

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

COMMENTS OF DUKE ENERGY KENTUCKY, INC.

I. INTRODUCTION

Please accept these comments submitted on behalf of Duke Energy Kentucky, Inc., (Duke Energy Kentucky or Company) in response to the Kentucky Public Service Commission’s (Commission) invitation to comment on the proposed emergency amendments to 807 KAR 5:015, shared on May 15, 2024.¹

II. BACKGROUND

On December 14, 2023, the Commission initiated this proceeding to “identify issues regarding pole attachments, particularly regarding the extension of broadband services that might be addressed through changes in the regulations, rules, or tariffs governing pole attachments.”² The Commission then held a series of informal conferences, at which stakeholders discussed related issues.

On April 11, 2024, the Commission offered stakeholders and parties an opportunity to submit “proposed amendments to 807 KAR 5:015 that will accomplish the dictates of SJR 175.”³ A number of submissions were made, and on May 15, 2024, the Commission

¹ *In the Matter of the Electronic Investigation of Pole Attachments*, Case No. 2023-00416, Notice of Filing Agenda, Appendix (May 15, 2024).

² *Id.*, Order, p. 2 (December 14, 2023).

³ *Id.*, Order, p. 3 (April 11, 2024).

Staff shared a draft of proposed amendments to 807 KAR 5:015 (Proposed Amendments).⁴ At the subsequent informal conference, on May 17, 2024, the Commission invited stakeholders to comment on the Proposed Amendments. Duke Energy Kentucky provides its comments below.

III. DISCUSSION

Duke Energy Kentucky offers the following comments on Proposed Amendments:

Application Prioritization – Page 11, Lines 17 to 20.

A new proposed provision provides:

A new attacher if it submits an application while a previous application is still under review may prioritize the order in which a utility shall review the applications. Prioritizing an application suspends the review time for a new attacher's other applications currently under review.⁵

Duke Energy Kentucky respectfully submits that this provision should be deleted.

Permitting a new attacher to suspend pending applications—which presumably could be done an unlimited number of times—would create confusion, inefficiencies, and an unreasonable administrative burden for the utility. Attaching entities that have multiple organizations or groups across geographical areas may create priority requests from multiple parties within the same contractual area. The utility company will have no way to determine which group has priority over another.

⁴ *Id.*, Notice of Filing Agenda, Appendix (May 15, 2024).

⁵ *Id.*, Appendix, p. 11.

Self-Help for Pole Replacements – Page 22, Line 9

The Proposed Amendments eliminate an existing provision which provides that self-help shall not be available for pole replacements.⁶ Duke Energy Kentucky respectfully opposes the deletion of this limiting provision.

Permitting self-help for pole replacements would create innumerable safety, reliability, and engineering issues. Even if the attacher would be limited to a list of utility-approved vendors to perform the work, there are numerous processes that would need to be followed for a pole changeout to take place that the vendors are not familiar with. Not following the process flow is likely to result in safety and reliability incidents.

In Support of Other Comments

In addition to the above comments, Duke Energy Kentucky supports the joint comments of Louisville Gas & Electric Company, Kentucky Utilities Company, and Kentucky Power Company on the Proposed Amendments.⁷

IV. CONCLUSION

Duke Energy Kentucky appreciates the opportunity to offer its comments regarding the Proposed Amendments and hopes that its comments will aid the Commission.

⁶ *Id.*, p. 22.

⁷ *Id.*, Joint Comments of Louisville Gas & Electric Company, Kentucky Utilities Company, and Kentucky Power Company on Staff's Proposed Emergency Amendments to 807 KAR 5:015 (May 21, 2024).

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document in paper medium; that the electronic filing was transmitted to the Commission on May 21, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that submitting the original filing to the Commission in paper medium is no longer required as it has been granted a permanent deviation.⁸

/s/Larisa M. Vaysman
_____ *Counsel for Duke Energy Kentucky, Inc.*

⁸*In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19, Order, Case No. 2020-00085 (Ky.PSC July 22, 2021).*