

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

FILED/ACCEPTED

MAY - 8 2007
Federal Communications Commission
Office of the Secretary

In the Matter of

Arkansas Cable Telecommunications)
Association; Comcast of Arkansas, Inc.;) EB Docket No. 06-53
Buford Communications I, L.P. d/b/a)
Alliance Communications Network;)
WEHCO Video, Inc.; and TCA Cable) EB-05-MD-004
Partners d/b/a Cox Communications,)

Complainants,

v.

Entergy Arkansas, Inc.,

Respondent.

To: Office of the Secretary
Attn: The Honorable Arthur I. Steinberg
Administrative Law Judge

**FIRST AMENDED RESPONSES TO COMPLAINANT
ARKANSAS CABLE TELECOMMUNICATIONS
ASSOCIATION'S SECOND SET OF DOCUMENT REQUESTS**

Entergy Arkansas, Inc. ("EAI"), for its first amended responses to complainant Arkansas Cable Telecommunications Association's ("ACTA") second set of document requests, states as follows:

GENERAL OBJECTIONS

EAI's responses are subject to, qualified by, and limited by the following General Objections which apply to each specific document request as if incorporated and set out in full in response to each.

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1. EAI generally objects to each document request to the extent it requires EAI to provide information not within its possession, custody, or control.

2. EAI generally objects to any document request that calls for information not within its present knowledge or which seeks to require EAI to offer a narrative of its case.

3. EAI generally objects to the document requests to the extent that they are unreasonably cumulative or duplicative and to the extent that the information requested is already within the possession of Complainants or is otherwise obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. EAI generally objects to the document requests to the extent that they seek discovery of information that is not relevant to any claim or defense raised by Complainants or EAI and/or where the burden or expense of the proposed discovery would outweigh any benefit to ACTA of the discovery.

5. EAI generally objects to the document requests to the extent that they seek discovery of pure legal conclusions or contentions without any application to specific facts. Further, to the extent that any document request seeks discovery of EAI's legal contentions in relation to specific facts, EAI objects to the document request as being premature.

6. EAI generally objects to ACTA's document requests to the extent that they seek information or production of documents protected by the attorney-client privilege, the work product doctrine, the party communication privilege, or any other legally recognized privilege, immunity, or doctrine.

7. EAI generally objects to ACTA's document requests to the extent that they seek information or documents protected from disclosure by a third party confidentiality agreement, statute, regulation, administrative order, or case law.

8. EAI generally objects to ACTA's document requests insofar as they seek confidential and/or proprietary information. To the extent not otherwise objectionable or containing trade secrets, EAI will respond or produce documents or other materials which contain confidential and/or proprietary information consistent with the Stipulated Confidentiality Agreement governing use of such documents and information as approved by the Administrative Law Judge.

9. EAI generally objects to any instruction, definition, interrogatory, or request to the extent it attempts to impose obligations on EAI greater than those established by the rules of the Federal Communications Commission, 47 C.F.R. §§ 1.311 through 1.325.

10. EAI submits these responses and will respond to ACTA's document requests without conceding the relevancy or materiality of the subject matter of any interrogatory or request or document, and without prejudice to EAI's right to object to further discovery, or to object to the admissibility of any additional proof on the subject matter of any document or response, at the time of the formal hearing of this proceeding before the Administrative Law Judge. EAI reserves the right to supplement any response herein at any time and in accordance with the Administrative Law Judge's order issued April 20, 2006, FCC 06M-09.

11. EAI's responses below that it will produce certain documents in response to document requests should be taken not as representations that such documents exist but as an undertaking to locate and produce relevant, non-privileged documents, if they exist and can be found.

SPECIFIC OBJECTIONS AND AMENDED RESPONSES TO DOCUMENT REQUESTS

1. Identify and produce all documents responsive to Complainants' First Set of Interrogatories submitted to EAI on June 20, 2006, not previously produced.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: This request is duplicative of previous requests to which EAI has previously responded. Responding further, EAI has requested employees who would likely possess any relevant and responsive documents relating to the issues in this proceeding to review documents which may be in their possession to determine if Complainants' First Set of Interrogatories and Document Requests should be supplemented. These employees have been asked to either confirm that they previously have produced to counsel all documentation relating to the issues or furnish counsel with any documentation not previously produced by them. Brad Welch has been requested to furnish all documentation in his possession relating to the Complainants. At the time EAI was responding to Complainants' First Set of Interrogatories and Document Requests, Mr. Welch no longer held a position relating to the issues in this proceeding. EAI believed that any relevant and responsive documents which Mr. Welch possessed in his previous position had been transferred to the custody of his replacement. However, it appears that possession of various documents was retained by Mr. Welch. Additionally, employees David Kelley and Lucinda Thompson have been requested to furnish additional documentation to counsel. Subject to and without waiving the above general

and specific objections, EAI has amended and supplemented its responses to ACTA's first set of document requests.

2. Identify and produce all documents relied upon, referred to or used in any way to respond to Complainant Arkansas Cable Telecommunications Association's Second Set of Interrogatories submitted to EAI on December 19, 2006 in this matter.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: Responsive documents, if any, have already been produced or are being produced or made available by EAI.

3. Identify and produce a copy of EAI's document retention or destruction policies.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, responsive documents EAI1010010163 through EAI1010010174 have been produced.

4. Identify and produce copies of all company organizational information including but not limited to organizational charts, a list of names, titles, contact information, and job descriptions and duties.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: This information has previously been obtained by counsel for Complainants through the depositions of EAI witnesses.

5. Identify and produce all instructions or other material advising Entergy field personnel and/or contractors about procedures for inspecting, clearing, grandfathering, and submitting work requests to clear violations.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: In addition to responsive documents already produced by EAI, additional responsive documents EAI010010334 through EA1010010337 have been produced.

6. Identify and produce field notes that were made by EAI field inspectors that were used in the creation of the spreadsheets that were attached to the Gary Bettis letters produced in your initial production, Bates No. EA1010005813 through EAI010006361.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: In addition to responsive documents

previously produced by EAI, distribution circuit walk down maps will be made available to ACTA for review at a mutually convenient date and time at the offices of Wright, Lindsey & Jennings LLP.

7. Identify and produce fax cover sheets and other material indicating completion of work to correct EAI Violations.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: In addition to responsive documents already produced by EAI, additional responsive documents EAI10010175 through EAI10010333 have been produced. See also EA1010010762 through EA1010018271 which are being provided separately to counsel for the complainants.

8. Identify and produce any and all materials related to Entergy providing Broadband Over Power Line ("BPL") service.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI further responds that the materials sought by Complainant ACTA do not fall within an issue designated for hearing and are not related to the issues designated for hearing.

9. Identify and produce any and all documents, not previously produced, related to the above-captioned proceeding.

RESPONSE: Objection. EAI objects to this request on the grounds that it is overly broad, unduly burdensome, and requests information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the above general and specific objections, EAI responds as follows: See response to Request No. 1. See also EAI010018272 through EA1010021261 which are being provided separately to counsel for the complainants.

Respectfully submitted,

A handwritten signature in black ink that reads "Shirley S. Fujimoto" followed by a horizontal line and the initials "SDR".

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Attorneys for Entergy Arkansas, Inc

Dated: May 8, 2007

CERTIFICATE OF SERVICE

I, David D. Rines, do hereby certify that on this 8th day of May, 2007, a single copy (unless otherwise noted) of the foregoing "First Amended Responses to Complainant Arkansas Cable Telecommunications Association's Second Set of Document Requests" was delivered to the following by the method indicated:

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