4001 N. Rodney Parham Road Little Rock, Arkansas 72212

Nicole Winters Senior Counsel

501.748.6313 Nicole.Winters@windstream.com



March 23, 2022

Linda Bridwell Executive Director Kentucky Public Service Commission 211 Sower Boulevard Frankfort, KY 40602

Re: Windstream Kentucky East, LLC and Windstream Kentucky West, LLC's

Reply In the Matter of Electronic Review of Pole Attachment Tariffs Filed

Pursuant to 807 KAR 5:015, Section 3

Case No.: 2022-00064

#### Dear Director Bridwell:

Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (collectively "Windstream") responds to the Show Cause Order issued by the Kentucky Public Service Commission ("Commission") on March 16, 2022, in the above referenced matter. The Commission has required Windstream to reply as to why it should not be subject to the penalties enumerated in KRS 278.990 for its failure to file the required pole attachment contract tariff updates required by 807 KAR 5:015, Section 3(7).

Windstream apologizes for its failure to timely file the required pole attachment tariff updates and ensures the Commission the failure was not an intentional violation of Kentucky regulations. The required tariffs were filed by Windstream on March 22, 2022 (copies of the filing receipts are attached). The failure was simply an administrative oversight, Windstream has operated in the Commonwealth for over 15 years and has remained in compliance with Commission rules and requirements. In addition, Windstream has had a CATV Pole Attachment Tariff in place and on file with the Commission since 2016, Windstream is mindful of the Commission's regulations and oversight of pole attachments.

Windstream requests that the Commission not issue any penalties for its delayed filing, it has rectified the issue by filing the required tariffs and is providing notice to the impacted users. Windstream has also put additional processes in place to ensure new rules such as these are properly reviewed and implemented to avoid future failures to comply.

Windstream appreciates the Commission's consideration, and should there be any questions regarding this reply or the filed tariffs please do not hesitate to contact me by telephone at (501) 748-6313 or via email at <a href="Micole.Winters@windstream.com">Nicole.Winters@windstream.com</a>

Sincerely,

Nicole Winters Senior Counsel

Windstream Kentucky East, LLC Windstream Kentucky West, LLC

Enclosures

#### **Suzanne Pagana**

From: KY Public Service Commission <psc.tariffs@ky.gov>

**Sent:** Tuesday, March 22, 2022 11:24 AM

To: Suzanne Pagana
Cc: suzanne Pagana
psc.tariffs@ky.gov

**Subject:** KY-PSC Electronic Filing Center NotificationTFS2022-00141

This notification has been sent to you regarding your recent Tariff filing: TFS2022-00141

file(s) have been transmitted successfully.

Documents received for Tariff filing: TFS2022-00141 for Windstream Kentucky East, LLC

3/22/2022 11:23:51 AM

File Summary:

File Name: readfirst\_KYpole2202\_Windstream\_KY\_East.pdf

**Description: Cover Letter** 

File Name: KY\_TRF\_REV\_Windstream\_KY\_East\_2022\_0331.pdf

**Description: Tariff** 

Thank you.



**Tariff Filing Home** 

**New Tariff Upload** 

**Resume Upload** 

# Filing Receipt

### spagana@tminc.com

	Utility	Filer	Posted	Initiated	Status
NA	Windstream Kentucky East, LLC	Suzanne Pagana	3/22/2022 11:23:56 AM	Posted	InfoOnly

Uploaded File	Size	Description
readfirst_KYpole2202_Windstream_KY_East.pdf	62 KB	Cover Letter
KY_TRF_REV_Windstream_KY_East_2022_0331.pdf	407 KB	Tariff
3/22/2022 11:23:45 AM		

### **Suzanne Pagana**

From: KY Public Service Commission <psc.tariffs@ky.gov>

**Sent:** Tuesday, March 22, 2022 11:16 AM

To: Suzanne Pagana
Cc: suzanne Pagana
psc.tariffs@ky.gov

**Subject:** KY-PSC Electronic Filing Center NotificationTFS2022-00140

This notification has been sent to you regarding your recent Tariff filing : TFS2022-00140  $\,$ 

file(s) have been transmitted successfully.

Documents received for Tariff filing: TFS2022-00140 for Windstream Kentucky West, LLC

3/22/2022 11:15:52 AM

File Summary:

File Name: readfirst\_KYpole2201\_Windstream\_KY\_West.pdf

**Description: Cover Letter** 

File Name: KY\_TRF\_REV\_Windstream\_KY\_West\_2022\_03\_31.pdf

**Description: Tariff** 

Thank you.



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New Tariff Upload

**Resume Upload** 

## Filing Receipt

## spagana@tminc.com

	Utility	Filer	Posted	Initiated	Status
NA	Windstream Kentucky West, LLC	Suzanne Pagana	3/22/2022 11:15:57 AM	Posted	InfoOnly

Uploaded File	Size	Description
$read first\_KY pole 2201\_W in dstream\_KY\_W est.pdf$	64 KB	Cover Letter
KY_TRF_REV_Windstream_KY_West_2022_03_31.pdf	414 KB	Tariff

3/22/2022 11:15:44 AM