

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY NETWORK, LLC FOR THE)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY TO)	2023-00264
CONSTRUCT A REPLACEMENT TOWER IN)	
ESTILL COUNTY, KENTUCKY)	

ORDER

This matter arises out of East Kentucky Network, LLC d/b/a Appalachian Wireless's (Appalachian Wireless) motion for leave to amend its application. On August 22, 2023, Appalachian Wireless filed an application requesting Commission approval of a Certificate of Public Convenience and Necessity (CPCN) to construct a cellular telecommunications tower.¹ On September 15, 2023, Appalachian Wireless filed a motion requesting to amend its original August 22, 2023 application to supplement it with updated information after Appalachian Wireless became aware of two recent ownership changes. Concurrently with the motion, Appalachian Wireless filed an updated list of all relevant landowners, copies of notifications sent by certified mail to the relevant landowners, and an updated map identifying structures and owners of real estate within 500 feet of the proposed cellular communications tower.

¹ Appalachian Wireless tendered its application on August 14, 2023. By letter dated August 17, 2023, the Commission rejected the application for filing deficiencies. The deficiencies were subsequently cured, and the application is deemed filed on August 22, 2023.

As a basis for its request, Appalachian Wireless argued that it became aware of two recent ownership changes for adjacent properties only after it had already filed its original application, which necessitated an amendment to the original application.²

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 4(5), provides that the Commission shall allow an application to be amended upon a party's motion and showing of good cause. The regulation further states that, unless the Commission orders otherwise, the amendment shall not relate back to the date of the original paper.

DISCUSSION AND FINDINGS

Having reviewed the record, the Commission finds good cause to grant Appalachian Wireless' motion for leave to amend its application. Appalachian Wireless filed its motion upon becoming aware of a recent change in property ownership and to comport with the notice requirements found in KRS 278.665(2) and 807 KAR 5:063, Section 1(1)(l).

Furthermore, because Appalachian Wireless did not request that the amended application relate back to the filing date of the original application or provide a reason the amended application should relate back to the filing date of the original application, the Commission finds that Appalachian Wireless's application is deemed filed as of September 15, 2023.

IT IS THEREFORE ORDERED that:

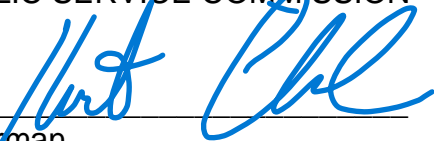
1. Appalachian Wireless's motion is granted.

² Appalachian Wireless's Motion for Leave to Amend Application at 1, Item 2.

2. Appalachian Wireless's application is deemed filed as of September 15, 2023.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

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