

Dinsmore & Shohl LLP
ATTORNEYS

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May 10, 2005

via Federal Express
Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

RECEIVED

MAY 11 2005

PUBLIC SERVICE
COMMISSION

Re: *Application of Jackson Purchase Energy Corporation 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:

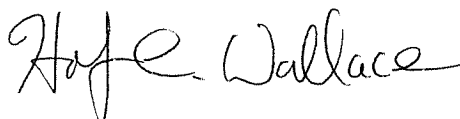
Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") is one original and ten (10) copies of Ballard Rural Telephone Cooperative Corporation Inc.'s Reply in Support of its Motion to Apply Jackson Purchase's CTAT Rates to Ballard Rural in the above-styled case.

In addition, I have enclosed an extra copy of the submission to be file-stamped. Please return the file-stamped copy to me in the enclosed, self-addressed, stamped envelope.

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk

Enclosures

cc: All Parties of Record

bc: Mr. Harlon Parker
Janice Chittenden
Randy Grogan
Jim Sharpe
John E. Selent, Esq.

90122v2; 31471-1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAY 11 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF JACKSON PURCHASE ENERGY)
CORPORATION FOR ADJUSTMENTS IN EXISTING) Case No. 2004-00319
CABLE TELEVISION ATTACHMENT TARIFF)

REPLY IN SUPPORT OF MOTION TO APPLY CTAT RATES TO BALLARD RURAL

Ballard Rural Telephone Cooperative Corporation, Inc. ("Ballard Rural"), by counsel, hereby submits its reply in support of its motion to apply the Cable Television Attachment Tariff ("CTAT") rates of Jackson Purchase Energy Corporation ("Jackson Purchase") to Ballard Rural.

In its response to Ballard Rural's Motion to Apply the CTAT rates of Jackson Purchase to Ballard Rural, Jackson Purchase states that in its March 23, 2005 Order in Case No. 2004-00036, the Kentucky Public Service Commission (the "Commission") "has already declined to apply JPEC's CTAT rates to Ballard Rural."¹ (*See* Response to Ballard Rural's Motion to Apply CTAT Rates to Ballard Rural, p. 2.) This is patently incorrect. The Commission held:

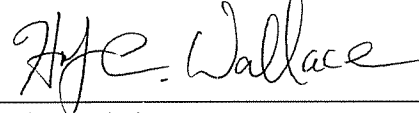
While we find our jurisdiction unquestionable on this point, we still believe that joint users should be permitted the opportunity to continue negotiating the rates and terms of service to which each will make their poles available to the other. In this case, and in all cases where the parties cannot reach agreement, the Commission will resolve the dispute and establish rates and terms for their pole attachments that are fair, just, and reasonable.

(March 23, 2005 Order, Case No. 2004-00036, p. 7 (emphasis added).) According to the express language of the Order, the Commission did not decline to apply Jackson Purchase's CTAT rates to Ballard Rural. Rather, the Commission refrained from addressing the issue of rates until the parties had an opportunity to negotiate the rates and terms of service. The Commission, however, expressly stated that in the event that the parties could not reach agreement, "the

¹ Jackson Purchase also notes that Ballard Rural did not seek review of the Commission's March 23, 2005 Order in Case No. 2004-00036. Ballard Rural notes that the denial of a Motion for Summary Judgment is not a final adjudication of a case on its merits. Accordingly, such an Order is not subject to appeal.

Commission will resolve the dispute and *establish rates* and terms for their pole attachments that are fair, just, and reasonable.” *Id.*(emphasis added). The only rates that are fair, just, and reasonable in the present case are Jackson Purchase’s CTAT rates. Therefore, the Commission should grant Ballard Rural’s Motion to Apply Jackson Purchase’s CTAT rates to Ballard Rural.

Respectfully submitted,



John E. Selent

Holly C. Wallace

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TELEPHONE COOPERATIVE

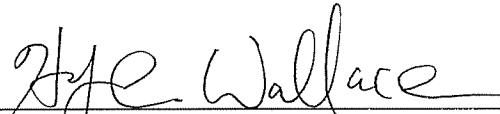
CORPORATION, INC.

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was served, via United States mail, first class, postage pre-paid, this 11th day of May, 2005 on the following:

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COUNSEL TO BALLARD RURAL

TELEPHONE COOPERATIVE

CORPORATION, INC.