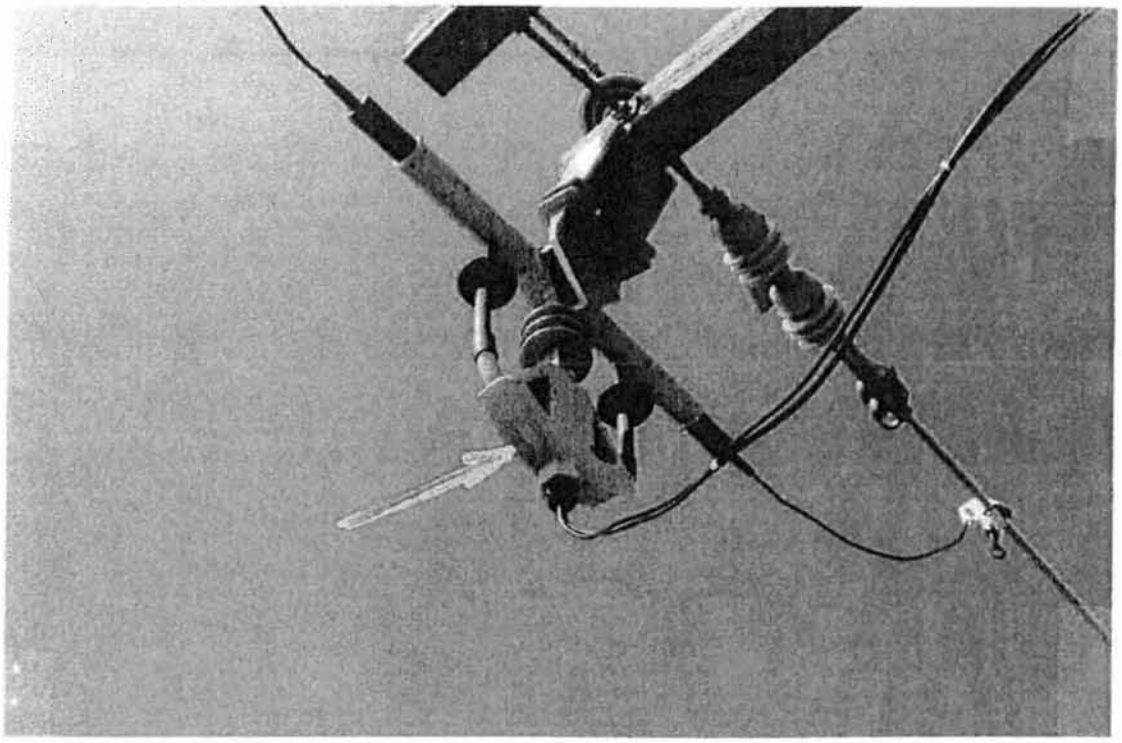
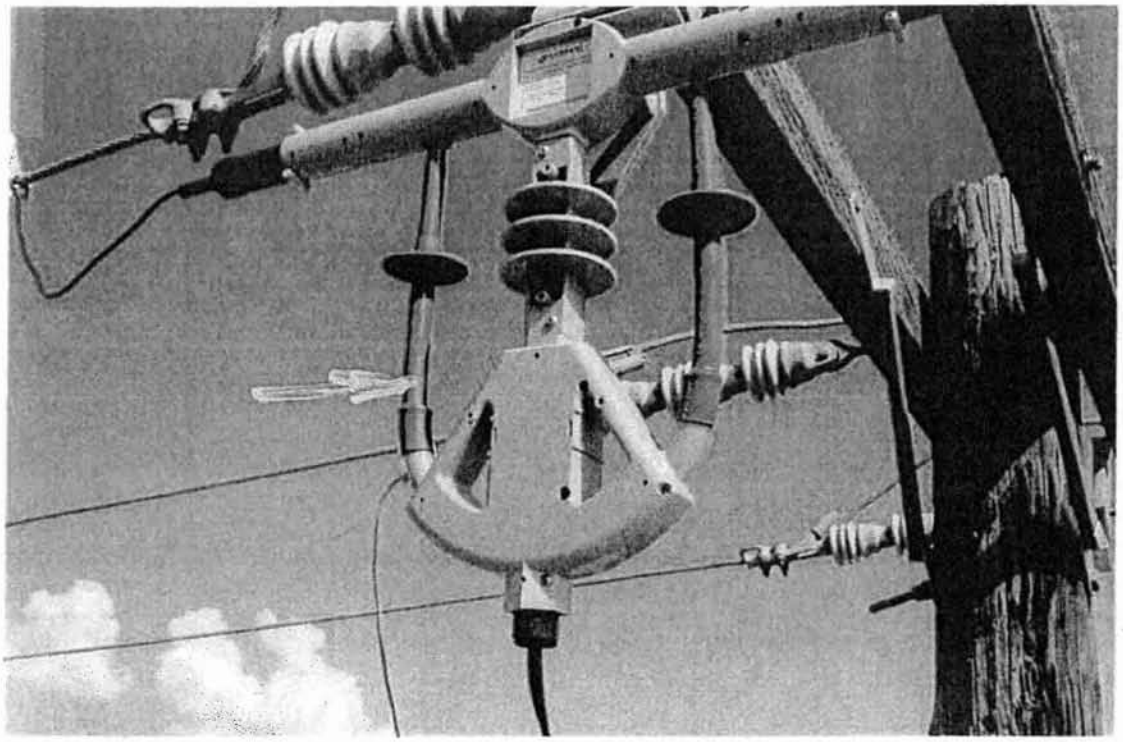
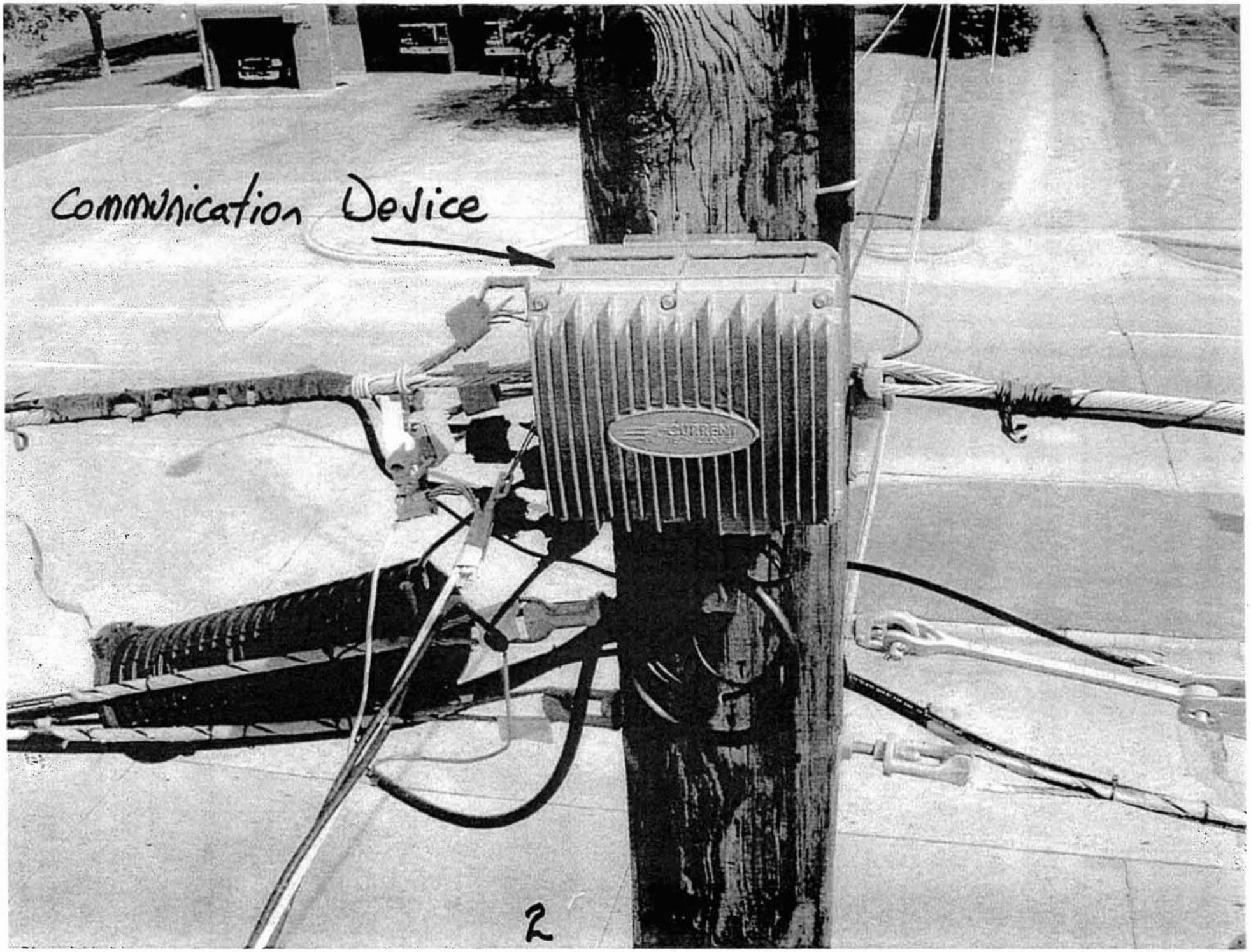
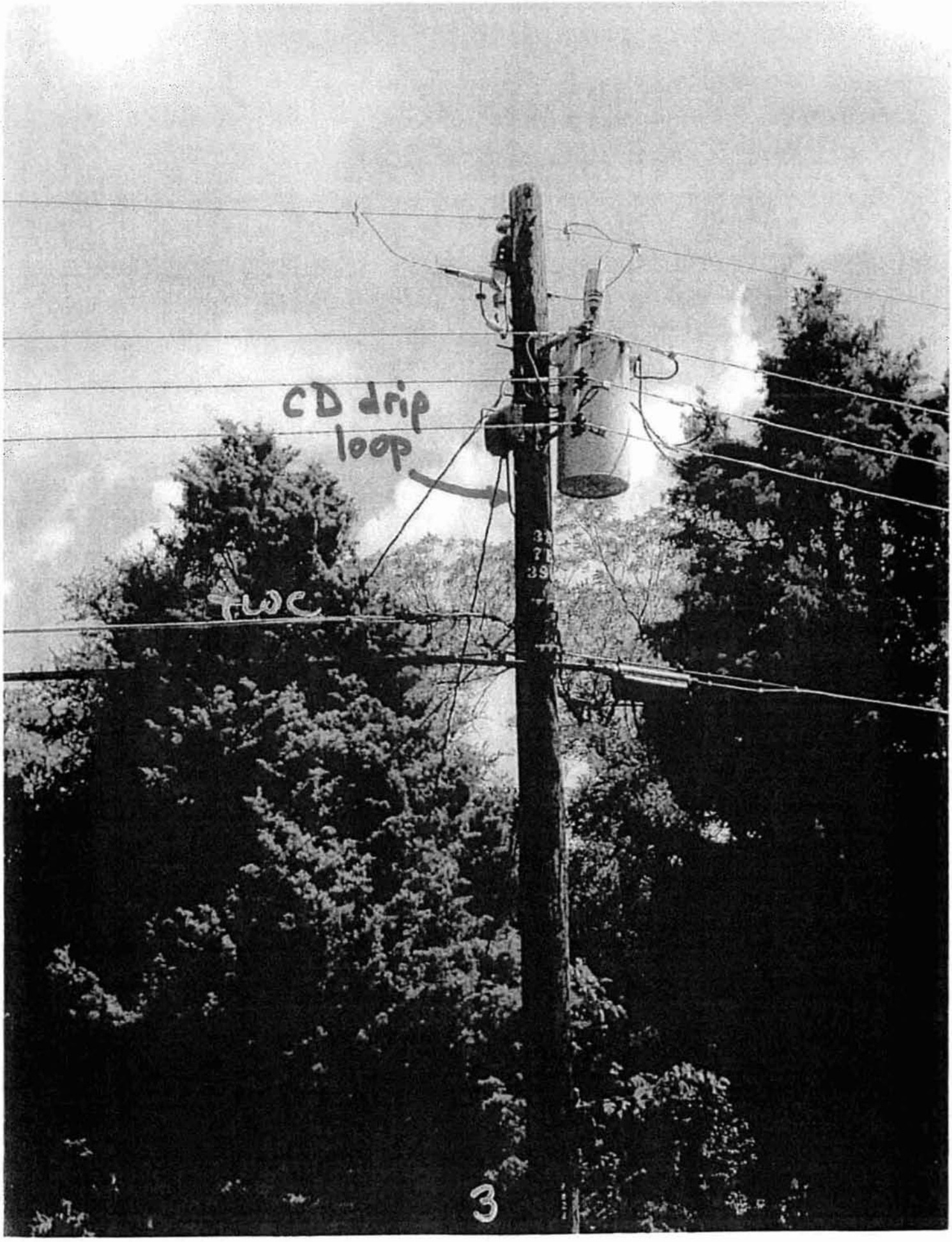
Attachment D

