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April 27, 2021

Filed Electronically

Linda C. Bridwell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

Re: In the Matter of: The Application of New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, d/b/a AT&T Mobility and Uniti Towers LLC, a Delaware Limited Liability Company for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Wayne, Case No. 2020-00354

Dear Executive Director Bridwell:

On April 5, 2021, SBA Towers VII, LLC (“SBA”) notified the Commission of its offer to modify the monthly rent charged to AT&T Mobility (“AT&T”) so that AT&T could continue to co-locate on the existing SBA Tower described in SBA’s Motion to Intervene. In an effort to keep the Commission apprised of all relevant facts bearing on its decision,¹ SBA notifies the Commission that SBA received a response from AT&T on April 22, and SBA has responded. A copy of SBA’s Response is attached hereto.²

¹ See 807 KAR 5:063 Section 1(1)(s) (“A statement . . . that there is no reasonably available opportunity to co-locate, including documentation of attempts to co-locate. . .” (emphasis added)).

² Out of an abundance of caution, SBA has contemporaneously filed a Motion for Confidential Treatment of certain portions of the Response Letter, which SBA believes could reveal certain financial terms upon which AT&T is willing to contract, as well as information related to AT&T’s infrastructure and business plans.

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Thank you, and please call with any questions.

Sincerely,

DINSMORE & SHOHL LLP

/s/ Edward T. Depp

Edward T. Depp

Certification

I hereby certify that the electronic version of this filing made with the Commission on April 27, 2021, is a true and accurate copy of the paper document that will be submitted to the Commission within 30 days of the Governor lifting the state of the emergency pursuant to the Commission's Orders in Case No. 2020-00085, and the electronic version of the filing has been transmitted to the Commission. A copy of this filing has been served electronically on all parties of record for whom an e-mail address is given in the online Service List for this proceeding.

/s/ Edward T. Depp
Edward T. Depp

ETD/lb



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April 27, 2021

Tim Brenner
Director, Network Planning
Tower Strategy & Roaming
AT&T Mobility Services LLC
308 S Akard Street
Dallas, TX 75202

Dear Tim,

Thank you for AT&T's April 22, 2021 counteroffer in response to our April 5, 2021 offer regarding the rental rates on six SBA tower sites in Kentucky, near which Uniti is attempting to permit unnecessary and duplicative tower sites with the Kentucky Public Service Commission. In discussing the AT&T counteroffer internally, we were quite surprised by the counteroffer in several respects.

First, AT&T's filings in the PSC proceedings have focused on the fact that the AT&T/Uniti rental rates for the proposed duplicative sites are below the AT&T/SBA rates for the six corresponding SBA sites. Our offer completely resolved that issue by agreeing to reduce our rent to rates below those being paid by AT&T to Uniti for those sites. Rather than just accepting that offer, AT&T now introduces an entirely new concept by asking SBA to reduce all existing AT&T/SBA rental rates on all [REDACTED] SBA sites located in Kentucky that AT&T leases to [REDACTED] without disclosing what the [REDACTED] [REDACTED] are. The only rental rate mentioned in the counteroffer is an average of [REDACTED]. However, AT&T provided no basis for how it arrived at an "average," or any justification for applying an "average" rate to all [REDACTED] sites, which may or may not bear any relation to the six AT&T/Uniti rental rates in question that we have already agreed to beat or the specific circumstances applicable to each of the affected sites.

Furthermore, the AT&T counteroffer overly complicates the matter by introducing new concepts that go well beyond the rental rate issue raised by AT&T in the PSC proceedings and does so in a manner that makes an evaluation of the counterproposal impossible. First, the counteroffer involves many more sites than the six sites in question. In fact, it covers all [REDACTED] SBA sites that AT&T leases in Kentucky, more than half of which did not require a certificate of public convenience and necessity from the PSC to construct. Additionally, the counteroffer requests "real estate rights" on all of the sites, but does not disclose what AT&T expects those "real estate rights" to be. The counteroffer also requests that SBA reimburse AT&T for site development costs on relocation projects without indicating how many relocation projects there are or what the costs are. Even if AT&T had disclosed that information, it hardly seems equitable to expect SBA to reimburse AT&T for costs it voluntarily chose to incur without first even speaking to SBA to see if an accommodation could be reached on the rents for the six subject sites.

It is clear from AT&T's PSC filings for the six sites in question that AT&T believes the rent amount is the dispositive issue and SBA's offer completely resolved that issue by agreeing to reduce its rent to amounts below those being paid by AT&T to Uniti for the proposed sites. AT&T's counteroffer overly complicates this matter by proposing an undisclosed rental rate, introducing new, non-specific terms, and involving sites that never required a certificate of public

convenience and necessity from the PSC to construct to begin with. In doing so, AT&T has made a meaningful evaluation of AT&T's counteroffer by SBA impossible. Nonetheless, SBA remains willing to resolve the rental rate issue raised in AT&T's PSC filings for these six sites and we reiterate our offer to match the corresponding monthly rental rate offered to AT&T by Uniti on the six SBA sites near which Uniti is attempting to permit unnecessary and duplicative tower sites, less \$10, provided we of course receive bona fide documentation establishing the rental rates offered by Uniti to AT&T.

Best Regards,



Erica Clanton
Site Marketing Manager

SBA