

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

 In the Matter of)
)
 ARKANSAS CABLE)
 TELECOMMUNICATIONS)
 ASSOCIATION; COMCAST OF)
 ARKANSAS, INC.; BUFORD)
 COMMUNICATIONS I, L.P. d/b/a)
 ALLIANCE COMMUNICATIONS)
 NETWORK; WEHCO VIDEO, INC.;)
 COXCOM, INC.; and CEBRIDGE)
 ACQUISITION, L.P., d/b/a SUDDENLINK)
 COMMUNICATIONS,)
)
Complainants,)
)
 v.)
)
 ENTERGY ARKANSAS, INC.,)
)
Respondent.)

EB Docket No. 06-53

EB-05-MD-004

COMPLAINANTS' SIXTH AMENDED RESPONSES TO ENTERGY'S FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION

Complainants Comcast of Arkansas, Inc., Buford Communications I, L.P. d/b/a/ Alliance Communications Network; WEHCO Video, Inc., CoxCom, Inc. and Cebbridge Acquisition, L.P., d/b/a Suddenlink Communications ("Complainants") hereby responds to Entergy's First Interrogatories and Requests for Production as follows:

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Statement

These responding parties and their attorneys have not completed discovery in this action. All of the responses contained herein are based solely upon information presently available to and specifically known by the parties and their attorneys after diligent and good faith investigation. As discovery continues, witnesses, facts, and evidence may be discovered which are not set forth herein, but which may have been responsive to one or more of the interrogatories had the information been known at this time.

Facts and evidence now known may be imperfectly understood, and the relevance or consequences of such facts and information may be imperfectly understood. Accordingly, some facts and evidence now known may not, in good faith, be included in the following responses.

Complainants anticipate that further discovery, independent investigation, legal research and analysis will supply additional facts, may supply new meaning to known facts, and may establish entirely new facts or conclusions and legal contentions, all of which may lead to substantial modification to the discovery responses herein. The following interrogatory responses are given without prejudice to Complainants' right to produce witnesses and evidence, the significance of which are only subsequently discovered. Complainants therefore reserve the right to modify any or all responses made herein as additional facts are obtained, analyses are made, legal research is completed and contentions are developed. The responses contained herein are made in a good faith effort to supply

such factual information as is presently known, but should in no way be interpreted to prejudice the rights of Complainants in relation to future discovery, research, or analysis.

Finally, Entergy's requests are in some cases duplicative of each other, and each document identified may not be responsive only to the Interrogatory or Request marked; in many cases, documents may be responsive to one or more additional Interrogatory or Request.

GENERAL OBJECTIONS

Complainants assert the following General Objections, which are incorporated by reference into each specific response below:

1. Complainants object to the Interrogatories, including the "Instructions" and "Definitions," to the extent that they seek to impose burdens or duties upon Complainants that exceed the requirements and permissible scope of discovery under the FCC's Rules and Procedures governing hearings and the Orders, including but not limited to the Hearing Designation Order and Judge Steinberg's April 20, 2005 Procedural Order.

2. Complainants object to the Interrogatories to the extent that they seek information reflecting communication protected from disclosure by the attorney-client privilege and/or material protected by the work-product doctrine or any other applicable privilege.

3. Complainants object to the Interrogatories to the extent that they seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4. Complainants object to the Interrogatories to the extent that they seek proprietary and/or confidential information and/or trade secrets.

5. Complainants object to the Interrogatories to the extent that they are vague, overly broad, and/or confusing.

6. Complainants object to the Interrogatories to the extent that they are unduly burdensome, unreasonably cumulative and duplicative, or call for information already in Entergy's (or its agents', representatives' and contractors') possession.

7. Complainants object to the Interrogatories to the extent that they are intended solely for the purpose of annoyance, embarrassment, harassment, and/or oppression.

8. Complainants object to the Interrogatories to the extent that they seek information that should more properly be obtained through deposition testimony.

