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

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THE APPLICATION OF	)	
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS	)	
AND VB BTS II, LLC D/B/A VERTICAL BRIDGE,	)	
LLC FOR ISSUANCE OF A CERTIFICATE OF PUBLIC	)	CASE NO. 2023-00111
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
A WIRELESS COMMUNICATIONS FACILITY	)	
IN THE COMMONWEALTH OF KENTUCKY	)	
IN THE COUNTY OF PULASKI	)	

SITE NAME: NW SOMERSET

\* \* \* \* \* \* \*

# FIRST REQUEST FOR INFORMATION TO APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR CONSTRUCTION OF A WIRELESS COMMUNICATIONS FACILITY

Cellco Partnership, d/b/a Verizon Wireless and VB BTS II, LLC d/b/a Vertical Bridge, LLC ("Co-Applicants"), by counsel, pursuant to (i) KRS §§278.020, 278.040, 278.650, 278.665, and other statutory authority, and the rules and regulations applicable thereto, and (ii) the Telecommunications Act of 1996, respectfully submits this Application requesting issuance of a Certificate of Public Convenience and Necessity ("CPCN") from the Kentucky Public Service Commission ("PSC") to construct, maintain, and operate a Wireless Communications Facility ("WCF") to serve the customers of the Co-Applicants with wireless communications services Responses are denoted in red.

In support of this Application, Co-Applicants respectfully provide and state the following additional information in response to the May 31, 2023 request for additional information:

1. Refer to KRS 278.665(2) and 807 KAR 5:063, Section 1(1)(a)(l)(1). Also refer to Verizon Wireless' application filed on May 24, 2023, and the amended application filed

on May 30, 2023. Provide all documentation, including the original documents obtained from the Pulaski County Property Valuation Administrator (PVA), that Verizon Wireless relied upon to create the list of adjacent property owners entitled to notification:

Exhibit 1 includes a map drawn to an appropriate scale that shows the location of the proposed tower and identifies every owner of real estate within 500 feet of the proposed tower (according to the records maintained by the County Property Valuation Administrator). This map and the associated Notice List are accompanied by a certificate signed and stamped by the registered surveyor that said information is from the PVA records, dated September 15, 2022. In addition, our office verified and updated the notification list with the Pulaski County PVA on May 30, 2023 at <a href="https://pulaskipva.com/">https://pulaskipva.com/</a> and

https://beacon.schneidercorp.com/Application.aspx?AppID=961&LayerID=19058&Page
TypeID=2&PageID=8417

2. Refer to KRS 278.665(2) and 807 KAR 5:063, Section 1(1)(a)(l)(1). Also refer to Verizon Wireless' application filed on May 24, 2023, and the amended application filed on May 30, 2023. Provide all signed United States Postal Service Form 3811, otherwise known as "signed green cards," which were not included in the original application and that correspond to the notice list in Exhibit K and Exhibit L and referenced on page 5, paragraph 20 of the application. Additionally, include all signed green cards which correspond to the three additional property owners referenced in the amended application. **Exhibit 2** includes a list of the notified property owners as updated May 30, 2023. **Exhibit 3a** includes a copy of the form of the notice sent by certified mail to each landowner, copies of the mailed envelopes mailed April 7, 2023, the United States Postal

Service Forms 3811, (signed green cards) which have been returned, the returned envelopes received and the USPS tracking information.

**Exhibit 3b** includes a copy of the form of the notice sent by certified mail to each landowner on May 30, 2023, copies of the mailed envelopes, the United States Postal Service Forms 3811, (signed green cards) which have been returned.

Nine (9) notices were sent to surrounding property owners on April 7, 2023 and three (3) notices were sent on May 30, 2023; to date ten (10) notice green cards have been returned, one (1) of the mailed notice envelopes have been returned and according to USPS Tracking one (1) mailed notice was delivered, but no green card returned. Therefore, there are no notices unaccounted for. Applicant has met the requirements in terms of mailing, posting and publication as specified in KRS278.665(2) and KAR 5:063, Section 1(1)(1). These rules require that notices are sent to persons within 500' of the tower based on the public records by certified return mail receipt. Regulations do not require that all notice verifications are returned prior to filing. If the standard is being modified, theoretically, an adjoining property owner could refuse service and stop the consideration and approval of said application. Applicant does not have the power to mandate receipt of service which is presumed to be why additional forms of notice are required, including newspaper publication and on site posting of signs 2 feet by 4 feet in size.

