

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

In the Matter of:

The Petition of the Kentucky Cable)	
Telecommunication Association for a)	
Declaratory Order that the Commission)	Case No. 2012-00544
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 RESPONSES TO
THE TVA COOPERATIVES' FIRST DATA REQUESTS**

The Kentucky Cable Telecommunications Association ("KCTA"), through counsel, hereby responds to Hickman-Fulton Counties Rural Electric Cooperative Corporation's, Pennyriple Rural Electric Cooperative Cooperation's, Tri-County Electric Membership Corporation's, Warren Rural Electric Cooperative Corporation's, and West Kentucky Rural Electric Cooperative Corporation's (collectively "the TVA Cooperatives") First Data Requests ("Requests") to the KCTA as follows:

GENERAL OBJECTIONS

1. KCTA objects to the Requests to the extent the TVA Cooperatives purport, through their definitions, instructions, or otherwise, to impose obligations on KCTA in excess of or not contemplated by the obligations imposed by the Kentucky Public Service Commission's Rules of Procedure ("Commission's Rules"). KCTA will respond to these Requests in accordance with the Commission's Rules.

2. KCTA objects to the Requests to the extent they call for information protected from discovery by the attorney-client privilege, the work product doctrine, or any other applicable claim of privilege or legal protection. In responding to the Requests, KCTA does not waive any such privilege or doctrine. Any inadvertent production of a privileged or protected document shall not constitute a waiver, in whole or in part, of any such privilege. Any document

subject to a privilege or protection, if inadvertently produced, shall be returned by the TVA Cooperatives immediately. The TVA Cooperatives shall not use in any manner whatsoever any information derived solely from any inadvertently produced privileged or protected documents. KCTA will produce a privilege log of any documents withheld from production on grounds of attorney-client privilege or work-product doctrine at a time mutually agreed upon by the parties.

3. KCTA objects to the Requests to the extent they seek irrelevant information or information not reasonably calculated to lead to the discovery of admissible evidence. Many of the TVA Cooperatives' Requests seek information related to KCTA's Members, who are not parties to this matter.

4. KCTA objects to the Requests to the extent they seek to require KCTA to do more than use reasonable diligence to locate responsive documents. KCTA also objects to these Requests to the extent that they are overly inclusive, duplicative, cumulative, overly broad, unduly burdensome, oppressive, harassing, punitive, not calculated to lead to admissible evidence, seek to impose undue expense or burden on KCTA outweighing any probative value the information sought may have in this case, or would subject KCTA to embarrassment or annoyance.

5. KCTA objects to the use of undefined, ambiguous, or vague words or phrases in these Requests.

6. KCTA objects to the Requests to the extent they request answers based on information not now known to KCTA or seek to require KCTA to offer a narrative of its case.

7. KCTA objects to all Requests that seek information that is not within KCTA's possession, custody, or control, or are in the control of entities or individuals other than KCTA, including Requests that seek information that is within the control of its Members or that is in the control of the TVA Cooperatives.

8. KCTA objects to the Requests to the extent they purport to require KCTA to search every conceivable file that is or ever has been in its possession, custody, or control for

responsive documents. KCTA will undertake in good faith to search those files that are likely to contain documents responsive to the TVA Cooperatives' Requests.

OBJECTIONS TO DEFINITIONS

1. KCTA objects to all definitions to the extent they are vague, confusing, overly broad and not calculated to lead to the discovery of admissible evidence. KCTA will interpret the Requests reasonably and in good faith in accordance with common English usage and its obligations under the Commission's Rules.

2. KCTA objects to the definition of the term "KCTA" on the ground that it renders the Requests overly broad, unduly burdensome, and oppressive and to the extent it includes persons or entities over whom KCTA has no control.

3. KCTA objects to the definition of "You" and "Your" on the ground that it is vague and ambiguous. KCTA further objects to the extent the definition renders the Requests overly broad, unduly burdensome, and oppressive and to the extent it includes persons or entities over whom KCTA has no control.

4. KCTA objects to the definition of the term "Document" on the ground that it renders the Requests overly broad, unduly burdensome, and oppressive and purports to impose requirements beyond those required by the Commission's Rules.

