

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

OCT 01 2018

PUBLIC SERVICE  
COMMISSION

In the Matter of

CMN-RUS, Inc.

Complainant

v.

Windstream Kentucky East, LLC

Respondent

No. 2018-00157

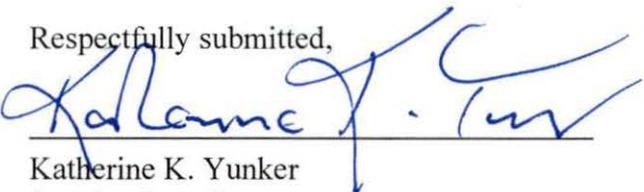
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**Response by CMN-RUS, Inc.  
to Commission Staff's Second Request for Information**

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CMN-RUS, Inc. ("CMN"), herewith submits its responses to the Commission Staff's First Request for Information, in accordance with the Commission's scheduling Order issued August 7, 2018 (the "8/7/18 Order"). Signed, notarized verifications of their respective responses by the Response witnesses — Anita Larson, John Greenbank, and Kevin Stelmach — appear after the Certificate of Service, and before the first tab of this Response. The undersigned counsel is responsible for any objections noted for a particular response.

Respectfully submitted,



Katherine K. Yunker  
[kyunker@mmlk.com](mailto:kyunker@mmlk.com)

William J. George  
MCBRAYER, MCGINNIS, LESLIE &  
KIRKLAND PLLC  
201 East Main Street; Suite 900  
Lexington, KY 40507-1310  
859-231-8780, ext. 1137

*Attorneys for CMN-RUS, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2018, pursuant to the Commission's 8/7/18 Order ¶2, a conformed copy of the foregoing has been served on the attorneys for Respondent by electronic mail or by hand-delivery to: Casey C. Stansbury <cstansbury@mrrlaw.com>, Tia J. Combs <tcombs@mrrlaw.com>; MAZANEC, RASKIN & RYDER CO.; 230 Lexington Green Circle, Suite 605; Lexington, KY 40503. I will also provide PSC Staff Counsel Benjamin Bellamy with a courtesy copy of this Response in the form served on the attorneys for Respondent.

  
Attorney for Complainant







### **Request**

1. Refer to CMN's response to Windstream Kentucky East, LLC's (Windstream East) First Request for Information, Item 3. Explain the basis for CMN's contention therein that Windstream East's conduct violated KRS 278.2201 through KRS 278.2213 and KRS 278.514.
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### **Response**

Among the statutes, regulations, and other standards enforced by the Commission that CMN listed in response to 1 WIN 3 were KRS 278.2201-.2213 and KRS 278.514. CMN listed these principally for their prohibitions against regulated activities subsidizing (or advantaging) unregulated activities of the utility, an affiliate of the utility, or another person, *i.e.*,

- KRS 278.2201: "A utility shall not subsidize a nonregulated activity provided by an affiliate or by the utility itself."
- KRS 278.2213(11): "A utility shall not provide any type of undue preferential treatment to a nonregulated affiliate to the detriment of a competitor."
- KRS 278.514(1): "Revenues derived from nonexempted, regulated telecommunications services, whether essential or nonessential, shall not be used to subsidize or otherwise give advantage to any person providing an exempted service."

Windstream East's conduct violates the subsidization prohibition by providing pole-attachment service on more favorable terms to itself for untariffed or non-PSC-regulated activities of its own (*e.g.*, cable TV service) or those of affiliates (*e.g.*, Windstream KDL) and others (*e.g.*, the licensee for the wireless attachment agreement at WIN 1473-1507) than it has to CMN under its tariff. It also violates the subsidization prohibition if it passes through the favorable terms and conditions for pole-attachment service on poles

owned by Kentucky Utilities Company under the Joint Pole Use Agreement (*see* WIN 0245-63). Windstream East's conduct has also violated the subsidization (or "advantageing") prohibition by making the payment of an invoice from Windstream KDL relating to charges for attachment to Duke Energy poles in Indiana a prerequisite to negotiations with CMN toward a high-volume pole attachment and license agreement for the Lexington-Fayette County area.

Furthermore, these KRS sections contain requirements or provisions regarding cost allocation and keeping separate accounts between regulated and unregulated services or affiliates. *See, e.g.*, KRS 278.2205, KRS 278.2213(1), KRS 278.514(1). Similarly, there are restrictions on the sharing of information, databases, and other resources between a regulated utility and affiliates or employees involved in the marketing or provision of unregulated activities. *See* KRS 278.2213(1). Windstream East has given no indication that there is any effective separation between itself and its affiliates or other entities in the Windstream Group. It asserts that it is affected by any effect on the "financials" of an affiliate (response to 1 CMN 6), it does not require its affiliates to apply to attach to its poles (response to 1 CMN 15) or give any other indication of dealing with its affiliates at arms' length (*see* KRS 278.2213(6)), and, in response to requests for information about Windstream Kentucky East, LLC in particular, often responds with statements about "Windstream" which blur any distinction between the local ILEC and Windstream Group entities individually or as a whole (*see, e.g.*, responses to 1 PSC 3, 5, 6, 14 & 15, and to 1 CMN 4b & 16).

The claimed per-application paper-processing cost of \$4.03 (*see* Windstream East response to 1 PSC 2) suggests that the \$75.00/application fee for pole attachment requests contains a substantial subsidy to the Windstream Group entity (or entities) that process the applications. Similarly, the \$50 per pole fee charged to CMN on applications appears to provide an over-recovery to the Windstream Group which provides or contracts for the associated services. *Id.*, *see also* CMN response to 2 PSC 9. There is no evidence that transactions between Windstream East and its affiliates follow KRS 278.2207(1), which provides in relevant part:

The terms for transactions between a utility and its affiliates shall be in accordance with the following:

- (a) Services and products provided to an affiliate by the utility pursuant to a tariff shall be at the tariffed rate, with nontariffed items priced at the utility's fully distributed cost but in no event less than market....
- (b) Services and products provided to the utility by an affiliate shall be priced at the affiliate's fully distributed cost...."

278.2207(1) (emphasis added). Windstream East has given no indication of what it pays for Windstream Group services or for the engineering and constructions services for which Windstream Supply has contracted with Byers and Triple D. Similarly, in response to 1 PSC 7, it has not provided the terms and conditions on which Windstream East affiliates receive pole attachment services.

### Request

2. Refer to CMN's response to Commission Staff's First Request for Information (Staff's First Request), Item 7 in which CMN described how the disputed invoices discussed therein are billed.
    - a. Assuming the validity of the invoices, state whether CMN contends that the Windstream KDL, LLC, would not be obligated to pay Duke for amounts invoiced if CMN does not pay Windstream KDL, LLC, for the amounts invoiced.
    - b. Describe any communications with Duke in the last year in which CMN attempted to resolve the dispute regarding the invoices.
    - c. Provide a copy of any correspondence, whether sent via U.S. mail, facsimile, email or otherwise, sent to or received from Duke regarding the disputed invoices.
- 

### Response

- a. CMN does not contend this; if the invoices and charges are determined to be in accordance with applicable law, CMN would pay KDL and KDL would be obligated to pay Duke for amounts invoices. However, the disputed invoices are not valid (as assumed for the request), and the amounts are not properly payable.
- b. After receiving the letter from Windstream (*see* CMN 00150-77) in March of 2017, John Campbell and Kevin Stelmach spoke via telephone with Scott Freeburn, Duke's Joint Use & Tower Leasing Manager, and Jeremy Gibson, Duke's Senior Joint Use Facilities Specialist. During this conversation, Mr. Campbell and Mr. Stelmach expressed the concerns about (1) the utter lack of detail set forth in the invoices, (2) the wide disparity between estimated charges (upon which MetroNet made its decision to authorize make ready work) and the actual make ready costs, and (3) the extremely long delay in invoicing for the true up (in some instances, four years). During this call, Mr. Stelmach asked if Duke would pay an invoice for over \$1,000,000 under the same circumstances. The

Duke representatives replied that they would not. The Duke representatives committed to looking for backup documentation supporting the invoices and stated they would get back to MetroNet. They indicated that locating supporting documentation had been a challenge.

In the spring of 2018 following the receipt of the letter from Mr. Freeburn dated April 6, 2018 (see CMN 00605-10, attached), Mr. Stelmach had another telephone conversation with Mr. Freeburn. During this conversation, Mr. Stelmach reiterated MetroNet's desire to resolve the issue with the invoices and repeated the request set forth in CMN's March 29, 2018 letter to get Windstream out of the middle. Duke remained intransigent in its position and refused to remove Windstream as an intermediary.

As of the date of this response, Duke has not yet provided supporting documentation.

*Also see* correspondence attached in response to subpart (c), below.

- c. Correspondence to or from Duke regarding the disputed invoices is attached to this Response, marked as CMN 00548-602 ( email exchange between Stelmach and Gibson in March/April 2017 and attachments), CMN 00603-04 (Greenbank's letter of March 29, 2018) and CMN 00605-10 (Freeburn's email of April 6, 2018, with attachments).

## Anita Larson

---

**From:** Kevin Stelmach  
**Sent:** Monday, April 3, 2017 7:42 AM  
**To:** Anita Larson  
**Subject:** FW: Duke Invoices

FYI

Kevin Stelmach  
Vice President-General Manager

**From:** Gibson, Jeremy B [mailto:Jeremy.Gibson@duke-energy.com]  
**Sent:** Monday, April 3, 2017 7:12 AM  
**To:** Kevin Stelmach ; Freeburn, Scott  
**Subject:** RE: Duke Invoices

Kevin,

You are correct. At this time there will be no hold up of pole applications.

Thank you,  
Jeremy

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**From:** Kevin Stelmach [mailto:Kevin.Stelmach@metronetinc.com]  
**Sent:** Saturday, April 01, 2017 9:14 AM  
**To:** Gibson, Jeremy B; Freeburn, Scott  
**Subject:** RE: Duke Invoices

\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

Jeremy/Scott,

I want to thank you both for listening to Metronet's concerns during our recent call on the true up invoices and agreeing to investigate the charges. We will review any support you send over as quickly as possible. In the meantime, we assume that these open invoices will not slow down or stop our applications that are submitted by Windstream. Let me know if my assumption is incorrect. Again, thank you

Kevin Stelmach  
Vice President-General Manager

**From:** Kevin Stelmach

**Sent:** Tuesday, March 28, 2017 1:49 PM

**To:** [jeremy.gibson@duke-energy.com](mailto:jeremy.gibson@duke-energy.com); Scott Freeburn ([Scott.Freeburn@duke-energy.com](mailto:Scott.Freeburn@duke-energy.com)) <[Scott.Freeburn@duke-energy.com](mailto:Scott.Freeburn@duke-energy.com)>

**Subject:** Duke Invoices

Jeremy/Scott,

Attached are Duke make ready invoices passed along to us by Windstream (see attachment "New Duke Invoices"). From the information that I have been given, it appears that these invoices are to true up estimated make ready charges paid previously (see attachment "Original Duke Invoices"). For example, on the attached document titled "Overview" at line 1, you will see Original Duke Invoice PO492862901 for \$21,441.00, which is the amount invoiced and paid by Metronet in the summer of 2014 for the change out of 2 poles. On this same line 1, you will see New Duke Invoice #P1160706101 for \$48,020.86. This appears to be a true up of estimated costs to actual costs. I'm told that Windstream requested support for the New Duke Invoice amounts, but that Duke was unable/unwilling to provide this support. The foregoing is just one example. I am told that virtually all of the attached New Duke Invoices are true ups of previously paid make ready estimates and that no supporting details were provided. The "Overview" lines up the Original Duke Invoices that I understand are associated with the New Duke Invoices.

Before paying close to \$1 million, we need details supporting the actual costs so we can determine the appropriateness of the charges. Also, if my understanding is correct and these are true ups, we need to know why so many of the make ready estimates were so off base. Was there a mistake in the original estimate? Did the scope of work change? It is alarming that they would be off in some cases by such significant amounts. Finally, we need to know why there was such a delay in invoicing the true up charges. Many of the Original Duke Invoices date back to 2013.

Any help you can provide in getting answers to our questions would be greatly appreciated.

