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Mary Pat Regan
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March 06, 2023

David A. Pike
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RE: Cellco Partnership d/b/a Verizon Wireless
Case No. 2023-00074 Filing Deficiencies

The Commission Staff has reviewed the application in the above case. This filing is rejected for the reasons set forth below.

Filing deficiencies pursuant to:

1. 807 KAR 5:001E, Section 8(4)(b)(2): The entirety of the application is not search capable.
2. 807 KAR 5:001 Section 14 (3): If a limited liability company, the applicant shall identify in the application the state in which it is organized and the date on which it was organized, attest that it is in good standing in the state in which it is organized, and, if it is not a Kentucky limited liability company, state whether it is authorized to transact business in Kentucky; The application information provided regarding Skyway Towers, LLC is out of date. The application should be amended to include current (2023) certificate of good standing for the state of Organization (which appears to be Delaware) and a current (2023) Certificate of Authorization from the State of Kentucky.
3. 807 KAR 5:001 Section 14 (4): If the applicant is a limited partnership, a certified copy of its limited partnership agreement and all amendments, if any, shall be annexed to the application, or a written statement attesting that its partnership agreement and all amendments have been filed with the commission in a prior proceeding and referencing the case number of the prior proceeding; The application information provided regarding Cellco Partnership D/B/A Verizon Wireless is out of date. The application should be amended to included current (2023) certificate of good standing for the state of formation (which appears to be Delaware) and a current (2023) Certificate of Authorization from the state of Kentucky.

4. 807 KAR 5:001 Section 15 (2) (c): A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete; The location is either incorrect or incomplete. Consequently, the route is also incorrect or incomplete.
5. 807 KAR 5:001 Section 15 (2) (d) (1): Explanation of any differences in amounts contained in the capital construction budget and amounts of capital construction cost contained in the pro forma adjustment period. One copy in portable document format on electronic storage medium and two (2) copies in paper medium of maps to suitable scale showing the location or route of the proposed construction or extension, as well as the location to scale of like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of the other facilities.
6. 807 KAR 5:063 Section 1 (1) (b): A copy of the utility's applications to the Federal Aviation administration and Kentucky Airport Zoning Commission; Applicant Exhibit E includes the FAA authorization, but it does not include the application to the FAA as required. Additionally, Exhibit F only includes an application to the Kentucky Airport Zoning Commission. Applicant has not provided a written authorization from the Kentucky Airport Zoning Commission.
7. 807 KAR 5:063 Section 1 (1) (c): A copy of the utility's application to, and authorization from, the Federal Communications Commission, if applicable; Applicant Exhibit A includes the FAA authorization, but it does not include a copy of the application.
8. 807 KAR 5:063 Section 1 (1) (e): Clear directions from the county seat to the proposed site, including highway numbers or street names, and the telephone number of the preparer of the directions.
9. 807 KAR 5:063 Section 1 (1) (g): The identity and qualifications of each person directly responsible for the design and construction of the proposed tower; Qualifications of all individuals responsible not located.
10. 807 KAR 5:063 Section 1 (1) (k): A map, drawn to a scale no less than 1-inch equals 200 feet, that identifies every structure and every owner of real estate within 500 feet of the proposed tower; The parties only referenced the Carroll County PVA. There appears to be a discrepancy regarding the location of Milton.
11. Other: There is a discrepancy throughout the application regarding the correct location of the proposed site. Application Exhibits refer to Minton as sitting in Carroll County, Kentucky, however, the FCC radio station authorization refers to Trimble County. Additionally, application fails to identify the appropriate County when describing the site. The Kentucky Department of local Government website lists Milton as sitting in Trimble County, Kentucky.

You are requested to submit the information necessary to cure the deficiencies within 10 days of the date of this letter. If you need further assistance, please contact my staff at 502-564-3940.

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style with a blue background behind the text.

Linda C. Bridwell
Executive Director

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