

PENNYRILE 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 pole attachment agreements, joint use agreements, and pole
2 license agreements between you and all pole users dated on or after April 26, 1982.

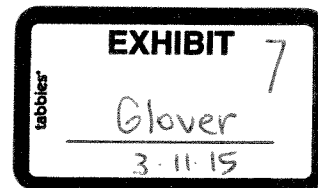
3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile 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 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

8 Please see Pennyrile's responses to KCTA 1-6 and KCTA 1-16.

9

10 **Witness)** Eston Glover



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

3

4 **Response)** Pennyrile objects to this request on the grounds that the phrase “explicitly
5 approved” is unduly vague and ambiguous. Pennyrile 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 Pennyrile states as follows.

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

11

12 **Witness)** Eston Glover

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

3

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

5

6 Witness) Eston Glover

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1 Item 4) *Did you consult with TVA prior to entering any agreement identified in*
2 *response to Request 2-1?*

3

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

7 Please see Pennyrile's response to KCTA 2-2.

8

9 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 5) *If the answer to Request 2-4 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)** Pennyrile 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, Pennyrile states as follows.

8 Please see Pennyrile's responses to KCTA 2-2 and KCTA 2-4.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 6)** Did TVA explicitly approve your March 8, 2010 Joint Use Agreement
2 with BellSouth Telecommunications, Inc.?

3

4 **Response)** Pennyrile objects to this request on the grounds that the phrase "explicitly
5 approve" is unduly vague and ambiguous. Pennyrile 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 Pennyrile states as follows.

9 Please see Pennyrile's responses to KCTA 2-2 and KCTA 2-4.

10

11 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 7) *If the answer to Request 2-6 is affirmative, please produce all documents*
2 *reflecting TVA's approval of the March 22, 2010 Joint Use Agreement with BellSouth*
3 *Telecommunications, Inc.*

4

5 Response) Please see Pennyrile's response to KCTA 2-6.

6

7 Witness) Eston Glover

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1 **Item 8)** *Did you consult with TVA regarding your March 8, 2010 Joint Use*
2 *Agreement with BellSouth Telecommunications, Inc. prior to entering the contract?*

3

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

7 Please see Pennyrile's response to KCTA 2-6.

8

9 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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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 8, 2010 Joint Use Agreement with BellSouth*
4 *Telecommunications, Inc.*

5

6 **Response)** Pennyrile 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, Pennyrile states as follows.

9 Please see Pennyrile's responses to KCTA 2-6 and KCTA 2-8.

10

11 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 10) *Produce all agreements between you and TVA, including but not limited*
2 *to any agreement that extends, amends, or otherwise replaces the 1982 TVA Contract.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile 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 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

8 Please see the attached documents.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 11)** *For each of the last five years, provide your "surplus revenues" as*
2 *defined in Paragraph 6(b) of the TVA Contract.*

3

4 **Response)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that the
6 requested data are not readily available. Pennyrile also objects to this request on the
7 grounds that it is not reasonably calculated to lead to the discovery of relevant and
8 admissible evidence.

9

10 **Witness)** Counsel

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 12) *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)** Pennyrile objects to this request on the grounds that it is not reasonably
6 calculated to lead to the discovery of relevant and admissible evidence. Notwithstanding
7 this objection, but without waiving it, Pennyrile states as follows.

8 Please see the attached documents.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 13) *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, Pennyrile reports pole attachment
5 revenues as "rent from electric property" along with other rents. Please see Pennyrile's
6 response to KCTA 2-12.

7

8 **Witness)** Eston Glover

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1 Item 14) *If the answer to Request 2-13 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 Pennyrile's responses to KCTA 2-12 and KCTA 2-13.

6

7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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**Response to KCTA's First Requests for Information
dated December 2, 2013**

December 23, 2013

- 1 **Item 15)** *Do you report your pole attachment rates to TVA?*
- 2
- 3 **Response)** No. Pennyrile reports its rates and revenues only as required by the TVA.
- 4
- 5 **Witness)** Eston Glover

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December 23, 2013

1 Item 16) *If the answer to Request 2-15 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 Pennyrile's response to KCTA 2-15.

6

7 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 17) *Do you report your pole-related costs to TVA?*

2

3 Response) Pole-related costs are captured as part of Pennyrile's reporting of
4 operations, maintenance, and depreciation expenses in its annual reports. Please see
5 Pennyrile's response to KCTA 2-12.

6

7 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 18) *If the answer to Request 2-17 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)** Pennyrile objects to this request on the grounds that it is overly broad and
6 unduly burdensome. Notwithstanding this objection, but without waiving it, Pennyrile
7 states as follows.