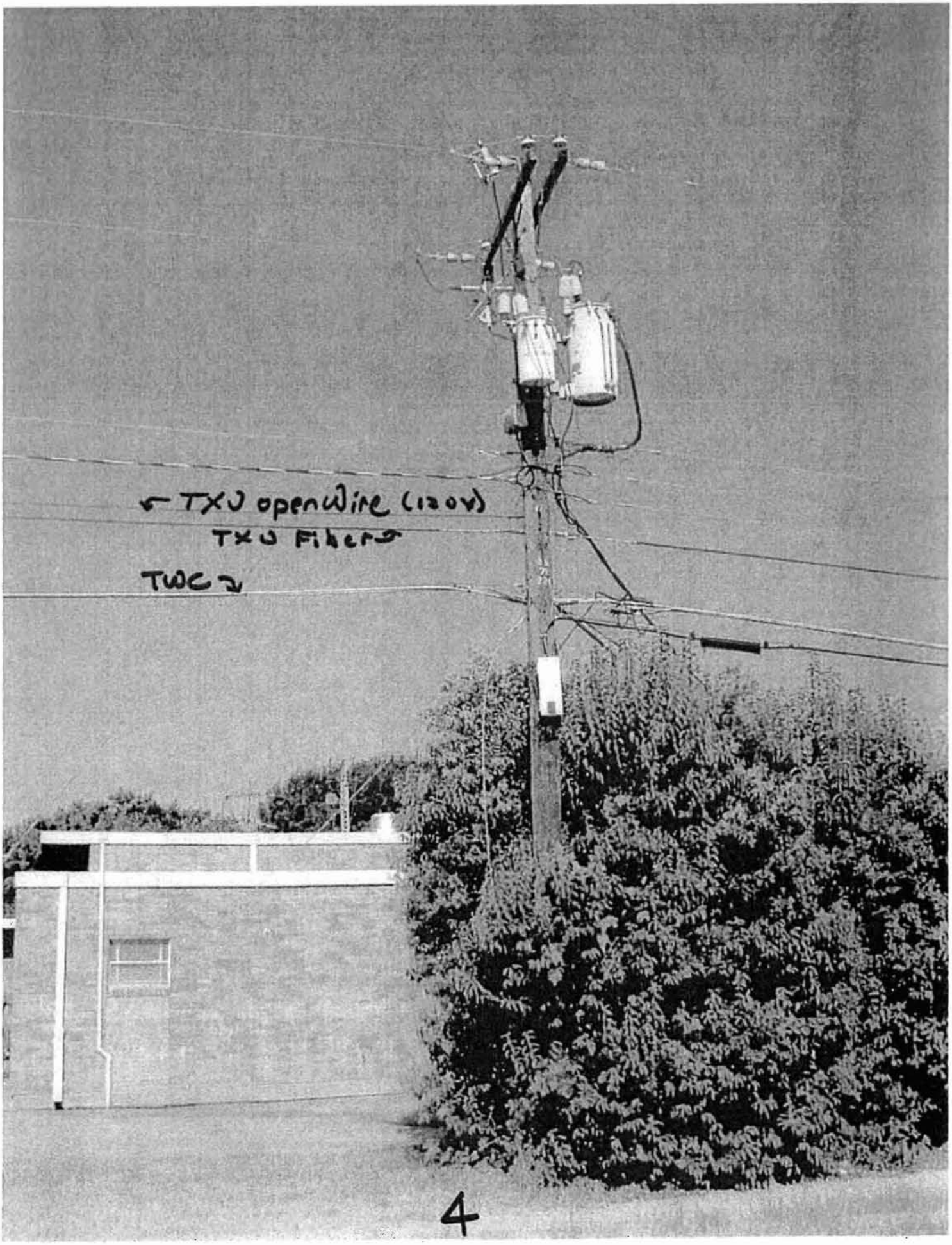
Medium-Voltage Coupler Device



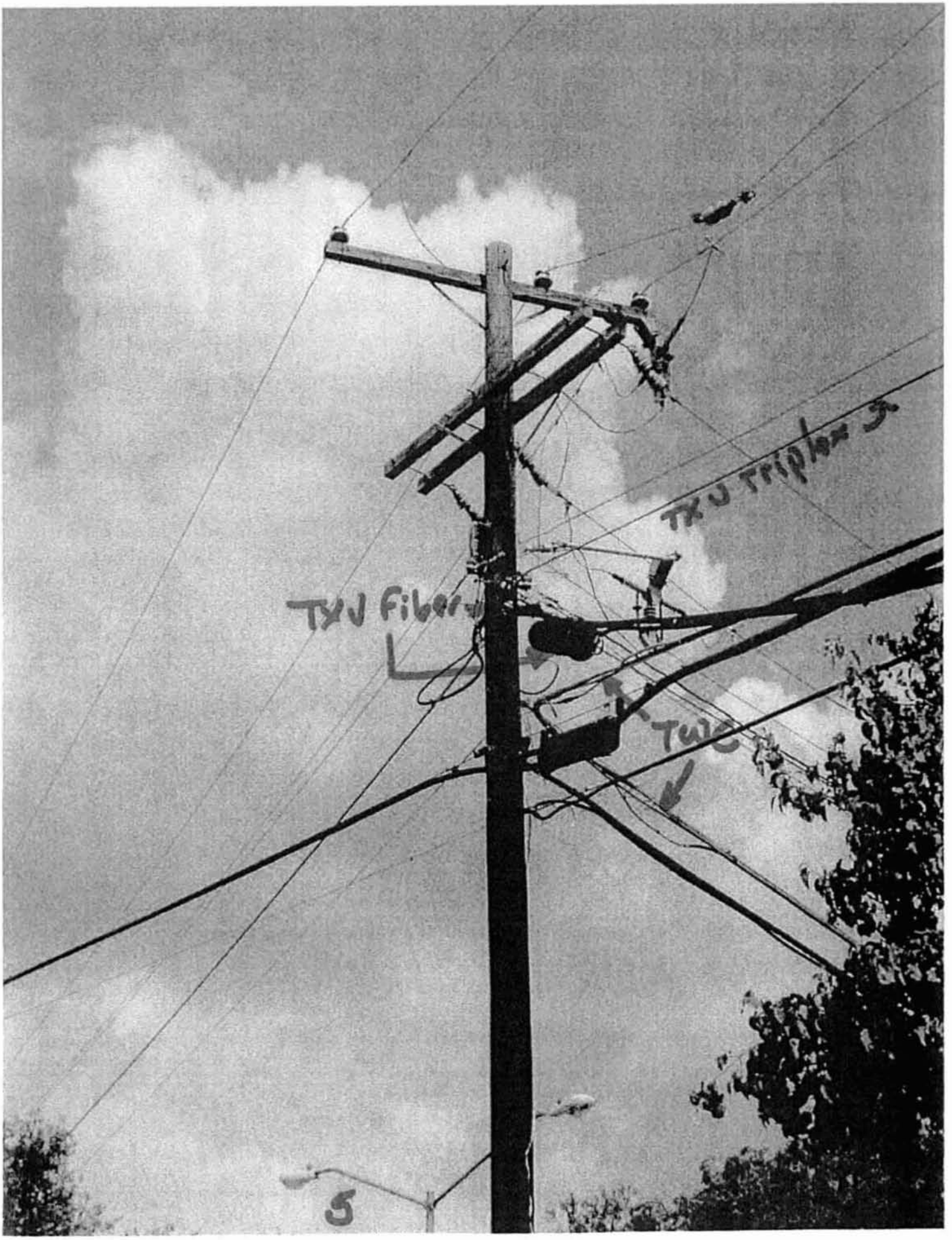


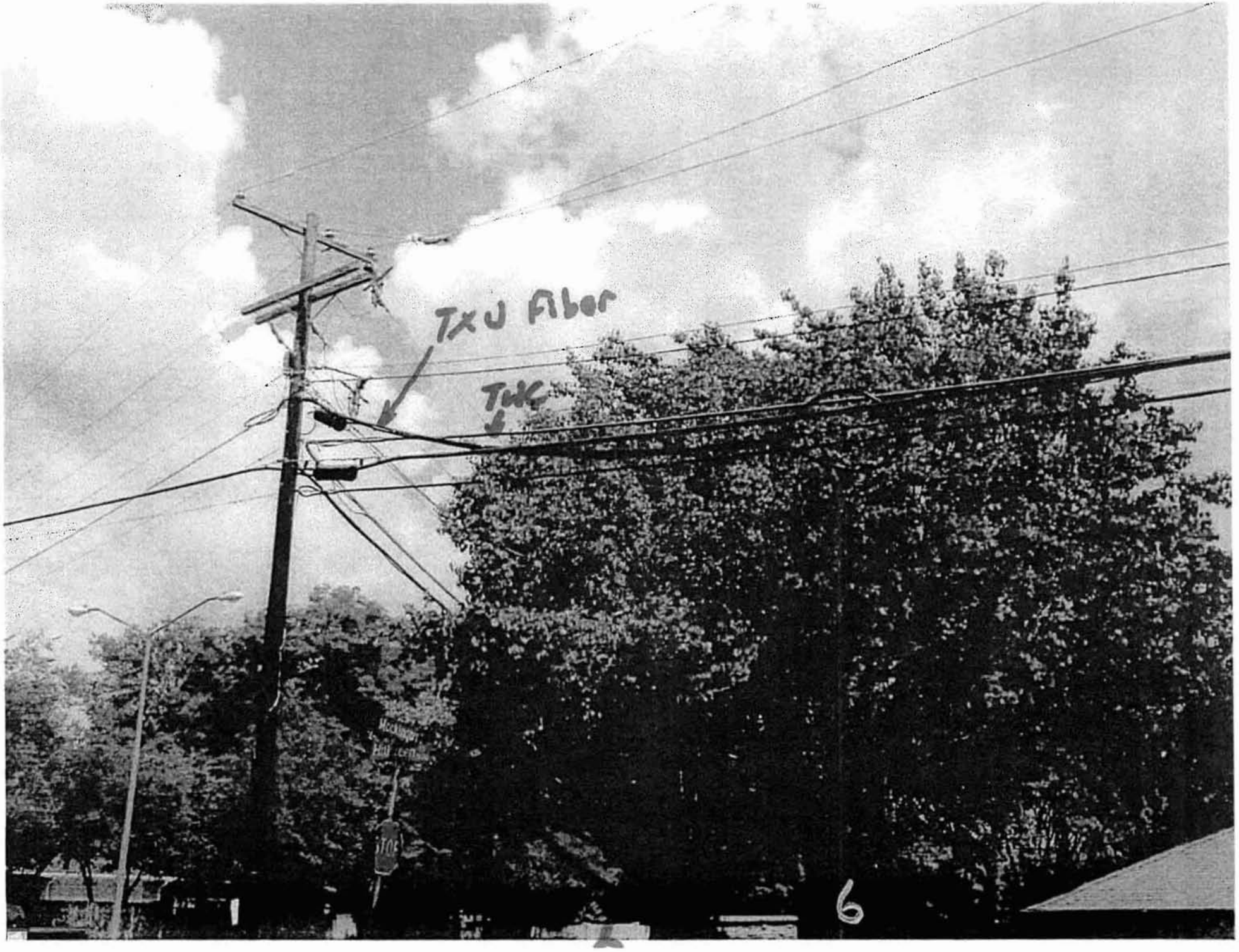

Communication Device
CURRENT
2

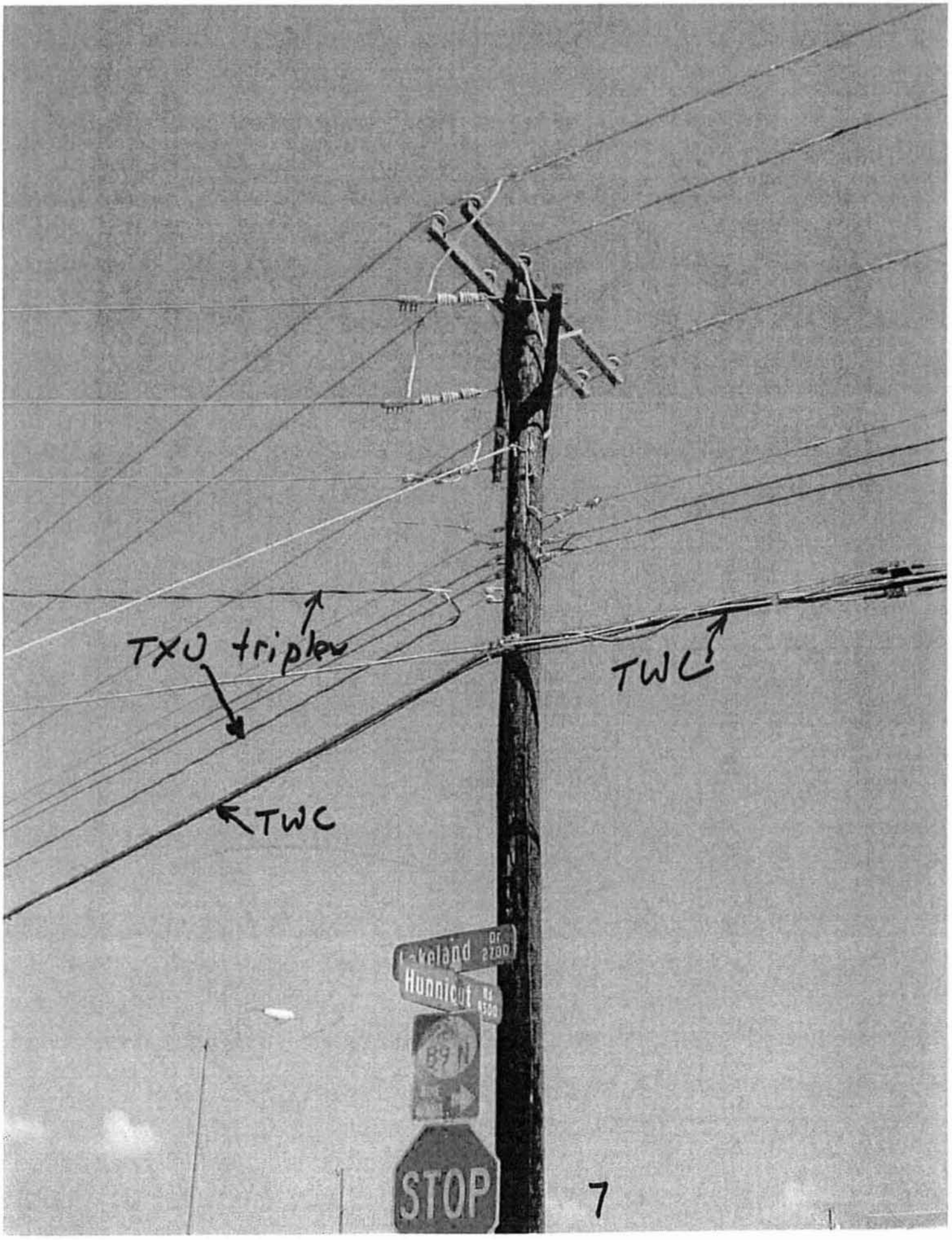

CD drip
loop
TWC
3

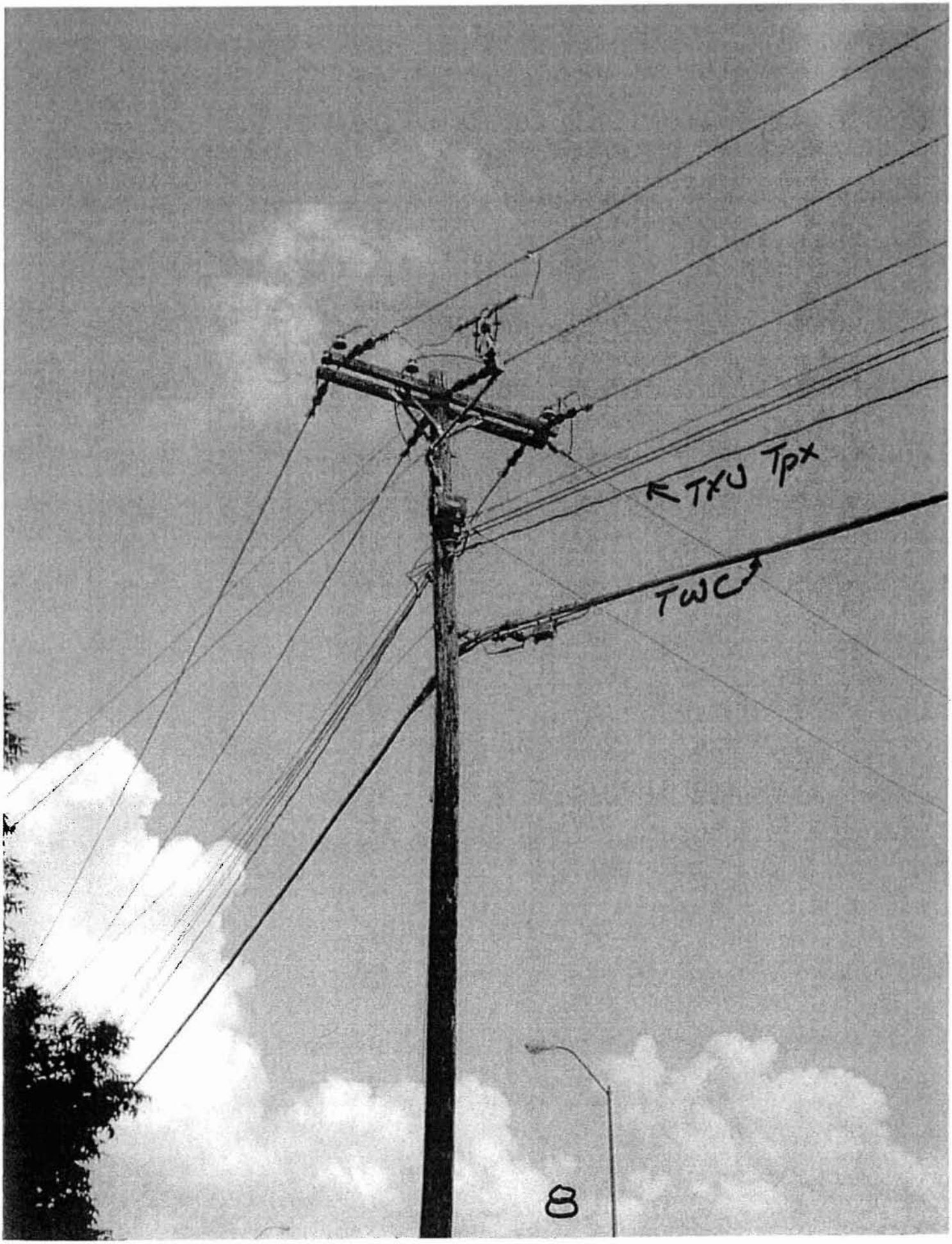


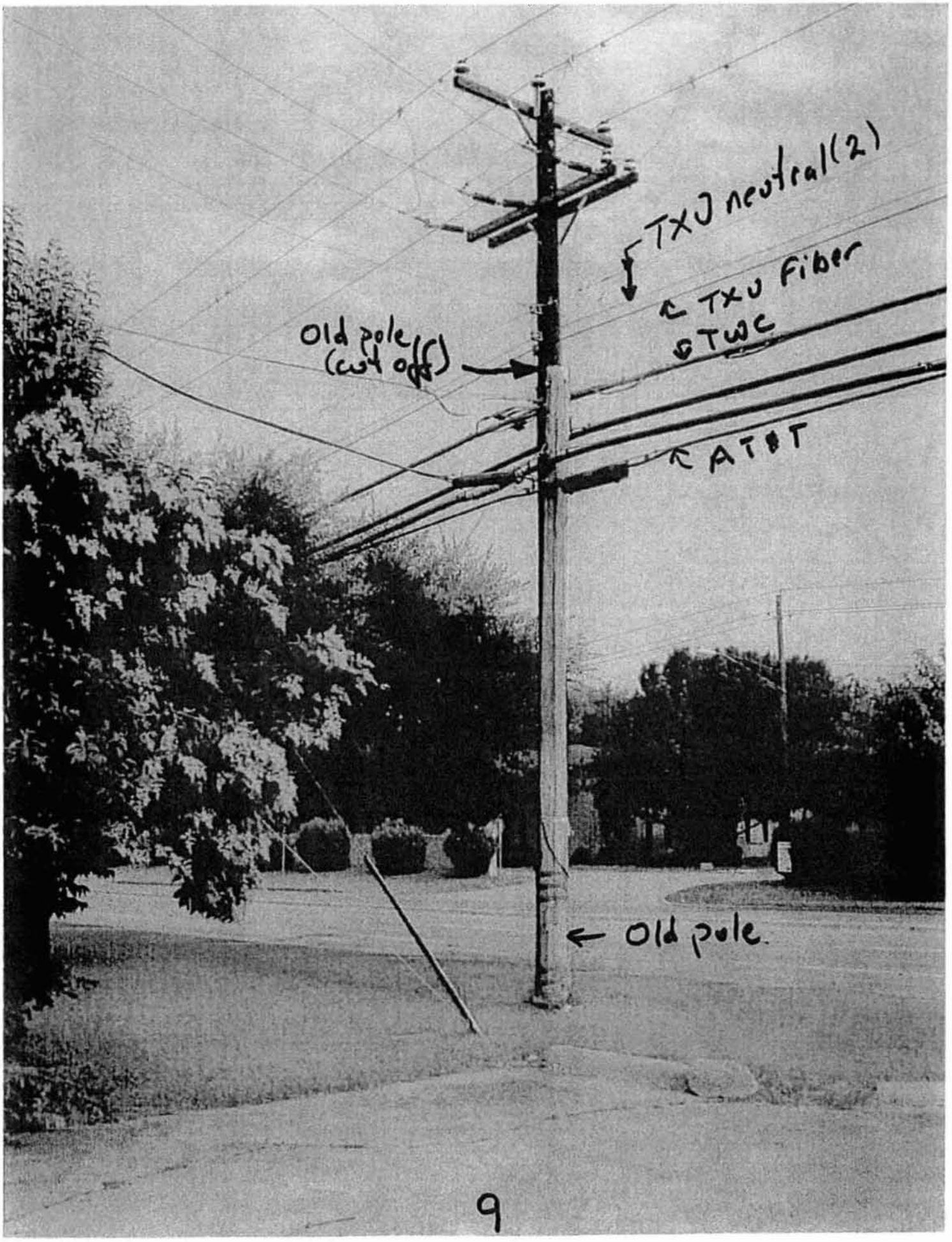
4

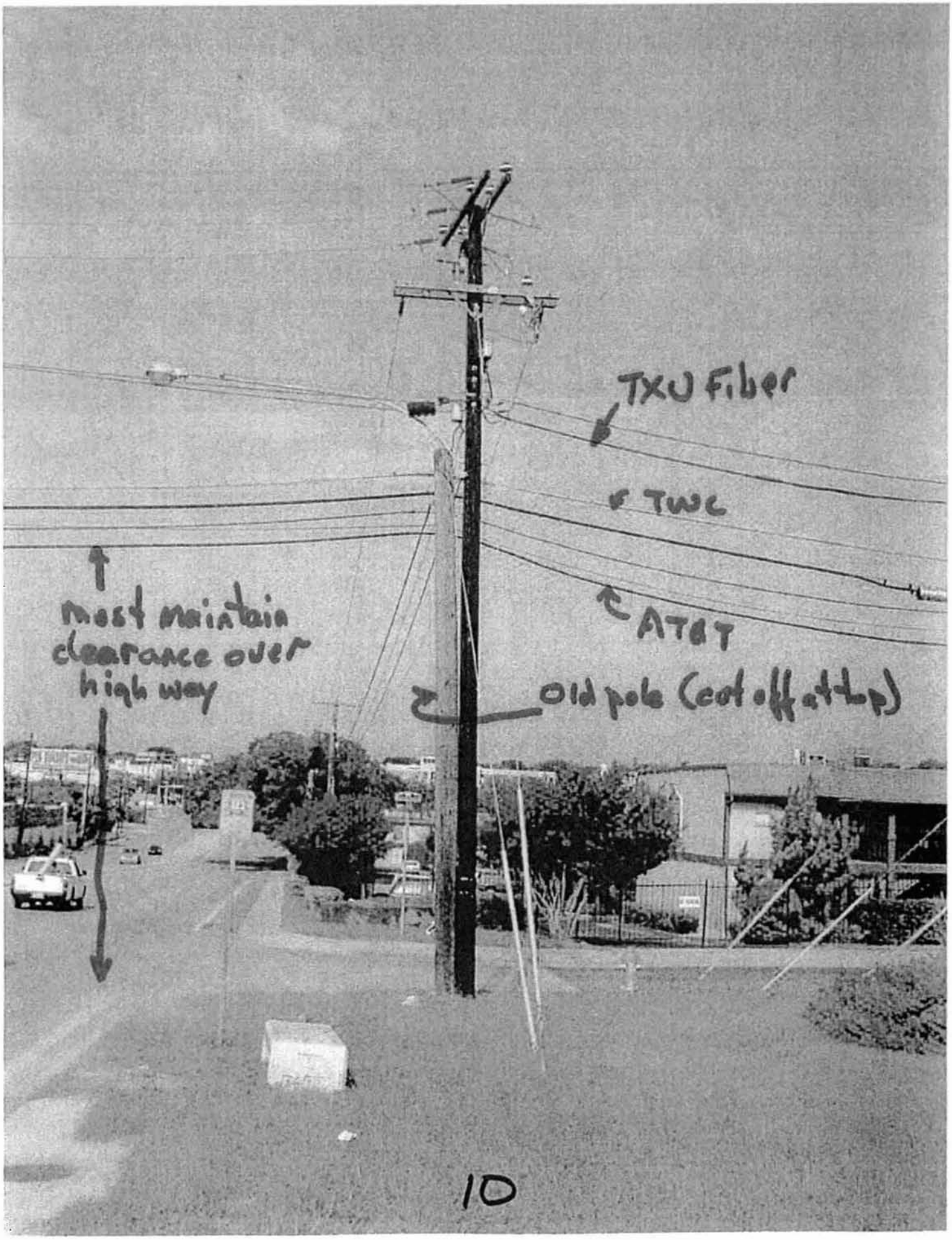

TXU triplex
TXU Fiber
TWC
5

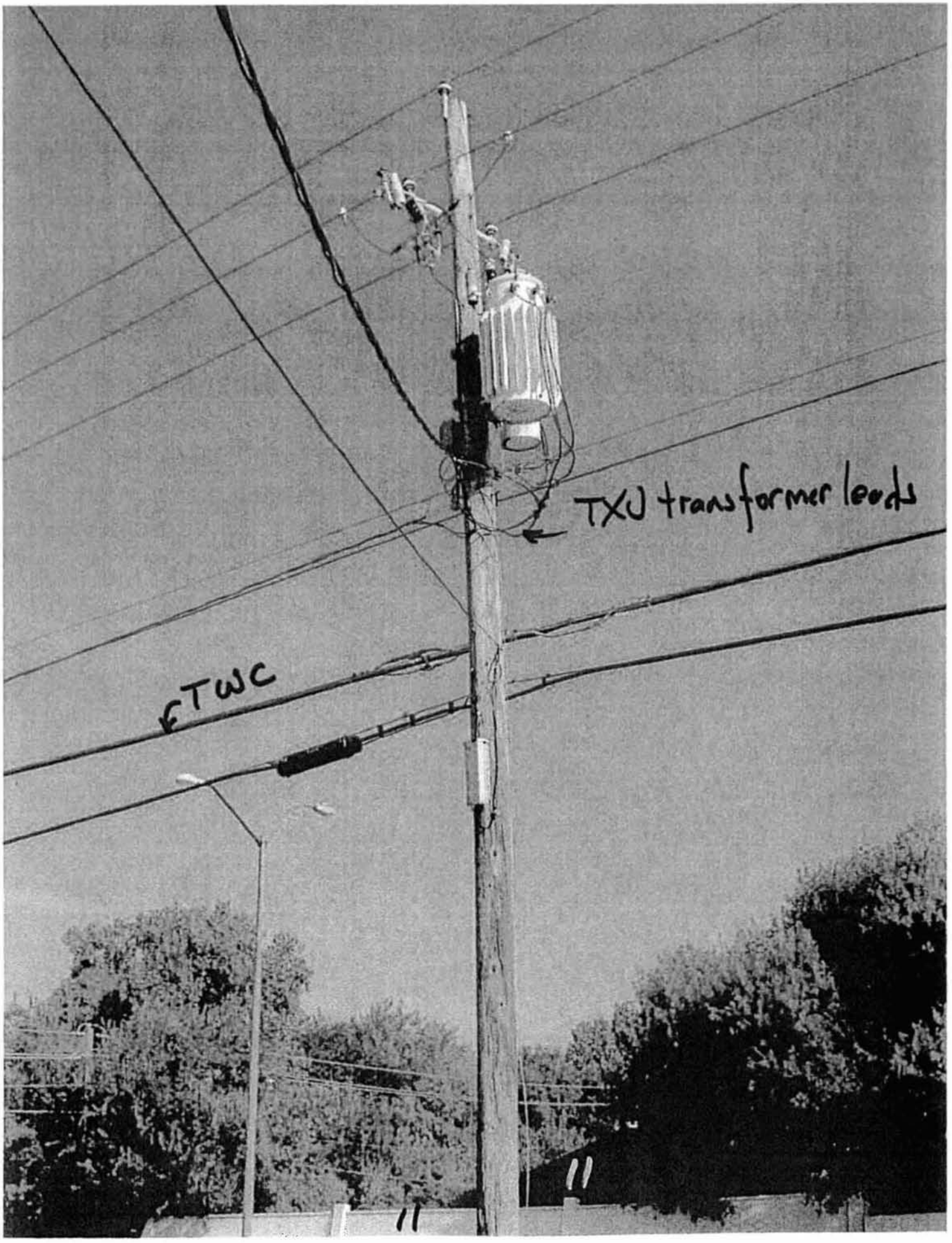

TxU Fiber
TWC
6


TXU triplex
TWC
TWC
Lakeland Dr
Hunnicut Rd
STOP

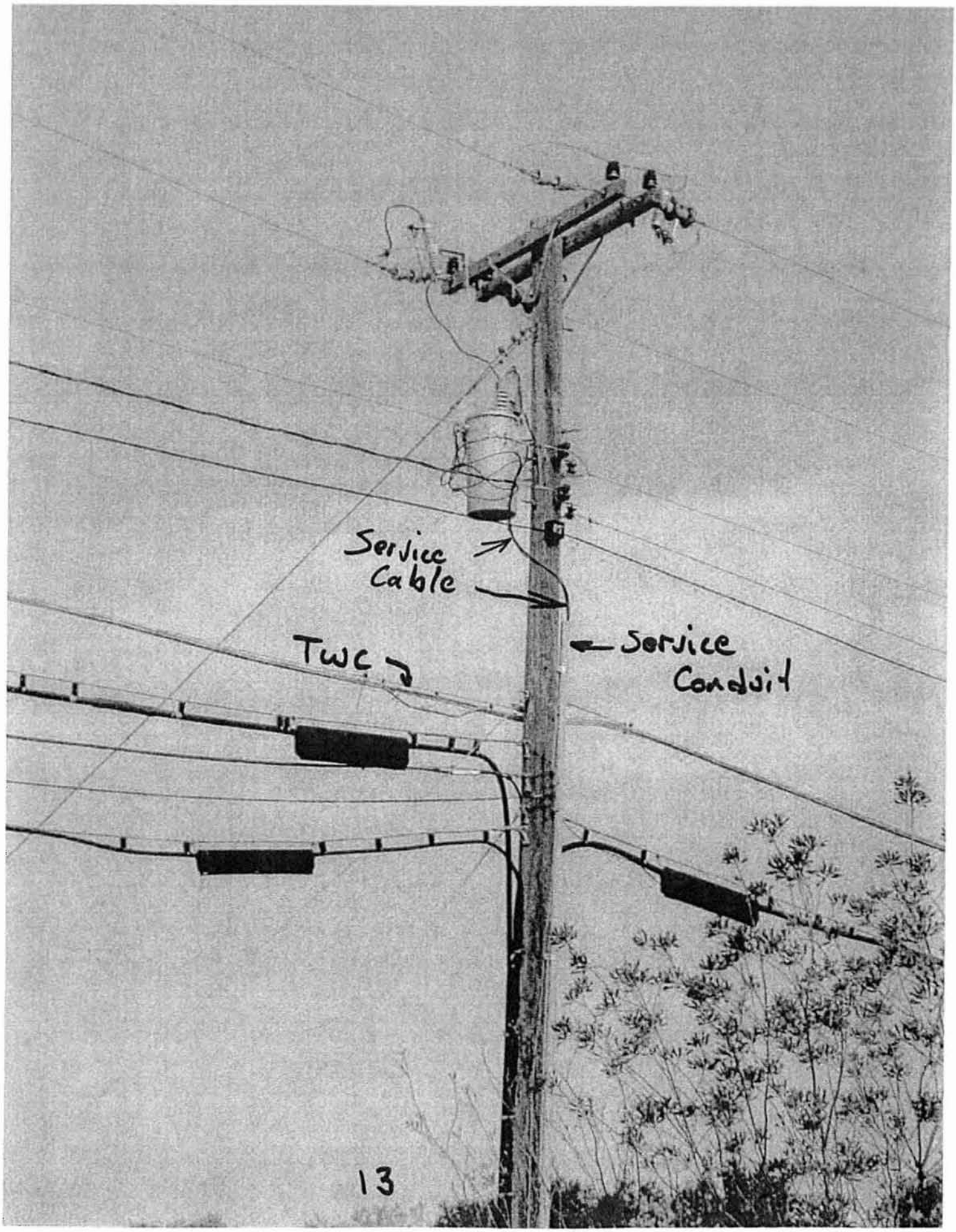

TXU Tpx
TWC
8

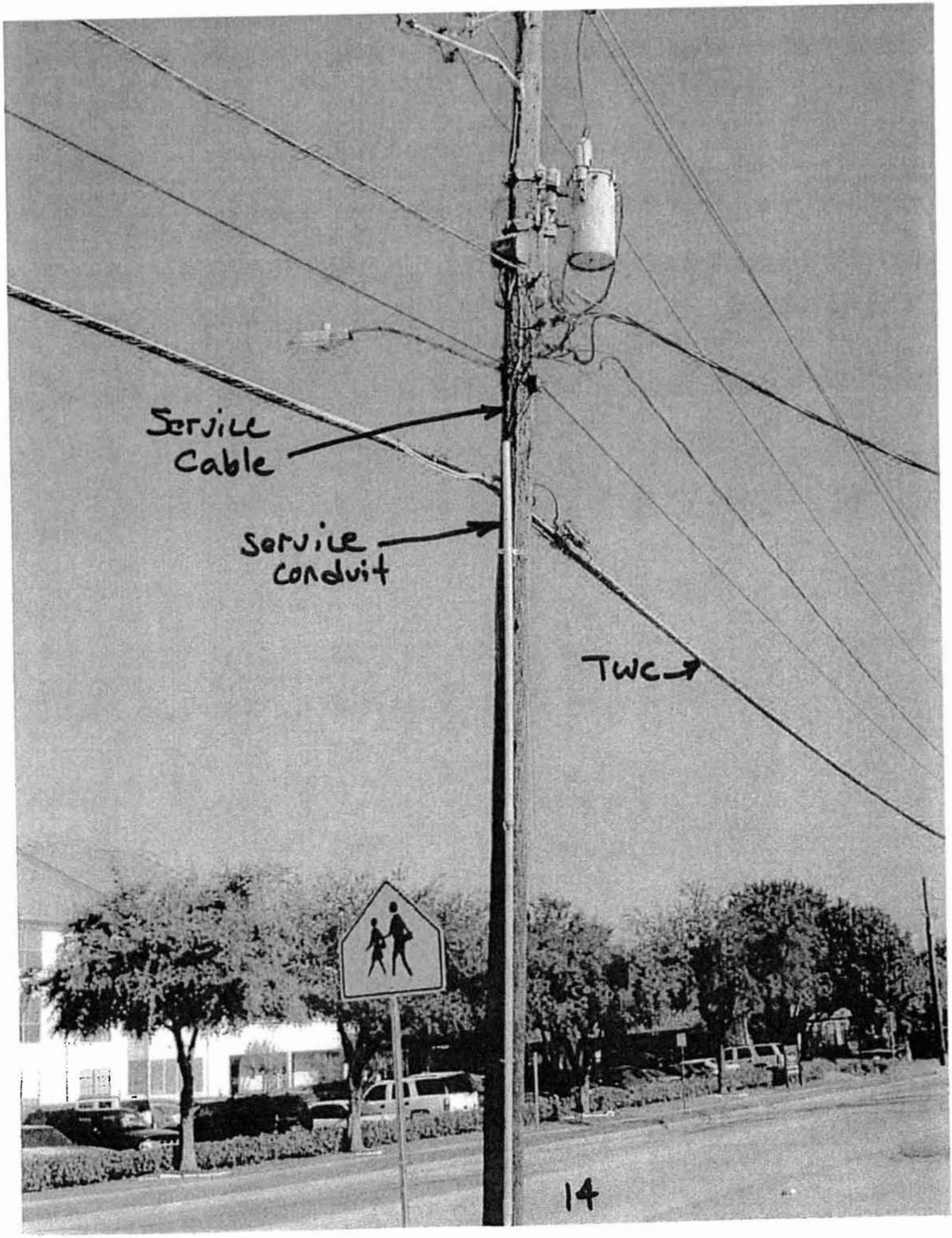

TXU neutral (2)
TXU Fiber
TWC
Old pole (cut off)
AT&T
Old pole

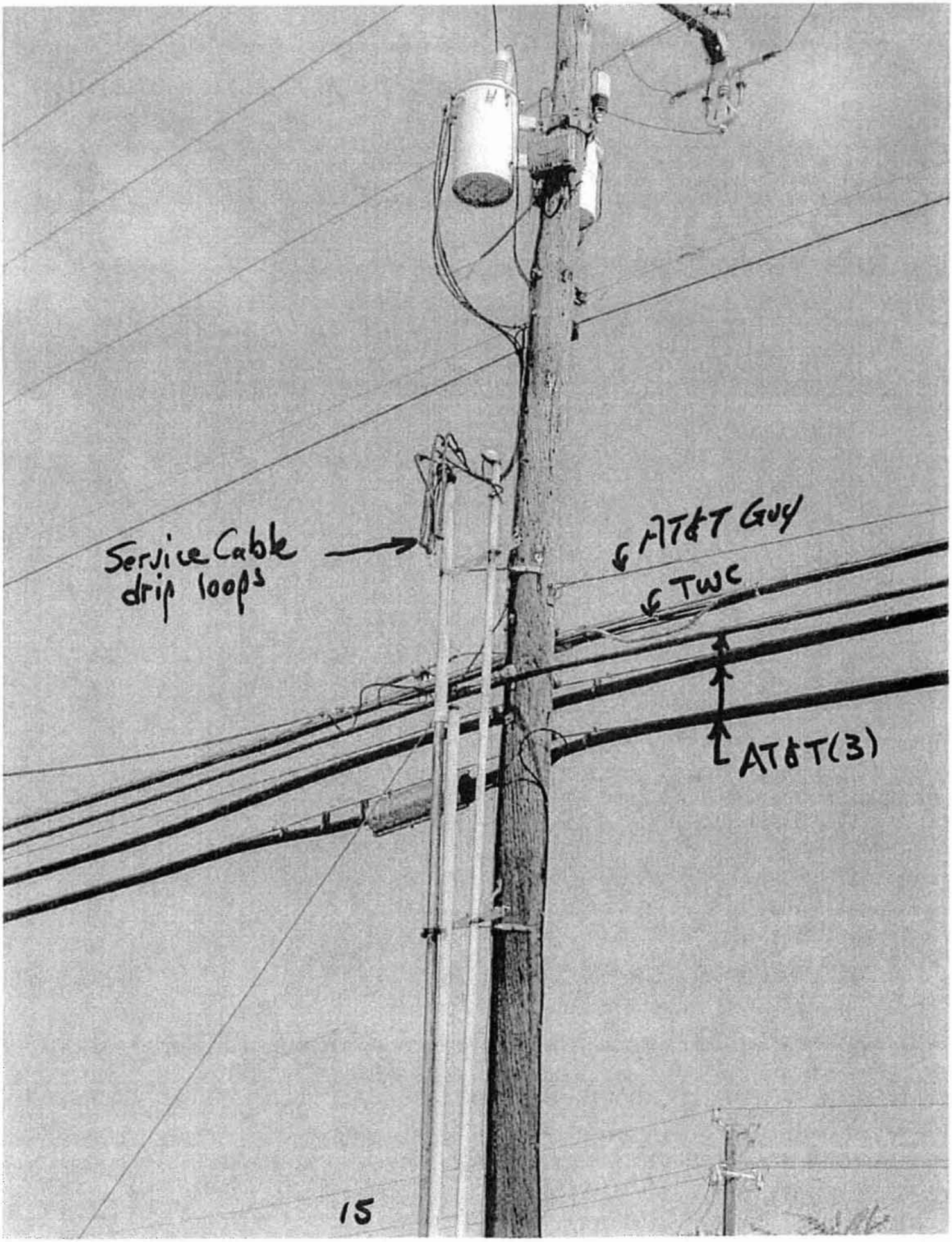

TXU Fiber
TWC
ATT
must maintain clearance over highway
old pole (cut off at top)

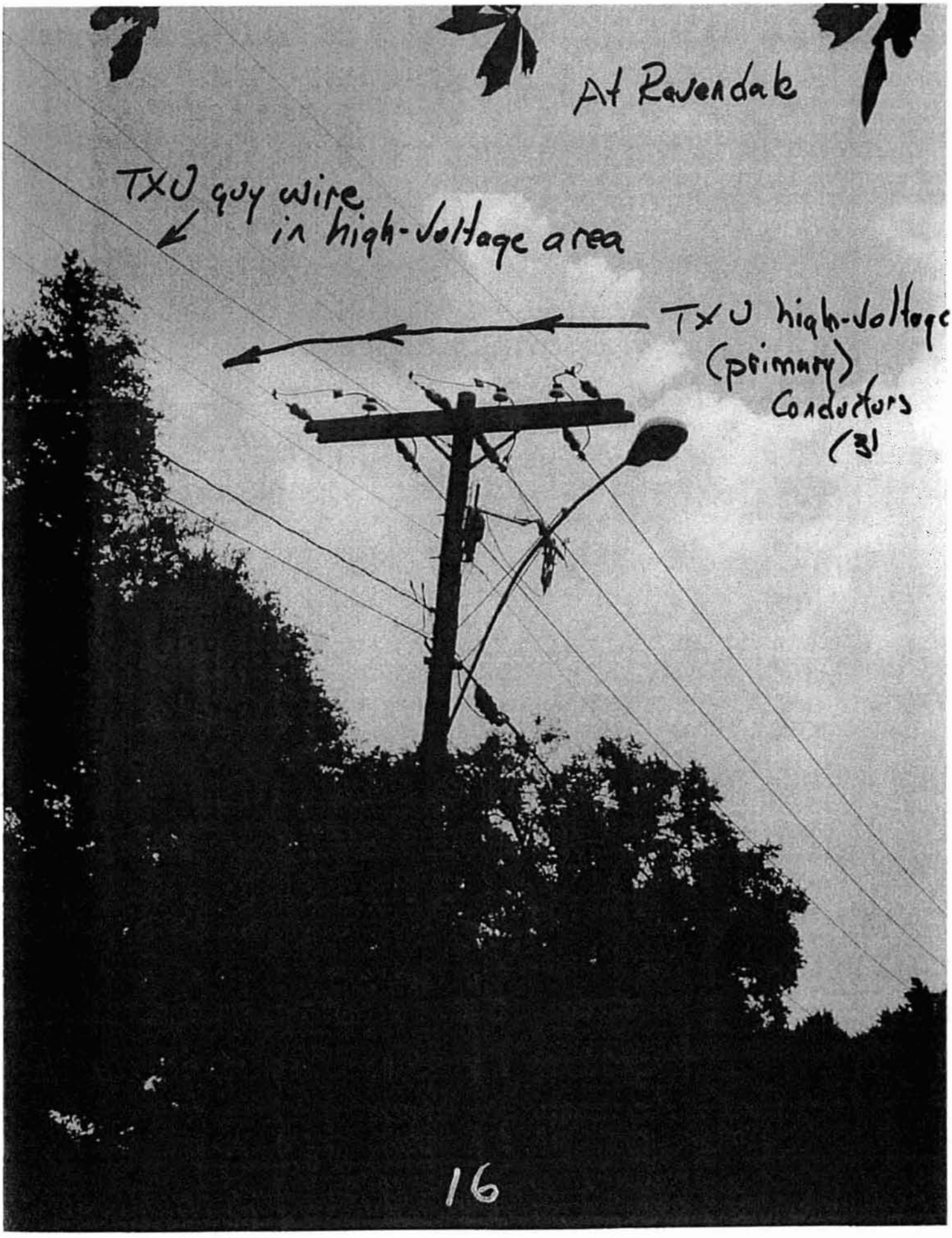

TXU transformer leads
TWC

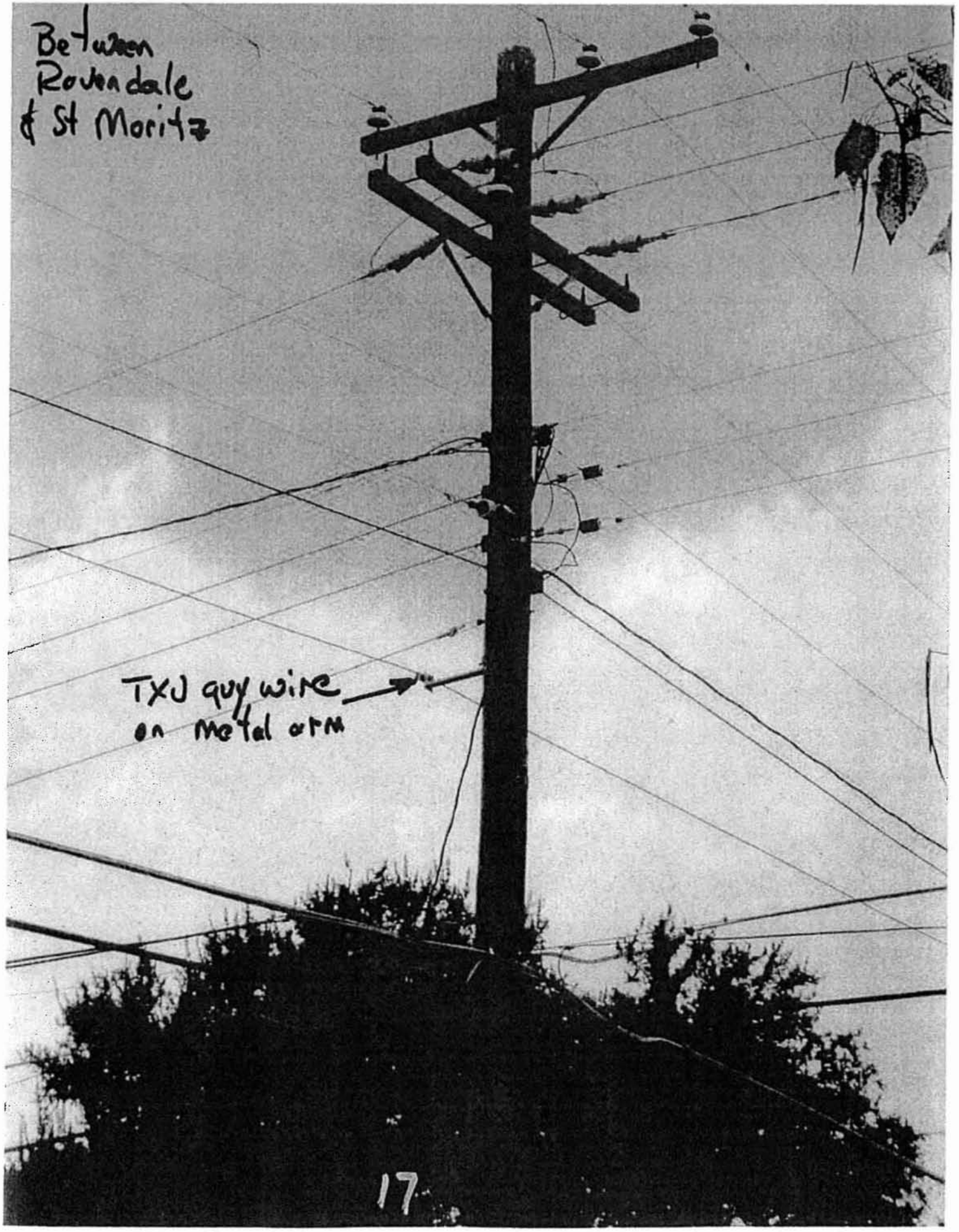
Service Cable
Service conduit
12

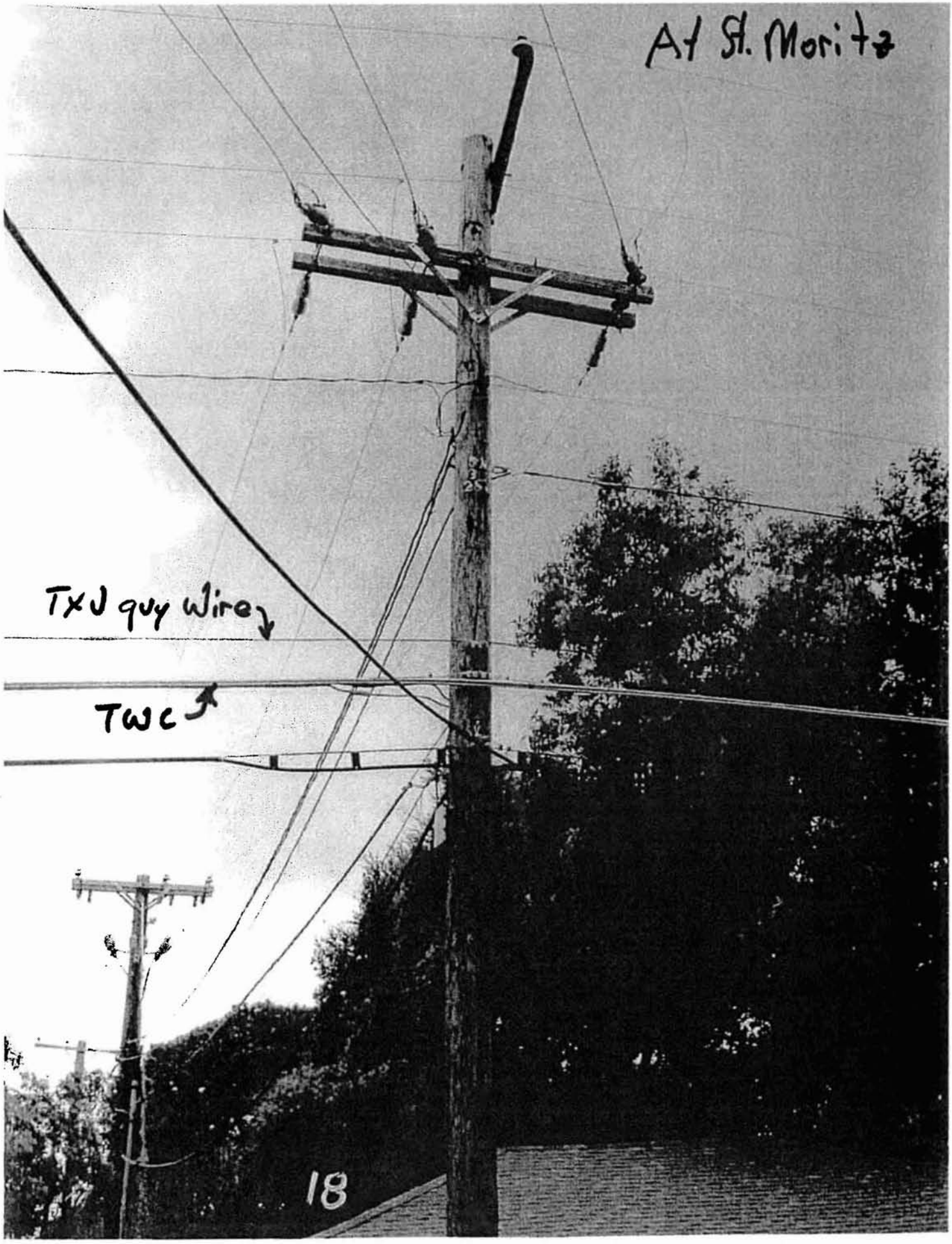

Service Cable
Service Conduit
