

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

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1 This deposition, under oath, of Warren Ramsey was
 2 taken by me, Theresa R. Reid, Notary Public, on March 13,
 3 2015, beginning at approximately 8:18 a.m., Central
 4 Standard Time, at Bowling Green Country Club, 251 Beech
 5 Bend Road, Bowling Green, Kentucky 42101. Said examination
 6 was taken pursuant to Notice, for purposes of discovery,
 7 and as provided by the Kentucky Rules of Civil Procedure.

8 *** **

9
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20 Transcript Legend:
21 (ph) (Phonetically)
22 [sic] (In its original form)
23 ... (Trailing off or did not complete thought)
24 - (Interjection of thought for clarification)
25 -- (Interruption of thought or speech)

1 WARREN RAMSEY,
2 a witness, called upon oral examination by counsel for the
3 Petitioner, having been first duly sworn, was examined and
4 testified as follows:

5
6 EXAMINATION

7 BY MR. GILLESPIE:

8 Q. Good morning. I'm Gardner Gillespie from
9 Sheppard Mullin representing the Kentucky Cable
10 Telecommunications Association. Would you state your name
11 and address for the record, please?

12 A. Warren Ramsey. Do you want the home address?

13 Q. Either. Business or home is fine.

14 A. Home address, 920 Hill Road, Bowling Green,
15 Kentucky 42103.

16 Q. Have you ever had your deposition taken before?

17 A. Yes.

18 Q. How many times?

19 A. Probably twice. It's been a while.

20 Q. Okay. Well, let me go over the ground rules here
21 just as a reminder.

22 A. Sure.

23 Q. We need verbal responses. So, shaking of the
24 head or huhs or uh-huhs will be hard for the court reporter
25 to grasp and what we want is a full record here. Do you

1 understand?

2 A. Okay. Sure.

3 Q. Okay. If you don't understand a question, let me
4 know and I'll try to rephrase it or clarify it.

5 A. Okay.

6 Q. If you answer, we will assume that you have
7 understood the question, all right?

8 A. Okay.

9 Q. And are you on any medications or is there any
10 other reason why the Commission cannot fully depend on your
11 answers today?

12 A. Not that any would affect my answers.

13 Q. Okay. You understand that you're testifying on
14 behalf of Warren, the cooperative?

15 A. Yes.

16 Q. And that your answers will be taken as the
17 answers of the cooperative?

18 A. Yes.

19 Q. Okay. What did you say, we're up to 29?

20 COURT REPORTER: Yes.

21 Q. Okay. I'd like that marked as Exhibit No. 29,
22 the first Notice of Deposition submitted in this matter.

23 (WHEREAS, EXHIBIT NO 29 WAS ENTERED)

24 Q. And I'd like marked, as Exhibit No. 30, the
25 Revised Notice of Deposition. This was revised in response

1 to an Order of the Public Service Commission.

2 (WHEREAS, EXHIBIT NO 30 WAS ENTERED)

3 Q. Mr. Ramsey, are you familiar with Exhibit No. 29?

4 A. Yes.

5 Q. And -- And are you familiar with Exhibit No. 30?

6 A. Yes.

7 Q. Are you prepared to answer questions in all of
8 the categories listed on Exhibit 30?

9 A. When you say categories, they're just topics and
10 it has Exhibit A.

11 Q. Topics.

12 A. Yes.

13 Q. Now, what did you do to prepare for this
14 deposition?

15 A. Can you give me a time period? I mean, I've read
16 the documents over a period of time, but.

17 Q. Okay. Well, what did you do specifically to
18 prepare for the deposition today?

19 A. Well, we did meet, but we just reviewed the
20 current -- all of the documents that have been submitted to
21 you and -- and the PSC.

22 Q. Okay. When you say you met, you met with your
23 counsel and with representatives of the other four TVA
24 cooperatives that are involved in this matter?

25 A. Yes.

1 Q. And that was last Friday?

2 A. Yes.

3 Q. Okay. And when you say you reviewed documents,
4 you reviewed the pleadings in this case?

5 A. Approximately. There wasn't much time, so.

6 Q. There was -- What do you mean, there wasn't much
7 time?

8 A. We only took about a half a day, so there was not
9 a thorough review.

10 Q. Okay. So, over the course of a half a day, you
11 and the other representatives of the cooperatives reviewed
12 some of the documents that have been filed in this case?