OBJECTIONS TO INSTRUCTIONS

1. KCTA objects to the TVA Cooperatives' instructions to the extent they purport to impose obligations on KCTA in excess of or not contemplated by the obligations imposed by the Commission's Rules and/or render the Requests overly broad, unduly burdensome, or oppressive.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Without waiving or limiting in any manner the foregoing General Objections, Objections to Definitions, and Objections to Instructions, but rather incorporating them into each of the

following responses, KCTA states the following answers and objections to the TVA Cooperatives' First Data Requests:

DATA REQUEST NO. 1:

Please identify all Members of KCTA.

RESPONSE:

KCTA objects to the Request on the ground that KCTA filed a letter with the Commission on January 24, 2013 that identifies its Members. Subject to and without waiving the foregoing objections, KCTA's Members are Access Cable Television, Armstrong, Big Sandy Broadband, C & W Cable, Comcast, Harlan Community Television, Inter Mountain Cable, Irvine Community Television, Reimer Communications (d/b/a Kentucky Ridge Country Communications), Lycom Communications, Mediacom, Suddenlink, Time Warner Cable, and TVS Cable.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

DATA REQUEST NO. 2:

Please identify all Members of KCTA which currently provide services in the TVA Cooperatives' service territories or have pole attachments or conduit occupancy with the TVA Cooperatives, or which intend to do so before 2017.

RESPONSE:

KCTA objects to this Request on the ground that it filed a letter with the Commission on January 24, 2013 that identifies its Members that have attachments to the poles of cooperatives that purchase electricity from the Tennessee Valley Authority ("TVA"). Subject to and without waiving the foregoing objections, Access Cable TV, Time Warner Cable, Comcast, and Mediacom currently have attachments to the poles of cooperatives that purchase electricity from the TVA.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

DATA REQUEST NO. 3:

Please identify each individual, if any, KCTA intends to call as a witness in this proceeding. Please identify the employer, title, and business address of each such individual identified along with a brief description of the subject matter of his/her testimony. Please provide a current CV, resume, or like document for each such individual identified.

RESPONSE:

KCTA objects to this Request as premature in light of the fact that discovery is ongoing and no decision regarding potential witnesses has been made. KCTA will identify its witnesses in accordance with the Commission's scheduling orders.

DATA REQUEST NO. 4:

Please identify each individual, if any, KCTA intends to call as an expert witness in this proceeding. Please identify the employer, title, and business address of each such individual identified along with a brief description of the subject matter of his/her testimony. Please provide a current CV, resume, or like document for each such individual identified.

RESPONSE:

KCTA objects to this Request as premature. KCTA will identify any expert witnesses in accordance with the Commission's scheduling orders.

DATA REQUEST NO. 5:

Please produce all documents and communications that you contend support KCTA's assertion that "the average pole attachment rate in 2011 for utilities under Commission jurisdiction was about one-third the amount of the average rate of utilities that were not regulated." See Petition at ¶ 6.

RESPONSE:

KCTA objects to this Request on the ground that it relied on publicly available information to support this contention, as cited in the Petition at ¶ 6, including utility tariffs filed

with the Commission, and invoices from the TVA Cooperatives. KCTA also objects to this request as irrelevant to the issues in this case, as defined by the Commission.

DATA REQUEST NO. 6:

Regarding Item No. 5, please provide the same information for the years 2010, 2012, and 2013 (year-to-date), as well as the average pole attachment and conduit occupancy rates for each KCTA member for each of 2010, 2011, 2012, and 2013 (year-to-date).

RESPONSE:

KCTA objects to this Request on the ground it seeks information irrelevant to the issues presented in this case, as defined by the Commission and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as harassing, abusive, punitive, and unduly burdensome.

DATA REQUEST NO. 7:

Please produce all documents that you contend support the assertion that “[u]nreasonable pole attachment rates, terms, and conditions . . . burden [KCTA] Members in providing their services and slows their ability to deploy in new areas.” *See* Petition at ¶ 3.

RESPONSE:

KCTA relied on the Federal Communication Commission’s Report and Order on the Implementation of Section 224 of the Communications Act of 1934, as amended, adopted on April 7, 2011. This document is publicly available at <http://www.fcc.gov/document/implementation-section-224-act-national-broadband-plan-our-future-0>.

