

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

_____)	
)	
In the Matter of:)	
)	CASE NO. 2025-00391
ELECTRONIC INVESTIGATION OF THE)	
PROPOSED POLE ATTACHMENT)	KBCA OBJECTIONS TO KENTUCKY
TARIFFS OF KENTUCKY UTILITIES)	TARIFFS
COMPANY AND LOUISVILLE GAS AND)	
ELECTRIC COMPANY)	
_____)	

_____)	
)	
In the Matter of:)	
)	CASE NO. 2025-00392
ELECTRONIC INVESTIGATION OF THE)	
PROPOSED POLE ATTACHMENT)	KBCA OBJECTIONS TO KENTUCKY
TARIFFS OF RUAL ELECTRIC)	TARIFFS
COOPERATIVE CORPORATIONS)	
_____)	

The Kentucky Broadband and Cable Association (“KBCA”) respectfully submits these objections to the revised tariffs filed in November 2025 by Kentucky’s pole-owning utilities pursuant to 807 KAR 5:015 § 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* 807 KAR 5:015; KRS § 278.030 (stating utilities’ rates and terms of service must be reasonable). KBCA’s specific objections are summarized in the table below.

OBJECTIONS TO PROPOSED TARIFFS

Big Rivers Electric Corporation

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 38.57.
KBCA objects to Big Rivers' pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet No. 38.53.

Big Sandy R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	First Revised Tariff Sheet No. 43
KBCA objects to Big Sandy's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	First Revised Tariff Sheet No. 42

Blue Grass Energy Cooperative Corporation

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet No. 223.
KBCA objects to Blue Grass' pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet No. 220.

Clark Energy Cooperative

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Original Page No. 118.35
While Clark Energy's tariff does not include a pole attachment application, it provides one on its website. KBCA objects to Clark Energy's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. See 807 KAR 5:015 4(2)(a)(5).	appendix a to the pole attachment tariff-44895245-60013157.pdf

Cumberland Valley Electric, Inc.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
Cumberland Valley's website does not appear to contain the form specified in 807 KAR 5:015 § 3(5).	https://cumberlandvalley.coop/
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet No. 140
KBCA objects to Cumberland Valley's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. See 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet No. 137

Farmers R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet Nos. 147 & 148

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to Farmer's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet No. 144

Fleming Mason

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	First Revised Sheet No. 31.31
KBCA objects to Fleming Mason's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	First Revised Sheet No. 31.28

Grayson Rural Electric Cooperative Corporation

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
Grayson's website does not appear to contain the construction standards referenced in 807 KAR 5:015 § 3(5). Additionally, the form referenced in 807 KAR 5:015 § 3(5) appears only to be available through a separate Google search. KBCA requests Grayson implement clear links to both.	https://www.graysonrecc.com/
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	First Revised Sheet No. 9.42
KBCA objects to Grayson's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	First Revised Sheet No. 9.40

Inter-County Energy

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Revision #2 Sheet 123.35
KBCA objects to Inter-County Energy's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Revision #2 Sheet 123.32

Jackson Energy Cooperative Corporation

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 328
KBCA objects to Jackson Energy's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 326

Jackson Purchase Energy Corporation

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 195
KBCA objects to Jackson Purchase's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 192

Kenergy

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Sixth Revised Sheet No. 76
KBCA objects to Kenergy's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Sixth Revised Sheet No. 76

