

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

**In the Matter of:**

**ELECTRONIC APPLICATION OF PEOPLES RURAL )  
TELEPHONE COOPERATIVE CORPORATION, INC. ) CASE NO. 2017-00085  
FOR A GENERAL ADJUSTMENT IN RATES )**

**MOTION FOR WAIVER OF CERTAIN  
RATE APPLICATION FILING REQUIREMENTS**

Peoples Rural Telephone Cooperative Corporation, Inc. (“PRTC”), by counsel, in connection with the contemporaneous filing of its rate adjustment application (the “Application”) and pursuant to 807 KAR 5:001, Section 16(10), hereby moves the Public Service Commission of the Commonwealth of Kentucky (the “Commission”) for waiver, for good cause, of certain filing requirements set forth in 807 KAR 5:001, Section 16, and the Commission’s June 28, 2013 Order (the “2013 Order”) in Case No. 2013-00190. In support of its request, PRTC states as follows.

**INTRODUCTION**

PRTC files its Application in order to adjust its rates to comply with the 2017 rate floor imposed by the Federal Communications Commission (“FCC”). *See In the Matter of Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (Nov. 18, 2011) (“ICC/USF Order”). PRTC was one of several carriers filed similar rate floor proceedings in 2016 to comply with the FCC’s 2016 rate floor (the “2016 Rate Floor Proceedings”). As part of those proceedings, carriers requested and were granted by the Commission waivers of certain requirements of 807 KAR 5:001, Section 16. *See, e.g., In the Matter of: Application of Peoples Rural Telephone Cooperative Corporation, Inc. for a General*

*Adjustment in Rates*, Ky. P.S.C. Case No. 2016-00044 Order (March 16, 2016) (“2016 Waiver Order”).

In light of the waivers granted in the 2016 Rate Floor Proceedings, PRTC now moves for waiver of certain requirements of 807 KAR 5:001, Section 16.

### ARGUMENT

Upon good cause shown, the Commission shall grant “[a] request for waiver of any of the provisions of [the] filing requirements.” 807 KAR 5:001, Section 16(10). In determining whether good cause exists, the Commission may consider:

- (a) Whether other information provided by the utility is sufficient to allow the Commission to “effectively and efficiently” review the rate application;
- (b) Whether the information for which waiver is requested is normally maintained by the utility or reasonably available to it from the information the utility does maintain; and
- (c) The expense in providing the information which is the subject of the waiver request.

*Id.*

PRTC’s Application is simply a response to the regulatory pronouncement of the FCC; it has not been filed to address a financial need for additional revenue from PRTC’s ratepayers.

Wherefore, PRTC requests waiver of the filing requirements identified below. These requested waivers are consistent with the waivers the Commission granted to PRTC during the 2016 Rate Floor Proceedings. *See, e.g.*, 2016 Waiver Order (granting waiver of the requirements of, among others, 807 KAR 5:001, Section 16(4)(h), 16(4)(i), 16(4)(n), 16(4)(q), and 16(4)(r)). A brief supporting narrative is included for each of these requests.

**807 KAR 5:001, Section 16(4)(b)**

**If utility has gross annual revenues exceeding \$5,000,000, prepared testimony of each witness who will support the application.**

PRTC's filing is in response to the FCC's ICC/USF Order and is not driven by a financial need to obtain more revenue from its ratepayers or achieve a higher rate of return. PRTC has provided a detailed narrative explanation of its proposed rate adjustment in Exhibit 1 of the Application. PRTC asserts that the information provided in the Application does not require further explication through prepared testimony. Accordingly, PRTC seeks waiver of 807 KAR 5:001, Section 16(4)(b).

**807 KAR 5:001, Section 16(4)(h)**

**Summary of determination of revenue requirements based on return on net investment rate base, return on capitalization, interest coverage, debt service coverage, or operating ratio, with supporting schedules.**

PRTC has provided parts A and B of its 2016 RUS operating report containing its TIER calculation, which assesses PRTC's actual revenue position compared to its required operating revenues, in Exhibit 5 of the Application. PRTC believes this information is sufficient to fulfill the requirements of this section as they apply to the Application. To the extent the Commission believes this section requires provision of additional information, PRTC requests waiver of those requirements for the reasons set forth below.

PRTC does not seek a rate adjustment in this proceeding based on a failure to earn an adequate rate of return. The changes in rates that it seeks are requested in order to maintain eligibility to receive the maximum amount of High Cost Loop Support ("HCLS") and are expected by PRTC to provide either no additional revenue or nominal additional revenue that will serve as an offset to other revenue reductions imposed by the FCC.

Furthermore, because PRTC's proposed rate adjustment is simply a response to the regulatory pronouncement of the FCC, PRTC has not prepared a cost study analyzing its revenue

requirement at a state level. It would be excessively expensive for PRTC to gather and prepare such information, particularly in light of the fact that the information would provide no discernible advantage in the Commission's evaluation of PRTC's Application.

Accordingly, to the extent the Commission believes this section requires more information than PRTC has provided, PRTC seeks waiver of 807 KAR 5:001, Section 16(4)(h).

