

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC JOINT APPLICATION OF RED |) | |
| FIBER PARENT LLC, RF MERGER SUB, INC., |) | |
| CINCINNATI BELL, INC., AND CINCINNATI BELL |) | |
| TELEPHONE COMPANY LLC FOR (1) APPROVAL |) | |
| OF THE PROPOSED INDIRECT TRANSFER OF |) | |
| CONTROL OF CINCINNATI BELL TELEPHONE |) | |
| COMPANY LLC TO RED FIBER PARENT LLC |) | |
| PURSUANT TO KRS 278.020(6) AND KRS |) | CASE NO. |
| 278.020(7), OR ALTERNATIVELY, PURSUANT TO |) | 2020-00259 |
| KRS 278.020(6) AND A DECLARATION THAT |) | |
| APPROVAL UNDER KRS 278.020(7) IS NOT |) | |
| REQUIRED; (2) NOTICE OF THE PROPOSED |) | |
| INDIRECT TRANSFER OF CONTROL OF |) | |
| CINCINNATI BELL EXTENDED TERRITORIES |) | |
| LLC AND CBTS TECHNOLOGY SERVICES, LLC |) | |
| TO RED FIBER PARENT LLC; AND, (3) ALL |) | |
| OTHER REQUIRED APPROVALS AND RELIEF |) | |

ORDER

On August 10, 2020, Red Fiber Parent LLC (Red Fiber), RF Merger Sub, Inc. (RF Merger), Cincinnati Bell, Inc. (Cincinnati Bell), and Cincinnati Bell Telephone Company LLC (CBT), (collectively, Applicants), pursuant to KRS 278.020(6) and (7), submitted an application requesting the approval of the proposed indirect control of CBT to Red Fiber, or, in the alternative, Applicants request that the Commission declare that, pursuant to KRS 278.020(6), approval pursuant to KRS 278.020(7) is not required. The application also provides notice of the proposed indirect transfer of Cincinnati Bell Extended Territories LLC and CBTS Technology Services, LLC to Red Fiber.

By letter dated August 13, 2020, the Commission notified the Applicants that its application had been accepted for filing as of the date of submission.

Pursuant to KRS 278.020(7), the Commission must address this proceeding within 60 days of filing, unless there is good cause shown for continuing the application for an additional 60 days. Due to the potential for novel issues to arise out of this proceeding, as well as the potential for multiple intervenors, the Commission finds that good cause exists to extend the review period to 120 days. Accordingly, the Commission will enter a decision within 120 days of August 10, 2020, or by no later than December 7, 2020. The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed rates. The procedural schedule is attached hereto as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. The period for reviewing the Applicants' petition is extended to 120 days.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. a. Responses to requests for information shall be appropriately bound, tabbed and indexed, with the original and an electronic version to the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. Each response shall include the name of the witness responsible for responding to the questions related to the information provided. The Commission directs Applicants and any Intervenors to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ regarding filings with the Commission. The Commission expects the original documents to be filed with the

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

Commission within 30 days of the lifting of the current state of emergency. All responses in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or 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.

c. A party 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.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should 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.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8.

5. A party that requests confidential treatment of certain information pursuant to 807 KAR 5:001, Section 13, shall fill with its petition a proposed Order granting confidential treatment.

6. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after August 28, 2020, shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

7. Applicants shall give notice of any hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, any notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov." At the time publication is requested, Applicants shall forward a duplicate of the notice and request to the Commission.²

8. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

9. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made any hearing.

10. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

11. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

² If a hearing is scheduled, the Commission may modify the required language, depending upon whether in-person hearings may be conducted at the Commission's offices.

By the Commission



ATTEST:



Acting Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00259 DATED AUG 20 2020

Last day for intervention requests to be accepted.....08/28/20

All initial requests for information to Applicants shall
be filed no later than..... 09/04/20

Applicants shall file responses to initial requests for
information no later than.....09/14/20

All supplemental requests for information to Applicants
shall be filed no later than 09/25/20

Applicants shall file responses to supplemental requests
for information no later than 10/02/20

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 10/09/20

All requests for information to Intervenors shall
be filed no later than..... 10/16/20

Intervenors shall file responses to requests for
information no later than..... 10/23/20

Applicants shall file, in verified form, its rebuttal
testimony no later than 10/28/20

Last day for request for a hearing or that the case be submitted
for a decision on the record..... 11/02/20

Public Hearing to be held in Richard Raff Hearing Room
of the Commission’s offices at 211 Sower Boulevard,
Frankfort, Kentucky, for the purpose of cross-examination
of witnesses of Applicants and Intervenors To be scheduled

Post-Hearing Briefs, if any..... To be scheduled

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