DATA REQUEST NO. 8:

For each of 2010, 2011, 2012, and 2013 (year-to-date), please state, for each KCTA member, whether that KCTA member postponed or cancelled the deployment of services due to pole attachment and/or conduit occupancy rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks information is not within KCTA's possession, custody, or control.

DATA REQUEST NO. 9:

If the response to Item No. 8 is anything other than an unqualified "no" for each KCTA member, please state what service(s) were cancelled or postponed, please describe all factors contributing to the decision to postpone or cancel such service(s), and please produce all planning material(s), service order(s), and any other document(s) related thereto.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks information not within KCTA's possession, custody, or control.

DATA REQUEST NO. 10:

For each KCTA member, please identify the rates at which the member receives pole attachment or conduit occupancy services from electric cooperatives or municipal electric utilities in Kentucky that purchase electricity from the TVA. When doing so, please identify and provide the specific provisions of any tariff(s), plan(s), contract(s), or any other document(s) that memorialize these rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter, and on the grounds that it is ambiguous and seeks information that is known by and within the control of the TVA Cooperatives.

DATA REQUEST NO. 11:

For each KCTA member, please identify the rates at which the member receives pole attachment or conduit occupancy services from electric cooperatives or municipal electric utilities in Alabama that purchase electricity from the TVA. When doing so, please identify and

provide the specific provisions of any tariff(s), plan(s), contract(s), or any other document(s) that memorialize these rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 12:

For each KCTA member, please identify the rates at which the member receives pole attachment or conduit occupancy services from electric cooperatives or municipal electric utilities in Georgia that purchase electricity from the TVA. When doing so, please identify and provide the specific provisions of any tariff(s), plan(s), contract(s), or any other document(s) that memorialize these rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 13:

For each KCTA member, please identify the rates at which the member receives pole attachment or conduit occupancy services from electric cooperatives or municipal electric utilities in Mississippi that purchase electricity from the TVA. When doing so, please identify and provide the specific provisions of any tariff(s), plan(s), contract(s), or any other document(s) that memorialize these rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it

seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 14:

For each KCTA member, please identify the rates at which the member receives pole attachment or conduit occupancy services from electric cooperatives or municipal electric utilities in North Carolina that purchase electricity from the TVA. When doing so, please identify and provide the specific provisions of any tariff(s), plan(s), contract(s), or any other document(s) that memorialize these rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 15:

For each KCTA member, please identify the rates at which the member receives pole attachment or conduit occupancy services from electric cooperatives or municipal electric utilities in Tennessee that purchase electricity from the TVA. When doing so, please identify and provide the specific provisions of any tariff(s), plan(s), contract(s), or any other document(s) that memorialize these rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 16:

For each KCTA member, please identify the rates at which the member receives pole attachment or conduit occupancy services from electric cooperatives or municipal electric

utilities in Virginia that purchase electricity from the TVA. When doing so, please identify and provide the specific provisions of any tariff(s) plan(s), contract(s), or any other document(s) that memorialize these rates.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 17:

Please identify all rates charged by each KCTA member for pole attachment and conduit occupancy in Kentucky for each of 2010, 2011, 2012, and 2013 (year-to-date) and produce all documents pertaining to agreement(s), tariff(s), indefeasible rights of use ("IRU(s)"), and similar understandings regarding such pole attachments and conduit occupancy.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 18:

Please identify all rates charged by each KCTA member for pole attachment and conduit occupancy outside of Kentucky for each of 2010, 2011, 2012, and 2013 (year-to-date) and produce all documents pertaining to agreement(s), tariff(s), IRU(s), and similar understandings regarding such pole attachments or conduit occupancy.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it

seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 19:

For each KCTA member, identify the number of poles owned and miles of conduit owned or occupied pursuant to or subject to an IRU within Kentucky.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 20:

For each KCTA member, identify the total number of poles owned and miles of conduit owned or occupied pursuant to or subject to an IRU, both inside and outside of Kentucky.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 21:

Please identify all person(s) that exercise regulatory oversight regarding the attachment and occupancy rates of any such facilities identified in Items No. 19 and 20, and please identify the specific provisions of all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) that provide for this oversight.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 22:

Please identify and produce all IRUs under which each KCTA member receives pole attachment or conduit occupancy services.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 23:

Please identify and produce all IRUs under which each KCTA member provides pole attachment or conduit occupancy services.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 24:

Please identify all federal, state and municipal rate regulations related to pole attachments and conduit occupancy to which each KCTA member is subject and identify each such service that is so regulated.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 25:

Please identify all federal, state and municipal rate regulations unrelated to pole attachments and conduit occupancy to which each KCTA member is subject and identify each such service that is so regulated.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive and harassing.

