

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

VERIZON FLORIDA LLC,

Complainant,

v.

FLORIDA POWER AND LIGHT  
COMPANY,

Respondent.

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Docket No. 15-73  
File No. EB-15-MD-002

Related to  
Docket No. 14-216  
File No. EB-14-MD-003

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**FLORIDA POWER AND LIGHT COMPANY'S OBJECTIONS  
TO VERIZON FLORIDA LLC'S INTERROGATORIES**

Florida Power and Light Company ("FPL"), by counsel, serves the following objections to Verizon Florida LLC's ("Verizon") Interrogatories directed to FPL.

**GENERAL OBJECTIONS**

1. FPL hereby reserves any objections it may have to the admission in evidence of the information provided herein on the grounds of materiality, relevancy or other proper grounds for objection.
2. The information to be provided is not based solely on the knowledge of FPL, but includes knowledge of its agents, representatives and attorneys, unless privileged.
3. The word usage and sentence structure of the discovery responses may be that of the attorney assisting FPL and thus does not necessarily purport to be the precise language of FPL.

4. FPL generally objects to the extent the interrogatory is unduly burdensome and broad, immaterial, irrelevant, not limited in scope and not reasonably calculated to lead to the discovery of admissible evidence.

5. FPL generally objects to the interrogatories to the extent they seek attorney-work product, privileged communication and/or information and documents prepared in anticipation of litigation.

6. FPL generally objects to the extent the interrogatories define terms and seek information which is not permissible under the Federal Communications Commission Rules.

### **SPECIFIC OBJECTIONS TO INTERROGATORIES**

1. Identify every entity, other than a governmental entity, that has placed an attachment or reserved attachment space on a distribution pole owned by FPL during the time period that Verizon has had attachments on FPL's poles.

#### **OBJECTION:**

**FPL objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. These objections are warranted because the express terms of this interrogatory reach back to the early part of the 20<sup>th</sup> century and cover all of FPL's service territory which includes well over one million poles and a large number separate attaching entities. Subject to and without waiving the foregoing objections, FPL states that it will provide a response that is reasonable in scope and detail.**

2. For each entity identified in response to Interrogatory 1, separately identify the first known year in which the entity had facilities attached to FPL's distribution poles, the amount of space occupied by or reserved for the entity on FPL's distribution poles, the per-pole or per-attachment rate charged by FPL for each year from 2005 through 2015, the per-pole or per-attachment rate paid by the entity for each year from 2005 through 2015, and the number of

FPL poles for which the entity was invoiced by FPL for annual rent for each year from 2005 through 2015.

**OBJECTION:**

**FPL objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. These objections are warranted because the express terms of this interrogatory cover all of FPL's service territory which includes well over one million poles and more than 80 separate attaching entities. They are also warranted because all of the rates paid, space occupied and poles used by the many entities across all of FPL's service territory do not relate to any claim, defense or fact at issue in this litigation. Subject to and without waiving the foregoing objections, FPL states that it will provide a response that is reasonable in scope and detail.**

3. For each entity identified in response to Interrogatory 1, separately identify for each year from 2005 through 2015 the number of poles for which each entity was charged, the amount charged, and the total amount collected from each entity with respect to the following: (a) permit, permitting, and application fees, (b) inspection fees not included in the permit, permitting, and application fees, (c) make-ready engineering, not including pole replacements, (d) pole replacements, (e) pole relocations, (f) bonding, (g) unauthorized or unreported attachments, (h) easements and rights-of-way, (i) operations and maintenance expenses not included in the annual rental payment, and (j) administrative and general expenses not included in the annual rental payment.

**OBJECTION:**

**FPL objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. These objections are warranted because the express terms of this interrogatory cover all of FPL's service territory which includes well over one million poles and many attaching entities. They are also warranted because all of fees, costs and expenses paid by many entities across all of FPL's service territory do not relate to any claim, defense or fact at issue in this litigation. Subject to and without waiving the foregoing objections, FPL states that it will provide a response that is reasonable in scope and detail.**

4. For each incumbent local exchange carrier identified in response to Interrogatory Number 1, separately identify the number of joint use poles owned by FPL and by the incumbent local exchange carrier according to the most-recent invoice and when FPL's joint use agreement or pole attachment agreement with that entity was entered and amended.

**OBJECTION:**

**FPL objects to this interrogatory on the grounds that it is not related to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence. FPL's business relationship with any other ILEC has no bearing on any claim, defense or fact in dispute between Verizon and FPL. FPL therefore will not be providing a response to this request.**

5. Describe in detail how FPL calculated the rate that it charged CLECs each year from 2005 through 2015. Include in your response the calculations, inputs, assumptions, and sources used to calculate the rate, the amount and percentage associated with operations and maintenance expenses and administrative and general expenses, an identification of all persons involved in the calculation of the rate, and when the rate was calculated.

**OBJECTION:**

**FPL objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. These objections are warranted because the express terms of this interrogatory cover all of FPL's service territory which includes numerous CLECs as well as the details of all rate calculations for those CLEC's and the identities of the persons involved in those calculations. Such identities have no connection to discovery in this matter. In addition, this interrogatory would require FPL to create data where none currently is kept for years 2009 and prior. Subject to and without waiving the foregoing objections, FPL states that it will provide a response that is reasonable in scope and detail.**

9. Identify by pole number and location all joint use poles that FPL abandoned in the parties' overlapping service area from 2005 through 2015 and the date on which FPL provided notice to Verizon of its intention to abandon each pole.

**OBJECTION:**

**FPL objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and would require FPL to create information for Verizon's benefit. These objections are warranted because FPL does not maintain data on the details and in the format sought by Verizon and also because Verizon should already have all such information in its possession. Subject to and without waiving the foregoing objections, FPL states that it will provide a response that is reasonable in scope and detail.**

10. Identify "FPL's designated pole attachment contractor" referenced on page 15 of FPL's Response and explain in detail FPL's relationship with its "designated pole attachment contractor," including what services are provided to FPL by the "designated pole attachment contractor," whether any officers, directors, or managers of the contractor were previously employed by FPL, and all amounts FPL has paid to and received from its "designated pole attachment contractor."

**OBJECTION:**

**FPL objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. These objections are warranted because the express terms of this interrogatory seek information as to whether FPL employed any of its designated contractor's personnel, which has no connection to any claim, defense or fact at issue in this matter. Subject to and without waiving the foregoing objections, FPL states that it will provide a response that is reasonable in scope and detail.**

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2015, I caused a copy of the foregoing **Florida Power and Light Company's Objections to Verizon Florida's Interrogatories** to be served on the following by hand delivery, U.S. mail or electronic mail (as indicated):

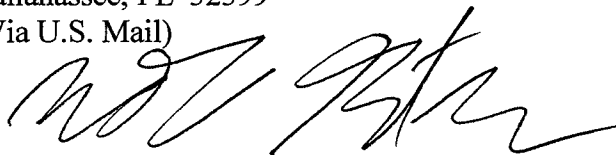
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