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June 10, 2013

RECEIVED

JUN 11 2013

PUBLIC SERVICE  
COMMISSION

**VIA HAND DELIVERY**

Hon. Jeff R. Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
Frankfort KY 40601-8294

Re: Tariff Filing of Brandenburg Telephone Company - Case No. 2013-00191 before  
the Public Service Commission of the Commonwealth of Kentucky

Dear Mr. Derouen:

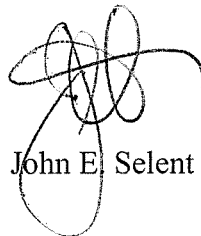
Enclosed for filing with the Public Service of the Commonwealth of Kentucky is one original and ten (10) copies of the following documents.

- 1) Application
- 2) Motion for Waiver of Certain Rate Application Filing Requirements
- 3) Petition for Confidential Treatment

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

JES/bmt  
Enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 11 2013

In the Matter of:

TARIFF FILING OF BRANDENBURG  
TELEPHONE COMPANY

) PUBLIC SERVICE  
COMMISSION  
) CASE NO. 2013-00191

APPLICATION

Applicant Brandenburg Telephone Company (“**Brandenburg**”), by counsel, pursuant to KRS 278.180, Sections 14 and 16 of 807 KAR 5:001, Section 6 of 807 KAR 5:011, and the Public Service Commission of the Commonwealth of Kentucky’s (the “**Commission**”) May 29, 2013 Order in this case (the “**Order**,” attached hereto as “**Exhibit 1**”), applies for authority to adjust its rates and charges for basic local exchange service and gives notice of its intention to increase the same rates and charges effective May 31, 2013.

INTRODUCTION

This application for a rate increase is necessitated by an order from the Federal Communications Commission that fundamentally alters the cost structure of providing telecommunications services in high-cost rural areas, like those Brandenburg serves. *See In the Matter of Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (Nov 18, 2011) (“**Transformation Order**”). For decades prior to that Order, high-cost carriers had received subsidies from the federal government’s “Universal Service Fund” (“USF”). Those USF subsidies were intended to fulfill the Federal Communications Act’s requirement that “[c]onsumers in all regions of the Nation, including . . . those in rural, insular, and high cost areas, should have access to telecommunications and information services . . . that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.” 47 U.S.C. § 254(b)(3). The Commission found, however, that many rural consumers were paying

rates that were less than those paid by consumers in urban areas. Transformation Order ¶ 235. In consequence, the FCC Transformation Order sets a rate floor equal to the national average of local rates plus state regulated fees. *Id.* ¶ 238. The Transformation Order also “limit[s] high-cost support where local end-user rates plus state regulated fees” do not meet that national rate floor; those carriers’ federal subsidies will be reduced “on a dollar-for-dollar basis . . . , to the extent that [the] carrier’s local rates (plus state regulated fees) do not meet the urban rate floor.” *Id.* ¶ 239.

Brandenburg’s proposed rate increase is thus necessary to preserve its ability to receive these important USF subsidies. Without a minimum rate sufficient to meet the FCC’s new rate floor, high-cost carriers will lose significant federal subsidies that have historically allowed these carriers to provide service to the most costly, rural customers. That loss of federal funding will threaten the financial existence of these rural carriers, who have important obligations under federal and state law as carriers of last resort. Moreover, the loss of those subsidies could portend even larger rate increases in the future, as these carriers would need to raise their rates dramatically to reflect the full, unsubsidized cost of providing service in high-cost rural areas. And, as explained in the attached exhibits, Brandenburg believes that this rate increase will be effectively revenue-neutral, as a substantial percentage of its customers will qualify for an offset that negates virtually all of the proposed rate change.

\* \* \* \* \*

In support of its Application, Brandenburg states as follows:

1. Pursuant to Section 14(1) of 807 KAR 5:001, (i) the full name of the applicant is Brandenburg Telephone Company; (ii) the address of the applicant is 200 Telco Drive, Brandenburg, KY 40108; and the electronic mailing address of the applicant is [btc@bbtel.com](mailto:btc@bbtel.com).

2.       Brandenburg is a rural local exchange carrier providing local service in Breckenridge, Hardin, and Meade Counties (the “Service Territory”).

3.       This proceeding was motivated by an Order of the Federal Communications Commission (“FCC”) that implemented “a rule to limit high-cost support where end-user rates do not meet a specified local rate floor.” *See* Transformation Order at ¶ 235.

4.       Under the Transformation Order, certain local exchange carriers must meet a specified rate floor on June 1 of each subsequent year in order to avoid any reductions in High Cost Loop Support (“HCLS”) from the FCC. Failure to meet the rate floor will result in forfeiture of the HCLS that the carrier could have otherwise received for that year. Transformation Order at ¶¶ 133, 238-40.

5.       In addition to HCLS reform, the Transformation Order also established a glide path to reduce access charges to zero.

6.       While Brandenburg is not currently a recipient of the specific fund that forces other companies to immediately request a similar rate increase, the company expects that it will become eligible and would otherwise be unable to collect this support absent such a rate increase. More importantly, Brandenburg believes that its ongoing ability to draw from any universal service funds will be compromised if it retains its historically low local service rate.

7.       On April 23, 2013, Brandenburg filed with the Commission revised tariff sheets that contained an adjustment of its rates for basic local exchange service. Brandenburg informed the Commission of its intent to place its proposed rates into effect on and after May 31, 2013.

8.       The Commission subsequently released the Order, which allowed Brandenburg’s new rates to become effective on June 1, 2013, subject to refund. The Order requested that Brandenburg

file an application to support its proposed new rates in compliance with Section 16 of 807 KAR 5:001, except for any waivers that may be granted.

\* \* \* \* \*

9. Pursuant to Section 4 of 807 KAR 5:006, Brandenburg's annual reports, including the annual report for 2012, are on file with the Commission.

10. Pursuant to Section 14(2)(a) of 807 KAR 5:001, a certified copy of Brandenburg's Articles of Incorporation and all amendments thereto are attached hereto as "**Exhibit 2**".

11. Pursuant to Section 16(1)(a)(1) of 807 KAR 5:001, Brandenburg's application is supported by a twelve-month test period of January 1, 2012 to December 31, 2012. Brandenburg's annual reports for the test period are on file with the Commission.

12. Pursuant to Section 16(1)(b)(1) of 807 KAR 5:001, Brandenburg requires an adjustment of its rates to maintain eligibility for HCLS.

13. Pursuant to Section 16(1)(b)(2) of 807 KAR 5:001, a Certificate of Existence dated within sixty (60) days of the date this Application is filed is attached hereto as "**Exhibit 3**".

14. Brandenburg does not operate under an assumed name pursuant to KRS 365.015. Accordingly, the requirements of Section 16(b)(3) of 807 KAR 5:001 are inapplicable.

15. Pursuant to Section 16(1)(b)(4) of 807 KAR 5:001, Brandenburg's proposed tariff, in such form as is required by 807 KAR 5:011, is attached hereto as "**Exhibit 4**". The proposed effective date of the proposed tariff is May 31, 2013, and the rate is currently effective as of June 1, 2013 pursuant to the Order. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with the Application, Brandenburg seeks partial waiver of Section 16(1)(b)(4) of 807 KAR 5:001, requiring that the effective date be not less than thirty (30) days from the date the Application is filed.

16. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements, Brandenburg seeks waiver of Section 16(1)(b)(5) of 807 KAR 5:001, requiring that the present and proposed tariff sheets be shown in comparative form or that the proposed tariff use italicizing, underscoring, and strikethroughs to show revisions.

17. Pursuant to Section 16(1)(b)(6) of 807 KAR 5:001, the notice sent to customers is attached hereto as "**Exhibit 5**". As more fully described in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements, which is filed contemporaneously with this Application, Brandenburg seeks a waiver of Section 16(1)(b)(6) of 807 KAR 5:001, requiring a statement that the customer notice has been given in compliance with Section 16(3)-(4) of 807 KAR 5:001.

18. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements, Brandenburg seeks waiver of Section 16(2) of 807 KAR 5:001, requiring notice of intent to file an application for a rate adjustment.

19. Pursuant to Section 16(9)(a) of 807 KAR 5:001, a narrative summary of the particular circumstances that justify and support Brandenburg's application, including a description and quantified explanation, is attached hereto as "**Exhibit 6**" and is incorporated herein. Exhibit 6 is filed in conjunction with a Petition for Confidential Treatment pursuant to Section 13 of 807 KAR 5:001.

20. Brandenburg has gross annual revenues in excess of Five Million And 00/100 Dollars (\$5,000,000.00). As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(b) of 807 KAR 5:001.

21. Brandenburg has gross annual revenues in excess of Five Million And 00/100 Dollars (\$5,000,000.00). Accordingly, the requirements of Section 16(9)(c) of 807 KAR 5:001 are inapplicable.

22. Pursuant to Section 16(9)(d) of 807 KAR 5:001, Exhibit 6 contains an estimate of the effect that each new rate will have upon the revenues of the utility. However, as more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks a partial waiver of Section 16(9)(d) of 807 KAR 5:001, requiring the percentage of increase or decrease.

23. Brandenburg is not an electric, gas, sewage, or water utility. Accordingly, the requirements of Section 16(9)(e) of 807 KAR 5:001 are inapplicable.

24. Pursuant to Section 16(9)(f) of 807 KAR 5:001, Exhibit 6 contains a description of the effect upon the average bill for a change in basic local service.

25. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(g) of 807 KAR 5:001, requiring an analysis of customers' bills.

26. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this application, Brandenburg seeks waiver of Section 16(9)(h) of 807 KAR 5:001, requiring a summary of the determination of revenue requirements.

27. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(i) of 807 KAR 5:001, requiring a reconciliation of the rate base and capital used to determine revenue requirements.

28. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(j) of 807 KAR 5:001, requiring a chart of current accounts.

29. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(k) of 807 KAR 5:001, requiring an auditor's annual opinion report.

30. Brandenburg has not been audited by the FCC. Accordingly, the requirements in Section 16(9)(l) of 807 KAR 5:001 are inapplicable.

31. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(m) of 807 KAR 5:001, requiring the most recent PSC Form T.

32. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(n) of 807 KAR 5:001, requiring a summary of the latest depreciation study.

33. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(o) of 807 KAR 5:001, requiring a schedule of detailed information regarding all software, programs, and models used to prepare the application.

34. Brandenburg has never made a stock or bond offering. Accordingly, the requirements of Section 16(9)(p) of 807 KAR 5:001 are inapplicable.

35. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks



waiver of Section 16(9)(q) of 807 KAR 5:001, requiring the annual report to shareholders or members with statistical supplements.

36. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(r) of 807 KAR 5:001, requiring monthly managerial reports.

37. Brandenburg is not required to file the U.S. Securities and Exchange Commission's Form 10-K, Form 8-K, or Form 10-Q. Accordingly, the requirements of Section 16(9)(s) of 807 KAR 5:001 are inapplicable.

38. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of Section 16(9)(t) of 807 KAR 5:001, requiring information related to charges to or allocations from an affiliate or a general or home office.

39. Brandenburg is not an electric, gas, sewage, or water utility. Accordingly, the requirements of Section 16(9)(u) of 807 KAR 5:001 are inapplicable.

40. Brandenburg has fewer than Fifty Thousand (50,000) access lines. Accordingly, the requirements of Section 16(9)(v) of 807 KAR 5:001 are inapplicable.

41. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of ¶ 3.a. of the Order, requiring an estimate of the annual revenue to be received from HCLS beginning July 1, 2013.

42. Pursuant to ¶ 3.b. of the Order, Exhibit 6 contains an estimate of the annual revenue to be lost due to adjustment of terminating access rates effective July 1, 2013.


43. Pursuant to ¶ 3.c. of the Order, Exhibit 6 contains an estimate of the annual revenue to be generated by the tariff changes.

44. Pursuant to ¶ 3.d. of the Order, Exhibit 6 contains an estimate of the forecast line loss. As more fully explained in Brandenburg's Motion for Waiver of Certain Rate Application Filing Requirements filed contemporaneously with this Application, Brandenburg seeks waiver of ¶ 3.d. of the Order, requiring an estimate of historical line losses.

45. Pursuant to ¶ 3.e. of the Order, "Exhibit 7" contains the quarterly universal service from 1Q2011 to 3Q2013 projected amounts. As is certified annually to the Commission, these funds are used by Brandenburg to provide voice and advanced data services to our customers, thereby providing residents of the Service Territory with access to critical communications services.

WHEREFORE, Brandenburg Telephone Company requests that the Public Service Commission of the Commonwealth of Kentucky enter a final order approving Brandenburg Telephone Company's revisions to the applicable tariffs.

Respectfully submitted,



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Fax: (502) 585-2207  
*Counsel to Brandenburg Telephone  
Company*

**CERTIFICATE OF SERVICE**

I certify that, on the date this Application was filed or served with the Kentucky Public Service Commission, a true and accurate copy of the foregoing was served by Federal Express or by hand delivery upon the persons listed below.

On this the 10<sup>th</sup> day of June, 2013.



---

*Counsel for Brandenburg Telephone  
Company*

Honorable Jack Conway  
Capitol Suite 118  
700 Capitol Avenue  
Frankfort, Kentucky 40601-3449

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 11 2013

PUBLIC SERVICE  
COMMISSION

In the Matter of:

TARIFF FILING OF BRANDENBURG  
TELEPHONE COMPANY

) CASE NO.  
) 2013-00191

**MOTION FOR WAIVER OF CERTAIN RATE  
APPLICATION FILING REQUIREMENTS**

Brandenburg Telephone Company ("**Brandenburg**"), by counsel, and pursuant to 807 KAR 5:001 Section 16(15), and 807 KAR 5:001 Section 21, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "**Commission**") for waiver for good cause of certain filing requirements set forth in 807 KAR 5:001 Section 16 and the Commission's May 29, 2013 Order in this case (the "Order"). In support of its request, Brandenburg states as follows.

**I. Introduction**

In its May 29, 2013 Order (the "**Order**," attached to the Application as Exhibit 1) the Commission requested that Brandenburg file an application pursuant to 807 KAR 5:001 Section 16 in order to obtain the rate adjustments that it seeks. The Commission recognized "the mandatory and time-sensitive nature of the FCC's rate floor, and that all of the information specified in 807 KAR 5:001 Section 16 may not be necessary to support an increase in basic local exchange rates under these circumstances." Order at 2. Accordingly, the Commission provided a list of specific requirements from 807 KAR 5:001 that are necessary to allow the Commission to evaluate Brandenburg's Application. Brandenburg now moves for waiver of certain requirements of Section 16 of 807 KAR 5:001 and the Order.

## II. Argument

Upon good cause shown, the Commission shall grant “[a] request for waiver of any of the provisions of [the] filing requirements.” 807 KAR 5:001, Section 16(15). In determining whether good cause exists, the Commission may consider:

- (a) Whether other information provided by the utility is sufficient to allow the Commission to effectively and efficiently review the rate application;
- (b) Whether the information for which waiver is requested is normally maintained by the utility or reasonably available from the information the utility does maintain; and
- (c) The expense in providing the information which is the subject of the waiver request.

807 KAR 5:001, Section 16(15).

Because of the expedited nature of these proceedings (which is required due to the time-sensitive nature of the rate floor) and the relatively small size of the utility, it is not feasible for Brandenburg to compile some of the information required by Section 16 by the application deadline established in the Order. Furthermore, Brandenburg’s Application is simply a response to the regulatory pronouncement of the FCC as opposed to a financial need for additional revenue from its ratepayers, and the Commission acknowledged in its Order that “all of the information specified in 807 KAR 5:001 Section 16 may not be necessary to support an increase in basic local exchange rates under these circumstances.” Order at 2.

Wherefore, Brandenburg requests waiver of the following filing requirements. A brief supporting narrative is included for each of these provisions.