13 A. Correct.

14 Q. Okay. Did you review any of the documents that
15 Warren has produced in this case?

16 A. The ones that have been submitted, yes.

17 Q. Okay. By submitted, you mean that have been
18 provided to --

19 A. The PSC.

20 Q. -- to the PSC?

21 A. Right.

22 Q. What about documents that have been provided to
23 KCTA?

24 A. I don't recall.

25 Q. Okay. So, about how long did this meeting take?

1 A. Two and a half hours, give or take a half an
2 hour.

3 Q. Okay. And you discussed these matters with
4 counsel and with the other representatives --

5 A. Yes.

6 Q. -- of the cooperatives? One thing I neglected to
7 say when we were going through the process here was that it
8 would be helpful if you would wait until I finish my question
9 and I'll try to wait until you finish your answer, so we
10 don't talk on top of one another, okay?

11 A. Sorry.

12 Q. Okay. Other than that meeting, have you
13 discussed this deposition with anyone?

14 A. No.

15 Q. Did you do anything else to educate yourself on
16 the topics of the deposition?

17 A. No.

18 Q. Did you understand that you had any kind of a
19 duty to educate yourself on the topics of the deposition?

20 A. No.

21 Q. What is your current position?

22 A. President and CEO.

23 Q. President and CEO of Warren?

24 A. Correct.

25 Q. And how long have you had that position?

1 A. Approximately 18 months.

2 Q. And who was the President and CEO of Warren
3 before you?

4 A. Gary. His last name escapes me at this point.

5 Q. That's okay. I have the same trouble with names.

6 A. I haven't had any coffee, so.

7 Q. Do you want coffee?

8 A. No, I don't. I'm fine without it.

9 Q. What was your position prior to becoming
10 President and CEO?

11 A. I was President and CEO at Southern Illinois
12 Power Cooperative.

13 Q. And how long were you with Southern Illinois?

14 A. Approximately six years.

15 Q. And what did you do before that?

16 A. I was an asset manager at Oglethorpe Power
17 Corporation in Tucker, Georgia.

18 Q. And what were your responsibilities as asset
19 manager there?

20 A. I was responsible for, at times, a minimum of one
21 large coal-fired power plant and I was responsible, at one
22 time or another, for two additional power plants totaling
23 over a billion dollars in assets.

24 Q. These -- This was on a generation site?

25 A. Yes.

1 Q. And your work at Southern Illinois, you say you
2 were the President and CEO there?

3 A. Correct.

4 Q. So, you were responsible for all of the
5 operations at Southern Illinois?

6 A. It was also a generation and transmission
7 cooperative. So, with regards to the G&T, yes.

8 Q. Okay. And so, Warren is -- How would you
9 describe what Warren does?

10 A. It is considered a distribution cooperative.

11 Q. Okay. And it distributes electricity that is
12 provided by the TVA, correct?

13 A. Correct.

14 Q. And as President and CEO of Warren, you're
15 responsible for all of its operations?

16 A. Correct.

17 Q. Okay. You report to the Board, I assume?

18 A. Yes.

19 Q. And as President and CEO, you're responsible for
20 the pole attachment matters of Warren?

21 A. Yes.

22 Q. Okay. I'd like marked, as Exhibit 31, Warren's
23 responses to KCTA's first data requests.

24 (WHEREAS, EXHIBIT NO 31 WAS ENTERED)

25 Q. And I would like marked, as Exhibit 32, Warren's

1 responses to KCTA's supplemental data requests.

2 MR. DEPP: This one doesn't have the
3 verification, but I believe in previous versions it's been
4 loose.

5 MR. GILLESPIE: Here it is.

6 MR. DEPP: There we go.

7 (WHEREAS, EXHIBIT NO 32 WAS ENTERED)

8 BY MR. GILLESPIE:

9 Q. The verification that goes with this response is
10 not stapled to it. I apologize for that. Okay. Mr. Ramsey,
11 are you familiar with Exhibit No. 31?

