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October 29, 2014

RECEIVED

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

OCT 29 2014

**PUBLIC SERVICE
COMMISSION**

*RE: Application of Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (1) for a Declaratory Ruling That Approval is Not Required for the Transfer of a Portion of Their Assets; (2) Alternatively for Approval of the Transfer of Assets; (3) for a Declaratory Ruling That Communications Sales and Leasing, Inc. is Not Subject to KRS 278.020(1); and (4) for All Other Required Approvals and Relief
Case No. 2014-00283*

Dear Mr. DeRouen:

Enclosed please find an original and ten copies of Kentucky Cable Telecommunications Association's First Set of Data Requests to Windstream.

Please indicate receipt of this filing by placing your file stamp on the extra copy and returning to me via our runner.

Very truly yours,

STOLL KEENON OGDEN PLLC


Douglas F. Brent

DFB:jmp
Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Application Of Windstream Kentucky East,)
LLC And Windstream Kentucky West, LLC For A)
Declaratory Ruling That Approval Is Not Required)
For The Transfer Of A Portion Of Their Assets;)
(2) Alternatively For Approval Of The Transfer Of)
Assets; (3) For A Declaratory Ruling That)
Communications Sales and Leasing, Inc. Is Not)
Subject To KRS 278.020(1); and (4))
For All Other Required Approvals And Relief)

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PUBLIC SERVICE
COMMISSION
CASE NO. 2014-00283

**KENTUCKY CABLE TELECOMMUNICATIONS ASSOCIATION'S
FIRST SET OF DATA REQUESTS TO WINDSTREAM**

Pursuant to the Procedural Schedule contained in Appendix A to the Commission's October 23, 2014 Order ("*Order*"), Kentucky Cable Telecommunications Association ("KCTA") hereby submits its First Set of Data Requests. In accordance with the *Order*, responses should be provided no later than November 3, 2014.

DEFINITIONS

1. "Windstream" or "you" refers to the Applicants or Operating Companies subject to this proceeding, as well as their current and former officers, employees, representatives and agents, and all of their predecessors and successors in interest, affiliates, parents, subsidiaries, subdivisions and divisions, including Windstream Holdings, Inc. ("Holdings") and others who are in possession of, or who may have obtained, information for or on behalf of any of the above mentioned persons or entities.

2. "Identify" means to describe in detail the information requested. For example, "identify," when used in reference to a person or other entity, shall mean to state the full name

and present or last known address for such person or entity, as well as the position or line of business for such person or entity. “Identify,” when used in reference to an action, event, or occurrence, including a communication, meeting, or statement, shall mean to describe the action, event or occurrence by reference to, for example, its nature, subject matter, location and date and to state the participants in and witnesses to the action, event, or occurrence. “Identify,” when used in reference to a document, shall mean to state the date, author, signers and recipients of the document and to describe the type of document (*e.g.*, letter, memorandum, e-mail) and its custodian.

3. “Relate” or “relating” means containing, governing, showing, mentioning, referring, discussing or pertaining in any way, directly or indirectly, to the subject matter.

INSTRUCTIONS

1. Unless otherwise indicated by the Request, responses shall include separate information for each of your relevant entities.

2. For each response, please repeat the discovery request and submit a complete response together with any and all documentation requested.

3. These Requests for Information are continuing in nature so as to require you to continually update your responses and promptly provide additional documents or information responsive to these requests when further information and documents are discovered or become known, directly or indirectly, to you, your agents, or attorneys. Should you not understand any particular request, please contact KCTA’s attorneys in this proceeding.

4. Please identify the name and telephone number of each person responsible for the content of each response, and the date upon which the response was prepared.

5. If any of the following data requests cannot be answered in full, please answer or produce to the extent possible, specifying the reason for your inability to answer the remainder or

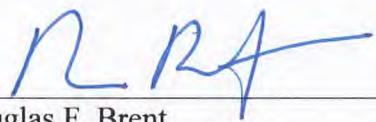
to produce in full, and state whatever information or knowledge you have concerning the unanswered portion.

6. Terms used herein shall be construed to include their plural, and *vice versa*, so as to make the interrogatory or request for production inclusive rather than exclusive. Thus, the connectives “and,” “or,” and “and/or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed outside of its scope. Similarly, “each” as used herein includes the word “every” and *vice versa*, and “including” shall mean “including without limitation.”

