### COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION CASE NO.: 2020-00361

**Electronically Filed** 

In the Matter of:

THE APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY D/B/A AT&T MOBILITY FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT IN THE COMMONWEALTH OF KENTUCKY IN THE COUNTY OF MARSHALL

### SITE NAME: MOORS CAMP

### <u>SBA COMMUNICATIONS CORPORATION'S</u> <u>MOTION TO INTERVENE</u>

Comes SBA Communications Corporation ("SBA"), whose full name and mailing address is SBA Towers VII, LLC, 8051 Congress Avenue, Boca Raton, FL 33487-1307, vweidenthaler@sbasite.com,<sup>1</sup> and hereby requests, pursuant to 807 KAR 5:001 Section 4(11), to intervene in this matter. SBA has a special interest in this case, which, if denied permission to intervene, will not be adequately represented. Further, intervention by SBA, will allow it to present issues and develop facts that will assist the Commission in considering the matter without unduly complicating or disrupting the proceedings. In support its Motion, SBA attaches its Memorandum of Law.

<sup>&</sup>lt;sup>1</sup> SBA is providing Ms. Weidenthaler's contact information pursuant to 807 KAR Section 4(11)(a). All official, case-related correspondence should still be directed to undersigned counsel.

FREEMAN MATHIS & GARY, LLP

s/ Tia J. Combs

Casey C. Stansbury Tia J. Combs Caitlin McQueen Tubbesing 2525 Harrodsburg Road, Suite 500 Lexington, KY 40504 Telephone: (859) 410.7854 <u>cstansbury@fmglaw.com</u> <u>tcombs@fmglaw.com</u> <u>ctubbesing@fmglaw.com</u> *Counsel for SBA Towers VII, LLC* 

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2020, the foregoing document was served via first

class USPS, postage prepaid, upon the following:

David A. Pike, Esq. Pike Legal Group, PLLC 1578 Highway 44 East, Suite 6 P.O. Box 369 Shepherdsville, KY 40165-0369 *Counsel for the Applicant* 

> s/ Tia J. Combs Counsel for SBA Towers VII, LLC

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SITE NAME: MOORS CAMP

### <u>SBA TOWERS VII, LLC'S MEMORANDUM OF LAW IN SUPPORT OF ITS</u> <u>MOTION TO INTERVENE</u>

Comes SBA Towers VII, LLC ("SBA"), pursuant to 807 KAR 5:001 Section 4(11), and

for its Memorandum of Law in Support of its Amended Motion to Intervene, states as follows:

### **FACTS**

On or about November 2, 2020, New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility

("AT&T" or "Applicant"), filed their Application for a Certificate of Public convenience and

Necessity for Construction of a Wireless Communications Facility in Marshall County, Kentucky

(the "Application"). In the Application, the Applicants state they request a certificate because the

construction of the proposed wireless communications facility (the "Proposed Tower") will:

[B]ring or improve the AT&T Mobility's services to an area currently not served or not adequately served by AT&T Mobility by increasing coverage or capacity and thereby enhancing the public's access to wireless communication services. The WCF will provide a necessary link in AT&T Mobility's communications network that is designed to meet the increasing demands for wireless services in Kentucky's wireless communications service area.<sup>1</sup>

However, the Applicants' claims as to the necessity of the Proposed Tower are wholly unsubstantiated. In the Application, the Applicants generically state that there are "no reasonably available opportunities to co-locate AT&T Mobility's antennas on an existing structure."<sup>2</sup> AT&T further states that the reason for the need for a new tower is that "no other suitable or available co-location site was found to be located in the vicinity of the site."<sup>3</sup> Contrary to the assertions made by AT&T, there is already an existing tower approximately .173 miles or 916 feet from the Proposed Tower – it is both reasonably available and an existing structure from which AT&T could co-locate its antennas and provide adequate services to its consumers. *See*, Site Maps Illustrating Distance Between SBA Tower and Proposed Tower, attached hereto as Exhibit 1. Unlike the situation in most other cases before the PSC involving both AT&T and SBA, AT&T is not a tenant on this tower which is owned and operated by SBA (the "SBA Tower").

