

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CMN-RUS, INC.)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2018-00157
)	
WINDSTREAM KENTUCKY EAST, LLC)	
)	
DEFENDANT)	

COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION
TO CMN-RUS, INC.

CMN-RUS, Inc. (CMN), pursuant to 807 KAR 5:001, is to file with the Commission an original and seven copies in paper medium of the following information, with a copy to all parties of record. The information requested herein is due within 14 days of the entry of this request for information. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed. Each response shall include the name of the individual responsible for responding to questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

CMN shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which CMN fails or refuses to furnish all or part of the requested information, it shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, CMN shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Refer to CMN's response to Windstream Kentucky East, LLC's (Windstream East) First Request for Information, Item 3. Explain the basis for CMN's contention therein that Windstream East's conduct violated KRS 278.2201 through KRS 278.2213 and KRS 278.514.

2. Refer to CMN's response to Commission Staff's First Request for Information (Staff's First Request), Item 7 in which CMN described how the disputed invoices discussed therein are billed.

- a. Assuming the validity of the invoices, state whether CMN contends that the Windstream KDL, LLC, would not be obligated to pay Duke for amounts invoiced if CMN does not pay Windstream KDL, LLC, for the amounts invoiced.

b. Describe any communications with Duke in the last year in which CMN attempted to resolve the dispute regarding the invoices.

c. Provide a copy of any correspondence, whether sent via U.S. mail, facsimile, email or otherwise, sent to or received from Duke regarding the disputed invoices.

3. Refer to CMN's response to Staff's First Request, Item 7.

a. State whether the agreement between CMN and Duke contains any provision regarding whether and how Windstream KDL, LLC, is required to dispute charges invoiced by Duke, and if so, identify those portions of the agreement.

b. State whether the agreement between CMN and Windstream KDL, LLC (or their affiliates), contains any provision regarding whether and how CMN is required to dispute invoices charged by Windstream KDL, LLC, and if so, identify those portions of the agreement.

c. State whether the agreement between CMN and Windstream KDL, LLC (or their affiliates), contains any provision regarding when invoices submitted to CMN must be paid, and if so, identify those portions of the agreement.

4. Refer to Windstream East's response to Commission Staff's First Request for Information to Windstream East, Item 5. State whether CMN contends that any steps identified therein are unnecessary for Windstream East to process applications for pole attachments and complete the make-ready work, whether performed by Windstream East or a contractor. If so, identify any step that CMN contends is unnecessary and explain the basis of CMN's contention that any such step is unnecessary.

5. State the periods that CMN contends apply to the review of applications for pole attachments, including the processing of the application, the completion of survey work, and the completion of make-ready work, pursuant to the Federal Communication Commission's regulations in states that have not preempted federal regulation and identify the basis for those contentions.

6. State whether CMN contends that Windstream East could retain contractors to perform any portion of the work necessary to review pole attachment applications, including the processing of the application, the completion of survey work, and the completion of make-ready work, and if so:

a. Identify any portion of the work that CMN contends could be performed by contractors and explain any basis for CMN's contention that the work could be performed by contractors; and

b. State whether CMN contends that there are contractors with capacity that could perform those portions of work identified, and if so, explain the basis of any such contention that there are contractors with the capacity to perform the work.

7. State whether CMN contends that Windstream East could process applications for up to 1,500 pole attachments in each rolling 30-day period in the time frames established by the federal regulations as described by CMN in response to Item 5 herein and explain the basis for CMN's contention.

8. Refer to CMN's response to Windstream East's First Request for Information, Item 1 in which CMN describes how delays in obtaining access to poles owned and controlled by Windstream East will affect its business case. State whether

CMN is able to quantify the effect of the delay on the business case, and if so, provide and explain those quantified effects.

9. Without regard to whether such charges are included in any tariff, state whether CMN contends that it would be unreasonable to require CMN to pay Windstream East for all costs incurred by Windstream East in reviewing pole-attachment applications, including the processing of the application, the completion of survey work, and the completion of make-ready work, and if so, explain any basis for CMN's contention.

10. State and explain whether Federal Communication Commission regulations provide for the prepayment of costs associated with the review of applications for pole attachments, including the processing of the application, the completion of survey work, and the completion of make-ready work in states where they are applicable.

11. Refer to the Testimony of Daniel King at page 4 in which he indicated that Windstream is concerned about whether it will obtain payment of costs associated with Windstream's review of applications for pole attachments. State what type of security, if any, CMN contends would be reasonable to provide Windstream East security against non-payment of costs and explain the basis for any such contention.



Gwen R. Pinson
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Public Service Commission
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DATED SEP 17 2018

cc: Parties of Record

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