Thanks,

**Kevin Stelmach**

MetroNet | Vice President-General Manager

3701 Communications Way | Evansville, IN 47715

Office: 812.759.7958

[www.MetronetInc.com](http://www.MetronetInc.com)

**METRONET**

New Duke  
Invoices



INVOICE

Invoice: P1160708101  
Invoice Date: 11/16/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/16/2016

Amount Due: \$48,020.86

Invoice for work or services performed at: CMR-KDL/Metronet Rte - Hanover Path  
HANOVER IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/14/2016	Customer contribution HANOVER PART 1	\$48,020.86
<b>Amount Due:</b>			<b>\$48,020.86</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

Payment Coupon

Please make check payable to:  
Duke Energy  
PO Box 602568  
Charlotte NC 28260-2668

ACH Instructions:  
Wells Fargo - Indiana  
121000248  
Duke Energy  
002000057638545

Invoice Number: P1160708101  
Corporation Code: 76116  
Please Pay By: 12/16/2016  
Customer ID: 00083509  
Total Amount Due: \$48,020.86

Fed Tax ID # 35-0584457  
WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221



1616313136303730363130310000600048020860



**INVOICE**

Invoice: P1160717901  
Invoice Date: 11/16/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00063509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/15/2016  
Amount Due: \$2,410.98

Invoice for work or services performed at: CMR - Hanover PATH 2 HANOVER IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/14/2016	Customer contribution HANOVER PATH 2	\$2,410.98
<b>Amount Due:</b>			<b>\$2,410.98</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 802666  
Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana  
121000246  
Duke Energy  
002000057839546

Invoice Number: P1160717901

Corporation Code: 75116  
Please Pay By: 12/15/2016  
Customer ID: 00063509  
Total Amount Due: \$2,410.98

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136303731373930310000100002410982



**INVOICE**

Invoice: P116076601  
Invoice Date: 11/16/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS (KDL)  
P O BOX 25410  
POLES  
LITTLE ROCK AR 17771

Customer ID: 000107473  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/16/2016  
Amount Due: \$2,752.85

Invoice for work or services performed at: KDL/Metronal Rte - Hanover Group 2  
HANOVER IN

For billing questions, please call Teegarden, Marlana Sue at 613/287-5349

Line	Date of Charge	Description	Net Amount
1	11/14/2016	Customer contribution HANOVER GROUP 2	\$2,752.85
<b>Amount Due:</b>			<b>\$2,752.85</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 602566  
Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana  
121000248  
Duke Energy  
002000057639545

Invoice Number: P116076601

Corporation Code: 76115  
Please Pay By: 12/16/2016  
Customer ID: 000107473  
Total Amount Due: \$2,752.85

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
(KDL)  
P O BOX 25410  
POLES  
LITTLE ROCK AR 17771

Amount Enclosed



1616313136303738363530310000900002752859



**INVOICE**

Invoice: P1160795501  
Invoice Date: 11/16/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083508  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/15/2016  
Amount Due: \$5,852.83

Invoice for work or services performed at: KDL/Metronet Rte - Hanover Group 3  
HANOVER IN

For billing questions, please call Teegarden, Marlene Sue at 513/267-5349

Line	Date of Charge	Description	Net Amount
1	11/14/2016	Customer contribution HANOVER GROUP 3	\$5,852.83
<b>Amount Due:</b>			<b>\$5,852.83</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 802566  
Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana  
12100248  
Duke Energy  
002000057639545

Invoice Number: P1160795501

Corporation Code: 75116  
Please Pay By: 12/15/2016  
Customer ID: 00083508  
Total Amount Due: \$5,852.83

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136303739353530310000200005852838



**INVOICE**

Invoice: P1160888801  
Invoice Date: 11/22/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/22/2016  
Amount Due: \$21,376.63

Invoice for work or services performed at: Lafayette Backbone Part 4 LAFAYETTE  
IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PART 3 & 4	\$21,376.63
<b>Amount Due:</b>			<b>\$21,376.63</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 802566  
Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana  
121000248  
Duke Energy  
002000057839546

Invoice Number: P1160888801

Corporation Code: 76116  
Please Pay By: 12/22/2016  
Customer ID: 00083509  
Total Amount Due: \$21,376.63

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1636313136303838383630310000000021376639



**INVOICE**

Invoice: P1160901201  
Invoice Date: 11/22/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/22/2016  
**Amount Due: \$14,608.19**

Invoice for work or services performed at: KDL/Windstream/Melronet Rte - Lafay  
WEST LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 613/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PHASE 10 PART 1 & 2	\$14,608.19
<b>Amount Due:</b>			<b>\$14,608.19</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 602566  
Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana  
121000248  
Duke Energy  
002000057639545

Invoice Number: P1160901201

Corporation Code: 75115  
Please Pay By: 12/22/2016  
Customer ID: 00083509  
Total Amount Due: \$14,608.19

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136303730313230310000400014608192



**INVOICE**

Invoice: P1180909801  
Invoice Date: 11/22/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/22/2016  
Amount Due: \$13,818.35

Invoice for work or services performed at: KDL Windstream-Lafayette PH 12 WEST LAFAYETTE IN

For billing questions, please call Teegerden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PHASE 12	\$13,818.35
<b>Amount Due:</b>			<b>\$13,818.35</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 602566  
Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana  
121000248  
Duke Energy  
002000067639545

Invoice Number: P1180909801

Corporation Code: 75116  
Please Pay By: 12/22/2016  
Customer ID: 00083509  
Total Amount Due: \$13,818.35

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136303930393630310000400013818355



INVOICE

Invoice: P1160964901
Invoice Date: 11/22/2016
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer ID: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 12/22/2016
Amount Due: \$966.71

Invoice for work or services performed at: KDL/Windstream/Metronet Rte - Lafay
WEST LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 11/21/2016, Customer contribution LAFAYETTE PHASE 4 PART 1 REV, \$966.71. Total Amount Due: \$966.71

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy
PO Box 602568
Charlotte NC 28260-2568

ACH instructions:

Wells Fargo - Indiana
121000248
Duke Energy
002000087639545

Invoice Number: P1160964901

Corporation Code: 76116
Please Pay By: 12/22/2016
Customer ID: 00083509
Total Amount Due: \$966.71

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



161631313630343634393031.00001.0000096671.1



# INVOICE

Invoice: P1160969801  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS (KDL)  
 P O BOX 25410  
 POLES  
 LITTLE ROCK AR 72221

Customer ID: 000107039  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$138,205.20

Invoice for work or services performed at: Lafayette Ph 8 Part 1 WEST LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PHASE 8 PART 1	\$138,205.20
<b>Amount Due:</b>			<b>\$138,205.20</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 602666  
 Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000057639545

Invoice Number: P1160969801

Corporation Code: 75116  
 Please Pay By: 12/22/2016  
 Customer ID: 000107039  
 Total Amount Due: \$138,205.20

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 (KDL)  
 P O BOX 25410  
 POLES  
 LITTLE ROCK AR 72221

Amount Enclosed



1636313136303936393830310000800136205207



**INVOICE**

Invoice: P1160979101  
Invoice Date: 11/22/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/22/2016  
Amount Due: \$132,872.21

Invoice for work or services performed at: Lafayette Phase 3 Part 2 LAFAYETTE IN

For billing questions, please call Teagarden, Marlene Sue at 513/287-6349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PHASE 3 PART 2	\$132,872.21
<b>Amount Due:</b>			<b>\$132,872.21</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 002666  
Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana  
121000248  
Duke Energy  
002000057639546

Invoice Number: P1160979101

Corporation Code: 75116  
Please Pay By: 12/22/2016  
Customer ID: 00083509  
Total Amount Due: \$132,872.21

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136303937393130310000100132872210



**INVOICE**

Invoice: P1160986601  
Invoice Date: 11/22/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/22/2016  
Amount Due: \$10,448.32

Invoice for work or services performed at: Lafayette Phase 2 Part 3 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PHASE 2 PART 3	\$10,448.32
<b>Amount Due:</b>			<b>\$10,448.32</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 602668  
Charlotte NC 28260-2668

ACH Instructions:

Wells Fargo - Indiana  
121000248  
Duke Energy  
002000057639545

Invoice Number: P1160986601

Corporation Code: 76116  
Please Pay By: 12/22/2016  
Customer ID: 00083509  
Total Amount Due: \$10,448.32

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136303938353630310000300010448326



# INVOICE

Invoice: P1160990501  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS (KDL)  
 P O BOX 25410  
 POLES  
 LITTLE ROCK AR 72221

Customer ID: 000107706  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$3,085.98

Invoice for work or services performed at: Lafayette Backbone Part 5 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE BACKBONE PART 5	\$3,085.98
<b>Amount Due:</b>			<b>\$3,085.98</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 602666  
 Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000057630545

Invoice Number: P1160990501

Corporation Code: 75115  
 Please Pay By: 12/22/2016  
 Customer ID: 000107706  
 Total Amount Due: \$3,085.98

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 (KDL)  
 P O BOX 25410  
 POLES  
 LITTLE ROCK AR 72221

Amount Enclosed



1616313136303939303530310000200003085988



# INVOICE

Invoice: P1160998201  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND SUPPORT  
 LITTLE ROCK AR 72221

Customer ID: 00083509  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$52,902.99

Invoice for work or services performed at: KDL Rte Lafayette Lafayette - LAF LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE GROUP 1	\$52,902.99
<b>Amount Due:</b>			<b>\$52,902.99</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 602668  
 Charlotte NC 28260-2568

ACH Instructions:

Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000057639545

Invoice Number: P1160998201

Corporation Code: 75116  
 Please Pay By: 12/22/2016  
 Customer ID: 00083509  
 Total Amount Due: \$52,902.99

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND  
 SUPPORT  
 LITTLE ROCK AR 72221

Amount Enclosed



1616313136303737363230310000000052902991



INVOICE

Invoice: P1161009701
Invoice Date: 11/22/2016
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 26410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer ID: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 12/22/2016
Amount Due: \$29,591.09

Invoice for work or services performed at: Lafayette Group 3 LAFAYETTE IN

For billing questions, please call Teegarden, Mariene Sue at 513/287-5349

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 11/21/2016, Customer contribution LAFAYETTE GROUP 3, \$29,591.09. Total Amount Due: \$29,591.09

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy
PO Box 602666
Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana
121000248
Duke Energy
002000057639545

Invoice Number: P1161009701

Corporation Code: 75115
Please Pay By: 12/22/2016
Customer ID: 00083609
Total Amount Due: \$28,691.09

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616313136313030393730310000000029591091





INVOICE

Invoice: P1161073501
Invoice Date: 11/22/2016
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer ID: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 12/22/2016
Amount Due: \$50,380.72

Invoice for work or services performed at: Lafayette Group 2 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 11/21/2016, Customer contribution, \$50,380.72. Total Amount Due: \$50,380.72

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy
PO Box 602566
Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana
121000248
Duke Energy
002000057639545

Invoice Number: P1161073501

Corporation Code: 75115
Please Pay By: 12/22/2016
Customer ID: 00083509
Total Amount Due: \$50,380.72

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616319136313037333530310000700050380726



**INVOICE**

Invoice: P1161082901  
Invoice Date: 11/22/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/22/2016  
Amount Due: \$70,769.73

Invoice for work or services performed at: KDL Rte Lafayette Lafayette - LAF  
LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE GROUP 5	\$70,769.73
<b>Amount Due:</b>			<b>\$70,769.73</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 602688  
Charlotte NC 28260-2688

ACH Instructions:

Wells Fargo - Indiana  
121000246  
Duke Energy  
002000057630545

Invoice Number: P1161082901

Corporation Code: 76115  
Please Pay By: 12/22/2016  
Customer ID: 00083509  
Total Amount Due: \$70,769.73

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136313036323930310000600070769735



# INVOICE

Invoice: P1161096501  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND SUPPORT  
 LITTLE ROCK AR 72221

Customer ID: 00083509  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$48,891.70

Invoice for work or services performed at: KDL/Windstream/Metronet - LAF Group  
 LAFAYETTE IN

For billing questions, please call Teagarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution	\$48,891.70
<b>Amount Due:</b>			<b>\$48,891.70</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

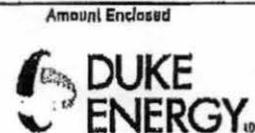
Please make check payable to:  
 Duke Energy  
 PO Box 602666  
 Charlotte NC 28260-2666

ACH Instructions:  
 Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000087638545

Invoice Number: P1161096501  
 Corporation Code: 75116  
 Please Pay By: 12/22/2016  
 Customer ID: 00083509  
 Total Amount Due: \$48,891.70

Fed Tax ID # 35-0594467

WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND  
 SUPPORT  
 LITTLE ROCK AR 72221



1616313136313039363530310000700048891705



# INVOICE

Invoice: P1161104301  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND SUPPORT  
 LITTLE ROCK AR 72221

Customer ID: 00083509  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$55,290.80

Invoice for work or services performed at: Lafayette Group 6 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE GROUP 6	\$55,290.80
<b>Amount Due:</b>			<b>\$55,290.80</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 602566  
 Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000067639646

Invoice Number: P1161104301

Corporation Code: 76116  
 Please Pay By: 12/22/2016  
 Customer ID: 00083509  
 Total Amount Due: \$55,290.80

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND  
 SUPPORT  
 LITTLE ROCK AR 72221

Amount Enclosed



1616313136313130343330310000800055290806



INVOICE

Invoice: P1161130301
Invoice Date: 11/22/2016
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer ID: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 12/22/2016
Amount Due: \$38,749.97

Invoice for work or services performed at: Lafayette Group 8 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 11/21/2016, Customer contribution, \$38,749.97. Total Amount Due: \$38,749.97

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy
PO Box 602586
Charlotte NC 28260-2586

ACH Instructions:

Wells Fargo - Indiana
121000248
Duke Energy
002000057639545

Invoice Number: P1161130301

Corporation Code: 78116
Please Pay By: 12/22/2016
Customer ID: 00083509
Total Amount Due: \$38,749.97

Fed Tax ID # 35-0584457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616313136313133303330310000400038749978



INVOICE

Invoice: P1161140101
Invoice Date: 11/22/2016
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer ID: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 12/22/2016
Amount Due: \$21,814.01

Invoice for work or services performed at: Lafayette Group 11 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 11/21/2016, Customer contribution LAFAYETTE GROUP 11, \$21,814.01. Total Amount Due: \$21,814.01

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy
PO Box 602566
Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana
121000248
Duke Energy
002000067639545

Invoice Number: P1161140101

Corporation Code: 75115
Please Pay By: 12/22/2016
Customer ID: 00083509
Total Amount Due: \$21,814.01

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



16116313136313134303130310000000021814016



# INVOICE

Invoice: P1161174301  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND SUPPORT  
 LITTLE ROCK AR 72221

Customer ID: 00083608  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$627.16

