

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

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Federal Communications Commission
Office of Secretary

FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS, GULF
COAST, L.L.C., et. al.

Complainants,

v.

GULF POWER COMPANY,

Respondent.

E.B. Docket No. 04-381

To: Office of the Secretary

Attn.: The Honorable Richard L. Sippel
Chief Administrative Law Judge

**GULF POWER'S SUPPLEMENTAL FILING REGARDING ITS FIFTY POLE
IDENTIFICATION**

Gulf Power Company ("Gulf Power"), in accordance with the Presiding Judge's December 14, 2005 Order (FCC 05M-60), submits the following:

Gulf Power's Fifty Pole Identification:

1. The Presiding Judge's December 16, 2005 Order requires Gulf Power to provide "additional information" in its possession regarding the fifty poles it identified on January 20, 2006. Gulf Power's January 20, 2006 submission meets this requirement.
2. Gulf Power's Fifty Pole Identification included two categories of data: (1) the Osmose audit information; and, (2) the Knology make-ready documentation.
3. The Osmose audit information is applicable to the poles identified in Exhibit A to the Fifty Pole Identification, and details, among other things, the names of all entities attached to

each pole, the location above ground level of all attachments on each pole, and the height and material of each pole. Gulf Power does not retain records detailing the date each pole was installed in the ground.

4. The Knology make-ready documentation is applicable to the poles identified in Exhibit B to the Fifty Pole Identification, and lists the names of all entities attached to each pole, the make-ready performed on each pole, and the amount billed to Knology for make-ready. For those poles that were changed out during the Knology build-out, the height of the pole installed is contained in the make-ready documentation. Gulf Power has no additional information regarding these poles that would list the height of all attachments, the material of each pole, and the date each pole was installed in the ground.

5. With respect to accounting or cost records for the poles identified in the Fifty Pole Identification, Gulf Power relies only upon the accounting information it already has produced, or which is available to the public.

6. Gulf Power has also produced all documents and information that support its claim for a lost opportunity with respect to each pole identified in its Fifty Pole Identification. The Osmose audit data and the Knology make-ready information establish a lost opportunity with respect to each pole identified therein because those poles are "crowded" or at "full capacity" under the *Alabama Power* test.

Complainants' Identification of Utility Poles:

7. On December 16, 2005, the Presiding Judge issued an Addendum to the December 16, 2006 Order, requiring Gulf Power to provide additional information regarding the poles identified by Complainants on January 27, 2006. Specifically, several categories of information were identified: (1) information from the Osmose report applicable to those poles;

(2) the names and locations above ground of each entity attached to those poles; (3) the height, material, and date of pole installation; (3) all make-ready documents associated with each pole; (4) accounting and cost records relating to those poles; and, (5) documents upon which Gulf Power relies as evidence of a lost opportunity.

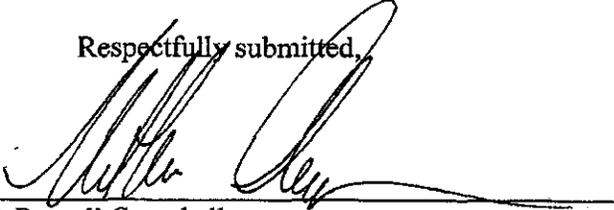
8. Complainants' Identification of Utility Poles, filed on January 27, 2006 is insufficient to allow Gulf Power to respond and produce several categories of information listed in the Addendum. First, the Osmose audit was performed exclusively in Cox's Pensacola service area, hence, no Osmose information is available with respect to Bright House, Mediacom, or Comcast. Second, Complainants have identified utility poles in so general a manner that identification of those poles using Osmose audit data or Gulf Power's records is impossible at this time. Exhibit A to Complainants' Identification of Utility Poles, which identifies the locations of such poles, contains some street addresses and some general locations such as "Airport Road, Panama City, FL." (Complainants' Identification of Utility Poles, p. 1). There is simply no way to identify the pole numbers, the entities attached thereto, the height or material of the poles, or any make-ready documentation based on the information provided by Complainants. If Complainants can provide more detailed information and if Gulf Power is afforded enough time to conduct a proper field survey, this information can be provided in the future.

9. With respect to accounting or cost records for the poles identified in Complainants' Identification of Utility Poles, Gulf Power relies only upon the accounting information it already has produced, or which is available to the public.

10. Gulf Power also contends that to the extent that the poles identified by Complainants meet the criteria for "crowding" or "full capacity" under the *Alabama Power* test,

it has suffered a lost opportunity. Absent a more specific identification of those poles and their locations, however, Gulf Power cannot identify any other information that would support its contention with respect to those poles at this time.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Gulf Power's Supplemental Filing Regarding its Fifty Pole Identification has been served upon the following by Electronic Mail and by United States Mail on this the 10th day of February, 2006:

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