

MAZANEC, RASKIN & RYDER Co., L.P.A.

ATTORNEYS AND COUNSELLORS AT LAW

Celebrating More than 35 Years of Excellence

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August 10, 2018

Gwen R. Pinson, Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602

RECEIVED

AUG 13 2018

PUBLIC SERVICE
COMMISSION

Re: CMN-RUS, Inc. v. Windstream Kentucky East, LLC
Before The Public Service Commission
Case No.: 2018-00157

Dear Ms. Pinson:

Enclosed please find for filing the in the above-referenced matter, the unbound original and 10 copies of Windstream Kentucky East, Inc.'s First Requests for Information to CMN-RUS, Inc. Also enclosed is an additional copy of said document to be stamped filed or date of receipt and returned in the enclosed self-addressed, postage prepaid envelope.

Please contact me if you need anything further from me.

Very truly yours,

MAZANEC, RASKIN & RYDER CO., L.P.A.

Handwritten signature of Terri A. Marksbury

Terri A. Marksbury
Paralegal to Tia J. Combs

Enclosure

WINDS-18K034/ltr to Public Service Commission enc First Request for Information

Reply to:

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[x] Lexington
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Lexington, KY 40503
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RECEIVED

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION  
Case No. 2018-00157

AUG 13 2018

PUBLIC SERVICE  
COMMISSION

In the Matter of

CMN-RUS, INC.

COMPLAINANT

v.

WINDSTREAM KENTUCKY EAST, INC.

DEFENDANT

**WINDSTREAM KENTUCKY EAST, INC.'S  
FIRST REQUESTS FOR INFORMATION TO CMN-RUS, INC.**

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Comes the Defendant, Windstream Kentucky East, Inc. ("Windstream"), by counsel, and for its First Requests for Information to CMN-RUS, Inc. ("CMN"), to be answered in accordance with the Order entered by the Public Service Commission on August 7, 2018, states as follows:

**REQUESTS**

1. In ¶ 8 of the Complaint, CMN states the Lexington Fayette Urban County Government ("LFUCG") franchise project (the "LFUCG Project") must be completed by the end of 2021. If, as stated in ¶ 7 of the Complaint, access to a total of 12,500 Windstream poles is needed for the project and attachment has already begun (attachment began, at the latest, by July 1, 2018), by Windstream's calculations, at a rate of 300 poles per month, CMN will have time to attach to all needed poles by the end of 2021 and successfully fulfill its obligations. As such, upon what facts does CMN allege, as stated in ¶ 8 of the Complaint, that attachment to only 300 poles per month is a "serious economic and regulatory challenge for CMN"?

2. Please provide a full and complete copy of the Franchise Agreement with LFUCG referenced in ¶ 3 of the Complaint.

3. Please provide a copy of or citation to any statute, regulation, or other law which CMN believes Windstream has violated.

4. Please identify all representatives from CMN had with representatives from Windstream prior to the filing of the Complaint concerning the LFUCG Project and the need for pole attachment. "Identify" means provide the name, address, and phone of any CMN representative(s) who were party to the contact and the name of the Windstream representative who was a party to the contact. If any of the identified contacts were made in a reproducible format (i.e. in writing or other recorded medium), please produce copies of said contacts.

5. Please state in detail the "obvious business reasons" referred to in ¶ 3 of the Complaint.

6. How many pole attachment applications does CMN expect to submit to Windstream for the LFUCG Project in a rolling 30 period?

7. Please describe what is meant by the term "competitive necessity" in ¶ 8 of the Complaint.

8. Please describe specifically the "good faith basis" upon which CMN refuses to pay the invoices referenced in ¶ 10 of the Complaint.

9. Please describe the "good faith negotiations" referenced in ¶ 24 of the Complaint.

10. Please state the amount of time in which Windstream has accepted each application for pole attachment CMN has made to Windstream since January 1, 2018. Please identify which of these applications CMN considers to have been "accepted in an unreasonably slow time frame" as alleged in ¶ 12 of the Complaint.

11. Please identify all contractors CMN proposes to use to complete make ready construction on the LFUCG Project. "Identify" means provide the name, address, and phone of the contracting company or employee in charge and the names of each individual worker who will assist with the make ready.

12. Will the LFUCG Project require CMN to attach to poles belonging to any other utility?

13. If the answer to Request 12 is in the affirmative, please identify all such utilities by business name, name of an individual employee with whom CMN has worked with on the LFUCG Project at that utility, and the business address and business phone number of the named individual.

14. Please identify all contractors the utilities named in Request 13 are using to complete make ready construction on the LFUCG Project. "Identify" means provide the name, business address, and business telephone number of the contracting company or employee in charge and the names of each individual worker who will assist with the make ready.

15. Please provide any agreements or tariffs under which CMN is attaching to poles belonging to utilities named in the answer to Request 13.

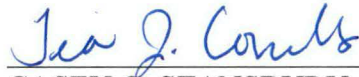
16. Please provide the High Volume Pole Attachment Application Plan referred to in ¶ 4 of the Complaint.

17. As previously disclosed in WIN0001, CMN contractors damaged Windstream facilities in March and April 2018 due to negligent construction practices. Does CMN plan to continue to use these contractors for make ready? Does CMN contend that it is reasonable for Windstream to continue to allow these same contractors to perform make ready on Windstream poles?

18. Produce any market research done by CMN concerning its ability to complete the LFUCG Project by the end of 2021.

19. Please describe the "process Windstream has unilaterally adopted" referenced in ¶ 17 of the Complaint.

**MAZANEC, RASKIN & RYDER CO., LPA**



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*Counsel for Defendant,  
Windstream Kentucky East, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that a true and accurate copy of the foregoing was served via first class USPS mail, postage prepaid, on August 10, 2018, and via electronic mail upon the following:

Katherine K. Yunker  
McBrayer, McGinnis, Leslie & Kirkland, PLLC  
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Lexington, KY 40507  
Kyunker@mmlk.com  
*Counsel for Complainant,  
CMN-RUS, Inc.*

Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602



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*Counsel for Defendant,  
Windstream Kentucky East, Inc.*