

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

RECEIVED

SEP 24 2009

**PUBLIC SERVICE
COMMISSION**

IN RE: CASE NO. 2009-00064
APPLICANT: EAST KENTUCKY NETWORK, LLC, d/b/a APPALACHIAN
WIRELESS
INTERVENOR: LEE ETTA CUMMINGS

NOTICE OF FILING OF EXHIBITS LIST

Comes the Intervenor, Lee Etta Cummings, and, in compliance with the Order entered herein on September 9, 2009, files in the record herein the following list of exhibits Intervenor plans to introduce at the hearing of this matter:

Lee Etta Cummings' Deed to 50% of 42-acre parcel adjacent to tower (the Fields/Cummings parcel).

Lee Etta Cummings' Deed to 100% interest in parcel adjacent to tower site (the Cummings parcel).

Vance Mosely appraisals for 2001 and 2009 of Fields/Cummings parcel.

Topo map showing Whitesburg seam (attached).

Topo map showing Hazard No. 4 seam (attached).

30 photos entered as exhibit into Commission records at informal conference on April 23, 2009.

Map of alternate tower locations prepared by Sapphire Coal and submitted by Intervenor on May 27, 2009.

Letter dated May 27, 2009, from Schroder, President of Sapphire Coal, to Robinette, General Manager of Eastern Kentucky Network, submitted into

Commission's records by letter dated May 29, 2009.

June 18, 2009, letter from Troublesome Creek Gas to Lee Etta Cummings, submitted into Commission's record by letter dated June 19, 2009.

Michael E. Cornett's road construction bid dated June 18, 2009, submitted into Commission's record by letter dated June 19, 2009.

Letter dated August 19, 2009, from Duane Lester of Quality Natural Gas to Lee Etta Cummings.

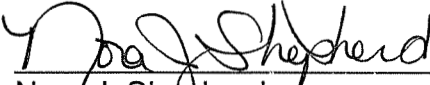
Lee Etta Cumming's Right-of-Way Agreement with Quality Natural Gas dated 12/11/07 (submitted with Ms. Cummings' prefiled testimony).

Lee Etta Cumming's Lease with Sapphire Coal dated August, 2009 (submitted with Webb's prefiled testimony).

Photos taken by Lee Etta Cummings in September of 2009 and showing current state of EKN's proposed tower site; terrain of Alternate Tower Site #1; and an existing cellular tower in Letcher County (attached).

Certified copy of site map for proposed federal prison site prepared by Summit Engineering and dated August 9, 2009 (attached).

SWORD, FLOYD & MOODY, PLLC

BY: 
Nora J. Shepherd
Counsel for Intervenor

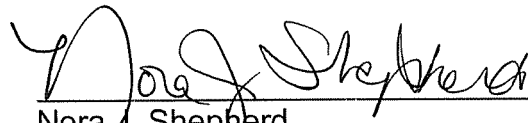
ADDRESS: 218 West Main Street
P. O. Box 300
Richmond, KY 40476-0300
859-623-3728
859-623-4224 fax