8 Please see Pennyrile's responses to KCTA 2-12 and KCTA 2-17.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 19) *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)** Pennyrile objects to this request on the grounds that the phrase "self-
6 supporting and financially sound basis" is unduly vague and ambiguous.
7 Notwithstanding this objection, but without waiving it, Pennyrile states as follows.

8 Pennyrile's position is adequately described in its pleadings.

9

10 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 20)** *If your answer to Request 2-19 is affirmative, please explain fully,*
2 *making reference to all facts known to you supporting that answer.*

3

4 **Response)** Please see Pennyrile's response to KCTA 2-19.

5

6 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 21) *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) Pennyrile includes revenues from pole attachments in a separate fund.

6

7 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 22) *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) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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- 1 **Item 23)** *If your answer to Request 2-22 is affirmative, have you and TVA entered*
2 *into an agreement as to the appropriate allocations of joint investments, salaries and*
3 *other expenses, funds, or use of property or facilities?*
4
5 **Response)** Please see Pennyrile's response to KCTA 1-17.
6
7 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 24) *If your answer to Request 2-23 is affirmative, please explain the*
2 *agreement as to the appropriate allocations and produce all documents relating to that*
3 *allocation agreement.*

4

5 Response) Please see Pennyrile's responses to KCTA 1-17 and KCTA 2-23.

6

7 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 25)** *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)** Pennyrile objects to this request on the grounds that it is duplicative of
6 KCTA 1-20. Notwithstanding this objection, but without waiving it, Pennyrile states as
7 follows.

8 Please see Pennyrile'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)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 26)** *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)** Pennyrile 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, Pennyrile states as
9 follows.

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

11

12 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 27) *If your answer to Request 2-26 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 Pennyrile's responses to KCTA 1-6 and KCTA 2-26.

6

7 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 28)** *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)** Pennyrile 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, Pennyrile states as
9 follows.

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

11

12 **Witness)** Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 29) *If your answer to Request 2-28 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 Pennyrile's responses to KCTA 1-17 and KCTA 2-28.

6

7 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

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CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
dated December 2, 2013

December 23, 2013

1 Item 30) *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)** Pennyrile objects to this request on the grounds that the words "directive"
7 and "communication" are unduly vague and ambiguous given the breadth of the request.
8 Notwithstanding this objection, but without waiving it, Pennyrile states as follows.

9 KCTA is in possession of the documents. Please see Pennyrile's responses to
10 KCTA 1-17, KCTA 2-28, and KCTA 2-29.

11

12 **Witness)** Eston Glover

PENNYRILE 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) *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)** Pennyrile 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, Pennyrile states as
8 follows.

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

10

11 **Witness)** Eston Glover

PENNYRILE 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
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December 23, 2013

1 Item 32) *If your answer to Request 2-31 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 2-31.

6

7 **Witness)** Eston Glover

PENNYRILE 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
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CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 Item 33) *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 Pennyrile's responses to KCTA 1-17, KCTA 2-31, and KCTA 2-32.

7

8 **Witness)** Eston Glover

PENNYRILE 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
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CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
dated December 2, 2013

December 23, 2013

1 Item 34) *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) Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile also objects to this request on the grounds that it is
6 duplicative of KCTA 1-16. Notwithstanding these objections, but without waiving them,
7 Pennyrile states as follows.

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

9

10 Witness) Eston Glover

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

8 **Witness)** Counsel

PENNYRILE 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
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AUTHORITY

CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 Item 36) *Produce all invoices for pole attachment fees you sent to all pole*
2 *attachers for each of the past three years.*

3

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

8 **Witness)** Counsel

PENNYRILE 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
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1 **Item 37)** *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)** Pennyrile objects to this request on the grounds that it is not calculated to
7 lead to the discovery of relevant and admissible evidence. Notwithstanding this
8 objection, but without waiving it, Pennyrile states as follows.

9 Pennyrile is not aware of any such analysis.

10

11 **Witness)** Eston Glover

PENNYRILE 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
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AUTHORITY

CASE NO. 2012-00544

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December 23, 2013

1 Item 38) *If your answer to Request 2-37 is affirmative, please produce all*
2 *documents relating to that analysis.*

3

4 Response) Please see Pennyrile's response to KCTA 2-37.

5

6 Witness) Eston Glover

PENNYRILE 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
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CASE NO. 2012-00544

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December 23, 2013

1 Item 39) *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)** Pennyrile objects to this request on the grounds that it is not reasonably
7 calculated to lead to the discovery of relevant and admissible evidence. Pennyrile also
8 objects to this request on the grounds that cooperatively organized entities are exempt
9 from the 1978 Pole Attachment Act. Notwithstanding this objection, but without waiving
10 it, Pennyrile states as follows.

