

**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>)	

**THE KENTUCKY BROADBAND & CABLE ASSOCIATION
RESPONSE TO COMMISSION STAFF'S REQUEST FOR INFORMATION**

Kentucky Broadband & Cable Association ("KBCA") responds to Commission Staff's request for information as follows:

1. Refer to the Direct Testimony of Jason Keller, pages 4–5. Provide documentation that KBCA member, Charter, offers, in the census blocks that overlay Kenergy Corp.'s service area, upload and download speeds at or above the upload and download speeds used to define underserved areas and unserved areas in KRS 278.5464(2)(b).

RESPONSE: Please see the attached Exhibits.

Exhibit 1 consists of an extract from Charter's September 2021 Form 477 submission to the FCC containing speed and deployment data from January 1, 2021 through June 30, 2021. This submission shows a list of the census blocks in which Charter offers broadband services, including

the maximum broadband speeds offered and the technology used. Publicly available information regarding Charter's service territories as reported to the FCC are available on the FCC's website at <https://opendata.fcc.gov/Wireline/Fixed-Broadband-Deployment-Data-December-2020/hicn-aujz>. The publicly available data represents Charter's available service offering as of December 31, 2020; the information in Exhibit 1, which has not yet been published by the FCC and is being provided confidentially, is more current.

Exhibit 2 consists of screenshots showing the availability of Charter's broadband services at select locations within counties where Charter provides service that overlays Kenergy's service area. To generate Exhibit 2, Charter personnel identified a sample address within each pertinent county in Charter's service area, and then entered that address into the serviceability tool on Charter's website to confirm Charter's offerings at that location. While it would be impractical to generate such screenshots for an address in each of the nearly 7,000 census blocks identified in Exhibit 1, KBCA will supplement this response if Staff identifies certain census blocks for which it would like additional information. Exhibit 2 is provided as confidential, with a public version that has the addresses redacted due to privacy concerns.

Exhibit 3 consists of commercially available data from Ookla, a provider that offers user-initiated speed testing, showing the median and top 10% of speeds measured for Charter services in the counties in which Exhibit 1 indicates that Charter offers broadband. This data is identified as confidential because it is proprietary and competitively sensitive information available only by subscription. KBCA notes that Ookla tests broadband speeds at the end-user's device as opposed to testing the speeds provisioned by providers to the modem. For that reason, it understates the speeds provisioned to the customer. Speeds tested at the customer device level are impacted by factors outside the control of the provider, including but not limited to the customer's WiFi router, WiFi

spectrum band utilized, distance from router, obstructions, CPU and memory on the customer's device, and any background processes that may be running. These factors reduce the reported speeds by Ookla relative to the speeds a provider delivers to a customer's modem. The Ookla result is also impacted by the tier of service the customer has purchased (for example if a customer purchased a tier with 30/4 speed, that is the maximum result you will see through Ookla) so Ookla data does not show the highest speed provided by Charter in that area. Ookla is customer driven (*e.g.* customer clicks a button to generate a speed test), which limits the number of customers that are tested at any given time in an area. Notwithstanding these limitations, the Ookla test results provided in Exhibit 3 show median end-user speeds of at least 141 mbps download and 11 mbps upload. Exhibit 3 provides third-party confirmation that Charter is providing broadband speeds well in excess of the upload and download speeds used to define underserved areas and unserved areas in KRS 278.5464(2)(b) to customers in the relevant parts of Kentucky.

WITNESS: Jason Keller

RESPECTFULLY SUBMITTED,

STURGILL, TURNER, BARKER & MOLONEY, PLLC



James W. Gardner

M. Todd Osterloh

333 West Vine Street, Suite 1500

Lexington, KY 40507

Phone: (859) 255-8581

E-mail: jgardner@sturgillturner.com

E-mail: tosterloh@sturgillturner.com

Counsel for KBCA

Exhibit 1

(Filed confidentially)

Exhibit 2

(Public version)

DAVISS COUNTY, KY



1-833-737-0874
\$0.00/mo
\$0.00 initial order total

Services

SHOW ME OFFERS WITH:

TV Internet Home Phone

Up to 200 Mbps
INTERNET

- Get reliable, high-speed Internet up to 200 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$49⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Up to 400 Mbps
INTERNET ULTRA

- Go faster and turbocharge all your devices with Internet Ultra, offering speeds of up to 400 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$69⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Up to 1 Gbps
INTERNET GIG