9. Complainants anticipate discovering additional information and materials during the discovery process, which may be responsive to the discovery

requests. Complainants expressly reserve the right to rely on such information and materials if and when they are discovered after the date of this response.

10. Complainants expressly reserve the right to supplement these objections.

11. These General Objections are incorporated into each specific response below and all such responses shall be subject to the foregoing General Objections.

INTERROGATORY NO. 1: Identify the individuals who participated in responding to these interrogatories and requests for production and list the corresponding interrogatory or request for production for which they participated.

RESPONSE: Complainants state that the following people assisted in responding to interrogatories and requests for production generally:

Dave Thomas, Attorney, Hogan & Hartson

Genevieve Sapir, Attorney, Hogan & Hartson

Paul Werner, Attorney, Hogan & Hartson

Sharese Pryor, Attorney, Hogan & Hartson

Ernest J. Quarles, Contract Attorney, Hogan & Hartson

Iris Richard, Contract Attorney, Hogan & Hartson

Patrick Sanders, Contract Attorney, Hogan & Hartson

Chana Dourrough, Contract Attorney, Hogan & Hartson

Troy Anderson, Contract Attorney, Hogan & Hartson

Coleen Lennon, Legal Assistant, Hogan & Hartson

Marc Billingsley, Comcast, Little Rock

Kyle Birch, Comcast, Senior Counsel

Mike Wilson, Government Affairs, Comcast, Little Rock

Rosemarie Pierce, Paralegal, Comcast

Craig Rosenthal, General Counsel, Suddenlink

Maureen Matchett, Counsel, Suddenlink

Jeff Gould, Suddenlink, Conway, AR

Garland "Chip" Dunlap, Suddenlink, Conway, AR

Tommy Dunlap, Suddenlink

Connie Lyles, Buford Media Group, Tyler, TX

Arl Cope, V.P. Alliance, Greenbrier, AR

Kay Monigold, Buford Media Group, Tyler, TX

Bennett Hooks, Independent Contractor, Alliance, Greenbrier, AR

Jeffrey Browsers, Plant Manager/Construction Coordinator, Alliance

Romaine McDaniel, Office Manager, Alliance, Greenbrier, AR

Len Pitcock, ACTA

Tony Allen, WEHCO Video, Inc.

Don McLellen, WEHCO Video. Inc.

Charlotte Dial, WEHCO Video. Inc.

Jeff Jech, Cox System Manager, Harrison and Berryville 305 W. Stephenson,

Harrison, Ark, 72601

Mike Allen, Cox Technician, 928 W. Trimble, Suite B-1, Berryville, Ark. 72616

Ken Kelly, Cox Field Service Manager 305 W. Stephenson, Harrison, Ark, 72601

Kristen Weathersby, Esq., Senior Counsel, Cox Communications, Inc., 1400 Lake Hearn Drive, Atlanta, GA 30319

Len Pitcock, Arkansas Cable Telecommunications Association

In addition, Complainants state that for each operator, company specific information was provided by:

Alliance: Arl Cope

Comcast: Marc Billingsley

Cox: Jeff Jech, Kristen Weathersby, Esq.

Suddenlink: Jeff Gould

WEHCO: Charlotte Dial

All remaining objections and responses were made by Genevieve D. Sapir, Esq.

INTERROGATORY NO. 2: Identify each individual you will or may call to testify as a fact witness at the formal hearing of this proceeding before the Administrative Law Judge or who will or may provide written testimony and state the subject matter on which each such witness will or may testify.

RESPONSE: Complainants object to this question on the grounds that this Interrogatory purports to require Complainants to identify its witness list in advance of the date set forth in the ALJ's April 20, 2006 Order. Complainants further object on the grounds that it has not yet completed discovery and is unable at this juncture to identify the witnesses it will actually call. At this time,

Complainants can only state which witnesses it may call at hearing and which witnesses may submit written testimony. Subject to these objections, Complainants state that they expect to call as witnesses the same parties that submitted written declarations in the Complaint and Reply.

