

May 2, 2024

Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602

Re: *In the Matter of Electronic Investigation of Pole Attachments, Case No. 2023-00416; Charter Communications Kentucky Pole Attachment Application Data.*

Dear Commission,

The Kentucky Broadband and Cable Association (“KBCA”) appreciates the Commission’s ongoing efforts to carry out the Commonwealth’s mandate to implement emergency regulations necessary to “streamline the process and remove unnecessary delays in how attachment requests by broadband service providers are received and processed by the utilities that own the utility poles.”¹

As the Commission’s prior hearings have clearly demonstrated, without timely regulatory action, the existing backlog of pole attachment requests will continue to grow as broadband expansion efforts intensify throughout Kentucky. In particular, these sessions have shown that substantial disagreement remains over the existing pole attachment access rules (e.g., when the existing regulations’ timelines start and stop), and that clarity around the rules is necessary to avoid further delays in broadband deployment. Lack of clarity surrounding the existing rules is contributing to the backlog previously highlighted in Charter Communications’ March 20, 2024, submission, and it is imperative that the Commission strengthen its regulations to ensure that this backlog will be cleared within a reasonable timeframe.

Given the discussion around this backlog during the meeting that occurred last Friday, Charter believes it would be helpful to provide an update on its outstanding pole attachment permit requests submitted to utilities in Kentucky. Specifically, the enclosed charts provide current data on the number of outstanding pole attachment requests, broken down by utility, as well as a forward-looking forecast of the projected volume of attachment requests that will be needed in the future.

- **Exhibit #1:** Titled “Pending Pole Permits – RDOF, BIP Round 1 & Local Contracts,” shows the number of poles for which Charter has submitted a permit

¹ SJR 175, Gen. Assemb., Reg. Sess. (Ky. 2024), available at <https://apps.legislature.ky.gov/recorddocuments/bill/24RS/sjr175/bill.pdf>.

request, the number it has received back from the utility, and the total number of outstanding poles for each utility. As the chart illustrates, while some utilities have processed more attachment requests in the last few months than in prior months, many have not, and Charter still faces a backlog of more than **45,000** poles in Kentucky.

- **Exhibit #2:** Titled “KY Pole Owner Volume – State Grant Round 2,” reflects Charter’s preliminary estimate of the number of poles to which it will seek to attach, based on the estimated number of miles in each build. Charter anticipates it will need to make an additional **80,000** attachment requests in the coming months.
- **Exhibit #3:** Titled “Current Pending & State Grant Round 2 Forecast,” summarizes the total number of outstanding pole attachment permits, Charter’s estimated future pole permit requests, and the total of number of estimated pole permits that utilities in Kentucky will need to process, broken down by utility. In sum, Charter expects to require attaching to approximately **125,500** utility poles in Kentucky by the first quarter of 2026 to meet current broadband deployment commitments. This figure does not include potential attachment needs related to the forthcoming Broadband Equity Access and Deployment (BEAD) funding round.

As previously noted, KBCA believes that this data is important because it provides a snapshot of the current backlog as well as a near-term projection of volume that utilities in Kentucky can expect to see as broadband deployments continue. At the meeting on April 26, 2024, this data was questioned, most notably by the rural electric cooperatives. However, despite having received this data from KBCA previously on March 20, 2024, and having the ability to provide data tracked in their own systems, no alternative data has been provided to challenge KBCA’s figures.

Most importantly, this ongoing backlog reinforces the need for the Commission to take meaningful action to help facilitate timely broadband deployment through emergency regulations that ensure the existing application and attachment process is clear, uniform, efficient, works as intended, and provides attachers with practical solutions if the utilities fail to meet their regulatory obligations. KBCA believes that its targeted amendments to the Commission’s regulations are key to achieving these objectives and carrying out the Commonwealth’s broadband deployment mandate.

KBCA, by counsel, hereby files this information into the record of Case No. 2023-00416. The undersigned counsel certifies that the document filed electronically is a true, accurate and complete representation of the original document and has been transmitted to the Commission. No party to this case has been excused from participation by electronic means.

