

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

IN THE MATTER OF: )  
 )  
ELECTRONIC INVESTIGATION OF POLE ) CASE NO. 2023-00416  
ATTACHMENTS )

WINDSTREAM’S RESPONSE TO COMMISSION ORDER OF 11-18-24  
FOR PROPOSED EDITS TO 807 KAR 5:015E

Windstream on behalf of its operating companies in Kentucky (Windstream) respectfully provides these supplemental and additional comments to the Commission for its consideration alongside prospective changes to 807 KAR 5:015E.

1. **The Commission’s definition of “Attachment” should clearly exclude service drops to avoid risk to the customer.** Windstream previously submitted its recommendations herein that the Commission carve out an exception to clarify that a service drop is not a new Attachment under 807 KAR 5:015E and, as such, a service drop does not require the submission of a new application. This clarification is justified not only by the technical differences between a service drop and a new attachment as discussed in Windstream’s previous comments to the Commission, but also the resulting harm and delay to the customer.

The application process accounted for under 807 KAR 5:015E can take several weeks, if not months. Service drops connect a provider’s main network line to an individual customer's premise. The connection to the provider enables the customer to reach community lifeline systems, such as 911, and cannot be delayed for the sake of a pole owner’s application procedure with many moving parts including the application’s submission, review, and final approval. The process of extending a service drop must

be nimble and easily navigable for the sake of the customer. As such, it is standard industry practice to extend service drops to customers alongside proper notification to the respective pole owners. Windstream has direct experience, in Kentucky and elsewhere throughout its footprint, of instances where pole owners have incorrectly applied the application requirement, and associated fees, for new Attachments to service drops and foresees this as a growing trend. This is a ripe time for the Commission to add this clarity to 807 KAR 5:015E as it relates to extending service drops as there will be renewed attention to the requirements of these Rules and this clarification prevents foreseeable delay and harm to customers.

2. **One-touch make-ready work should not include “complex make-ready” work.** The Commission should not mandate a one-touch make-ready (OTMR) process by eliminating the existing “simple make-ready” vs. “complex make-ready” differentiation contained in 807 KAR 5:015E – doing so risks harm to the customer. Complex make-ready work can involve splicing, facilities relocation, and can result in service outage. Traffic in fiber lines contain circuits carrying highly sensitive traffic for 911 call centers, emergency services, DoD and other various governmental agencies, healthcare providers, cell towers, etc., and are not limited to GPON services. Complex make-ready work must be carried out by or approved by the attacher which is in the best position to know its traffic and risk of outage. The Commission accounted for this safeguard with its current language precluding complex make-ready work from permissible OTMR work.

Windstream understands that the Commission, at this time, is considering amending its Rules for pole attachments and commends the Commission for doing so in collaboration with industry

stakeholders so that rules may adapt to industry needs and challenges. Windstream appreciates the consideration of its supplemental and additional recommendations to the Commission as it considers these making changes. Windstream urges the Commission to consider the harm that would result to customers throughout the Commonwealth due to service disruption or disconnection as a result of administrative paperwork imposed for service drops or OTMR work that is not limited to simple make-ready work.

Respectfully submitted,

*/s/ Lynn Hughes*

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