09	Informal Conference
10/15/09	Informal Conference
10/06/09	Formal Hearing
06/23/09	Informal Conference
04/23/09	Informal Conference

INDEX OF EVENTS:

08/14/09

11/10/10	POST CASE: East Kentucky Network's FAA and KAZC Approval Letters for Dryfork Tower
02/22/10	Order Entered; Applicant is granted a CPCN to construct a wireless facility: Shall file final decisions
02/22/10	regarding the pending FAA and KACZ applications within 10 days of receiving them: Shall notify the
	PSC in writing if after the antenna tower is built and utility service is commenced the tower is not used
	for a period of three months
01/11/10	Lee Etta Cummings' Agreed Order to Re-Open Record to Allow Applicant to File Limited Reply Brief
01/07/10	EKN's Reply Brief Regarding Substructure of Tower Site
01/05/10	East KY Network's Notice of Withdrawal of Motion to Strike
12/21/09	Lee Etta Cummings' Response to EKN's Motion to Strike Portions of Fred Webb's Testimony
12/21/09	East Kentucky Network's Memorandum Brief in Support of its Motion to Strike Portions of the
12/21/03	Transcript of Evidence of the Witness, Fred Webb
12/21/09	East Kentucky Network's Notice of Filing Additional Affidavit in Support of Motion to Strike
12/14/09	East Kentucky Network's Brief
12/14/09	East Kentucky Network's Motion to Strike Portions of the Transcript of Evidence as to the Witness,
12/11/00	Fred Webb, and Affidavit in Support Thereof
12/11/09	Brief on Behalf of Intervenor, Lee Etta Cummings
11/12/09	Order Entered: Briefs in this matter are to be filed with the PSC on or before December 11, 09
11/12/09	Memorandum dated 11/10/09 for Informal Conference of 11/06/09; Comments, if any, due within
	seven days of receipt
10/30/09	PSC staff notice of Telephonic informal conference
10/21/09	Memorandum dated 10/21 for Informal Conference of 10/15; Comments, if any, due within 5 days of
	receipt
10/21/09	East Kentucky Network's Transcript of Evidence for DOH:100609
10/20/09	Commission Staff's Notice of Telephonic Informal Conference
10/20/09	East KY Network dba Appalachian Wireless Nepa Assessment for Dry Fork Site per 100609 Hearing
10/14/09	PSC staff notice of telephonic informal conference
09/25/09	East Kentucky Network's Notice of Filing of Rebuttal Testimony
09/24/09	Lee Etta Cummings' Notice of Filing Exhibits
09/23/09	East Kentucky Network's Exhibits
09/18/09	East Kentucky Network's Prefiled Testimony of Marty Thacker and James Caudill
09/10/09	East Kentucky Network Witness List
09/09/09	Order Entered: Motion for extension of time is granted: Direct testimony due no later than Sept 18, 09:
	Witness list no later than Sept 8, 09: Rebuttal testimony no later than Sept 25, 09: Parties shall submit
	their exhibit lists no later than Sept 25, 09
09/08/09	Witness List on Behalf of Intervenor

Order Entered: A hearing on the proposed cell facility is scheduled for Oct 6, 09 at 9 am at the PSC

offices on or before Sept 8, 09 each party shall file with the PSC a list of witnesses it proposes to