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Regards,

A handwritten signature in blue ink, appearing to read 'P. Werner', with a long horizontal flourish extending to the right.

Paul Werner
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Pending Pole Permits - RDOF, BIP Round 1 & Local Contracts

| OWNER | STATUS | 2022 | Jan-23 | Feb-23 | Mar-23 | Apr-23 | May-23 | Jun-23 | Jul-23 | Aug-23 | Sep-23 | Oct-23 | Nov-23 | Dec-23 | Jan-24 | Feb-24 | Mar-24 | Apr-24 | TOTAL |
|---------------------------|-----------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|---------------|
| Blue Grass Energy | Submitted | 4,333 | 61 | 35 | 8 | 104 | 6 | 106 | 535 | 199 | 841 | 221 | 519 | 66 | 1,107 | 1,166 | 826 | 46 | 10,179 |
| Blue Grass Energy | Received | (1,447) | (79) | (48) | (18) | (39) | (2) | (54) | (1,245) | (761) | (22) | (18) | (528) | (128) | (192) | (459) | (302) | (614) | (5,956) |
| | | 2,886 | (18) | (13) | (10) | 65 | 4 | 52 | (710) | (562) | 819 | 203 | (9) | (62) | 915 | 707 | 524 | (568) | 4,223 |
| Clark Energy | Submitted | 37 | 6 | 24 | 396 | 16 | 15 | 14 | 21 | 534 | 891 | 578 | 270 | 30 | 190 | 95 | 110 | 17 | 3,244 |
| Clark Energy | Received | (65) | (2) | (2) | (20) | (23) | (8) | (13) | 0 | 0 | (8) | (17) | (12) | (17) | 0 | (1) | (10) | (17) | (215) |
| | | (28) | 4 | 22 | 376 | (7) | 7 | 1 | 21 | 534 | 883 | 561 | 258 | 13 | 190 | 94 | 100 | 0 | 3,029 |
| Fleming Mason Energy | Submitted | 3,941 | 763 | 736 | 147 | 1,176 | 901 | 1,026 | 485 | 331 | 6 | 5 | 42 | 7 | 78 | 166 | 414 | 385 | 10,609 |
| Fleming Mason Energy | Received | (584) | (5) | (11) | (12) | (125) | (52) | (179) | (213) | (6) | (169) | (255) | (33) | (109) | (269) | (553) | (786) | (1,372) | (4,733) |
| | | 3,357 | 758 | 725 | 135 | 1,051 | 849 | 847 | 272 | 325 | (163) | (250) | 9 | (102) | (191) | (387) | (372) | (987) | 5,876 |
| Inter County Energy | Submitted | 4,164 | 271 | 501 | 29 | 467 | 6 | 304 | 13 | 591 | 11 | 902 | 103 | 152 | 91 | 224 | 15 | 25 | 7,869 |
| Inter County Energy | Received | (1,086) | (207) | (5) | (62) | (564) | (374) | (103) | (163) | 0 | (68) | (30) | (361) | (203) | (237) | (176) | (191) | (1,242) | (5,072) |
| | | 3,078 | 64 | 496 | (33) | (97) | (368) | 201 | (150) | 591 | (57) | 872 | (258) | (51) | (146) | 48 | (176) | (1,217) | 2,797 |
| Kentucky Utility | Submitted | 13,700 | 1,783 | 158 | 837 | 1,368 | 1,059 | 1,079 | 1,337 | 1,208 | 1,379 | 888 | 559 | 132 | 1,716 | 692 | 830 | 225 | 28,950 |
| Kentucky Utility | Received | (2,650) | (380) | (69) | (401) | (1,605) | (414) | (545) | (194) | (835) | (568) | (724) | (269) | (166) | (98) | (165) | (236) | (688) | (10,007) |
| | | 11,050 | 1,403 | 89 | 436 | (237) | 645 | 534 | 1,143 | 373 | 811 | 164 | 290 | (34) | 1,618 | 527 | 594 | (463) | 18,943 |
| Louisville Gas & Electric | Submitted | 419 | 29 | 18 | 29 | 38 | 295 | 0 | 24 | 10 | 0 | 236 | 1,037 | 953 | 42 | 417 | 300 | 64 | 3,911 |
| Louisville Gas & Electric | Received | (287) | 0 | (138) | (41) | (186) | 0 | (37) | (11) | (6) | (9) | (7) | 0 | (8) | (25) | (235) | (214) | (867) | (2,071) |
| | | 132 | 29 | (120) | (12) | (148) | 295 | (37) | 13 | 4 | (9) | 229 | 1,037 | 945 | 17 | 182 | 86 | (803) | 1,840 |
| Owen Electric | Submitted | 3,357 | 80 | | 7 | | | | | 113 | 16 | 2 | 648 | 208 | 30 | 30 | 29 | 3 | 4,523 |
| Owen Electric | Received | (240) | (7) | (52) | (399) | (343) | (35) | (268) | (488) | (249) | (100) | (89) | (58) | (14) | (43) | (218) | (141) | (149) | (2,893) |
| | | 3,117 | 73 | (52) | (392) | (343) | (35) | (268) | (488) | (136) | (84) | (87) | 590 | 194 | (13) | (188) | (112) | (146) | 1,630 |
| Salt River Electric | Submitted | 3,135 | 189 | 713 | 44 | 51 | 218 | 22 | 7 | 35 | 37 | 261 | 385 | 286 | 490 | 259 | 58 | 69 | 6,259 |
| Salt River Electric | Received | (1,578) | (223) | (39) | (45) | (158) | (19) | (113) | (6) | (12) | (93) | (34) | (274) | (567) | (23) | (173) | 0 | (246) | (3,603) |
| | | 1,557 | (34) | 674 | (1) | (107) | 199 | (91) | 1 | 23 | (56) | 227 | 111 | (281) | 467 | 86 | 58 | (177) | 2,656 |
| Shelby Energy Cooperative | Submitted | 2,584 | 389 | 128 | 17 | 187 | 502 | 5 | 297 | 569 | 2 | 79 | 378 | 92 | 604 | 243 | 6 | 10 | 6,092 |
| Shelby Energy Cooperative | Received | (2,243) | (20) | (124) | (66) | (290) | (19) | (507) | 0 | (173) | (2) | 0 | (5) | (7) | (137) | (143) | | (298) | (4,034) |
| | | 341 | 369 | 4 | (49) | (103) | 483 | (502) | 297 | 396 | 0 | 79 | 373 | 85 | 467 | 100 | 6 | (288) | 2,058 |

