# COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION 

In the Matter of:

THE APPLICATION OF )<br>CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS )<br>AND VB BTS II, LLC D/B/A VERTICAL BRIDGE FOR )<br>ISSUANCE OF A CERTIFICATE OF PUBLIC )<br>CONVENIENCE AND NECESSITY TO CONSTRUCT A )<br>WIRELESS COMMUNICATIONS FACILITY IN THE )<br>COMMONWEALTH OF KENTUCKY IN THE COUNTY )<br>OF CASEY<br>CASE NO. 2023-00308<br>)

SITE NAME: HWY 243

## SUPPLEMENTAL INFORMATION TO <br> 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 ("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 submit 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.

In support of this Application, Co-Applicants respectfully provide and state the following supplemental information:

1. The original application requested a proposed WCF consisting of a 300-foot tall tower, with an approximately 5 -foot tall lightning arrestor attached at the top, for a total height of 305 -feet.
a. Since the filing, the height has been lowered to a 255 -foot tall tower, with an approximately 8 -foot tall lightning arrestor attached at the top, for a total height of 263 -feet.
b. Attached as Exhibit 1 are revised Site Development Plans indicating the new tower height.
2. Co-Applicants filed a copy of the Application for Federal Aviation Administration's ("FAA") Determination of No Hazard to Air Navigation. The FAA Determination of No Hazard to Air Navigation has been issued and is attached as Exhibit 2.
3. Co-Applicants filed a copy of the Application for Kentucky Airport Zoning Commission ("KAZC") approval. The approval from KAZC has been issued and is attached as Exbibit 3.
4. Attached hereto as Exhibit 4 please find an Affidavit of Certification for all information contained in this application.
5. All Exhibits to this Application are hereby incorporated by reference as if fully set out as part of the Application.
6. 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 $\S 278.020(1), 278.650$, 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.


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 Revised Site Development Plans<br>2 FAA Determination of No Hazard<br>3 KAZC Approval<br>4 Affidavit of Certification






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## 高



LV HWY 243

## ESTIMATED ADDRESS： 3180 MINORS BRANCH RD

GRAVEL SWITCH，KY 40328






















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TYPICAL WOVEN WIRE FENCING NOTES：

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 CHECK LOCAL CODES FOR BARBED WIRE REQUIREMENTS．


LINE POST FOOT
OR SAKRETE

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177
Issued Date: 05/02/2024

Julie Heffernan
The Towers, LLC
7500 Park of Commerce Dr
Suite 200
Boca Raton, FL 33487
** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| Structure: | Antenna Tower US-KY-5186 - Hwy 243 |
| :--- | :--- |
| Location: | Gravel Switch, KY |
| Latitude: | 37-30-33.53N NAD 83 |
| Longitude: | 84-57-23.05W |
| Heights: | 1286 feet site elevation (SE) |
|  | 263 feet above ground level (AGL) |
|  | 1549 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. Failure to comply with this condition will void this determination of no hazard.

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, a med-dual system-Chapters 4,8(M-Dual),\&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part 1)
_ X _ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 11/02/2025 unless:
(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

## NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5928, or chris.smith@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ASO-4359-OE.

Additional Information
Frequency Data
Map(s)
cc: FCC

## Additional information for ASN 2024-ASO-4359-OE

## BASIS FOR DECISION:

Part 77 authorizes the FAA to evaluate a structure or object's potential electromagnetic effects on air navigation, communication facilities, and other surveillance systems. It also authorizes study of impact on arrival, departure, and en route procedures for aircraft operating under visual or instrument flight rules, as well as the impact on airport traffic capacity at existing public use airports. Broadcast in the 3.7 to 3.98 GHz frequency ( 5 G C band) currently causes errors in certain aircraft radio altimeters and the FAA has determined they cannot be relied upon to perform their intended function when experiencing interference from wireless broadband operations in the 5G C band. The FAA has adopted Airworthiness Directives for all transport and commuter category aircraft equipped with radio altimeters that prohibit certain operations when in the presence of 5 GC band.

This determination of no hazard is based upon those mitigations implemented by the FAA and operators of transport and commuter category aircraft, and helicopters operating in the vicinity of your proposed location. It is also based on telecommunication industry and FAA collaboration on acceptable power levels and other parameters as reflected in the FAA 5G C band evaluation process.

The FAA 5G C band compatibility evaluation is a data analytics system used by FAA to evaluate operational hazards related to aircraft design. The FAA 5G C band compatibility evaluation process refers to the process in which the telecommunication companies and the FAA have set parameters, such as power output, locations, frequencies, and tilt angles for antenna that mitigate the hazard to aviation. As the telecommunication companies and FAA refine the tools and methodology, the allowable frequencies and power levels may change in the FAA 5G C band compatibility evaluation process. Therefore, your proposal will not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft provided the equipment and emissions are in compliance with the parameters established through the FAA 5G C band compatibility evaluation process.

