

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

In the Matter of:

THE APPLICATION OF )  
SKYWAY TOWERS LLC AND )  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC ) CASE NO.: 2023-00074  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF CARROLL )

SITE NAME: LOCUST

\* \* \* \* \*

**APPLICANTS' RESPONSE**  
**TO COMMISSION STAFF'S SECOND DATA REQUEST**

Skyway Towers, LLC, a Delaware limited liability company, and Cellco Partnership, a Delaware General Partnership d/b/a Verizon Wireless (collectively "Applicants"), by counsel, make this Response to the Kentucky Public Service Commission Staff's ("Commission Staff") Second Request for Information to Verizon Wireless Partnership d/b/a Verizon Wireless dated May 31, 2023 ("Second Data Request"). Applicants respectfully state, as follows:

1. In Response to Commission Staff's first request, copies of the PVA records obtained from the Carroll County PVA and relied upon to create the list of adjacent property owners entitled to notification are attached as **Exhibit J-4**.

2. In Response to Commission Staff's second request, Applicants state that they reviewed the PVA records on the even date of the filing of the within Certificate of Public Convenience and Necessity ("CPCN") Application for the above referenced site. Applicants' direct Commission Staff's attention to the date stamp on the PVA records

(located in the top left corner). That date matches the date of the filing of the CPCN Application (March 2, 2023).

3. In response to Commission Staff's third request, Applicants note that only one notice letter was returned as undeliverable (Parcel #: 06-12), as previously discussed in Applicants' Supplemental Response to Commission Staff's Data Request filed on May 25, 2023. Upon Applicants' receipt of the undelivered letter, Applicants' then reviewed the current PVA records for Parcel #: 06-12 and determined that the landowner's mailing address had not changed. Thereafter, Applicant's reviewed the PVA's database to see if the landowner, Enerel Mandakh, owned additional properties within the county that might list a different mailing address, but no additional properties were identified. Applicants then queried the landowner's name into various search engines. However, no clearly viable alternative address was found.

4. If Commission Staff has suggestions on additional reasonable methods of obtaining a viable address, Applicants are willing to follow such guidance. However, it is Applicants' view that dispatch of the notice letter via certified mail return receipt requested to the owner of record, as identified on the PVA's records, satisfies Applicants' notice obligations under 807 KAR 5:063 Section 1 (1)(l)(1). Regardless, dispatch of the notice letters by certified mail, in conjunction with placement of the notice signs and publication of a notice advertisement in a newspaper of general circulation within the county should be sufficient to constitute constructive notice of the Application. Accordingly, nothing more should be required for Commission Staff to complete its deliberations and issue an Order for the requested CPCN.

5. If Commission Staff reads 807 KAR 5:001E to require Applicants to produce

signed green cards for every landowner required to receive notice under 807 KAR 5:063 Section 1 (1)(l)(1), compliance with this requirement could be impossible. The U.S. Postal Service does not guarantee that the sender of a Certified Mail will receive a green card signed by the addressee. Accordingly, the strict application of this requirement could constitute a prohibition of service, which is illegal under the federal Telecommunications Act of 1996. Exacting application of unattainable notice requirements could prevent decision on the application within the 150-day FCC Shot Clock or “Reasonable Time” standard of the TCA. See also *Masterpage Communs., Inc. v. Town of Olive*, 418 F. Supp. 2d 66 (N.D.N.Y. 2005), which illustrates that there are limits to the procedural hurdles which can be placed on applicants.

6. An Affidavit of Certification signed by the attorney supervising the preparation of the response on behalf of Applicants’ certifying that the response is true and accurate to the best of that person’s knowledge, information, and belief formed after a reasonable inquiry is included as **Exhibit 1**.

**WHEREFORE**, there being no ground for denial of the subject application and substantial evidence in support of the requested CPCN, Applicants respectfully request the Kentucky Public Service Commission:

- (a) Accept this Response for filing;
- (b) Issue a Certificate of Public Convenience and Necessity to construct and operate the WCF at the location set forth herein without further delay; and
- (c) Grant Applicants any other relief to which they are entitled.

Respectfully submitted,



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David A. Pike  
and

*F. Keith Brown*

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Telefax: (502) 543-4410  
Email: dpike@pikelegal.com  
Attorneys for Applicants

## **LIST OF EXHIBITS**

- 1 - Affidavit of Certification
- J-4 - Carroll County PVA Records

**EXHIBIT 1**  
**AFFIDAVIT OF CERTIFICATION**

**AFFIDAVIT OF CERTIFICATION  
COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION**

I, F. Keith Brown, attorney for Skyway Towers, LLC, a Delaware limited liability company, and Cellco Partnership, a Delaware General Partnership d/b/a Verizon Wireless (“Applicants”), do hereby certify that I am the person supervising the preparation of the Response to Commission Staff’s Second Data Request on behalf of Applicants and that this response is true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.

