

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

In the Matter of:

THE APPLICATION OF)
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS)
AND SOUTHERN TOWERS BTS, LP FOR ISSUANCE) CASE NO. 2023-00311
OF A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY IN THE)
COMMONWEALTH OF KENTUCKY IN THE COUNTY)
OF BRECKINRIDGE)

SITE NAME: MCDANIELS

* * * * *

**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 TowerCo 2013, 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 Application, Co-Applicants respectfully provide and state the following information in response to November 15, 2023 Notice of Deficiency (Key information shown in red.):

1. 807 KAR 5:063 Section 1(1)(d): Applicant did not provide “a finding as to the proximity of the proposed site to flood hazard areas” by a professional engineer or

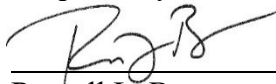
prepared by a land surveyor. We have attached the Survey as **Exhibit 1** hereto and the Floodplain Statement is included on page 1 of 3 of this exhibit.

2. Attached hereto as **Exhibit 2** please find an Affidavit of Certification for all information contained in this application.
3. All Exhibits to this Application are hereby incorporated by reference as if fully set out as part of the Application.
4. 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 Survey
- 2 Affidavit of Certification

- PREMISES
- TITLE NOTES
- FLOOD ZONE DATA
- VICINITY MAP

COORDINATE POINT LOCATION

NAD 1983
 LATITUDE: 37° 37' 08.08" N
 LONGITUDE: 86° 26' 17.30" W
 NAVD 1988
 ELEVATION: 602.8'
 SINGLE STATE PLANE COORDINATE
 (BLUE MARBLE GEOGRAPHIC
 CALCULATOR VERSION 3.0)
 NORTHING: 3749767.445
 EASTING: 4721951.383

PROJECT BENCHMARK

NORTH: 3749565.073
 EAST: 4721570.034
 ELEVATION: 610.66
 LOCATION: BEING A SET 3/8" REBAR SET
 363" SOUTHWEST OF THE
 SOUTHWEST CORNER OF THE
 LEASE AREA.

SYMBOL LEGEND

- WOOD POWER POLE
- CONCRETE POWER POLE
- METAL TRAFFIC POLE
- LIGHT POLE
- GUY POLE
- TELEPHONE PEDESTAL
- GUY ANCHOR
- MANHOLE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- ELECTRIC BOX
- FENCE POST
- SPOT ELEVATION
- SET #5 REBAR (UNLESS OTHERWISE NOTED)
- EXISTING #5 REBAR (UNLESS OTHERWISE NOTED)

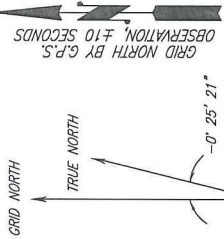
ABBREVIATIONS

- EG EDGE OF GRAVEL
- EP EDGE OF PAVEMENT
- ROW RIGHT OF WAY
- ℄ CENTERLINE
- RCP REINFORCED CONCRETE PIPE
- CONC CONCRETE
- CPP CORRUGATED PLASTIC PIPE
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- R SUBJECT PROPERTY LINE
- TC TOP OF CURB
- BC BOTTOM OF CURB
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- IPC IRON PIN CAPPED

LINE LEGEND

- OVERHEAD ELECTRIC
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- OVERHEAD ELECTRIC & TELEPHONE LINE
- OVERHEAD TELEPHONE LINE
- DRAINAGE/STORM SEWER LINE
- EXISTING FENCE
- PROPOSED FENCE
- DITCH / SWALE
- SUBJECT PROPERTY BOUNDARY
- RIGHT OF WAY CENTERLINE

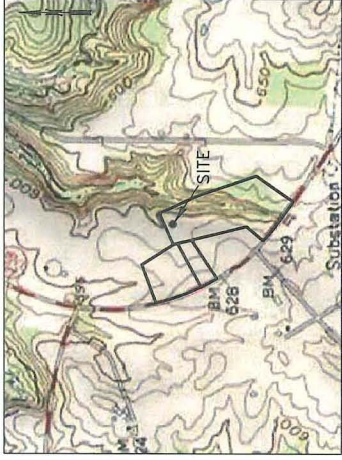
NOTE: SYMBOLS, ABBREVIATIONS, OR LINESYLES DO NOT NECESSARILY APPEAR ON DRAWING(S). USE ONLY AS APPLICABLE.



