COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CMN-RUS, INC.

COMPLAINANT

V.

WINDSTREAM KENTUCKY EAST, LLC

DEFENDANT

CASE NO. 2018-00157

<u>O R D E R</u>

CMN-RUS, Inc. (CMN) filed a complaint in this matter on May 15, 2018 regarding pole attachment terms and procedures offered by Windstream Kentucky East, LLC (Winstream East). There are no other parties to this case. On December 7, 2018, the Commission approved a settlement agreement between CMN and Windstream East, and at the request of the parties, ordered that the case remain open during the "Initial Period," as defined in the settlement agreement, in which CMN would be submitting significant pole attachment applications, to address any issues that might arise regarding pole attachments as CMN built out its fiber optic network in Lexington, Kentucky.

The parties jointly filed regular updates pursuant to the December 7, 2018 Order regarding the status of the pole attachments and always reported that there were no issues requiring the Commission's intervention. The parties were expected to notify the Commission when the Initial Period concluded, at which point the Commission would close this case. CMN and Windstream East have now jointly notified the Commission

that the Initial Period has concluded and that the they encountered no problems that required Commission intervention, and they have jointly requested that the Commission rule on any pending confidentiality orders and then order that this case be closed.

The Commission notes that any pending confidential motions have been ruled in a separate order. Further, there is no reason for this matter to remain open, because the parties have concluded the Initial Period, as described in the settlement agreement, during which they requested that the Commission keep this case open to resolve disputes implementing that settlement agreement. Thus, having reviewed CMN and Windstream East's joint motion and being otherwise sufficiently advised, the Commission finds that this matter should be closed.

IT IS THEREFORE ORDERED that this matter is closed and removed from the Commission's docket.

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PUBLC SERVICE COMMISSION

Vice Chairman



ATTEST:

Bridwell

Executive Director

Case No. 2018-00157

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