

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

THE APPLICATION OF)
NEW CINGULAR WIRELESS PCS, LLC,)
A DELAWARE LIMITED LIABILITY COMPANY,)
D/B/A AT&T MOBILITY)
AND TILLMAN INFRASTRUCTURE LLC, A DELAWARE)
LIMITED LIABILITY COMPANY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO.: 2021-00398
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF GRAYSON)

SITE NAME: FALLING BRANCH

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**FIFTH RE-NOTICE OF APPLICANTS’ MOTION TO SUBMIT APPLICATION
FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR
DECISION
ON EXISTING EVIDENTIARY RECORD**

New Cingular Wireless PCS LLC d/b/a AT&T Mobility (“AT&T”) and Tillman Infrastructure LLC, a Delaware limited liability company (“Tillman”) (collectively, “Applicants”), by counsel, hereby file this Re-Notice of Applicants’ February 24, 2023, Motion requesting the Kentucky Public Service Commission (“PSC”) to immediately decide the pending Application for Certificate of Convenience and Necessity (“CPCN”) on the Existing Evidentiary Record (“Applicants’ February 24, 2023 Motion”). With due respect to the PSC, further delay in this long pending proceeding, filed October 18, 2021, is unwarranted and only serves to prevent AT&T from providing essential wireless service to this area of Grayson County. The FCC Shot

Clock for the proposed CPCN Application expired over a *year ago*. Intervention Proceedings pursuant to the PSC's August 18, 2022 Procedural Order have been closed since December 9, 2022. A Public Hearing was not requested pursuant to that Order and the CPCN Application has been ripe for decision since that date. Moreover, said Application has been pending for over 552 days. Such delay is clearly inconsistent with the "reasonable time" standard of the Federal Telecommunications Act of 1996. Applicants strongly urge the PSC to promptly move to issue a decision on the CPCN Application under the reasoning more completely discussed in Applicants' February 24, 2023 Motion.

Respectfully submitted,

David A. Pike

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1st day of May, 2023, a true and accurate copy of the foregoing was electronically filed with the PSC and sent by U.S. Postal Service first class mail, postage prepaid, to the Intervening Party at the following address:

Roger and Janelle Nicolai
2663 Blue Bird Road
Falls of Rough, Kentucky 40119

Respectfully submitted,

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and

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