INTERROGATORY NO. 3: Identify to the best of your ability at this time each individual you will actually call to testify as a witness at the formal hearing of this proceeding before the Administrative Law Judge or who will actually provide written testimony so that their depositions can be timely noticed and completed by EAI in compliance with the Administrative Law Judge's order issued April 20, 2006, FCC 06M-09.

RESPONSE: Complainants object to this question on the grounds that this Interrogatory purports to require Complainants to identify their witness list in advance of the date set forth in the ALJ's April 20, 2006 Order. Complainants further object on the grounds that it has not yet completed discovery and is unable at this juncture to identify the witnesses it will actually call. At this time, Complainants can only state which witnesses it may call at hearing and which witnesses may submit written testimony. Those witnesses are identified in Complainants' response to Interrogatory No. 2, above.

INTERROGATORY NO. 4: Identify each individual you will or may call to testify as an expert witness at the formal hearing of this proceeding before the Administrative Law Judge or who will or may provide written testimony.

RESPONSE: Michael T. Harrelson, PO Box 432, McRae, GA 31055, 912-568-1504, mickeyharrelson@yahoo.com.

INTERROGATORY NO. 5: Identify all individuals who have knowledge, information or documents relating to the issues to be addressed at the formal hearing before the Administrative Law Judge which are contained in the Hearing Designation Order adopted on March 1, 2006, DA 06-494.

RESPONSE: Complainants object to this interrogatory on the grounds that it is overly broad and does not specify with any particularity the individuals it asks Complainants to identify. Moreover, it would be burdensome for Complainants to track down every person, whether in its employ or not, who may have such knowledge, information or documents. Subject to these objections, Complainants state that all persons submitting declarations or affidavits in the pleadings and all persons identified in response to Interrogatory No. 1 have or had knowledge, information or documents relating to the issues set forth in the HDO. In addition, the following people have or had knowledge, information or documents: Nelson Mower, Vice President of Operations, Cox Communications, Little Rock, AR; Nat Lea, WEHCO Video, Inc., Little Rock, AR; Steve Breshears- 700 Exchange Ave Conway, AR 72032 ph 870-403-2980; Robert Lee- 1131 W. Moline St Malvern, AR 72104 870-310-8972 and Roger Jeffery of Truevance- 8 Henrietta Ln Bella Vista, AR 72714 479-366-2677; Mark Murry of UCI- 1810 Water Place, Suite 200 Atlanta, GA 30339 ph 770-835-0319; Greg Bowling- 769 North 20th St Ozark, MO 65721, Rod Rigsby- Conway, AR; James Peacock, UCI-Little Rock; Renda McClendon, UCI-

Little Rock; James McClendon, UCI-Little Rock; Tim Staunton, UCI-Little Rock; Wil Gideon, UCI-Little Rock; Cindy Kirby, UCI-Little Rock; Barry Tingle, UCI-Little Rock; Lacy Hale, UCI-Little Rock; Ramona Reams, UCI-Little Rock; Steve Vickers, UCI-Atlanta; Ron Lipham, UCI-Atlanta. See COMPL025846-COMPL025851.

INTERROGATORY NO. 6: Identify all individuals who were not identified in response to Interrogatory No. 5 who have knowledge, information or documents relating to facts, allegations, contentions or subject matter described in the pleadings in FCC Docket Nos.: EB-05-MD-004, EB 06-53.

RESPONSE: Complainants object. This interrogatory is overly broad and does not specify with any particularity the individuals it asks Complainants to identify. Moreover, it would be burdensome for Complainants to track down every person, whether in its employ or not, who may have such knowledge, information or documents. Subject to these objections, Complainants state that all persons submitting declarations or affidavits in the pleadings and all persons identified in response to Interrogatory No. 2 have knowledge, information or documents relating to the issues set forth in the HDO. See also COMPL025852-COMPL030220.