DATA REQUEST NO. 26:

Admit that KCTA's position presents the Commission with a question of law. If your response is anything other than an unqualified admission, please state the KCTA's new position and identify all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other fact(s) and/or document(s) that support or allege this position.

RESPONSE:

KCTA objects to the Request to the extent that it mischaracterizes KCTA's position in this case. Notwithstanding this objection, KCTA's admits its position is that, pursuant to Ky. Rev. Stat. § 278.040, the Kentucky Public Service Commission has exclusive jurisdiction to regulate the pole attachment rates, terms, and conditions of cooperatives that purchase electricity from the TVA. The Commission has jurisdiction over all pole attachment rates in the State of Kentucky as a matter of law. The TVA Cooperatives have argued that, as a matter of fact, the TVA exercises actual jurisdiction that is in conflict with and preempts the jurisdiction of the Commission. To the extent that the TVA Cooperatives have argued matters of fact, those facts are relevant and are the subject of this proceeding.

DATA REQUEST NO. 27:

Please identify the specific provisions of all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) that support your contention that the Commission should begin regulating the pole attachment and conduit occupancy services of the TVA Cooperatives.

RESPONSE:

KCTA's Petition, filed with the Kentucky Public Service Commission on December 3, 2012, sets forth its contentions and the underlying support for those contentions.

DATA REQUEST NO. 28:

Please admit that the TVA regulates the rates for pole attachments and conduit occupancy for the TVA Cooperatives. If your response is anything other than an unqualified admission, please state KCTA's position and identify all statute(s), regulation(s), order(s), tariff(s), plan(s) contract(s), and all other document(s) that you contend support this position.

RESPONSE:

KCTA objects to this Request as premature in light of the fact that discovery is ongoing. Subject to the foregoing objections, to the best of its knowledge, TVA does not regulate the pole attachments for the TVA Cooperatives.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

DATA REQUEST NO. 29:

Please admit that KCTA, none of its Members, and no person or entity acting on behalf of the KCTA or its Members has lodged a complaint, petition, objection, or other request for ruling ("complaint(s)") with the TVA, either formally or informally, regarding TVA regulation of pole attachment or conduit occupancy services and rates of utilities that purchase electricity from the TVA.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, to the best of KCTA's knowledge, TVA does not regulate the pole attachments for the TVA Cooperatives. KCTA further responds that it is not aware of any such complaint.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

DATA REQUEST NO. 30:

If the response to Item No. 29 is anything other than an unqualified admission, please describe in detail the complaint(s) lodged with the TVA, state the procedural status of the complaint(s), and provide any final order(s) and case number(s) or other reference(s) specifically identifying the proceeding or inquiry.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, to the best of its knowledge, TVA does

not regulate the pole attachments for the TVA Cooperatives. KCTA further responds that it is not aware of any such complaint.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

DATA REQUEST NO. 31:

Please admit that no state public utility regulatory authority, inside or outside of Kentucky, currently regulates the pole attachment or conduit occupancy rates of utilities that purchase electricity from the TVA. If your response is anything other than an unqualified admission, please identify all statute(s), regulation(s), order(s), tariff(s), plan(s) contract(s), and all other document(s) that you contend support your position.

RESPONSE:

KCTA objects to this Request on the ground that it is vague and ambiguous and seeks discovery of legal conclusions and information protected by the attorney work-product privilege. KCTA further objects to this Request because it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. .

DATA REQUEST NO. 32:

If the response to Item No. 31 is anything other than an unqualified admission, please identify the state and the specific agency(ies), inside and outside of Kentucky, that regulate pole attachment and conduit occupancy rates of utilities which purchase electricity from the TVA. Identify and produce all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), and all other document(s) that support this position.

