

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

BELLSOUTH)
TELECOMMUNICATIONS, LLC d/b/a)
AT&T Florida,)
)
Complainant,)
)
v.)
)
DUKE ENERGY FLORIDA, LLC,)
)
Defendant.)
)
)
)

**Proceeding No.: 20-276
Bureau ID No.: EB-20-MD-003**

**DUKE ENERGY FLORIDA, LLC’S SUPPLEMENTAL RESPONSES TO
AT&T’S FIRST SET OF INTERROGATORIES**

Defendant Duke Energy Florida, LLC (“DEF”), pursuant to Rules 1.721(h) and 1.730, hereby supplements its October 7, 2020 Responses to the “First Set of Interrogatories” served by Complainant BellSouth Telecommunications, LLC d/b/a AT&T Florida (“AT&T”).

General Response

DEF adopts and incorporates, as if fully set forth herein, its September 22, 2020 Opposition and Objections to AT&T’s First Set of Interrogatories. All supplemental responses set forth herein are subject to the September 22, 2020 Opposition and Objections to AT&T’s First Set of Interrogatories.

The supplemental responses set forth herein are based on information presently known and available to DEF. DEF reserves the right to further supplement these responses as additional information becomes known or available through the discovery process or otherwise.

Supplemental Responses to Individual Interrogatories

INTERROGATORY NO. 2: Beginning with the 2015 rental year, identify all entities that have had a Joint Use Agreement or License Agreement with Duke Energy Florida and state whether the entity is an incumbent local exchange carrier, CLEC, cable company, or wireless provider.

RESPONSE: This supplemental response is subject to and made without waiving the general objections stated in the September 22, 2020 Opposition and Objections to AT&T's First Set of Interrogatories. Please see the revised chart attached hereto as **Exhibit 1**, which supplements DEF's October 7, 2020 response to this interrogatory. DEF does not know whether any entity with a Wireless Telecommunication Pole Attachment License Agreement is actually a "wireless provider," as that term is used in the interrogatory.

INTERROGATORY NO. 3: State the rates, terms, and conditions of all Joint Use Agreements and License Agreements with Duke Energy Florida that were in effect at any time from the 2015 rental year forward. Include in your response the name of the entity that is a party to the Joint Use Agreement or License Agreement with Duke Energy Florida and the dates on which the Joint Use Agreement or License Agreement with Duke Energy Florida was in effect. In lieu of quoting each rate, term, and condition from each Joint Use Agreement and License Agreement, Duke Energy Florida may produce a copy of each Joint Use Agreement and License Agreement.

RESPONSE: This supplemental response is subject to and made without waiving the general objections stated in the September 22, 2020 Opposition and Objections to AT&T's First Set of Interrogatories. Please see the revised chart attached hereto as **Exhibit 1** and the additional

pole license agreements attached hereto as **Exhibit 2**, which supplement DEF's October 7, 2020 Response to this interrogatory.

INTERROGATORY NO. 4: Beginning with the 2015 rental year, state the annual pole attachment rental rate that Duke Energy Florida charged each entity identified in response to Interrogatory 2, the number of poles or attachments for which the pole attachment rental rate was charged, and whether the entity uses Duke Energy Florida's poles pursuant to a License Agreement or a Joint Use Agreement. Include in your response the formula, calculations, inputs, assumptions, and source data used to calculate each pole attachment rental rate charged and state whether the rate was charged on a per-pole, per-attachment, or other basis and whether the rate was paid.

RESPONSE: This supplemental response is subject to and made without waiving the general objections stated in the September 22, 2020 Opposition and Objections to AT&T's First Set of Interrogatories. Please see the revised chart attached hereto as **Exhibit 1**, which supplements DEF's October 7, 2020 response to this interrogatory. The entities identified on the revised chart as either CATV or CLEC use pole license agreements, and their rates were invoiced on a per attachment basis.

INTERROGATORY NO. 8: Identify all data regarding poles jointly used by Duke Energy Florida and AT&T, including all survey, audit or sampling data concerning pole height, the average number of attaching entities, the space occupied by Duke Energy Florida, AT&T, and any other entity. Include in your response when the data was compiled or collected, the entity or entities that compiled (sic) or collected it, the accuracy requirements, if any, imposed or related to

the compilation or collection of the data, and the rules, parameters, guidelines, upon which the data was collected.

RESPONSE: DEF supplements its October 7, 2020 response to this interrogatory by producing the following: (1) as **Exhibit 3**, the results from the 2017 VentureSum inventory; (2) as **Exhibit 4**, the results from make-ready surveys performed on 941 DEF poles to which AT&T is attached; and (3) as **Exhibit 5**, VentureSum's findings regarding the average number of attaching entities on DEF poles to which AT&T is attached.

Dated: January 29, 2021

Respectfully submitted,

/s/ Eric B. Langley

Eric B. Langley

Robin F. Bromberg

Robert R. Zalanka

LANGLEY & BROMBERG LLC

2700 U.S. Highway 280, Suite 240E

Birmingham, Alabama 35223

(205) 783-5751

eric@langleybromberg.com

robin@langleybromberg.com

rylee@langleybromberg.com

Attorneys for Defendant

Duke Energy Florida, LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2021, a true and correct copy of Duke Energy Florida, LLC’s Supplemental Responses to AT&T’s First Set of Interrogatories was filed with the Commission via ECFS and was served on the following (service method indicated):

<p>Robert Vitanza Gary Phillips David Lawson AT&T SERVICES, INC. 1120 20th Street NW, Suite 1000 Washington, DC 20036 (by Federal Express)</p>	<p>Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street, SW Washington, DC 20554 (by Federal Express)</p>
<p>Christopher S. Huther Claire J. Evans Frank Scaduto WILEY REIN LLP 1776 K Street NW Washington, DC 20006 chuther@wileyrein.com cevans@wileyrein.com fscaduto@wileyrein.com (by Federal Express)</p>	<p>Mike Engel Federal Communications Commission Market Disputes Resolution Division Enforcement Bureau michael.engel@fcc.gov (by E-Mail)</p>
<p>Rosemary H. McEnery Federal Communications Commission Market Disputes Resolution Division Enforcement Bureau 445 12th Street, SW Washington, DC 20554 rosemary.mcenery@fcc.gov (by E-Mail)</p>	<p>Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street, NE Washington, DC 20426 (Public Version Only by U.S. Mail)</p>
<p>Gary F. Clark, Chairman Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 (Public Version Only by U.S. Mail)</p>	

/s/ Eric B. Langley _____
 OF COUNSEL

EXHIBIT 1

(Confidential – Withheld from Public Version)

EXHIBIT 2

(Confidential – Withheld from Public Version)

EXHIBIT 3

(Confidential – Withheld from Public Version)

EXHIBIT 4
(Confidential – Withheld from Public Version)

EXHIBIT 5
(Confidential – Withheld from Public Version)