INTERROGATORY NO. 7: Identify and describe every communication between you and any of your agents, contractors, subcontractors, employees, Complainants, other cable operators, other telecommunications carriers, or any other entity relating to Utility Support Systems, Inc. ("USS"), safety inspections performed by

USS, or safety violations reported by EAI or USS to you or your agents or contractors or subcontractors.

RESPONSE: Complainants object. This interrogatory is overly broad and does not specify with any particularity the communications it asks Complainants to identify. It is also oppressive and burdensome for Complainants to find and document every communication, whether oral or written, whether made by its own employees or other parties not under its control, regarding reported safety violations.

Complainants also object to the extent that responsive documents are privileged under the attorney-client or work-product doctrines. Subject to these objections, Complainants will produce those non-privileged documents with information responsive to this interrogatory. See COMPL000004-COMPL000013; COMPL030221-COMPL051252; COMPL238883-COMPL263231; COMPL425206-COMPL452567; COMPL631344-COMPL677754; COMPL962415-COMPL963083; ALLIANCE000001-ALLIANCE000170; COX000001-COX002510; SUDDEN000001-SUDDEN000016; WEHCO000001-WEHCO004757.

INTERROGATORY NO. 8: Identify and describe every communication between you and any of your agents, contractors, subcontractors, employees, Complainants, other cable operators, other telecommunications carriers, or any other entity relating to actions taken by you or your agents or contractors or subcontractors to correct such safety violations, including details about pre-inspections and post-inspections performed by you or your agents or contractors or subcontractors relating to corrections of such safety violations.

RESPONSE: Complainants object. This interrogatory is overly broad and does not specify with any particularity the communications it asks Complainants to identify. It is also oppressive and burdensome for Complainants to find and document every communication, whether oral or written, whether made by its own employees or other parties not under its control, regarding reported safety violations. Complainants also object to the extent that responsive documents are privileged under the attorney-client or work-product doctrines. Complainants further object on the grounds that information responsive to this request may be duplicative of information requested by Interrogatory No. 7. Subject to these objections, Complainants will produce those non-privileged documents with information responsive to this interrogatory. See COMPL000014-COMPL001006; COMPL051253-COMPL068471; COMPL263232-COMPL276129; COMPL452568-COMPL474359; COMPL677755-COMPL707917; COMPL963084-COMPL963455; ALLIANCE000171-ALLIANCE000211; COX002511-COX004721; SUDDEN000017-SUDDEN000034; WEHCO004758-WEHCO006866.

INTERROGATORY NO. 9: Identify and describe every communication, not otherwise identified in response to Interrogatory Nos. 7 and 8, between you and any of your agents, contractors, subcontractors, employees, Complainants, other cable operators, other telecommunications carriers, or any other entity relating to any fact, allegation, contention, or subject matter described in the pleadings in FCC Docket Nos.: EB-05-MD-004, EB 06-53.

RESPONSE: Complainants object. This interrogatory is overly broad and does not specify with any particularity the communications it asks Complainants to identify. To the extent Entergy seeks communications related to issues described in the pleadings, but not related to the issues designated for hearing, Entergy's request is not relevant and it is beyond the scope of the above-captioned proceeding. It is also oppressive and burdensome for Complainants to find and document every communication, whether oral or written, whether made by its own employees or other parties not under its control. Complainants also object to the extent that responsive documents are privileged under the attorney-client or work-product doctrines. Complainants further object on the grounds that information responsive to this request may be duplicative of information requested by Interrogatories Nos. 7 and 8. Subject to these objections, Complainants will produce those non-privileged documents with information responsive to this request. See COMPL001007; COMPL068472-COMPL085931; COMPL276130-COMPL284305; COMPL284638-COMPL284643; COMPL474360-COMPL476851; COMPL707918-COMPL709195; COMPL963456-COMPL963969; ALLIANCE000212-ALLIANCE000743; COX004722-COX005556; SUDDEN000035-SUDDEN014872; WEHCO006867-WEHCO008052.

