

Legal Counsel.



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July 26, 2024

Via Electronic Filing

Linda C. Bridwell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

Re: *Electronic Investigation of Pole Attachments, Case No. 2023-00416*

Dear Executive Director Bridwell,

Enclosed for electronic filing is the Kentucky's Electric Cooperatives' (the "Cooperatives") response to the Kentucky Broadband and Cable Association's (the "KBCA") status update ("Update") regarding pole attachment requests submitted by Charter to the Cooperatives.

As mentioned in the KBCA's Update, the pole attachment chart (the "Chart") included in KBCA's July 19, 2024 filing shows a snapshot of Charter's pending submissions with the Cooperatives as of June 30, 2024. The Cooperatives join the KBCA solely in the filing of the collaboratively prepared Chart. Additionally, the Cooperatives offer the following observations.

- Seventy-three percent (73%) of the pending pole attachment requests (or 31,486 out of 43,345 requests) are awaiting action by Charter.
- The Cooperatives agree with the KBCA that the Chart reflects that the Cooperatives have approved 16,946 poles. Those poles are now awaiting attachment by Charter.
 - The Cooperatives do not have insight into the reasons Charter has not made attachments upon receiving approval from the Cooperatives.
 - The Cooperatives question whether some of the delay could be the result of reprioritization by Charter. It is the responsibility of attachers to manage their priorities and synchronize their requests for attachment in a way that allows them to timely attach upon approval.

- As the KBCA acknowledged, Charter is not waiting on further action from the Cooperatives with regard to the 16,946 poles, as the Cooperatives have already approved them for attachment.
- The Cooperatives do not endorse any suggestion that they are responsible for or contributing to any such delay.
- The Cooperatives continue to expeditiously process pole attachment requests.
 - As an example, Inter-County Energy and Charter have an informal agreement to work ahead on Charter requested make-ready construction before the survey has been fully completed on rural broadband projects. This has sped up the overall permit approval process, but it starts the make-ready process earlier than prescribed in the regulatory timeline, resulting in permits in the asset management software being listed as a "make-ready overdue" status before the timeline has actually become overdue. Thus, the 223 poles referenced in KBCA's filing as Make-Ready Overdue for Inter-County Energy were not actually overdue in reference to the overall regulatory timeline. In any event, they have been approved prior to the date of this filing.
- Although the Cooperatives continue to hire additional staff in anticipation of the increase in pole attachment applications, they have not received a significant increase in attachment requests in the month of July, to date.

Thank you.

Sincerely yours,

DINSMORE & SHOHL LLP

/s/ Edward T. Depp

Edward T. Depp

Certification

I hereby certify that a copy of this filing has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Edward T. Depp

Counsel to Kentucky's Electric Cooperatives