TWC

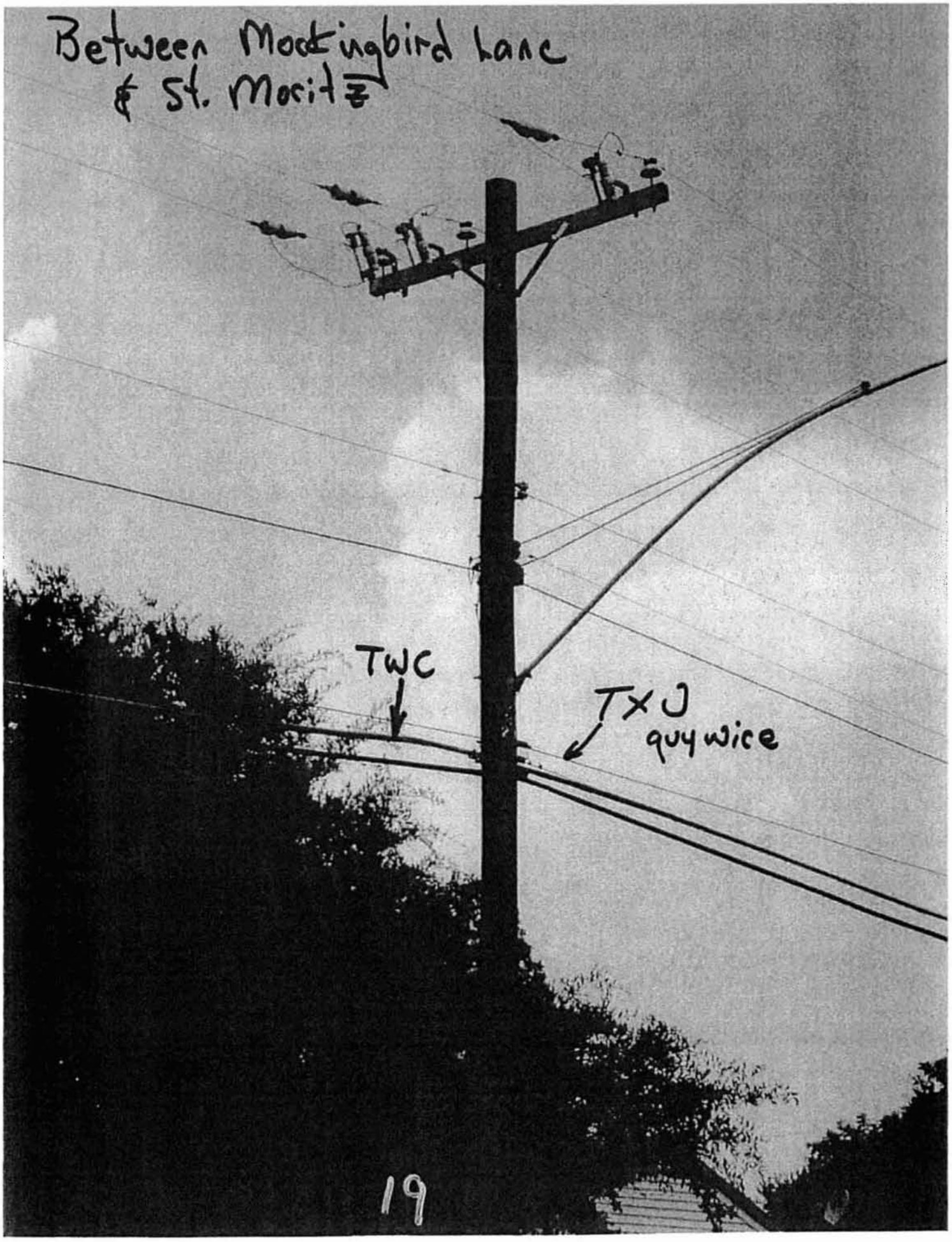

Service Cable
service conduit
TWC

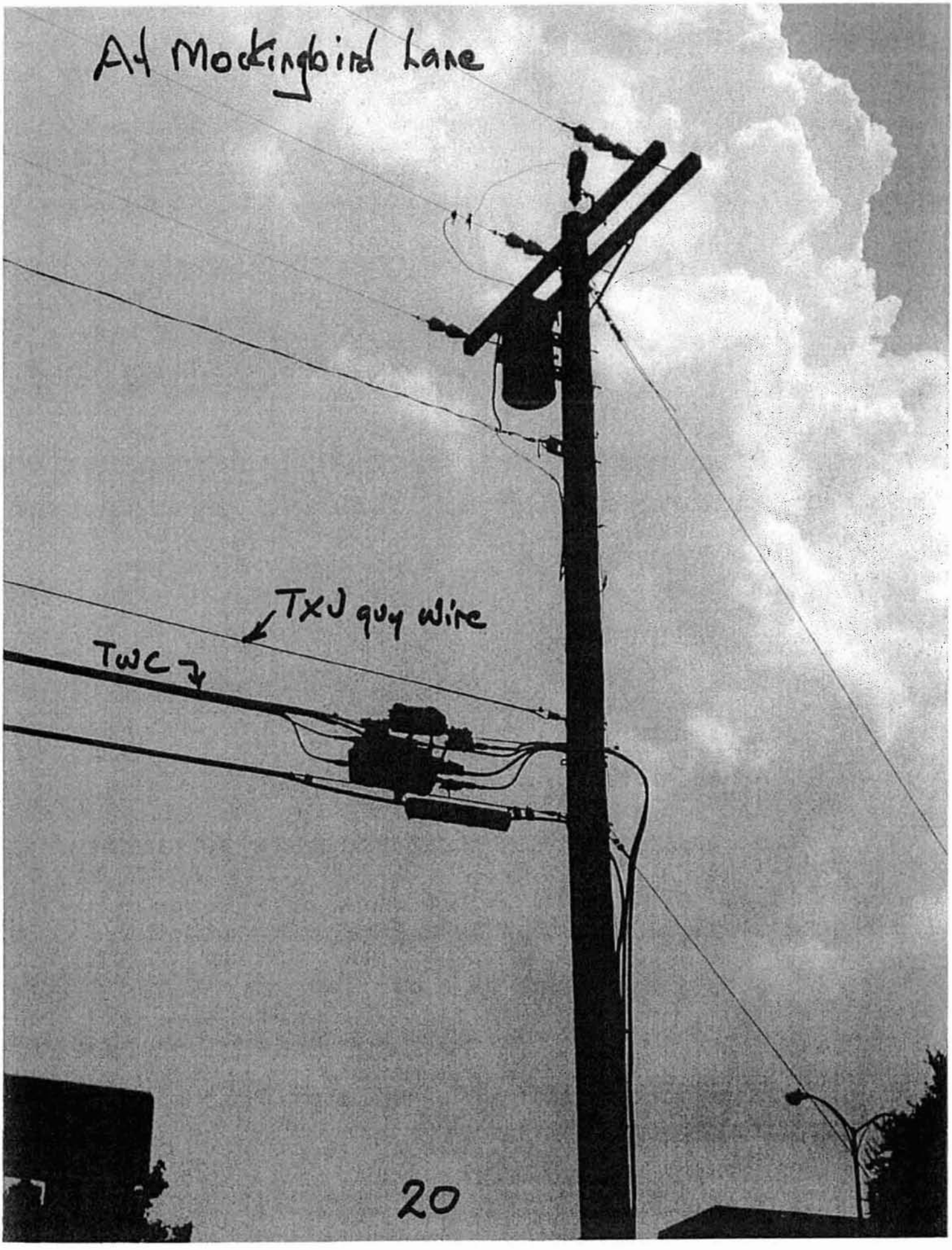

Service Cable
drip loops
AT&T Guy
TWC
AT&T(3)


At Ravendale
TXU guy wire
in high-voltage area
TXU high-voltage
(primary)
Conductors
(3)


Between
Rowendale
& St Moritz
TXU guy wire
on metal arm


At St. Moritz
TXJ guy wire
TWC
18


Between Mockingbird Lane
& St. Moritz
TWC
TXU
guy wire
19


At Mockingbird Lane
TXU guy wire
TWC

Attachment E

Location and Type of NESC Violation

Photo 1, 2 and 3 - North Cooper Street and Division, Arlington.
Photo 1 – First pole south of Division:
TXU triplex pole attachment:
TXU-TWC, TXU-probable.
TXU-City, cause unknown.
TXU unprotected riser:
TXU-TWC, TXU-caused.
TXU-AT&T, TXU-caused.
TXU-City, TXU-caused.
Photo 2 – Second pole south of Division. This is a TXU triplex pole attachment:
TXU-TWC, TXU-caused.
TXU-City, cause unknown.
Photo 3 – At Raymond Martinez. This is another TXU triplex pole attachment:
TXU-TWC, TXU-caused.
TXU-City, cause unknown.

