

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE)
PROPOSED POLE ATTACHMENT TARIFFS OF) Case No. 2022-00105
INVESTOR OWNED UTILITIES)

**DUKE ENERGY KENTUCKY, INC.'S FIRST REQUEST
OF INFORMATION PROPOUNDED UPON AT&T KENTUCKY**

Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky), and addresses the following First Request of Information to BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (AT&T Kentucky) to be answered by the date specified in the Commission's Order of Procedure, and in accordance with the following instructions:

I. DEFINITIONS AND INSTRUCTIONS

1. With respect to each discovery request, all information is to be divulged that is within the knowledge, possession or control of the parties to whom it is addressed, including their agents, employees, attorneys and/or investigators.
2. Please identify the witness(es) who will be prepared to answer questions concerning each request.
3. These requests shall be deemed continuing so as to require further and supplemental responses if the company receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.
4. All answers must be separately and fully stated in writing under oath.
5. Where a request calls for an answer in more than one part, each part should

be separated in the answer so that the answer is clearly understandable.

6. For purpose of these discovery requests, the following terms shall have meanings set forth below:

- (a) As used herein, “document,” “documentation” and/or “record,” whether stated as the singular or the plural, means any course of binders, book, pamphlet, periodical, letter, correspondence, memoranda, including but not limited to, any memorandum or report of a meeting or telephone or other conversation, invoice, account, credit memo, debit memo, financial statement, general ledger, ledger, journal, work papers, account work papers, report, diary, telegram, record, contract, agreement, study, draft, telex, handwritten or other note, sketch, picture, photograph, plan, chart, paper, graph, index, tape, data processing card, data processing disc, data cells or sheet, check acceptance draft, e-mail, studies, analyses, contracts, estimates, summaries, statistical statements, analytical records, reports and/or summaries of investigations, opinions or reports of consultants, opinions or reports of accountants, trade letters, comparisons, brochures, pamphlets, circulars, bulletins, notices, forecasts, electronic communication, printouts, all other data compilations from which information can be obtained (translated if necessary by defendants into usable form), any preliminary versions, drafts or revisions of any of the foregoing, and/or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however

produced or reproduced and regardless of origin or location, in the possession, custody and/or control of the defendant and/or their agents, accountants, employees, representatives and/or attorneys. “Document” and “record” also mean all copies of documents by whatever means made, if the copy bears any other markings or notations not found on the original.

- (b) The terms “relating to,” “referring to,” “referred to,” “pertaining to,” “pertained to” and “relates to” means referring to, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and/or constituting and/or in any way involving.
- (c) The terms “and,” “or,” and “and/or” within the meaning of this document shall include each other and shall be both inclusive and disjunctive and shall be construed to require production of all documents, as above-described, in the broadest possible fashion and manner.
- (d) The term “AT&T Kentucky” shall mean BellSouth Telecommunications, LLC d/b/a AT&T Kentucky, and shall include, but is not limited to, each and every agent, employee, servant, insurer and/or attorney of BellSouth Telecommunications, LLC d/b/a AT&T Kentucky. The term “you” shall be deemed to refer to BellSouth Telecommunications, LLC d/b/a AT&T Kentucky.
- (e) The term “Commission” shall mean the Kentucky Public Service

Commission.

- (f) The term “Duke Energy Kentucky” shall mean Duke Energy Kentucky, Inc., its employees, agents, officers, directors and representatives.
- (g) To “identify” shall mean:
 - (1) With respect to a document, to state its date, its author, its type (for example, letter, memorandum, chart, photograph, sound reproduction, etc.), its subject matter, its present location, and the name of its present custodian. The document may be produced in lieu of supplying the foregoing information. For each document which contains information as privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
 - (2) With regard to a natural person, to state his or her full name, last known employer or business affiliation, title and last known home address.
 - (3) With regard to a person other than a natural person, state the title of that person, any trade name, or corporate name or partnership name used by that person, and the principal business address of that person.
- (h) To “produce” or to “identify and produce,” shall mean that BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (AT&T Kentucky)

shall produce each document or other requested tangible thing. For each tangible thing which AT&T Kentucky contends is privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.

- (i) The terms “Party or Parties” shall mean any organization, person, corporation, entity, etc., which intervened in the above-captioned proceeding and shall further include the Kentucky Public Service Commission Staff.

