

Exhibit 5

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Petition of the Kentucky)
Cable Telecommunications) Case No. 2012-00544
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)

DEPOSITION FOR PETITIONER

*** **

DEPONENT: ESTON W. GLOVER, JR., CR 30.02(6) Designee of
Pennyrite Rural Electric Cooperative
Corporation

TAKEN: MARCH 11, 2015

BY: LINDSEY N. McMICHAEL, Certified Reporter

Copyright, Video Court Reporting Services, Inc., 2015.
Permission to reproduce in any manner, including sending
this file electronically, is hereby granted to
COUNSEL and Co-Counsel only.

1 This deposition, under oath, of Eston W.
2 Glover, Jr., was taken by me, Lindsey N. McMichael,
3 Certified Court Reporter and Notary Public, on March 11,
4 2015, beginning at approximately 9:06 a.m., Central
5 Standard Time, at the Hopkinsville Golf & Country Club, 303
6 Country Club Lane, Hopkinsville, Kentucky 42240. Said
7 examination was taken pursuant to Notice, for purposes of
8 discovery, and as provided by the Kentucky Rules of Civil
9 Procedure.

*** *** ***

A P P E A R A N C E S

13 FOR PETITIONER: GARDNER F. GILLESPIE, ESQ.
14 AMANDA M. LANHAM, ESQ.
15 SHEPPARD MULLIN RICHTER &
16 HAMPSON, LLP
17 1300 I STREET NW
18 11TH FLOOR EAST
19 WASHINGTON, DC 20005

20 FOR RESPONDENT: EDWARD T. DEPP, ESQ.
21 DINSMORE & SHOHL, LLP
22 101 SOUTH FIFTH STREET
23 SUITE 2500
24 LOUISVILLE, KY 40202

25 ALSO PRESENT: LEE HORTON, ESQ., GENERAL
 COUNSEL, PENNYRILE

1 Q. Okay. And that your answers will be treated as
2 the answers of the cooperative.

3 A. Yes, sir.

4 Q. Let's make exhibits of the two different Notices
5 of Deposition and the Commission's Order limiting the
6 deposition. Okay. So let's mark all these as KCTA 1 through
7 whatever we get to. The first one is KCTA's Notice of
8 Deposition on the 15th of January, 2014, and marked as
9 Exhibit 1.

10 (WHEREAS, EXHIBIT NO 01 WAS ENTERED)

11 Q. So you can give -- give this one to the witness,
12 I'll take those.

13 MS. LANHAM: Okay.

14 MR. GILLESPIE: You can use the -- you can be
15 looking at the official ones if you don't mind. I will look
16 at these. You can have these.

17 Q. The second exhibit will -- is a Commission's
18 Order in this case -- what is it, January 8th, 2015? Exhibit
19 2.

20 (WHEREAS, EXHIBIT NO 02 WAS ENTERED)

21 Q. Exhibit No. 3 will be the revised Notice of
22 Deposition for this deposition, sent a day or two ago, I
23 think it's March 9th, 2015.

24 (WHEREAS, EXHIBIT NO 03 WAS ENTERED)

25 Q. Okay, Mr. Glover, you're -- are you familiar with

1 these documents?

2 A. I've seen the documents.

3 Q. Okay. And with respect to Exhibit No. 3, you're
4 prepared to answer questions covered by the attachment to
5 Exhibit No. 3?

6 A. To the best of my ability, yes, sir.

7 Q. What did you do to prepare for this deposition?

8 A. I didn't -- didn't do a whole lot.

9 Q. Well, what did you do?

10 A. We had a meeting of the -- a group of folks to
11 talk about the process. We didn't dig into the deposition
12 materials, but we talked about the process. There were
13 several that had -- of us that had not had good experience,
14 and just to talk about what the process was about.

15 Q. Okay. When you say the "group of folks", who
16 would that be?

17 A. Those that are going to be deposed.

18 Q. The five different deponents?

19 A. Yes, sir.

20 Q. And you were represented by counsel at that
21 meeting?

22 A. Yes, sir.

23 Q. And what -- how long was that meeting?

24 A. Oh, it was an hour and a half to maybe two hours
25 at the most.

1 response?

2 A. Not in front of me. Not unless -- Not unless
3 this is the actual one that we sent.

4 Q. Well, this is the one that was submitted to us by
5 your counsel. Okay.

6 MR. GILLESPIE: Would you provide that document
7 to us?

8 MR. DEPP: The responses that were provided to
9 you are the responses of the cooperative. I'm not going to
10 provide any attorney work product, or things like that -
11 attorney-client privilege information.

