COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION OF THE PROPOSED POLE ATTACHMENT TARIFFS OF RURAL ELECTRIC COOPERATIVE CORPORATIONS	))))	CASE NO. 2022-00106

RESPONSE BRIEF OF EAST KENTUCKY POWER COOPERATIVE, INC.

Pursuant to the Kentucky Public Service Commission's ("Commission") September 23, 2022, Order in the above-styled case, East Kentucky Power Cooperative, Inc. ("EKPC") respectfully submits a brief in response to the brief filed on October 11, 2022, by Kentucky Broadband and Cable Association ("KBCA").

INTRODUCTION

EKPC filed its proposed pole attachment tariff, pursuant to 807 KAR 5:015 on March 18, 2022. EKPC set out the specific parameters that would need to be followed by any entity proposing to gain access to EKPC's structures. EKPC defined the word "Structure" but specifically excluded the following from the definition of "Structure":

- Any Transmission Pole or Tower designed to operate at 69 kV or greater;
- Any pole primarily used for outdoor lighting;
- Any pole EKPC has leased to a third-party.

EKPC did not take the position that an attachment could never be made to a transmission pole or transmission tower, but EKPC did narrowly define what qualifies as a structure under its

tariff. EKPC's tariff does not mean that pole attachments will never be authorized, only that such requests must be appropriate, reasonable and non-harmful to the operation of the power grid.

ARGUMENT

I. EKPC's Proposed Tariff is Fair, Just and Reasonable

EKPC's proposed tariff is fair, just and reasonable and should be approved as filed. EKPC's tariff is consistent with other transmission owners in excluding attachments to transmission poles at voltages equal to or greater than 69kV. Transmission lines designed for voltages of 69kV and above are not well suited to accommodate communication cable underbuilds. Standard EKPC transmission lines are not designed for underbuild attachments for any kind. Adding provisions for additional cable mounted on EKPC's transmission poles and below the transmission conductors would normally require taller poles, shorter spans and result in higher costs and more impact to the affected property owners than a standard design. Since EKPC's current transmission was not designed for additional cable mounts, allowing attachments on its transmission poles will pose a risk to the reliability of the transmission grid.

II. Attachers Should Bear the Full Cost of Replacement of the Utility Pole When Causing an Early Retirement of the Utility Pole

KBCA argues that it is unjust and unreasonable to shift pole replacement costs to attachers. EKPC believes the opposite is actually true. By allowing an attacher to attach to an existing pole that is not being replaced is in essence causing other utility customers to subsidize the attachers. The other utility customers bear the costs of investment and maintenance of those utility poles. The new attacher is causing the early retirement of the existing utility pole, if that pole has not be "red tagged". Therefore, the attacher should bear the full cost of replacing the early retired utility pole. To shift any of that cost onto other utility customers is unjust and unreasonable.

III. EKPC Does Not Have Existing Communication Cables on its Transmission Poles to Which Another Cable Can be Lashed

EKPC currently has no authorized communication cables on its transmission poles. Therefore, there are no cables on its transmission poles to which another cable could be lashed. In addition to not having existing communication cables on its transmission poles, design standards require that transmission poles be designed to withstand specific loads related to ice and wind. Adding any additional cable would add the weight of the new cable and, if applicable, any lashing. The diameter of the cable or conductor is important as it relates to the applied force on a pole as a result of the prescribed wind or ice loading. The larger the diameter of the cables and/or the conductors, the more ice can be collected and the more wind loading is experienced due to the wider profile.

IV. EKPC's Survey Costs and Requirements are Reasonable

EKPC uses the term "survey" in its proposed tariff to mean the actual collection of spatial data related to a pole modification as opposed to only a site visit and visual assessment by a company representative or contractor. EKPC's poles, at any voltage, are not designed for communication underbuilds and a blanket estimate of an outsourced service and evaluation would need to be very conservative to assure proper compensation. EKPC's intent is to provide a case by case estimate of the survey or assessment cost for deposit prior to the work being performed, and to reconcile any balance to the actual cost by refund or additional payment. EKPC would require the deposit in advance and EKPC has reserved the right to make a portion of that deposit non-refundable. In order to collect the data needed to determine any modifications that would be needed to EKPC's system, EKPC would need to expend time, money and resources to conduct the survey. EKPC should not be the entity responsible for the expenses incurred. Not every case

would be the same, therefore, EKPC would provide an estimate on a case by case basis to ensure that proper compensation is received for the work performed.

V. Allowing Attachments on Transmission Poles Poses Safety and Reliability Concerns

EKPC has very few distribution poles in its system. According to EKPC's records, less than 1% of EKPC's transmission poles have distribution lines attached and the only true distribution poles were installed for landfill gas projects for EKPC owner-members. Transmission poles are very different animals than distribution poles. Working near high voltage transmission lines to attach communication cables, poses many safety concerns. EKPC was reminded of this fact very recently when EKPC was notified of an incident involving a contractor for a broadband provider being injured while attempting to add attachments to a distribution cooperative's distribution poles and came into contact with a transversely crossing high voltage EKPC transmission line. EKPC notified the Commission promptly regarding this accident, followed up with a written accident report, and met with Commission Staff at the accident scene. It appears that the contractor was not aware or was not properly trained about working near or around high voltage transmission lines.

CONCLUSION

EKPC is the only party that is properly equipped and experienced to receive, evaluate and make a determination as to whether the attachments should be authorized. EKPC would review each application in a non-discriminatory basis to make the determination. EKPC believes that it has proposed a tariff that is reasonable and is a reasonable implementation of the Commission's pole attachment regulation with regard to transmission facilities. As stated above, transmission facilities are much different than distribution facilities. Allowing attachments to transmission

facilities could cause significant safety and reliability concerns. EKPC believes its proposed pole attachment tariff should be approved as proposed.

Respectfully submitted,

L. Allyson Honaker
HONAKER LAW OFFICE, PLLC
1795 Alysheba Way, Suite 6202
Lexington, Kentucky 40509
(859) 368-8803
allyson@hloky.com

Counsel for East Kentucky Power Cooperative, Inc.

CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing was transmitted to the Commission on October 18, 2022; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.

Counsel for East Kentucky Power Cooperative, Inc.