

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 ELECTRIC UTILITIES)

AT&T KENTUCKY'S ("AT&T's") RESPONSE TO
DUKE ENERGY KENTUCKY, INC.'S FIRST REQUEST FOR INFORMATION

FILED: July 7, 2022

AT&T Responses to Duke Energy Kentucky, Inc.'s Requests for Information

Responding Witness: Daniel Rhinehart

General Objections:

AT&T Kentucky objects to each request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. AT&T Kentucky also objects to each request to the extent it purports to require the release of information that is confidential and/or proprietary or is otherwise protected by any other discovery privilege recognized under applicable law. AT&T Kentucky objects to any request for creating, compiling information, or producing documents not maintained in the ordinary course of business. AT&T Kentucky additionally objects to any request to the extent it requires AT&T Kentucky to provide information that Duke Energy Kentucky, Inc. may obtain from another source that is publicly available, more convenient, less expensive, and/or less burdensome. AT&T Kentucky further objects to each request to the extent that it is vague, ambiguous, overly broad, unduly burdensome, oppressive, and/or is impossible to answer fully. AT&T Kentucky objects to each request to the extent that it seeks information that is not reasonably calculated to lead to the discovery of admissible information. AT&T Kentucky further objects to each request to the extent it attempts to impose greater obligations than the Kentucky Rules of Civil Procedure and the Kentucky Administrative Regulations rules promulgated by the Commission with respect to both formal and informal proceedings before the Commission.

Subject to and without waiving these objections, AT&T responds to the individually enumerated requests as follows:

- 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.**

AT&T Response: AT&T Kentucky objects to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. AT&T Kentucky also objects to this request to the extent it is overly broad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of relevant, admissible evidence in this proceeding. Notwithstanding and without waiving its objections, AT&T Kentucky states that it did not retain or consult with outside experts or subject matter consultants for this proceeding. AT&T Kentucky also states that Mr. Rhinehart is a Director- Regulatory with AT&T, and that he compiled the information for its responses, sponsors the testimony, and signs the verification for and on behalf of AT&T Kentucky and is duly authorized to do so. AT&T Kentucky further states that the facts stated in AT&T Kentucky's responses to requests for information in this proceeding are not within the personal knowledge of any one individual at AT&T, and have been assembled by Mr. Rhinehart and counsel for AT&T Kentucky from the records and files AT&T keeps in the regular and ordinary course of business and from interviews of appropriate AT&T employees and that the facts stated in AT&T Kentucky's Responses are true and correct to the best of his knowledge, information, and belief.

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.**

AT&T Response: *See* response to No. 1 above

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.**

AT&T Response: AT&T Kentucky objects to this request to the extent it is overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of relevant, admissible evidence in this proceeding. Notwithstanding and without waiving its objections, *see* the curriculum vitae attached to Mr. Rhinehart's testimony; *see also* response to No. 1 above.

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.**

AT&T Response: AT&T Kentucky has not determined what, if any, documents or other evidence it will seek to introduce as exhibits at hearing, if any, in this matter. AT&T Kentucky

reserves the right to disclose its exhibits in a timely fashion consistent with the Kentucky Rules of Civil Procedure, the Kentucky Administrative Regulations rules promulgated by the Commission with respect to both formal and informal proceedings before the Commission, as well as any Commission Orders.

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.**

AT&T Response: AT&T Kentucky objects to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. AT&T Kentucky also objects to each request to the extent it purports to require the release of information that is confidential and/or proprietary or is otherwise protected by any other discovery privilege recognized under applicable law. AT&T Kentucky further objects to this request to the extent it is overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of relevant, admissible evidence in this proceeding. Notwithstanding and without waiving its objections *see* response to Staff's First Set of Information Requests, DR. No. 11.c. and 12.d. in docket 2022-00108.

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.**

AT&T Response: AT&T Kentucky objects to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. AT&T Kentucky also objects to each request to the extent it purports to require the release of information that is confidential and/or proprietary or is otherwise protected by any other discovery privilege recognized under the Federal Rules of Civil Procedure, the Kentucky Rules of Civil Procedure, or the laws of the Commonwealth of Kentucky. AT&T Kentucky further objects to this request to the extent it is overly broad, unduly burdensome, harassing, and/or not reasonably calculated to lead to the discovery of relevant, admissible evidence in this proceeding. Notwithstanding and without waiving its objections *see* response to Staff's First Set of Information Requests, DR No. 11.c. and 12.d. in docket 108; *see also* Response to No. 1 above.

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.**

AT&T Response: AT&T Kentucky objects to this request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. AT&T Kentucky also objects to each request to the extent it purports to require the release of information that is confidential and/or proprietary or is otherwise protected by any other discovery privilege recognized under the Federal Rules of Civil Procedure, the Kentucky Rules of Civil Procedure, or the laws of the Commonwealth of Kentucky. AT&T Kentucky further objects to this request to the extent it is overly broad, unduly burdensome, harassing, and/or not reasonably calculated to lead to the discovery of relevant, admissible evidence in this proceeding. Notwithstanding and without waiving its objections, Mr. Rhinehart has no responsive documents related to the tariffs at issue in this proceeding.

- 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.**

AT&T Response: See Response to No. 1 above.

- 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.**

AT&T Response: AT&T’s positions and recommendations are set forth in Mr. Rhinehart’s testimony and in the publicly provided responses to requests for information in this docket. AT&T Kentucky reserves the right to clarify, expand, and support positions that Mr. Rhinehart set forth in his testimony and in such information request responses as well as any rebuttal testimony as discovery progresses in this proceeding and at hearing, if any, in this proceeding.

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

AT&T Response: AT&T Kentucky objects to this request to the extent that it is overly broad, unduly burdensome, oppressive, and/or not reasonably calculated to lead to the discovery of relevant evidence related to the subject matter of this proceeding. Notwithstanding and without waiving its objections, AT&T Kentucky states Mr. Rhinehart is not a customer of Duke Energy Kentucky.

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

AT&T Response: AT&T Kentucky objects to this request to the extent that it is overly broad, unduly burdensome, oppressive, and/or not reasonably calculated to lead to the discovery of

relevant evidence related to the subject matter of this proceeding. Notwithstanding and without waiving its objections, AT&T Kentucky states that, after a reasonable search of its records, upon information and belief, 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**

AT&T Response: AT&T Kentucky objects to this request to the extent that it is overly broad, unduly burdensome, oppressive, harassing, and/or not reasonably calculated to lead to the discovery of relevant evidence related to the subject matter of this proceeding. AT&T Kentucky further objects to this request to the extent the information requested may be obtained from another source that is publicly available, more convenient, less expensive, and/or less burdensome. Notwithstanding and without waiving its objections, AT&T Kentucky states the listed entities are not affiliates of BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky, but, instead, are actually other fictional names of BellSouth Telecommunications, LLC. The only pole attachment tariff BellSouth Telecommunications, LLC has is the current and proposed tariff for AT&T Kentucky that is publicly available at the Kentucky Public Service Commission website.