CERTIFICATE OF SERVICE

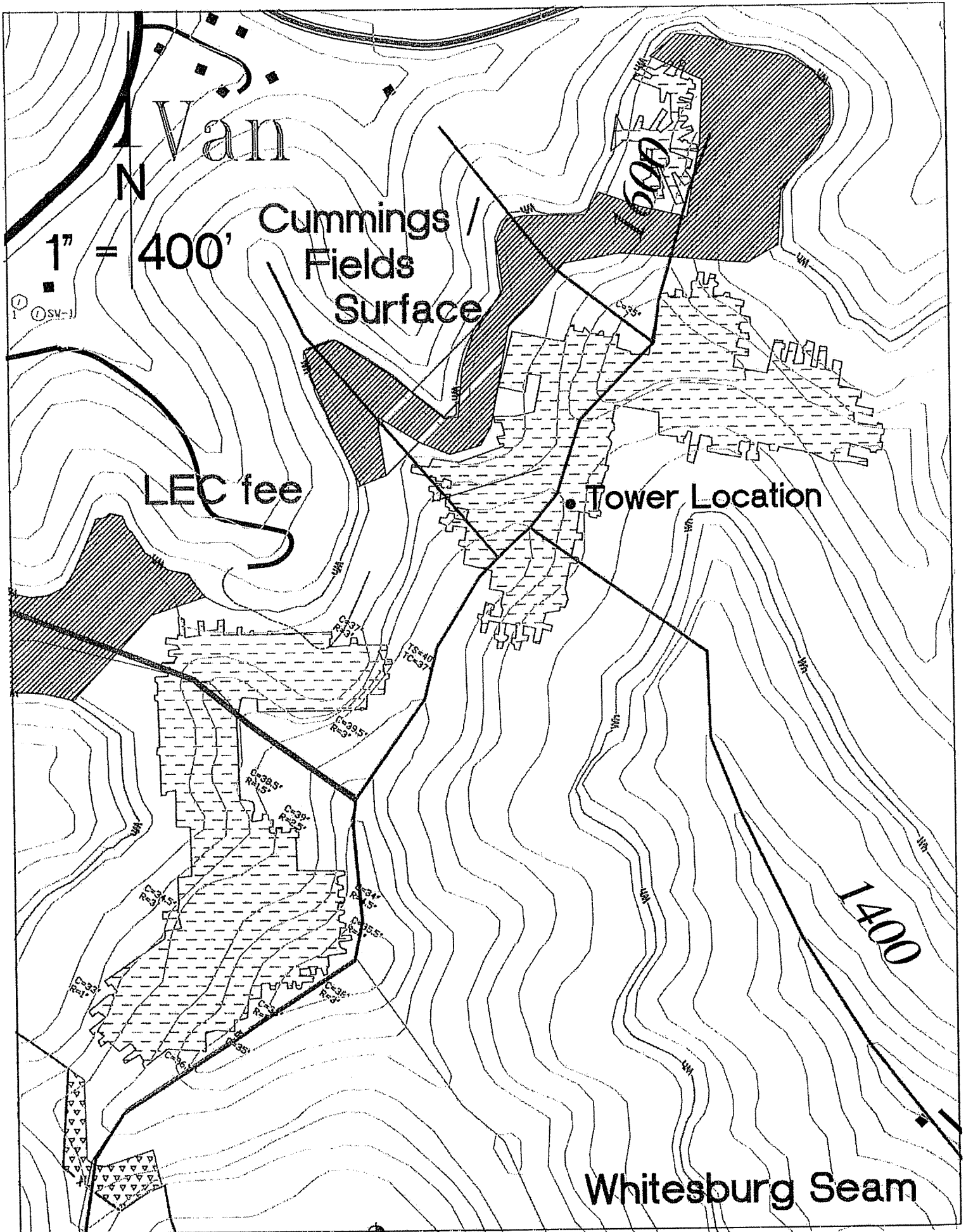
This is to certify that a true and correct copy of the foregoing Notice of Filing of Exhibits List was served upon the following on this the 21st day of September, 2009:

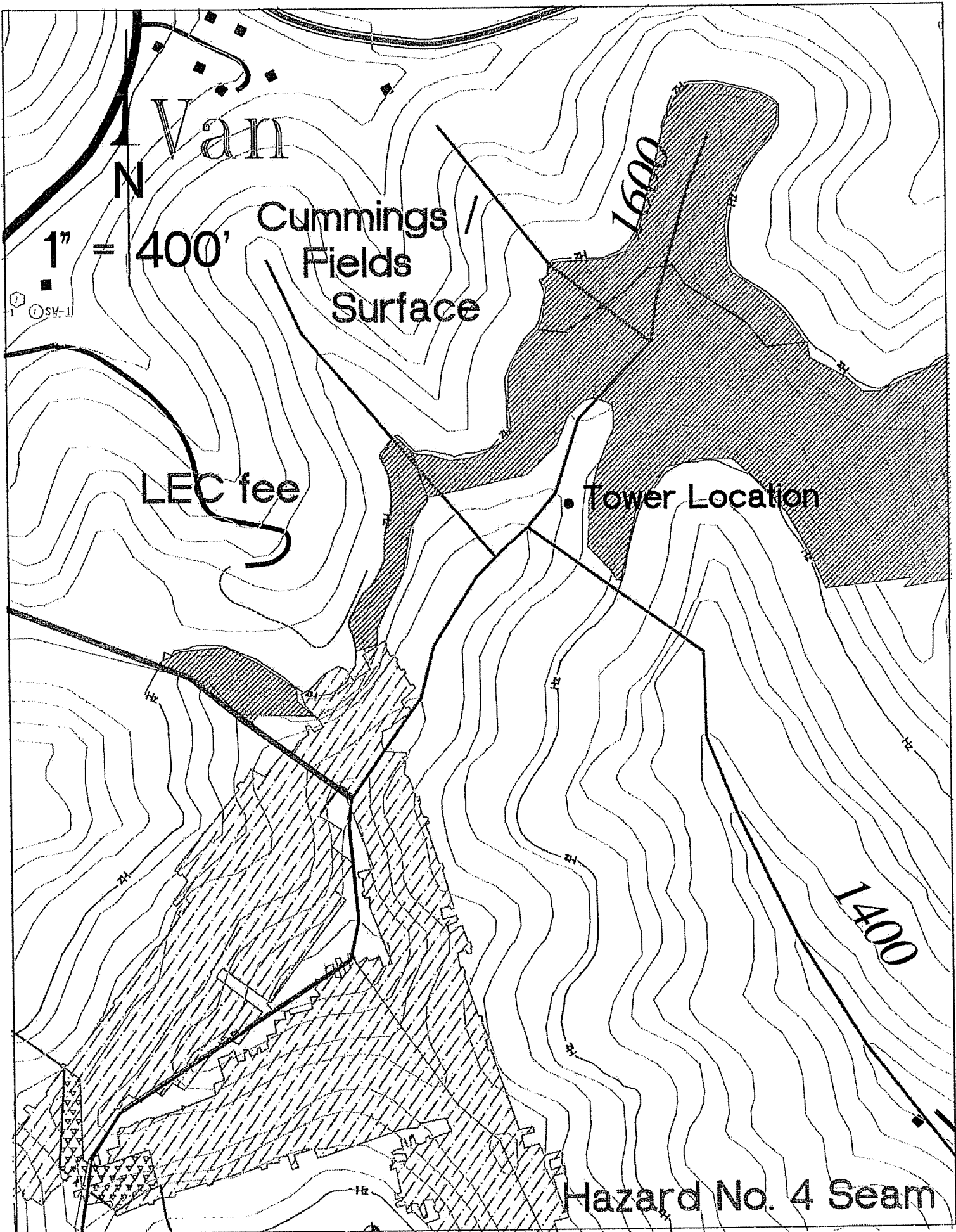
William S. Kendrick
P. O. Box 268
Prestonsburg, KY 41653
Counsel for Applicant

Allyson Honaker
Counsel for Public Service Commission
211 Sower Blvd
Frankfort, KY 40602



Nora J. Shepherd





Van



1" = 400'

Cummings /
Fields
Surface

LEC fee

• Tower Location

1600

1400

Hazard No. 4 Seam

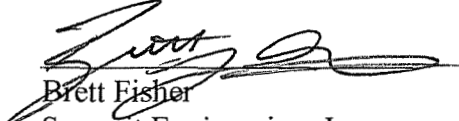
CERTIFICATION AS TO BUSINESS AND OTHER REGULAR RECORDS

Comes the Affiant, Brett Fisher, and after being first duly sworn, states as follows:

1. I am employed by Summit Engineering, Inc. and was directed by the Letcher Planning Commission to draw a map for the Federal Prison Board Committee that would illustrate the Van site proposed layout for the Federal Prison project.
2. On or about 8-9-09, I was personally involved in completing the map.
3. On or about 9-17-09, I made a copy of the map available to Lee Etta Cummings.
4. The attached map document is a true and accurate copy of the document that was submitted to the Letcher Planning Commission to share with the Federal Prison Board Committee.
5. The attached map was developed by Summit Engineering and is kept in the course of the regularly conducted business activity of Summit Engineering.

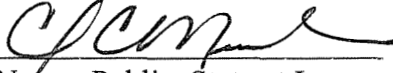
VERIFICATION

I hereby verify that the map is true and accurate copy to the best of my knowledge and belief.


Brett Fisher
Summit Engineering, Inc.

State of Kentucky
County of Fayette

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by Brett Fisher, to me known, on this the 23 day of September, 2009.


Notary Public, State at Large

My Commission Expires: June 11, 2011

