

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF POLE) CASE NO.
ATTACHMENTS) 2023-00416

ORDER

The Commission opens this proceeding to create a stakeholder process to discuss and investigate issues and lessons learned relating to pole attachments. The Commission will make all pole-owning utilities parties to this proceeding, and they are expected to participate, individually or jointly, with other pole-owning utilities. Pole-owning utilities that seek to participate jointly are asked to file a notice in this case indicating as much. Filings in this matter must be made by attorneys licensed to practice law in the Commonwealth of Kentucky. However, participation by entities in meetings and in filing comments may be conducted by non-attorneys. Other interested parties do not need to be granted intervention to file comments or otherwise participate in this proceeding.

In February 2020, the Commission sent a draft of proposed pole-attachment regulations to stakeholders and sought comment from utilities and other interested persons on the draft. This informal process of review was disrupted by a global pandemic, and the Commission restarted the process in December 2020. During this informal review process, various stakeholders discussed and submitted comments on the proposed regulations. These discussions and comments helped inform the Commission when it drafted the proposed pole-attachment regulation, 807 KAR 5:015, that was filed with the Legislative Research Commission on May 14, 2021. Following the filing of the regulation,

the Commission took further comment and amended the proposed regulation pursuant to the provisions of KRS Chapter 13A. Commission regulation 807 KAR 5:015 became effective on February 1, 2022, almost two years after the Commission first released a draft of the pole-attachment regulation and started the informal review process of the regulation.

The purpose of this proceeding is to identify issues regarding pole attachments, particularly regarding the extension of broadband services that might be addressed through changes in the regulations, rules, or tariffs governing pole attachments. As an initial step, the Commission will schedule an informal conference, which may be attended in person or virtually, on January 5, 2024. Informal conferences will be led by Commission Staff. Contact for Commission Staff is located within this Order. The Commission anticipates additional informal conferences, which will be scheduled by public notice issued by Commission Staff.

In order to inform the agenda for the first informal conference held pursuant to this matter, the Commission requests that interested parties file, no later than December 21, 2023, a short list of topics which participants seek to discuss and address during these stakeholder meetings. Such issues should include the topic or perceived problems with the existing pole attachment regulation and utility pole-attachment tariffs, in general or in how they are being applied, and how those problems are purported to affect the extension of broadband service.

Based upon the foregoing, the Commission finds that:

1. This proceeding should be opened to investigate and address issues relating to pole attachments.

2. All pole-owning utilities should be made parties to this case. The utilities may participate jointly upon written notice to the Commission.

3. An informal conference should be held on January 5, 2024.

4. No later than December 21, 2023, utilities that are parties to this proceeding and all other interested persons should file a short list of issues to be discussed at the January 5, 2024 informal conference.

5. The Commission, no later than December 28, 2023, will issue an agenda for the January 5, 2024 informal conference.

6. Parties and other participants who plan to attend the January 5, 2024 informal conference should, no later than January 3, 2024, contact J.E.B. Pinney, Executive Advisor to the Commission, to indicate whether they will appear in person or by video. Mr. Pinney will serve as the primary Commission Staff contact for this case and may be reached at jeb.pinney@ky.gov or at (502) 782-2587.

IT IS THEREFORE ORDERED that:

1. This proceeding is opened to investigate issues relating to pole attachments.

2. All electric utilities and incumbent local exchange carriers are made parties to this proceeding.

3. An informal conference is scheduled on January 5, 2024, at 10 a.m. Eastern Standard Time at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. Commission Staff will contact participants by electronic mail to provide details for joining the conference by video link.


4. No later than December 21, 2023, utilities that are parties to this proceeding and all other interested persons shall file a short list of issues to be discussed at the January 5, 2024 informal conference.

5. An agenda for the first informal conference will be issued no later than December 28, 2023.

6. Parties and other participants who plan to attend the January 5, 2024 informal conference shall, no later than January 3, 2024, contact J.E.B. Pinney, Executive Advisor to the Commission, to indicate whether they will appear in person or by video.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
DEC 14 2023 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*Cincinnati Bell Telephone Company LL dba
Cincinnati Bell Telephone Company LLC dba
221 E Fourth Street, Room 103-1080
Cincinnati, OH 45201-2301

*Lewisport Telephone Company, Inc.
Lewisport Telephone Company, Inc.
30 Pell Street
Lewisport, KY 42351

*Ballard Rural Telephone Cooperative
Ballard Rural Telephone Cooperative Corporation,
159 W 2nd Street
P. O. Box 209
La Center, KY 42056-0209

*Thacker-Grigsby Telephone Company, I
Thacker-Grigsby Telephone Company,
9500 Communications Lane
P. O. Box 789
Hindman, KY 41822

*Salem Telephone Company
Salem Telephone Company
221 E Main Street
Salem, KY 42078

*Peoples Rural Telephone Cooperative
Peoples Rural Telephone Cooperative
1080 Main Street South
McKee, KY 40447

