

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)	
)	
ELECTRONIC JOINT APPLICATION OF)	CASE NO. 2026-00077
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY FOR APPROVAL OF MERGER)	
)	
)	

KENTUCKY BROADBAND AND CABLE ASSOCIATION’S
MOTION TO INTERVENE

On behalf of its members,¹ the Kentucky Broadband and Cable Association (“KBCA”), by counsel, hereby moves the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 4(11) for intervention in the above-styled matter. In support of this motion, KBCA states as follows:

KBCA is the trade association that represents Kentucky’s investor-owned cable companies. KBCA member companies offer high-speed, reliable broadband service to over one million homes and businesses throughout the Commonwealth. Its mailing address is 5026 S. Hwy 27, Somerset, KY 42501.

The Commission has interpreted KRS 278.040(2) as requiring a person seeking intervention to have an interest in the rates or service of a utility as those are the only matters that are subject to the Commission's jurisdiction. *See Order, Kentucky Power Co.*, Case No. 2017-00179 (Ky. PSC June 19, 2017). KBCA satisfies this requirement because its members attach to

¹ The KBCA’s members are Access Cable, Armstrong, C&W Cable, Charter Communications, Comcast, Inter Mountain Cable, Lycom Communications, Mediacom, Suddenlink, and TVS Cable. Kentucky Broadband & Cable Association, Our Members, available at <https://www.kybroadband.org/members>.

poles owned by Kentucky Utilities (“KU”) and Louisville Gas & Electric Company (“LG&E”) and pay corresponding rates to KU and LG&E.

Administrative regulation 807 KAR 5:001, Section 4(11)(b) states:

The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

KBCA has both (1) a special interest in this proceeding and (2) will present issues and develop facts that will assist the Commission in rendering a decision.

KBCA has a strong and abiding interest in access to utility pole infrastructure on just and reasonable rates. KBCA members are connectivity companies offering broadband, voice, mobile, and video services to more than one million homes and businesses and employing approximately 4,000 people across the Commonwealth. KBCA and its members are driving innovation and expanding access to broadband to ensure that residents of the Commonwealth receive the information, services, and entertainment they want and need to stay connected, informed, competitive, and successful in today’s ultra-connected world. Hundreds of thousands of families and small businesses across the Commonwealth depend on KBCA members’ robust networks, most of which deliver 1 Gigabit broadband speed connections, video services offering some of the greatest selections of high-definition channels available anywhere, and reliable voice services—including mobile services. To construct, operate, and maintain the communications networks to provide these vital services across Kentucky, KBCA must rely on reasonable access to existing utility infrastructure, including KU’s and LG&E’s poles.

Given its members' reliance on reasonable access to utility pole infrastructure, KBCA, on behalf of its members, actively participated in the Commission's proceedings to adopt just and reasonable pole attachment regulations. In those proceedings, KBCA submitted multiple rounds of comments on the Commission's proposed regulations, objected to certain pole attachment terms that the utilities proposed, and also submitted extensive briefing, data, and testimony.² In addition, KBCA was granted intervention and actively participated in KU's and LG&E's recent rate cases, Case Nos. 2025-00113 and 2025-00114, in which the Commission ultimately found the utilities' pole attachment rates failed to comply with Commission requirements.

KBCA now seeks to intervene in this proceeding to assist in developing the record on the narrow issue of ensuring the proposed merger does not adversely impact pole-attachment rates, conditions, and, terms—including those contained in high-volume attachment agreements—and thereby impede its members' efforts to deploy and provide broadband services efficiently and cost-effectively. This issues is particularly urgent in this proceeding given the Commission's recent findings that both utilities' pole attachment rates failed comply with Commission requirements.

Given their reliance on reasonable and lawful access to utility poles to deploy vital broadband services across the Commonwealth, KBCA and its members are vital stakeholders who will provide the Commission with unique views and perspectives not offered by another participant in this proceeding. KBCA's views and experiences will assist the Commission in developing a robust and complete record on which to evaluate the proposed merger and ensure that the Commission considers all relevant stakeholders' positions in determining whether the merger should be approved.

² See, e.g., *In the Matter of Electronic Investigation of Pole Attachments*, Case No. 2023-00416; *In the Matter of Electronic Investigation Of The Proposed Attachment Tariffs Of Investor Owned Electric Utilities*, Case No. 2022-00105.

Accordingly, the Commission should grant KBCA's motion to intervene.

Respectfully submitted,

/s/ Rebecca C. Price

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