

**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 VB 500 II, LLC, A DELAWARE)
LIMITED LIABILITY COMPANY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO.: 2023-00116
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF MONTGOMERY)

SITE NAME: SPRUCE CREEK

* * * * *

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

New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility and VB 500 II, LLC, a Delaware limited liability company (“Applicants”), by counsel, hereby file this Response to the Kentucky Public Service Commission’s (“PSC”) Second Data Request dated June 9, 2023, filed in the above referenced case. Applicants respectfully state, as follows:

Question 1: Refer to KRS 278.665(2) and 807 KAR 5:063, Section 1(1)(l)(1). Also refer to the response to Commission Staff’s First Request for Information, specifically the last Case No. 2023-00116 sentence on page 1, which states “A returned signed green card or returned undeliverable letter for one landowner has not yet been received, despite being dispatched on the even date of the filling of the within application.” Provide all updated information pertaining to the status of this

outstanding notice. This is a continuing request.

1. As noted in Applicants' prior Response to the Commission Staff's First Data Request dated May 15, 2023, at the time of filing a signed green card or returned undelivered letter for one landowner was still outstanding.¹ Applicants have since received the signed green card from that landowner and a copy of that document is attached as **Exhibit J-3**.

2. 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**.

¹ In Applicants' prior Response to Commission Staff's Data Request, Applicants mistakenly noted that the outstanding signed green card/returned undeliverable letter was for Parcel #: 049-60-00-050.00L2. However, Applicants should have referenced Parcel #: 049-60-00-050.00L1. PVA records showing the landowner's information for that parcel are attached to Applicants' prior Response to Commission Staff's Data Request at Exhibit J-2.

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,



David A. Pike
and

F. Keith Brown

F. Keith Brown
Pike Legal Group, PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KY 40165-0369
Telephone: (502) 955-4400
Telefax: (502) 543-4410
Email: dpike@pikelegal.com
Attorneys for Applicants

LIST OF EXHIBITS

- 1 - Affidavit of Certification
- J-3 - Signed Certified Green Card for Parcel # 049-60-00-050.00L1

EXHIBIT 1

AFFIDAVIT OF CERTIFICATION

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

I, F. Keith Brown, attorney for New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility and VB 500 II, LLC, a Delaware limited liability company (“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: June 29, 2023

State of Kentucky

County of Bullitt

AFFIANT ACKNOWLEDGEMENT

On this, the 29 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-3

**SIGNED CERTIFIED GREEN CARD
FOR PARCEL # 049-60-00-050.00L1**

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address **on the reverse** so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MURPHY JOETTA
670 PINE HILL RD
JEFFERSONVILLE, KY 40337



9590 9402 7926 2305 8786 25

2. Article Number (Transfer from service label)

337-374372 2022-3330 0000 14290 13314

A. Signature

Joetta Murphy Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

Joetta Murphy 11-14-23

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

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