

Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
Frankfort, Kentucky 40601-8294
Telephone: (502) 564-3940
psc.ky.gov

Angie Hatton
Chair

Mary Pat Regan
Commissioner

Andrew W. Wood
Commissioner

March 30, 2026

PARTIES OF RECORD

Re: Case No. 2023-00416

Notice is given to all parties that the attached June 2025 Second Quarter Report on Pole Attachments has been filed into the record of this proceeding.

If you have any comments you would like to make regarding the contents of the document, please do so within five days of receipt of this letter. If you have any questions, please contact Ellen Fouser-Gormley, Staff Attorney III, at Ellen.FouserGormley@ky.gov.

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell".

Linda C. Bridwell, PE
Executive Director

Attachment



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
psc.ky.gov

Angie Hatton
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Mary Pat Regan
Commissioner

MEMORANDUM

TO: Robert Stivers, Senate President
David W. Osborne, Speaker of the House

FROM: Linda C. Bridwell, PE
Executive Director, Kentucky Public Service Commission

DATE: June 30, 2025

RE: June 2025 Report on Pole Attachments for Broadband Service

Attached please find the fourth quarterly report from the Kentucky Public Service Commission (PSC) regarding the progress made in expediting utility pole attachment requests for broadband service. As you know, Senate Joint Resolution 175, (SJR 175) passed during the 2024 Regular Session of the Kentucky General Assembly, and enacted on April 4, 2024, directed the PSC to promulgate emergency amendments to its pole attachment regulations to, among other things, expedite the processing of broadband requests for pole attachments and reduce the backlog of pole attachment requests. SJR 175 also directed the PSC to prepare and submit a quarterly report to the Legislative Research Commission for referral to the Interim Joint Committee on Natural Resources and Energy, beginning September 30, 2024. This report is submitted as the fourth quarterly report in fulfillment of the legislative mandate.

Please do not hesitate to call me if you have any questions.

**Report on the Progress Made in Expediting Pole Attachment Requests for
Broadband Service
in Kentucky**

**A Report to the
Legislative Research Commission
for Referral to
the Interim Joint Committee on
Natural Resources and Energy
Pursuant to 2024 SJR 175**

**by the
Kentucky Public Service Commission**

June 30, 2025

Executive Summary

SJR 175, a joint resolution “facilitating the deployment of broadband internet service to unserved and underserved citizens in the Commonwealth and declaring an emergency,” recognized the importance of broadband internet access to broadband internet service and that lack of internet access in rural areas places unserved or underserved citizens at a disadvantage. SJR 175 noted that broadband providers have and will receive significant monies to fund broadband deployment in the Commonwealth and found that the PSC should make every effort to remove unnecessary delays in how broadband attachment requests are received and processed by pole-owning utilities.

SJR 175 directed the PSC to promulgate emergency amendments to its pole attachment regulations to, among other things, expedite the processing of broadband requests for pole attachments, reduce the backlog of pole attachment requests and establish parameters to expedite the processing of pole attachment requests for unserved and underserved areas. SJR 175 directed the PSC to establish a docket on pole attachment issues to receive comments from affected parties and find resolutions that will expedite pole attachment requests and broadband deployment. Finally, SJR 175 directed the PSC to prepare and submit a quarterly report to the Legislative Research Commission for referral to the Interim Joint Committee on Natural Resources and Energy, beginning September 30, 2024. This report is submitted as the fourth quarterly report in fulfillment of the legislative mandate.

Background

Pursuant to KRS Chapters 74, 278, 279, and parts of 61, the PSC is obligated to ensure that rates for electric, gas, water, sewer, and telecommunications services are fair, just and reasonable. In addition to its regulation of utility rates, the PSC is also responsible for ensuring that utility services are adequate, efficient and reasonable. The nearly 1,100 utilities under the PSC jurisdiction include investor-owned and cooperative electric companies, natural gas distributors and pipeline companies, water and sewer providers including districts, associations and investor-owned utilities, and cooperative telephone companies. The PSC does not regulate the rates and service of utilities subject to the control of cities or rural electric cooperatives served by the Tennessee Valley Authority (TVA).

