

Exhibit 5

**Excerpts of the
Warren Deposition**

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Petition of the Kentucky Cable)
Telecommunications Association for)
a Declaratory Order that the) Case No. 2012-00544
Commission Has Jurisdiction to)
Regulate the Pole Attachment Rates,)
Terms, and Conditions of Cooperatives)
That Purchase Electricity from)
the Tennessee Valley Authority)

DEPOSITION FOR PETITIONER

*** *** ***

DEPONENT: WARREN RAMSEY, CR 30.02(6) Designee of
Warren Rural Electric Cooperative Corporation

TAKEN: MARCH 13, 2015

REPORTER: THERESA R. REID

Copyright, Video Court Reporting Services, Inc., 2015.
Permission to reproduce in any manner, including sending
this file electronically, is hereby granted to
COUNSEL and Co-Counsel only.

1 A. No.

2 Q. Okay. And do you know what Warren RECC did in
3 order to look for documents to respond to these data
4 requests?

5 A. No.

6 Q. Okay. Turn to Exhibit No. 31, item number two,
7 and the second paragraph of the response. The first
8 paragraph is -- is an objection and the second paragraph is a
9 response. And look at the second sentence in that second
10 paragraph. It says, quote, the TVA regulates these rates and
11 services through the expressed terms of its wholesale Power
12 Contract with Warren, quote -- close quote. Do you see that?

13 A. Yes.

14 Q. What rates are being referred to in that
15 sentence?

16 A. Those would be electrical rates.

17 Q. Okay. Now, let me mark, as Exhibit No. 32 --
18 COURT REPORTER: Thirty-three.

19 Q. -- documents dealing with the contract with TVA.
20 This is 33?

21 COURT REPORTER: Correct.

22 (WHEREAS, EXHIBIT NO 33 WAS ENTERED)

23 Q. Are you familiar with these documents?

24 A. I'm sorry?

25 Q. Are you familiar with these documents?

1 A. That's correct.

2 Q. Okay. Does TVA continue to operate under the
3 1982 --

4 MR. DEPP: You said TVA. Did you --

5 Q. I'm -- Well, let me rephrase it. Does Warren
6 continue to operate under the 1982 contract with TVA as
7 amended by a supplement dated October 1 of 1997?

8 A. I don't know.

9 Q. So, you don't know what the -- You don't know
10 what the date of the contract is that you operate under with
11 TVA?

12 A. I'm familiar with the '82. I was not familiar
13 with the 1997 date.

14 Q. Okay. So, does Warren continue to operate under
15 the 1982 agreement?

16 A. Yes.

17 Q. Okay. Do any terms in the TVA contract expressly
18 refer to pole attachment rates?

19 A. I don't know.

20 Q. Go off the record for a minute. I need to pull a
21 document.

22 (WHEREAS, A BRIEF RECESS WAS TAKEN.)

23 BY MR. GILLESPIE:

24 Q. Okay. Mr. Ramsey, earlier this week, we marked
25 as an exhibit to this series of depositions the TVA

1 A. I don't know.

2 Q. So, you don't know whether it was Warren's costs
3 or the costs of other cooperatives or the costs of AT&T?

4 MR. DEPP: Objection. He's already answered that
5 and I know you've heard this from me for three -- three
6 depositions, but this is not a ratemaking proceeding, despite
7 KCTA's best efforts.

8 MR. GILLESPIE: This --

9 MR. DEPP: Cost data is not the subject of these
10 depositions.

11 MR. GILLESPIE: This question is not related to
12 that issue.

13 MR. DEPP: It is related to the development of a
14 cost methodology.

15 MR. GILLESPIE: It is not. Would you let the
16 witness answer, please?

17 WITNESS: Can you repeat the question?

18 COURT REPORTER: Did you want me to read it back?

19 MR. GILLESPIE: Please.

20 (WHEREAS, THE QUESTION WAS READ BACK.)

21 BY MR. GILLESPIE:

22 A. I don't know that.

23 Q. Okay. All right. I'd like marked, as Exhibit
24 No. 34, a TVPPA/AT&T Joint Use Agreement.

25 (WHEREAS, EXHIBIT NO 34 WAS ENTERED)

1 Q. Are you familiar with this agreement?

2 A. No.

3 Q. Have you ever seen it?

4 A. No, I have not.

5 Q. Okay. Do you know who drafted the agreement?

6 A. No.

7 Q. Do you know who negotiated the agreement?

8 A. It says it on the front. I assume it would be
9 the two parties involved.

10 Q. Okay. That -- That's all you know about it, is
11 what you can see from the document. Is that --

12 A. Correct.

13 Q. Okay. Do you know whether this document was
14 submitted to TVA?

15 A. I do not know.

16 Q. Okay. Do you know whether anyone discussed the
17 document with TVA prior to signing it?

18 A. I don't know.

19 Q. Okay. Look at Exhibit D, which is the second to
20 the last page of this document. It lists some payments. Do
21 you see that?

22 A. Yes.

23 Q. These basically are pole rental rates, correct?

24 A. Yes.

25 Q. Do you know whether these are rates that are

1 Q. Okay. Do you know whether Warren reports the
2 expenses that it has to attach to AT&T's poles to TVA?

3 A. I'm sorry. It may be time for a break. Can you
4 repeat that?

5 Q. Answer the question and then we'll take a short
6 break.

7 A. Okay.

8 MR. DEPP: He asked if you could repeat the
9 question, please.

10 MR. GILLESPIE: She's going to --

11 MR. DEPP: Okay.

12 MR. GILLESPIE: -- repeat it.

13 (WHEREAS, THE QUESTION WAS READ BACK.)

14 A. I don't know that one.

15 Q. Okay. Let's take a short break.

16 A. Thank you.

17 (WHEREAS, A BRIEF RECESS WAS TAKEN.)