RESPONSE:

KCTA objects to this Request on the ground that it is vague and ambiguous and seeks discovery of legal conclusions and information protected by the attorney work-product privilege. KCTA further objects to this Request because it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 33:

For each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date), please identify and explain all efforts made by KCTA and its Members to reach agreements with the TVA Cooperatives for pole attachment or conduit occupancy services. When responding to this request, please produce all documents and communications related to requests for or negotiations of the terms of pole attachment or conduit occupancy services requested from the TVA Cooperatives by KCTA, its Members, or anyone acting on behalf of KCTA or any of its Members.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 34:

For each such KCTA member identified in response to Item No. 2, identify the person(s) responsible for management each of the business generally and of negotiation of and compliance with pole attachment or conduit occupancy terms and conditions. Please identify the person(s) by name, title, and business address.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA also objects to the Request as vague and ambiguous, and because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further object to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 35:

For each such KCTA member identified in response to Item No. 2, identify from which TVA Cooperatives the member receives pole attachment or conduit occupancy services and the number of pole attachments and distance of conduit occupancy during each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date).

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 36:

For each such KCTA member identified in response to Item No. 2, state the anticipated number of new pole attachments or distance of conduit occupancy with each of the TVA Cooperatives for each of calendar 2013 (remainder), 2014, 2015, and 2016.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

DATA REQUEST NO. 37:

For each KCTA member and for each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date), state the total actual cost incurred in the United States for pole attachment and conduit occupancy services:

- (a) By dollar amount.
- (b) As a percentage of gross revenue.
- (c) As a percentage of net revenue.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 38:

For each KCTA member and for each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date), state the total actual costs incurred in Kentucky for pole attachment and conduit occupancy:

- (a) By dollar amount.
- (b) As a percentage of gross revenue.
- (c) As a percentage of net revenue.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 39:

For each KCTA member and for each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date), state the total actual costs charged by each TVA Cooperative for pole attachment and conduit occupancy services:

- (a) By dollar amount.
- (b) As a percentage of gross revenue.
- (c) As a percentage of net revenue.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 40:

For each KCTA member and for each of the calendar years 2013 (remainder), 2014, 2015, and 2016, state the projected total cost incurred in the United States for pole attachment and conduit occupancy services:

- (a) By dollar amount.
- (b) As a percentage of gross revenue.
- (c) As a percentage of net revenue.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 41:

For each KCTA member and for each of the calendar years 2013 (remainder), 2014, 2015, and 2016, state the projected total cost for pole attachments and conduit occupancy services to be incurred in Kentucky:

- (a) By dollar amount.
- (b) As a percentage of gross revenue.
- (c) As a percentage of net revenue.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 42:

For each KCTA member and for each of the calendar years 2013 (remainder), 2014, 2015, and 2016, state the projected total cost of pole attachment and conduit occupancy services expected to be charged by each of the TVA Cooperatives:

- (a) By dollar amount.
- (b) As a percentage of gross revenue.
- (c) As a percentage of net revenue.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 43:

Please identify each KCTA member(s) that has desired to attach to any of the TVA Cooperatives' poles but has been unable to do so. For each such KCTA member, identify the person(s) responsible for management each of the business generally and of negotiation of and compliance with pole attachment and conduit occupancy terms and conditions. Please identify such person(s) by name, title, and business address.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 44:

For each such KCTA member identified in Item No. 43, state the reason(s) that the member has been unable to attach to the TVA Cooperatives' poles.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 45:

Please state which utilities in Alabama that purchase electricity from the TVA are subject to pole attachment and/or conduit occupancy regulation by a state public utility regulatory authority and identify the specific official(s), agency(ies) or other responsible person(s) charged with this authority. Please provide all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) supporting the same.

RESPONSE:

KCTA objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA also objects to this Request because it seeks legal conclusions and information protected by the attorney work product privilege.

DATA REQUEST NO. 46:

Please state which utilities in Georgia that purchase electricity from the TVA are subject to pole attachment and/or conduit occupancy regulation by a state public utility regulatory authority and identify the specific official(s), agency(ies) or other responsible person(s) charged with this authority. Please provide all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) supporting the same.

RESPONSE:

KCTA objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA also objects to this Request because it seeks legal conclusions and information protected by the attorney work product privilege.