October 29, 2014

Respectfully submitted,

Gardner F. Gillespie (admitted under SCR 3.030)
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*Counsel for Kentucky Cable
Telecommunications Association*

DATA REQUESTS

1. Please identify the each of the wholly owned direct or indirect subsidiaries of Communications Sales and Leasing, Inc. (“CSL”) referenced in paragraph 2 of the Application.
2. Paragraph 21 of the Application states that the “Lease” will give the Operating Companies “exclusive rights to use the distribution systems” and “to access and affix communications electronics, switching, or other equipment to the distribution systems for the provision, routing and delivery of voice, data and other communications services.” Please fully explain whether this language, and other language in this paragraph, will require both CSL and the Operating Companies to allow cable operators and other third parties to maintain attachments on CSL’s utility poles, and in CSL’s conduits and rights-of-way.
3. Will the Kentucky Public Service Commission retain jurisdiction to require CSL to allow cable operators and other third parties to attach to all of CSL’s utility poles and conduits under tariff and pursuant to just and reasonable rates, terms and conditions? Please fully explain your answer, including statutory and case citations demonstrating that the PSC will retain such jurisdiction.
4. Will the Kentucky Public Service Commission retain jurisdiction to require the Operating Companies to allow cable operators and other third parties to attach to all utility poles and conduits under tariff and pursuant to just and reasonable rates, terms and conditions? Please fully explain your answer, including statutory and case citations demonstrating that the PSC will retain such jurisdiction.
5. With respect to paragraph 22 of the Application, please further describe the poles and conduits currently “leased” by the Operating Companies in Kentucky, identifying the pole owners and the duration of any lease.
6. Please explain whether the use of the term “lease” in the Application is meant to include tariffed arrangements.
7. Please explain the difference, if any, between “exclusive usage rights,” and “exclusive benefits” as those terms are used in the Application.
8. Identify the total number of utility poles and the total number of feet of underground conduit in Kentucky being transferred to CSL.
9. Identify the total number of entities, including utilities and cable providers, with attachments to the Operating Companies’ poles in Kentucky.
10. Explain the effects the proposed transaction will have on pole attachment rates and future compliance with the pole rate methodology set forth in Administrative Case 251.
11. Will any party maintain sufficient data to allow the PSC and interested parties to determine the appropriate pole attachment rates for poles to be owned by CSL? If the answer is affirmative, please fully explain which party will maintain such data and how such data will be maintained.

12. For each of the following elements of the pole rate formulas in Administrative Case 251, please describe which company will keep the data and explain the mechanism for maintaining or collecting the data:

- a. The embedded (original) cost of 35, 40 and 45 foot poles;
- b. The total number of 35, 40 and 45 foot poles;
- c. The depreciation reserves for 35, 40 and 45 foot poles
- d. Pole maintenance expense;
- e. Operating expenses;
- f. Rate of return/cost of money.
- g. The number of 2 and 3 (or more) party poles.

13. If there will be any changes in the way the pole rate formula data will be kept from how it is kept today, please explain.

14. Are the Operating Companies willing to provide KCTA and the Commission data in this proceeding sufficient to show the bases of the Operating Companies' existing tariffed pole attachment rates, and the current data necessary to calculate pole attachment rates for 2014 pursuant to Administrative Case 251, so that this information can be tracked going forward?

15. Please provide the back-up data and calculations used by the Operating Companies to calculate the pole attachment rates currently found in their pole attachment tariffs on file with the PSC?

16. Please provide the current data (as of year-end 2013) for the Operating Companies necessary to calculate the pole attachment rates pursuant to Administrative Case 251.

17. After the distribution assets are spun off to CSL, will the Operating Companies and CSL commit to provide, on reasonable request, KCTA and the Commission data necessary to calculate pole rates pursuant to the formula in Administrative Case 251?

18. What assurance does the Commission have that the Operating Companies and CSL will seek consent from the Commission, or will provide full information to the Commission, regarding any amendment to the Master Lease?

19. Please explain the steps the Applicants will take to ensure that Federal, State or municipal authorities do not direct the removal or cessation of the use of any pole or cable duct such that the Operating Companies would be entitled to invoke Section S21.8 b. of Windstream P.S.C. No. 7 or equivalent tariff language?

20. Please explain whether CSL will have any rights under the Master Lease or any other document to install or purchase poles that will not be controlled by the Operating Companies and/or that may, for any reason, not be available to KCTA members.
21. If CSL will have any of the rights described in the immediately prior data request, please explain whether the PSC's pole attachment jurisdiction will apply to assure that KCTA members may obtain access on just and reasonable rates, terms and conditions.
22. Please admit or deny that the Internal Revenue Code does not prohibit a REIT from providing access to its real property to non-affiliated third parties for compensation.
23. Please provide a copy of the Master Lease.
24. Please provide a copy of the Private Letter Ruling referenced in the Application.

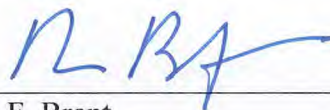
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion has been served by first class mail on those persons whose names appears below this 29th day of October, 2014.

Cesar Caballero
Senior Regulatory Counsel
Windstream Communications
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