

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

In the matter of:

ELECTRONIC APPLICATION OF EAST KENTUCKY)
NETWORK, LLC D/B/A APPALACHIAN WIRELESS FOR)
THE ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO. 2024-00089
CONVENIENCE AND NECESSITY TO CONSTRUCT A)
TOWER IN MORGAN COUNTY, KENTUCKY)

**RESPONSE OF EAST KENTUCKY NETWORK, LLC D/B/A APPALACHIAN WIRELESS
TO COMMISSION STAFF’S FIRST 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 First Request for Information filed in the above-styled case.

1. Request 1: *Refer to KRS 278.665(2) and 807 KAR 5:063, Section 1(1)(l)(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 Appalachian Wireless for all landowners and the county judge executive. This request is continuing and should be updated in a supplemental filing until all signed green cards or undelivered notices are returned to Appalachian Wireless.*

Response: Raina L. Helton, Regulatory Compliance Director, offers the following response on behalf of Applicant. Exhibit 1, attached hereto, includes

- a. the “signed green cards” for five (5) of the seven (7) notices which were sent to adjacent property owners and the county judge executive by certified mail on April 11, 2024; and
- b. copies of the notice that the certified mail was returned to Applicant as undelivered or refused by the United States Postal Service for two (2) of the seven (7) notices.

- 2. Request 2:** *Refer to 807 KAR 5:063, Section 1(2). Provide a copy of the language printed on the notices placed at both the proposed site and on the nearest public road.*

Response: Raina L. Helton, Regulatory Compliance Director, offers the following response on behalf of Applicant. As stated in the Response of East Kentucky Network, LLC d/b/a Appalachian Wireless to Filing Deficiencies filed on April 16, 2024, 807 KAR 5:063, Section 1(2) does not require a copy of the language on the signs required by the regulations. Section 1(2) lists the size requirements and the language which must appear on the notices which are required by Section 1(1)(p). Subsection (1)(p) requires that the Application contain a statement that two written notices meeting the requirements of subsection (2) have been posted, one in a visible location on the proposed site and one on the nearest public road and that the notices shall remain posted for at least two weeks after the application has been filed. The required statement can be found on page 3 of the Application. However, Exhibit 2, attached hereto, contains photographs of both notices which demonstrate the veracity of Applicant's statement in the Application.

- 3. Request 3:** *Refer to 807 KAR 5:063, Section 1(1)(g). Provide a copy of the qualifications for professional engineer Kirk Hall.*

Response: Raina L. Helton, Regulatory Compliance Director, offers the following response on behalf of Applicant. As stated on page 2 of the Application and in the Response of East Kentucky Network, LLC d/b/a Appalachian Wireless to Filing Deficiencies filed on April 16, 2024, the person responsible for the design and supervision of the construction of the proposed tower is identified and qualifications shown by the seal and signature affixed to the tower design included in Exhibit 5 of the Application. Additional information regarding World Tower Company, Inc.'s and,

specifically, Kirk Hall's qualifications for designing and constructing towers are included in Exhibit 13 to the Application.

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

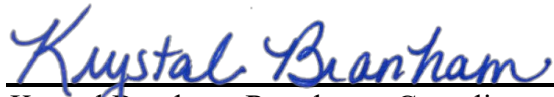
[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]

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 25th day of July, 2024.

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

Exhibit 1a

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)

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

Postage

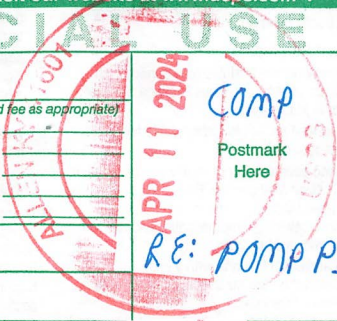
\$

Total Postage and Fees

\$

Robert and Dorothy Caskey
4362 Filly Lane
Destin, FL 32541

City, State, ZIP+4®



9589 0710 5270 0255 0980 0560 65

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:

Robert and Dorothy Caskey
 4362 Filly Lane
 Destin, FL 32541

POMP PSC



9590 9402 8578 3244 9323 42

2. Article Number (Transfer from service label)

9589 0710 5270 0860 0953 59

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X


Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

Insured Mail
 Insured Mail Restricted Delivery
 (over \$500)

USPS TRACKING #



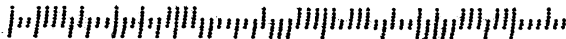
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8578 3244 9323 42

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



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)

