

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION OF THE PROPOSED
POLE ATTACHMENT TARIFFS OF INCUMBENT
LOCAL EXCHANGE CARRIERS

CASE NO. 2022-00108

**Windstream Kentucky East, LLC's & Windstream Kentucky West, LLC's (collectively
"Windstream") Responses to the Kentucky Broadband and Cable Association's ("KBCA")
Second Request for Information**

2-1. Explain how a new attacher would determine whether a pole was "[d]esignated for replacement within two (2) years of the date of its actual replacement for any reason unrelated to a new attacher's request for attachment," as stated in 807 KAR 5:015 Section 1(10)(b), if the pole was not visibly marked with a colored tag or other indication of replacement.

Windstream Response: The only instances where a pole would be replaced unrelated to a new attacher's request for attachment would be in the event the pole was damaged causing a potential safety or maintenance risk. If the pole is not marked or does appear to be damaged then the pole is not designated for replacement.

2-2. State whether You will visibly mark "Red-tagged poles," as that term is defined in 807 KAR 5:015, with colored tags or in some other manner. If You will mark the poles with colored tags, state which colors You will use, and what those colors signify.

Windstream Response: Windstream does not visibly mark or tag its "red-tagged poles." Once a pole is identified as defective or a safety issue is identified it is scheduled for immediate replacement on an escalated basis leaving no time to mark or color tag the pole. If during this replacement period, an attachment request is made to a pole that is scheduled for replacement, Windstream would communicate this to the attacher.

2-3. Identify the average amount of time You Spend per pole on pre-construction survey.

Windstream Response: Windstream objects to this request as it is vague and ambiguous.

2-4. Explain how Windstream records in its financial records the value of one of its poles that is replaced and paid for by another party.

Windstream Response: Windstream will supplement its response with this information.

2-5. Explain how Windstream would determine whether a dispute is “valid and not frivolous as a ploy to avoid paying valid amounts owed,” as referenced in Your Response to KBCA RFI 1-6.

Windstream Response: Windstream simply requests that disputes be made in good faith as it would assume KBCA would require should Windstream have any disputes with its members.

2-6. Provide the mathematical calculations showing the cost for Your \$75 per hour field or engineering fee, including specifically identifying Your “average time” and “material costs” that factor into Your calculation. See Response to KCBA RFI 1-16.

Windstream Response: The information requested is confidential and proprietary and is being provided under seal pursuant to a petition for confidential protection. Parties will be requested to execute a non-disclosure agreement with respect to this confidential and proprietary information.

2-7. Provide the mathematical calculations showing the cost for Your \$125 per pole application fee, including specifically identifying Your “average time” and “material costs” that factor into your calculation and how those costs are not already recovered in the annual pole attachment rent’s carrying charge. See Responses to KBCA RFI 1-17.

Windstream Response: The information requested is confidential and proprietary and is being provided under seal pursuant to a petition for confidential protection. Parties will be requested to execute a non-disclosure agreement with respect to this confidential and proprietary information.

2-8. Provide the mathematical calculation showing the costs basis for Your \$400 one time agreement fee, including specifically identifying Your “average time” and “material costs” that factor into Your calculation and how those costs are not already recovered in the annual pole attachment rent’s carrying charges. See Responses to KBCA RFI 1-18.

Windstream Response: The information requested is confidential and proprietary and is being provided under seal pursuant to a petition for confidential protection. Parties will be requested to execute a non-disclosure agreement with respect to this confidential and proprietary information.

2-9. Provide the mathematical calculation showing the cost basis for Your \$15 pole removal verification fee, including specifically identifying Your “average” and “cost of necessary materials” that factor into Your calculation. See Responses to KBCA RFI 1-19.

Windstream Response: The information requested is confidential and proprietary and is being provided under seal pursuant to a petition for confidential protection. Parties will be requested to execute a non-disclosure agreement with respect to this confidential and proprietary information.

2-10. In response to KBCA's RFI numbers 1-8 and 1-9, You provided no response, and stated Windstream would "supplement its response with additional details." You failed to provide any supplemental response. Please answer both RFIs now.

Windstream Response: Windstream filed its supplement response with the Commission on May 19, 2022.

2-11. In response to KBCA's RFI number 10, You stated "Windstream does not have this information readily available." You must collect the information You need to answer KBCA's RFIs. Please answer RFI 1-10 now.

Windstream Response: Windstream does not have this information available.

2-12. In response to requests numbers 6, 7, and 8 from the Commission, you stated you "will file a confidential supplement with this information." You have not filed a supplement, or moved for confidential treatment of Your information (which every other utility publicly provided). Please publicly respond to the Commission's requests, or provide the specific factual and legal basis for Your refusal to do so.

Windstream Response: Per Windstream's response to the Commission Staff's request this information will be confidentially filed by June 10, 2022.

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2022, I electronically filed the foregoing document using the Kentucky Public Service Commission's electronic system for filing, which sent notice of filing to counsel of record.

/s/ Robert C. Moore
Robert C. Moore

VERIFICATION

STATE OF Arkansas)
COUNTY OF Pulaski)

The undersigned Amanda Brown being duly sworn, deposes and says that he/she is a Director - Wholesale Operations that he/she has personal knowledge of the matters set forth in the foregoing responses and exhibits, and that the answers contained therein are true and correct to the best of his/her information, knowledge and belief.

Amanda Brown

Subscribed and sworn to before me this 1st day of June, 2022, by Amanda Brown

My commission expires: 04/04/2026

Yuri Aguirre
NOTARY PUBLIC

LUIS I AGUIRRE
PULASKI COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires April 04, 2026
Commission No. 12897625