

THE BAILEY

LAW GROUP



August 8, 2026

VIA CERTIFIED MAIL AND FAX TO

Robert W. Grant, Esq.
Pike Legal Group PLLC
1578 Highway 44 East, Unit 6
P.O. Box 369
Shepherdsville, KY 40165-0369

RECEIVED

AUG 17 2026

PUBLIC SERVICE
COMMISSION

Re: Opposition to Proposed Wireless Communications Facility
Docket No. 2026-00157-APC Towers IV, LLC and Celco Partnership d/b/a
Verizon Wireless
Proposed Site: 9311 Dysart Way, Crab Orchard, KY 40419
Client: Judy Baker

Dear Mr. Grant:

I write on behalf of my client, Judy Baker, to formally oppose the construction of the proposed 250-foot wireless communications tower by your clients, APC Towers IV, LLC and Celco Partnership d/b/a Verizon Wireless, at 9311 Dysart Way, Crab Orchard, Kentucky 40419. Ms. Baker is a property owner [within 500 feet of the proposed tower site / contiguous to the property on which the tower is proposed to be constructed] and received your notice regarding this application before the Kentucky Public Service Commission.

GROUND FOR OPPOSITION

1. Adverse Impact on Property Values

The proposed tower will materially diminish the value of residential properties in its immediate vicinity. A 250-foot steel structure visible from surrounding homes creates both aesthetic blight and buyer apprehension regarding health and safety concerns. Studies consistently demonstrate that proximity to cellular telecommunications towers reduces property values by significant

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[TRACKING NUMBER]

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percentages, with homes within visible range selling for materially less than comparable properties farther away. Given the tower's exceptional height and the rural character of Crab Orchard, homeowners near the site will experience measurable depreciation and impaired marketability.

The Public Service Commission is expressly authorized to consider "the character of the general area concerned and the likely effects of the installation on nearby land uses and values" when reviewing applications for certificates of public convenience and necessity for cellular antenna towers outside planning commission jurisdiction. **KRS § 278.650.** Property value impact is a statutorily recognized consideration in this proceeding, and the Commission has discretion to deny applications that would harm residential values in the surrounding area. **KRS § 278.650.**

2. Health and Environmental Concerns

While regulatory agencies maintain that radiofrequency emissions remain below nominal safety thresholds, peer-reviewed scientific literature has identified biological effects from chronic RF exposure, including oxidative stress, DNA damage, and neurological symptoms in populations living near base stations. The proposed site lies within a rural ecosystem supporting diverse wildlife, and electromagnetic radiation from high-frequency transmitters has been documented to disrupt bird navigation, pollinator activity, and plant growth. Construction activities will cause habitat fragmentation, soil compaction, and potential runoff contamination.

3. Scenic and Aesthetic Degradation

Crab Orchard is characterized by rolling hills, open skies, and pastoral landscapes that define its rural identity. A 250-foot tower with lighting and aircraft warning devices will dominate the skyline and constitute a permanent visual intrusion inconsistent with the area's natural and historical character. Research demonstrates that tall communication towers significantly reduce perceived landscape quality and community satisfaction. The Commission's statutory mandate to evaluate "the character of the general area" encompasses protection against aesthetic harm that fundamentally alters a community's rural character. **KRS § 278.650.**

4. Failure to Pursue Less Intrusive Alternatives

Your clients have not demonstrated that co-location on existing infrastructure is infeasible or that small-cell technology and distributed antenna systems cannot achieve comparable coverage with reduced environmental and visual impact. Kentucky law requires applicants to provide a grid map showing the location of all existing cellular antenna towers within the planning unit's jurisdiction and a one-half mile area outside those boundaries. **KRS § 100.987**. Meaningful consideration of alternatives, including shared infrastructure and less intrusive site locations, is required before the Commission may find that public convenience and necessity justify new tower construction.

PROCEDURAL RIGHTS AND INTERVENTION

As an adjoining landowner who received notice pursuant to **KRS 278.665(2)**, Ms. Baker possesses a special interest in this proceeding that justifies intervention. The Kentucky Court of Appeals has held that adjoining landowners who express concerns regarding property value impact and propose alternative sites have standing to intervene in Commission proceedings on cell tower applications. *Potts infra*. The Commission may not arbitrarily deny intervention to landowners whose properties will be directly affected by tower construction, and denial of intervention rights is subject to judicial review. *Potts v. Pub. Serv. Comm'n*, 643 S.W.3d 83. (KY. APP. 2021), *PSC of Ky. v. Metro. Hous. Coalition*, 652 S.W.3d 648. (KY. APP 2022)

I have informed Ms. Baker that she has the right to intervene with the Kentucky Public Service Commission and request a local public hearing pursuant to **KRS 278.650** and **807 KAR 5:063 § 4**. **KRS § 278.650, 807 KAR 5:063**. “*Filing requirements and procedures for proposals to construct antenna towers or to co-locate antennas on an existing structure for cellular telecommunications services or personal communications services.*”. As a resident of the county in which the tower is proposed, she is entitled to request a local public hearing and to participate in evidentiary proceedings.

DEMAND FOR RESPONSE

Your clients must address the following before this application may proceed:

1. Provide documentation demonstrating that co-location on existing towers and small-cell alternatives are technically or economically infeasible for achieving the claimed coverage objectives.
2. Provide a comprehensive property value impact study prepared by a qualified real estate appraiser analyzing the effect of the proposed tower on residential properties within 500 feet of the site.
3. Provide environmental impact analysis addressing wildlife disruption, habitat fragmentation, and electromagnetic radiation effects on the surrounding ecosystem.
4. Identify and evaluate alternative sites that would provide comparable coverage with reduced impact on residential property values and community character.

I request a written response to these concerns within 14 business days of receipt of this letter. Absent satisfactory resolution, Ms. Baker will proceed with formal intervention before the Commission and oppose issuance of the certificate of public convenience and necessity on the grounds stated herein.

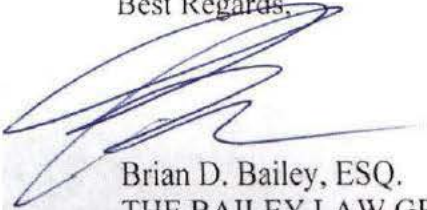
The Commission's statutory authority to deny applications that harm nearby land uses and property values is not discretionary window dressing—it is a substantive protection for landowners whose property rights and quality of life are directly threatened by inappropriate tower siting. **KRS § 278.650**. The long-term costs to property values, community character, and the natural environment far outweigh any marginal improvement in wireless coverage that this tower might provide.

NEXT STEPS

Ms. Baker is simultaneously sending written notice to the Kentucky Public Service Commission requesting intervention and a local public hearing in this matter. All further correspondence

regarding this application should reference Docket No. 2026-00157 and be directed to me at the address listed above.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Brian D. Bailey', with a stylized flourish at the end.

Brian D. Bailey, ESQ.
THE BAILEY LAW GROUP
Attorneys for Judy Baker

cc: Judy Baker
Kentucky Public Service Commission
Executive Director
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602