18 BY MR. GILLESPIE:

19 Q. All right. I'd like marked, as Exhibit No. 36,
20 correspondence that was provided by Warren to KCTA.

21 (WHEREAS, EXHIBIT NO 36 WAS ENTERED)

22 Q. Mr. Ramsey, I'm going to represent to you that
23 these are documents that were provided to KCTA by Warren. I
24 think we've already established that you didn't play in any
25 role in the production of these documents; is that right?

1 A. What's the date?

2 Q. Okay. The date is August 9th of 2010.

3 A. Okay.

4 Q. Okay. And the email from Patty Kantosky below in
5 this chain of June 23rd, 2010 says that the rates for 2009,
6 2010, and 2011 are negotiated rates, but it says they were
7 substantiated by the cost of ownership analysis conducted by
8 TVPPA. Do you see that?

9 A. Yes.

10 Q. Okay. Do you know how that cost of ownership
11 analysis was conducted?

12 A. No, I do not.

13 Q. Do you know what costs were used?

14 A. No, I do not.

15 Q. Do you know what allocation factors were used?

16 A. No.

17 Q. Do you know whether, for all joint use
18 arrangements, Warren charges the same amount for an
19 attachment by the telephone company as the telephone company
20 charges for Warren to attach?

21 A. I'm not -- I don't know that.

22 Q. Okay. Mr. Ramsey, are you aware of any
23 documents, let's say -- Put it this way, is Warren aware of
24 any documents that would constitute an order, directive, or
25 communication from TVA regarding pole attachment rates?

1 A. No.

2 Q. Is it true that the TVA does not require any
3 information on Warren's pole rates to be submitted to TVA?

4 A. I don't know that.

5 Q. You don't know one way or the other?

6 A. That's correct.

7 Q. Okay. Do you have any evidence that Warren
8 provides information on its pole attachment rates to TVA?

9 A. No.

10 Q. This will be marked as Exhibit No. 37. It is
11 annual reports submitted by Warren to TVA for 2010 through
12 2013. I will say that the volume of pages for exhibits in
13 this case surpasses my prior experience.

14 (WHEREAS, EXHIBIT NO 37 WAS ENTERED)

15 Q. Are you familiar with these reports?

16 A. Yes.

17 Q. Okay. Are you familiar with all of them or --

18 A. No.

19 Q. Which ones are you familiar with?

20 A. '13.

21 Q. 2013?

22 A. Yes.

23 Q. Okay. Is there any reference to pole attachment
24 rates in this report?

25 A. Not to my knowledge.

1 Q. Is there any reference to pole attachment
2 revenues in this report?

3 A. Indirectly, yes.

4 Q. What do you mean by that?

5 A. On page three of the copy of the report, the
6 report for fiscal year ended June 30, 2013, under revenue and
7 expense statement, section operating revenue, the line
8 entitled rent from electric property, that's the line on
9 which all of our rents would be aggregated under.

10 Q. So, this is -- That line aggregates rents
11 including pole attachment rents?

12 A. Yes.

13 Q. As well as other rents?

14 A. Yes.

15 Q. Is there anyplace in this report that the amount
16 of pole attachment revenue is disaggregated?

17 A. Not to my knowledge.

18 Q. Okay. Is there any line in this report that
19 contains the expenses that Warren incurs in attaching to --
20 let's say the expenses that Warren pays to AT&T or that it
21 nets with respect to AT&T's pole rates charged to Warren?

22 MR. DEPP: Objection to the form of that.

23 Q. Do you understand the question?

24 A. It might help if you rephrase it.

25 Q. All right. So, I think we've established that

1 AT&T charges Warren for Warren's attachments to AT&T's poles,
2 correct?

3 A. Correct.

4 Q. And I believe that that rate for -- Well, I don't
5 think we need to do that. And the -- Those amounts represent
6 expenses of Warren, correct?

7 A. Correct.

8 Q. And is there anywhere in this report where those
9 expenses are reported to TVA?

10 A. I'm not sure about the expenses.

11 Q. Okay. Has TVA ever requested any breakdown of
12 the -- line 62 on page three for the rent from electric
13 property, to your knowledge?

14 A. Not to my knowledge.

15 Q. To your knowledge and your knowledge here
16 includes Warren's knowledge, correct?

17 A. Correct.

18 Q. To the best of Warren's knowledge, has TVA ever
19 requested a breakdown of the pole attachment expenses that
20 Warren would incur in connection with attaching to other
21 parties' poles?

22 A. No.

23 Q. Has TVA ever requested any information on the
24 costs incurred by Warren in making pole attachment space
25 available to other parties, such as AT&T and Time Warner

1 Cable?

2 A. No.

3 Q. Do you know when the last time was that Warren
4 communicated with TVA about any pole attachment matter?

5 A. No, I don't. I don't really recall.

6 Q. Has Warren communicated with TVA about any pole
7 attachment matters since you've been President and CEO?

8 A. Indirectly, only with Bill Johnson's letter to
9 the PSC. That's the only document I'm aware of.

10 Q. Okay. That was a document from the TVA to the
11 PSC. Did Warren communicate with TVA and Bill Johnson about
12 that letter?

13 A. No. I did not.

14 Q. Do you know what the genesis of that letter was?

15 A. It was a page and a half of long, lengthy, past
16 legal precedents and TVA's stance on regulation. It was
17 pretty deep.

18 Q. Okay. Well, do you know what -- Do you know
19 whether any cooperative communicated with TVA and asked for
20 such a letter?

21 A. I don't know.

22 Q. Okay.

23 A. I wasn't even aware it was coming, so.

24 Q. Okay. Go off the record for a minute.

25 (WHEREAS, A BRIEF RECESS WAS TAKEN.)