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Submitted April 12, 2004

## **BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

COMCAST CABLE COMMUNICATIONS, )  
INC., a Pennsylvania Corporation, )  
Claimant, )  
vs. )  
PACIFICORP, dba UTAH POWER , an )  
Oregon Corporation, )  
Respondent. )

**Docket No. 03 035 28**

**COMCAST RESPONSES TO  
PACIFICORP'S FIRST SET OF  
INTERROGATORIES**

Pursuant to Rule 33 of the Utah Rules of Civil Procedure, Claimant Comcast Cable Communications, LLC (“**Comcast**”), responds to Respondent PacifiCorp’s, dba Utah Power (“**PacifiCorp**”) First Set of Interrogatories (the “**Requests**”) as follows:

**GENERAL OBJECTIONS**

1. Comcast objects to each Request to the extent it requires Comcast to provide information not within its possession, custody or control.
2. Comcast objects to each and every Request to the extent that the same seeks information protected by the right to privacy, the attorney-client privilege, the attorney-work product doctrine and/or any other applicable privilege or doctrine.
3. Comcast objects to the Requests to the extent that they purport to impose any obligations upon Comcast that exceed the obligations imposed by Rule 33 of the Utah Rules of Civil Procedure.
4. Comcast objects to the Requests on the grounds that they are overly broad, unduly burdensome, and seek information that is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.
5. Comcast objects to the Requests to the extent they seek trade secrets or other confidential research, development, or commercial information. However, Comcast will, under the terms of the previously entered Protective Order, provide all of the requested material that is not immune, privileged, or otherwise protected from discovery.
6. In responding to these discovery requests, Comcast does not in any manner waive, or intend to waive, but rather intends to preserve and is preserving: (a) all objections as to competency, relevance, materiality and admissibility; (b) all rights to object on any ground to the use of any of the responses herein in any proceeding, motion, hearing or the

trial of this or any other action; and (c) all rights to object on any ground to further discovery requests involving or related to any of the Requests herein.

7. A republication or restatement, in whole or in part, of any one or more of the foregoing objections is not intended to waive any of the foregoing objections that are not restated. The foregoing objections are incorporated into all responses set forth below.

8. Pursuant to Rule 33 of Utah Civil Procedure, the parties may not serve more than 25 interrogatories, including all discrete subparts, without leave of the court. PacifiCorp has submitted interrogatories in excess of 25, many of which have discrete subparts. In submitting the following responses, Comcast does not waive its right to object to any future Interrogatories PacifiCorp may submit.

### **RESPONSES TO INTERROGATORIES**

**Interrogatory 1:** Identify each and every person who provided assistance or information used in answering these interrogatories and each and every person that Comcast or any agent or employee of Comcast has contacted concerning the subject matter of this Action and state the substance of any conversation or writing that relates to any such contact.

**Response:** Comcast objects to this request on the grounds that it seeks information protected by the attorney-client privilege and work product doctrine. Subject to the foregoing objection, as well as the General Objections, the following people provided assistance or information used in answering these interrogatories:

Name	Company
Angela W. Adams, Esq.	Ballard, Spahr, Andrews & Ingersoll, LLP
Craig Malang	Comcast Cable Communications
Gary Goldstein	Comcast Communications
Genevieve D. Sapir, Esq.	Cole, Raywid & Braverman, LLP
JoAnne Nadalin	Comcast Communications
Marty Pollock	Comcast Communications

Michael D. Woods, Esq.	Comcast Communications
Rodney Bell	Comcast Communications
Sheryl Pehrson	Comcast Communications
Steve Brown	Comcast Communications
Steve Proper	Comcast Communications
Tim Jackson	Comcast Communications

To the extent relevant and not privileged, the subject and content of the conversations are set forth in the answers to the Interrogatories below.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 2: If any person currently possesses, or will utilize at any hearing, documentation of any kind in formulating an opinion or providing testimony regarding the subject matter of this action; or if any person's testimony will be used to lay a foundation for the introduction of documentary evidence, photos, maps or any other exhibit, identify the document or exhibit and provide the name of each witness, and the subject matter of the testimony as it relates to each document or exhibit.

Response: Comcast objects to this request as premature. Comcast has not yet determined whether it will present opinion testimony or the basis of any such opinion testimony. Further, Comcast objects to this request on the grounds that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to the foregoing objections, as well as the General Objections, if Comcast determines that it will present opinion testimony, it will supplement this response.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 3: Identify each individual whom you may call as a witness at any hearing in this action, and for each such individual, state the subject matter on which each witness is expected to testify. If the witness is an expert witness, state the substance of the findings and the opinion to which the witness is expected to testify, and the grounds and basis for each opinion.

**Response:** Comcast objects to this request as premature. Comcast has not yet determined which witnesses it will present at hearing or the substance of their testimony. Further, Comcast objects to this request on the grounds that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to the foregoing objections, as well as the General Objections, Comcast identifies the following people as potential witnesses at trial:

Craig Malang	Comcast Cable Communications
Gary Goldstein	Comcast Cable Communications
JoAnne Nadalin	Comcast Cable Communications
Mark Defendall	Comcast Cable Communications
Marty Pollock	Comcast Cable Communications
Rodney Bell	Comcast Cable Communications
Sheryl Pehrson	Comcast Cable Communications
Steve Proper	Comcast Cable Communications
Tim Jackson	Comcast Cable Communications

Comcast will supplement this response to the extent it identifies additional witnesses.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 4: If you contend that PacifiCorp, or any officer, director, agent or employee acting on behalf of PacifiCorp, has made any admission, or taken or failed to take any action, that would preclude or tend to preclude it from recovering in this Action, identify and describe the substance of each such admission, action or omission, the person who

made that admission or took or failed to take such action, and the person to whom such admission was made.

