

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

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**Bright House Networks, LLC** )  
)  
*Complainant,* )  
)  
v. )  
)  
**Tampa Electric Company,** )  
)  
*Respondent.* )  
\_\_\_\_\_ )

File No. EB-06-MD-003

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To: Enforcement Bureau  
Market Disputes Resolution Division

**RESPONDENT TAMPA ELECTRIC COMPANY'S  
RESPONSE TO COMPLAINANT'S FIRST SET OF INTERROGATORIES**

Respondent Tampa Electric Company ("Tampa Electric") by and through undersigned counsel, hereby makes the following responses to Complainant's First Set of Interrogatories.

**Preliminary Statement**

All of the responses of Tampa Electric to the Interrogatories are based upon information and documentation that is currently available and specifically known to it. The responses to the Interrogatories are made in a good faith effort to produce information available to Tampa Electric, but Tampa Electric specifically reserves the right to utilize at any subsequent adjudication or trial any additionally discovered information, evidence or documents.

**Answers**

1. Set forth fully each of the calculations made by TECO for each pole attachment rate charged by TECO to any party, or sought from any party, including BHN, since 2001 for cable

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attachments or telecommunications attachments, including the derivation of all elements of all such calculations.

**RESPONSE: Respondent Tampa Electric states that the information sought in Interrogatory 1 regarding cable and competitive local exchange carrier (CLEC) attachments was previously provided in Exhibit 23 to “Tampa Electric Company’s Response to Pole Attachment Complaint of Bright House Networks, LLC,” filed in this action on March 29, 2006.**

2. Identify each document that supports any calculation made by TECO for each pole attachment rate charged by TECO to any party, or sought from any party, including BHN, since 2001 for cable attachments or telecommunications attachments, including the derivation of all elements of such calculations.

**RESPONSE: Respondent Tampa Electric states that its FERC accounts, which are publicly available documents believed already to be in the possession of Complainant, are the primary documents that support the calculations referenced in Interrogatory 2. Further, Tampa Electric states that any additional documents supporting said calculations were previously provided in Exhibit 23 to “Tampa Electric Company’s Response to Pole Attachment Complaint of Bright House Networks, LLC,” filed on March 29, 2006 in this action.**

3. Provide the factual basis for TECO's conclusion that an average of 2.08 attaching entities have made pole attachments to TECO's poles in BHN's service area.

**RESPONSE: Respondent Tampa Electric states that the factual basis for its conclusion that an average of 2.08 attaching entities have made pole attachments to its poles is provided in the Declaration of Kristina Anguilli, appended to "Tampa Electric Company's Response to Pole Attachment Complaint of Bright House Networks, LLC," filed in this action on March 29, 2006.**

4. Identify each document that supports or may be used to support TECO's conclusion that an average of 2.08 attaching entities have made pole attachments to TECO's poles in BHN's service area.

**RESPONSE: Respondent Tampa Electric states that it possesses one or more compact discs containing detailed map panels that were used by Tampa Electric to determine the average number of attaching entities. In addition, Tampa Electric maintains a detailed database of pole attachment data, which can be queried to produce the number of attaching entities, but also includes considerable amounts of information not relevant to this action, information that is confidential, and information that is proprietary to Tampa Electric.**

5. What is the average number of attaching entities that have made pole attachments to those TECO poles to which BHN is attached?

**RESPONSE: Respondent Tampa Electric states as follows:**

| <u>Attaching Entities</u>   | <u>Poles</u> | <u>Attachments</u>      | <u>Total Attachments</u> |
|-----------------------------|--------------|-------------------------|--------------------------|
| Tampa Electric & BHN        | 38187        | 2                       | 76374                    |
| Tampa Electric, BHN, Plus 1 | 102410       | 3                       | 307230                   |
| Tampa Electric, BHN, Plus 2 | 4391         | 4                       | 17564                    |
| Tampa Electric, BHN, Plus 3 | <u>28</u>    | 5                       | 140                      |
|                             | 145016       |                         | 401308                   |
|                             |              | <b>Weighted Average</b> | <b>2.767336</b>          |