Photo 5 – Arkansas and Fielder, Arlington. This is excessive sag in TXU riser cable drip loops with less than required clearance to City of Arlington fiber cable, TXU-City, cause unknown.

Photo 6 – 2300 block, Pleasant Ridge and Pleasant Forrest at entrance to Mary and Jimmie Hooper Park, Arlington. This is a new TXU unprotected riser (service to new park), TXU-TWC, TXU-caused.

Photos 7-11, inclusive - Belt Line, Irving.
Photo 7 – First pole north of Finley:
TXU neutral pole attachment, TXU-TWC, TXU-probable.
TXU unprotected riser, TXU-TWC, TXU-probable.
Photo 8 – Second pole north of Finley. This is another TXU unprotected riser, new conduit, TXU-TWC, TXU-caused.
Photo 9 – Third pole north of Finley. This is excessive sag in TXU transformer leads feeding control box, TXU-TWC, TXU-probable.
Photo 10 – Fourth pole north of Finley. These are TXU unprotected risers, new conduits, TXU-TWC, TXU-caused.
Photo 11 – This is a location photo showing poles 9 and 10 in close proximity to each other.

Photos 12 and 13 – Boman Springs Road north of I-20, Arlington (at new AT&T pad-mounted equipment). This is a new TXU unprotected riser cable:
TXU-TWC, TXU-caused.
TXU-Verizon Business, TXU-caused.

Photo 14 – Boman Springs Road opposite prior location, Arlington (photos 12 and 13). This is another new TXU unprotected riser cable, TXU-TWC, TXU-caused.

Photo 15 – Boman Springs Road, first pole south of entrance to Morten Van Ravensway Park, Arlington:

TXU triplex pole attachment, TXU-TWC, TXU-probable.
Bottom of TXU transformer, TXU-TWC, TXU-probable.
TXU unprotected riser, new conduit:
TXU-TWC, TXU-caused.
TXU-Verizon Business, TXU-caused.

Photos 16, 17 and 18 – Boman Springs Road north of Enchanted Bay, Arlington.

Photo 17

Bottom of TXU transformer
TXU-TWC, TXU-caused.
TXU-Verizon business, TXU-caused.
New, unprotected riser cables:
TXU-TWC, TXU-caused.
TXU-Verizon Business, TXU-caused.
TXU-AT&T, TXU-caused.

Photo 18 – This shows a surge-arrestor grounding conductor, broken near the ground line. While this is a TXU violation, it is not included in the Attachment B listing.

Photo 16 – This shows the entire pole.

Photos 19, 20 and 21 – Sherwood drive and Lake Mead Boulevard, Arlington.

Photo 19:

TXU triplex pole attachment:
TXU-TWC, TXU-caused.
TXU-Verizon Business, TXU-caused.
TXU unprotected riser:
TXU-TWC, TXU-caused.
TXU-Verizon Business, TXU-caused.
TXU drip loops to riser cable:
TXU-TWC, TXU-caused.
TXU-Verizon Business, TXU-caused.
TXU-AT&T, TXU-caused.

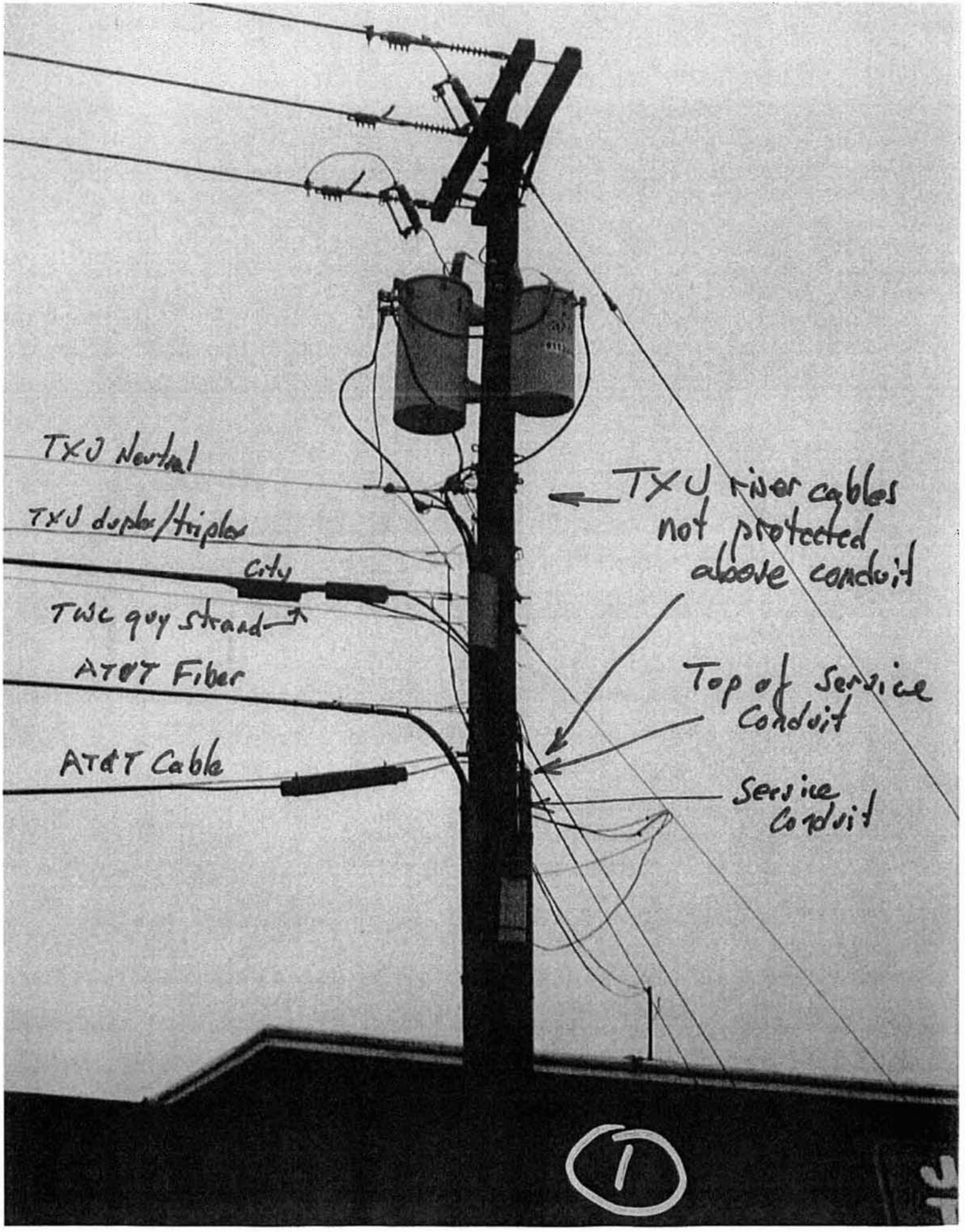
Photo 20 – this shows drip loop and U-guard detail.

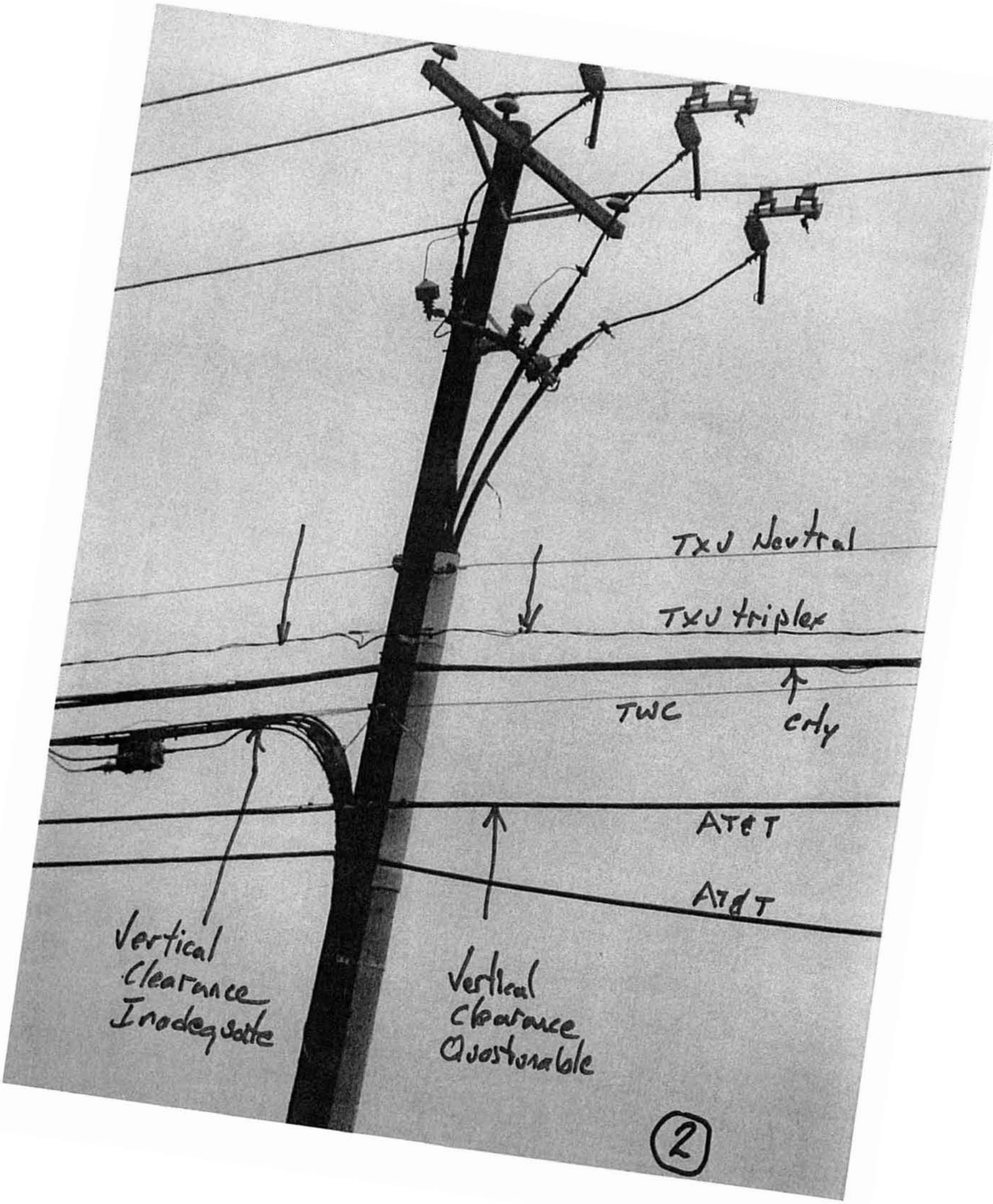
Photo 21 – This shows that there is room to lower communication cables if AT&T is willing, but it is doubtful if AT&T would approve.

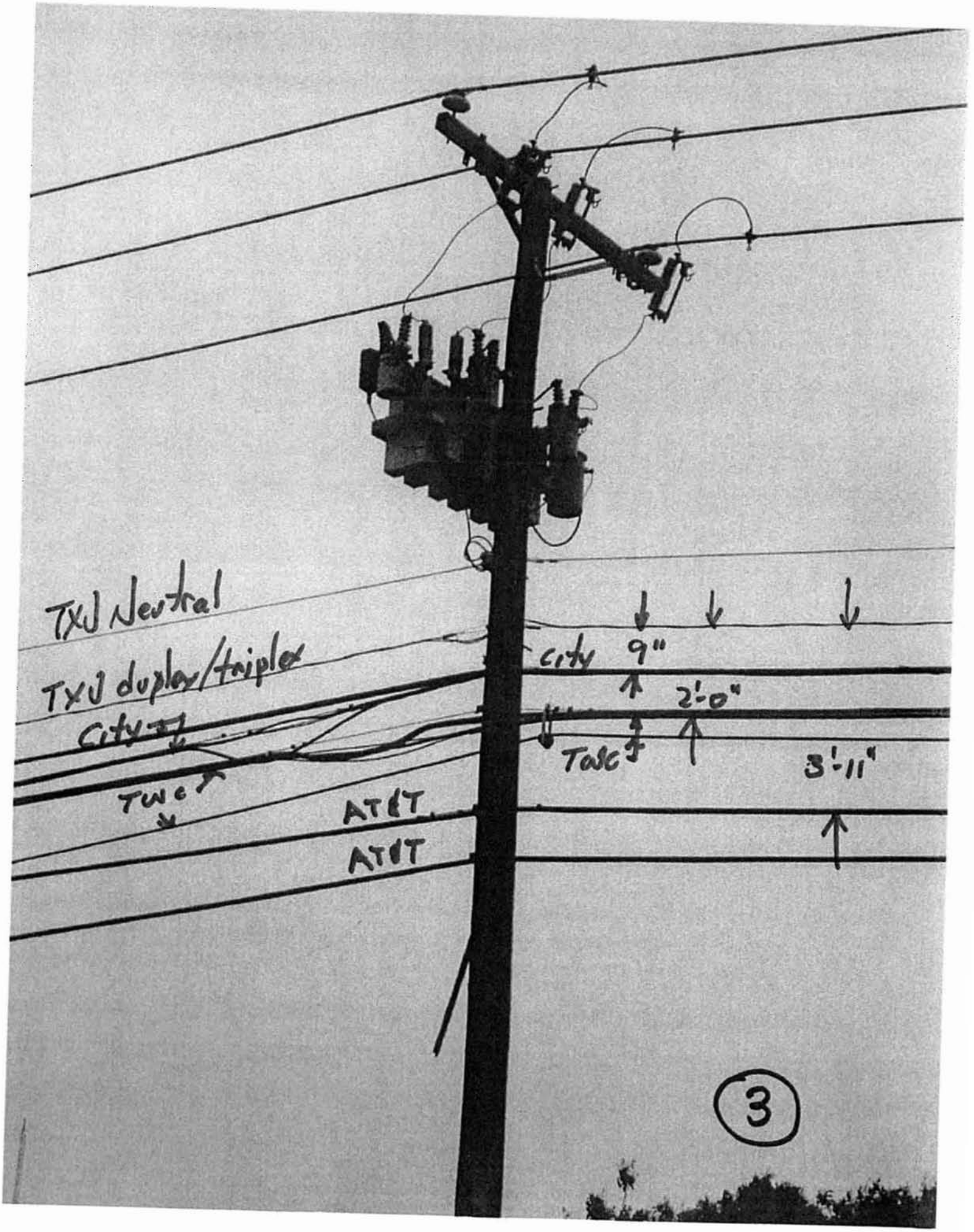
Photos 22, 23 and 24 – Pleasant Ridge Road west of Blossom Trail Road, Arlington.

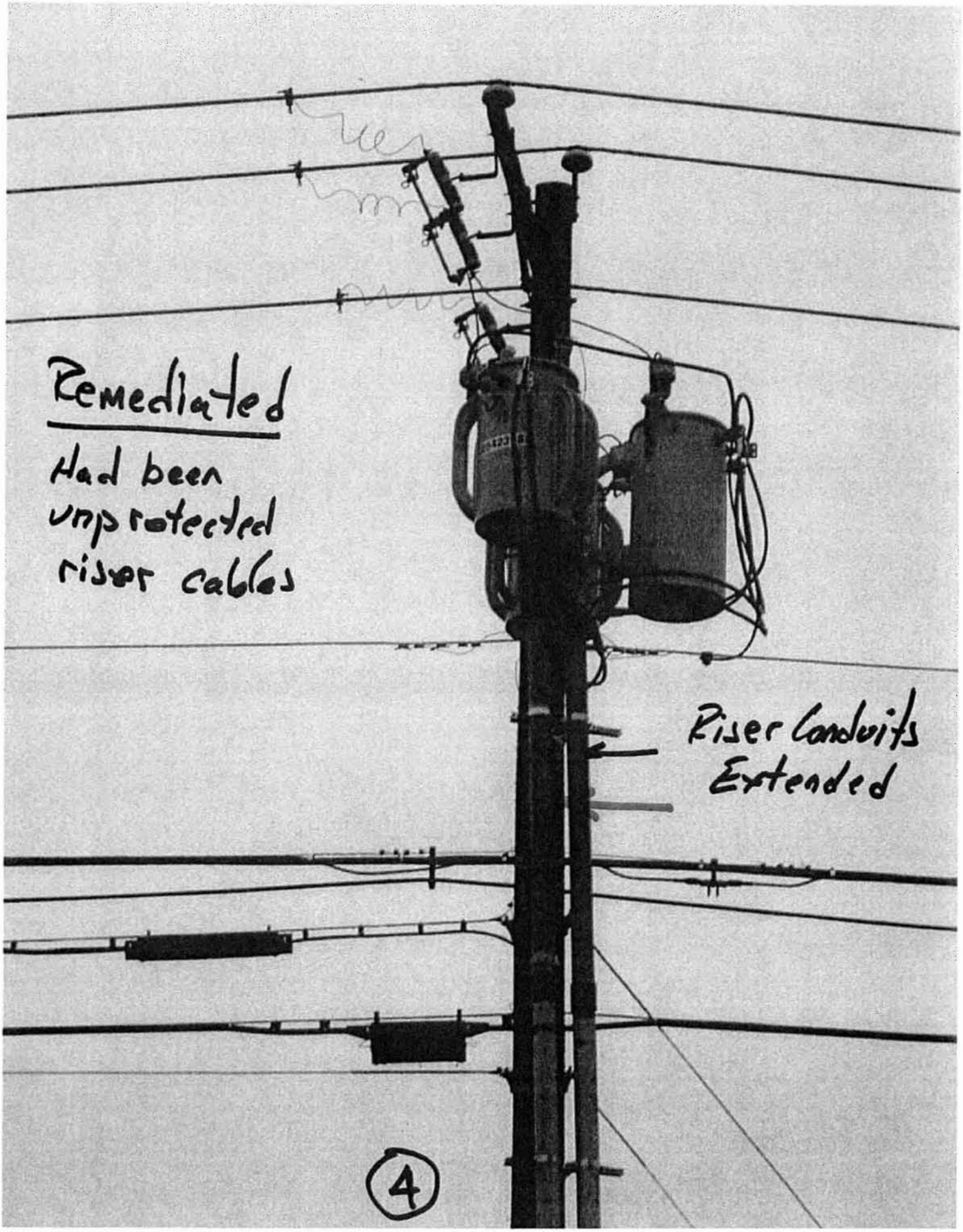
Photo 22 – Second span from Blossom Trail Road. This is a TXU cable crossing below TWC in the span due to a broken dead-end clamp. See Photo 23. While both are NESC violations, they are not included in the Attachment B tabulation.
Photo 23 – Second pole west of Blossom Trail Road. This shows the broken dead-end clamp.
Photo 24 – Third span from Blossom Trail Road. This is a TXU cable with inadequate clearance to TWC, due to excessive sag, TXU-TWC, TXU-caused.

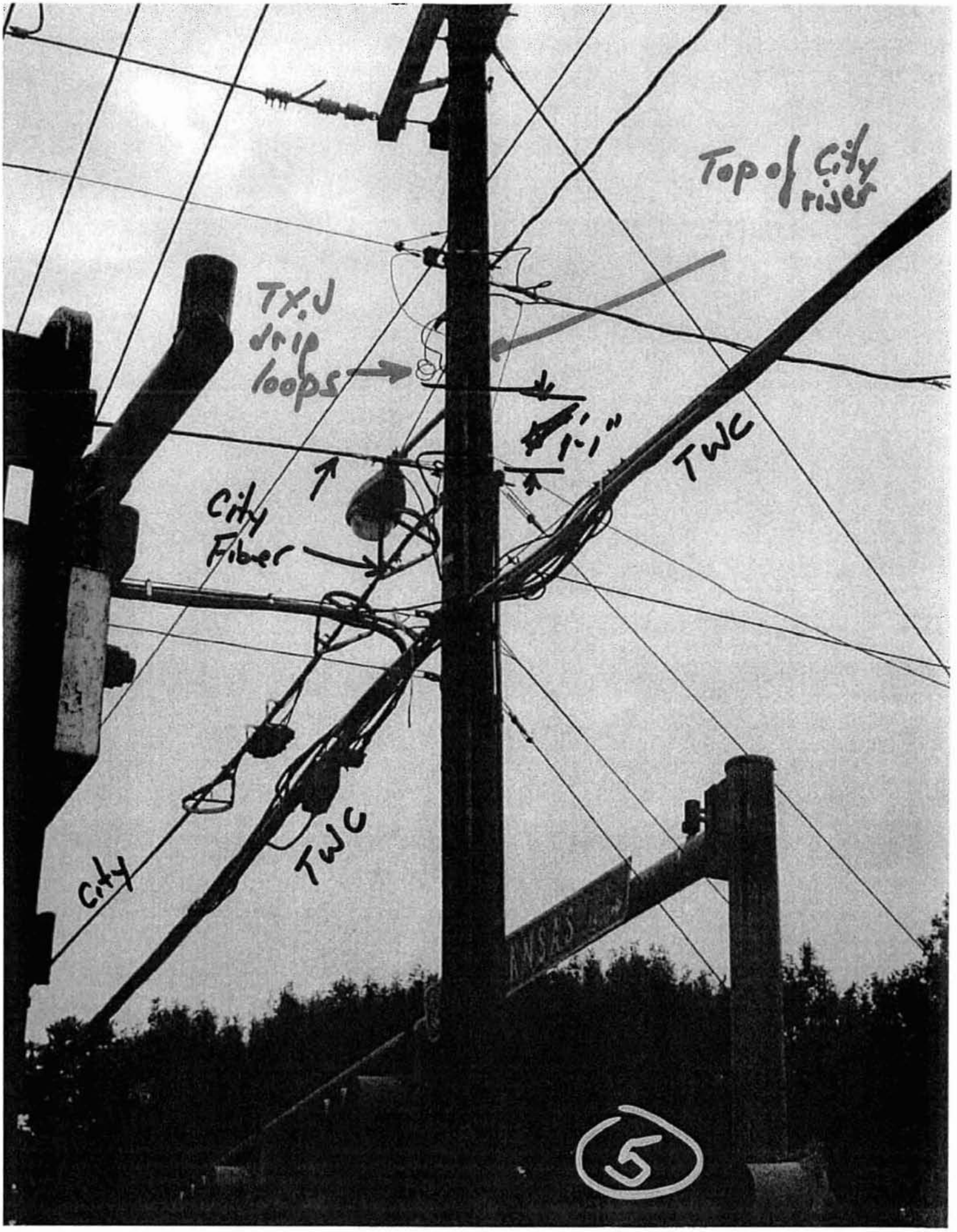
Photo 28 – This is excessive slack in transformer leads, new construction, TXU-TWC, TXU caused. See also discussion in Other Observations section of this report, item 3.