DATA REQUEST NO. 47:

Please state which utilities in Mississippi that purchase electricity from the TVA are subject to pole attachment and/or conduit occupancy regulation by a state public utility regulatory authority and identify the specific official(s), or agency(ies), or other responsible person(s) charged with this authority. Please provide all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) supporting the same.

RESPONSE:

KCTA objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA also objects to this Request because it seeks legal conclusions and information protected by the attorney work product privilege.

DATA REQUEST NO. 48:

Please state which utilities in North Carolina that purchase electricity from the TVA are subject to pole attachment and/or conduit occupancy regulation by a state public utility regulatory authority and identify the specific official(s), or agency(ies), or other responsible

person(s) charged with this authority. Please provide all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) supporting the same.

RESPONSE:

KCTA objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA also objects to this Request because it seeks legal conclusions and information protected by the attorney work product privilege.

DATA REQUEST NO. 49:

Please state which utilities in Tennessee that purchase power from the TVA are subject to pole attachment and/or conduit occupancy regulation by a state public utility regulatory authority and identify the specific official(s), or agency(ies), or other responsible person(s) charged with this authority. Please provide all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) supporting the same.

RESPONSE:

KCTA objects to this Request because it seeks irrelevant information or information not reasonably calculated to lead to the discovery of admissible evidence. KCTA also objects to this Request because it seeks legal conclusions and information protected by the attorney work product privilege.

DATA REQUEST NO. 50:

Please state which utilities in Virginia that purchase electricity from the TVA are subject to pole attachment and/or conduit occupancy regulation by a state public utility regulatory authority and identify the specific official(s), or agency(ies), or other responsible person(s) charged with this authority. Please provide all statute(s), regulation(s), order(s), tariff(s), plan(s), contract(s), or any other document(s) supporting the same.

RESPONSE:

KCTA objects to this Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA also objects to this

Request because it seeks legal conclusions and information protected by the attorney work product privilege.

DATA REQUEST NO. 51:

Please produce all complaint(s), communication(s), ruling(s), or any other document(s) reflecting inquiries to any regulatory authority by KCTA, any KCTA member, or by any person or entity acting on behalf of KCTA or any its Members regarding the question of TVA regulation and/or oversight of TVA electric utilities' pole attachment, conduit occupancy, or other rates.

RESPONSE:

KCTA objects to this Request on the ground that it calls for information protected from discovery by the attorney-client privilege and the work product doctrine. KCTA also objects to this Request to the extent that it seeks information from KCTA's members who are not parties to this matter. Without waiving any of these objections, KCTA will produce its request for information from TVA dated October 24, 2014, and its letter to Cynthia Herron dated October 24, 2013.

DATA REQUEST NO. 52:

For each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date), please identify any litigation or administrative proceedings regarding pole attachment and conduit occupancy rates in which the KCTA and its Members have been involved inside or outside of Kentucky.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 53:

For each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date), please produce all communications internally by each KCTA member or between KCTA Members regarding

oversight and/or regulation of pole attachments and conduit occupancy for the TVA Cooperatives or any other TVA cooperative.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request because it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 54:

For each of the calendar years 2010, 2011, 2012, and 2013 (year-to-date), please produce all communications regarding pole attachment and conduit occupancy rates of utilities that purchase electricity from the TVA between the TVA and each KCTA member, or any person or entity acting on behalf of a KCTA member.

RESPONSE:

KCTA objects to the Request on the ground that it seeks information related to KCTA's Members, who are not parties to this matter. KCTA further objects to the Request on the ground that the information is within the knowledge of the TVA Cooperatives and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. KCTA further objects to this Request as unduly burdensome, abusive, punitive, and harassing.

DATA REQUEST NO. 55:

Please identify and produce any petition(s) for rulemaking and all other document(s) and communication(s) with the TVA requesting that the TVA promulgate or modify regulations related to pole attachment and conduit occupancy services.

RESPONSE:

KCTA objects to the Request on the ground it seeks irrelevant information or information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without

waiving the foregoing objections, KCTA is not aware of any such petitions, documents, or communications.

KCTA's Executive Director, Randy Hollis, provided the information to respond to this Request.

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 Responses to the TVA Cooperatives' First Data Requests has been served on all parties of record via hand delivery, facsimile, or electronically this 14th day of November, 2013.

/s/Laurence J. Zielke
Laurence J. Zielke