The SBA Tower is so close that it can be seen on the aerial map imaging contained in the Exhibit K to the Application. The nearby SBA Tower can accommodate AT&T's antennas at or above 260 feet, which is higher than the anticipated 250' location for AT&T's antennas on the Proposed Tower.<sup>4</sup> As a co-locator on the SBA Tower, AT&T could: (i) broadcast its wireless signal to the surrounding area in nearly exactly the same manner as it anticipates doing on the Proposed Tower; and (ii) provide essentially the same strong coverage to its customers, as it would broadcast off the Proposed Tower. This fact is, and can be, substantiated by SBA, through Coverage Plot

<sup>&</sup>lt;sup>1</sup> Application for Certificate of Public Convenience and Necessity for Construction of a Wireless Communications Facility, Case No. 2020-00361 (KY PSC November 2, 2020) at ¶ 7.

 $<sup>^{2}</sup>$  *Id.* at ¶ 12.

<sup>&</sup>lt;sup>3</sup> Id.

<sup>&</sup>lt;sup>4</sup> *Id.* at p. 39 (part of the Application's Site Development Plan contained in Exhibit B). According to Exhibit B's Tower Drawings, AT&T proposed antennas will be at 250 ft. The spaces below at 238', 226', and 214' are reserved for anticipated future co-locating utilities.

Analysis, which has been performed by a Radio Frequency Engineer proving this fact. *See* Exhibit 2. As such, despite AT&T's claims in its Application, the Proposed Tower also cannot possibly meet the prerequisite of necessity required in order for AT&T to be given a Certificate of Public Convenience and Necessity by the Commission.

Because SBA has an interest in this matter which not now being adequately represented and SBA can present issues and develop facts that will assist the Commission in fully considering this matter, SBA now requests to intervene in this matter so that it may present the evidence it has already collected concerning the inaccuracies the Application and present additional information that may be of use to the Commission.

### ARGUMENT

Pursuant to 807 KAR 5:001 Section 4(11):

(a) A person who wishes to become a party to a case before the commission may, by timely motion, request leave to intervene.

1. The motion shall include the movant's full name, mailing address, and electronic mail address and shall state his or her interest in the case and now intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

•••

(b) The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

807 KAR 5:001 Section 4(11).

Pursuant to this section, SBA is required to prove only that it has either a special interest

which is not adequately represented or that it can present issues or develop facts assisting the

commission in fully considering the matter, however, SBA believes that it can prove it meets both

of these requirements. As such, the PSC should allow SBA to intervene and fully participate in this case.

# I. SBA has a special interest in this matter that is not otherwise adequately represented.

SBA is mindful that the PSC has previously stated that SBA's interest in owning a tower in the immediate vicinity of the Proposed Tower is not a proper special interest under 807 KAR 5:001 Section 4(11).<sup>5</sup> With due regard to that holding, and while SBA does not abandon those arguments and incorporates them here as if fully rewritten.<sup>6</sup>

# **II.** If allowed to intervene, SBA can present issues and develop facts that will assist the Commission in fully considering this matter.

In its past orders, the PSC has never addressed the fact that SBA could intervene for the purposes of providing the PSC with additional information which would be relevant to its determination of whether an applicant has a public convenience or necessity. The PSC is required to give "proper consideration to the essential elements that enter into the matter of convenience and necessity." *Ky. Utils. Co. v. Pub. Serv. Com.*, 252 S.W.2d 885, 889 (Ky. 1952). The Court of Appeals of Kantuchy has stated.

of Appeals of Kentucky has stated:

The manifest purpose of a public service commission is to require fair and uniform rates, prevent unjust discrimination and unnecessary duplication of plants, facilities and service and to prevent ruinous competition. The courts generally deny the right of utilities to duplicate service.

Olive Hill v. Pub. Serv. Com., 203 S.W.2d 68, 71 (1947).

<sup>&</sup>lt;sup>5</sup> Order, Case No. 2019-00176 (KY PSC October 1, 2019).

