

WARREN 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 May 7, 1982.*

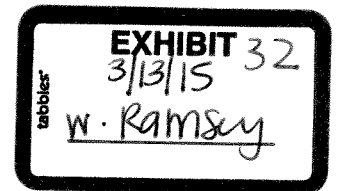
3

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

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

9

10 **Witness)** Dewayne McDonald



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

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

11

12 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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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 Warren's responses to KCTA 1-3 and KCTA 2-2.

5

6 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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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)** Warren 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 Warren states as follows.

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

8

9 **Witness)** Dewayne McDonald

WARREN 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)** Warren objects to this request on the grounds that the word "consultation"
6 is unduly vague and ambiguous. Notwithstanding this objection, but without waiving it,
7 Warren states as follows.

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

9

10 **Witness)** Dewayne McDonald

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

9 Please see Warren's response to KCTA 2-2.

10

11 **Witness)** Dewayne McDonald

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

4

5 Response) Please see Warren's responses to KCTA 2-2 and KCTA 2-6.

6

7 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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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)** Warren 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 Warren states as follows.

7 Please see Warren's responses to KCTA 2-2 and KCTA 2-6.

8

9 **Witness)** Dewayne McDonald

WARREN 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) Warren objects to this request on the grounds that the word "consultation"
7 is unduly vague and ambiguous. Notwithstanding this objection, but without waiving it,
8 Warren states as follows.

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

10

11 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 10) *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)** Warren objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Warren also objects to this request on the grounds that the requested
6 data are not readily available. Warren also objects to this request on the grounds that it is
7 not reasonably calculated to lead to the discovery of relevant and admissible evidence.

8

9 **Witness)** Counsel

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 11)** *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)** Warren 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, Warren states as follows.

8 Please see the attached documents.

9

10 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 12)** *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, Warren reports pole attachment
5 revenues as "rent from electric property" along with other rents. Please see Warren's
6 response to KCTA 2-11.

7

8 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 13) *If the answer to Request 2-12 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 Warren's responses to KCTA 2-11 and KCTA 2-12.

6

7 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 14)** *Do you report your pole attachment rates to TVA?*

2

3 **Response)** No. Warren reports its rates and revenues only as required by the TVA.

4

5 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 15) *If the answer to Request 2-14 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 Warren's response to KCTA 2-14.

6

7 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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**Response to KCTA's Supplemental Requests for Information
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December 23, 2013

1 **Item 16)** *Do you report your pole-related costs to TVA?*

2

3 **Response)** Pole-related costs are captured as part of Warren's reporting of operations,
4 maintenance, and depreciation expenses in its annual reports. Please see Warren's
5 response to KCTA 2-11.

6

7 **Witness)** Dewayne McDonald

WARREN 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 reports to TVA regarding your pole-related costs for each of*
3 *the past five years.*

4

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

8 Please see Warren's responses to KCTA 2-11 and KCTA 2-16.

9

10 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 18)** *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)** Warren 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, Warren states as follows.

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

9

10 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 19)** *If your answer to Request 2-18 is affirmative, please explain fully,*
2 *making reference to all facts known to you supporting that answer.*

3

4 **Response)** Please see Warren's response to KCTA 2-18.

5

6 **Witness)** Dewayne McDonald

Case No. 2012-00544

Warren Rural Electric Cooperative Corporation

Response to KCTA 2-19

Witness: Dewayne McDonald

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1 **Item 20)** *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)** Warren includes revenues from pole attachments in a separate fund.

6

7 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 **Item 21)** *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)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 22) *If your answer to Request 2-21 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 West Kentucky's response to KCTA 1-17.

6

7 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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1 Item 23) *If your answer to Request 2-22 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 Warren's responses to KCTA 1-17 and KCTA 2-22.

6

7 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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

8 Please see Warren'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)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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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) Warren objects to this request on the grounds that the civil rules pertaining
7 to requests for admissions do not apply to data requests in Commission proceedings.
8 Notwithstanding this objection, but without waiving it, Warren states as follows.

9 Please see Warren's response to KCTA 1-6.

10

11 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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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 Warren's responses to KCTA 1-6 and KCTA 2-25.

6

7 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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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)** Warren objects to this request on the grounds that the civil rules pertaining
7 to requests for admissions do not apply to data requests in Commission proceedings.
8 Notwithstanding this objection, but without waiving it, Warren states as follows.

9 Please see Warren's response to KCTA 1-17.

10

11 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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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 Warren's responses to KCTA 1-17 and KCTA 2-27.

6

7 Witness) Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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Response to KCTA's Second 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)** Warren 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, Warren states as follows.

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

11

12 **Witness)** Dewayne McDonald

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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AUTHORITY
CASE NO. 2012-00544

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

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) Warren objects to this request on the grounds that the civil rules pertaining
6 to requests for admissions do not apply to data requests in Commission proceedings.
7 Notwithstanding this objection, but without waiving it, Warren states as follows.

8 Please see Warren's response to KCTA 1-18.

9

10 Witness) Dewayne McDonald

WARREN 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 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 Warren's responses to KCTA 1-18 and KCTA 2-30.

6

7 Witness) Dewayne McDonald

WARREN 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 Warren's responses to KCTA 1-18, KCTA 2-30, and KCTA 2-31.

7

8 **Witness)** Dewayne McDonald

WARREN 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 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)** Warren objects to this request on the grounds that it is overly broad and
5 unduly burdensome. Warren 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 Warren states as follows.

