

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

The Petition of the Kentucky Cable)	
Telecommunication Association for a)	Case No. 2012-00544
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)	

**KENTUCKY CABLE TELECOMMUNICATIONS ASSOCIATION'S
FIRST REQUESTS FOR INFORMATION TO
PENNYRILE RURAL ELECTRIC COOPERATIVE CORPORATION**

The Kentucky Cable Telecommunications Association, through counsel and pursuant to the Commission's October 10, 2013 Order setting forth the procedural schedule in this case, hereby submits its first Requests for Information to Pennyrile Rural Electric Cooperative Corporation to be answered in accordance with the following Instructions and Definitions.

DEFINITIONS

1. The term "document," as used herein, is employed in the broadest possible sense and includes, but is not limited to, any printed, written, recorded, taped, electronic (including e-mail and deleted electronic media that is recoverable in any form), graphic, or other tangible matter from whatever source, however produced or reproduced, whether in draft or otherwise, whether sent or received or neither, including the original, all amendments and addenda and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) of any and all writings, correspondence, letters, telegraphs, telex communications, cables, notes, notations, papers, newsletters, memoranda, interoffice communications, e-mails, releases, agreements, contracts, books, pamphlets, studies, minutes of meetings, recordings or other memorials of any type of personal or telephone conversations,

meetings or conferences, reports, analyses, test results, examinations, evaluations, estimates, projections, forecasts, receipts, statements, accounts, books of account, diaries, calendars, desk pads, appointment books, stenographer's notebooks, transcripts, ledgers, registers, worksheets, journals, statistical records, cost sheets, summaries, lists, tabulations, digests, canceled or uncanceled checks or drafts, vouchers, charge slips, invoices, purchase orders, hotel charges, accountant's reports, financial statements, newspapers, periodicals or magazine materials, and any materials underlying, supporting, or used in the preparation of any documents. The term "document(s)" also specifically includes any records stored on computer tape or computer disk or otherwise stored by or in a computer, including telephone voice mail or electronic mail, whether or not a hard copy (i.e., paper copy) of the document is or was at any time in existence, and any electronically generated or stored information, however produced or reproduced, and including any metadata for any such information. A document includes all documents appended thereto and any marked copy thereof. A "marked copy" is any document containing any writing or any markings of any kind in the text, in the margins, or on the reverse side of the document.

2. The term "person(s)" shall include any natural person, corporation, partnership, association, joint venture, sole proprietorship, firm, business enterprise, governmental or quasi-governmental body or agency, or legal entity of any type, and includes both the singular and plural.

3. The term "communication" or "communications" shall mean all oral, visual, or other sensory (including electronic) means of transmitting information, messages, or statements, including documents and oral statements.

4. The terms "identify," "identity," "identification," "state," "describe," or "explain,"

- (a) when used in reference to a document, shall require that you state the title, date, author, signer(s), intended recipient, addressee, place of origination, name and address of the present custodian of all copies thereof, and type of document (e.g., letter, memorandum, telegram, chart, etc.) or attach an accurate copy of the document to your answer, appropriately labeled to correspond to the interrogatory;
- (b) (1) when used in reference to a natural person, shall mean to provide that person's full name, last known address, home, business and/or cellular telephone numbers, and present occupation or business affiliation; (2) when used in reference to a person other than a natural person, shall mean to include a description of the nature of the person (that is, whether it is a corporation, partnership, etc., under the definition of person above), and the person's last known address, telephone number, and principal place of business; and (3) when used in reference to any person after the person has been properly identified previously, shall mean to provide the person's name;
- (c) when used with respect to a communication or contact, shall mean to state the date and place of such communication or contact; to state whether the communication or contact was oral or written; to identify each document which in any way concerns, relates, or refers to the communication or contact; to identify each person or persons who participated in, sent, received, or had knowledge of the communication or contact; and to state the substance of the communication or contact.
- (d) when used with respect to a fact, event, or action shall mean to provide the complete and full details (including date, time, and place) concerning such fact, event, or action, including the identity, as defined above, of all documents, communications, and persons that reflect, refer, relate, evidence, or pertain in any way to such fact, event, or action.