INTERROGATORY NO. 10: Identify the documents you would consult or rely on to determine the number of poles, structures or property owned or controlled by EAI to which you currently have any Cable Plant attached and the specific location of each such pole, structure or property.

RESPONSE: Alliance: In order to determine the number of billable attachments, Alliance would rely on Entergy's rental invoices. Invoices do not match billable attachments with particular locations. To determine the location of any particular attachment, Alliance would consult its maps.

Comcast: Prior to the USS inspection, Comcast relied on Entergy's rental invoices to determine the total number of billable attachments. Invoices do not match billable attachments with particular locations. To determine the location of any particular attachment, Comcast would consult its maps. See COMPL001008-COMPL00002917; COMPL085932-087708; COMPL284306-COMPL284637; COMPL476852-COMPL477962; COMPL709196-COMPL709473; COMPL963970-COMPL964039; ALLIANCE000744-ALLIANCE000793; COX005557-COX005707; SUDDEN014873-SUDDEN020746; WEHCO008053-WEHCO008069.

Cox: In order to determine the number of billable attachments, Cox would rely on Entergy's rental invoices. Cox also keeps a rolling attachment count based on the previous total, adding poles for which it has submitted applications. Invoices do not match billable attachments with particular locations. To determine the location of any particular attachment, Cox would consult its maps.

Suddenlink: In order to determine the number of billable attachments, Suddenlink would rely on Entergy's rental invoices. Invoices do not match billable attachments with particular locations. To determine the location of any particular attachment, Suddenlink would consult its maps.

WEHCO: In order to determine the number of billable attachments and their particular location, WEHCO would consult a combination of maps, invoices from Entergy and its attachment tracking database.

INTERROGATORY NO. 11: Identify the documents you would consult or rely on to determine the type, characteristics, size, dimensions, manufacturer and part number, weight, and sag characteristics using medium loading district under NESC Figure 250-1 of the Cable Plant attached to each such pole or structure regardless of when the Cable Plant was attached.

RESPONSE: Complainants object on the grounds that this interrogatory is not relevant to the issues in the HDO. Subject to that objection, Complainants state that it would rely on the cable manufacturer's specifications and NESC Figure 250-1.

INTERROGATORY NO. 12: State the total number of attachments of Cable Plant you currently have on poles, structures or property owned or controlled by EAI and had on such poles, structures or property for each of the years 2001, 2002, 2003, 2004, and 2005.

RESPONSE: Complainants object on the grounds that this information is equally available from Entergy's own records. Complainants further object on the grounds that during the course of the parties' dispute, Entergy has either refused to define or has given conflicting definitions of billable "attachment." Subject to the foregoing objections, Complainants refer Entergy to their responses to Interrogatory No. 10.

Complainants further state that they relied on Entergy's rental invoices to determine the rental amounts for the years requested.

INTERROGATORY NO. 13: Identify the documents you would consult or rely on to determine the date each existing attachment of Cable Plant referenced in response to Interrogatory No. 12 was originally installed on such poles, structures or property owned or controlled by EAI.

RESPONSE: See COMPL087709; COMPL284644-COMPL310569; COMPL477963-COMPL479832; COMPL709474-COMPL711840; WEHCO008070-WEHCO008148.

Alliance: Alliance would consult maps, permits and applications, where available, to determine the installation date.

Comcast: Comcast would consult maps, applications and permits, where available, to determine the installation date.

Cox: Cox would consult maps, applications and permits, where available, to determine the installation date.

Suddenlink: Suddenlink would consult maps and permit documents, where available to determine the installation date.

WEHCO: WEHCO would consult maps, applications and permits, where available, to determine the installation date.

