

**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Subject:** RE: Additional Public Comment  
**Date:** Friday, March 25, 2022 10:28:00 AM

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Case No. 2021-00398

Thank you for your comments on the application of New Cingular Wireless. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2021-00398, in any further correspondence. The documents in this case are available at [View Case Filings for: 2021-00398 \(ky.gov\)](#).

Thank you for your interest in this matter.

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**From:** Janelle Nicolai [REDACTED]  
**Sent:** Saturday, March 12, 2022 7:26 PM  
**To:** PSC Executive Director <PSCED@ky.gov>; PSC Public Comment <PSC.Comment@ky.gov>  
**Subject:** Additional Public Comment

To Whom It May Concern:

Please review the attached file in regard to Docket#: 2021-00398

Respectfully,

Roger and Janelle Nicolai  
2663 Blue Bird Rd  
Falls of Rough KY 40119

## Roger and Janelle Nicolai

2663 Blue Bird Rd  
Falls of Rough KY 40119



March 12, 2022

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

RE: Docket # 2021-00398

To Whom It May Concern:

We wish to make an addition to the public comment made at the public hearing on March 3, 2022. Roger Nicolai referenced the study by Affuso, Cummings and Le, *Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis*. This study has been submitted and referenced in multiple communications with the PSC.

The authors were emailed prior to the public hearing asking for their expert opinion on our property value and the proposed location of the cell tower. Two of the authors, Cummings and Affuso, responded in agreement saying that it was likely our property would lose value according to the criteria and methods employed in their study.

What follows is the specific image submitted to authors and their opinions regarding it.



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On Tue, Mar 1, 2022 at 10:01 AM Reid Cummings [REDACTED] wrote:

Based on the photo alone an obvious externality variable is the short proximity distances to and from your home. For sightlines and straight lines, we would expect results to be similar. We cannot run analysis or test predictions needed to offer any economic measurement, because we have none of your market's micro-variables. However, we can say that in our analysis using our dataset, homes within the proximities as close as those depicted on your photo lost economic value.

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J. Reid Cummings, D.B.A.  
Interim Assistant Dean for Financial Affairs  
Associate Professor of Finance and Real Estate  
Executive Director, [REDACTED]

.....

On Wed, Mar 2, 2022, 7:36 AM Ermanno Affuso [REDACTED] wrote:

I concur with Dr. Cummings.

**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Subject:** RE: Case 2021-00398 comment letter  
**Date:** Friday, March 25, 2022 10:26:00 AM

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Case No. 2021-00398

Thank you for your comments on the application of New Cingular Wireless. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2021-00398, in any further correspondence. The documents in this case are available at [View Case Filings for: 2021-00398 \(ky.gov\)](#).

Thank you for your interest in this matter.

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**From:** Joy Griffith [REDACTED]  
**Sent:** Thursday, March 10, 2022 2:28 PM  
**To:** PSC Public Comment <PSC.Comment@ky.gov>  
**Subject:** Case 2021-00398 comment letter

Good afternoon, Attached is my comment letter regarding the case number above. Please let me know if you need anything further. Thank you, Joy Griffith

Griffith Family  
4747 Becker Drive  
Owensboro, KY 42303  
03/04/2022

Kentucky Public Service Commission  
Re: Case Number 2021-00398 Proposed Site for AT&T Cell Tower

To Whom It May Concern:

I attended the public comment meeting on March 3, 2022 and would like to send my comments. I have no bias in the matter as I will not benefit nor is it a detriment to me or my family. We do own property at Falls of Rough but have good cell coverage.

I requested and was able to view the proposed site for the 149-foot tall cell tower and its proximity to the Nicolai's home and property. It is my opinion that the current location of the cell tower, which is 480 feet from this family's house will cause irreparable harm, loss of value in property, adversely affect the character of the farm/country environment, result in loss of future opportunities to expand the agricultural atmosphere, and create a private nuisance and therefore should be relocated to a more suitable location for all parties involved on the Newton's property.

