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

In the Matter of:

THE APPLICATION OF ()	
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS & )	
TAG TOWERS, LLC FOR ISSUANCE OF A CERTIFICATE )	CASE NO. 2023-00265
OF PUBLIC CONVENIENCE AND NECESSITY TO )	
CONSTRUCT A WIRELESS COMMUNICATIONS )	
FACILITY IN THE COMMONWEALTH OF KENTUCKY )	
IN THE COUNTY OF METCALFE )	

### SITE NAME: CUMBERLAND PARKWAY

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## WITHDRAWAL OF RESPONSE TO DEFICIENCY APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR CONSTRUCTION OF A WIRELESS COMMUNICATIONS FACILITY

Cellco Partnership, d/b/a Verizon Wireless and TAG Towers, 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 Applicant with wireless communications services.

In support of this Withdrawal, Co-Applicants respectfully submit that the wrong case file was referenced in the response to November 15, 2023 Notice of Deficiency, Please withdraw this Response:

1. Attached hereto as **Exhibit 1** please find an Affidavit of Certification for all information contained in this application.

- 2. All Exhibits to this Application are hereby incorporated by reference as if fully set out as part of the Application.
- 3. 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

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

Dated : November 16, 2023

# LIST OF EXHIBITS

1 Affidavit of Certification

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 16<sup>th</sup> day of November, 2023.

la (Notary Public

Printed Name of Notary: Elizabeth Bentz Williams My commission expires: November 18, 2028 My County of Residence: <u>Marion</u> Commission #: 0639620



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