

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

IN RE: CASE NO. 2009-00064

APPLICANT: EAST KENTUCKY NETWORK, LLC d/b/a APPALACHIAN WIRELESS

INTERVENOR: LEE ETTA CUMMINGS

RECEIVED

DEC 21 2009

PUBLIC SERVICE
COMMISSION

NOTICE OF FILING OF ADDITIONAL AFFIDAVIT OF J.W. CAUDILL
IN SUPPORT OF APPLICANT'S MOTION TO STRIKE

Comes the Applicant, East Kentucky Network, LLC d/b/a Appalachian Wireless ("EKN"), by counsel, and files herewith the Affidavit of J.W. Caudill, RLS, and PE, a copy of which is attached hereto and made a part hereof as Exhibit "E" to said Motion of the Applicant to strike portions of the testimony of the witness, Fred Webb, which Motion was filed herein on or about December 11, 2009.

Respectfully submitted,

FRANCIS, KENDRICK & FRANCIS



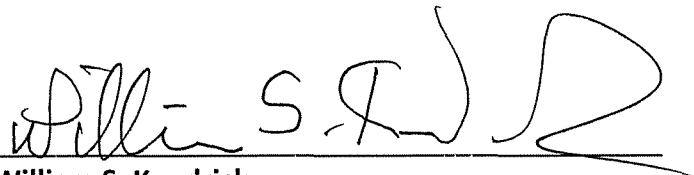
William S. Kendrick
Counsel for Applicant
311 North Arnold Avenue
P.O. Box 268
Prestonsburg, Kentucky 41653
606/886-2812 - Telephone
606/886-8833 - Fax

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion was served upon the following on this 16th day of December, 2009:

Hon. Nora J. Shepherd
P.O. Box 300
Richmond, Kentucky 40476-0300

Hon. Allyson Honaker
Counsel for Public Service Commission
211 Sower Blvd.
Frankfort, Kentucky 40602



William S. Kendrick

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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APPLICANT: EAST KENTUCKY NETWORK, LLC d/b/a APPALACHIAN
WIRELESS

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AFFIDAVIT OF JAMES W. CAUDILL

My name is James W. Caudill. I have previously given written testimony and testified live at the hearing held on October 6, 2009.

I prepared the map dated the 10th day of December, 2009, attached as Exhibit "A" to the Motion and Affidavit to Strike herein filed by Hon. William S. Kendrick on behalf of EKN and prepared such map at his request.

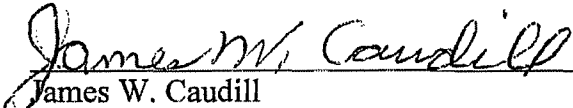
The latitude and longitude of Alternate Site #1 is shown on the map of December 10th, Exhibit "A", and was taken from Sapphire Coal Company's Alternate Site #1 map. Exhibit 9 of my testimony in this matter, supplied to me by Mr. Fred Webb, is a map of Sapphire Coal Company's mine plan, and the previous mining in the said Hazard No. 4 seam (deep mining). The scale on this map is 1" = 400 ft. On this map, the mine pillars, entries and other details of the coal mine are not shown. An outline of the mine area is shown. There is a large barrier block (or pillar) shown on the map that is located south or southwest of Alternate Site #1. Only a small corner of this barrier block is located on Cummings Property, about 60' x 60'. It may be possible to construct a tower on a site this size if it were flat, but due to shape and topography of the surface on this corner of land, a site adequate for construction of a tower could not be created (keeping the tower over solid coal) without use of the adjacent property which is owned by others.

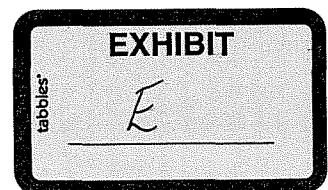
I recall no mention of the 150' block of coal being located under Alternate Site #1 prior to the hearing. I know of no map that depicts a 150' block of coal underneath the Alternate Site #1 that can be actually be seen on such maps.

The information that appears in red at Exhibit "A" is added by me.

The foregoing is correct to the best of my information, knowledge and belief.

Further the Affiant sayeth naught, this 15th day of December, 2009.


James W. Caudill



STATE OF KENTUCKY
COUNTY OF Floyd

Subscribed and sworn to before me by the Affiant, James W. Caudill, this 16th day
of December, 2009.

Linda B. Francis
NOTARY PUBLIC
COMMISSION EXPIRES: 7-6-2013

FRANCIS, KENDRICK & FRANCIS

BY: William S. Kendrick

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