5. "Concerning" means and includes: with respect to, referring to, relating to, purporting, embodying, establishing, evidencing, comprising, connected with, commenting on or about, responding to, showing, describing, analyzing, reflecting, indicating, summarizing, containing, mentioning, discussing, presenting, and/or constituting.

6. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any response that otherwise would be construed to be outside their scope.

7. The terms “you” and “your” refer to the Pennyrite Rural Electric Cooperative Corporation and any predecessors in interest, subsidiaries, and employees, agents, representatives, attorneys and/or investigators.

8. The term “Association,” “KCTA,” or Petitioner refers to the Kentucky Cable Telecommunications Association, as well as any employee, agent, representative, attorneys and/or investigator.

9. The term “TVA” refers to the Tennessee Valley Authority, as well as any employee, agent, representative, attorneys and/or investigator.

10. The term “Commission” refers to the Kentucky Public Service Commission.

11. “TVPPA” refers to the Tennessee Valley Public Power Association, as well as any employee, agent, representative, attorneys and/or investigator.

12. “Petition” means the petition filed by the Association in the above-captioned case.

13. “Poles” and “distribution poles” mean utility poles in your electric distribution network in Kentucky that you own or control.

14. “Pole rates” mean the annual charges for use of your poles by any other entity, including any member of the Association and any telephone joint user.

INSTRUCTIONS

1. In answering these Requests for Information, please furnish all information that is known or available to you, regardless whether the information is possessed directly by you or your agents, employees, representatives, or investigators, or by your attorneys or their agents, employees, representatives, or investigators.

2. Please identify at the end of each answer the person or persons most knowledgeable about such response and the person or persons responsible for the preparation of such response.

3. If any information responsive to these Requests for Information is withheld, identify the Requests as to which such information is withheld and the reason(s) for withholding it.

4. For any information that you claim is unavailable, state why it is unavailable. If you cannot respond to the Request for Information precisely as it is stated, provide any information that is available that would respond to the Request at a level of detail different from that specified herein.

5. If you claim a privilege as a ground for failing to answer any Request for Information, respond to that part of each such Request that, in your view, does not call for allegedly privileged information or communications. For each Request for Information, or portion thereof, as to which you claim a privilege, describe the factual basis for your claim of privilege in sufficient detail to permit adjudication of the validity of that claim, including without limitation, the following:

- (a) the identity, title, and job description of the transmitter of the information, document, or communication;
- (b) the identity, title, and job description of the person(s) to whom the information, document, or communication was addressed;
- (c) the identity, title, and job description of each person who has received or utilized the information, document, or communication;
- (d) the date (or your best approximation thereof) of the information, document, or communication;

- (e) a brief description of the type of information, document, or communication;
- (f) a brief description of the subject matter of the information, document or communication; and
- (g) a brief reason why the information, document or communication is claimed to be privileged, protected, or subject to non-disclosure.
- (h) Maintain a “running” log of all materials you claim to be privileged to be provided to Petitioner.

6. If you object to any Request for Information set forth herein, state the grounds of the objection with sufficient specificity to permit determination of the basis for such objection and to provide a basis for a “meet and confer” to possibly resolve the objection.

7. If you cannot answer any of the Requests for Information in full after exercising due diligence to secure the full information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and describing what you did in attempting to secure the unknown information.

8. The singular form of a word shall be interpreted to include the plural, and the plural form of a word shall be interpreted to include the singular whenever appropriate.

9. The past tense of a word shall be interpreted to include the present tense and vice versa.

10. To the extent that any Request for Information requires you to produce any documents, the Association requests that you separate the responsive documents with appropriate cover sheets identifying to which Request for Information the document responds.

11. The Association requests that you produce all documents on which you relied or to which you referred in responding to these Requests.

12. Unless otherwise indicated, these Requests for Information cover the period 2000 to present.

13. These Requests for Information shall be deemed continuing in nature, and you are required to provide supplemental answers if you obtain further or different information before the resolution of this matter.

REQUESTS FOR INFORMATION

1. Do you contend that the TVA regulates your pole rates in any way?

2. If the answer to the prior data request is affirmative, please explain fully, making reference to all facts known to you supporting that answer.

