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October 9, 2014

RECEIVED

OCT 09 2014

PUBLIC SERVICE
COMMISSION

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

RE: Application of Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (1) for a Declaratory Ruling That Approval is Not Required for the Transfer of a Portion of Their Assets; (2) Alternatively for Approval of the Transfer of Assets; (3) for a Declaratory Ruling That Communications Sales and Leasing, Inc. is Not Subject to KRS 278.020(1); and (4) for All Other Required Approvals and Relief Case No. 2014-00283

Dear Mr. DeRouen:

Enclosed please find an original and ten copies of Kentucky Cable Telecommunications Association's Motion for Full Intervention.

Please indicate receipt of this filing by placing your file stamp on the extra copy and returning to me via our runner.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:jmp

Enclosures

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**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

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PUBLIC SERVICE
COMMISSION

In the Matter of:

The Application Of Windstream Kentucky)
East, LLC And Windstream Kentucky West,)
LLC For A Declaratory Ruling That Approval Is)
Not Required For The Transfer Of A Portion Of)
Their Assets; (2) Alternatively For Approval Of)
The Transfer Of Assets; (3) For A Declaratory)
Ruling That Communications Sales and Leasing,)
Inc. Is Not Subject To KRS 278.020(1); and (4))
For All Other Required Approvals And Relief)

CASE NO. 2014-00283

**KENTUCKY CABLE TELECOMMUNICATIONS
ASSOCIATION'S MOTION TO INTERVENE**

The Kentucky Cable Telecommunications Association (“KCTA”) respectfully moves for full intervention in the above-referenced proceeding pursuant to K.R.S. § 278.310 and 807 KAR 5:001, § 4(11).

KCTA is a non-profit organization consisting of cable operators serving the majority of cable customers throughout Kentucky. Several KCTA members attach their facilities to the utility poles currently owned and controlled by Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (collectively, “the Applicants”). KCTA members are, accordingly, directly affected by the portion of the transaction (the “Transaction”) whereby the poles currently owned and controlled by the Applicants will be transferred to a third party, Communications Sales and Leasing, Inc., (“CSL”) and leased back to Windstream Holdings, Inc., as described in the application filed by the Applicants on August 7, 2014 (the “Application”). Despite statements made by the Applicants in their response to the Commission Staff’s First Request for Information, received October 1, 2014, it is not clear whether Windstream’s proposal could affect, even unintentionally, legal rights KCTA members will have

to attach their facilities to the poles currently owned and controlled by the Applicants at reasonable rates if the Transaction is approved. For example, if Windstream poles are conveyed to a third party it contends is not a utility, Windstream has not explained how that third party will maintain its legal rights to place facilities, including poles, in public rights-of-way. If CSL does (or does not) intend to seek local franchises, KCTA members' interests are implicated. Further, even if KCTA members are accorded a clear right to attach their facilities to poles owned and controlled by the Applicants, it is not clear how the pole rates will be regulated and determined.

The Commission has regularly approved KCTA's intervention in proceedings implicating pole attachment issues to protect its members' interest in reasonable rates, terms and conditions. Indeed, the Commission has regulated pole attachment rates since 1982, and KCTA has represented its members in virtually every pole attachment case that has arisen during that period.

KCTA's intervention is in lieu of the individual intervention of its affected members. Consequently, KCTA's intervention will promote the efficient progress of this proceeding by reducing the burden on other parties and on the Commission. It also will allow the interests of KCTA's members to be represented without the burden of each being required to retain its own counsel and make its own filings.

KCTA seeks full intervenor status pursuant to 807 KAR 5:001 § 4(11) to allow it to fully participate as a party and to be served with documents related to the Application. KCTA pledges to adhere to all Commission rules and procedures applicable to it as a party intervenor. The undersigned attorneys are authorized to represent KCTA in this proceeding and to take service of all documents.

WHEREFORE, KCTA moves for full intervention in the above proceeding.

Respectfully submitted,

Gardner F. Gillespie
(SCR 3.030 admission to be obtained)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion has been served by first class mail on those persons whose names appears below this 9th day of October, 2014.

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