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December 6, 2004

Hon. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

RECEIVED

DEC 07 2004

PUBLIC SERVICE
COMMISSION

Re: Jackson Purchase Energy Corporation--Advanced Notice of Intent to File Application for Adjustments in Existing Cable Television Attachment Tariff, before the Public Service Commission of the Commonwealth of Kentucky, Case No. 2004-00319

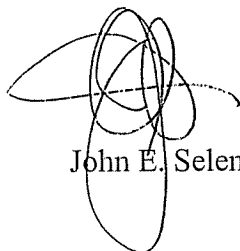
Dear Ms. O'Donnell:

Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") is (1) one original and ten (10) copies of Ballard Rural Telephone Cooperative Corporation Inc.'s Motion to Suspend Tariff, and (2) the original and ten (10) copies of Ballard Rural Telephone Cooperative Corporation Inc.'s Motion to Dismiss in the above-styled case. Also enclosed please find a copy of each motion to be filed-stamped and returned to me in the postage prepaid envelope.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

JES/bmt

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF JACKSON PURCHASE)
ENERGY CORPORATION FOR ADJUST-)
MENTS IN EXISTING CABLE TELEVI-)
SION ATTACHMENT TARIFF)

CASE NO. 2004-00319 DEC 07 2004

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MOTION TO SUSPEND TARIFF

Ballard Rural Telephone Cooperative Corporation, Inc. ("Ballard Rural"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), to suspend the proposed Cable Television Attachment Tariff filed by Jackson Purchase Energy Corporation ("Jackson Purchase") in the above-captioned case. In support of its motion, Ballard Rural states as follows.

Pursuant to KRS 278.160, "each utility shall file with the Commission, within such time and in such form as the Commission designates, schedules showing all rates and conditions for service established by it and collected or enforced." Although a utility may revise its rates upon thirty days' notice to the Commission pursuant to KRS 278.180, the Commission may suspend the operation of the new rates for five months beyond the time the rates otherwise would have gone into effect in order to determine the reasonableness of the rates. *See* KRS 278.190.

In the present case, Jackson Purchase has proposed to increase its Cable Television Attachment Tariff ("CTAT") rates by 191% for two-party pole attachments, 209% for three-party pole attachments, and 228% for two-party anchor attachments. These substantial increases will not only affect the four companies identified by Jackson Purchase in its application, but depending upon the Commission's ruling in Case No. 2004-00036, *In the Matter of: Ballard*

Rural Telephone Cooperative Corporation, Inc. v. Jackson Purchase Energy Corporation,¹ they could negatively affect every company that has attachments on Jackson Purchase's poles.

Given the potentially far-reaching effects of Jackson Purchase's proposed increase in its CTAT rates, the Commission needs the full statutory period to determine whether Jackson Purchase's proposed rates are reasonable and just, not to mention whether Jackson Purchase's filing complies with statutory and regulatory law governing rate cases. (*See, e.g.*, Ballard Rural's motion to dismiss filed on December 6, 2004 in this matter). Accordingly, the Commission should grant Ballard Rural's motion to suspend Jackson Purchase's proposed CTAT for the full statutory period permitted by KRS 278.190.

Respectfully submitted,



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**COUNSEL TO BALLARD RURAL
TELEPHONE COOPERATIVE
CORPORATION, INC.**

¹ This case concerns the ability of Jackson Purchase to discriminate against Ballard Rural and charge it substantially higher pole attachment rates than those in either its currently-effective or proposed CTAT.

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was served via First Class United States Mail, postage prepaid, to the following individuals this 6th day of December, 2004:

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