<sup>&</sup>lt;sup>6</sup> See, SBA Communications Corporation's Motion to Intervene, Case No. 2019-00176 (KY PSC June 25, 2019), and SBA Communications Corporation's Reply in Support of its Motion to Intervene, Case No. 2019-00176 (KY PSC July 8, 2019). SBA further acknowledges that the Commission denied intervention in a prior matter in Marshall County (Case No. 2017-0435, the "Hansen case"), however the material facts in this matter are different. Unlike the Hansen case, AT&T is not and has never been a tenant on the SBA Tower – and SBA is the only party with knowledge about AT&T's failure to inquire about rental rates or terms to co-locate on the SBA Tower.

Many facts which are needed for the Commission to fully develop these elements are not listed in the Application. SBA can assist the Commission in the process of finding and evaluating these facts and therefore seeks to intervene in this matter.

# a. SBA has information concerning AT&T's failure to even attempt to co-locate on the nearby SBA Tower.

When requesting to build a new wireless tower, AT&T is required, by KRS § 278.020 and 807 KAR 5:063 Section l(s), to present evidence concerning attempts to co-locate on existing structures, such as the nearby SBA Tower. AT&T peripherally addresses this issue in the Application at ¶ 12 with boilerplate language but does not even attempt to flesh out the substance of what is required under the law. In this Paragraph, AT&T generically states:

Applicant has considered the likely effects of the installation of the proposed WCF on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate services can be provided, and that there are no reasonably available opportunities to co-locate Applicant's antennas on an existing structure. When suitable towers or structures exist, Applicant attempts to co-locate on existing structures such as communications towers or other structures capable of supporting applicant's facilities; however, no other suitable or available co-location site was found to be located in the vicinity of the site.<sup>7</sup>

Notwithstanding the representations in Paragraph 12, AT&T fails to mention that it has made no legitimate effort to co-locate on the SBA Tower 916 feet away from the Proposed Tower. AT&T's vendor, MasTec, inquired about space on the SBA Tower for AT&T and was told there was room for AT&T to co-locate. Exhibit 3. In fact, there is space between 260' – 299' on the SBA Tower, such that AT&T could broadcast its radio frequency in exactly the same manner as it will be able to broadcast from the Proposed Tower. In the past, AT&T has argued that SBA's rates are too high to consider co-location, however, this was not addressed in these communications. Therefore, there is no basis for AT&T to present arguments concerning the rents

<sup>&</sup>lt;sup>7</sup> Application, Case No. 2020-00361 at ¶ 12.

on the SBA Tower, an issue that AT&T has previously suggested is the dispositive factor for evaluation of whether the co-location requirement has been fulfilled in other matters pending before the Commission.<sup>8</sup>

Furthermore, if rent rates are to be properly considered when evaluating whether or not the Applicants have made a fair attempt to co-locate, rates must be evaluated at each tower site. Rents and other fees are different at each SBA site and, presumably, at towers held by other companies. Thus, the issue of co-location cannot be evaluated without this information. It is not sufficient for AT&T to simply say that a tower in the vicinity of an SBA Tower will always be a lower rent or on better terms, as there is no evidence of record to substantiate this and the Applicants have not offered anything like this in the Application. In the *Hansen* case, the PSC stated that it was the applicant's "burden" to prove that co-location was not reasonably available because of rent disparity.<sup>9</sup> Despite this holding, the Applicants have consistently not even admitted that rent disparity was at issue until their Response; this issue is not addressed in the Application here either. As SBA is the owner of the tower on which AT&T is required to consider co-locating, SBA has unique information concerning this issue and others which, as of yet, are wholly unaddressed in these proceedings.

# b. The Application does not specifically detail how an additional tower will benefit consumers.

In the past, the Commission has denied SBA intervention because the purpose of the Telecommunications Act of 1996 and KRS § 278.040 are to promote market-based competition

<sup>&</sup>lt;sup>8</sup> See e.g., AT&T's Response to SBA's Motion to Intervene in the following matters: KY PSC Case No. 2020-00310, KY PSC Case No. 2020-00300, KY PSC Case No. 2020-00270, KY PSC Case No. 2020-00176, KY PSC Case No. 2020-00328, KY PSC Case No. 2020-00343, KY PSC Case No. 2020-00360.

<sup>&</sup>lt;sup>9</sup> Order, KY PSC Case No. 2017-00435, pg. 2.

that benefits consumers. However, it is unclear from the Application how the Proposed Tower will benefit consumers at all.

