

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
Case No. 2018-00157**

In the Matter of

CMN-RUS, INC.

COMPLAINANT

v.

WINDSTREAM KENTUCKY EAST, LLC

RESPONDENT

**CMN-RUS, Inc.'s and Windstream Kentucky East, LLC's
Joint Motion to Close Case**

Come the parties, CMN-RUS, Inc. ("CMN") and Windstream Kentucky East, LLC ("Windstream East"), by counsel, and in accordance with the Public Service Commission's Order dated December 7, 2018, hereby jointly move for an order or orders ruling on pending confidentiality petitions and closing the case. In support of their joint motion, the parties hereby state as follows:

1. In its Order dated December 7, 2018, the Commission approved a proposed settlement between the parties (¶2) and retained jurisdiction over issues that might arise in the operation, application, and performance of the settlement agreement and of the Pole Attachment License Agreement and First Amendment that were components of the parties' settlement (¶3). The parties were to file a joint status report every 60 days "describing the status of the submission and processing of pole attachment requests" (¶5) and to jointly report when the settlement agreement's "Initial Period" had concluded (¶6).

2. The parties filed their initial joint status report on February 1, 2019, and have filed a joint status report every 60 days thereafter. In each status report, the parties stated that there

were “no issues requiring the PSC’s attention at this time.” In their most recent (17th) joint status report, filed September 7, 2021, the parties reported that, cumulatively:

a. CMN had submitted requests for 11,334 simple and 35 complex pole attachments under the Simplified Attachment Request and License Process established in the First Amendment; and

b. Windstream had granted a license for simple attachment with respect to 8726 poles and for complex attachment with respect to 35 poles.

3. The parties report that the Initial Period for the settlement agreement has concluded. Although the parties continue to use the Simplified Attachment Request and License Process framework for their pole-attachment transactions, the number of new requests and approvals to report each 60 days has tapered off. The request and grant numbers in the 17th report add no new complex attachments and add only 360 (requested) and 135 (granted) simple attachments to the counts in the 13th report, filed January 12, 2021.

4. There have been no issues that arose in the operation, application, and performance of the settlement agreement and of the Pole Attachment License Agreement and First Amendment, and neither party has filed a motion seeking enforcement, interpretation, or other assistance from the Commission.

5. The only prior motions pending before the Commission are the parties’ 12/4/18 joint motion for confidential treatment for the Pole Attachment License Agreement and First Amendment and Windstream East’s 10/12/18 Petition, 10/1/18 Petition, 9/7/18 Supplemental Petition, and 8/27/18 Motion for Confidential Treatment of certain information and documents.

WHEREFORE, CMN and Windstream East respectfully request that the Commission rule on the pending requests for confidential treatment and then order that this case be closed.

Respectfully submitted,

/s/ Katherine K. Yunker

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