INTERROGATORY NO. 14: Identify the documents you would consult or rely on to identify the date and location of each upgrade, rebuild, overlash, modernization, modification, or replacement of any Cable Plant attached by you, a predecessor, or

on your behalf at any time to poles, structures or property owned or controlled by EAI.

RESPONSE: See COMPL025845; COMPL087710-COMPL094783; COMPL310570-COMPL313575; COMPL479833-COMPL483223; COMPL711841-COMPL722922; COMPL964040-COMPL964141; ALLIANCE000794-ALLIANCE000935; COX005708-COX006361; SUDDEN020747-SUDDEN027090; WEHCO008149-WEHCO008151.

Alliance: Alliance would consult maps, contractor information and other documentation related to the upgrade.

Comcast: See response to Interrogatory No. 13.

Cox: See response to Interrogatory No. 13.

Suddenlink: Suddenlink would consult upgrade prints, permits submitted, ride out documents from contractors Truevance and UCI, new build prints and permits.

WEHCO: See response to Interrogatory No. 13.

INTERROGATORY NO. 15: Identify the documents you would consult or rely on to determine the Cable Plant which was in place both immediately prior to and following completion of each such upgrade, rebuild, overlash, modernization, modification, or replacement.

RESPONSE: Complainants objects on the ground that this interrogatory is vague, ambiguous and confusing. Complainants cannot answer this interrogatory because it does not understand what Entergy means by “determine the Cable Plant.”

INTERROGATORY NO. 16: Identify by date and describe every instance where you contend an employee, agent, or contractor acting on behalf of EAI granted permission, approval, or consent for you to deviate from erecting and maintaining your Cable Plant in accordance with the specifications or engineering standards set forth in the Pole Attachment Agreement.

RESPONSE: Complainants object. Entergy's deviation from its own standards is and has been so widespread and commonplace that it would be oppressive and burdensome for Complainants to identify each and every instance where Entergy's own employees or representatives approved such exceptions and deviations. Moreover, such approvals were often made orally in the field. Largely, records for these approvals do not exist. Subject to these objections, Complainants will produce documents with information responsive to this interrogatory. Complainants also provide the following additional responsive information with respect to Comcast: Denny Road, Permit # CC-327 dated 5-23-07 and approved by Carol Pennington on 7-7-06. Several poles were approved to attach lower than the communications space specified by EAI. Saddle Hill, Permit #CC-321 Dated 1-17-06. Approved on 1-27-06 by Bernard Neumeier requiring make-ready to meet contract standards. Later changed by Carol Pennington on 3-28-06 that gave Comcast permission to not meet contract standards. Attachments were allowed below the EAI specified communications space. Mid Towne Mall, Permit #CC-331 dated 6-7-06. Several attachments were authorized verbally by Gary Bettis and Gary Lamkin and later by Carol Pennington in writing on 6-29-06, to be attached out of the specified EAI

communications space. Comcast was authorized to share an anchor with another communications company. Stone Links, Permit # CC-326 dated 5-5-06. Several attachments approved out of the EAI designated communications space by Carol Pennington on 6-19-06. All approvals were given to Comcast's Marc Billingsley. See COMPL094784-COMPL094785; COMPL313576-COMPL313586; COMPL483224-COMPL483227; COMPL722923-COMPL722925.

INTERROGATORY NO. 17: For each instance identified in response to Interrogatory No. 16, identify the employee, agent or contractor who granted such permission, approval, or consent on behalf of EAI.

RESPONSE: See objections and response to No. 16, above.

INTERROGATORY NO. 18: For each instance identified in response to Interrogatory No. 16, identify the employee, agent, contractor or subcontractor who requested, received or obtained the permission, approval, or consent on your behalf.

RESPONSE: See objections and response to No. 16, above.

INTERROGATORY NO. 19: For each instance identified in response to Interrogatory No. 16, identify the location of any of your Cable Plant where you contend a deviation from the specifications or engineering standards was permitted, approved, or consented to.

