

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 1)** Produce all pole attachment agreements, joint use agreements, and pole
2 license agreements between you and all pole users dated on or after April 26, 1982.

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that it is not
6 reasonably calculated to lead to the discovery of relevant and admissible evidence.
7 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

8 Please see Pennyrile's responses to KCTA 1-6 and KCTA 1-16.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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1 **Item 2)** *Identify specifically any agreement responsive to Request Number 2-1*
2 *that the TVA explicitly approved.*

3

4 **Response)** Pennyrile objects to this request on the grounds that the phrase “explicitly
5 approved” is unduly vague and ambiguous. Pennyrile also objects to this request on the
6 grounds that it is not reasonably calculated to lead to the discovery of relevant and
7 admissible evidence. Notwithstanding these objections, but without waiving them,
8 Pennyrile states as follows.

9 As Pennyrile understands the phrase, no pole attachment agreements are
10 “explicitly approved” by the TVA.

11

12 **Witness)** Eston Glover

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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 3)** *For all agreements identified in response to Request 2-2, please produce*
2 *all documents reflecting TVA's approval of these agreements.*

3

4 **Response)** Please see Pennyrile's responses to KCTA 1-3 and KCTA 2-2.

5

6 **Witness)** Eston Glover

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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 4)** *Did you consult with TVA prior to entering any agreement identified in*
2 *response to Request 2-1?*

3

4 **Response)** Pennyrile objects to this request on the grounds that the word "consult" is
5 unduly vague and ambiguous. Notwithstanding this objection, but without waiving it,
6 Pennyrile states as follows.

7 Please see Pennyrile's response to KCTA 2-2.

8

9 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's First Requests for Information
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December 23, 2013

1 **Item 5)** *If the answer to Request 2-4 is affirmative, identify all oral*
2 *communications with TVA and produce all documents reflecting your consultation*
3 *with TVA prior to entering these agreements.*

4
5 **Response)** Pennyrile objects to this request on the grounds that the word
6 "consultation" is unduly vague and ambiguous. Notwithstanding this objection, but
7 without waiving it, Pennyrile states as follows.

8 Please see Pennyrile's responses to KCTA 2-2 and KCTA 2-4.

9
10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's First Requests for Information
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December 23, 2013

1 **Item 6)** Did TVA explicitly approve your March 8, 2010 Joint Use Agreement
2 with BellSouth Telecommunications, Inc.?

3

4 **Response)** Pennyrile objects to this request on the grounds that the phrase "explicitly
5 approve" is unduly vague and ambiguous. Pennyrile also objects to this request on the
6 grounds that it is not reasonably calculated to lead to the discovery of relevant and
7 admissible evidence. Notwithstanding these objections, but without waiving them,
8 Pennyrile states as follows.

9 Please see Pennyrile's responses to KCTA 2-2 and KCTA 2-4.

10

11 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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1 **Item 7)** *If the answer to Request 2-6 is affirmative, please produce all documents*
2 *reflecting TVA's approval of the March 22, 2010 Joint Use Agreement with BellSouth*
3 *Telecommunications, Inc.*

4

5 **Response)** Please see Pennyrile's response to KCTA 2-6.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 8)** *Did you consult with TVA regarding your March 8, 2010 Joint Use*
2 *Agreement with BellSouth Telecommunications, Inc. prior to entering the contract?*

3

4 **Response)** Pennyrile objects to this request on the grounds that the word "consult" is
5 unduly vague and ambiguous. Notwithstanding this objection, but without waiving it,
6 Pennyrile states as follows.

7 Please see Pennyrile's response to KCTA 2-6.

8

9 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 9)** *If the answer to Request 2-8 is affirmative, please identify all*
2 *communications and produce all documents reflecting your consultation with TVA*
3 *before you entered the March 8, 2010 Joint Use Agreement with BellSouth*
4 *Telecommunications, Inc.*

5

6 **Response)** Pennyrile objects to this request on the grounds that the word
7 "consultation" is unduly vague and ambiguous. Notwithstanding this objection, but
8 without waiving it, Pennyrile states as follows.