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

9

10 **Witness)** Dewayne McDonald

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

WARREN 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 35) *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) Warren objects to this request on the grounds that it is not reasonably
7 calculated to lead to the discovery of relevant and admissible evidence. Notwithstanding
8 this objection, but without waiving it, Warren states as follows.

9 Warren is not aware of any such analysis.

10

11 Witness) Dewayne McDonald

WARREN 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 36) *If your answer to Request 2-35 is affirmative, please produce all*
2 *documents relating to that analysis.*
3
4 Response) Please see Warren's response to KCTA 2-35.
5
6 Witness) Dewayne McDonald

WARREN 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 37) *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)** Warren objects to this request on the grounds that it is not reasonably
7 calculated to lead to the discovery of relevant and admissible evidence. Warren 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, Warren states as follows.

11 Warren is not aware of any such analysis.

12

13 **Witness)** Dewayne McDonald

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

3

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

5

6 Witness) Dewayne McDonald

WARREN 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 Second Requests for Information
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1 **Item 39)** *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)** Warren 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, Warren states as follows.

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

9

10 **Witness)** Dewayne McDonald

WARREN 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 40) *If your answer to Request 2-39 is affirmative, please explain the analysis*
2 *and produce all documents relating to that analysis.*
3
4 Response) Please see Warren's response to KCTA 2-39.
5
6 Witness) Dewayne McDonald

WARREN 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 41) *Produce your pole rates charged to Windstream and NewWave*
2 *Communications for each of the last ten years.*

3

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

9 Please see Warren's response to KCTA 1-9.

10

11 **Witness)** Dewayne McDonald

WARREN 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 42) *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)** Warren objects to this request on the grounds that the civil rules pertaining
6 to requests for admissions do not apply to data requests in Commission proceedings.
7 Warren also objects to this request on the grounds that data requests are not "evidence."
8 Warren also objects to this request on the grounds that the question presented by KCTA
9 is a question of law, which requires no evidence to resolve. Notwithstanding these
10 objections, but without waiving them, Warren states as follows.

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

12
13 **Witness)** Dewayne McDonald

WARREN 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) *If your answer to Request 2-42 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 Warren's responses to KCTA 1-1, KCTA 1-2, and KCTA 2-42.

6

7 Witness) Dewayne McDonald

WARREN 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 44)** *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)** Warren objects to this request on the grounds that the civil rules pertaining
7 to requests for admissions do not apply to data requests in Commission proceedings.
8 Warren also objects to this request on the grounds that data requests are not "evidence."
9 Warren also objects to this request on the grounds that the question presented by KCTA
10 is a question of law, which requires no evidence to resolve. Notwithstanding these
11 objections, but without waiving them, Warren states as follows.

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

13

14 **Witness)** Dewayne McDonald

WARREN 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) *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 Warren's responses to KCTA 1-5 and KCTA 2-44.

6

7 **Witness)** Dewayne McDonald

WARREN 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 46)** *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)** Warren objects to this request on the grounds that the civil rules pertaining
7 to requests for admissions do not apply to data requests in Commission proceedings.
8 Warren also objects to this request on the grounds that data requests are not "evidence."
9 Warren also objects to this request on the grounds that the question presented by KCTA
10 is a question of law, which requires no evidence to resolve. Notwithstanding these
11 objections, but without waiving them, Warren states as follows.

12 Please see Warren's response to KCTA 1-6.

13

14 **Witness)** Dewayne McDonald

WARREN 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 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 Warren's responses to KCTA 1-6 and KCTA 2-46.

6

7 Witness) Dewayne McDonald

WARREN 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 48)** *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)** Warren objects to this request on the grounds that is unduly burdensome.
5 Warren also objects to this request on the grounds that it is not reasonably calculated to
6 lead to the discovery of relevant and admissible evidence. Warren also objects to this
7 request on the grounds that the requested information is not in the custody or control of
8 Warren.

9

10 **Witness)** Counsel

WARREN 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) *Do you charge BellSouth for attachments to your secondary poles?*
2
3 Response) Yes.
4
5 Witness) Dewayne McDonald

WARREN 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 NewWave Communications for attachments to your*

2 *secondary poles?*

3

4 **Response)** Yes.

5

6 **Witness)** Dewayne McDonald

WARREN 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 51)** *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)** Warren objects to this request on the grounds that it is not reasonably
5 calculated to lead to the discovery of relevant and admissible evidence. Warren 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. Warren will
8 identify its witnesses, if any, in accordance with the Commission's scheduling orders.

9

10 **Witness)** Counsel

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

**IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
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**Response to KCTA's Second Requests for Information
dated December 2, 2013**

December 23, 2013

1 **Item 52)** *If your answer to Request 2-51 is affirmative, please identify the people*
2 *involved in each such discussion and the TVA representative who may testify.*

3

4 **Response)** Please see Warren's response to KCTA 2-51.

5

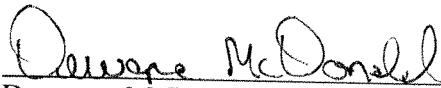
6 **Witness)** Counsel

WARREN RURAL ELECTRIC COOPERATIVE CORPORATION

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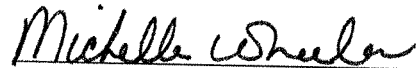
VERIFICATION

I, Dewayne McDonald, 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.


Dewayne McDonald

COMMONWEALTH OF KENTUCKY)
COUNTY OF WARREN)

SUBSCRIBED AND SWORN TO before me by Dewayne, McDonald on this the 12th
day of December, 2013.


Notary Public, Ky. State at Large
My Commission Expires 1-20-2014