

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE)	
PROPOSED POLE ATTACHMENT TARIFFS OF)	CASE NO.
RURAL ELECTRIC COOPERATIVE)	2025-00392
CORPORATIONS)	

ORDER

On November 3, 2025, all of Kentucky’s Rural Electric Cooperatives, (collectively, RECCs), filed amendments to their respective pole attachment tariffs pursuant to 807 KAR 5:015, as amended. The RECCs include: Big Rivers Electric Corporation; Big Sandy Rural Electric Cooperative Corporation; Blue Grass Energy Cooperative Corp.; Clark Energy Cooperative, Inc.; Cumberland Valley Electric, Inc.; Farmers Rural Electric Cooperative Corporation; Fleming-Mason Energy Cooperative, Inc.; Grayson Rural Electric Cooperative Corporation; Inter-County Energy Cooperative Corporation; Jackson Energy Cooperative Corporation; Jackson Purchase Energy Corporation; Kenergy Corp.; Licking Valley Rural Electric Cooperative Corporation; Meade County Rural Electric Cooperative Corporation; Nolin Rural Electric Cooperative Corporation; Owen Electric Cooperative, Inc.; Salt River Electric Cooperative Corp.; Shelby Energy Cooperative, Inc.; South Kentucky Rural Electric Cooperative Corporation; and Taylor County Rural Electric Cooperative Corporation. The RECCs proposed December 3, 2025, as the effective date for their respective tariffs.

The Commission suspended the RECCs' tariffs and initiated this case to determine the reasonableness of the proposed tariffs.¹ The RECCs' suspended tariffs are incorporated by reference herein.² The Kentucky Broadband and Cable Association (KBCA) was made a party to the proceeding.³ No other requests for intervention were received. No party requested a hearing.⁴ This matter is now before the Commission for the decision on the merits.

BACKGROUND

The Commission undertook a carefully considered rulemaking proceeding from 2020 through 2022, which resulted in the adoption of pole attachment regulation, 807 KAR 5:015, which became effective February 1, 2022.⁵ The Commission then opened formal cases in which the Commission required all pole owners to file revised pole

¹ Order (Ky. PSC Dec. 2, 2025) at 1-2.

² Big Rivers Electric Corporation TFS2025-00493; Big Sandy Rural Electric Cooperative Corporation TFS2025-00501; Blue Grass Energy Cooperative Corp. TFS2025-00477; Clark Energy Cooperative, Inc. TFS2025-00485; Cumberland Valley Electric, Inc. TFS2025-00492; Farmers Rural Electric Cooperative Corporation TFS2025-00498; Fleming-Mason Energy Cooperative, Inc. TFS2025-00489; Grayson Rural Electric Cooperative Corporation TFS2025-00476; Inter-County Energy Cooperative Corporation TFS2025-00478; Jackson Energy Cooperative Corporation TFS2025-00488; Jackson Purchase Energy Corporation TFS2025-00494; Kenergy Corp. TFS2025-00490; Licking Valley Rural Electric Cooperative Corporation TFS2025-00480; Meade County Rural Electric Cooperative Corporation TFS2025-00458; Nolin Rural Electric Cooperative Corporation TFS2025-00495; Owen Electric Cooperative, Inc. TFS2025-00496; Salt River Electric Cooperative Corp. TFS2025-00487; Shelby Energy Cooperative, Inc. TFS2025-00486; South Kentucky Rural Electric Cooperative Corporation TFS2025-00468; and Taylor County Rural Electric Cooperative Corporation TFS2025-00464.

³ Order (Ky. PSC Dec. 2, 2025) at 2.

⁴ Order (Ky. PSC Dec. 2, 2025), Appendix, Procedural Schedule. In its Order the Commission directed any party or any intervenor to request a hearing or that the case be submitted for decision based on the record no later than Apr. 17, 2026. Kentucky's Rural Electric Cooperatives (RECC's) tendered a Request to Submit on the Record on Apr. 17, 2026. Kentucky Broadband and Cable Association (KBCA) submitted a Statement on Hearing on Apr. 17, 2026, stating KBCA's belief that the record was sufficient for the Commission to rule on its objections, but should the Commission seek additional information through an evidentiary hearing, KBCA would be pleased to appear to present evidence and argument.

