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) West Kentucky objects to this request on the grounds that it is overly
5	broad and unduly burdensome. West Kentucky 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, West
8	Kentucky states as follows.
9	Please see West Kentucky's responses to KCTA 1-6 and KCTA 1-16.
10	

11 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-1 Witness: David Smart Page 1 of 1

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) Identify specifically any agreement responsive to Request Number 2-1
- 2 that the TVA explicitly approved.
- 3

4	Response) West Kentucky objects to this request on the grounds that the phrase
5	"explicitly approved" is unduly vague and ambiguous. West Kentucky 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, West Kentucky states as follows.
9	As West Kentucky understands the phrase, no pole attachment agreements are
10	"explicitly approved" by the TVA.
11	

12 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-2 Witness: David Smart Page 1 of 1

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 3)	For all agreements identified in response to Request 2-2, please produce
2	all document	s reflecting TVA's approval of these agreements.
3		
4	Response)	Please see West Kentucky's responses to KCTA 1-3 and KCTA 2-2.
5		

6 Witness) David Smart

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 4) Did you consult with TVA prior to entering any agreement identified in
- 2 response to Request 2-1?
- 3
- 4 Response) West Kentucky 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, West Kentucky states as follows.
- 7 Please see West Kentucky's response to KCTA 2-2.
- 8
- 9 **Witness**) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-4 Witness: David Smart Page 1 of 1

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

If the answer to Request 2-4 is affirmative, identify all oral 1 Item 5) 2 communications with TVA and produce all documents reflecting your consultation 3 with TVA prior to entering these agreements. 4 5 **Response**) West Kentucky 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, West Kentucky states as follows. 8 Please see West Kentucky's responses to KCTA 2-2 and KCTA 2-4. 9

10 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-5 Witness: David Smart Page 1 of 1

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 6) Did TVA explicitly approve your March 22, 2010 Joint Use Agreement
- 2 with BellSouth Telecommunications, Inc.?
- 3

4	Response) West Kentucky objects to this request on the grounds that the phrase
5	"explicitly approve" is unduly vague and ambiguous. West Kentucky also objects to this
6	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, West Kentucky states as follows.
9	Please see West Kentucky's response to KCTA 2-2.
10	

11 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-6 Witness: David Smart Page 1 of 1

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 7)	If the answer to Request 2-6 is affirmative, please produce all documents
2	reflecting TV	'A's approval of the March 22, 2010 Joint Use Agreement with BellSouth
3	Telecommun	ications, Inc.
4		
5	Response)	Please see West Kentucky's response to KCTA 2-6.

- 6
- 7 Witness) David Smart

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 8) Did you consult with TVA regarding your March 22, 2010 Joint Use
- 2 Agreement with BellSouth Telecommunications, Inc. prior to entering the contract?
- 3
- 4 Response) West Kentucky 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, West Kentucky states as follows.
- 7 Please see West Kentucky's response to KCTA 2-6.
- 8
- 9 **Witness**) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-8 Witness: David Smart Page 1 of 1

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 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 22, 2010 Joint Use Agreement with BellSouth
4	Telecommunications, Inc.
5	
6	Response) West Kentucky 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, West Kentucky states as follows.
9	Please see West Kentucky's responses to KCTA 2-6 and KCTA 2-8.
10	

11 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-9 Witness: David Smart Page 1 of 1

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 10) For each of the last five years, provide your "surplus revenues" as
- 2 *defined in Paragraph 6(b) of the TVA Contract.*
- 3

Response) West Kentucky objects to this request on the grounds that it is overly
broad and unduly burdensome. West Kentucky also objects to this request on the
grounds that the requested data are not readily available. West Kentucky also objects to
this request on the grounds that it is not reasonably calculated to lead to the discovery of
relevant and admissible evidence.

