

**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. 2024-00174
CONVENIENCE AND NECESSITY TO CONSTRUCT A	)	
REPLACEMENT TOWER IN MORGAN COUNTY,	)	
KENTUCKY	)	

**EAST KENTUCKY NETWORK, LLC D/B/A APPALACHIAN WIRELESS’S MOTION  
FOR RECONSIDERATION OF THE DECEMBER 23, 2024 ORDER**

Pursuant to KRS 278.400, East Kentucky Network, LLC d/b/a Appalachian Wireless (“Applicant”) hereby submits its Motion for Reconsideration of the Commission’s Order filed in the aforementioned case on December 23, 2024 (the “Order”). In support of this motion, Applicant states as follows:

The Order states at page 4 that: “Appalachian Wireless acknowledged that no proof of service has been obtained demonstrating the Allens received notice of the replacement cell tower.” Applicant respectfully contends that this statement, on which the Commission’s Order is based, is erroneous. Applicant provided a printout from the United States Postal Service (“USPS”) tracking website as proof of delivery of the required notice in its Response to Commission Staff’s First Request for Information. Applicant admits that no “signed green card” was returned, which is a circumstance entirely outside of Applicant’s control. However, the Commission has previously accepted the USPS tracking printout in several of Applicant’s filings as proof of delivery of the required notice, and Applicant had no reason to suspect the Commission would not accept the same documentation again.

The Commission pointed out previously that the USPS tracking printout contained a different city and zip code than the certified mail receipt. As explained in Applicant’s Response to

Commission Staff's Second Request for Information, the Allens receive their mail through the Hazel Green, KY post office as there is no post office in the city and zip code in which the Allens reside. Applicant further notes that the tracking number on the USPS tracking printout and the certified mail receipt are the same and provide evidence of delivery of the notice as addressed.

It is Applicant's contention that delivery of the notice to the Allens has been adequately proven by the USPS tracking printout. However, the Commission, through its Order, has indicated the printout is unacceptable. Because Applicant has no authority under the applicable regulations to make any attempt at delivery of the notice by any means other than certified mail, additional evidence of the veracity of the aforesaid statements of fact contained herein and in Applicant's previous responses and proof of delivery of the required notice has been obtained by Applicant in the form of an Affidavit executed by Isaac and Kristin Allen, attached hereto as **Exhibit 1**. Further, Applicant has hand-delivered another notice, as affirmed by the Allens in the Affidavit. Accordingly, there can be no doubt that the evidence previously submitted by the Applicant on or about October 10, 2024 – the USPS tracking printout – accurately demonstrated that the required notice was delivered to the Allens in October 2024 in the manner prescribed by law.

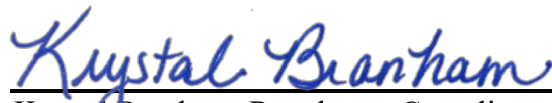
Finally, the Allens have affirmed that they were not asked to sign anything upon receipt of the original notice letter despite the letter clearly having been sent via certified mail and requiring a signature. If Applicant is required to file another application, the Applicant will find itself back in this same predicament because the Allens will continue to receive their mail through the Hazel Green post office, a "signed green card" will likely not be returned to Applicant, and any USPS tracking printout will continue to show Hazel Green, KY as the delivery address.

**WHEREFORE**, Applicant, having met the requirements of KRS 278.020(1), 278.650, 278.665, and all applicable rules and regulations of the Commission, respectfully requests that the Commission grant Applicant's Motion to Reconsider and grant the previously filed Application for 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 14th day of January, 2025.

Respectfully submitted,



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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](mailto:kbranham@ekn.com)

# **Exhibit 1**


## **AFFIDAVIT**

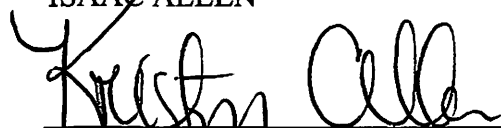
Comes now, Isaac Allen and Kristin Allen (the “Affiants”), first being duly sworn, and states as follows:

1. Our address is 1076 Gevedon Branch, Grassy Creek, KY 41352.
2. Our local post office is located in Hazel Green, KY.
3. We purchased property from Archie and Nancy Smallwood (the “Smallwoods”) on July 22, 2005, by virtue of a Survivorship Deed of record in Deed Book 202, Page 419 in the Morgan County Clerk’s Office (the “Property”).
4. The Property is subject to a Lease Agreement dated September 13, 2001, by and between the Smallwoods and East Kentucky Network, LLC d/b/a Appalachian Wireless (“EKN”) (the “Lease”).
5. We had knowledge of the Lease prior to our purchase of the Property.
6. We are aware that EKN maintains a cellular telecommunications tower on or near the Property (the “Tower”).
7. On or about October 3, 2024, we received a letter from EKN informing us of their application to the Kentucky Public Service Commission (“PSC”) for permission to replace the Tower and our right to intervene (the “Letter”).
8. We were not asked to, nor did we, sign any document evidencing that we had received the Letter.
9. Simultaneously with the execution of this Affidavit, we were provided with another letter again informing us of EKN’s application to the PSC for permission to replace the Tower and our right to intervene, a copy of which is attached hereto.

10. We have personal knowledge of the matters stated herein, which are true and correct  
to the best of our knowledge.

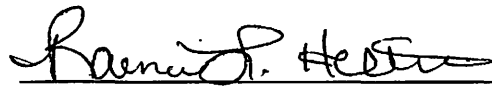
Further these Affiants sayeth naught.

  
\_\_\_\_\_  
ISAAC ALLEN

  
\_\_\_\_\_  
KRISTIN ALLEN

COMMONWEALTH OF KENTUCKY  
COUNTY OF Morgan

The foregoing *Affidavit* was subscribed and sworn to before me on this 10<sup>th</sup> day of  
January, 2025, by Isaac Allen and Kristin Allen.

  
\_\_\_\_\_  
Notary Public  
Commission No.: KYNP375

My Commission Expires 2-6-28.

VIA: U.S. CERTIFIED MAIL

PUBLIC NOTICE

January 3, 2025

Issac & Kristin Allen  
1076 Gevedon Branch  
Grassy Creek, KY 41352

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2024-00174)

East Kentucky Network, LLC d/b/a Appalachian Wireless has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a replacement facility to provide cellular telecommunications service in Morgan County. The facility will include a 300-foot self-supporting tower with attached antennas extending upwards, and an equipment shelter located on a tract of land near 2220 Centerville Road, West Liberty, Morgan County, KY. A map showing the location of the proposed replacement facility is enclosed. This notice is being sent to you because you may own property within a 500' radius of the proposed tower or own property contiguous to the property upon which construction is proposed.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. The Commission must receive your initial communication within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2024-00174 in your correspondence.

If you have any questions for East Kentucky Network, LLC, please direct them to my attention at the following address: East Kentucky Network, LLC, 101 Technology Trail, Ivel, KY 41642 or call me at 606-477-2355, Ext. 1005.

Sincerely,



Raina Helton, CKP  
Regulatory Compliance Director  
Enclosure 1



# Gevedon Replacement

Location:  
2200 Centerville Road  
West Liberty, KY 41472

Coordinates:  
Lat: 37 50' 18.5" N  
Lon: 83 17' 43.3" W

Gevedon Replacement Tower Gevedon Tower

Google Earth

