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Via E-Mail (jeb.pinney@ky.gov)

J.E.B. Pinney, Esq.
Executive Advisor
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

Re: *Written Comments on Emergency Pole Attachment Regulation, 807 KAR 5:015E*

Dear Mr. Pinney:

This firm is legal counsel to Kentucky Electric Cooperatives. The purpose of this letter is to provide the written comments of Kentucky's electric cooperatives (the "Cooperatives")¹ regarding the Commission's latest iteration of the emergency pole attachment regulation, 807 KAR 5:015E, filed February 25, 2025.

In short, the Cooperatives respectfully request that the Commission maintain the emergency regulation as presently drafted until the parties accumulate a sufficient operational experience with the regulation to inform the refinements, if any, that may be appropriate in the future.

First, the Cooperatives once again thank the Commission for its delicate work supporting the proliferation of broadband service to long unserved areas of the Commonwealth while simultaneously protecting the safety, reliability, and affordability of electric service. Since the Commission first announced the promulgation of a new pole attachment regulation in February of 2020, some broadband providers have spoken frequently about the great volumes of attachment

¹ The following electric cooperatives are jurisdictional utilities with respect to pole attachments: Big Rivers Electric Corporation; Big Sandy RECC; Blue Grass Energy Cooperative Corporation; Clark Energy Cooperative, Inc.; Cumberland Valley Electric, Inc.; East Kentucky Power Cooperative, Inc.; Farmers RECC; Fleming-Mason Energy Cooperative; Grayson RECC; Inter-County Energy Cooperative Corporation; Jackson Energy Cooperative Corporation; Jackson Purchase Energy Corporation; Kenenergy Corporation; Licking Valley RECC; Meade County RECC; Nolin RECC; Owen Electric Cooperative; Salt River Electric Cooperative Corporation; Shelby Energy Cooperative, Inc.; South Kentucky RECC; and Taylor County RECC. Although these written comments speak on behalf of the group's common interests, each cooperative reserves the right to also address issues on an individual basis.

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applications that would soon be forthcoming to the Cooperatives. Yet, the Cooperatives' experience "on the ground" has not generally borne that out until only very recently.

With some broadband providers now beginning in earnest to expand their facilities to Cooperative territories, the parties will finally have a chance to put the regulation to work. The long-promised attachment requests are beginning to appear, and the Cooperatives have begun working diligently to process those requests consistent with the requirements of the regulation.

Certainly, the work can be difficult. Many attachers continue to struggle with issues like providing adequate advance notice, with application quality, with safe construction practices and code conformance, with contractor oversight, with timely notification of attachment, and with payment, as has been discussed in many prior informal conferences and filings. The Cooperatives, for their part, continue to be concerned about contractor availability, the challenge of the existing regulatory timeframes, and the heightened threshold for special contracts. Furthermore, all of these regulatory challenges must be addressed against what seems like a growing prevalence of natural disasters, which further strains the Cooperatives' engineering and operational resources through storm recovery and mutual aid efforts.

Still, the Cooperatives remain focused on working diligently both to meet the standards of the regulation and to solve challenges through ongoing communication with attachers. Until the parties can accumulate a meaningful amount of operational experience under the new regulation, however, the Cooperatives believe that it is premature to make additional amendments to it. The Cooperatives' experience with the incoming volume of attachments may eventually provide additional insights valuable to this process, but that moment is not yet present.

For all these reasons, the Cooperatives urge the Commission to refrain from further amendments to the emergency regulation.

The Cooperatives appreciate this opportunity to provide these written comments and thank the Commission for its continued attention to the facilitation of statewide broadband access while ensuring electric system safety, reliability, and affordability.

Sincerely yours,

DINSMORE & SHOHL LLP

/s/ Edward T. Depp

Edward T. Depp

Cc: Christopher S. Perry
M. Evan Buckley, Esq.
Holly C. Wallace, Esq.