

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FILED/ACCEPTED

MAR 10 2008

Federal Communications Commission
Office of the Secretary

Bright House Networks, LLC,

Complainant

v.

Tampa Electric Company

Respondent.

File No. EB-06-MD-003

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**COMPLAINANT BRIGHT HOUSE NETWORKS LLC'S ANSWERS TO TAMPA
ELECTRIC COMPANY'S INTERROGATORIES**

Pursuant to the February 27, 2008 letter order of the Market Disputes Resolution Division ("Division") of the Enforcement Bureau of the Federal Communications Commission ("FCC"), Complainant Bright House Networks, LLC ("BHN"), hereby answers Respondent Tampa Electric Company's ("TECO's") requested interrogatories as follows.

ANSWERS TO INTERROGATORIES

CMP _____

COM _____

Interrogatory Number 1:

CTR _____

Identify any attachments to Tampa Electric's poles by BHN that were used

ECR _____

by any person to provide any telecommunications service and for each such attachment

GCL _____

OPC _____

identify each telecommunications service provider involved and the period covered by

RCA _____ such use.

SCR _____

SGA _____

SEC _____

OTH _____

DOCUMENT NUMBER-DATE

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Answer:

Time Warner Telecom ("TWTC") has used approximately 7,375 of BHN's attachments to TECO's poles to provide telecommunications service to its customers since 1998. The location of the approximately 7,375 pole attachments used by TWTC can be found in bates range BHN001542 - BHN001558 as well as bates range BHN_FCC0001 - BHN_FCC5762 (designated confidential). The information contained in the latter document range provides pole locations using coordinates derived from the State Plane Coordinate System, which is a Projected Coordinate system administered by United States federal government and used by the states (including Florida).

Bright House Networks Information Services ("BHNIS") has used BHN's pole attachments to TECO's poles to provide a telecommunications service since April 2007. The location of those pole attachments can be found in bates range BHN001542 - BHN001558 as well as bates range BHN_FCC0001 - BHN_FCC5762 (designated confidential).

Interrogatory Number 2:

Identify any attachments to Tampa Electric's poles by BHN that were used to provide Digital Phone services to any person and for each such attachment identify the period covered by such use.

Answer:

The location of the attachments that BHN has made to TECO's poles to provide VoIP Digital Phone service can be found in bates range BHN001542 - BHN001558 and BHN_FCC0001 - BHN_FCC5762 (designated confidential). BHN does not have information enabling it to identify when each of these poles was first used

to provide VoIP Digital Phone service. BHN first began beta-testing VoIP Digital Phone service in or around April 2004. BHN began providing a VoIP Digital Phone service to paying subscribers on a limited basis in some qualified rate centers on July 2004. BHN subsequently phased in its VoIP Digital Phone service one rate center at a time, ultimately undertaking a full-scale commercial launch of its VoIP Digital Phone service in January 2005. Beginning in 2005, 100 percent of BHN's attachments to TECO's poles were capable of providing VoIP Digital Phone service.

Interrogatory Number 3:

Identify any attachments to Tampa Electric's poles by BHN that were used by any person to provide any service other than video service, and for each such attachment identify each person and service involved.

Answer:

The location of the attachments that BHN has made to TECO's poles so that BHN can provide video, high-speed Internet access, and VoIP Digital Phone service to its subscribers can be found in bates range BHN001542 - BHN001558 as well as BHN_FCC0001 - BHN_FCC5762 (designated confidential). All of BHN's attachments are used to provide video, high-speed Internet access and VoIP Digital Phone service.

The location of the approximately 7,375 pole attachments used by Time Warner Telecom to provide telecommunications service can be found in bates range BHN001542 - BHN001558 as well as bates range BHN_FCC0001 - BHN_FCC5762 (designated confidential).

The location of the pole attachments used by BHNIS to provide a telecommunications service can be found in bates range BHN001542 - BHN001558 as well as bates range BHN_FCC0001 - BHN_FCC5762 (designated confidential).

Interrogatory Number 4:

Identify each affiliate that was involved in any way with the provision of Digital Phone service or any telecommunications service in Tampa Electric's service territory, stating the name and state of incorporation of each entity, and the dates when such affiliates were involved in the provision of such service, the activities performed by such affiliates, and identifying any agreement between such affiliates with respect to such activities.

Answer:

Bright House Networks Information Services ("BHNIS") is the only affiliate of BHN that has sold services to BHN that it has used in the provision of VoIP Digital Phone service or any telecommunications service. BHNIS is a Delaware Limited Liability Company that has sold services to BHN that it has used in the provision of VoIP Digital Phone service since April 2007. BHNIS provides wholesale transport and interconnection services to BHN in connection with BHN's provision of VoIP Digital Phone service. BHN and BHNIS are parties to a Wholesale Services Agreement, signed on January 30, 2008, and entered into as of January 1, 2008, that is currently in effect. Prior to the execution of that written document, the parties operated under a traditional affiliate arrangement involving the same rights and obligations. That relationship was not formally memorialized in writing until January 30, 2008.