12 A. Yes.

13 Q. Did you have any role in the responses that are
14 contained in Exhibit No. 31?

15 A. No.

16 Q. Who is Dewayne McDonald who is shown as the
17 witness here?

18 A. He reports to me. He's a senior staff person.
19 He's Vice President of Engineering and Operations.

20 Q. Were you President or CEO of Warren at the time
21 that these responses were prepared?

22 A. Yes, for 45 days approximately.

23 Q. So, you had taken over as President and CEO about
24 45 days before the first set of responses?

25 A. Yes.

1 Q. Okay. Now, did Mr. McDonald discuss these
2 responses to you prior to their being submitted?

3 A. No.

4 Q. Okay. Did you have any discussions or
5 communications with Mr. McDonald about these prior to the
6 first set being submitted?

7 A. Yes.

8 Q. Okay. And what was the nature of those
9 discussions?

10 A. I asked him to proceed because I had only been on
11 the job for less than 45 days and his background in the case,
12 obviously, was more important. So, I thought it best for the
13 case that he would proceed forward with it, due to my lack of
14 knowledge, not having been present.

15 Q. Okay. So, you -- Basically, you asked him to go
16 ahead and take care of this; is that right?

17 A. Yes.

18 Q. And in connection with the responses, the
19 supplemental interrogatories, what was your role?

20 A. The same.

21 Q. Okay. Did you review the first set of responses
22 prior to their being submitted?

23 A. No.

24 Q. Did you review the second set of responses prior
25 to their being submitted?

1 A. No.

2 Q. In connection with your preparation for the
3 deposition, did your review these documents?

4 A. Yes, on that Friday that we met.

5 Q. Okay. Now, the -- You're aware that the
6 responses to these documents are, in most cases, identical
7 among the different cooperatives, correct?

8 A. I don't know. I assume they are.

9 Q. Well, when you discussed these as a group, you --
10 did you go over each item?

11 A. I -- Our books were different. Mine was Warren
12 Rural Electric. I did not see the other books from the other
13 cooperatives, so I don't know what their responses were.

14 Q. Okay. By books, you mean the documents prepared
15 that you were reviewing?

16 A. Yes.

17 Q. So, there was a set of documents that was
18 prepared for each of you?

19 A. Correct.

20 Q. Okay. And did you discuss the responses to any
21 of these --

22 MR. DEPP: I just want to caution -- I'm sorry.
23 Were you not finished?

24 MR. GILLESPIE: I'm not finished.

25 MR. DEPP: Okay.

1 BY MR. GILLESPIE:

2 Q. But I'm not going to ask you to disclose
3 attorney-client matters, but did you discuss among yourselves
4 the responses to any of these data requests?

5 A. No.

6 Q. So, you just reviewed yours individually?

7 A. Correct.

8 Q. Okay. What did Warren do to look for documents
9 requested in connection with the data requests?

10 A. I'm not sure I understand your question. It
11 seems awful broad.

12 Q. Okay. You're aware that these data requests
13 requested certain documents?

14 A. Yes.

15 Q. And you became aware of that, I assume, only last
16 Friday; is that right?

17 A. I'm not sure what you're asking because there
18 were requests for documents over -- since I've been CEO while
19 this case has proceeded, so.

20 Q. All right. Well, I'm -- I'm talking specifically
21 about the requests for documents contained in these data
22 requests. Let me rephrase the question. Were -- Were you
23 aware at the time that these data requests were being
24 responded to that they asked for certain documents to be
25 produced?

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. I don't know. There's so many of them. They
2 were dated back in 2003. I've never seen these before.

3 Q. You have never seen some of them or all of them?

4 A. Well, it would take me a while to go through all
5 of these to give you an answer, if that's what you wish me to
6 do.

7 Q. No, that's all right. Let me ask you this. Does
8 Warren currently have a contract with TVA?

9 A. Yes.

10 Q. Okay. And did Warren ever not have a contract
11 with TVA, let's say over the last 30 years, to your
12 knowledge?

13 A. I don't know.

14 Q. Okay. Do you see the first page of this exhibit
15 is a letter from the Chairman of the Board of the Directors
16 of Warren to the TVA noting that it intends to cancel the
17 Power Contract. Do you see that?

18 A. Yes, I do.

19 Q. Do you know what happened with respect to that
20 matter?

21 A. I know the plan to move forward with another
22 wholesale provider was cancelled and discussions with TVA
23 commenced and we were still considered part of TVA.