3. Provide the legal and factual basis for the statement on page 7 of the TVA Cooperatives' Response to the January 17 Order, filed with the Commission on February 15, 2013, that states: "The cost-based rates the TVA Cooperatives collect in connection with the pole attachment services they provide directly impact the end-users' retail rates which are set by the TVA."

4. Do you contend that regulation of your pole attachment rates according to the cost-based rate methodology used by the Commission, and outlined in the September 17, 1982 order by the Commission in Administrative Case No. 251, would conflict with the TVA's regulation of your electric rates?

5. If the answer to the prior data request is affirmative, please explain fully, making reference to all facts known to you supporting that answer.

6. Produce all documents concerning how you ensure a pole attachment rate will provide sufficient revenues to cover the costs of providing for the attachments.

7. Do you contend that the TVA has statutory jurisdiction to regulate pole attachment rates of its member cooperatives?
8. If the answer to the prior data request is affirmative, please explain fully, giving all statutory reference and case citations in support of your answer.
9. Provide all pole attachment rates charged by you to any entity (identify by year and the entity to which such rate applied).
10. Explain the basis and methodology for setting or calculating all pole attachment rates used by you.
11. Explain the basis and methodology for setting or calculating all pole attachment rates used by you at this time and, if the basis or methodology has changed since the year 2000, provide an explanation of the changes.
12. Explain how often you have reset or recalculated your pole attachment rates.
13. State your total revenues for each of the years 2000 to the present.
14. State your total revenues received from pole attachment rates for each year from 2000 to the present.
15. Produce all documents reflecting any communication between you and the TVA at any time concerning pole attachment revenues or rates.
16. Identify each communication concerning pole attachment revenues or rates from 2000 to the present.
17. Produce all documents concerning any order, directive, contract or other communication from or by the TVA concerning pole attachment rates.
18. Identify and produce all communications with the TVPPA concerning pole attachment rates.

19. Identify the name, title, dates of employment, and contact information for your former and current personnel who had responsibility for setting or calculating your pole attachment rates for the years 2008 to the present.

20. Provide the following information for each of the years 2010, 2011 and 2012. Use either the data for the entire year or the information as of the yearend, as appropriate. If you do not keep any data requested according to the RUS accounting system contained in 7 C.F.R. Ch. 17, provide the equivalent number.

- a. Gross investment in RUS Account 364;
- b. The number of poles in RUS Account 364;
- c. Gross investment in 35 foot poles in RUS Account 364;
- d. The number of 35 foot poles in RUS Account 364;
- e. Gross investment in 40 foot poles in RUS Account 364;
- f. The number of 40 foot poles in RUS Account 364;
- g. Gross investment in 45 foot poles in RUS Account 364;
- h. The number of 45 foot poles in RUS Account 364;
- i. Accumulated depreciation reserve related to the total investment in RUS Account 364;
- j. Gross investment in any grounds included in RUS Account 364;
- k. Gross investment in RUS Account 365;
- l. Accumulated depreciation related to RUS Account 365;
- m. Gross investment in RUS Account 369;
- n. Accumulated depreciation related to RUS Account 369;
- o. Gross investment in total utility plant;

- p. Accumulated depreciation related to total utility plant;
- q. Gross investment in Distribution Plant;
- r. Accumulated depreciation related to Distribution Plant;
- s. Annual depreciation rate for RUS Account 364;
- t. Expenses in RUS Account 593;
- u. Any tax expenses (please describe and detail);
- v. Expenses in RUS Accounts 920-931 (General and Admin.)
- w. Cost of money
- x. The number of poles with attachments owned only by the pole owner and a cable company (two-party poles as described in Administrative Order 251);
- y. The number of poles with attachments owned by the pole owner, a cable company, and another entity (three-party poles as described in Administrative Order 251).

Respectfully Submitted,

/s/ Laurence J. Zielke

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**ATTORNEYS FOR THE KENTUCKY CABLE
TELECOMMUNICATIONS ASSOCIATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Kentucky Cable Telecommunications Association's First Requests for Information to Warren Rural Electric Cooperative Corporation has been served on all parties of record via U.S. Mail and/or electronically this 24th day of October, 2013.

/s/ Laurence J. Zielke

Laurence J. Zielke