

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

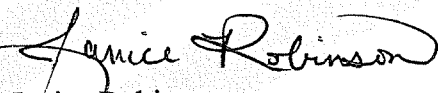
Dear Mr. Gatewood,

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 (Everts)
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

~~Death Year Date~~
09/08
on the air

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 HARLAN COUNTY, KENTUCKY)

CASE NO.
2008-00267

EVARTS
Items 3, 3, 4

O R D E R

On August 4, 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 190 feet in height, with attached antenna, to be located on a tract of land located approximately 0.2 miles south of U.S. 38, east of Evarts in Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 51' 57.7" by West Longitude 83° 11' 11.2".

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 that the Applicant has demonstrated that 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, that 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 190 feet in height, with attached antenna, and is to be located on a tract of land located approximately 0.2 miles south of U.S. 38, east of Evarts in Harlan County, Kentucky. The coordinates for the proposed facility are North Latitude $36^{\circ} 51' 57.7''$ by West Longitude $83^{\circ} 11' 11.2''$.

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.

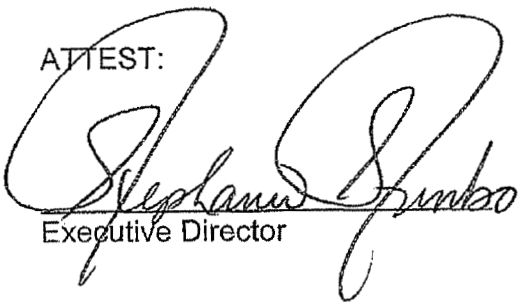
3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

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 12th day of September, 2008.

By the Commission

ATTEST:



Stephanie J. Gumbo
Executive Director

Case No. 2008-00267



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

Aeronautical Study No.
2008-ASO-4095-OE

Issued Date: 09/16/2008

Ali Kuzehkanani
East Kentucky Network, LLC
1650 Tysons Boulevard, Suite 1500
McLean, VA 22102

**** 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 Evarts
Location:	Evarts, KY
Latitude:	36-51-57.70N NAD 83
Longitude:	83-11-11.20W
Heights:	190 feet above ground level (AGL) 2030 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 expires on 03/16/2010 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 (770) 909-4370. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-ASO-4095-OE.

Signature Control No: 587328-103314319

(DNE)

Cesar Perez
Specialist

Attachment(s)
Frequency Data

Frequency Data for ASN 2008-ASO-4095-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 1265241

[? HELP](#)

[New Search](#) [Return to Results](#) [Printable Page](#) [Map Registration](#)

Registration Detail

Reg Number	1265241	Status	Granted
File Number	A0610292	Constructed	
FAA Study	2008-ASO-4095-OE	EMI	No
FAA Issue Date	09/16/2008	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 36-51-57.7 N 083-11-11.2 W 0.3 km South of US-38, east of

City, State Evarts , KY

Center of
AM Array

Heights (meters)

Elevation of Site Above Mean Sea Level	560.8	Overall Height Above Ground (AGL)	57.9
Overall Height Above Mean Sea Level	618.7	Overall Height Above Ground w/o Appurtenances	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
101 Technology Trail
Ivel , KY 41642

P: (606)886-6007
E:

Contact

Gist , Pamela Esq
1650 Tysons Blvd., Suite 1500
McLean , VA 22102

P: (703)584-8665
E: pgist@fccclaw.com

Last Action Status

Status	Granted	Received	09/22/2008
Purpose	New	Entered	09/22/2008
Mode	Interactive		

Related Applications

09/22/2008 [A0610292](#) - New (NE)

Comments

Comments

None

Automated Letters

None

ASR Help

[ASR License Glossary](#) - [FAQ](#) - [Online Help](#) - [Documentation](#) - [Technical Support](#)

ASR Online Systems

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

About ASR

[Privacy Statement](#) - [About ASR](#) - [ASR Home](#)

Registration Search

By Registration Number

[FCC](#) | [Wireless](#) | [ULS](#) | [CORES](#)

[Help](#) | [Tech Support](#)

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

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

Marty Thacker

From: "Ali Kuzehkanani" <AKuzehkanani@fcclaw.com>
To: "Gerald Robinette" <grobinette110@ekn.com>
Cc: "Marty Thacker" <m.thacker@tgtel.com>
Sent: Monday, July 28, 2008 3:46 PM
Subject: FW: 659 - KAZC study request for the proposed Evarts site

From: KYTC Airport Zoning Comm (KYTC) [mailto:KYTC.AirportZoningComm@ky.gov]
Sent: Monday, July 28, 2008 8:47 AM
To: Ali Kuzehkanani
Subject: RE: 659 - KAZC study request for the proposed Evarts site

Ali,

This site does not require a permit from the Kentucky Airport Zoning Commission. The proposed site is located beyond the 20,000 foot horizontal distance from the Harlan Airport and does not exceed 200 feet above ground level. Save this email for your records.

Thank you

John Houlihan
Kentucky Airport Zoning Commission, Administrator

From: Ali Kuzehkanani [mailto:AKuzehkanani@fcclaw.com]
Sent: Thursday, July 24, 2008 2:49 PM
To: KYTC Airport Zoning Comm (KYTC)
Cc: Gerald Robinette; Marty Thacker
Subject: 659 - KAZC study request for the proposed Evarts site

Dear Madam/Sir:

Forwarded herewith in accordance with KRS 183.990 and Chapter 50 of Title 602 of the Kentucky Administrative Regulations, is an "Application for Permit to Construct or Alter a Structure" (Form TC 56-50) for a 190-foot communications support structure (Evarts) proposed near Evarts (Harlan), KY. The site is located approximately 0.2 mi (0.3 kilometers) south of US-38 on the east side of Evarts (Harlan), KY at geographic coordinates (**NAD83**) N 36-51-57.7; W 83-11-11.2.

Attached is a copy of the electronic FAA 7460-1 filing. A copy of the final FAA determination will be provided to you as soon as it is issued.

Please let me know if you have any questions or require any additional information.

Thank you in advance for your help in this matter.

Regards

Ali Kuzehkanani
Director of Engineering
Lukas, Nace, Gutierrez & Sachs
1650 Tysons Boulevard, Suite 1500
McLean, VA 22102
Tel (703) 584-8667