24 Q. So, the -- As far as you know, the TVA contract
25 was never cancelled?

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 cooperative response to the January 17th Order of the PSC,
2 and this response attached a number of identical -- virtually
3 identical letters from Cynthia Herron at the TVA to the
4 various -- various cooperatives. Let me just kind of show
5 you a copy of that letter. This one is dated January 24th,
6 2013, to Gary Dillard, President of CEO of Warren. Was he
7 your predecessor?

8 A. Yes.

9 Q. Okay. Are you familiar with that letter from Ms.
10 Herron?

11 A. No, I'm not familiar with it.

12 Q. So, you haven't seen it before?

13 A. No.

14 Q. Okay. I'll take it back.

15 A. All right.

16 Q. Do you know if Warren has determined what the
17 costs associated with pole attachment rentals are?

18 A. Per pole per year?

19 Q. Well, let me rephrase it again. Do you know what
20 the costs associated with pole attachment rentals are?

21 A. Yes.

22 Q. And what are those costs?

23 MR. DEPP: I'm going to object to the extent
24 we're getting into cost data information because the
25 Commission has indicated that is not a subject matter in this

1 proceeding. The witness can answer if he understands.

2 Q. Well, let me put it this way. I'm -- What I'm
3 interested in is the last response. You said that -- that
4 Warren is aware of its costs associated with pole attachment
5 rentals. So, what are those costs?

6 MR. DEPP: And my objection stands.

7 Q. Okay.

8 A. It depends on which cable TV association -- I
9 mean, company you're talking about because they're different.

10 Q. Okay. Let me -- Let me clarify something. I'm
11 not asking for the prices that are charged or the rates that
12 are charged --

13 A. Okay.

14 Q. -- by Warren. We'll get into that in a minute.
15 I'm interested in the costs that Warren incurs in connection
16 with making pole attachment space available.

17 A. Am I aware of those?

18 Q. Yes.

19 A. Individual costs?

20 Q. Yes.

21 A. No.

22 Q. Okay. Has Warren RECC determined what those
23 costs are?

24 A. Yes.

25 Q. Okay. And when did it determine what those costs

1 are?

2 A. I don't know the date.

3 Q. Okay. What did it do to determine those costs?

4 A. To the best of my recollection, we used a formula
5 developed by the TVPPA.

6 Q. And did that formula use or refer to historic
7 pole investment costs of Warren? Do you know?

8 A. I don't know.

9 Q. Do you know what was included in the formula?

10 A. I can't recall.

11 Q. Okay. Do you know what operating costs were
12 reviewed in connection with that?

13 A. No.

14 Q. Okay. Were the results of that analysis ever
15 provided to TVA?

16 A. I don't know.

17 Q. Now, when you say that Warren developed costs
18 according to a formula developed by the TVPPA, were those
19 Warren-specific costs or were those costs of other companies?

20 MR. DEPP: I don't believe he testified that they
21 developed costs.

22 Q. All right. In connection with your analysis of
23 costs that we were just talking about, did Warren use costs
24 from Warren's books or was this analysis something that
25 involved costs of AT&T?

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 charged by Warren to AT&T for AT&T's attachments to Warren's
2 poles?

3 A. These specific rates?

4 Q. Yes.

5 A. Yes.

6 Q. Okay. Are these the rates that are charged by
7 AT&T to Warren for Warren's attaching to AT&T's poles?

8 A. Yes.

9 Q. Okay. So, AT&T owns poles that Warren attaches
10 to and Warren owns poles that AT&T is attached to, correct?

11 A. Correct.

12 Q. Okay. All right. I'd like marked, as Exhibit
13 No. 35, a one-page document. It is a chart of pole
14 attachment rates.

15 (WHEREAS, EXHIBIT NO 35 WAS ENTERED)

16 Q. Are you familiar with this document?

17 A. No.

18 Q. Have you ever seen this document?

19 A. No.

20 Q. Do you know who prepared the document?

21 A. Company or individual or...

22 Q. Either.

23 A. I do not know. I assume it's Warren Rural
24 Electric, since our name is on it.

25 Q. Do you know who at Warren Rural Electric prepared

1 it?

