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From: Janelle Nicolai [REDACTED]
Sent: Thursday, April 24, 2025 5:03 PM
To: PSC Executive Director <PSCED@ky.gov>
Subject: Docket # 2024-00284

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Roger and Janelle Nicolai
The Farm at Rough River, LLC
Falls of Rough, KY
[REDACTED]

April 24, 2025

Kentucky Public Service Commission

211 Sower Boulevard
Frankfort, KY 40601

RE: Formal Appeal of PSC Decision in Docket #2024-00284 (Also referencing Docket #2021-00398)

To the Members of the Public Service Commission,

We are writing to formally appeal the recent decision issued in **Docket #2024-00284** approving the construction of an AT&T cell tower at 2589 Blue Bird Rd, Falls of Rough, Grayson County, Kentucky. As *adjacent property owners* to the proposed site and *interveners* in this matter (granted in February 2022 under Docket #2021-00398), we respectfully request that the PSC reconsider this ruling and conduct further review of the facts and circumstances surrounding this case.

This appeal is made on behalf of ourselves, Roger and Janelle Nicolai, owners of *The Farm at Rough River, LLC*, whom live and operate our farm directly beside the proposed

tower location. We are a first-generation farming family, deeply invested in both the land and the rural community we serve.

The approved tower placement poses a significant and quantifiable financial threat to our livelihood. Independent real estate professionals and economists have reviewed the potential impact of the proposed tower on our property and have confirmed an estimated *10% loss in land value* as a result of its installation. This is not a theoretical claim; it is a direct economic harm backed by professional analysis. The Joint Applicants have attempted to dismiss these findings, but we have presented credible, expert-backed evidence that has not been adequately addressed. The real estate "expert", Glen Katz, whom the Joint Applicants provided during the July 27, 2023, was found to have provided false statements and manipulated data in his written testimony.

Beyond the personal impact, this case speaks to larger concerns about the future of agriculture in Kentucky. As confirmed by the USDA's 2022 census, farmland is vanishing and our state's farming population is aging. We should be doing everything we can to preserve both agricultural land and the families who work it—not enabling its devaluation by outside interests. This seems contrary to what the Kentucky Community Farm Alliance stands for, of which Chairman Angela Hatton holds a seat on their board. Small farms need support, and this ruling is one form of support.

Furthermore, we must also raise concern over a potential conflict of interest affecting the integrity of this decision. Commissioner Mary Pat Regan's long-standing and high-ranking association with AT&T raises questions of impartiality. Her prior roles include serving as National Vice President-Regulatory for AT&T and Kentucky State President of AT&T Communications, which we believe creates a direct conflict and undermines public trust in this decision-making process.

The PSC allowed the Joint Applicants to submit a final response after hours (6:33 pm, March 5, 2025) which included information that SHOULD have been submitted the week prior, per the PSC Order dated January 7, 2025. We had no opportunity to dispute their claims.

We are also concerned that this ruling contradicts **KRS 411.530**, which provides legal protections related to the depreciation of property value caused by structures such as this tower. The PSC's decision appears to ignore this statutory protection.

This additional cell tower was never proven to be necessary. All cellular maps show excellent service in this area.

We are not asking for special treatment—only for fairness. While we understand the

importance of equitable treatment, we firmly believe that prioritizing the interests of a multibillion-dollar, out-of-state corporation over small, Kentucky-based landowners and farmers is not equitable. Our concerns were acknowledged but ultimately overruled, and we believe the PSC's ruling fails to protect the very constituents it is meant to serve. Kentucky families and farmers should take precedence, especially when the evidence is overwhelming. All we are asking for is the protection of the value of our land.

We respectfully ask the Commission to revisit its decision in Docket #2024-00284, and we request that the matter be reopened for additional review.

Thank you for your time and reconsideration of this critical issue.

Sincerely,

Roger and Janelle Nicolai
The Farm at Rough River, LLC