



*Legal Counsel.*

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March 26, 2020

**VIA EMAIL ONLY (PSCED@ky.gov)**

Hon. Kent A. Chandler  
Executive Director  
Public Service Commission  
211 Sower Boulevard, P.O. Box 615  
Frankfort, KY 40602-0615

**Re: Case No. 2020-00106 — *South Central Rural Telecommunications Cooperative, Inc. and South Central Telcom, LLC v. Windstream Kentucky East, LLC.***

Dear Executive Director Chandler:

Please accept this request for initiation of an electronic case on behalf of South Central Rural Telecommunications Cooperative, Inc. and South Central Telcom, LLC (together “South Central”). Pursuant to the Commission’s emergency filing procedures promulgated on March 16, 2020 (Case No. 2020-00085) and in accordance with additional instructions we have received from the Commission, only electronic versions of this Letter and the enclosed documents are submitted at this time. South Central remains willing and able to tender paper copies if requested by the Commission in due course.

As the enclosed Formal Complaint details, defendant Windstream Kentucky East, LLC (“Windstream”) has unlawfully obstructed and prevented South Central’s installation of certain facilities on utility poles located in Brownsville, Kentucky. South Central’s repeated efforts to resolve this dispute amicably and informally, which culminated in a February 7 letter to Windstream (attached as Exhibit 2 to the Formal Complaint), have likewise been ignored.

Windstream’s ongoing and discriminatory refusals against South Central violate statutory law (*see* KRS 278.030, 278.170) and constitute default under the parties’ Pole Attachment License Agreement (attached as Exhibit 1 to the Formal Complaint). The Commission possesses exclusive jurisdiction to regulate rates and

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service of utilities within the Commonwealth, including pole attachment services. *See* KRS 278.040(2), 278.260(1); *Ky. CATV Asso. v. Volz*, 675 S.W.2d 393, 396 (Ky. Ct. App. 1983). Accordingly, the Commission is the only appropriate forum where South Central may seek remedy for Windstream's conduct.

We have also enclosed, pursuant to 807 KAR 5:001 Sec. 8, a Notice of Election of Use of Electronic Filing Procedures.

Thank you for your attention to this matter. Please do not hesitate to contact us with any questions or concerns.

Respectfully submitted,

*/s/ John E. Selent*

John E. Selent

cc: Edward T. Depp  
Chase M. Cunningham

Enclosures

**NOTICE OF ELECTION OF USE OF ELECTRONIC FILING PROCEDURES**

(Complete All Shaded Areas and Check Applicable Boxes)

In accordance with 807 KAR 5:001, Section 8, and South Central Rural Telecommunications Cooperative, Inc. and South Central Telcom, LLC (together "South Central") gives notice of its intent to file an application for Formal Complaint with the Public Service Commission no later than March 26, 2020 and to use the electronic filing procedures set forth in that regulation.

South Central further states that:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. It requests that the Public Service Commission assign a case number to the intended application and advise it of that number as soon as possible;   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. It or its authorized representatives have registered with the Public Service Commission and are authorized to make electronic filings with the Public Service Commission;   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 3. Neither it nor its authorized representatives have registered with the Public Service Commission for authorization to make electronic filings but will do so no later than seven days before the date of its filing of its application for rate adjustment; | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. It or its authorized agents possess the facilities to receive electronic transmissions;   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. The following persons are authorized to make filings on its behalf and to receive electronic service of Public Service Commission orders and any pleadings filed by any party or the Public Service Commission Staff:                                       |                                     |                                     |

Name	Electronic Mail Address
Kerry Ingle	kerry.ingle@dinsmore.com
John E. Selent	john.selent@dinsmore.com
Edward T. Depp	tip.depp@dinsmore.com
Chase M. Cunningham	chase.cunningham@dinsmore.com

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|--|-------------------------------------|--------------------------|
| 6. It and its authorized representatives listed above have read and understand the procedures for electronic filing set forth in 807 KAR 5:001 and will fully comply with those procedures unless the Public Service Commission directs otherwise. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|

Signed /s/ John E. Selent

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