Invoice for work or services performed at: KDL/Windstream/Metronet - LAF Group  
 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE GROUP 12	\$627.16
<b>Amount Due:</b>			<b>\$627.16</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 602588  
 Charlotte NC 28280-2588

ACH Instructions:

Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000057639645

Invoice Number: P1161174301

Corporation Code: 75116  
 Please Pay By: 12/22/2016  
 Customer ID: 00083508  
 Total Amount Due: \$627.16

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND  
 SUPPORT  
 LITTLE ROCK AR 72221

Amount Enclosed



1616313136313137343330310000500000627160



# INVOICE

Invoice: P1161262401  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND SUPPORT  
 LITTLE ROCK AR 72221

Customer ID: 00083509  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$15,931.30

Invoice for work or services performed at: KDL/Windstream/Metronet - LAF Group  
 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribullon LAFAYETTE GROUP 14	\$15,931.30
<b>Amount Due:</b>			<b>\$15,931.30</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 802568  
 Charlotte NC 28260-2568

ACH Instructions:

Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000057638545

Invoice Number: P1161262401

Corperation Code: 75115  
 Please Pay By: 12/22/2016  
 Customer ID: 00083509  
 Total Amount Due: \$15,931.30

Fed Tax ID # 35-0594467

WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND  
 SUPPORT  
 LITTLE ROCK AR 72221

Amount Enclosed



11612624010000000015931302



# INVOICE

Invoice: P1161272701  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND SUPPORT  
 LITTLE ROCK AR 72221

Customer ID: 00083509  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$191,116.56

Invoice for work or services performed at: Lafayette Phase 2 Part 2 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-8349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PHASE 2 PART 1 & 2	\$191,116.56
<b>Amount Due:</b>			<b>\$191,116.56</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 602566  
 Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana  
 121000248  
 Duke Energy  
 002000057639646

Invoice Number: P1161272701

Corporation Code: 76115  
 Please Pay By: 12/22/2016  
 Customer ID: 00083509  
 Total Amount Due: \$191,116.56

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND  
 SUPPORT  
 LITTLE ROCK AR 72221

Amount Enclosed



1616313136313237323730310000800191116569



# INVOICE

Invoice: P1161300201  
 Invoice Date: 11/22/2016  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND SUPPORT  
 LITTLE ROCK AR 72221

Customer ID: 00083509  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/22/2016  
 Amount Due: \$65,447.72

Invoice for work or services performed at: Lafayette Ph 7 Part 2 LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/21/2016	Customer contribution LAFAYETTE PHASE 7 PART 1 & 2	\$65,447.72
<b>Amount Due:</b>			<b>\$65,447.72</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
 PO Box 602566  
 Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana  
 12100248  
 Duke Energy  
 002000057639546

Invoice Number: P1161300201

Corporation Code: 75115  
 Please Pay By: 12/22/2016  
 Customer ID: 00083509  
 Total Amount Due: \$65,447.72

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 P.O. BOX 25410  
 OSP ADMINISTRATION AND  
 SUPPORT  
 LITTLE ROCK AR 72221

Amount Enclosed



1616313136313330303230310000600065447720



**INVOICE**

Invoice: P1161311201  
Invoice Date: 11/29/2016  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer ID: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 12/29/2016

Amount Due: \$12,799.33

Invoice for work or services performed at: Lafayette Phase 11 Part 4 WEST  
LAFAYETTE IN

For billing questions, please call Teegarden, Marlene Sue at 513/287-5349

Line	Date of Charge	Description	Net Amount
1	11/22/2016	Customer contribution LAFAYETTE PHASE 11 PART 1-4	\$12,799.33
<b>Amount Due:</b>			<b>\$12,799.33</b>

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy  
PO Box 602666  
Charlotte NC 28260-2666

ACH Instructions:

Wells Fargo - Indiana  
121000248  
Duke Energy  
002000057639546

Invoice Number: P1161311201

Corporation Code: 78116  
Please Pay By: 12/29/2016  
Customer ID: 00083509  
Total Amount Due: \$12,799.33

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616313136313331313230310000900012799330

Original  
Duke  
INVOICES



INVOICE

Invoice: P0492862901  
Invoice Date: 6/27/2014  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
1925 ENTERPRISE PKWY  
THOMAS HUDOCK JR  
TWINSBURG OH 44087

Customer No: 00070740  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 7/27/2014  
Amount Due: \$21,441.00

Invoice for work or services performed at: CMR-KDL/Metronet Rte - Hanover Path  
HANOVER IN

Hanover Part 1

For billing questions, please call Jane Nickles at 317/838-2155

Line	Date of Charge	Description	Net Amount
1	06/26/2014	Customer contribution CHANGE OUT 2 POLES	\$21,441.00
<b>Amount Due:</b>			<b>\$21,441.00</b>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.  
PO Box 1771  
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank  
041000124  
Duke Energy Indiana, Inc.  
4110754135

Invoice Number: P0492862901

Corporation Code: 76116  
Please Pay By: 7/27/2014  
Customer Number: 00070740  
Total Amount Due: \$21,441.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
1925 ENTERPRISE PKWY  
THOMAS HUDOCK JR  
TWINSBURG OH 44087

Amount Enclosed



1616303439323836323930310000400021441007



INVOICE

Invoice: P0572444601
Invoice Date: 8/1/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 8/31/2014
Amount Due: \$18,804.00

Invoice for work or services performed at: CMR - Hanover PATH 2 HANOVER IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 07/31/2014, Customer contribution INST 1 POLE, PEDESTAL AND SECONDARY, \$18,804.00. Total Amount Due: \$18,804.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number:

P0572444601

Corporation Code:

75115

Please Pay By:

8/31/2014

Customer Number:

00070740

Total Amount Due:

\$18,804.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303537323434343530310000600018804000



INVOICE

Invoice: P0678173601
Invoice Date: 8/7/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 9/6/2014
Amount Due: \$14,634.00

Invoice for work or services performed at: KDL/Metronet Rte - Hanover Group 2
HANOVER IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 08/06/2014, Customer contribution INST 1 POLES, OH & UG SECONDARY, \$14,634.00. Total Amount Due: \$14,634.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number:

P0678173601

Corporation Code:

75115

Please Pay By:

9/6/2014

Customer Number:

00070740

Total Amount Due:

\$14,634.00

Fed Tax ID # 35-0594467

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303537383137333630310000000014634002



INVOICE

Invoice: P0699304801
Invoice Date: 8/7/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 9/6/2014
Amount Due: \$42,121.00

Invoice for work or services performed at: KDL/Metronet Rte - Hanover Group 3
HANOVER IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 08/06/2014, Customer contribution INST 7 POLES, \$42,121.00. Total Amount Due: \$42,121.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number:

P0699304801

Corporation Code:

75115

Please Pay By:

9/6/2014

Customer Number:

00070740

Total Amount Due:

\$42,121.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303539393330343830310000400042121002



INVOICE

Invoice: P0385166401
Invoice Date: 2/22/2013
Page: 1 of 1

Bill to: KDLWINDSTREAM
5020 SMYTHE DR
AMANDA EPMEIER
EVANSVILLE IN 47715

Customer No: 00058611
PO / Contract No:
Payment Terms: Net 30
Due Date: 3/24/2013

Amount Due: \$2,553.00

Invoice for work or services performed at: KDL/Windstream/Metronet Rte - Lafay
LAFAYETTE IN

Lafayette Part 3 & 4

For billing questions, please call Miscellaneous Accounts Receivable at 800/952-0417.

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 2/22/2013, Customer contribution, \$2,553.00. Total Amount Due: \$2,553.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

Wire/ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number:

P0385166401

Corporation Code:

75115

Please Pay By:

3/24/2013

Customer Number:

00058611

Total Amount Due:

\$2,553.00

Fed Tax ID # 36-0594467

KDLWINDSTREAM
5020 SMYTHE DR
AMANDA EPMEIER
EVANSVILLE IN 47715

Amount Enclosed



1616303338353136363430310000500002553007



INVOICE

Invoice: P0368360201  
Invoice Date: 2/22/2013  
Page: 1 of 1

Bill to: KDL/WINDSTREAM  
5020 SMYTHE RD.  
MARY ANN SETTLES  
EVANSVILLE IN 47716

Customer No: 00068484  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 3/24/2013

Amount Due: \$156,548.00

Invoice for work or services performed at: KDL/Windstream/Metronet Rte - Lafay  
WEST LAFAYETTE IN

Lafayette Phase 10  
Part 1 & 2

For billing questions, please call Miscellaneous Accounts Receivable at 800/852-0417.

Line	Date of Charge	Description	Net Amount
1	2/22/2013	Customer contribution	\$156,548.00
Amount Due:			<u>\$156,548.00</u>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

Payment Coupon

Please make check payable to:  
Duke Energy Indiana, Inc.  
PO Box 1771  
Cincinnati OH 45201-1771

Wire/ACH Instructions:  
PNC Bank  
041000124  
Duke Energy Indiana, Inc.  
4110754136

Invoice Number: P0358360201  
Corporation Code: 75115  
Please Pay By: 3/24/2013  
Customer Number: 00068484  
Total Amount Due: \$156,548.00

Fed Tax ID # 36-0594467

KDL/WINDSTREAM  
5020 SMYTHE RD.  
MARY ANN SETTLES  
EVANSVILLE IN 47716

Amount Enclosed



1616303335363336303230310000700156548006



# INVOICE

Invoice: P0376201001  
 Invoice Date: 4/10/2013  
 Page: 1 of 1

Bill to: KDL/WINDSTREAM/METRONET  
 1925 ENTERPRISE PARKWAY  
 THOMAS HUDOCK, JR.  
 TWINSBURG OH 44087

Customer No: 00070112  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 5/10/2013

Amount Due: \$32,747.00

Invoice for work or services performed at: KDL Windstream-Lafayette PH 12  
 WEST LAFAYETTE IN

*Lafayette Phase 12*

For billing questions, please call Jane Nickles at 317-838-2165.

Line	Date of Charge	Description	Net Amount
1	4/9/2013	Customer contribution	\$32,747.00
Amount Due:			<u>\$32,747.00</u>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

### Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.  
 PO Box 1771  
 Cincinnati OH 45201-1771

Wire/ACH Instructions:

PNC Bank  
 041000124  
 Duke Energy Indiana, Inc.  
 4110754135

Invoice Number:

P0376201001

Corporation Code:

75115

Please Pay By:

5/10/2013

Customer Number:

00070112

Total Amount Due:

\$32,747.00

Fed Tax ID # 35-0694457

KDL/WINDSTREAM/METRONET  
 1925 ENTERPRISE PARKWAY  
 THOMAS HUDOCK, JR.  
 TWINSBURG OH 44087

Amount Enclosed



1616303337353230313030310000600032747000



# INVOICE

Invoice: P0390914001  
 Invoice Date: 7/2/2013  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Customer No: 00070740  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 8/1/2013

Amount Due: \$78,169.00

Invoice for work or services performed at: KDL/Windstream/Metronet Rte - Lafay  
 WEST LAFAYETTE IN

*Lafayette Phase 4  
 Part 1 Rev*

For billing questions, please call Jane Nickles at 317-836-2155.

Line	Date of Charge	Description	Net Amount
1	7/1/2013	Customer contribution  INSTALL 2-35'; 3-40'; 3-45'; 3-50' POLES	\$78,169.00

Amount Due: \$78,169.00

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:  
 Duke Energy Indiana, Inc.  
 PO Box 1771  
 Cincinnati OH 45201-1771

Wire/ACH Instructions:  
 PNC Bank  
 041000124  
 Duke Energy Indiana, Inc.  
 4110754135

Invoice Number: P0390914001  
 Corporation Code: 75115  
 Please Pay By: 8/1/2013  
 Customer Number: 00070740  
 Total Amount Due: \$78,169.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Amount Enclosed



11 11 2022 25307821 3030702100001 000211 8001



INVOICE

Invoice: P0406906005
Invoice Date: 6/14/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 7/14/2014

Amount Due: \$34,323.00

Invoice for work or services performed at: Lafayette Ph 8 Part 1 WEST LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 06/13/2014, Customer contribution CHANGE OUT 3 POLES, RAISE MISC EQUIP, \$34,323.00. Amount Due: \$34,323.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number:

P0406906005

Corporation Code:

75115

Please Pay By:

7/14/2014

Customer Number:

00070740

Total Amount Due:

\$34,323.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303430363930363030350000500034323003



# INVOICE

Invoice: P0456348801  
 Invoice Date: 7/16/2014  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Customer No: 00070740  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 8/14/2014  
 Amount Due: \$70,711.00

Invoice for work or services performed at: Lafayette Phase 3 Part 2 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Line	Date of Charge	Description	Net Amount
1	07/14/2014	Customer contribution INST 6 POLES, 3 XFRMS & 5 SPAN SECONDARY	\$70,711.00
<b>Amount Due:</b>			<b>\$70,711.00</b>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy Indiana, Inc.  
 PO Box 1771  
 Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank  
 041000124  
 Duke Energy Indiana, Inc.  
 4110764135

Invoice Number: P0456348801

Corporation Code: 75116  
 Please Pay By: 8/14/2014  
 Customer Number: 00070740  
 Total Amount Due: \$70,711.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Amount Enclosed



1616303435363334363830310000200070711001



INVOICE

Invoice: P0461769601
Invoice Date: 3/21/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 4/20/2014
Amount Due: \$29,239.00

Invoice for work or services performed at: Lafayette Phase 2 Part 3 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount

Table row 1: Line 1, Date of Charge 03/20/2014, Description Customer contribution INST 3 POLES, 3 SP SEC, 2 TRANSF, Net Amount \$29,239.00

Amount Due: \$29,239.00

pd 5/28/14

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number: P0461769601

Corporation Code: 75115

Please Pay By: 4/20/2014

Customer Number: 00070740

Total Amount Due: \$29,239.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303436313736393530310000500029239002



# INVOICE

Invoice: P0466572601  
 Invoice Date: 1/13/2014  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Customer No: 00070740  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 2/12/2014  
 Amount Due: \$6,386.00

Invoice for work or services performed at:

Lafayette Backbone Part 5

For billing questions, please call Jane Nickles at 317/838-2155.