9 Please see Pennyrile's responses to KCTA 2-6 and KCTA 2-8.

10

11 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 10)** *Produce all agreements between you and TVA, including but not limited*
2 *to any agreement that extends, amends, or otherwise replaces the 1982 TVA Contract.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that it is not
6 reasonably calculated to lead to the discovery of relevant and admissible evidence.
7 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

8 Please see the attached documents.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 11)** *For each of the last five years, provide your "surplus revenues" as*
2 *defined in Paragraph 6(b) of the TVA Contract.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that the
6 requested data are not readily available. Pennyrile also objects to this request on the
7 grounds that it is not reasonably calculated to lead to the discovery of relevant and
8 admissible evidence.

9

10 **Witness)** Counsel

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 12)** *For each of the last three fiscal years, produce the annual financial*
2 *reports you provided to TVA pursuant to Paragraph 1(c) of the "Schedule of Terms*
3 *and Conditions" of the TVA Contract.*

4
5 **Response)** Pennyrile objects to this request on the grounds that it is not reasonably
6 calculated to lead to the discovery of relevant and admissible evidence. Notwithstanding
7 this objection, but without waiving it, Pennyrile states as follows.

8 Please see the attached documents.

9
10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 13)** *Do you report the revenues you generate from pole attachments to the*
2 *TVA, separate and distinct from the other revenue you generate?*

3

4 **Response)** As prescribed by Form TVA 3957, Pennyrile reports pole attachment
5 revenues as "rent from electric property" along with other rents. Please see Pennyrile's
6 response to KCTA 2-12.

7

8 **Witness)** Eston Glover

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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 14)** *If the answer to Request 2-13 is affirmative, please produce all*
2 *documents reflecting your pole attachment revenue reports to TVA for each of the past*
3 *five years.*

4
5 **Response)** Please see Pennyrile's responses to KCTA 2-12 and KCTA 2-13.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's First Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 15)** *Do you report your pole attachment rates to TVA?*

2

3 **Response)** No. Pennyrile reports its rates and revenues only as required by the TVA.

4

5 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 16)** *If the answer to Request 2-15 is affirmative, please produce all*
2 *documents reflecting your reports to TVA regarding your pole attachment rates for*
3 *each of the past five years.*

4

5 **Response)** Please see Pennyrile's response to KCTA 2-15.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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1 **Item 17)** *Do you report your pole-related costs to TVA?*

2

3 **Response)** Pole-related costs are captured as part of Pennyrile's reporting of
4 operations, maintenance, and depreciation expenses in its annual reports. Please see
5 Pennyrile's response to KCTA 2-12.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's First Requests for Information
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December 23, 2013

1 **Item 18)** *If the answer to Request 2-17 is affirmative, please produce all*
2 *documents reflecting your reports to TVA regarding your pole-related costs for each of*
3 *the past five years.*

4
5 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
6 unduly burdensome. Notwithstanding this objection, but without waiving it, Pennyrile
7 states as follows.

8 Please see Pennyrile's responses to KCTA 2-12 and KCTA 2-17.

9
10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 19)** *Do you contend that the Commission's regulation of your pole*
2 *attachment rates would result in a situation where you would not be able to operate in*
3 *a self-supporting and financially sound basis?*

4
5 **Response)** Pennyrile objects to this request on the grounds that the phrase "self-
6 supporting and financially sound basis" is unduly vague and ambiguous.
7 Notwithstanding this objection, but without waiving it, Pennyrile states as follows.

8 Pennyrile's position is adequately described in its pleadings.

9
10 **Witness)** Eston Glover

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1 **Item 20)** *If your answer to Request 2-19 is affirmative, please explain fully,*

2 *making reference to all facts known to you supporting that answer.*

3

4 **Response)** Please see Pennyrile's response to KCTA 2-19.

5

6 **Witness)** Eston Glover

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1 **Item 21)** *Do you include revenues from pole attachments in the fund designated*
2 *for "electric operations" as described in Paragraph 1(a) of the "Schedule of Terms and*
3 *Conditions" of the TVA Contract?*

4

5 **Response)** Pennyrile includes revenues from pole attachments in a separate fund.

6

7 **Witness)** Eston Glover

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1 **Item 22)** *Do you use property “jointly for the electric system and other*
2 *operations” as provided by Paragraph 1(a) of the “Schedule of Terms and Conditions”*
3 *of the TVA Contract?*

4
5 **Response)** Yes.