| | | | | | | | | | | | | | | | | | | | |
|-------------------------|-----------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|---------------|
| Submitted Total | Submitted | 37,192 | 3,686 | 3,016 | 1,601 | 3,499 | 3,034 | 2,618 | 2,870 | 3,717 | 3,240 | 3,207 | 4,163 | 1,958 | 4,642 | 3,600 | 3,782 | 1,032 | 86,857 |
| Received Total | Received | (10,671) | (984) | (552) | (1,088) | (3,407) | (936) | (2,622) | (2,392) | (2,247) | (1,065) | (1,201) | (1,757) | (1,284) | (1,174) | (2,304) | (1,948) | (5,787) | (41,419) |
| NET Pending | | 26,521 | 2,702 | 2,464 | 513 | 92 | 2,098 | (4) | 478 | 1,470 | 2,175 | 2,006 | 2,406 | 674 | 3,468 | 1,296 | 1,834 | (4,755) | 45,438 |
| Cumulative Total | | 29,223 | 31,687 | 32,200 | 32,292 | 34,390 | 34,386 | 34,864 | 36,334 | 38,509 | 40,515 | 42,921 | 43,595 | 47,063 | 48,359 | 50,193 | 45,438 | | |

Summary excludes TVA and Municipally Owned utilities not overseen by the PSC. Low volume entities not shown. (AT&T, Cincinnati Bell/Alta Fiber, Duke, Grayson, Jackson, Kenegy, KY Power, Meade, South KY, Taylor County, Windstream)

| | | | | | | | | | | | | | | | | | | | |
|--|-----------|---------------|--------------|--------------|-----------|------------|------------|------------|--------------|--------------|--------------|--------------|------------|-----------|--------------|------------|-------------|----------------|---------------|
| McLean/Osmose | Submitted | 18,729 | 1,579 | 2,100 | 604 | 2,016 | 1,444 | 1,473 | 1,426 | 2,424 | 1,767 | 1,808 | 1,970 | 555 | 2,100 | 1,924 | 1,420 | 496 | 43,835 |
| <i>Bluegrass, Clark, Fleming Mason, Intercounty, Meade, Owen, Shelby, South KY</i> | Received | (5,804) | (333) | (249) | (579) | (1,398) | (490) | (1,188) | (2,165) | (1,286) | (369) | (409) | (1,113) | (488) | (878) | (1,639) | (1,430) | (3,696) | (23,514) |
| Cumulative Total | | 12,925 | 1,246 | 1,851 | 25 | 618 | 954 | 285 | (739) | 1,138 | 1,398 | 1,399 | 857 | 67 | 1,222 | 285 | (10) | (3,200) | 20,321 |

NOTE: Chart reflects Charter Communications' record of submitted poles on an application to the pole owner at the time of delivery/upload to their system. If the pole owner has a cap on submissions the application may pend in a draft status.

KY Pole Owner Volume - State Grant Round 2

| COUNTY | Bluegrass | Clark | Fleming Mason | Grayson RECC | Inter County | Jackson Energy | Kenergy | KU | KY Power | LG&E | Salt River | Shelby Energy | South KY RECC | Taylor | TOTAL |
