

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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)	CASE NO. 2014-00283
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)	

ORDER

On October 9, 2014, the Kentucky Cable Telecommunications Association (“KCTA”) filed a motion for full intervention in this matter, which arises from Windstream Kentucky East, LLC’s and Windstream Kentucky West, LLC’s (collectively “Windstream”) joint application to transfer certain assets currently owned and controlled by Windstream to a third party, Communications Sales and Leasing, Inc. (“CSL”). KCTA is a non-profit organization consisting of cable operators serving cable customers throughout Kentucky. KCTA states that several of its members attach their facilities to utility poles currently owned and operated by Windstream, which are subject to the Commission’s jurisdiction. KCTA further states that Windstream’s application and responses to Commission Staff’s First Request for Information (“Staff’s First Request”) are unclear concerning whether the proposed transaction affects the legal rights of

KCTA members to attach their facilities to the poles currently owned and controlled by Windstream. On this basis, KCTA claims that the decision in this case will have direct impact on KCTA members' pole attachment rights and rates if the Commission approves Windstream's proposal to move assets, such as utility poles, into an entity that Windstream contends cannot be regulated by the Commission.

On October 15, 2014, Windstream filed its response in opposition to KCTA's motion for full intervention. Windstream argues that the Commission should deny KCTA's motion because the motion for intervention is not timely, noting that KCTA filed its motion almost two months after Windstream filed the application and that allowing intervention at this late time will unduly complicate and disrupt the proceeding. Windstream also argues that KCTA has not identified a special interest in the proceeding because the issue over which KCTA is concerned, attachment to poles currently owned by Windstream, is unaffected by the proposed transaction and that this is clear from the application and responses to Staff's First Request. Lastly, Windstream argues that KCTA is unlikely to present issues or develop facts that will aid the Commission. Windstream alleges that KCTA offers no explanation about the issues or facts it expects to develop or how this would be beneficial to the Commission.

On October 17, 2014, KCTA filed a reply to Windstream's response. KCTA asserts that its motion is timely, noting that Windstream did not serve its petition on any of its customers and that KCTA filed its motion one week after Windstream filed its responses to Staff's First Request, in which Windstream represented that the transaction would have a legal effect on pole attachments, but that it would be minimal. KCTA further asserts that it has a special interest arising from the uncertainty regarding

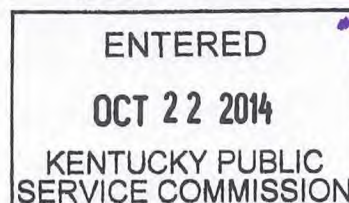
whether CSL will have a legal right to maintain poles in public rights of way without a franchise and whether the Commission will retain jurisdiction to review and approve pole attachment rates if the poles are sold to a purportedly unregulated entity.

It appears to the Commission that KCTA's intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Commission, being otherwise sufficiently advised, finds that KCTA should be granted full rights of a party in this proceeding. .

IT IS HEREBY ORDERED that:

1. The petition of KCTA to intervene is granted.
2. KCTA shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should KCTA file documents of any kind with the Commission in the course of these proceedings, KCTA shall also serve a copy of said documents on all other parties of record.

By the Commission



ATTEST:



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