The Application states that the Proposed Tower is necessary because it will improve services "by increasing coverage or capacity and thereby enhancing the public's access to innovative and competitive wireless communications services."<sup>10</sup> Other than restating language from KRS § 278.546(4), the Application is devoid of any facts or exhibits that lend themselves to this nebulous claim that a new tower constructed in such close proximity to the SBA Tower will have any benefit to consumers. Despite unsubstantiated claims of "necessity" and an "integral link," the Applicants do not offer any insight into how the new tower will provide more economical services nor do they make any mention of innovation to existing technology and services. The Application is similarly without any reasoning to support the claim that the area is "currently not served or not adequately served."<sup>11</sup>

AT&T consistently references the Proposed Tower as being "necessary to AT&T," but fails entirely to offer facts that show any increase in services and rates to the consumer as required under KRS § 278.020. These facts and issues related to unsubstantiated claims of benefit to consumers elucidate the import of intervention as SBA is uniquely situated to "present issues or develop facts that will assist the commission in fully considering the matter." 807 KAR 5:001 Section 4(11).

Even if any practical innovation or increase in services to the consumer can be inferred from the Application, it is nevertheless devoid of any evidence or expert opinion of the alleged benefits of the Proposed Tower. In fact, it is not apparent from the face of the Application if there is any possible or technical way in which the new tower in such proximity will bring about any

<sup>&</sup>lt;sup>10</sup> Application, Case No. 2020-00361 at ¶ 7.

<sup>&</sup>lt;sup>11</sup> Id.

increase in services or benefits to the consumer. While it is the onus of the Applicant to show necessity and a benefit to consumers, SBA's intervention is appropriate and necessary here in order to present issues and develop facts that illustrate the absence of a benefit to the rates of services.

### c. SBA has special knowledge of the service that can be had from the SBA Tower and Proposed Tower.

In this case, SBA has already commissioned a study concerning the radio frequency coverage that can be broadcast from both the SBA Tower and the Proposed Tower. Ex. 1. As shown in that study, there is little or no additional coverage to be gained by building the Proposed Tower. If a wireless operator had an antenna on the SBA Tower and then installed on the Proposed Tower, this would be duplicative and considered an "overbuild." Exhibit 2. If SBA is allowed to intervene in this matter, it would be glad to bring its engineer to testify before the Commission to further explain his findings and the similarity of the radio frequency broadcasts from the SBA Tower and the Proposed Tower.

### d. SBA's special knowledge concerns "service" pursuant to KRS § 278.040.

The PSC has previously relied on KRS § 278.040 and *Application of East Kentucky Power Cooperative, Inc. for a Certificate of Public Convenience and Necessity, and a Site Compatibility Certificate, for the Construction of a 278 MW (nominal) Circulating Fluidized Bed Coal-Fired Unit in Mason County, Kentucky*, Case No. 2004-00423, (KY PSC Apr. 18, 2005) to deny SBA intervention because SBA did not have an interest in "rates and service."<sup>12</sup> However, the information SBA can provide does concern service as defined in this statute.

The term "service," as used in KRS § 278.040, is defined by KRS § 278.010(13):

"Service" includes any practice or requirement in any way relating to the service of any utility, including the voltage of electricity, the heat units and pressure of gas, the purity, pressure, and quantity of water, and in general the quality, quantity, and pressure of any commodity or product used or to be used for or in connection with

<sup>&</sup>lt;sup>12</sup> Order, Case No. 2019-00176 (KY PSC October 1, 2019).

the business of any utility, but does not include Voice over Internet Protocol (VoIP) service;

Thus, the signal AT&T or any other broadcasts is "service." As shown above, SBA's intent is to provide the PSC with information relating to this service.

# e. Allowing SBA's intervention will not unduly complicate or disrupt these proceedings.

As noted above and seen in Exhibit 1, SBA has already commissioned a report from an expert who can testify as to the lack of necessity for the Proposed Tower. SBA's staff is similarly ready to testify concerning AT&T's failure to even attempt to co-locate on the SBA Tower. As SBA is already ready to present its evidence, its intervention in this matter will not delay this matter in any way. Furthermore, SBA is happy to tailor its involvement in this matter to the PSC's wishes and provide information, to the extent not proprietary or confidential, as the PSC requests or deems helpful.

