

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)	

**East Kentucky Power Cooperative, Inc.'s
First Information Request to
BellSouth Telecommunications, LLC d/b/a AT&T Kentucky**

June 23, 2022

I. DEFINITIONS AND INSTRUCTIONS

1. With respect to each information request, all information is to be divulged that is within the knowledge, possession or control of the parties to whom it is addressed, including their agents, employees, advisors, consultants, attorneys and/or investigators.

2. Please identify the witness(es) who will be prepared to answer questions concerning each request.

3. These requests shall be deemed continuing so as to require further and supplemental responses if the party receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing conducted hereon.

4. All answers must be separately and fully stated in writing under oath.

5. Where an information request calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.

6. If any request appears confusing, please request clarification directly from counsel for East Kentucky Power Cooperative, Inc. ("EKPC").

7. For purpose of these discovery requests, the following terms shall have meanings set forth below:

- (a) As used herein, "document," "documentation" and/or "record," whether stated as the singular or the plural, means any course of binders, book, pamphlet, periodical, letter, correspondence, memoranda, including but not limited to, any memorandum or report of a meeting or telephone or other conversation, invoice, account, credit memo, debit memo, financial statement, general ledger, ledger, journal, work papers, account work papers, report, diary, telegram, record, contract, agreement, study, draft,

telex, handwritten or other note, sketch, picture, photograph, plan, chart, paper, graph, index, tape, data processing card, data processing disc, data cells or sheet, check acceptance draft, e-mail, studies, analyses, contracts, estimates, summaries, statistical statements, analytical records, reports and/or summaries of investigations, opinions or reports of consultants, opinions or reports of accountants, trade letters, comparisons, brochures, pamphlets, circulars, bulletins, notices, forecasts, electronic communication, printouts, all other data compilations from which information can be obtained (translated if necessary by defendants into usable form), any preliminary versions, drafts or revisions of any of the foregoing, and/or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced and regardless of origin or location, in the possession, custody and/or control of the defendant and/or their agents, accountants, employees, representatives and/or attorneys. "Document" and "record" also mean all copies of documents by whatever means made, if the copy bears any other markings or notations not found on the original.

- (b) The terms "relating to," "referring to," "referred to," "pertaining to," "pertained to" and "relates to" means referring to, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and/or constituting and/or in any way involving.

- (c) The terms “and,” “or,” and “and/or” within the meaning of this document shall include each other and shall be both inclusive and disjunctive and shall be construed to require production of all documents, as above-described, in the broadest possible fashion and manner.
- (d) The terms “AT&T” and “Company” shall mean BellSouth Telecommunications, LLC d/b/a AT&T Kentucky and shall include, but is not limited to, each and every member, agent, employee, servant, advisor, consultant, insurer and/or attorney of BellSouth Telecommunications, LLC d/b/a AT&T Kentucky. The term “you” shall be deemed to refer to AT&T.
- (e) The term “Commission” shall mean the Kentucky Public Service Commission.
- (f) To “identify” shall mean:
 - (1) With respect to a document, to state its date, its author, its type (for example, letter, memorandum, chart, photograph, sound reproduction, etc.), its subject matter, its present location, and the name of its present custodian. The document may be produced in lieu of supplying the foregoing information. For each document which contains information as privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
 - (2) With regard to a natural person, to state his or her full name, last known employer or business affiliation, title and last known home address.

- (3) With regard to a person other than a natural person, state the title of that person, any trade name, or corporate name or partnership name used by that person, and the principal business address of that person.
- (g) To “produce” or to “identify and produce,” shall mean that AT&T shall produce each document or other requested tangible thing. For each tangible thing which AT&T contends is privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.
- (h) The terms “Party or Parties” shall mean any organization, person, corporation, entity, etc., which intervened, or whose request for intervention is still pending, in the above-captioned proceeding and shall further include the Commission Staff.

II. INITIAL DATA REQUESTS

Request No. 1 Please provide a definition of an authorized attachment and, conversely, an unauthorized attachment.

