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 PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A TOWER	))))	CASE NO. 95-437

O R D E R

On November 3, 1995, the Commission received the attached letter from Ted A. Kay regarding the proposed cellular telecommunications facility to be located .08 miles south of the intersection of State Routes 30 and 578 in Jackson County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Mountaineer Cellular General Partnership ("Mountaineer Cellular") shall respond to Mr. Kay's concerns 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 10th day of November, 1995.

PUBLIC SERVICE COMMISSION

Robert M. Davis

For the Commission

ATTEST:

Don Mills

Executive Director

Ted A. Kay
1040 Greenhill Road
Annville, Kentucky 40402
(606) 364-3258
October 30, 1995

Executive Director
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, Kentucky 40602

Re: Case No. 95-437

Dear Sir:

This is to express my opposition to the construction of a cellular tower proposed by Mountaineer Cellular General Partnership. I presume you have a requirement that they notify people who own property within a 500 foot radius of proposed towers. This is fortunate or I might have been unaware of the construction until this monster loomed over my home. I appreciate the opportunity to voice my concerns and opposition to this project.

In fact, the proposed sight for this tower is probably less that 50 feet from my property. To be honest, I'm somewhat surprised that neither my neighbor, nor any representative of Mountaineer Cellular, saw fit to contact me or other people that might be affected by such a development before the sale of the property was finalized.

Before I explain my objections in more detail, you indicated in your letter that I have the right to intervene in this matter. Could you please write me with more specifics about my rights. What exactly does "intervene in this matter' mean?

For eighteen years I have been reclaiming this farm that we purchased in 1977. We purchased this place largely for it's aesthetic value - the value one places on the beauty of the land, forests, and hills and the quiet of the country. We saved our money and walked the farm for six years before deciding exactly where to locate the pond, road, and house we constructed. It is at the back of the farm about three tenths of a mile from the road. Although a more costly alternative than others, this site provided the best combination of the aesthetically pleasing values of beauty and solitude with somewhat costly, but relatively reasonable access. Unfortunately, it also put our house much closer to the proposed tower site than we would like to be.

My wife and I feel the proposed tower, which will be placed on the highest hill on our property boundary, will loom over our home and will detract considerably from the investments we've made in reclaiming this old farm. It will significantly diminish the value of our property and home. The proposed tower is 200 feet tall. Unfortunately, this is a monster in comparison to the trees around it and will stick out like a sore thumb. It will be the first thing we and others will see when turning into the drive to approach our house. I tell you, coming up that drive slowly and enjoying the setting and view of "my home" provides some of the most refreshing moments in my life. Now, instead of the beautiful hills and forests which now outline the boundary of our property line, we and others will wonder aloud about the eyesore sticking out of the hill behind the house.

Almost as upsetting as the news about the proposed tower is the fact that the Jackson County Rural Electric Cooperative sent a representative the day after the notice arrived asking if it would be alright for them to cut the trees on our property line so they could run power up to the site. I told him of our opposition to the proposed tower and then asked him if he'd talked to my neighbor who sold the property to the cellular company. The neighbor had told the RECC rep that the road and site Mountaineer Cellular had dozed took "enough of his trees and he didn't want any more cut down for electric service". Interesting. In the past three years, I have also made a considerable personal investment in timber stand improvement through the Stewardship Incentive Program of the ASCS office. I would not give the RECC my permission to cut trees on my property and they said they'd have to be back in touch with the other property owner.

I don't mean to sound snide, but are you sure your commission is in control of this development? I don't have much experience in these matters, but it does seem as if it's just proceeding of its own volition or at the behest of these "public service" agencies who "develop" for developments sake. Why are these people proceeding if my comment period hasn't even begun?

Also, what public does this service really "serve"? Between 20% and 25% of the households in this area do not have telephones let alone cellular ones. Exactly who is benefitting by this so called "development"? The only people I see using cellular telephones are people that might be described as "privileged". I might take a different view if I knew this tower were putting an extra $100 a week in the hands of the poor and working poor who account for 70% of the people in this area.

As you can tell, I'm somewhat miffed and a bit angry. Put yourself in my place. I have a lot of questions. Is this a free standing tower? I do not want cables to be anchored on my property. What are the other locations that Mountaineer Cellular investigated as alternatives to this site? Why would they purchase property before getting Public Service Commission approval unless they already knew it would be approved? If they are given permission to build, what recourse do I have to recoup the lost value in my property due to this development? Who may I recoup from? I guess I'd also like to know if I have a snowball's chance in hell of fighting this or at least of getting a fair hearing without spending a fortune on a lawyer.

I apologize if my questions and comments cast any dispersions or in fact appear snide. I respect the Commission's responsibility and authority and I appreciate the notice that I received because of your requirements. I feel that further development of this site should be stopped until my rights to a hearing and intervention are exhausted. I do request intervention in this case and look forward to getting more specific information from you on this matter.

Respectfully,

Ted A. Kay

Ted A. Kay

cc: George T. Hays, Attorney At Law