DOC11R

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produce at Hearing: On or before Sept 25, 09 each party shall file with the PSC a list of exhibits it proposes to produce at hearing: East Kentucky shall appear at the Hearing and address the necessity of the construction and operation of the cell facility: Jurisdictional safety issues eng and construction including the suitability and preparation of the Cell Facility Character of the general area of concern and the likely effects on nearby land values: Proposed alternate locations: Opening statements shall not be permitted at the Hearing: Any interested person shall have the opportunity to present comments about the proposed cell facility Order Entered: East Kentucky objection and request to strike Ms Cummings documents filed on June 07/20/09 25, 09 is denied: Ms Cummings response to East Kentucky's objection which reque3sts to strike the documents filed by East Kentucky on May 20, 09 and May 22, 09 is denied East Kentucky Network's Reply to the Intervenor's Response to Objection 07/06/09 Lee Etta Cummings' Response to East Kentucky Network's Objection 06/30/09 06/26/09 East Kentucky Network's Objection to Intervenor's Offer of Additional Information 06/25/09 Troublesome Creek Gas' Letter to Lee Etta Cummings and Estimate regarding cost of an Access Road 06/12/09 East Kentucky Network's Response to Filing of Alternate Tower Locations of the Intervener Letter dated 5/27/09 from the President of Sapphire Coal Company to Gerald Robinette 06/01/09 Lee Etta Cummings' Notice of Filing of Alternate Tower Locations by Intervenor 05/28/09 East Kentucky Network's copy of letter sent to Fred Webb of Sapphire Coal Company 05/22/09 East Kentucky Network's Notice of Filing of Appraisal Report by Applicant 05/21/09 East Kentucky Network's copy of letter to Letcher County Judge Executive 05/20/09 05/19/09 Order Entered: East Kentucky shall have until May 20, 09 to file a response to the Intervenors appraisal report East Kentucky Networks Comments Regarding Memorandum 05/13/09 East Kentucky Network's Request and Motion in Support for Extension of Time and Affidavit 05/13/09 East Kentucky Network's Request and Motion in Support for Extension of Time and Affidavit 05/13/09 05/08/09 Order Entered: (1) East Kentucky shall have until May 13, 2009 to file a response to the Appraisal Report. (2) The Intervenor shall file with the Commission, within 20 days of the date of this Order, a list of specific, suitable, and acceptable alternative locations. (3) With the list of alternative Cell Facility locations, the Intervenor shall also file with the Commission a statement of whether she intends to appear at a formal hearing, if scheduled. (4) The Intervenor shall file an original and vie copies of all statements, pleadings and evidence with the Commission. (5) East Kentucky shall have a period of 15 days from the date of the Intervenors filing of the information described above to response to the Intervenors proposed alternative locations. (6) The Federal Communications Commission has exclusive jurisdiction over issues regarding radio frequency, interference, and radio frequency emissions. This Commission will not receive any evidence regarding this matter in a hearing, if so scheduled, because it is without authority to consider such evidence. Lee Etta Cummings' Comments and Suggestions Regarding PSC's Corrected Memorandum dated 05/08/09 05/04/09 East KY Network's Second Amendment to Original Filing Regarding Dry Fork Cellular Application 04/29/09 Memorandum dated 4/29/09 for Informal Conference of 4/23/09; Comments, if any, due within five days of receipt 04/23/09 East Kentucky Network dba Appalachian Wireless Amendment to Original Filing of 030509 Site Survey Map Order Entered: 04/20/09 (1) The motion for intervention is granted, and Lee Etta Cummings is hereby made a party to these proceedings. (2) An informal conference shall be held on April 23, 2009 at 1:00 p.m. Eastern Daylight Time, in Conference Room 1 of the Commission's offices at 211 Sower Blvd., Frankfort, KY. William Kendrick's Notice of Appearance of Counsel 04/08/09 Letter to William S. Kendrick regarding filing of Notice of Entry of Appearance 04/01/09 Lee Etta Cummings Letter of Intervention in Response to East Kentucky Network, LLC dba 03/24/09 Appalachian Wireless Application 03/24/09 Lee Etta Cummings Letter of Intervention in Response to Public Notice dated 03/04/09 to East

Kentucky Network's application

No Deficiency Letter

03/13/09

DOC11R Case Management System - KY Public Service Commission

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03/06/09 Acknowledge Receipt of Filing

03/06/09 APPLICATION OF EAST KENTUCKY NETWORK LIMITED LIABILITY COMPANY FOR THE

ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A

TOWER IN LETCHER COUNTY, KENTUCKY

Total Number of Cases: 1