- 3. Attached hereto as **Exhibit 4** please find an Affidavit of Certification for all information contained in this application.
- 4. All Exhibits to this Application are hereby incorporated by reference as if fully set out as part of the Application.

All responses and requests associated with this Application may be directed to:

Russell L. Brown Clark, Quinn, Moses, Scott & Grahn, LLP 320 North Meridian Street, Suite 1100 Indianapolis, IN 46204

Phone: (317) 637-1321 FAX: (317) 687-2344

Email: rbrown@clarkquinnlaw.com

Attorney for Cellco Partnership d/b/a Verizon Wireless

WHEREFORE, Co-Applicants respectfully request that the PSC accept the foregoing Application for filing, and having met the requirements of KRS §§278.020(1), 278.650, and 278 .665 and all applicable rules and regulations of the PSC, grant a Certificate of Public Convenience and Necessity to construct and operate the WCF at the location set forth herein.

Respectfully submitted,

Russell L. Brown

Clark, Quinn, Moses, Scott & Grahn, LLP 320 North Meridian Street, Suite 1100

Indianapolis, IN 46204

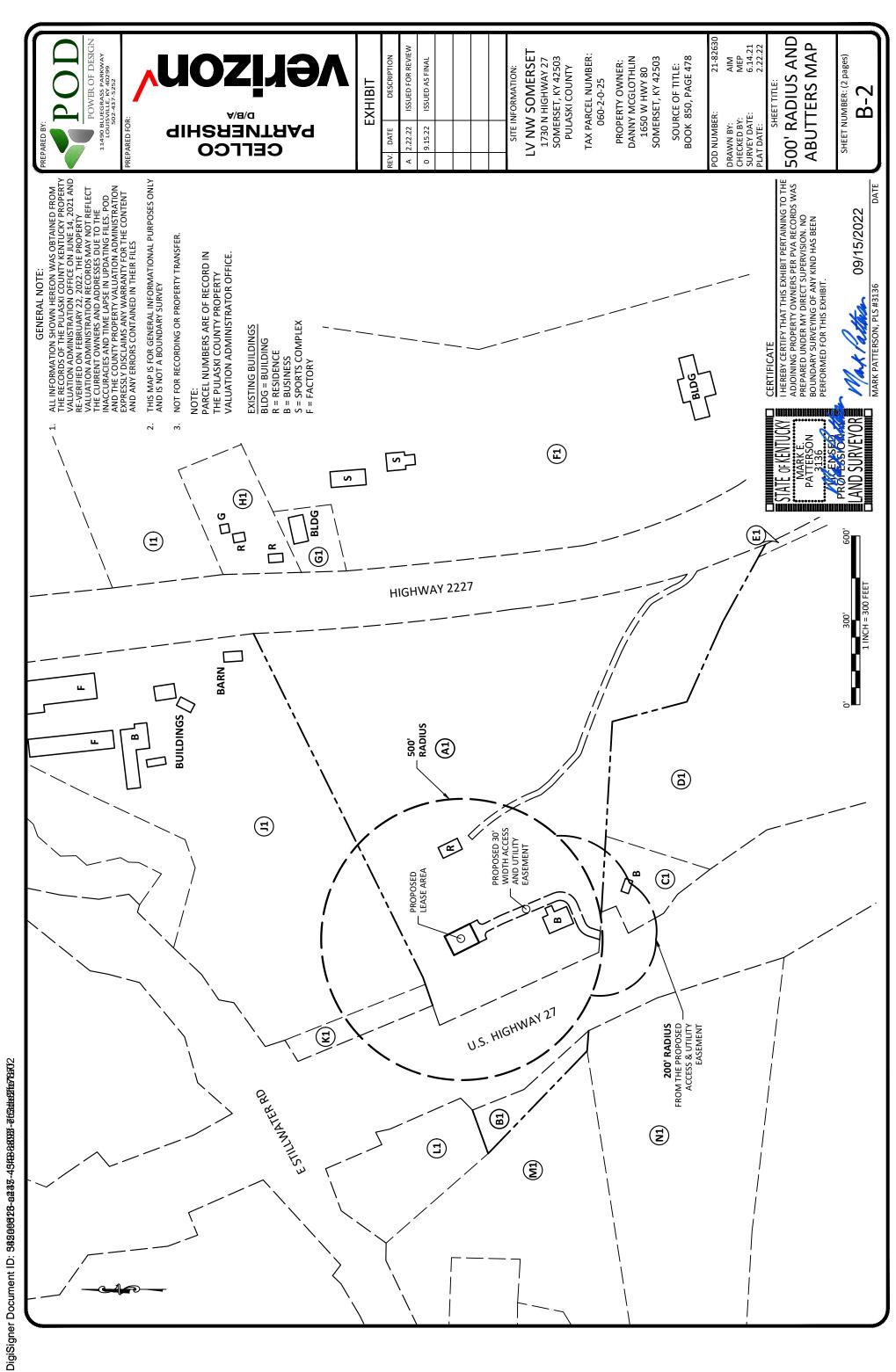
Phone: (317) 637-1321 / FAX: (317) 687-2344

