

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:)	TFS 2024-00367
)	CASE NO. 2023-00416
ELECTRONIC INVESTIGATION OF POLE)	
ATTACHMENTS)	
)	KBCA OBJECTIONS TO KENTUCKY
)	TARIFFS AND REQUEST FOR TARIFF
)	SUSPENSION
)	
)	

The Kentucky Broadband and Cable Association (“KBCA”) respectfully submits these objections to the proposed tariffs filed by Kentucky’s pole-owning utilities pursuant to 807 KAR 5:015 Section 3(8).

In their tariffs, certain utilities have proposed terms and conditions that are inconsistent with 807 KAR 5:015 or are otherwise unreasonable. *See id.* at Section 3(4); KRS § 278.030 (stating utilities’ rates and terms of service must be reasonable). Specifically, certain proposed tariffs purport to require applicants to submit a pole loading analysis as part of the permit application process. *See e.g.*, Clark Energy Cooperative, Inc., TFS-2024-00367 at Appendix B, Original Page No. 121.30. Moreover, other tariffs purport to require applicants to identify “expected Make-ready” or submit a spreadsheet containing information regarding “Proposed Make Ready in [the] Power Space.” *See id.* at Original Page No. 117 & 121.27. But 807 KAR 5:015 Section 4(2)(a)(5) expressly states that “[a] utility shall not require a new attacher to submit a survey or pole loading analysis as a filing requirement for an application. *Id.*

KBCA’s specific objections are summarized in the table below. In light of the unlawful conditions that the utilities seek to impose on pole attachers, KBCA hereby requests the

Commission to suspend the proposed tariffs – which are set to become effective on August 31, 2024 – until such time as the utilities submit revised tariffs that fully conform with Kentucky law and remove these improper terms.

OBJECTIONS TO PROPOSED TARIFFS

Big Sandy Rural Electric Cooperative Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Revised Page No. 8

Farmers R.E.C.C.

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	2 nd Revised Page No. 118

Grayson Rural Electric Cooperative Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 9.8

Meade County Rural Electric Cooperative Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance	Original Sheet No. 35

of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	
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Nolin R.E.C.C.

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 8

Owen Electric Cooperative, Inc.

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 84.7

South Kentucky R.E.C.C.

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Page No. T-1 9.10

Taylor County Rural Electric Cooperative Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 57

Big Rivers Electric Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 38.11

Blue Grass Energy Cooperative Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 193

Cumberland Valley Electric, Inc.

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 107

Fleming-Mason Energy Cooperative, Inc.

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	1 st Revised Sheet No. 31.5

Inter-County Energy

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
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<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Revised Sheet No. 123.1
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Jackson Energy Cooperative Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 305

Jackson Purchase Energy Corporation

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 167

Kenergy

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	6 th Revised Sheet No. 76

Clark Energy Cooperative

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order or to submit a spreadsheet containing information regarding “Proposed Make Ready in [the] Power Space.” Such requirements violate 807 KAR 5:015 Section 4(2)(a)(5).	Original Page No. 117 & 121.27

<i>Pole Loading Analysis.</i> KBCA objects to any requirement to submit a pole loading analysis as part of the permit application process. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Page No. 121.30
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Salt River Electric

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 135

Shelby Energy Cooperative, Inc.

Objections To Terms That Violate 807 KAR 5:015

Terms That Violate 807 KAR 5:015	Citation
<i>Expected Make Ready.</i> KBCA objects to any requirement to identify “expected Make-ready” as part a 90-day notice in advance of an application for a large order. Such requirement violates 807 KAR 5:015 Section 4(2)(a)(5).	Original Sheet No. 7

Dated: August 23, 2024

Respectfully submitted,

/s/ M. Todd Osterloh

James W. Gardner
M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street, Suite 1500
Lexington, KY 40507
Phone: (859) 255-8581
jgardner@sturgillturner.com
tosterloh@sturgillturner.com

Counsel for KBCA