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Energy and Environment Cabinet

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**Public Service Commission**  
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Michael J. Schmitt  
Chairman

Robert Cicero  
Vice Chairman

Talina R. Mathews  
Commissioner

March 19, 2018

Don and Deborah Arnold  
99 Pleasant Ridge Avenue  
Fort Mitchell, KY 41017

**RE: Case No. 2018-00031**

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 Owen

Dear Mr. and Mrs. Arnold:

This is in response to your letter received on March 7, 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

RECEIVED

MAR 07 2018

PUBLIC SERVICE  
COMMISSION  
Don M. and Deborah L. Arnold  
99 Pleasant Ridge Avenue  
Fort Mitchell, KY 41017

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

To Kentucky Public Service Commission-Executive Director,

We are submitting this Letter of Protest with reference to the proposed wireless communications facility tower on Fortner Ridge Road, docket # 2018-00031. We are formally and respectfully requesting that the Kentucky PSC deny the application for the wireless communications tower to be placed at the proposed location on property located at 410 Fortner Ridge Road.

This communications tower is being proposed for an unacceptable location and construction of the facility should be denied for the following reasons.:

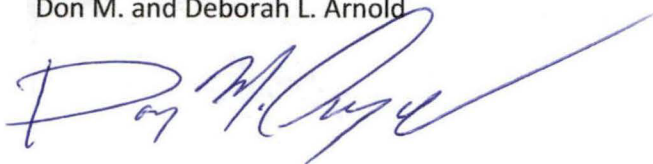
- 1) The location of the tower will create a hazard to our property located at 1265 Fortner Ridge Road which is immediately adjacent to the proposed location. Our property is directly located within the fall zone of the subject tower. The 355 foot tower is proposed at a location near one of the better wooded sites for a house and a planned campsite area. This portion of the woods has some of the oldest growth stand of oak trees. The tower would be located approximately 250 feet from our property line. Additionally, the tower is proposed to be located on a portion of the subject property which is higher in elevation than that of our adjacent wooded property. The proposed location will create a potential hazard to our property with a significant section in the direct fall zone of the tower. This location for a tower would make it unsafe to occupy that area of our property and preclude any permanent use of the area or structure being placed on that portion of our property.
- 2) The location and appearance of the tower will serve to reduce the adjacent land values. There are currently 3 permanent residences located near the proposed tower and 2 additional homes planned within the next few years, our property included. While locating a tower within relative close proximity to a residence may be a common practice in the city, it is not what the typical property owner in the country expects. The proposed tower location is immediately adjacent to several properties and in clear view of those properties and homes. The location of this tower will negatively impact the appeal and value of each property.

- 3) The sheer size and height of the tower will be an eyesore to the surrounding properties. Some of the best views for current and future houses would put the communications tower in a direct line of site. The tree lines will NOT obscure the view of the tower from nearby homes. With flashing warning lights on the tower, the night sky in the country setting will be impacted. The continuous flashing lights located so close to residences will negatively impact the health and well-being of all those property owners close to the tower. The site lines of the tower from the adjacent properties will make this obnoxious nighttime condition far more visible to nearby property owners and residents than it would be for the land owner of the proposed location. A tower of this size (355 feet) located such a short distance from nearby homes, and equipped with highly visible warning lights, would create a negative visual impact 24 hours a day. This is an unacceptable condition.
  
- 4) There are other locations within the immediate area which are more secluded and further from visible sight lines and adjacent property and homes. A review of the surrounding area affords other locations for a tower which would have less of a negative impact on property and homeowners. There are many other ridges in the area which are at an equal or higher elevation. There are potential locations which are further from existing and future home sites thereby reducing the visible impact to properties and people. The slight increase in initial costs that might be incurred by a more secluded location is far outweighed by the negative impact on people and property. Simply siting the tower close to a road and utility line without full consideration of the impact to neighboring properties is unacceptable. This is not the only site nor the best location within the area served by the tower for erecting a wireless communications facility.

Considering all of the above negative impacts, we respectfully request that the Kentucky Public Service Commission deny the application to construct the wireless communications facility at 410 Fortner Ridge Road and direct the proposer to seek an alternative location. We would be pleased to discuss this issue further with the PSC at a convenient time.

Thank you for your consideration in this matter.

Don M. and Deborah L. Arnold

A handwritten signature in blue ink, appearing to read "Don M. Arnold", with a long, sweeping underline that extends to the right.

\*Honorable David A Pike  
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Pike Legal Group PLLC  
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