

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION OF)
POLE ATTACHMENTS) CASE NO. 2023-00416

EAST KENTUCKY POWER COOPERATIVE, INC.
PROPOSED EMERGENCY AMENDMENTS TO 807 KAR 5:015

Pursuant to the Kentucky Public Service Commission’s (“Commission”) April 11, 2024, Order in the above-styled case, East Kentucky Power Cooperative, Inc. (“EKPC”) respectfully submits the proposed amendments to 807 KAR 5:015, the “Pole Attachment Regulation”.

INTRODUCTION

EKPC filed its proposed pole attachment tariff, pursuant to 807 KAR 5:015 on March 18, 2022. EKPC set out the specific parameters that would need to be followed by any entity proposing to gain access to EKPC’s structures. EKPC defined the word “Structure” but specifically excluded the following from the definition of “Structure”:

- Any Transmission Pole or Tower designed to operate at 69 kV or greater;
- Any pole primarily used for outdoor lighting;
- Any pole EKPC has leased to a third-party.

EKPC did not take the position that an attachment could never be made to a transmission pole or transmission tower, but EKPC did narrowly define what qualifies as a structure under its tariff. EKPC’s tariff does not mean that pole attachments will never be authorized, only that such requests must be appropriate, reasonable and non-harmful to the operation of the power grid. In support of that position, EKPC states as follows:

PROPOSED AMENDMENTS

I. Section 1 – Definitions

EKPC proposes to introduce item (13) to Section 1 as follows:

(13) “Transmission Poles/Structures” means any utility facilities carrying conductors at 69,000 volts or higher that are not designed with a communications space.

II. Section 2 – Duty to Provide Access to Utility Poles and Facilities

EKPC proposes to introduce item (1)(d) to Section 2 as follows:

(d) Due to the critical nature and operational complexity of the transmission network, a utility shall not be required to meet certain stipulations in this regulation for Transmission Poles/Structures as indicated throughout the following. Voided requirements are to be negotiated between the utility and the attacher based on specific requests.

III. Section 3 (5) – Overlashing

EKPC currently has no authorized communication cables on its transmission poles. Therefore, there are no cables on its transmission poles to which another cable could be lashed. In addition to not having existing communication cables on its transmission poles, design standards require that transmission poles be designed to withstand specific loads related to ice and wind. Adding any additional cable would add the weight of the new cable and, if applicable, any lashing. The diameter of the cable or conductor is important as it relates to the applied force on a pole as a result of the prescribed wind or ice loading. The larger the diameter of the cables and/or the conductors, the more ice can be collected and the more wind loading is experienced due to the wider profile. EKPC proposes to exclude Transmission Poles and Structures from this section as follows:

(5) Overlashing. **(not applicable for Transmission Poles/Structures)**

IV. Section 4 (2)(b) – Procedure for New Attaches to Request Utility Pole

Attachments – Survey Review on Merits

EKPC uses the term “survey” in its tariff to mean the actual collection of spatial data related to a pole modification as opposed to only a site visit and visual assessment by a company representative or contractor. EKPC’s poles, at any voltage, are not designed for communication underbuilds and a blanket estimate of an outsourced service and evaluation would need to be very conservative to assure proper compensation. EKPC’s intent is to provide a case by case estimate of the survey or assessment cost for deposit prior to the work being performed, and to reconcile any balance to the actual cost by refund or additional payment. EKPC would require the deposit in advance and EKPC has reserved the right to make a portion of that deposit non-refundable. In order to collect the data needed to determine any modifications that would be needed to EKPC’s system, EKPC would need to expend time, money and resources to conduct the survey. EKPC should not be the entity responsible for the expenses incurred. Not every case would be the same, therefore, EKPC would provide an estimate on a case by case basis to ensure that proper compensation is received for the work performed. EKPC proposes to exclude Transmission Poles and Structures from this section as follows:

(b) Survey and application review on the merits. **(not applicable for Transmission**

Poles/Structures)

V. Section 4 (4)(a) and (4) (b)– For Make-Ready in and above the Communications Space

As previously discussed, EKPC currently has no authorized communication cables on its transmission poles. Therefore, there are no cables on its transmission poles to which another cable could be lashed. In addition to not having existing communication cables on its transmission poles, design standards require that transmission poles be designed to withstand specific loads related to

ice and wind. EKPC proposes to exclude Transmission Poles and Structures from these sections as follows:

(a) For make-ready in the communications space, the notice shall: **(not applicable for Transmission Poles/Structures)**

(b) For make-ready above the communications space, the notice shall: **(not applicable for Transmission Poles/Structures)**

VI. Section 4 (7) – Time Periods

EKPC proposes to exclude Transmission Poles and Structures from this section as follows:

(7) For the purposes of compliance with the time periods in this section: **(not applicable for Transmission Poles/Structures)**

VII. Section 4 (8) – Deviations from Make-Ready Timeline

EKPC proposes to exclude Transmission Poles and Structures from this section as follows:

(8) Deviations from make-ready timeline. **(not applicable for Transmission Poles/Structures)**

VIII. Section 4 (9) – Self-help Make-Ready

EKPC proposes to exclude Transmission Poles and Structures from this section as follows:

(9) Self-help remedy. **(not applicable for Transmission Poles/Structures)**

IX. Section 4 (10)– One-touch Make-Ready

EKPC proposes to exclude Transmission Poles and Structures from this section as follows:

(10) One-touch make-ready option. For attachments involving simple make-ready, new attachers may elect to proceed with the process established in this subsection in lieu of the attachment process established in subsections (2) through (6) and (9) of this section. **(not applicable for Transmission Poles/Structures)**

IX. Section 5 – Contractors for Survey and Make-Ready

Transmission poles are very different animals than distribution poles. Working near high voltage transmission lines to attach communication cables, poses many safety concerns. EKPC was reminded of this fact very recently when EKPC was notified of an incident involving a contractor for a broadband provider being injured while attempting to add attachments to a distribution cooperative's distribution poles and came into contact with a transversely crossing high voltage EKPC transmission line. EKPC notified the Commission promptly regarding this accident, followed up with a written accident report, and met with Commission Staff at the accident scene. It appears that the contractor was not aware or was not properly trained about working near or around high voltage transmission lines.

EKPC is the only party that is properly equipped and experienced to receive, evaluate and make a determination as to whether the attachments should be authorized. EKPC would review each application in a non-discriminatory basis to make the determination. EKPC proposes to exclude Transmission Poles and Structures from this section as follows:

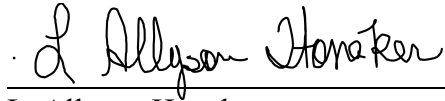
Section 5. Contractors for Survey and Make-ready. **(not applicable for Transmission Poles/Structures)**

CONCLUSION

As stated above, transmission facilities are much different than distribution facilities. Allowing attachments to transmission facilities could cause significant safety and reliability

concerns. EKPC believes its proposed amendments to 807 KAR 5:015 should be approved as proposed.

Respectfully submitted,

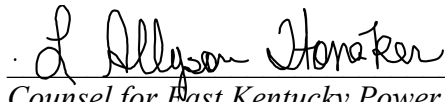


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CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing was transmitted to the Commission on April 19, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.



Counsel for East Kentucky Power Cooperative, Inc.