

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

REBUTTAL TESTIMONY OF MARY JANE WARNER
ON BEHALF OF EAST KENTUCKY POWER COOPERATIVE, INC.

Filed: July 11, 2022

1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND OCCUPATION.**

2 A. My name is Mary Jane Warner and my business address is East Kentucky Power
3 Cooperative, Inc. (“EKPC”), 4775 Lexington Road, Winchester, Kentucky 40391. I am
4 the Senior Vice President of Engineering and Construction for EKPC.

5 **Q. PLEASE STATE YOUR EDUCATION AND PROFESSIONAL EXPERIENCE.**

6 A. I have a BSCE from the University of Kentucky, and I am a Licensed Professional
7 Engineer, in Kentucky. My electric utility experience spans 42 years, with 28 years in
8 Transmission, 11 years in Production, and 3 years leading the Engineering & Construction
9 Business Unit. During my time in Transmission my professional experience ranged from
10 substation and transmission line design through progressively more responsible roles in
11 management and leadership.

12 **Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR DUTIES AT EKPC.**

13 A. My job description requires that I provide effective leadership, vision, direction and
14 accountability for engineering services to achieve a high degree of availability, reliability,
15 operational efficiency, effective project management and major construction management
16 for existing and planned generating and transmission facilities. I am responsible for
17 transmission planning, project management, engineering management and construction
18 management of all major capital generation, transmission, and maintenance projects for
19 EKPC.

20 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY IN THIS**
21 **PROCEEDING?**

22 A. The purpose of my rebuttal testimony is to affirm and reinforce the fact that EKPC does
23 not authorize the use of telecommunications or broadband pole attachments to its electric
24 transmission system.

1 **Q. EKPC PREVIOUSLY INDICATED THAT IT HAS ENTERED INTO TWO JOINT**
2 **USE AGREEMENTS, CORRECT?**

3 A. Yes. In response to the Public Service Commission’s Second Request for Information,
4 Request No. 5, in this docket, EKPC indicated that it has entered into two joint use
5 agreements. However, it bears emphasis that one of these is with LG&E/KU and applies
6 only to the co-location of an *electric* transmission line that is necessary to serve the new
7 Ford Glendale project. The joint use of transmission structures for dual electric
8 transmission lines requires that both EKPC and LG&E/KU design, construct and operate
9 their respective facilities in accordance with all applicable laws, codes and requirements,
10 including the National Electric Safety Code. This type of joint use agreement is clearly
11 not the type of facility that is the subject matter of this case and is therefore irrelevant to
12 the Commission’s considerations.

13 The second joint use agreement that EKPC has entered into is considerably older – dating
14 back to 1998. This agreement is with Kentucky Data Link, Inc. (“KDL”). That agreement
15 is very limited in scope to specific structures where attachment of the fiber optic ground
16 wire was allowed on EKPC transmission structures. Moreover, the KDL installation was
17 done in accordance with all applicable laws, codes and requirements, including, but not
18 limited to, the National Electric Safety Code and RUS design standards. The installation
19 was the same fiber optic design and standard used by EKPC for its own transmission
20 telecommunication system at that time. In exchange for the permission to attach to EKPC
21 structures, KDL provided to EKPC a number of fibers from the installed bundle of fibers.
22 It is worth noting that EKPC is currently dissatisfied with the level of reliability and
23 maintenance/restoration response for the particular telecommunication lines under the
24 KDL agreement and is seeking other options. Because these two instances are very

1 different from the type activity and attachments that are the subject matter of this case, it
2 is still accurate to state that EKPC does not currently authorize any broadband or
3 telecommunications facilities to be attached to structures that carry transmission-voltage
4 electric lines.

5 **Q. DOESN'T THE FACT THAT THERE IS A JOINT USE AGREEMENT WITH KDL**
6 **CONTRADICT EKPC'S POSITION THAT NO TELECOMMUNICATIONS OR**
7 **BROADBAND FACILITIES SHOULD BE ALLOWED TO ATTACH EKPC'S**
8 **TRANSMISSION STRUCTURES?**

9 A. No. EKPC is not taking the position that that an attachment could *never* be made to a
10 transmission pole or transmission tower, but it does purposefully and narrowly define what
11 qualifies as a "Structure" under the proposed pole attachment tariff (P.S.C. No. 35, Original
12 Sheet No. 101-102). For instance, under the proposed tariff, "Structure is defined to mean:

13 [A]ny EKPC pole, conduit, duct, or other facility normally used to
14 support or protect its electric conductors but shall not include (1)
15 any Transmission Pole or Tower designed to operate at 69 kV or
16 greater; (2) any pole that is primarily used to support outdoor
17 lighting; or (3) any pole that EKPC has leased to a third party.

18 Under the "Access to Structures" provision of the proposed tariff, it states:

19 EKPC may deny access to Transmission Poles or Towers designed
20 to operate at 69 kV or greater at its discretion for any reason;
21 provided that such denials shall be determined in a non-
22 discriminatory manner EKPC may deny access to any Structure at
23 its discretion on a non-discriminatory basis including but not limited
24 to safety, reliability, insufficient capacity, easement rights or
25 generally applicable engineering standards.

26 The practical result is that EKPC places the highest priority on the safety and reliability of
27 its electric transmission system. This does not mean that pole attachments will never be
28 authorized, which the joint use agreement with KDL illustrates, but that such requests must
29 be appropriate, reasonable and non-harmful to the operation of the power grid.

1 In the context of pole attachments in general, EKPC is the only party that is properly
2 equipped and experienced to receive, evaluate and make a determination as to whether the
3 attachments should be authorized. EKPC believes that the proposed tariff is a reasonable
4 implementation of the Commission's pole attachment regulation in the context of
5 transmission facilities. Obviously, the issues are somewhat different if the discussion is on
6 electric distribution facilities, but that is beyond the scope of my testimony.

7 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

8 A. Yes.

