

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

In the Matter of:

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

SITE NAME: HWY 243

* * * * *

**CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
AND VB BTS II, LLC D/B/A VERTICAL BRIDGE’s MOTION FOR LEAVE TO
DEVIATE FROM COMMISSION’S STAFF REQUEST FOR INFORMATION**

Cellco Partnership, d/b/a Verizon Wireless and VB BTS II, LLC d/b/a Vertical Bridge (“Co-Applicants”), by counsel, move the Commission pursuant to 807 KAR 5:001, for leave to deviate from the Commission Staff’s request pursuant to 807 KAR 5:063 Section 1(1)(l) and 807 KAR 5:063 Section 1(1)(m) as described below. Public Service Commission (PSC) Staff’s Request:

1. Refer to Verizon Wireless’s response to Commission Staff’s First Request for Information, Item 1. Provide all updated information pertaining to the status of a signed U.S. Postal Service Form 3811, otherwise known as “signed green cards,” or a copy of the notice reflecting that the certified mail was returned to Verizon Wireless as undelivered for Woods & Water with KDL LLC.
 - a. Cellco Partnership, d/b/a Verizon Wireless and VB BTS II, LLC d/b/a Vertical Bridge (“Co-Applicants”), submitted an application requesting a Certificate of Public

Convenience and Necessity to construct a Wireless Communications Facility in the Commonwealth of Kentucky, in the County of Casey on March 22, 2024.

b. Notice was mailed to Woods & Water With KDL LLC by certified mail on March 18, 2024, when it was determined that there had been a change in ownership.

i. Since the March 18, 2023 mailing, no green card or returned envelope have been received. According to the United States Postal Service Tracking Number 9589 071052701623261400 records indicate the mailing is “moving through the system”.

c. On April 30, 2024, a 2nd notice was mailed again to Woods & Water With KDL LLC by certified mail.

i. Since the April 30, 2024 mailing, no green card or returned envelope have been received. According to the United States Postal Service Tracking Number 70120470000180484255 records indicate the mailing is “moving through the system”. Please see **Exhibit 1** for the form of notice and USPS Tracking information updated June 27, 2024.

d. In further support of the requested Deviation, the Co-Applicants would note the following:

i. That all other application requirements, including public notice on site on site, pursuant to 807 KAR 5:063 Section 1(1)(p) and 807 KAR 5:063 Section 1(2)(a), (b) & (c) and public notice published in a local newspaper, pursuant to 807 KAR 5:063 Section 1(1)(q).

ii. That the original application stated that every person who, according to the records of the property valuation administrator, owns property within 500 feet of

the proposed tower has been: 1. Notified by certified mail, return receipt requested, of the proposed construction; 2. Given the commission docket number under which the application will be processed; and 3. Informed of his right to request intervention.

iii. The original application provided: (m) A list of the property owners who received the notice, together with copies of the certified letters sent to listed property owners.

iv. The 1st Response for Information included and this 2nd Response for Information include copies of the notice to Woods & Water With KDL, LLC.

v. Two mailing have been issued, the tracking information from the United States Postal Service should be sufficient to meet the requirements of KRS 278.665(2) and 807 KAR 5:063, Section 1(1)(a)(1)(1) & (m):

(l) A statement that every person who, according to the records of the property valuation administrator, owns property within 500 feet of the proposed tower has been:

1. Notified by certified mail, return receipt requested, of the proposed construction;
2. Given the commission docket number under which the application will be processed;
- and
3. Informed of his right to request intervention;

(m) A list of the property owners who received the notice, together with copies of the certified letters sent to listed property owners;

For all of these reasons, the Co-Applicants believe a deviation from the Commission Staff's request is justified. Co-Applicants, by counsel, moves the Commission Staff accept the updated information pertaining to the status of the required mailing and approve the 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.

Respectfully submitted,



Russell L. Brown

Clark, Quinn, Moses, Scott & Grahn, LLP

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Indianapolis, IN 46204

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Attorney for Cellco Partnership d/b/a Verizon Wireless

LIST OF EXHIBITS

- 1 Form of notice and USPS updated Tracking Information
- 2 Affidavit of Certification



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April 30, 2024

**Notice of Proposed Construction of
Wireless Communications Facility
Site Name: HWY 243**

Cellco Partnership, d/b/a Verizon Wireless is filing an application with the Kentucky Public Service Commission ("PSC") to construct a new wireless communications facility on a site located at 3180 Minors Branch Road, Gravel Switch, KY 40328. (North Latitude: (37° 30' 33.53, West Longitude 84° 57' 23.05"). The proposed facility will include a 300-foot-tall antenna tower, plus a 5-foot lightning arrestor and related ground facilities. This facility is needed to provide improved coverage for wireless communications in the area.