Email: rbrown@clarkquinnlaw.com

Attorney for Cellco Partnership d/b/a Verizon Wireless

#### LIST OF EXHIBITS

- 1. Map with Surveyor Certification
- 2. List of the notified property owners as updated March 9, 2023
- 3a. Property Owner Notification 4-7-2023
- 3b. Property Owner Notification 5-30-2023
- 4. Affidavit of Certification



# ADJACENT PROPERTY OWNERS

POWER OF DESIGN

11490 BLUEGRASS PARKWAY LOUISVILLE, KY 40299 502-437-5252

REPARED FOR

PARCEL ID: 060-2-0-25 MCGLOTHLIN DANNY 1650 W HWY 80 SOMERSET KY 42503 (A)

PARCEL ID: 060-2-0-25.1 MCGLOTHLIN DANNY 1650 W HWY 80 SOMERSET KY 42503 (B1)

PARCEL ID: 060-2-0-25.2 KJS PROPERTIES LLC 1344 HWY 3091 SOMERSET KY 42503 (<u>u</u>

PARCEL ID: 060-2-0-35.2 TRIMBLE TIMOTHY A & JOEY M & JEFFREY LEE ELLIS C/O TIMOTHY TRIMBLE 119 LEWIS BROWN DR SOMERSET KY 42503 (<u>1</u>

(II)

PARCEL ID: 060-2-0-35.1 HEAVENLY 1 LLC& HEAVENLY 2 LLC 99 LANCASTER ST STANFORD KY 40484

PARCEL ID: 060-0-0-4 CITY OF SOMERSET 104 COLLEGE ST SOMERSET KY 42501 (F)

PARCEL ID: 060-0-04.1 TURPEN ELIZABETH L PO BOX 12 NANCY KY 42544 (19)

PARCEL ID: 060-1-1-03 DYKES STEPHEN A 1201 SHOPVILLE RD SOMERSET KY 42503  $\Xi$ 

PARCEL ID: 060-1-1-04.2 BOGGS ODELLA LAFON & SANDRA GA 407 POINSETTIA AVE TITUSVILLE FI 32796  $(\Xi)$ 

 $\Xi$ 

PARCEL ID: 060-11-02 ) WARNER FERTILIZER CO INC PO BOX 796 SOMERSET KY 42502

PARCEL ID: 048-7-1-01.2 HUMBLE RICHARD G & SANDRA A 84 FRIENDSHIP DR SOMERSET KY 42503

(<u>F</u>)

PARCEL ID: 048-7-1-01.1 HUMBLE RICHARD G & SANDRA A 84 FRIENDSHIP DR SOMERSET KY 42503 田

PARCEL ID: 048-8-0-04 SWEARINGEN KENNY 1344 HWY 3091 SOMERSET KY 42503 (Z)

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CELLCO

PARCEL ID: 048-8-0-03.1 SWEARINGEN KENNETH & JIL E 1344 HWY 3091 SOMERSET KY 42503 (Z

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REV.	DATE	DESCRIPTION
Α	2.22.22	ISSUED FOR REVIEW
0	9.15.22	ISSUED AS FINAL

LV NW SOMERSET 1730 N HIGHWAY 27 SOMERSET, KY 42503 PULASKI COUNTY SITE INFORMATION:

TAX PARCEL NUMBER:

060-2-0-25

DANNY MCGLOTHLIN PROPERTY OWNER:

SOMERSET, KY 42503 1650 W HWY 80

BOOK 850, PAGE 478 SOURCE OF TITLE:

21-8263 AIM MEP 6.14.21 2.22.22 POD NUMBER

500' RADIUS AND SHEET TITLE: DRAWN BY: CHECKED BY: SURVEY DATE: PLAT DATE:

**ABUTTERS MAP** 

SHEET NUMBER: (2 pages)

GENERAL NOTE:

1. ALL INFORMATION SHOWN HEREON WAS OBTAINED FROM THE RECORDS OF THE PULASKI COUNTY KENTUCKY PROPERTY VALUATION ADMINISTRATION OFFICE ON JUNE 14, 2021 AND RE-VERIFIED ON FEBRUARY 22, 2022. THE PROPERTY VALUATION ADMINISTRATION RECORDS MAY NOT REFLECT THE CURRENT OWNERS AND ADDRESSES DUE TO THE INACCIRACIES AND TIME LAPSE IN UPDATING FILES. POD AND THE COUNTY PROPERTY VALUATION ADMINISTRATION EXPRESSLY DISCLAIMS ANY WARRANTY FOR THE CONTENT AND ANY ERRORS CONTAINED IN THEIR FILES.

THIS MAP IS FOR GENERAL INFORMATIONAL PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY 5.

NOT FOR RECORDING OR PROPERTY TRANSFER.

NOTE:
PARCEL NUMBERS ARE OF RECORD IN
THE PULASKI COUNTY PROPERTY
VALUATION ADMINISTRATOR OFFICE.

STATE OF KENTUCKY

MARKE.

PATTERSON
3136
PROFESSION

LAND SURVEYOR

CERTIFICATE
I HEREBY CERTIFY THAT THIS EXHIBIT PERTAINING TO THE
ADJOINING PROPERTY OWNERS PER PVA RECORDS WAS
PREPARED UNDER MY DIRECT SUPERVISION. NO
BOUNDARY SURVEYING OF ANY KIND HAS BEEN
PERFORMED FOR THIS EXHIBIT.

DATE 09/15/2022 MARK PATTERSON, PLS #3136 Max Patha

B-2.1

STATE OF INDIANA )
) SS:
COUNTY OF MARION )

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

I Russell L. Brown, attorney for Cellco Partnership, d/b/a Verizon Wireless do hereby certify that as the person supervising the preparation of this application that the all statements and information contained herein are true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry for all information within this application.

Russell L. Brown

Attorney, for Cellco Partnership, d/b/a Verizon Wireless

STATE OF INDIANA, COUNTY OF MARION, SS:

Subscribed and sworn to before me this 12th day of June, 2023.

Notary Public

Printed Name of Notary: Elizabeth Bentz Williams My commission expires: November 18, 2028

My County of Residence: Marion

Commission #: 0639620



Russell L. Brown Attorney at Law rbrown@clarkquinnlaw.com 320 N. Meridian St., Ste. 1100 Indianapolis, IN 46204 (317) 637-1321 main (317) 687-2344 fax

April 7, 2023

Notice of Proposed Construction of Wireless Communications Facility Site Name: NW Somerset

Cellco Partnership, d/b/a Verizon Wireless and VB BTS II, LLC / Vertical Bridge is filing an application with the Kentucky Public Service Commission ("PSC") to construct a new wireless communications facility on a site located at 1730 N. Highway 27, Somerset, KY 42503 (North Latitude: (37° 07' 05.73", West Longitude 84° 53' 53.79"). The proposed facility will include a 280-foot tall antenna tower, plus a 5-foot lightning arrestor, for a total height of 285 feet with related ground facilities. This facility is needed to provide improved coverage for wireless communications in the area.

This notice is being sent to you because the County Property Valuation Administrator's records indicate that you may own property that is within a 500' radius of the proposed tower site or contiguous to the property on which the tower is to be constructed. You have a right to submit testimony to the Kentucky Public Service Commission ("PSC"), either in writing or to request intervention in the PSC's proceedings on the application. You may contact the PSC for additional information concerning this matter at: Kentucky Public Service Commission, Executive Director, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602. Please refer to docket number 2023-00111 in any correspondence sent in connection with this matter.

We have attached a map showing the site location for the proposed tower. Applicant's radio frequency engineers assisted in selecting the proposed site for the facility, and they have determined it is the proper location and elevation needed to provide quality service to wireless customers in the area. Please feel free to contact us at 317-637-1321 if you have any comments or questions about this proposal.

