



Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

David L. Armstrong
Chairman

James Gardner
Vice-Chairman

John W. Clay
Commissioner

January 7, 2010

Mr. Donald M. Martin
802 Stringtown Road
Morgantown, Kentucky 42261

RE: Case No. 2009-00435
Kentucky RSA #3 Cellular General
d/b/a Bluegrass Cellular

Dear Mr. Martin:

This is in response to your letter received on December 21, 2009 requesting information regarding the application for approval to construct a wireless tower facility. The letter has been placed in the official case file of this proceeding and the Commission will carefully analyze this application before rendering its final decision. By this letter, the attached request for information has been forwarded to the Applicant for a response. Commission Staff requests the Applicant to submit a written response to the request for information, with a copy to the Commission, within 15 days of the date of this letter.

If a person wishes to become a party in this matter he should submit to the Commission a request for intervention, if intervention is desired. If no request for intervention is received within 30 days of the date of this letter, the Commission Staff will presume that the Applicant's reply has satisfied the concerns raised in the attached request for information.

It may be helpful for you to know the state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and

Mr. Donald M. Martin
January 7, 2010
Page 2

reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

You may view Orders and data requests issued by the Commission or other formal case documents on our website <http://psc.ky.gov>.

Thank you for your letter of interest and concern in this matter.

Sincerely,



Jeff Derouen
Executive Director

JD/kle

cc: Parties of Record

RECEIVED

DEC 21 2009

PUBLIC SERVICE
COMMISSION

Executive Director's Office
Public Service Commission of the Commonwealth of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

Donald M. Martin
802 Stringtown RD
Morgantown, KY. 42261
#2707792937
#2709916069

December 16, 2009
Case reference # 2009-00435

I am writing in regards to a "Public Notice" letter that I received from Lawyers "Dinsmore and Shoh LLP" The letter was about a "Bluegrass Cellular" tower which they want to locate on Stringtown RD, Morgantown, Ky. 42261. In the letter it states that I have the right to intervene in this matter. But, it doesn't state exactly what my rights are or what risk to the value of my property. This tower is to be built across the road from my land but the 500 foot radius is well within my property line. I would like to know exactly what my rights are regarding this matter. Seems to me with the tower being so close to and well within 500 feet of the tower someone from the Bluegrass Cellular would have talked directly to me about their plans. It has all been kept quiet from me except for the registered letter from "Lawyers"

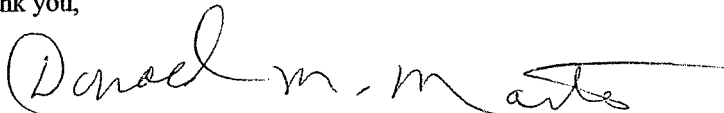
This is going to be a huge tower. I would like to know if there are any health risk or de-valuing of my property or any other information I can obtain. I would like to know before the tower is built. I think this is a fair thing to expect from Bluegrass Cellular sense the 500 feet radius is well over my property line. Looking at the map from the lawyers letter I think the radius of the tower is 300 to 400 feet across my property line. I would think this will effect my property. Almost as much as the land owners rights that the tower will be sitting on.

Our daughters may someday want to build a house on our property and the locations at least one of them I believe will be within the 500 ft radius of the tower. I don't think anyone would want to build a house under a tower that huge. I think the tower being built will effect their decision of building a home on our property.

If there is any way that I can receive information from the Public Service Commission of Kentucky I would greatly appreciate. If not can you tell me where I can find out exactly what my rights are before construction of the tower begins. This seems fair in my opinion.

Thank you for any help you can give me regarding this matter. I appreciate you taking time to read my concerns about the tower being built in this locatiom.

Thank you,



Donald M. Martin