

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC REVIEW OF POLE ATTACHMENT)	CASE NO.
TARIFFS FILED PURSUANT TO 807 KAR 5:015,)	2022-00064
SECTION 3)	

ORDER

The Commission, on March 2, 2022, initiated this proceeding to, *inter alia*, facilitate the review of pole attachment tariffs and receive comments on those tariffs. Pursuant to 807 KAR 5:015, all pole-owning utilities were required to file pole-attachment tariffs no later than February 28, 2022.

Nearly all pole-owning utilities timely filed their respective tariffs; the tariffs filed were suspended, investigated, and ultimately approved on December 23, 2022. Windstream Kentucky East, LLC, (Windstream Kentucky East) and Windstream Kentucky West, LLC (Windstream Kentucky West) (collectively, Windstream), however, did not file tariffs by February 28, 2022. The Commission, consequently, issued an Order in this proceeding on March 16, 2022, requiring Windstream Kentucky East and Windstream Kentucky West to show cause why they should not be individually subject to the penalties enumerated in KRS 278.990 for failure to comply with 807 KAR 5:015.

Windstream, on March 23, 2022, filed their response to the Commission's March 16, 2022 Order and also filed pole-attachment tariffs. Windstream admitted that it had not timely filed the tariffs, apologized for failing to timely file tariffs, and stated that the

failure to timely file their tariffs was an administrative oversight. Windstream requested that the Commission issue no penalties.¹

The Commission approved with modifications Windstream's tariffs on December 20, 2023, in Case No. 2022-00108. And the proceeding was closed.²

It is undisputed that Windstream committed *de facto* violations of 807 KAR 5:015 by not filing their respective pole-attachment tariffs by February 28, 2022, and Windstream provided no explanation, other than an "administrative oversight," as to why they failed to timely file their tariffs or even request an extension of time in which to file the tariffs. The Commission, however, finds that because Windstream timely responded to the Commission's March 16, 2022 Order, filed their respective pole-attachment tariffs, and the tariffs have been approved, the Commission will not impose any penalties, pursuant to KRS 278.990, for Windstream's violations of 807 KAR 5:015. The Commission also finds that this case should be dismissed and removed from the Commission's docket.

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

¹ Windstream Kentucky East and Windstream Kentucky West's Response to Commission's Show Cause Order (filed Mar. 23, 2022) at 1.

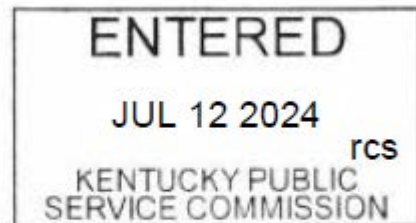
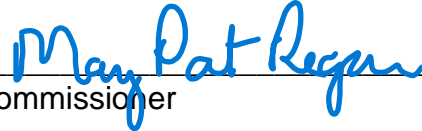
² Case No. 2022-00108, *Electronic Investigation of the Proposed Pole Attachment Tariffs of Incumbent Local Exchange Carriers* (Ky. PSC Dec. 20, 2023).

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner



ATTEST:



Executive Director *FWR*

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