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Michael J. Schmitt
Chairman

Robert Cicero
Vice Chairman

Talina R. Mathews
Commissioner

October 18, 2017

James Lyles
13153 State Route 131
Symsonia, KY 42082

RE: Case No. 2017-00368

Application of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility For Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Graves

Dear Mr. Lyles:

This is in response to your letter received on October 16, 2017. 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 public comment has been forwarded to the Applicant for a response. Commission Staff requests the Applicant to submit a written response to the public comment, 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 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,



Gwen R. Pinson
Executive Director

cc: Parties of Record

RECEIVED

OCT 16 2017

**PUBLIC SERVICE
COMMISSION**

October 11, 2017

Kentucky Public Service Commission
Executive Director
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602

RE:

CASE NO.: 2017-00368

THE APPLICATION OF
NEW CINGULAR WIRELESS PCS, LLC,
A DELAWARE LIMITED LIABILITY COMPANY, D/B/A AT&T MOBILITY
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY
IN THE COMMONWEALTH OF KENTUCKY
IN THE COUNTY OF GRAVES

SITE NAME: SYMSONIA

Greetings:

As residents of Symsonia, Kentucky we are writing to ask you to oppose the proposed cell phone tower to be located at 850 State Route 348E. We are making our position known to you in hopes that you will request that New Cingular Wireless PCS, LLC move this tower outside of the incorporated township of Symsonia, Kentucky and into a more rural adjoining area; one which would be equally appropriate, but away from our backyards.

Our complaint centers upon three issues: a decrease in property value, a concern for the health risks this tower will cause, and the noise and light pollution generated by a 320-foot tower in our back yards. This height of 30 stories and the nature of the proposed structure is out of character with our small town, which is primarily farm land and suburban homes. The proposed tower would be a physical blight on our community and visible for miles.

The devaluation of properties in the close proximity of cell phone towers is a known fact. In the last few years, publications such as the *New York Times* and the *Official Magazine*

of the National Association of Realtors have published articles stating that property near cell phone towers decreases in value by 5 to 20 percent. For example:

An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy (NISLAPP) say they are less interested and would pay less for a property located near a cell tower or antenna. What's more, of the 1,000 survey respondents, 79 percent said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90 percent said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood. (<http://realtormag.realtor.org/daily-news/2014/07/25/cell-towers-antennas-problematic-for-buyers>)

My family is also worried about the well documented health risks posed by cell towers due to electromagnetic radiation. The final reason we oppose construction of the proposed cell phone tower is because of the blinking lights, noise, and height of this structure. The idea of a 30-story tower, which needs an acre of land to anchor it, literally in our back yard, is unacceptable to us. We cannot say this more strongly—we are completely opposed to the construction of this tower in the town of Symsonia. We are aware that the elevation of our community is favorable to the construction of cell towers, and we do not oppose one at a safe distance away from our homes and farms. We believe that there are many other more suitable rural locations available for Cingular Wireless to build this tower, and we propose they find a different property.

We thank you for your time and attention to this matter and we hope you will support our request that this proposed cell phone tower be moved to a more rural area outside of Symsonia.

Sincerely,



James Lyles
13153 State Route 131
Symsonia, KY 42082



Judy Lyles

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Pike Legal Group PLLC
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P. O. Box 369
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