

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF MOUNTAINEER)
CELLULAR GENERAL PARTNERSHIP FOR)
THE ISSUANCE OF A CERTIFICATE OF) CASE NO. 94-529
PUBLIC CONVENIENCE AND NECESSITY)
TO CONSTRUCT A TOWER)

O R D E R

On January 11, 1995, the Commission received the attached letter from Enterprise Coal Company ("Enterprise Coal"). Enterprise Coal either owns or occupies property within 500 feet of the proposed cellular telecommunications facility to be located .5 miles southwest of the intersection of State Route 15 and State Route 28 in Grapevine, Perry County, Kentucky.

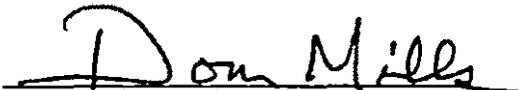
IT IS THEREFORE ORDERED that:

1. Mountaineer Cellular General Partnership ("Mountaineer Cellular") shall respond to Enterprise Coal's questions by certified letter, within 10 days of the date of this Order.

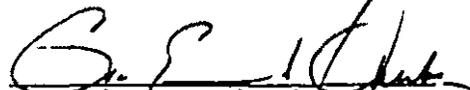
2. Mountaineer Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 26th day of January, 1995.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission



Enterprise Coal Company
A SUBSIDIARY OF AMR COAL COMPANY

January 10, 1995

RECEIVED

JAN 11 1995

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

**PUBLIC SERVICE
COMMISSION**

RE: Case No. 94-529

Gentlemen:

Enterprise Coal Company has been notified of the proposed construction of a 300 foot tower which would facilitate cellular radio service. This notice was received from Mountaineer Cellular General Partnership of Hindman, Kentucky. Enterprise Coal Company is the owner and lessor of property located within a 500 foot radius of the proposed tower. Due to our concerns that this tower may inhibit the mining operations of our lessee and therefore adversely affect the potential value of our property, we must protest the construction at this proposed location. Notification of any further action which needs to be taken by Enterprise which would aid in resolving this matter would be greatly appreciated. Should you have any questions, please call.

Respectfully,

Paul E. Sebastian
Land Manager

PES/jw

cc: Mountaineer Cellular General Partnership
P.O. Box 1148
Hindman, Kentucky 41822

Gary Hale
Leeco, Inc.
100 Coal Drive
London, Kentucky 40741

W.S. Hudgins, Jr.

/2001