

HICKMAN-FULTON COUNTIES 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 agreements between you and the TVA, including but not*
2 *limited to "Power Contract TV-50871A" dated February 13, 1979.*

3

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

7 Please see the attached documents.

8

9 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 2)** *Produce all pole attachment agreements, joint use agreements, and pole*
2 *license agreements between you and all pole users dated on or after February 13, 1979.*

3

4 **Response)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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 Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's responses to KCTA 1-6 and KCTA 1-16.

10

11 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION**

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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**Response to KCTA's Supplemental Requests for Information
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1 **Item 3)** *Identify specifically any agreement responsive to Request Number 2-2*
2 *that the TVA explicitly approved.*

3

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

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

11

12 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 4)** *For all agreements identified in response to Request 2-3, please produce*
2 *all documents reflecting TVA's approval of these agreements.*

3

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

5

6 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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1 **Item 5)** *Did you consult with TVA prior to entering any agreement identified in*
2 *response to Request 2-2?*

3

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

7 Please see Hickman-Fulton's response to KCTA 2-3.

8

9 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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**Response to KCTA's Supplemental Requests for Information
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1 **Item 6)** *If the answer to Request 2-5 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)** Hickman-Fulton 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, Hickman-Fulton states as follows.

8 Please see Hickman-Fulton's responses to KCTA 2-3 and KCTA 2-5.

9

10 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 7)** *Did TVA explicitly approve your March 2010 Joint Use Agreement with*
2 *BellSouth Telecommunications, Inc.?*

3

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

9 Please see Hickman-Fulton's response to KCTA 2-3 and KCTA 2-5.

10

11 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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- 1 **Item 8)** *If the answer to Request 2-7 is affirmative, please produce all documents*
2 *reflecting TVA's approval of the March 2010 Joint Use Agreement with BellSouth*
3 *Telecommunications, Inc.*
4
5 **Response)** Please see Hickman-Fulton's responses to KCTA 2-3 and KCTA 2-7.
6
7 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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1 **Item 9)** *Did you consult with TVA regarding your March 2010 Joint Use*
2 *Agreement with BellSouth Telecommunications, Inc. prior to entering the contract?*

3

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

7 Please see Hickman-Fulton's responses to KCTA 2-5 and KCTA 2-7.

8

9 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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Response to KCTA's Supplemental Requests for Information
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1 **Item 10)** *If the answer to Request 2-9 is affirmative, please identify all*
2 *communications and produce all documents reflecting your consultation with TVA*
3 *before you entered the March 2010 Joint Use Agreement with BellSouth*
4 *Telecommunications, Inc.*

5

6 **Response)** Hickman-Fulton 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, Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's responses to KCTA 2-5, KCTA 2-7, and KCTA 2-9.

10

11 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 11)** *Did TVA explicitly approve your undated Joint Use Agreement with*
2 *Windstream Kentucky East, LLC?*

3

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

9 Please see Hickman-Fulton's response to KCTA 2-3.

10

11 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 12)** *If your answer to Request 2-11 is affirmative, please produce all*
2 *documents reflecting TVA's approval of the undated Joint Use Agreement with*
3 *Windstream Kentucky East, LLC.*

4
5 **Response)** Please see Hickman-Fulton's response to KCTA 2-11.

6
7 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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1 **Item 13)** *Did you consult with TVA regarding your undated Joint Use Agreement*
2 *with Windstream Kentucky East LLC prior to entering the contract?*

3

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

7 Please see Hickman-Fulton's response to KCTA 2-5.

8

9 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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1 **Item 14)** *If the answer to Request 2-13 is affirmative, please identify all*
2 *communications and produce all documents reflecting your consultation with TVA*
3 *before you entered the undated Joint Use Agreement with Windstream Kentucky East*
4 *LLC.*

5

6 **Response)** Hickman-Fulton 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, Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's responses to KCTA 2-3 and KCTA 2-13.

10

11 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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1 **Item 15)** *For each of the last three fiscal years, produce the annual financial*
2 *reports you provided to TVA.*

3

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

7 Please see the attached documents.

8

9 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION**

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1 **Item 16)** *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, Hickman-Fulton reports pole
5 attachment revenues as "rent from electric property" along with other rents. Please see
6 Hickman-Fulton's response to KCTA 2-15.

7

8 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION**

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 17)** *If the answer to Request 2-16 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 Hickman-Fulton's responses to KCTA 2-15 and KCTA 2-16.