6
7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 23)** *If your answer to Request 2-22 is affirmative, have you and TVA entered*
2 *into an agreement as to the appropriate allocations of joint investments, salaries and*
3 *other expenses, funds, or use of property or facilities?*

4

5 **Response)** Please see Pennyrile's response to KCTA 1-17.

6

7 **Witness)** Eston Glover

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1 **Item 24)** *If your answer to Request 2-23 is affirmative, please explain the*
2 *agreement as to the appropriate allocations and produce all documents relating to that*
3 *allocation agreement.*

4

5 **Response)** Please see Pennyrile's responses to KCTA 1-17 and KCTA 2-23.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 25)** *Provide the information requested in KCTA's First Request for*
2 *Information Number 20 for each of the years 2010, 2011, and 2012 according to the*
3 *FERC accounting system outlined in 18 C.F.R. Chapter 1.*

4
5 **Response)** Pennyrile objects to this request on the grounds that it is duplicative of
6 KCTA 1-20. Notwithstanding this objection, but without waiving it, Pennyrile states as
7 follows.

8 Please see Pennyrile's response to KCTA 1-20 and the TVA Cooperatives'
9 Response to KCTA's Motion to Compel filed November 27, 2013 in this matter.

10

11 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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1 **Item 26)** *Admit that you have produced all documents responsive to KCTA's First*
2 *Request for Information Number 6, which states, "Produce all documents concerning*
3 *how you ensure a pole attachment rate will provide sufficient revenues to cover the*
4 *costs of providing for the attachments."*

5

6 **Response)** Pennyrile objects to this request on the grounds that the civil rules
7 pertaining to requests for admissions do not apply to data requests in Commission
8 proceedings. Notwithstanding this objection, but without waiving it, Pennyrile states as
9 follows.

10 Please see Pennyrile's response to KCTA 1-6.

11

12 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 27)** *If your answer to Request 2-26 is anything other than an unqualified*
2 *admission, please produce all remaining documents responsive to KCTA's First*
3 *Request for Information Number 6.*

4

5 **Response)** Please see Pennyrile's responses to KCTA 1-6 and KCTA 2-26.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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1 **Item 28)** *Admit that you have produced all documents responsive to KCTA's First*
2 *Request for Information Number 17, which states, "Produce all documents concerning*
3 *any order, directive, contract, or other communication from or by the TVA concerning*
4 *pole attachment rates."*

5

6 **Response)** Pennyrile objects to this request on the grounds that the civil rules
7 pertaining to requests for admissions do not apply to data requests in Commission
8 proceedings. Notwithstanding this objection, but without waiving it, Pennyrile states as
9 follows.

10 Please see Pennyrile's response to KCTA 1-17.

11

12 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's Supplemental Requests for Information
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1 **Item 29)** *If your answer to Request 2-28 is anything other than an unqualified*
2 *admission, please produce all remaining documents responsive to KCTA's First*
3 *Request for Information Number 17.*

4

5 **Response)** Please see Pennyrile's responses to KCTA 1-17 and KCTA 2-28.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 30)** *For your November 14, 2013 response to KCTA's First Request for*
2 *Information Number 17, please identify any and all specific documents and references*
3 *within the produced documents that is an order, directive, contract, or other*
4 *communication from or by the TVA concerning pole attachment rates.*

5

6 **Response)** Pennyrile objects to this request on the grounds that the words "directive"
7 and "communication" are unduly vague and ambiguous given the breadth of the request.
8 Notwithstanding this objection, but without waiving it, Pennyrile states as follows.

9 KCTA is in possession of the documents. Please see Pennyrile's responses to
10 KCTA 1-17, KCTA 2-28, and KCTA 2-29.

11

12 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 31)** *Admit that you have produced all documents responsive to KCTA's First*
2 *Request for Information Number 18 that states, "Identify and produce all*
3 *communications with the TVPPA concerning pole attachment rates."*

4
5 **Response)** Pennyrile objects to this request on the grounds that the civil rules
6 pertaining to requests for admissions do not apply to data requests in Commission
7 proceedings. Notwithstanding this objection, but without waiving it, Pennyrile states as
8 follows.

