

Exhibit 9

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Petition of the Kentucky Cable)
Telecommunications Association for)
a Declaratory Order that the) Case No. 2012-00544
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: WARREN RAMSEY, CR 30.02(6) Designee of
 Warren Rural Electric Cooperative Corporation

TAKEN: MARCH 13, 2015

REPORTER: THERESA R. REID

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 Warren Ramsey was
2 taken by me, Theresa R. Reid, Notary Public, on March 13,
3 2015, beginning at approximately 8:18 a.m., Central
4 Standard Time, at Bowling Green Country Club, 251 Beech
5 Bend Road, Bowling Green, Kentucky 42101. Said examination
6 was taken pursuant to Notice, for purposes of discovery,
7 and as provided by the Kentucky Rules of Civil Procedure.

8 *** *** ***

9
10 A P P E A R A N C E S

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

17 MARC A. LOVELL, ESQ.
18 HARLIN PARKER
19 519 EAST TENTH STREET
20 P.O. BOX 390
21 BOWLING GREEN, KY 42102

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

1 to an Order of the Public Service Commission.

2 (WHEREAS, EXHIBIT NO 30 WAS ENTERED)

3 Q. Mr. Ramsey, are you familiar with Exhibit No. 29?

4 A. Yes.

5 Q. And -- And are you familiar with Exhibit No. 30?

6 A. Yes.

7 Q. Are you prepared to answer questions in all of
8 the categories listed on Exhibit 30?

9 A. When you say categories, they're just topics and
10 it has Exhibit A.

11 Q. Topics.

12 A. Yes.

13 Q. Now, what did you do to prepare for this
14 deposition?

15 A. Can you give me a time period? I mean, I've read
16 the documents over a period of time, but.

17 Q. Okay. Well, what did you do specifically to
18 prepare for the deposition today?

19 A. Well, we did meet, but we just reviewed the
20 current -- all of the documents that have been submitted to
21 you and -- and the PSC.

22 Q. Okay. When you say you met, you met with your
23 counsel and with representatives of the other four TVA
24 cooperatives that are involved in this matter?

25 A. Yes.

1 A. No.

2 Q. In connection with your preparation for the
3 deposition, did your review these documents?

4 A. Yes, on that Friday that we met.

5 Q. Okay. Now, the -- You're aware that the
6 responses to these documents are, in most cases, identical
7 among the different cooperatives, correct?

8 A. I don't know. I assume they are.

9 Q. Well, when you discussed these as a group, you --
10 did you go over each item?

11 A. I -- Our books were different. Mine was Warren
12 Rural Electric. I did not see the other books from the other
13 cooperatives, so I don't know what their responses were.

14 Q. Okay. By books, you mean the documents prepared
15 that you were reviewing?

16 A. Yes.

17 Q. So, there was a set of documents that was
18 prepared for each of you?

19 A. Correct.

20 Q. Okay. And did you discuss the responses to any
21 of these --

22 MR. DEPP: I just want to caution -- I'm sorry.
23 Were you not finished?

24 MR. GILLESPIE: I'm not finished.

25 MR. DEPP: Okay.

1 cooperative response to the January 17th Order of the PSC,
2 and this response attached a number of identical -- virtually
3 identical letters from Cynthia Herron at the TVA to the
4 various -- various cooperatives. Let me just kind of show
5 you a copy of that letter. This one is dated January 24th,
6 2013, to Gary Dillard, President of CEO of Warren. Was he
7 your predecessor?

8 A. Yes.

9 Q. Okay. Are you familiar with that letter from Ms.
10 Herron?

11 A. No, I'm not familiar with it.

12 Q. So, you haven't seen it before?

13 A. No.

14 Q. Okay. I'll take it back.

15 A. All right.

16 Q. Do you know if Warren has determined what the
17 costs associated with pole attachment rentals are?

18 A. Per pole per year?

19 Q. Well, let me rephrase it again. Do you know what
20 the costs associated with pole attachment rentals are?

21 A. Yes.

22 Q. And what are those costs?

23 MR. DEPP: I'm going to object to the extent
24 we're getting into cost data information because the
25 Commission has indicated that is not a subject matter in this

1 proceeding. The witness can answer if he understands.

2 Q. Well, let me put it this way. I'm -- What I'm
3 interested in is the last response. You said that -- that
4 Warren is aware of its costs associated with pole attachment
5 rentals. So, what are those costs?