2 A. No, I do not.

3 Q. The first row in this chart below the subject
4 headings says tele -- agency, it says telephone. It says
5 number of agencies, two. Do you know what that means?

6 A. I believe those are companies.

7 Q. What's the basis of your belief?

8 A. Because I know we have multiple CATV contracts
9 and six looks to be about the right number.

10 Q. Okay. So, you believe that number of agencies
11 would be the number of companies in that -- included in that
12 particular row; is that right?

13 A. Correct.

14 Q. Now, these show rates in this row for 2010, 2011,
15 and 2012. Do you see that?

16 A. Yes.

17 Q. Do you know what the applicable rate was in 2013?

18 A. For which company?

19 Q. For the two unnamed companies that are reflected
20 in this row.

21 A. No, I do not.

22 Q. Do you know what companies are reflected in this
23 row?

24 A. There are three rows without a number under '13,
25 so which one are you referring?

1 Q. I'm talking about the first row, the one that --

2 A. Okay.

3 Q. -- has telephone and it has two agencies.

4 A. I don't know.

5 Q. The next row, it has one agency. Do you know
6 what company that is?

7 A. No, I do not.

8 Q. You don't know then what the 2013 rate was for
9 that company, correct?

10 A. That's correct.

11 Q. And do you know what the six cable TV companies
12 are that are listed?

13 A. Other than Time Warner, no. I do not know the
14 others.

15 Q. Okay. So, you -- You just know that Time Warner
16 Cable has attachments on Warren's poles, correct?

17 A. Correct.

18 Q. And so, you believe that Time Warner Cable would
19 be one of the six cable TV agencies listed, right?

20 A. At least one of the six.

21 Q. Okay. Do you know who the other five companies
22 would be, listed in the final two rows?

23 A. We do connect to BGMU and they connect to us in
24 terms of our shared attachments.

25 Q. What is the name of that, please?

1 A. Bowling Green Municipal Utilities.

2 Q. And they would be listed as one of the other
3 five?

4 A. That is correct.

5 Q. Would they be in the last row or the second to
6 last row?

7 A. I'm not sure.

8 Q. Okay. Do you know if any of these rates are
9 reported to TVA?

10 A. I don't know.

11 Q. Okay. Now, we discussed the fact that Warren has
12 attachments on AT&T's poles and AT&T has attachments on
13 Warren's poles. We'll just call that arrangement joint use,
14 for the purposes of this deposition. Do you know whether any
15 of the other agencies listed here have joint use arrangements
16 like that?

17 A. No. No, I don't.

18 Q. Okay. Is it true that Warren pays money to AT&T
19 to attach to AT&T's poles?

20 A. Yes.

21 Q. And do you know whether Warren actually exchanges
22 money with AT&T or does Warren simply net out the amount of
23 expenses that it has with AT&T against the revenues that it
24 receives from AT&T?

25 A. I'm not sure.

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. Well, I don't know where the last one dates, but
2 definitely yes to the first one. Yes, it looks like they're
3 all predating my arrival.

4 Q. Okay. It might be simpler for some of these
5 questions to go back to Exhibit No. 35. That's the exhibit
6 of -- the chart.

7 A. Uh-huh, yes.

8 Q. Do you have any explanation for why the rates are
9 different among the different -- some of the different
10 categories of agencies?

11 A. I do not know.

12 Q. So, you don't have any explanation?

13 A. That's correct.

14 Q. Unfortunately, these pages were not Bates stamped
15 when we received them. Go through 12 different pages of
16 Exhibit No. 36, I think to the 13th page. This is a page
17 dated -- Schedule of Pole Rental 2010, with a date of January
18 2, 2011 on it.

19 A. This one?

20 Q. No, the next one.

21 A. Okay.

22 Q. Okay. So, this shows a -- It has a reference to
23 BST. Do you see that? And then, down in the -- about two-
24 thirds of the way down on the right, it says Bell South
25 Telecommunications, Inc. Do you see that?

1 A. Yes.

2 Q. Okay. And there is a second column at the top of
3 the page that has Power Company on BST. Do you see that?

4 A. Yes.

5 Q. And it has a number, 765, there?

6 A. 765. I don't see -- Oh, are you talking about --
7 Okay. I see it.

8 Q. Do you see that?

9 A. Yes.

10 Q. Does that represent the number of Bell South
11 poles that Warren is on? Do you know? Do you know what that
12 number stands for?