9 Please see Pennyrile's response to KCTA 1-18.

10

11 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 32)** *If your answer to Request 2-31 is anything other than an unqualified*
2 *admission, please produce all communications between you and the TVPPA relating to*
3 *pole attachment rates within the last five years.*

4

5 **Response)** Please see West Kentucky's responses to KCTA 1-18 and KCTA 2-31.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 33)** *For your November 14, 2013 response to KCTA's Request for*
2 *Information Number 18, please identify any and all specific documents and references*
3 *within the produced documents that is responsive to Request Number 18.*

4
5 **Response)** KCTA is in possession of the documents. The documents are responsive.
6 Please see Pennyrile's responses to KCTA 1-17, KCTA 2-31, and KCTA 2-32.

7
8 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 34)** *Produce all documents reflecting any communication between you and*
2 *the TVA concerning pole attachment revenues or rates from 2000 to present.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that it is
6 duplicative of KCTA 1-16. Notwithstanding these objections, but without waiving them,
7 Pennyrile states as follows.

8 Please see Pennyrile's response to KCTA 1-16.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 35)** *State the total pole attachment revenues you received from licensee*
2 *attachers (i.e., non-joint users) for each of the years 2008 to present.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that it is not
6 reasonably calculated to lead to the discovery of relevant and admissible evidence.

7

8 **Witness)** Counsel

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 36)** *Produce all invoices for pole attachment fees you sent to all pole*
2 *attachers for each of the past three years.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that it is not
6 reasonably calculated to lead to the discovery of relevant and admissible evidence.

7

8 **Witness)** Counsel

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 37)** *Have you, or has anyone on your behalf, ever analyzed what your pole*
2 *attachment rates would be under the Commission's cost-based pole attachment rate*
3 *methodology as set forth in the September 17, 1982 order by the Commission in*
4 *Administrative Case No. 251?*

5

6 **Response)** Pennyrile objects to this request on the grounds that it is not calculated to
7 lead to the discovery of relevant and admissible evidence. Notwithstanding this
8 objection, but without waiving it, Pennyrile states as follows.

9 Pennyrile is not aware of any such analysis.

10

11 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 38)** *If your answer to Request 2-37 is affirmative, please produce all*
2 *documents relating to that analysis.*

3

4 **Response)** Please see Pennyrile's response to KCTA 2-37.

5

6 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 39)** *Have you, or has anyone on your behalf, ever analyzed what your pole*
2 *attachment rates would be under the Federal Communication Commission's pole*
3 *attachment rate methodology used to determine the maximum just and reasonable rate*
4 *under 47 U.S.C. § 224(d)?*

5

6 **Response)** Pennyrile objects to this request on the grounds that it is not reasonably
7 calculated to lead to the discovery of relevant and admissible evidence. Pennyrile also
8 objects to this request on the grounds that cooperatively organized entities are exempt
9 from the 1978 Pole Attachment Act. Notwithstanding this objection, but without waiving
10 it, Pennyrile states as follows.

11 Pennyrile is not aware of any such analysis.

12

13 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's First Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 40)** *If your answer to Request 2-39 is affirmative, please produce all*
2 *documents relating to that analysis.*

3

4 **Response)** Please see Pennyrile's response to KCTA 2-39.

5

6 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's First Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 41)** *Have you, or anyone on your behalf, ever determined if your pole*
2 *attachment rates provide a subsidy to KCTA members?*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is not reasonably
5 calculated to lead to the discovery of relevant and admissible evidence. Notwithstanding
6 this objection, but without waiving it, Pennyrile states as follows.

7 Pennyrile has not alleged that its "pole attachment rates provide a subsidy to
8 KCTA members."

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
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**Response to KCTA's First Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 42)** *If your answer to Request 2-41 is affirmative, please explain the analysis*
2 *and produce all documents relating to that analysis.*

3

4 **Response)** Please see Pennyrile's response to KCTA 2-41.

5

6 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 43)** *Produce your pole rates charged to Bellsouth and any cable entity for*
2 *each of the last ten years.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Notwithstanding this objection, but without waiving it, Pennyrile
6 states as follows.

