

Matilda Sanders

From: McPike, Jessica L [EQ] [Jessica.L.Mcpike@Embarq.com]
Sent: Friday, January 26, 2007 4:52 PM
To: Filings@psc.state.fl.us
Cc: Masterton, Susan S [EQ]
Subject: Docket #060763 Embarq's Notice of Depositions
Attachments: 060763 Subpoenas.pdf

ORIGINAL

Filed on Behalf of: Susan S. Masterton

Counsel
Embarq Florida, Inc.
1313 Blair Stone Road
Tallahassee, FL 32301
Telephone: 850/599-1560
Email: susan.masterton@embarq.com

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RCA _____
SCR _____
SGA _____
SEC _____
OTH _____

Docket No. 060763-TP

Title of filing: Deposition Subpoenas

Filed on behalf of: Susan Masterton

No of pages: pages

Description: Embarq's Notice of Depositions

<<060763 Subpoenas.pdf>>

Jessica L. McPike
Legal Specialist
Law & External Affairs-State External Affairs
EMBARQ Corporation
Voice: 850-599-1563 | Fax: 850-878-0777 | Email: jessica.mcpike@embarq.com
Voice | Data | Internet | Wireless | Entertainment

DOCUMENT NUMBER-DATE
00889 JAN 26 5
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FILED

IN RE: Docket No. 060763-TL - Petition for)
waiver of carrier of last resort obligations for)
multitenant property in Collier County known)
as Treviso Bay, by Embarq Florida, Inc.)

SUBPOENA DUCES TECUM
FOR DEPOSITION

THE STATE OF FLORIDA

TO: Corporate representative of Comcast Cable Communications Holdings, Inc. c/o Registered Agent CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at Holden Reporting Service, Inc., Newgate Center, 5100 Tamiami Trail North, Suite 119, Naples Florida 34103 , on Monday, February 5, 2007, at 9:30 a.m., to testify in this action, for the purposes set forth in Attachment A, and to have with you at that time and place the following: The documents listed in Attachment B.

YOU ARE SUBPOENAED to appear by the following attorney(s) and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on January 26, 2007.

Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission

(SEAL)

By: 
Ann Cole, Chief, Bureau of Records

Susan Masterton
1313 Blair Stone Road,
Tallahassee, FL 32301
Attorney for Embarq Florida, Inc.

DOCUMENT NUMBER-DATE

00889 JAN 26 5

FPSC-COMMISSION CLERK

Attachment A to Subpoena of Comcast Cable Communications Holdings, Inc.

1. The letter from Comcast employee, Nikki Mello to Sanjay Kuttemperoor dated December 1, 2006 regarding Comcast's ability to provide voice services to the residents of Treviso Bay.
2. The availability of Comcast's digital voice service in Collier County.
3. Comcast's plans to make digital voice service available to future residents of Treviso Bay.
4. Discussions Comcast has had with Treviso Bay Development LLC regarding the availability of voice service to future residents of the development.
5. Comcast's cost to provide digital voice service as an "add on" to its high speed data and video services.
6. Other residential developments in Florida where Comcast has bulk agreements for high speed data and video and information concerning Comcast's offering or provision of voice service to these developments

Attachment B to Subpoena of Comcast Cable Communications Holdings, Inc.

PLEASE REVIEW THIS ATTACHMENT IN ITS ENTIRETY IN ORDER TO COMPLY WITH THIS SUBPOENA.

DEFINITIONS AND INSTRUCTIONS

A. "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these interrogatories anything that would not otherwise be brought within their scope.

B. "Comcast" refers to "Comcast Cable" or any other parent, affiliate or subsidiary corporations that provide digital voice services, data services or video services in Florida.

C. "Communication" includes, without limitation of its generality, correspondence, statements, agreements, contracts, discussions, conversation, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as e-mail, intercoms, telephones, television or radio, data systems, and electronic reproductions and delivery systems.

D. "Concerning" shall mean comprising, describing, evidencing, referring to, responding to, quoting, or pertaining in any way to any part of a specified subject matter and/or to the contents or subject matter of any document including the specified subject matter.

E. "Document" or "documentation" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and 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, accounting entry, diary, calendar, telex, telegram, e-mail, facsimile ("fax"), cable, report, recording, contract, agreement, study, handwritten note, drawing, sketch,

graph, index, list, tape, photograph, microfilm, data sheet or data processing tape, disk, file

stored on computer, or any other written, recorded, transcribed, punched tape, filmed or graphic matter, however produced or reproduced, which is in your possession, custody, control or otherwise accessible to you or which was, but is no longer, in your possession, custody or control.