- For the ultimate Internet experience, choose Internet Gig – our fastest speed available offering up to 1 Gbps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$89⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)



1.833.737.0874

HENDERSON COUNTY, KY

Spectrum® Buy - Featured x +
spectrum.com/buy/featured?wcnmode=disabled
1-833-737-0674

Spectrum \$0.00/mo
\$0.00 initial order total

Services

SHOW ME OFFERS WITH:

TV Internet Home Phone

125+ Channels / Up to 200 Mbps
TV SELECT + INTERNET

- Upgrade to TV Silver or TV Gold to add premiums such as HBO®, SHOWTIME® or STARZ®
- View [channel lineup](#)

\$52/mo savings included for 12 mos

From **\$99⁹⁸**/mo for 12 mos when bundled

ADD OFFER

[Plan details](#)

Up to 200 Mbps
INTERNET

- Get reliable, high-speed Internet up to 200 Mbps with no data caps. Wireless speeds may vary

\$25/mo savings included for 12 mos

From **\$49⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Up to 1 Gbps
INTERNET GIG

- For the ultimate Internet experience, choose Internet Gig – our fastest speed available offering up to 1 Gbps. Wireless speeds may vary

\$25/mo savings included for 12 mos

From **\$89⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Spectrum 1.833.737.0874

Product and Offer Disclaimers | Your Privacy Rights | Policies | Contract Buyout Information | Ratecard

HOPKINNS COUNTY, KY

Spectrum® Buy - Featured x +
spectrum.com/buy/featured?wcnmode=disabled
1-833-737-0874



\$0.00/mo
\$0.00 initial order total

Services

SHOW ME OFFERS WITH:

TV Internet Home Phone

Up to 200 Mbps
INTERNET

- Get reliable, high-speed Internet up to 200 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$49⁹⁹**/mo for 12 mos

[ADD OFFER](#)

[Plan details](#)

Up to 400 Mbps
INTERNET ULTRA

- Go faster and turbocharge all your devices with Internet Ultra, offering speeds of up to 400 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$69⁹⁹**/mo for 12 mos

[ADD OFFER](#)

[Plan details](#)

Up to 1Gbps
INTERNET GIG

- For the ultimate Internet experience, choose Internet Gig – our fastest speed available offering up to 1 Gbps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$89⁹⁹**/mo for 12 mos

[ADD OFFER](#)

[Plan details](#)



1.833.737.0874

[Product and Offer Disclaimers](#) | [Your Privacy Rights](#) | [Policies](#) | [Contract](#) | [Buyout Information](#) | [Ratecard](#)
Not all products, pricing and services are available in all areas. Pricing and actual speeds may vary. Internet speeds based on wired connection. Restrictions apply.
©2022 Charter Communications, Inc.

MCLEAN COUNTY, KY

Spectrum® Buy - Featured x +
spectrum.com/buy/featured?wcmmode=disabled
1-833-737-0874



\$0.00/mo
\$0.00 initial order total

Services

SHOW ME OFFERS WITH:

TV Internet Home Phone

125+ Channels / Up to 400 Mbps
TV SELECT + INTERNET ULTRA

- Boost Your Speed with Internet Ultra
- Exclusive Price Guarantee
- View [channel lineup](#)

From **\$109⁹⁸/mo** for 24 mos when bundled

ADD OFFER

Plan details

◆ \$62/mo savings included for 24 mos

Up to 200 Mbps
INTERNET

- Get reliable, high-speed Internet up to 200 Mbps with no data caps. Wireless speeds may vary

From **\$49⁹⁹/mo** for 12 mos

ADD OFFER

Plan details

◆ \$25/mo savings included for 12 mos

Up to 400 Mbps
INTERNET ULTRA

- Boost Your Speed with Internet Ultra
- Exclusive Price Guarantee

From **\$69⁹⁹/mo** for 24 mos

ADD OFFER

Plan details

◆ \$25/mo savings included for 24 mos

Up to 1 Gbps
INTERNET GIG

- Boost Your Speed with Internet Gig
- Exclusive Price Guarantee

From **\$89⁹⁹/mo** for 24 mos

ADD OFFER

Plan details

◆ \$25/mo savings included for 24 mos

125+ Channels / Up to 1 Gbps
TV SELECT + INTERNET GIG

- Upgrade to TV Silver or TV Gold to add Premiums such as HBO®, SHOWTIME® or Starz®
- View [channel lineup](#)

