

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

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In the Matter of:	)	
	)	
	)	
ELECTRONIC INVESTIGATION OF THE	)	CASE NO. 2022-00108
PROPOSED POLE ATTACHMENT	)	
TARIFFS OF INCUMBENT LOCAL	)	
EXCHANGE CARRIERS	)	
	)	

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**MOTION FOR CLARIFICATION**

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The Kentucky Broadband and Cable Association<sup>1</sup> (“KBCA”), submits this motion for clarification of the Commission’s Order establishing the schedule for this case.

On March 30, 2022, the Commission issued an Order requiring the parties to submit intervenor testimony by June 9, 2022. The Commission’s Order does not specify the format of the intervenor testimony, or provide for separate briefing from the parties.

KBCA seeks clarification, or, in the alternative, modification, of the Commission’s Order to allow it to submit briefing, supported by its intervenor testimony, on June 9, 2022. Many of the objections raised by KBCA concern legal arguments. For example, KBCA raised several objections related to tariff terms proposed by various entities that violate 807 KAR 5:015.

Addressing these issues will require a legal analysis of the regulations and tariffs that a fact witness likely will not be qualified to perform. Additionally, many of KBCA’s objections are

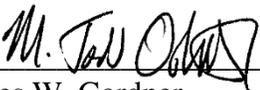
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<sup>1</sup> The KBCA’s members are Access Cable, Armstrong, C&W Cable, Charter Communications, Comcast, Inter Mountain Cable, Lycom Communications, Mediacom, Suddenlink, and TVS Cable. Kentucky Broadband & Cable Association, Our Members, available at <https://www.kybroadband.org/members>.

based on Commission or FCC precedent, including issues related to make ready, overloading, unauthorized attachments, inspections, and the various fees the utilities seek to impose. Again, these issues are more appropriately addressed in legal briefs than through fact witness testimony.

KBCA proposes allowing intervenors to file briefs limited to 25 pages concurrently with intervenor testimony. Response briefs, also limited to 25 pages, should be submitted no later than July 11, 2022, concurrently with rebuttal testimony.

Respectfully submitted,

/s/  \_\_\_\_\_

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