



BALCH & BINGHAM LLP

Alabama • Georgia • Mississippi • Washington, DC

J. Russell Campbell

Direct Dial : (205) 226-3438

Direct Facsimile: (205) 488-5859

E-Mail Address: rcampbell@balch.com

RECEIVED & INSPECTED
APR 7 2006
FCC - MAILROOM

Attorneys and Counselors
1710 Sixth Avenue North
P.O. Box 306 (35201-0306)
Birmingham, AL 35203-2015
(205) 251-8100
(205) 226-8798 Fax
www.balch.com

April 6, 2006

DOCKET FILE COPY ORIGINAL

BY FEDEX

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: Florida Cable Telecommunications Association, Inc., Cox Communications Gulf Coast, L.L.C., et al. v. Gulf Power Company
Before the Federal Communications Commissions, Washington, D.C. 20554
E.B. Docket No. 04-381

Dear Ms. Dortch:

Enclosed for filing is Gulf Power Company's Final Case-In-Chief Exhibit List in the above-referenced case.

We appreciate your attention to this matter.

Very truly yours,

J. Russell Campbell

JRC:kwc
Enclosures

- cc: John D. Seiver
- Geoff Cook
- Rita Terrari
- Lisa Griffin
- Rhonda Lien
- James Shook

No. of Copies rec'd 045
List A B C D E

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

RECEIVED & INSPECTED
APR 7 2006
FCC - MAILROOM

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

E.B. Docket No. 04-381

Complainants,

v.

GULF POWER COMPANY,

Respondent.

GULF POWER COMPANY'S FINAL CASE-IN-CHIEF EXHIBIT LIST

Pursuant to the Presiding Judge's Prehearing Order of October 1, 2004 and the Scheduling Order (05M-60) of December 16, 2005, Gulf Power Company ("Gulf Power"/ "Respondent") submits the following list of exhibits upon which it intends to rely in its case-in-chief.

GULF POWER TESTIMONIAL EXHIBITS

- Gulf Power Exh. A- Direct Testimony of Michael R. Dunn
- Gulf Power Exh. B- Direct Testimony of Ben A. Bowen
- Gulf Power Exh. C- Direct Testimony of David Barker
- Gulf Power Exh. D- Direct Testimony of Kenneth McVeary
- Gulf Power Exh. E- Direct Testimony of Terry A. Davis;
- Gulf Power Exh. F- Direct Testimony of Roger A. Spain, C.P.A., C.V.A
- Gulf Power Exh. G- Deposition Excerpts of Bruce Burgess
- Gulf Power Exh. H- Deposition Excerpts of Mark O'Ceallaigh

No. of Copies rec'd 045
List A B C D E

- Gulf Power Exh. I- Deposition Excerpts of Shayne Routh
- Gulf Power Exh. J- Deposition Excerpts of Jeff Smith
- Gulf Power Exh. K- Deposition Excerpts of Michael Harrelson
- Gulf Power Exh. L- Deposition Excerpts of David Tessieri

GULF POWER DOCUMENTARY EXHIBITS

- Gulf Power Exh. 1- Affidavit of Michael R. Dunn (dated July 19, 2000) (with attachments); Depo Ex. 29 (Comp.)¹
- Gulf Power Exh. 2- Second Affidavit of Michael R. Dunn (dated August 7, 2000) (with attachments)
- Gulf Power Exh. 3- Third Affidavit of Michael R. Dunn (dated August 8, 2000)
- Gulf Power Exh. 4- CATV Permitting Procedure and Cable Permit Records; Gulf Power Bates 810-814 and 2974-3006; Depo Ex. 5 (Comp.)
- Gulf Power Exh. 5- 1995 Cable Television Attachment Agreement between Gulf Power Company and U.S. Cable Television Group (later assumed by Mediacom); FCTA Bates 001324MED-001356MED; Depo Ex. 27 (Comp.)
- Gulf Power Exh. 6- 1997 Pole Attachment Agreement between Gulf Power Company and Time Warner Entertainment Company, L.P.; Attachment D to Affidavit of Mike Dunn
- Gulf Power Exh. 7- 1997 Pole Attachment Agreement between Gulf Power Company and Cox Communications, Pensacola, Inc.; FCTA Bates 003695COX-003729COX; Depo Ex. 16 (CATV)
- Gulf Power Exh. 8- 1995 Cable Television Attachment Agreement between Gulf Power Company and Comcast Cablevision of Panama City, Inc.; FCTA Bates 002308COM-002338COM; Depo Ex. 3 (CATV)
- Gulf Power Exh. 9- 1978 Pole Attachment Agreement between Gulf Power Company and Cox Cablevision Corporation; Gulf Power Bates 3007-3028
- Gulf Power Exh. 10- 1/03/02 letter to Michael R. Dunn (Gulf Power) from Kyle Birch (Comcast) enclosing handwritten comments to Gulf Power's proposed Pole Attachment Agreement; Gulf Power Bates 3029-3070

