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July 11, 2007

**BY ELECTRONIC FILING**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 060822-TL

Dear Ms. Cole:

Enclosed for filing on behalf of Nocatee Development Company, SONOC Company, LLC, Toll Jacksonville Limited Partnership, Pulte Home Corporation and Parc Group, Inc. ("Nocatee") is Nocatee's Response to AT&T Florida's July 10, 2007 Request for Clarification and Objections in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely,



Floyd R. Self

FRS/amb

Enclosure

cc: Lynn Pappas, Esq.  
Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.

DOCKET NO. 060822-TL

DATED: JULY 11, 2007

**NOCATEE'S RESPONSE TO AT&T FLORIDA'S  
JULY 10, 2007 REQUEST FOR CLARIFICATION AND OBJECTIONS**

In response to AT&T Florida's Objections and Request for Clarification to Nocatee's First Set of Interrogatories and Second Request for Production of Documents, filed July 10, 2007, Nocatee states as follows:

Interrogatory No. 2.

With respect to the request to clarify, there was a typographical error. The word "over" should have been "offer" as suggested by AT&T.

With respect to the objection, the interrogatory may be answered from an engineering or business standpoint.

Interrogatory No. 3 and Production of Documents No. 4.

With respect to the objection to the interrogatory, Nocatee modifies this interrogatory to read as follows:

In discussions between the parties, AT&T has proposed the deployment of a fiber-to-the-curb (FTTC) architecture instead of a fiber-to-the-node (FTTN) architecture. (a) Is the network cost information that AT&T has proposed in this docket based upon a FTTC or an FTTN architecture? (b) Please identify and explain the characteristics of a FTTN architecture. (c) Please identify and explain the characteristics of a FTTC architecture. (d) If the network cost information provided by AT&T in this docket is based upon an FTTC architecture, has AT&T considered deploying a FTTN architecture to the Riverwood and Coastal Oaks communities? (e) Please describe the substance of any consideration of deploying a FTTN architecture for the private communities, if any, versus a FTTC architecture. (f) In general terms, identify and explain the

cost differences between a FTTN architecture and a FTTC architecture. (g)  
Identify and describe the costs associated with a FTTN versus a FTTC  
architecture separately each for the Riverwood and Coastal Oaks communities.

Please advise if AT&T still objects to answering this interrogatory as modified. With respect to the interrogatory as modified, the network AT&T is proposing for the Riverwood and Coastal Oaks communities is highly relevant to these proceedings as the network AT&T is proposing has a direct and proximate impact on the costs that AT&T are seeking to recover from Nocatee. Likewise, the cost documentation being sought in the POD request similarly go to the network design and cost recovery in the AT&T case. If this information is not provided, then Nocatee and the Commission will be unable to determine the reasonableness of the network and costs. If AT&T further objects to this interrogatory as modified and the POD request, then Nocatee will file the appropriate motion a summary final order or for an order to strike any testimony or other evidence offered by AT&T in support of its petition relating to the network architecture it is proposing for the Riverwood and Coastal Oaks communities and any cost information for which it is seeking recovery from Nocatee.

Interrogatory No. 4.

With respect to the objection, Nocatee modifies this interrogatory to read as follows:

What is the AT&T policy or business position, if there is one, to address the following situation: In the event that the Florida Public Service Commission determines that AT&T is to be relieved of its COLR requirements in the Riverwood and Coastal Oaks communities, discuss and describe how will AT&T respond to the request for voice telephone service from AT&T made by a potential customer that is a resident and homeowner in one of these communities.

Please advise if AT&T still objects to answering this interrogatory as modified. By agreement of the parties, the issue of who may pay for what is subsumed within Issue 1 in this proceeding.

AT&T's petition in this docket seeks relief from the carrier-of-last-resort obligation for the Riverwood and Coastal Oaks communities. AT&T's prefiled testimony contains very specific

information regarding how it proposes to deal with Nocatee in the event its petition is granted, including a price tag on how much Nocatee can pay to AT&T in order for it to build a network in these two communities. Given AT&T's proposal, it seems hard to believe that AT&T has not considered how it will deal with homeowner potential customers within these two communities in the event its petition is granted. Nocatee acknowledges that while it is possible that AT&T has not considered the homeowners, it just seems unlikely. However, if no such consideration of the homeowners has been made by AT&T, then AT&T may so respond to the interrogatory as modified.

Interrogatory No. 5.

