

HICKMAN-FULTON COUNTIES 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 agreements between you and the TVA, including but not*
2 *limited to "Power Contract TV-50871A" dated February 13, 1979.*

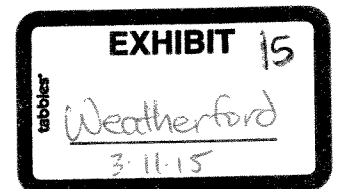
3

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

7 Please see the attached documents.

8

9 **Witness)** Debbie Weatherford



HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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dated December 2, 2013

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1 Item 2) *Produce all pole attachment agreements, joint use agreements, and pole*
2 *license agreements between you and all pole users dated on or after February 13, 1979.*

3

4 **Response)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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 Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's responses to KCTA 1-6 and KCTA 1-16.

10

11 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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

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

3

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

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

11

12 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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- 1 Item 4) *For all agreements identified in response to Request 2-3, please produce*
2 *all documents reflecting TVA's approval of these agreements.*
3
4 **Response)** Please see Hickman-Fulton's responses to KCTA 1-3 and KCTA 2-3.
5
6 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 Item 5) *Did you consult with TVA prior to entering any agreement identified in*
2 *response to Request 2-2?*

3

4 Response) Hickman-Fulton 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, Hickman-Fulton states as follows.

7 Please see Hickman-Fulton's response to KCTA 2-3.

8

9 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 Item 6) *If the answer to Request 2-5 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)** Hickman-Fulton 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, Hickman-Fulton states as follows.

8 Please see Hickman-Fulton's responses to KCTA 2-3 and KCTA 2-5.

9

10 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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Response to KCTA's Supplemental Requests for Information
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1 Item 7) *Did TVA explicitly approve your March 2010 Joint Use Agreement with*
2 *BellSouth Telecommunications, Inc.?*

3

4 **Response)** Hickman-Fulton objects to this request on the grounds that the phrase
5 “explicitly approve” is unduly vague and ambiguous. Hickman-Fulton 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, Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's response to KCTA 2-3 and KCTA 2-5.

10

11 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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- 1 Item 8) *If the answer to Request 2-7 is affirmative, please produce all documents*
2 *reflecting TVA's approval of the March 2010 Joint Use Agreement with BellSouth*
3 *Telecommunications, Inc.*
4
5 Response) Please see Hickman-Fulton's responses to KCTA 2-3 and KCTA 2-7.
6
7 Witness) Debbie Weatherford

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1 Item 9) *Did you consult with TVA regarding your March 2010 Joint Use*
2 *Agreement with BellSouth Telecommunications, Inc. prior to entering the contract?*

3

4 **Response)** Hickman-Fulton 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, Hickman-Fulton states as follows.

7 Please see Hickman-Fulton's responses to KCTA 2-5 and KCTA 2-7.

8

9 **Witness)** Debbie Weatherford

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1 Item 10) *If the answer to Request 2-9 is affirmative, please identify all*
2 *communications and produce all documents reflecting your consultation with TVA*
3 *before you entered the March 2010 Joint Use Agreement with BellSouth*
4 *Telecommunications, Inc.*

5

6 **Response)** Hickman-Fulton 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, Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's responses to KCTA 2-5, KCTA 2-7, and KCTA 2-9.

10

11 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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

1 Item 11) *Did TVA explicitly approve your undated Joint Use Agreement with*
2 *Windstream Kentucky East, LLC?*

3

4 **Response)** Hickman-Fulton objects to this request on the grounds that the phrase
5 “explicitly approve” is unduly vague and ambiguous. Hickman-Fulton 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, Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's response to KCTA 2-3.

10

11 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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1 Item 12) *If your answer to Request 2-11 is affirmative, please produce all*
2 *documents reflecting TVA's approval of the undated Joint Use Agreement with*
3 *Windstream Kentucky East, LLC.*

4

5 Response) Please see Hickman-Fulton's response to KCTA 2-11.

6

7 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 Item 13) *Did you consult with TVA regarding your undated Joint Use Agreement*
2 *with Windstream Kentucky East LLC prior to entering the contract?*

3

4 **Response)** Hickman-Fulton 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, Hickman-Fulton states as follows.

7 Please see Hickman-Fulton's response to KCTA 2-5.

8

9 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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1 Item 14) *If the answer to Request 2-13 is affirmative, please identify all*
2 *communications and produce all documents reflecting your consultation with TVA*
3 *before you entered the undated Joint Use Agreement with Windstream Kentucky East*
4 *LLC.*

5

6 **Response)** Hickman-Fulton 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, Hickman-Fulton states as follows.

9 Please see Hickman-Fulton's responses to KCTA 2-3 and KCTA 2-13.

10

11 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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December 23, 2013

1 **Item 15)** *For each of the last three fiscal years, produce the annual financial*
2 *reports you provided to TVA.*

3

4 **Response)** Hickman-Fulton 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, Hickman-Fulton states as follows.

