

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

NOTICE OF FILING OF AGENDA

Commission Staff hereby gives notice that the topics raised in the responses to the Commission’s April 11, 2024 Order will be discussed at the April 26, 2024 informal conference in this proceeding. Those topics include the following:

1. Applications: Issues include clarifying when a complete application is deemed filed such that make-ready timelines are triggered; clarifying/establishing a timeline for reviewing resubmitted applications; expediting review of applications submitted with surveys; requiring certifications of completeness from new attachers; and requiring attachers to identify a contact person.

2. Large Volume Orders: Issues include increasing the size in the definition of large orders, and prohibiting a utility from limiting the number of attachment requests that may be submitted in an application or alternatively; or alternatively, eliminating the large order category and adding an expedited complaint proceeding in the event the parties are unable to timely reach a solution through “good faith negotiations” regarding large orders.

3. Expediting Make-Ready: Issues include amending Section 4(8) to require utilities to meet certain timelines when a deviation from timelines would otherwise be justified under the existing regulation and offering additional self-help remedies when

timelines are not met in such circumstances; and eliminating the distinction between make-ready in the communications space and allowing/requiring new attachers to perform all make-ready in the communications space with a qualified contractor.

4. Priority Projects: Issues include modifying language pertaining to nondiscriminatory access to accommodate priority projects; and requiring additional notice for priority projects.

5. Payment Delays/Errors: Issues include implementation of pre-paid accounts to cover costs of surveys, make-ready, and post construction inspections.

6. Self Help Contractors: Issues include and modifying Section 5 to eliminate the distinction between self-help contractors for simple and complex make-ready, and adding a more permissive contractor selection standard for poles without electric facilities.

7. Joint Users: Issues include allowing other pole owning utilities that offer broadband and telecommunications services to access poles under pole attachment tariffs instead of applicable joint use agreements.

8. Additional Remedies: Issues include establishing an expedited mediation process for disputes related to pole access.

9. Transmission Poles/Structures: Issues include adding specific definition of Transmission Poles/Structures and excluding them explicitly from certain regulatory requirements.

Commission Staff notes that the above list of topics is not exhaustive and that other topics may be discussed at the informal conference.

A handwritten signature in blue ink, appearing to read "Linda C. Bridwell", with the initials "FOL" written to the right.

Linda C. Bridwell, PE
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DATED APR 25 2024

cc: Parties of Record

Case No. 2023-00416

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