



Matthew G. Bevin  
Governor

Charles G. Snavely  
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

Michael J. Schmitt  
Chairman

Robert Cicero  
Vice Chairman

Talina R. Mathews  
Commissioner

April 4, 2018

Tim and Darla Benningfield  
248 Maple Street  
Stanton, KY 40380

**RE: Case No. 2018-00002**

Application of East Kentucky Network, LLC d/b/a Appalachian Wireless For Issuance of a Certificate of Public Convenience and Necessity to Construct a Cellular Tower in the Commonwealth of Kentucky in the County of Powell

Dear Mr. and Mrs. Benningfield:

This is in response to your letter received on April 4, 2018. 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,

A handwritten signature in black ink that reads "Gwen R. Pinson". The signature is written in a cursive style with a large initial 'G' and a long, sweeping underline.

Gwen R. Pinson  
Executive Director

cc: Parties of Record

Case No. 2018-00002

RECEIVED

APR 04 2018

PUBLIC SERVICE  
COMMISSION

Dear Executive Director's Office,

I am very disappointed in this decision to allow Appalachian Wireless to put an tower behind the substation on Maple Street. After Attending 2 meeting at the City Councils and making a decision for the substation. We were promised there would be NO TOWER Behind it. We were told they would Be Good Neighbors. That we wouldn't know it was there. There would be good upkeep to the lot. Now just because the lot that connects is on Breckinridge does not mean it does not appear to be on Maple. There are many studies of people getting cancer from living near cell phone towers. I personally do Not want to take a chance after their 30 year contract is over to see if the studies are right or wrong.

Please Consider we as this Neighborhood was told this would Not Happen and make A decision to Not Allow us to Be Lied too! Thanks

Tim & Darla Benningfield  
Enclosed Pictures

Picture  
from Back  
Yard of  
My House  
on Maple





Picture of  
How close  
lot is to  
Breckinridge  
looks like  
Maple



We  
Were  
told No  
tower  
would sit  
By the  
Substation



\*Krystal Branham  
Attorney  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642

\*East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642

\*Lynn Haney  
Regulatory Compliance Director  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642

\*W.A. Gillum  
General Manager  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY 41642