6
7 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION**

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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1 **Item 18)** *Do you report your pole attachment rates to TVA?*

2

3 **Response)** No. Hickman-Fulton reports its rates and revenues only as required by the
4 TVA.

5

6 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 19)** *If the answer to Request 2-18 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 Hickman-Fulton's response to KCTA 2-18.

6

7 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 20)** *Do you report your pole-related costs to TVA?*

2

3 **Response)** Pole-related costs are captured as part of Hickman-Fulton's reporting of
4 operations, maintenance, and depreciation expenses in its annual reports. Please see
5 Hickman-Fulton's response to KCTA 2-15.

6

7 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 21)** *If the answer to Request 2-20 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)** Hickman-Fulton objects to this request on the grounds that it is overly
6 broad and unduly burdensome. Notwithstanding this objection, but without waiving it,
7 Hickman-Fulton states as follows.

8 Please see Hickman-Fulton's responses to KCTA 2-15 and KCTA 2-20.
9

10 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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1 **Item 22)** *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)** Hickman-Fulton objects to this request on the grounds that the phrase
6 "self-supporting and financially sound basis" is unduly vague and ambiguous.
7 Notwithstanding this objection, but without waiving it, Hickman-Fulton states as follows.

8 Hickman-Fulton's position is adequately described in its pleadings.

9
10 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 23)** *If your answer to Request 2-22 is affirmative, please explain fully,*
2 *making reference to all facts known to you supporting that answer.*

3

4 **Response)** Please see Hickman-Fulton's response to KCTA 2-22.

5

6 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 24)** *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)** Hickman-Fulton objects to this request on the grounds that it is duplicative
6 of KCTA 1-20. Notwithstanding this objection, but without waiving it, Hickman-Fulton
7 states as follows.

8 Please see Hickman-Fulton'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)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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1 **Item 25)** *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)** Hickman-Fulton 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, Hickman-Fulton
9 states as follows.

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

11

12 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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**Response to KCTA's Supplemental Requests for Information
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1 **Item 26)** *If your answer to Request 2-25 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 Hickman-Fulton's responses to KCTA 1-6 and KCTA 2-25.

6

7 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 27)** *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)** Hickman-Fulton 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, Hickman-Fulton
9 states as follows.

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

11

12 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 28)** *If your answer to Request 2-27 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 Hickman-Fulton's responses to KCTA 1-17 and KCTA 2-27.

6

7 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 29)** *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)** Hickman-Fulton objects to this request on the grounds that the words
7 "directive" and "communication" are unduly vague and ambiguous given the breadth of
8 the request. Notwithstanding this objection, but without waiving it, Hickman-Fulton
9 states as follows.

10 KCTA is in possession of the documents. Please see Hickman-Fulton's responses
11 to KCTA 1-17, KCTA 2-27, and KCTA 2-28.

12

13 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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)** *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)** Hickman-Fulton 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, Hickman-Fulton
8 states as follows.

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

10

11 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 31)** *If your answer to Request 2-30 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 Hickman-Fulton's responses to KCTA 1-18 and KCTA 2-30.

6

7 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 32)** *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 Hickman-Fulton's responses to KCTA 1-18, KCTA 2-30, and KCTA 2-31.

7
8 **Witness)** Debbie Weatherford

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

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

9

10 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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)** *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)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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.

8

9 **Witness)** Counsel

**HICKMAN-FULTON COUNTIES 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)** *Produce all invoices for pole attachment fees you sent to all pole*
2 *attachers for each of the past three years.*

3

4 **Response)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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.

8

9 **Witness)** Counsel

HICKMAN-FULTON COUNTIES 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)** *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)** Hickman-Fulton objects to this request on the grounds that it is not
7 reasonably calculated to lead to the discovery of relevant and admissible evidence.
8 Notwithstanding this objection, but without waiving it, Hickman-Fulton states as follows.

9 Hickman-Fulton is not aware of any such analysis.

10

11 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 37)** *If your answer to Request 2-36 is affirmative, please produce all*
2 *documents relating to that analysis.*

3

4 **Response)** Please see Hickman-Fulton's response to KCTA 2-36.

5

6 **Witness)** Debbie Weatherford

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

11 Hickman-Fulton is not aware of any such analysis.

12

13 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 39)** *If your answer to Request 2-38 is affirmative, please produce all*
2 *documents relating to that analysis.*

3

4 **Response)** Please see Hickman-Fulton's response to KCTA 2-38.