RESPONSE: See objections and response to No. 16, above. See also COMPL094786; COMPL313587-COMPL313589; COMPL483228-COMPL483230; COMPL722926.

INTERROGATORY NO. 20: Identify each specification or engineering standard relating to your Cable Plant set forth in the Pole Attachment Agreement which you contend is unjust and unreasonable.

RESPONSE: Complainants object on the grounds that this interrogatory seeks information that is not relevant to the issues designated for hearing. Complainants also object on the grounds that this information is equally available elsewhere. Subject to the foregoing specifications and limited to the context of the above-captioned Complaint and hearing proceeding, Complainants state that it has set forth in the Complaint the standards and engineering specifications Complainants challenge in this proceeding.

INTERROGATORY NO. 21: Identify the specific location and description of each safety violation reported to you by EAI or USS which you contend is not a violation by virtue of grandfathering as defined under Section 1, Paragraph 013.B of the NESC.

RESPONSE: Complainants object on the grounds that this interrogatory is oppressive and burdensome. By asking for the specific location and description of each grandfathered citation, Entergy is requesting the very thing that Complainants have alleged to be unjust and unreasonable in their Complaint. One of the fundamental bases for Complainants' action is that it is unjust and unreasonable for Complainants to identify grandfathered attachments on a pole-by-pole basis. Complainants' position, from the inception of this action, has been that it is burdensome (and therefore unjust and unreasonable) to identify these

violations on a case-by-case basis. Subject to these objections, Complainants will provide documents responsive to this request. See COMPL094787-COMPL094909; COMPL313596; COMPL722927-COMPL722932.

INTERROGATORY NO. 22: For each violation identified in responding to Interrogatory No. 21, state whether you contend that the Cable Plant cited for the safety violation:

(a) Is an existing installation which meets, or has been altered to meet, the 2002 Edition of the NESC and, if so, state the particular section(s) of the 2002 Edition of the NESC with which you maintain the installation complies, or

(b) Is an existing installation which complies with prior editions of the NESC and, if so, state the particular edition(s) and section(s) of the NESC with which you maintain the installation complies, or

(c) Is where Cable Plant has been added, altered, or replaced by you on an existing structure in compliance with either:

(i) The rules that were in effect at the time of the original installation and, if so, state the date the Cable Plant cited for the violation was originally installed by you and the particular edition(s) and section(s) of the NESC with which you maintain the installation complies, or

(ii) The rules in effect in a subsequent edition of the NESC with which you maintain the installation has been previously brought into compliance and, if so, state the date the Cable Plant cited for the violation was previously brought into compliance and the particular edition(s) and

section(s) of the NESC with which you maintain the installation has been brought into compliance, or

(iii) The rules of the 2002 Edition of the NESC and, if so, state the particular section(s) of the 2002 Edition of the NESC with which you maintain the installation complies.

RESPONSE: Complainants object on the grounds that this interrogatory is oppressive and burdensome. By asking for the specific location and description of each grandfathered citation, Entergy is requesting the very thing that Complainants have alleged to be unjust and unreasonable in their Complaint. One of the fundamental bases for Complainants' action is that it is unjust and unreasonable for Complainants to identify grandfathered attachments on a pole-by-pole basis. Complainants' position, from the inception of this action, has been that it is burdensome (and therefore unjust and unreasonable) to identify these violations on a case-by-case basis. Subject to these objections, Complainants will provide documents responsive to this request. See COMPL002918-COMPL003359; COMPL313597-COMPL313603.

INTERROGATORY NO. 23: Identify the specific location and description of each safety violation reported to you by EAI or USS which you contend you should not be responsible for correcting because there is no violation, or because the violation was created by the installation of electric facilities by EAI, or because the violation was created by the installation of cable, plant, or equipment by a third party attacher other than EAI.