The United States Congress, on February 21, 1978, by Public Law 95-234, 92 Stat. 33, 47 U.S.C. § 224, amended the Federal Communications Act to grant regulatory jurisdiction over cable television (CATV) pole attachments to the Federal Communications Commission (FCC) in those states which did not exercise such regulation. The new law exempted cooperative-formed electric and telephone utilities from the FCC's pole attachment jurisdiction. Congress, however, allowed states to "reverse preempt" the FCC and assert state jurisdiction over CATV attachments to utility poles.

Several Kentucky utilities requested that the PSC exercise "reverse preemption" and, in August 1981, the PSC issued an order asserting jurisdiction over CATV attachments and reverse preempted the FCC. See, PSC Case No. 8040, *The Regulation of Rates, Terms and Conditions for the Provision of Pole Attachment Space to Cable Television Systems by Telephone Companies* (Ky. PSC Aug. 26, 1981). Unlike the FCC's jurisdiction, the PSC's jurisdiction over CATV attachments extended to electric and telephone cooperatives. Kentucky is currently one of 24 states and the District of Columbia that exercise jurisdiction over pole attachments.

The Kentucky Court of Appeals denied a jurisdictional challenge from several CATV providers finding that the PSC had, "jurisdiction over the utility companies, and that jurisdiction extends to their poles and the "services" and "rates" generated by pole attachment agreements." *Kentucky CATV Ass'n v. Volz*, 675 S.W.2d 393, 396 (Ky. App. 1983).

The PSC also adopted a methodology for calculating pole attachment rates. See, *The Adoption of a Standard Methodology for Establishing Rates for CATV Pole Attachments*, (Ky. PSC Sept. 17, 1982). The PSC required pole-owning utilities to file pole attachment tariffs setting out the rates and conditions of service for CATV attachments.

From the early eighties until the late 2010s, the PSC handled issued relating to pole attachments, including non-CATV attachments, on an *ad hoc* basis. The PSC would address these issues through Staff Opinions or Orders as required by the nature of each case. However, as broadband deployment increased, and to a lesser extent requests to

attach small cell antennas, it became apparent that a comprehensive regulation was necessary to address the increasing importance of third-party pole attachments.

The PSC, thus, in late 2019, completed a draft of a new regulation designed to comprehensively address pole attachments to the poles of jurisdictional utilities. In February of 2020 the PSC sent the proposed regulation to interested parties and held several meetings in February and March 2020 with the intent of promulgating the regulation by May 2020. The PSC had to postpone several meetings and the filing of the regulation due to COVID-19 but in December of 2020 the PSC restarted the meetings relating to the proposed pole attachment regulation.

The PSC, therefore, was well situated to promulgate a pole attachment regulation when, during the 2021 Regular Session, the General Assembly, on March 30, 2021, enacted House Bill 320, 2021 Ky. Acts ch. 171, sec. 1, which required, among other things, that the PSC, by December 31, 2021, promulgate regulations regarding pole attachments, including those necessary for the provisions of broadband service.

The PSC filed the new broadband regulation (codified as 807 KAR 5:015) with the Legislative Research Commission on May 14, 2021, more than seven months before the deadline established by the General Assembly. 807 KAR 5:015 became effective in late January 2022 and pole owning utilities filed conforming tariffs on or before February 28, 2022. The Kentucky Broadband and Cable Association (KBCA) filed objections to each filed tariff. Due to KBCA's complaints, and pursuant to KRS 278.190, the PSC suspended the utilities' proposed pole attachment tariffs to conduct further investigation of the tariffs. On December 22, 2022, the PSC issued Orders approving, with modifications, the utilities' various tariffs.

