

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

In the Matter of:

ELECTRONIC INVESTIGATION OF POLE ATTACHMENTS)	Case No.
)	2023-00416

LIST OF ISSUES FOR JANUARY 5, 2024 INFORMAL CONFERENCE

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) collectively (“the Companies”) pursuant to the Kentucky Public Service Commission’s (“Commission”) December 14, 2023 order in the above-captioned proceeding, submit the following list of issues for discussion at the January 5, 2023 informal conference .

Preliminary Statement

As outlined in the Commission’s December 14, 2023 order, the Commission undertook a carefully considered rulemaking proceeding from 2020 through 2022, involving virtually every stakeholder in all stages along the way. This process resulted in the adoption of the Commission’s current, comprehensive pole attachment regulation, 807 KAR 5:015 (effective February 1, 2022). The Commission then opened Formal Cases in which the Commission required all pole owners to file revised pole attachments tariffs that conform to the new regulation¹. Most of those tariffs have been in effect for less than one year. Thus, the provisions of the new regulation and the new tariffs—in particular, the high volume framework allowing attachers and pole owners to agree upon timelines for attachment applications of greater than 1,000 poles per month—have barely been given the opportunity to see if they work as the Commission and stakeholders expected.

¹ PSC Case No. 2022-00105 – Electronic Investigation of the Proposed Pole Attachment Tariffs of Investor-Owned Electric Utilities; PSC Case No. 2022-00106 – Electronic Investigation of the Proposed Pole Attachment Tariffs of Rural Electric Cooperative Corporations; PSC Case No. 2022-00107 – Electronic Investigation of the Proposed Pole Attachment Tariffs of Rural Local Exchange Carriers; and PSC Case Number 2022-00108 – Electronic Investigation of the Proposed Pole Attachment Tariffs of Incumbent Local Exchange Carriers.

LG&E and KU have processed some 5,000+ pole attachment applications as part of broadband expansion projects in the last year. In doing so, LG&E and KU have not identified any problems with 807 KAR 5:015, and do not believe that the regulation is negatively affecting broadband expansion in Kentucky. Mindful of the Commission’s focus on broadband expansion projects, LG&E and KU respectfully submit this short list of issues for inclusion in the discussion at the January 5, 2024 informal conference.

Issues

1. **Unauthorized Attachments.** These occur when attachers make attachments to LG&E and KU poles prior to receiving the requisite approval from LG&E and KU. Such unauthorized attachments are particularly concerning when made prior to completion of necessary make-ready work in the power supply space.

2. **“Temporary Attachments.”** Attaching entities and other stakeholders have described this as a “common-sense” practice to expedite deployment. The practice would allow attachments made in violation of the National Electric Safety Code under a promise to later relocate the attachment after necessary make-ready is completed.

3. **Incomplete Applications.** An attaching entity must submit a \$75-per pole application review pre-payment before LG&E and KU can begin processing a wireline attachment application. This is an important piece of the timeline for attachers to understand.

4. **Early Notice/Collaboration on Broadband Expansion Projects.** Front-end communication and ongoing collaboration will enable LG&E and KU to marshal and coordinate resources as appropriate to match project demands and priorities, which is the key to a successful deployment.

LG&E and KU look forward to participating in the upcoming informal conference and to continuing the discussion as needed throughout this case.

Dated: December 21, 2023

Respectfully submitted,



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CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8 and the Commission's Order of July 22, 2021 in Case No. 2020-00085, I certify that this document was electronically transmitted to the Public Service Commission on December 21, 2023; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



*Counsel for Kentucky Utilities Company and
Louisville Gas and Electric Company*