

McBRAYER, McGINNIS, LESLIE & KIRKLAND, PLLC  
ATTORNEYS-AT-LAW

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W. BRENT RICE  
[brice@mmlk.com](mailto:brice@mmlk.com)

201 E. Main Street, Suite 1000  
Lexington, Kentucky 40507  
(859) 231-8780  
FAX (859) 231-6518

October 21, 2009

Mr. Jeff Derouen, Executive Director  
Public Service Commission  
PO Box 615  
211 Sower Blvd.  
Frankfort, KY 40602-0615

RECEIVED  
OCT 22 2009  
PUBLIC SERVICE  
COMMISSION

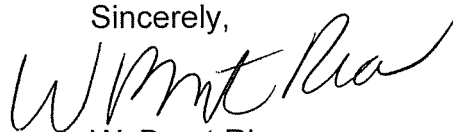
RE: **PSC Case No. 2009-00006**  
**(The "9LV1109/Rough 1" Facility)**

Dear Mr. Derouen:

Enclosed please find six (6) copies each of the FAA and KAZC determinations for the above-referenced case before the Commission. Please file same with the Commission at your earliest convenience.

Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice  
Counsel for Powertel/Memphis, Inc.

WBR/dkw  
Enclosures

cc: Mr. and Mrs. James August Henning, Intervenors



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.

T-Mobile USA  
Attn:Ken Bischoff  
11509 Commonwealth Drive  
Louisville, KY 40299

9. Latitude: 37 ° 38 ' 36 . 32 "

10. Longitude: 86 ° 27 ' 59 . 58 "

11. Datum:  NAD83  NAD27  Other \_\_\_\_\_

12. Nearest Kentucky City: Hardinsburg County Breckinridge

13. Nearest Kentucky public use or Military airport:  
213: Rough River State Park

14. Distance from #13 to Structure: 15539 ft

15. Direction from #13 to Structure: 223.74 degrees

16. Site Elevation (AMSL): 667.00 Feet

17. Total Structure Height (AGL): 260.00 Feet

18. Overall Height (#16 + #17) (AMSL): 927.00 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)

Leo Bowlds Road, Hardinsburg, KY 40143

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

T-Mobile USA  
Attn:Kevin Blewitt  
11509 Commonwealth Drive  
Louisville, KY 40299  
Phone: (502) 297-6207, Fax (502) 297-6251

3. Application for:  New Construction  Alteration  Existing

4. Duration:  Permanent  Temporary (Months \_\_\_\_\_ Days \_\_\_\_\_)

5. Work Schedule: Start 1/1/2009 End 3/31/2009

6. 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: T-MOB-000108637-08

21. Description of Proposal:

Erection of a 250' tower with a 10' lightning arrestor.

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

No  Yes, When December 03, 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.

Kevin Blewitt, Senior RF Engineer

Printed Name and Title

Signature

12/3/2008

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**

<b>Project Name:</b> T-MOB-000108637-08	<b>Sponsor:</b> T-Mobile
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**Details for Case : 9LV1109A Rough 1**