7 Please see the attached documents.

8

9 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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1 Item 16) *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, Hickman-Fulton reports pole
5 attachment revenues as "rent from electric property" along with other rents. Please see
6 Hickman-Fulton's response to KCTA 2-15.

7

8 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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1 Item 17) *If the answer to Request 2-16 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 Hickman-Fulton's responses to KCTA 2-15 and KCTA 2-16.

6

7 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 **Item 18)** *Do you report your pole attachment rates to TVA?*

2

3 **Response)** No. Hickman-Fulton reports its rates and revenues only as required by the
4 TVA.

5

6 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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1 Item 19) *If the answer to Request 2-18 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 Hickman-Fulton's response to KCTA 2-18.

6

7 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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1 Item 20) *Do you report your pole-related costs to TVA?*

2

3 Response) Pole-related costs are captured as part of Hickman-Fulton's reporting of
4 operations, maintenance, and depreciation expenses in its annual reports. Please see
5 Hickman-Fulton's response to KCTA 2-15.

6

7 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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1 Item 21) *If the answer to Request 2-20 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)** Hickman-Fulton objects to this request on the grounds that it is overly
6 broad and unduly burdensome. Notwithstanding this objection, but without waiving it,
7 Hickman-Fulton states as follows.

8 Please see Hickman-Fulton's responses to KCTA 2-15 and KCTA 2-20.

9

10 **Witness)** Debbie Weatherford

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1 Item 22) *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) Hickman-Fulton objects to this request on the grounds that the phrase
6 "self-supporting and financially sound basis" is unduly vague and ambiguous.
7 Notwithstanding this objection, but without waiving it, Hickman-Fulton states as follows.

8 Hickman-Fulton's position is adequately described in its pleadings.

9

10 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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1 Item 23) *If your answer to Request 2-22 is affirmative, please explain fully,*
2 *making reference to all facts known to you supporting that answer.*

3

4 Response) Please see Hickman-Fulton's response to KCTA 2-22.

5

6 Witness) Debbie Weatherford

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

8 Please see Hickman-Fulton'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)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

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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

6 **Response)** Hickman-Fulton 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, Hickman-Fulton
9 states as follows.

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

11

12 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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- 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 Hickman-Fulton's responses to KCTA 1-6 and KCTA 2-25.
6
7 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
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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

6 **Response)** Hickman-Fulton 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, Hickman-Fulton
9 states as follows.

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

11

12 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 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 Hickman-Fulton's responses to KCTA 1-17 and KCTA 2-27.

6

7 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES 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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Response to KCTA's Supplemental Requests for Information
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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) Hickman-Fulton 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, Hickman-Fulton
9 states as follows.

10 KCTA is in possession of the documents. Please see Hickman-Fulton's responses
11 to KCTA 1-17, KCTA 2-27, and KCTA 2-28.

12

13 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES 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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Response to KCTA's Supplemental Requests for Information
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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) Hickman-Fulton 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, Hickman-Fulton
8 states as follows.

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

10

11 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES 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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THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
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Response to KCTA's Supplemental Requests for Information
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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 Hickman-Fulton's responses to KCTA 1-18 and KCTA 2-30.

6

7 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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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Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 32)** *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 Hickman-Fulton's responses to KCTA 1-18, KCTA 2-30, and KCTA 2-31.

7

8 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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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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)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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, Hickman-Fulton states as follows.

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

9

10 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 34) *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)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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Response to KCTA's Supplemental Requests for Information
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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) Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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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) Hickman-Fulton 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, Hickman-Fulton states as follows.

9 Hickman-Fulton is not aware of any such analysis.

10

11 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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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 Hickman-Fulton's response to KCTA 2-36.

5

6 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
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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) Hickman-Fulton 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 Hickman-Fulton also objects to this request on the grounds that cooperatively organized
9 entities are exempt from the 1978 Pole Attachment Act. Notwithstanding this objection,
10 but without waiving it, Hickman-Fulton states as follows.

11 Hickman-Fulton is not aware of any such analysis.

12

13 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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- 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 Hickman-Fulton's response to KCTA 2-38.
5
6 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 Supplemental Requests for Information
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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) Hickman-Fulton 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, Hickman-Fulton states as follows.

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

9

10 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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- 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 Hickman-Fulton's response to KCTA 2-40.
5
6 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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Response to KCTA's Supplemental Requests for Information
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1 Item 42) *Produce your pole rates charged to Windstream and Galaxy Cable,*
2 *Inc./Zito Media for each of the last ten years.*

3

4 **Response)** Hickman-Fulton objects to this request on the grounds that it is overly
5 broad and unduly burdensome. Hickman-Fulton 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. Hickman-Fulton also objects to this request on the grounds that it is
8 duplicative of KCTA 1-9. Notwithstanding these objections, but without waiving them,
9 Hickman-Fulton states as follows.