|--------------|---------------|--------------|---------------|--------------|---------------|----------------|--------------|---------------|--------------|--------------|--------------|---------------|---------------|--------------|---------------|
| Anderson | 739 | 0 | 0 | 0 | 0 | 0 | 0 | 139 | 0 | 0 | 46 | 0 | 0 | 0 | 923 |
| Bath | 0 | 741 | 1,482 | 0 | 0 | 0 | 0 | 247 | 0 | 0 | 0 | 0 | 0 | 0 | 2,470 |
| Bell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 65 | 0 | 0 | 0 | 0 | 0 | 0 | 73 |
| Bourbon | 543 | 543 | 0 | 0 | 0 | 0 | 0 | 724 | 0 | 0 | 0 | 0 | 0 | 0 | 1,810 |
| Bullitt | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 167 | 0 | 1,167 | 2,000 | 0 | 0 | 0 | 3,333 |
| Carroll | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 103 | 0 | 0 | 0 | 206 | 0 | 0 | 516 |
| Casey | 0 | 0 | 0 | 0 | 2,943 | 0 | 0 | 841 | 0 | 0 | 0 | 0 | 1,682 | 2,943 | 8,408 |
| Fayette | 288 | 144 | 0 | 0 | 0 | 0 | 0 | 2,446 | 0 | 0 | 0 | 0 | 0 | 0 | 2,878 |
| Fleming | 0 | 0 | 5,151 | 0 | 0 | 0 | 0 | 271 | 0 | 0 | 0 | 0 | 0 | 0 | 5,422 |
| Garrard | 0 | 0 | 0 | 0 | 2,795 | 0 | 0 | 311 | 0 | 0 | 0 | 0 | 0 | 0 | 3,106 |
| Greenup | 0 | 0 | 0 | 1,436 | 0 | 0 | 0 | 0 | 479 | 0 | 0 | 0 | 0 | 0 | 1,914 |
| Harrison | 9,846 | 0 | 0 | 0 | 0 | 0 | 0 | 1,094 | 0 | 0 | 0 | 0 | 0 | 0 | 10,940 |
| Henry | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 74 | 0 | 0 | 0 | 633 | 0 | 0 | 744 |
| Hopkins | 0 | 0 | 0 | 0 | 0 | 0 | 1,420 | 1,775 | 0 | 0 | 0 | 0 | 0 | 0 | 3,195 |
| Jessamine | 2,156 | 0 | 0 | 0 | 0 | 0 | 0 | 616 | 0 | 0 | 0 | 0 | 0 | 0 | 2,772 |
| LarueNelson | 43 | 0 | 0 | 0 | 86 | 0 | 0 | 86 | 0 | 0 | 258 | 0 | 0 | 0 | 773 |
| Laurel | 0 | 0 | 0 | 0 | 0 | 1,042 | 0 | 123 | 0 | 0 | 0 | 0 | 0 | 0 | 1,226 |
| Lewis | 0 | 0 | 7,095 | 946 | 0 | 0 | 0 | 0 | 946 | 0 | 0 | 0 | 0 | 0 | 8,987 |
| Lincoln | 0 | 0 | 0 | 0 | 1,415 | 0 | 0 | 202 | 0 | 0 | 0 | 0 | 404 | 0 | 2,022 |
| Marion | 0 | 0 | 0 | 0 | 2,429 | 0 | 0 | 304 | 0 | 0 | 152 | 0 | 0 | 152 | 3,036 |
| Montgomery | 0 | 2,513 | 0 | 0 | 0 | 0 | 0 | 279 | 0 | 0 | 0 | 0 | 0 | 0 | 2,792 |
| Nicholas | 1,380 | 0 | 1,104 | 0 | 0 | 0 | 0 | 276 | 0 | 0 | 0 | 0 | 0 | 0 | 2,760 |
| Ohio | 0 | 0 | 0 | 0 | 0 | 0 | 490 | 123 | 0 | 0 | 0 | 0 | 0 | 0 | 736 |
| Pulaski | 0 | 0 | 0 | 0 | 337 | 0 | 0 | 674 | 0 | 0 | 0 | 0 | 5,729 | 0 | 6,740 |
| Robertson | 266 | 0 | 743 | 0 | 0 | 0 | 0 | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 1,062 |
| Washington | 73 | 0 | 0 | 0 | 145 | 0 | 0 | 73 | 0 | 0 | 1,162 | 0 | 0 | 0 | 1,453 |
| TOTAL | 15,370 | 3,941 | 15,575 | 2,382 | 10,151 | 1,042 | 1,910 | 11,065 | 1,425 | 1,167 | 3,618 | 839 | 7,815 | 3,095 | 80,091 |