Show Project Summary

<b>Case Status</b>																																																																																	
<b>ASN:</b> 2008-ASO-6499-OE	<b>Date Accepted:</b> 12/03/2008																																																																																
<b>Status:</b> Accepted	<b>Date Determined:</b>																																																																																
	<b>Letters:</b> None																																																																																
	<b>Documents:</b> None																																																																																
<b>Construction / Alteration Information</b>	<b>Structure Summary</b>																																																																																
<b>Notice Of:</b> Construction	<b>Structure Type:</b> Antenna Tower																																																																																
<b>Duration:</b> Permanent	<b>Structure Name:</b> 9LV1109A Rough 1																																																																																
<i>if Temporary :</i> Months: Days:	<b>FCC Number:</b>																																																																																
<b>Work Schedule - Start:</b> 01/01/2009	<b>Prior ASN:</b>																																																																																
<b>Work Schedule - End:</b> 03/31/2009																																																																																	
<b>State Filing:</b> Filed with State																																																																																	
<b>Structure Details</b>	<b>Common Frequency Bands</b>																																																																																
<b>Latitude:</b> 37° 38' 36.32" N	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Low Freq</th> <th>High Freq</th> <th>Freq Unit</th> <th>ERP</th> <th>ERP Unit</th> </tr> </thead> <tbody> <tr><td>806</td><td>824</td><td>MHz</td><td>500</td><td>W</td></tr> <tr><td>824</td><td>849</td><td>MHz</td><td>500</td><td>W</td></tr> <tr><td>851</td><td>866</td><td>MHz</td><td>500</td><td>W</td></tr> <tr><td>869</td><td>894</td><td>MHz</td><td>500</td><td>W</td></tr> <tr><td>896</td><td>901</td><td>MHz</td><td>500</td><td>W</td></tr> <tr><td>901</td><td>902</td><td>MHz</td><td>7</td><td>W</td></tr> <tr><td>930</td><td>931</td><td>MHz</td><td>3500</td><td>W</td></tr> <tr><td>931</td><td>932</td><td>MHz</td><td>3500</td><td>W</td></tr> <tr><td>932</td><td>932.5</td><td>MHz</td><td>17</td><td>dBW</td></tr> <tr><td>935</td><td>940</td><td>MHz</td><td>1000</td><td>W</td></tr> <tr><td>940</td><td>941</td><td>MHz</td><td>3500</td><td>W</td></tr> <tr><td>1850</td><td>1910</td><td>MHz</td><td>1640</td><td>W</td></tr> <tr><td>1930</td><td>1990</td><td>MHz</td><td>1640</td><td>W</td></tr> <tr><td>2305</td><td>2310</td><td>MHz</td><td>2000</td><td>W</td></tr> <tr><td>2345</td><td>2360</td><td>MHz</td><td>2000</td><td>W</td></tr> </tbody> </table>	Low Freq	High Freq	Freq 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
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<b>Horizontal Datum:</b> NAD83																																																																																	
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<b>Structure Height (AGL):</b> 260 (nearest foot)																																																																																	
<b>Requested Marking/Lighting:</b> Dual-red and medium intensity																																																																																	
<i>Other :</i>																																																																																	
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<b>Nearest City:</b> Parkway Village																																																																																	
<b>Nearest State:</b> Kentucky																																																																																	
<b>Description of Location:</b> Rural Area.	<b>Specific Frequencies</b>																																																																																
<b>Description of Proposal:</b> Proposing a 250' self support tower with a 10' lightning arrestor.																																																																																	



Land Surveyors and Consulting Engineers

Formerly F.S. Land & T. Alan Neal Companies

T-MOBILE

Date: October 29, 2008

T-Mobile  
Attn: Hamlet Hope  
11509 Commonwealth Drive  
Louisville, Ky. 40299

Re: FAA "2-C" Letter  
T-Mobile/Louisville PCS Site Name: Rough 1  
T-Mobile/Louisville PCS Site No.: 9LV1109A  
Property Owner: Gahagan, Rob and Philippa  
T-Mobile /Louisville PCS Site Locale: Leo Bowlds Rd., Hardinsburg, KY 40143  
FSTAN Project No: 08-5689

Dear Hamlet,

This is to advise you that we have conducted a Global Positioning System (GPS) Observation for this project in order to establish a geographical position and elevation for the proposed antenna at this location.

The base station used for the GPS observation is described as follows: Station designated "Buckler" and stamped "Buckler 1950", in Grayson, KY.

