

EAST KENTUCKY NETWORK
101 TECHNOLOGY TRAIL
IVEL, KY 41642
PHONE: (606) 874-7550
FAX: (606) 874-7551
EMAIL: INFO@EKN.COM
WEBSITE: WWW.EKN.COM



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

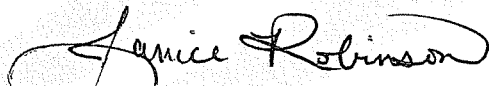
Dear Mr. Gatewood,

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,


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)	CASE NO.
CONVENIENCE AND NECESSITY TO CONSTRUCT)	2008-00088
A TOWER IN JACKSON COUNTY, KENTUCKY)	Down Town McKee

O R D E R

Items 9, 3 & 4

On March 27, 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 170 feet in height, with attached antenna, to be located on a ridge near McKee, Jackson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 25' 54.9" by West Longitude 83° 59' 14.1".

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 170 feet in height, with

attached antenna, and is to be located on a ridge near McKee, Jackson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 25' 54.9" by West Longitude 83° 59' 14.1".

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.

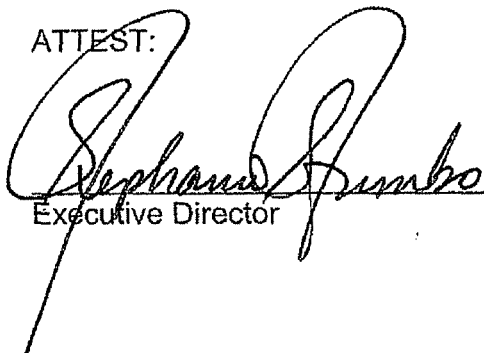
3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

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 2nd day of May, 2008.

By the Commission

ATTEST:


Stephanie Humber
Executive Director



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

Aeronautical Study No.
2008-ASO-1219-OE

Issued Date: 04/07/2008

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 McKee
Location:	McKee, KY
Latitude:	37-25-54.90N NAD 83
Longitude:	83-59-14.10W
Heights:	170 feet above ground level (AGL) 1460 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.

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-1219-OE.

Signature Control No: 565029-101978380

(DNE)

Linda Steele
Technician

Attachment(s)
Frequency Data

Frequency Data for ASN 2008-ASO-1219-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



Antenna Structure Registration

[FCC](#) > [WTB](#) > [ASR](#) > [Online Systems](#) > [ASR Search](#)

[FCC Site Map](#)

ASR Registration Search

Registration 1263783

[? HELP](#)

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[Printable Page](#)
[Reference Copy](#)
[Map Registration](#)

Registration Detail

Reg Number	1263783	Status	Granted
File Number	A0597028	Constructed	
FAA Study	2008-ASO-1219-OE	EMI	No
FAA Issue Date	04/07/2008	NEPA	No

Antenna Structure

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

Location (in NAD83 Coordinates - [Convert to NAD27](#))

Lat/Long 37-25-54.9 N 083-59-14.1 W 0.8 km east of
City, State McKee , KY

Center of
AM Array

Heights (meters)

Elevation of Site Above Mean Sea Level	393.2	Overall Height Above Ground (AGL)	51.8
Overall Height Above Mean Sea Level	445.0	Overall Height Above Ground w/o Appurtenances	45.7

Painting and Lighting Specifications

None

Owner & Contact Information

FRN 0001786607 Licensee ID L00000729

Owner

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

Contact

Gist , Pamela I Esq
1650 Tysons Blvd., Suite 1500
McLean , VA 22102
P: (703)584-8665
E: pgist@fcclaw.com

Last Action Status

Status	Granted	Received	06/12/2008
Purpose	New	Entered	06/12/2008
Mode	Interactive		

Related Applications

06/12/2008 [A0597028](#) - New (NE)

Comments

Comments

None

Automated Letters

06/13/2008 [Authorization](#), Reference

ASR Help

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[TOWAIR](#)- [CORES](#) - [ASR Online Filing](#) - [Application Search](#) - [Registration Search](#)

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By Registration Number

SUBMIT

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Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
[Submit Help Request](#)

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED

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MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

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DAVID A LAFURIA
TODD SLAMOWITZ*
B LYNN F RATNAVALE*
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KATHERINE PATSAS*

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ALI KUZEHKANANI
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OF COUNSEL
LEONARD S KOLSKY*
JOHN CIMKO*
J K HAGE III*
JOHN J MCAVOY*
HON GERALD S MCGOWAN*
TAMARA DAVIS-BROWN*