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

Postage

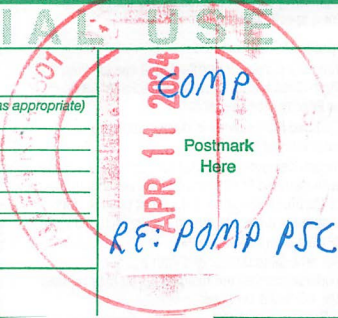
\$

Total Postage and Fees

\$

David and Lynn Phipps
5429 Hwy 191
West Liberty, KY 41472

City, State, ZIP+4®



9589 0710 5270 0860 0953 42

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:

David and Lynn Phipps
 5429 Hwy 191
 West Liberty, KY 41472

POMP PSE



9590 9402 8578 3244 9323 35

2. Article Number (Transfer from service label)

9589 0710 5270 0860 0953 42

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Latishee Phipps*

- Agent
- Addressee

B. Received by (Printed Name)

Latishee Phipps

C. Date of Delivery

4-13-24

D. Is delivery address different from item 1?

- Yes
- No

If YES, enter delivery address below:

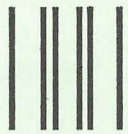
3. Service Type

- 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

Registered Mail
 Registered Mail Restricted Delivery
 (over \$500)

USPS TRACKING#



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

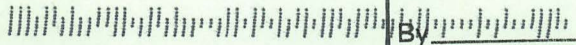
9590 9402 8578 3244 9323 35

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

RECEIVED
APR 17 2024
By _____



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)

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

Postage

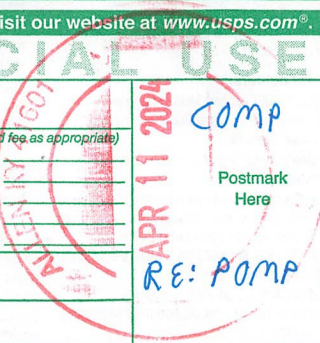
\$

Total Postage and Fees

\$

Darrell Patrick
93 Highway 1002
West Liberty, KY 41472

City, State, ZIP+4®



COMP

Postmark
Here

RE: POMP PSC

589 0710 5270 0120 687
560 0980 0225 0120 687
560 0980 0225 0120 687

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:

Darrell Patrick
93 Highway 1002
West Liberty, KY 41472

POMP PSC



9590 9402 8578 3244 9323 28

2. Article Number (Transfer from service label)

9589 0710 5270 0860 0953 35

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Darrell Patrick

- Agent
- Addressee

B. Received by (Printed Name)

Darrell Patrick

C. Date of Delivery

4-15-24

- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

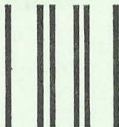
3. Service Type

- 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

Additional Mail Restricted Delivery \$500

USPS TRACKING#



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

9590 9402 8578 3244 9323 28

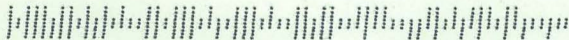
United States
Postal Service

RECEIVED
APR 18 2024
BY

• 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



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:

Jerry Whitt
7977 Hwy 7
West Liberty, KY 41472

POMP PSC



9590 9402 8578 3244 9323 59

2 Article Number (Transfer from service label)

9589 0710 5270 0860 0953 66

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

4-15-24

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

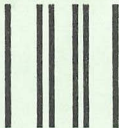
Registered Mail

Registered Mail Restricted Delivery (over \$500)

USPS TRACKING #
LOUISVILLE KY 400



15 APR 2024 PM 3 L



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

9590 9402 8578 3244 9323 59

United States
Postal Service

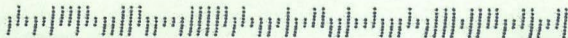
• Sender: Please print your name, address, and ZIP+4® in this box*

RECEIVED

APR 17 2024

By _____

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



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)

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

Postmark
Here

RE: POMP PSC

Postage

\$

Total Postage and Fees

\$

Sent To

Jim Gazay, Morgan County Judge Executive
450 Prestonsburg Street
West Liberty, KY 41472



COMP

9589 0710 5270 0860 0980 0225 0120 6956 E4 2560

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:

Jim Gazay, Morgan County Judge Executive
 450 Prestonsburg Street
 West Liberty, KY 41472

POMP PSC



9590 9402 8578 3244 9382 45

2. Article Number (Transfer from service label)

9589 0710 5270 0860 0952 43

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Linde Bradley*

- Agent
 Addressee

B. Received by (Printed Name)

Linde Bradley

C. Date of Delivery**D. Is delivery address different from item 1?**

If YES, enter delivery address below:

- Yes
 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#

LOUISVILLE KY 400



16 APR 2024 PM 2 L

9590 9402 8578 3244 9382 45

**United States
Postal Service**

RECEIVED
APR 18 2024

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

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

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

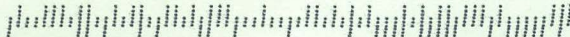


Exhibit 1b

Appalachian
WIRELESS

101 Technology Trail • Ivel, KY 41642

**EAST KENTUCKY
NETWORK**



NMP

CERTIFIED MAIL



7019 1120 0002 1248 6958

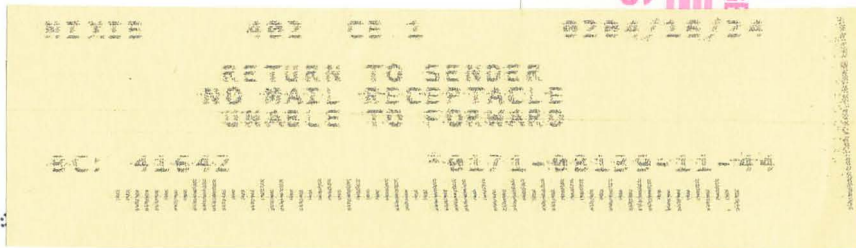
Commonwealth of Kentucky
KYDOT District 10
473 KY Route 15
Jackson, KY 41339



FIRST-CLASS



ZIP 41642
02 7H
0001350156



4133939600 R000

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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:

Commonwealth of Kentucky
 KYDOT District 10
 473 KY Route 15
 Jackson, KY 41339

POMP PSC



9590 9402 8578 3244 9320 90

2. Article Number (Transfer from service label)

7019 1120 0002 1248 6958

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

- 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
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Appalachian
WIRELESS

101 Technology Trail • Ivel, KY 41642

EAST KENTUCKY
NETWORK

FOE

CERTIFIED MAIL®

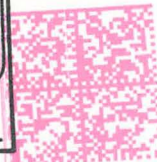
RECEIVED
APR 1 2024



7019 1120 0002 1248 6941

RECEIVED
APR 1 2024
By _____

FIRST-CLASS



ALLEN POST OFFICE
APR 19 2024
ALLEN, KY USPS-41601

ZIP 41642
02 7H
0004250156

US POSTAGE
\$

Morgan County School District Finance Corp.
PO Box 489
West Liberty, KY 41472

NOT RETURN TO SENDER
UNLESS YOU HAVE
MADE AN ADDITIONAL
POSTAGE PAYMENT TO
RECOVER THE COST OF
POSTAGE AND
HANDLING CHARGES
IF NECESSARY

41642-9057
4147230489

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:

Morgan County School District Finance Corp.
 PO Box 489
 West Liberty, KY 41472

POMP PSC



9590 9402 8578 3244 9320 83

2. Article Number (Transfer from service label)

7019 1120 0002 1248 6941

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

Registered Mail
 Registered Mail Restricted Delivery
 (over \$500)

Exhibit 2

East Kentucky Network LLC dba Appalachian Wireless

Proposes to construct a telecommunications

Tower

Near this site. If you have any questions please contact
Appalachian Wireless

at 101 Technology Trail, Ivel, KY 41642

Phone 606-477-2355 Ext. 1005

or the Executive Director of Public Service Commission
211 Sower Blvd. P.O. Box 615, Frankfort, KY 40602

Please refer to

Case NO. 2024 - 00089 in your correspondence

East Kentucky Network LLC dba Appalachian Wireless

Proposes to construct a telecommunications

Tower

On this site. If you have any questions please contact
Appalachian Wireless

at 101 Technology Trail, Ivel, KY 41642

Phone 606-477-2355 Ext. 1005

or the Executive Director of Public Service Commission
211 Sower Blvd. P.O. Box 615, Frankfort, KY 40602

Please refer to

Case NO. 2024 - 00089 in your correspondence

Exhibit 3

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, 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 25TH day of July, 2024, by Raina L. Helton, Regulatory Compliance Director of East Kentucky Network, LLC d/b/a Appalachian Wireless.



Notary Public
Commission No.: KYNP 88714

My Commission Expires 5/22/28.

<p>CARL ALAN ALKIRE NOTARY PUBLIC STATE AT LARGE KENTUCKY COMMISSION # KYNP88714 MY COMMISSION EXPIRES MAY 22, 2028</p>
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