

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 Responses to Louisville Gas and Electric Company’s and Kentucky Utilities Company’s (together, “LGE-KU’s”), First Request For Information To Kentucky Broadband And Cable Association.

RESPONSES

- 1. Please identify with particularity each and every objection KBCA or its predecessors (including but not limited to the Kentucky Cable and Telecommunications Association, “KCTA”), or any of their members, have filed with respect the LGE-KU’s approved pole depreciation rates or the useful life of poles used for purposes of determining the depreciation rate.**

ANSWER: KBCA objects that this Request seeks information that is unduly burdensome and disproportionate to the needs of this case. Nor is this information relevant given objections to LGE-KU’s depreciation rates or LGE-KU’s stated useful life of poles used for the purposes of determining the depreciation rate are not at issue in this proceeding. KBCA further objects this information is already within the possession, custody, and control of LGE-KU. Subject to its objection, KBCA does not have information within its possession, custody, or control that is responsive to this Request.

WITNESS: Jason Keller

- 2. With respect to the testimony of Mr. Richard Bast, pp. 4 & 9-12, please clarify whether KBCA objects to the \$75 per pole estimate for wireline attachment**

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>.

application review set forth in ¶ 7.c., Sheet No. 40.6 of LGE-KU's proposed tariffs. If so:

a. Please explain in detail the basis of your objection.

ANSWER: KBCA objects to LGE-KU's requirement that it "may, in its sole discretion, require prepayment for Company's review of Attachment application. The current per pole estimates for application review are \$75/pole for Wireline Attachments." In its response to KBCA's objections, LGE-KU stated this fee was for application review, not for prepayment of survey costs. Response to KBCA Objections at 4 (suggesting the \$75 fee is for "the costs of processing pole attachment applications" rather than an estimate of survey costs). It is unclear what this fee covers, why it costs LGE-KU \$75 to review a single application, whether this fee truly is cost-based, and on what basis LGE-KU requires pre-payment of the fee.

WITNESS: Jason Keller

b. Please identify the per pole survey fee or survey fee estimates paid by each member of KBCA or its predecessors (including but not limited to the KCTA) from January 1, 2019 through the present. Please also identify the company to whom the survey fee or survey fee estimate was paid.

ANSWER: KBCA objects that this Request seeks information that is unduly burdensome and disproportionate to the needs of this case. Nor is this information relevant given that the prepayment of survey fees is being address for the first time following the Commission's adoption of pole attachment regulations. Subject to its objection, KBCA does not have information within its possession, custody, or control that is responsive to this Request.

WITNESS: Jason Keller

3. With respect to the testimony of Mr. Avery, pp. 9-10, please identify each outside plant contractor for each KBCA and KCTA member that has performed work on [sic] near LGE-KU poles since 7/1/2017.

ANSWER: KBCA objects that this Request seeks information that is unduly burdensome and disproportionate to the needs of this case. Nor is the identity of various plant contractors relevant to this proceeding. Subject to its objection, KBCA does not have information within its possession, custody, or control that is responsive to this Request.

WITNESS: Jason Keller

a. Please describe the insurance requirements that each KBCA or KCTA member has required each such contractor to maintain since 7/1/2017.

ANSWER: KBCA objects that this Request seeks information that is unduly burdensome and disproportionate to the needs of this case. Subject to its objection, KBCA

does not have information within its possession, custody, or control that is responsive to this Request.

WITNESS: Jason Keller

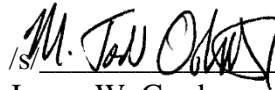
- b. Please describe whether and how each KBCA or KCTA member verifies that each such contractor maintains the insurance required by each KBCA or KCTA member.**

ANSWER: KBCA objects that this Request seeks information that is unduly burdensome and disproportionate to the needs of this case. Subject to its objection, KBCA states it does not have this information in its possession, custody, or control. However, its members require that each contractor enter into a contract for services with that member prior to performing any work. Those contracts include insurance requirements similar to those required by pole owners of attachers. It is KBCA's understanding that the contractors provide a certificate of insurance to the member.

WITNESS: Jason Keller

Dated: July 7, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Todd Osterloh", is written over a horizontal line.

James W. Gardner

M. Todd Osterloh

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**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

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VERIFICATION

The undersigned, Jason Keller, being duly sworn, deposes and says that he has personal knowledge of the matters set forth in these Responses for which he is listed as a witness, and that the answers contained therein are true and correct to the best of his information, knowledge, and belief.



Jason Keller

COMMONWEALTH OF KENTUCKY)
JEFFERSON COUNTY)

SUBSCRIBED AND SWORN TO before me by Jason Keller on this the 7 day of July,
2022.



Notary Public, State at Large - Kentucky

I.D. No.: _____

My Commission Expires: _____

**Chelsey Owens, Notary Public
State at Large, Kentucky
Notary ID KYNP33388
My Commission Expires 7/16/2025**