NORTH IS BASED ON THE SINGLE STATE PLANE COORDINATE SYSTEM AND WAS DETERMINED BY COMPUTATION FROM G.P.S. OBSERVATION ON OCTOBER 19, 2022.



QUAD MAP SCALE: 1" = 2000'



LOCATION DESCRIPTION

LOCATED ON THE NORTHEAST RIGHT OF WAY OF KENTUCKY 259, SOUTH OF THE INTERSECTION WITH KENTUCKY 79, TOWN OF MCDANIELS, BRECKENRIDGE COUNTY, KENTUCKY.

THIS SITE IS LOCATED ON THE MCDANIELS KENTUCKY USGS QUADRANGLE SHEET.

The horizontal datum (coordinates) is referenced to the North American Datum 1983 (NAD 83) and is expressed in terms of Latitude and Longitude in degrees, minutes, seconds, and decimal parts thereof, and is accurate to within 1/5 feet horizontally. The site vertical datum (elevations and benchmark) is in terms of the North American Vertical Datum of 1988 (NAVD 88) and is accurate to within +/- 3 feet vertically.

SURVEYORS NOTES

SOURCE OF BEARING AND ELEVATION IS A G.P.S. OBSERVATION ON OCTOBER 19, 2022, FROM A GPS CONTINUOUSLY OPERATING REFERENCE STATION DESIGNATION - ROUGH RIVER SHP CORP ARP, CORP_ID - ARRR, PID - DK7559.
 SITE SHOWN SUBJECT TO RIGHT OF WAYS AND EASEMENTS SHOWN HEREON OR NOT.
 SOURCE OF ROTATION BASED ON THE NORTH LINE LOT 3 OF JEWELL RULON PROPERTY WHICH HAS THE BEARING OF N 67°33'08" E PER PLAT CABINET A, SLIDE 147, AND THE CALCULATED BEARING OF N 60°57'08" E. NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE PARENT TRACT.
 THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.
 EXISTING CONTOURS ARE AT ONE FOOT INTERVALS.



LAND SURVEYOR'S CERTIFICATE

TYPE "X" SURVEY: UNADJUSTED TRANSVERSE CLOSURE BETTER THAN 1 IN 10,000
 TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED I hereby certify that this plot and survey were made under my supervision, and that the angular and linear measurements, as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief.
 This survey and plot meets or exceeds the minimum standards of the governing authorities.
 This property is subject to any recorded easements or right of ways not shown hereon.

Frank L. Sellinger, II
 KY Reg. No. 3282

"WIRELESS COMMUNICATION SITE SURVEY"

OWNER APPROVAL: _____ DATE: _____
 TENANT APPROVAL: _____ DATE: _____

I HAVE REVIEWED THE FLOOD INSURANCE RATE MAPS (FIRM) MAP NO. 21022C0475C DATED 08/04/2008 AND THE LEASE AREA DOES NOT APPEAR TO BE IN A FLOOD PRONE AREA. THE LEASE AREA IS LOCATED IN ZONE "X".



SCALE: 1" = 200' (IN FEET)

PREPARED FOR:



1961 NORTHPOINT BLVD, SUITE 130
 HUNSON, IN 47343
 PH: 423-843-9500
 FAX: 423-843-9509



1012 S 4th Street, Suite 101
 Louisville, KY 40203
 Phone: (502) 636-5111
 Fax: (502) 636-5263

SITE NUMBER: 617291389

SITE NAME: CK MCDANIELS

SITE ADDRESS: KY HWY. 259
 MCDANIELS, KY 40152

LEASE AREA: 10,000.00 SQ.FT.