⁵ Case No. 2022-00064, *Electronic Investigation of Pole Attachment Tariffs Pursuant to 807 KAR 5:015, Section 3* (Ky. PSC Mar. 2, 2022).

attachment tariffs to conform with the new regulation.⁶ After federal regulations regarding the extension of broadband services, the Commission initiated a proceeding to identify issues that might be addressed through changes in the regulations, rules, or tariffs governing pole attachments, which initially resulted in the promulgation of 807 KAR 5:015E (Emergency Regulation).⁷ The Emergency Regulation was replaced by the current Regulation, which required tariffs consistent with the ordinary regulation to be filed on or before November 3, 2025, with an effective date no later than December 3, 2025.⁸ The Commission initiated this proceeding to determine the reasonableness of the most recent revisions to the RECCs' pole attachment tariffs and ensure compliance with the final version of 807 KAR 5:015, which became effective on September 18, 2025.

On December 23, 2025, KBCA filed objections to the RECCs' tariffs arguing each one violates 807 KAR 5:015. Specifically, KBCA raised the following objections to the tariffs:

1. KBCA objected to the RECC's tariffs to the extent that they require an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, pursuant to 807 KAR 5:015, Section 4(2)(a)(5).
2. KBCA objected to the RECC's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis, pursuant to 807 KAR 5:015, Section 4(2)(a)(5).

⁶ Case No. 2022-00105, *Electronic Investigation of the Proposed Pole Attachment Tariffs of Investor Owned Electric Utilities* (Ky. PSC Mar. 30, 2022); Case No. 2022-00106, *Electronic Investigation of the Proposed Pole Attachment Tariffs of Rural Electric Cooperative Corporations* (Ky. PSC Mar. 30, 2022); Case No. 2022-00107, *Electronic Investigation of the Proposed Pole Attachment Tariffs of Rural Local Exchange Carriers* (Ky. PSC Mar. 30, 2022); and Case No. 2022-00108, *Electronic Investigation of the Proposed Pole Attachment Tariffs of Incumbent Local Exchange Carriers* (Ky. PSC Mar. 30, 2022).

⁷ Case No. 2023-00416, *Electronic Investigation of Pole Attachments* (Ky. PSC Dec. 14, 2023).

⁸ 807 KAR 5:015, Section 3(8) (effective Sept. 18, 2025).

3. KBCA alleged that various RECC websites do not appear to contain the form specified in 807 KAR 5:015 Section 3(5).⁹

4. KBCA alleged that Shelby Energy Cooperative, Inc.'s tariff contained the following provision, which KBCA objected to: "... or (ii) upon Cooperative's receipt of three (3) separate Applications averaging one thousand (1000) Poles or one percent (1%) of Cooperative's Poles in Kentucky for any three (3) months over a five (5) month period." KBCA argued the portion of the definition that refers to three applications averaging 1000 poles or 1% of the Cooperative's poles for any 3 months over a 5 month period was previously removed from the Commission's regulations and is inconsistent with 807 KAR 5:015, Section 4(8)(d).¹⁰

On January 9, 2026, the RECCs filed a response in opposition to the KBCA's objections to the pole attachment tariffs.¹¹ On April 17, 2026, the RECCs requested that the case be submitted for decision on the existing record.¹² Also on April 17, 2026, KBCA submitted a Statement on Hearing, requesting that the Commission rule on its objections and require the RECCs to comply to the new pole attachment regulations.¹³ In addition, KBCA proffered that should the Commission seek additional information through an evidentiary hearing, KBCA would be pleased to appear to present evidence.¹⁴ Having

⁹ The RECC's in question include Cumberland Valley Electric, Inc., Grayson Rural Electric Cooperative Corporation, Licking Valley Rural Electric Cooperative Corporation, Meade County Rural Electric Cooperative Corporation, Nolin Rural Electric Cooperative Corporation, Owen Electric Cooperative, Inc., and Shelby Energy Cooperative, Inc.