7 Bellsouth pays the fee provided for by the AT&T Joint Use Agreement. Please
8 see Pennyrile's response to KCTA 1-9.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 44)** *Admit that your responses to KCTA's First Request for Information*
2 *Numbers 1 and 2 contain all the evidence of which you are aware that supports your*
3 *contention that TVA regulates your pole attachment rates.*

4
5 **Response)** Pennyrile objects to this request on the grounds that the civil rules
6 pertaining to requests for admissions do not apply to data requests in Commission
7 proceedings. Pennyrile also objects to this request on the grounds that data requests are
8 not "evidence." Pennyrile also objects to this request on the grounds that the question
9 presented by KCTA is a question of law, which requires no evidence to resolve.
10 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

11 Please see Pennyrile's responses to KCTA 1-1 and KCTA 1-2.

12
13 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 45)** *If your answer to Request 2-44 is anything but an unqualified*
2 *admission, please identify and produce all remaining documents and evidence that*
3 *support your contention.*

4

5 **Response)** Please see Pennyrile's responses to KCTA 1-1, KCTA 1-2, and KCTA 2-
6 44.

7

8 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 46)** Admit that your responses to KCTA's First Request for Information
2 Numbers 1-5 contain all the evidence of which you are aware that supports your
3 contention that the Commission's regulation of your pole attachment rates would conflict
4 with TVA's regulation of your electric rates.

5
6 **Response)** Pennyrile objects to this request on the grounds that the civil rules
7 pertaining to requests for admissions do not apply to data requests in Commission
8 proceedings. Pennyrile also objects to this request on the grounds that data requests are
9 not "evidence." Pennyrile also objects to this request on the grounds that the question
10 presented by KCTA is a question of law, which requires no evidence to resolve.
11 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

12 Please see Pennyrile's response to KCTA 1-5.

13

14 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 47)** *If your answer to Request 2-46 is anything but an unqualified*
2 *admission, please identify and produce all remaining documents and evidence that*
3 *support your contention.*

4

5 **Response)** Please see Pennyrile's responses to KCTA 1-5 and KCTA 2-46.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 48)** Admit that your responses to KCTA's First Request for Information
2 Numbers 1-6 contain all the evidence of which you are aware concerning how you ensure
3 your pole attachment rates will ensure your customers do not subsidize attaching entities.

4
5 **Response)** Pennyrile objects to this request on the grounds that the civil rules
6 pertaining to requests for admissions do not apply to data requests in Commission
7 proceedings. Pennyrile also objects to this request on the grounds that data requests are
8 not "evidence." Pennyrile also objects to this request on the grounds that the question
9 presented by KCTA is a question of law, which requires no evidence to resolve.
10 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

11 Please see Pennyrile's response to KCTA 1-6.

12

13 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
AUTHORITY
CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 49)** *If your answer to Request 2-48 is anything but an unqualified*
2 *admission, please identify and produce all remaining documents and evidence that*
3 *support your contention.*

4

5 **Response)** Please see Pennyrile's response to KCTA 2-48.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
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**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 50)** *Identify each increase or decrease in electric rates set by TVA that has*
2 *resulted from a change in your pole attachment revenues within the last ten years.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that it is not
6 reasonably calculated to lead to the discovery of relevant and admissible evidence.
7 Pennyrile also objects to this request on the grounds that the requested information is not
8 in the custody or control of Pennyrile.

9

10 **Witness)** Counsel

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
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**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 51)** *Do you charge BellSouth for attachments to your secondary poles?*

2

3 **Response)** Yes.

4

5 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

- 1 **Item 52)** *Do you charge any cable entity for attachments to your secondary poles?*
2
3 **Response)** Yes.
4
5 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 53)** *Have you, or has anyone on your behalf, discussed with TVA the*
2 *possibility that someone from TVA may testify on your behalf.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is not reasonably
5 calculated to lead to the discovery of relevant and admissible evidence. Pennyrile also
6 objects to this request on the grounds that it is premature in light of the fact that discovery
7 is ongoing and no decision regarding potential witnesses has been made. Pennyrile will
8 identify its witnesses, if any, in accordance with the Commission's scheduling orders.

9

10 **Witness)** Counsel

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
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CASE NO. 2012-00544**

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 54)** *If your answer to Request 2-53 is affirmative, please identify the people*
2 *involved in each such discussion and the TVA representative who may testify.*

3

4 **Response)** Please see Pennyrile's response to KCTA 2-53.

5

6 **Witness)** Counsel