Line	Date of Charge	Description	Net Amount
1	1/10/2014	Customer contribution  INST 2 POLES, 2 XFRMS, 2 SPANS SECONDARY	\$6,386.00
Amount Due:			<u>\$6,386.00</u>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy Indiana, Inc.  
 PO Box 1771  
 Cincinnati OH 45201-1771

Wire/ACH Instructions:

PNC Bank  
 041000124  
 Duke Energy Indiana, Inc.  
 4110764135

Invoice Number:

P0466572601

Corporation Code:

75115

Please Pay By:

2/12/2014

Customer Number:

00070740

Total Amount Due:

\$6,386.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Amount Enclosed



1616303436353537323530310000700008386005



INVOICE

Invoice: P0538967901
Invoice Date: 7/16/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 8/15/2014
Amount Due: \$13,888.00

Invoice for work or services performed at: KDL Rte Lafayette Lafayette - LAF
LAFAYETTE IN

Lafayette Group 1

For billing questions, please call Jane Nicklas at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 07/15/2014, Customer contribution INST 3 SPANS SECONDARY, \$13,888.00. Total Amount Due: \$13,888.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number:

P0538967901

Corporation Code:

75115

Please Pay By:

8/15/2014

Customer Number:

00070740

Total Amount Due:

\$13,888.00

Fed Tax ID # 36-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303533383936373930310000800013888000



INVOICE

Invoice: P0542790501
Invoice Date: 7/15/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 8/14/2014
Amount Due: \$56,224.00

Invoice for work or services performed at: Lafayette Group 3 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 07/14/2014, Customer contribution INST 7 POLES, 3 XFRM AND 4 SPANS SECONDARY, \$56,224.00. Total Amount Due: \$56,224.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754136

Invoice Number: P0542790501

Corporation Code: 75115
Please Pay By: 8/14/2014
Customer Number: 00070740
Total Amount Due: \$56,224.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303534323739303530310000300056224009



INVOICE

Invoice: P0560196601
Invoice Date: 8/6/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 9/5/2014
Amount Due: \$86,478.00

Invoice for work or services performed at: Lafayette Group 4 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 08/06/2014, Customer contribution INST 7 POLES AND 13 SPANS SECONDARY, \$86,478.00. Total Amount Due: \$86,478.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number:

P0560196601

Corporation Code:

75115

Please Pay By:

9/5/2014

Customer Number:

00070740

Total Amount Due:

\$86,478.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



11 11 2015 08:00:00 AM



INVOICE

Invoice: P0558002401
Invoice Date: 7/1/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Customer No: 00070740
PO / Contract No:
Payment Terms: Net 30
Due Date: 7/31/2014
Amount Due: \$39,530.00

Invoice for work or services performed at: Lafayette Group 2 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 06/30/2014, Customer contribution CHANGE OUT POLES; SECONDARY; TRANSFORMERS, \$39,530.00. Total Amount Due: \$39,530.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number: P0558002401

Corporation Code: 75116
Please Pay By: 7/31/2014
Customer Number: 00070740
Total Amount Due: \$39,530.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
1925 ENTERPRISE PKWY
THOMAS HUDOCK JR
TWINSBURG OH 44087

Amount Enclosed



1616303535363030323430310000300039530007



INVOICE

Invoice: P0586760401
Invoice Date: 8/21/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer No: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 9/20/2014
Amount Due: \$50,000.00

Invoice for work or services performed at: KDL Rte Lafayette Lafayette - LAF
LAFAYETTE IN

Lafayette Group 5

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 08/20/2014, Customer contribution INST 4 POLES, 8 SPANS SEC, UG SEC, \$50,000.00. Total Amount Due: \$50,000.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110754135

Invoice Number: P0586760401

Corporation Code: 75115
Please Pay By: 9/20/2014
Customer Number: 00083509
Total Amount Due: \$50,000.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616303538363735303430310000500050000001



INVOICE

Invoice: P0597308501  
Invoice Date: 9/30/2014  
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND SUPPORT  
LITTLE ROCK AR 72221

Customer No: 00083509  
PO / Contract No:  
Payment Terms: Net 30  
Due Date: 10/30/2014  
Amount Due: \$53,397.00

Invoice for work or services performed at: KDL/Windstream/Metronet - LAF Group  
LAFAYETTE IN

Lafayette Group M

For billing questions, please call Jane Nickles at 317/838-2155

Line	Date of Charge	Description	Net Amount
1	09/29/2014	Customer contribution INST 9 POLES, 1 XFRM, 3 SPANS SECONDARY	\$53,397.00
<b>Amount Due:</b>			<b>\$53,397.00</b>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.  
PO Box 1771  
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank  
041000124  
Duke Energy Indiana, Inc.  
4110754135

Invoice Number: P0597308501

Corporation Code: 75115

Please Pay By: 10/30/2014

Customer Number: 00083509

Total Amount Due: \$53,397.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
P.O. BOX 25410  
OSP ADMINISTRATION AND  
SUPPORT  
LITTLE ROCK AR 72221

Amount Enclosed



1616303539373330393530310000900053397000



INVOICE

Invoice: P0597302501
Invoice Date: 10/17/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer No: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 11/16/2014
Amount Due: \$88,074.00

Invoice for work or services performed at: Lafayette Group 6 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 10/16/2014, Customer contribution INST 10 POLES, 7 SEC, 2 XFRM, 2 UG PAD, \$88,074.00. Total Amount Due: \$88,074.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110764136

Invoice Number: P0597302501

Corporation Code: 75115
Please Pay By: 11/16/2014
Customer Number: 00083509
Total Amount Due: \$88,074.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616303539373330323530310000700088074009



INVOICE

Invoice: P0601563901
Invoice Date: 9/17/2014
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer No: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 10/17/2014
Amount Due: \$52,071.00

Invoice for work or services performed at: Lafayette Group 0 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 09/16/2014, Customer contribution INST 4 POLES, 3 XFRM, UG SEC, \$52,071.00. Total Amount Due: \$52,071.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

ACH instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110764135

Invoice Number: P0601563901

Corporation Code: 75115
Please Pay By: 10/17/2014
Customer Number: 00083509
Total Amount Due: \$52,071.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616303630313536333930310000400052071003





INVOICE

Invoice: P0628921801
Invoice Date: 1/14/2015
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer No: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 2/13/2015
Amount Due: \$65,561.00

Invoice for work or services performed at: KDL/Windstream/Metronet - LAF Group
LAFAYETTE IN

Lafayette Group 12

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 01/13/2015, Customer contribution, \$65,561.00. Description: INSTALL 3 POLES; 12 SPANS SECONDARY. Amount Due: \$65,561.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy
PO Box 602566
Charlotte NC 28260-2566

ACH instructions:

Wells Fargo - Indiana
121000248
Duke Energy
002000057639545

Invoice Number: P0628921801

Corporation Code: 75115
Please Pay By: 2/13/2015
Customer Number: 00083509
Total Amount Due: \$65,561.00

Fed Tax ID # 35-0594467

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616303632363732313830310000000065561000



INVOICE

Invoice: P0628926101
Invoice Date: 1/14/2015
Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND SUPPORT
LITTLE ROCK AR 72221

Customer No: 00083509
PO / Contract No:
Payment Terms: Net 30
Due Date: 2/13/2015

Amount Due: \$122,241.00

Invoice for work or services performed at: KDL/Windstream/Metronet - LAF Group
LAFAYETTE IN

Lafayette Group 14

For billing questions, please call Jane Nickles at 317/838-2155

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 01/13/2015, Customer contribution, \$122,241.00. Description: INSTALL 11 POLES; 21 SPANS SECPNDARY. Amount Due: \$122,241.00

Please detach and return with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy
PO Box 802566
Charlotte NC 28260-2566

ACH Instructions:

Wells Fargo - Indiana
121000248
Duke Energy
002000057639545

Invoice Number:

P0628926101

Corporation Code:

75115

Please Pay By:

2/13/2015

Customer Number:

00083509

Total Amount Due:

\$122,241.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS
P.O. BOX 25410
OSP ADMINISTRATION AND
SUPPORT
LITTLE ROCK AR 72221

Amount Enclosed



1616303632363932363130310000400122241004



# INVOICE

Invoice: P0448326001  
 Invoice Date: 11/2/2013  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Customer No: 00070740  
 PO / Contract No:  
 Payment Terms: Net 30  
 Due Date: 12/2/2013  
 Amount Due: \$286,692.00

Invoice for work or services performed at: KDL/Windstream/Metronet Rto - Laf P  
 LAFAYETTE IN

*Lafayette Phase 2 Part 1*

For billing questions, please call Jana Nickles at 317/838-2155.

Line	Date of Charge	Description	Net Amount
1	10/31/2013	Customer contribution INST 28 POLES, SECONDARY, XFRM	\$286,692.00
Amount Due:			<u>\$286,692.00</u>

↓ Please detach and return with your payment. Please indicate invoice number on check. ↓

**Payment Coupon**

Please make check payable to:

Duke Energy Indiana, Inc.  
 PO Box 1771  
 Cincinnati OH 45201-1771

Wire/ACH Instructions:

PNC Bank  
 041000124  
 Duke Energy Indiana, Inc.  
 4110764135

Invoice Number:

P0448326001

Corporation Code:

75115

Please Pay By:

12/2/2013

Customer Number:

00070740

Total Amount Due:

\$286,692.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
 1925 ENTERPRISE PKWY  
 THOMAS HUDOCK JR  
 TWINSBURG OH 44087

Amount Enclosed



1616303434383332353030310000200286692001



# INVOICE

Invoice: P0396988701  
 Invoice Date: 8/30/2013  
 Page: 1 of 1

Bill to: WINDSTREAM COMMUNICATIONS 1925 ENTERPRISE PKWY THOMAS HUDOCK JR TWINSBURG OH 44087	Customer No: 00070740 PO / Contract No: Payment Terms: Net 30 Due Date: 9/29/2013 Amount Due: \$131,282.00
--	--

Invoice for work or services performed at: Lafayette Phase 7 Part 1 LAFAYETTE IN

For billing questions, please call Jane Nickles at 317/838-2155.

Line	Date of Charge	Description	Net Amount
1	8/29/2013	Customer contribution INSTALL 5-40';3-45';3-50'; 2 TRANSFORMERS; 32 SPANSSEC	\$131,282.00
Amount Due:			<u>\$131,282.00</u>

⚡ Please detach and return with your payment. Please indicate invoice number on check. ⚡

**Payment Coupon**

Please make check payable to:

Duke Energy Indiana, Inc.  
PO Box 1771  
Cincinnati OH 45201-1771

Wire/ACH Instructions:

PNC Bank  
041000124  
Duke Energy Indiana, Inc.  
4110754135

Invoice Number:

P0396988701

Corporation Code:

75115

Please Pay By:

9/29/2013

Customer Number:

00070740

Total Amount Due:

\$131,282.00

Fed Tax ID # 35-0594457

WINDSTREAM COMMUNICATIONS  
1925 ENTERPRISE PKWY  
THOMAS HUDOCK JR  
TWINSBURG OH 44087

Amount Enclosed



11 11 2013 08:01:00 PNC BANK



INVOICE

Invoice: P0361184601
Invoice Date: 3/21/2013
Page: 1 of 1

Bill to: KDLWINDSTREAM
5020 SMYTHE DR
AMANDA EPMEIER
EVANSVILLE IN 47716

Customer No: 00058611
PO / Contract No:
Payment Terms: Net 30
Due Date: 4/20/2013

Amount Due: \$54,112.00

Invoice for work or services performed at: Lafayette Ph 11 Part 1 WEST
LAFAYETTE IN

For billing questions, please call Jane Nickles at 317-838-2155.

Table with 4 columns: Line, Date of Charge, Description, Net Amount. Row 1: 1, 3/20/2013, Customer contribution INST 10 POLES, 4 SPANS SECONDARY, \$54,112.00. Amount Due: \$54,112.00

Please detach and retain with your payment. Please indicate invoice number on check.