**A. Filing Requirements Not Specified in the Order**

The information required by the following regulations was not requested by the Commission in the Order. *See* Order at 2.

**807 KAR 5:001 Section 16(1)(b)(5)**                      **New or revised tariff sheets shown by either providing the present and proposed tariffs in comparative form on the same sheet side by side or on facing sheets side by side, or providing a copy of the present tariff indicating proposed additions by italicized inserts or underscoring and striking over proposed deletions.**

Brandenburg’s revised tariff includes annotations in the margins which denote the various revisions. Because this information is sufficient to allow the Commission to evaluate the Application, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(1)(b)(5).

**807 KAR 5:001 Section 16(2)**                      **File written notice of intent to file a rate application at least thirty days, but not more than sixty days, prior to filing the application; state in such notice whether the application will be supported by a historical or forecast test period; serve a copy of the notice upon the Attorney General.**

Brandenburg files its Application pursuant to the Order, which established a deadline of ten days from entry of the Order. Furthermore, Brandenburg will serve a copy of the Application upon the Attorney General contemporaneous with its filing. Therefore, in light of the unique circumstances of this case, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(2).

**807 KAR 5:001 Section 16(9)(b)**                      **If utility has gross annual revenues exceeding \$5,000,000, prepared testimony of each witness who will**

**support the application.**

Brandenburg’s filing is in response to the Transformation Order and is not driven by a financial need to obtain more revenue from its ratepayers or achieve a higher rate of return. Brandenburg asserts that the information provided in the Application does not require further explication through prepared testimony. Furthermore, it is not feasible for Brandenburg to prepare testimony in the timeframe prescribed by the Commission for this filing. Accordingly, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(2).

**807 KAR 5:001 Section 16(9)(g)**

**Analysis of customers’ bills in such detail that revenues from present and proposed rates can be readily determined for each customer class.**

Because of offsets Brandenburg will be providing its customers and anticipated line loss due to the rate increase, the proposed rate change will be virtually revenue-neutral. Additionally, Brandenburg’s financial report, containing its 2012 revenues under the rates in effect prior to the filing of the Application, is on file with the Commission. This information should be sufficient to allow the Commission to effectively and efficiently review the Application, and Brandenburg accordingly seeks waiver of 807 KAR 5:001 Section 16(9)(g).

**807 KAR 5:001 Section 16(9)(i)**

**Reconciliation of rate base and capital used to determine revenue requirements.**

Brandenburg’s Application is filed for the purpose of implementing rates to secure the maximum amount of High Cost Loop Support (“**HCLS**”), and not because of a financial need to obtain more revenue from its customers. The new basic local rate was determined based on the rate floor set in the Transformation Order, and not determined based on the rate base and capital.

This data is thus irrelevant to the proposed rate increase and will not aid the Commission in evaluating Brandenburg's Application. Accordingly, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(9)(i).

**807 KAR 5:001 Section 16(9)(j)**

**Current chart of accounts, if more detailed than the Uniform System of Accounts.**

Brandenburg's financial reports are on file with the Commission and should be sufficient to efficiently evaluate the Application. Accordingly, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(9)(j).

**807 KAR 5:001 Section 16(9)(k)**

**Independent auditor's annual opinion report, with any written communication from auditor which indicates existence of material weakness in internal controls.**

Brandenburg's Application is filed merely to secure the maximum amount of HCLS and is not driven by financial instability in the company or a need to secure more revenue from its ratepayers. Reports that otherwise detail Brandenburg's financials are on file with the Commission. Accordingly, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(9)(k).

**807 KAR 5:001 Section 16(9)(m)**

**The most recent PSC Form T.**

Subscriber, bundle, and line count data are all included in Exhibit 6 to the Application. This information should allow the Commission the ability to efficiently evaluate the Application under the circumstances of this case, and Brandenburg thus seeks waiver of 807 KAR 5:001 Section 16(9)(m).



**807 KAR 5:001 Section 16(9)(n)**

**Summary of latest depreciation study with schedules by major plan accounts, except that telecommunications utilities adopting the Commission's average depreciation rates shall provide a schedule identifying current and test period depreciation rates used by major plant accounts.**

Brandenburg's annual financial report for 2012, which covers the test period, is on file with the Commission. Because this information should be sufficient to allow the Commission to efficiently evaluate the Application, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(9)(n).

**807 KAR 5:001 Section 16(9)(o)**

**A list of all commercially available or in-house developed computer software, programs, and models used in the development of the schedules and work papers associated with the filing of the utility's application.**

Because of the unique circumstances of this case, Brandenburg believes the information contained in Exhibit 6 is sufficient to evaluate the Application. Accordingly, Brandenburg seeks waiver of Section 16(9)(o) of 807 KAR 5:001.

**807 KAR 5:001 Section 16(9)(q)**

**Annual report to shareholders, or members, and statistical supplements covering the two most recent years from the application filing date.**

Brandenburg's annual financial report for 2012, which covers the test period, is on file with the Commission. Because this information should be sufficient to allow the Commission to efficiently evaluate the Application, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(9)(q).

**807 KAR 5:001 Section 16(9)(r)**

**Monthly managerial reports providing financial results for twelve months in test period.**

Brandenburg's annual financial report for 2012, which covers the test period, is on file with the Commission. Because this information should be sufficient to allow the Commission to efficiently evaluate the Application, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(9)(r).

**B. Filing Requirements Specified in the Order**

**807 KAR 5:001 Section 16(1)(b)(4)**

**New or revised tariff sheets must have an effective date not less than thirty days from the date the application is filed**

Because of the time-sensitive nature of the FCC-mandated rate floor, the effective date is within the thirty-day horizon required by Section 16(1)(b)(4), and Brandenburg accordingly requests waiver of 807 KAR 5:001, Section 16(1)(b)(4) so that it may comply with the Transformation Order.

**807 KAR 5:001, Section 16(1)(b)(6)**

**A statement that notice has been given in compliance with subsections (3) and (4) of 807 KAR 5:001 Section 16, with a copy of the notice.**

Brandenburg has provided a copy of the customer notice at Exhibit 4 of the Application. However, Brandenburg requests waiver of 807 KAR 5:001 Section 16(1)(b)(6) insofar as it requires strict compliance with 807 KAR 5:001 Section 16(3) and (4). Brandenburg targeted the notice in a manner that was most appropriate to reach its customers with the pertinent information. The notice that was provided states that basic local rates will increase, and

describes various credits and offsets to blunt the rate increase. Accordingly, Brandenburg requests deviation from 807 KAR 5:001 Section 16(1)(b)(6).

**807 KAR 5:001 Section 16(9)(d)**

**Estimation of the effect that the new rates will have on revenues including, at a minimum, total revenues resulting from increase or decrease and percentage of increase or decrease.**

Brandenburg has provided the total revenues that will result from the rate increase, which is virtually revenue-neutral. Because the information Brandenburg has provided is sufficient to evaluate the Application, Brandenburg seeks waiver of 807 KAR 5:001 Section 16(9)(d).

**807 KAR 5:001 Section 16(9)(h)**

**Summary of determination of revenue requirements based on return on net investment rate base, return on capitalization, interest coverage, debt service coverage, or operating ratio, with supporting schedules.**

As an average-schedule-size company, Brandenburg participates in interstate pools based on the average costs of companies of their average size. Accordingly, they are not required to perform studies pursuant to Part 36 of the FCC Rules that separate revenues, expenses, and investments between various jurisdictions. Due to the substantial financial burden that such studies impose, this is a key advantage of average schedule filing. Additionally, a utility the size of Brandenburg could not realistically complete a Part 36 study within ninety days, let alone within the narrow timeframe that the circumstances of this proceeding necessitate.

Brandenburg does not seek a rate increase in this proceeding based on a failure to earn an adequate rate of return. The changes in rates that it seeks are requested in order to maintain eligibility to receive the maximum amount of HCLS and are expected by Brandenburg to provide

either no additional revenue or nominal additional revenue that will serve as an offset to other revenue reductions imposed by the FCC.

