

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**KENTUCKY POWER COMPANY’S RESPONSE TO
DECEMBER 14, 2023 ORDER REQUESTING LIST OF POLE ATTACHMENT ISSUES**

Kentucky Power Company (“Kentucky Power” or the “Company”) hereby respectfully submits the following response to the to the Commission’s December 14, 2023 order in the above-captioned proceeding (“Order”):

After a nearly two-year long rulemaking proceeding, the Commission adopted a comprehensive set of regulations governing pole attachments on February 1, 2022. *See* 807 KAR 5:015. Kentucky Power believes the rulemaking proceeding was a success. The Commission engaged with stakeholders during every step of the process, and as evidenced by the thoughtful revisions made to the final version of the Commission’s pole attachment regulations, the Commission struck the right balance between the stakeholders’ competing interests.

However, the Commission’s analysis of the rates, terms and conditions for pole attachments did not end with the adoption of the new pole attachment regulations. As required by the pole attachment regulations, pole owners were required to file new pole attachment tariffs that conformed with the Commission’s pole attachment regulations. Therefore, the Commission opened Administrative Cases for each type of pole owner (e.g., investor-owned electric utilities, electric cooperatives, etc.), solicited stakeholder feedback on the proposed tariffs, and subjected each pole owner’s tariff to regulatory scrutiny. As with the rulemaking proceeding, the

Commission engaged with all stakeholders to ensure that the specific terms and conditions governing pole attachments were just and reasonable. That process concluded with new tariffs that took effect less than one year ago.

The Commission's rulemaking proceeding and the subsequent tariff-approval proceedings worked. Since the effective date of the new tariff, Kentucky Power has not had any problems with the Commission's pole attachment regulations or its newly approved pole attachment tariff. But even if problems have arisen with other pole-owning utilities, it would be premature for the Commission to consider amendments to the pole attachment regulations or the revised pole attachment tariffs. The new regulations have been in effect for less than two years, and the revised pole attachment tariffs were approved less than one year ago. Considering that no pole attachment complaints have been filed with the Commission, and given that Kentucky Power has not experienced any problems (or even heard any concern) with the pole attachment process, there is no reason to believe that amendments to the Commission's pole attachment regulations are needed at this time.

Consistent with the foregoing, Kentucky Power has not identified any issues for discussion at the January 5, 2024 informal conference. Kentucky Power appreciates the opportunity to participate in the upcoming informal conference and to further engage with the Commission on pole attachment policy that (1) facilitates broadband deployment, (2) preserves electric system safety and reliability, and (3) ensures that electric ratepayers are not subsidizing broadband deployment.

Dated: December 21, 2023

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. Patton", is positioned above a horizontal line.

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