II. REQUESTS FOR INFORMATION

1. Other than Mr. Rhinehart, please identify any persons, including experts whom AT&T Kentucky has retained or consulted regarding evaluating the Commission’s Investigation in this proceeding.

2. For each person identified in (prior) response to Request No. 1 above, please state (1) the subject matter of the discussions/consultations/evaluations; (2) the written opinions of such persons regarding the Commission’s Investigation; (3) the facts to which each person relied upon; and (4) a summary of the person’s qualifications to render such discussions, consultations, or evaluations.

3. Please identify all proceedings in all jurisdictions in the last three years in which Mr. Rhinehart, along with each person identified in response to Request No. 2 above, has offered evidence, including but not limited to, pre-filed testimony, sworn statements, and live testimony and analysis. For each response, please provide the following:

- (a) the jurisdiction in which the testimony, statement or analysis was pre-

filed, offered, given, or admitted into the record;

- (b) the administrative agency and/or court in which the testimony, statement or analysis was pre-filed, offered, admitted, or given;
- (c) the date(s) the testimony, statement or analysis was pre-filed, offered, admitted, or given;
- (d) the identifying number for the case or proceeding in which the testimony, statement or analysis was pre-filed, offered, admitted, or given;
- (e) whether the witness was cross-examined;
- (f) the custodian of the transcripts and pre-filed testimony, statements or analysis for each proceeding; and
- (g) copies of all such testimony, statements or analysis.

4. Identify and provide all documents or other evidence that AT&T Kentucky may seek to introduce as exhibits or for purposes of witness examination in the above-captioned matter.

5. Please provide copies of any and all documents, analysis, summaries, white papers, work papers, spreadsheets (electronic versions with cells intact), including drafts thereof, as well as any underlying supporting materials created by Mr. Rhinehart as part of his evaluation of the Commission's Investigation or used in the creation of his testimony.

6. Please provide copies of any and all documents not created by Mr. Rhinehart, including but not limited to, analysis, summaries, cases, reports, evaluations, *etc.*, that Mr. Rhinehart relied upon, referred to, or used in the development of his testimony.

7. Please provide copies of any and all presentations or publications made, written or presented by Mr. Rhinehart in a non-adjudicative forum within the last three years involving or relating to the following: 1) utility rate-making; 2) rate of return; 3) rider cost recovery; 4) depreciation; 5) pole attachments; 6) maintenance of utility poles; 7) cost allocations; and 8) taxes.

8. Please refer to Mr. Rhinehart's testimony where he indicates he is testifying "on behalf of BellSouth Telecommunications, LLC d/b/a AT&T Kentucky." To avoid unnecessary litigation expense and to promote judicial economy, please indicate whether AT&T Kentucky agrees with the arguments and claims made by Mr. Rhinehart and, if not, please identify which specific arguments or claims AT&T Kentucky disclaims.

9. Please identify whether AT&T Kentucky is taking any additional positions or making any additional recommendations on the Commission's Investigation that are not being offered by the direct testimony of Mr. Rhinehart in this proceeding.

10. Please confirm that Mr. Rhinehart is a not customer of Duke Energy Kentucky.

11. Please confirm that AT&T Kentucky is not a customer of Duke Energy Kentucky.

12. Please provide copies of all currently effective: 1) tariffs related to pole attachments; 2) cable TV attachment policies; and 3) pole attachment policies, for Bell South Telecommunications LLC d/b/a AT&T Kentucky and the following affiliates thereof:

- AT&T Alabama
- AT&T Florida
- AT&T Georgia

- AT&T Kentucky
- AT&T Louisiana
- AT&T Mississippi
- AT&T North Carolina
- AT&T South Carolina
- AT&T Southeast
- AT&T Tennessee

Respectfully submitted,

/s/Larisa M. Vaysman

Rocco O. D'Ascenzo (92796)

Deputy General Counsel

Larisa M. Vaysman (98944)

Senior Counsel

Duke Energy Business Services LLC

139 East Fourth Street, 1303-Main

Cincinnati, Ohio 45202

Phone: (513) 287-4320

Fax: (513) 287-4385

rocco.d'ascenzo@duke-energy.com

larisa.vaysman@duke-energy.com

Counsel for Duke Energy Kentucky, Inc.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on June 23, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/Larisa M. Vaysman

Larisa M. Vaysman