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PUBLIC SERVICE
COMMISSION

Writers Direct:
Phone: (859) 426-2151
Fax: (859) 341-4879
E-mail: phughes@dbllaw.com

October 9, 2009

Public Service Commission
Attn: Thomas M. Dorman
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

Re: Filing Deficiencies - Docket No. 2009-261
Site #1331

Dear Mr. Dorman:

Please find enclosed for filing ten (10) copies of the following referenced in your letter of October 2, 2009, regarding deficiencies in the Application:

1. Application to the KAZC;
2. Letters to property owners;
3. Letter to County Judge-Executive; and
4. Newspaper ad.

Thank you for your assistance in this matter. If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,

Patrick R. Hughes

PRH/rmc
Enclosures

208756v1

Dressman Benzinger LaVelle psc
Attorneys at Law

1

Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 200 Mero Street, Frankfort, KY 40622
APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE
INSTRUCTIONS INCLUDED

Kentucky Aeronautical Study Number

1. APPLICANT -- Name, Address, Telephone, Fax, etc.

Hemphill, LLC
1350 No. Louisville Ave
Tulsa OK 74115
ATTN: Jen Dreyer 918 834 2200

2. Representative of Applicant -- Name, Address, Telephone, Fax

9. Latitude: 36 ° 52 ' 21 " 666 "

10. Longitude: 83 ° 49 ' 19 " 30 "

11. Datum: NAD83 NAD27 Other _____

12. Nearest Kentucky City: Barbourville County _____

13. Nearest Kentucky public use or Military airport:
IAE: Middlesboro - Bell County

14. Distance from #13 to Structure: 16.13 nm

15. Direction from #13 to Structure: 343 degrees

16. Site Elevation (AMSL): 1426 Feet

17. Total Structure Height (AGL): 349' Feet

18. Overall Height (#16 + #17) (AMSL): 1775 Feet

19. Previous FAA and/or Kentucky Aeronautical Study Number(s):
2009-ASO-3552-OE

20. Description of Location: (Attach USGS 7.5 minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey)

3. Application for: New Construction Alteration Existing

4. Duration: Permanent Temporary (Months _____ Days _____)

5. Work Schedule: Start Oct. 09 End Nov. 09

6. Type: Antenna Tower Crane Building Power Line
 Landfill Water Tank Other _____

7. Marking/Painting and/or Lighting Preferred:

- Red Lights and Paint
- Dual - Red & Medium Intensity White
- White - Medium Intensity
- Dual - Red & High Intensity White
- White - High Intensity
- Other _____

8. FAA Aeronautical Study Number _____

21. Description of Proposal:

Antenna Tower
frequency: 1850-1990 mhz
Eip: 190w

22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration?

No Yes, When 6-18-09

CERTIFICATION: I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge and belief.

Jennifer Dreyer - Project Manager Jenni Dreyer 8-21-09
Printed Name and Title Signature Date

PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 183.861 through 183.990) and Kentucky Administrative Regulations (602 KAR 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3). Non-compliance with Federal Aviation Administration Regulations may result in further penalties.

Commission Action: Chairman, KAZC Administrator, KAZC
 Approved _____
 Disapproved _____ Date _____



KENTUCKY TRANSPORTATION CABINET
Kentucky Airport Zoning Commission

APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE

FORM TC 56-50E INCLUDED

JURISDICTION

602 KAR 50:030

SECTION 1. THE COMMISSION HAS ZONING JURISDICTION OVER THAT AIRSPACE OVER AND AROUND THE PUBLIC-USE AIRPORTS AND MILITARY AIRPORTS WITHIN THE COMMONWEALTH WHICH LIES ABOVE THE IMAGINARY SURFACE THAT EXTENDS OUTWARD AND UPWARD AT ONE OF THE FOLLOWING SLOPES:

(1) ONE HUNDRED (100) TO ONE (1) FOR A HORIZONTAL DISTANCE OF TWENTY THOUSAND (20,000) FEET FROM THE NEAREST POINT OF THE NEAREST RUNWAY OF EACH PUBLIC-USE AIRPORT OR MILITARY AIRPORT WITH AT LEAST ONE (1) RUNWAY THREE THOUSAND TWO HUNDRED (3,200) OR MORE FEET IN LENGTH; OR

(2) FIFTY (50) TO ONE (1) FOR A HORIZONTAL DISTANCE OF TEN THOUSAND (10,000) FEET FROM THE NEAREST POINT OF THE NEAREST RUNWAY OF EACH PUBLIC-USE AIRPORT OR MILITARY AIRPORT WITH ITS LONGEST RUNWAY LESS THAN THREE THOUSAND TWO HUNDRED (3,200) FEET IN LENGTH.