*NOT ADMITTED IN VA

Writers Direct Dial
(703) 584-8667
akuzehkanani@fcclaw.com

March 7, 2008

Via U.S. Mail

EXPRESS PROCESSING CENTER
Federal Aviation Administration
Southwest Regional Office
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

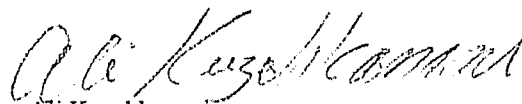
Dear FAA Evaluator:

Enclosed is an FAA Form 7460-1 (Notice of Proposed Construction or Alteration) for a new 170' communications tower structure (150' tower plus 20' antenna) near McKee (Jackson), Kentucky. The site ("McKee") is approximately 0.5 mi (0.8 kilometer) east of the town McKee.

The proponent, East Kentucky Network, LLC, is the licensee for Cellular Block B service in Kentucky 10 - Powell Rural Service Area (KY10B RSA), Market No. 452B. Transmit technology to be employed at this station is CDMA in the Cellular Band B frequency band (880 -890 MHz and 891 - 894 MHz); the maximum ERP is 500 Watts.

Should you have any questions or require additional information, please do not hesitate to call the undersigned at the above identified telephone number.

Sincerely,



Ali Kuzehkanani
Director of Engineering

Enclosure

cc: East Kentucky Network, LLC
Attention: Marty Thacker and Gerald Robinett



Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 200 Mero Street, Frankfort, KY 40622

Kentucky Aeronautical Study Number

APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE

INSTRUCTIONS INCLUDED

1 APPLICANT -- Name, Address, Telephone, Fax, etc

East Kentucky Network, LLC
 c/o Lukas, Nace, Gutierrez & Sachs, Chtd
 1650 Tysons Blvd, Suite 1500
 McLean, VA 22102
 T: 703-584-8667 F: 703-584-8692

9. Latitude: 37 ° 25 ' 54 9 "

10 Longitude: 83 ° 59 ' 14 1 "

11. Datum: NAD83 NAD27 Other _____12 Nearest Kentucky City: Hargett County Jackson13. Nearest Kentucky public use or Military airport:
Madison Airport14 Distance from #13 to Structure: 23.4 miles15 Direction from #13 to Structure: SE16 Site Elevation (AMSL): 1,290.00 Feet17. Total Structure Height (AGL): 170.00 Feet18 Overall Height (#16 + #17) (AMSL): 1,460.00 Feet19. Previous FAA and/or Kentucky Aeronautical Study Number(s):

20 Description of Location: (Attach USGS 7.5 minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey)

Site is located approx 0.5 mi (0.8 km) east of McKee (Jackson), KY

2 Representative of Applicant -- Name, Address, Telephone, Fax

Ali Kuzehkanani
 Lukas, Nace, Gutierrez & Sachs, Chtd
 1650 Tysons Blvd, Suite 1500
 McLean, VA 22102
 T: 703-584-8667 F: 703-584-8692

3 Application for: New Construction Alteration Existing4 Duration: Permanent Temporary (Months _____ Days _____)5 Work Schedule: Start 4/1/2008 End 4/15/20086 Type: Antenna Tower Crane Building Power Line
 Landfill Water Tank Other _____

7 Marking/Painting and/or Lighting Preferred:

- Red Lights and Paint Dual - Red & Medium Intensity White
 White - Medium Intensity Dual - Red & High Intensity White
 White - High Intensity Other _____

8 FAA Aeronautical Study Number: _____

21 Description of Proposal:

The structure will include a 150' tower with top-mounted antennas (overall height of 170' AGL). The ERP will be 500 watts

22 Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration?

No Yes, When March 07, 2008

CERTIFICATION: I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge and belief

Ali Kuzehkanani/ Dir of Engineering

Printed Name and Title

Signature

3/7/2008

Date

PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 183.861 through 183.990) and Kentucky Administrative Regulations (602 KAR 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3). Non-compliance with Federal Aviation Administration Regulations may result in further penalties

Commission Action: Chairman, KAZC Administrator, KAZC Approved Disapproved

Date: _____

Notice of Proposed Construction or Alteration - Off Airport

Project Name: EAST -000089767-08

Sponsor: East Kentucky Network, LLC

Details for Case : McKee

Show Project Summary

Case Status																																																																																	
ASN: 2008-ASO-1219-OE	Date Accepted: 03/07/2008																																																																																
Status: Accepted	Date Determined:																																																																																
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