10 Please see Hickman-Fulton's response to KCTA 1-9.

11

12 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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 Supplemental Requests for Information
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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)** Hickman-Fulton 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. Hickman-Fulton also objects to this request on the grounds that data
8 requests are not "evidence." Hickman-Fulton also objects to this request on the grounds
9 that the question presented by KCTA is a question of law, which requires no evidence to
10 resolve. Notwithstanding these objections, but without waiving them, Hickman-Fulton
11 states as follows.

12 Please see Hickman-Fulton's responses to KCTA 1-1 and KCTA 1-2.

13

14 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES 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
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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 Hickman-Fulton's responses to KCTA 1-1, KCTA 1-2, and
6 KCTA 2-43.

7

8 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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Response to KCTA's Supplemental Requests for Information
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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

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

13 Please see Hickman-Fulton's response to KCTA 1-5.

14

15 **Witness)** Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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AUTHORITY
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Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 Item 46) *If your answer to Request 2-45 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 Hickman-Fulton's responses to KCTA 1-5 and KCTA 2-45.

6

7 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
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Response to KCTA's Supplemental Requests for Information
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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)** Hickman-Fulton 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. Hickman-Fulton also objects to this request on the grounds that data
9 requests are not "evidence." Hickman-Fulton also objects to this request on the grounds
10 that the question presented by KCTA is a question of law, which requires no evidence to
11 resolve. Notwithstanding these objections, but without waiving them, Hickman-Fulton
12 states as follows.

13 Please see Hickman-Fulton's response to KCTA 1-6.

14

15 **Witness)** Debbie Weatherford

Case No. 2012-00544
Hickman-Fulton Counties Rural Electric Cooperative Corporation
Response to KCTA 2-47
Witness: Debbie Weatherford
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HICKMAN-FULTON COUNTIES 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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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 48) *If your answer to Request 2-47 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 Hickman-Fulton's responses to KCTA 1-6 and KCTA 2-47.

6

7 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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December 23, 2013

1 Item 49) *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)** Hickman-Fulton objects to this request on the grounds that is unduly
5 burdensome. Hickman-Fulton 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 Hickman-Fulton also objects to this request on the grounds that the requested information
8 is not in the custody or control of Hickman-Fulton.

9

10 **Witness)** Counsel

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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Response to KCTA's Supplemental Requests for Information
dated December 2, 2013

December 23, 2013

1 Item 50) *Do you charge BellSouth for attachments to your secondary poles?*

2

3 Response) Yes.

4

5 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES 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
dated December 2, 2013

December 23, 2013

1 Item 51) *Do you charge Galaxy Cable, Inc./Zito Media for attachments to your*
2 *secondary poles?*

3

4 Response) Yes.

5

6 Witness) Debbie Weatherford

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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1 Item 52) *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)** Hickman-Fulton 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 Hickman-Fulton also objects to this request on the grounds that it is premature in light of
7 the fact that discovery is ongoing and no decision regarding potential witnesses has been
8 made. Hickman-Fulton will identify its witnesses, if any, in accordance with the
9 Commission's scheduling orders.

10

11 **Witness)** Counsel

HICKMAN-FULTON COUNTIES RURAL ELECTRIC COOPERATIVE
CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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Response to KCTA's Supplemental Requests for Information
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December 23, 2013

- 1 Item 53) *If your answer to Request 2-52 is affirmative, please identify the people*
2 *involved in each such discussion and the TVA representative who may testify.*
3
4 Response) Please see Hickman-Fulton's response to KCTA 2-52.
5
6 Witness) Counsel

HICKMAN-FULTON COUNTIES 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

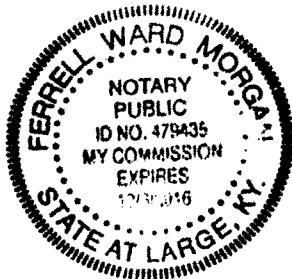
VERIFICATION

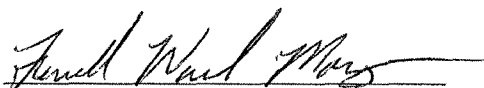
I, Debbie Weatherford, verify, state, and affirm that I prepared or supervised the preparation of the data request responses filed with this Verification, and that those responses are true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.


Debbie Weatherford

COMMONWEALTH OF KENTUCKY)
COUNTY OF FULTON)

SUBSCRIBED AND SWORN TO before me by Debbie Weatherford on this the 11th day of December, 2013.




Notary Public, Ky. State at Large
My Commission Expires 12/03/2016