¹⁰ KBCA Objections to Kentucky Tariffs (filed Dec. 23, 2025). This is a joint filing with the Kentucky RECC's, Louisville Gas and Electric Company, and Kentucky Utilities Company.

¹¹ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs (filed Jan. 9, 2026).

¹² RECCs Request of Case Submitted for Decision (filed Apr. 17, 2026).

¹³ KBCA Statement Regarding Hearing (filed Apr. 17, 2026), at 1.

¹⁴ KBCA Statement Regarding Hearing, at 2.

reviewed the filing submitted by the RECCs and KBCA, the Commission finds this matter ripe for a decision on the record.

DISCUSSION AND FINDINGS

Certification from a Professional Engineer

With regard to the RECCs' tariffs, KBCA argued that the tariffs require an engineering certification to submit a pole attachment application, while the Commission's regulations prohibit utilities from requiring a survey or pole loading analysis as part of an application pursuant to 807 KAR 5:015, Section 4(2)(a)(5).¹⁵

The RECCs contended that either the attacher or the RECC, at the attachers' option, may perform the required engineering.¹⁶ According to the RECCs, two paragraphs in the RECCs' tariffs address this issue. The first paragraph in question reads:

Licensee's Attachment Permit application must be signed and sealed by a professional engineer, registered in the State of Kentucky, certifying that Licensee's aerial cable design fully complies with the NESC and [Cooperative's] Construction Standards and any other applicable federal, state or local codes and/or requirements, or Licensee will pay Cooperative for actual costs for necessary engineering and post-construction inspection and to ensure Licensee's design fully complies with the NESC and Electric Utility's Construction Standards and any other applicable federal, state or local codes and/or requirements.¹⁷

¹⁵ KBCA Statement Regarding Hearing, at 5.

¹⁶ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 5.

¹⁷ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 5.

The second paragraph of the RECCs' tariffs provides that the engineering referenced in the first paragraph must include confirmation "that the design is in accordance with pole strength requirements of the National Electrical Safety Code (NESC), taking into account the effects of Cooperative's facilities and other Attaching Entities' facilities that exist on the poles without regard to the condition of the existing facilities."¹⁸ The RECCs argued that, when read in concert with each other, the paragraphs provide that the entity performing the engineering shall be responsible for ensuring that the design complies with NESC pole strength requirements, not that the attacher is required to submit pole-loading analyses.¹⁹

The Commission notes that attachers or their contractors are being granted access to facilities that play a key role in ensuring that the citizens of Kentucky have access to safe and reliable energy, as such, concerns about whether attachments comply with applicable standards or will negatively affect poles and related equipment are reasonable.

After consideration of the record and the arguments of the parties, the Commission finds that the RECCs' tariffs concerning certification from a professional engineer are reasonable. In a manner consistent with Section 4 of the 807 KAR 5:015, the tariffs do not require pole attachers to submit a pole-loading analysis as a filing requirement, because it gives attachers the option of requesting the RECC perform the required engineering. The Commission also holds that whomever performs the engineering on

¹⁸ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 5.

¹⁹ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 5-6.

any poles, whether the attacher or the RECC, shall be responsible for ensuring that the design complies with NESC requirements.