From **\$129⁹⁸/mo** for 24 mos when bundled

ADD OFFER

◆ \$62/mo savings included for 24 mos

OHIO COUNTY, KY

Spectrum Buy - Featured x New Tab x +
spectrum.com/buy/featured?wcmmode=disabled
Apos UNITED WIFI 1180706 CalCCA... Jackson Holk. Wyo... Rural Digital Oppor... 2010 NN Order.doc 2015 NN Order
1-833-737-0874

Spectrum \$0.00/mo
\$0.00 initial order total

Services

SHOW ME OFFERS WITH:

TV Internet Home Phone

125+ Channels / Up to 200 Mbps
TV SELECT + INTERNET

- Upgrade to TV Silver or TV Gold to add premiums such as HBO®, SHOWTIME® or STARZ®
- View [channel lineup](#)

\$52/mo savings included for 12 mos

From **\$99⁹⁸**/mo for 12 mos when bundled

ADD OFFER

[Plan details](#)

Up to 200 Mbps
INTERNET

- Get reliable, high-speed Internet up to 200 Mbps with no data caps. Wireless speeds may vary

\$25/mo savings included for 12 mos

From **\$49⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Up to 400 Mbps
INTERNET ULTRA

- Go faster and turbocharge all your devices with Internet Ultra, offering speeds of up to 400 Mbps with no data caps. Wireless speeds may vary

\$25/mo savings included for 12 mos

From **\$69⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Up to 1 Gbps
INTERNET GIG

- For the ultimate Internet experience, choose Internet Gig – our fastest speed available offering up to 1 Gbps. Wireless speeds may vary

\$25/mo savings included for 12 mos

From **\$89⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

125+ Channels / Up to 1 Gbps
TV SELECT + INTERNET GIG

- Upgrade to TV Silver or TV Gold to add Premiums such as HBO®, SHOWTIME® or Starz®
- View [channel lineup](#)

\$52/mo savings included for 12 mos

From **\$139⁹⁸**/mo for 12 mos when bundled

ADD OFFER

UNION COUNTY, KY

Spectrum® Buy - Featured x +
spectrum.com/buy/feature?wcmnode=disabled
1-833-737-0874



\$0.00/mo
\$0.00 initial order total

Services

SHOW ME OFFERS WITH:

TV Internet Home Phone

Up to 200 Mbps
INTERNET

- Get reliable, high-speed Internet up to 200 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$49⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Up to 400 Mbps
INTERNET ULTRA

- Go faster and turbocharge all your devices with Internet Ultra, offering speeds of up to 400 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$69⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Up to 1 Gbps
INTERNET GIG

- For the ultimate Internet experience, choose Internet Gig—our fastest speed available offering up to 1 Gbps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$89⁹⁹**/mo for 12 mos

ADD OFFER

[Plan details](#)

Spectrum 1.833.737.0874
Product and Offer Disclaimers | Your Privacy Rights | Policies | Contract Buyout Information | Ratecard

WEBSTER COUNTY, KY

Spectrum® Buy - featured x +
spectrum.com/buy/featured/wcmmode=disabled
1-833-737-0874



\$0.00/mo
\$0.00 initial order total

Services

SHOW ME OFFERS WITH:

TV Internet Home Phone

Up to 200 Mbps
INTERNET

- Get reliable, high-speed Internet up to 200 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$49⁹⁹**/mo for 12 mos

[ADD OFFER](#)

[Plan details](#)

Up to 400 Mbps
INTERNET ULTRA

- Go faster and turbocharge all your devices with Internet Ultra, offering speeds of up to 400 Mbps with no data caps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$69⁹⁹**/mo for 12 mos

[ADD OFFER](#)

[Plan details](#)

Up to 1 Gbps
INTERNET GIG

- For the ultimate Internet experience, choose Internet Gig – our fastest speed available offering up to 1 Gbps. Wireless speeds may vary
- \$25/mo savings included for 12 mos

From **\$89⁹⁹**/mo for 12 mos

[ADD OFFER](#)

[Plan details](#)



1.833.737.0874

[Product and Offer Disclaimers](#) | [Your Privacy Rights](#) | [Policies](#) | [Contract Buyout Information](#) | [Ratecard](#)

Not all products, pricing and services are available in all areas. Pricing and actual speeds may vary. Internet speeds based on wired connection. Restrictions apply.
©2022 Charter Communications, Inc.

Exhibit 3

(Filed confidentially)