PROPERTY OWNER: FENTRESS MARINE, INC,
 PO BOX 65
 MCDANIELS, KY 40152

PARCEL NUMBER: 78-281, 78-282
 & 78-280

SOURCE OF TITLE: D.B. 334, PG. 632,
 D.B. 435, PG. 350, &
 D.B. 435, PG. 353

DWG BY: SNS FIELD DATE: DRAFT DATE:
 CHKD BY: FLS 10.19.22 11.04.22

FSTAN PROJECT NO.: 22-11606

SHEET 1 OF 3

REVISIONS:

FINAL S&S - 11.08.22

LEGAL DESC. TYPO - 11.18.22

RAWLAND

- PREMISES
- LEGAL DESCRIPTIONS
- FLOOD ZONE DATA
- VICINITY MAP

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 (BLUE MARBLE GEOGRAPHIC
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PROJECT BENCHMARK

NORTH: 3749565.073
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 SOUTHWEST CORNER OF THE
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 - EXISTING FENCE
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 - DITCH / SWALE
 - SUBJECT PROPERTY BOUNDARY
 - RIGHT OF WAY CENTERLINE
- NOTE: SYMBOLS, ABBREVIATIONS, OR LINES/STYLES DO NOT NECESSARILY APPEAR ON DRAWING(S). USE ONLY AS APPLICABLE.

ABBREVIATIONS

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- EP EDGE OF PAVEMENT
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- BC BOTTOM OF CURB
- POC POINT OF COMMENCING (UNLESS OTHERWISE NOTED)
- POB POINT OF BEGINNING (UNLESS OTHERWISE NOTED)
- IPC IRON PIN CAPPED

SURVEYOR'S NOTES

SOURCE OF BEARING AND ELEVATION IS A G.P.S. OBSERVATION ON OCTOBER 19, 2022, FROM A G.P.S. CONTINUOUSLY OPERATING REFERENCE STATION DESIGNATION - ROUGH RIVER SRP CORS APP. CORS_ID - KYRR_P10 - DK2558.

SITE SHOWN SUBJECT TO RIGHT OF WAY AND EASEMENTS SHOWN HEREON OR NOT.

SOURCE OF ROTATION BASED ON THE NORTH LINE LOT 1 OF JEWELL RAILON PROPERTY WHICH HAS THE BEARING OF N 61.3308° E PER PLAT CABINET A, SLIDE 147, AND THE CALCULATED BEARING OF N 65.5708° E.

NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE PARENT TRACT.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY. EXISTING CONTIGUOUS ARE AT ONE FOOT INTERVALS.

STATE OF KENTUCKY

FRANK L. SELLINGER
 3282

LICENSED PROFESSIONAL LAND SURVEYOR

LAND SURVEYOR'S CERTIFICATE

TYPE "A" SURVEY: UNADJUSTED TRANSVERSE CLOSURE BETTER THAN 1 IN 10,000.

TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED I hereby certify that this plat and survey were made under my supervision, and that the angular and linear measurements, as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief.

This survey and plat meets or exceeds the minimum standards of the governing authorities.

This property is subject to any recorded easements or right of ways not shown hereon.

Frank L. Sellinger
 Frank L. Sellinger, Jr.
 KY. Reg. No. 3282

"WIRELESS COMMUNICATION SITE SURVEY"

OWNER APPROVAL: _____ DATE: _____

TENANT APPROVAL: _____ DATE: _____

I HAVE REVIEWED THE FLOOD INSURANCE RATE MAPS (FIRM) MAP NO. 210270475C DATED 08/04/2008 AND THE LEASE AREA DOES NOT APPEAR TO BE IN A FLOOD PHONE AREA. THE LEASE AREA IS LOCATED IN ZONE "X".



1012 S 4th Street, Suite 101
 Louisville, KY 40203
 Phone: (502) 636-5111
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SITE NUMBER: 617291389
 SITE NAME: CK MCDANIELS
 SITE ADDRESS: KY HWY 259
 MCDANIELS, KY 40152
 LEASE AREA: 10,000.00 SQ.FT.