10 Witness) Counsel

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-10 Witness: Counsel Page 1 of 1

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 11) 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) West Kentucky 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 this objection, but without waiving it, West Kentucky states as follows.
- 8 Please see the attached documents.
- 9
- 10 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-11 Witness: David Smart Page 1 of 1

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 12) 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, West Kentucky reports pole
- 5 attachment revenues as "rent from electric property" along with other rents. Please see
- 6 West Kentucky's response to KCTA 2-11.
- 7
- 8 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-12 Witness: David Smart Page 1 of 1

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 13)	If the answer to Request 2-12 is affirmative, please produce all
2	documents r	eflecting your pole attachment revenue reports to TVA for each of the past
3	five years.	
4		
5	Response)	Please see West Kentucky's responses to KCTA 2-11 and KCTA 2-12.
6		

7 Witness) David Smart

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 14)	Do you report your pole attachment rates to TVA?
2		
3	Response)	No. West Kentucky reports its rates and revenues only as required by the
4	TVA.	
5		
6	Witness)	David Smart

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 15)	If the answer to Request 2-14 is affirmative, please produce all
2	documents re	flecting your reports to TVA regarding your pole attachment rates for
3	each of the po	ast five years.
4		
5	Response)	Please see West Kentucky's response to KCTA 2-14.

6

7 Witness) David Smart

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 16)	Do you report your pole-related costs to TVA?
2		
3	Response)	Pole-related costs are captured as part of West Kentucky's reporting of
4	operations, n	naintenance, and depreciation expenses in its annual reports. Please see
5	West Kentuc	ky's response to KCTA 2-11.
6		
7	Witness)	David Smart

of

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 17**) If the answer to Request 2-16 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**) West Kentucky objects to this request on the grounds that it is overly 6 broad and unduly burdensome. Notwithstanding this objection, but without waiving it, 7 West Kentucky states as follows. 8 Please see West Kentucky's responses to KCTA 2-11 and KCTA 2-16.
- 9

10 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-17 Witness: David Smart Page 1 of 1

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

- **Item 18**) Do you contend that the Commission's regulation of your pole 1 2 attachment rates would result in a situation where you would not be able to operate in a self-supporting and financially sound basis? 3 4 5 **Response**) West Kentucky objects to this request on the grounds that the phrase "selfand financially sound basis" is unduly vague and ambiguous. 6 supporting 7 Notwithstanding this objection, but without waiving it, West Kentucky states as follows. 8 West Kentucky's position is adequately described in its pleadings. 9
- 10 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-18 Witness: David Smart Page 1 of 1

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 19)	If your answer to Request 2-18 is affirmative, please explain fully,
2	making refe	rence to all facts known to you supporting that answer.
3		
4	Response)	Please see West Kentucky's response to KCTA 2-18.
5		

6 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-19 Witness: David Smart Page 1 of 1

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 20) 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**) West Kentucky includes revenues from pole attachments in a separate
- 6 **fund.**
- 7
- 8 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-20 Witness: David Smart Page 1 of 1

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 21) 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) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-21 Witness: David Smart Page 1 of 1

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 22)	If your answer to Request 2-21 is affirmative, have you and TVA entered
2	into an agre	ement as to the appropriate allocations of joint investments, salaries and
3	other expens	ses, funds, or use of property or facilities?
4		
5	Response)	Please see West Kentucky's responses to KCTA 1-17 and KCTA 2-21.
6		

7 Witness) David Smart

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 23)	If your answer to Request 2-22 is affirmative, please explain the
2	agreement as	to the appropriate allocations and produce all documents relating to that
3	allocation ag	reement.
4		
5	Response)	Please see West Kentucky's responses to KCTA 1-17 and KCTA 2-22.
6		

7 Witness) David Smart

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 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) West Kentucky objects to this request on the grounds that it is duplicative
6	of KCTA 1-20. Notwithstanding this objection, but without waiving it, West Kentucky
7	states as follows.
8	Please see West Kentucky'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) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-24 Witness: David Smart Page 1 of 1

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 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
- Response) West Kentucky objects to this request on the grounds that the civil rules
 pertaining to requests for admissions do not apply to data requests in Commission
 proceedings. Notwithstanding this objection, but without waiving it, West Kentucky
 states as follows.
- 10 Please see West Kentucky's response to KCTA 1-6.
- 11
- 12 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-25 Witness: David Smart Page 1 of 1

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 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 West Kentucky's responses to KCTA 1-6 and KCTA 2-25.