Payment Coupon

Please make check payable to:

Duke Energy Indiana, Inc.
PO Box 1771
Cincinnati OH 45201-1771

Wire/ACH Instructions:

PNC Bank
041000124
Duke Energy Indiana, Inc.
4110764135

Invoice Number:

P0361184601

Corporation Code:

76116

Please Pay By:

4/20/2013

Customer Number:

00058611

Total Amount Due:

\$54,112.00

Fed Tax ID # 35-0594457

KDLWINDSTREAM
5020 SMYTHE DR
AMANDA EPMEIER
EVANSVILLE IN 47716

Amount Enclosed



1616303336313136343630310000000054112007

# Overview

ORIGINAL DUKE INVOICES			NEW DUKE INVOICES	
Duke Invoice #	Duke Project Description	Amount	Duke Invoice #	Amount
P0492862901	Hanover Part 1	\$21,441.00	P1160706101	\$48,020.86
P0572444501	Hanover Path 2	\$18,804.00	P1160717901	\$2,410.98
P0578173601	Hanover Group 2	\$14,634.00	P1160786501	\$2,752.85
P0599304801	Hanover Group 3	\$42,121.00	P1160795501	\$5,852.83
P0385166401	Lafayette Part 3 & 4	\$2,553.00	P1160888601	\$21,376.63
P0358360201	Lafayette Phase 10 Part 1 & 2	\$156,548.00	P1160901201	\$14,608.19
P0375201001	Lafayette Phase 12	\$32,747.00	P1160909801	\$13,818.35
P0390914001	Lafayette Phase 4 Part 1 rev	\$78,169.00	P1160964901	\$966.71
P0406906005	Lafayette Phase 8 Part 1	\$34,323.00	P1160969801	\$138,205.20
P0456348801	Lafayette Phase 3 Part 2	\$70,711.00	P1160979101	\$132,872.21
P0461769501	Lafayette Phase 2 Part 3	\$29,239.00	P1160985601	\$10,448.32
P0465572501	Lafayette Backbone Part 5	\$8,386.00	P1160990501	\$3,085.98
P0538967901	Lafayette Group 1	\$13,888.00	P1160998201	\$52,902.99
P0550195601	Lafayette Group 3	\$56,224.00	P1161009701	\$29,591.09
P0550195601	Lafayette Group 4	\$86,478.00	P1161020301	\$86,606.28
P0558002401	Lafayette Group 2	\$39,530.00	P1161073501	\$50,380.72
P0586750401	Lafayette Group 5	\$50,000.00	P1161082901	\$70,769.73
P0597309501	Lafayette Group 7	\$53,397.00	P1161096501	\$48,891.70
P0597302501	Lafayette Group 6	\$88,074.00	P1161104301	\$55,290.80
P0601563901	Lafayette Group 8	\$52,071.00	P1161130301	\$38,749.97
P0626920801	Lafayette Group 11	\$35,202.00	P1161140101	\$21,814.01
P0626921801	Lafayette Group 12	\$65,561.00	P1161174301	\$627.16
P0626926101	Lafayette Group 14	\$122,241.00	P1161262401	\$15,931.30
P0448325001	Lafayette Phase 2 Part 1	\$286,692.00	P1161272701	\$26,267.94*
P0396988701	Lafayette Phase 7 Part 1	\$131,282.00	P1161300201	\$65,447.72
P0361184601	Lafayette Phase 11 Part 1	\$54,112.00	P1161311201	\$12,799.33
				*\$191,116.56 less credit of \$164,848.59

## Anita Larson

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**From:** Sandy Gill  
**Sent:** Thursday, March 29, 2018 8:18 AM  
**To:** scott.freeburn@duke-energy.com  
**Cc:** John Greenbank; Anita Larson  
**Subject:** True Up Invoices  
**Attachments:** Letter to Mr. Freeburn.pdf

Mr. Freeburn,

Attached, please find a letter from John Greenbank, EVP Regarding True Up Invoices.

Please feel free to reach out to us should you have any further questions.

Kind Regards,

Sandy Gill

MetroNet | Project Controls Supervisor  
3701 Communications Way | Evansville, IN 47715  
Office: 812.213.1187  
[www.MetronetInc.com](http://www.MetronetInc.com)

**METR**  **NET.**

# METRONET

THE POWER OF FIBER

John Greenbank  
Executive Vice President  
812.456.1205

John.greenbank@metronetinc.com

March 27, 2018

VIA EMAIL at Scott.Freeburn@duke-energy.com

Mr. Scott Freeburn  
Duke Energy  
Joint Use & Tower Leasing Manager  
3300 Exchange Place  
Lake Mary, FL 32746

Re: True Up Invoices

Dear Scott:

MetroNet appreciates the advances Duke has made during the last few months in processing pole applications. We are appreciative of the reduction in the pending backlog and Duke's commitment to eliminate it. As you are aware, there are other issues that need resolved. An issue of extreme importance to MetroNet is the matter of some true up invoices.

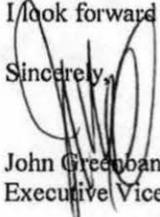
Almost a year ago, MetroNet expressed its concern over invoices to true up estimated make ready charges paid in prior years. Support for the amounts was requested, but we have not received any additional information. In addition, MetroNet asked for an explanation as to why so many of the make ready estimates were so wrong. Some of the true up amounts vastly exceed the original estimated make ready charges paid by MetroNet. MetroNet also asked for an explanation of the delay in invoicing the true up charges. The true up invoices are dated the end of 2016. The original Duke invoices that are being "trued up" date back as far as 2013.

MetroNet rightfully disputed the charges, but MetroNet understands that Duke continues to press Windstream to pay them. MetroNet asks Duke to take Windstream out of the middle. We ask that Duke withdraw the invoice issued to Windstream. There is no need to have Windstream in the middle of these discussions. It would be beneficial to remove Windstream as an intermediary during these discussions so that MetroNet and Duke can work together directly to resolve this issue.

We believe that it would be advantageous not only to MetroNet, but also to Duke if all communications between the parties with respect to MetroNet attachments were direct between the parties. Communicating indirectly through personnel at Windstream is inefficient for both parties and unnecessarily complicates and delays the parties' resolution of issues. MetroNet asks that Duke directly communicate with MetroNet on all MetroNet issues, including invoicing for make ready and other costs.

I look forward to hearing from you on this matter.

Sincerely,

  
John Greenbank  
Executive Vice President

cc: Daniel King, Senior Counsel, Windstream Communications  
Kevin Stelmach, EVP and General Manager

MetroNet  
3701 Communications Way  
Evansville, Indiana 47715

**Anita Larson**

---

**From:** Sandy Gill  
**Sent:** Friday, April 6, 2018 9:36 AM  
**To:** Anita Larson  
**Subject:** FW: True Up Invoices  
**Attachments:** April 6 Response to Metronet Letter (2).docx; Windstream Lafayette True-Up 2016.docx; Windstream Hanover - H1908-N5106-N8121-O4139.docx

[REDACTED]

Thank you!

Sandy Gill  
Project Controls Supervisor

**From:** Freeburn, Scott [mailto:Scott.Freeburn@duke-energy.com]  
**Sent:** Friday, April 6, 2018 9:34 AM  
**To:** Sandy Gill  
**Cc:** Gibson, Jeremy B ; Asche, Dustin K ; Zearbaugh, Marty  
**Subject:** True Up Invoices

Ms. Gill,

Please find my response to Mr. Greenbanks March 27<sup>th</sup> letter attached. I have also included the original November 2016 letters to KDL – Windstream outlining the true-up invoices and totals for his review.

Regards,

*Scott Freeburn*

Duke Energy  
Retail Programs – Joint Use  
3300 Exchange Place  
Lake Mary, FL 32746  
(407) 942-9415 (office)  
(407) 312-3725 (cell)





April 6, 2018

**VIA E-MAIL**

Mr. John Greenbank  
Executive Vice President  
MetroNet  
3701 Communications Way  
Evansville, Indiana 47715  
John.greenbank@metronetinc.com

**Re: Make-Ready True-Up Invoices to Windstream-KDL**

Dear Mr. Greenbank:

I received your letter dated March 27, 2018. The reason Duke Energy sent the make-ready true-up invoices to KDL-Windstream in November 2016, and the reason Duke Energy continues to seek payment of those invoices from KDL-Windstream is because of our understanding on two key points:

- the contract under which the relevant make-ready work was performed was the Fiber Agreement between Duke Energy and KDL-Windstream; and
- the contract under which the make-ready true-up invoices were sent was the Fiber Agreement between Duke Energy and KDL-Windstream.

Does KDL-Windstream and/or MetroNet disagree with either of these points? If so, please let me know so we can reevaluate our current thinking on this.

We recognize that MetroNet and KDL-Windstream may have, in fact, operated under a separate agreement by which MetroNet agreed to cover these costs, but Duke Energy is not privy to that agreement. And even if Duke Energy is a third-party beneficiary of a separate agreement between MetroNet and KDL-Windstream, it would be an additional means of contractual recovery, rather than a substitute to the KDL-Windstream Fiber Agreement.

In regards to the true up invoice documentation, we are limited on the details that we can share as many of the contractor cost are visible and are considered proprietary. That said, Duke was asked to expedite this work and get it completed as soon as possible and was approved to use contractors and overtime both of which increased the costs above the estimated costs. The true up invoices also included the additional cost to inspect, engineer and create work orders to correct unauthorized attachments that were part of the MetroNet project but were not submitted as permits through KDL-Windstream to Duke Energy. Though the amount of true-up on individual invoices varied considerably, the overall true-up costs were less than 40% of the original estimates. Given that this includes contractors, overtime and the additional costs associated with the unauthorized attachments, this amount of true-up is not unusual.

In the event that MetroNet is prepared to pay the true up invoices as presented to KDL-Windstream in November 2016, Duke Energy would accept payment in the amount of



\$59,037.52 to cover the work done in the Hanover area and \$911,452.36 for work completed in the Lafayette areas. Duke Energy would be willing to waive any accrued interest on these balances, which are now more than one year past due. This money would be credited to the KDL-Windstream outstanding balances due and we would consider the matter closed. I have attached a breakdown of the additional cost for each area for your review.

I hope you are understanding of this explanation.

Regards,

*Scott Freeburn*

Scott Freeburn  
Manager, Joint Use  
Duke Energy

cc: Jeremy Gibson  
Dustin Asche  
Marty Zearbaugh



November 30, 2016

Windstream Communications  
 Attn: Poles  
 P. O. Box 25410  
 Little Rock, AR 72221

Dear Sir or Madame:

Please find enclosed the invoices reflecting the final charges for make ready work for the Lafayette job. The table below lists the name of the projects, the total cost of the job and any payments that were received for the project. Listed are refunds that were subtracted from the invoices. Also listed is a credit for a payment of \$134,738.00 that we received for the Connersville Phase 1 – 5 job that Windstream was invoiced for and the invoice was paid, but the job was cancelled.

PROJECT	TOTAL COST	PAYMENT	NEW INVOICE #	TOTAL DUE
Lafayette Part 3 & 4	\$104,246.63	\$82,870.00	P1160888601	\$21,376.63
Lafayette Phase 10 Part 1 & 2	\$267,771.29	\$253,163.10	P1160901201	\$14,608.19
Lafayette Phase 12	\$46,565.35	\$32,747.00	P1160909801	\$13,818.35
Lafayette Phase 4 Part 1 Rev	\$78,485.71	\$77,519.00	P1160964901	\$966.71
Lafayette Phase 8 Part 1	\$171,895.20	\$33,690.00	P1160969801	\$138,205.20
Lafayette Phase 3 Part 2	\$202,950.21	\$70,078.00	P1160979101	\$132,872.21
Lafayette Phase 2 Part 3	\$38,382.91	\$27,934.59	P1160985601	\$10,448.32
Lafayette Backbone Part 5	\$10,172.98	\$7,087.00	P1160990501	\$3,085.98
Lafayette Group 1	\$66,790.99	\$13,888.00	P1160998201	\$52,902.99
Lafayette Group 3	\$84,548.09	\$54,957.00	P1161009701	\$29,591.09
Lafayette Group 4	\$172,813.28	\$86,207.00	P1161020301	\$86,606.28
Lafayette Group 2	\$88,404.72	\$38,024.00	P1161073501	\$50,380.72
Lafayette Group 5	\$120,769.73	\$50,000.00	P1161082901	\$70,769.73
Lafayette Group 7	\$101,640.70	\$52,749.00	P1161096501	\$48,891.70
Lafayette Group 6	\$142,067.80	\$86,777.00	P1161104301	\$55,290.80
Lafayette Group 8	\$88,226.97	\$49,477.00	P1161130301	\$38,749.97
Lafayette Group 11	\$57,016.01	\$35,202.00	P1161140101	\$21,814.01
Lafayette Group 12	\$66,188.16	\$65,561.00	P1161174301	\$627.16
Lafayette Group 14	\$138,172.30	\$122,241.00	P1161262401	\$15,931.30
Lafayette Phase 2 Part 1 & 2	\$476,012.26	\$284,895.70	P1161272701	\$191,116.56
Lafayette Phase 7 Part 1 & 2	\$307,343.72	\$241,896.00	P1161300201	\$65,447.72
Lafayette Phase 11 Part 1 - 4	\$310,616.33	\$297,817.00	P1161311201	\$12,799.33
Lafayette Phase 6 Part 1	\$45,018.03	\$47,761.00		-\$2,742.97

Lafayette Phase 5 Part 1 Rev 3	\$146,147.34	\$149,439.00		-\$3,291.66
Lafayette Phase 3 Part 1	\$108,419.10	\$117,183.00		-\$8,763.90
Lafayette Phase 1	\$83,970.94	\$99,283.00		-\$15,312.06
Connersville Phase 1-5 JOB CANCELLED - INVOICE PAID BY WINDSTREAM	-\$134,738.00			-\$134,738.00
			<b>PAY THIS AMOUNT</b>	<b>\$911,452.36</b>

**ALL CHARGES ON THESE INVOICES ARE ACTUAL DOLLARS MINUS THE ESTIMATED AMOUNT PREVIOUSLY BILLED**

If there are any questions concerning these invoices, please feel free to contact me at:

Duke Energy  
390 N. Main Street  
Martinsville, IN 46151  
1-765-349-4012 (Office)  
1-317-753-8177 (Cell)

Sincerely,

Tim Umbaugh



November 17, 2016

Windstream Communications (KDL)  
Poles  
P. O. Box 25410  
Little Rock, AR 72221

Dear Sir or Madame:

Please find enclosed the invoices reflecting the final charges for make ready work for the Hanover job. The table below lists the name of the projects, the total cost of the job and any payments that were received for the project.