Finally, a hypothetical analysis would require so many assumptions or consolidations as to deprive the study of any meaningful analytical value. Such a study would require industry-average allocation factors to establish theoretical jurisdictional separations, or they would provide only a consolidated schedule that would portray a misleading blend of interstate and intrastate performance.

Accordingly, Brandenburg seeks waiver of Section 16(9)(h) of 807 KAR 5:001..

**Order at ¶ 3.a.**

**Estimated annual revenue from High Cost Loop Support beginning July 1, 2013.**

Brandenburg does not have a readily-available projection for revenue from HCLS starting July 1, 2013. Accordingly, Brandenburg seeks waiver of the filing requirement that appear in the Order at ¶ 3.a.

**Order at ¶ 3.d.**

**Historical and projected line loss.**


Brandenburg has provided a projection for line loss but does not have readily-available data for historical line loss. Accordingly, Brandenburg seeks waiver of the filing requirement that appear in the Order at ¶ 3.d.

### **III. Conclusion**

Brandenburg has demonstrated good cause for granting each of the requests for waiver identified above. In each case, Brandenburg does not prepare the requested reports or otherwise

have the information readily available. In addition, it would be prohibitively expensive for Brandenburg to prepare the reports in the timeframe of this case. Accordingly, Brandenburg has demonstrated good cause and the Commission should grant the requested waivers.

Respectfully submitted,



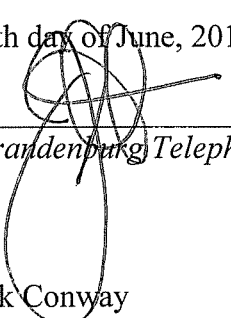
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Phone: 502.540.2300  
Fax: 502.585.2207  
*Counsel to Brandenburg Telephone  
Company*

**CERTIFICATE OF SERVICE**

I certify that, on the date this Motion for Waiver of Certain Rate Application Filing Requirements was filed or served with the Kentucky Public Service Commission, a true and accurate copy of the foregoing was served by Federal Express or by hand delivery upon the persons listed below.

On this the 10th day of June, 2013.



---

*Counsel for Brandenburg Telephone  
Company*

Honorable Jack Conway  
Capitol Suite 118  
700 Capitol Avenue  
Frankfort, Kentucky 40601-3449

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 11 2013

In the Matter of:

TARIFF FILING OF BRANDENBURG  
TELEPHONE COMPANY

PUBLIC SERVICE  
COMMISSION  
) CASE NO.  
) 2013-00191

**PETITION OF BRANDENBURG TELEPHONE  
COMPANY FOR CONFIDENTIAL TREATMENT**

Brandenburg Telephone Company (“Brandenburg”) hereby petitions the Kentucky Public Service Commission (the “Commission”), pursuant to Section 13 of 807 KAR 5:001 and KRS 61.878, to grant confidential treatment to certain information Brandenburg is contemporaneously filing with its application for a general adjustment in rates. The information Brandenburg seeks to protect as confidential is hereinafter referred to as the “Confidential Information.”

Pursuant to Sections 13(2)(a)(3) and 13(2)(b) of 807 KAR 5:001, one (1) copy of the hardcopy pages containing Confidential Information, with the Confidential Information highlighted with transparent ink, printed on yellow paper, or otherwise marked “CONFIDENTIAL,” is being filed with this petition. A copy of those pages with the Confidential Information redacted is being filed with the original and each of the ten (10) copies of the application filed with this petition.

The Confidential Information is not publicly available, is not disseminated within Brandenburg except to those employees and professionals with a legitimate business need to know and act upon the information, and is not disseminated to others without a legitimate need to know and act upon the information.

If and to the extent the Confidential Information becomes generally available to the public, whether through filings required by other agencies or otherwise, Brandenburg will notify

the Commission and have the information's confidential status removed pursuant to Section 13(10)(b) of 807 KAR 5:001.

As discussed below, the Confidential Information is entitled to confidential treatment based upon KRS 61.878(1)(c)(1), which protects "records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." 807 KAR 5:001 Section 13(2)(a)(1).

### **I. Applicable Law**

807 KAR 5:001 Section 13(2)(a) sets forth the procedure by which certain information filed with the Commission may be treated as confidential. The regulation provides that a party seeking confidential treatment of certain information must:

Establish specific grounds pursuant to KRS 61.878, upon which the Commission should classify that material as confidential;

State the time period in which the material should be treated as confidential and the reasons for the time period; and

Include[ ] in a separate sealed envelope marked confidential, one (1) copy of the material . . . which identifies by underscoring, highlighting with transparent ink, or other reasonable means only those portions which unless redacted would disclose confidential material.

The Kentucky Open Records Act, KRS 61.870, *et seq.*, exempts certain records from the requirement of public inspection. In particular, KRS 61.878(c)(1) provides the following exemption from the requirement of public inspection:

records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would present an unfair commercial advantage to competitors of the entity that disclosed the records.

## **II. Disclosure of the Confidential Information Would Grant Brandenburg's Competitors an Unfair Commercial Advantage.**

The Confidential Information for which Brandenburg seeks confidential treatment pursuant to KRS 61.878(1)(c)(1) is generally recognized as confidential or proprietary under Kentucky law.

The Confidential Information in Exhibit 6 consists of data related to the revenue impact due to adjustment of terminating access rates pursuant to the FCC's November 18, 2011 Order reforming intercarrier compensation and the Universal Service Fund (the "Transformation Order") and due to the proposed rate increase. Also included is data related to Brandenburg's customer base and the services to which its customers subscribe. This information provides insight into Brandenburg's financials and operations that is normally withheld from the public and competitors.

The highlighted information contained in Brandenburg's application would result in an "unfair commercial advantage to competitors" of Brandenburg if disclosed. Brandenburg, as a participant in the telecommunications market, faces economic competition from other entities in the same market. Brandenburg competes in an increasingly competitive market to sell telecommunication services to customers. As alternatives to basic local exchange service such as VoIP and wireless continue to gain market acceptance, carriers such as Brandenburg face increasing difficulty in maintaining their line counts. Brandenburg's ability to successfully compete against other entities in the telecommunications market would be adversely affected by the disclosure of its internal financial information and information about the subscription habits of its customers. Therefore, Brandenburg has "competitors" as is contemplated under the statute and faces actual competition from other market participants.



The Confidential Information for which Brandenburg seeks confidential treatment under KRS 61.878(1)(c)(1) is generally recognized as confidential or proprietary under Kentucky law. In particular, information about a company's detailed inner workings is generally recognized as confidential or proprietary. *See, e.g., Hoy v. Ky. Indus. Revitalization Auth.*, 907 S.W.2d 766, 768 (Ky. 1995) ("It does not take a degree in finance to recognize that such information concerning the inner workings of a corporation is 'generally recognized as confidential or proprietary . . . .'"); *Marina Mgmt. Servs. v. Cabinet for Tourism*, 906 S.W.2d 318, 319 (Ky. 1995) ("The most obvious disadvantage may be the ability to ascertain the economic status of the entities without the hurdles systematically associated with the acquisition of such information about privately owned organizations.").

The disclosure of this confidential and proprietary information would provide competitors an unfair competitive advantage, allowing them insight into Brandenburg's financial position and how it serves its customers, giving them the ability to unfairly tailor their competitive efforts against Brandenburg in light of this Confidential Information.

### **III. Time Period**

Pursuant to Section 13(2)(a)(2) of 807 KAR 5:001, Brandenburg requests that the Confidential Information remain confidential for a period of five (5) years from the date of this petition, which should allow sufficient time for the projected data to become historical and sufficiently outdated that it could not be used to determine similar Confidential Information at that time.

### **IV. Conclusion**

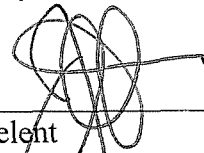
Based on the foregoing, the Confidential Information is entitled to confidential treatment. If the Commission disagrees that Brandenburg is entitled to confidential treatment, due process

requires the Commission to hold an evidentiary hearing. *Utility Regulatory Comm'n v. Kentucky Water Serv. Co., Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

WHEREFORE, Brandenburg respectfully requests that the Commission classify and protect as confidential the Confidential Information.

