

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

In the Matter of:	)	
	)	
ELECTRONIC APPLICATION OF KENERGY	)	
CORP. FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY FOR THE	)	
CONSTRUCTION OF A HIGH-SPEED FIBER	)	CASE NO.
NETWORK AND FOR APPROVAL OF THE	)	2021-00365
LEASING OF THE NETWORK'S EXCESS	)	
CAPACITY TO AN AFFILIATE TO BE	)	
ENGAGED IN THE PROVISION OF	)	
BROADBAND SERVICE TO UNSERVED AND	)	
UNDERSERVED HOUSEHOLDS AND	)	
<u>BUSINESSES OF THE COMMONWEALTH</u>	)	

**KBCA's SECOND SET OF DATA REQUESTS TO  
KENERGY CORPORATION**

The Kentucky Broadband and Cable Association (“KBCA”) propounds the following second set of data requests to Kenergy Corporation (“Kenergy”) in the above-captioned proceeding, pursuant to the Commission’s Order dated September 22, 2021.

**DEFINITIONS AND INSTRUCTIONS**

1. “Commission” means Public Service Commission of Kentucky.
2. “Document(s)” is used in its customary broad sense and includes electronic mail and all written, typed, printed, electronic, computerized, recorded or graphic statements, memoranda, reports, communications or other matter, however produced or reproduced, and whether or not now in existence, or in your possession.
3. “Unserved” and “Underserved” have the meanings set forth in KRS 278.5464(2).
4. These data requests are continuing in nature, and information which the responding party later becomes aware of, or has access to, and which is responsive to any request is to be made available to KBCA. Any studies, documents, or other subject matter not yet

completed that will be relied upon during the course of this case should be so identified and provided as soon as they are completed. The Respondent is obliged to change, supplement, and correct all answers to data requests to conform to available information, including such information as it first becomes available to the Respondent after the answers hereto are served.

5. If any information requested herein is claimed to be privileged or confidential, please state the grounds on which such privilege or confidentiality is being asserted, and include a brief description of the document, listing the date and the author, and please identify any person who received the document or a copy of the document.

### **DATA REQUESTS**

- 11.** Kenergy's response to KBCA's Data Request No. 1 provides maps of areas within Kenergy's electric service territory that it believes to be unserved or underserved. With respect to these areas, please confirm each of the statements below. If you are unable to confirm any of these statements, please provide a detailed explanation setting forth why you are unable to do so.
- a.** Please confirm that the location of Kenergy's proposed fiberoptic facilities will not be limited to the areas that Kenergy believes to be unserved or underserved set forth in the maps accompanying its response to KBCA's Data Request No. 1.
  - b.** Please confirm that the locations of Kenergy's proposed fiberoptic facilities are represented by the maps provided in its response to KBCA's Data Request No. 5.
  - c.** Please confirm that Kenergy's proposed lease and sublease of its proposed fiberoptic facilities will not be limited to areas identified as unserved or underserved in the maps accompanying its response to KBCA's Data Request No. 1.
  - d.** Please confirm that Kenergy's proposed lease of its proposed fiberoptic facilities will be for the proposed fiberoptic system in its entirety, as identified in the maps provided in its response to KBCA Data Request No. 5.
  - e.** Please confirm whether Kenergy's proposed sublease of its proposed fiberoptic facilities will be for the proposed fiberoptic system in its entirety, as identified in the maps provided in its response to KBCA Data

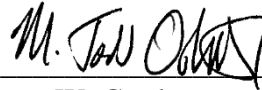
Request No. 5. If not, please identify the area covered by the proposed sublease.

- f. Please confirm that the terms of Kenergy's proposed lease of its proposed fiberoptic facilities will not prohibit Kenect from using the system to offer broadband services outside of the areas identified by Kenergy as unserved or underserved.
- g. Please confirm that the terms of Kenergy's proposed sublease of its proposed fiberoptic facilities will not prohibit Conexon Connect from using the system to offer broadband services outside of the areas identified by Kenergy as unserved or underserved.

12. Please identify which steps, if any, Kenergy and/or Kenect intend to take to ensure that the proposed fiberoptic facilities are used to offer broadband services only in areas identified as unserved or underserved.

**RESPECTFULLY SUBMITTED** this 7th day of January 2022.

KENTUCKY BROADBAND AND CABLE  
ASSOCIATION



---

James W. Gardner  
M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street, Suite 1500  
Lexington, KY 40507  
Phone: (859) 255-8581  
E-mail: [jgardner@sturgillturner.com](mailto:jgardner@sturgillturner.com)  
E-mail: [tosterloh@sturgillturner.com](mailto:tosterloh@sturgillturner.com)

*Counsel for KBCA*