Interrogatory Number 5:

Identify any agreement between BHN or any affiliate and any person (including, without limitation, an affiliate) permitting, authorizing, or providing the use of any attachment.

Answer:

Time Warner Cable and Time Warner Telecom LLC were parties to a Capacity License Agreement entered into on July 1, 1998, which BHN assumed during the reorganization of the Time Warner Entertainment/Advance-Newhouse Partnership cable systems in central Florida and Tampa Bay in January 2003, that remains in effect. This Capacity License Agreement has been previously produced to TECO and is located at BHN000001. See also the Answer to Interrogatory Number 4.

Interrogatory Number 6:

Identify any agreement between BHN or BHNIS and MCI, Inc. (including any affiliate or predecessor or successor in interest to MCI, Inc.).

Answer:

Time Warner Cable Inc. and MCI were parties to a Wholesale Voice Services Agreement entered into December 5, 2003. Time Warner Cable Inc. and MCI entered into a First Amendment to the Wholesale Voice Services Agreement Adding BHNIS on April 7, 2004. That agreement has not been used in TECO's service areas since approximately February 2008.

Interrogatory Number 7:

State for each calendar year how many Digital Phone customers in Tampa Electric's service area were parties to a Digital Phone customer contract with BHNIS.

Answer:

There were no such customers; rather, for a short period during BHN's initial roll-out of its VoIP Digital Phone service in 2004-2005, certain customers were bound by an acceptable use policy through signing work orders (bearing the BHNIS name) to receive Digital Phone service. However, BHN does not have any records of how many customers were subject to that acceptable use policy as used during that brief period in 2004-2005.

Interrogatory Number 8:

With respect to each service, such as operator service provided by MCI, in which a BHN customer interacted directly with a telecommunications service provider other than Bright House Networks, LLC, identify each such service, the provider thereof, the period when such service was provided, and any contract between BHN and such provider pursuant to which such service was provided.

Answer:

Without knowing exactly what TECO means by the words "interacted directly with," BHN responds as follows. From April 2004 to approximately February 2008, MCI provided BHN with the following services in connection with the provision of BHN's VoIP Digital Phone service: call setup capabilities; call transport and processing capabilities; VoIP interconnection, voice traffic acceptance from points of demarcation; voice traffic acceptance from the Public Switched Telephone Network; local service provisioning capabilities (telephone number blocks for assignment to subscribers and local number portability); Master Street Address Guide service; e911 services (transport and database services); international calls; operator assisted calls; and directory

assistance calls. These services were provided pursuant to an agreement between Time Warner Cable Inc. and MCI called a Wholesale Voice Services Agreement entered into December 5, 2003, and a First Amendment to the Wholesale Voice Services Agreement Adding BHNIS, entered into on April 7, 2004. That agreement was used by BHN until February 2008, but it began transitioning service to BHNIS in approximately August 2007.

Beginning in April 2007, BHNIS has provided BHN with the following services in connection with the provision of BHN's VoIP Digital Phone service: call setup capabilities; call transport and processing capabilities (interconnection and transport to and from the Public Switched Telephone Network); Master Street Address Guide; e911 services (transport and database services); service provisioning (telephone number blocks for assignment to subscribers, local number portability and administration of call routing databases, directory listings, operator services/directory assistance, records exchanges and carrier billing); and managed services (monitoring voice traffic and voice network, collation site support and capacity planning). BHNIS provided these services initially under an informal non-written understanding that was documented by a Wholesale Services Agreement between BHNIS and BHN effective as of January 1, 2008, that remains in effect.

Interrogatory Number 9:

For Digital Phone and each telecommunications service provided by BHN or any affiliate using any attachment, describe the nature and function of each component of the network within Tampa Electric's service area used to provide such services, identify the owner and operator of each such component, and explain the

process through which incoming and outgoing calls were processed over each such component.

Answer:

BHN provides VoIP Digital Phone service to subscribers over its hybrid fiber-coaxial ("HFC") cable system using PacketCable® technology over attachments to TECO's poles. BHN owns and operates all of the components used to provide its VoIP Digital Phone service on its side of its Class 5 softswitch. BHN transmits its VoIP Digital Phone customers' calls by using PacketCable® technology to and from the customers' premises through use of an Embedded Multimedia Terminal Adapter ("EMTA") – which is a cable modem and a VoIP adaptor bundled into a single device that utilizes Docsis® defined cable-specific interfaces – owned by BHN over its cable system to its Class 5 softswitch and associated media gateways located at its Voice Complex Facility on Erlich Road in Tampa, Florida. At the Class 5 softswitch and associated media gateways located at the Voice Complex Facility, BHN's HFC cable system interconnects with BHNIS, its affiliate. BHNIS provides BHN transport and interconnection services to the Public Switched Telephone Network; accordingly, at the Class 5 softswitch, BHNIS consolidates traffic and transports BHN's customers' calls between BHN's network and ILEC central offices and also hands off incoming calls to BHN. As part of its transport and interconnection services, BHNIS provides BHN all of the services listed in BHN's answer to TECO's interrogatory number 8. The same transport and interconnection services that are currently provided by BHNIS were previously provided by MCI between April 2004 and February 2008. BHNIS began providing these services in April 2007.

