

KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:)
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)
ELECTRONIC INVESTIGATION OF THE) CASE NO. 2022-00105
PROPOSED POLE ATTACHMENT)
TARIFFS OF INVESTOR OWNED)
UTILITIES)
)
)

The Kentucky Broadband and Cable Association and its members¹ (“KBCA”), pursuant to the Commission’s March 30, 2022, Order, respectfully submits these initial Requests For Information (“RFI”) to Louisville Gas And Electric Company (“LG&E) and Kentucky Utilities Company (KU), in accordance with the following Definitions and Instructions.

DEFINITIONS

1. The terms “You,” “Your,” and “the Company” refer to Louisville Gas And Electric Company (“LG&E) and/or Kentucky Utilities Company (KU).
2. The term “KBCA” refers to the Kentucky Broadband and Cable Association.
3. The term “Commission” refers to the Kentucky Public Service Commission.
4. The term “Poles” refers to utility poles in Your electric distribution network in Kentucky that You own or control.
5. The term “Proposed Tariff” refers to the tariff issued February 28, 2022, by Robert M. Conroy, Vice President State Regulation and Rates, in connection with this proceeding.

¹ The KBCA’s members are Access Cable, Armstrong, C&W Cable, Charter Communications, Comcast, Inter Mountain Cable, Lycom Communications, Mediacom, Suddenlink, and TVS Cable. Kentucky Broadband & Cable Association, Our Members, *available at* <https://www.kybroadband.org/members>.

6. The term “Response” means Louisville Gas & Electric Company’s and Kentucky Utilities Company’s Combined Response to Kentucky Broadband And Cable Association’s And AT&T Kentucky’s Objections To Amended Pole Attachment Tariffs, filed with the Commission on April 14, 2022.

7. All capitalized terms not defined herein shall have the meanings given to them under the Proposed Tariff.

INSTRUCTIONS

1. To the extent a response differs between LG&E and KU, including referencing different data, each entity must respond separately.

2. In answering these Requests for Information, please furnish all information that is known or available to You, regardless of whether the information is possessed directly by You or Your agents, employees, representatives, or investigators, or by Your attorneys or their agents, employees, representatives, or investigators.

3. Please identify at the end of Your response to each Request for Information the person or persons most knowledgeable about such response and the person or persons responsible for the preparation of such response.

4. If any information responsive to these Requests for Information is withheld, identify the Requests as to which such information is withheld and the reason(s) for withholding it.

5. For any information that You claim is unavailable, state why it is unavailable. If You cannot respond to the Request for Information precisely as it is stated, provide any information that is available and is responsive to the Request at a level of detail different from that specified herein.

6. KBCA requests that You produce all documents referenced in any response or that you referenced, reviewed, or relied upon to respond to any Request for Information.

REQUESTS FOR INFORMATION

1-1. Identify the number or percentage of Your poles that are currently red-tagged.

1-2. Provide data related to the number of Your Poles that are anticipated to be red-tagged in the next five years.

1-3. Explain how You will determine if a pole is red-tagged.

- a. Explain what You will do when You are notified of a red-tagged pole.
- b. Explain how an attacher can determine and assess whether or not a pole is or will be red tagged.

1-4. Explain the basis for Your proposed requirement that an attacher pay the entire cost of replacing a pole that is not red-tagged, including all economic bases for this requirement.

- a. Explain your accounting treatment of a non-red-tagged pole that is replaced with a new pole paid for by an attacher.
- b. Explain whether or not You receive any financial or other benefit as a result of an attacher paying to replace an existing pole with a new pole so that it may attach.

1-5. Please identify and provide data concerning all costs (including how such costs are calculated) incurred by You in connection with overlashing.

1-6. Explain the basis for and provide all data concerning Your requirement that contractors and subcontractors be required to “provide and maintain the same insurance coverage as required of Attachment Customer.”

- a. Explain how “the Companies would be largely unprotected in the event of property damage or bodily injury caused by an attacher’s third-party contractor” where KBCA

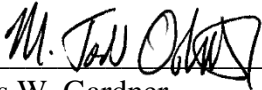
members require their contractors and subcontractors to be insured and are ultimately liable to LG&E and KU. Response at 15.

1-7. Explain the cost basis for Your requirement that an Attachment Customer pay a 25% penalty for corrections to an attachment not made with 30 days of receipt of notice. Response at 8 (stating “if Attachment Customer fails to make such adjustments within such time period, Company may make repairs or adjustments, and Attachment Customer shall pay Company for the actual cost thereof plus a penalty of 25% of actual costs within thirty (30) days of receipt of an invoice”).

- a. Explain and provide data concerning all costs you incur as a result of attachments “an Attachment Customer fails to install . . . in accordance with the standards and terms set forth in this Schedule.” Response at 8.
- b. Explain how those costs are not recovered in the unauthorized attachment fee set forth in Your Proposed Tariff.
- c. Explain and provide data related to how the penalty “encourage[s] attachment customers to adopt responsible maintenance practices and to promptly repair non-compliant attachments.” Response at 9.
- d. Explain and provide data supporting your contention that “[i]ncreasing and expediting broadband deployment will almost certainly result in an increase in defective attachment installations and longer delays in the correction of defective installations.”

Dated: April 21, 2022

Respectfully submitted,

/s/  _____

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2022, I electronically filed the foregoing document using the Kentucky Public Service Commission's electronic system for filing, which sent notice of filing to counsel of record.

/s/  _____