**807 KAR 5:001, Section 16(4)(i)**

**Reconciliation of rate base and capital used to determine revenue requirements.**

PRTC's Application is filed for the purpose of implementing rates to secure the maximum amount of HCLS funding, and not because of a financial need to obtain more revenue from its customers. The new basic local rate was determined based on the rate floor set in the FCC's ICC/USF Order, and not determined based on the rate base and capital. This data is thus irrelevant to the proposed rate adjustment and will not aid the Commission in evaluating PRTC's Application. Accordingly, PRTC seeks waiver of 807 KAR 5:001, Section 16(4)(i).

**807 KAR 5:001, Section 16(4)(n)**

**Summary of latest depreciation study with schedules by major plant accounts, except that telecommunications utilities adopting the Commission's average depreciation rates shall provide a schedule identifying current and test period depreciation rates used by major plant accounts.**

PRTC provided its current and test period depreciation rates used by major plant accounts in Case 2014-00305 which satisfies the filing requirements of 807 KAR 5:001, Section 16(4)(n), because PRTC believes it has adopted the Commission's average depreciation rates. In addition, in light of the special circumstances of this rate floor filing, PRTC has provided information sufficient to allow the Commission to efficiently evaluate the Application.

A full depreciation study is irrelevant to the proposed rate adjustment and will not aid the Commission in evaluating PRTC's Application. Accordingly, to the extent the Commission determines that this section requires more information than PRTC has provided, PRTC seeks waiver of 807 KAR 5:001, Section 16(4)(n).

**807 KAR 5:001, Section 16(4)(q)**                      **Annual report to shareholders, or members, and statistical supplements covering the two most recent years from the application filing date.**

PRTC's most recent audited financial statement is included in Exhibit 6 of the Application, which also includes and its most recent independent auditor's opinion letter. Because this information should be sufficient to allow the Commission to efficiently evaluate the Application, PRTC seeks waiver of 807 KAR 5:001, Section 16(4)(q).

**807 KAR 5:001, Section 16(4)(r)**                      **Monthly managerial reports providing financial results for twelve months in test period.**

PRTC's annual financial report for 2016 which covers the test period, is on file with the Commission. Because this information should be sufficient to allow the Commission to efficiently evaluate the Application, PRTC seeks waiver of 807 KAR 5:001, Section 16(4)(r).

**807 KAR 5:001, Section 16(5)**                      **Information related to pro forma adjustments.**

PRTC's Application does not include any pro forma adjustments. To the extent the Commission believes the requirements of this section apply to PRTC's Application, PRTC requests waiver of those requirements for the reasons set forth below.

PRTC's Application is filed for the purpose of implementing rates to secure the maximum amount of HCLS funding, and not because of a financial need to obtain more revenue from its customers. The new basic local rate was determined based on the rate floor set in the

FCC's ICC/USF Order, and not determined based on the rate base, capital, or any pro forma adjustments.

Furthermore, because PRTC's proposed rate adjustment is simply a response to the regulatory pronouncement of the FCC, PRTC has not prepared the information required by this section. It would be excessively expensive for PRTC to gather and prepare the information, particularly in light of the fact that the information would provide no discernible advantage in the Commission's evaluation of PRTC's Application.

Accordingly, PRTC respectfully requests waiver of 807 KAR 5:001, Section 16(5).

#### **ALTERNATIVE REQUEST FOR RELIEF**

PRTC is required to adjust its rates to comply with the FCC's 2017 rate floor no later than June 1, 2017. Failure to comply with the rate floor or failure to meet the regulatory deadline will cause PRTC to lose significant federal subsidies that historically, have allowed it to provide service to the most costly, rural customers. That loss of federal funding could threaten the financial existence of PRTC, which has important obligations under federal and state law as a carrier of last resort. Moreover, the loss of such subsidies could portend even larger rate increases in the future, as PRTC would need to raise its rates dramatically to reflect the full, unsubsidized costs of providing service in high-cost rural areas. Accordingly, it is of paramount importance that PRTC's proposed rates are put into effect no later than June 1, 2017 as requested in the Application.

In the event the Commission thinks it appropriate to deny any portion of PRTC's waiver request, PRTC respectfully requests that the Commission not treat any missing information as a deficiency pursuant to 807 KAR 5:001, Section 16(9). Instead, PRTC respectfully requests that the Commission (i) accept the Application for filing as of April 28, (ii) grant all waivers on a temporary basis in lieu of denying them, (iii) order that PRTC's proposed rates be suspended for

one day, allowing them to be effective June 1, 2017, and subject to refund (if necessary), and (iv) if necessary, order PRTC to file any additional information the Commission believes it needs to fully consider the proposed rate change.

### CONCLUSION

PRTC's requested waivers are consistent with the waivers granted by the Commission in the 2016 Rate Floor Proceedings. Furthermore, in each case, PRTC does not prepare the requested reports or budgets or otherwise have the information readily available. In addition, in light of the unique circumstances of this proceeding and the limited value of the information for which PRTC seeks waiver, it would be excessively expensive for PRTC to gather the information and prepare the reports in the timeframe of this case. Accordingly, PRTC has demonstrated good cause and the Commission should grant the requested waivers.

Respectfully submitted,



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April 28, 2017

**CERTIFICATE OF SERVICE**

I certify that, on the date this Motion for Waiver of Certain Rate Application Filing Requirements was filed or served with the Kentucky Public Service Commission, a true and accurate copy of the foregoing was served by Federal Express or by hand delivery upon the persons listed below.

Kentucky Attorney General  
Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601

On this the 28th day of April, 2017



*Counsel for Peoples Rural Telephone Cooperative Corporation, Inc.*