PROPERTY OWNER: FENTRESS MARINE, INC.
 PO BOX 65
 MCDANIELS, KY 40152
 PARCEL NUMBER: 78-281, 78-282 & 78-28Q

SOURCE OF TITLE: D.B. 334, PG. 632, & D.B. 435, PG. 350, & D.B. 435, PG. 353

DWG BY: SNS FIELD DATE: 10.19.22 DRAFT DATE: 11.04.22
 CHKD BY: FLS

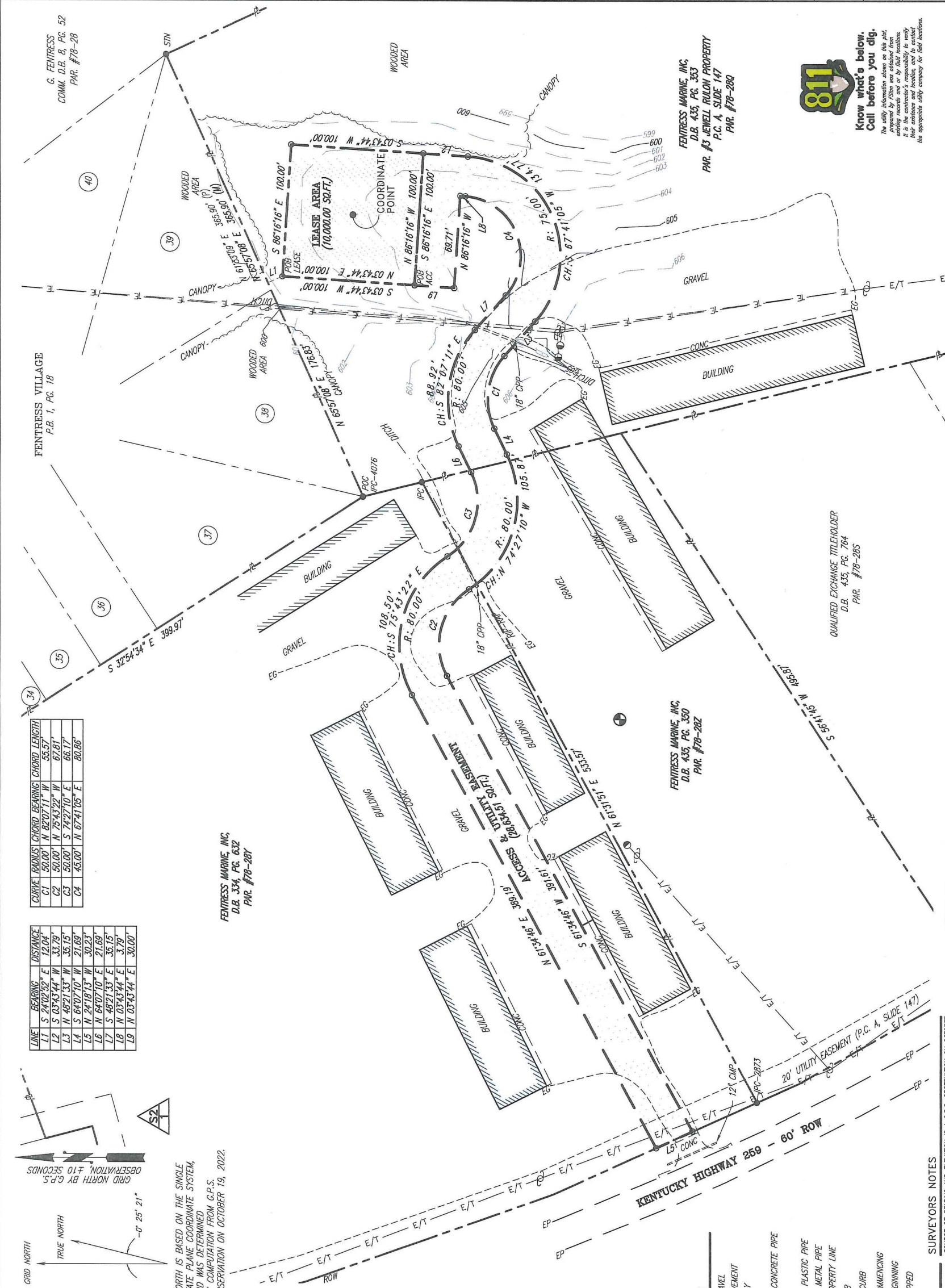
FSTAN PROJECT NO.: 22-11606

SHEET 2 OF 3

REVISIONS:

