

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CMN-RUS, INC.	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2018-00157
	)	
WINDSTREAM KENTUCKY EAST, LLC	)	
	)	
DEFENDANT	)	

COMMISSION STAFF'S FIRST REQUEST  
FOR INFORMATION TO CMN-RUS, INC.

CMN-RUS, Inc. (CMN), pursuant to 807 KAR 5:001, is to file with the Commission an original and seven copies in paper medium of the following information, with a copy to all parties of record. The information requested herein is due within 14 days of the entry of this Request for Information pursuant to the Commission's August 7, 2018 Order. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed. Each response shall include the name of the individual responsible for responding to questions related to the information provided.

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

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

Careful attention shall 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. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, CMN shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Provide a copy of the franchise agreement with the Lexington-Fayette Urban County Government (Franchise Agreement) to offer cable television services to residential and business customers within the confines of Lexington and Fayette County referred to on page 2 of CMN's complaint. Identify and briefly describe all sections of the Franchise Agreement that impose a deadline on when CMN must take any action.

2. Identify and describe how CMN intends to deliver the cable television service authorized by the Franchise Agreement to customers.

3. Identify and describe all products and services other than cable television service that CMN currently intends to provide over the network that will be constructed to provide cable television service authorized by the Franchise Agreement, e.g., 100 megabit broadband, local telephone service, etc. State whether CMN anticipates providing each such product and service as soon as the network is operational.

4. Identify all service areas in which CMN is currently providing telephone service and describe the nature of the telephone service offered in each such service area.

5. State whether CMN currently owns or operates any network that is similar to the network it is proposing to build in Lexington and, if so, identify the location of each such network, the years during which each such network was constructed from the approximate date that the work commenced until the network reached substantial completion (if a network has not reached substantial completion then indicate the same), and the approximate number of pole attachments necessary to construct each such network.

6. Provide a copy of the disputed invoices received by CMN from Windstream KDL, LLC referred to in CMN's complaint pertaining to the cost of make-ready work performed in Indiana.

7. Describe the nature of the dispute regarding the invoices from Windstream KDL, LLC to CMN referred to in CMN's complaint by describing the nature of the work that gave rise to the invoices and who performed it, CMN's basis for disputing the invoices, and CMN's understanding of why Windstream KDL, LLC and the other utility contend that the invoices are owed.

8. Provide a copy of all agreements and contracts regarding pole attachments under which the work that is the subject of the disputed invoices from Windstream KDL, LLC was performed.

9. Provide the total number of poles to which CMN estimates that it will need to attach in order to complete the network authorized by the Franchise Agreement. Identify all parties that own or control those poles, and identify the approximate number of poles owned and controlled by each such party. Provide a copy of all agreements and contracts with those parties regarding applications for pole attachments and make-ready work.

10. State whether CMN has entered into any agreements with any contractors, engineers, or other third parties to perform work attaching CMN's equipment to poles in Lexington and Fayette County or related thereto and, if so, describe the nature of the work that each such party agreed to perform.

11. State whether CMN currently intends to enter into additional agreements with contractors, engineers, or other third parties to perform work attaching CMN's equipment to poles in Lexington and Fayette County or related thereto and, if so, briefly describe the nature of the work that CMN expects each such contractor, engineer, or third party will agree to perform and when CMN expects to enter each such agreement.

12. Describe generally the nature of the work CMN expects its employees to perform attaching CMN's equipment to poles in Lexington and Fayette County or related thereto.

13. Describe the rate at which CMN's equipment is currently being attached to poles in Lexington and Fayette County, regardless of whether the poles are owned or

controlled by Windstream Kentucky East, LLC (Windstream East) or some other party, and describe the rate at which CMN expects to be able to attach its equipment to poles in Lexington and Fayette County when work on the network is fully underway.

14. Assuming there are no delays with pole attachment applications or make-ready work, state when CMN expects work on the network in Lexington and Fayette County to be fully underway, such that pole attachments are completed at the rate described in CMN's response to the second part of Item 13 above. Identify and describe what preparation or work must be completed before work attaching CMN's equipment to poles is able to proceed at that rate.

15. Describe how CMN expects work on the network to be completed, e.g. in multiple phases or a single phase. If work is going to be completed in multiple phases, state the number of phases and whether work on each phase has been bid by contractors and, if not, whether and when work is expected to be bid for each phase.

16. Provide all correspondence with attachments, whether sent via regular mail, email, or otherwise, between CMN and Windstream East regarding or referencing the pole attachments at issue in this matter, except that it is not necessary to provide the correspondence between counsel after the complaint in this matter was filed.

17. State whether CMN is currently submitting applications for pole attachments to Windstream East and, if so:

a. Identify how many applications for pole attachments have been submitted during each month since CMN first submitted applications and the number of applications that have been processed as of the date of this request;

- b. Describe the rate at which Windstream East has processed the applications each month;
- c. State whether make-ready work has been completed for any of the poles for which applications have been filed;
- d. Describe the process by which, and the rate at which make-ready work is being completed;
- e. Describe how costs are being allocated between all parties involved.



Gwen R. Pinson  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

DATED     **AUG 13 2018**    

cc: Parties of Record

\*Casey C. Stansbury  
Mazanec, Raskin & Ryder Co., LPA  
230 Lexington Green Circle, Suite 60  
Lexington, KENTUCKY 40503

\*CMN-RUS, Inc.  
3701 Communications Way  
Evansville, IN 47712

\*CMN-RUS, Inc.  
CMN-RUS, Inc.  
3701 Communications Way  
Evansville, IN 47712

\*Katherine Yunker  
McBrayer, McGinnis, Leslie and Kirkland, PLLC  
201 East Main Street  
Suite 1000  
Lexington, KENTUCKY 40507

\*Tia J Combs  
Mazanec, Raskin & Ryder Co., LPA  
230 Lexington Green Circle, Suite 60  
Lexington, KENTUCKY 40503

\*Windstream Kentucky East, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Windstream Kentucky East, LLC  
Windstream Kentucky East, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212