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Charles R. Borders
Commissioner

May 4, 2010

PARTIES OF RECORD

RE: Case No. 2010-00006

Enclosed is information regarding the response of the Applicant to Mr. Lowell D. Wright in the above-named proceeding. If you have any questions, please contact Allyson Honaker at (502) 564-3940, Extension 265 or by email at Allyson.Honaker@ky.gov.

Sincerely,



Jeff Derouen
Executive Director

JD/ah

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File—Case No. 2010-00006

FROM: Allyson Honaker
Staff Attorney

DATE: May 4, 2010

SUBJECT:

Application of Bluegrass Wireless LLC d/b/a Bluegrass Cellular for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Slate Branch) in Rural Service Area #6 (Pulaski county) of the Commonwealth of Kentucky

Response of Applicant to Lowell D. Wright

The attached information was provided to Commission Staff by the counsel for the Applicant. This information is being placed into the public file for this proceeding and will be distributed to the parties of record.

The attached information contains the following:

Applicant's response to the letter dated January 19, 2010, by Mr. Wright.



John E. Selent
(502) 540-2315 (Direct Dial)
john.selent@dinslaw.com

COPY

April 29, 2010

Mr. Lowell D. Wright
P.O. Box 3030
Somerset, Kentucky 42564

Re: *Application of Bluegrass Wireless LLC d/b/a Bluegrass Cellular for Issuance of a Certificate of Public Convenience and Necessity to Construct a Cell Site (Slate Branch) in Rural Service Area #6 (Pulaski County) of the Commonwealth of Kentucky, Kentucky Public Service Commission Case No. 2010-00006*

Dear Mr. Wright:

We are legal counsel to Bluegrass Wireless LLC d/b/a Bluegrass Cellular ("Bluegrass Wireless"). In that capacity, we are responding to your letter dated January 19, 2010, addressed to the Public Service Commission of the Commonwealth of Kentucky (the "Commission") regarding your concerns with respect to the proposed construction of a cell tower facility to be located at 280 Mitchell Lane, Somerset, Kentucky, 42503.

Bluegrass Wireless proposes to construct this cell tower facility in Pulaski County in order to provide enhanced wireless communication services in the area. The proposed cell tower facility will accommodate the citizens of Pulaski County and individuals traveling along State Road 1642 and in the vicinity. The proposed cell tower facility will also accommodate emergency medical services and other emergency response services, such as 911, that are vital to all communities. To date, there have been no objections to this proposed cell tower facility from any local or other governmental agencies and officials.

The proposed location of the cell tower facility is the most suitable location in this area of the county due to: (1) its elevation; (2) the nature of the terrain in the surrounding area; and (3) its proximity to State Road 1642. The proposed cell tower facility will accommodate other carriers in the future which will eliminate additional cell tower facilities being constructed near your property as well as others in the vicinity. The site for the proposed cell tower facility was selected by radio frequency engineers, on behalf of Bluegrass Wireless, who used their expertise and applicable propagation prediction tools to determine that this site is the optimum site in terms of location to provide the best quality service to customers in the service area.

Bluegrass Wireless, as well as all other wireless carriers, is required to adhere to stringent Federal Communications Commission and Federal Aviation Administration rules governing cell

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tower construction, maintenance and safety. A typical cell tower in a suburban or rural area emits 150 to 350 watts of power or less. In contrast, a television tower emits up to 5 million watts while a commercial radio station tower operates at up to 1 million watts. Local police and fire department towers produce up to 500 watts of power. In any event, the Federal Telecommunications Act of 1996 prohibits local governments from establishing local safety or environmental standards for human exposure to radio frequency emissions.

At the time of your January 19, 2010 letter, Bluegrass Wireless had identified the physical address of the proposed cell site as 85 Chappell Way. In fact, it initially planned to gain access to the proposed cell site via Chappell Way. However, Bluegrass Wireless no longer intends to use Chappell Way as a means to gain access to the proposed cell site. In its February 8, 2010 Amended Public Notice, Bluegrass Wireless informed all affected property owners and the Pulaski County Judge Executive that it had changed the physical address of the proposed cell site to 280 Mitchell Lane and would gain access directly to the proposed cell site off of Mitchell Lane.

During the construction process of the proposed tower, there will be vehicular and foot traffic at the proposed cell site. Thereafter, vehicular and foot traffic to and from the cell site will generally consist of one maintenance visit per month, or less.

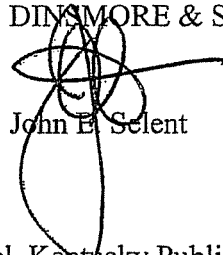
Finally, in Kentucky P.S.C. Case No. 2005-00445, we addressed the issue of decreased property value due to the construction of a cellular tower facility. We introduced expert testimony in that case which opined that the proposed cell tower facility would not negatively affect the value of the property.

I hope that this letter satisfactorily addresses your concerns.

Thank you.

Very truly yours,

DINSMORE & SHOHL LLP



John B. Selent

JES:kwi

cc: Tiffany Bowman, Esq., Staff Counsel, Kentucky Public Service Commission
Eric Bowman, Engineering, Kentucky Public Service Commission
Holly C. Wallace, Esq.