FINAL S&S - 11.08.22
 LEGAL DESC. TYPO - 11.18.22

RAWLAND



CURVE	RADIUS	CHORD BEARING	CHORD LENGTH
C1	50.00'	N 82°07'11" W	55.57'
C2	50.00'	N 25°43'22" W	67.81'
C3	50.00'	S 74°27'10" E	66.17'
C4	45.00'	N 67°41'05" E	80.66'

LINE	BEARING	DISTANCE
L1	S 24°02'52" E	12.04'
L2	S 03°43'44" W	33.79'
L3	N 48°21'33" W	35.15'
L4	S 84°07'10" W	21.69'
L5	N 24°18'13" W	30.23'
L6	N 64°07'10" E	21.69'
L7	S 48°21'33" E	35.15'
L8	N 03°43'44" E	3.79'
L9	N 03°43'44" E	30.00'

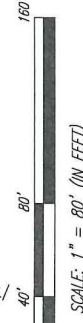
FENTRESS MARINE, INC.
 D.B. 334, PG. 632
 PAR. #78-28Y




FENTRESS MARINE, INC.
 D.B. 435, PG. 350
 PAR. #78-28Z

QUALIFIED EXCHANGE TITLEHOLDER
 D.B. 435, PG. 764
 PAR. #78-28S



Know what's below.
 Call before you dig.
 The utility information shown on this plat, prepared by FSTAN, was obtained from existing records and/or field locations. It is not intended to be a substitute for the utility records of the appropriate utility company for field locations.



-  - LEGAL DESCRIPTIONS (LEASE AREA)
-  - LEGAL DESCRIPTIONS (ACCESS ESMT)
-  - LEGAL DESCRIPTIONS (PARENT TRACT)

LEGAL DESCRIPTIONS:

This is a description for Verizon, of a lease area to be located on the property of the Fentress Marine, Inc., and being a part of the northeast right of way of Kentucky 259, South of the intersection with Kentucky 79, Town of McDaniels, Breckinridge County, Kentucky which is further described as follows:

LEASE AREA



Being a part of the northeast right of way of Kentucky 259, South of the intersection with Kentucky 79 and being on the properties conveyed to Fentress Marine, Inc. in Deed Book 435, Page 353, Deed Book 435, Page 350 and Deed Book 334, Page 632 in Breckinridge County Clerk's Office, Town of McDaniels, Breckinridge County, Kentucky which is further described as follows:
 Commencing at a 5/8" rebar with cap stamped "4076" found at the southwest corner of the Fentress Village Subdivision as shown in Plat Book 1, Page 18 of said clerk's office and being the northwest corner of the property conveyed to Fentress Marine, Inc. in Deed Book 435, Page 353 of the said clerk's office;
 Thence along the shared line N 65°57'08" E - 176.83' to a point;
 Thence leaving said shared line and traversing said Fentress Marine, Inc. property S 24°02'52" E - 12.04' to a set iron rod with a cap stamped "FStan 3282"; and being the northwest corner of the Lease Area;
 Thence S 86°16'16" E - 100.00' to a set iron rod with a cap stamped "FStan 3282";
 Thence S 03°43'44" W - 100.00' to a set iron rod with a cap stamped "FStan 3282";
 Thence N 86°16'16" W - 100.00' to a set iron rod with a cap stamped "FStan 3282";
 Thence N 03°43'44" E - 100.00' to the point of beginning, containing 10,000.00 square feet as per survey by Frank L. Sellinger, ll dated November 04, 2022.