6

7 Witness) David Smart

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 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
- Response) West Kentucky objects to this request on the grounds that the civil rules
 pertaining to requests for admissions do not apply to data requests in Commission
 proceedings. Notwithstanding this objection, but without waiving it, West Kentucky
 states as follows.
- 10 Please see West Kentucky's response to KCTA 1-17.
- 11
- 12 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-27 Witness: David Smart Page 1 of 1

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 West Kentucky's responses to KCTA 1-17 and KCTA 2-27.

6

7 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-28 Witness: David Smart Page 1 of 1

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) West Kentucky 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, West Kentucky states
9	as follows.
10	KCTA is in possession of the documents. Please see West Kentucky's responses
11	to KCTA 1-17, KCTA 2-27, and KCTA 2-28.
12	
13	Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-29 Witness: David Smart Page 1 of 1

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) West Kentucky 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, West Kentucky
8	states as follows.
9	Please see West Kentucky's response to KCTA 1-18.
10	

11 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-30 Witness: David Smart Page 1 of 1

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 West Kentucky's responses to KCTA 1-18 and KCTA 2-30.
- 6
- 7 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-31 Witness: David Smart Page 1 of 1

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 ident	ify a	ny and	all specific	c do	cuments a	ind refere	nces
3	within the pr	roduced docu	ments that is	s resp	oonsive	to Reques	t Nu	umber 18.		
4										
5	Response)	KCTA is ir	n possession	of the	e docur	ments. The	doc	cuments ar	e responsi	ve.
6	Please see W	est Kentucky	's responses	to K	CTA 1	-18, KCTA	2-3	0, and KC	TA 2-31.	

7

8 Witness) David Smart

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**) West Kentucky objects to this request on the grounds that it is overly

5 broad and unduly burdensome. West Kentucky 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, West Kentucky states as follows.

- 8 Please see West Kentucky's response to KCTA 1-16.
- 9
- 10 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-33 Witness: David Smart Page 1 of 1

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

1Item 34)State the total pole attachment revenues you received from licensee2attachers (i.e., non-joint users) for each of the years 2008 to present.

3

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

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-34 Witness: Counsel Page 1 of 1

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**) West Kentucky objects to this request on the grounds that it is overly 5 broad and unduly burdensome. West Kentucky 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

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-35 Witness: Counsel Page 1 of 1

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) West Kentucky 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, West Kentucky states as follows.
9	West Kentucky is not aware of any such analysis.
\sim	

10

11 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-36 Witness: David Smart Page 1 of 1

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 West Kentucky's response to KCTA 2-36.
- 5
- 6 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-37 Witness: David Smart Page 1 of 1

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) West Kentucky objects to this request on the grounds that it is not
7	reasonably calculated to lead to the discovery of relevant and admissible evidence. West
8	Kentucky also objects to this request on the grounds that cooperatively organized entities
9	are exempt from the 1978 Pole Attachment Act. Notwithstanding this objection, but

10 without waiving it, West Kentucky states as follows.

11 West Kentucky is not aware of any such analysis.

12

13 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-38 Witness: David Smart Page 1 of 1

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 West Kentucky's response to KCTA 2-38.
- 5
- 6 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-39 Witness: David Smart Page 1 of 1

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) West Kentucky 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, West Kentucky states as follows.
7	West Kentucky has not alleged that its "pole attachment rates provide a subsidy to
8	KCTA members."
9	

10 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-40 Witness: David Smart Page 1 of 1

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 West Kentucky's response to KCTA 2-40.
- 5
- 6 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-41 Witness: David Smart Page 1 of 1

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

- Item 42) Produce your pole rates charged to Windstream and NewWave
 Communications for each of the last ten years.
- 3

Response) West Kentucky objects to this request on the grounds that it is overly
broad and unduly burdensome. West Kentucky also objects to this request on the
grounds that it is not reasonably calculated to lead to the discovery of relevant and
admissible evidence. West Kentucky also objects on the grounds that it is duplicative of
KCTA 1-9. Notwithstanding these objections, but without waiving them, West Kentucky
states as follows.
Please see West Kentucky's response to KCTA 1-9.

- 11
- 12 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-42 Witness: David Smart Page 1 of 1

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**) West Kentucky 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. West Kentucky also objects to this request on the grounds that data requests 8 are not "evidence." West Kentucky also objects to this request on the grounds that the 9 question presented by KCTA is a question of law, which requires no evidence to resolve. 10 Notwithstanding these objections, but without waiving them, West Kentucky states as follows. 11 12 Please see West Kentucky's responses to KCTA 1-1 and KCTA 1-2.

