

EAST KENTUCKY NETWORK
101 TECHNOLOGY TRAIL
IVEL, KY 41642
PHONE: (606) 874-7550
FAX: (606) 874-7551



March 21, 2017

Talina R. Matthews, Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

MAR 24 2017

Public Service
Commission

RE: Case No. 2017-00048
East Kentucky Network: Roxana Tower

Dear Ms. Matthews,

In response to your letter dated March 7, 2017, I sent the enclosed letter to Mr. Michael Watts, on behalf of East Kentucky Network, LLC d/b/a Appalachian Wireless ("EKN").

Should you have any questions or concerns regarding the enclosed, please let us know.

Very truly yours,

A handwritten signature in blue ink that reads "Cindy D. McCarty". The signature is written in a cursive style.

Cindy D. McCarty
Senior Staff Attorney
(606) 339-1006
cmccarty@ekn.com

Enclosure

EAST KENTUCKY NETWORK
101 TECHNOLOGY TRAIL
IVEL, KY 41642
PHONE: (606) 874-7550
FAX: (606) 874-7551

EAST KENTUCKY
NETWORK



March 21, 2017

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Michael Watts
3278 HWY 2036
Letcher, Kentucky 41832

RECEIVED

MAR 24 2017

Public Service
Commission

RE: Case No. 2017-00048
East Kentucky Network: Roxana Tower

Dear Mr. Watts:

East Kentucky Network, LLC (“EKN”) is in receipt of your letter to the Kentucky Public Service Commission (“PSC”), dated March 2, 2017. Thank you for contacting us with your questions and concerns. We hope that EKN’s representative, Marty Thacker, was able to answer your questions when he met with you at the property on March 17, 2017. We will also address your questions in this letter so that you have a record of EKN’s responses.

The property on which EKN proposes to construct a cell tower was leased from Matthew and Amanda Oaks, and James and Carrie Kincaid. For your convenience, I am enclosing a copy of the Memorandum of Lease, which is of record in the Letcher County Clerk’s Office in Lease Book 66, Page 814, and on file with the PSC, available for public inspection. Please refer to the plat map attached to the Memorandum of Lease for further detail on the boundary of EKN’s leased lot in relation to the adjacent property boundaries. EKN did obtain a title search and survey for the property on which the tower will be located.

807 KAR 5:063(1)(l) requires that notice be sent to every person who, according to the records of the Property Valuation Administrator (“PVA”), owns property within 500 feet of the proposed tower. In other words, EKN is required to use the PVA records to determine who should receive notice. The reason that your sister and brother-in-law received notice instead of you is because they are apparently still listed as the property owners on the records of the Letcher County PVA. It is our understanding that the property that you purport to own is listed in the PVA records under the names of Nola and Jerome Caudill, PVA # 044-00-00-059.00.

On occasion, the PVA records are not timely updated. In those instances, we hope that concerned parties will learn of the proposed tower construction from the public notice published in the newspaper, which we are also required by law to do.

In your letter, you also stated that you have no access to your property. Unfortunately, that issue is out of EKN’s control. EKN has only leased a small lot on the property, along with easement rights for access from Mr. and Mrs. Oaks and Mr. and Mrs. Kincaid. EKN does not

own the property. If you desire access rights across the Oaks/Kincaid property, you would need to address that with the property owners.

In summary, the concerns you raised, along with EKN's responses, are as follows:

1. You are concerned that the proposed tower might be on property owned by you.

The proposed tower is not on your property, but is on the neighboring property owned by the Oaks and the Kincaids. This is shown on the plat map attached to the enclosed Memorandum of Lease, which was prepared by a Licensed Professional Land Surveyor, Steve Haywood.

2. You are concerned that you did not receive a letter from EKN notifying you of the proposed tower.

State law requires that EKN use PVA records to determine who will receive notice. The PVA records are not always updated in a timely manner, so public notice is also published in the newspaper.

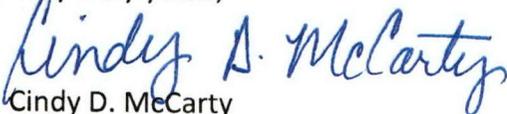
3. You are concerned that you do not have access to your property.

EKN does not own any property in the area, but only leases a small lot on the top of the mountain. EKN does not control who can or cannot have access over the remainder of the property, which is owned by the Oaks and the Kincaids.

You also stated that, apart from these concerns, you are in favor of having a tower in the vicinity to provide service. We sincerely appreciate your support and look forward to having the opportunity to provide cellular service to your community.

I hope that this adequately addresses your concerns. If you have any other questions or comments, please do not hesitate to contact us.

Very truly yours,



Cindy D. McCarty
Senior Staff Attorney
cmccarty@ekn.com
(606) 339-1006

Enclosure

cc: Kentucky Public Service Commission