¹ "Comp." denotes a deposition exhibit marked by Complainants. "CATV" denotes a deposition exhibit marked by Respondents in the depositions of the Complainants' representatives.

- Gulf Power Exh. 11- Southern Company Overhead Distribution Construction Standards Manual; Gulf Power Bates 2500-2973
- Gulf Power Exh. 12- Gulf Power Specification Plates C1-C11; Gulf Power Bates 815-825; Depo Ex. 13 (CATV)
- Gulf Power Exh. 13- 6/19/89 letter to Charles Hermanowski (Americable International, Inc.) from Louis Rouillier (Gulf Power); Gulf Power Bates 3071-3071(a)
- Gulf Power Exh. 14- 4/06/93 letter to Maurice Rabren (B&L Cable Communications, Inc.) from Louis Rouillier (Gulf Power); Gulf Power Bates 3072
- Gulf Power Exh. 15- 6/15/99 letter to Charles Hermanowski (Americable International, Inc.) from Michael R. Dunn (Gulf Power); Gulf Power Bates 3073
- Gulf Power Exh. 16- 9/7/00 letter to Dale Ordoyne (Mediacom Southeast LLC) from Michael R. Dunn (Gulf Power); Gulf Power Bates 3074-3076
- Gulf Power Exh. 17- Comcast CATV Make Ready and Code Violations (6/04/90); Gulf Power Bates 3077-3079
- Gulf Power Exh. 18- 7/18/88 letter to Mike Wyatt (Comcast) from William Weintritt (Gulf Power); Gulf Power Bates 3080-3081
- Gulf Power Exh. 19- 9/23/98 letter to Michael R. Dunn (Gulf Power) from Robert Martin (Gulf Power); Gulf Power Bates 3082-3089
- Gulf Power Exh. 20- 2/28/03 MRD Memo to File; Gulf Power Bates 3020
- Gulf Power Exh. 21- 3/14/03 letter to Keith Gregory (Cox) from Michael R. Dunn (Gulf Power); Gulf Power Bates 3091-3094
- Gulf Power Exh. 22 - 6/25/98 MRD Notes; Gulf Power Bates 3095
- Gulf Power Exh. 23- Various NESC Reports to John Rogers (Comcast) from Joel King (Gulf Power); Gulf Power Bates 3096-3101
- Gulf Power Exh. 24- 10/31/94 memo to all CATV attachers regarding service drop attachments; Gulf Power Bates 3102-3103
- Gulf Power Exh. 25- 5/11/95 letter to Cablevision from Joel King (Gulf Power); Gulf Power Bates 3104-3105
- Gulf Power Exh. 26- 4/14/04 memo to all CATV/Telephone attachers from Jonathon McQuagge; Gulf Power Bates 3106-3107
- Gulf Power Exh. 27- 2/9/93 letter to Maurice Rabren (B&L Cable Communications, Inc.) from Louis Rouillier (Gulf Power); Gulf Power Bates 3108

