

ORIGINAL

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

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FLORIDA CABLE  
TELECOMMUNICATIONS ASSOCIATION,  
INC.,

Complainants,

v.

GULF POWER COMPANY,

Respondent.

E.B. Docket No. 04-381

**GULF POWER'S THIRD SUPPLEMENTAL RESPONSES TO COMPLAINANTS'  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Gulf Power Company ("Gulf Power") supplements its responses to complainants' Second Request for Production, in accordance with the Presiding Judge's November 18, 2005 Third Discovery Order, as follows:

**GENERAL RESPONSES AND OBJECTIONS**

1. Gulf Power adopts and incorporates all previous responses and objections to complainants' second request for production of documents, as if fully set forth herein.
2. The responses and objections herein supplement and/or amend Gulf Power's August 26, 2005, September 30, 2005, and December 9, 2005 responses and objections.

**SPECIFIC RESPONSES AND OBJECTIONS**

15. Produce, and specify by Bates number, all documents, including maps, diagrams, or schematics, which existed prior to Gulf Power's retention of its consultant Osmose in February 2005, that depict the specific Gulf Power poles containing Complainants' attachments that Gulf Power contends were or have been at "full capacity."

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
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 OPC \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

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**ORIGINAL RESPONSE:**

Gulf Power made all such documents available during the May 27-28, 2005 document review. Certain of these documents were among those copied for complainants following the document review, at complainants' request.

**SUPPLEMENTAL RESPONSE:**

Gulf Power is unclear as to what it is being ordered to produce. The only "maps, diagrams, or schematics" in Gulf Power's possession already have been produced. As Gulf Power clarified in its response to complainants' second motion to compel, the documents made available at the May 27-28 document review which are responsive to this request were the 1996 and 2001 pole count documents (boxes were specifically identified when produced). Gulf Power further clarified in its response to complainants' second motion to compel, "[i]f complainants are looking for maps which designate specific poles at 'full capacity,' there are no such maps." (Gulf Power's Response, p. 6).

**SECOND SUPPLEMENTAL RESPONSE:**

In the Presiding Judge's November 18, 2005 Third Discovery Order (FCC 05M-56), Gulf Power Company ("Gulf Power") was ordered to provide "a method of depicting poles holding Complainants' CATV cable attachments identifying those poles that Gulf Power contends are at full capacity." Pursuant to the Third Discovery Order, Gulf Power identifies the following Bates numbered maps, numbers 02474 – 02486, which depict Gulf Power utility poles containing Complainants' CATV cable attachments that are at "full capacity" and/or "crowded" under the *Alabama Power v. FCC* test.

**THIRD SUPPLEMENTAL RESPONSE:**

On December 9, pursuant to the Third Discovery Order, Gulf Power identified Bates numbered maps 02474 – 02486, which depict Gulf Power utility poles containing Complainants' CATV cable attachments that are at "full capacity" and/or "crowded" under the *Alabama Power v. FCC* test. Gulf Power further supplements this response, and identifies Bates numbered maps 02487 – 02495, which depict Gulf Power utility poles containing Complainants' CATV cable attachments that are at "full capacity" and/or "crowded" under the *Alabama Power v. FCC* test.<sup>1</sup>

Respectfully submitted,

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<sup>1</sup> These maps were inadvertently excluded from the December 9, 2005 production, and were transmitted to Complainants electronically on December 13, 2005.



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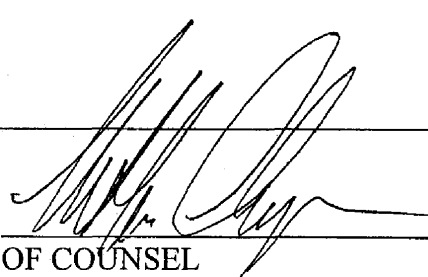
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Third Supplemental Responses to Complainants' Second Request For Production of Documents has been served upon the following by Electronic Mail and by United States Mail on this the 15th day of December, 2005:

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