SECTION 2. THE COMMISSION HAS ZONING JURISDICTION OVER THE USE OF LAND AND STRUCTURES WITHIN PUBLIC-USE AIRPORTS WITHIN THE STATE.

SECTION 3. THE COMMISSION HAS JURISDICTION FROM THE GROUND UPWARD WITHIN THE LIMITS OF THE PRIMARY AND APPROACH SURFACES OF EACH PUBLIC-USE AIRPORT AND MILITARY AIRPORT AS DEPICTED ON AIRPORT ZONING MAPS APPROVED BY THE KENTUCKY AIRPORT ZONING COMMISSION.

SECTION 4. THE COMMISSION HAS JURISDICTION OVER THE AIRSPACE OF THE COMMONWEALTH THAT EXCEEDS TWO HUNDRED (200) FEET IN HEIGHT ABOVE GROUND LEVEL.

SECTION 5. THE OWNER OR PERSON WHO HAS CONTROL OVER A STRUCTURE WHICH PENETRATES OR WILL PENETRATE THE AIRSPACE OVER WHICH THE COMMISSION HAS JURISDICTION SHALL APPLY FOR A PERMIT FROM THE COMMISSION IN ACCORDANCE WITH 602 KAR 50:090.

INSTRUCTIONS

1. "ALTERATION" MEANS TO INCREASE OR DECREASE THE HEIGHT OF A STRUCTURE OR CHANGE THE OBSTRUCTION MARKING AND LIGHTING.
2. "APPLICANT" MEANS THE PERSON WHO WILL OWN OR HAVE CONTROL OVER THE COMPLETED STRUCTURE.
3. "CERTIFICATION BY APPLICANT" SHALL BE MADE BY THE INDIVIDUAL WHO WILL OWN OR CONTROL THE COMPLETED STRUCTURE; OR A PARTNER IN A PARTNERSHIP; OR THE PRESIDENT OR AUTHORIZED OFFICER OF A CORPORATION, COMPANY OR ASSOCIATION; OR THE AUTHORIZED OFFICIAL OF A BODY POLITIC; OR THE LEGALLY DESIGNATED REPRESENTATIVE OF A TRUSTEE, RECEIVER OR ASSIGNEE.
4. PREPARE THE APPLICATION AND FORWARD TO THE ADMINISTRATOR, KENTUCKY AIRPORT ZONING COMMISSION, DEPARTMENT OF AVIATION, 200 MERO STREET, FRANKFORT, KY 40622. FOR QUESTIONS, TELEPHONE 502-564-4480.
5. THE STATUTES APPLICABLE TO THE KENTUCKY AIRPORT COMMISSION ARE KRS 183.861 TO 183.990 AND THE ADMINISTRATIVE REGULATIONS ARE 602 KAR CHAPTER 50.
6. WHEN APPLICABLE, ATTACH THE FOLLOWING APPENDICES TO THE APPLICATION:
 - APPENDIX A. A 7.5 MINUTE QUADRANGLE TOPOGRAPHICAL MAP PREPARED BY THE U.S. GEOLOGICAL SURVEY AND THE KENTUCKY GEOLOGICAL SURVEY WITH THE EXACT LOCATION OF THE STRUCTURE WHICH IS THE SUBJECT OF THE APPLICATION INDICATED THEREON. (THE 7.5 MINUTE QUADRANGLE MAP MAY BE OBTAINED FROM THE KENTUCKY GEOLOGICAL SURVEY, DEPARTMENT OF MINES AND MINERALS, LEXINGTON, KY 40506)
 - APPENDIX B. FOR STRUCTURES ON OR VERY NEAR TO PROPERTY OF A PUBLIC-USE AIRPORT, A COPY OF THE AIRPORT LAYOUT DRAWING (ALP) WITH THE EXACT LOCATION OF THE STRUCTURE WHICH IS THE SUBJECT OF THIS APPLICATION INDICATED THEREON. (THE ALP MAY BE OBTAINED FROM THE CHAIRMAN OF THE LOCAL AIRPORT BOARD OR THE DEPARTMENT OF AVIATION, 200 MERO STREET, FRANKFORT, KY 40622).
 - APPENDIX C. COPIES OF FEDERAL AVIATION ADMINISTRATION APPLICATIONS (FAA FORM 7460-1) OR ANY ORDERS ISSUED BY THE MANAGER, AIR TRAFFIC DIVISION, FAA REGIONAL OFFICE.
 - APPENDIX D. IF THE APPLICANT HAS INDICATED IN ITEM NUMBER 7 OF THE APPLICATION THAT THE STRUCTURE WILL NOT BE MARKED OR LIGHTED IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION, THE APPLICANT SHALL ATTACH A WRITTEN REQUEST FOR A DETERMINATION BY THE COMMISSION THAT THE MARKING AND LIGHTING IS NOT NECESSARY. THE APPLICANT SHALL SPECIFICALLY STATE THE REASONS THAT ABSENCE OF MARKING AND LIGHTING WILL NOT IMPAIR THE SAFETY OF AIR NAVIGATION.
 - APPENDIX E. THE OVER-ALL HEIGHT IN FEET OF THE OVERHEAD TRANSMISSION LINE OR STATIC WIRE ABOVE GROUND LEVEL OR MEAN WATER LEVEL WITH SPAN LENGTH 1,000 FEET AND OVER SHALL BE DEPICTED ON A BLUE PRINT PROFILE MAP.