<b>PROJECT</b>	<b>TOTAL COST</b>	<b>PAYMENT</b>	<b>NEW INVOICE #</b>	<b>TOTAL DUE</b>
Hanover Part 1	\$69,461.86	\$21,441.00	P1160706101	\$48,020.86
Hanover Path 2	\$21,214.98	\$18,804.00	P1160717901	\$2,410.98
Hanover Group 2	\$17,386.85	\$14,634.00	P1160786501	\$2,752.85
Hanover Group 3	\$47,188.83	\$41,336.00	P1160795501	\$5,852.83
			<b>PAY THIS AMOUNT</b>	<b>\$59,037.52</b>

**ALL CHARGES ON THESE INVOICES ARE ACTUAL DOLLARS MINUS THE ESTIMATED AMOUNT PREVIOUSLY BILLED**

If there are any questions concerning these invoices, please feel free to contact me at:

Duke Energy  
390 N. Main Street  
Martinsville, IN 46151  
1-765-349-4012 (Office)  
1-317-753-8177 (Cell)

Sincerely,

Tim Umbaugh

### Request

3. Refer to CMN's response to Staff's First Request, Item 7.
    - a. State whether the agreement between CMN and Duke contains any provision regarding whether and how Windstream KDL, LLC, is required to dispute charges invoiced by Duke, and if so, identify those portions of the agreement.
    - b. State whether the agreement between CMN and Windstream KDL, LLC (or their affiliates), contains any provision regarding whether and how CMN is required to dispute invoices charged by Windstream KDL, LLC, and if so, identify those portions of the agreement.
    - c. State whether the agreement between CMN and Windstream KDL, LLC (or their affiliates), contains any provision regarding when invoices submitted to CMN must be paid, and if so, identify those portions of the agreement.
- 

### Response

- a. CMN is unaware of any provision of the agreement between Windstream KDL, LLC ("KDL") and Duke (CMN 00045-59) that requires KDL to dispute charges invoiced by Duke. Although the agreement between KDL and Duke does not require KDL to dispute charges, KDL is certainly allowed by the agreement to dispute charges. The law entitles KDL to dispute charges and demand detailed estimates and invoices and refuse to pay invoices that are not accompanied by sufficient detail.

The agreement between KDL and Duke at section 30 (CMN 00054-55) sets forth the dispute resolution process, which involves good faith efforts to resolve disputes through mediation, and if such efforts are unsuccessful, to resolve the dispute through arbitration in Evansville, Indiana. The final paragraph of Section 30 indicates that interim relief may be sought.

Section 7 of the KDL-Duke agreement (CMN 00046) states that Duke must provide a reasonable estimate of the cost to perform any make ready work. With respect to the

Duke invoices disputed by CMN, in many instances, the cost estimates were not reasonable. See CMN 0602 (attached to the response to 2 PSC 2 above), showing the original estimates and the true up amounts. Almost one third of the true up amounts were double or more than the original estimate. In two instances, the true up amounts were 400% of the original estimate, and in one instance, the true up was over 800% of the original estimate. Clearly, Duke did not fulfill its contractual obligation to provide a reasonable estimate of the cost to perform the make ready work.

The 2018 FCC Order<sup>1</sup> provides that a utility must present to a new attacher a detailed, itemized estimate of charges to perform all necessary make-ready. The utility must provide documentation that is sufficient to determine the basis of all estimated charges, including any projected material, labor, and other related costs that form the basis of the estimate.<sup>2</sup> The 2018 Order requires that if the final cost of the work differs from the estimate, the utility must provide the new attacher with a detailed, itemized final invoice of the actual make-ready charges incurred. The utility must provide documentation that is sufficient to determine the basis of all invoiced charges, including any projected material, labor and other related costs that form the basis of the invoice.<sup>3</sup> Although this is in the 2018 Order, it has long been the FCC's position that a pole owner must provide

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<sup>1</sup> The 2018 Order is *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Third Report and Order and Moratorium, WC Docket No. 17-84 and WT Docket No. 17-79, released Aug. 3, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf>.

<sup>2</sup> 2018 Order at ¶¶109 – 113.

<sup>3</sup> 2018 Order at ¶¶109 – 113.

detailed billings. For example, in *Knology, Inc. v. Georgia Power Company*, Memorandum Opinion and Order FCC 03-292 at ¶62, the failure of Georgia Power to provide the detailed billing information that Knology requested was determined to be unreasonable under 47 U.S.C. §224. States have taken this position as well; Oregon and New York require detailed make ready estimates. *See* Or. Admin. R. 860-028-0100; NY Pub. Serv. Comm'n, Proceeding on Motion of the Commission Concerning Certain Pole Attachment Issues, Order Adopting Policy Statement on Pole Attachments, Case 03-M0432, Appendix A (Aug. 6, 2004).

The agreement between KDL and Duke does not require KDL to dispute Duke charges, but the agreement between CMN and KDL does require that KDL dispute Duke charges if the Duke charges are not reasonable and are not adequately documented. Section 6 of CMN's agreement with KDL (CMN 00061) requires KDL to provide CMN with reasonable estimates of work to be performed and documentation of the actual costs associated with work. Section 5 of CMN's agreement with KDL (*id.*) allows KDL to invoice CMN for actual costs, provided that KDL provides CMN with documentation of the actual costs associated with the work.

To fulfill KDL's requirements to CMN set forth in Sections 5 and 6 of the agreement, KDL must obtain reasonable estimates and documentation of actual costs from Duke. KDL is paid well to obtain this information from Duke. KDL charges CMN a 15% overhead allocation charge on top of the amount invoiced by Duke. This is in addition to the \$3700 per month CMN pays KDL for Duke related data entry as described in the 5/14/15

letter agreement between CMN and Windstream Communications, LLC (CMN 00130). In connection with the true up invoices produced by Windstream as Exhibit 5 of the Testimony of Daniel J. King, KDL invoiced CMN over \$145,000 in 15% overhead charges. KDL sent an email disputing the invoices to Duke and requesting details supporting the amounts invoiced by Duke,<sup>4</sup> but other than that, CMN is unaware of other efforts KDL made to fulfill its commitment to CMN to provide reasonable estimates and documentation of actual costs. In short, if KDL does not fulfill its obligations to provide reasonable estimates and documentation of actual costs, KDL charged CMN over \$145,000 merely to place Duke's invoice on Windstream letterhead (in addition to its \$3700 per month fee for data entry services).

It is not in KDL's interest to pursue reduction of the Duke invoices. To the contrary, it is in KDL's interest to have CMN pay the full Duke-invoiced amount (and the higher the amount, the better) regardless of whether or not the charges are valid and supported by documentation, because payment by CMN of any Duke related invoice adds 15% to KDL's bottom line.

- b. Section 6 of the agreement between CMN and KDL (CMN 00061) provides that invoices are due and payable within thirty days of receipt by CMN. KDL can apply a late charge equal to the lesser of 1.5% per month or the maximum amount allowed by law on any unpaid balance. Section 6 also provides that CMN notify KDL in writing within 60 days

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<sup>4</sup> 9/5/17 9:38 AM email from James Lloyd re "Windstream KDL Unpaid Make Ready" (CMN 00179) attached to CMN's response to 1 PSC 7.

after CMN's receipt of the invoice of any dispute and the reason for the dispute. Therefore, CMN can dispute (and not pay) an invoice after the 30-day payment deadline. If CMN does not deliver a challenge or dispute within 60 days, the invoice is considered final and accepted.

Section 25 of the agreement (CMN 00066-67) has a dispute resolution process that calls for mediation, and if mediation is unsuccessful, arbitration. Arbitration is to occur in Evansville, Indiana. If interim relief is appropriate, it may be sought through the courts in Evansville, Indiana.

- c. See response to subpart (b) above.

## Request

4. Refer to Windstream East's response to Commission Staff's First Request for Information to Windstream East, Item 5. State whether CMN contends that any steps identified therein are unnecessary for Windstream East to process applications for pole attachments and complete the make-ready work, whether performed by Windstream East or a contractor. If so, identify any step that CMN contends is unnecessary and explain the basis of CMN's contention that any such step is unnecessary.
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## Response

CMN has reviewed Windstream East's response to the Staff's first set, Request No. 5, and notes that much of the detail given in the response is about the paper flow within the Windstream Group teams and with the Windstream Group contractors (Byers Engineering and Triple D Construction) rather than the actual survey engineering and make-ready work.<sup>1</sup> The description given is not always clear, for example, whether a step is taken by a Windstream Group employee or a contractor and whether an OSP Engineering Manager has an engineering function or a coordinating and data entry function (or is the same or different from the "OSP Manager" mentioned on Response p.9.)

The following critique found in the report of a working group of the Broadband Deployment Advisory Committee with respect to the make ready process in general applies to the pole-attachment application process described by Windstream East:

The make-ready process takes too long and is a significant barrier to faster broadband deployment. There are many parties involved, with varying obligations and sometimes competing interests, resulting in multiple trips to the

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<sup>1</sup> Some of the functions described appear to be administrative in nature, similar to the functions performed by the Data Entry Specialist, the cost for which CMN pays to Windstream Communications, LLC pursuant to the letter agreement dated May 14, 2015, relating to attachment to Duke Energy poles in Indiana (CMN 00130-31). Under this letter agreement, CMN pays Windstream Communications, LLC \$3700 per month for personnel to enter data into a system in connection with processing attachments to Duke Energy poles under the agreement between CMN and Windstream KDL, Inc. dated February 7, 2005 (CMN 00060-67).

utility pole and long waits in-between a confusing and often redundant sequence of steps. In many cases, one contractor could perform all the work on one visit to the satisfaction of the pole owner, any existing attacher, and the new attacher.

Broadband Deployment Advisory Committee, FCC, *Report of the Competitive Access to Broadband Infrastructure Working Group* at p.19 (Jan. 23-24, 2018), available at <https://ecfsapi.fcc.gov/file/107030255502405/Competitive%20Access%20to%20Broadband%20Infrastructure%20Report.pdf> (last visited Sep. 27, 2018).

Although confident that a more streamlined system could be designed,<sup>2</sup> CMN does not contend that any particular step identified by Windstream East is unnecessary to the system that has grown up within the Windstream Group around applications to attach to its poles. CMN notes that Windstream East does not claim to perform any of the steps it identifies its Response to 1 PSC 5 — the references there to “Windstream” teams, employees, or actions appear to be to the Windstream Group as a whole or some affiliate or other entity. CMN does contend that any steps identified as performed by “Windstream” could be performed by short-term or temporary “Windstream” employees or contracted out (as are many of the steps described in the Windstream East response to 1 PSC 5). CMN also contends that the steps identified could be performed in a more timely manner. See CMN’s response to 2 PSC 5-7, below.

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<sup>2</sup> The One-Touch Make Ready process and enhanced non-OTMR regimes ordered by the FCC in the Third Report and Order and Declaratory Ruling, *FCC 18-111* (rel. Aug. 3, 2018) — see summary attached to CMN’s response to 2 PSC 5, as CMN 000421-22 — were designed to speed the existing process, promote accurate billing, and reduce the likelihood of coordination failures that cause unwarranted delay in the make-ready processes described in the Working Group Final Report. *Id.* ¶ 2 (p.2).

### **Request**

5. State the periods that CMN contends apply to the review of applications for pole attachments, including the processing of the application, the completion of survey work, and the completion of make-ready work, pursuant to the Federal Communication Commission's regulations in states that have not preempted federal regulation and identify the basis for those contentions.
- 

### **Response**

47 C.F.R. §1.1420 sets forth the timeframes for the survey, estimate and make ready processes. 47 C.F.R. §1.1420(g) describes how time frames may vary depending on the size of the order.

Under 47 C.F.R. §1.1420 a utility must respond to a prospective attacher within 45 days of receipt of a complete application to attach facilities to the utility's poles. For "larger orders,"<sup>1</sup> this time frame is extended to 60 days. Where a request for access is not denied, a utility must present to the prospective attacher an estimate of charges to perform all necessary make-ready work within 14 days of completion of its survey, or in the case where a prospective attacher's contractor has performed the pole survey work, within 14 days of receipt by the utility of such survey. Upon receipt of payment the make ready estimate, a utility must notify immediately and in writing all known entities with existing attachments that may be affected by the make-ready. For attachments in the communications space, among other items, the notice must set a date for completion of make-ready that is no later than 60 days after notification is sent (for "larger orders" this time frame is extended to 105 days). This same notice must state that if make-ready is not completed

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<sup>1</sup> For the purposes of the FCC rules, "larger orders" are orders (within a 30-day period) larger than 300 poles and up to the lesser of 3000 poles or 5 percent of the utility's poles in a state.

by the completion date set by the utility, the utility or new attacher may complete the specified make-ready.

These FCC rules govern pole attachments in three-quarters of the states where Windstream's affiliates own poles (listed by Windstream in response to 1 CMN 9, WIN 0002). Under FCC rules, Windstream's affiliates are not allowed to limit the number of submittals to applications for only 300 poles in a 30 day period.

In the 2018 Order,<sup>2</sup> the FCC adopted One Touch Make Ready ("OTMR"). Under OTMR rules, the new attacher performs the survey work. The OTMR rules also shorten the time frame during which a pole owner may process "smaller orders"<sup>3</sup> from 45 days to 15 days, and shorten the time frame during which a pole owner may process "larger orders" from 60 days to 30 days. It is anticipated that during the first quarter of 2019, in most states where Windstream's affiliates own poles, these affiliates will have to process pole applications for as many as 3000 poles in a 30 day period, which is more quickly than it is processing CMN's applications submitted at a rate of no more than 300 poles during a 30 day period. A tabular overview of the time frames that are expected to become effective during the next several months, 2018 Order ¶14, is attached to this Response and marked as CMN 00422-23.

