

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #9-10, INC. )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT A CELL SITE ) CASE NO. 96-157  
OFF KY. HWY. 611, EAST OF DORTON, 12 MILES )  
SOUTH OF PIKEVILLE IN PIKE COUNTY, )  
KENTUCKY (HIGHWAY 23 SITE) )

O R D E R

The Commission has received the attached letter from Dan R. Batten regarding the proposed cellular telecommunications facility to be located off Highway 611, East of Dorton, 12 miles south of Pikeville in Pike County, Kentucky.

IT IS THEREFORE ORDERED that:


1. Kentucky RSA #9-10, Inc. ("Kentucky RSA 39-10") shall respond to Mr. Batten's concerns by certified letter, within 10 days from the date of this Order.
2. Kentucky RSA #9-10 shall file a copy of the certified letter and dated receipt, within 7 days of the date of the receipt.

Done at Frankfort, Kentucky, this 25th day of June, 1996.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director

**BIG SANDY MANAGEMENT COMPANY, INC.**  
POST OFFICE BOX 566  
PIKEVILLE, KENTUCKY 41502  
(606) 437-9600

June 12, 1996

REC'D  
JUN 14 1996  
PUBLIC SERVICE  
COMMISSION

Executive Director's Office  
Public Service Commission of Kentucky  
730 Schenkel Lane  
Post Office Box 615  
Frankfort, Kentucky 40602

**RE: Case No. 96-157  
Kentucky RSA No. 9-10, Inc.  
Application to Construct a Cellular Radio Telecommunication Tower**

Gentlemen:

Big Sandy Company respectfully objects to the location of the Kentucky RSA No. 9-10, Inc. application to construct a 400' tower on property of Big Sandy Company (mineral rights).

Please be advised that Big Sandy Company has the coal leased underlying and adjacent to the proposed tower location of Kentucky RSA No. 9-10, Inc. located on Caney Creek, Pike County, Kentucky. The tower location will diminish the recovery of coal seams. It is my understanding that the tower is a very sensitive facility and any surface subsidence will damage the operation of the tower. Big Sandy Company, L. P. cannot be responsible for this act.

We are enclosing a copy of the mineral deed which is in Big Sandy's chain of title and also, enclosed is a copy of the surface deed dated November 13, 1928, recorded in Deed Book 146, page 586, from Big Sandy Company to John Mullins relating to the sale of surface in the area of the tower site. (Apparently, Geraldine Huffman is a remote vendee of John Mullins). This deed sets out the mining rights excepted. Please note that Big Sandy Company has the right to break the surface on said land.

It is our opinion that the cellular radio tower will interfere with the recovery of coal by Big Sandy Company and its lessees.

Respectfully yours,

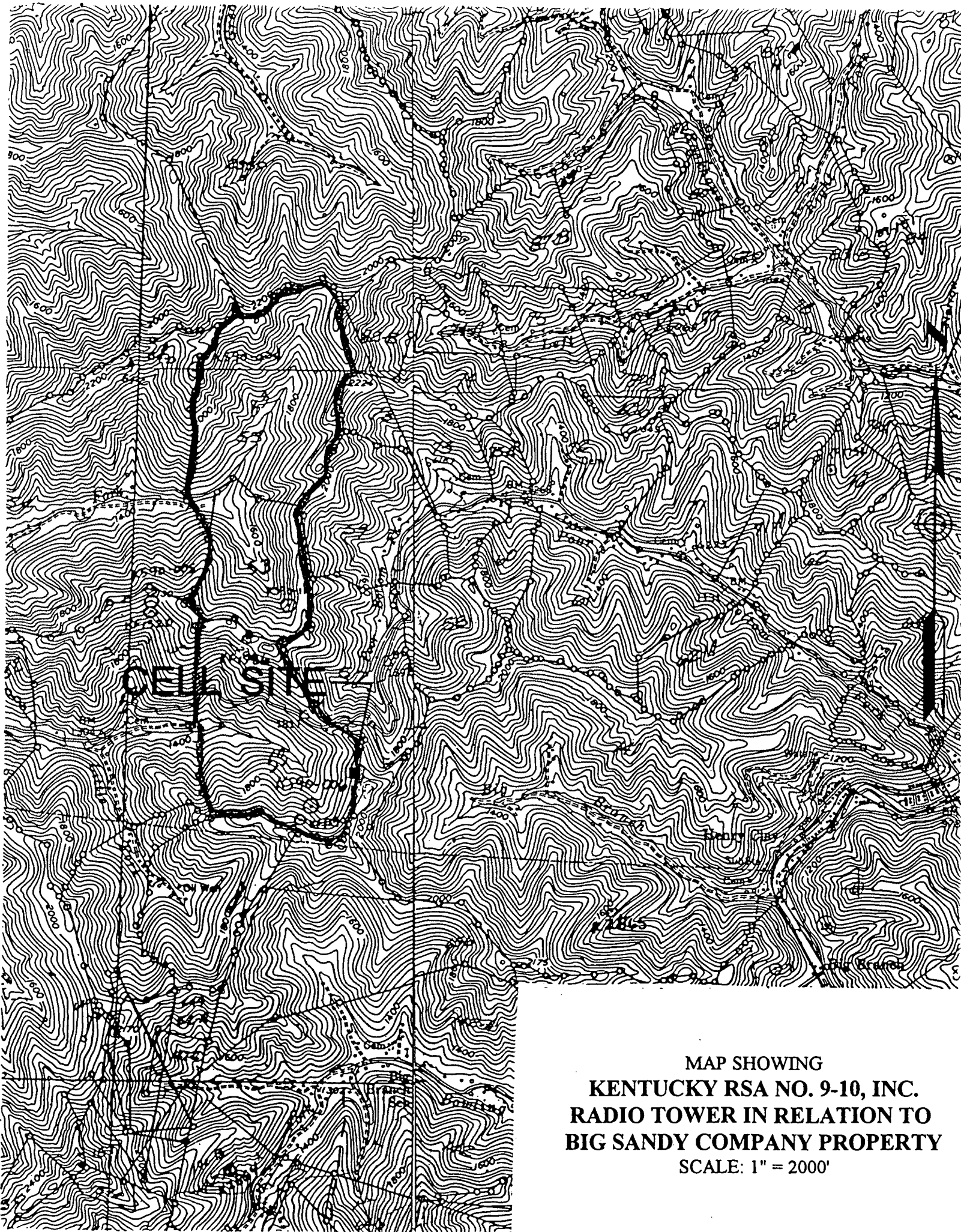
*Don R. Batten*

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Don R. Batten  
Senior Vice President, Engineering  
Big Sandy Company, L. P.

DRB/lb

attachments



MAP SHOWING  
KENTUCKY RSA NO. 9-10, INC.  
RADIO TOWER IN RELATION TO  
BIG SANDY COMPANY PROPERTY  
SCALE: 1" = 2000'