Interrogatory Number 10:

Identify any document filed by or on behalf of BHN or any affiliate with any state, federal or local government agency, legislative body or court describing, identifying, referring to, or required as a result of the provision of Digital Phone or any telecommunications service in Tampa Electric's service area.

Answer:

In addition to the publicly-filed documents that TECO has already identified and has in its possession, BHN or its affiliate, BHNIS, has filed the following:

1. *Bright House Networks, LLC, et al. v. Verizon California Inc., et al.*, Complaint, FCC File No. EB-08-MD-002, filed Feb 5, 2008.
2. *Complaint for Resolution of Interconnection Pricing Disputes Against Verizon Florida LLC*, filed with the Florida Public Service Commission on November 16, 2007.
3. *Comments of Advance/ Newhouse Communications et al.*, FCC WC Docket No. 06-74, filed Oct. 24, 2006.
4. *Reply Comments of Advance/ Newhouse Communications*, FCC WC Docket No. 05-75; DA 05-762, filed May 24, 2005.
5. E911 Compliance Letter, FCC WC Docket No. 04-36; FCC WC Docket No. 05-196, filed August 10, 2005.
6. Subscriber Acknowledgement Report (Sept. 22, 2005), FCC WC Docket No. 04-36; WC Docket No. 05-196, filed August 10, 2005.
7. Subscriber Acknowledgement Report (Sept. 1, 2005), FCC WC Docket No. 04-36; WC Docket No. 05-196, filed August 10, 2005.
8. Subscriber Notification Report, FCC WC Docket No. 04-36; FCC WC Docket No. 05-196, filed August 10, 2005.
9. Letter, BellSouth Telecommunications, Inc. Request for Declaratory Ruling That State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to CLEC UNE Voice Customers, FCC WC Docket No. 03-251, filed December 23, 2004.

10. Letter, BellSouth Telecommunications, Inc. Request for Declaratory Ruling That State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to CLEC UNE Voice Customers, FCC WC Docket No. 03-251, filed December 21, 2004.

11. Letter, BellSouth Telecommunications, Inc. Request for Declaratory Ruling That State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to CLEC UNE Voice Customers, FCC WC Docket No. 03-251, filed November 24, 2004.

12. *Comments of Advanced/ Newhouse Communications et al., on AT&T's Proposed Conditions*, FCC WC Docket No. 06-74; DA 06-2035, filed October 24, 2006.

13. Letter, Ex Parte Presentation – FCC WC Docket No. 06-74, AT&T Inc. and BellSouth Corporation Applications for Approval of Transfer of Control, filed Sept. 27, 2006.

14. Letter, Notice of *ex parte* Presentation in FCC WC Docket No. 05-75, In the Matter of Verizon Communications and MCI, Inc., Applications For Approval of Transfer of Control, filed October 20, 2005.

15. Letter, Notice of *ex parte* Presentation in FCC WC Docket No. 05-75, In the Matter of Verizon Communications and MCI, Inc., Applications For Approval of Transfer of Control, filed September 30, 2005.

16. Letter, Notice of *ex parte* Presentation in FCC WC Docket No. 05-75, In the Matter of Verizon Communications and MCI, Inc., Applications For Approval of Transfer of Control, filed September 29, 2005.

17. BHN FCC Form 499A (2004) (under which BHN has made regular regulatory fee payments, including quarterly payments into the Universal Service Fund).

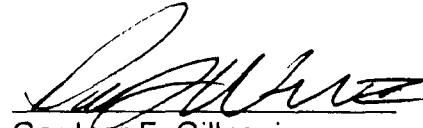
18. BHNIS FCC Form 499A (2007) (under which BHNIS has made regular regulatory fee payments).

19. CPNI Certification, FCC EB Docket No. 06-36, filed February 29, 2008.

BHN is continuing to review its files, and will notify TECO if any other documents filed by or on its behalf describing, identifying, referring to, or required as a result of the provision of Digital Phone or any telecommunications service in Tampa Electric's service area are discovered.

* * *

Respectfully submitted,



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March 10, 2008

Attorneys for Complainant

CERTIFICATE OF SERVICE

I, Gloria A. Smith, hereby certify that on this 10th day of March, 2008, I have had hand-delivered, and/or placed in the United States mail, and/or sent via electronic mail, a copy or copies of the foregoing **COMPLAINANT BRIGHT HOUSE NETWORKS LLC'S ANSWERS TO TAMPA ELECTRIC COMPANY'S INTERROGATORIES**, with sufficient postage (where necessary) affixed thereto, upon the following:

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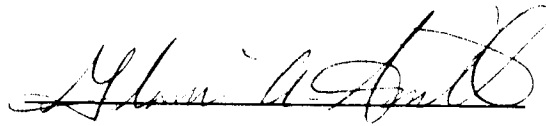
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A handwritten signature in black ink, appearing to read "Raymond A. Kowalski". The signature is written in a cursive style with a horizontal line underneath the name.