The PSC, after promulgating 807 KAR 5:015 and approving pole attachment tariffs, received no complaints from utilities or attachers regarding problems with the implementation of the new pole attachment regime. The PSC first became aware that attachers had issues with how pole attachments were being processed when members of KBCA raised these concerns at the December 11, 2023, meeting of the Investments in Information Technology Improvement & Modernization Projects Oversight Board.

In response to these newly discovered concerns the PSC, on December 14, 2023, initiated a case to "create a stakeholder process to discuss and investigate issues and lessons learned relating to pole attachments." The purpose of the case was, "to identify issues regarding pole attachments, particularly regarding the extension of broadband services that might be addressed through changes in the regulations, rules, or tariffs governing pole attachments." See Case No. 2023-00416, *Electronic Investigation of Pole Attachments*, (Order issued Dec. 14, 2023). The PSC convened a series of conferences between stakeholders to determine what changes, if any, were necessary to address issues arising from requests for pole attachments.

This background information is intended only to outline the efforts the PSC has taken to regulate pole attachments prior to the enactment of SJR 175.

Efforts to Expedite Broadband Deployment

Since the filing of the second quarterly report on December 31, 2024, the PSC circulated suggested amendments to 807 KAR 5:015 and the emergency amendments made to 807 KAR 5:015. The emergency amendments to 807 KAR 5:015E were to expire in late February 2025 and the Commission intended to replace the emergency amendments with an emergency regulation, accompanied with an ordinary regulation.

The Commission, on February 25, 2025, filed with the Legislative Research Commission emergency amendments to 807 KAR 5:015 and also filed ordinary amendments to 807 KAR 5:015. The public comment hearing for the emergency amendments was held on April 29, 2025 and the public comment hearing for the ordinary amendments was held on May 29, 2025. The Commission did not amend the emergency amendments after comment and the statement of consideration for the ordinary regulation is not due to be filed with the Legislative Research Commission until July 15, 2025.

The PSC, in the open docket Case No.2023-00416, in addition to already hosting eight stakeholder conferences in 2024 to resolve issues pertaining to pole attachments, has established recurring filing requirements for pole owners and attachers. The Commission now requires quarterly updates on backlogs of pole attachment applications, as well as statistical information from all pole owners, except for rural local exchange carriers, relating to the number and time of processing of pole attachment applications. This information will assist the PSC in determining where significant bottlenecks occur in the pole attachment process, inform the PSC and stakeholders what changes would be necessary to address the bottlenecks, and help provide the Commission and General Assembly a clearer view of the state of broadband pole attachments in Kentucky. Attached to this report are the most recent updates on backlogs on pole attachments filed with the Commission in mid-June 2025.

Since the implementation of the pole attachment regulation, 807 KAR 5:015, in March 2022, no attacher has filed a complaint against a utility.

The PSC, by the time the next report is filed, will have conducted more conferences, received further information on the status of pole attachment applications, and have decided whether to amend after comment the amendments to the ordinary regulation 807 KAR 5:015.

POLES CURRENTLY IN EACH PHASE OF PROCESS						
STATUS	RESPONSIBLE	TOTAL POLES	POLES ON TIME	POLES LATE	% POLES ON TIME	% POLES LATE
FIELD SURVEY and ENGINEERING (30 days)	KU	1,820	1,820	0	100.00%	0.00%
MAKE READY ESTIMATE (14 days)	KU	0	N/A	N/A	N/A	N/A
MAKE READY PAYMENT (14 days)	CHARTER	2,165	452	1,713	20.88%	79.12%
MAKE READY CONSTRUCTION (no timeline)	KU	9,101	N/A	N/A	N/A	N/A
AWAITING FOREIGN-OWNED POLE REPLACEMENT		4,748	N/A	N/A	N/A	N/A
COMMS MAKE READY / INSTALLATION (60 days)	CHARTER	10,630	4,152	6,479	39.06%	60.95%
POST-CONSTRUCTION INSPECTION (60 days)	KU	3,120	1,704	1,416	54.62%	45.38%
INSTALLATION DEFECT DETECTED	CHARTER	709	280	429	39.49%	60.51%
COMPLETE	N/A	353	N/A	N/A	N/A	N/A
TRANSMISSION (no timeline)	KU	252	N/A	N/A	N/A	N/A
CANCELED	N/A	1,746	N/A	N/A	N/A	N/A
TOTAL		34,644		9,608		