F. Each of the words “each,” “any” and “all” means each, any, and all.

G. “Relate to” means concern, consist of, refer to, pertain to, reflect, evidence, or to be in any way logically or factually connected with the matter discussed.

H. “Treviso Bay” refers to Treviso Bay Development, LLC, VK Development Corp. and any parent or subsidiary corporations, DBAs, FKAs, and the employees, agents, representatives, or consultants of or any parent or subsidiary corporations.

I. The documents requested are to be produced with reference to all information in your possession, custody or control or reasonably available to you

J. If any of the document requested are considered to contain confidential or protected information, please furnish this information subject to an appropriate protective agreement.

K. In the event you assert that any information requested herein is privileged, you should identify any such information by date and provide a general description of its content. You also should identify all persons who participated in the preparation of the document and all persons who received a copy, read or examined any such document. In addition, you should describe, with particularity, the grounds upon which privilege is claimed.

DOCUMENTS REQUESTED

1. All documents, including e-mails and other communications, related to the letter dated December 1, 2006 from Nikki Mello to Sanjay Kuttemperoor, in which Comcast states that it “only just recently launched Comcast Digital Voice to some Lee and Collier County customers.”

2. All documents related to the statement in the letter dated December 1, 2006 from Nikki Mello to Sanjay Kuttemperoor, regarding Comcast’s voice products being in the “testing stages,” including but not limited to:

- a. the geographic scope of any test
 - b. the method of selecting customers for any test
 - c. the results to date of any test
 - d. the scheduled end date of any test
 - e. Comcast's expected actions once any "testing stage" is complete
3. Any documents that identify or describe the geographic territory within Collier and Lee County where Comcast is currently offering voice service.
 4. Any documents that identify the customer locations within Collier and Lee County where Comcast is currently providing or offering voice service.
 5. Any documents concerning the Comcast's costs to provide digital voice services to customers or at locations where Comcast already provides video and high speed data services.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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waiver of carrier of last resort obligations for)
multitenant property in Collier County known)
as Treviso Bay, by Embarq Florida, Inc.)
_____)

SUBPOENA DUCES TECUM
FOR DEPOSITION

THE STATE OF FLORIDA

TO: Nikki Mello, 1610 40th Terrace, SW, Naples, Florida 34116.

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at Holden Reporting Service, Inc., Newgate Center, 5100 Tamiami Trail North, Suite 119, Naples Florida 34103 , on Monday, February 5, 2007, at 10:30 a.m., to testify in this action, and to have with you at that time and place the following: The documents listed in Attachment A.

YOU ARE SUBPOENAED to appear by the following attorney(s) and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on January 26, 2007.

Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission

(SEAL)

By: 
Ann Cole, Chief, Bureau of Records

Susan Masterton
1313 Blair Stone Road,
Tallahassee, FL 32301
Attorney for Embarq Florida, Inc.

Attachment A to Subpoena of Nikki Mello

PLEASE REVIEW THIS ATTACHMENT IN ITS ENTIRETY IN ORDER TO COMPLY WITH THIS SUBPOENA.

DEFINITIONS AND INSTRUCTIONS

- A. "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these interrogatories anything that would not otherwise be brought within their scope.
- B. "Comcast" refers to "Comcast Cable" or any other parent, affiliate or subsidiary corporations that provide digital voice services, data services or video services in Florida.
- C. "Communication" includes, without limitation of its generality, correspondence, statements, agreements, contracts, discussions, conversation, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by documents or by media such as e-mail, intercoms, telephones, television or radio, data systems, and electronic reproductions and delivery systems.
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stored on computer, or any other written, recorded, transcribed, punched tape, filmed or graphic matter, however produced or reproduced, which is in your possession, custody, control or otherwise accessible to you or which was, but is no longer, in your possession, custody or control.

F. Each of the words “each,” “any” and “all” means each, any, and all.

G. “Relate to” means concern, consist of, refer to, pertain to, reflect, evidence, or to be in any way logically or factually connected with the matter discussed.

H. “Treviso Bay” refers to Treviso Bay Development, LLC, VK Development Corp. and any parent or subsidiary corporations, DBAs, FKAs, and the employees, agents, representatives, or consultants of or any parent or subsidiary corporations.

I. “You” and “your” refers to Nikki Mello together with any other person or entity acting on her behalf.

J. The documents requested are to be produced with reference to all information in your possession, custody or control or reasonably available to you

K. If any of the document requested are considered to contain confidential or protected information, please furnish this information subject to an appropriate protective agreement.

L. In the event you assert that any information requested herein is privileged, you should identify any such information by date and provide a general description of its content. You also should identify all persons who participated in the preparation of the document and all persons who received a copy, read or examined any such document. In addition, you should describe, with particularity, the grounds upon which privilege is claimed.

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