

**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 RESPONSES TO
THE TVA COOPERATIVES' SECOND DATA REQUESTS**

The Kentucky Cable Telecommunications Association ("KCTA") hereby responds to Hickman-Fulton Counties Rural Electric Cooperative Corporation's, Pennyriple Rural Electric Cooperative Cooperation's, Tri-County Electric Membership Corporation's, Warren Rural Electric Cooperative Corporation's, and West Kentucky Rural Electric Cooperative Corporation's (collectively "the TVA Cooperatives") Second Data Requests ("Requests") to the KCTA as follows:

GENERAL OBJECTIONS

1. KCTA objects to the Requests to the extent the TVA Cooperatives purport, through their definitions, instructions, or otherwise, to impose obligations on KCTA in excess of or not contemplated by the obligations imposed by the Kentucky Public Service Commission's Rules of Procedure ("Commission's Rules"). KCTA will respond to these Requests in accordance with the Commission's Rules.

2. KCTA objects to the Requests to the extent they call for information protected from discovery by the attorney-client privilege, the work product doctrine, or any other applicable claim of privilege or legal protection. In responding to the Requests, KCTA does not waive any such privilege or doctrine. Any inadvertent production of a privileged or protected document shall not constitute a waiver, in whole or in part, of any such privilege. Any document

subject to a privilege or protection, if inadvertently produced, shall be returned by the TVA Cooperatives immediately. The TVA Cooperatives shall not use in any manner whatsoever any information derived solely from any inadvertently produced privileged or protected documents. KCTA will produce a privilege log of any documents withheld from production on grounds of attorney-client privilege or work-product doctrine at a time mutually agreed upon by the parties.

3. KCTA objects to the Requests to the extent they seek irrelevant information or information not reasonably calculated to lead to the discovery of admissible evidence.

4. KCTA objects to the Requests to the extent they seek to require KCTA to do more than use reasonable diligence to locate responsive documents. KCTA also objects to these Requests to the extent that they are overly inclusive, duplicative, cumulative, overly broad, unduly burdensome, oppressive, harassing, punitive, not calculated to lead to admissible evidence, seek to impose undue expense or burden on KCTA outweighing any probative value the information sought may have in this case, or would subject KCTA to embarrassment or annoyance.

5. KCTA objects to the use of undefined, ambiguous, or vague words or phrases in these Requests.

6. KCTA objects to the Requests to the extent they request answers based on information not now known to KCTA or seek to require KCTA to offer a narrative of its case.

7. KCTA objects to all Requests that seek information that is not within KCTA's possession, custody, or control, or are in the control of entities or individuals other than KCTA, including Requests that seek information that is within the control of its Members or that is in the control of the TVA Cooperatives.

8. KCTA objects to the Requests to the extent they purport to require KCTA to search every conceivable file that is or ever has been in its possession, custody, or control for responsive documents. KCTA will undertake in good faith to search those files that are likely to contain documents responsive to the TVA Cooperatives' Requests.

OBJECTIONS TO DEFINITIONS

1. KCTA objects to all definitions to the extent they are vague, confusing, overly broad and not calculated to lead to the discovery of admissible evidence. KCTA will interpret the Requests reasonably and in good faith in accordance with common English usage and its obligations under the Commission's Rules.

2. KCTA objects to the definition of the term "KCTA" on the ground that it renders the Requests overly broad, unduly burdensome, and oppressive and to the extent it includes persons or entities over whom KCTA has no control.

3. KCTA objects to the definition of "You" and "Your" on the ground that it is vague and ambiguous. KCTA further objects to the extent the definition renders the Requests overly broad, unduly burdensome, and oppressive and to the extent it includes persons or entities over whom KCTA has no control.

4. KCTA objects to the definition of the term "Document" on the ground that it renders the Requests overly broad, unduly burdensome, and oppressive and purports to impose requirements beyond those required by the Commission's Rules.

OBJECTIONS TO INSTRUCTIONS

1. KCTA objects to the TVA Cooperatives' instructions to the extent they purport to impose obligations on KCTA in excess of or not contemplated by the obligations imposed by the Commission's Rules and/or render the Requests overly broad, unduly burdensome, or oppressive.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Without waiving or limiting in any manner the foregoing General Objections, Objections to Definitions, and Objections to Instructions, but rather incorporating them into each of the following responses, KCTA states the following answers and objections to the TVA Cooperatives' Second Data Requests:

DATA REQUEST NO. 1:

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

RESPONSE:

KCTA received a fee estimate and an estimate of time for TVA to complete KCTA's request from TVA's FOIA Officer on November 26, 2013.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

DATA REQUEST NO. 2:

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

RESPONSE:

Please see attached documents.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

DATA REQUEST NO. 3:

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

RESPONSE:

KCTA has no responsive documents.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

Respectfully submitted,

/s/Laurence J. Zielke

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**ATTORNEYS FOR THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Kentucky Cable Telecommunications Association's Responses to the TVA Cooperatives' Second Data Requests has been served on all parties of record via hand delivery, facsimile, or electronically this 23rd day of December, 2013.

/s/Laurence J. Zielke

Laurence J. Zielke