

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

In the matter of:

THE APPLICATION OF EAST KENTUCKY NETWORK,)
LLC FOR THE ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO) CASE NO. 2024-00089
CONSTRUCT A TOWER IN MORGAN COUNTY,)
KENTUCKY)

**RESPONSE OF EAST KENTUCKY NETWORK, LLC D/B/A APPALACHIAN WIRELESS
TO FILING DEFICIENCIES**

East Kentucky Network, LLC d/b/a Appalachian Wireless (“Applicant”), by and through counsel, hereby files this Response to Filing Deficiencies filed in the above-styled case.

- 1. Deficiency 1:** *807 KAR 5:001, Section 14(3): The application should be amended to include current (2024) certificate of good standing for the state of Organization and a current certification of authorization from the Commonwealth of Kentucky.*

Response: 807 KAR 5:001, Section 14(3) states:

“If a limited liability company, the applicant shall identify in the application the state in which it is organized and the date on which it was organized, attest that it is in good standing in the state in which it is organized, and, if it is not a Kentucky limited liability company, state if it is authorized to transact business in Kentucky.”

In the first paragraph of the Application, Applicant identified the state in which it is organized (Kentucky) and the date on which it was organized (June 16, 1998) and stated that it is in good standing with the state of Kentucky. As a Kentucky limited liability company, Applicant is not required to state whether it is authorized to transact business in Kentucky. A current certificate of good standing for the state of Organization and a current

certificate of authorization from the Commonwealth of Kentucky are not required to be provided under Section 14(3).

Applicant has fulfilled the requirements of 807 KAR 5:001, Section 14(3). Applicant requests that this alleged deficiency be withdrawn.

- 2. Deficiency 2:** 807 KAR 5:063, Section 1(1)(g): *Requires the identity and qualification of each person directly responsible for the design and construction of the proposed tower.*

Response: As stated on page 2 of the Application, the person responsible for the design and supervision of the construction of the proposed tower is identified and qualifications shown by the seal and signature affixed to the tower design included in Exhibit 5 of the Application. Additional information regarding World Tower Company, Inc.'s and, specifically, Kirk Hall's qualifications for designing and constructing towers are included in Exhibit 13. Further, as stated on page 3 of the Application, S&S Tower Services will erect the proposed tower with the identity and qualifications of the person directly responsible for the construction of the proposed tower included in Exhibit 13.

Applicant has fulfilled the requirements of 807 KAR 5:063, Section 1(1)(g). Applicant requests that this alleged deficiency be withdrawn.

- 3. Deficiency 3:** 807 KAR 5:063, Section 1(1)(k): *Requires a map drawn to a scale no less than 1-inch equals 200 ft, that identifies every structure and every owner of real estate within 500 ft of the proposed tower.*

Response: A map drawn to a scale no less than 1-inch equals 200 ft, that identifies every structure and every owner of real estate within 500 ft of the proposed tower was included in the Application as Exhibit 10, as stated in the Application.

Applicant has fulfilled the requirements of 807 KAR 5:063, Section 1(1)(k). Applicant

requests that this alleged deficiency be withdrawn.

4. **Deficiency 4:** 807 KAR 5:063, Section 1(2)(a): *Requires a copy of the language on the signs required by the regulation, including the word “monopole” or “tower” printed at least four (4) inches high.*

Response: 807 KAR 5:063, Section 1(2)(a) does not require a copy of the language on the signs required by the regulation. Section 1(2)(a) lists the size requirements and the language which must appear on the notices which are required by Section 1(1)(p). Subsection (1)(p) requires that the Application contain a statement that two written notices meeting the requirements of subsection (2) have been posted, one in a visible location on the proposed site and one on the nearest public road and that the notices shall remain posted for at least two weeks after the application has been filed. The required statement can be found on page 3 of the Application.

Applicant has fulfilled the requirements of 807 KAR 5:063, Section 1(2)(a) and 807 KAR 5:063, Section 1(1)(p). Applicant requests that this alleged deficiency be withdrawn.

5. **Deficiency 5:** 807 KAR 5:063, Section 1(2)(a): *Requires A map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the search area in which a site should, pursuant to radio frequency requirements, be located.*

Response: As stated above, 807 KAR 5:063, Section 1(2)(a) lists the size requirements and language which must appear on the notices which are required by subsection (1)(p). However, 807 KAR 5:063, Section 1(1)(t) requires a map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the search area in which a site should, pursuant to radio frequency requirements, be located. A map meeting those

requirements was included in the Application as Exhibit 7.

Applicant has fulfilled the requirements of 807 KAR 5:063, Section 1(1)(t). Applicant requests that this alleged deficiency be withdrawn.

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WHEREFORE, Applicant, having met the requirements of KRS 278.020(1), 278.650, 278.665, and all applicable rules and regulations of the PSC, respectfully requests that the PSC accept the foregoing Application for filing and grant a Certificate of Public Convenience and Necessity to construct and operate the proposed tower.

The foregoing document was prepared by Krystal Branham, Regulatory Compliance Attorney for East Kentucky Network, LLC d/b/a Appalachian Wireless. All related questions or correspondence concerning this filing should be mailed to East Kentucky Network, LLC d/b/a/ Appalachian Wireless, 101 Technology Trail, Ivel, KY 41642.

Dated this 16th day of April, 2024.

Respectfully submitted,



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