

TRI-COUNTY ELECTRIC MEMBERSHIP 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 July 18, 1979.*

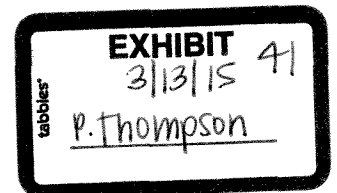
3

4 **Response)** Tri-County objects to this request on the grounds that it is overly broad
5 and unduly burdensome. Tri-County also objects to this request on the grounds that it is
6 not reasonably calculated to lead to the discovery of relevant and admissible evidence.
7 Notwithstanding these objections, but without waiving them, Tri-County states as
8 follows.

9 Please see Tri-County's responses to KCTA 1-6 and KCTA 1-16.

10

11 **Witness)** Paul Thompson



Case No. 2012-00544
Tri-County Electric Membership Corporation
Response to KCTA 2-1
Witness: Paul Thompson
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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)** Tri-County objects to this request on the grounds that the phrase
5 “explicitly approved” is unduly vague and ambiguous. Tri-County also objects to this
6 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, Tri-County states as follows.

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

11

12 **Witness)** Paul Thompson

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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 Tri-County's responses to KCTA 1-3 and KCTA 2-2.

5

6 **Witness)** Paul Thompson

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

7 Please see Tri-County's response to KCTA 2-2.

8

9 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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)** Tri-County 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, Tri-County states as follows.

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

9

10 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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1 Item 6) *Are you party to the 2010 Joint Use Agreement with BellSouth*
2 *Telecommunications, Inc.?*

3

4 **Response)** Tri-County entered into an amendment to a January 1, 1990 Joint Use
5 Contract with Bellsouth Telecommunications Inc. d/b/a AT&T in 2010. The rates
6 associated with Tri-County's amendment are identical to those provided for the in the
7 TVPPA-negotiated 2010 Joint Use Agreement. Please see Tri-County's response to
8 KCTA 1-18.

9

10 **Witness)** Paul Thompson

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1 **Item 7)** *If the answer to Request 2-6 is affirmative, did TVA explicitly approve*
2 *your 2010 Joint Use Agreement with BellSouth Telecommunications, Inc.?*

3

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

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

10

11 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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 2010 Joint Use Agreement with BellSouth*
3 *Telecommunications, Inc.*
4
5 Response) Please see Tri-County's responses to KCTA 2-2 and KCTA 2-7.
6
7 Witness) Paul Thompson

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1 Item 9) *If the answer to Request 2-6 is affirmative, did you consult with TVA*
2 *regarding the 2010 Joint Use Agreement with BellSouth Telecommunications, Inc.*
3 *prior to entering the contract?*

4

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

8 Please see Tri-County's responses to KCTA 2-2 and KCTA 2-7.

9

10 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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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) Tri-County 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, Tri-County states as follows.

9 Please see Tri-County's responses to KCTA 2-7 and KCTA 2-9.

10

11 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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

3

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

9

10 **Witness)** Counsel

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1 **Item 12)** *For each of the last three fiscal years, produce the annual financial*
2 *reports you provided to TVA pursuant to Paragraph 1(c) of the "Schedule of Terms*
3 *and Conditions" of the TVA Contract.*

4

5 **Response)** Tri-County 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, Tri-County states as follows.

8 Please see the attached documents.

9

10 **Witness)** Paul Thompson

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1 Item 13) *Do you report the revenues you generate from pole attachments to the*
2 *TVA, separate and distinct from the other revenue you generate?*

3

4 Response) As prescribed by Form TVA 3957, Tri-County reports pole attachment
5 revenues as "rent from electric property" along with other rents. Please see Tri-County's
6 response to KCTA 2-12.

7

8 Witness) Paul Thompson

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- 1 Item 14) *If the answer to Request 2-13 is affirmative, please produce all*
2 *documents reflecting your pole attachment revenue reports to TVA for each of the past*
3 *five years.*
4
5 Response) Please see Tri-County's responses to KCTA 2-12 and KCTA 2-13.
6
7 Witness) Paul Thompson

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1 **Item 15)** *Do you report your pole attachment rates to TVA?*

2

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

5

6 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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- 1 Item 16) *If the answer to Request 2-15 is affirmative, please produce all*
2 *documents reflecting your reports to TVA regarding your pole attachment rates for*
3 *each of the past five years.*
4
5 Response) Please see Tri-County's response to KCTA 2-15.
6
7 Witness) Paul Thompson

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

2

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

6

7 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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1 Item 18) *If the answer to Request 2-17 is affirmative, please produce all*
2 *documents reflecting your reports to TVA regarding your pole-related costs for each of*
3 *the past five years.*

4

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

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

9

10 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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1 Item 19) *Do you contend that the Commission's regulation of your pole*
2 *attachment rates would result in a situation where you would not be able to operate in*
3 *a self-supporting and financially sound basis?*

4

5 **Response)** Tri-County 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, Tri-County states as follows.