6. Identify each document that supports, or could be used to derive, the answer requested in Interrogatory Number 5.

**RESPONSE: See response to Interrogatory 4.**

7. Identify all documents that reflect the number and/or original cost of any appurtenances to TECO's poles.

**RESPONSE: Respondent Tampa Electric states that no Tampa Electric document reflects the number and/or original cost of any appurtenances to poles because appurtenances to poles are minor items of property that are component parts of the pole retirement unit. Tampa Electric's accounting practices for the additions or retirements of electric plant are governed by the Uniform System of Accounts prescribed by the Code of Federal Regulations, Title 18, Chapter I, Subchapter C, Part 101 and Florida Administrative Code Rule 25-6.0142 Uniform Retirement Units for Electric Utilities (Rule.) Rule paragraph (3) states: "All utility plants shall be considered as consisting of retirement units and minor items of property. Each utility will implement a list of retirement units in conformity with the Commission's List of Retirement Units (Electrical Plant)... (List.)" Rule paragraph (2)(f) defines a minor item as "Any part or element of plant which is not designated as a retirement unit, but is a component part of the retirement unit." Tampa Electric's List identifies the following retirement units for poles, towers and fixtures:**

**Account 364 – Poles, Towers and Fixtures**  
**Pole – Including Fixtures    Each**  
**Foundation/Piling            Each**  
**Pole Reinforcing              Each**

Tampa Electric's plant accounting system was designed to determine quantity and cost at the pole retirement unit level in conformity with the aforementioned rules, not at the minor item level.

8. Describe fully the process that TECO undertakes to determine each year the original investment in FERC Account 364 as reflected in TECO's FERC Form 1.

**RESPONSE: Respondent Tampa Electric states that its plant accounting system captures the monthly additions, retirements and transfers by plant account in a database. The Plant Accounting Department queries the database to determine the annual activity that is reported in the FERC Form 1. The system is designed to convert the detail transactions by construction work order to plant accounts and post to a database on a monthly basis. The retirement unit cost is assigned a retirement unit code by stock number in materials and supplies. Outside purchase poles are assigned a retirement unit code through the Accounts Payable System or via journal entries in the General Ledger System. Based on the quantity and cost of the retirement units, minor item costs are allocated to the retirement units. Based on a estimated standard install cost, the labor and overheads are allocated to the retirement units. The system derives the plant account number based on the work order type and the retirement unit code. The retirement unit cost by plant account is posted to the database.**

9. Identify all documents that have been used by TECO since 2000 to determine the original investment in FERC Account 364.

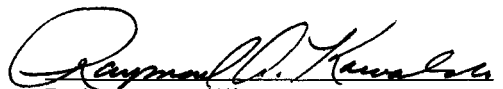
**RESPONSE: Respondent Tampa Electric states that it relies upon the database referred to above in response to Interrogatory 8.**

10. Describe fully any sub-accounts or breakdowns of the investment data for FERC Account 364.

**RESPONSE: Respondent Tampa Electric states that in conformity with the accounting rules described in Interrogatory No. 7, it maintains a Continuing Property Record for each electric plant account and each retirement unit. The record for poles identifies the total quantity and cost of electric plant in service at the end of the year by type (e.g., wood) and size (e.g., 50 foot).**

Respectfully submitted,

TROUTMAN SANDERS LLP



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*Attorneys for Respondent Tampa Electric Company*

Date: March 10, 2008

**CERTIFICATE OF SERVICE**

I, Raymond A. Kowalski, hereby certify that copies of the foregoing has been served upon the persons listed below by first class mail, this 10th day of March, 2008, postage prepaid or by hand delivery (\*) and/or by email (\*\*).

Alexander P. Starr, Esq.\*  
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Enforcement Bureau  
Federal Communications Commission  
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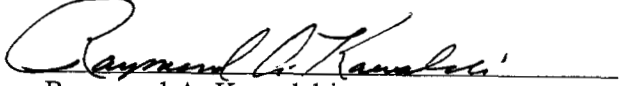
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Raymond A. Kowalski

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**AFFIDAVIT VERIFYING ANSWERS TO INTERROGATORIES**

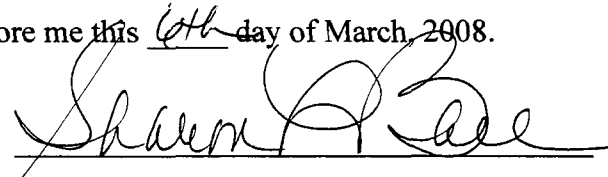
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH, to-wit:

Kristina Anguilli, Manager, Energy Delivery Constructions Services for Tampa Electric Company, after being first sworn, deposes and states that she has read and reviewed the Response to Complainant's First Set of Interrogatories annexed hereto and believes them to be true and correct to the best of her knowledge, information and belief.

  
\_\_\_\_\_  
Kristina Anguilli

Subscribed and sworn to before me this 6th day of March, 2008.

  
\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