6 MR. DEPP: And my objection stands.

7 Q. Okay.

8 A. It depends on which cable TV association -- I
9 mean, company you're talking about because they're different.

10 Q. Okay. Let me -- Let me clarify something. I'm
11 not asking for the prices that are charged or the rates that
12 are charged --

13 A. Okay.

14 Q. -- by Warren. We'll get into that in a minute.
15 I'm interested in the costs that Warren incurs in connection
16 with making pole attachment space available.

17 A. Am I aware of those?

18 Q. Yes.

19 A. Individual costs?

20 Q. Yes.

21 A. No.

22 Q. Okay. Has Warren RECC determined what those
23 costs are?

24 A. Yes.

25 Q. Okay. And when did it determine what those costs

1 are?

2 A. I don't know the date.

3 Q. Okay. What did it do to determine those costs?

4 A. To the best of my recollection, we used a formula
5 developed by the TVPPA.

6 Q. And did that formula use or refer to historic
7 pole investment costs of Warren? Do you know?

8 A. I don't know.

9 Q. Do you know what was included in the formula?

10 A. I can't recall.

11 Q. Okay. Do you know what operating costs were
12 reviewed in connection with that?

13 A. No.

14 Q. Okay. Were the results of that analysis ever
15 provided to TVA?

16 A. I don't know.

17 Q. Now, when you say that Warren developed costs
18 according to a formula developed by the TVPPA, were those
19 Warren-specific costs or were those costs of other companies?

20 MR. DEPP: I don't believe he testified that they
21 developed costs.

22 Q. All right. In connection with your analysis of
23 costs that we were just talking about, did Warren use costs
24 from Warren's books or was this analysis something that
25 involved costs of AT&T?

1 A. I don't know.

2 Q. So, you don't know whether it was Warren's costs
3 or the costs of other cooperatives or the costs of AT&T?

4 MR. DEPP: Objection. He's already answered that
5 and I know you've heard this from me for three -- three
6 depositions, but this is not a ratemaking proceeding, despite
7 KCTA's best efforts.

8 MR. GILLESPIE: This --

9 MR. DEPP: Cost data is not the subject of these
10 depositions.

11 MR. GILLESPIE: This question is not related to
12 that issue.

13 MR. DEPP: It is related to the development of a
14 cost methodology.

15 MR. GILLESPIE: It is not. Would you let the
16 witness answer, please?

17 WITNESS: Can you repeat the question?

18 COURT REPORTER: Did you want me to read it back?

19 MR. GILLESPIE: Please.

20 (WHEREAS, THE QUESTION WAS READ BACK.)

21 BY MR. GILLESPIE:

22 A. I don't know that.

23 Q. Okay. All right. I'd like marked, as Exhibit
24 No. 34, a TVPPA/AT&T Joint Use Agreement.

25 (WHEREAS, EXHIBIT NO 34 WAS ENTERED)

1 Q. Is there any reference to pole attachment
2 revenues in this report?

3 A. Indirectly, yes.

4 Q. What do you mean by that?

5 A. On page three of the copy of the report, the
6 report for fiscal year ended June 30, 2013, under revenue and
7 expense statement, section operating revenue, the line
8 entitled rent from electric property, that's the line on
9 which all of our rents would be aggregated under.

10 Q. So, this is -- That line aggregates rents
11 including pole attachment rents?

12 A. Yes.

13 Q. As well as other rents?

14 A. Yes.

15 Q. Is there anyplace in this report that the amount
16 of pole attachment revenue is disaggregated?

17 A. Not to my knowledge.

18 Q. Okay. Is there any line in this report that
19 contains the expenses that Warren incurs in attaching to --
20 let's say the expenses that Warren pays to AT&T or that it
21 nets with respect to AT&T's pole rates charged to Warren?

22 MR. DEPP: Objection to the form of that.

23 Q. Do you understand the question?

24 A. It might help if you rephrase it.

25 Q. All right. So, I think we've established that

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

WARREN RAMSEY

ERRATA PAGE
(may or may not be requested)

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.

Warren Ramsey
WARREN RAMSEY

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9th DAY OF April, 15.
(Date) (Month) (Year)

Shirley Mail Thornton
NOTARY PUBLIC, STATE OF Waver
(State) Ky
MY COMMISSION EXPIRES: 2-12-19

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, THERESA R. REID, 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 February 17, 2016.

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



THERESA R. REID
NOTARY PUBLIC, STATE-AT-LARGE, KY