Sincerely,

Russell L. Brown

Attorney for Applicant

RLB/jdj enclosure

#### Location Map







7020 1810 0002 1853 2484

FIRST-CLASS

US POSTAGE IMIPITNEY BOWES

McGlothlin, Danny 1659 W Hwy 80 Somerset, KY 42503



7022 0410 0002 1799 1591

KJS Properties, LLC 1344 Hwy 3091 Somerset, KY 42503



S POSTAGE IMPRITNEY BOWES

#### CERTIFIED MAIL



7022 0410 0002 1799 1607

Trimble, Timothy A. and Joey M. and Ellis, Jeffrey Lee c/o Timothy Trimble 119 Lewis Brown Drive Somerset, KY 42503



ZIP 46204





7022 0410 0002 1799 1614

Heavenly 1, LLC & Heavenly 2, LLC 99 Lancaster Street Stanford, KY 40484



US POSTAGE MIPITNEY BOWES

ZIP 46204 \$ 008.100
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ClarkQuinn

#### CERTIFIED MAIL



7022 0410 0002 1799 1621

FIRST-CLASS

City of Somerset 104 College Street Somerset, KY 42501

#### Clark Quinn lark, Quinn, Moses, Scott & Grahn, LLP

#### CERTIFIED MAIL



7022 0410 0002 1799 1638

FIRST-CLASS

US POSTAGE MIPITNEY BOWES

ULT 46204 \$ 008.100
02.7H \$ APR 07 2023

Turpen, Elizabeth L. PO Box 12 Nancy, KY 42544



#### CERTIFIED MAIL



7022 0410 0002 1799 1645

Dykes, Stephen A. 1201 Shopville Road Somerset, KY 42503



ClarkOuinn

#### CERTIFIED MAIL



7022 0410 0002 1799 1577

FIRST-CLASS

Boggs, Odella Lafon & Sandra GA 407 Poinsettia Avenue Titusville, FL 32796

Clark Quinn lark, Quinn, Moses, Scott & Grahn, LLP

#### CERTIFIED MAIL



7020 1810 0002 1853 2491

FIRST-CLASS

Warner Fertilizer Co., Inc. PO Box 796 Somerset, KY 42502

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2; and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> <li>1. Article Addressed to:  Hon. Marshall Todd 100 N. Main Street, Ste 202 Somerset, Ky 42501</li> </ul>	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
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## Clark Quinn Clark, Quinn, Moses, Scott & Grahn, LLP

### CERTIFIED MAIL



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7204/28/23

US POSTAGE MIPITNEY BOWES

RETURN TO SENDER UNCLAIMED UNASLE TO FORWARD

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## **USPS Tracking®**

FAQs >

**Tracking Number:** 

Remove X

#### 70220410000217991591

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

#### **Latest Update**

Your item was delivered to an individual at the address at 10:45 am on April 10, 2023 in SOMERSET, KY 42503.

**Get More Out of USPS Tracking:** 

**USPS Tracking Plus®** 

Feedbac

#### **Delivered**

**Delivered, Left with Individual** 

SOMERSET, KY 42503 April 10, 2023, 10:45 am

**See All Tracking History** 

Text	&	Email	<b>Updates</b>
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#### **USPS Tracking Plus®**

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#### **Product Information**

V

#### See Less ∧

Track Another Package

Enter tracking or barcode numbers

## **Need More Help?**

Contact USPS Tracking support for further assistance.

**FAQs** 



Russell L. Brown Attorney at Law rbrown@clarkquinnlaw.com 320 N. Meridian St., Ste. 1100 Indianapolis, IN 46204 (317) 637-1321 main (317) 687-2344 fax

May 30, 2023

Notice of Proposed Construction of Wireless Communications Facility Site Name: NW Somerset

Cellco Partnership, d/b/a Verizon Wireless and VB BTS II, LLC / Vertical Bridge is filing an application with the Kentucky Public Service Commission ("PSC") to construct a new wireless communications facility on a site located at 1730 N. Highway 27, Somerset, KY 42503 (North Latitude: (37° 07' 05.73", West Longitude 84° 53' 53.79"). The proposed facility will include a 280-foot tall antenna tower, plus a 5-foot lightning arrestor, for a total height of 285 feet with related ground facilities. This facility is needed to provide improved coverage for wireless communications in the area.

