

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

In the matter of:

THE APPLICATION OF EAST KENTUCKY NETWORK, )  
LLC FOR THE ISSUANCE OF A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO ) CASE NO. 2024-00174  
CONSTRUCT A REPLACEMENT TOWER IN MORGAN )  
COUNTY, KENTUCKY )

**RESPONSE OF EAST KENTUCKY NETWORK, LLC D/B/A APPALACHIAN WIRELESS  
TO FILING DEFICIENCY**

East Kentucky Network, LLC d/b/a Appalachian Wireless (“Applicant”), by and through counsel, hereby files this Response to Filing Deficiency filed in the above-styled case.

1. **Deficiency 1:** 807 KAR 5:063, Section 1(2)(a): *In reference to this requirement, Applicant stated the following: “Two notice signs meeting the requirements prescribed by 807 KAR 5:063, Section 1(2), measuring at least two (2) feet in height and four (4) feet in width and containing all required language in letters of required height, have been posted, one at a visible location on the proposed site and one on the nearest public road. The two signs were posted on June 5, 2024, and will remain posted for at least two weeks after filing of this application as specified.” However, “Containing all required language” is insufficient to meet the requirements of the regulation. Applicant may either set forth the actual language used in the two notice signs, in their description, or in the alternative, attach a photograph of the two notice signs which legibly sets out the language used.*

**Response:** 807 KAR 5:063, Section 1(2)(a) does not require a copy of the language on the signs required by the regulation. Section 1(2)(a) 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.

Applicant has fulfilled the requirements of 807 KAR 5:063, Section 1(2)(a) and 807 KAR 5:063, Section 1(1)(p). Applicant requests that this alleged deficiency be withdrawn.

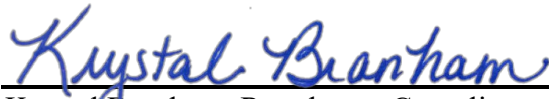
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**WHEREFORE**, Applicant, having met the requirements of KRS 278.020(1), 278.650, 278.665, and all applicable rules and regulations of the PSC, respectfully requests that the PSC accept the foregoing Application for filing and grant a Certificate of 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 13<sup>th</sup> day of June, 2024.

Respectfully submitted,



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