

APR 04 2022

PUBLIC SERVICE
COMMISSION

Roger and Janelle Nicolai

2663 Blue Bird Rd Falls of Rough KY 40119 

April 1, 2022

Kentucky PSC
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

To Whom It May Concern:

My name is Janelle Nicolai and I am writing this statement in reference to docket #2021-00398. This is for a proposed cell tower site at 2589 Blue Bird Rd Falls of Rough KY 40119.

My husband Roger, and myself, have well established our concern over the inevitable loss in property value we will incur with the proposed site. The following statement is primarily in response to "Public Need" comments, but it does not negate our primary concern of property value.

Terry and Kim Newton (the landowners of the proposed cell tower site) and their children have made several comments on how our family would benefit from an additional cell tower. They have even mentioned concerns for our family with the "lack of" cellular and internet service.

I want to be very clear; their concerns are not our concerns. Their concerns are ***personal opinions*** and should not be perceived as public need. We have made mention before, and I will repeat it again, our children are our responsibility and of no concern to them. Their education has not suffered ANY negative impact due to cellular and internet services.

We also own and operate The Farm at Rough River, LLC and have been a registered business in the Commonwealth since 2017. Our business has also not suffered ANY negative impact due to cellular and internet services. Further, this tower offers us no benefits from a business perspective. So, I say

again, their concerns are merely opinions and are not our concerns or examples of public need.

It is worth noting that the two grown children of the Newtons that added public comment do not live in Kentucky. I can appreciate them “going to bat” for their parents; but they do not live here. Nor do they own property here. It is easy for them to say an additional cell tower to the area is worth more than the value of our (in their words) “dirt”. Their interest in this is skewed by the monetary gains they will ultimately be receiving from the inherited lease. The monetary gains are the only impact this tower will have on them directly.

Several people who spoke at the public hearing mentioned “what if” scenarios. Scenarios that could have ended badly without cell service. The Newtons and their children have even used situations our family has been in as “what if” scenarios. The reality is that **service was always available**. For all the folks that expressed concerns over the “what ifs”, not a single person stood up and said what they have done to decrease risk/better their communication ability. They are speaking as though there are no other options. And that is not honest to the situation. If their cellular network was in such dire straits and the need for reliable communication was indeed necessary, individuals would have done something. Be it a land line, an alternative carrier, etc. , **they would have done something**. Either the cell service here is more reliable than they are letting on or they are comfortable enough (and their needs are met) so as not to seek alternative means of communication. From personal experience, our family has utilized 911 five times and the issue has never been connecting. Response time has been the issue.

I also wanted to address that there have been several public comments submitted on a pre-made form expressing their desire to have the cell tower erected. We are being presented to the community as trying to “stop the cell tower”. But as you know, our desire was never to “stop the cell tower”. I dare say, the folks sending those forms in are not truly aware of the case and our request to have it relocated, not stopped.

The Newtons, their children, and several other people have painted a picture that there is hardly service here and people are suffering because of it. And that is not true. Every big-name cellular provider shows excellent coverage in this area. There are hollers and rock bluffs where service cannot be received regardless of how well the coverage maps show an area is covered. We use T-Mobile for cellular service and AT&T for internet. We had to find what

worked for us on our property. This involved switching providers a couple times and trial and error.

