

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
CASE NO. 2017-00435

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PUBLIC SERVICE
COMMISSION

In the Matter of:

THE APPLICATION OF TILLMAN
INFRASTRUCTURE, LLC A DELAWARE
LIMITED LIABILITY COMPANY, AND NEW
CINGULAR WIRELESS PCS, LLC, A
DELAWARE LIMITED LIABILITY COMPANY
DBA 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 MARSHALL

SITE NAME: HANSEN

NOTICE OF FILING PUBLIC COMMENT

Comes, SBA Communications Corporation, and pursuant to 807 KAR
5:001Section 1(11)(2)(e), hereby tenders the attached Affidavit of Jason Silberstein as a Public
Comment in this matter.

Respectfully submitted,



CASEY C. STANSBURY
MAZANEC, RASKIN & RYDER CO., LPA
230 Lexington Green Circle, Suite 605
Lexington, KY 40503
(859) 899-8499
(859) 899-8498 – Fax
cstansbury@mrrlaw.com
Counsel for SBA Communications Corporation

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing was served on August 8, 2018, via first class USPS mail, postage prepaid, upon the following:

David A. Pike, Esq.
Pike Legal Group, PLLC
1578 Highway 44 East, Suite 6
PO Box 369
Shepherdsville, KY 40165



Counsel for SBA Communications Corporation

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AFFIDAVIT OF JASON SILBERSTEIN

Comes, Jason Silberstein, a duly appointed representative of SBA Communications Corporation ("SBA"), and hereby states as follows:

1. I, Jason Silberstein, am the Executive Vice President – Site Leasing, for SBA.
2. I have personal knowledge of the business relationship between SBA and New Cingular Wireless, PCS LLC d/b/a AT&T Mobility ("AT&T") (the "Parties"), and I have reviewed documents kept in the regular course of business by SBA regarding same.
3. SBA owns a tower located in Marshall County, Benton, Kentucky in the vicinity of 1923 Lee Burd Road on land owned by Scott Norman (the "Marshall County Tower").
4. SBA currently rents space on the Marshall County Tower to AT&T and has done so since approximately 2001.
5. The SBA cell tower described in Paragraph 3 is approximately 500 feet from the proposed tower that is the subject of this matter.

6. SBA regards AT&T as a highly sophisticated business entity and business companion.

7. SBA has in the past negotiated, and continues to negotiate in good faith with AT&T many times, including at the Marshall County Tower, as evidenced by the site specific agreed upon terms for equipment upgrades (the "Equipment Upgrades") at the Marshall County Tower. In fact, AT&T approached SBA to negotiate separate multiple Equipment Upgrades at the Marshall County Tower in 2010, 2013, 2014 and 2016, and the Parties executed a memorialized agreement for the Equipment Upgrades in each of these four (4) years.

8. As a regular business practice, SBA maintained an open line of communication with AT&T in order to be responsive to mutual logistical, technological and business concerns.


9. At AT&T's urging to address all equipment upgrades on a national basis, SBA developed a rate sheet with standardized pricing for amendments approximately seven years ago. All additions at the Marshall County Tower referred to in Paragraph #7 above were priced in accordance with that rate sheet.

10. SBA remains ready to negotiate with AT&T in good faith by offering to reduce the rental rate to AT&T at the Marshall County Tower to the prevailing market rate between the Parties in the Kentucky market, in order to avoid the unnecessary proliferation of towers and maintain AT&T as a long-term tenant and business companion.

11. SBA is willing to disclose the rate sheet referenced in Paragraph 9 and the rates discussed in Paragraph 10 if this information is given confidential treatment by the Public Service Commission. SBA believes this information is entitled to confidential treatment pursuant to 807 KAR 5:001, Section 13, as it is information of a nature that is "confidential or proprietary which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that

disclosed the records" pursuant to KRS 61.878(1)(c). If confidential treatment is to be accorded this information, it can be obtained through SBA's Kentucky counsel: Casey C. Stansbury, Mazanec, Raskin & Ryder, Co., LPA, 230 Lexington Green Circle, Suite 605, Lexington, KY 40503, cstansbury@mrrrlaw.com, (859) 899-8514.

This is the end of my testimony.

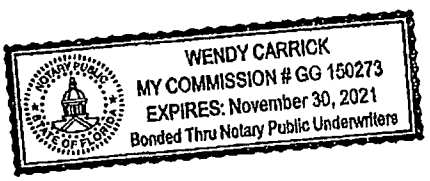


Authorized Representative of
SBA Communications Corporation

STATE OF FLORIDA

COUNTY OF Palm Beach

Subscribed, sworn to and acknowledged before me by Jason Silberstein on this 8th day of August 2018.



Wendy Carrick

NOTARY PUBLIC

Notary No. _____

My commission expires: _____