8 Tri-County's position is adequately described in its pleadings.

9

10 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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

3

4 Response) Please see Tri-County's response to KCTA 2-19.

5

6 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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- 1 Item 21) *Do you include revenues from pole attachments in the fund designated*
2 *for "electric operations" as described in Paragraph 1(a) of the "Schedule of Terms and*
3 *Conditions" of the TVA Contract?*
4
5 Response) Tri-County includes revenues from pole attachments in a separate fund.
6
7 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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1 Item 22) *Do you use property "jointly for the electric system and other*
2 *operations" as provided by Paragraph 1(a) of the "Schedule of Terms and Conditions"*
3 *of the TVA Contract?*

4

5 Response) Yes.

6

7 Witness) Paul Thompson

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

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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- 1 **Item 24)** *If your answer to Request 2-23 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 Tri-County's responses to KCTA 1-17 and KCTA 2-23.
6
7 **Witness)** Paul Thompson

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1 **Item 25)** *Provide the information requested in KCTA's First Request for*
2 *Information Number 20 for each of the years 2010, 2011, and 2012 according to the*
3 *FERC accounting system outlined in 18 C.F.R. Chapter 1.*

4

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

8 Please see Tri-County'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)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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1 Item 26) *Admit that you have produced all documents responsive to KCTA's First*
2 *Request for Information Number 6, which states, "Produce all documents concerning*
3 *how you ensure a pole attachment rate will provide sufficient revenues to cover the*
4 *costs of providing for the attachments."*

5

6 **Response)** Tri-County 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, Tri-County states as
9 follows.

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

11

12 **Witness)** Paul Thompson

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- 1 Item 27) *If your answer to Request 2-26 is anything other than an unqualified*
2 *admission, please produce all remaining documents responsive to KCTA's First*
3 *Request for Information Number 6.*
4
5 Response) Please see Tri-County's responses to KCTA 1-6 and KCTA 2-26.
6
7 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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1 Item 28) *Admit that you have produced all documents responsive to KCTA's First*
2 *Request for Information Number 17, which states, "Produce all documents concerning*
3 *any order, directive, contract, or other communication from or by the TVA concerning*
4 *pole attachment rates."*

5

6 **Response)** Tri-County 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, Tri-County states as
9 follows.

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

11

12 **Witness)** Paul Thompson

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- 1 Item 29) *If your answer to Request 2-28 is anything other than an unqualified*
2 *admission, please produce all remaining documents responsive to KCTA's First*
3 *Request for Information Number 17.*
4
5 Response) Please see Tri-County's responses to KCTA 1-17 and KCTA 2-28.
6
7 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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
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Response to KCTA's Supplemental Requests for Information
dated December 2, 2013

December 23, 2013

1 Item 30) *For your November 14, 2013 response to KCTA's First Request for*
2 *Information Number 17, please identify any and all specific documents and references*
3 *within the produced documents that is an order, directive, contract, or other*
4 *communication from or by the TVA concerning pole attachment rates.*

5

6 **Response)** Tri-County 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, Tri-County states as
9 follows.

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

12

13 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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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December 23, 2013

1 Item 31) *Admit that you have produced all documents responsive to KCTA's First*
2 *Request for Information Number 18 that states, "Identify and produce all*
3 *communications with the TVPPA concerning pole attachment rates."*

4

5 Response) Tri-County 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, Tri-County states as
8 follows.

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

10

11 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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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December 23, 2013

1 Item 32) *If your answer to Request 2-31 is anything other than an unqualified*
2 *admission, please produce all communications between you and the TVPPA relating to*
3 *pole attachment rates within the last five years.*

4

5 **Response)** Tri-County 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, Tri-County states as
8 follows.

9

10 Please see Tri-County's response to KCTA 1-18 and KCTA 2-32.

11

12 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
THAT PURCHASE ELECTRICITY FROM THE TENNESSEE VALLEY
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CASE NO. 2012-00544

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

1 Item 33) *For your November 14, 2013 response to KCTA's Request for*
2 *Information Number 18, please identify any and all specific documents and references*
3 *within the produced documents that is responsive to Request Number 18.*

4

5 Response) KCTA is in possession of the documents. The documents are responsive.

6 Please see Tri-County's responses to KCTA 1-18, KCTA 2-31, and KCTA 2-32.

7

8 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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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1 **Item 34)** *Produce all documents reflecting any communication between you and*
2 *the TVA concerning pole attachment revenues or rates from 2000 to present.*

3

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

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

9

10 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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1 Item 35) *State the total pole attachment revenues you received from licensee*
2 *attachers (i.e., non-joint users) for each of the years 2008 to present.*

3

4 **Response)** Tri-County objects to this request on the grounds that it is overly broad
5 and unduly burdensome. Tri-County also objects to this request on the grounds that it is
6 not reasonably calculated to lead to the discovery of relevant and admissible evidence.

7

8 **Witness)** Counsel

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
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1 Item 36) *Produce all invoices for pole attachment fees you sent to all pole*
2 *attachers for each of the past three years.*

3

4 **Response)** Tri-County objects to this request on the grounds that it is overly broad
5 and unduly burdensome. Tri-County also objects to this request on the grounds that it is
6 not reasonably calculated to lead to the discovery of relevant and admissible evidence.