Kentucky Utilities Company

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to the requirement that it provide 90 days' notice before submitting applications to make attachments to more than 500 poles in a 30 day period. This requirement circumvents the rules of the Commission, which already address large order, and adds months to the pole attachment timeline.	Fourth Revision of Original Sheet No. 40.6.
KBCA objects to the definitions of "High Volume Application" and "Larger Order" because they include applications "submitted to Company within a thirty (30) day period" or within "thirty (30) days of one another." The Commission's rules do not include this 30 day caveat, which is confusing and difficult to manage.	Third Revision of Original Sheet No. 40.2.
KBCA objections to paragraph 7(c) because it adds requirements beyond those of the Commission. As written, paragraph 7(c) states, "For each additional 500 poles for which applications are received in any thirty (30) day period, Company shall have an additional one (1) business day to review applications for completeness." The Commissions' rules do not include language related to a "thirty (30) day period." 807 KAR 5:015 § 4(8).	Fourth Revision of Original Sheet No. 40.7.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
<p>KBCA objects to the KU's terms regarding resubmitted applications because they are incomplete. While KU states "Company shall review the resubmitted application within ten (10) business days from the date of resubmission," it does not state that:</p> <ul style="list-style-type: none"> • If the utility rejected an application, it shall state the reason for the denial and shall include specific citations to the administrative regulations and the utility's tariff that form the basis of the rejection, 807 KAR 5:015 § 4(7); • Any resubmitted application shall be deemed complete within ten (10) business days after the application's resubmission unless the utility states which reasons were not addressed and how the resubmitted application did not sufficiently address the reasons, 807 KAR 5:015 § 4(10)(a); and • The new attacher may follow the resubmission procedure as many times as the new attacher chooses as long as it makes a good faith attempt to correct the reasons identified by the utility, 807 KAR 5:015 § 4(10)(b). 	Fourth Revision of Original Sheet No. 40.7.
KBCA objects to the application review and survey timelines on sheets 40.9 and 40.12 because the extended review periods are not limited to "the lesser of 3,000 poles or three (3) percent of the utility's poles in Kentucky." 807 KAR 5:015 § 4(8)(b) (emphasis added).	Fourth Revision of Original Sheet No. 40.9 and 40.12.
KBCA objects that KU's tariff does not expressly allow attachers to reprioritize applications. 807 KAR 5:015 § 4(9).	<i>See generally</i> Tariff.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects that KU's tariff does not require invoices for make ready estimates to "clearly identify the application or project for which payment is requested," 807 KAR 5:015 § 4(3)(e), or require itemized estimates or final invoices, 807 KAR 5:015 §§ 4(3)(a), 4(7)(a)(1) & (2). Instead, KU's tariff just says "Attachment Customer shall reimburse Company upon presentation of an invoice."	Fourth Revision of Original Sheet No. 40.7.
KBCA objects to KU's pole attachment application form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. See 807 KAR 5:015 4(2)(a)(5).	Fourth Revision of Original Sheet No. 40.4 (incorporating Third Party Pole Attachment Handbook, file:///C:/Users/9hjlw1/Downloads/LGEKU-Third-Party-Attachment-Handbook.pdf)

LG&E

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to the requirement that it provide 90 days' notice before submitting applications to make attachments to more than 500 poles in a 30 day period. This requirement circumvents the rules of the Commission, which already address large order, and adds months to the pole attachment timeline.	Fourth Revision of Original Sheet No. 40.6.
KBCA objects to the definitions of "High Volume Application" and "Larger Order" because they include applications "submitted to Company within a thirty (30) day period" or within "thirty (30) days of one another." The Commission's rules do not include this 30 day caveat, which is confusing and difficult to manage.	Third Revision of Original Sheet No. 40.2.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
<p>KBCA objections to paragraph 7(c) because it adds requirements beyond those of the Commission. As written, paragraph 7(c) states, “For each additional 500 poles for which applications are received in any thirty (30) day period, Company shall have an additional one (1) business day to review applications for completeness.” The Commissions’ rules do not include language related to a “thirty (30) day period.” 807 KAR 5:015 § 4(8).</p>	<p>Fourth Revision of Original Sheet No. 40.7.</p>
<p>KBCA objects to the LG&E’s terms regarding resubmitted applications because they are incomplete. While LG&E states “Company shall review the resubmitted application within ten (10) business days from the date of resubmission,” it does not state that:</p> <ul style="list-style-type: none"> • If the utility rejected an application, it shall state the reason for the denial and shall include specific citations to the administrative regulations and the utility’s tariff that form the basis of the rejection, 807 KAR 5:015 § 4(7); • Any resubmitted application shall be deemed complete within ten (10) business days after the application’s resubmission unless the utility states which reasons were not addressed and how the resubmitted application did not sufficiently address the reasons, KAR 5:015 § 4(10)(a); and • The new attacher may follow the resubmission procedure as many times as the new attacher chooses as long as it makes a good faith attempt to correct the reasons identified by the utility, KAR 5:015 § 4(10)(b). 	<p>Fourth Revision of Original Sheet No. 40.7.</p>