With respect to the objection, Nocatee modifies this interrogatory to read as follows:

What is the AT&T policy or business position, if there is one, to address the following situation: (a) Assuming that the COLR obligation has been waived for the Riverwood and Coastal Oaks communities and there has been no financial compensation paid by Nocatee or any other developer within Nocatee to AT&T, how much will AT&T charge a residential customer requesting voice telephone service from AT&T within either of these communities? (b) How will such charges be calculated? (c) What will be the amount of such charges? (d) If AT&T refuses to provide service at all within Riverwood or Coastal Oaks, how many requests must be received by AT&T, or what other factors or events must occur, before AT&T will provide service to the residents of Riverwood or Coastal Oaks?

Please advise if AT&T still objects to answering this interrogatory as modified. By agreement of the parties, the issue of who may pay for what is subsumed within Issue 1 in this proceeding.

AT&T's prefiled testimony addresses a proposal for the recovery of certain costs from Nocatee.

This question is consistent with the "who may pay for what" issue in the event it is determined that Nocatee is not required to pay AT&T or Nocatee elects to not pay any network construction charges. In addition, the question is consistent with the entire thrust of AT&T's petition and how AT&T will address customer requests in the event AT&T's petition is granted. If AT&T has not

considered how it will address homeowner requests for service from residents of these two communities, then AT&T may state as such. However, if AT&T further objects to this interrogatory as modified on the grounds of relevance, then Nocatee will file the appropriate motion a summary final order or for an order to strike any testimony or other evidence offered by AT&T in support of its petition relating regarding cost information.

Interrogatory No. 6.

With respect to the objection, Nocatee modifies this interrogatory to read as follows:

What is the AT&T policy or business position, if there is one, to address the following situation: (a) Assuming that the COLR obligation has not been waived for the Riverwood and Coastal Oaks communities and there has been no financial compensation paid by Nocatee or any other developer within Nocatee to AT&T, how much will AT&T charge a residential customer requesting voice telephone service from AT&T within either of these communities? (b) How will such charges be calculated? (c) What will be the amount of such charges? (d) If AT&T refuses to provide service at all within Riverwood or Coastal Oaks, how many requests must be received by AT&T, or what other factors or events must occur, before AT&T will provide service to the residents of Riverwood or Coastal Oaks?

Please advise if AT&T still objects to answering this interrogatory as modified. By agreement of the parties, the issue of who may pay for what is subsumed within Issue 1 in this proceeding. AT&T's prefiled testimony addresses a proposal for the recovery of certain costs from Nocatee. This question is consistent with the "who may pay for what" issue in the event it is determined that Nocatee is not required to pay AT&T or Nocatee elects to not pay any network construction charges. In addition, the question is consistent with the entire thrust of AT&T's petition and how AT&T will address customer requests in the event AT&T's petition is granted. If AT&T has not considered how it will address homeowner requests for service from residents of these two communities, then AT&T may state as such. However, if AT&T further objects to this interrogatory as modified on the grounds of relevance, then Nocatee will file the appropriate

motion a summary final order or for an order to strike any testimony or other evidence offered by AT&T in support of its petition relating regarding cost information.

Interrogatory Nos. 10 and 11.

With respect to the objection, Nocatee states as follows: These interrogatories are highly relevant to this proceeding. AT&T has prefiled testimony and offered other evidence in support of a 20% penetration rate for its services as a basis for the cost recovery that AT&T is seeking from Nocatee. Since this 20% is based upon AT&T's experience with other developers, Nocatee is entitled to seek information regarding AT&T's experience in the market, which would include other development project requests for service. In addition, since AT&T is relying upon its tariff as a basis for seeking financial compensation from Nocatee, Nocatee is entitled to seek information regarding AT&T's experience with other development projects in order to determine where the proposed application of the tariff to Nocatee is not being done in a discriminatory manner. Nocatee has requested information only for a limited period of time, the last 18 months, which would include an approximately equal period of time before and after the adoption of the statute for which AT&T is now seeking relief. If AT&T continues to object to these two interrogatories, then Nocatee will file the appropriate motion a summary final order or for an order to strike any testimony or other evidence offered by AT&T in support of its petition relating regarding cost information.

Please feel free to telephone with any further questions.

Respectfully submitted this 11 day of July, 2007.



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Attorneys for Nocatee Development Company,  
SONOC Company, LLC, Toll Jacksonville  
Limited Partnership, Pulte Home Corporation and  
Parc Group, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail (\*) and/or U.S. Mail this 11<sup>th</sup> day of July, 2007.

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