

**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)

**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 Response to Commission Staff’s Second Request for Information filed in the above-styled case on September 28, 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. As stated in its First Response, Applicant became aware of two (2) ownership changes for adjacent properties which necessitated amended filings. As a result,

Applicant sent the required notice letters via certified mail to the new owners (*Stephen and Erin Allen; Ann Siudmak*) and filed a Motion for Leave to Amend certain exhibits to its Application to include the new information. Applicant has received the “signed green cards” for these two (2) recent letters which are attached hereto as Exhibit 1.

- b. No additional “signed green cards” have been returned to Applicant. Due to the amount of time passed since the delivery of three (3) of the five (5) notices mentioned in Applicant’s First Response (*Clare Clayton and Caitlyn Michelle Taylor; Norma Curry – Land Contract, Timothy and Jennifer Johnson; Gregory and Cindy Turner*), Applicant does not expect to receive those “signed green cards.” However, Applicant provided tracking information from the United States Postal Service website in its First Response, and Applicant believes this should be adequate proof of delivery of the notices aforementioned.
- c. Of the remaining two (2) notices, according to the United States Postal Service website tracking, one continues to be “Moving Through Network In Transit to Next Facility” (*Anne Napier, Mary F. Clark, Patrick Branam & Collier L. Branam*) and delivery was attempted of the other notice (*Kenneth Elliot, II*), but the undelivered letter was never returned to Applicant. Applicant believes these notices are lost due to the last tracking updates being made on August 18, 2023, and August 25, 2023, respectively. As a result, Applicant has sent new notices via certified mail to the recipients on October 10, 2023, and has enclosed the Certified Mail Receipts and USPS tracking printouts as Exhibit 2. Applicant shall amend this Response if and

when the remaining “signed green cards” are returned to Applicant.

2. Exhibit 3, attached hereto, is a signed certification of the person supervising the preparation of this Response.

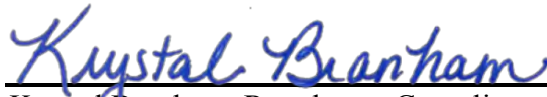
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

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 13th day of October, 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:

Stephen & Erin Allen
5 S 384 Scott Road
Big Rock, IL 60511

Re: Hargett



9590 9402 5531 9249 4240 33

2. Article Number (Transfer from service label)

7019 1120 0002 1248 6538

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Steve Allen

 Agent Addressee

B. Received by (Printed Name)

Steve

C. Date of Delivery

9-19-23

D. Is delivery address different from item 1? YesIf 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

Mail

Mail Restricted Delivery

0)

 Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Return Receipt for Merchandise Signature Confirmation™ Signature Confirmation Restricted Delivery

USPS TRACKING #



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

9590 9402 5531 9249 4240 33

United States
Postal Service

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

SEP 26 2023

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

By _____

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:

Ann ~~Studmak~~
 650 Sugarloaf Lane
 Irvine, KY 40336

Re: Hargett



9590 9402 8266 3094 5414 33

2. Article Number (Transfer from service label)

7019 1120 0002 1248 6545

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Ann Studmak
 Agent Addressee

B. Received by (Printed Name)

Ann Studmak

C. Date of Delivery

9/20/23

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

 No

3. Service Type

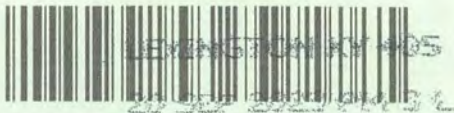
 Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery Restricted Delivery Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Signature Confirmation™ Signature Confirmation Restricted Delivery

Mail

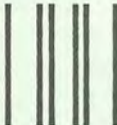
Mail Restricted Delivery

00)

USPS TRACKING #



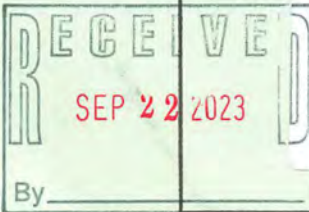
9590 9402 8266 3094 5414 33



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

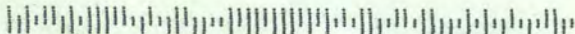
United States
Postal Service

• 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

2-905701



Tracking Number:

Remove X

70191120000212486590

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

Latest Update

Your item was delivered to an individual at the address at 11:01 am on October 12, 2023 in IRVINE, KY 40336.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Delivered

Delivered, Left with Individual

IRVINE, KY 40336
October 12, 2023, 11:01 am

Departed USPS Regional Origin Facility

LEXINGTON KY DISTRIBUTION CENTER
October 11, 2023, 6:48 pm

Arrived at USPS Regional Origin Facility

LEXINGTON KY DISTRIBUTION CENTER
October 11, 2023, 2:00 pm

Departed USPS Regional Origin Facility

CHARLESTON WV PROCESSING CENTER
October 10, 2023, 10:52 pm

Arrived at USPS Regional Origin Facility

CHARLESTON WV PROCESSING CENTER
October 10, 2023, 10:16 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

Feedback

[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

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

Con

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postage

\$ _____

Total Postage and Fees

\$ _____

Sent To

Kenneth Elliot, II

Street and Apt. No., or PO Box No.

6020 Winchester Rd

City, State, ZIP+4®

Irvine KY 40336

Re: Hargett

Comp.

Postmark
Here

OCT 11 2021

USPS

0659 8487 1248 6590
2019 1120 0002 1248 6590
0271 6107

Tracking Number:

Remove X

70191120000212486576

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

Latest Update

Your item departed our USPS facility in NASHVILLE TN DISTRIBUTION CENTER on October 13, 2023 at 7:38 am. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

- Delivered
- Out for Delivery
- Preparing for Delivery

Moving Through Network

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

In Transit to Next Facility

October 11, 2023

Departed USPS Regional Origin Facility

CHARLESTON WV PROCESSING CENTER
October 10, 2023, 10:56 pm

Arrived at USPS Regional Origin Facility

CHARLESTON WV PROCESSING CENTER
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

Feedback

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

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|-------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | _____ |
| <input type="checkbox"/> Adult Signature Required | \$ | _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | _____ |

Postage

\$

Total Postage and Fees

\$

Sent To

Annellapier Mary Clark, Patrick Brennan, Collier Brennan
Street and Apt. No., or PO Box No.

12156 Old Hickory Blvd
City, State, ZIP+4®
Hermittage TN 37076

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Re: Hargett 301
Comp.

Postmark
Here

OCT 11 2022

9259 848 6576
2019 1120 0002 1248 6576

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

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 13 day of October, 2023, by Raina L. Helton, Regulatory Compliance Director of East Kentucky Network, LLC d/b/a Appalachian Wireless.

Elizabeth Hattley

Notary Public
Commission No.: KYNP 63132

My Commission Expires 12/9/2020.