

January 25, 2019

Gwen R. Pinson, Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Blvd.  
Frankfort, Kentucky 40602-0615

**RECEIVED**

**JAN 30 2019**

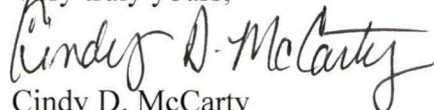
**PUBLIC SERVICE  
COMMISSION**

RE: Case No.: 2019-00020  
Cawood Tower Site

Dear Ms. Pinson:

Please find enclosed the original and ten (10) copies of a "Motion for Extension of Time to Seek Intervention" relative to the above-referenced matter. Please file in the usual manner. Thank you for your assistance.

Very truly yours,



Cindy D. McCarty  
In-House Counsel  
(606) 339-1006  
cmccarty@ekn.com

Enclosures

cc: Honorable David A. Pike

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

**JAN 30 2019**

**PUBLIC SERVICE  
COMMISSION**

In the Matter of:

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	)	CASE NO. 2019-00020
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
A WIRELESS COMMUNICATIONS FACILITY	)	
IN THE COMMONWEALTH OF KENTUCKY	)	
IN THE COUNTY OF HARLAN	)	

SITE NAME: CAWOOD

\* \* \* \* \*

**MOTION FOR EXTENSION OF TIME TO SEEK INTERVENTION**

East Kentucky Network, LLC d/b/a Appalachian Wireless (“EKN”), by counsel, pursuant to 807 KAR 5:001 Section 5 and Section 4(11), hereby submits its motion for an extension of time to seek intervention in the above-referenced matter. In support of its motion for extension of time, EKN states as follows:

1. On January 15, 2019, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility filed its application (the “Application”) in the above-referenced matter requesting issuance of a Certificate of Public Convenience and Necessity (“CPCN”) to construct, maintain, and operate a Wireless Communications Facility (“WCF”) on Stillhouse Branch, Cawood, Kentucky 40815.

2. In the Application, AT&T Mobility represents that: “When suitable towers or structures exist, Applicant attempts to co-locate on existing structures such as communications towers or other structures capable of supporting Applicant’s facilities; however, no other suitable or available co-location site was found to be located in the vicinity of the site.” (Application at ¶ 10).

3. EKN owns, maintains, and operates a 180' tower ("EKN's Cawood Tower") within 500' of AT&T Mobility's proposed WCF. See, Exhibit J to the Application.

4. On January 17, 2019, EKN received a Notice of Proposed Construction in the form attached as Exhibit K to the Application, which included a map with an aerial image showing the proposed WCF marked with a pin icon. EKN's Cawood Tower site is visible on the map directly adjacent to said pin icon.

5. In January 2018, AT&T Mobility submitted an application to colocate on EKN's Cawood Tower. A structural analysis was performed, and EKN advised AT&T Mobility that it could colocate on the tower subject to minor structural modifications.

6. Upon receipt of the Notice of Proposed Construction in the above-styled matter, EKN advised AT&T Mobility that the opportunity for colocation on EKN's Cawood Tower is still available.

7. On January 23, 2019, AT&T Mobility advised EKN that the equipment it seeks to utilize has changed since the original colocation application was submitted in January 2018. Accordingly, a new structural analysis will be necessary to evaluate the possibility of colocation. AT&T Mobility also advised that it intends to put its Application in this matter "on hold" to evaluate potential colocation on EKN's Cawood Tower.

8. 807 KAR 5:001 Section 4(11) provides that a person may, by timely motion, request leave to intervene and that such motion shall be granted if, among other things, the intervention is "likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings."

9. EKN's intervention in this matter may permit the Commission to determine whether colocation is a feasible alternative to the proposed construction of the WCF. However,

EKN cannot make a final evaluation of the feasibility of colocation nor determine whether a motion to intervene is appropriate until a structural analysis of EKN's Cawood Tower is completed based on the revised equipment list recently submitted by AT&T Mobility.

10. Because AT&T Mobility purportedly intends to put the Application in this matter "on hold," and because EKN and AT&T Mobility are working cooperatively to evaluate the potential for colocation, an extension of time for EKN to seek intervention will not be prejudicial to AT&T Mobility and will not cause undue delay.

WHEREFORE, for good cause stated herein, EKN respectfully requests that the time within which EKN may seek intervention be extended until a structural analysis of EKN's Cawood Tower is completed and the parties have an opportunity to evaluate the potential for colocation.


Respectfully submitted,

A handwritten signature in black ink, reading "Cindy D. McCarty", with a horizontal line extending to the right from the end of the signature.

Cindy D. McCarty  
In-House Counsel for  
East Kentucky Network, LLC d/b/a  
Appalachian Wireless  
101 Technology Trail  
Ivel, Kentucky 41642  
(606) 339-1006  
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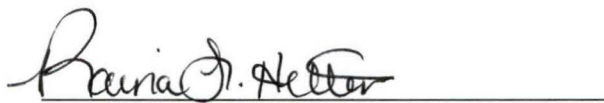
### VERIFICATION

I, Lynn Haney, Regulatory Compliance Director for East Kentucky Network, LLC d/b/a Appalachian Wireless, hereby verify and affirm that I have read the foregoing motion and that the facts stated therein are true and correct to the best of my knowledge formed after reasonable inquiry.

  
Lynn Haney

COMMONWEALTH OF KENTUCKY  
COUNTY OF Floyd

The foregoing Verification was acknowledged before me on this 25<sup>th</sup> day of January, 2019, by Lynn Haney, Regulatory Compliance Director for East Kentucky Network, LLC d/b/a Appalachian Wireless.

  
Notary Public

My Commission Expires Feb 6, 2020

### CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served by mail upon the following on this 25<sup>th</sup> day of January, 2019:

David A. Pike  
PO Box 369  
Shepherdsville, KY 40165-0369

  
Cindy D. McCarty