

Exhibit 7

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: DAVID E. SMART, CR 30.02(6) Designee of
 West Kentucky Rural Electric
 Cooperative Corporation

TAKEN: MARCH 12, 2015

BY: CANDACE MAUNEY REID, Certified Reporter

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This deposition, under oath, of David E. Smart was taken by me, Candace Mauney Reid, Certified Court Reporter and Notary Public, on March 12, 2015, beginning at approximately 9:37 a.m., Central Standard Time, at the offices of Robbins & Robbins Law Office located at 101 South Seventh Street, Mayfield, Kentucky 42066. Said examination was taken pursuant to Notice, for purposes of discovery, and as provided by the Kentucky Rules of Civil Procedure.

*** **

A P P E A R A N C E S

FOR PETITIONER: GARDNER F. GILLESPIE, ESQ.
SHEPPARD MULLIN RICHTER &
HAMPTON, LLP
1300 I STREET NW
11TH FLOOR EAST
WASHINGTON, DC 20005

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

1 information or attorney-client privileged information. You
2 have the responses, we're not providing more.

3 MR. GILLESPIE: Well, I just want to make it
4 clear I'm not asking for either attorney-client information
5 or attorney work product information. I'm simply asking for
6 this witness' initial responses to the data requests.

7 MR. DEPP: Our position is you have them.

8 MR. GILLESPIE: Okay.

9 BY MR. GILLESPIE:

10 Q. What did West Kentucky do to look for the
11 documents requested in the data requests?

12 A. We reviewed the current Power Contract we have in
13 place with TVA, and we reviewed the pole attachment contracts
14 we currently have in place, and we reviewed -- including the
15 AT&T Joint Use Agreement negotiated with TVPPA. And to
16 answer some of the other requests, we had to review some of
17 our historical financial data.

18 Q. Okay. And is it fair to say that the documents
19 that were provided to us are all of the documents that were
20 requested, as far as you know?

21 A. As far as I know.

22 Q. Okay. Now, let's turn to Exhibit No. 22, item
23 number two. It's on the second page of that exhibit. And
24 the second sentence of the second paragraph of the response
25 reads as follows, (reading) the TVA regulates these rates and

1 services through the expressed terms of its wholesale Power
2 Contract with West Kentucky.

3 Do you see that?

4 A. Yes, sir.

5 Q. What rates does this sentence refer to?

6 A. TVA is our complete rate regulator. Therefore,
7 it refers to any rate that we charge.

8 Q. That includes the pole attachment rates?

9 A. That includes any rate that we charge.

10 Q. Does that include pole attachment rates?

11 A. Yes.

12 Q. So, where in the ex -- expressed terms of the
13 wholesale power contract with West Kentucky does it address
14 pole attachment rates, do you recall?

15 A. No.

16 Q. Okay. Let's look at the contract. And I
17 apologize for this. This is a hefty document. And I would
18 have marked, as Exhibit No. 24, the Power Contract as --
19 that's been provided to us from West Kentucky.

20 (WHEREAS, EXHIBIT NO 24 WAS ENTERED)

21 MR. GILLESPIE: Do you have paper -- Do you have
22 rubber bands for that? I'm sure we can get something.

23 COURT REPORTER: I've -- I'll find one.

24 MR. GILLESPIE: Those won't do it.

25 BY MR. GILLESPIE:

1 MR. DEPP: No, I don't think.

2 BY MR. GILLESPIE:

3 Q. So does this represent the annual financial
4 reports submitted by West Kentucky to TVA for the years 2010
5 through 2013?

6 A. The fiscal years, yes. Fiscal years 2010 through
7 2013.

8 Q. Okay. Do you recall whether there are any
9 references to pole attachment revenues in -- listed in these
10 documents?

11 A. Not broken down specifically, the pole
12 attachment. But yes, the pole attachment revenues are
13 included in the document.

14 Q. Well, the -- Let's look first at the 2010 report.

15 A. Okay.

16 Q. So, the pole attachment revenues are included
17 within the revenue for rent from electric property on page
18 three, line 62; is that right?

19 A. That's correct.

20 Q. And the revenue that is in that line is more than
21 simply pole attachment revenue, correct?

22 A. Correct.

23 Q. In reviewing this document, the TVA doesn't know
24 specifically what the pole attachment revenues of West
25 Kentucky are, correct?

DAVID E. SMART

ERRATA PAGE
(may or may not be requested)

PAGE	LINE	REASON
5	14	Should be "West" not "Western"
9	10	Should be April 15 th not April 1 st .
9	19	Should be "Fleming" not "Floyd"
10	2	I was "manager" not "a manager" - There was only one.

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.

David E. Smart

DAVID E. SMART

SWORN TO AND SUBSCRIBED BEFORE ME THIS 13th DAY OF
April, 2015.
(Month) (Year)

JD#515731

Pathey L. Ernstberger

NOTARY PUBLIC, STATE OF Kentucky
(State)
MY COMMISSION EXPIRES: 8-17-2018

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
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STATE OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

I, CANDACE MAUNEY REID, 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 March 12, 2016.

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

Candace M. Reid

CANDACE MAUNEY REID, CERTIFIED COURT REPORTER
NOTARY PUBLIC, STATE-AT-LARGE, KY