13

14 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-43 Witness: David Smart Page 1 of 1

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 West Kentucky's responses to KCTA 1-1, KCTA 1-2, and
- 6 KCTA 2-43.
- 7
- 8 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-44 Witness: David Smart Page 1 of 1

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

Response) West Kentucky objects to this request on the grounds that the civil rules
pertaining to requests for admissions do not apply to data requests in Commission
proceedings. West Kentucky also objects to this request on the grounds that data requests
are not "evidence." West Kentucky also objects to this request on the grounds that the
question presented by KCTA is a question of law, which requires no evidence to resolve.
Notwithstanding this objection, but without waiving it, West Kentucky states as follows.
Please see West Kentucky's response to KCTA 1-5.

13

14 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-45 Witness: David Smart Page 1 of 1

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, p	lease identify and produce all remaining documents and evidence that
3	support your	contention.
4		
5	Response)	Please see West Kentucky's responses to KCTA 1-5 and KCTA 2-45.

6

7 Witness) David Smart

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

- 13 Please see West Kentucky's response to KCTA 1-6.
- 14
- 15 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-47 Witness: David Smart Page 1 of 1

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, p	please identify and produce all remaining documents and evidence that
3	support your	contention.
4		
5	Response)	Please see West Kentucky's responses to KCTA 1-6 and KCTA 2-47.

6

7 Witness) David Smart

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

1Item 49)Do you contend that the pole attachment rates you charged to West2Kentucky Rural Telephone Cooperative Corporation for the calendar years 2010, 2011,32012, and 2013 subsidize the West Kentucky Rural Telephone Cooperative4Corporation?5

6 **Response**) West Kentucky 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, West Kentucky states as follows.

West Kentucky has made no contention regarding any supposed subsidization of
West Kentucky Rural Telephone Cooperative Corporation. West Kentucky has not
alleged that its pole attachment rates "subsidize the West Kentucky Rural Telephone
Cooperative Corporation"

13

14 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-49 Witness: David Smart Page 1 of 1

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) Did TVA explicitly approve the pole attachment rates you charged to
- 2 West Kentucky Rural Telephone Cooperative Corporation for the calendar years 2010,
- 3 2011, 2012, and 2013?
- 4
- 5 **Response**) West Kentucky 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

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)	If your answer to Request 2-50 is affirmative, please produce all
2	documents	reflecting communications with TVA regarding its approval of West
3	Kentucky Ri	ural Telephone Cooperative Corporation's pole attachment rate.
4		
5	Response)	Please see West Kentucky's response to KCTA 2-50.

- 6
- 7 Witness) Counsel

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-51 Witness: Counsel Page 1 of 1

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) 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

Response) West Kentucky objects to this request on the grounds that is unduly
burdensome. West Kentucky also objects to this request on the grounds that it is not
reasonably calculated to lead to the discovery of relevant and admissible evidence. West
Kentucky also objects to this request on the grounds that the requested information is not
in the custody or control of West Kentucky.

10 Witness) Counsel

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-52 Witness: Counsel Page 1 of 1

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)	Do you charge BellSouth for attachments to your secondary poles?
2		
3	Response)	Yes.
4		
5	Witness)	David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-53 Witness: David Smart Page 1 of 1

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 54)	Do you charge	NewWave	Communications	for	attachments	to	your
2	secondary pol	les?						
3								
4	Response)	Yes.						

- 5
- 6 Witness) David Smart

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-54 Witness: David Smart Page 1 of 1

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 55) Have you, or has anyone on your behalf, discussed with TVA the
- 2 possibility that someone from TVA may testify on your behalf?
- 3

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

10

11 Witness) Counsel

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-55 Witness: Counsel Page 1 of 1

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 56)	If your answer to Request 2-55 is affirmative, please identify the people
2	involved in e	each such discussion and the TVA representative who may testify.
3		
4	Response)	Please see West Kentucky's response to KCTA 2-55.
5		

6 Witness) Counsel

Case No. 2012-00544 West Kentucky Rural Electric Cooperative Corporation Response to KCTA 2-56 Witness: Counsel Page 1 of 1