PENALTIES

1. PERSONS FAILING TO COMPLY WITH THE AIRPORT ZONING COMMISSION STATUTES AND REGULATIONS ARE LIABLE FOR A FINE OR IMPRISONMENT AS SET FORTH IN KRS 183.990(3).
2. APPLICANTS ARE CAUTIONED THAT NON-COMPLIANCE WITH FEDERAL AVIATION ADMINISTRATION REGULATIONS MAY PROVIDE FOR FURTHER PENALTIES.

2



September 24, 2009

John & Edith Mae Gambrel
P.O. Box 44
Bimble, KY 40915

Re: Kentucky Public Service Commission
South Barbourville, Kentucky
Docket No. 2009-261

Dear Mr. and Mrs. Gambrel

As you are aware, New Cingular Wireless and Hemphill Corporation have applied to the Kentucky Public Service Commission for a Certificate of Public Convenience and Necessity to construct and operate communications telecommunications services. The facility will include a 340 foot guyed tower for multiple wireless carriers to be located at Bimble, Knox County. A map showing the location of the proposed new facility is enclosed.

On our previous correspondence, the docket number was noted incorrectly. The correct docket number is 2009-261.

The Kentucky Public Service Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter.

Your comments or request for intervention, if any, should be addressed to: Executive Director, Kentucky Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602-0615. Please refer to Docket No. 2009-261 in your correspondence.

Very truly yours,

Patrick R. Hughes
Counsel for Hemphill Corporation
207 Thomas More Parkway
Crestview Hills, KY 41017
(859) 341-1881

Dressman Benzinger LaVelle psc
Attorneys at Law

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City, State, ZIP+4® Bimble KY 40915
PS Form 3800, August 2006 See Reverse for Instructions



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Send To: *John Ollie Smith*
 Street, Apt. No. or PO Box No.: *P.O. Box 54*
 City, State, ZIP+4: *Bimble KY 40915*

PS Form 3800, August 2006 See Reverse for Instructions

September 24, 2009

John & Ollie Smith
 P.O. Box 54
 Bimble, KY 40915

Re: Kentucky Public Service Commission
 South Barbourville, Kentucky
 Docket No. 2009-261

Dear Mr. and Mrs. Smith

New Cingular Wireless and Hemphill Corporation have applied to the Kentucky Public Service Commission for a Certificate of Public Convenience and Necessity to construct and operate communications telecommunications services. The facility will include a 340 foot guyed tower for multiple wireless carriers to be located at Bimble, Knox County. A map showing the location of the proposed new facility is enclosed.