Horizontal values are based upon the following datum: NAD 83  
Vertical values are based upon the following datum: NGVD 29

Geographic Coordinates of the Self-Support Tower are as follows:

LATITUDE: 37° 38' 36.32" NORTH LONGITUDE: 86° 27' 59.98" WEST

Ground elevation at the site is 667 FEET (AMSL)  
Height of proposed monopole is 250 FEET (AGL)  
Height of proposed lightning arrestor is 260 FEET (AGL)  
Overall height elevation is 927 FEET (AMSL)

The accuracy of the above stated "Self-Support Tower" values meet or exceed "2-C" accuracy as required by the Federal Aviation Administration (horizontal accuracy ± 50 feet, vertical accuracy ± 20 feet).

Kentucky State Plane Coordinates (Southern Zone) were established with Trimble Global Positioning Systems (GPS) receivers. This site has ties to the National Geodetic Reference System established by the National Geodetic Survey, formerly the U.S. Coast & Geodetic Survey by measurements to PID Station "HA1474".

If you have any questions concerning this information please contact us at any time.

Sincerely,

STATE OF KENTUCKY  
FRANK L. SELLINGER  
#3282  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR

CONSULTANT

Frank L. Sellinger, PLS No. 3282  
FStan Land Surveyors and Consulting Engineers  
2315 Crittenden Drive, Louisville, Ky. 40217  
Phone: 502-635-5866 Fax: 502-636-5263





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

Aeronautical Study No.  
 2008-ASO-6499-OE

Issued Date: 02/20/2009

Ken Bischoff  
 T-Mobile  
 11509 Commonwealth Drive, Suite 9  
 Louisville, KY 40299

**\*\* 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 9LV1109A Rough 1  
 Location: Parkway Village, KY  
 Latitude: 37-38-36.32N NAD 83  
 Longitude: 86-27-59.58W  
 Heights: 260 feet above ground level (AGL)  
 927 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

See attachment for additional condition(s) or information.

This determination expires on 08/20/2010 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 subject to review if an interested party files a petition that is received by the FAA on or before March 22, 2009. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace and Rules Division - Room 423, Federal Aviation Administration, 800 Independence Ave., Washington, D.C. 20591.

This determination becomes final on April 01, 2009 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Office of Airspace and Rules via telephone -- 202-267-8783 - or facsimile 202-267-9328.

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.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

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 Fred Souchet, at (847)294-7458. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-ASO-6499-OE.

**Signature Control No: 608395-108359392**

Kevin P. Haggerty

Manager, Obstruction Evaluation Service

( DNH )

Attachment(s)  
Additional Information  
Frequency Data  
Map(s)



### **Additional information for ASN 2008-ASO-6499-OE**

This proposed 260 ft. Antenna Tower would be located approximately 2.79 nautical miles northeast of the 2I3 Airport. It would exceed the obstruction standards of Title 14, Code of Federal Regulations, Part 77:

Section 77.23(a)(2) by 60 feet - a height that exceeds a specified height within three miles of the airport reference point, as applied to 2I3.

The proposal was not circularized to the public for comments, as circularization is not required for structures that would exceed the above-cited standard and would be located outside the traffic pattern airspace. This does not affect the public's right to petition for review determinations regarding structures, which meet this criterion.

The proposed structure is located outside and/or below the traffic pattern airspace for all categories of aircraft that would normally utilize 2I3.

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival, departure, or en route instrument flight rule (IFR) operations or procedures.

Study for possible visual flight rules (VFR) effect disclosed that the proposed structure would have no effect on any existing or proposed arrival or departure VFR operations or procedures. It would not conflict with airspace required to conduct normal VFR traffic pattern operations at 2I3 or any other known public use or military airports.

At 260 ft. AGL, the proposed structure would not have a substantial adverse effect on VFR en route flight operations. The proposed structure would be appropriately obstruction marked and/or lighted to make it more conspicuous to airmen should circumnavigation be necessary.

Therefore, it is determined that the proposed tower would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

Frequency Data for ASN 2008-ASO-6499-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
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1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

TOPO Map for ASN 2008-ASO-6499-OE