12 MR. GILLESPIE: Okay.

13 A. This is exactly --

14 MR. GILLESPIE: Well, I'm not --

15 A. -- what we prepared.

16 Q. Okay. Okay.

17 MR. GILLESPIE: I'm not asking for any attorney
18 work product or privileged information.

19 Q. Now what -- what did Pennyrile do to look for
20 documents that were requested in this data request?

21 A. Whomever had a part to play in the -- in the
22 answers for each question went through their documents to
23 find out what they needed for the answers. The answers were
24 prepared as such, and I signed off on them after I read them.

25 Q. Did you request the people that worked for you to

1 currently attached. They're added to the end, maybe we could
2 clip them. Thank you.

3 Q. Mr. Glover, you're familiar with this document?

4 A. I've seen this.

5 Q. And this document is the responses of Pennyrile
6 to the supplementary data requests submitted by KCTA; is that
7 right?

8 A. Yes, sir.

9 Q. And this was verified by you.

10 A. Yes, sir.

11 Q. And these answers were prepared in the same way
12 as the answers to the first set of data requests?

13 A. Yes, sir.

14 Q. And so this language is the language of -- of
15 your employees?

16 A. Language that the employees put in the document.
17 Now, I'm not -- I don't know where they got the language.

18 Q. Okay.

19 A. But that's the language they put in the document,
20 which I agreed with.

21 Q. Okay. And what did Pennyrile do to search for
22 documents requested in this data request, do you know?

23 A. I do not know. Other than I asked for them to
24 get all the information that we could provide, and provided
25 it.

1 A. And your question is?

2 Q. Well, let me rephrase the question. So does
3 Pennyrile have any documents concerning --

4 A. If we had --

5 Q. -- how Pennyrile would ensure that pole
6 attachment rates cover the costs?

7 A. If we had the documents, they would have been
8 attached.

9 Q. So there are no documents; is that right?

10 A. If they weren't attached, there are none.

11 Q. Well, what documents did you attach to this, do
12 you remember?

13 A. No, sir.

14 Q. And you didn't attach any documents that included
15 any analysis of how a pole attachment rate for Pennyrile
16 would provide sufficient revenues to cover the costs; isn't
17 that true?

18 A. Evidently there weren't any documents then.

19 Q. Okay.

20 MR. DEPP: Counsel, I know you know this, but
21 just to be clear for the record, the Commission's Order,
22 which you attached I think as Exhibit 2, is very clear that
23 cost data is outside the scope of this proceeding. So you
24 can proceed with questioning, but I just would like to note
25 that for the record.

1 expense of Pennyrile?

2 A. They've approved our report every year.

3 Q. Okay. They've approved the report, but you said
4 that you don't know whether that information is included in
5 this report, correct?

6 A. I feel that they have the material. If they want
7 more questions, they'll ask us.

8 Q. Okay. But putting aside their ability to ask
9 questions isn't it true that Pennyrile has not asked TVA to
10 approve the rate that Pennyrile pays to other parties to
11 attach to their poles?

12 A. Nor do we approve -- ask for approval for any
13 other services that we -- we are involved in, but it falls
14 under the TVA as the regulator of our organization, if
15 something is not suiting to them, they'll tell us to change
16 it. I assure you.

17 Q. Right. This is just treated -- this is just an
18 expense like other expenses, right? Well, let me put it this
19 way, --

20 A. It's a part of the business like other stuff is.

21 Q. It -- It's an expense, and as a general matter
22 Pennyrile does not ask TVA to approve what the expenses are.
23 What Pennyrile does is it makes a report that includes all of
24 the expenses and TVA can review it, correct?

25 A. They review everything we do.

ESTON W. GLOVER, JR.

ERRATA PAGE
(may or may not be requested)

1
2
3
4
5
6
7
8
9
10

PAGE	LINE	REASON
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Eston W. Glover, Jr.
ESTON W. GLOVER, JR.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 31st DAY OF March, 2015.
(Date) (Month) (Year)

Carmen E. Spurlin 10# 520258
NOTARY PUBLIC, STATE OF Kentucky
(State)
MY COMMISSION EXPIRES: 10/16/18

RETURN WITHIN 30 DAYS TO:
Video Court Reporting Services, Inc.
734 West Main Street, Suite 100
Louisville, Kentucky 40202
502.561.9988 Voice 502.561.9080 Fax
E-mail: depo@vcrslou.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

I, LINDSEY N. McMICHAEL, Certified Court Reporter and Notary Public in and for the Commonwealth of Kentucky, State at Large, hereby certify that the foregoing deposition was taken at the time and place stated in the caption; that the appearances are as set forth in the caption; that prior to giving the testimony the witness was first duly sworn by me; that said testimony was reported by mechanical means by me, and thereafter transcribed under my personal direction and supervision; and that said typewritten transcript is a true, accurate, and complete transcript to the best of my ability and understanding; and that there was a request that the witness read and sign the deposition.

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

My Commission as a Notary Public expires May 14, 2018.

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


LINDSEY N. McMICHAEL, CERTIFIED COURT REPORTER
NOTARY PUBLIC, STATE-AT-LARGE, KY