#### **CONCLUSION**

SBA has an interest in this matter which not now being adequately represented. Moreover, SBA has and can present issues and develop facts that will assist the Commission in fully considering this matter. In particular, SBA can confirm that AT&T has made no efforts to colocate on the nearby tower – and has not even inquired about the possibility of co-location as required by KRS § 278.020 and 807 KAR 5:063 Section l(s). SBA can also provide technical engineering information concerning the radio frequency that can be broadcast from the Proposed Tower (which is nearly identical to what can be broadcast from the existing SBA Tower) and information concerning AT&T's attempts at co-location. As such, SBA now requests that it be allowed to intervene in this matter so that it may present the evidence it has already collected concerning the inaccuracies in the Application.

### FREEMAN MATHIS & GARY, LLP

s/ Tia J. Combs

Casey C. Stansbury Tia J. Combs Caitlin McQueen Tubbesing 2525 Harrodsburg Road, Suite 500 Lexington, KY 40504 Telephone: (859) 410.7854 cstansbury@fmglaw.com tcombs@fmglaw.com ctubbesing@fmglaw.com *Counsel for SBA Towers VII, LLC* 

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2020, the foregoing document was served via first

class USPS, postage prepaid, upon the following:

David A. Pike, Esq. Pike Legal Group, PLLC 1578 Highway 44 East, Suite 6 P.O. Box 369 Shepherdsville, KY 40165-0369 *Counsel for the Applicant* 

> s/ Tia J. Combs Counsel for SBA Towers VII, LLC

### Site Map Illustrating Distance Between the Existing SBA Tower and the Proposed Tillman/AT&T Tower



Distance = 916 feet/ 0.173 miles



Site Map Illustrating Distance Between the Existing SBA Tower and the Proposed Tillman/AT&T Tower

Distance = 916 feet/ 0.173 miles

TO: SBA

Subject: RF Coverage Plot Analysis: Marshall County, KY

Date: November 17, 2020

1. METHODOLOGY. The attached plots depict broadcast radio frequency (RF) coverage from the existing site to Marshall County, KY and a proposed site approximately 0.171 miles to the north. At each location, cellular industry typical LTE operating parameters were considered for omnidirectional antennas mounted at 260 feet above ground level at the existing site, and at 250 feet above ground level for the proposed site. Ground elevations are 448 and 438 feet above mean sea level, respectively. 5G Broadcast RF coverage was not reviewed since it is not operational as of this date.

Plots for both locations were generated for 700, 850, 1900 and 2100 MHz operations. The signal levels depicted are associated with LTE service reliability where the strong coverage levels in green and blue occur near the towers and decrease with distance from the sites and intervening terrain obstructions. Signal levels greater than -70 dBm shown as blue are associated with feasible coverage within buildings. Marginal coverage is provided in the regions depicted in yellow between -90 dBm and -80 dBm and signal levels between -100 dBm and -90 dBm shown as red represent poor coverage associated with call failures.

A comparison of coverage performance for each site is based on low band (700 and 850 MHz) and high band (1900 and 2100 MHz) prediction results. Radiowave propagation conditions between these bands differ because of terrain and ground clutter (e.g. vegetation) effects at different frequencies. Generally, low band operations provide greater area coverage. Therefore, high band operations provide additional customer traffic capacity closer to the cellular site.

2. COMPARISON. The sites considered in these coverage plots provide service to the depicted locations and roads leading to Marshall County, KY. For low band operations, the existing site provides strong coverage approximately 1 miles in all directions and to non-contiguous areas to 2.5 miles from the site. This includes 1 miles of Moors Camp Highway. The proposed site provides similar strong coverage 1 miles in all directions and to 2.5 miles. This includes 1 miles of Moors Camp Highway. The proposed site provides 1 miles of Moors Camp Highway. Both sites provide marginal coverage to non-contiguous areas up 3 miles from the site.

For high band operations, both sites provide strong coverage to non-contiguous areas 2 miles in all directions.

