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FLORIDA CABLE  
TELECOMMUNICATIONS ASSOCIATION,  
INC., COX COMMUNICATIONS GULF  
COAST, L.L.C., et. al.

Complainants,

GULF POWER COMPANY,

Respondent.

To: Office of the Secretary

Attn.: The Honorable Richard L. Sippel  
Chief Administrative Law Judge

**GULF POWER'S FIRST INTERROGATORIES AND  
REQUEST FOR PRODUCTION TO COMPLAINANTS**

Gulf Power Company ("Gulf Power"), pursuant to 47 C.F.R. §§ 1.323 and 1.325, as well as the Scheduling Orders in this proceeding, propounds the following interrogatories and request for production to each of the complainants to be answered separately and severally in the time, form, and manner required by law:

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SEC   1    
OTH \_\_\_\_\_

**DEFINITIONS AND INSTRUCTIONS**

1. "You" means the responding complainant.
2. "Identify" means, with reference to a document, the date, author(s) (where applicable), recipient(s) (where applicable), the nature of the document (i.e., whether a letter, memorandum, etc.), the title of the document (where applicable), whether any other document(s) was attached to or included with such document, and the number of pages in such document and any attachments or enclosures. With respect to a person or entity, the term "Identify" means the person's or entity's full name, present residential address, present residential telephone number, present business affiliation, and position, present business address, and present business telephone number. If you do not know the person's and entity's

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current location, identify the person's last known residential address and telephone number and the person's and entity's last known business address or business telephone number.

3. As used herein, the term "document" means any medium upon which intelligence or information can be recorded, written, or retrieved, and includes, without limitation, the original and each copy and nonduplicate copy, regardless of origin or location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, correspondence, accounting entry, diary, calendar, telex, telegram, cable, telecopy or telefacsimile, report, photographic or electronic surveillance (or the transcript thereof), record, contract, agreement, study, audio or video recording, handwritten note, draft, working paper, chart, paper, print, laboratory report, drawing sketch, draft, index, list, tape, photograph, electronic mail (e-mail) or other electronic or computerized data, data stored on computer disks or otherwise electronically or magnetically stored, microfilm, data sheet, or data processing card, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however printed, typed, written, recorded, produced or reproduced, which is in your possession, custody, control or which was, but is no longer, in your possession, custody, or control.
4. "APCo v. FCC" means Alabama Power Company v. F.C.C., 311 F.3d 1357 (11<sup>th</sup> Cir. 2002).

### INTERROGATORIES

1. Please identify the individuals, other than outside counsel, who participated in responding to these interrogatories.
2. Please identify any cable company operating within Gulf Power's service territory whose assets you have acquired, or from whom you have taken as assignment of a pole attachment agreement, since June 2000, and state the date of acquisition or assignment.
3. Please identify each and every member of the Florida Cable Telecommunications Association who offers service, of any type, within Gulf Power's service territory, and identify the type of service provided (e.g., CATV, telecom, internet, commingled, etc.).
4. How many attachments do you currently have on Gulf Power's distribution pole network? How many did you have in 2000, 2001, 2002, 2003 and 2004?
5. For the attachments identified in response to interrogatory number 4, how many currently are used to offer or provide a service other than CATV only? What service(s) is(are) being offered or provided? When did you start offering such service(s)?

6. Under what circumstances, if any, would you describe a pole as “full” or “crowded” as those terms are used in the APCo v. FCC opinion? If you draw a distinction between “full” and “crowded,” as used in APCo v. FCC, please answer for both.
7. Do you contend that any pole that can be changed-out to expand capacity pursuant to sound engineering practice is by definition neither “full” nor “crowded,” as those terms are used in APCo v. FCC?
8. Please identify each and every fact witness you intend to call at the trial of this case. For each witness identified, please provide a brief statement as to the subject matter about which you expect such witness will testify.
9. Please identify each and every document or thing you intend to use as an exhibit or demonstrative aid at the trial of this matter.
10. Please identify the total number of poles, along with each pole’s location, that have required make-ready in the form of change-out or additional guying prior to your attachment on any poles between June 2000 and the present.
11. Do you own or control any poles, ducts, or conduit (anywhere, not just within Gulf Power’s service territory) that you lease, in whole or in part, to any third party? If the answer is yes, please identify where such facilities are located, when they were built, to whom you are leasing, at what rate or fee you are leasing, and how such rate or fee was negotiated or computed.
12. Do any of your pole attachments (anywhere, not just within Gulf Power’s service territory) host third-party overlashers? If the answer is yes, please identify how many, whether you charge the third-party overlasher, and in what amount you charge the third-party overlasher.

### **REQUEST FOR PRODUCTION**

1. Please produce any and all facilities location maps (not previously produced) that reflect any attachments to Gulf Power’s distribution poles.
2. Please produce any and all engineering studies performed by you or on your behalf relating in any way to your attachments to Gulf Power’s distribution poles.
3. Please produce any and all documents that evidence or reflect attachments, other than your own, on Gulf Power’s distribution poles.
4. Please produce any studies, reports, or analyses performed by you, or on your behalf, to evaluate whether any of Gulf Power’s poles upon which you are attached are “crowded” or “full.”

5. Please produce any pole/attachment audits or pole/attachment counts performed by you or on your behalf that relate in any way to any distribution poles owned by Gulf Power.
6. Please produce all documents that reflect any leasing arrangements identified in response to interrogatory number 11.
7. Please produce all documents relating to any make-ready work performed in connection with the poles/attachments identified in your response to interrogatory number 10.
8. Please produce any reports, or memoranda prepared for your board of directors or shareholders that reference, in any way, your attachments to Gulf Power's distribution poles or the fee or rate paid for your attachments.
9. Please produce any and all documents and things you intend to use as exhibits or demonstrative aids at the trial of this case.

Respectfully submitted,



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**Counsel for Respondent**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing First Interrogatories And Request For Production has been served upon the following by Electronic Mail and by United States Mail on this the 15<sup>th</sup> day of February, 2005:

<p>Lisa Griffin Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 <b>Via E-mail</b></p>	<p>Shiela Parker Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 <b>Via E-mail</b></p>
<p>Rhonda Lien Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 <b>Via E-mail</b></p>	<p>Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, SW Washington, D.C. 20554</p>
<p>James Shook Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 <b>Via E-mail</b></p>	<p>David H. Solomon Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554</p>
<p>Director, Division of Record and Reporting Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850</p>	<p>Federal Energy Regulatory Commission Docket Room 1A-209 888 First Street, NE Washington, D.C. 20426</p>
<p>John D. Seiver Brian D. Josef COLE, RAYWID &amp; BRAVERMAN 1919 Pennsylvania Avenue, N.W. Suite 200 Washington, D.C. 20006 <b>Via E-mail</b></p>	

  
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 OF COUNSEL