One of the Newton's comments in defense to put this tower in its current location on their property was that they can do what they want to with their property. However, according to Kentucky State law, per KRS 411.500 to .570, the common law cause of action for nuisance is premised upon an unreasonable interference with the use and enjoyment of property. A private nuisance is the unreasonable, unusual, or unnatural use of one's property so that it substantially impairs the right of another to peacefully enjoy his property.

As the committee with the role of making the decision, it is important to understand the background and purpose of this family and their usage of their property. The Nicolai family consists of a mother, father and four young children. They left the city living to provide a rural farm way of living for themselves and their children. This consists of raising various livestock and a garden for growing their own food and also as a small farm to provide food for others in the community. They have laid the ground work over the past few years, spending time, energy and resources to develop their home and land. They welcome and invite others from the community not just their customers to their property to see and experience the peaceful farm environment and atmosphere that only rural living can provide. Their goal is to provide a long lasting homestead and farm, a place to call home for many years to come, a legacy to their children. The impact of a 149-foot-tall large metal industrial structure with electrical panels, a diesel generator and an enclosed chain link fence compound with barbed wire to house the tower and cellular antennas, that is only 480 feet from

their home, looming over them, will be a daily reminder of the city way of life opposite the environment they have been providing for themselves, their customers and their community. This compound will interfere with the use and enjoyment of property for the Nicolai's and the community in which they serve. The tower will be visible from most any place on the Nicolai's property including looking out their windows of their home, very close to their barn in which livestock are raised, close to their garden and market building. This tower will be receiving and transmitting cell and microwave signals day and night. This compound will be an unsightly scene on such serene property. This compound will be out of sorts with the landscape and the rural characteristics of the surrounding properties, and will be an eyesore. The Nicolai's customers will have quite a different experience than the one the Nicolai's have worked so hard to create. In order to make an informed decision about the nuisance and interference, I recommend the committee walk the proposed site and the close proximity to the Nicolai home.

A 2005 study done by Sandy Bond, PhD. In the Appraisal Journal state that **“cell phone base stations have a negative impact on the houses in the area.”** People are less likely to want to live and to buy near a cell tower, especially in the country, and it can impact a home and land values by depreciating them between 20-30%. According to the National Institute for Science, Law and Public Policy, 79% of people said under no circumstance would they ever purchase or rent a property within a few blocks of a cell tower or antenna. With 94% stating that a nearby cell tower would negatively impact interest in a property or the price they would be willing to pay for such property. This is especially true in a rural setting where people are choosing to live away from tall buildings and structures, multiple homes crammed into city blocks, blinding street lights. My husband and I have never even considered a property with a cell tower with the proposed location so close to the Nicolai home. Not only will the value of their property decline, they will have a reduced market share in their potential buyer pool.

The other comment made by the Nelson's in defense of the proposed location is that it will minimize the destruction of trees. I can only hope that the rights of human beings to enjoy their property is considered above the rights of trees. More trees can be planted but to potentially uproot a family that is loved and needed in a community as they help to provide other families in the community with farm fresh food and a farm fresh atmosphere is inconceivable.

Please re-locate this cellular compound to avoid the adverse consequences mentioned above.  
Thank you,

Griffith Family

**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Subject:** RE: Concerning Docket # 2021-00398  
**Date:** Friday, March 25, 2022 10:25:00 AM

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Case No. 2021-00398

Thank you for your comments on the application of New Cingular Wireless. Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2021-00398, in any further correspondence. The documents in this case are available at [View Case Filings for: 2021-00398 \(ky.gov\)](#).

Thank you for your interest in this matter.

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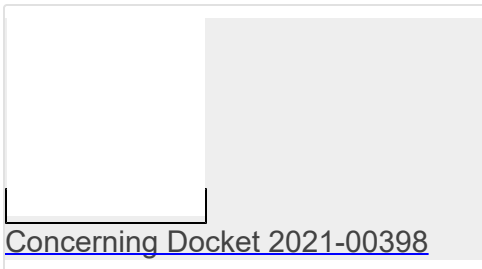
**From:** Nora Falcon [REDACTED]  
**Sent:** Tuesday, March 8, 2022 11:29 PM  
**To:** PSC Public Comment <PSC.Comment@ky.gov>  
**Cc:** [REDACTED]  
**Subject:** Concerning Docket # 2021-00398

To whom this may concern:

I formally request that you review my attached letter regarding the above mentioned docket at the proposed location of 2589 Blue Bird Rd., Falls of Rough, KY 40119.

