

CUSTOMER NOTICE OF TARIFF CHANGE

NOTICE

PLEASE TAKE NOTICE that on or before February 28, 2022, Kentucky Power Company (“Company”) will file with the Kentucky Public Service Commission (the “Commission”) revisions to its tariff governing pole attachments—Tariff C.A.T.V (the “Tariff”). The revisions are intended to update the Tariff to reflect the Company’s current practices and to conform the Tariff to the Commission’s new pole attachment regulations, 807 KAR 5:015 – Access and Attachments to Utility Poles and Facilities. If approved and not suspended, the revised Tariff will become effective on March 31, 2022. Company’s substantive revisions to the Tariff include, but are not limited to, those outlined below.

Section 1 – Availability of Service

In accordance with Section 2(1) of 807 KAR 5:015, the revised Tariff clarifies that “broadband internet providers,” “governmental units” and “telecommunications carriers” are eligible to take service under the Tariff. The following entities may not take service under the revised Tariff: (1) utilities that have joint use agreements with Company; and (2) entities seeking to attach macro cell facilities to Company Facilities.

Section 3 – Rate

The original rates for a two-user pole and three-user pole are retained, but additional language is added to the revised Tariff to clarify that such rates only apply to wireline attachments. The following rates are added to the revised Tariff: (1) \$2.70/linear foot per year for attachments within ducts or conduit; (2) \$150/attachment per year for wireless facilities attached to the top of distribution poles; and (3) \$75/attachment for wireless facilities attached within the communications space on distribution poles.

Section 4 – Company Facilities Subject to Attachment

The title of this section is revised to “Company Facilities Subject to Attachment” from “Pole Subject to Attachment,” and the original language in this section, which addresses Company’s application and make-ready processes, is relocated to a new Section 6 (Applications) in the revised Tariff. As revised, this section: (1) outlines Operator’s mandatory right of access under Section 2(1) of 807 KAR 5:015; (2) sets forth the grounds upon which Company can deny access under Section 2(1)(a) of 807 KAR 5:015; and (3) makes clear that the rights of an Operator to Company Facilities are limited to that of a licensee.

New Section 6 - Applications

Applications: The language governing the application and make-ready processes in the current Tariff is relocated to this new Section 6 and modified to comply with 807 KAR 5:015. If an Operator intends to submit an application (or multiple applications within thirty (30) days) seeking

attachments to more than 300 poles, the Operator is now required to provide Company with at least sixty (60) days' advance written notice before submitting such application (or applications) in accordance with Section 4(7)(f) of 807 KAR 5:015.

Make-Ready Surveys: The revised Tariff incorporates Company's right—pursuant to Section 4(2)(b)6 of 807 KAR 5:015—to require prepayment for make-ready surveys and establishes a per pole estimate for make-ready surveys. The timelines applicable to Company under Section 4(1)(b) of 807 KAR 5:015 for completing make-ready surveys are also incorporated.

Timeline for Reviewing an Application on the Merits: In accordance with Section 4(2)(b)1 of 807 KAR 5:015, the revised Tariff establishes an alternative timeline for reviewing applications for "Larger Orders" on the merits. A "Larger Order" is an application (or multiple applications if received within thirty (30) days of one another) that seeks to make attachments to more than 300 poles: sixty (60) days from receipt of a complete application (or applications).

Make-Ready Estimates: In accordance with Section 4(3) of 807 KAR 5:015, the revised Tariff requires Company to provide an Operator with a statement of the estimated costs for any necessary Company make-ready work within fourteen (14) days of approval of an application. The deadline for an Operator to accept a make-ready estimate is fourteen (14) days from date of receipt. A make-ready estimate is deemed to be withdrawn if payment is not received by Company within the 14-day timeline.

Section 7 – Standards for Installation

The revised Tariff requires Operators to complete the installation of their attachments within thirty (30) days from the date their applications are approved by Company, or in the event make-ready is required, the date of completion of such make-ready. Within seven (7) days of completing the installation of an attachment, Operators are required to provide Company with notice of completion. Company is provided ninety (90) days following receipt of an Operator's notice of completion to perform a post-inspection on an Operator's attachments. If a post-inspection reveals that an attachment installation caused property damage or code violations, the revised Tariff provides Company with the right to either: (1) correct the violation or property damage at Operator's sole expense or (2) require Operator to correct the violation or property damage at its own expense within fourteen (14) days.

New Section 8 – Tagging Requirement

Operators are required to tag all attachments upon installation. In addition, Operators are required to tag all untagged attachments within 180 days of the effective date of the revised Tariff.

