

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

In the Matter of:

The Petition of the Kentucky Cable)	
Telecommunications Association for a)	Case No. 2012-00544
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)	

**KENTUCKY CABLE TELECOMMUNICATIONS ASSOCIATION’S REPLY IN
SUPPORT OF ITS STATUS REPORT AND REQUEST FOR ACTION**

The Kentucky Cable Telecommunications Association (“KCTA”) submits this reply to the TVA Cooperatives’ response to KCTA’s Status Report and Request for Action.

KCTA’s Request to the Commission is neither an effort to “distort” the jurisdictional issue pending before the Commission nor an effort to “inject” business issues into the proceeding. Rather, KCTA is simply updating the Commission and asking it to decide the motions that are pending before it – an outcome that no party can credibly argue is not in its best interest.

KCTA and the TVA Cooperatives agree on one thing – this is not a rate case. But KCTA does not agree with the TVA Cooperatives’ repeated assertion that the “limited jurisdictional issue” pending before the Commission somehow deprives KCTA of discovery to which it is entitled. In its August 6, 2013 Order, the Commission found that “the question of whether [the Commission is] preempted from exercising jurisdiction over the TVA Cooperatives’ pole attachment rates *is a mixed question of fact and law.*” *See* Case No. 2012-00544, Order, at 3 (Ky. PSC Aug. 6, 2013) (emphasis added). And in its October 10, 2013 Procedural Order, the Commission set forth a discovery schedule to enable the parties to explore those fact issues. *See*

Case No. 2012-00544, Order, at 2-3 (Ky. PSC Oct. 10, 2013). Thus KCTA takes issue with being accused of “obfuscation” because it seeks discovery to which it is entitled.

Nor does KCTA agree that facts demonstrating the need for Commission action to allow discovery to be promptly completed in this proceeding are irrelevant. To the extent that the Commission has jurisdiction over the TVA Cooperatives’ pole attachment rates – as KCTA believes it clearly does – any actions by the Cooperatives to compel KCTA members to pay unreasonable rates would be actionable before the Commission. And the TVA Cooperatives’ efforts to take unfair advantage of the delay in resolution of this proceeding is justification for timely action by this Commission.

For the reasons stated above, and in its opening brief, KCTA asks the Commission to rule on all pending motions as soon as possible so that this matter can proceed.

Respectfully submitted,

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**ATTORNEYS FOR THE KENTUCKY CABLE
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Kentucky Cable Telecommunications Association's Reply in Support of Its Status Update and Request for Action has been served on all parties of record via hand delivery, facsimile, or electronically this 10th day of April, 2014.

/s/Laurence J. Zielke
Laurence J. Zielke