

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 WINDSTREAM KENTUCKY EAST, LLC

Windstream Kentucky East, LLC (Windstream East), 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.

Windstream East 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 Windstream 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, Windstream East shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. State the number of applications for new pole attachments Windstream East has received each month for the last 12 months ending on July 31, 2018, if known, and the number of applications for new pole attachments Windstream East received each calendar year in 2015, 2016, and 2017.

2. State and describe the cost to Windstream East of processing applications for new pole attachments and completing related make-ready work, include a breakdown

of costs to the extent possible, and describe how Windstream East determined and calculated those costs.

3. State whether Windstream East uses a contractor to process applications for new pole attachments or to complete make-ready work and, if so:

- a. Identify all such contractors used by Windstream East;
- b. Describe the nature of the work related to pole attachments completed by all such contractors; and
- c. Describe the amounts paid to such contractors for processing new pole attachment applications and the amounts paid for make-ready work.

4. Provide copies of all contracts related to processing applications for pole attachments or completing make-ready work for all contractors identified in response to Item 3 hereinabove.

5. Describe the process by which Windstream East currently handles applications for pole attachments in detail by:

- a. Identifying every business group, department, division, contractor, or other entity controlled by Windstream East that has a material role in processing or reviewing applications for pole attachments or the completion of make-ready work for Windstream East from the time the applications are received through the date that make-ready work is completed;
- b. Describing the role of each such business group, department, division, contractor, or other entity controlled by Windstream East in processing and reviewing applications or the completion of make-ready work, including a description of

the order in which each completes its role and the time it generally takes for each to complete its role;

c. Describing the role of other pole attachers in processing and reviewing pole-attachment applications to Windstream East and completing make-ready work; and

d. Identifying any other person or entity involved in processing or reviewing pole-attachment applications to Windstream East or the completion of make-ready work and describing the role of each such other person.

6. Identify and describe all policies and procedures established by Windstream East regarding how its employees and contractors are required to process applications for pole attachments or complete related make-ready work, including a description of any timelines. If those policies and procedures are written, provide a copy.

7. Provide copies of all current agreements between Windstream East and any pole attacher regarding the procedure for processing applications for pole attachments and completing related make-ready work.

8. Provide copies of all current agreements between Windstream East and any pole owner or operator regarding the procedure for processing Windstream East's applications for pole attachments or the procedure for completing related make-ready work.

9. Identify the total number of poles owned or controlled by Windstream East.

10. Provide a copy of the disputed invoices sent to CMN-RUS, Inc. (CMN), by Windstream KDL, LLC referred to in CMN's complaint pertaining to the cost of make-ready work performed in Indiana.

11. Describe the nature of the dispute regarding the invoices from Windstream KDL, LLC to CMN referred to in CMN's complaint by describing:

a. The nature of the work that gave rise to the invoices and who performed it;

b. Windstream East's understanding of why CMN is disputing the invoices; and

c. Windstream East's understanding of why Windstream KDL, LLC and the other utility contend that the invoices are owed.

12. Describe the corporate relationship of Windstream East to Windstream KDL, LLC.

13. 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.

14. CMN stated in its complaint that it was willing to pay for additional resources necessary for Windstream East to process a higher volume of applications for pole attachments. State whether Windstream East contends that it would be unreasonable to process applications at a rate of 1,500 during a rolling 30-day period if CMN agreed to cover additional costs incurred by CMN (excluding any make-ready work) and, if so, state why Windstream East contends that it would be unreasonable.

15. Describe in broad terms all additional costs that Windstream East contends it will incur if it is required to process applications at a rate of 1,500 during a rolling 30-day period (excluding any make-ready work).

16. Refer to page 12 of CMN's Complaint in which it makes three alternative requests for an order regarding how applications for pole attachments and related make-ready should be completed. State:

a. Which alternative Windstream East contends would be the most reasonable and explain the basis for its contention;

b. Whether Windstream East contends that it would be reasonable for the Commission to adopt that alternative; and

c. If not, describe and explain what changes Windstream East contends would be necessary in order for that alternative to be reasonable.

17. Windstream East stated in its response to the complaint that the Kentucky Information Highway Project (KIH) is inherently different than CMN. State the reasons why KIH and its associated contractors are different than CMN with respect to applications for pole attachments and make-ready work.

18. Describe Windstream East's current agreement with KIH regarding the processing of requests for pole attachments and the completion of make-ready work (or refer to the current agreement if written). If the agreement with KIH differs from that provided by CMN with its complaint, describe why the agreement was changed and describe the circumstances under which it was changed.

19. 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. It is not necessary to provide the correspondence between counsel after the complaint in this matter was filed.



Gwen R. Pinson
Executive Director
Public Service Commission
P.O. Box 615
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DATED **AUG 13 2018**

cc: Parties of Record

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