3. CONCLUSION. Based on the coverage comparison presented above, the proposed site provides comparable coverage to Marshall County, KY due to its close proximity to the existing site. For wireless operators with antennas mounted on the existing site, the installation of additional antennas on the proposed site would be considered to be an "overbuild" or impractical given the coverage overlap.



Existing Site 700 MHz Coverage

Site Name KY10783 N36.929472 Latitude: Longitude: W88.248278

Antenna: 15.15 dBi Omni Alpha Rad Center (ft): Azimuth (Deg): ERP per RS (W):

260

2.0





Proposed Site 700 MHz Coverage Site NameProposedLatitude:N36.93189Longitude:W88.24911

.

Antenna: 15 Alpha Rad Center (ft): Azimuth (Deg): ERP per RS (W):

15.15 dBi Omni 250 0 2.0





Existing Site 850 MHz Coverage Site Name KY10783 Latitude: N36.929472 Longitude: W88.248278 Alpha

Antenna: 15.15 dBi Omni Alpha Rad Center (ft): 260 Azimuth (Deg): 0 ERP per RS (W): 2.0





Proposed Site 850 MHz Coverage Site NameProposedLatitude:N36.93189Longitude:W88.24911

l 9 .1 Antenna: 15 Alpha Rad Center (ft): Azimuth (Deg): ERP per RS (W):

15.15 dBi Omni 250 0 2.0





Existing Site 1900 MHz Coverage Site Name KY10783 Latitude: N36.929472 Longitude: W88.248278 Alpł

Antenna: 17.1 Alpha Rad Center (ft): Azimuth (Deg): ERP per RS (W):

17.15 dBi Omni 260 0 4.7





Proposed Site 1900 MHz Coverage Site NameProposedLatitude:N36.93189Longitude:W88.24911

9 1 Antenna: 17 Alpha Rad Center (ft): Azimuth (Deg): ERP per RS (W):

17.15 dBi Omni 250 0 4.7





Existing Site 2100 MHz Coverage Site Name KY10783 Latitude: N36.929472 Longitude: W88.248278

Antenna: 17 Alpha Rad Center (ft): Azimuth (Deg): ERP per RS (W):

17.15 dBi Omni 260 0 4.7





Proposed Site 2100 MHz Coverage Site NameProposedLatitude:N36.93189Longitude:W88.24911

d 9 11 Antenna: 17 Alpha Rad Center (ft): Azimuth (Deg): ERP per RS (W):

17.15 dBi Omni 250 0 4.7



Hi Cody – That is good news. No changes since our last discussion – top RAD still available and SA is the same.

Thanks! -Erica

Erica Clanton Site Marketing Manager

615.390.8639 + **T** 

From: Cody Knox [mailto:Cody.Knox@mastec.com]
Sent: Wednesday, October 7, 2020 1:54 PM
To: Erica Clanton <EClanton@sbasite.com>; Jesse McKay <JMcKay@integrisite.net>
Cc: Ann Larsen <ann.larsen@integrisite.net>; Wayne Barnett <wbarnett@integrisite.net>
Subject: [External] RE: RE: SBA Site Information Request / KY10783 Marshall Moors - Moors Camp

Erica,

AT&T is talking about bringing this site back. Is the top RAD still available? Any changes in the SA 69.9%?

Cody Knox SAQ Project Manager II – NSB TN/KY

### \*MasTec Network Solutions

1975 Joe B Jackson Parkway Murfreesboro, TN 37127 Email: <u>cody.knox@mastec.com</u> Mobile: (318) 355-6599

\*\*\*No work is to begin without a PO. You are at risk of not being paid if you have not received a PO\*\*\*

From: Erica Clanton <<u>EClanton@sbasite.com</u>>
Sent: Tuesday, June 4, 2019 8:52 AM
To: Jesse McKay <<u>JMcKay@integrisite.net</u>>
Cc: Cody Knox <<u>Cody.Knox@mastec.com</u>>; Ann Larsen <<u>ann.larsen@integrisite.net</u>>; Wayne Barnett
<<u>wbarnett@integrisite.net</u>>
Subject: RE: [External] RE: SBA Site Information Request / KY10783 Marshall Moors - Moors Camp

Attention: This email was sent from someone outside of MasTec. Please use caution when opening attachments or clicking on links in emails which are unexpected or arrive from unknown senders.

