



April 29, 2009

Ryan Gatewood, Director
Division of Filings
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615

RECEIVED

APR 30 2009

PUBLIC SERVICE
COMMISSION

RE: FINAL FAA AND KAZC DETERMINATIONS

Dear Mr. Gatewood,

Please find enclosed the final FAA and KAZC Determinations for the following cellular tower sites constructed in 2008.

1. 2008-00003 (Little Asher)
2. 2008-00004 (Thousand Sticks)
3. 2008-00088 (Downtown McKee)
4. 2008-00087 (Vincent)
5. 2008-00089 (Blackey)
6. 2008-00265 (Index)
7. 2008-00266 (Dressen)
8. 2008-00267 (Evarts)
9. 2008-00318 (Pine Hill)
10. 2008-00466 (Hyden)
11. 2008-00450 (Egypt)
12. 2008-00319 (Bear Branch)

If there is any further information you require, please don't hesitate to let me know. My direct line is 606-874-7550, ext. 166.

Thank you so much,

A handwritten signature in cursive script that reads "Janice Robinson".

Janice Robinson
Technical Site Coordinator

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)
NETWORK LIMITED LIABILITY COMPANY FOR)
THE ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A TOWER IN LESLIE COUNTY, KENTUCKY)

CASE NO.
2008-00003
Little Asher
Items 3 & 4

O R D E R

On February 26, 2008, East Kentucky Network, LLC, formerly Mountaineer Cellular Limited Liability Company ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 200 feet in height, with attached antenna, to be located on a ridge near Little Asher approximately two and one-half miles northwest of Hyden, Leslie County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 11' 59" by West Longitude 83° 23' 39.6".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with

the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds the Applicant has demonstrated a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility

consists of a self-supporting antenna tower not to exceed 200 feet in height, with attached antenna, and is to be located on a ridge near Little Asher approximately two and one-half miles northwest of Hyden, Leslie County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 11' 59" by West Longitude 83° 23' 39.6".

2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

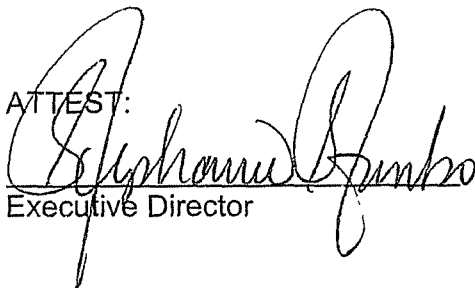
3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

4. The Applicant shall also notify the Commission in writing, within 20 days of completion, that it has finished construction of the tower and the date upon which said construction was complete.

Done at Frankfort, Kentucky, this 1st day of April, 2008.

By the Commission

ATTEST:


Executive Director

Marty Thacker

From: "Ali Kuzehkanani" <AKuzehkanani@fcclaw.com>
To: "Houlihan, John (KYTC)" <John.Houlihan@ky.gov>
Cc: "Gerald Robinette" <grobinette110@ekn.com>; "Marty Thacker" <m.thacker@tgtel.com>
Sent: Thursday, February 14, 2008 4:46 PM
Subject: RE: 659 - KAZC study request for the proposed LITTLE ASHER site

Thanks

From: Houlihan, John (KYTC) [mailto:John.Houlihan@ky.gov]
Sent: Thursday, February 14, 2008 3:46 PM
To: Ali Kuzehkanani
Subject: RE: 659 - KAZC study request for the proposed LITTLE ASHER site

Ali,

Did not notice the structure height of 200 feet. You are correct. This structure does not require a permit from the Kentucky Airport Zoning Commission. Save this email for your notice of being out of jurisdiction.

Thank you.

From: Ali Kuzehkanani [mailto:AKuzehkanani@fcclaw.com]
Sent: Thursday, February 14, 2008 2:52 PM
To: Houlihan, John (KYTC)
Cc: Gerald Robinette; Marty Thacker
Subject: RE: 659 - KAZC study request for the proposed LITTLE ASHER site

John:

Thanks for the info. Does KAZC even need to study this structure if the overall height stays at less than 200'?

Regards
Ali

From: Houlihan, John (KYTC) [mailto:John.Houlihan@ky.gov]
Sent: Thursday, February 14, 2008 1:26 PM
To: Ali Kuzehkanani
Subject: FW: 659 - KAZC study request for the proposed LITTLE ASHER site


Ali,

I'm sorry to say this will not be on the March 13, 2008 meeting. The deadline for the March meeting was February 12, 2008. This application will go on the May 8, 2008 meeting agenda. For a listing of 2008 Airport Zoning Meeting/Deadline go to <http://transportation.ky.gov/aviation/kyzoning.htm>

Thank you.

From: KYTC Airport Zoning Comm (KYTC)
Sent: Thursday, February 14, 2008 1:07 PM
To: Houlihan, John (KYTC)
Subject: FW: 659 - KAZC study request for the proposed LITTLE ASHER site

ASR Registration Search

Registration 1263038 [Map Registration](#)**Registration Detail**

Reg Number	1263038	Status	Constructed
File Number	A0597025	Constructed	06/10/2008
FAA Study	2008-ASO-857-OE	EMI	No
FAA Issue Date	04/16/2008	NEPA	No

Antenna Structure

Structure Type TOWER - Free standing or Guyed Structure used for Communications Purposes

Location (in NAD83 Coordinates)

Lat/Long 37-11-59.0 N 083-23-39.6 W 2.9 km SSW of

City, State Dryhill , KY

Center of
AM Array**Heights (meters)**

Elevation of Site Above Mean Sea Level	Overall Height Above Ground (AGL)
426.7	61.0
Overall Height Above Mean Sea Level	Overall Height Above Ground w/o Appurtenances
487.7	54.9

Painting and Lighting Specifications

None

Owner & Contact Information

FRN 0001786607 Licensee ID L00000729

Owner

East Kentucky Network, LLC d/b/a Appalachian Wireless	P: (606)886-6007
101 Technology Trail	E:
Ivel , KY 41642	

Contact

Gist , Pamela L Esq	P: (703)584-8665
1650 Tysons Blvd., Suite 1500	E: 7035848695
McLean , VA 22102	

Last Action Status

Status	Constructed	Received	06/12/2008
Purpose	Notification	Entered	06/12/2008
Mode	Interactive		

Related Applications

06/12/2008	A0597025 - Notification (NT)
04/22/2008	A0591679 - New (NE)

Comments

Comments

None

Automated Letters

04/23/2008

Authorization, Reference

CLOSE WINDOW



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2008-ASO-857-OE

Issued Date: 04/16/2008

Ali Kuzehkanani
East Kentucky Network, LLC
1650 Tysons Boulevard, Suite 1500
McLean, VA 22182

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower Little Asher
Location:	Dryhill, KY
Latitude:	37-11-59.00N NAD 83
Longitude:	83-23-39.60W
Heights:	200 feet above ground level (AGL) 1600 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

While the structure does not constitute a hazard to air navigation, it would be located within or near a military training area and/or route.

This determination expires on 10/16/2009 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will

void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 838-1994. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-ASO-857-OE.

Signature Control No: 561867-102005571

(DNE)

Linda Steele
Technician

Attachment(s)
Frequency Data

Frequency Data for ASN 2008-ASO-857-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W