

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

In the Matter of:

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

AT&T KENTUCKY'S ("AT&T's") RESPONSE TO  
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

FILED: July 7, 2022

## AT&T Responses To Commission Staff's First Request For Information

### General Objections:

AT&T Kentucky objects to each request to the extent it seeks information protected by the attorney-client privilege and/or work product doctrine. AT&T Kentucky also objects to each request to the extent it purports to require the release of information that is confidential and/or proprietary and/or is otherwise protected by any other discovery privilege recognized under applicable law. AT&T Kentucky objects to any request for creating, compiling, or producing information, or producing documents not maintained in the ordinary course of business. AT&T Kentucky further objects to each request to the extent that it is vague, ambiguous, overly broad, unduly burdensome, oppressive, and/or is impossible to answer fully. AT&T Kentucky further objects to each request to the extent that it seeks information that is not reasonably calculated to lead to the discovery of admissible information.

Subject to and without waiving these objections, AT&T responds to the individually enumerated requests as follows:

- 1. Refer to the Direct Testimony of Daniel Rhinehart (Rhinehart Testimony), pages 8–9, regarding AT&T’s recommendation that, in order to address AT&T’s concern regarding the definition of attachment contained in the tariffs, the Commission should require that tariff rate terms be modified to be assessed on an occupied usable space basis and that a Commission Order should expressly state that while attachments may be more broadly defined for other applicable tariff terms, the rental component should be based on the average amount of usable space encumbered on the electric utility’s pole. Explain whether there are any other ways in which the Commission could address AT&T’s concerns regarding the definition of attachment. If so, identify and explain them.**

**AT&T Response:** One possible alternative to a requirement that tariff rates specify rates on a usable space occupied basis as in the AT&T tariff (AT&T PSC KY Tariff 2A, Original Page 40, Section A5.13.3) would be to mandate a list of non-chargeable attachments either as part of the definition of “attachment” or as a component of the statement of the applicable rate. Non-chargeable attachments should include at a minimum: cable or wire attached to a messenger strand that is chargeable as an attachment, overlashing, drops not more than one vertical foot away from the point at which the messenger strand is attached to the pole [KP language], more than one drop on a single J-hook (or equivalent) if attached more than one vertical foot away from the point at which the messenger strand is attached to the pole, risers, attacher-provided guys and anchors, “associated equipment” [KP language] or “associated appliances” [KU/LG&E language] or “appurtenance, equipment, pedestal or apparatus” [RECC language] below the communications space on a pole (as this “unusable” space is paid for through the attachment rate) or that, regardless of location, does not impede accessibility to the pole.

Responsible Person: Daniel Rhinehart, Director - Regulatory

2. **Refer to the Rhinehart Testimony, pages 17–18, in which AT&T states that the term foreign-owned pole should be defined. Provide a definition of foreign-owned pole that would be acceptable to AT&T, and the explain the basis for your response.**

**AT&T Response:** The RECC’s intent in using the term “foreign-owned poles” is unclear and, therefore, AT&T declines to offer a definition. However, consistent with other positions AT&T has taken, inventories and related counts of attachments should be limited to poles the Cooperative owns. As such, the term “foreign-owned” could be stricken and replaced by “Cooperative-owned.”

Responsible Person: Daniel Rhinehart, Director - Regulatory

VERIFICATION

STATE OF TEXAS )  
 )  
COUNTY OF WILLIAMSON )

The undersigned, Daniel Rhinehart, being duly sworn, deposes and says that he is Director-Regulatory, AT&T, and that he has personal knowledge of the matters set forth in the responses contained herein and that they are true and correct to the best of his information, knowledge and belief.

*Daniel Rhinehart*  
Daniel Rhinehart

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 7 day of July 2020.

*Heather Parks*  
Notary Public



Notary Public, ID No. \_\_\_\_\_

(Seal)

My Commission Expires:  
4/20/2025