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May 15, 2009

Mr. Sean Sheffer
Planning Director
100 West Main Street
P.O. Box 1
Morganfield, Kentucky 42437

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: Case No. 2009-00160
Application of New Cingular Wireless PCS, LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at 11096 State Route 109, Sturgis, Union County, Kentucky 42459. Site name: Sturgis DT

Dear Mr. Sheffer:

The Kentucky Public Service Commission ("PSC") requests your assistance in clarifying a cell tower siting issue in Union County. The PSC is a state government agency which regulates more than 1,500 gas, water, sewer, electric and telecommunication utilities operating in Kentucky. The Commission's jurisdiction to approve the siting of cell towers is set forth in KRS 278.650 to KRS 278.665.

On April 27, 2009, the PSC received an application from New Cingular Wireless PCS, LLC ("New Cingular") seeking approval for the construction of a cell tower in Union County. Specifically, New Cingular seeks to construct the tower at 11096 State Route 109, Sturgis, Kentucky 42459.

As of the date of this letter, the PSC has not acted upon New Cingular's request. Prior to rendering a decision on the application, the PSC must verify the jurisdiction of the Union County planning commission. The PSC currently understands that Union County has a planning commission with twelve commissioners. The PSC needs clarification on the following issues:

1. Please describe the geographical scope of the Union County planning commission's jurisdiction (i.e. county-wide or limited to certain areas of the county only).

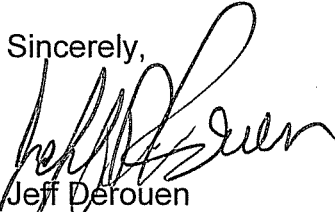
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2. Please state whether the Union County planning commission has adopted planning and zoning regulations in accordance with KRS Chapter 100.
3. Please state whether 11096 State Route 109, Sturgis, Kentucky site falls under the jurisdiction of the Union County planning commission.
4. Please advise whether the Union County planning commission has previously refused to accept or act upon any cell tower siting applications filed pursuant to KRS 100.985 to KRS 100.987.

Your answers to these questions will allow the PSC to better determine how to address New Cingular's application. The PSC would appreciate a written response from your office by June 12, 2009. You may send your response to my attention and please include New Cingular's case number, 2009-00160, in your correspondence.

Thank you for your assistance with this matter. If you have any questions or concerns, you may contact Tiffany Bowman at (502) 564-3940, ext. 465 or TiffanyJ.Bowman@ky.gov.

Sincerely,



Jeff Derouen
Executive Director

TB/tb

cc: Parties of Record
Main Case File No. 2009-00160
Hon. Tommy Holt, Mayor, Sturgis, Kentucky
Hon. Jody Jenkins, County Judge Executive, Union County