

LAW OFFICES
COMBS & ISAAC
199 NORTH LAKE DRIVE
PRESTONSBURG, KENTUCKY 41653

ATTORNEYS
JAMES A. COMBS
GREGORY A. ISAAC

TELEPHONES
(606) 886-2391

FACSIMILE
(606) 886-2776

April 14, 2009

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PUBLIC SERVICE
COMMISSION

Kentucky Public Service Commission
Executive Director
211 Sower Boulevard
P.O. Box 615
Frankfort, Ky. 40602

RE: Case Number 2009-00114
Certified Letter No. 7008 1300 0000 2058 0709

Dear Director:

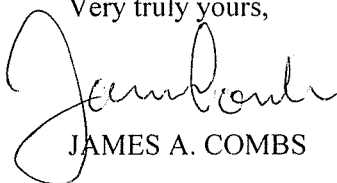
Our firm represents CONSOL of Kentucky Inc. in regard to the above referenced Case Number and Public Notice by New Cingular Wireless PCS, LLC of its proposed construction of a 300' tower and related facilities at 251 Babe Bolen Drive on Sycamore Fork of Rock Fork of Right Beaver Creek in Knott County, Kentucky. CONSOL owns all of the coal and most of the surface on Sycamore Fork. Some of the seams of coal on Sycamore Fork have already been mined.

CONSOL protests the proposed construction and requests an intervention in relation to Cingular's application for a certificate for the following reasons:

- (1) Cingular has made no contract with CONSOL concerning the proposed construction nor has Cingular requested access to CONSOL property.
- (2) The proposed facility will isolate and leave unmined coal reserves owned by CONSOL.
- (3) The proposed facility may be located over existing underground mine workings which would create a subsidence problem for the tower.
- (4) Cingular maybe purposing facilities on surface owned by CONSOL.

CONSOL would prefer to work with Cingular to resolve any issues raised by their proposed construction and we request that they contract us for that purpose.

Very truly yours,


JAMES A. COMBS

cc: James Childers
CONSOL of Kentucky Inc.
P.O. Box 130
Mousie, Ky. 41839

Todd Briggs
Attorney at Law
17300 Polo Fields Lane
Louisville, Ky. 40245

consol (let #8 mb)