

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

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)	Case No. 2012-00544
RATES, TERMS, AND CONDITIONS OF)	
COOPERATIVES THAT PURCHASE)	
ELECTRICITY FROM THE TENNESSEE)	
VALLEY AUTHORITY)	

THE TVA COOPERATIVES' SECOND DATA REQUESTS TO KCTA

Hickman-Fulton Counties Rural Electric Cooperative Corporation, Pennyrite Rural Electric Cooperative Corporation, Tri-County Electric Membership Corporation, Warren Rural Electric Cooperative Corporation, and West Kentucky Rural Electric Cooperative Corporation (collectively, the "TVA Cooperatives"), by counsel, and pursuant to the October 10, 2013 procedural order entered by the Commission in this matter, hereby submit these second data requests to the Kentucky Cable Telecommunications Association ("KCTA") to be answered in accordance with the following Definitions and Instructions.

DEFINITIONS

1. Whenever it is necessary to bring within the scope of these data requests documents that otherwise might be construed to be outside their scope:
 - a. the use of "and" as well as "or" shall be construed both disjunctively and conjunctively;
 - b. the use of a word in its singular form shall be construed to include within its meaning its plural form as well, and vice versa;

c. the use of “include” and “including” shall be construed to mean “without limitation”; and

d. the use of a verb in any tense or voice shall be construed as the use of that verb in all other tenses and voices.

2. “Commission” means the Kentucky Public Service Commission.

3. “Document” means any written, recorded, transcribed, printed or impressed matter of whatever kind, however produced, stored or reproduced, including, but not limited to, sound or pictorial recordings, computerized information, books, pamphlets, letters, memoranda, telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes, working papers, handwritings, charts, papers, writings, printings, transcriptions, tapes and records of all kinds. Document includes, without limitation, all workpapers produced by or relied upon by the witness.

4. “FCC” means the Federal Communications Commission.

5. “KCTA,” “you,” or “your” means the Kentucky Cable Telecommunications Association; any member of the KCTA; or the KCTA’s and its members’ agents, officers, directors, employees, and consultants.

6. “Person” includes a natural person, a business organization of any type, an unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

7. “Pole attachment” means any attachment by a provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility.

8. “TVA Cooperatives” collectively means Hickman-Fulton Counties Rural Electric Cooperative Corporation, Pennyrile Rural Electric Cooperative Corporation, Tri-County Electric Membership Corporation, Warren Rural Electric Cooperative Corporation, and West Kentucky

Rural Electric Cooperative Corporation, and “KAEC” refers to the Kentucky Association of Electric Cooperatives and each of the TVA Cooperatives in their individual capacities.

9. “TVA” means the Tennessee Valley Authority.
10. Wherever in these information requests you are asked to “identify,” you are requested:
 - a. when identifying a person, to give such person’s:
 - i. full name,
 - ii. business address, residence address, and telephone number,
 - iii. his or her present or last known position and business affiliation at the time in question, and
 - iv. the nature of such person’s participation in, and the scope of his responsibility with regard to, the facts and events underlying the present case;
 - b. when identifying an oral communication, to:
 - i. identify the author thereof and the parties thereto,
 - ii. state the date of the communication,
 - iii. state the place of the communication,
 - iv. state the substance of the communication, and
 - v. state whether such communication has been reduced to writing and, if so, identify each document and the present custodian thereof;
 - c. when identifying other information, to state:
 - i. the source thereof,
 - ii. any oral communications pertaining thereto,

- iii. any documents pertaining thereto, and
 - iv. the substance of the information;
- d. when identifying a document, to:
- i. identify the author thereof and the parties thereto,
 - ii. state its title or other identifying data,
 - iii. state the date of the document or if no date appears thereon, the approximate date,
 - iv. state the exact nature and substance thereof;
 - v. identify each person having possession, care, custody or control of the original and any copies thereof; and
 - vi. if such document was, but no longer is, in your possession or subject to your control, state what disposition was made of it.

INSTRUCTIONS

1. If any document called for by any of these data requests is withheld based upon a claim of privilege or work product, please produce so much of the document as to which you do not claim privilege or protection, and for each document or part of a document for which you claim privilege or protection, describe or identify:

- a. The nature, subject matter and substance of the document or part of the document withheld;
- b. The nature of the privilege or protection claimed;
- c. The date, author or authors, addressee or addressees, and distribution of the document;

- d. Each person in whose possession, custody or control any copy of the document is or has been; and
- e. Paragraph number of the schedule of documents to which the document or part of the document is responsive.

2. If, for reasons other than a claim of privilege or work product, you refuse to answer any data request or to produce any document requested, state the grounds upon which the refusal is based with sufficient specificity to permit a determination of the propriety of such refusal.

3. If any copy of any document requested herein or any record which refers or relates to any document requested herein has been destroyed or lost, set forth to the extent possible the content of each such document, the date such document and its copies were destroyed or lost and, if destroyed, the identity of the person authorizing such destruction, and the identity of the last known custodian of such document prior to its destruction.

4. These data requests shall be deemed continuing and you should serve upon the TVA Cooperatives' counsel (1) supplemental responses to these data requests if additional information or information that changes your response to any data request is obtained during the course of this proceeding, and (2) any documents requested herein that become available or that are discovered after the date your responses to these data requests are due.

DATA REQUESTS

1. Please refer to KCTA's response to Item 51 of the TVA Cooperatives' First Data Requests. Please state whether or not the TVA has responded to KCTA's October 24, 2013 Freedom of Information Act request.

2. Please refer to the previous Item. If the TVA has responded to KCTA's October 24, 2013 Freedom of Information Act request, please produce all documents obtained from the TVA and all additional communications related to that request.

3. Please produce all communications between KCTA and the FCC regarding the issues presented in this case.

Respectfully submitted,

/s/ Edward T. Depp

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