On this the 10th day of June, 2013.

Respectfully submitted,



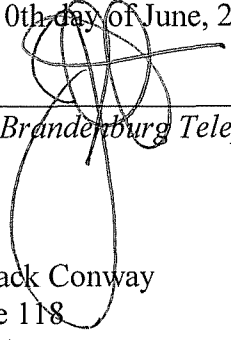
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John E. Selent  
Edward T. Depp  
Joseph A. Newberg, II  
Dinsmore & Shore LLP  
101 South Fifth Street  
Suite 2500  
Louisville, KY 40202  
Phone: (502) 540-2347  
Facsimile: (502) 585-2207  
tip.depp@dinsmore.com  
*Counsel for Brandenburg Telephone  
Company*

**CERTIFICATE OF SERVICE**

I certify that, on the date this Petition was filed or served with the Kentucky Public Service Commission, a true and accurate copy of the foregoing was served by Federal Express or by hand delivery upon the persons listed below.

On this the 10th day of June, 2013.

  
\_\_\_\_\_  
*Counsel for Brandenburg Telephone  
Company*

Honorable Jack Conway  
Capitol Suite 118  
700 Capitol Avenue  
Frankfort, Kentucky 40601-3449



COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF BRANDENBURG TELEPHONE ) CASE NO.  
COMPANY, INC. ) 2013-00191

ORDER

On April 23, 2013, Brandenburg Telephone Company, Inc. ("Brandenburg") filed with the Commission revised tariff sheets that contained a general adjustment of its rates for basic local exchange service. Brandenburg informed the Commission of its intent to place its proposed rates into effect on and after May 31, 2013. However, as discussed below, the Commission finds that the proposed tariff should be suspended pursuant to KRS 278.190(2), but the proposed rates may be charged, subject to refund, on and after June 1, 2013.

Brandenburg filed its proposed increased rates to comply with the directive of the Federal Communications Commission ("FCC") in its Order that, *inter alia*, comprehensively reformed intercarrier compensation.<sup>1</sup> In addition to establishing a glide path to reduce access charges to zero, the FCC's ICC/USF Order also established a rate floor for local exchange rates. The FCC required that Local Exchange Carriers ("LEC"), such as Brandenburg, shall be eligible to receive high-cost support in a study area if the rates for local exchange service are at or above the rate floor on June 1 of

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<sup>1</sup> In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform: Mobility Fund, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) ("ICC/USF Order").

every subsequent year.<sup>2</sup> Failure to meet the rate floor will result in forfeiture of the high cost support that the carrier would have otherwise received for that year.<sup>3</sup>

The Commission, in the past, has held that a general adjustment in rates cannot be made simply through a tariff filing.<sup>4</sup> A utility must file an application that complies with the filing requirements of 807 KAR 5:001, Section 16, which, *inter alia*, requires that *certain financial information be filed with the Commission and notice be given to customers*. Brandenburg's tariff filing seeking to raise local exchange rates is a general adjustment in rates and, therefore, an application for a general adjustment in rates must be filed pursuant to 807 KAR 5:001, Section 16. Brandenburg must comply with the requirements found in 807 KAR 5:001, Section 16. Brandenburg's tariff filing does not comply with this regulation and cannot be put into effect on the proposed effective date.

The Commission is cognizant that Brandenburg's ability to receive high-cost loop support will be jeopardized if its rates for basic local exchange service are not at or above the \$14.00 rate floor mandated in the ICC/USF. Therefore, the Commission will only suspend the proposed rates for one day and allow them to go into effect on June 1, 2013, subject to refund. The Commission also acknowledges the mandatory and the time-sensitive nature of the FCC's rate floor, and that all of the information specified in 807 KAR 5:001, Section 16, may not be necessary to support an increase in basic local exchange rates under these circumstances.

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<sup>2</sup> 47 C.F.R. § 54.318 High-cost support; limitations on high-cost support.

<sup>3</sup> ICC/USF Order at ¶¶ 133, 238-240.

<sup>4</sup> *See*, Case No. 2004-00459, *The Application of Louisville Gas and Electric Company for Approval of New Rate Tariffs Containing a Mechanism for the Pass-Through of MISO-Related Revenue and Costs Not Already Included in Existing Base Rates* (Ky. PSC Apr. 15, 2004).

At the very least, the Commission will require that Brandenburg file the information required in 807 KAR 5:001, Section 16(1)(a)(1), (1)(b)(4), (1)(b)(6), (3)(b)(1), (4), (6), (9)(a), (9)(d), (9)(f), (9)(h), and (10). Except as required above, Brandenburg may request a deviation, pursuant to 807 KAR 5:001, Section 16(15), from the other requirements of 807 KAR 5:001, Section 16.

Based on the foregoing, IT IS THEREFORE ORDERED that:

1. Brandenburg's proposed rates for its basic local exchange service are suspended for one day from the effective date of May 31, 2013, and will be effective subject to refund on June 1, 2013.

2. Within ten days of the date of this Order, Brandenburg shall file with the Commission an application to support its proposed tariff to increase rates for local exchange service. The application shall comply with 807 KAR 5:001 Section 16, except for any waivers that may be granted or requirements other than those specified in the findings above.

3. The application shall also contain:

a. The estimated annual revenue to be received from High Cost Loop Support beginning July 1, 2013.

b. The estimated annual revenue to be lost due to adjustment of terminating access rates effective July 1, 2013

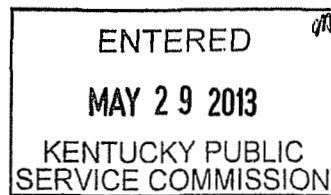
c. The total estimated annual revenue (increase or decrease) to be generated by the tariff changes. Include a breakout for each service or category of service to show changes in revenue.

d. Historical and projected line counts and the effects of any line changes on the company.

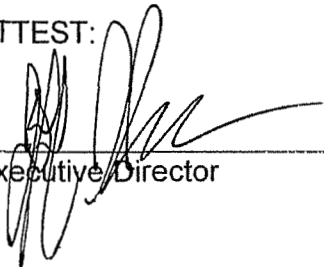
e. Historical and projected federal universal service support and its effects on the company.

f. A narrative of any other circumstances that justify or support the proposed rate changes.

By the Commission



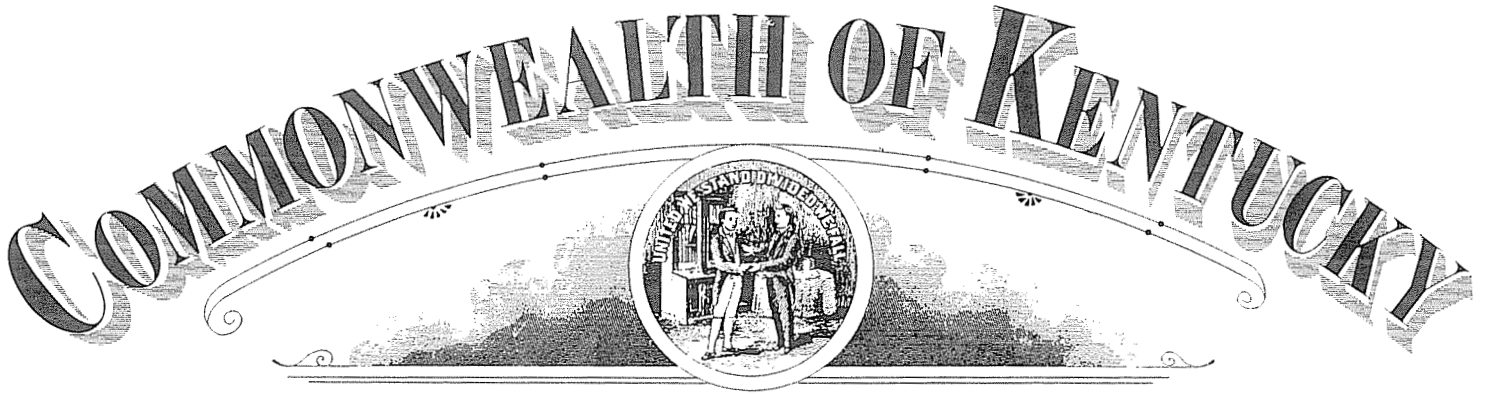
ATTEST:

  
Executive Director

Case No. 2013-00191







**Alison Lundergan Grimes  
Secretary of State**

**Certificate**

I, Alison Lundergan Grimes, Secretary of State for the Commonwealth of Kentucky, do hereby certify that the foregoing writing has been carefully compared by me with the original thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of

ARTICLES OF INCORPORATION OF

BRANDENBURG TELEPHONE COMPANY FILED AUGUST 14, 1950.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 10th day of June, 2013.