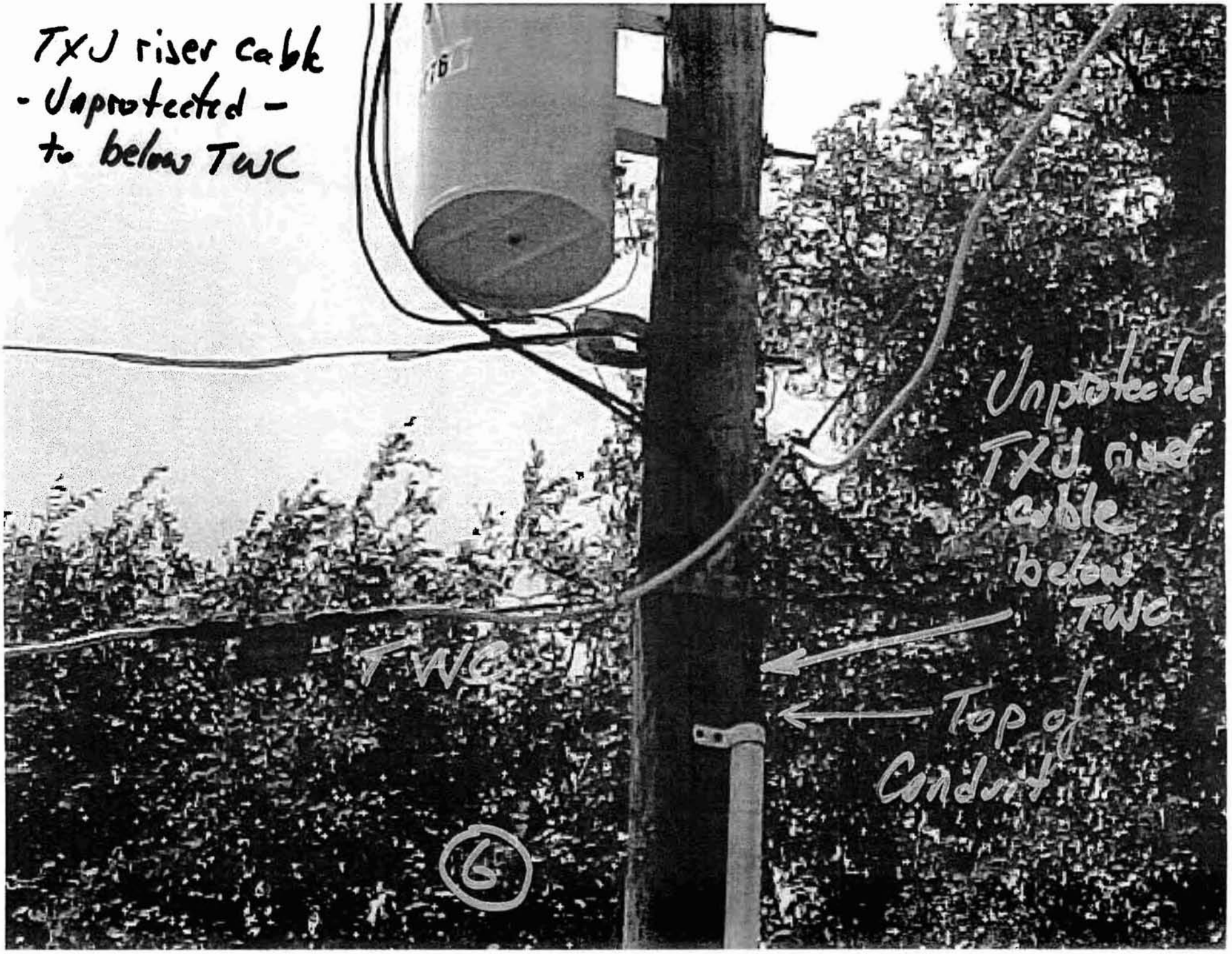

TXU Neutral
TXU duplex/triplex
City
TWC guy strand
AT&T Fiber
AT&T Cable
TXU riser cables not protected above conduit
Top of Service Conduit
Service Conduit
1

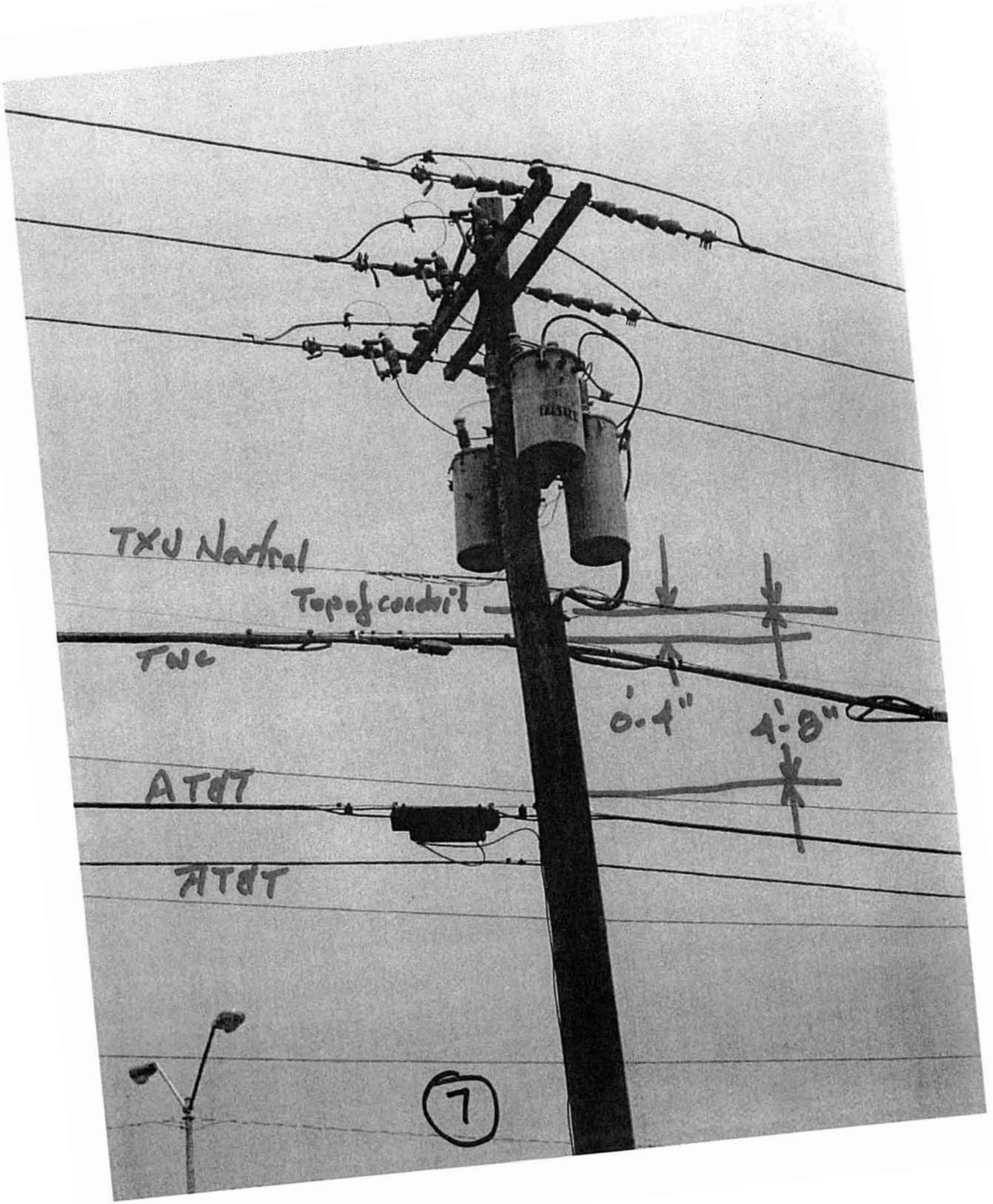

TXU Neutral
TXU triplex
TWC
City
AT&T
AT&T
Vertical Clearance Inadequate
Vertical Clearance Questionable
2

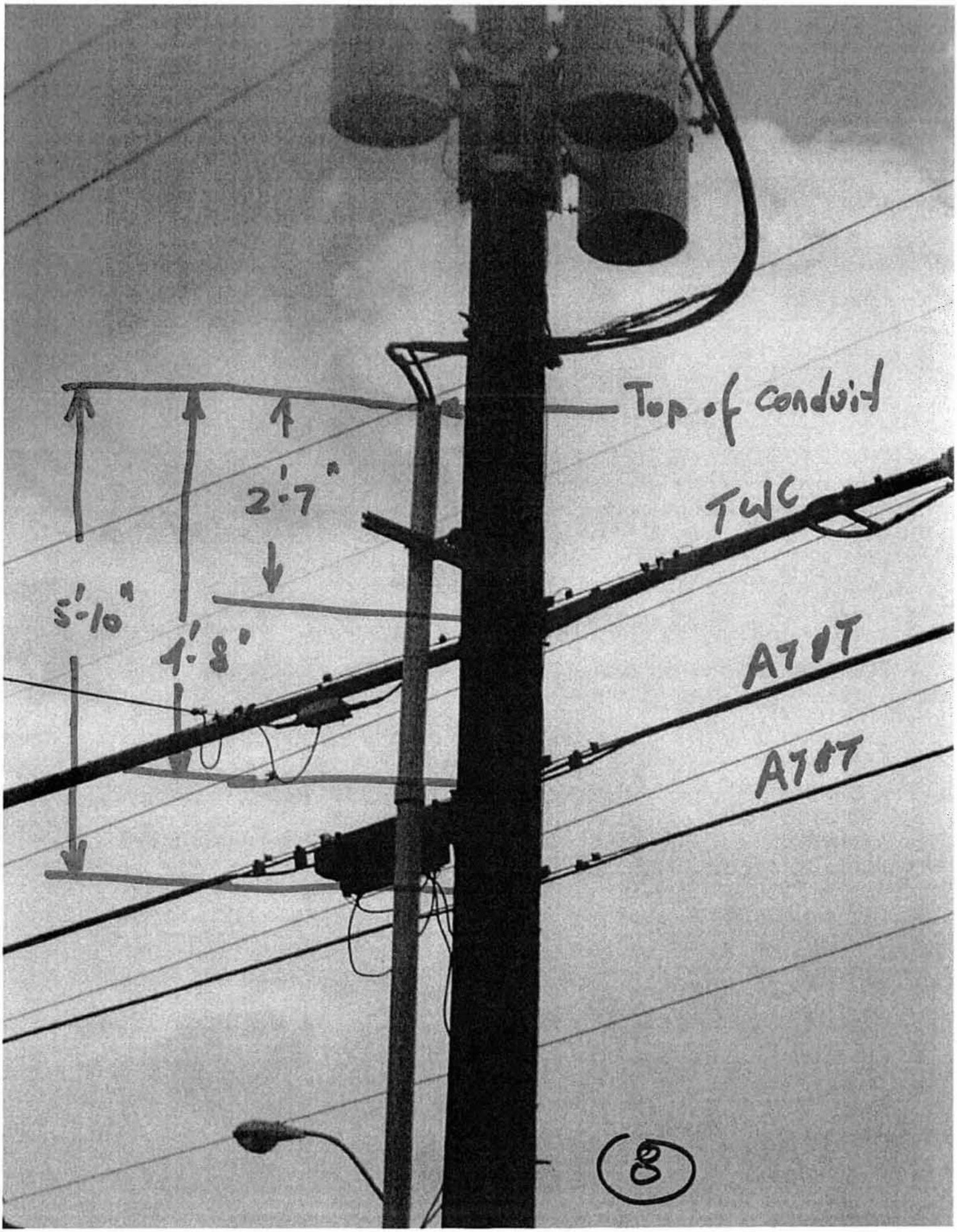

TXU Neutral
TXU duplex/triplex
City
TWC
AT&T
AT&T
City
9"
2'-0"
TWC
3'-11"
3

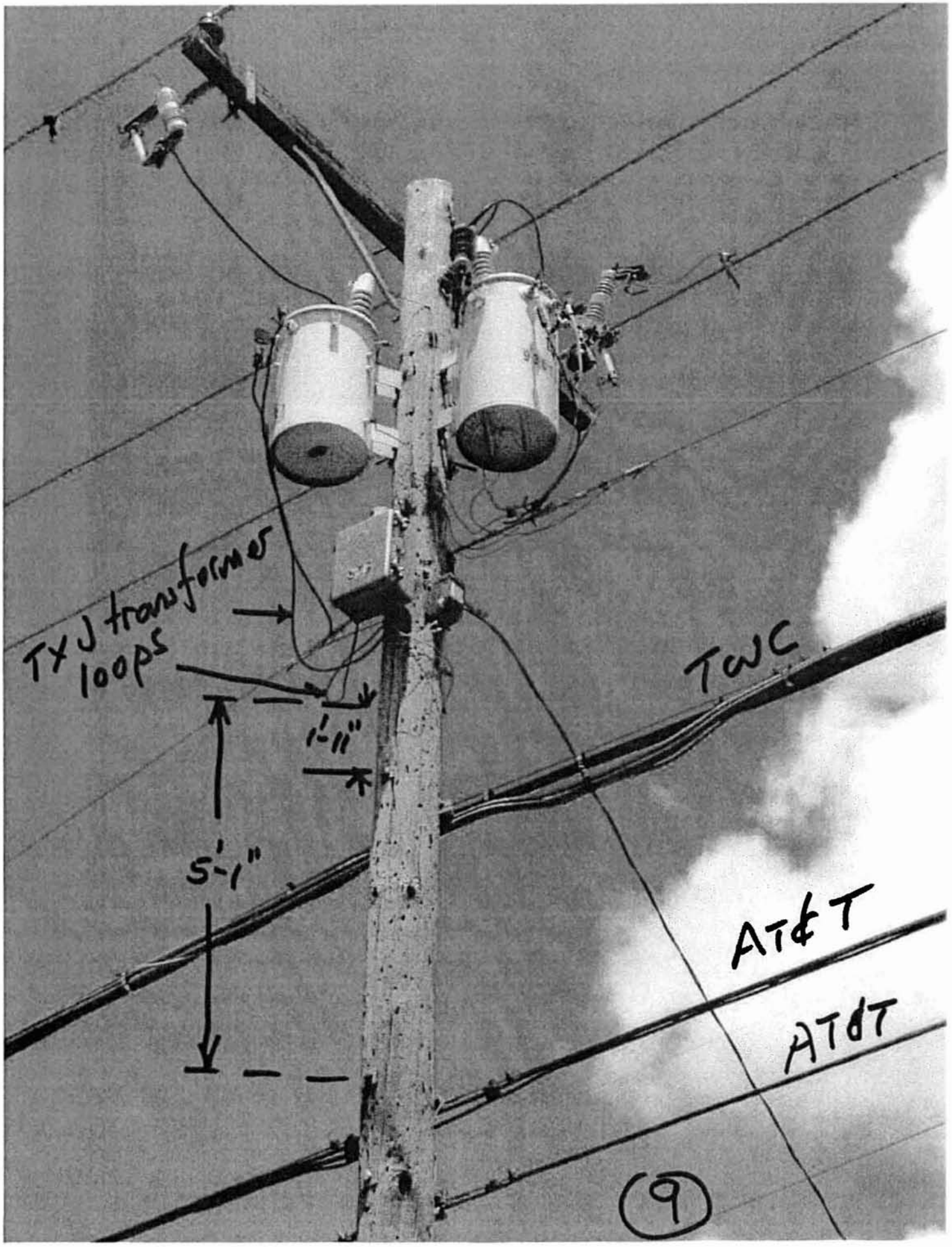

Remediated
Had been unprotected riser cables
Riser Conduits Extended
4

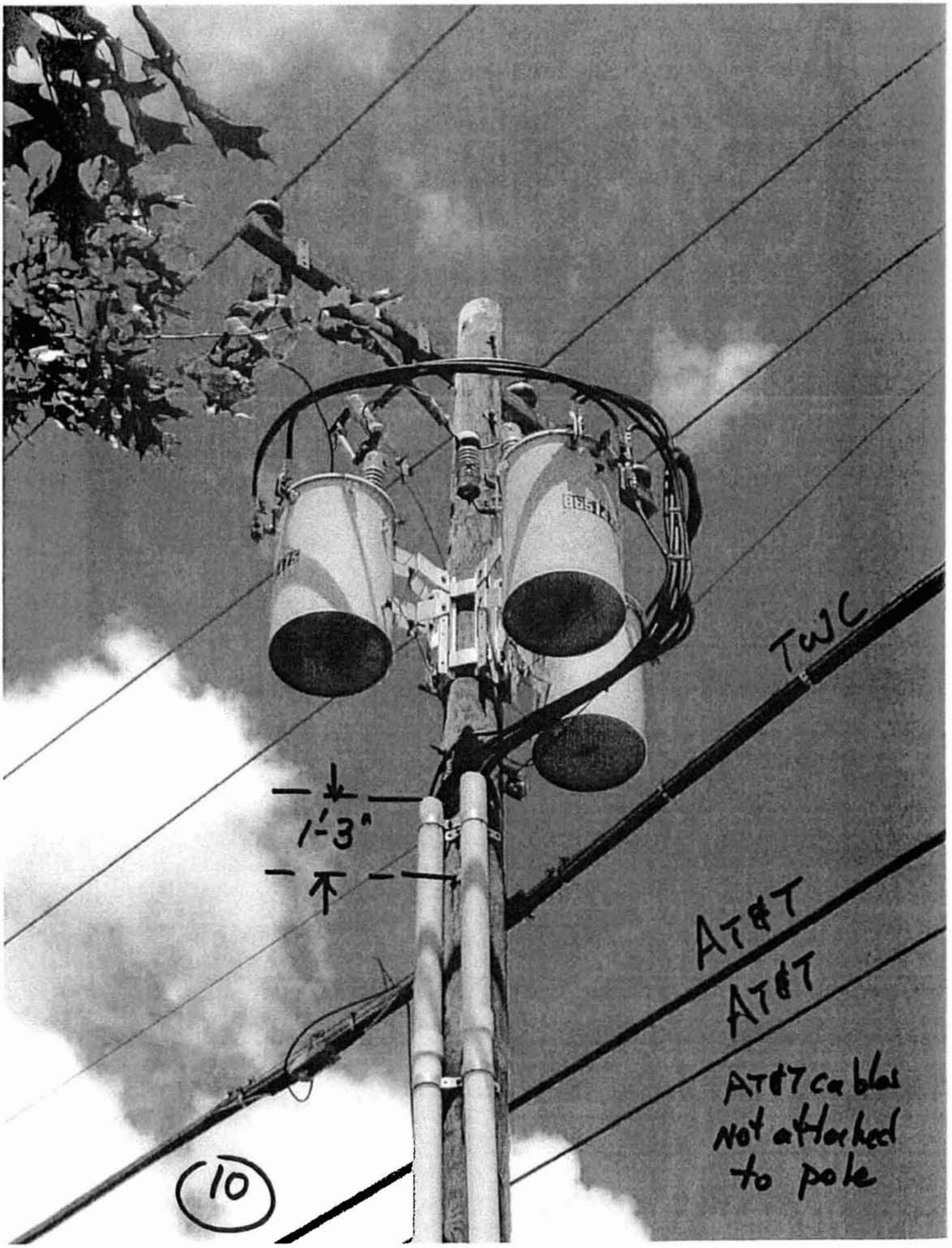

Top of City riser
TXU drip loops
1'-1"
TWC
City Fiber
TWC
City
5


TXJ riser cable
- Unprotected -
to below TWC
Unprotected
TXJ riser
cable
below
TWC
TWC
Top of
Conduit
6


