

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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

Complainants,

v.

GULF POWER COMPANY,

Respondent.

E.B. Docket No. 04-381

05 OCT 25 AM 7:40

INSTRUCTION CENTER

To: Office of the Secretary

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

NOTICE OF DEPOSITION OF TOM FORBES

PLEASE TAKE NOTICE that, pursuant to 47 C.F.R. § 1.315, commencing on November 17, 2005 at 9:30 a.m. Central Time and continuing as necessary, counsel for Complainants will take the deposition upon oral examination of Tom Forbes. By agreement, the deposition will be

MP _____ taken at the offices of Beggs & Lane, LLP, 501 Commendancia Street, Pensacola, Florida 32591,
DM _____ before a person authorized to administer oaths and take testimony. The deposition will be
TR _____
CR _____ recorded by stenographic means and/or sound or video. The deposition will be used for purposes
CL _____ of discovery and/or for use as evidence at a trial/hearing.

PC _____ Respondent, Gulf Power Company, is hereby directed to identify and produce for
CA _____
CR _____ deposition one or more persons who consent to testify on its behalf and are most knowledgeable
GA _____ regarding the matters set forth below:

SEC 1 _____
JTH _____
• Gulf Power's utility poles and pole inventory;

DOCUMENT NUMBER - DATE

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- Complainants' attachments on Gulf Power's poles;
- Gulf Power's pole attachment procedures and methods;
- the capacity of Gulf Power's poles;
- Gulf Power's pole counts;
- the entities attached to Gulf Power's poles;
- entities who have sought attachment to Gulf Power poles but who have not obtained attachments;
- Gulf Power's pole make-ready procedures and costs;
- Gulf Power's pole change-outs and costs;
- compensation paid by pole attachers to Gulf Power;
- Gulf Power's contentions pertaining to alleged "higher valued uses" of space on poles occupied by Complainants;
- the marginal costs to Gulf Power of Complainants' pole attachments;
- any actual losses or lost opportunities that Gulf Power claims were caused by Complainants' attachments;
- the calculations and bases for any "just compensation" pole rate claimed by Gulf Power;
- the methodologies underlying Gulf Power's calculations pertaining to pole attachment rates, including the Sales Comparison Approach, Current Replacement Cost Approach, and the Federal Concessions Leasing Model;
- negotiations between Gulf Power and pole attachers pertaining to make-ready and pole attachment rates;
- Gulf Power's Distribution Studies and load planning documents;
- Gulf Power's development plans as they pertain to its utility poles;

- Gulf Power's reservations of pole space; and
- the contentions made in Gulf Power's pleadings in this matter, including its Petition for Reconsideration and Request for Evidentiary Hearing, its Statement on Alternative Cost Methodology, and its "Description of Evidence Gulf Power Seeks to Present in Satisfaction of the Eleventh Circuit's Test."

Respectfully submitted,



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Geoffrey C. Cook
Rita Tewari
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Counsel for

**FLORIDA CABLE TELECOMMUNICATIONS
ASSOCIATION, COX COMMUNICATIONS GULF
COAST, L.L.C., COMCAST CABLEVISION OF
PANAMA CITY, INC., MEDIACOM SOUTHEAST,
L.L.C., and BRIGHT HOUSE NETWORKS, L.L.C.**

October 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Notice of Deposition of Tom Forbes* has been served upon the following by electronic mail and U.S. Mail on this the 21st day of October, 2005:

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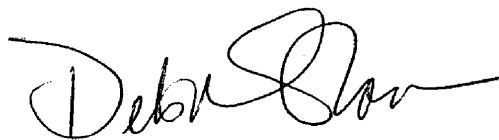
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Debra Sloan