Further the affiant sayeth naught.

Affiant:

[Signature] Date: 6-15-23

State of Kentucky )

County of Bullitt )

**AFFIANT ACKNOWLEDGEMENT**

On this, the 15 day of June 2023 before me, the subscriber, a Notary Public in and for the above state, personally appeared to me F. Keith Brown and in due form of law, acknowledged, subscribed, and swore that he executed this instrument as his voluntary act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal in said County and State on the day and year last above written.

My commission expires on: December 4, 2024

[Signature]  
Notary Public, State at Large  
KYNP19462





**EXHIBIT J-4**  
**CARROLL COUNTY PVA RECORDS**

# Carroll County, KY PVA

## Summary

Parcel Number	06-03
Account Number	9234
Location Address	FAIRVIEW RDG 1002
Description	HOUSE & 135 ACRES <i>(Note: Not to be used on legal documents)</i>
Class	Farm
Tax District	00 County
Rate Per Hundred	0.99600

[View Map](#)



## Owner

**Primary Owner**  
RWF LEGACY RANCH INC  
242 SW 5TH STREET  
POMPANO BEACH, FL 33060

The Carroll County Property Valuation Administrator's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

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 **Carroll County, KY PVA****Summary**

Parcel Number	06-01
Account Number	7916
Location Address	FAIRVIEW RDG 1048
Description	2 HOUSES & 241 ACRES <i>(Note: Not to be used on legal documents)</i>
Class	Farm
Tax District	00 County
Rate Per Hundred	0.99600

[View Map](#)**Owner**

**Primary Owner**  
DERMON TIMOTHY W  
7735 WINDCHASE DR  
BEAUMONT, TX 777138826

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# Carroll County, KY PVA

## Summary

**Parcel Number** 06-16-02-01&06-16-02  
**Account Number** 9579  
**Location Address** LOCUST W PRONG 532  
**Description** DOUBLEWIDE, MOBILE & 33 ACRES  
*(Note: Not to be used on legal documents)*  
**Class** Farm  
**Tax District** 00 County  
**Rate Per Hundred** 0.99600

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## Owner

**Primary Owner**  
[BAYLES WILLIAM](#)  
532 W PRONG LOCUST RD  
MILTON, KY 40045

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### Summary

Parcel Number	06-14-02
Account Number	9579
Location Address	LOCUST W PRONG
Description	22 ACRES <i>(Note: Not to be used on legal documents)</i>
Class	Farm
Tax District	00 County
Rate Per Hundred	0.99600

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### Owner

**Primary Owner**  
[BAYLES WILLIAM](#)  
532 W PRONG LOCUST RD  
MILTON, KY 40045

No data available for the following modules: Photos, Sketches.

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 **Carroll County, KY PVA****Summary**

**Parcel Number** 06-14-01  
**Account Number** 4578  
**Location Address** LOCUST W PRONG 828  
**Description** MOBILE & 2 ACRES  
(Note: Not to be used on legal documents)  
**Class** Residential  
**Tax District** 00 County  
**Rate Per Hundred** 0.99600

[View Map](#)**Owner**

**Primary Owner**  
WENTWORTH MARY  
828 W PRONG LOCUST  
MILTON,, KY 40045

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 **Carroll County, KY PVA****Summary**

**Parcel Number** 06-12  
**Account Number** 11353  
**Location Address** LOCUST W PRONG 1086  
**Description** HOUSE & 43 ACRES  
(Note: Not to be used on legal documents)  
**Class** Farm  
**Tax District** 00 County  
**Rate Per Hundred** 0.99600

[View Map](#)**Owner**

**Primary Owner**  
MANDAKH ENEREL  
1086 W PRONG LOCUST RD  
MILTON, KY 40045

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### Summary

**Parcel Number** 03-15  
**Account Number** 6124  
**Location Address** LOCUST W PRONG 1312  
**Description** HOUSE, BLDGS & 85 ACRES  
*(Note: Not to be used on legal documents)*  
**Class** Farm  
**Tax District** 00 County  
**Rate Per Hundred** 0.99600

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### Owner

**Primary Owner**  
JOHNSON ALEXANDER S & GRIMES RACHEL  
1312 W PRONG LOCUST  
MILTON,, KY 40045-

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# Carroll County, KY PVA

## Summary

**Parcel Number** 03-09-02  
**Account Number** 5118  
**Location Address** FAIRVIEW RDG 1344  
**Description** DOUBLEWIDE, GARAGE & 5+ ACRES  
*(Note: Not to be used on legal documents)*  
**Class** Residential  
**Tax District** 00 County  
**Rate Per Hundred** 0.99600

[View Map](#)



## Owner

**Primary Owner**  
MCDOLE GEORGE WILLIAM LEE  
1344 FAIRVIEW RIDGE  
MILTON,, KY 40045-

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