TXU Neutral
Top of conduit
TWC
0'-4"
4'-8"
AT&T
AT&T
7


Top of conduit
2'-7"
TWC
5'-10"
4'-8"
AT&T
AT&T
8


TXJ transformer
100ps
1'-11"
5'-1"
TWC
AT&T
AT&T
9


TWC
1'-3"
AT&T
AT&T
AT&T cables
not attached
to pole
10

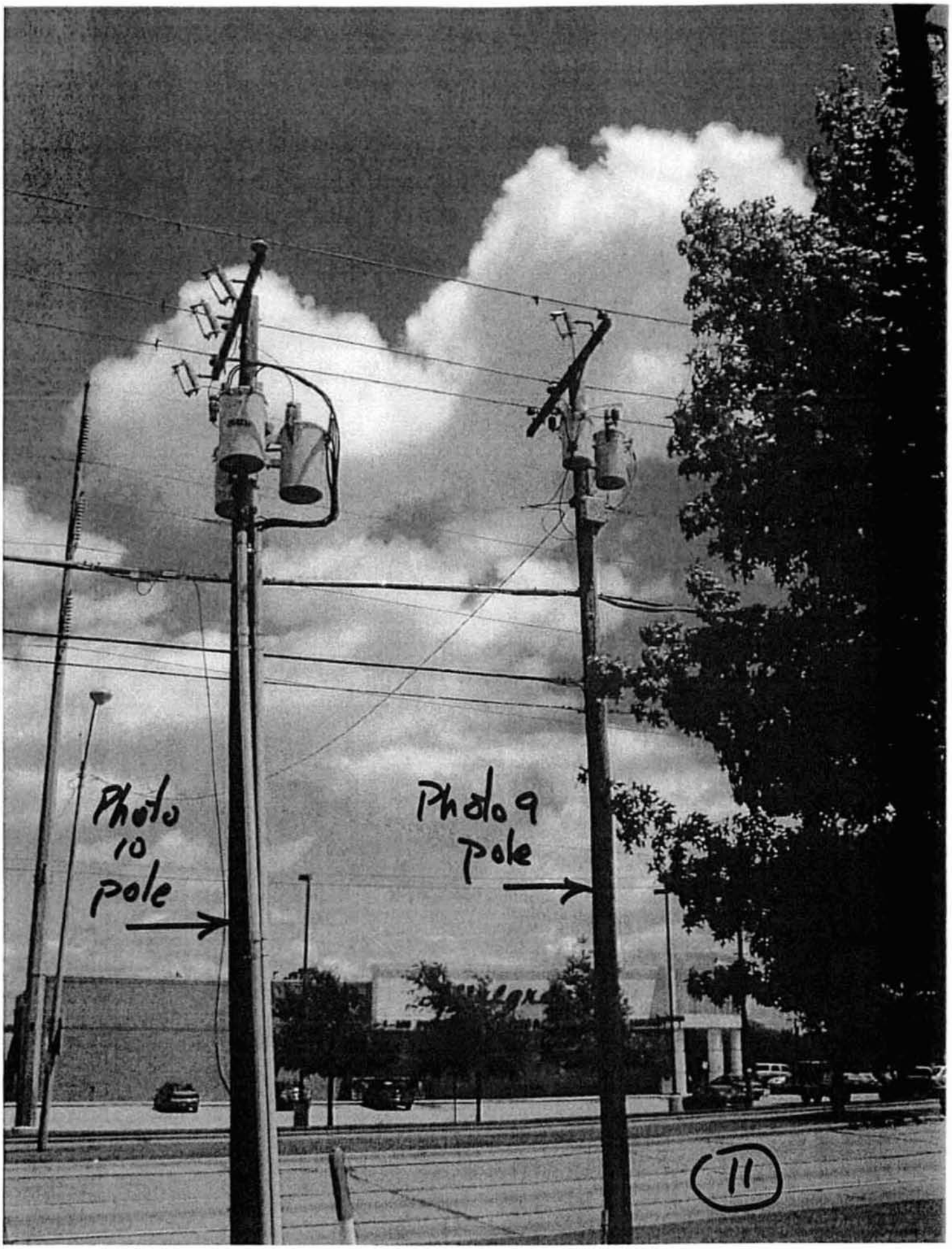
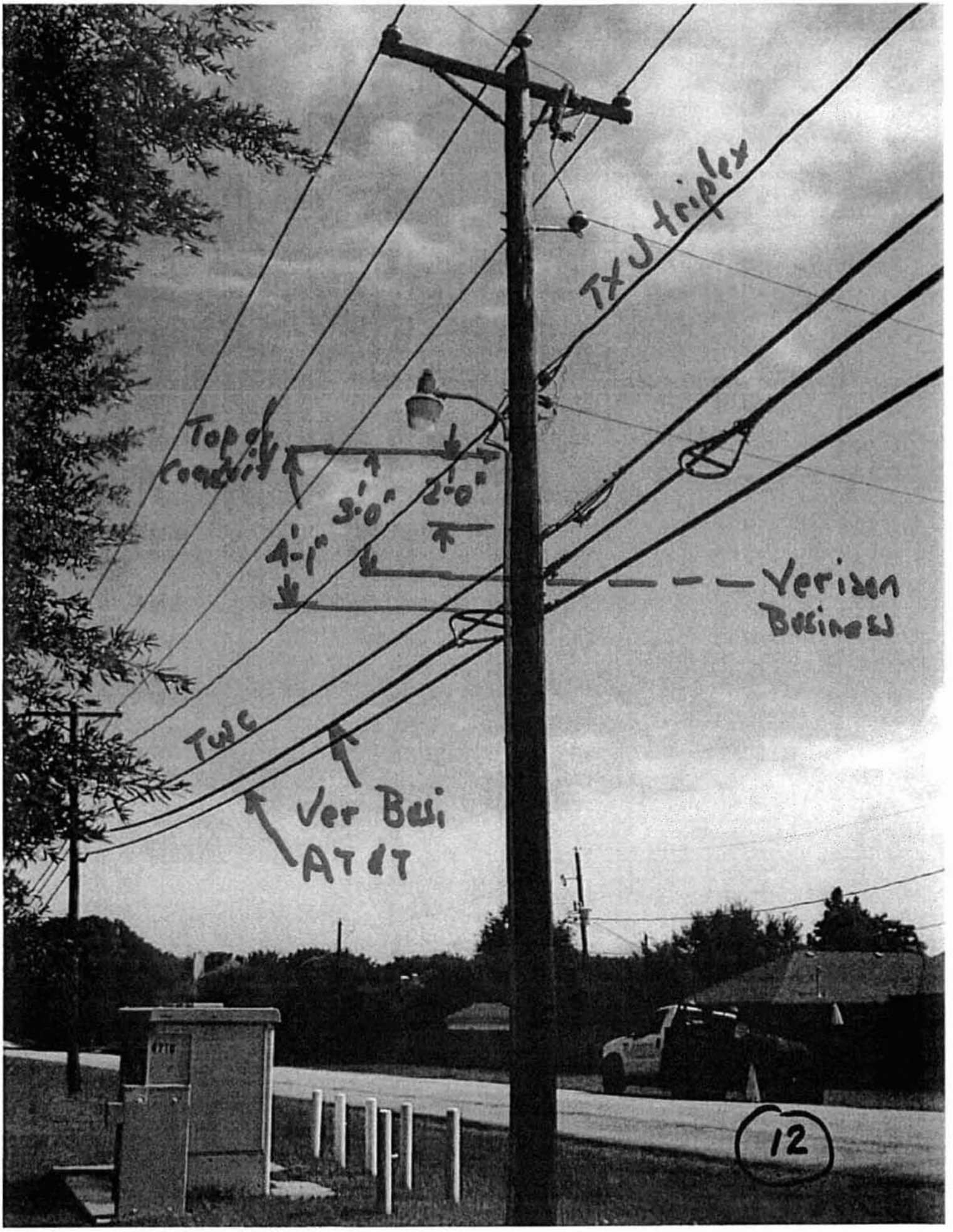
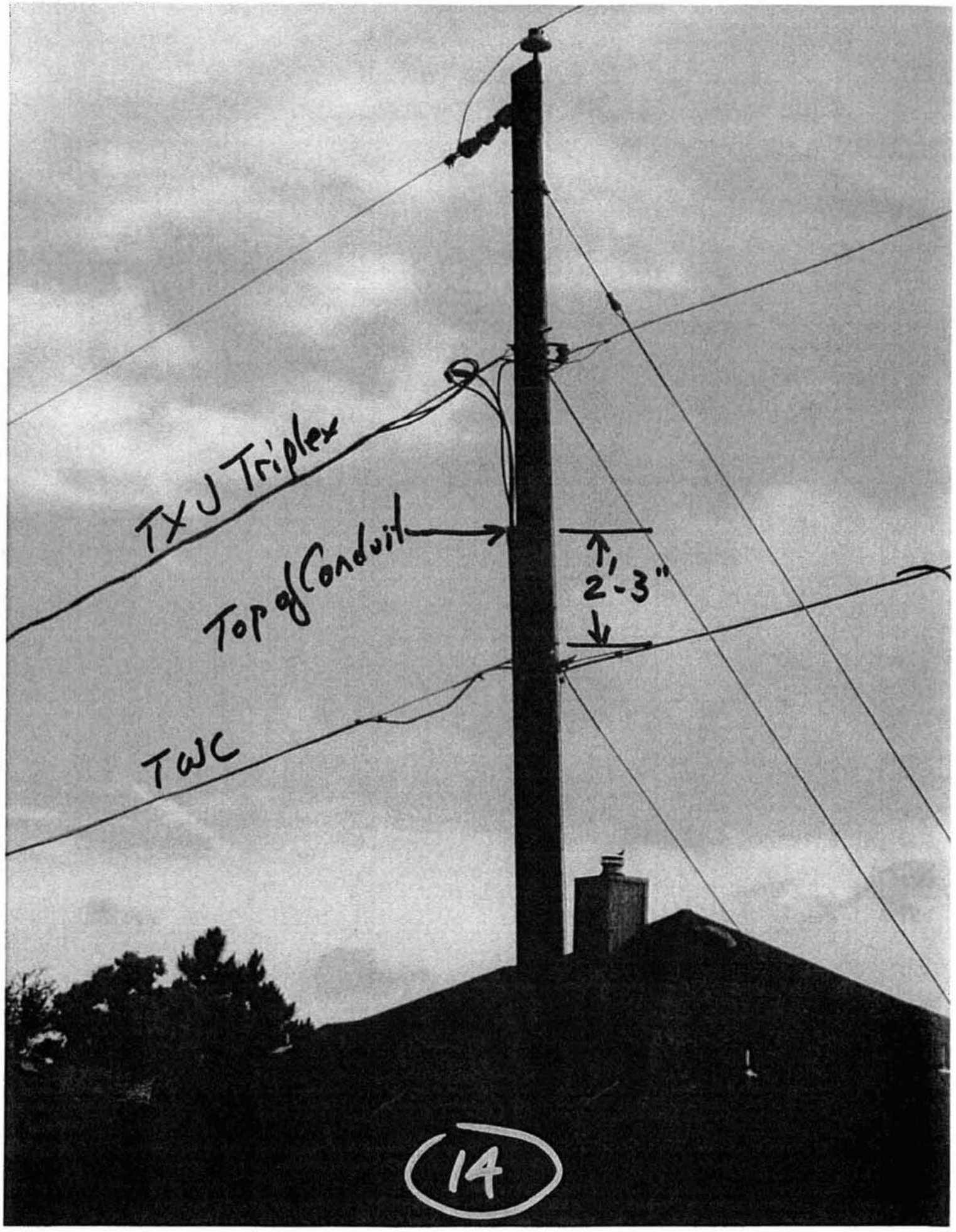
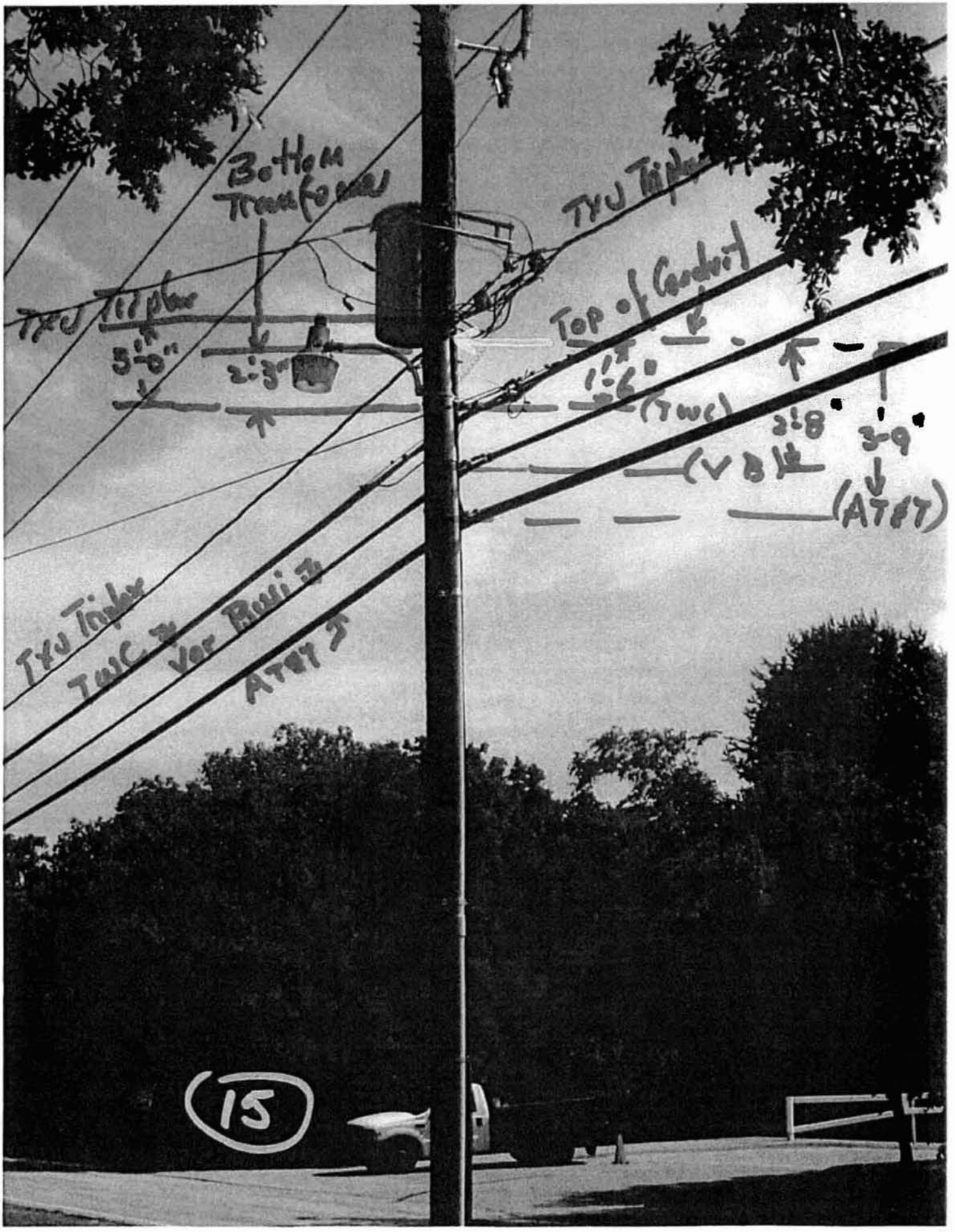


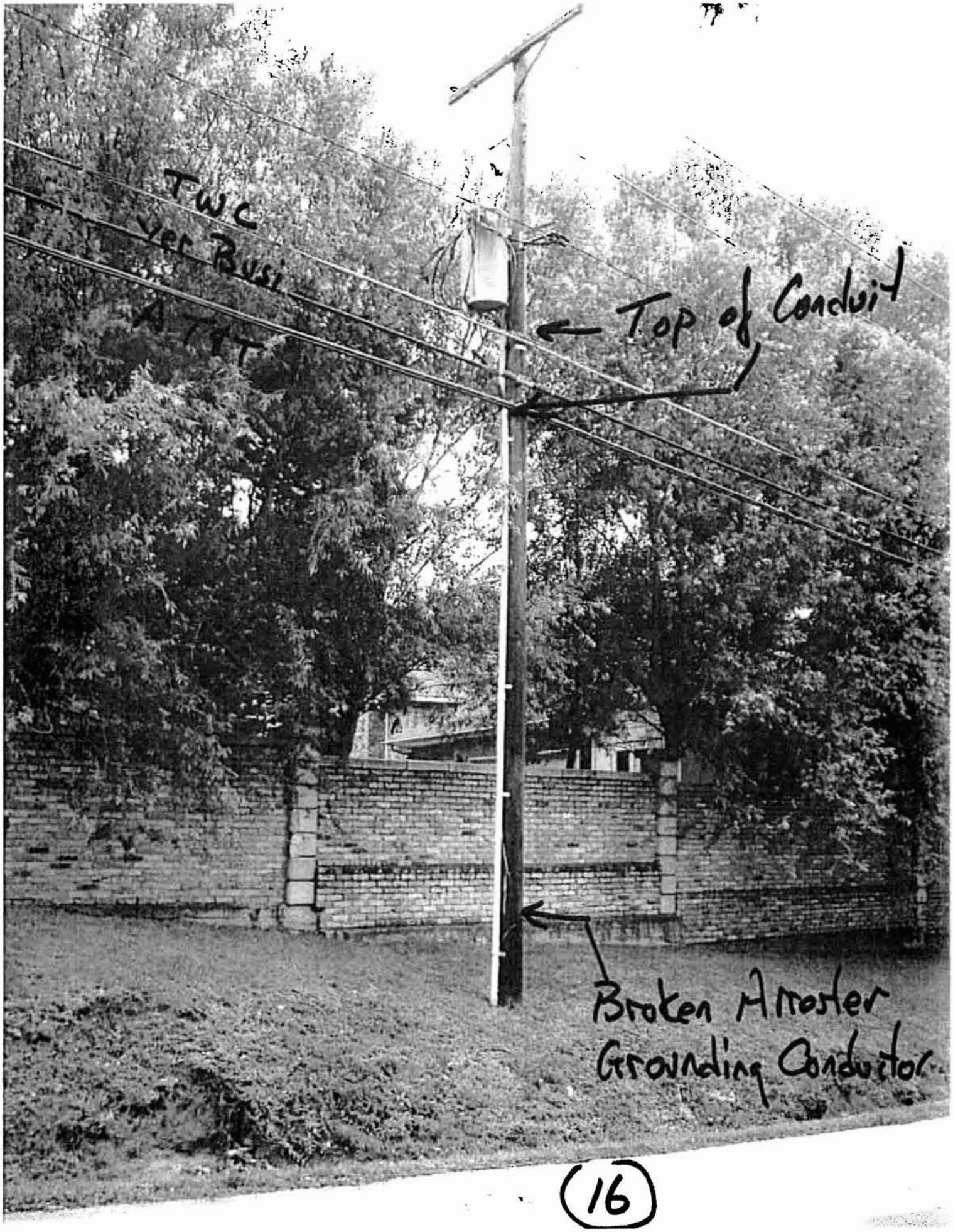
Photo
10
pole
Photo 9
pole
11

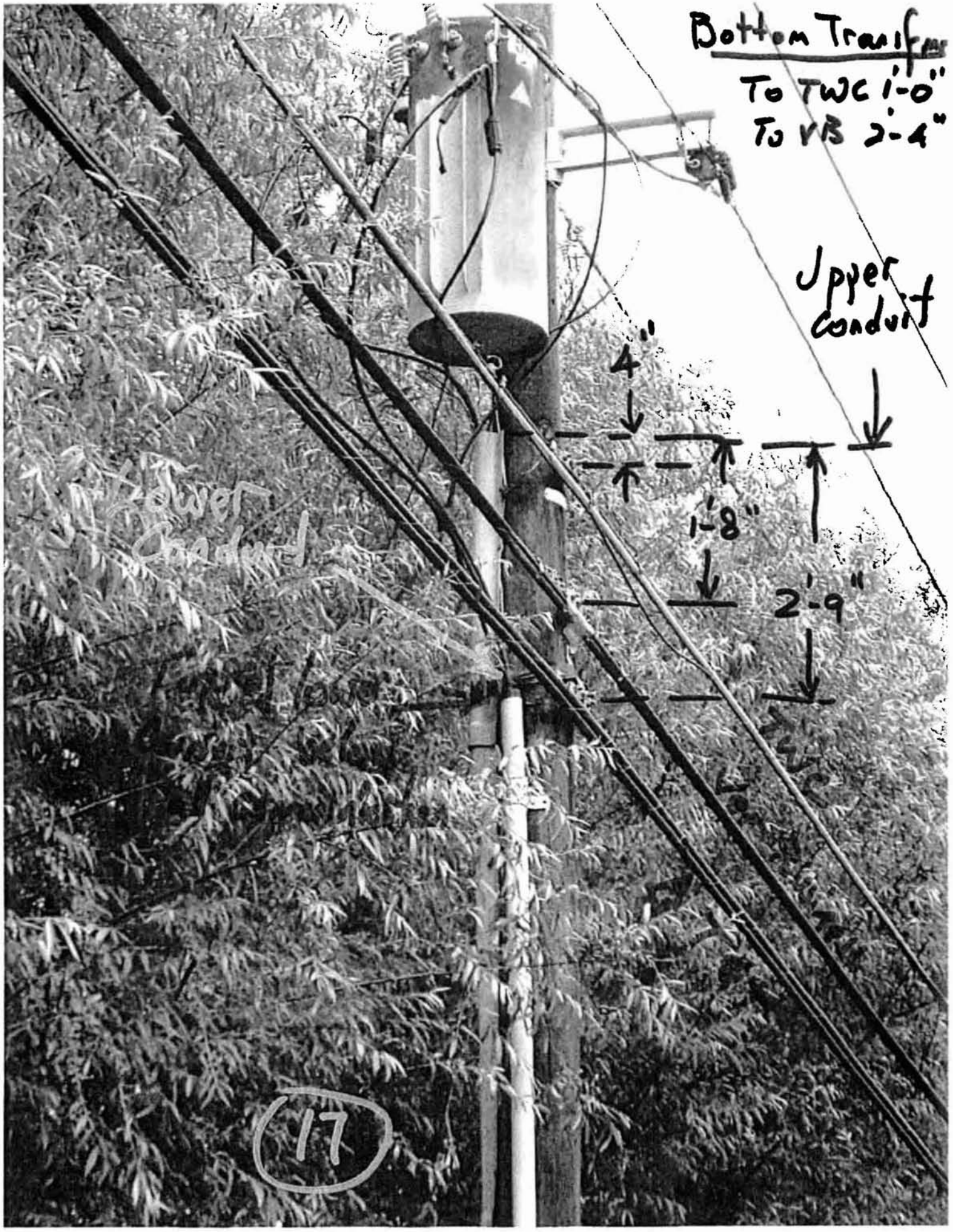

TXU triplex
Top of conduit
3'-0"
2'-0"
4'-1"
Verizon Business
TWC
Ver Busi
AT&T
12

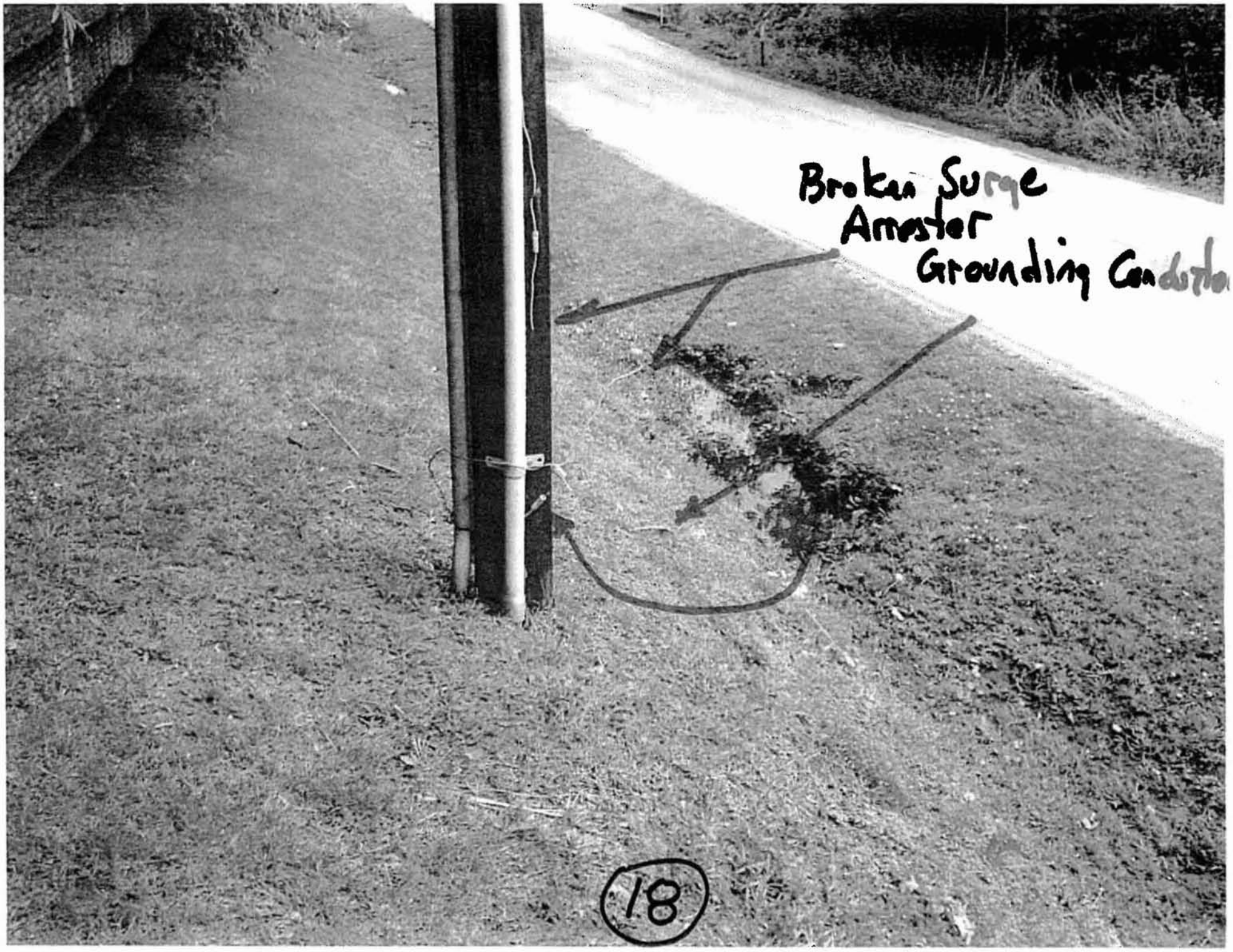
(13)

