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November 20, 2009

PARTIES OF RECORD

RE: **Case No. 2009-00160**

Enclosed is the memorandum that has been filed in the record of the above-referenced case. Any comments regarding this memorandum's content should be submitted to the Commission, in writing, within seven (7) days of receipt of this letter.

Questions regarding this memorandum should be directed to Tiffany Bowman at (502) 564-3940, extension 465 or by e-mail at TiffanyJ.Bowman@ky.gov.

Sincerely,


Jeff R. Derouen
Executive Director

JD/tjb

enc.

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File – Case No. 2009-00160

FROM: Tiffany Bowman
Commission Staff Attorney

DATE: November 20, 2009

SUBJECT: Informal Conference Memorandum

An informal conference (“IC”) was held in this matter on November 17, 2009. The purpose of the IC was to discuss the Commission’s Order of Abeyance issued for this proceeding. The following persons were attendance to the IC:

Todd Briggs	Counsel to New Cingular (by phone)
David Samford	Commission Deputy Executive Director
Tiffany Bowman	Commission Staff (Legal Division)
Eric Bowman	Commission Staff (Telecom Engineering Division)

During the conference, New Cingular discussed the information provided by the Union County Planning Commission referring to the scope of that commission’s jurisdiction. New Cingular noted that the Union County Commission believes it does not have county-wide zoning jurisdiction due to an explicit determination by the Union County Fiscal Court that no such jurisdiction would be exerted.

Commission Staff stated that the Commission’s Abeyance Order remains in effect. The Abeyance can only be lifted by the issuance of another Commission Order dissolving it. Commission Staff and New Cingular discussed the status of the Commission’s Motion for Discretionary Review, as filed before the KY Supreme Court.

Commission and New Cingular discussed the background of the Union Commission. Commission Staff discussed whether the Union Fiscal Court is a “county-wide” unit and whether its pronouncement that there will not be any zoning beyond the municipal borders of certain cities would eliminate any Shadoan cell tower issues. Commission Staff asked if the Union Commission was established by the Union Fiscal Court or whether the individual cities established their own Commission for the purposes of addressing planning needs (and whether that formation/division of power has stayed the same since the Union Planning Commission was initially formed during the 1970’s). Commission Staff stated that, at this point, there is no detail or specific evidence in the record firmly answering that question. New Cingular stated that it would look into these issues further.

The conference then adjourned.