

**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

\* \* \* \* \*

**APPLICANTS’ UPDATE ON ALTERNATIVE SITE DUE DILIGENCE**

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 Applicants’ Update on Alternative Site Due Diligence.

Vendors for one or more of Applicants have been conducting due diligence on the same parcel on which the existing proposed tower site is located. Currently, their focus is on a potential new cellular antenna tower site location more than eight hundred (“800”) feet from the Interveners’ residence.<sup>1</sup> Such potential new location is

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<sup>1</sup> The original proposed site location was approximately six hundred (“600”) from the Interveners’ residence as indicated on a survey previously filed in the record of this proceeding.

more particularly identified on the attached and incorporated **Exhibit A**. The property owner has verbally indicated a willingness to lease such location for a tower site.

The new potential alternative location was not feasible and available at the time of the filing of the original application in that a residential structure was present on the location. Such residential structure has since been demolished.

Due diligence is proceeding as to the potential alternative site location, including investigation into potential permitting of the new location by aviation authorities at a height sufficient to allow the site to provide the needed wireless coverage.

Applicants anticipate being able to provide a further update on their due diligence efforts during October 2023.

Should due diligence on the potential alternative site discussed herein be successful, Applicants may file an amended Application for Certificate of Public Convenience and Necessity requesting approval of the alternative site. However, Applicants reserve the right to request PSC approval of the existing site unless and until an amended Application is submitted.

WHEREFORE, the Applicants, by counsel, request the PSC to accept this Applicants' Update for filing and grant Applicants any other relief to which they are entitled.

Respectfully submitted,

*David A. Pike*

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David A. Pike  
and

*F. Keith Brown*

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Attorneys for Applicants

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29TH day of September, 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,

*David A. Pike*

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David A. Pike  
and

*F. Keith Brown*

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Attorneys for Applicants

# EXHIBIT A



POINT TO POINT LAND SURVEYORS, INC.  
 100 Governor's Trace, Suite 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440 (f) 678.565.4497  
[info@pointtopointsurvey.com](mailto:info@pointtopointsurvey.com)  
[www.P2PLS.com](http://www.P2PLS.com)

**FAA 1-A SURVEY CERTIFICATION**

**Applicant:** Tillman Infrastructure, LLC  
 152 W 157<sup>th</sup> Street, 27<sup>th</sup> Floor,  
 New York, NY 10019

**FA#:** 15346957  
**Site Name:** Falling Branch  
**Site Number:** TI-OPP-17878  
**Parcel ID:** 034-00-00-013  
**Site Address:** 2589 Blue Bird Road, Falls of Rough, KY 40119

**Horizontal Datum Source:**

Ground survey  GPS survey

**Vertical Datum Source:**

NAVD 88  NGVD 29  GPS survey

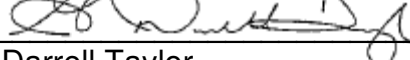
**Structure Type:**

New Tower  Existing Tower  Roof Top  Water Tank

**CENTER OF LEASE AREA:**

**Latitude:** 37° 35' 46.17" NAD 83 (37.596158°)  
**Longitude:** -86° 29' 26.44" NAD 83 (-86.490678°)  
**Ground Elevation:** 676.4 feet AMSL NAVD 88

**CERTIFICATION:** I certify that the latitude of 37° 35' 46.17" (37.596158°) and the longitude of -86° 29' 26.44" (-86.490678°) are accurate to within +/- 20 feet horizontally, and that the site elevation of 676.4 feet AMSL is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are based on the North American Datum of 1983 (NAD 83) and are expressed in degrees, minutes and seconds to the nearest hundredth of a second. The vertical datum (heights) are based on the North American Vertical Datum of 1988 (NAVD 88) and are determined to the nearest tenth of a foot.

**Surveyor Signature/Seal:**   
**Printed Name:** G. Darrell Taylor  
**Professional Surveyor #:** 4179  
**Company:** Point to Point Land Surveyors, Inc.  
**Phone:** 678-565-4440  
**Date:** September 22, 2023