RESPONSE: Complainants object on the grounds that this interrogatory is oppressive and burdensome. Complainants have identified categories of violations to which it objects. By asking for the specific location and description of each contested citation, Entergy is requesting the very thing that Complainants have alleged to be unjust and unreasonable in their Complaint. One of the fundamental bases for Complainants' action is that it is unjust and unreasonable for Complainants to refute alleged violations on a pole-by-pole basis. Complainants' position, from the inception of this action, has been that it is burdensome (and therefore unjust and unreasonable) to identify these violations on a case-by-case basis. Subject to these objections, Complainants will provide responsive documents.

See COMPL003360-COMPL003424; COMPL094910-COMPL096235; COMPL313604-COMPL314068; COMPL483231-COMPL484077; COMPL722933-COMPL723903; COX006362-COX006376; WEHCO008152-WEHCO008364.

INTERROGATORY NO. 24: For each violation identified in response to Interrogatory No. 23, state the factual basis for your contention that you should not be responsible for correcting such violation.

RESPONSE: See objections and response to Interrogatory No. 23. See also COMPL096236-COMPL096458.

INTERROGATORY NO. 25: For each violation identified in response to Interrogatory No. 23, state the factual basis for your contention that you should not be responsible for correcting such violation.

RESPONSE: See objections and response to Interrogatory No. 23. See also COMPL003425; COMPL314069-COMPL314076; COMPL484078-COMPL485943; COMPL723904-COMPL727552.

INTERROGATORY NO. 26: Identify the specific location and description of each safety violation reported to you by EAI or USS other than those safety violations identified in response to Interrogatory Nos. 21 and 23 which you contend you should not be responsible for correcting.

RESPONSE: See objections and response to Interrogatories Nos. 21-23. See also COMPL314077-COMPL314282; COMPL485944-COMPL485952.

INTERROGATORY NO. 27: For each violation identified in response to Interrogatory No. 26, state the factual basis for your contention that you should not be responsible for correcting such violation.

RESPONSE: See objections and response to Interrogatories Nos. 21-23.

INTERROGATORY NO. 28: Identify the specific location of each safety violation reported to you by EAI or USS which you contend you cannot correct until EAI or other attachers to the pole or structure adjust their facilities.

RESPONSE: Complainants object on the grounds that this interrogatory is oppressive and burdensome. Complainants have identified examples and categories of violations which require action by other parties. By asking for the specific location and description of each contested citation, Entergy is requesting that Complainants engage in significant field work at considerable expense. Subject to these objections, Complainants will provide documents responsive to this request.

See COMPL003426-COMPL003448; COMPL096459-COMPL097985;
COMPL314291-COMPL316951; COMPL485953-COMPL4892237; COMPL727553-
COMPL730447; COX006377-COX006391; WEHCO008364-WEHCO009265.

INTERROGATORY NO. 29: Identify the specific location and description of each safety violation reported to you by EAI or USS which you contend you have corrected.

RESPONSE: Complainants object on the grounds that this interrogatory is not relevant. Whether Complainants have made or reported corrections is not an issue designated for hearing and is not related to the issues designated for hearing. As a result, Entergy's request is not relevant and is beyond the scope of the above-captioned proceeding. Subject to these objections, Complainant will provide documents responsive to this request. See COMPL003449-COMPL004661;
COMPL097986-COMPL103517; COMPL316952-COMPL319866; COMPL489238-
COMPL498377; COMPL730448-COMPL743339; COX006392-COX006619;
WEHCO009266-WEHCO009751.

INTERROGATORY NO. 30: Identify the documents you would consult or rely on to identify the dates when each safety violation was corrected by you and the steps taken by you to correct the violation.

RESPONSE: Complainants object on the grounds that this interrogatory is not relevant. Whether or when Complainants have made or reported corrections is not an issue designated for hearing and is not related to the issues designated for hearing. As a result, Entergy's request is not relevant and is beyond the scope of