

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BALLARD RURAL TELEPHONE)	
COOPERATIVE CORPORATION, INC.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2004-00036
)	
JACKSON PURCHASE ENERGY CORPORATION)	
)	
DEFENDANT)	

FIRST DATA REQUEST OF COMMISSION STAFF TO
BALLARD RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

Ballard Rural Telephone Cooperative Corporation, Inc. (“Ballard Telephone”) is requested, pursuant to 807 KAR 5:001, Section 9, to file with the Commission the original and 8 copies of the following information, with a copy to all parties of record. The information requested herein is due May 14, 2004. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the person who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure that it is legible. Where information herein has been previously provided, in the format requested herein, reference may be made to the specific location of said information in responding to this information request.

1. Refer to page 3, lines 14-15, of the Verified Prefiled Direct Testimony of Harlon E. Parker (“Parker Testimony”). When did Ballard Telephone first provide Internet service to its customers?

2. Refer to the answers to Questions 20, 30, and 31 of the Parker Testimony. Explain the reasoning for Ballard Telephone’s belief that the rates charged to it under the 1954 agreement with Jackson Purchase Energy Corporation (“Jackson Purchase”) should have been tariffed and filed with the Commission.

3. Refer to Answer 19 of the Testimony of Richard Sherrill filed on behalf of Jackson Purchase. Describe Mr. Parker’s understanding of the terms of the agreement between Ballard Telephone and Jackson Purchase in August 2003.

4. Refer to the Verified Prefiled Direct Testimony of James K. Sharpe (“Sharpe Testimony”) in Administrative Case No. 19000251.¹ In that case, the Commission found that cable television providers (“CATV”) were customers of the regulated pole-owning utilities, not joint users, because they did not own their poles. In the case of Jackson Purchase and Ballard Telephone, each having attachments on poles owned by the other, explain why one entity, Ballard Telephone, should be considered a customer rather than a joint user.

5. Refer to the answers to Questions 5 and 6 in the Sharpe Testimony. Clarify whether it is Mr. Sharpe’s position that the Commission should exert jurisdiction over all joint-use rates, or whether it should exert such jurisdiction only when the joint-

¹ Administrative Case No. 19000251, Adoption of a Standard Methodology For Establishing Rates for CATV Pole Attachments.

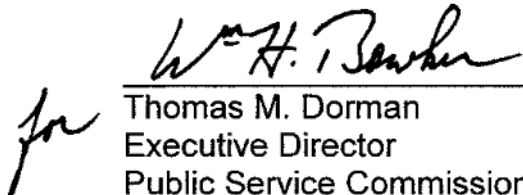
use parties are unable to agree on the terms and rates under which they will share poles.

6. Has either Jackson Purchase or Ballard Telephone begun removing any pole attachments from the other's poles?

7. Ballard Telephone asserts in its complaint that Jackson Purchase's collection of pole attachment rates from Ballard Telephone pursuant to the General Agreement for Joint Use of Wood Poles ("Joint Use Agreement") constitutes a violation of KRS 278.170 and that the rates should be refunded. Does Ballard Telephone believe that its collection of pole attachment rates from Jackson Purchase pursuant to the Joint Use Agreement also constitutes a violation of KRS 278.170 and that the rates should be refunded to Jackson Purchase? Explain.

8. Refer to the answer to Question 32 of the Parker Testimony. Mr. Parker states that Ballard Telephone believes that a reasonable pole attachment rate would be either the rates established pursuant to the 1954 Agreement or the tariffed pole attachment rates of Jackson Purchase applicable to CATV providers. State whether Ballard Telephone believes that the fair, just, and reasonable rate for Ballard Telephone to charge Jackson Purchase for pole attachments is either the rate established by the 1954 Agreement or Ballard Telephone's tariffed CATV rate. Explain.

9. Provide a calculation of CATV Pole Attachment Rates using Ballard Telephone's 2003 Annual Report as calculated in the current tariff.



for Thomas M. Dorman
Executive Director
Public Service Commission
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DATED: April 30, 2004

cc: Parties of Record

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