

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

*In the Matter of:*

<b>ELECTRONIC INVESTIGATION )</b>	
<b>OF POLE ATTACHMENTS )</b>	<b>CASE NO. 2023-00416</b>
)	

**COMMENTS OF KENTUCKY’S ELECTRIC COOPERATIVES  
IN RESPONSE TO DECEMBER 14, 2023 ORDER**

Kentucky’s electric cooperatives,<sup>1</sup> by counsel and pursuant to the Commission’s Order entered December 14, 2023 (the “Order”) in the above-captioned matter, respectfully propose the following topics for discussion at the Commission’s January 5, 2024, conference regarding 807 KAR 5:015, issues related to pole attachments, and the extension of broadband services throughout Kentucky.

**I. Potential Pole Attachment Discussion Topics.**

Kentucky’s electric cooperatives appreciate the Commission’s efforts to solicit input and topics of discussion from relevant stakeholders in the efforts to expand broadband access. Over the past several years, Kentucky’s electric cooperatives have deployed their expertise and efforts across the Commonwealth as Kentucky has ramped up its efforts to bring reliable broadband access to all. In recognition of the fact that their utility pole infrastructure is a vital component in

---

<sup>1</sup> The following electric cooperatives are jurisdictional utilities that were made party to this case by the Order: Big Rivers Electric Corporation; Big Sandy RECC; Blue Grass Energy Cooperative Corporation; Clark Energy Cooperative, Inc.; Cumberland Valley Electric, Inc.; East Kentucky Power Cooperative, Inc.; Farmers RECC; Fleming-Mason Energy Cooperative; Grayson RECC; Inter-County Energy Cooperative Corporation; Jackson Energy Cooperative Corporation; Jackson Purchase Energy Corporation; Kenergy Corporation; Licking Valley RECC; Meade County RECC; Nolin RECC; Owen Electric Cooperative; Salt River Electric Cooperative Corporation; Shelby Energy Cooperative, Inc.; South Kentucky RECC; and Taylor County RECC. Although this filing speaks on behalf of the group’s common interests, each cooperative reserves the right to also address issues on an individual basis throughout this proceeding.

this process, Kentucky's electric cooperatives have made significant efforts to engage and collaborate with broadband providers in order to facilitate a safe, reliable, and prompt deployment of broadband to their communities in the predominantly rural territories they serve.

While – as with any project of this magnitude – there have been operational challenges in implementing these processes, the rural electric cooperatives have stayed focused on finding amicable resolution through ongoing communication and conversation with broadband providers. The electric cooperatives remain committed to furthering the progress that these efforts have brought to date, and they thank the Commission for its attention to ensuring a fair framework that balances the imperatives for safety, reliability, and broadband access. Certainly, the Commission and all parties have invested significant time and effort into crafting this framework, and the electric cooperatives have committed (and will continue to commit) significant resources to complying with relevant regulations and encouraging safe, efficient broadband deployment in their service territories. The cooperatives believe that the Commission is best positioned to help resolve any ongoing challenges that cannot otherwise be resolved through close communication between attachers and pole-owners alike.

In light of the Commission's order establishing this proceeding, however, and given the importance of a safe and reliable deployment of broadband that is considerate of the Commonwealth's vital electric infrastructure, Kentucky's electric cooperatives have observed a few trends that may merit discussion at the upcoming informal conference in this matter. Specifically, the electric cooperatives have identified several recurring sources of friction and delay in the attachment process, including:

- (i) inconsistency of the quality and contents of attachment request submittals, including unauthorized/unpermitted attachments;
- (ii) issues regarding attacher workforce safety and the execution of approved pole

attachments designs;

- (iii) communication challenges related to attacher make-ready requirements;
- (iv) communication delays/failures once attachments have been constructed;
- (v) delays/failures in payment of tariffed charges; and
- (vi) delays/failures in satisfying tariffed insurance and bonding requirements.

Kentucky's electric cooperatives believe that, in the interest of system reliability and safety, these issues may be worthy of discussion at the Commission's Informal Conference on January 5, 2024. And of course, if other issues come to light or are raised by other participants in this proceeding, the electric cooperatives reserve the right to address those.

**II. Compliance with 807 KAR 5:001(8).**

Consistent with 807 KAR 5:001(8), the undersigned possesses the facilities to send and receive electronic transmissions in connection with this proceeding.

**III. Conclusion.**

Kentucky's electric cooperatives thank the Commission for its attention to these important issues, and they look forward to furthering this process in a manner that will continue to support statewide broadband access while ensuring electric system safety, reliability, and affordability.

This the 21st day of December, 2023.

Respectfully submitted,

/s/ Edward T. Depp  
Edward T. Depp  
John D. A. Lavanga  
**DINSMORE & SHOHL LLP**  
101 S. Fifth St., Suite 2500  
Louisville, KY 40202  
(502) 540-2300  
(502) 585-2207 (fax)  
tip.depp@dinsmore.com  
john.lavanga@dinsmore.com

and

M. Evan Buckley  
**DINSMORE & SHOHL LLP**  
100 West Main Street, Suite 900  
Lexington, KY 40507  
Tel: (859) 425-1000  
Fax: (859) 425-1099

**Counsel to Kentucky's Electric  
Cooperatives**

**Certification**

I hereby certify that a copy of these Comments of Kentucky Electric Cooperatives in Response to December 14, 2023 Order 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*