7

8 **Witness)** Counsel

TRI-COUNTY ELECTRIC MEMBERSHIP 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) *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)** Tri-County 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, Tri-County states as follows.

9 Tri-County is not aware of any such analysis.

10

11 **Witness)** Paul Thompson

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

3

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

5

6 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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1 Item 39) *Have you, or has anyone on your behalf, ever analyzed what your pole*
2 *attachment rates would be under the Federal Communication Commission's pole*
3 *attachment rate methodology used to determine the maximum just and reasonable rate*
4 *under 47 U.S.C. § 224(d)?*

5

6 **Response)** Tri-County objects to this request on the grounds that it is not reasonably
7 calculated to lead to the discovery of relevant and admissible evidence. Tri-County 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, Tri-County states as follows.

11 Tri-County is not aware of any such analysis.

12

13 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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1 Item 40) *If your answer to Request 2-39 is affirmative, please produce all*
2 *documents relating to that analysis.*

3

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

5

6 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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1 **Item 41)** *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)** Tri-County 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, Tri-County states as follows.

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

9

10 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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1 Item 42) *If your answer to Request 2-41 is affirmative, please explain the analysis*
2 *and produce all documents relating to that analysis.*

3

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

5

6 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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 43)** *Produce your pole rates charged to Windstream and MediaCom for each*
2 *of the last ten years.*

3

4 **Response)** Tri-County objects to this request on the grounds that it is overly broad
5 and unduly burdensome. Tri-County also objects to this request on the grounds that it is
6 not reasonably calculated to lead to the discovery of relevant and admissible evidence.
7 Tri-County also objects on the grounds that it is duplicative of KCTA 1-9.
8 Notwithstanding these objections, but without waiving them, Tri-County states as
9 follows.

10 Please see Tri-County's response to KCTA 1-9.

11

12 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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 44) *Admit that your responses to KCTA's First Request for Information*
2 *Numbers 1 and 2 contain all the evidence of which you are aware that supports your*
3 *contention that TVA regulates your pole attachment rates.*

4

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

12 Please see Tri-County's responses to KCTA 1-1 and KCTA 1-2.

13

14 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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

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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 Tri-County's responses to KCTA 1-1, KCTA 1-2, and KCTA
6 2-44.

7

8 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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1 **Item 46)** *Admit that your responses to KCTA's First Request for Information*
2 *Numbers 1-5 contain all the evidence of which you are aware that supports your*
3 *contention that the Commission's regulation of your pole attachment rates would*
4 *conflict with TVA's regulation of your electric rates.*

5

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

13 Please see Tri-County's response to KCTA 1-5.

14

15 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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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 Tri-County's responses to KCTA 1-5 and KCTA 2-46.

6

7 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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1 Item 48) *Admit that your responses to KCTA's First Request for Information*
2 *Numbers 1-6 contain all the evidence of which you are aware concerning how you*
3 *ensure your pole attachment rates will ensure your customers do not subsidize*
4 *attaching entities.*

5

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

13 Please see Tri-County's response to KCTA 1-6.

14

15 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
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ATTACHMENT RATES, TERMS AND CONDITIONS OF COOPERATIVES
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December 23, 2013

- 1 Item 49) *If your answer to Request 2-48 is anything but an unqualified*
2 *admission, please identify and produce all remaining documents and evidence that*
3 *support your contention.*
4
5 Response) Please see Tri-County's responses to KCTA 1-6 and KCTA 2-48.
6
7 Witness) Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

IN THE MATTER OF: PETITION OF THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION FOR A DECLARATORY ORDER
THAT THE COMMISSION HAS JURISDICTION TO REGULATE THE POLE
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1 Item 50) *Identify each increase or decrease in electric rates set by TVA that has*
2 *resulted from a change in your pole attachment revenues within the last ten years.*

3

4 **Response)** Tri-County objects to this request on the grounds that is unduly
5 burdensome. Tri-County 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. Tri-
7 County also objects to this request on the grounds that the requested information is not in
8 the custody or control of Tri-County.

9

10 **Witness)** Counsel

TRI-COUNTY ELECTRIC MEMBERSHIP 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
dated December 2, 2013**

December 23, 2013

1 **Item 51)** *Do you charge AT&T for attachments to your secondary poles?*

2

3 **Response)** Yes.

4

5 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP CORPORATION

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

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December 23, 2013

1 **Item 52)** Do you charge MediaCom for attachments to your secondary poles?

2

3 **Response)** Yes.

4

5 **Witness)** Paul Thompson

TRI-COUNTY ELECTRIC MEMBERSHIP 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 53)** Have you, or has anyone on your behalf, discussed with TVA the
2 possibility that someone from TVA may testify on your behalf?

3

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

9

10 **Witness)** Counsel

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

3

4 **Response)** Please see Tri-County's response to KCTA 2-53.

5

6 **Witness)** Counsel