13 A. I'm not for sure. I can assume that that's what
14 it means.

15 Q. Do you know whether Warren treats Bell South as a
16 separate entity from AT&T?

17 A. I do not know.

18 Q. All right. Two more pages in this exhibit is an
19 invoice from Warren to AT&T, Inc. Do you see that?

20 A. Yes.

21 Q. And this has a number down at the bottom of the
22 first set of columns with numbers of total poles of 1008. Do
23 you see that?

24 A. Yes.

25 Q. Is that the total number of poles -- of AT&T

1 poles that Warren is attached to in this invoice?

2 A. Yes.

3 Q. Okay. And does this indicate that AT&T is billed
4 separately from Bell South?

5 A. I don't know that.

6 Q. Okay. Looking down at -- further at this
7 document, do you see that there is a -- first of all, a
8 summary of joint use attachments with a total amount due of
9 \$345,033? Do you see that?

10 A. Yes.

11 Q. And then do you see, down under WRECC
12 attachments, that there's a total of \$27,216?

13 A. Yes.

14 Q. Do you see that this invoice is for the net of
15 those two amounts of \$317,817?

16 A. Correct.

17 Q. So, does this indicate that the way that Warren
18 bills AT&T is to net out the amount that AT&T owes?

19 A. Yes.

20 Q. Do you know how Warren treats these amounts in
21 its annual reports to TVA? Let me ask that question more
22 directly. Do you know whether, in reporting -- No, take a
23 step further back. Are you aware that Warren reports its
24 revenues to TVA?

25 A. Yes.

1 Q. And as part of those revenues, pole attachment
2 revenues are included, correct?

3 A. They're included, yes.

4 Q. Okay. And do you know that Warren reports its
5 expenses to TVA?

6 A. True.

7 Q. And would the pole attachment expenses that
8 Warren has in attaching to AT&T's poles be reported to TVA?

9 A. Yes.

10 Q. Does Warren report total revenues and total
11 expenses or does it net them out for pole attachments? Do
12 you know?

13 A. Well, let me think a second. I'm not sure.

14 Q. Okay. Do you know whether Warren has more than
15 one -- submits more than one invoice to AT&T for its poles?

16 MR. DEPP: Can you be more specific about which
17 AT&T?

18 Q. Yeah. That's -- I understand that would be a
19 hard question. Let me try to rephrase that. Turn over
20 another one, two -- three pages and, on the back of the third
21 page, is an email from Patty Kantosky to Travis Parsley dated
22 January 12th, 2011. Do you see that?

23 A. Yes.

24 Q. Okay. That has a number of attachments that AT&T
25 had. Do you know whether this would include all of AT&T's

1 attachments or only for some portion of Warren System?

2 A. I don't know.

3 Q. All right. I -- I apologize that we didn't Bates
4 stamp these. I guess I should, first of all, suggest that I
5 believe it was the responsibility of Warren to have Bates
6 stamped these documents; but in the absence of that, I -- I
7 do believe we should have done that. So, take that apology
8 for what it's worth.

9 Look over another -- Go through another 20 pages,
10 if you would. I am now looking at a email from Patty
11 Kantosky at Warren, to Greg Hale, dated May 28th, 2010. It
12 might be on the back of --

13 A. Okay. Yeah, there it is.

14 Q. Do you see that?

15 A. Yeah.

16 Q. Okay. This indicates that there was a joint use
17 rate in -- attachment rate in -- January 29, 2009 where the
18 rate was different for 40-foot and over poles and for 35-foot
19 poles. Do you see that?

20 A. Yes.

21 Q. Do you know what the reason was for that?

22 A. No.

23 Q. Okay. Look at the next page, which is an email
24 from Patty Kantosky. You might have to turn that over
25 actually. No.

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.)

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MR. GILLESPIE: All right. Thank you, Mr. Ramsey. I have no further questions.

MR. DEPP: I have no questions.

(DEPOSITION ENDED AT 9:38 A.M., CST)

(WITNESS EXCUSED.)

