

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On March 27, 2024, the Kentucky General Assembly, during the 2024 Regular Legislative Session, enacted Senate Joint Resolution 175 (SJR 175).<sup>1</sup> The Governor signed SJR 175 signed on April 4, 2024, and it was enrolled with the Kentucky Secretary of State the same day. A copy SJR 175 is appended to this Order.

SJR 175 is a joint resolution, “facilitating the deployment of broadband internet service to unserved and underserved citizens in the Commonwealth and declaring an emergency.” SJR 175 states that access to broadband internet service in rural areas of the Commonwealth places unserved and underserved citizens at a disadvantage and recounts that funds from the Broadband Equity, Access, and Deployment (BEAD) Program and the Rural Digital Opportunity Fund (RDOF) that will be used to assist in deploying broadband internet service to unserved and underserved areas. SJR 175 states that the deployment of broadband internet access will require attaching to utility poles.

SJR 175 acknowledges that the Commission, in this docket, has been holding stakeholder meetings on pole attachment delays and exhorts the Commission that it must

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<sup>1</sup> 2024 KY S.J.R. 175, 2024 Regular Session.

make every effort to, “streamline the process and remove unnecessary delays in how attachment requests by broadband service providers are received and processed by the utilities that own the utility poles...”

SJR 175 directs the Commission to promulgate emergency regulations, or emergency amendments to existing regulations, on pole attachments not later than 60 days after the effective date of SJR 175. The regulations, at a minimum, must: (1) remove any unreasonable utility pole attachment-related impediments to the deployment of broadband service; (2) establish parameters to expedite the processing of pole attachment requests for unserved and underserved areas of Kentucky in accordance with the BEAD Program and other government-funded initiatives; (3) reduce the backlog of utility pole attachment requests; and (4) direct pole owning utilities to file tariff conforming to the emergency regulations. The Commission is to ensure that any new or amended regulations tailored to advance the deployment of broadband service in unserved and underserved areas does not result in “an undue burden in processing pole attachment requests for service in served areas of the Commonwealth.”

SJR 175 also requires the Commission to initiate a docket on utility pole attachment issues to receive comments from the affected parties and find resolutions that will expedite pole attachment requests. That docket is to remain open until all attachment requests funded by the BEAD Program, RDOF, state broadband grants, and local direct broadband deals are processed and completed. The Commission will initiate that proceeding by separate Order.

The Commission finds that emergency amendments to 807 KAR 5:015 is the most reasonable and efficient method to comply with SJR 175. The Commission also finds

that this proceeding is an appropriate forum to receive proposals from stakeholders and pole owners regarding proposed amendments to 807 KAR 5:015 that will accomplish the dictates of SJR 175. The Commission will allow parties and stakeholders to this proceeding to file with the Commission proposed amendments to 807 KAR 5:015. The proposals will be discussed at an informal conference conducted similar to the format that have previously occurred in this proceeding.

The Commission must file emergency regulations on or before June 3, 2024, which will require a shortened procedural schedule. The Commission therefore finds that proposed amendments should be filed no later than April 19, 2024, and an informal conference should be held on April 26, 2024, to discuss the proposed amendments.

IT IS THEREFORE ORDERED that:

1. No later than April 19, 2024, stakeholders and parties to this proceeding may file proposed amendments to 807 KAR 5:015.
2. An informal conference is scheduled on April 26, 2024, at 9 a.m. Eastern Daylight Time at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
3. Commission Staff will contact participants by electronic mail to provide details for joining the conference by video link.
4. Parties and other participants who plan to attend the informal conferences shall, no later than two days before the informal conference, contact J.E.B. Pinney, Executive Advisor to the Commission, to indicate whether they will appear in person or by video. Mr. Pinney may be reached at [jeb.pinney@ky.gov](mailto:jeb.pinney@ky.gov) or at (502) 782-2587.

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Executive Director



APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00416 DATED APR 11 2024

FIVE PAGES TO FOLLOW



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2024 REGULAR SESSION

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SENATE JOINT RESOLUTION NO. 175

AS ENACTED

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Wednesday, March 27, 2024

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RECEIVED AND FILED  
DATE 4/4/2024  
4:56p  
MICHAEL G. ADAMS  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Katherine Ellis

1           A JOINT RESOLUTION facilitating the deployment of broadband internet service  
2 to unserved and underserved citizens in the Commonwealth and declaring an emergency.