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<sup>2</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Third Report and Order and Moratorium, WC Docket No. 17-84 and WT Docket No. 17-79, released Aug. 3, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf>.

<sup>3</sup> That is, applications for 300 or fewer poles within a 30 day period.

altering the ability of a state to exercise reverse preemption of our pole attachment rules.<sup>56</sup>

**A. Speeding Access to Poles**

14. Most fundamentally, we amend our rules to allow new attachers<sup>57</sup> with simple wireline attachments in the communications space to elect an OTMR-based pole attachment process that places them in control of the work necessary to attach their equipment, and we improve our existing attachment process for other, more complex attachments. We summarize these changes, as well as our prior rules, in the table below:<sup>58</sup>

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<sup>56</sup> See 47 U.S.C. § 224(c).

<sup>57</sup> We define a new attacher as a cable television system or telecommunications carrier requesting to attach new or upgraded facilities (e.g., equipment or lines) to a pole owned or controlled by a utility. See *infra* Appx. A, 47 CFR § 1.1411(a)(2). Therefore, new attachers include existing attachers that need to upgrade their facilities with new attachments.

<sup>58</sup> This table is a summary for informational purposes only, and it sacrifices nuance for brevity. The text of this *Report and Order* (excluding the table) and the rules in Appendix A set forth our binding determinations.

Phase	Prior Rules	OTMR-Based Regime	Enhanced Non-OTMR Regime
<i>Review of Application for Completeness</i>	Vague definition of complete application can lead to delays. No timeline for utility to determine whether application is complete. <i>47 CFR § 1.1411(c)</i>	Revised definition of complete application makes it clear what must be included in application. A utility has 10 business days to determine whether an application is complete; the utility must specify any deficiencies and has limited time to review resubmitted applications. <i>Appx. A §§ 1.1411(c)(1), (j)(1)(ii)</i>	
<i>Review of Whether to Grant Complete Application; Survey</i>	The utility has 45 days to decide whether to grant a complete application and to complete any surveys. The utility has an additional 15 days for large orders. <i>47 CFR § 1.1411(c)</i>	The utility has 15 days to decide whether to grant a complete application. The new attacher conducts the survey and determines its timing. <i>Appx. A § 1.1411(j)(2), (j)(3)</i>	Largely same as prior rules, except that the utility must take certain steps to facilitate survey participation by new and existing attachers. <i>Appx. A § 1.1411(c)(3)</i>
<i>Estimate</i>	The utility must provide an estimate of the make-ready charges within 14 days of receiving the survey results. <i>47 CFR § 1.1411(d)</i>	N/A – no estimate stage	Same as prior rules, except the estimate must detail basis for charges. <i>Appx. A § 1.1411(d)</i>
<i>Attacher Acceptance</i>	The attacher has 14 days or until withdrawal of the estimate by the utility, whichever is later, to approve the estimate and provide payment. <i>47 CFR § 1.1411(d)(i)-(ii)</i>	N/A – no acceptance stage	Same as prior rules. <i>Appx. A § 1.1411(d)(2)</i>
<i>Make-Ready</i>	The existing attachers must prepare the pole within 60 days of receiving notice from the utility in the communications space (105 days for larger orders) or 90 days in the above the communications space (135 days for larger orders). A utility may take 15 additional days after the make-ready period to complete make-ready itself. <i>47 CFR § 1.1411(e)(1)(ii), (e)(1)(iv), (e)(2)(ii), (e)(2)(iv)</i>	The new attacher performs all work in as little as one trip. The new attacher must provide 15 days of notice to existing attachers before commencing work, and this notice period may run concurrently with the utility's review of whether to grant the application. The new attacher must notify existing attachers within 15 days after completion of work on a pole so that existing attachers can inspect the work. <i>Appx. A § 1.1411(j)(4)</i>	The existing attachers prepare the pole within 30 days in the communications space (75 days for larger orders) or 90 days above the communications space (135 days for larger orders). A utility may take 15 additional days after the make-ready period to complete make-ready itself for work outside the communications space. <i>Appx. A § 1.1411(e)(1)(ii), (e)(2)(ii), (e)(2)(iv)</i>
<i>Self-Help Remedy</i>	New attachers in the communications space may perform work themselves when the deadlines are not met. <i>47 CFR § 1.1411(i)</i>	N/A	New attachers in any part of the pole may perform work themselves when the deadlines are not met. We take steps to strengthen the self-help remedy. <i>Appx. A § 1.1411(i)(2)</i>

15. No matter the attachment process, we encourage all parties to work cooperatively to meet deadlines, perform work safely, and address any problems expeditiously. Utilities, new attachers, and

### Request

6. State whether CMN contends that Windstream East could retain contractors to perform any portion of the work necessary to review pole attachment applications, including the processing of the application, the completion of survey work, and the completion of make-ready work, and if so:
    - a. Identify any portion of the work that CMN contends could be performed by contractors and explain any basis for CMN's contention that the work could be performed by contractors; and
    - b. State whether CMN contends that there are contractors with capacity that could perform those portions of work identified, and if so, explain the basis of any such contention that there are contractors with the capacity to perform the work.
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### Response

CMN does so contend.

- a. CMN contends that Windstream could retain contractors to perform all portions of the work necessary to review pole attachment applications, including the processing of the application, survey work and the completion of make ready. If a competent employee can be selected and trained to perform the task, a competent individual contractor can be selected and trained to perform the task.

In support of its contention, CMN refers to the FCC's 2011 and 2018 Orders, the KIH First Amendment (WIN 0264-67), Windstream's 9/15/17 Wireless Attachment Agreement (WIN 1473-1507), Windstream's Master Integrator Agreement (WIN 0307-0783) and Master Contractor Agreement for Network Services (WIN 0784-0871), and Kentucky Utility Company's high volume application plan (CMN 00132-46).

*The FCC 2011 Order.* Under existing rules set forth in the 2011 Order, the FCC allows a new attacher to step in with its own contractors to do surveys and make ready work if

the pole owner does not complete its surveys and make ready work during the time frames prescribed by the 2011 Order. 47 C.F.R §1.1411(i)(1) and (2).

*The FCC 2018 Order.* The 2018 Order adopts one touch make ready. As a part of this, the new attacher (not the utility's employee or contractor) conducts the pole survey and completes the application. The utility can decide whether to grant access to the pole based upon the complete application, and if the utility grants access to the poles, the new attacher conducts all of the make ready work in the communications space that is not reasonably expected to result in a service outage or facility damage and does not require splicing of any existing communications attachments or relocation of any existing wireless attachment. 47 C.F.R §1.1411(j)(3) and (4).

*The KIH amendment.* Pursuant to the KIH Amendment (¶1 p.2 (replacing §8.C)), WIN 0265), Windstream agreed to add 8 additional application processors and 5 additional survey engineers each month with the added \$80,800 per month that KIH would pay. It is unclear whether or not these individuals were contractors or employees, but regardless, the Windstream agreement demonstrates that additional application processors and survey engineers can be engaged. Under the KIH Amendment, make ready work was to be conducted by Windstream. However, consistent with the FCC's 2011 Order and 2018 Order, the terms of the KIH Amendment provide that if Windstream failed to adhere to agreed-upon time frames, KIH could complete make ready work with authorized contractors.

*The Wireless Attachment Agreement.* Pursuant to the 9/15/17 Agreement, if Windstream did not complete survey work within 45 days of receipt of the application, Windstream agreed that the licensee could utilize contractors to complete the surveys (Section 8.B of the agreement, WIN 1479-80). If Windstream did not complete the make ready work within 60 days of the licensee's payment of estimated charges (90 days if the power space needed to be accessed), Windstream agreed that the licensee could use utility approved contractors to complete the work. (Section 8.D of the agreement, WIN 1480).

*Master Integrator and Contractor Agreements.* Windstream contracts with a third party to conduct make ready work (WIN 0335-36), field verification and data review (WIN 0332), compliance reviews to determine if poles comply with safety and Windstream standards (WIN0332), field inspections (WIN 0376) and pole loading (WIN 0332). Windstream also contracts with a third party to perform contractor services, including "wireline OSP Construction" (*see* WIN 0805-21).

*KU High Volume Plan.* The KU high volume plan contemplates that it is possible that surveys, application review, and make ready work can be performed by individuals that are not employees of KU. The terms of this plan are similar to one touch make ready, in that much of the upfront work is completed by Metronet (*see* Section 4(b), CMN 00139). In order to process up to 2,500 poles in a 30 day period, KU agreed to contract two (2) additional designers (and more if needed) to review Metronet's applications and perform any survey, inspection, pole loading analysis or other

engineering it deemed necessary (Section 4(d), CMN 00140). Metronet paid the cost (including overhead and oversight) associated with KU's engaging contract designers to review the applications (Section 4(d), *id.*). The contract designers determined if access should be granted or not, and upon what conditions. KU was able to decide whether it wanted to conduct make ready or allow MetroNet to conduct make ready using approved contractors. (Section 5(a)). MetroNet was responsible for coordinating rearrangement or transfer of third party attachments. (Section 5(d), CMN 00142). Metronet paid KU for the cost of inspectors designated by KU to inspect electrical space make ready conducted by KU approved contractors (Section 5(c), *id.*).

- b. Yes, contractors or employees. Windstream is capable of adding huge numbers of skilled workers to its labor force. On September 24, 2018, Windstream announced the hiring of 450 field technicians to support growth of its broadband business. Eighty (80) of these workers were in the Lexington area, with the plans to hire 100 more local field technicians in the fourth quarter. (*See* press releases attached to this Response, and marked as CMN 00419-21). Windstream also appears to have been able to identify 8 additional application processors and 5 additional engineering surveyors to perform the additional work contracted-for under the KIH First Amendment.

In addition, KU was able to identify contract designers and workers to perform under the KU High Volume Plan (CMN 132-46).

Under the FCC's 2011 Order, in states that have not reverse preempted federal rules and where Windstream's affiliates owns poles, Windstream's affiliates are required to post a

list of approved contractors to perform make ready work. If Windstream is not able or willing to find contractors with such capacity, CMN will find them. The FCC's 2018 Order cites the lack of motivation incumbents have. Therefore, the FCC has identified the qualification criteria that new attachers must use in engaging qualified contractors in the event that the pole owner does not have a sufficient number of contractors to perform make ready work. If CMN were authorized to perform make ready work on a utility's poles (including Windstream's poles), CMN would use available contractors that (i) are on the utilities' list of approved contractors qualified to perform make ready work or (ii) if the utility does not maintain such a list or there is an insufficient number of contractors on the list, contractors that meet the key safety and reliability criteria recommended by the Broadband Deployment Advisory Committee (BDAC), *i.e.*, contractors that (1) follow published safety and operational guidelines of the utility, if available, but if unavailable, follow the NESC guidelines; (2) read and follow licensed-engineered pole designs for make ready work, if required by the utility; (3) follow all local, state and federal laws and regulations including, but not limited to, the rules regarding Qualified and Competent Person under the requirements of the OSHA rules; (4) meet or exceed any uniformly applied and reasonable safety and reliability thresholds set and made available by the utility, *e.g.*, the contractor cannot have a record of significant safety violations or worksite accidents; and (5) be adequately insured or be able to establish an adequate performance bond for the make ready work it will perform.

~~2 Win 02~~  
2 PSC 6

Windstream has announced that it has added 80 new technicians to its team across the Lexington area, as part of an additional 450 field technicians the company has added across 18 states in the past year to support its growing Kinetic services.

"We have now seen six consecutive months of consumer broadband growth through August," said Jeff Small, president of consumer and small business for Windstream, in a release announcing the new hires. "Our significant network investments are enabling us to deliver our premium Kinetic services to more customers, and the response has been overwhelmingly positive."



Windstream said it plans to hire up to 100 more technicians before the end of the year, growing its workforce of local field technicians to nearly 3,000.

Kinetic by Windstream provides Internet and entertainment services, with internet service speeds of 25 to 100 Mbps or higher, or possible gig service plans on its fiber-optic network with speeds of 1 Gbps. The company also provides Kinetic TV and business solutions for small and medium-sized companies.

To see available jobs at Windstream, check online at [www.windstreamtalent.com](http://www.windstreamtalent.com).

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# Windstream hires 450 technicians to keep pace with customer demand for high-speed Kinetic Internet offerings

LITTLE ROCK, Ark., Sept. 24, 2018 (GLOBE NEWSWIRE) -- Windstream (NASDAQ: WIN), a leading provider of advanced network communications and technology solutions, has hired 450 additional field technicians across 18 states in the past year. The new technicians will provide on-the-ground support to keep pace with growing demand from residential and small business customers for Windstream's new Kinetic services.

"Our significant network investments are enabling us to deliver our premium Kinetic services to more customers, and the response has been overwhelmingly positive. In fact, we have now seen six consecutive months of consumer broadband growth through August," said Jeff Small, president of consumer and small business for Windstream. "Delivering faster Internet speeds to more customers is an important part of our continuing commitment to bridge the urban/rural connectivity divide for the communities we serve – creating jobs and improving the customer experience."

Windstream projects hiring as many as 100 more technicians before year-end, growing its local tech field force to nearly 3,000.