New Section 9 – Overlashing

The revised Tariff incorporates a new overlashing provision that conforms with Section 3(5) of 807 KAR 5:015. Operators are required to provide Company with at least thirty (30) days' advance notice before overlashing, or allowing a third party to overlash, their existing wireline facilities. Operators are responsible for all overlashing on their wireline facilities, including overlashing

performed by third parties, and are required to ensure that all such overlashing complies with all applicable standards. Operators must notify Company within fifteen (15) days of completion of an overlash, and upon receipt of such notice, Company has ninety (90) days to inspect such overlash to determine whether it has caused any code violations or property damage. In the event an overlash has caused property damage or a code violation, Company has the same remedies set forth in Section 7 above.

Section 10 – Pole Installation or Replacement; Rearrangement; Guying

To comply with Section 6(1) of 807 KAR 5:015, the advance written notice requirement applicable to Company’s replacement, modification or removal of a Company Facility or attachment is increased to sixty (60) days from forty-eight (48) hours. The foregoing timeline does not apply to: (1) make-ready notices pursuant to Section 4 of 807 KAR 5:015; (2) routine maintenance by Company; or (3) replacements, modifications or removals made by Company in response to an emergency.

New Section 11 – Self-Help Remedy

The revised Tariff recognizes an Operator’s right, pursuant to Section 4(9) of 807 KAR 5:015, to perform self-help make-ready surveys or to perform self-help make-ready above the communications space if Company fails to complete such work within the applicable timelines and lacks good and sufficient cause to deviate from such timelines. Self-help make-ready surveys and self-help make-ready above the communications space must be performed by “approved contractors.” In accordance with Section 4(9)(d) of 807 KAR 5:015, Operators are barred from performing self-help pole replacements.

New Section 12 – One-Touch Make-Ready

The one-touch make-ready (“OTMR”) framework in Section 4(10) of 807 KAR 5:015 is incorporated into the revised Tariff. The OTMR framework establishes a more expedient process for deploying new wireline facilities within the communications space on distribution poles. To the extent that a distribution pole can accommodate a new attachment solely through “simple make-ready,” as that term is define in Section 1(12) of 807 KAR 5:015, the OTMR framework allows an Operator to perform the requisite make-ready on existing wireline facilities within the communications space, as opposed to having to wait on the existing attachers to complete such make-ready. Operators are required to use an “approved contractor” to perform make-ready surveys but can use qualified contractors to perform make-ready work within the communications space.

Section 13 – Pole Inspection

The revised Tariff includes additional language describing the circuit inspections Company performs to satisfy its regulatory inspection obligations under 807 KAR 5:006. During these inspections, Company inspects each distribution pole within the circuit for signs of damage or deterioration and flags deficient poles for corrective action. The revised Tariff provides that, if a dispute arises with an Operator regarding the condition of a distribution pole, the following is

sufficient to overcome the negative presumption in Section 7(7)(b) of 807 KAR 5:015: (a) records indicating that the distribution pole in dispute was inspected as part of a circuit inspection; and (b) the absence of Company records showing that the distribution pole in dispute is deficient and in need of replacement.

New Section 14 – Transfer of Attachments to New Poles

Pursuant to Section 6(3) of 807 KAR 5:015, the revised Tariff requires Operators to transfer their attachments within sixty (60) days of receiving written notice from Company. Where an Operator fails to transfer its attachments within the foregoing transfer period, or if a transfer must be expedited for safety or reliability reasons, the revised Tariff provides Company with the right to complete the transfer at the Operator’s sole risk and expense.

New Section 15 – Attachment Inventory

The revised Tariff incorporates Company’s existing practice with respect to attachment inventories. Company will provide advance notice of field inventories and an Operator may participate in the field inventory at its own expense. An Operator is required to reimburse Company for the costs Company incurs in performing the field inventory. If the attachments of multiple attaching entities are inspected during a single field inventory, then an Operator is required to share in the cost of the field inventory pro rata. If a field inventory reveals that an Operator has more attachments on Company Facilities than Company has records for, the excess number of attachments are deemed to be “unauthorized attachments.”