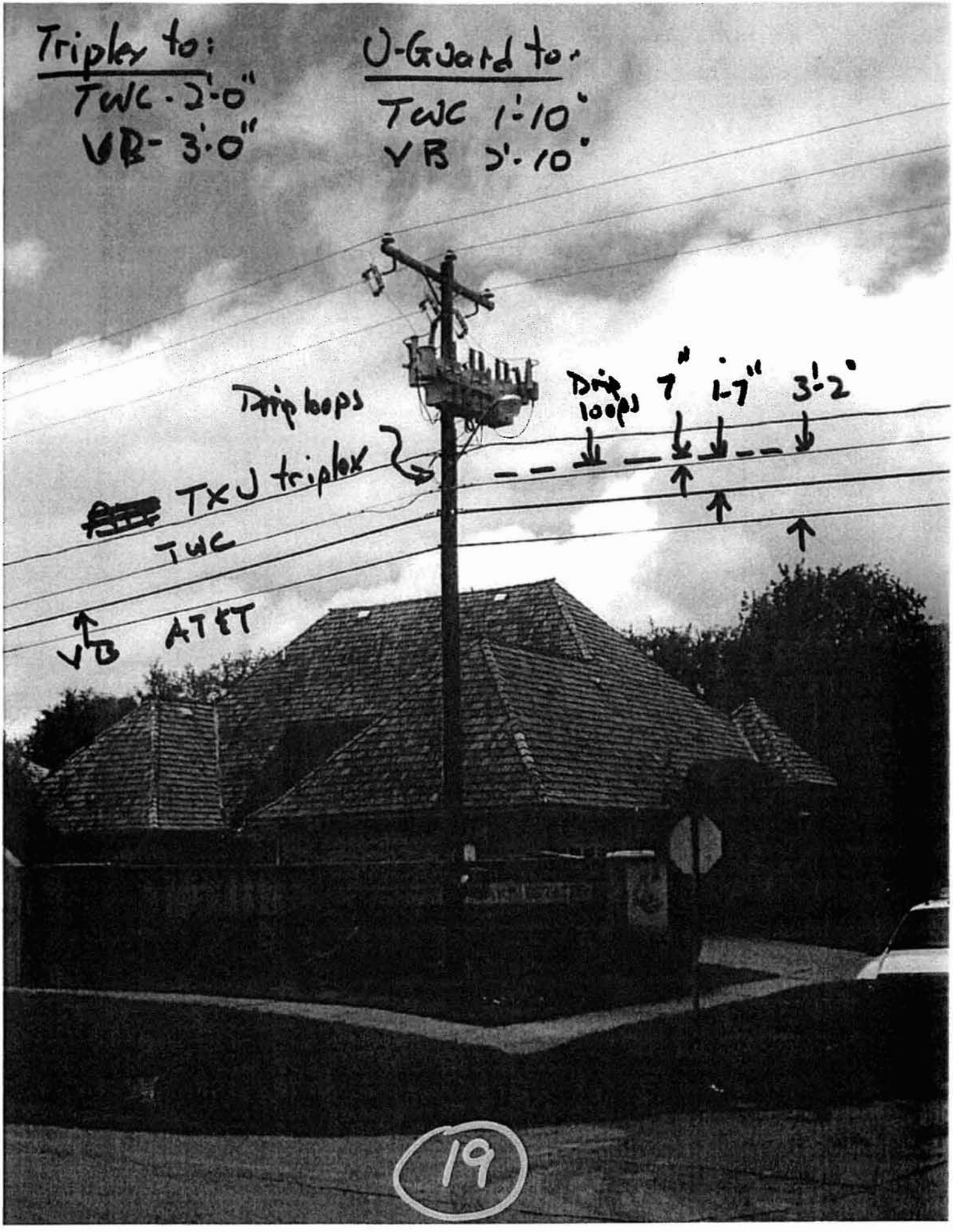

TXU Triplex
Top of Conduit
2'-3"
TWC
14

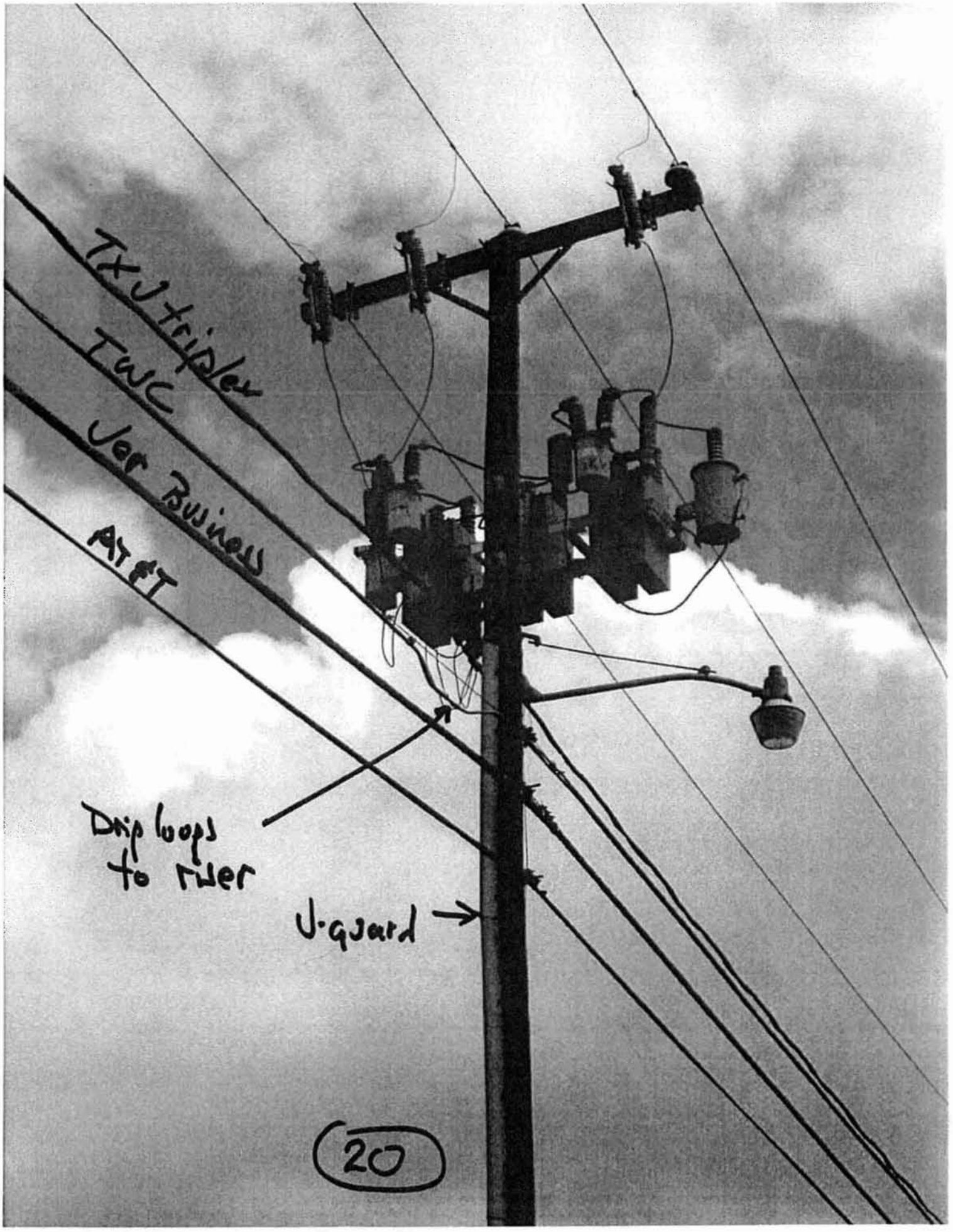

Bottom Transformer
TXU Triplex
TXU Triplex
5'-0"
2'-3"
Top of Conduit
1'-6"
(TWC)
2'-8"
3'-9"
(VB)
(AT&T)
TXU Triplex
TWC
Ver Bussi
AT&T
15


TWC
Top of Conduit
Broken Arrester
Grounding Conductor

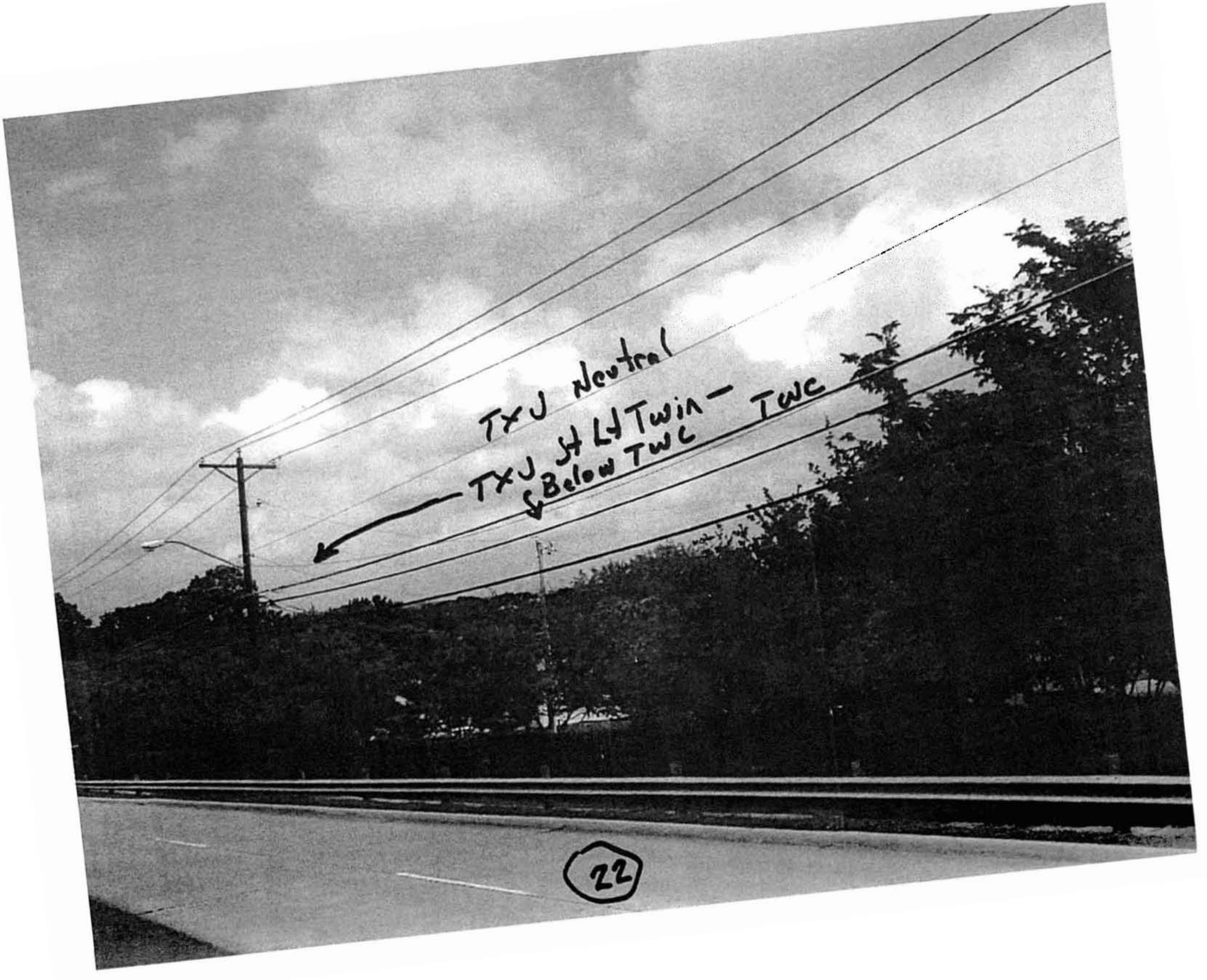

Bottom Transf
To TWC 1'-0"
To VB 2'-4"
Upper conduit
4"
1'-8"
2'-9"
Lower Conduit
17

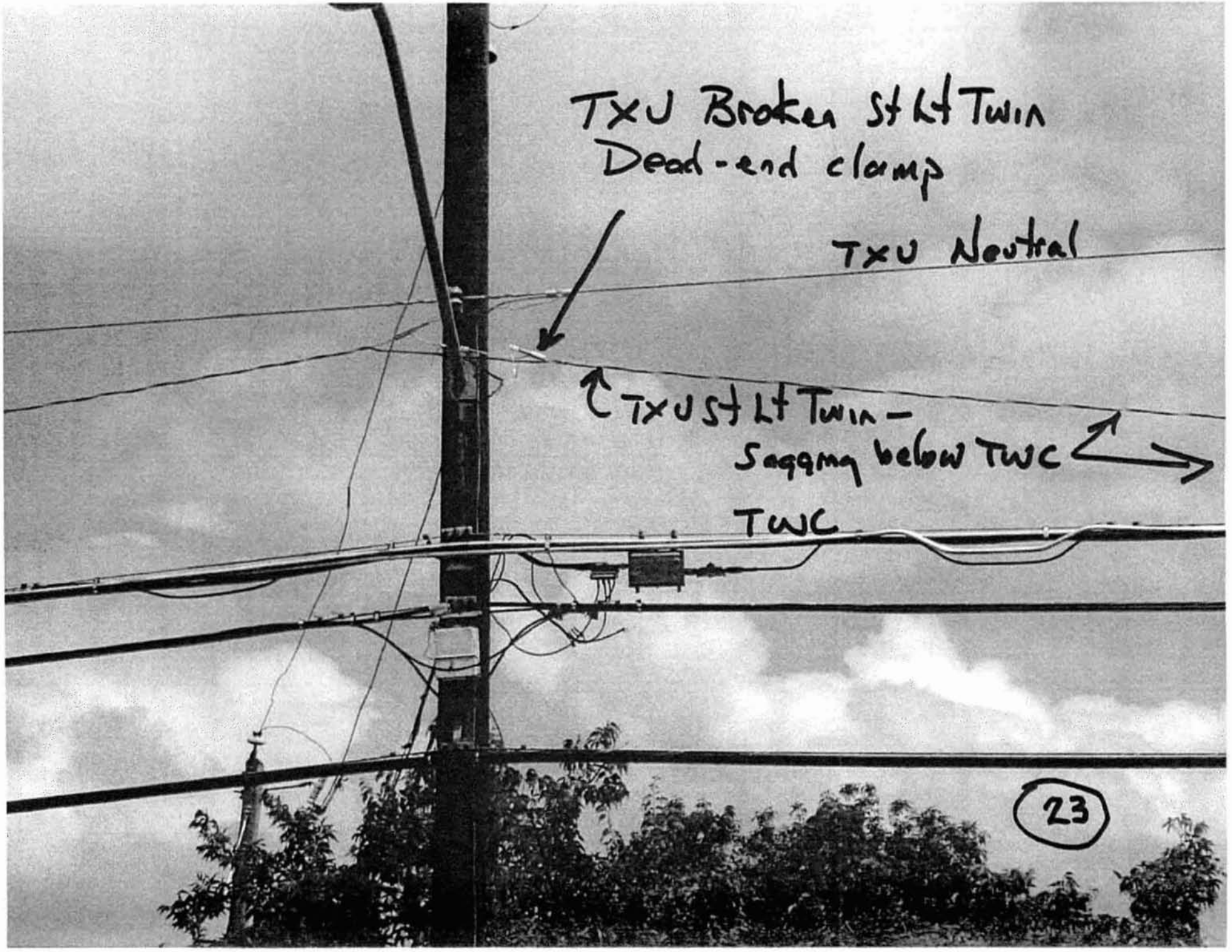

Broken Surge
Arrester
Grounding Conductor
18


Triplex to:
TWC - 2'-0"
VB - 3'-0"
U-Guard to:
TWC 1'-10"
VB 3'-10"
Drip loops
Drip loops
7"
1'-7"
3'-2"
TXU triplex
TWC
VB
AT&T