POLES THROUGH OR IN EACH PHASE OF PROCESS						
STATUS	RESPONSIBLE	TOTAL POLES	POLES ON TIME	POLES LATE	% POLES ON TIME	% POLES LATE
FIELD SURVEY and ENGINEERING (30 days)	KU	30,379	29,390	989	96.74%	3.37%
MAKE READY ESTIMATE (14 days)	KU	27,784	22,314	5,470	80.31%	19.69%
MAKE READY PAYMENT (14 days)	CHARTER	27,784	6,188	21,596	22.27%	77.73%
MAKE READY CONSTRUCTION (no timeline)	KU	13,080	N/A	N/A	N/A	N/A
COMMS MAKE READY / INSTALLATION (60 days)	CHARTER	16,236	4,907	11,329	30.22%	69.78%
POST-CONSTRUCTION INSPECTION (60 days)	KU	4,182	2,338	1,844	55.91%	44.09%
COMPLETE	N/A	353	N/A	N/A	N/A	N/A
TRANSMISSION (no timeline)	KU	2,611	N/A	N/A	N/A	N/A
CANCELED	N/A	1,746	N/A	N/A	N/A	N/A

*34,644 Poles have been submitted in the high volume plan. This total excludes canceled applications and applications containing Transmission poles.

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Current Poles in Progress – *Charter & Kentucky Utilities*

		CATEGORY	Blue Grass Energy	Clark Energy	Fleming-Mason Energy	Inter-County Energy	Owen Electric	Shelby Energy Cooperative	South Kentucky RECC	Taylor County RECC	TOTAL
Pre-Draft	Attacher	Created	71	770	89	482	3		345		1,760
Review	Pole Owner	Sent			114						114
	Pole Owner	Application Review			3		211				214
	Attacher	Revise Application		36		4	372				412
	Pole Owner	Survey	851	344	148	744	12		1,029	627	3,755
	Pole Owner	Survey Overdue	1,851	1,352	493	1,549			2,815	290	8,350
	Both Parties	Survey Review	137	110	322		228		861		1,658
	Pole Owner	Estimate Make-Ready Costs	55			42					97
	Pole Owner	Make-Ready Construction Pending	891	580		7			1,246		2,724
	Attacher	Awaiting Customer Response	470		53	302					825
	Attacher	Customer Response Overdue				573					573
	Attacher	Awaiting Make-Ready Payment	400		351	8			586		1,345
	Attacher	Make-Ready Payment Overdue				39			25		64
	Pole Owner	Make-Ready	1,021	338	580	483					2,422
	Pole Owner	Make-Ready Overdue		434	9	32					475
	Attacher	Ready To Attach	4,043	726	1,009	862	284		27	14	6,965
	Attacher	Attachment Extension Review	5,629	513	1,007	1,773	579		165	8	9,674
	Pole Owner	Post Inspection	5,626	587	7,593	4,055	2,143	40		4	20,048
	Attacher	Attachment Extension				282	334				616
	Attacher	Corrections Needed	427		514	212	25				1,178
True Up	Pole Owner	True-Up Billing	6	8	5	20	1	1			41
TOTAL			21,478	5,798	12,290	11,469	4,192	41	7,099	943	63,310

Current Poles in Progress – *Charter & Kentucky Electric Cooperatives*



139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202

o: 513-287-4010
f: 513-370-5720

Larisa.Vaysman@duke-energy.com
Larisa M. Vaysman
Associate General Counsel

VIA ELECTRONIC FILING

June 13, 2025

Ms. Linda Bridwell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

Re: Case No. 2023-00416
In the Matter of: Electronic Investigation of Pole Attachments