EXHIBIT 3

#### Hi Jesse –

Apologies for the delay on this one. Can confirm that 300' is available. We have one tenant at 250' so plenty of space above. Also have 100 x 100 ground space leases so compound is open as well. Looks like the last SA was at 69.9% Rev G.

Thanks! -Erica

### Erica L. Clanton

Site Marketing Manager Tennessee, Kentucky, and Southwest Ohio

615.390.8639 + **T** 

From: Jesse McKay [mailto:JMcKay@integrisite.net]
Sent: Monday, June 3, 2019 4:50 PM
To: Erica Clanton <<u>EClanton@sbasite.com</u>>
Cc: Cody Knox <<u>Cody.Knox@mastec.com</u>>; Ann Larsen <<u>ann.larsen@integrisite.net</u>>; Wayne Barnett
<<u>wbarnett@integrisite.net</u>>
Subject: [External] RE: SBA Site Information Request / KY10783 Marshall Moors - Moors Camp

Erica,

I'm following up on confirming the 300' centerline for the SBA site Marshall Moors.

Jesse McKay INTEGRISITE 214 Expo Circle, Suite 4 West Monroe, LA 71292 318-439-1012

From: Jesse McKay
Sent: Friday, May 24, 2019 9:52 PM
To: 'Erica Clanton' <<u>EClanton@sbasite.com</u>>
Cc: Cody Knox <<u>Cody.Knox@mastec.com</u>>; Ann Larsen <<u>ann.larsen@integrisite.net</u>>; Wayne Barnett
<<u>wbarnett@integrisite.net</u>>
Subject: RE: SBA Site Information Request / KY10783 Marshall Moors - Moors Camp

Erica,

AT&T has selected the SBA tower as their candidate. SBA Site No. KY10783-S. SBA Site Name – Marshall Moors. Can you confirm the available centerline of 300'?

Jesse McKay INTEGRISITE 214 Expo Circle, Suite 4 West Monroe, LA 71292 318-439-1012 From: Jesse McKay
Sent: Wednesday, April 3, 2019 2:42 PM
To: Erica Clanton <<u>EClanton@sbasite.com</u>>
Subject: RE: SBA Site Information Request / KY10783 Marshall Moors - Moors Camp

Thanks for the info!

Jesse McKay INTEGRISITE 214 Expo Circle, Suite 4 West Monroe, LA 71292 318-439-1012

From: Erica Clanton <<u>EClanton@sbasite.com</u>>
Sent: Wednesday, April 3, 2019 1:18 PM
To: Jesse McKay <<u>JMcKay@integrisite.net</u>>
Subject: RE: SBA Site Information Request / KY10783 Marshall Moors

Hi Jesse –

We have tenant equipment at 250' and a dish at 135'. The very top RAD at 300' down to 270' is open, and 235' and below. We have 100' x 100' ground space leased so plenty of space for AT&T. Here is the current compound sketch below.



Thanks! -Erica

### **Erica L. Clanton**

Site Marketing Manager Tennessee, Kentucky, and Southwest Ohio

615.390.8639 + **T** 

From: SBA Information Request [mailto:Towerlist@sbasite.com] Sent: Wednesday, April 3, 2019 11:47 AM To: jmckay@integrisite.net **Cc:** Erica Clanton <<u>EClanton@sbasite.com</u>> **Subject:** SBA Site Information Request

Dear Jesse McKay,

Thank you for your interest in the Marshall Moors site [KY10783-S].

You supplied the following contact information:

Name:	Jesse McKay
Company:	Integrisite
Carrier Represented:	AT&T
Carrier Market:	Evansville
Phone:	3184391012
Email:	jmckay@integrisite.net

You supplied the following proposed equipment needs:

Technology:	TBD
# of Antennas / Type / Size:	TBD
# of Lines / Size:	TBD
Height Needed:	190'
Ground Space Required:	16' x 16'
Estimated Construction Date: 9/12/20	
Customer ID:	13356835
Special Requirements:	Can you provide the available centerline and a compound sketch?

Once again, thank you for your interest, and a site specialist will contact you shortly to assist you.