

December 17, 2004

Ms. Elizabeth O'Donnell
Executive Director
Public Service Commission of Kentucky
211 Sower Boulevard
Frankfort, KY 40601

RECEIVED
DEC 21 2004
PUBLIC SERVICE
COMMISSION

Re: Case No. 2004-00319

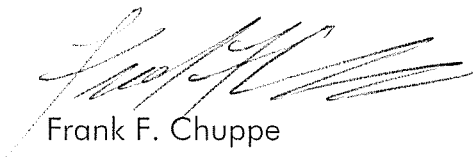
Dear Ms. O'Donnell:

Enclosed please find for filing the original and ten (10) copies of the Kentucky Cable Telecommunication Association's Opposition to Jackson Purchase Energy Corporation's Motion to Reconsider.

Thank you for your attention to this matter.

Very truly yours,

WYATT, TARRANT & COMBS, LLP


Frank F. Chuppe

FFC/pw
Enclosures
20230717 1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
DEC 21 2004
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF JACKSON PURCHASE)
ENERGY CORPORATION FOR)
ADJUSTMENTS IN EXISTING CABLE)
TELEVISION ATTACHED TARIFF) CASE NO. 2004-00319

KENTUCKY CABLE TELECOMMUNICATIONS
ASSOCIATION'S OPPOSITION TO JACKSON PURCHASE
ENERGY CORPORATION'S MOTION TO RECONSIDER

The Kentucky Cable Telecommunications Association ("KCTA") opposes Jackson Purchase Energy Corporation's ("JPEC's") Motion to Reconsider the Commission's Order, issued December 6, 2004, granting KCTA and Ballard Rural Telephone Cooperative Corporation, Inc. ("Ballard") full intervention status in this proceeding.

Conditioning KCTA's full intervention status on a commitment that three of its constituent members -- Comcast Cable Vision of Paducah, Inc. ("Comcast"), Mediacom Communications Corporation ("Mediacom"), and Charter Communications ("Charter") -- be "deemed parties for all purposes, including responding to any data requests that may ensue in this proceeding," as JPEC proposes, *see Response to Kentucky Cable Telecommunications Association's Motion for Full Intervention*, Case No. 2004-00319, Dec. 1, 2004, at 4, would contradict over 20 years of Commission precedent and unfairly prejudice discovery issues that have not arisen -- and may never arise -- in this case.

This Commission has regulated pole attachment rates since 1982. In that time, KCTA believes it has represented its members in every cable television pole attachment rate case that has arisen before the Commission. In no case has the Commission conditioned KCTA's

participation on treating one or more of its member companies as parties to the proceeding. Had such a condition been imposed, KCTA's member companies each would have been required to retain their own counsel and make their own filings, thereby increasing the burden of participating in Commission proceedings -- as well as increasing the burden on other parties, including the Commission.

The purpose of this proceeding is to evaluate JPEC's proposed rate increases for pole attachments and anchor attachments. *See Application*, Case No. 2004-00319, Sept. 14, 2004, at 2. The only question before the Commission now is whether KCTA's and Ballard's full intervention status in this proceeding should be upheld. As KCTA previously explained, KCTA has a right to full intervention because three of its member companies -- Comcast, Mediacom and Charter -- attach to JPEC's utility poles and thus would be directly affected by JPEC's proposed rate increases. *KCTA Motion for Full Intervention*, Case No. 2004-00319, Sept. 23, 2004, at 1. The burden is on JPEC -- not KCTA or its member companies -- to justify these proposed rate increases. KCTA must retain full intervention status so it can evaluate all submissions made by JPEC (and others) to represent the interests of its member companies in this proceeding.

JPEC's proposal to condition KCTA's intervention right on ascribing party status to Comcast, Mediacom and Charter is nothing more than an attempt to add significantly to the burden, including the cost, already being borne by KCTA, to oppose JPEC's filing. Furthermore, JPEC's proposal contradicts over 20 years of precedent regarding how this Commission has handled KCTA's participation in pole attachment rate cases.

It is irrelevant that KCTA once disputed the appropriateness of a JPEC data request that sought information from Comcast, Mediacom and Charter in a prior proceeding. The facts and

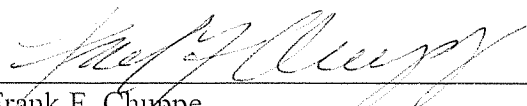
circumstances of every case differ. It is not clear at this time whether any data requests will be propounded on KCTA in this proceeding with respect to its member companies. Moreover, to the extent data requests are made, KCTA has a right to object to such requests if it believes them to be inappropriate. Conditioning KCTA's full intervention status on a prior commitment that its member companies must be parties and must respond to data requests -- particularly when no requests have been propounded -- would be speculative and would unfairly prevent KCTA (and its member companies) from challenging these requests on the merits.

In its Motion for Full Intervention in this case, KCTA pledged "to adhere to all Commission rules and procedures applicable to it as a party intervenor." *KCTA Motion for full Intervention* at 2. KCTA reaffirms that commitment here. If JPEC propounds a data request on KCTA in connection with a member company and believes that KCTA did not provide an adequate response to that request, then the appropriate course would be for JPEC to bring the matter before the Commission for resolution at that time. To condition KCTA's full intervention status on a prior commitment that its member companies will respond to all JPEC data requests, regardless of their merit, would be unfair, illogical and contrary to how the Commission has handled KCTA's intervenor status in the past.

WHEREFORE, the Commission should affirm its order granting KCTA and Ballard full intervention status without imposing the condition proposed by JPEC in its Motion to Reconsider.

Respectfully submitted,

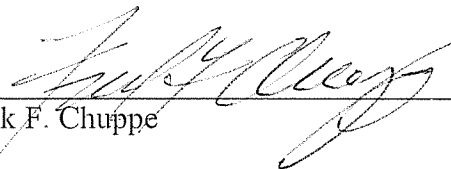
Gardner F. Gillespie
Yaron Dori
HOGAN & HARSTON, L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109



Frank F. Chuppe
WYATT, TARRANT & COMBS, LLP
500 West Jefferson Street, Suite 2600
Louisville, KY 40202
(502) 562-7336

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon Frank N. King, Jr., Dorsey, King, Gray, Norment & Hopgood, 318 Second Street, Henderson, KY 42420, John E. Selent and Holly C. Wallace, Dinsmore & Shohl, LLP, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, KY 40202, and to the Attorney General of Kentucky, Office of Rate Intervention, 1024 Capital Center Drive, Frankfort, KY 40601 by U.S. Mail, first class postage prepaid, this 17 day of December, 2004.



Frank F. Chuppe

20236178 1