Pole Attachment Request Form

In addition, KBCA argued that an application form in the RECC's tariffs appears to require the attacher to submit certification from a professional engineer or a pole loading analysis as part of its application, including implicitly requiring those certifications by requiring an attacher to identify poles that need to be replaced or rearranged, in violation of 807 KAR 5:015 Section 4(2)(a)(5) and as depicted in a form attached as the Appendix to this Order.²⁰

The RECCs responded that the plain language of the form in the Appendix does not require attachers to submit documents addressing rearrangement of facilities or replacement of poles.²¹ In addition, the RECCs maintained that where an attacher chooses to submit a survey with the application, the checkbox provides a means for the attacher to alert the pole owner that it attached documentation to the application addressing rearrangements or pole replacements that might be necessitated by the attachments.²²

Following review of the arguments, the evidence of record and the form, the Commission finds that the provided checkboxes on the form in the Attachment, attached as Appendix A to this Order, do not require certification from a professional engineer, but

²⁰ KBCA Statement Regarding Hearing at 5.

²¹ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 6.

²² RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 6.

will allow attachers to notify the pole owners of issues that can be identified and remedied in order to expedite the application and ultimate roll-out process. Therefore, the Commission finds that the RECC's application form is reasonable and does not require pole attachers to submit certification from a professional engineer.

Required Website Information

KBCA argued that the websites of seven RECCs did not appear to contain the form specified in 807 KAR 5:015, Section 3(5)²³, and incorporated the objections regarding six RECCs in its Statement on Hearing, while noting that the link for Nolin Rural Electric Cooperative Corporation is password protected and therefore inaccessible.²⁴

The RECCs noted that the KBCA's objection is not due to the tariffs but to the contents of certain websites, and therefore, the objection is not grounds to find the tariffs unjust or unreasonable.²⁵ To prevent any difficulty locating the required forms, the RECCs provided URLs for those cooperatives identified by KBCA.²⁶ The RECCs did not address the claim that Nolin Rural Electric Cooperative Corporation's link is inaccessible because it is password protected.

The Commission notes that because KBCA opted to file additional objections in lieu of a request for a hearing according to Commission order, the RECCs did not have an opportunity to address KBCA's arguments in their entirety. Upon review of the website URLs provided by the RECCs for those cooperatives identified by KBCA, the Commission

²³ KBCA Objections to Kentucky Tariffs at 3, 4, 10, 11, and 12.

²⁴ KBCA Statement Regarding Hearing at 4, footnote 4.

²⁵ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 7.

²⁶ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 7.

finds that the websites of six RECCs are accessible and contain the material specified in 807 KAR 5:015, Section 3(5); however, Nolin Rural Electric Cooperative Corporation's link to Pole Attachments is password protected for members only.²⁷

The Commission agrees with KBCA that Nolin Rural Electric Cooperative Corporation should revise the Pole Attachment link on its website. The Commission finds that removing the protected status of attachment information is necessary since not all attachers will be members of Nolin Rural Electric Cooperative Corporation, and requesting a password may slow down the processing of applications. Nolin Rural Electric Cooperative Corporation shall have 20 days from the issuance of this Order to correct the protected status of the Pole Attachment link on their website.

Inconsistent Tariff Language

KBCA argued that Shelby Energy Cooperative, Inc.'s tariff contained the following provision, which KBCA objected to: "... or (ii) upon Cooperative's receipt of three (3) separate Applications averaging one thousand (1000) Poles or one percent (1%) of Cooperative's Poles in Kentucky for any three (3) months over a five (5) month period."²⁸ KBCA stated that the portion of the definition that refers to three applications averaging 1,000 poles or 1 percent of the Cooperative's poles for any three months over a five month period was previously removed from the Commission's regulations and is inconsistent with 807 KAR 5:015 Section 4(8)(d).

²⁷ <https://nolinrecc.com/poleattachments/>, last visited May 26, 2026.

²⁸ KBCA Objections to Kentucky Tariffs at 12.

The RECCs addressed the objection in Shelby Energy Cooperative, Inc.'s tariff, and stated that the aforementioned language was applicable under a previous iteration of the regulation, and noted that the language will be removed.²⁹

In its Statement on Hearing, KBCA again objected to Shelby Energy Cooperative, Inc. incorporating terms the Commission previously rejected in its rulemaking³⁰, and stated the Commission should require Shelby Energy Cooperative, Inc. to remove from its tariff the special contract language the Commission removed from its regulations, in addition to stating that the RECCs do not address and therefore do not oppose.³¹

The Commission finds that the response from the RECCs that the language used in Shelby Energy Cooperative, Inc.'s tariff, that was applicable under a previous iteration of the Regulation, should be removed, to be reasonable and that it resolves KBCA's objections to the same.

