

**Sara V. Judd**  
Senior Counsel  
PPL Services Corporation  
O 502-627-4850  
svjudd@pplweb.com



Linda C. Bridwell, PE  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601-8294

May 10, 2024

**Re: Electronic Investigation of Pole Attachments**  
**CN 2023-00416**

Dear Ms. Bridwell:

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively “the Companies”) appreciate the Commission’s time and attention to the matters raised in the above-referenced docket. The purpose of this letter and the accompanying chart is to further elucidate the Companies’ perspective on the “backlog” discussed in previous informal conferences and in KBCA’s May 2, 2024 filing.

SJR 175 directed the Commission to promulgate emergency administrative regulations that “[r]educe the backlog of utility pole attachment requests.” The term “backlog” is undefined within SJR 175. Though the text of SJR 175 provides no indication of the term’s origin or intent, SJR 175 nevertheless appears to presume the existence of a meaningful “backlog” of utility pole attachment requests.

The Companies have disputed this notion from the outset of this proceeding and continue to dispute this notion. From the Companies’ perspective, the “backlog” is comprised of poles within applications that are currently outside the regulatory timeframe (with the exception of applications that Charter has pushed down in the queue through reprioritization and applications that have exceeded the 1000 pole per month limit in the existing regulation).

During the course of the previous five informal conferences in the above-referenced matter, it has become clear that Charter considers the “backlog” to be any applications shown within its own records as submitted to a utility, regardless of whether the applications complied with the existing regulation and regardless of the age (or reasons for the age) of the applications.

As shown in the attached chart, as of May 6, 2024, there are pending applications by Charter to make attachments to 27,846 KU poles.

- 1,671 are in “draft” status, i.e. not-yet-submitted for review or processing.
- 5,767 were submitted but incomplete due to Charter’s failure to submit the required survey pre-payment fee.
- 314 are transmission poles and not subject to the standard tariff timeline.
- 4,944 have been released for attachment—the only remaining steps are for Charter to install its facilities and/or perform communications space make-ready work.
- 15,150 are active in some status between submittal and “released for attachment.”

To the extent there is a “backlog” of attachment requests, it can only be a subset of the 15,150 poles referenced above. Of these 15,150 poles, 9,909 are being processed, and have been processed, within all timelines in the existing regulation. The remaining 5,241 poles fall into one of the following categories:

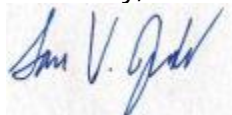
- (1) Poles that are currently within the timeline, even if they were out of the timeline in a prior step of the process. For example, the survey may have been 8 days later than the regulatory timeframe, but the make-ready construction is now proceeding on schedule.
- (2) Poles within applications that have been reprioritized by Charter. As explained in previous informal conferences, KU has allowed Charter to reprioritize applications. This has the effect of artificially aging the applications that Charter has chosen to push down in the priority queue.
- (3) Poles within applications submitted for the Scott County project where KU allowed Charter to submit applications for more than 1,000 poles in a 30-day period. This also has the effect of artificially aging certain applications.
- (4) Poles that are currently outside of the regulatory timeframe.

As explained above, from the Companies’ perspective, the only “backlog” are the subset of the 5,421 poles that fall exclusively within category (4).

Perhaps most importantly, and regardless of whose definition of “backlog” carries the day, there would be no “backlog” at all if the parties had coordinated the deployment in advance and marshaled the resources necessary to complete the work in a timely manner. This is the type of coordination and planning that is yielding successful results under the High-Volume Deployment Plan between KU and Charter. It is also why the Companies believe the right response to the directive within SJR 175 is to steer *more* deployments—not fewer deployments—to the advance planning and coordination model. KBCA’s proposal to steer fewer deployments into this model would be inconsistent with the objectives of SJR 175 and a huge step in the wrong direction for broadband deployment.

The Companies look forward to discussing these matters further at the May 17, 2024 informal conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sara V. Judd", is placed over a light blue rectangular background.

Sara V. Judd