

ORIGINAL

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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Bright House Networks, LLC,

Complainant

v.

Tampa Electric Company,

Respondent.

070000

File No. EB-06-MD-003

To: Enforcement Bureau
Market Disputes Resolution Division

**MOTION FOR LEAVE TO FILE REPLY TO RESPONSE TO
SUPPLEMENT TO POLE ATTACHMENT REPLY BRIEF AND
FURTHER DECLARATION OF EUGENE WHITE**

Bright House Networks, LLC, hereby moves for leave to file the accompanying **REPLY TO RESPONSE TO SUPPLEMENT TO POLE ATTACHMENT REPLY BRIEF AND FURTHER DECLARATION OF EUGENE WHITE**. Good cause

exists to grant Bright House Networks' (BHN's) motion, and Tampa Electric Company (TECO) will suffer no prejudice as a result of granting it. This reply and further declaration responds to TECO's Response to ensure that the record in this proceeding is complete and accurate.

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CTR _____

ECR _____

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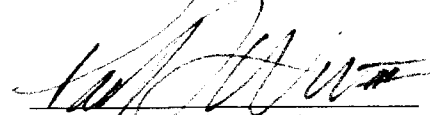
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Respectfully submitted,



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May 9, 2007

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AND FURTHER DECLARATION OF EUGENE WHITE**

Bright House Networks, LLC ("BHN") hereby submits this brief reply to the response submitted by Tampa Electric Company ("TECO") on May 1, 2007, and a further clarifying declaration of Eugene White.

In response to a simple supplement solely intended to correct a statement previously made by Eugene White in this proceeding that is no longer accurate, TECO has chosen inappropriately to present a full-scale argument to the Commission. Not only does TECO's response go far beyond that necessary to address the simple correction of the record made by BHN, but TECO's response is also incorrect and misleading.

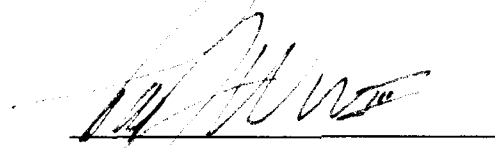
BHN did not believe it necessary or appropriate in its Supplement to go beyond its effort to correct the record regarding the status of BHNIS, to confirm the continued accuracy of the other statements made and to note that the wholesale transport services provided by BHNIS are similar to the services addressed in a recent decision by the Wireline Competition Bureau in which the Bureau refused to link the services

provided by a wholesale transport carrier to the retail VoIP services provided by cable operators. To counter the misimpression made by TECO, however, BHN is compelled to add a few additional facts to the record.

TECO confuses BHN's retail VoIP service to its customers with BHNIS's wholesale transport service. BHNIS's wholesale transport service is used to transport calls back and forth between the switch at BHN's headend and the switches of the incumbent local exchange companies for interconnection to the public switched telephone network. As noted in the attached further declaration of Eugene White, all of the TECO poles that are used by BHNIS for this wholesale transport service are also used by Time Warner Telecom for its telecommunications services and all are already counted within the approximately 7,375 poles that BHN has already counted as used to provide telecommunications services.

Although BHN certainly does not agree with TECO's other arguments, it is enough to note here that even were the Commission to treat the attachments used by BHNIS for its wholesale transport services as telecommunications attachments, these attachments have already been counted as such because of Time Warner Telecom's use of the same attachments. At worst (from TECO's perspective), its arguments are simply wrong; at best they are moot.

Respectfully submitted,



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FURTHER DECLARATION OF EUGENE WHITE

I, Eugene White, hereby declare under the penalty of perjury of the laws of the United States:

1. The transport and interconnection services provided to BHN by BHNIS are used to assist BHN in assuring that BHN's VoIP services can be transported from BHN to, and interconnected with, the Public Switched Telephone Network. These wholesale transport and interconnection services provided by BHNIS to BHN in the Tampa area use BHN's fiber optic ring from the BHNIS switch at the BHN cable headend to the switches located at the premises of the incumbent local exchange carriers. The BHN attachments on TECO poles which are used by BHNIS for this wholesale transport service are also used by Time Warner Telecom for its telecommunications services and thus have already been counted by

BHN in the approximately 7,375 attachments used to provide Time Warner Telecom's telecommunications services.

I declare, under the penalty of perjury, that the foregoing Declaration is true and correct.

Eugene White
Eugene White

dated: May 9th 2007

CERTIFICATE OF SERVICE

I, Gloria Smith, hereby certify that on this 9th day of May, 2007, I have had hand-delivered, and/or placed in the United States mail, and/or sent via electronic mail, a copy or copies of the foregoing **MOTION FOR LEAVE TO FILE REPLY TO RESPONSE TO SUPPLEMENT TO POLE ATTACHMENT REPLY BRIEF AND FURTHER DECLARATION OF EUGENE WHITE**, with sufficient postage (*where necessary*) affixed thereto, upon the following:

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Washington, D.C. 20554

Best Copy and Printing, Inc. (hand delivery)
Federal Communications Commission
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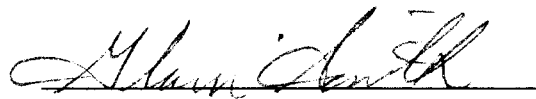
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A handwritten signature in black ink, appearing to read "Maurice H. Smith", written over a horizontal line.