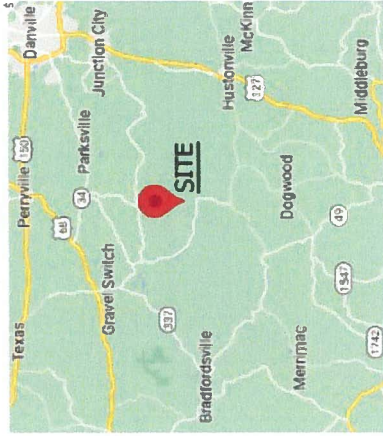
This notice is being sent to you because the County Property Valuation Administrator's records indicate that you may own property that is within a 500' radius of the proposed tower site or contiguous to the property on which the tower is to be constructed. You have a right to submit testimony to the Kentucky Public Service Commission ("PSC"), either in writing or to request intervention in the PSC's proceedings on the application. You may contact the PSC for additional information concerning this matter at: Kentucky Public Service Commission, Executive Director, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602. Please refer to docket number 2023-00308 in any correspondence sent in connection with this matter.

We have attached a map showing the site location for the proposed tower. Applicant's radio frequency engineers assisted in selecting the proposed site for the facility, and they have determined it is the proper location and elevation needed to provide quality service to wireless customers in the area. Please feel free to contact us at 317-637-1321 if you have any comments or questions about this proposal.

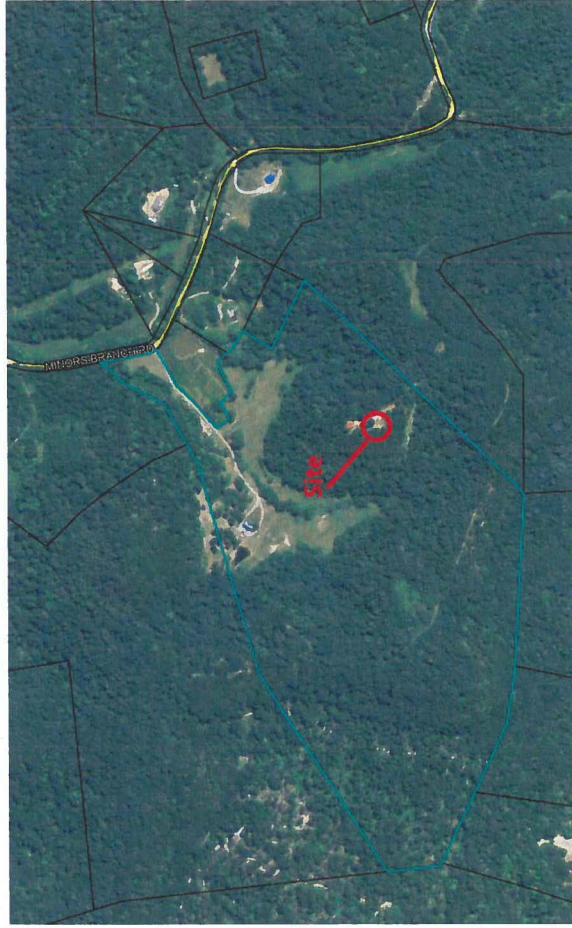
Sincerely,
Russell L. Brown

Attorney for Applicant
RLB/jj
enclosure

Vicinity Map



Site Location on Aerial



OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™

ClarkQuinn
Clark, Quinn, Moses, Scott & Grahn, LLP



7012 0470 0001 8048 4255

FIRST-CLASS



US POSTAGE[™] PITNEY BOWES



ZIP 46204 \$ 008.69⁰
02 7H
0006035028 APR 30 2024

Woods & Water With KDL, LLC
250 Joe Patterson Road
Middleburg, KY 42541

Tracking Number:

[Remove X](#)

70120470000180484255

[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

May 9, 2024

Arrived at USPS Regional Facility

KNOXVILLE TN DISTRIBUTION CENTER

May 5, 2024, 8:54 am

[See All 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?

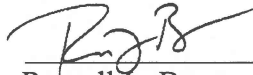
Contact USPS Tracking support for further assistance.

FAQs

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.

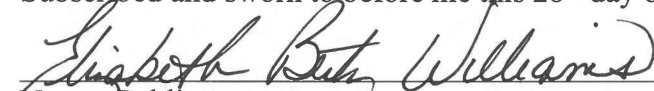


Russell L. Brown

Attorney, for Cellco Partnership, d/b/a Verizon Wireless

STATE OF INDIANA,
COUNTY OF MARION, SS:

Subscribed and sworn to before me this 28th day of June, 2024.


Notary Public

Printed Name of Notary: Elizabeth Bentz Williams

My commission expires: November 18, 2028

My County of Residence: Marion

Commission #: 0639620