IT IS THEREFORE ORDERED that:

1. The RECC's proposed pole attachment tariffs, revised as discussed herein, are approved for service rendered on and after the date of this Order.
2. Within 20 days, Nolin Rural Electric Cooperative Corporation shall revise the Pole Attachment link on its website to remove the protected status of attachment information.
3. Within 30 days of the date of service of this Order, each individual RECC shall file with the Commission their proposed tariffs, revised as discussed herein, setting

²⁹ RECC's Response in Opposition to the KBCA's Objections to the Cooperative Pole Attachment Tariffs at 2, footnote 3.

³⁰ KBCA Statement Regarding Hearing at 3, footnote 2.

³¹ KBCA Statement Regarding Hearing at 6.

out the terms approved herein, and reflecting that they were approved pursuant to this Order.

4. As discussed above, the RECCs' suspended tariffs are incorporated by reference herein.

5. This case is closed and removed from the Commissions docket.

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Entered on this 2nd day of July, 2026.

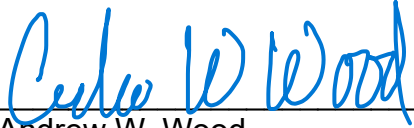
PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Case No. 2025-00392

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00392 DATED JUL 2 2026

ONE PAGE TO FOLLOW

APPENDIX A - REQUEST TO ATTACH/MODIFY ATTACHMENTS TO POLES

Licensee Job # _____ (to be completed by Licensee)

Cooperative Work Order # _____ (to be completed by Cooperative)

SECTION 1 - REQUEST FOR APPROVAL TO PLACE ATTACHMENTS ON A POLE (to be completed by Licensee)

Company		Poles with Attachments (specify quantity)	Added	
Project			Removed	
Request Date		Estimated Construction	Overlashed	
Name			Modified	
Title		Fees Submitted:	Start	
Phone			Application	
Email			Other	
Signature:				
One Touch Make-Ready? (Yes or No)			<i>If yes, please attach section 3 (OTMR addendum)</i>	
Make Ready Anticipated? (Yes or No)				

Location of Attachment Request (Street Address and Coordinates (Lat, Long)):

Checklist of Attached Documents (Containing Licensee Job #):

- Appendix A- OTMR Addendum selected contractors (if appl)
- Permit Submittal Pole Attachment Form
- Detailed construction plans, drawings, and maps consistent with Appendix B
- Spreadsheet, containing the following:
- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Poles that we wish to use (number, Lat, Long) | <input type="checkbox"/> Relocations or replacements of poles |
| <input type="checkbox"/> Point of attachment (proposed height) on each pole | <input type="checkbox"/> Rearrangements of fixtures and equipment necessary |
| <input type="checkbox"/> Number and type of attachments to be placed on each pole (including anchor type and distance) | <input type="checkbox"/> Additional poles required |

The included information represents our proposed facilities. Any changes will be submitted to Cooperative for approval prior to construction. The Licensee will obtain all authorizations, permits, and approvals from all Municipal, State, and Federal authorities for the Licensee's proposed service and all easements, licenses, rights-of-way and permits necessary for the proposed use of these poles.

SECTION 2 - APPROVAL/DENIAL OF REQUEST (to be completed by Cooperative)

Response Date		Utility Make Ready Construction Required		
Name		Total Estimated Cost to		
Title		Licensee (Detailed invoice to		
Phone		Permit #		
Email				
Request Response	Approve		If denied, reason for	
	Deny			
Signature:				

Owner hereby grants License to Licensee to make Attachments as described above, subject to the terms and conditions of the Tariff.

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