Any future changes that are not consistent with the parameters listed in the FAA 5G C band compatibility evaluation process will void this determination of no hazard.

| $\begin{gathered} \text { LOW } \\ \text { FREQUENCY } \end{gathered}$ | $\begin{gathered} \text { HIGH } \\ \text { FREQUENCY } \\ \hline \end{gathered}$ | $\begin{gathered} \text { FREQUENCY } \\ \text { UNIT } \\ \hline \end{gathered}$ | ERP | $\begin{aligned} & \text { ERP } \\ & \text { UNIT } \end{aligned}$ |
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| 6 | 7 | GHz | 55 | dBW |
| 6 | 7 | GHz | 42 | dBW |
| 10 | 11.7 | GHz | 55 | dBW |
| 10 | 11.7 | GHz | 42 | dBW |
| 17.7 | 19.7 | GHz | 55 | dBW |
| 17.7 | 19.7 | GHz | 42 | dBW |
| 21.2 | 23.6 | GHz | 55 | dBW |
| 21.2 | 23.6 | GHz | 42 | dBW |
| 614 | 698 | MHz | 2000 | W |
| 614 | 698 | MHz | 1000 | W |
| 698 | 806 | MHz | 1000 | W |
| 806 | 901 | MHz | 500 | W |
| 806 | 824 | MHz | 500 | W |
| 824 | 849 | MHz | 500 | W |
| 851 | 866 | MHz | 500 | W |
| 869 | 894 | MHz | 500 | W |
| 896 | 901 | MHz | 500 | W |
| 901 | 902 | MHz | 7 | W |
| 929 | 932 | MHz | 3500 | W |
| 930 | 931 | MHz | 3500 | W |
| 931 | 932 | MHz | 3500 | W |
| 932 | 932.5 | MHz | 17 | dBW |
| 935 | 940 | MHz | 1000 | W |
| 940 | 941 | MHz | 3500 | W |
| 1670 | 1675 | MHz | 500 | W |
| 1710 | 1755 | MHz | 500 | W |
| 1850 | 1910 | MHz | 1640 | W |
| 1850 | 1990 | MHz | 1640 | W |
| 1930 | 1990 | MHz | 1640 | W |
| 1990 | 2025 | MHz | 500 | W |
| 2110 | 2200 | MHz | 500 | W |
| 2305 | 2360 | MHz | 2000 | W |
| 2305 | 2310 | MHz | 2000 | W |
| 2345 | 2360 | MHz | 2000 | W |
| 2496 | 2690 | MHz | 500 | W |
| 3700 | 3980 | MHz | 3280 | W |

TOPO Map for ASN 2024-ASO-4359-OE



KENTUCKY AIRPORT ZONING COMMISSION

ANDY BESHEAR
Governor

Department of Aviation, 90 Airport Road
Frankfort, KY 40601
www.transportation.ky.gov
502-564-0151

JIM GRAY
Secretary

## APPROVAL OF APPLICATION

Thursday, May 2, 2024

Vertical Bridge REIT, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, FL 33487

| AS-2024-027-DVK | Stuart Powell Field |
| :--- | :--- |
| APPLICANTS NAME: | Vertical Bridge REIT, LLC |
| NEAREST CITY: | Gravel Switch, KY |
| LATITUDE/LONGITUDE: | $37^{\circ} 30^{\prime} 33.53^{\prime \prime} \mathrm{N}, 84^{\circ} 57^{\prime} 23.05^{\prime \prime} \mathrm{W}$ |
| HEIGHT (In Feet): | $263^{\prime} \mathrm{AGL} / 1549^{\prime} \mathrm{AMSL}$ |

CONSTRUCTION PROPOSED: Telecommunications Tower
NOTES: The tower location is approximately 9.8 nm SW of DVK and exceeds 200 ft AGL. It penetrates no protected air surfaces.

FAA DETERMINATION: 2024-ASO-4359-OE. No Hazard/No Impact to Navigation. Marking and Lighting required IAW AC 70/7460-1 M, med-dual system-Chapters 4,8(M-Dual), \&15. Emissions must adhere to the FAA 5G C-band compatibility evaluation process.

This letter is to notify you that the Kentucky Airport Zoning Commission approved your permit application for the construction of Structures at the Location, Coordinates, and Height as indicated above. Construction must comply with requirements, if any, listed in the FAA Determination.

This permit is valid for a period of $18 \mathrm{Month}(\mathrm{s})$ from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

An email of this letter was also sent to your representative, Gretchen Blanton, at Gretchen.Blanton@verticalbridge.com. If you have any questions, please contact us.

Respectfully,

## Anthony Adams

Airport Zoning Commission Administrator
KY Department of Aviation
502-564-0151 Office
AirportZoning@ky.gov

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 and 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 $2^{\text {nd }}$ day of May, 2024.


My County of Residence: Marion
Commission \#: $\underline{0639620}$

