

KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:)	
)	
)	
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 Kentucky Power Company, in accordance with the following Definitions and Instructions.

DEFINITIONS

1. The terms “You,” “Your,” and “the Company” refer to Kentucky Power Company.
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 Brian K. West, Vice President, Regulatory & Finance, 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. All capitalized terms not defined herein shall have the meanings given to them under the Proposed Tariff.

INSTRUCTIONS

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

REQUEST FOR INFORMATION

1-1. Identify the “per unit” cost for the contractors utilized by Kentucky Power to complete make-ready surveys. Response at 7.

- a. Explain and provide the “administrative processing costs; (2) field data collection costs; (3) engineering costs; and (4) post-construction inspection costs” You incur.
Response at 7.
 - b. Explain how and why “[t]he unit cost for engineering varies based on the condition of the pole: (a) a pole that requires no make-ready or other work; (b) a pole that requires rearrangement of existing attachments; and (c) a pole that requires additional work beyond rearrangement.” Response at 7.
 - c. Explain the basis for Your “50-pole proposal,” including why you selected 50 poles.
Response at 7.
 - d. Explain why Your survey estimate formula divides by 3.
- 1-2. Explain the cost basis for Your 15% surcharge for Your survey estimate. Response at 8.
- a. Explain and provide data related to how the 15% surcharge is “designed to cover the maintenance costs of Kentucky Power’s Joint Use Portal.”
 - b. Explain how these costs are not recovered in the annual rental rate.
- 1-3. Identify the number or percentage of Your poles that are currently red-tagged.
- 1-4. Provide data related to the number of Your Poles that are anticipated to be red-tagged in the next five years.
- 1-5. 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.
- 1-6. 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 basis 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.

1-7. Explain and provide data concerning why You should only be liable for gross negligence or willful misconduct. Response at 12-13.

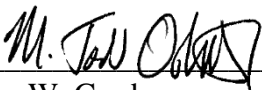
- a. Explain why the same standard of liability does not apply to the You and the third party attachers.
- b. Explain why third party attachers should be liable for Your negligence.

1-8. Explain the basis for and provide data concerning Your assertion that You may terminate KBCA's rights under the tariff and remove its attachments "[i]f Operator fails to comply with any of the provisions of this Tariff or defaults in the performance of any of its obligations under this Tariff and fails within sixty (60) days, after written notice from the Company to correct such default or non-compliance," including "failure to pay any of the charges, fees or amounts provided in this Tariff." Response at 13-14.

- a. Explain the basis for terminating KBCA's rights under the tariff and removing its attachments if You and KBCA are engaged in a dispute regarding the terms, conditions, or rates set forth in Your tariff.
- b. Explain the basis for denying access to a pole for payment disputes.

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/  _____