

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NEW)	
CINGULAR WIRELESS PCS, LLC D/B/A AT&T)	
MOBILITY FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
TO CONSTRUCT A WIRELESS)	2021-00398
COMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF GRAYSON)	

ORDER

On May 12, 2023, New Cingular Wireless PSC, LLC d/b/a AT&T Mobility, PSC (AT&T Mobility) and Tillman Infrastructure, LLC (Tillman Infrastructure) (collectively, Joint Applicants) filed a motion requesting an informal conference. As a basis for the motion, the Joint Applicants requested the conference to seek an explanation for the delay in a decision in the matter.¹

The Commission denies the motion for an informal conference. This is because Commission Staff cannot provide legal or substantive advice to a party with a matter pending before the Commission or speak on behalf of the Commission. The Commission, on its own motion, finds that a hearing in this matter is appropriate.

As one party is pro se, the Commission wants to make sure each person is aware of the expectations at the hearing. Each party will be given the opportunity to question witnesses and present evidence through cross-examination. Although the Commission

¹ Joint Applicants' Motion for an Informal Conference with Commission Staff (filed May 12, 2023) at 3.

does not adhere strictly to the Kentucky Rules of Evidence, the Commission does require relevance and some foundation for the introduction of non-record evidence through cross-examination. Each party will be permitted to question each witness, but all questions must be related to the testimony the witness has provided, either in prior sworn testimony or from the witness stand, or to the application. Each party may choose to question or not to question each witness.

Each party may present evidence through cross-examination. However, the evidence must be relevant and related to the witness who has provided testimony. If a person seeks to admit new evidence, a basis for the truthfulness and relevance of the document must be provided. All documents already filed into the docket of this matter are already part of the record that the Commission will consider in adjudicating this matter, and do not need to be presented again at the hearing. These documents may be referenced but do not need to be admitted into evidence. Parties should ensure they have at least six paper copies of any evidence a party wishes to present through cross-examination, for the benefit of other parties, the Commission, and the reporter.

The Commission, on its own motion, HEREBY ORDERS that:

1. A hearing in this matter shall be held on July 27, 2023, at 9 a.m. Eastern Daylight Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

2. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the

presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

3. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the July 27, 2023 hearing.

4. Each party shall file a witness list in the record by July 20, 2023.

5. AT&T Mobility and Tillman Infrastructure shall give notice of the hearing in compliance with 807 KAR 5:001E, Section 9(2)(b). In addition, the notice of hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time the notice is mailed or publication is requested, AT&T Mobility shall forward a duplicate of the notice and request to the Commission.

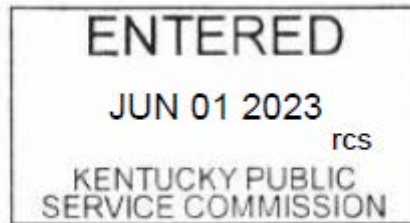
6. Pursuant to KRS 278.360 and 807 KAR 5:001E, Section 9(9), a digital video transcript shall be made of the hearing.

PUBLIC SERVICE COMMISSION

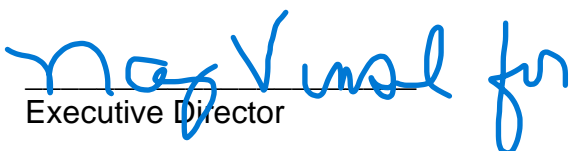

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