- Gulf Power Exh. 28- 4/1/98 Rex Brooks notes from Knology make-ready meeting (with business cards and sign-in sheet); Gulf Power Bates 3109-3111
- Gulf Power Exh. 29- 10/08/98 letter to Weldon Feightner (Knology) from Michael R. Dunn (Gulf Power); Gulf Power Bates 3112-3113
- Gulf Power Exh. 30- Distribution Bulletin 10; Gulf Power Bates 3114
- Gulf Power Exh. 31- *Alabama Power Company v. Federal Communications Commission*, 311 F.3d. 1357 (11th Cir. 2002); Spain Depo Ex. 6
- Gulf Power Exh. 32- Joint Use Agreement between Gulf Power Company and Bellsouth Telecommunications, Inc. (January 1, 2002); Gulf Power Bates 2089-2112 (Depo. Ex. 8) (Comp.)
- Gulf Power Exh. 33- Joint Use Agreement between Gulf Power Company and Sprint-Florida, Incorporated (January 1, 2002); Gulf Power Bates 2113-2131; Depo. Ex. 14 (Comp.)
- Gulf Power Exh. 34- Joint Use Agreement between Gulf Power Company and GTC, Inc. (January 1, 2002); Gulf Power Bates 2132-2148
- Gulf Power Exh. 35- Chart of 40' pole; Gulf Power Bates 3115
- Gulf Power Exh. 36- Chart of 35' pole; Gulf Power Bates 3116
- Gulf Power Exh. 37- Chart of 30' pole; Gulf Power Bates 3117
- Gulf Power Exh. 38- NESC Section 238 (2002 Edition)
- Gulf Power Exh. 39- Pole Height Document from 12/31/99-12/31/03; Gulf Power Bates 3118-3119
- Gulf Power Exh. 40- Osmose Statement of Work (dated 3/04/05) (with revised appendices); David Tessieri Depo Exs. 3-4
- Gulf Power Exh. 41- Osmose Status Reports; David Tessieri Depo Ex. 5
- Gulf Power Exh. 42- Gulf Power Forty Pole Compilation with Photographs; Gulf Power Bates 3120-3199
- Gulf Power Exh. 43- Knology Documents/Gulf Power Fifty Pole Identification
- Gulf Power Exh. 44- Average Number of Attaching Entities; Gulf Power Bates 2181-2206
- Gulf Power Exh. 45- Osmose Process Summary

- Gulf Power Exh. 46- Osmose Final Deliverable (8 data discs); Gulf Power Bates 3380-3387
- Gulf Power Exh. 47- 2000 Gulf Power Replacement Calculations; Gulf Power Bates 3200-3209
- Gulf Power Exh. 48- 2001 Gulf Power Replacement Cost Calculations; Gulf Power Bates 3210-3219
- Gulf Power Exh. 49- 2002 Gulf Power Replacement Cost Calculations; Gulf Power Bates 3220-3229
- Gulf Power Exh. 50- 2003 Gulf Power Replacement Cost Calculations; Gulf Power Bates 3230-3239
- Gulf Power Exh. 51- 2004 Gulf Power Replacement Cost Calculations; Gulf Power Bates 3240-3249
- Gulf Power Exh. 52- 2005 Gulf Power Replacement Cost Calculations; Gulf Power Bates 3250-3259
- Gulf Power Exh. 53- 2006 Gulf Power Replacement Cost Calculations; Gulf Power Bates 3260-3269
- Gulf Power Exh. 54- 2004 Gulf Power Roll Forward Ledger; Gulf Power Bates 3270-3279
- Gulf Power Exh. 55- Gulf Power's Analysis of Billings and Payments received from Complainants; Gulf Power Bates 3280
- Gulf Power Exh. 56- Curriculum Vitae of Roger Spain; Attachment to Spain Depo Ex. 2
- Gulf Power Exh. 57- Mediacom CHELCO Agreement; FCTA Bates 006871-006885
- Gulf Power Exh. 58- Cox CHELCO Agreement; FCTA Bates 006857-006870
- Gulf Power Exh. 59- Brighthouse CHELCO Agreement; FCTA Bates 006843-006856
- Gulf Power Exh. 60- Summary: Gulf Power Unregulated Rate Sheet; Gulf Power Bates 3389
- Gulf Power. Exh. 61- APPA Pole Attachment Work Book (December 2002)
- Gulf Power Exh. 62- 1998 Pole Attachment Agreement between Gulf Power Company and KMC TelecomII, Inc; Gulf Power Bates 3281-3313
- Gulf Power Exh. 63- 2000 Pole Attachment Agreement between Gulf Power Company and Hyperion Communications of Florida, LLC d/b/a Adelphia Business Solutions; Gulf Power Bates 3314-3340

Gulf Power Exh. 64- 2001 Pole Attachment Agreement between Gulf Power Company and Southern Light, LLC; Gulf Power Bates 3341-3379