Thank you.

Nora I. Falcon



**NORA I. FALCON  
1775 ANNETA RD.  
LEITCHFIELD, KY 42754**

March 8, 2022

Re: Reference Docket #2021-00398

Proposed AT&T Cell Tower at 2589 Blue Bird Rd., Falls of Rough, KY 40119

To Whom This May Concern:

I am writing this letter in support of Roger & Janell Nicolai's request for a less intrusive location for said cell phone tower.

The Nicolai's and their children have been working to build their farm business throughout the years. Locating this cell tower in the proposed location will impact their business and home life due to the aesthetics and the impact it will have on their home value.

Not only will the AT&T cell tower ruin the view of their property, but it will mar the scenic landscape of their farm which in turn will have an impact on their farm business and their property value.

I attended the hearing that was open to the public on March 3, 2022. At this hearing the property owner, Terry Newton, claimed that property devaluation has not been proven to be caused by cell phone towers near properties. I would like to point out that THE WALL STREET JOURNAL wrote an article on August, 15, 2018 titled REAL ESTATE - THE ELECTRIFYING FACTOR AFFECTING YOUR PROPERTY VALUE. In this article it was stated that "Vacant lots adjacent to power lines sell for significantly less than equivalent property further away as homeowners shy away from unattractive views...A recent study in the Journal of Real Estate Research by College of Charleston assistant professors Chris Mothorpe and David Wyman, finds that vacant lots adjacent to high-voltage transmission lines sell for 45% less than equivalent lots not located near transmission lines. Non-adjacent lots still located within 1,000 feet of transmission lines sell at a discount of 18%."

[https://ehtrust.org/cell-phone-towers-lower-property-values-documentation-research/?fbclid=IwAR3arhZ7\\_p6vCKkJvCjfkCQgZEad1LHifgLLnbxf9W2Js-GOTRvIc-uEvgU](https://ehtrust.org/cell-phone-towers-lower-property-values-documentation-research/?fbclid=IwAR3arhZ7_p6vCKkJvCjfkCQgZEad1LHifgLLnbxf9W2Js-GOTRvIc-uEvgU)) Research indicates that over 90% of home buyers and renters are less interested in properties near cell towers *and* would pay less for a property in close vicinity to cellular antennas. Documentation of a price drop up to 20% is found in multiple surveys and published articles. Also the



US Department of Housing and Urban Development (HUD) long considers cell towers as “Hazards and Nuisances.”

<https://archives.hud.gov/offices/hsg/sfh/ref/sfh1-18f.cfm>)

In addition to the aesthetic concerns and the devaluation of the Nicolai's property if this cell tower goes up at the proposed location there are also health concerns as this cell tower is awfully close to the Nicolai's home. “Cell Towers and Cell Antennae mounted on buildings have radio frequency emissions. The closer you are to the antennae, the more radiofrequency radiation you are exposed to. Cell tower radiation exposure is different than cell phone exposure in that a cell phone *to the head* focuses an extremely high amount of radiation to a specific brain region. Cell tower emissions are at lower levels than cell phones. *However, with cell tower exposure, the exposure is non- stop day and night and full body exposure.* A significant body of peer reviewed research has found harmful effects from cell tower radiation. People living or working in close vicinity to a cell tower will get the highest exposures. People sleeping in homes with windows facing antennas will have more nighttime exposure. A phone can be turned off but a cell tower cannot be. Many governments and local jurisdictions have halted the placement of cell towers and cell antennae near schools and residences because of the higher density of radiation in the close vicinity to cell antennas.

