

KENTUCKY PUBLIC SERVICE COMMISSION

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

The Kentucky Broadband and Cable Association and its members¹ (“KBCA”), pursuant to the Commission’s March 30, 2022, Order, respectfully submits these Supplemental Requests For Information (“RFI”) to Windstream Kentucky East, LLC, and Windstream Kentucky West, LLC, in accordance with the following Definitions and Instructions.

DEFINITIONS

1. The terms “You,” “Your,” and “the Company” refer individually to Windstream Kentucky East, LLC (“Windstream East”), and Windstream Kentucky West, LLC (“Windstream West”) (collectively, “Windstream”).
2. The term “KBCA” refers to the Kentucky Broadband and Cable Association.
3. The term “Commission” refers to the Kentucky Public Service Commission.
4. The term “Poles” refers to utility poles in Your electric distribution network in Kentucky that You own or control.
5. The term “Proposed Tariff” refers to the tariffs issued March 22, 2022, by Senior Regulatory Counsel, in connection with this proceeding.

¹ 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>.

6. The term “Response” means Windstream Kentucky, East LLC’s & Windstream Kentucky West, LLC’s Responses To The Kentucky Broadband And Cable Association’s Initial Request For Information, filed with the Commission on May 5, 2022.

7. All capitalized terms not defined herein shall have the meanings given to them under the Proposed Tariff.

INSTRUCTIONS

1. To the extent a response differed between Windstream East and Windstream West, including referencing different data, each entity must respond separately.

2. In answering these Supplemental Requests for Information, please furnish all information that is known or available to You, regardless of whether the information is possessed directly by You or Your agents, employees, representatives, or investigators, or by Your attorneys or their agents, employees, representatives, or investigators.

3. Please identify at the end of Your response to each Supplemental Request for Information the person or persons most knowledgeable about such response and the person or persons responsible for the preparation of such response.

4. If any information responsive to these Supplemental Requests for Information is withheld, identify the Requests as to which such information is withheld and the reason(s) for withholding it.

5. For any information that You claim is unavailable, state why it is unavailable. If You cannot respond to the Supplemental Request for Information precisely as it is stated, provide any information that is available and is responsive to the Request at a level of detail different from that specified herein.

6. KBCA requests that You produce all documents referenced in any response or that You referenced, reviewed, or relied upon to respond to any Supplemental Request for Information.

SUPPLEMENTAL REQUESTS 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.

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.

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

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.

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.

2-6. Provide the mathematical calculation showing the cost basis 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 KBCA RFI 1-16.

2-7. Provide the mathematical calculation showing the cost basis 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 charges. *See* Response to KBCA RFI 1-17.

2-8. Provide the mathematical calculation showing the cost 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* Response to KBCA RFI 1-18.

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

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.

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.

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.

Dated: May 19, 2022

Respectfully submitted,

/s/ 

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