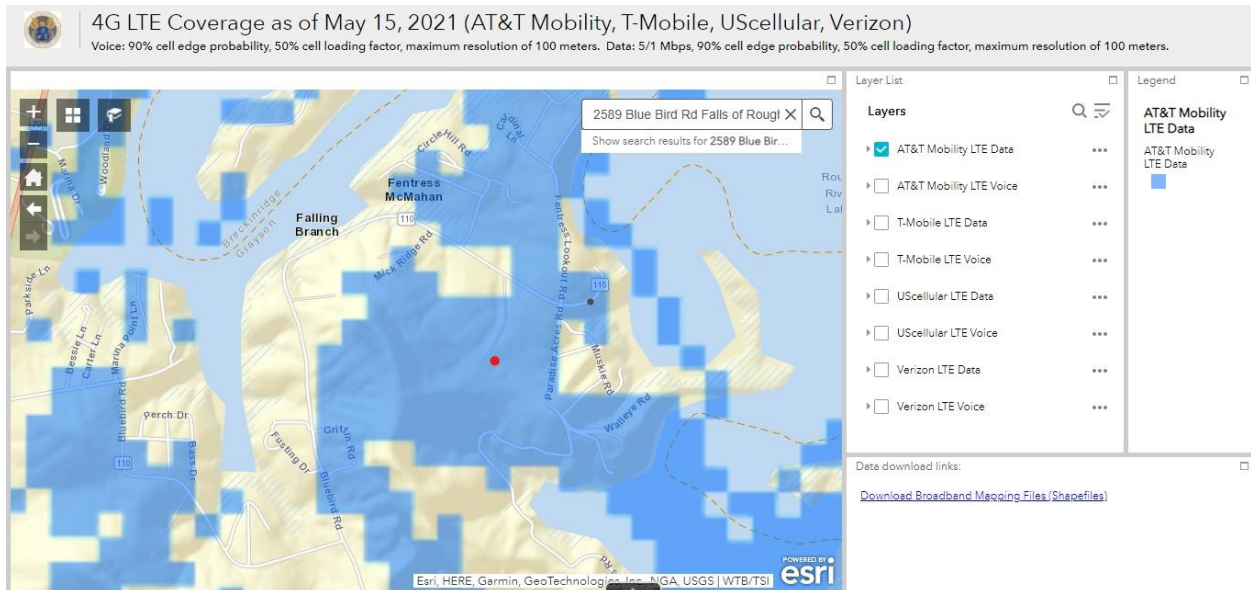
Portraying this area as a desperate rural town cut off from the technologies of the modern day is absurd. There are 3 towers I am aware of within a 2-mile radius from our farm. And several more towers nearby when increasing that radius a little more.

Our “olive branch” when we requested intervention was for the tower to be re-located to mitigate the loss in property value. We did not want to inhibit the income possibilities for the Newtons. We knew we were going to take a hit regardless of where the tower went, but placing it further from our home, property line, and more out of sight would help mitigate the loss.

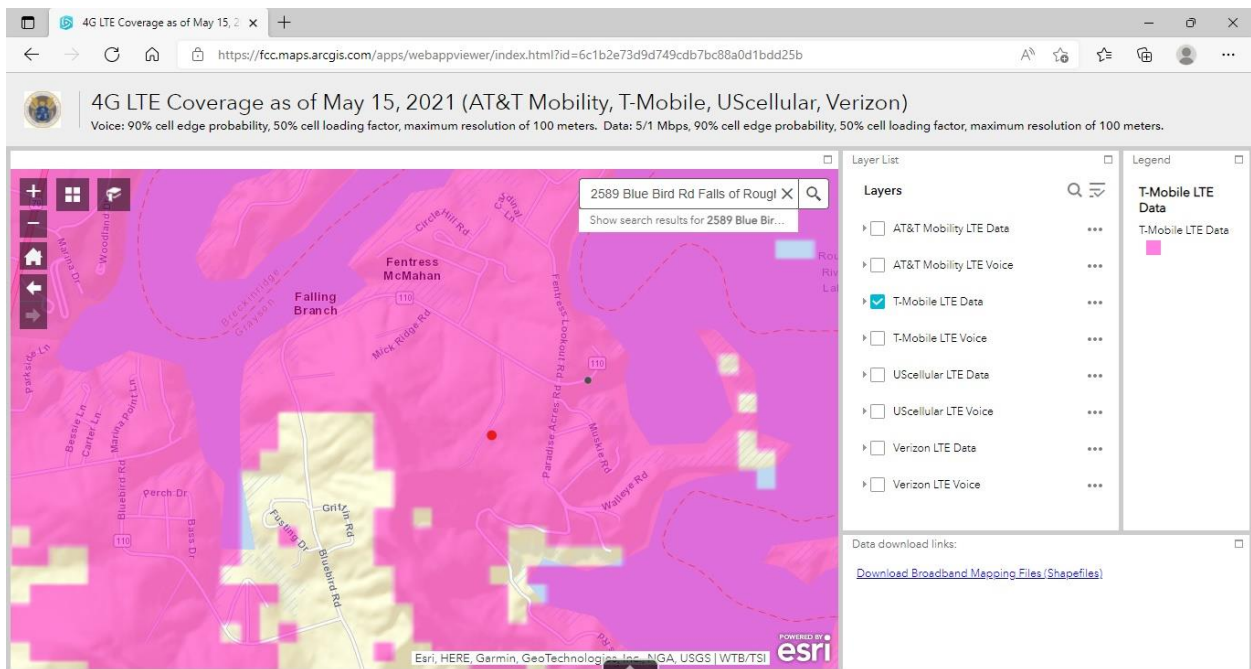
The Newtons (and their children) have all acknowledged our property value loss but have said our economic loss is of no regard in the grand scheme of things/for the sake of public need. Having proven the economic loss our family will be bearing, and if the “olive branch” of relocating the tower is not accepted, then I am asking the Kentucky PSC to deny the application from New Cingular Wireless/AT&T for the proposed cell tower at 2589 Blue Bird Rd Falls of Rough KY 40119.