<https://ehtrust.org/cell-towers-and-cell-antennae/>)

I urge you to please review a compilation of multiple Doctor's letters on their concerns regarding cell towers and the effects they have on human health at this link:

<https://ehtrust.org/wp-content/uploads/Doctors-Letters-on-Cell-Towers-and-Cell-Towers-at-Schools.pdf>)

As the Nicolai's have repeated multiple times they are not opposed to the tower. They are requesting the tower location be reviewed and a location chosen that works for both property owners.

Sincerely,

Nora I. Falcon

**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Date:** RE: 2021-00398  
Friday, March 25, 2022 10:27:00 AM

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Case No. 2021-00398

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Thank you for your interest in this matter.

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**From:** Ivy Acres Homestead [REDACTED]  
**Sent:** Thursday, March 10, 2022 11:15 PM  
**To:** PSC Public Comment <PSC.Comment@ky.gov>  
**Subject:** 2021-00398

To Whom It May Concern:

My name is Emily Parks and this email is regarding Docket Number 2021-00398.

I attended the public hearing on March 3, 2022 to discuss the proposed AT&T cellular tower at [2589 Blue Bird Rd](#) in Falls of Rough KY. I made public comment at the hearing and I now wish to add additional public comment.

I am urging the PSC to please consider the Nicolai's property value in their decision. Roger and Janelle Nicolai are not trying to stop the construction of the cell tower, they are asking for it to be moved further from their home and working farm for less visibility; to reduce the loss of property value. The Nicolai's have invested very much into their farm; they took a home and farm in disrepair and have been bringing it back to life over the last several years. They open their farm to the public 6 days/week in the warmer months and host day visitors year-round. Many people come to Falls of Rough to retreat from the noise and the busyness of the city; the Nicolai's farm is a destination for these people. The serene and quaint atmosphere is anticipated.

The proposed cell tower is inconsistent with the area and will not only impact their personal life (home and property value), but their business as well. The current proposed location will be detrimental to their family and farm.

The Nicolai family offers something special to this community and they are contributors to this community. I think it is owed to them some consideration in relocating this tower.

Sincerely,

Emily Parks

[206 Stone View Rd](#)  
[Leitchfield KY 42754](#)

**From:** [PSC Public Comment](#)  
**To:** [REDACTED]  
**Subject:** RE: Nicolai's Additional Public Comment  
**Date:** Friday, March 25, 2022 10:28:00 AM

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Case No. 2021-00398

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Thank you for your interest in this matter.

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**From:** Janelle Nicolai [REDACTED]  
**Sent:** Friday, March 11, 2022 5:27 PM  
**To:** PSC Executive Director <PSCED@ky.gov>; PSC Public Comment <PSC.Comment@ky.gov>  
**Subject:** Nicolai's Additional Public Comment

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

To Whom It May Concern,

This email is in regard to Docket#: 2021-00398

Please see the attached PDF for our additional public comment to the recent public hearing.

Respectfully,

Roger and Janelle Nicolai  
2663 Blue Bird Rd  
Falls of Rough KY 40119

[REDACTED]  
[REDACTED]

# Roger & Janelle Nicolai

2663 Blue Bird Rd.  
Falls of Rough, Kentucky 40119



March 10, 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,

My name is Roger Nicolai. I am contacting the Kentucky Public Service Commission on behalf of my wife Janelle and myself. This communication provides additional comment related to the public hearing regarding Docket #2021-00398 held on March 03, 2022.

To restate my original position; I am trying to *mitigate* the damage to property value that will occur if the cell tower site is constructed in its proposed location. I am not asking now, nor have I ever, that the site be moved *away* from the 2589 Blue Bird Rd. property. I am asking, instead, that the site be moved to a *less damaging* location *within* the same property.

What follows are comments regarding various portions of the public hearing. I have annotated the specific speaker, the point being established, and its timestamp within the public video of the hearing.<sup>1</sup> While providing these comments I am trying to keep the PSC clear of any “neighborly spats”. I am merely trying to present and clarify all the relevant information as I understand it.

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A solid black rectangular redaction box covering the text of the footnote.

