

**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. 2023-00264
CONSTRUCT A REPLACEMENT TOWER IN ESTILL)
COUNTY, KENTUCKY)

**SUPPLEMENTAL RESPONSE OF EAST KENTUCKY NETWORK, LLC D/B/A
APPALACHIAN WIRELESS TO COMMISSION STAFF’S SECOND REQUEST FOR
INFORMATION**

East Kentucky Network, LLC d/b/a Appalachian Wireless (“Applicant”), by and through counsel, hereby files this Supplemental Response to its Response to Commission Staff’s Second Request for Information filed in the above-styled case on October 13, 2023. This filing also supplements Applicant’s Response of East Kentucky Network, LLC d/b/a Appalachian Wireless to Commission Staff’s First Request for Information filed September 15, 2023 (“First Response”) in the aforementioned case.

- 1. Request:** *Provide all updated information pertaining to the status of a signed United States Postal Service Form 3811, otherwise known as “signed green cards,” or a copy of the notice reflecting that the certified mail was returned to Appalachian Wireless as undelivered for the five remaining unaccounted notices to landowners: Clare David Clayton and Caitlyn Michelle Taylor; Stephen and Erin Allen; Norma Curry – Land Contract, Timothy and Jennifer Johnson; Anne E. Napier, Mary F. Clark, Patrick Branam & Collier L. Branam; and Kenneth Elliot, II.*

Response: Raina L. Helton, Regulatory Compliance Director, offers the following response on behalf of Applicant.

- a. Applicant has received the “signed green card” for the notice letter sent to Kenneth

Elliot, II which is attached hereto as Exhibit 1.

- b. The remaining notice letter (*Anne Napier, Mary F. Clark, Patrick Branam & Collier L. Branam*) continues to be “Moving Through Network In Transit to Next Facility,” according to the United States Postal Service website tracking. Applicant believes this notice is lost due to the last tracking updates being made on October 17, 2023. The tracking information from the United States Postal Service is attached as Exhibit 2. Applicant draws attention to the fact that this is the second notice to be presumed to have been lost at the Nashville TN Distribution Center. The tracking information from the United States Postal Service for the first notice is attached as Exhibit 3.
2. It is Applicant’s position that Applicant has satisfied the requirements under 807 KAR 5:063 Section 1(1)(l)(1). Further, in Applicant’s view, the notice signs as required by 807 KAR 5:063 Section 1(1)(p) and publication of notice in a newspaper of general circulation in the county as required by 807 KAR 5:063 Section 1(1)(q) are sufficient to constitute constructive notice of the Application and no additional information should be necessary for the Commission to issue an Order granting Applicant’s request for the CPCN.
3. Exhibit 4, attached hereto, is a signed certification of the person supervising the preparation of this Response.

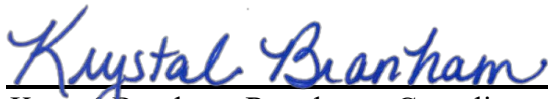
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

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 6th day of November, 2023.

Respectfully submitted,



Krystal Branham, Regulatory Compliance Attorney
East Kentucky Network, LLC
d/b/a Appalachian Wireless
101 Technology Trail
Ivel, KY 41642
Telephone: (606) 477-2355
Facsimile: (606) 339-1363
kbranham@ekn.com

SENDER: COMPLETE THIS SECTION

- 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:

Kenneth Elliot, II
6120 Winchester Road
Irvine, KY 40336

Re: Hargett



9590 9402 8266 3094 5413 41

2. Article Number (Transfer from service label)

7019 1120 0002 1248 6590

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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

 fail
 fail Restricted Delivery
 0)

USPS TRACKING #



9590 9402 8266 3094 5413 41



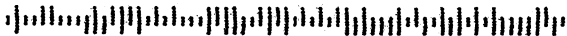
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

East Kentucky Network, LLC
ATTN: Compliance Department
101 Technology Trail
Ivel, KY 41642

42-905701



ALERT: ON NOVEMBER 8, 2023, THE TRACKING APPLICATION WILL BE UNAVAILABLE FOR A ...

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

7019112000212486576

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit to Next Facility

October 17, 2023

Departed USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

October 13, 2023, 7:38 am

Arrived at USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

October 12, 2023, 12:23 pm

Arrived at USPS Regional Origin Facility

CHARLESTON WV PROCESSING CENTER

Feedback

October 10, 2023, 10:12 pm

Departed Post Office

ALLEN, KY 41601

October 10, 2023, 3:02 pm

USPS in possession of item

ALLEN, KY 41601

October 10, 2023, 1:36 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

ALERT: ON NOVEMBER 8, 2023, THE TRACKING APPLICATION WILL BE UNAVAILABLE FOR A ...



[FAQs >](#)

Tracking Number:

[Remove X](#)

70191120000212486149

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit to Next Facility

August 18, 2023

Departed USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

August 14, 2023, 5:58 am

Arrived at USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

August 13, 2023, 2:24 pm

Arrived at USPS Regional Facility

CHARLESTON WV PROCESSING CENTER

Feedback

August 11, 2023, 8:26 pm



Hide Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

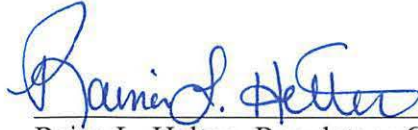
Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

AFFIDAVIT OF CERTIFICATION

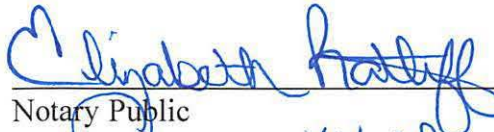
I, Raina L. Helton, Regulatory Compliance Director for East Kentucky Network, LLC d/b/a Appalachian Wireless, do hereby certify, under penalty of perjury, that as the person responsible for supervising the preparation of this response all statements and information contained herein are true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.



Raina L. Helton, Regulatory Compliance Director
East Kentucky Network, LLC
d/b/a Appalachian Wireless

COMMONWEALTH OF KENTUCKY
COUNTY OF FLOYD

The foregoing instrument was acknowledged before me on this 6 day of November, 2023, by Raina L. Helton, Regulatory Compliance Director of East Kentucky Network, LLC d/b/a Appalachian Wireless.



Notary Public
Commission No.: KVNP03132

My Commission Expires 12-9-20.