11 Pennyrile is not aware of any such analysis.

12

13 **Witness)** Eston Glover

PENNYRILE 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 First Requests for Information
dated December 2, 2013

December 23, 2013

1 Item 40) *If your answer to Request 2-39 is affirmative, please produce all*
2 *documents relating to that analysis.*

3

4 Response) Please see Pennyrile's response to KCTA 2-39.

5

6 Witness) Eston Glover

PENNYRILE 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
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Response to KCTA's First Requests for Information
dated December 2, 2013

December 23, 2013

1 Item 41) *Have you, or anyone on your behalf, ever determined if your pole*
2 *attachment rates provide a subsidy to KCTA members?*

3

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

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

9

10 **Witness)** Eston Glover

PENNYRILE 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
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AUTHORITY

CASE NO. 2012-00544

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dated December 2, 2013

December 23, 2013

1 Item 42) *If your answer to Request 2-41 is affirmative, please explain the analysis*
2 *and produce all documents relating to that analysis.*

3

4 Response) Please see Pennyrile's response to KCTA 2-41.

5

6 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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AUTHORITY

CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
dated December 2, 2013

December 23, 2013

1 **Item 43)** *Produce your pole rates charged to Bellsouth and any cable entity for*
2 *each of the last ten years.*

3

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

7 Bellsouth pays the fee provided for by the AT&T Joint Use Agreement. Please
8 see Pennyrile's response to KCTA 1-9.

9

10 **Witness)** Eston Glover

PENNYRILE 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
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December 23, 2013

1 Item 44) *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)** Pennyrile 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. Pennyrile also objects to this request on the grounds that data requests are
8 not "evidence." Pennyrile also objects to this request on the grounds that the question
9 presented by KCTA is a question of law, which requires no evidence to resolve.
10 Notwithstanding these objections, but without waiving them, Pennyrile states as follows.

11 Please see Pennyrile's responses to KCTA 1-1 and KCTA 1-2.

12

13 **Witness)** Eston Glover

PENNYRILE 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) *If your answer to Request 2-44 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 Pennyrile's responses to KCTA 1-1, KCTA 1-2, and KCTA 2-
6 44.

7

8 Witness) Eston Glover

PENNYRILE 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
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AUTHORITY

CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
dated December 2, 2013

December 23, 2013

1 **Item 46)** 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 conflict
4 with TVA's regulation of your electric rates.

5

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

12 Please see Pennyrile's response to KCTA 1-5.

13

14 **Witness)** Eston Glover

PENNYRILE 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
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CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 Item 47) *If your answer to Request 2-46 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 Pennyrile's responses to KCTA 1-5 and KCTA 2-46.

6

7 Witness) Eston Glover

PENNYRILE 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
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December 23, 2013

1 **Item 48)** 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 ensure
3 your pole attachment rates will ensure your customers do not subsidize attaching entities.

4

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

11 Please see Pennyrile's response to KCTA 1-6.

12

13 **Witness)** Eston Glover

PENNYRILE 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
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December 23, 2013

1 Item 49) *If your answer to Request 2-48 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 Pennyrile's response to KCTA 2-48.

6

7 Witness) Eston Glover

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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CASE NO. 2012-00544

Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 50)** *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)** Pennyrile objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Pennyrile 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 Pennyrile also objects to this request on the grounds that the requested information is not
8 in the custody or control of Pennyrile.

9

10 **Witness)** Counsel

PENNYRILE 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
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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 BellSouth for attachments to your secondary poles?*

2

3 Response) Yes.

4

5 Witness) Eston Glover

PENNYRILE 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
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CASE NO. 2012-00544

**Response to KCTA's Supplemental Requests for Information
dated December 2, 2013**

December 23, 2013

1 Item 52) *Do you charge any cable entity for attachments to your secondary poles?*

2

3 Response) Yes.

4

5 Witness) Eston Glover

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

9

10 **Witness)** Counsel

PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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CASE NO. 2012-00544

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December 23, 2013

1 Item 54) *If your answer to Request 2-53 is affirmative, please identify the people*
2 *involved in each such discussion and the TVA representative who may testify.*

3

4 Response) Please see Pennyrile's response to KCTA 2-53.

5

6 Witness) Counsel

PENNYRILE 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

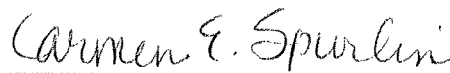
VERIFICATION

I, Eston Glover, verify, state, and affirm that I prepared or supervised the preparation of the data request responses filed with this Verification, and that those responses are true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.


Eston Glover

COMMONWEALTH OF KENTUCKY)
COUNTY OF TODD)

SUBSCRIBED AND SWORN TO before me by Eston Glover on this the 16 day of
December, 2013.


Notary Public, Ky. State at Large
My Commission Expires October 16, 2014