*Big Sandy R.E.C.C.
Big Sandy R.E.C.C.
504 11th Street
Paintsville, KY 41240

*Logan Telephone Cooperative, Inc. db
Logan Telephone Cooperative, Inc. dba LTC
10725 Bowling Green Road
P. O. Box 97
Auburn, KY 42206

*Kentucky Power Company
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Brandenburg Telephone Company, Inc.
Brandenburg Telephone Company, Inc.
200 Telco Road
P. O. Box 599
Brandenburg, KY 40108

*Jackson Purchase Energy Corporation
Jackson Purchase Energy Corporation
6525 US Highway 60 W
Paducah, KY 42001

*West Kentucky Rural Telephone Cooper dba
West Kentucky Rural Telephone Cooperative
100 WK&T Technology Drive
P. O. Box 649
Mayfield, KY 42066-0649

*Highland Telephone Cooperative, Inc.
Highland Telephone Cooperative, Inc.
7840 Morgan County Highway
P. O. Box 119
Sunbright, TN 37872

*Gearheart Communications Company, In dba
Gearheart Communications Company, Inc. dba
20 Laynesville Road
Harold, KY 41635

*Kenergy Corp.
Kenergy Corp.
6402 Old Corydon Road
P. O. Box 18
Henderson, KY 42419

*Farmers R.E.C.C.
Farmers R.E.C.C.
504 South Broadway
P. O. Box 1298
Glasgow, KY 42141-1298

*South Central Rural Telecommunicatio
South Central Rural Telecommunications
1399 Happy Valley Road
P. O. Box 159
Glasgow, KY 42142

*Duke Energy Kentucky, Inc.
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Leslie County Telephone Company, Inc
Leslie County Telephone Company, Inc.
24014 Highway 421
Hyden, KY 41749

*North Central Telephone Cooperative,
North Central Telephone Cooperative, Inc.
872 Highway 52 By-Pass E
P. O. Box 70
Lafayette, TN 37083-0070

*Fleming-Mason Energy Cooperative, In
Fleming-Mason Energy Cooperative, Inc.
1449 Elizaville Road
P. O. Box 328
Flemingsburg, KY 41041

*Nolin R.E.C.C.
Nolin R.E.C.C.
411 Ring Road
Elizabethtown, KY 42701-6767

*East Kentucky Power Cooperative, Inc
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Grayson R.E.C.C.
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

*South Kentucky R.E.C.C.
South Kentucky R.E.C.C.
200 Electric Avenue
Somerset, KY 42501

*Inter-County Energy Cooperative Corp
Inter-County Energy Cooperative Corporation
1009 Hustonville Road
P. O. Box 87
Danville, KY 40423-0087

*Mountain Rural Telephone Cooperative
Mountain Rural Telephone Cooperative
425 Main Street, Suite A
P. O. Box 399
West Liberty, KY 41472

*BellSouth Telecommunications, LLC db
BellSouth Telecommunications, LLC dba AT&T
Meidinger Tower
462 S 4th Street, Suite 2400
Louisville, KY 40202

*Jackson Energy Cooperative Corporati
Jackson Energy Cooperative Corporation
115 Jackson Energy Lane
McKee, KY 40447

*Taylor County R.E.C.C.
Taylor County R.E.C.C.
625 West Main Street
P. O. Box 100
Campbellsville, KY 42719

*Meade County R.E.C.C.
Meade County R.E.C.C.
P. O. Box 489
Brandenburg, KY 40108-0489

*Licking Valley R.E.C.C.
Licking Valley R.E.C.C.
P. O. Box 605
271 Main Street
West Liberty, KY 41472

*Big Rivers Electric Corporation
Big Rivers Electric Corporation
710 West 2nd Street
P. O. Box 20015
Owensboro, KY 42304

*Blue Grass Energy Cooperative Corp.
Blue Grass Energy Cooperative Corp.
1201 Lexington Road
P. O. Box 990
Nicholasville, KY 40340-0990

*Owen Electric Cooperative, Inc.
Owen Electric Cooperative, Inc.
8205 Highway 127 North
P. O. Box 400
Owenton, KY 40359

*Foothills Rural Telephone Cooperativ
Foothills Rural Telephone Cooperative
1621 Kentucky Route 40 W
P. O. Box 240
Staffordsville, KY 41256

*Clark Energy Cooperative, Inc.
Clark Energy Cooperative, Inc.
2640 Ironworks Road
P. O. Box 748
Winchester, KY 40392-0748

*Shelby Energy Cooperative, Inc.
Shelby Energy Cooperative, Inc.
620 Old Finchville Road
Shelbyville, KY 40065

*Kentucky Utilities Company
Kentucky Utilities Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Cumberland Valley Electric, Inc.
Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734

*Salt River Electric Cooperative Corp
Salt River Electric Cooperative Corp.
111 West Brashear Avenue
P. O. Box 609
Bardstown, KY 40004

*Louisville Gas and Electric Company
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Windstream Kentucky West, LLC
Windstream Kentucky West, 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

*Duo County Telephone Cooperative Cor
Duo County Telephone Cooperative Corporation,
2150 N Main Street
P. O. Box 80
Jamestown, KY 42629