*Alison Lundergan Grimes*

Alison Lundergan Grimes  
Secretary of State  
Commonwealth of Kentucky  
dwilliams/0005643 - Certificate ID: 139773

056 43

# Commonwealth of Kentucky

## Department of State



### Office of Secretary of State

GEORGE GLENN HATCHER, SECRETARY

### CERTIFICATE OF INCORPORATION

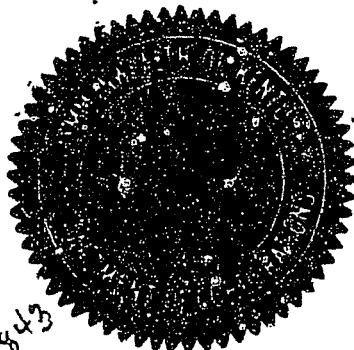
I, **GEORGE GLENN HATCHER**, Secretary of State, do hereby certify that the Articles of Incorporation in triplicate originals of \_\_\_\_\_

BRANDENBURG TELEPHONE COMPANY

Brandenburg, Kentucky

delivered to me are found to be duly signed and acknowledged according to law; that all taxes, fees and charges have been paid; and one original copy is filed and recorded in this office.

This certificate, with two original Articles of Incorporation endorsed with the fact and time of recording in this office, has been returned to the incorporators or their representative. Corporate existence shall begin upon the issuance of this certificate. Said certificate, issued in accordance with KRS 271.055, shall be conclusive evidence of the fact that the above named corporation has been incorporated.



Given under my official signature and seal,

this, the 14th day of August, 19 50.

*George Glenn Hatcher*  
Secretary of State

By *S. J. Lyon*  
Deputy, Corporation Department

D-843

SECRETARY OF STATE

8/14/50 Original Process Agent: Guy A. Hardin,  
Brandenburg, Kentucky.

ARTICLES OF INCORPORATION  
OF THE  
BRANDENBURG TELEPHONE COMPANY

KNOW ALL MEN BY THESE PRESENTS :

That the undersigned, as incorporators, have associated themselves together for the purpose of forming a corporation pursuant to the provisions of Chapter 271, Kentucky Revised Statutes, which corporation shall have and enjoy all of the rights, powers and privileges conferred upon corporations organized thereunder, and do now and hereby adopt the following Articles of Incorporation:

✓ Article I. The name of the corporation shall be BRANDENBURG TELEPHONE COMPANY.

Article II The nature of the business or purposes to be promoted or carried on by the corporation hereby organized shall be as follows:

To acquire, manufacture, buy, sell, and generally deal in telegraph and telephone instruments, machines, and apparatus; to construct, erect, build, operate, and maintain telegraph and telephone stations for the transmission and reception of messages by electricity, wire or wireless instruments; to receive and transmit messages by signal or other device and by any and all other electrical devices and contrivances from, upon, and by wire or wireless instruments and any and all similar, kindred, and like instruments and devices; to transmit and receive messages for hire over, upon, and by wire and wireless systems, of telegraphing and telephoning by any and all systems and devices for transmitting and receiving messages. To buy, build, or cause to be built, operate and maintain, stations for the transmission and reception of telegraph and telephone messages by means of wire or wireless systems; to carry on the business of transmitting and receiving messages from such stations. To acquire and hold lands, property, and buildings necessary or useful in the conduct of the business of telegraph and telephone companies under wire and wireless systems, and in connection therewith to manufacture and construct

machinery, instruments, apparatus, wires and any and all other materials, and articles used with or pertaining to telegraph and telephone lines.

This corporation shall also have the power to acquire, purchase, sell, mortgage, pledge and convey any and all stocks, bonds, notes or securities issued by any other corporation engaged in a similar or related business, and to purchase, own and acquire securities of the United States of America or any state or subdivision thereof or the bonds of any corporation within the United States of America.

Nothing herein contained shall be construed as in any wise limiting the powers otherwise conferred by law upon the corporation .

Article III. The corporation shall endure perpetually or until dissolved in a manner provided by law.

Article IV. The address of the corporation's registered office in this state shall be Brandenburg, Kentucky and the name and address of its resident agent for service of process shall be as follows:

Guy A. Hardin  
Brandenburg, Kentucky

Article V. The authorized capital stock of the corporation shall consist of 500 shares at a par value of \$50.00 each, all of which shall be common stock.

Article VI. The amount of capital with which the corporation will begin business is \$2,000.00.

Article VII. The names and addresses of the incorporators and the number of shares subscribed by each are as follows:

John R. Hardin Airline Road Henderson, Kentucky	22 shares
Guy A. Hardin Brandenburg, Kentucky	15 shares
Rhea Coleman Brandenburg, Kentucky	3 shares

Article VIII. The number of directors to be elected at the first meeting of directors is three (3). Thereafter the number, qualifications, manner of election, time and place of meetings, and powers and duties of the directors shall be as provided in the bylaws.

Article IX. Pending the first meeting of the shareholders the business of the corporation shall be managed by the undersigned incorporators as interim directors, and the following shall serve as the officers of the corporation until the election and qualification of their successors:

President	John R. Hardin
Vice-President	Rhea Coleman
Secretary-Treasurer	Guy A. Hardin

Article X. The authority to make, modify, and repeal bylaws shall be vested in the Board of Directors subject to the power of the shareholders to change or repeal same.

IN WITNESS WHEREOF, the aforesaid incorporators have hereunto subscribed their signatures, this 7 day of August, 1950.

John R. Hardin  
Guy A. Hardin  
Rhea Coleman

STATE OF KENTUCKY

COUNTY OF MEADE . . . . SCT.

I, J. Billocky, a Notary Public in and for the State and County aforesaid, certify that the foregoing Articles of Incorporation of BRANDENBURG TELEPHONE COMPANY were produced before me this day and in my county by John R. Hardin, Rhea Coleman, and Guy A. Hardin, incorporators, who thereupon signed and acknowledged the same to be their act and deed.

Witness my hand and seal of office this 7 day of August, 1950.

J. Billocky  
Notary Public, Meade County, Ky.  
My Commission expires Jan 18 1954



**Commonwealth of Kentucky**  
**Alison Lundergan Grimes, Secretary of State**

Alison Lundergan Grimes  
Secretary of State  
P. O. Box 718  
Frankfort, KY 40602-0718  
(502) 564-3490  
<http://www.sos.ky.gov>

**Certificate of Existence**

Authentication number: 139758  
Visit <https://app.sos.ky.gov/ftshow/certvalidate.aspx> to authenticate this certificate.

I, Alison Lundergan Grimes, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

**BRANDENBURG TELEPHONE COMPANY**

is a corporation duly incorporated and existing under KRS Chapter 14A and KRS Chapter 271B, whose date of incorporation is August 14, 1950 and whose period of duration is perpetual.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that Articles of Dissolution have not been filed; and that the most recent annual report required by KRS 14A.6-010 has been delivered to the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 7<sup>th</sup> day of June, 2013, in the 222<sup>nd</sup> year of the Commonwealth.



