

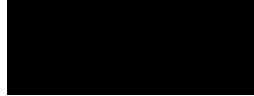
RECEIVED

APR 01 2022

PUBLIC SERVICE  
COMMISSION

# Roger & Janelle Nicolai

2663 Blue Bird Rd.  
Falls of Rough, Kentucky 40119



March 31, 2022

Kentucky Public Service Commission  
Executive Director  
211 Sower Boulevard, P.O. Box 615  
Frankfort, Kentucky 40602  
Re: Docket #2021-00398

To Whom It May Concern,

I, Roger Nicolai, am writing today to continue to build a case before the Kentucky Public Service Commission. I am grateful that the Kentucky PSC has recognized mine and my wife's special interest in this case. I also recognize the PSC granting intervention and entitling us to the full rights of a party in this proceeding.

## **Regarding Economic Impact on the Nicolais**

1. I have already introduced two studies that indicate proximity to a cell tower as a *definite cause* of depreciation in property value<sup>1</sup>.

---

<sup>1</sup>Stephen L. Locke & Glenn C. Blomquist, 2016. "The Cost of Convenience: Estimating the Impact of Communication Antennas on Residential Property Values," *Land Economics*, University of Wisconsin Press, vol. 92(1), pages 131-147.

&

Affuso, E., Reid Cummings, J. & Le, H. Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis. *J Real Estate Finan Econ* **56**, 653–676 (2018).

2. Two authors of the aforementioned “Wireless Towers...” study have commented on this specific case. I have submitted their comments previously to the PSC.

- In their comments, Affuso and Cummings stated, “...in our analysis using our dataset, homes within the proximities as close as those depicted on your photo lost economic value.”

I now submit, as new evidence, this comment from Stephen Locke, an author of the already submitted study “The Cost of Convenience...”, wherein he states:

*I have looked over the pictures and documentation you have provided. Results from my study and other similar studies have found a statistically and economically significant negative impact on property values for homes located in close proximity to a cell phone tower. Your property is close enough to the proposed location that previous research would suggest economic damages are likely to occur.<sup>2</sup>*

This is now two different studies and comments from three authors. The general consensus presented in the studies is that the proximity of the proposed site *will cause* a loss in property value. The specific consensus, referencing the individual comments, is that a presumption of negative economic consequences is justified.

### **On Mitigating Losses**

I believe in private property rights. I believe in law and order.<sup>3</sup> I am convinced that the erection of this tower site would violate both ideas by non-consensually and detrimentally affecting myself and my family.

Being convinced of the tower’s negative impact, I believed that the best course of action was to pursue a *more equitable* solution amongst all involved parties. A more equitable solution stands in contrast to me having acted without any consideration of my neighbors. I recognize that the PSC is dealing with New Cingular Wireless PCS, LLC and Tillman Infrastructure LLC (the Joint Applicants) primarily, and not our

---

<sup>2</sup> This comment was provided March 29, 2022.

<sup>3</sup> These are not mere platitudes. As a combat veteran of the United States Marine Corps, who has lost friends *and* family to their service of this country; I *do not* take *anyone’s freedoms* for granted.

neighbors, the Newtons, per se. I also recognize that the Newtons will be affected by whatever decisions are made.

My “olive branch” was to seek the movement of the proposed site in such a way as to *mitigate* my losses while not having an exclusively negative impact on my neighbor’s property or use of his land. This is what I hoped to achieve by not asking for the proposed site to be moved *entirely out of* the negative impact range demonstrated by the multiple studies I have submitted.

If an alternative site cannot be agreed upon, however, then I do ask the Kentucky Public Service Commission to deny the ability of the Joint Applicants to utilize any portion of the property found at 2589 Blue Bird Road. My family and I should not be the sole receivers of any negative impact this site will induce.

### **Regarding Public Need**

In former correspondence I have noted, in response to the public hearing<sup>4</sup>, that multiple cell providers operate in this area. Multiple networks advertise and, according to public comment<sup>5</sup>, provide service in this area. AT&T is not the only interconnected cellular network available to people in the Falls of Rough, Louisville, Indiana, or the United States.

The building of a cell tower at this particular location is solely a matter of profit. I eschew profit not. I do not believe though that profit should affect the integrity or value of another person’s property without their consent.

### **To Wrap up**

My argument is simple; do not employ your efforts in a way that hurts other people. I am not claiming this as the intent of any party involved in this process, but I have presented evidence justifying my expectation of deleterious effects to my property. And if it hurts my property, it, therefore, hurts myself and my family.

In crass but not, I think, untrue terms, the proposed site is *solely* a matter of profit. This is not a public need.

---

<sup>4</sup> March 03, 2022; <https://youtu.be/cTk8EbtZB0g>

<sup>5</sup> Ibid., 23:13, 27:36, 40:02

If the site will not be located in a different, less detrimental, area of the 2589 Blue Bird Rd. Property, I ask the PSC to prevent its construction by denying the application.

Thank you,

Roger Nicolai

***Property must be secured, or liberty cannot exist. - John Adams***