Section 16 – Unauthorized Attachments

For purposes of calculating unpaid charges and fees owed to Company, unauthorized attachments are presumed to have existed on Company Facilities for two (2) years. The revised Tariff creates new penalties for different types of unauthorized attachments in the following amounts: (1) \$25 for each unauthorized attachment within the communications space on a distribution pole; (2) \$500 for each unauthorized attachment above the communications space on a distribution pole; and (3) \$500 for each unauthorized attachment within a duct. Operator is required to submit an application for any unauthorized attachments within sixty (60) days of discovery of the unauthorized attachments. Where an Operator fails to timely submit an application for its unauthorized attachments or otherwise fails to comply with Company’s application process, the revised Tariff allows Company to remove such unauthorized attachments at the Operator’s sole cost and expense.

New Section 19 – Limitation of Liability

Under the revised Tariff, neither Company nor any of its representatives bear any liability for consequential, indirect, incidental, special, exemplary, punitive or enhanced damages, lost profits or revenues, or diminution in value arising out of, relating to, or in any way connected with the revised Tariff or a pole attachment license agreement between Company and an Operator. The foregoing limitation of liability does not apply to damages or liability resulting from Company’s gross negligence or willful misconduct.

Section 20 – Insurance

The mandatory minimum limits of an Operator's bodily injury and property damage liability insurance is increased from \$1,000,000/occurrence to \$5,000,000/occurrence.

New Section 21 – Performance Assurance

Operators are now required to provide Company with a letter of credit or surety bond to guarantee payment of any sums which may become due under the revised Tariff or pursuant to a pole attachment license agreement. The revised tariff establishes the following incremental performance assurance requirements for wireline attachments: (1) \$20/attachment for the first 7,500 wireline attachments; (2) \$10/attachment for the next 7,500 wireline attachments; and (3) \$5/attachment for each additional wireline attachment over 15,000. The revised Tariff also establishes a \$1,500 performance assurance requirement for each Company Facility to which an Operator attaches a wireless facility. If an Operator's performance assurance lapses or is terminated for any reason and Operator lacks the performance assurance required under the revised Tariff, Company may require the Operator to remove its attachments from Company Facilities within sixty (60) days of such lapse or termination. If an Operator fails to remove its attachments within such sixty (60) days, Company may remove the Operator's attachments at the Operator's sole risk and expense.

Section 25 – Payment

The 5% surcharge for late payments in the current Tariff is deleted. In its place, the revised Tariff states that simple interest shall accrue on late payments at a monthly rate of 1.5%.

Section 26 – Default or Non-Compliance

The revised Tariff extends the cure period for non-compliance or default from thirty (30) days to sixty (60) days. The revised Tariff also extends the timeline within which an Operator must remove its attachments from Company Facilities following termination of the Operator's rights to attach from thirty (30) days to sixty (60).

New Section 27 - Notices

The permissible methods for serving required notices under the revised Tariff are outlined. Operators are required to designate authorized representatives for receiving notices from Company. Operators are responsible for maintaining current contact information for their authorized representatives with Company, including name, title, mailing address and electronic mailing address.

Section 28 – Prior Agreements

The revised Tariff, upon its effective date, will terminate and supersede all previous agreements between Company and any Operator covered by the revised Tariff.

A complete copy of the proposed tariff containing the proposed text changes to the terms and conditions for pole attachment service may be obtained by submitting a written request by email to lastefanko@aep.com or by mail to Kentucky Power Company, Kentucky Power Company, C/O Scott Bishop, 1645 Winchester Avenue, Ashland, Kentucky 41101.

A person may examine Company's proposed tariff at the offices of Company located at 1645 Winchester Avenue, Ashland, Kentucky 41101; Cannonsburg (Ashland) Service Center, 12333 Kevin Avenue, Ashland, Kentucky 41102; Hazard Service Center, 1400 E. Main Street, Hazard, Kentucky 41701; and Pikeville Service Center, 3249 N. Mayo Trail, Pikeville, Kentucky 41501; Paintsville Service Center, 416 Tays Branch Road, Paintsville, KY 41240; Whitesburg Service Center, 117 Madison Street, Suite A, Whitesburg, Kentucky 41858., and may view and download the proposed tariff at Company's website at www.kentuckypower.com. A person may also examine the proposed tariff at the Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., or may view and download the proposed tariff through the Commission's website at <http://psc.ky.gov>.

Comments regarding the proposed tariff may be submitted to the Commission by mail to Kentucky Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602, or by email to psced@ky.gov.

The terms and conditions in the revised Tariff are proposed by Company, but the Commission may order terms and conditions that differ from those proposed. A person may submit a timely written request for intervention to the Commission by email to psced@ky.gov or mail to Kentucky Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request, including the status and interest of the party. If the Commission does not receive a written request for intervention within thirty (30) days of initial publication or mailing of the notice, the Commission may take final action on the proposed tariff.