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Sincerely,

Russell L. Brown

Attorney for Applicant

RLB/jdj enclosure

#### Location Map







DESCRIPTION OF THE PROPERTY OF



9589 0710 5270 0167 3919 63

FIRST-CLASS



Humble, Richard G. & Sandra A. 84 Friendship Drive Somerset, KY 42503

ClarkQuinn lark, Quinn, Moses, Scott & Grahn, LLP

#### **CERTIFIED MAIL**



9589 0710 5270 0167 3919 70

FIRST-CLASS

US POSTAGE MIPITNEY BOWES

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Swearingen, Kenneth & Jil E. 1344 HWY 3091 Somerset, KY 42503

Clark Quinn

#### **CERTIFIED MAIL**



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FIRST-CLASS

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Swearingen, Kenny 1344 HWY 3091 Somerset, KY 42503

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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Somerset, KY 42503	
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PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt
F3 F0111 0011, 3419 2020 F314 7500-02-360-3603	Domestic Hetain recopi
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3.	A. Signature
Print your name and address on the reverse so that we can return the card to you.	X → Addresse
Attach this card to the back of the mailpiece,	B. Received by (Printed Name)  C. Date of Delivery
or on the front if space permits.  1. Article Addressed to:	D. Is delivery address different from item 1? Yes
1. Atticle Addressed to.	If YES, enter delivery address below:
Swearingen, Kenneth & Jil E.	
1344 HWY 3091	
Somerset, KY 42503	
EL MONTO DE LONGO LONGO DE LONGO DE MONTO DE ANTO DE LO DE LOS DEL LOS DE LOS DE LOS DEL LOS DE LOS DELLOS DE LOS DELLOS DE LOS DELLOS	3. Service Type ☐ Priority Mail Express® ☐ Adult Signature ☐ Registered Mail™
	Adult Signature Restricted Delivery  Gertified Mail®  Registered Mail Restrict Delivery
9590 9402 8129 2349 7942 59	☐ Certifled Mail Restricted Delivery ☐ Signature Confirmation ☐ Collect on Delivery ☐ Signature Confirmation
2. Article Number (Transfer from service label)	☐ Collect on Delivery Restricted Delivery Restricted Delivery
9589 0710 5270 0167 3919	7 Mail Restricted Delivery
PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receip
a water and	Africa
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3.	A. Signature
■ Print your name and address on the reverse	□ Agent
so that we can return the card to you.	B. Received by (Printed Name) C. Date of Deliver
Attach this card to the back of the mailpiece, or on the front if space permits.	
1. Article Addressed to:	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
Constitution Manager	If YES, enter delivery address below: No
Swearingen, Kenny 1344 HWY 3091	
Somerset, KY 42503	
30IIICI3EL, KI 42303	
	3. Service Type ☐ Priority Mail Express®
	☐ Adult Signature ☐ Registered Mail Restrict ☐ Adult Signature ☐ Registered Mail Restrict
9590 9402 8129 2349 7942 66	Gertified Mail®  Certified Mail Restricted Delivery  Signature Confirmation  Signature Confirmation
	☐ Collect on Delivery ☐ Signature Confirmation ☐ Collect on Delivery Restricted Delivery Restricted Delivery
2. Article Number (Transfer from service label)  9589 0710 5270 0167 3919	☐ Insured Mail
	56 00)
PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receip

McGlothlin, Danny 1659 W Hwy 80 Somerset, KY 42503

KJS Properties, LLC 1344 Hwy 3091 Somerset, KY 42503

Trimble, Timothy A. and Joey M. and Ellis, Jeffrey Lee c/o Timothy Trimble 119 Lewis Brown Drive Somerset, KY 42503

Heavenly 1, LLC & Heavenly 2, LLC 99 Lancaster Street Stanford, KY 40484

City of Somerset 104 College Street Somerset, KY 42501

Turpen, Elizabeth L. PO Box 12 Nancy, KY 42544

Dykes, Stephen A. 1201 Shopville Road Somerset, KY 42503

Boggs, Odella Lafon & Sandra GA 407 Poinsettia Avenue Titusville, FL 32796

Warner Fertilizer Co., Inc. PO Box 796 Somerset, KY 42502

Hon. Marshall Todd 100 N. Main Street, Ste 202 Somerset, Ky 42501 Humble, Richard G. & Sandra A. 84 Friendship Drive Somerset, KY 42503

Swearingen, Kenny 1344 HWY 3091 Somerset, KY 42503

Swearingen, Kenneth & Jil E. 1344 HWY 3091 Somerset, KY 42503