Dear Ms. Bridwell:

In its May 27, 2025 Order in the above captioned case, the Commission found “updates to the ‘backlog’ should be filed with the Commission,” with term “backlog” referring to “pending applications that have frequently been referred to in this proceeding as the ‘backlog.’”¹

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company) has not been involved in the previous conversations regarding “backlog” in this proceeding nor has it been requested to submit prior pole attachment updates and does not believe that it is a party to the “backlog.” For example, a May 2, 2024 pole attachment update by the Kentucky Broadband and Cable Association noted that “Duke” is not included due to being a “Low volume entit[y].”² While other subsequent updates make no mention of the Company at all.³ Thus, it does not seem that the “backlog” reporting requirement was intended to apply to Duke Energy Kentucky.

However, until the matter of the applicability of this reporting requirement to Duke Energy Kentucky is clarified, the Company submits the following update as of June 13, 2025, providing the information requested by the Commission.⁴

¹ Order, p. 1 (May 27, 2025).

² Charter Communications Kentucky Pole Attachment Application Data, Exhibit 1 (“Low volume entities not shown. (AT&T, Cincinnati Bell/Alta Fiber, Duke, Grayson, Jackson, Kenergy, KY Power, Meade, South KY, Taylor County, Windstream)”) (May 2, 2024).

³ See, e.g., Supplemental Information (Dec. 11, 2024).

⁴ Order, p. 1 (“[W]hether the application is waiting on actions from the pole owner or the attacher, what that action is, and the number of attachments not timely addressed under the timelines provided for in 807 KAR 5:015”) (May 27, 2025).

As shown below, as of June 13, 2025, there are 645 pending applications to make attachments to 6,510 Duke Energy Kentucky poles, of which 4,494 poles have been approved.⁵

For pending applications where the attachments have not yet been attached to the pole, there appear to be a total of 165 poles waiting on action by the Company and 3,072 poles waiting on action by the attacher:

- **706** poles are in **Proposal** status, waiting on the attacher to complete and submit the application;
- **60** poles are in **Reply** status:
 - 50 are waiting on the attacher to complete make-ready payment;
 - 10 are waiting on the Company to notify the attacher that the application is approved;
- **209** poles are in **Acknowledgment** status, waiting on the attacher to acknowledge the approved or denied permit in the system;
- **155** poles are in **DEK Construction** status, waiting on the Company to notify the attacher that make-ready is complete; and,
- **2,107** poles are in **Attacher Construction** status, waiting on the attacher to notify the Company that their construction is completed so a post inspection can take place to verify the route was built as designed.

After the completion of the **DEK Construction** and **Attacher Construction** statuses, the attachment is attached to the pole. During the remaining stages below, the application remains pending in the Company's system, but telecommunications customers should already be benefiting from the attachment.

- **512** poles are in **DEK Post Inspection** status, waiting on the Company to notify the attacher that it has completed inspection and verified the route was built in accordance with engineering;
- **9** poles are in **Attacher Conclusion** status, waiting on the attacher to close the completed permit application; and,
- **2,752** poles are in **DEK Conclusion** status, waiting on the Company to invoice the attacher or close the completed permit application.

According to the Company's system, a total of 3 poles, associated with a single application submitted in 2019, appear to fall out of the timelines provided in 807 KAR 5:015. Given the length

⁵ The data in this letter do not include banners.

Ms. Linda Bridwell

June 13, 2025

Page 3 of 3

of time and the lack of inquiry, the Company suspects this application is moot and/or has been abandoned.

I certify that the electronically filed documents are true and accurate copies of the original documents and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of this filing will be made.

Respectfully submitted,

/s/Larisa M. Vaysman

Larisa M. Vaysman (98944)

Associate General Counsel

Duke Energy Business Services LLC

139 East Fourth Street, 1303-Main

Cincinnati, Ohio 45202

Phone: (513) 287-4010

Fax: (513) 370-5720

E-mail: larisa.vaysman@duke-energy.com

Counsel for Duke Energy Kentucky, Inc.