Kinetic by Windstream provides best-in-class Internet and entertainment experiences, delivering more speed to more customers so they can readily stream, surf and download on multiple devices at the same time.

Kinetic's premium service portfolio includes:

- **Kinetic Internet:** Flexible plans on a reliable network with speeds of 25-100 Mbps or higher for streaming video, downloading music and photos and connecting with friends and family.
- **Kinetic Gig:** Ultra-fast speeds of 1 Gbps delivered over a 100 percent fiber-optic network, enabling the fastest access to all online entertainment and business needs.
- **Kinetic TV:** Access to entertainment content (TV shows, events & movies) at home or on the go.

- **Kinetic Business Solutions:** Customizable solutions that ensure business continuity, advanced communications and maximum reliability for small and medium-sized businesses.

To learn more about Kinetic by Windstream, please visit [kinetic.windstream.com](http://kinetic.windstream.com).

To see available jobs at Windstream, please visit [www.windstreamtalent.com](http://www.windstreamtalent.com).

## About Windstream

Windstream Holdings, Inc. (NASDAQ: WIN), a FORTUNE 500 company, is a leading provider of advanced network communications and technology solutions. Windstream provides data networking, core transport, security, unified communications and managed services to mid-market, enterprise and wholesale customers across the U.S. The company also offers broadband, entertainment and security services for consumers and small and medium-sized businesses primarily in rural areas in 18 states. Services are delivered over multiple network platforms including a nationwide IP network, our proprietary cloud core architecture and on a local and long-haul fiber network spanning approximately 150,000 miles. Additional information is available at [windstream.com](http://windstream.com) or [windstreamenterprise.com](http://windstreamenterprise.com). Please visit our newsroom at [news.windstream.com](http://news.windstream.com) or follow us on Twitter at @Windstream or @WindstreamBiz.

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### Request

7. State whether CMN contends that Windstream East could process applications for up to 1,500 pole attachments in each rolling 30-day period in the time frames established by the federal regulations as described by CMN in response to Item 5 herein and explain the basis for CMN's contention.
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### Response

Yes, CMN does so contend. *See* the response to 2 PSC 6, above. As a basis for its contention, CMN notes that:

- a) Windstream East's affiliates are required to process applications for twice this number in most states, *i.e.*, states where they own poles and the FCC rules have not been reverse preempted.
- b) Windstream agreed with KIH to process applications for up to 1500 poles in a 30-day period (*see* WIN 0265).
- c) In the 9/15/17 Wireless Attachment Agreement, Windstream did not cap poles at 300 poles per 30-day period (*see* WIN 1479-80).
- d) Windstream did not deem it necessary to limit its tariff to restrict the number of poles for which application could be made in a given period.

### **Request**

8. Refer to CMN's response to Windstream East's First Request for Information, Item 1 in which CMN describes how delays in obtaining access to poles owned and controlled by Windstream East will affect its business case. State whether CMN is able to quantify the effect of the delay on the business case, and if so, provide and explain those quantified effects.
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### **Response**

As stated in John Greenbank's direct testimony (p. 13, ll. 14-18): "Because CMN will suffer from loss of momentum, failure to meet customer expectations, inability to solicit new business, inability to maximize market share while competitors grab more market share, and other results that are very real but hard to quantify, it is difficult to measure in dollars the total impact that Windstream's conduct has had on CMN and its affiliate, Metro Fibernet, LLC."

## Request

9. Without regard to whether such charges are included in any tariff, state whether CMN contends that it would be unreasonable to require CMN to pay Windstream East for all costs incurred by Windstream East in reviewing pole-attachment applications, including the processing of the application, the completion of survey work, and the completion of make-ready work, and if so, explain any basis for CMN's contention.
- 

## Response

In the abstract, CMN does not contend that it is unreasonable to require an attacher (licensee or applicant) to pay Windstream East or other pole owning/controlling utility for all the reasonable, actual, itemized, and documented costs it incurs in reviewing pole-attachment applications (including application processing and the completion of survey and make-ready work). Furthermore, CMN proposed to enter into a contract with Windstream East by which CMN would pay particular fees, charges, estimated costs, and trued-up costs to obtain licenses to attach to Windstream East poles (including for high-volume application processing, surveys, and make-ready work) even though such payments might over-compensate Windstream East or might not meet the criteria that payment be for reasonable, actual, itemized, and documented costs.

After Windstream East refused to negotiate about the deletion of the 300-pole cap in the agreement it proposed, CMN asked for pole-attachment service under the Windstream East tariff. To apply for and receive a license to attach to poles, Windstream East has required CMN to pay:

- \$75 per application submitted
- \$50 per pole in any submitted application

- charges invoiced as make-ready costs, including prepayment of estimates.

See CMN Response to 1 PSC 17e and attached examples of Windstream make-ready invoices (CMN 00183-84).<sup>1</sup> The first two payment categories are not included in the Tariff. CMN does contend that it is not reasonable for Windstream East to require payment of fees and charges that are not in its Tariff for services (in this case, pole attachment services) that are offered in its Tariff. This contention is based on CMN's expectation that its acceptance of Windstream East's offer of pole attachment service (through its Commission-approved Tariff) created a contract between them, from (i) the statutory requirement that Windstream East file a schedule "showing all rates and conditions for service established by it and collected or enforced," KRS 278.160(1) (emphasis added), and (ii) the statutory injunction that "[n]o utility shall charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules," KRS 278.160(2).

In addition, Windstream East has not shown that what it presently charges CMN is supported by actual costs it incurs in reviewing pole-attachment applications, including the processing of the application, the completion of survey work, and the completion of make-ready work. The data it provided to the Commission in response to 1 PSC 2 suggests that it is over-recovering its non-make-ready costs with the per application (\$75)

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<sup>1</sup> The example invoices itemize different amounts for Labor and Material, but each charges the same \$75.00 for "Permit."

and per-pole (\$50) charges.<sup>2</sup> According to Windstream East, the cost to process the documents in an application is \$4.03 (WIN 0306), and its “estimated Engineering cost per application is between \$1,100.00 to \$1,325.00” (1 PSC 2). The per-pole and per-application charges for a 25-pole application total \$1325<sup>3</sup>. This means that even at its highest cost estimate, Windstream East’s under-recovery is only the \$4.03 paper-processing cost, and it is over-recovering everywhere else in its estimate range, as much as \$220 per application.<sup>4</sup> Although asked by Commission Staff for information that might allow an assessment of whether its make-ready invoices to CMN are supported by its associated costs (*see* 1 PSC 3c), Windstream East instead focused on amounts invoiced to CMN (and that may or may not be related to the LFUC Project) and avoided saying whether or how much of the amounts invoiced would be paid to its make-ready engineering and construction contractors.

In December 2017, CMN would have agreed to the payment obligations under the KIH First Amendment to have a high-volume contract with Windstream East. If Windstream East submits and the Commission approves amendments to its Tariff, for example, to add per-pole or per-application charges or include special provisions for defined volumes or

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<sup>2</sup> No per-pole charge is assessed in the basic KIH Pole Attachment License Agreement (*see* WIN 0299) or the Pole Agreement found at WIN 1473-1507 (*see* WIN 1503).

<sup>3</sup> One \$75 application fee plus 25 poles times the \$50 per pole fee =  $\$75 + \$1250 = \$1325$ .

<sup>4</sup> Note, too, that because the per-application and per-pole charges would rise proportionally as application requests increase from 300 to 1500 poles (and make-ready charges should reflect actual costs) it appears that nothing further would be needed to pay all of Windstream’s costs for a high volume of applications/poles — even if there are no efficiencies or economies of scale. However, there are significant efficiencies and economies of scale. *See, e.g.*, Master Integrator Agreement, Contract Number 091009A10, with Byers Engineering Company, at WIN 0332 and 0338.

rates of attachment applications, then it would be mandatory thereafter for CMN to pay those charges for requesting new attachments. Those, however, are hypotheticals at this point. The concrete situation is that CMN and Windstream East did not enter into an individualized pole-attachment agreement in which CMN voluntarily undertook to make certain payments for pole-attachment, and that Windstream East has been imposing terms and conditions on CMN's receipt of pole-attachment service that are not in its Tariff. Being charged non-Tariffed amounts in order merely to apply for pole-attachment service is bad, but it is worse for CMN that Windstream East has capped the application rate at 300 poles per 30-day period and unreasonably slowed processing of the applications it has deigned to receive.

## Request

10. State and explain whether Federal Communication Commission regulations provide for the prepayment of costs associated with the review of applications for pole attachments, including the processing of the application, the completion of survey work, and the completion of make-ready work in states where they are applicable.
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## Response

We are unaware of any FCC regulation that precludes pole owners from requiring attachers to prepay costs associated with review of applications for pole attachments, including the processing of the application, the completion of survey work and the completion of make ready work. However, the “costs” must be just and reasonable and related to the pole owner’s actual costs. *See* 47 U.S.C. § 224(d)(1) (standard for just and reasonable rates). Furthermore, the charges may not be duplicative, *i.e.*, a pole owner may not charge as “costs” what it recovers through other fees, such as annual pole rental. The FCC discussed this issue in the matter of *Cavalier Telephone, LLC v. Virginia Electric and Power Company*, 15 FCC Rcd. 9563 (FCC), 2000 WL 1060425, File No. PA 99-005 (Cable Serv. Bur. June 7, 2000) at ¶22. Because Virginia Electric provided no explanation that the billed administrative fees associated with permit application processing were not for costs otherwise included in the carrying charges, the FCC found that the fees were an unjust and unreasonable rate, term or condition.<sup>1</sup> *See also Cable Television Association of Georgia vs. Georgia Power Company*, File No. PA 01-002, August 8, 2003 at ¶17 through ¶20. The FCC noted that, through the FCC’s rate formula, the annual rental fee covers a broad spectrum of expenses and that the allocated portion

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<sup>1</sup> A subsequent complaint by Cavalier Telephone to enforce the 2000 Order was dismissed at the request of both parties in connection with a settlement between them (FCC File No. EB-02-MD-005, Order rel. Dec. 3, 2002).

of the administrative expenses covers any routine administrative costs associated with pole attachments, such as billing and legal costs associated with administering the agreement. In this case, the Cable Television Association also contested an up-front fee of \$150 per pole imposed by Georgia Power for make ready work, which included construction costs, management and inspection costs, and engineering costs required to attach to the pole. This fee was not an estimate that would be trued up. The FCC determined that Georgia Power should first incur the cost and then seek reimbursement for actual costs. *See also Mile Hi Cable Partners, L.P. v. Public Service Co. of Colorado*, 15 FCC Rcd. 11450 (2000) at ¶8 (double recovery for expenses for which the utility has been reimbursed through the annual fee not allowed).

## Request

11. Refer to the Testimony of Daniel King at page 4 in which he indicated that Windstream is concerned about whether it will obtain payment of costs associated with Windstream's review of applications for pole attachments. State what type of security, if any, CMN contends would be reasonable to provide Windstream East security against non-payment of costs and explain the basis for any such contention.
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## Response

Windstream's asserted concerns are unfounded because nearly all of the costs or estimated costs are assessed up front. Windstream East charges a \$75 application fee, a \$50 per pole fee, and requires estimated make ready charges to be paid before make ready is conducted. To the extent that these charges are in line with actual costs, they must be paid before meaningful expenses are incurred by Windstream East. Furthermore, if Windstream East has provided make ready estimates that are reasonably accurate, there should not be a significant amount to be trued up to actual costs. Requiring payment before costs are incurred effectively eliminates the need for security against non-payment.

In addition to prepayment requirements,<sup>1</sup> Windstream East's CATV Pole Attachment Tariff on file with the Commission contains a number of reasonable means to secure payment or otherwise protect Windstream East from financial harm related to new attachments to its poles, including:

- indemnification of Windstream East and minimum insurance coverage (Tariff S1.11, pp. 11-12); and

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<sup>1</sup> The Tariff (S1.16, p.15) also requires prepayment of the annual rent, invoiced at least quarterly.

- a surety bond to guarantee payment of “any sum which may become due to the Company for rental, penalty, and make-ready charges and work performed by the Company, pursuant to this tariff, for the benefit of the CATV company or as a result of default or forfeiture by the Company,” with the bond scaled for attachments to poles in increments of 500 (*id.* S.1.1.12, p. 13).

For any additional costs and risks from an increased rate of processing pole attachment applications, one or more of the following measures might be reasonable:

- *Bond.* Windstream East could require (or increase the amount of) a surety bond to cover any perceived actual additional exposure, *e.g.*, related to CMN conducting make ready and survey work (if it is allowed to conduct such work).
- *Insurance.* Windstream East could require CMN to provide proof of liability insurance naming Windstream East as an additional insured to address additional liability exposures reasonably anticipated.
- *Lien.* Windstream East could take a lien on the attacher’s cable, equipment, and other facilities attached to its poles “to cover any amounts due Licensor,” as provided in its pole attachment agreement form. *See* § 7.C, page 7/32 (CMN 00393).
- *Payment of upfront estimates.* Windstream East could continue to require CMN to pay make ready estimates in advance and invoice for any additional actual charges after it incurred them. If the trued-up amounts are based on actual costs reasonable incurred and Windstream East provides adequate documentation and support of the actual costs when requested (and does not wait years to submit them to CMN), there

will be no delay or good-faith dispute about payment. If CMN were to fail to pay amounts that were not reasonably disputed in good faith, one or more of the following might be reasonable to enforce timely payment, if consistent with the Tariff or applicable law: assess late charges or interest or, following notice and a short opportunity to cure, suspend further work (e.g., refuse to process pending applications) or terminate any high-volume plan then in effect.