Gulf Power Exh. 65- Composite Exhibit: Documents identified in Gulf Power's Second Supplemental Responses to Complainants' Second Request for Production of Documents, Response 12 as "evidence of an unregulated market for pole space"; Gulf Bates 00826-00865; 00941; 00962; 00964; 00966; 00967; 00968-69; 00970; 00971-72; 00974-75; 00977-78; 01028-01069; 01087-01192; 01214-01256; 01073; 01082; 01211-12; 01265; 01424-25; 01430; 01432; 01433; 01434; 01435; 01436; 01437; 01438; 01439-41; 01446; 01447; 01448; 01449; 01451-53; 01454; 01455; 01456; 01457; 01458; 01459; 01460-61; 01464-67; 01473-01511; 01532; 01533; 01534; 01535-36; 01537-39; 01540; 01541-42; 01552; 01554-55; 01563; 01564-65; 01566; 01567; 01569; 01573-01575; 01652; 01683-84; 01685; 01687; 01689-93; 01962; 01965; 01966; 01967; 01968; 01969; 01970; 01972; 01974; 01975; 01976-77; 01978; 01979-82; 01984; 01986; 01987-88; 01989; 01990; 01991; 01992; 01994; 01995-02000; 02001-02039; 02306-02309; 02040-02061; 020301-02305; 02062-02088.

EXHIBITS REFERENCED IN GULF POWER'S DEPOSITION DESIGNATIONS

Bruce Burgess

Depo Exh. 6 (CATV) Exhibit A to Complainants' Fifty Pole Identification

Depo Exh. 13 (CATV) Gulf Power Spec Plates C-1 through C-11 (Gulf Power Exh. 11 above)

Mark O'Cellaigh

Depo Exh. 6 (CATV) Exhibit A to Complainants' Fifty Pole Identification

Depo Exh. 16 (CATV) 1997 Pole Attachment Agreement between Gulf Power Company and Cox Communications, Pensacola, Inc.; FCTA Bates 003695COX-003729COX; (Gulf Power Exh. 7 above)

Depo Exh. 18 (CATV) Cox Construction Specifications 006678COX-006742COX

Shayne Routh

Depo Exh. 13 (CATV) Gulf Power Spec Plates C-1 through C-11 (Gulf Power Exh. 11 above)

Depo Exh. 30 (CATV) Mediacom Photographs 11-20

Depo Exh. 31 (CATV) Pole Profiles

Jeff Smith

Depo Exh. 3 (CATV) 1995 Cable Television Attachment Agreement between Gulf Power Company and Comcast Cablevision of Panama City, Inc.; FCTA Bates 002308COM-002338COM; (Gulf Power Exh. 8 above)

Depo Exh. 6 (CATV) Exhibit A to Complainants' Fifty Pole Identification

Depo Exh. 7 (CATV) Comcast Photographs 21-30

Depo Exh. 8 (CATV) Comcast Pole Information

Mickey Harrelson

Harrelson Exh. 8 Harrelson Photographs (numbers 1454 and 1457)

Gulf Power reserves the right to use additional exhibits in cross-examination of complainants' witnesses and in rebuttal to complainants' evidence or as may be needed in the interest of completeness under Federal Rules of Evidence 106. Gulf Power may also utilize demonstrative aids, illustrative exhibits, models, and summaries of voluminous exhibits (consistent with Federal Rules of Evidence 1006).



J. Russell Campbell

Eric B. Langley

Allen M. Estes

BALCH & BINGHAM, LLP

1710 Sixth Avenue North

Birmingham, Alabama 35203-2015

Telephone: (205) 251-8100

Facsimile: (205) 226-8798

Ralph A. Peterson

BEGGS & LANE, LLP

P.O. Box 12950

Pensacola, Florida 32591-2950

Telephone (850) 432-2451

Facsimile: (850) 469-3331

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of Gulf Power Company's Final Case-In-Chief Exhibit List has been served upon the following by electronic mail and Federal Express on this the 6th day of April, 2006:

Lisa Griffin Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554	Shiela Parker Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554
Rhonda Lien Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554	Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, SW Washington, D.C. 20554
James Shook Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554	Chris Monteith Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554
Director, Division of Record and Reporting Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850	Federal Energy Regulatory Commission Docket Room 1A-209 888 First Street, NE Washington, D.C. 20426
John D. Seiver Geoffrey C. Cook Rita Tewari COLE, RAYWID & BRAVERMAN 1919 Pennsylvania Avenue, N.W. Suite 200 Washington, D.C. 20006	


OF COUNSEL