3           WHEREAS, access to broadband internet service has become critical for social and  
4 economic prosperity because it links the citizens of the Commonwealth to each other and  
5 to other parts of the world; and

6           WHEREAS, the lack of access to broadband internet service, which is  
7 predominantly a problem in the rural areas of the Commonwealth, places unserved and  
8 underserved citizens in those areas at a significant disadvantage; and

9           WHEREAS, the National Telecommunications and Information Administration  
10 allocated \$1.1 billion to the Commonwealth in the Broadband Equity, Access, and  
11 Deployment (BEAD) Program that will be used to deploy broadband internet service to  
12 unserved and underserved residents throughout the Commonwealth; and

13           WHEREAS, another \$157 million will be available for network expansion through  
14 the Rural Digital Opportunity Fund and state and local broadband initiatives that will  
15 help bring high-speed broadband internet service to every area and every citizen of the  
16 Commonwealth, regardless of that citizen's location or household income; and

17           WHEREAS, broadband internet service providers are motivated to begin deploying  
18 broadband internet service to unserved and underserved citizens, which requires attaching  
19 the necessary fiber optic cables to utility poles throughout the Commonwealth and  
20 comply with the funding and performance guidelines set by the BEAD Program and other  
21 government-funded broadband initiatives; and

22           WHEREAS, since January 5, 2024, the Public Service Commission has been  
23 hosting stakeholder meetings on pole attachment delays; and

24           WHEREAS, every effort must be made by the Public Service Commission to  
25 streamline the process and remove unnecessary delays in how attachment requests by  
26 broadband service providers are received and processed by the utilities that own the  
27 utility poles;

1 NOW, THEREFORE,

2 *Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

3 →Section 1. The General Assembly of the Commonwealth of Kentucky hereby  
4 directs the Public Service Commission to promulgate emergency administrative  
5 regulations pursuant to KRS Chapter 13A on utility pole attachments not later than 60  
6 days after the effective date of this Resolution that shall at a minimum:

7 (1) Remove any unreasonable utility pole attachment-related impediments to the  
8 deployment of broadband service throughout the Commonwealth;

9 (2) Establish parameters to expedite the processing of pole attachment requests  
10 for unserved and underserved areas of the Commonwealth in accordance with the BEAD  
11 Program and other government-funded broadband initiatives, as authorized by the  
12 bipartisan Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, and other  
13 government-funded broadband initiatives;

14 (3) Reduce the backlog of utility pole attachment requests; and

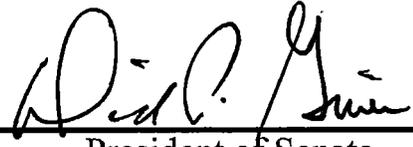
15 (4) Direct utilities that own poles to file new tariffs if necessary to conform with  
16 the emergency administrative regulations promulgated by the Public Service Commission  
17 no later than 60 days after the effective date of the emergency administrative regulations.  
18 In promulgating administrative regulations under this section, the Public Service  
19 Commission shall ensure that any new or amended administrative regulations are tailored  
20 to advance the buildout of broadband service to unserved and underserved areas and does  
21 not result in an undue burden in processing pole attachment requests for service in served  
22 areas of the Commonwealth.

23 →Section 2. The Public Service Commission shall initiate a docket on utility pole  
24 attachment issues to receive comments from the affected parties and find resolutions that  
25 will expedite utility pole attachment requests and the deployment of broadband  
26 throughout the Commonwealth. Small telephone utilities, as defined in KRS 278.516,  
27 may elect to participate in this docket either independently or collectively, but shall not

1 be required to participate in this proceeding. The docket shall remain open until all utility  
2 pole attachment requests funded by the BEAD Program, the Rural Digital Opportunity  
3 Fund, state broadband grants, and local direct broadband deals are processed and the  
4 projects are completed.

5       ➔Section 3. Beginning September 30, 2024, and quarterly thereafter, the Public  
6 Service Commission shall issue a report to the Legislative Research Commission for  
7 referral to the Interim Joint Committee on Natural Resources and Energy, updating the  
8 General Assembly on the progress made in expediting utility pole attachment requests for  
9 broadband service.

10       ➔Section 4. Whereas broadband service is critical to the economic prosperity of  
11 the Commonwealth, and the timetables for broadband projects funded by the BEAD  
12 Program and other government-funded broadband initiatives must be adhered to, an  
13 emergency is declared to exist, and this Resolution takes effect upon its passage and  
14 approval by the Governor or upon its otherwise becoming a law.

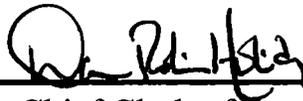


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President of Senate



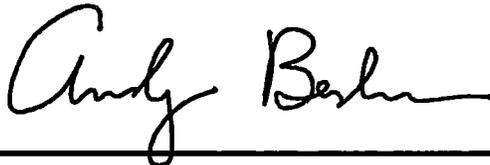
\_\_\_\_\_  
Speaker-House of Representatives

Attest:



\_\_\_\_\_  
Chief Clerk of Senate

Approved



\_\_\_\_\_  
Governor

Date

\_\_\_\_\_  
4/4/24

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Cincinnati Bell Telephone Company LLC dba  
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\*Leslie County Telephone Company, Inc  
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\*Highland Telephone Cooperative, Inc.  
Highland Telephone Cooperative, Inc.  
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\*Jackson Purchase Energy Corporation  
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