ACCESS & UTILITY EASEMENT



Being a part of the northeast right of way of Kentucky 259, South of the intersection with Kentucky 79 and being on the properties conveyed to Fentress Marine, Inc. in Deed Book 435, Page 353, Deed Book 435, Page 350 and Deed Book 334, Page 632 in Breckinridge County Clerk's Office, Town of McDaniels, Breckinridge County, Kentucky which is further described as follows:
 Commencing at a 5/8" rebar with cap stamped "4076" found at the southwest corner of the Fentress Village Subdivision as shown in Plat Book 1, Page 18 of said clerk's office and being the northwest corner of the property conveyed to Fentress Marine, Inc. in Deed Book 435, Page 353 of the said clerk's office;
 Thence along the shared line N 65°57'08" E - 176.83' to a point;
 Thence leaving said shared line and traversing said Fentress Marine, Inc. property S 24°02'52" E - 12.04' to a set iron rod with a cap stamped "FStan 3282"; and being the northwest corner of the Lease Area;
 Thence with the perimeter of said Lease Area for the next two (2) calls: (1) S 03°43'44" W - 100.00' to set iron rod with a cap stamped "FStan 3282"; and being the True Point of Beginning of the Access & Utility Easement;
 Thence (2) S 86°16'16" E - 100.00' to a set iron rod with a cap stamped "FStan 3282";
 Thence leaving said Lease Area S 03°43'44" W - 33.79' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the right with a radius of 75.00' and a chord of S 67°41'05" W - 134.77' to a set iron rod with a cap stamped "FStan 3282";
 Thence N 48°21'33" W - 35.15' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the left with a radius of 50.00' and a chord of N 82°07'11" W - 55.57' to a set iron rod with a cap stamped "FStan 3282";
 Thence S 64°07'10" W - 21.69' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the right with a radius of 80.00' and a chord of N 74°27'10" W - 105.87' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the left with a radius of 50.00' and a chord of N 75°43'22" W - 67.81' to a set iron rod with a cap stamped "FStan 3282";
 Thence S 61°34'46" W - 391.61' to a set iron rod with a cap stamped "FStan 3282" on the east right of way of Kentucky Highway 259;
 Thence with said east right of way N 24°18'13" W - 30.23' to a set iron rod with a cap stamped "FStan 3282";
 Thence leaving said Kentucky Highway 259 and traversing said Fentress Marine, Inc. property N 61°34'46" E - 389.19' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the right with a radius of 80.00' and a chord of S 75°43'22" E - 108.50' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the left with a radius of 50.00' and a chord of S 74°27'10" E - 66.17' to a set iron rod with a cap stamped "FStan 3282";
 Thence N 64°07'10" E - 21.69' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the right with a radius of 80.00' and a chord of S 82°07'11" E - 88.92' to a set iron rod with a cap stamped "FStan 3282";
 Thence S 48°21'33" E - 35.15' to a set iron rod with a cap stamped "FStan 3282";
 Thence along a curve to the left with a radius of 45.00' and a chord of N 67°41'05" E - 80.86' to a set iron rod with a cap stamped "FStan 3282";
 Thence N 03°43'44" E - 3.79' to a set iron rod with a cap stamped "FStan 3282";
 Thence N 86°16'16" W - 69.71' to a set iron rod with a cap stamped "FStan 3282";
 Thence N 03°43'44" E - 30.00' to the point of beginning, containing 28,634.51 square feet as per survey by Frank L. Sellinger, ll dated November 04, 2022.



1012 S 4th Street, Suite 101
 Louisville, Ky 40203
 Phone: (502) 636-5111
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SITE NUMBER: 617291389

SITE NAME: CK MCDANIELS

SITE ADDRESS: KY HWY 259
 MCDANIELS, KY 40152

LEASE AREA: 10,000.00 SQ.FT.

PROPERTY OWNER: FENTRESS MARINE, INC.
 PO BOX 65
 MCDANIELS, KY 40152

PARCEL NUMBER: 78-28Y, 78-28Z & 78-28Q

SOURCE OF TITLE: D.B. 334, PG. 632, D.B. 435, PG. 350, & D.B. 435, PG. 353

DWG BY: SMS FIELD DATE: DRAFT DATE: CHKD BY: FLS 10.19.22 11.04.22

FSTAN PROJECT NO.: 22-11606

SHEET 3 OF 3

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FINAL S&S - 11.08.22
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RAWLAND



LAND SURVEYOR'S CERTIFICATE
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 Frank L. Sellinger, KY Reg. No. 3282
 11-18-22



