

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

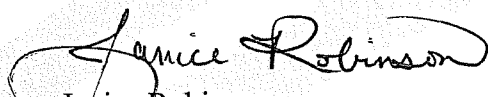
Dear Mr. Gatewood,

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

*On The Air  
8-19-09*

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.  
2008-00319  
*Bear Br*

O R D E R

*(Items 234)  
Page 3)*

On October 20, 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 315 feet in height, with attached antenna, to be located near Bear Branch, Leslie County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 10' 9.3" by West Longitude 83° 31' 53.4".

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. The FAA application has been approved, but the KAZC decision is still 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. On November 7, 2008, the Commission received a letter requesting information regarding the proposed construction from Cecil Sizemore. The Commission responded to Mr. Sizemore's request by letter dated November 10, 2008. The Commission has received no further correspondence from Mr. Sizemore.

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 315 feet in height, with attached antenna, and is to be located near Bear Branch, Leslie County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 10' 9.3" by West Longitude 83° 31' 53.4".

2. The Applicant shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within 10 days of receiving the decision.

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 30<sup>th</sup> day of January, 2009.

By the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director



**KENTUCKY AIRPORT ZONING COMMISSION**

Steven Beshear  
Governor

90 Airport Road, Bldg 400  
Frankfort, KY 40601  
502-564-4480

**CONSTRUCTION/ALTERATION STATUS REPORT**

November 14, 2008

AERONAUTICAL STUDY NUMBER: AS-066-K20-2008-134

EAST KENTUCKY NETWORK, LLC  
MR LEROY A. ADAM  
C/O Lukas, Nace, Gutierrez, & Sachs, Chartered|1650 Tyson Blvd., Suite 1500  
MCLEAN, VA 22102

This concerns the permit which was issued to you by the Kentucky Airport Zoning Commission on November 14, 2008. This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within the said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit. When appropriate, please indicate the status of the project in the place below and return this letter to John Houlihan, Administrator, Kentucky Airport Zoning Commission, 90 Airport Road, Bldg 400, Frankfort, KY, 40601. 502-564-0310

STRUCTURE: Antenna Tower  
LOCATION: Bear Branch, KY  
COORDINATES: 37° 10' 9.3" N / 83° 31' 53.4" W  
HEIGHT: 315' AGL /1695' AMSL

**CONSTRUCTION/ALTERATION STATUS**

1. The project ( ) is abandoned. ( ) is not abandoned.

2. Construction status is as follows:

Structure reached its greatest height of \_\_\_\_\_ ft. AGL  
\_\_\_\_\_ ft. AMSL on \_\_\_\_\_ (date).

Date construction was completed. \_\_\_\_\_

Type of obstruction marking/painting. \_\_\_\_\_

Type of obstruction lighting. \_\_\_\_\_

As built coordinates. \_\_\_\_\_

Miscellaneous Information. \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE/TITLE \_\_\_\_\_



Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 200 Mero Street, Frankfort, KY 40622 <b>APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE</b> INSTRUCTIONS INCLUDED	Kentucky Aeronautical Study Number
---	------------------------------------

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: <u>37</u> ° <u>10</u> ' <u>09</u> " <u>3</u> " 10. Longitude: <u>83</u> ° <u>31</u> ' <u>53</u> " <u>4</u> " 11. Datum: <input checked="" type="checkbox"/> NAD83 <input type="checkbox"/> NAD27 <input type="checkbox"/> Other _____ 12. Nearest Kentucky City: <u>Bear Branch</u> County <u>Leslie</u> ✓ 13. Nearest Kentucky public use or Military airport: <u>Wendell H Ford</u> 14. Distance from #13 to Structure: <u>21.2</u> mi 15. Direction from #13 to Structure: <u>SW</u> 16. Site Elevation (AMSL): <u>1,380.00</u> Feet 17. Total Structure Height (AGL): <u>315.00</u> Feet 18. Overall Height (#16 + #17) (AMSL): <u>1,695.00</u> Feet 19. 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 1.0 mi (1.6 km) ENE of Bear Branch (Leslie), 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: <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing 4. Duration: <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Months _____ Days _____) 5. Work Schedule: Start <u>7/1/2008</u> End <u>7/15/2008</u> 6. Type: <input checked="" type="checkbox"/> Antenna Tower <input type="checkbox"/> Crane <input type="checkbox"/> Building <input type="checkbox"/> Power Line <input type="checkbox"/> Landfill <input type="checkbox"/> Water Tank <input type="checkbox"/> Other _____ 7. Marking/Painting and/or Lighting Preferred: <input type="checkbox"/> Red Lights and Paint <input checked="" type="checkbox"/> Dual - Red & Medium Intensity White <input type="checkbox"/> White - Medium Intensity <input type="checkbox"/> Dual - Red & High Intensity White <input type="checkbox"/> White - High Intensity <input type="checkbox"/> Other _____ 8. FAA Aeronautical Study Number _____	

21. Description of Proposal:  
 The structure will include a 300' tower with top-mounted antennas (overall height of 315' 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 June 19, 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 Ali Kuzehkanani 6/19/2008  
 Printed Name and Title Signature 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:**

Approved  Disapproved

Chairman, KAZC  Administrator, KAZC

Date 11-14-08



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# Antenna Structure Registration

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## Registration 1267268

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### Registration Detail

Reg Number	1267268	Status	Constructed
File Number	A0621383	Constructed	02/17/2009
FAA Study	2008-ASO-3429-OE	EMI	No
FAA Issue Date	09/23/2008	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 37-10-09.3 N 083-31-53.4 W 1.6 km ENE of  
 City, State Bear Branch , KY  
 Center of AM Array

### Heights (meters)

Elevation of Site Above Mean Sea Level	Overall Height Above Ground (AGL)
420.6	96.0
Overall Height Above Mean Sea Level	Overall Height Above Ground w/o Appurtenances
516.6	91.4

### Painting and Lighting Specifications

FAA Chapters 4, 8, 12  
 Paint and Light in Accordance with FAA Circular Number [70/7460-1K](#)

### 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 L Esq  
 1650 Tysons Blvd., Suite 1500  
 McLean , VA 22102  
 P: (703)584-8665  
 E: [pgist@fccclaw.com](mailto:pgist@fccclaw.com)

### Last Action Status

Status	Constructed	Received	02/17/2009
Purpose	Notification	Entered	02/17/2009

Mode                    Interactive

**Related Applications**

- 02/17/2009      [A0621380](#) - New (NE)
- 02/17/2009      [A0621383](#) - Notification (NT)

**Comments**

**Comments**

None

**Automated Letters**

- 02/18/2009      [Authorization](#), Reference

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

Phone: 1-877-480-3201  
TTY: 1-717-338-2824  
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