I have included images from the Federal Communications Commission of cell coverage in our area. You can see that there IS coverage, by and large. There are valleys/hollers that do not have coverage regardless, as I mentioned earlier. The red dot indicates the approximate location of our home.

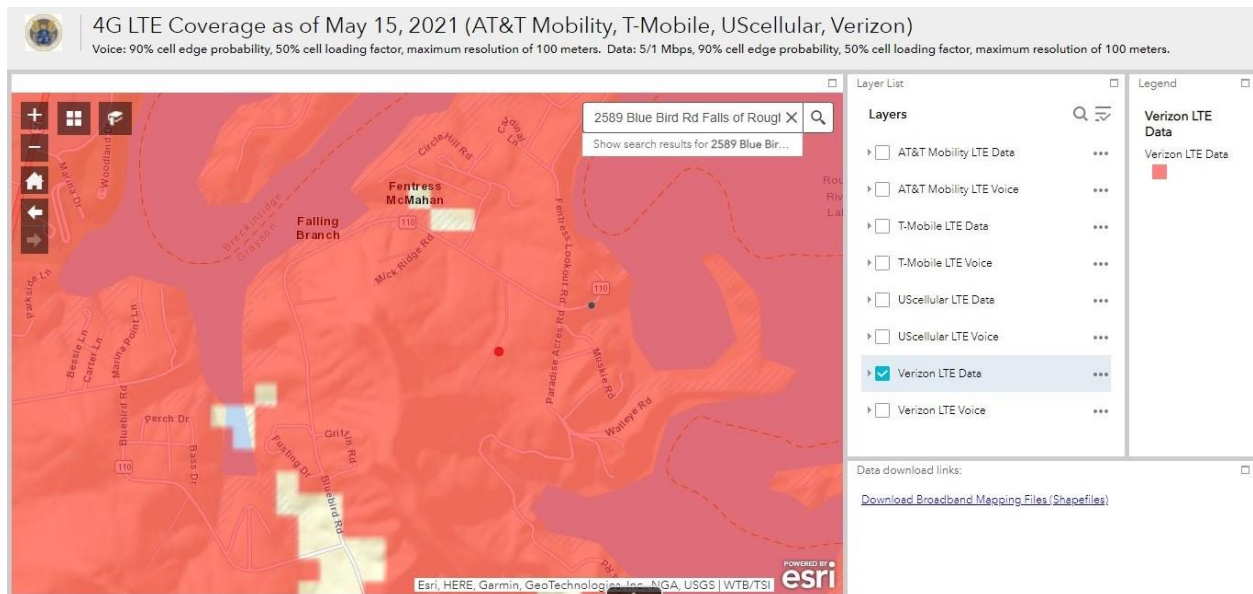
AT&T coverage map:



T-Mobile coverage map:



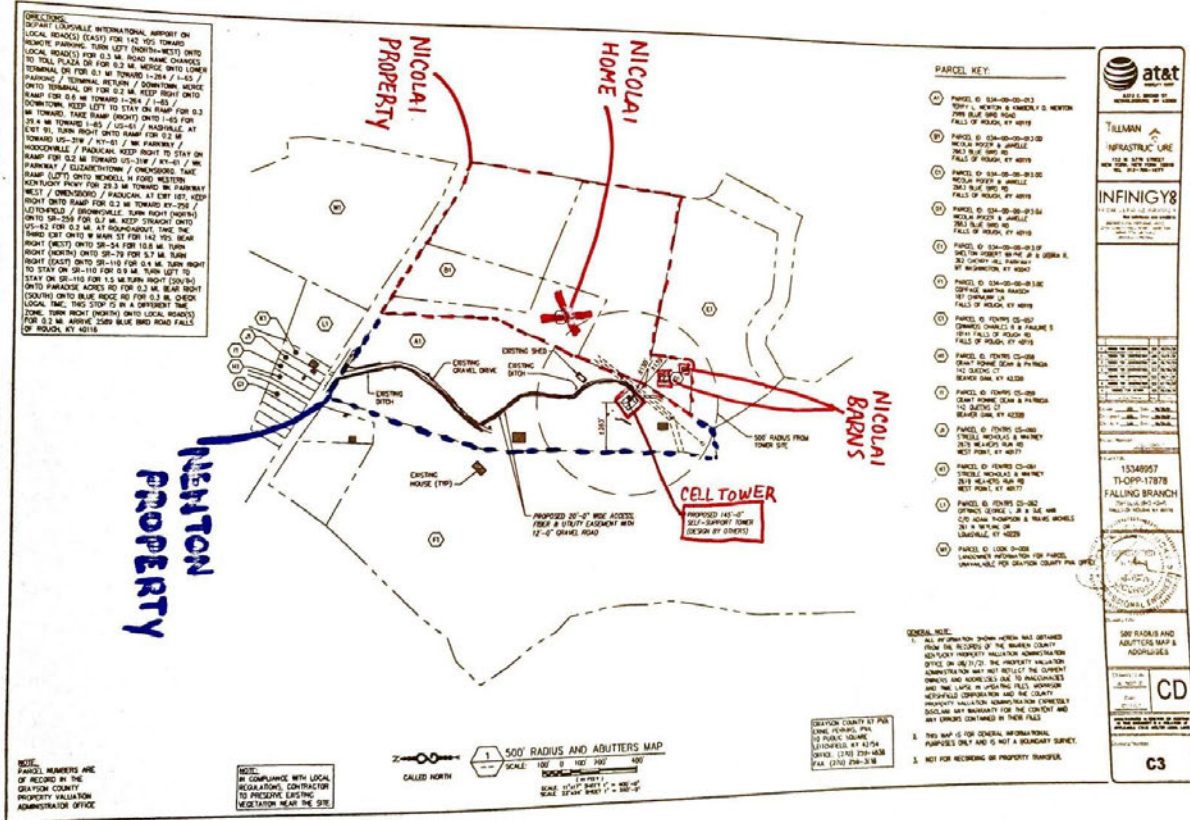
Verizon coverage map



Has New Cingular Wireless/AT&T attempted to co-locate with the existing towers? What about on existing water towers? Cellular towers less than 200' do not have to register with the Federal Communications Commission; because of this there are several smaller towers in our area that are not annotated on maps. There are many other areas in Falls of Rough, with comparable elevation, that can be considered. There were even 2 individuals at the public hearing that were interested in leasing to a cell tower.

Please also reference the image below. This is the very first image Pike Legal sent with their application. A comment was made that said “the cell tower would be centrally located” on the Newton’s farm. That is not accurate. You can see here; the cell tower butts up against the western edge of our property. We use our barns and access them multiple times a day. We have stated it before; the proposed site is indeed very impactful to our farm and its use. I said in the public hearing that the tower would literally be “towering over our back yard”, and I stand by that statement. This location was chosen to be the least intrusive to the Newton’s property but in doing so, it is the most damaging to our property.

Map from Pike Legal's application:



This is a matter of business for New Cingular Wireless/AT&T. Not a matter of public convenience and necessity. This is also a matter of income for the Newtons. The cell company is ultimately asking our family to pay for their gains. The Newtons are asking our family to pay for their income opportunity. There are other options to bring additional cellular service to Falls of Rough, and they have not been explored. The proposed site, simply put, is not the best site for a cell tower.

Please consider these things when making your decision to deny or approve the CPCN Application from New Cingular Wireless/AT&T.

Sincerely,

Janelle Nicolai