VERIFICATION

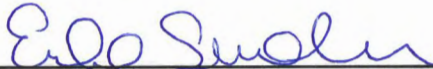
STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The undersigned, Jeremy B. Gibson, Manager Joint Use, being duly sworn, deposes and says that he has personal knowledge of the matters set forth in the foregoing letter, and that the information contained therein is true and correct to the best of his knowledge, information, and belief.



Jeremy B. Gibson, Affiant

Subscribed and sworn to before me by Jeremy B. Gibson on this 13th day of June, 2025.



NOTARY PUBLIC

My Commission Expires: July 8, 2027



EMILIE SUNDERMAN
Notary Public
State of Ohio
My Comm. Expires
July 8, 2027

Exhibit 1

Row Labels		Blue Grass Energy	Clark Energy	Fleming-Mason Energy	Inter-County Energy	Owen Electric	Salt River	Shelby Energy	South Kentucky RECC	Taylor County RECC	Total	
Pre-Draft	Attacher	Created		168	160	42	3		0		373	
		Revise Application		39		4	740	721				1504
Review for Completeness	Pole Owner	Application Review			20	381			505	334	1240	
		Survey	2932	1805	497	1836	12	92	2989	293	10456	
Survey	Both Parties	Survey Overdue				11	741		28	290	1070	
		Survey Review	249	110	689		228		797		2073	
Make Ready Estimate	Pole Owner	Estimate Make-Ready Costs	198			24					222	
		Attacher	Awaiting Customer Response			37	301	1022				1360
			Customer Response Overdue				519					519
			Awaiting Make-Ready Payment	612		39			169	556	586	1962
Construction	Pole Owner	Make-Ready Payment Overdue				39			25		64	
		Make-Ready Construction Pending	1166	657					1246		3069	
		Make-Ready	1038	302	626	513	47		6573		9099	
	Attacher	Make-Ready Overdue		432	9	32		516			989	
		Ready To Attach	3922	1000	925	893	237	628	4762	27	16	12410
Post Inspection	Pole Owner	Attachment Extension Approved				290	300				590	
		Attachment Overdue	5285	1489	1007	2416	617		92	6	10912	
		Post Inspection	5409	188	6342	3338	2021	1319	2746		4	21367
True Up	Attacher	Corrections Needed	460		719	218	100				1497	
		True-Up Billing	6	8	5	20		1008			1047	
No Action Needed	Pole Owner	Cancel	721	35	303	182	2105		274		3620	
		Passed Post Inspection	75	19	35	24	9	3558				3720
Grand Total		22073	6252	11413	11072	6430	9682	14729	6569	943	89163	

Exhibit 1

Row Labels	Blue Grass Energy	Clark Energy	Fleming-Mason Energy	Inter-County Energy	Owen Electric	Salt River	Shelby Energy	South Kentucky RECC	Taylor County RECC	Grand Total
Attacher										
Construction		890								890
MR Estimate	612		76	859			556	611		2714
Post Inspection	460		719	218	100					1497
Pre-Draft		168	160	42	3			0		373
Ready to Attach	9207	1599	1932	3599	1154	628	4762	119	22	23022
Survey		39		4	740	721				1504
Both Parties										
Survey	249	110	689		228			797		2073
Pole Owner										
Make Ready	2204	1391	635	545	47	516	6573	1246		13157
MR Estimate	198			24		1191				1413
Post Inspection	5409	188	6342	3338	2021	1319	2746		4	21367
Review for Completeness			20	381				505	334	1240
Survey	2932	1805	497	1836	23	741	92	3017	583	11526
True Up	6	8	5	20		1008				1047
No Action Needed										
Canceled	721	35	303	182	2105			274		3620
Neither										
Completed	75	19	35	24	9	3558				3720
Grand Total	22073	6252	11413	11072	6430	9682	14729	6569	943	89163