The Kentucky Public Service Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter.

Your comments or request for intervention, if any, should be addressed to: Executive Director, Kentucky Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602-0615. Please refer to Docket No. 2009-261 in your correspondence.

Very truly yours,

Patrick R. Hughes
 Counsel for Hemphill Corporation
 207 Thomas More Parkway
 Crestview Hills, KY 41017
 (859) 341-1881

Dressman Benzinger LaVelle psc
 Attorneys at Law



September 24, 2009

George W. Goodin
 P.O. Box 68
 Bimble, KY 40915

Re: Kentucky Public Service Commission
 South Barbourville, Kentucky
 Docket No. 2009-261

Dear Mr. Goodin:

New Cingular Wireless and Hemphill Corporation have applied to the Kentucky Public Service Commission for a Certificate of Public Convenience and Necessity to construct and operate communications telecommunications services. The facility will include a 340 foot guyed tower for multiple wireless carriers to be located at Bimble, Knox County. A map showing the location of the proposed new facility is enclosed.

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Your comments or request for intervention, if any, should be addressed to: Executive Director, Kentucky Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602-0615. Please refer to Docket No. 2009-261 in your correspondence.

Very truly yours,

Patrick R. Hughes
 Counsel for Hemphill Corporation
 207 Thomas More Parkway
 Crestview Hills, KY 41017
 (859) 341-1881

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 or PO Box No.:
 City, State, ZIP+4: *Bimble Ky 40915*

PS Form 3800, August 2006 See Reverse for Instructions



September 24, 2009

Larry and Linda Mills
P.O. Box 607
Barbourville, KY 40906

Re: Kentucky Public Service Commission
South Barbourville, Kentucky
Docket No. 2009-261

Dear Mr. and Mrs. Mills:

New Cingular Wireless and Hemphill Corporation have applied to the Kentucky Public Service Commission for a Certificate of Public Convenience and Necessity to construct and operate communications telecommunications services. The facility will include a 340 foot guyed tower for multiple wireless carriers to be located at Bimble, Knox County. A map showing the location of the proposed new facility is enclosed.

The Kentucky Public Service Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter.

Your comments or request for intervention, if any, should be addressed to: Executive Director, Kentucky Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602-0615. Please refer to Docket No. 2009-261 in your correspondence.

Very truly yours,

Patrick R. Hughes
Counsel for Hemphill Corporation
207 Thomas More Parkway
Crestview Hills, KY 41017
(859) 341-1881

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3



September 24, 2009

Hon. J.M. Hall
 Knox County Judge-Executive
 401 Court Square
 Suite 6
 Barbourville, KY 40906

Re: Kentucky Public Service Commission
 South Barbourville, Kentucky
 Docket No. 2009-261

Dear Judge Hall:

New Cingular Wireless and Hemphill Corporation have applied to the Kentucky Public Service Commission for a Certificate of Public Convenience and Necessity to construct and operate communications telecommunications services. The facility will include a 340 foot guyed tower for multiple wireless carriers to be located at Bimble, Knox County. A map showing the location of the proposed new facility is enclosed.

The Kentucky Public Service Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter.

Your comments or request for intervention, if any, should be addressed to: Executive Director, Kentucky Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602-0615. Please refer to Docket No. 2009-261 in your correspondence.

Very truly yours,

Patrick R. Hughes
 Counsel for Hemphill Corporation
 207 Thomas More Parkway
 Crestview Hills, KY 41017
 (859) 341-1881

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Sent to: Hon. J.M. Hall
 Street, Apt. No. or PO Box No.: 401 Court Sq Suite 6
 City, State, ZIP+4: Barbourville Ky 40906

PS Form 3800, August 2006 See Reverse for Instructions

Dressman Benzinger LaVelle psc
 Attorneys at Law

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Barbourville Mountain
The Advocate

P.O. BOX 190 • 214 KNOX STREET • BARBOURVILLE, KY 40906
PHONE (606) 546.9225 • FAX (606) 546.3175

NEWSPAPER AFFIDAVIT

I, Wanda Blevins

of The Barbourville Mountain Advocate newspaper, published at Barbourville, Kentucky, and having the largest general circulation of any newspaper in Knox County, Kentucky, do hereby certify that from my own knowledge and a check of the files of this newspaper that the advertisement of Notice South Barbourville - Site 1331
Cell Tower for New Cingular Wireless PCS, LLC ^{Hemp Hill Corporation} was inserted in The Barbourville Mountain Advocate on the following dates:

Date <u>10/1/09</u>	Page <u>7A</u>	Column <u>849</u>
Date _____	Page _____	Column _____
Date _____	Page _____	Column _____
Date _____	Page _____	Column _____

Signature Wanda Blevins

Subscribed and sworn to before me by Wanda Blevins
this 6th day of Oct, 2009.

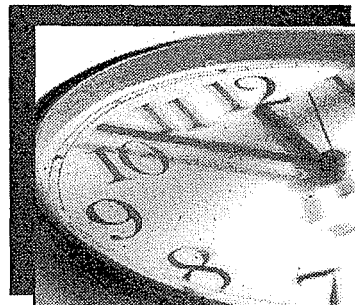
Notary Public Leticia Carnes
My commission expires 11-16-09

Mountainadvocate.com



Deadline

Classified and Legal Advertising must be here no later than Monday at 12 Noon of each week



5 FAX (606) 546-2830

70¢ per word for each insertion, 60¢ each week thereafter. Minimum Charge: 25 words per each insertion. / phone today!

LE YARD SALE

is
1-5
cross
allow
outs of

2 FAMILY YARD SALE
at Bryants Store,
Hwy 1809, across
from Little Poplar
Creek Fire Dept.
Saturday, Oct 3, 2009
starting at 9:00 a.m.
Clothing and various
household items and
electronics.

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Got Clutter?
Sell it
in the
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546-9225

eking applicants for full-time po-
nimum salary for the position is.
week. Based on additional expe-
tion of the Board of Health and
artment of Public Health. This po-
of Health and the responsibilities
o, responsibility to run the day to
ment which include directing the
artment in providing a-variety of
ental and supportive services) to
ition performs a variety of tasks
organizing and measuring per-
health Department.

ing Requirements:
dministration, Health Administra-
-or other financial, administrative
d college or university. Must have
h or other health-related occupa-

h (7) years evaluated experience.
tions, three (3) of which having
apacity.
Business or Public or Health Ad-

LEGALS

Change of Date and Time for the Barbourville City Council October Meeting

Notice is hereby given that the Barbourville City Council Regular Meeting scheduled for October 8, 2009 has been rescheduled to October 2, 2009 and will be held in the City Council Chambers at 12:00 Noon.

LEGALS

Helen Strong
City Clerk

611c

SOUTH BARBOURVILLE - SITE 1331

New Cingular Wireless PCS, LLC and Hemphill Corporation propose to construct a telecommunications tower at Junction 25 East and 1304, Bimble, Kentucky 40915. If you

LEGALS

have any questions please contact Hemphill Corporation, 1350 N. Louisville Avenue, Tulsa, OK 74115 or the Executive Director, Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602. Please refer to docket number 2009-00261 in your correspondence. 611c

NOTICE OF HEARING

KNOX COUNTY BOARD OF EDUCATION

The Knox County Board of Education will hold a public hearing in the Knox County Board of Education Annex on Thursday, October 8, 2009 at 6:00 p.m. to hear public comments regarding a proposed general fund tax levy of 41.7 cents on real property and 41.7 cents on personal property.

The General Fund tax levied in fiscal year 2009 was 41.4 cents on real property and 41.9 cents on personal property and produced revenue of \$3,698,275.38. The proposed General Fund tax rate of 41.7 cents on real property and 41.7 cents on personal property is expected to produce \$3,893,563.85. Of this amount, \$507,262.40 is from new and personal property. The compensating tax rate for 2010 is 39.6 cents on real property and 39.6 cents on personal property and is expected to produce \$3,697,485.10.

The general areas to which expected revenue of \$195,288.47 above 2009 revenue is to be allocated are as follows: Cost of collections, \$7,811.54, and Bus Purchases, \$187,476.93.

The General Assembly has required publication of this advertisement and the information contained herein.

512c

PLACE ALL YOUR ADS IN THE ADVOCATE A GREAT PLACE