5

6 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 40)** *Have you, or has anyone on your behalf, ever determined if your pole*
2 *attachment rates provide a subsidy to KCTA members?*

3

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

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

9

10 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 41)** *If your answer to Request 2-40 is affirmative, please explain the analysis*
2 *and produce all documents relating to that analysis.*

3

4 **Response)** Please see Hickman-Fulton's response to KCTA 2-40.

5

6 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 42)** *Produce your pole rates charged to Windstream and Galaxy Cable,*
2 *Inc./Zito Media for each of the last ten years.*

3

4 **Response)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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. Hickman-Fulton also objects to this request on the grounds that it is
8 duplicative of KCTA 1-9. Notwithstanding these objections, but without waiving them,
9 Hickman-Fulton states as follows.

10 Please see Hickman-Fulton's response to KCTA 1-9.

11

12 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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)** *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)** Hickman-Fulton 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. Hickman-Fulton also objects to this request on the grounds that data
8 requests are not "evidence." Hickman-Fulton also objects to this request on the grounds
9 that the question presented by KCTA is a question of law, which requires no evidence to
10 resolve. Notwithstanding these objections, but without waiving them, Hickman-Fulton
11 states as follows.

12 Please see Hickman-Fulton's responses to KCTA 1-1 and KCTA 1-2.

13
14 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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)** *If your answer to Request 2-43 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 Hickman-Fulton's responses to KCTA 1-1, KCTA 1-2, and
6 KCTA 2-43.

7
8 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 45)** *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*
4 *conflict with TVA's regulation of your electric rates.*

5

6 **Response)** Hickman-Fulton 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. Hickman-Fulton also objects to this request on the grounds that data
9 requests are not "evidence." Hickman-Fulton also objects to this request on the grounds
10 that the question presented by KCTA is a question of law, which requires no evidence to
11 resolve. Notwithstanding this objection, but without waiving it, Hickman-Fulton states as
12 follows.

13 Please see Hickman-Fulton's response to KCTA 1-5.

14

15 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 46)** *If your answer to Request 2-45 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 Hickman-Fulton's responses to KCTA 1-5 and KCTA 2-45.

6

7 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 47)** *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*
3 *ensure your pole attachment rates will ensure your customers do not subsidize*
4 *attaching entities.*

5
6 **Response)** Hickman-Fulton 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. Hickman-Fulton also objects to this request on the grounds that data
9 requests are not "evidence." Hickman-Fulton also objects to this request on the grounds
10 that the question presented by KCTA is a question of law, which requires no evidence to
11 resolve. Notwithstanding these objections, but without waiving them, Hickman-Fulton
12 states as follows.

13 Please see Hickman-Fulton's response to KCTA 1-6.

14

15 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 48)** *If your answer to Request 2-47 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 Hickman-Fulton's responses to KCTA 1-6 and KCTA 2-47.

6
7 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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)** *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)** Hickman-Fulton objects to this request on the grounds that is unduly
5 burdensome. Hickman-Fulton 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 Hickman-Fulton also objects to this request on the grounds that the requested information
8 is not in the custody or control of Hickman-Fulton.

9

10 **Witness)** Counsel

**HICKMAN-FULTON COUNTIES 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 50)** *Do you charge BellSouth for attachments to your secondary poles?*

2

3 **Response)** Yes.

4

5 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 51)** *Do you charge Galaxy Cable, Inc./Zito Media for attachments to your*
2 *secondary poles?*

3

4 **Response)** Yes.

5

6 **Witness)** Debbie Weatherford

**HICKMAN-FULTON COUNTIES 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 52)** *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)** Hickman-Fulton objects to this request on the grounds that it is not
5 reasonably calculated to lead to the discovery of relevant and admissible evidence.
6 Hickman-Fulton also objects to this request on the grounds that it is premature in light of
7 the fact that discovery is ongoing and no decision regarding potential witnesses has been
8 made. Hickman-Fulton will identify its witnesses, if any, in accordance with the
9 Commission's scheduling orders.

10

11 **Witness)** Counsel

**HICKMAN-FULTON COUNTIES 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 53)** *If your answer to Request 2-52 is affirmative, please identify the people*
2 *involved in each such discussion and the TVA representative who may testify.*

3

4 **Response)** Please see Hickman-Fulton's response to KCTA 2-52.

5

6 **Witness)** Counsel