Response:

Request No. 2 Concerning unauthorized attachments to the poles owned by electric utilities, the following information is requested from AT&T:

- a. Please provide copies of all written policies, directives, or guidance of the company concerning the avoidance of making unauthorized attachments to poles owned by electric utilities.
- b. Please explain in detail what steps the company takes to ensure that any contractors or subcontractors employed on behalf of the Company –
 - i. Are made aware of company written policies, directives, or guidance concerning the avoidance of making unauthorized attachments to poles owned by electric utilities.
 - ii. Are in full compliance with any company written policies, directives, or guidance concerning the avoidance of making unauthorized attachments to poles owned by electric utilities. Include a description of any penalties or corrective action that the company can deploy for non-compliance.
- c. If there are no written policies, directives, or guidance concerning the avoidance of making unauthorized attachments to poles owned by electric utilities, please explain in detail why such written documentation does not exist.
- d. If there are no written policies, directives, or guidance concerning unauthorized attachments, please provide a summary of the Company's practices to avoid the making of unauthorized attachments to poles owned by electric utilities.
- e. Please explain in detail what steps the company takes to ensure that any contractors or subcontractors employed on behalf of the Company –
 - i. Are made aware of company practices concerning the avoidance of making unauthorized attachments to poles owned by electric utilities.

- ii. Are in full compliance with any company practices concerning the avoidance of making unauthorized attachments to poles owned by electric utilities. Include a description of any penalties or corrective action that the company can deploy for non-compliance.
- f. If the Company does not have any practices concerning the avoidance of making unauthorized attachments to poles owned by electric utilities, please explain in detail why such practices do not exist.

Response:

Request No. 3 If AT&T written policies, directives, or guidance or Company practice concerning the avoidance of making unauthorized attachments to poles owned by electric utilities, please provide the following information:

- a. Identify the individual(s) responsible for compliance at AT&T by name and job title.
- b. Provide the contact information for the individual(s) identified in part (a) above.
- c. Provide a detailed description of how the individual(s) identified in part (a) above achieve compliance with the written policies, directives, or guidance or company practice concerning the avoidance of making unauthorized attachments to poles owned by electric utilities.

Response:

Request No. 4 Concerning attachments to poles owned by electric utilities, please specify if AT&T:

- a. Maintains an inventory or records of all of the Company's pole attachments in the Commonwealth of Kentucky. If no inventory or records are maintained, please explain in detail why such information is not retained.
- b. For attachments to poles owned by electric utilities, maintains documentation establishing that the pole attachment was authorized. If such documentation is not retained, please explain in detail why such documentation is not retained.
- c. Requires employees, contractor, or subcontractors to mark their installed assets with ownership identification such that upon field inspection ownership can be determined? If so, how is that marking accomplished? If not, why is that identification not required?
- d. Requires employees, contractors, or subcontractors to uniquely identify and map circuits or cable segments of their respective systems? If so, how is this typically accomplished and are segments that serve critical customers like hospitals or emergency call centers identified?
- e. Sponsors training or require qualification for members, their contractors or their subcontractors to work safely on or around high voltage transmission assets? If so, please provide documentation for those training requirements.
- f. Insures against liability for cause or contribution to electric utility outages and/or loss of property or life resulting from attachments (authorized and unauthorized)?

Response:

Request No. 5 If an inventory or record is maintained for pole attachments to electric transmission poles (69kV and above), provide an estimate of the number of transmission pole attachments in Kentucky.

Response:

Request No. 6. Regarding AT&T when attaching to electric utility assets:

- a. How are property rights to traverse private property acquired?
- b. Where are the property rights recorded?
- c. Do you typically acquire independent rights when attaching to electric utility poles on an established electric utility easement?

Response:

Request No. 7. Does AT&T agree that unauthorized attachments to poles of electric utilities should be avoided? Please explain the response in detail.

Response:

Request No. 8 Does AT&T agree that the pole owner should remove attachments to poles owned by electric utilities that were attached without the utility's consent? Please explain your answer.

Response:

Request No. 9 What penalty should broadband providers be subject to for having placed attachments to electric utility poles without proper authorization from the utility?

Response:

Request No. 10 Excluding property rights, what is the average cost (labor and materials) of a full structure installation for broadband that must be erected independently, i.e. not attached to a pole owned by another entity?

Response:

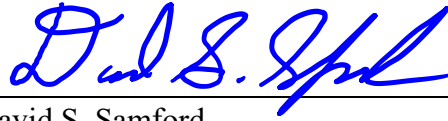
Request No. 11 Please provide industry specifications and design criteria used in Kentucky to determine the structural loading applied to poles by standard broadband configurations. What are the required qualifications for those persons who design and approve broadband installations in Kentucky?

Response:

Request No. 12 Please provide copies of all pole attachment agreements that AT&T has with EKPC.

Response:

Respectfully submitted,



David S. Samford
L. Allyson Honaker
GOSS SAMFORD, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KY 40504
(859) 368-7740
david@gosssamfordlaw.com
allyson@gosssamfordlaw.com

Counsel for East Kentucky Power Cooperative, Inc.

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on June 23, 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 Order in Case No. 2020-00085 no paper copies of this filing shall be made.



Counsel for East Kentucky Power Cooperative, Inc.