- Kimberly Newton - Nicolai Children's Welfare - 18:54

The welfare of our children is no concern of the Newtons; particularly in relation to the tower site they wish to have constructed. I mention this simply because I do not understand the speaker's intent in saying, "if they're out playing, they get close to it, we can see it."

This is entirely irrelevant to the case before the PSC.

- Hugh Coppage - Cellular Signal Availability - 23:13

Mr. Coppage mentions other families having already switched to Verizon for their cellular coverage. His home is also reported by Verizon to be covered with their 4G LTE services. This negates the "need" for an AT&T tower; particularly one that negatively impacts nearby property owners.

- Martha Coppage - Cellular Signal Availability - 27:36

Mrs. Coppage also brings up other families utilizing Verizon for their cellular use cases.

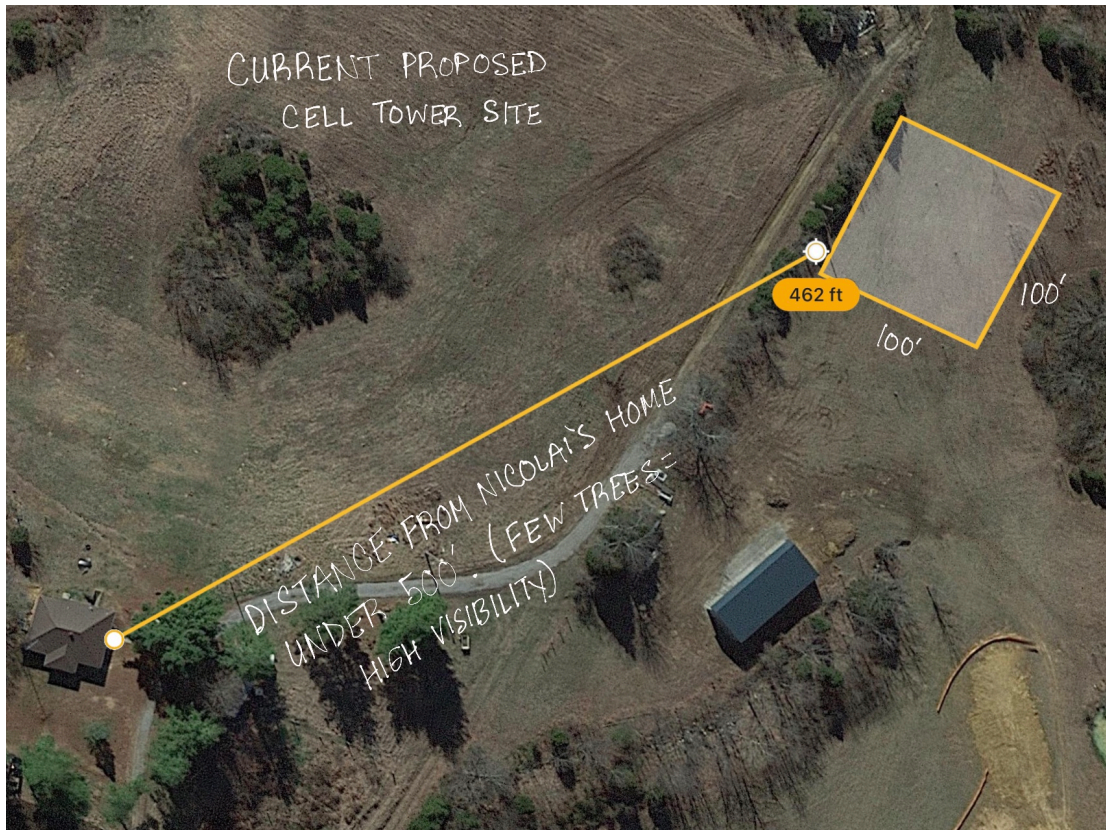
- Terry Newton - Monetary Concerns -29:05 & 32:13

It has never been our desire to limit or affect any income generated by this communications facility. Our request has been, and continues to be, that the site is moved *within* the 2859 Blue Bird Rd. property. I do, however, recognize Mr. Newton stating he "could care less" about any financial compensation and he would "give" AT&T the necessary spot for the proposed site. His concern, as I understand it, is the greater communications ability of this area of the Falls of Rough.