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to the application review and survey timelines on sheets 40.9 and 40.12 because the extended review periods are not limited to “the lesser of 3,000 poles or three (3) percent of the utility’s poles in Kentucky.” KAR 5:015 § 4(8)(b) (emphasis added).	Fourth Revision of Original Sheet No. 40.9 and 40.12.
KBCA objects that LG&E’s tariff does not expressly allow attachers to reprioritize applications. KAR 5:015 § 4(9)	<i>See generally</i> Tariff.
KBCA objects that LG&E’s tariff does not require invoices for make ready estimates to “clearly identify the application or project for which payment is requested,” 807 KAR 5:015 § 4(3)(e), or require itemized estimates or final invoices, 807 KAR 5:015 §§ 4(3)(a), 4(7)(a)(1) & (2). Instead, LG&E’s tariff just says “Attachment Customer shall reimburse Company upon presentation of an invoice.”	Fourth Revision of Original Sheet No. 40.7.
KBCA objects to LG&E’s pole attachment application form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Fourth Revision of Original Sheet No. 40.4 (incorporating Third Party Pole Attachment Handbook, file:///C:/Users/9hju1/Downloads/LGEKU-Third-Party-Attachment-Handbook.pdf)

Licking Valley R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
Licking Valley’s website does not appear to contain the form specified in 807 KAR 5:015 § 3(5).	https://lvrecc.com/
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Page No. 43
KBCA objects to Licking Valley’s pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Page No. 40

Meade County R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
Meade County's website does not appear to contain the form specified in 807 KAR 5:015 § 3(5).	https://www.mcrecc.com/
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	First Revised Sheet No. 35.33
KBCA objects to Meade County's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	First Revised Sheet No. 35.30

Nolin R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
Nolin's website does not appear to contain the form specified in 807 KAR 5:015 § 3(5).	https://nolinrecc.com/
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revision Sheet No. 43
KBCA objects that Nolin's website does not appear to provide an accessible pole attachment request form. KBCA objects to Nolin's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revision Sheet No. 41 (incorporating https://nolinrecc.com/poleattachments/ (password protected)).

Owen Electric Cooperative, Inc.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
Owen Electric's website does not appear to contain the form specified in 807 KAR 5:015 § 3(5).	https://owenelectric.com/
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 84.39

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to Owen Electric's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Tariff Sheet No. 84.36

Salt River R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	2 nd Revised Sheet No. 167
KBCA objects to Salt River's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	2 nd Revised Sheet No. 164

Shelby Energy Cooperative, Inc.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to the following bolded provision in Shelby Energy's tariff: "Special Contract is a pole attachment agreement negotiated in good faith by Cooperative and applicant: (i) when applicant's request to attach exceeds the lesser of three thousand (3000) Poles or three percent (3%) of Cooperative's Poles in Kentucky; or (ii) upon Cooperative's receipt of three (3) separate Applications averaging one thousand (1000) Poles or one percent (1%) of Cooperative's Poles in Kentucky for any three (3) months over a five (5) month period. (This provision shall be inapplicable in the event that the Cooperative owns or controls fewer than five hundred (500) Poles in Kentucky)." The portion of the definition that refers to three applications averaging 1000 poles or 1% of the Cooperative's poles for any 3 months over a 5 month period was previously removed from the Commission's regulations and is inconsistent with 807 KAR 5:015 §4(8)(d).	3 rd Revised Sheet Nos. 302.3 & 302.4.
Shelby Energy's website does not appear to contain the form specified in 807 KAR 5:015 § 3(5).	https://shelbyenergy.com/

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 302.39
KBCA objects to Shelby Energy's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 302.36

South Kentucky R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Original Page to T-19.44
KBCA objects to South Kentucky's pole attachment request form to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	Original Page to T-19.41

Taylor County R.E.C.C.

Terms That Violate 807 KAR 5:015 & Are Unjust And Unreasonable	Citation
KBCA objects to this tariff to the extent that it requires an attacher to submit with its application a certification from a professional engineer, including if that certification would require a pole loading analysis, 807 KAR 5:015 4(2)(a)(5).	Second Revised Sheet No. 58.36 & 58.37
KBCA objects because Appendix A (Application/Request to Attach) to Taylor County's pole attachment request form is missing from its tariff (and does not appear to be available on the RECC's website). KBCA objects to any request to attach to the extent it includes requirements that the attacher identify poles that need to be replaced or rearranged in its application, which may require a pole loading or engineering analysis. <i>See</i> 807 KAR 5:015 4(2)(a)(5).	<i>See</i> Second Revised Sheet No. 49.

Dated: December 23, 2025

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

Paul Werner (*pro hac vice* to be submitted)
Hannah Wigger (*pro hac vice* to be submitted)
Meredith Lerner (*pro hac vice* to be submitted)
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue NW, Suite 100
Washington, DC 20006
(202) 747-1900
pwerner@sheppardmullin.com
hwigger@sheppardmullin.com
mlerner@sheppardmullin.com

Counsel for KBCA