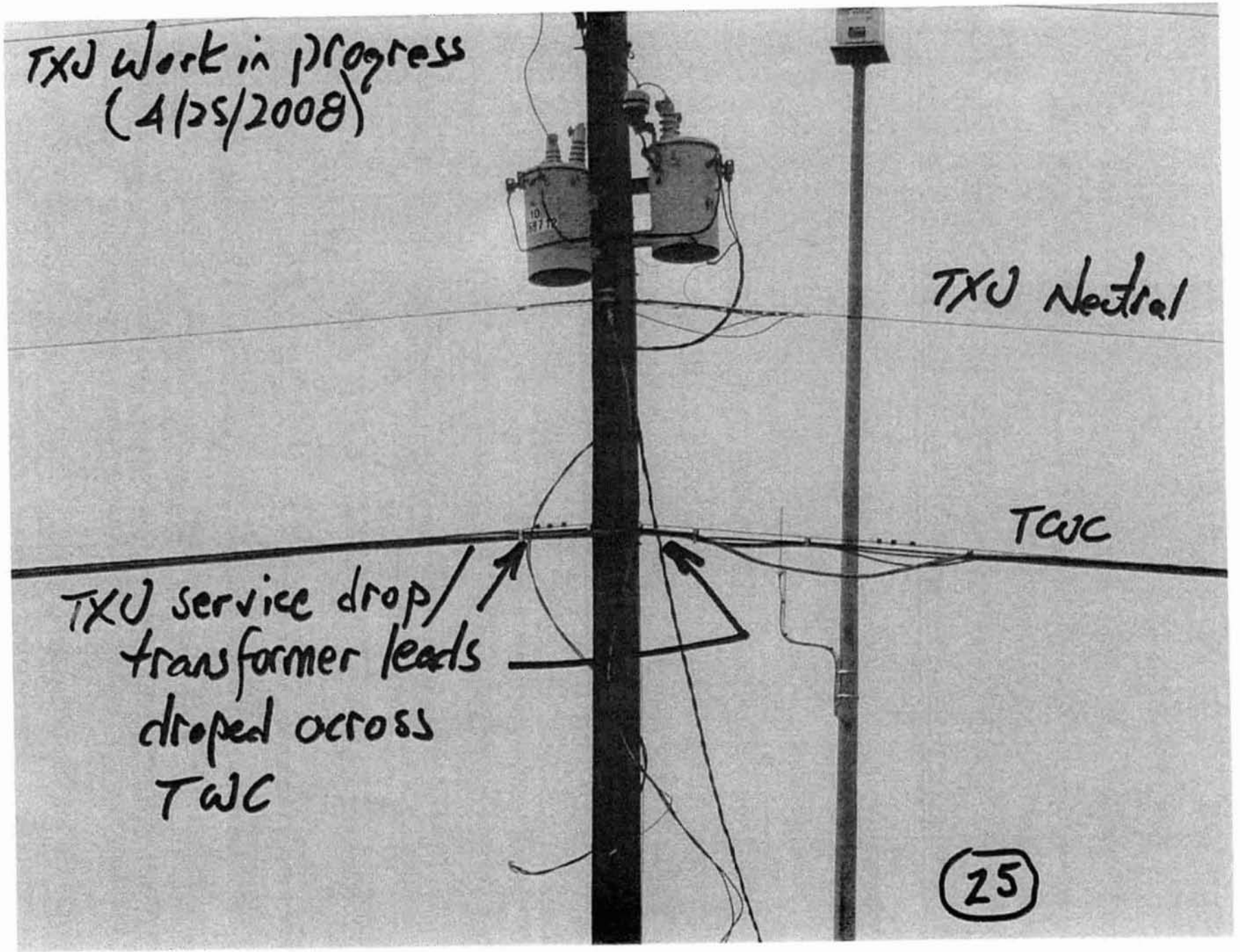

TXU triplex
TWC
Jer Business
AT&T
Drip loops to riser
U-guard

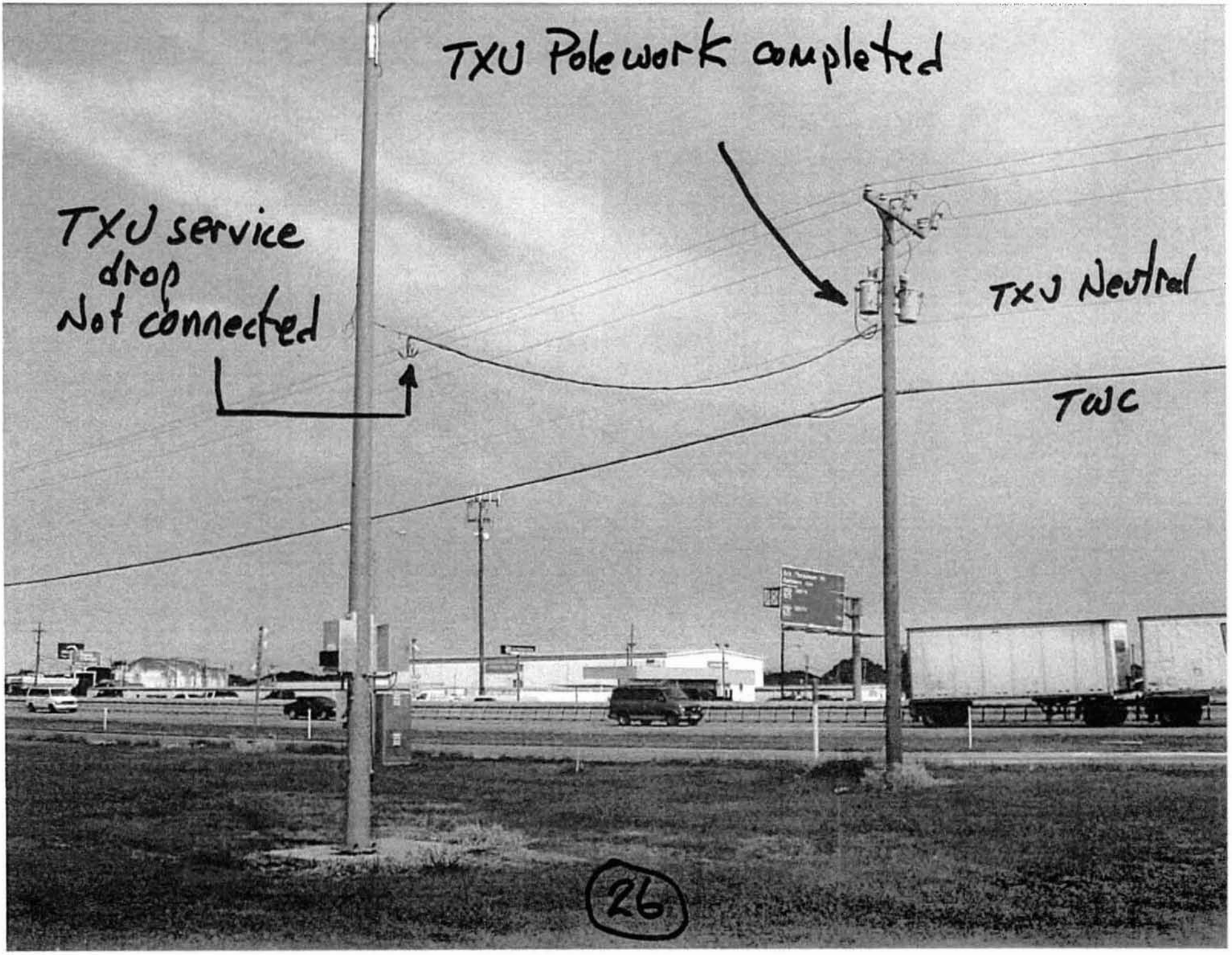
20'-6"
21

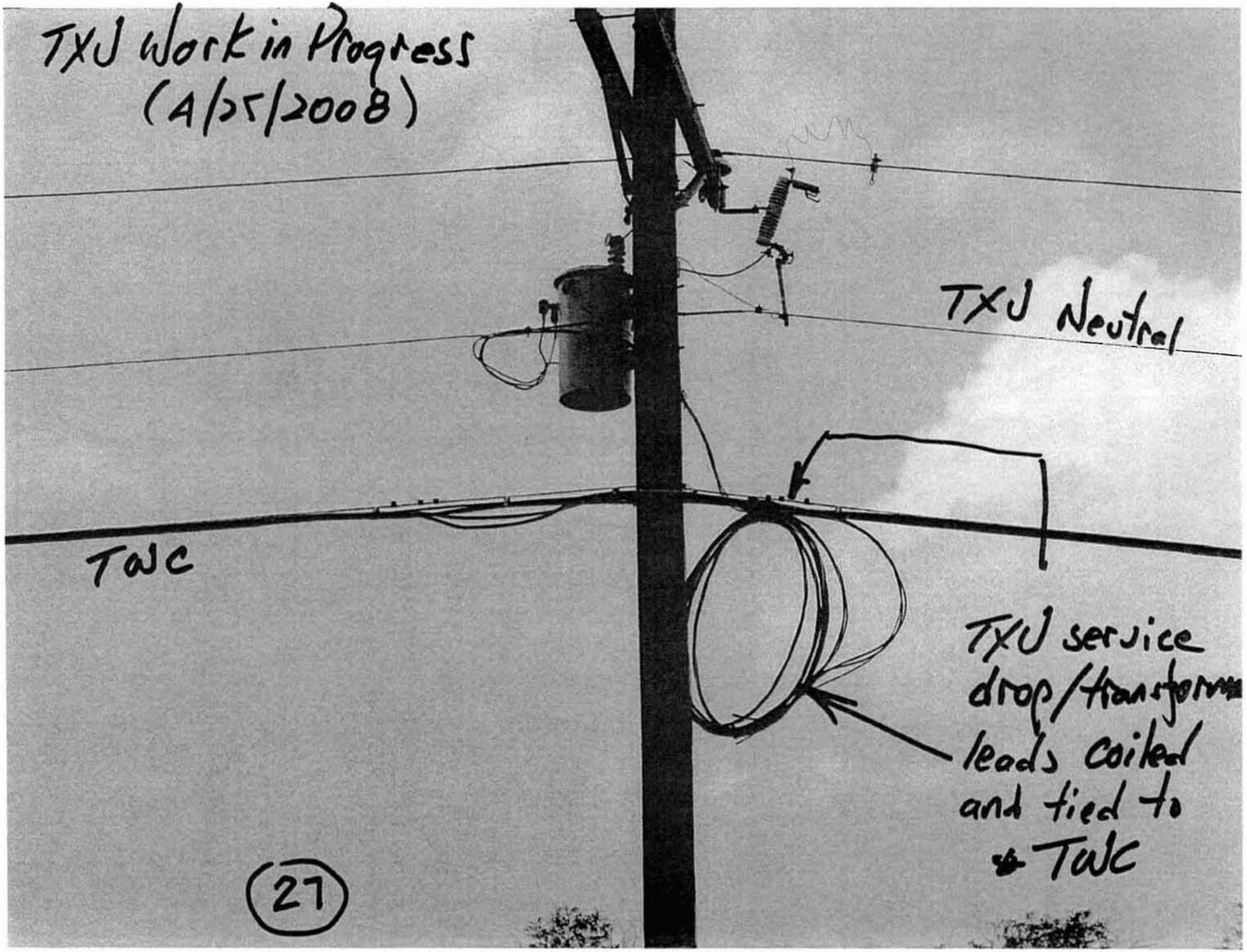

TXU Neutral
TXU St Lt Twin -
Below TWC
TWC
22

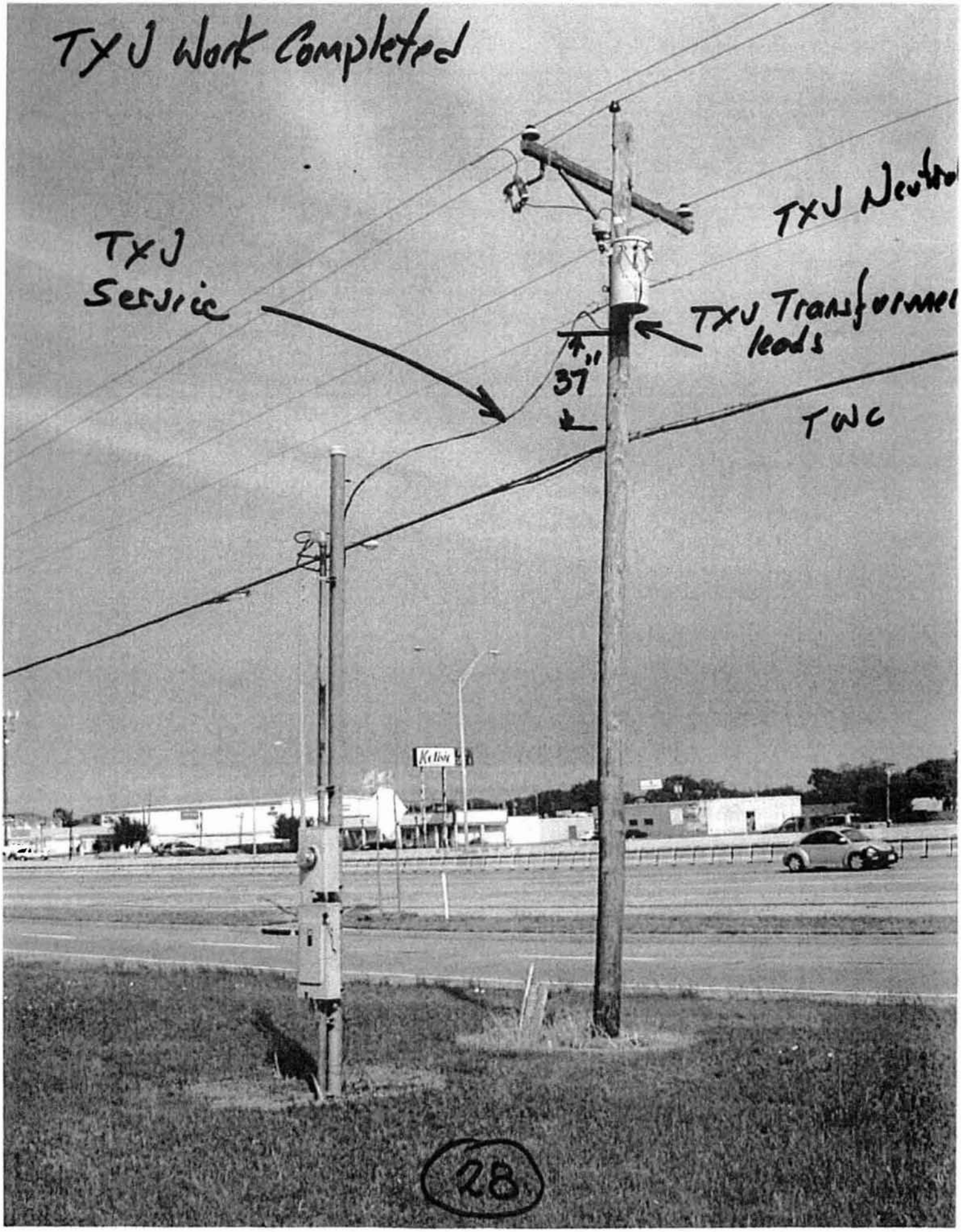

TXU Broken St Lt Twin
Dead-end clamp
TXU Neutral
TXU St Lt Twin –
Sagging below TWC
TWC
23

24

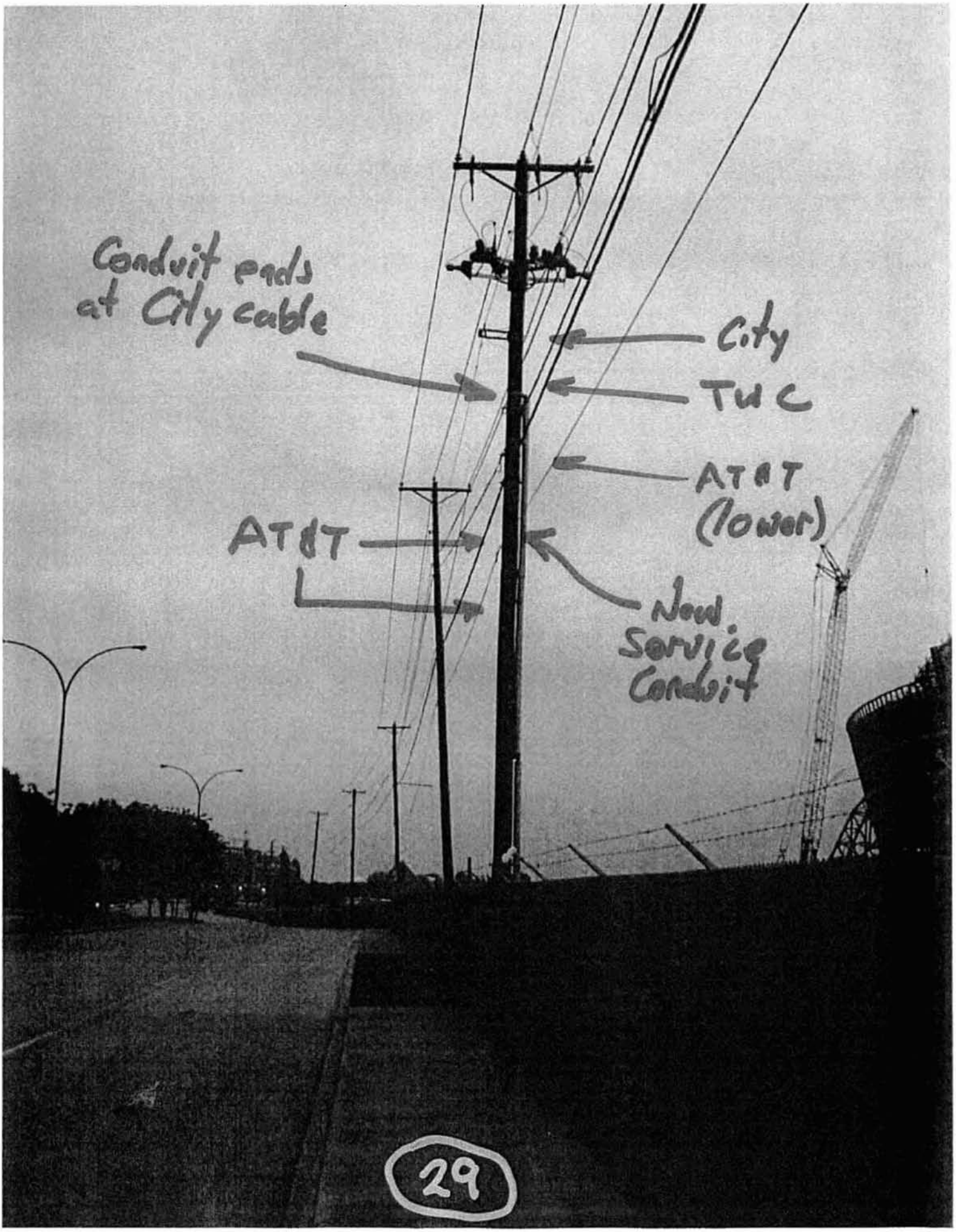

TXU work in progress
(4/25/2008)
TXU Neutral
TWC
TXU service drop/
transformer leads
droped across
TWC
25


TXU Polework completed
TXU service drop Not connected
TXU Neutral
TWC
26


TXU Work in Progress
(4/25/2008)
TXU Neutral
TWC
TXU service
drop/transformer
leads coiled
and tied to
TWC
27


TXU Work Completed
TXU Service
TXU Neutral
TXU Transformer leads
37"
TWC

28


Conduit ends at City cable
City
TUC
AT&T (lower)
AT&T
New Service Conduit

Attachment F

HOGAN &
HARTSON

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June 5, 2008

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BY FEDEX

J. Russell Campbell
Balch & Bingham LLP
1901 Sixth Avenue North
Suite 1500
Birmingham, AL 35203

Re: Oncor Safety Violations

Dear Russ:

TWC's safety expert was in the Dallas area on May 13-15, 2008, and he took photographs of a number of typical safety violations he found on Oncor poles. Copies of marked-up photos depicting the violations are enclosed here. The locations of the photos are as follows:

Photos 1, 2 and 3 - North Cooper Street and Division, Arlington.

Photo 1 – First pole south of Division.

Photo 2 – Second pole south of Division.

Photo 3 – At Raymond Martinez.

Photo 5 – Arkansas and Fielder, Arlington.

Photo 6 – 2300 block, Pleasant Ridge and Pleasant Forrest at entrance to Mary and Jimmie Hooper Park, Arlington.

Photos 7-11, inclusive - Belt Line, Irving.

Photo 7 – First pole north of Finley:

Photo 8 – Second pole north of Finley.

Photo 9 – Third pole north of Finley.

Photo 10 – Fourth pole north of Finley.

Photo 11 – This is a location photo showing poles 9 and 10 in close proximity to each other.

Photos 12 and 13 – Boman Springs Road north of I-20, Arlington (at new AT&T pad-mounted equipment).

Photo 14 – Boman Springs Road opposite prior location, Arlington (photos 12 and 13).

Photo 15 – Boman Springs Road, first pole south of entrance to Morten Van Ravensway Park, Arlington.

Photos 16, 17 and 18 – Boman Springs Road north of Enchanted Bay, Arlington.

Photos 19, 20 and 21 – Sherwood drive and Lake Mead Boulevard, Arlington.

Photos 22, 23 and 24 – Pleasant Ridge Road west of Blossom Trail Road, Arlington.

Photo 22 – Second span from Blossom Trail Road.

Photo 23 – Second pole west of Blossom Trail Road.

Photo 24 – Third span from Blossom Trail Road.

Photo 28 – This is excessive slack in transformer leads, new construction.

Sincerely,

Gardner F. Gillespie

GFG/gs

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
	)	
TEXAS AND KANSAS CITY CABLE PARTNERS, L.P., d/b/a TIME WARNER CABLE,	)	File No. EB-05-MD-008
	)	
Complainant,	)	
	)	
v.	)	
	)	
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC,	)	
	)	
Respondent.	)	

To: Market Disputes Resolution Division,
Enforcement Bureau

COMPLAINT

Gardner F. Gillespie
Genevieve Sapir
HOGAN & HARTSON L.L.P.
555 13TH Street, N.W.
Washington, DC 20004

Attorneys for
Texas and Kansas City Partners,
L.P.

Dated: May 23, 2005

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1. The rates calculated by CenterPoint are unjust and unreasonable. 20

2. It is unreasonable for CenterPoint to count attachments to drop poles as subject to back rental as "unreported attachments." 23

3. It is unreasonable for CenterPoint to insist on payment by TWC for back rental related to a pole audit that TWC has not yet had a reasonable opportunity to review 24

4. It is unreasonable for CenterPoint to charge for five years of back rental for unreported attachments. 27

CONCLUSION 29

TABLE OF EXHIBITS

Exhibit No.	Description
1	CenterPoint Energy Houston Electric, LLC v. Time Warner Cable Inc., No. 2005-24692, Harris County, TX, filed April 13, 2005
2	Pole Attachment Agreement
3	Affidavit of George Fryer
4	Affidavit of Mohamad Woheldy
	Attachment A Attachment B Attachment C Attachment D Attachment E Attachment F
5	Affidavit of Gardner F. Gillespie
6	CenterPoint Letter re Unreported Cable Attachments Identified During Compliance Audit in 2003, April 26, 2004
7	CenterPoint Letter re Unreported Cable Attachments on CNP Poles, June 18, 2004
8	Email, V. Westbrook, CenterPoint, to S. Conn, Time Warner Cable Re CNP Inventory Audit for Time Warner, September 2, 2004
9	Email, V. Westbrook, CenterPoint, to S. Conn, Time Warner Cable Re CNP Inventory Audit for Time Warner, December 9, 2004
10	Email, V. Westbrook, CenterPoint, to S. Conn, Time Warner Cable Re CNP Inventory Audit for Time Warner, December 9, 2004
11	CenterPoint Letter Conveying Back Rental Invoice, January 31, 2005
12	Hogan & Hartson L.L.P. Letter Re Time Warner Back Rental Payment, March 9, 2005

TABLE OF EXHIBITS [Cont.]

Exhibit No.	Description
13	Notice of Removal, May 18, 2005
14	Accumulated Provision for Depreciation of Electric Utility Plant, p. 219, CenterPoint FERC Form 1, Resubmission, Y.E. 2003
15	Email, G. Gillespie to J. Spindler and N. Gupty, FCC, June 4, 2004
16	Letter, G. Gillespie to J. Spindler and N. Gupta, FCC, June 30, 2004
17	CenterPoint Pole Attachment Rate Calculations Based on Y.E. 2003
18	CenterPoint FERC Form 1, Resubmission Y.E. 2003
19	Letter, G. Foote to G. Gillespie, December 14, 2004

STATEMENT OF MOHAMAD WOHEIDY

I, Mohamad Woheidy, do hereby declare under penalty of perjury, that the following is true and correct and within my personal knowledge except where otherwise stated:

1. I am a Permit Specialist with Texas and Kansas City Cable Partners, L.P., d/b/a Time Warner Cable (together with its predecessors, "TWC"). My responsibilities include outside engineering and all types of permitting. I have worked for TWC and its predecessors in Houston since 1982.

2. Based on the pole attachment agreement between TWC and the predecessor of CenterPoint Energy Houston Electric, LLC's predecessor ("together with its predecessors, "CenterPoint"), TWC has not historically submitted any applications to make attachments to CenterPoint's poles. In approximately 2001, TWC agreed informally on a going forward basis to submit documentation of poles to which it was attaching, except for drop poles, though the parties did not modify the 1988 Agreement. Until very recently the practice of TWC was not to count drop poles for inventory or billing purposes. To the best of my knowledge, based on the consistent practice of TWC, it was not the practice of CenterPoint to count drop poles for inventory or billing purposes.

3. CenterPoint and TWC conducted a joint field check of TWC's attachments in the mid-1980's. I was Quality Control Administrator for TWC at the time of the joint field check, and I am knowledgeable about this pole audit. The audit counted only attachments to CenterPoint's distribution poles. It did not count service drop poles. For a number of years after this audit was completed, TWC (in the West side of Houston) advised CenterPoint on an annual basis of the number of miles of new construction of

aerial feeder and distribution plant accomplished that year, and it is my understanding that TWC and CenterPoint each relied on an assumption that there were 35 poles per mile of aerial plant to update pole records. (It is my understanding, although it is not within my personal knowledge, that in the east side of Houston, where a different cable operator provided service, the operator submitted applications for the poles.) To the best of my personal knowledge, no further field audit was conducted directly by CenterPoint until 2004. In approximately 2000, however, CenterPoint requested that TWC compare its design and as-built maps with CenterPoint's maps to determine the then-current number of attachments. CenterPoint agreed to waive any back pole rentals for all poles recorded in the audit. TWC hired a contractor to compare its maps with CenterPoint's maps, as requested. Over the course of several years, the contractor compared the maps and highlighted any poles that TWC's maps showed were attached to by TWC.

4. Like other cable operators, TWC's feeder and distribution system is designed to run cable from the system headend, generally along public rights-of-ways from the system headend into the neighborhoods where potential subscribers reside. TWC's design engineers determine the best routes for the cable based on a number of factors, including the presence of utility pole lines. Then the engineers map the routes on design maps to be used by construction personnel, who work with utility maps to determine what utility pole attachments will be required. Construction of the feeder and distribution system then proceeds. When the system has been constructed, the cable operator prepares "as-built" maps of its system.

5. After construction, the cable operator moves to the sales and service phase, and customers are hooked up to the feeder and distribution system by

"service drops," running from the distribution cable to the residences. In some cases the service drop must be supported by an additional pole to gain sufficient clearance, either to cross a street where the home is on the opposite side from the distribution cable or to traverse a lawn or driveway. In these situations, the utility pole owner typically has an existing "drop pole" (sometimes called a "lift pole") to permit its own services to reach the home. When cable installers arrive at the location to make the installation, they run a service drop to the home, attaching to any existing service drop poles in the process. Service drops are not typically reflected on cable design or as-built maps.

6. By comparing the cable design or as-built maps and the utility's pole maps, one can generally determine, subject to some element of human error, the particular poles that support the cable feeder and distribution system. From approximately 2000 through 2002, this is the task that was performed by the TWC contractor in Houston. TWC's contractor compared CenterPoint's pole maps with TWC's as-built and design maps and thereby audited the number of TWC's attachments on CenterPoint's poles. As portions of this audit were completed, the information was provided to CenterPoint. TWC did not retain any copies of the maps. To the best of my knowledge, CenterPoint then incorporated the results on its GIS mapping system. I have no direct knowledge about how CenterPoint inputted the information onto its GIS mapping system or whether the information provided by TWC's contractor was accurately recorded by CenterPoint.

7. The accuracy of the result was dependent on the accuracy of TWC's and CenterPoint's maps, as well as the ability of the contractor to find the comparable poles on the two sets of maps. If a CenterPoint distribution pole was not reflected on CenterPoint's maps – for example, where a pole had been added mid-span

and CenterPoint had not placed it on its maps – that pole could not be counted by TWC's contractors. The accuracy of the ultimate result was also dependent on the accuracy of the work CenterPoint performed in transferring the information to CenterPoint's GIS mapping system. TWC's service drops, not reflected on its design or as-built maps, were not counted in the audit – except perhaps where the contractors may have mistaken a drop pole on CenterPoint's maps for a distribution pole. In the audit, TWC's contractor found a number of attachments that had not been previously reported.

8. In April 2004 CenterPoint advised TWC that it had completed a "test audit" of about 1,000 (actually, more than 2,000) of TWC's attachments and had found 87 allegedly "unauthorized" TWC attachments. When TWC contested the results, CenterPoint provided the maps contained in Attachments A though D. For each map tile, CenterPoint provided a copy of (i) the CenterPoint paper map on which TWC's contractor in 2000 had highlighted the poles to which TWC was attached, (ii) the map as updated in CenterPoint's GIS system in 2001 with the audit results, and (ii) the map with the information recorded by CenterPoint's auditor in 2004. Although CenterPoint's auditor concluded that 87 of TWC's attachments had not previously been recorded, the auditor failed to note that it was using as a base 18 fewer recorded attachments than were reflected on CenterPoint's 2001 maps. Thus the total difference in the number of recorded attachments in 2001 and the number in 2004 was 69 instead of 87, a discrepancy of 26 percent. See Attachment E.

8. Furthermore, when TWC's engineering personnel went into the field to review the audit results for the 87 allegedly unreported attachments, they found the following, as reported to me:

2 of the poles could not be located;

11 of the poles the auditors counted as containing a TWC attachment did not actually contain any TWC attachment (3 of them contained a telephone company attachment, but not a TWC attachment);

17 of the poles counted were drop poles, which had not previously been counted by the parties;

Only 57 of the allegedly unreported attachments were actually attachments of TWC to distribution poles.

Rather than 87 unreported attachments, therefore, the actual results are that in the four map tiles containing a total of approximately 2,000 TWC attachments, there were only 12 more TWC attachments to CenterPoint's distribution poles than TWC had been paying for. Attachment F.

9. In June 2004 CenterPoint billed TWC for five years' back rental for an additional 374 alleged unreported attachments. TWC does not have copies of the results of the 2000 paper audit to compare the number of poles actually recorded for these map tiles with the number of reported attachments found by CenterPoint's auditor. But TWC's field check found discrepancies similar to those found related to the purported 87 unreported attachments CenterPoint had billed for in April. TWC's engineers counted 375 total poles that CenterPoint's auditor claimed were unreported. Of these, TWC was not attached to 46 (14 contained a telephone company attachment, and no TWC attachment); one was a drop pole. Attachment F.

10. After conducting its "spot audits," without any apparent effort to correct their fundamental errors, CenterPoint then began a full audit of all its poles. In September 2004 CenterPoint reported to TWC that its contractor had audited slightly more than 20,000 TWC attachments and found that close to one-half were "unauthorized." TWC again conducted its own review of some of these alleged

"unauthorized" attachments and found the audit results to be massively incorrect. TWC advised CenterPoint that the consultant had made an enormous number of mistakes in its audit, including counting other parties' attachments as TWC's and double-counting errors and treating mid-span poles.

11. In November 2004, CenterPoint responded with a new count of alleged unreported attachments for the same map tiles covered by the September 2004 report, reducing the number of alleged unauthorized attachments from 9,324 to 3,007. TWC engineering personnel have reviewed approximately 2,757 of these alleged unreported attachments. They have reported that 105 of these poles do not exist in the field. TWC is not attached to 83 of the poles (34 contain telephone attachments, but not TWC). One thousand one attachments are on drop poles. In the final analysis, only 1,106 of the alleged 2,757 allegedly unreported attachments (or 40%) TWC has reviewed are actually distribution attachments shown on CenterPoint's maps as unreported. Attachment G. And many of the allegedly unreported attachments are found on "mid-span poles – poles added by CenterPoint in the middle of a span – added by CenterPoint without TWC's knowledge long after TWC's feeder and distribution system was constructed. TWC does not have the information to know if the auditor has properly counted the number of authorized attachments on each map tile.

12. CenterPoint furnished TWC with an additional audit summary in December 2004, alleging another 2,804 unreported attachments. TWC has not yet had an opportunity to review these attachments. Interestingly, however, the summary provided by CenterPoint shows that in one map tile TWC has been paying for 160 more attachments to CenterPoint poles than were found by the auditor.

Executed on May 19, 2005

Mohamad Woheidy
Permit Specialist Houston Division of Texas
and Kansas City Cable Partners, L.P.