If this is the case, I do not understand what this disagreement is over any more. It would appear that all parties would be equally pleased by having the site moved elsewhere.

- Terry Newton - Site's Distance From Our House - 31:05

Using Google Earth I have found the proposed site to be located roughly 500' from our home. This is in contrast to Mr. Newton's assertion that it is located 800'-900' from our property. I have included an annotated map from Google Earth that displays my observations.



**Please note:** The distances provided by myself **and** Mr. Newton, regarding the proposed site, fall **within** the damaging parameters of the multiple studies I have furnished the PSC. Locke and Blomquist<sup>2</sup> argue that property depreciation occurs within 1,000' of a "visible antenna". Affuso, Cummings,

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<sup>2</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.

and Le argue that depreciation occurs within .72km (roughly 2,400') of the "closest tower".<sup>3</sup>

- Eric Higdon - Public Safety - 36:58, 38:03, 38:28, and 38:48

I have provided specific timestamps, but it would be fair to say that Mr. Higdon's comment focused entirely on public safety. If this was, exclusively, a public safety issue I would expect two things:

1. A public (i.e. governmental) body to exercise eminent domain.
2. An *absolute* dearth of communication potential. No alternative cellular service providers. No landlines. Nothing.

Neither of these expectations are met in this instance.

There are means of communication available within the Falls of Rough.

The applicant is a *private* limited liability company based in Delaware. New Cingular Wireless PCS, LLC, is not a public entity and has no interest in "public safety", excepting only fiduciary obligations.

What Mr. Higdon and others are perceiving as a public need being met is actually a private company wantonly depreciating the value of homeowners that happen to be in the wrong place at the wrong time.

We, the Nicolais, are not asking for the PSC to prevent a tower from being erected. We are asking that an increase in communications infrastructure not be done in such a way as to damage us exclusively and to the utmost.

- Vicky Catlett - Cellular Signal Availability - 40:02

Mrs. Catlett informed us that her neighbor with Verizon, "always has service."

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<sup>3</sup> 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).



- Terry Newton - Veracity of Studies Cited - 43:40 & 46:34

To be clear; the studies I have cited in all communications with the PSC **apply to rural areas**. This is made clear in each individual study's methods, modeling, and reporting.

For reference, Locke and Blomquist state explicitly, "...proximity to a communication antenna has a positive effect on the sales price of a house in highly urban areas, and a *negative effect in more rural areas*."<sup>4</sup>

- Terry Newton - Public Safety - 45:19

As I responded with Mr. Higdon's comment; this is not a public entity establishing public safety. Neither is it a private entity working on behalf of a public entity or the public good.

Further, public safety was not established as alternative means of communication (cellular providers, landlines, etc.) are not absent from this area.

In summary, and in relation to the purview of the PSC, the comments at this hearing did not negate our request for intervention.

- The information I have presented from our first correspondence onward is contextualized and applicable to our rural location. *The future loss in our property value has been established.*
- Multiple members of the community spoke that evening of an alternative *cellular network* that enables communication; Verizon.<sup>5</sup>

We continue to ask the PSC, in accordance with KRS 278.650, to help us mitigate the negative effects that *will result* as a consequence of a cell tower site being built at 2589 Blue Bird Rd.

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<sup>4</sup> Emphasis mine.

In effort to mitigate property depreciation we have included an alternative 100'x100' site that could be amenable in this situation.



Thank you,

Roger & Janelle Nicolai

\*Christopher Shouse  
Attorney  
Pike Legal Group PLLC  
1578 Highway 44 East, Suite 6  
P. O. Box 369  
Shepherdsville, KENTUCKY 40165-0369

\*Honorable David A Pike  
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1010 N St Mary's Street, 9th Floor  
San Antonio, TX 78215

\*Roger & Janelle Nicolai  
2663 Blue Bird Road  
Falls of Rough, KENTUCKY 40119