*Alison Lundergan Grimes*

Alison Lundergan Grimes  
Secretary of State  
Commonwealth of Kentucky  
139758/0005643





1<sup>st</sup> Revised General Index

**BRANDENBURG TELEPHONE COMPANY**  
**Brandenburg, Kentucky**

TARIFFS

PART NO. I	GENERAL RULES AND REGULATIONS
PART NO. II	GENERAL EXCHANGE SERVICE TARIFFS
PART NO. III	LOCAL EXCHANGE SERVICE TARIFFS
PART NO. IV	<b>(D)</b>
PART NO. V	MOBILE TELEPHONE SERVICE
PART NO. VI	METROPOLITAN PAGING SERVICE
PART NO. VII	CUSTOM CALLING SERVICE

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

GENERAL RULES AND REGULATIONS

D. USE OF SERVICE AND FACILITIES (Continued)

3. Use of Subscriber Service

Subscriber telephone service, as distinguished from public and semipublic telephone service, is furnished only for use by the subscriber, his family, employees or business associates, or persons residing in the subscriber's household, except as the use of the service may be extended to joint users or to persons temporarily subleasing a subscriber's residential premises. The Telephone Company has the right to refuse to install subscriber service or to permit such service to remain on premises of a public or semi-public character when the instrument is so located that the public in general or patrons of the subscriber may make use of the service, At such locations, however, service may be installed, provided the instrument is so located that it is not accessible for public use.

4.

(D)  
|  
(D)

5. Tampering With Equipment

The Telephone Company may refuse to furnish or may deny telephone service to any person, firm or corporation on whose premises is located any telephone equipment owned by the Telephone Company which shows any evidence of tampering, manipulation, or operation or use of any device whatsoever, for the purpose of obtaining telephone service without payment of the charges applicable to the service rendered.

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

GENERAL RULES AND REGULATIONS

EXTENSION STATIONS

1. Extensions stations (telephones) and associated wiring located on the customer's premise and on the customer's side of the interface are the customer's responsibility to provide and maintain. The telephone company will provide facilities for use with extension stations when they are required beyond the boundaries of the customer's premise. For rates applicable to these facilities see the mileage charge section of the General Exchange Service Tariff.
- 2.
3. In order to protect pay station user's privacy no extension station may be connected to a pay station after the effective date of this tariff. Customers with extensions may continue to use them until disconnected.
4. (D)  
|  
(D)
5. Separate telephone numbers or other distinctive designations are not assigned to extension stations nor is code-ringing permitted.
6. Extension stations must be located so as to restrict their use to the customer, his representatives or members of his immediate family.
7. Where either the main or extension station is at a business location, business rates apply to both stations. Extension Stations in connections with service furnished at a discount may not be installed at locations where the same discount would not apply for a main station and exchange service.

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

GENERAL RULES AND REGULATIONS

MILEAGE CHARGES

A.

(D)

(D)

B. EXTENSION AND P.B.X. STATION MILEAGE

1. Mileage Charges apply to the additional circuit required where Extension Stations, or Signals, or P.B.X. Stations are located on premises other than those on which the main station of P.B.X. switchboards are located or where more than 150 feet of circuit is required beyond the main station or P.B.X. switchboard to serve the Extension Station, or Signal, or P.B.X. Station.
2. The rates for Extension or P.B.X. Stations are quoted in the General Exchange Service Tariffs.

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Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

GENERAL RULES AND REGULATIONS

7.

(D)

(D)

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

GENERAL RULES AND REGULATIONS

E. ESTABLISHMENT AND FURNISHING OF SERVICE (Continued)

7.

(D)

(D)

8. Taxes and Surcharges

The Company will add to the bills of all subscribers a surcharge to recover the KY Gross Revenues Tax (GRT) imposed by KRS 136.616. This will appear as the GRT Surcharge.

F. TELEPHONE DIRECTORIES

1. Distribution

The Telephone Company will furnish to its subscribers, without charge, only such directories as it deems necessary for the efficient use of the service. Other directories will be furnished at the discretion of the Company at a reasonable charge.

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

**BRANDENBURG TELEPHONE COMPANY**

**PSC KY TARIFF NO. 2**  
**PART IV**  
1<sup>st</sup> Revised Sheet 2

**MESSAGE TOLL**

**(D)**

**(D)**

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager



**BRANDENBURG TELEPHONE COMPANY**

**PSC KY TARIFF NO. 2**  
**PART IV**  
1<sup>st</sup> Revised Sheet 3

**MESSAGE TOLL**

(D)

(D)

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

**BRANDENBURG TELEPHONE COMPANY**

**PSC KY TARIFF NO. 2**  
**PART IV**  
1<sup>st</sup> Revised Sheet 4

**MESSAGE TOLL**

**(D)**

**(D)**

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

**BRANDENBURG TELEPHONE COMPANY**

**PSC KY TARIFF NO. 2**  
**PART IV**  
1<sup>st</sup> Revised Sheet 5

**MESSAGE TOLL**

**(D)**

**(D)**

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

**BRANDENBURG TELEPHONE COMPANY**

**PSC KY TARIFF NO. 2**  
**PART IV**  
1<sup>st</sup> Revised Sheet 6

**MESSAGE TOLL**

**(D)**

**(D)**

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

BRANDENBURG TELEPHONE COMPANY

PSC KY TARIFF NO. 2  
PART IV  
1<sup>st</sup> Revised Sheet 7

MESSAGE TOLL

(D)

(D)

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

BRANDENBURG TELEPHONE COMPANY

PSC KY TARIFF NO. 2

PART IV

1<sup>st</sup> Revised Sheet 8

MESSAGE TOLL

(D)

(D)

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Issue Date: April 26, 2013  
Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

**BRANDENBURG TELEPHONE COMPANY**

**PSC KY TARIFF NO. 2**

**PART I**

4<sup>th</sup> Revised Sheet 23

**GENERAL RULES AND REGULATIONS**

(D)

(D)

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Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

**BRANDENBURG TELEPHONE COMPANY**

**PSC KY TARIFF NO. 2**

**PART II**

2<sup>nd</sup> Revised Sheet 19.1

**GENERAL RULES AND REGULATIONS**

(D)

(D)

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Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager



LOCAL EXCHANGE TARIFF – BRANDENBURG EXCHANGE

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the Brandenburg exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
Brandenburg	Battletown, Custer, Irvington, North Garrett, Payneville, Rose Terrace*

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

LOCAL EXCHANGE TARIFF – BATTLETOWN EXCHANGE

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the Battletown exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
Battletown	Brandenburg, Custer, Irvington, North Garrett, Payneville, Rose Terrace*

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

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LOCAL EXCHANGE TARIFF – PAYNEVILLE EXCHANGE

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the Payneville exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
Payneville	Battletown, Brandenburg, Irvington, North Garrett, Custer, Rose Terrace*

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

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Issue Date: April 26, 2013  
 Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
 Allison Willoughby, President and General Manager

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LOCAL EXCHANGE TARIFF – NORTH GARRETT EXCHANGE

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the North Garrett exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
North Garrett	Battletown, Brandenburg, Custer, Irvington, Payneville, Rose Terrace*, Vine Grove

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

LOCAL EXCHANGE TARIFF – IRVINGTON EXCHANGE

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the Irvington exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
Irvington	Battletown, Brandenburg, Cloverport*, Custer, Hardinsburg*, McDaniels*, North Garrett, Payneville, Rose Terrace*

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

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LOCAL EXCHANGE TARIFF – CUSTER EXCHANGE

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the Custer exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
Custer	Battletown, Brandenburg, Cloverport*, Hardinsburg*, Irvington, McDaniels*, North Garrett, Payneville

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
Allison Willoughby, President and General Manager

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LOCAL EXCHANGE TARIFF – RADCLIFF EXCHANGE

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the Radcliff exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
Radcliff	Elizabethtown*, Vine Grove, Rose Terrace*

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby

Allison Willoughby, President and General Manager

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**LOCAL EXCHANGE TARIFF – VINE GROVE EXCHANGE**

I. General

- A. This Tariff is governed, except as otherwise specified, by the General Rules and Regulations P.S.C. KY No. 2 and the General Exchange Tariffs P.S.C. KY No. 2 which are hereby made a part of this Tariff. Unless otherwise specified, the charges quoted in this Tariff or in the General Rules and Regulations and General Exchange Tariffs are for periods of one month, are payable monthly and entitle the customer exchange access service within the Vine Grove exchange.
- B. In addition to local calling within its exchange, the rates quoted herein also entitle the subscribers of this exchange to call, without additional charge, the exchanges listed below. (T)

EXCHANGE	ADDITIONAL LOCAL CALLING TO
Vine Grove	Elizabethtown*, Radcliff, Rose Terrace*, Cecilia*, North Garrett

II. Rates

Rates listed below apply throughout the exchange.