NOTE: Chart reflects Charter Communications’ preliminary assessment based upon projected miles for the build, estimated % of poles in the county by pole owner, and using a rough calculation of 20 poles per mile to forecast volume. The number of poles listed are intended to be a preliminary, directional estimate only.

Current Pending & State Grant Round 2 Forecast

| OWNER | PENDING | ROUND 2 FORECAST | TOTAL |
|----------------------------|---------------|------------------|----------------|
| Blue Grass Energy | 4,223 | 15,370 | 19,593 |
| Clark Energy | 3,029 | 3,941 | 6,970 |
| Fleming Mason Energy | 5,876 | 15,575 | 21,451 |
| Grayson Rural Electric | 4 | 2,382 | 2,386 |
| Inter County Energy | 2,797 | 10,151 | 12,948 |
| Jackson Energy Cooperative | 83 | 1,042 | 1,125 |
| Kenergy Corporation | 2 | 1,910 | 1,912 |
| Kentucky Power / AEP | 19 | 1,425 | 1,444 |
| Kentucky Utility | 18,943 | 11,065 | 30,008 |
| Louisville Gas & Electric | 1,840 | 1,167 | 3,007 |
| Meade Co REMC | 423 | 123 | 546 |
| Owen Electric | 1,630 | 206 | 1,836 |
| Salt River Electric | 2,656 | 3,618 | 6,274 |
| Shelby Energy Cooperative | 2,058 | 839 | 2,897 |
| South Kentucky RECC | 285 | 7,815 | 8,100 |
| Taylor County RECC | 3 | 3,095 | 3,098 |
| TOTAL | 45,438 | 80,091 | 125,529 |

Summary excludes TVA and Municipally Owned utilities not overseen by the PSC. Low volume entities not shown.

NOTE: Chart reflects Charter Communications' record of submitted pole permits plus the preliminary assessment of required pole permits for Round 2 grants.