WARREN RAMSEY

ERRATA PAGE
(may or may not be requested)

PAGE	LINE	REASON
_____	_____	_____
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_____	_____	_____

I HAVE READ THE FOREGOING PAGES, AND THE STATEMENTS CONTAINED THEREIN (SUBJECT TO CORRECTIONS, ADDITIONS, AND DELETIONS CONTAINED IN THE ADDENDUM ANNEXED HERETO, IF ANY), AND THEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WARREN RAMSEY

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF
(Date)
_____, _____
(Month) (Year)

NOTARY PUBLIC, STATE OF _____
(State)
MY COMMISSION EXPIRES: _____

RETURN WITHIN 30 DAYS TO:
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Louisville, Kentucky 40202
502.561.9988 Voice 502.561.9080 Fax
E-mail: depo@vcrslou.com

1 STATE OF KENTUCKY)
2) SS
3 COUNTY OF JEFFERSON)

4 I, THERESA R. REID, Notary Public in and for the
5 Commonwealth of Kentucky, State at Large, hereby certify
6 that the foregoing deposition was taken at the time and
7 place stated in the caption; that the appearances are as
8 set forth in the caption; that prior to giving the
9 testimony the witness was first duly sworn by me; that said
10 testimony was reported by mechanical means by me, and
11 thereafter transcribed under my personal direction and
12 supervision; and that said typewritten transcript is a
13 true, accurate, and complete transcript to the best of my
14 ability and understanding; and that there was a request
15 that the witness read and sign the deposition.

16 I further certify that I am not related by blood or
17 marriage to any of the parties hereto and that I have no
18 interest in the outcome of the captioned matter.

19 My Commission as a Notary Public expires February
20 17, 2016.

21 Given under my hand this _____ day of _____,
22 2015, at Louisville, Jefferson County, Kentucky.

23 

24 _____
25 THERESA R. REID
NOTARY PUBLIC, STATE-AT-LARGE, KY

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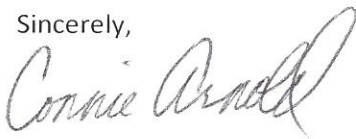
**RE: Public Service Commission Case No. 2012-00544
Depositions of Eston W. Glover, Jr.; Warren Ramsey; David E. Smart; Paul Thompson; and
Debra Weatherford**

To Whom It May Concern:

Enclosed are the original Errata Pages for the depositions of Eston W. Glover, Jr., Warren Ramsey, David E. Smart and Debra Weatherford. Enclosed also is a copy of the Errata Page for the deposition of Paul Thompson. We will forward the original of Mr. Thompson's Errata Page when we receive it.

In the meantime, if you have any questions, please let me know.

Sincerely,



Constance Arnold

Enclosures
9586902v1

WARREN RAMSEY

ERRATA PAGE
(may or may not be requested)

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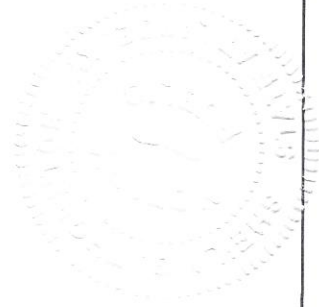
I HAVE READ THE FOREGOING PAGES, AND THE STATEMENTS CONTAINED THEREIN (SUBJECT TO CORRECTIONS, ADDITIONS, AND DELETIONS CONTAINED IN THE ADDENDUM ANNEXED HERETO, IF ANY), AND THEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Warren Ramsey
WARREN RAMSEY

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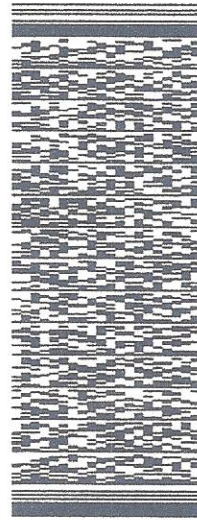
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Ship Date: 20APR15
ActWgt: 0.5 LB
CAD: 104411767/WMSX12750

Delivery Address Bar Code



Ref # 72890.2
Invoice #
PO #
Dept #

TUE - 21 APR AA
STANDARD OVERNIGHT

TRK# 7805 2779 6311

0201

ASR
40202
KY US
SDF

69 LOUA



537-2487-5367-40

Sender: You must seal flap before shipping.

Press here to seal.

Press here to seal.

Press here to seal.

00 C
6311
04.21