CLASS OF SERVICE	MONTHLY RATE
Business Exchange Access Service	\$ 16.80 (I)
Residential Exchange Access Service	\$ 14.00 (I)

\* Indicates an Exchange Area that is not served by Brandenburg Telephone.

Issue Date: April 26, 2013

Effective Date: May 31, 2013

Issued by: /s/ Allison Willoughby  
 Allison Willoughby, President and General Manager

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## Local Telephone Rate Increase

Recently enacted *Federal Communications Commission (FCC)* requirements have established regulatory minimums that local telephone companies must charge for basic local service. In compliance with these requirements, Brandenburg Telephone Co. (BTC) must increase the basic local service telephone rate to \$14 and the basic business rate to \$16.80. This is an increase of \$8.40 in these local rates. To combat this rate increase, Brandenburg is offering an \$8 credit on subscriber's telephone bills for all customers who have any other calling features or any other services with Brandenburg (a bundling credit). Currently, 96 % of all customers have additional services and would only see an increase of \$.40. If your bill increases by the \$8.40 and you do not receive the \$8 credit, please call the office and we can assist you in maximizing your telephone service value. These rate adjustments will be effective on your next bill.



**DESCRIPTION AND JUSTIFICATION**

On April 23, 2013, Brandenburg Telephone Company (“**Brandenburg**”) filed for an increase of its basic local service rates by Eight And 40/100 Dollars (\$8.40) per month to Fourteen And 00/100 Dollars (\$14.00) per month. This filing was in response to the Federal Communications Commission’s November 18, 2011 order requiring that providers meet certain minimum local service rates in order to continue to receive certain federal universal service support. In that Order (the “**Transformation Order**”) the Federal Communications Commission established a local exchange rate floor of Ten And 00/100 Dollars (\$10.00) as of June 1, 2012, Fourteen And 00/100 Dollars (\$14.00) as of June 1, 2013, and an undefined “urban rate” as of June 1, 2014. Companies below the applicable rate floor are penalized with a dollar for dollar reduction in High Cost Loop Support (“**HCLS**”). Though Brandenburg is not currently a recipient of HCLS, Brandenburg expects that it will become eligible to receive those funds and, without this rate increase, Brandenburg would otherwise be unable to collect that support. More importantly, Brandenburg believes that its ongoing ability to draw from any universal service funds will be compromised if it retains its historically low local service rate levels.

**FINANCIAL IMPACT**

To offset this rate increase, the company modified its bundle services to provide an Eight And 00/100 Dollar (\$8.00) credit to any customer purchasing a qualifying package of services. As discussed herein, this filing will result in a very small cost increase for the overwhelming majority of its customers and will serve to increase the company’s revenues by an amount well below the applicable Federal Communications Commission’s mandated maximum revenue.

To meet the Fourteen And 00/100 Dollar (\$14.00) rate floor, Brandenburg is increasing its residential and business rates by Eight And 40/100 Dollar (\$8.40) to maintain the historically balanced pricing between the two classes of service. Recognizing its competitive vulnerabilities, Brandenburg is discounting any qualifying bundle of services by Eight And 00/100 Dollars (\$8.00) per line, nearly the full amount of the rate increase. Because more than [REDACTED] of Brandenburg's customers subscribe to either a calling feature, broadband, or video bundles, the net rate increase will be approximately Forty Cents (\$0.40) per month for the overwhelming majority of customers. Less than [REDACTED] of Brandenburg's customers, or [REDACTED], will actually see the full impact of the rate increase.

As shown in the table below, which was generated using data from its March 2013 billing registers, Brandenburg estimates that the net revenue increase from this rate increase will be [REDACTED] per month.

<b>Brandenburg Revenue Impact</b>	
	<u>Mar-13</u>
Local service subs	[REDACTED]
Rate increase	\$ 8.40
Local service rate increase	[REDACTED]
Bundle qualifying subs	[REDACTED]
Bundle off set	\$ (8.00)
Total bundle discount	[REDACTED]
<u>Revenue Impact without line loss</u>	
Bundle subs	[REDACTED]
Non-bundles subs	[REDACTED]
Net revenue impact per month	[REDACTED]
Annualized	[REDACTED]

The annualized revenue impact of approximately [REDACTED] does not reflect a forecast of line loss. However, Brandenburg forecasts that its 2013-14 line loss with the rate increase will likely be [REDACTED], with most losses in non-bundled services.

Additionally, as part of the Transformation Order, the Federal Communications Commission established that the intercarrier compensation collected in 2011 fiscal year, from October 1, 2010 to September 30, 2011, was the maximum amount of allowed revenues from intercarrier compensation. In addition, the Transformation Order established a phase down schedule of those maximum amounts allowed, requiring that the maximum intercarrier compensation amount be reduced by Five Percent (5.00%) for the 2012 fiscal year and Four and Seventy-Five Hundredths Percent (4.75%) for the 2013 fiscal year. With this change, Brandenburg cannot collect more than the maximum intercarrier compensation revenue amount. As is shown below, this reduction was approximately [REDACTED] for Brandenburg's 2012 fiscal year and the cumulative reduction at the end of Brandenburg's 2013 fiscal year will be approximately [REDACTED].

	Allowed Revenues	Reduction	Cumulative	% Reduction
FY 2011				0.00%
FY 2012				-5.00%
FY 2013				-9.75%

**CONCLUSION**

The Transformation Order seeks to dramatically change the revenue sources historically available to rural telephone companies like Brandenburg to use in meeting their carrier of last

resort obligation and to expand the availability of advanced broadband services to their customers. Unfortunately, for many of these companies, doing so requires upward pressure on local service rates; fortunately, however, Brandenburg has been able to negate much of the effects on customer rates through the credit for qualifying bundle of services discussed herein. As shown in this documentation, Brandenburg has no other options available to it, has made a good faith attempt to negate the rate increase net effect on customers and, therefore, requests that its tariff revisions be approved.





Universal Service Support 1Q2011 - 3Q2013

BRANDENBURG TEL CO

Case 2013-00191

Period	State	SAC	Study Area Name	Total High Cost Monthly	Total High Cost Quarterly
3Q2013	KY	260398	BRANDENBURG TEL CO	\$ 380,537	\$ 1,141,611
2Q2013	KY	260398	BRANDENBURG TEL CO	\$ 377,421	\$ 1,132,263
1Q2013	KY	260398	BRANDENBURG TEL CO	\$ 351,627	\$ 1,054,881
4Q2012	KY	260398	BRANDENBURG TEL CO	\$ 165,475	\$ 496,425
3Q2012	KY	260398	BRANDENBURG TEL CO	\$ 165,475	\$ 496,425
2Q2012	KY	260398	BRANDENBURG TEL CO	\$ 212,544	\$ 637,632
1Q2012	KY	260398	BRANDENBURG TEL CO	\$ 213,368	\$ 640,104
4Q2011	KY	260398	BRANDENBURG TEL CO	\$ 212,544	\$ 637,632
3Q2011	KY	260398	BRANDENBURG TEL CO	\$ 212,544	\$ 637,632
2Q2011	KY	260398	BRANDENBURG TEL CO	\$ 202,344	\$ 607,032
1Q2011	KY	260398	BRANDENBURG TEL CO	\$ 202,344	\$ 607,032