

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
KENTUCKY POWER COMPANY'S REQUEST FOR INFORMATION

FILED: July 7, 2022

AT&T Kentucky's Responses to Kentucky Power Company'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 Kentucky Power 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 it seeks information not relevant to the subject matter involved in the pending action and 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. Please provide all workpapers, source documents, and electronic spreadsheets used in the development of the testimony of Daniel Rhinehart. The requested information, if so available, should be provided in an electronic format, with formulas intact and visible, and no pasted values.**

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 purports to require the release of information or documents that are confidential and/or proprietary. AT&T Kentucky further objects to this request to the extent that it is vague, ambiguous, overly broad, unduly burdensome, oppressive, and/or impossible to answer fully. Notwithstanding and without waiving AT&T Kentucky's objections, Mr. Rhinehart states that he did not prepare any such documents in support of his testimony and that his source documents consisted of publicly available documents including: AT&T's proposed tariff, AT&T's Comments on power company tariffs (provided as attachment DPR-2 to his pre-filed testimony), power company proposed tariffs, power company responses to AT&T comments, publicly available FCC decisions, and the Commission's recently published and approved pole attachment rules.

- 2. Please identify the number of AT&T attachments to Kentucky Power poles that would be governed by Kentucky Power’s proposed tariff.**

AT&T Response: AT&T Kentucky objects to this request to the extent it is vague and ambiguous given the definition of “attachment” in the KP tariff is overly broad and ambiguous and, therefore, the number of “attachments” that AT&T has on KP poles is unknown. Notwithstanding and without waiving its objections, AT&T Kentucky states that in the KP Response to Objections filed on April 14, 2022, KP stated at page 1 that AT&T has “approximately 50,000 attachments on Kentucky Power’s poles ... [and] Kentucky Power’s records indicate that less than 400 of AT&T’s attachments ... are governed by Kentucky Power’s pole attachment tariff.” At this time, AT&T cannot admit or deny these asserted numbers, nor can it confirm accuracy of the numbers.

- 3. Please identify the number of attachments referenced above that do not currently conform to the tagging requirement in Kentucky Power’s proposed tariff, ¶ 8, Sheet No. 16-4.**

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 further objects to this request to the extent it is confidential and/or proprietary information belonging to AT&T Kentucky. AT&T Kentucky also objects to this request to the extent that it is overly broad, unduly burdensome, oppressive, and/or impossible to answer fully. Notwithstanding and without waiving AT&T Kentucky’s objections, AT&T Kentucky states that the definition of “attachment” in the KP tariff is overly broad and ambiguous and, therefore, AT&T neither knows the number of “attachments” that AT&T has on KP poles nor the number of attachments that allegedly do not conform to KP’s newly minted tagging requirement.

- 4. Please describe AT&T’s inspection cycle for the attachments referenced above. Stated otherwise, with what frequency does AT&T inspect or perform regular maintenance on such attachments (i.e., annually, every 3 years, every 5 years, etc.)?**

AT&T Response: See Response to Commission Staff Second Information Request No. 5.d. in Docket 2022-00108.