

KENTUCKY PUBLIC SERVICE COMMISSION

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

Pursuant to the Commission’s June 3, 2022, Order, the Kentucky Broadband and Cable Association (“KBCA”)¹ hereby requests the Commission to establish a briefing schedule in this matter. As the Commission recognized in its June 3, 2022, Order, “legal briefing will likely be beneficial in this matter . . . at the close of written discovery or any hearing in this matter.” It clearly will. This proceeding raises a number of important issues, including a number that are of a legal (rather than factual) nature, and the evidentiary record developed thus far is substantial and complex. Briefing will allow the parties to address and focus the Commission’s attention on the key facts and legal arguments, which will aid the Commission’s efforts to evaluate the many objections to the utilities’ tariffs and assess whether the challenged terms are just and reasonable.

KBCA proposes the Commission allow each party and intervenor simultaneously to submit an opening brief by August 12, 2022. While KBCA acknowledges this deadline is later than the deadlines some of the parties have proposed, counsel for KBCA has a trial August 1-5 2022, and requests briefs due one week after the completion of the trial to allow time for trial

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>.

preparation and participation.² The Commission should further allow the parties and intervenors to submit reply briefs by August 19, 2022.

KBCA is not requesting a hearing in this matter, and is not aware of any party who will request a hearing. If a pole owner requests a hearing in this matter, the Commission should allow a hearing only if the pole owner agrees to extend the current tariff suspension deadline to accommodate briefing at least three weeks after the completion of any hearing.

Dated: July 18, 2022

Respectfully submitted,

/s/ 

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² The Commission also requested the parties to confer regarding briefing in this matter. KBCA conferred with the parties in this proceeding, but the various parties have not been able to agree on the need for briefing or a briefing schedule. However, in regard to Case No. 2022-00105, LGE-KU, Duke, and Kentucky Power supported an earlier briefing schedule, but indicated they would not object to a briefing schedule consistent with KBCA's proposal if the Commission agrees.