

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of

THE CATV POLE ATTACHMENT	)	
TARIFF OF BALLARD RURAL	)	ADMINISTRATIVE
TELEPHONE COOPERATIVE	)	CASE NO. 251-2
CORPORATION, INC.	)	

O R D E R

Procedural Background

On September 17, 1982, the Commission issued an Amended Order in Administrative Case No. 251, "The Adoption of a Standard Methodology for Establishing Rates for CATV Pole Attachments," and ordered electric and telephone utilities providing or proposing to provide CATV pole attachments to file tariffs conforming with the principles and findings of the Order on or before November 1, 1982.

On October 27, 1982, Ballard Rural Telephone Cooperative Corporation, Inc., ("Ballard") filed rates, rules, and regulations governing CATV pole attachments. On November 15, 1982, the Commission suspended Ballard's CATV pole attachment tariff to allow the maximum statutory time for investigation and comment from interested persons.

On November 19, 1982, the Kentucky Cable Television Association, Inc., ("KCTA") requested and was granted leave to intervene and comment on Ballard's CATV pole attachment tariff. On January 17, 1983, KCTA filed a statement of objections to various CATV pole attachment tariffs, including Ballard's tariff.

The Commission considers the matter of Ballard's CATV pole attachment tariff submitted for final determination.

Findings

The Commission, having considered the evidence of record and being advised, is of the opinion and finds that:

1. KCTA's objection to Ballard's regulation concerning the establishment of CATV pole attachments is reasonable. The Commission advises Ballard that a CATV operator is not a joint user. A CATV operator is a customer. Moreover, as a customer, a CATV operator cannot be required to execute a contractual agreement. The CATV pole attachment tariff should be filed in sufficient detail to govern the relationship between Ballard and a CATV operator. Also, the Commission advises Ballard that the service requirements of a CATV operator cannot be subordinated to the service requirements of other customers. If pole attachment space is available or can be made available, then Ballard cannot deny service to a CATV operator.

2. KCTA's objection to Ballard's failure to file a 3 user rate is reasonable and is addressed in another finding.

3. Ballard's rules and regulations governing CATV pole attachments do not conform with the principles and findings of the Commission's Amended Order in Administrative Case No. 251, and should be denied.

4. Ballard did not file a rate, rule or regulation governing CATV anchor attachments. The Commission advises Ballard that it is not required to provide CATV anchor attachments. However, in the event Ballard provides or plans to provide CATV anchor attachments, it should file a CATV anchor attachment rate, along with appropriate cost information.

5. Ballard did not file a rate, rule or regulation governing CATV conduit usage. The Commission advises Ballard that in the event it provides or plans to provide CATV conduit space, it should file a CATV conduit usage rate, along with appropriate cost information.

6. Ballard failed to provide sufficient information to verify its calculations of embedded pole cost. Therefore, Ballard should file information from plant records or another reliable source showing the number of 30-foot, 35-foot, 40-foot, and 45-foot poles in service, and related pole investment. The information should be classified according to vintage year. Also, any discrepancy between the total number of poles shown in the calculations of embedded pole cost and the total number of poles shown in the 1981 Annual Report should be explained.

7. Ballard's calculation of its annual carrying charge should be modified as follows:

(a) The cost of money component should be deleted in lieu of a rate of return that includes the cost of debt.

(b) The taxes component should be 2.43 percent, as calculated from the 1981 Annual Report.

(c) The administration and overhead should be 7.80 percent, as calculated from the 1981 Annual Report.

(d) The maintenance component should be 2.84 percent, as calculated from the 1981 Annual Report. The maintenance component should be based on the most recent available information. It should not be calculated as a 5-year average or inflated.

(e) The rate of return component should be 5.25 percent, which is 1.5 times Ballard's cost of debt, as calculated from the 1981 Annual Report. The rate of return component should be based on the 1981 Annual

Report, because Ballard has not had a rate case before the Commission in the recent past in which a rate of return was authorized.

(f) The total annual carrying charge should be 23.32 percent, based on calculations from the 1981 Annual Report.

8. Ballard should be allowed to substitute 1982 Annual Report information to adjust its annual carrying charge, if the information is available and filed with the Commission. Furthermore, any adjusted calculation of the annual carrying charge should be made as outlined in Attachment 1 to this Order, unless a specific deviation is requested and reasonable cause demonstrated.

#### Orders

IT IS THEREFORE ORDERED that Ballard's CATV pole attachment tariff as filed with the Commission on October 27, 1982, be and it hereby is denied.

IT IS FURTHER ORDERED that Ballard shall file revised rates, rules, and regulations governing CATV pole attachments with the Commission within 30 days from the date of this Order, and that the revised rates, rules, and regulations shall conform with the findings of this Order.

IT IS FURTHER ORDERED that Ballard shall file information as outlined in this Order concerning embedded pole cost, at the same time it files its revised rates, rules, and regulations.

Done at Frankfort, Kentucky, this 31st day of March, 1983.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary

Attachment 1

CATV Annual Carrying Charge

The annual carrying charge should be based on the 1981 or 1982 Annual Report, Form M, to the Public Service Commission of Kentucky, and Commission Orders, as follows:

1. Depreciation

Depreciation on pole lines is stated at Page 31, Line 7, Column (d).

2. Taxes

The formula for calculating taxes is:

$\frac{\text{Page 16, Lines 6 + 7, Column (b)}}{\text{Page 12, Line 10, Column (b)}}$

3. Administration and Overhead

The formula for calculating administration and overhead is:

$\frac{\text{Page 61, Lines 36 + 45 + 51 + 61, Column (b)}}{\text{Page 12, Line 10, Column (b + c)}}$   
2

4. Maintenance

The formula for calculating maintenance is:

$\frac{\text{Page 60, Line 1, Column (b)}}{\text{Page 19, Line 11, Column (b + h)}}$   
2

5. The formula for calculating rate of return is:

$1.5 \times \frac{\text{Page 16, Lines 23 + 24, Column (b)}}{\text{Page 13, Line 62, Column (b + c)}}$   
2