**Response:** Comcast contends that PacifiCorp has failed to keep accurate records of pole attachment applications and authorizations, beginning with Comcast's predecessor's initial system build. Further, Comcast contends that PacifiCorp approved pole attachment applications on a "hand shake" basis and did not require formal applications. Specifically, a PacifiCorp employee who may or may not have been Joyce Russell told Comcast's Marty Pollock that PacifiCorp did not require Comcast to submit detailed pole applications. In addition, approximately two PacifiCorp employees told Comcast's Mark Defendall that permit applications were not required.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 5: Identify and describe any and all documents, communications or conversations between and among any agents, representatives or employees of Comcast or its predecessors in interest, TCI and/or AT&T, regarding the negotiation of the Pole Contact Agreement entered into between AT&T and PacifiCorp on December 20, 1999.

**Response:** Comcast objects to this Request on the grounds that it is overly broad and unduly burdensome in seeking the identification of hundreds of conversations and communications that may or may not have occurred more than five years ago. Further, Comcast objects to this Request on the grounds that it is vague and ambiguous. Comcast also objects to this Request on the grounds that it seeks information protected by the attorney-client privilege; pole attachment agreement negotiations are often conducted by attorneys on behalf of the company. Finally, Comcast objects to this Request on the grounds that it seeks information that

is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Counsel for PacifiCorp has stated that “there is only one overarching factual issue; whether Comcast has unauthorized attachments on PacifiCorp’s facilities” (*see* Letter from C. Zdebski to J.D. Thomas, dated Mar. 25, 2004). As such, Comcast does not believe that the information requested in this Interrogatory is reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 6: Identify and describe any and all documents, communications or conversations between and among any agents, representatives or employees of Comcast and/or its predecessor in interest, AT&T, regarding the negotiation of a new Pole Contact Agreement to replace the Agreement entered into between AT&T and PacifiCorp on December 20, 1999.

Response: See Response to Interrogatory No. 5.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 7: Identify and describe any policies or procedures implemented by Comcast to transition and/or trace its permitting authority as a result of its merger with AT&T, including but not limited to the attachment permits issued to its predecessors in interest, TCI and AT&T. In so doing, identify and describe (a) each person responsible for tracing Comcast’s permitting authority; (b) documents outlining or describing methods to transition or trace Comcast’s permitting authority; (c) the records relied upon to transition or trace Comcast’s permitting authority; (d) any and all communications regarding the transition or

tracing of Comcast's permitting authority and (e) any and all communications outlining Comcast's permitting authority.

**Response:** Comcast objects to this Request as vague, ambiguous, overly broad and burdensome. Subject to the foregoing objections, as well as the General Objections, Comcast states that a number of its employees were employees of its predecessors and no formal policies and/or procedures exist to trace or transition permitting authority as a result of its merger with AT&T.

- (a) Comcast is unaware of any such person
- (b) Comcast is unaware that any such documents exist
- (c) Comcast is unaware that any such documents exist
- (d) Comcast is unaware of any such communications
- (e) See responses to subparts (a) – (d) above.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

**Interrogatory 8:** Identify and describe Comcast's processes and procedures to organize and manage its pole attachment permits to PacifiCorp's poles in Utah. in particular, identify and describe: (a) each person, including but not limited to contractor(s) or subcontractor(s), responsible for obtaining permits; (b) instructions or guidance given to Comcast employees, representatives or agents regarding pole attachment permits; (c) document retention procedures regarding permit applications and permit approvals; (d) processes and procedures used to verify that permit applications have been granted prior to installation; (e)

processes and procedures to obtain permission regarding easements and rights of way; (f) processes and procedures used to verify that prior permission regarding easements and rights of way have been obtained; and (g) documents regarding timetables for attachment permitting in Utah.

**Response:** Comcast objects to this Request on the grounds that it is vague and ambiguous. Further, Comcast objects to this Request on the grounds that it is overly broad. Comcast also objects to subsections (e) and (f) as not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Easements and rights-of-way are not at issue in this litigation. Comcast does not understand what subsection (g) requests and objects on the grounds that it is vague, ambiguous, overly broad and burdensome.

Subject to the foregoing objections, as well as the General Objections, Comcast states the following:

- (a) In 1978-79 during the initial build-out of Comcast's system, Stuart Smythe was responsible for obtaining permits. For approximately the past five years, Marty Pollock and Sheryl Pehrson have been responsible for obtaining permits.
- (b) Comcast will provide documents responsive to this request.
- (c) Comcast's policy has been to retain all permitting documents permanently.

To Comcast's knowledge, no destruction of permitting documents occurred prior to AT&T's merger with TCI and Comcast's merger with AT&T. Comcast has no knowledge as to whether permitting documents from Insight Communications, or other companies' cable systems Comcast may have acquired, were retained or destroyed.

- (d) Regarding the initial build in 1979-80, Comcast's predecessor would schedule a three party walkout with Utah Power and the telephone carrier. The parties would jointly

survey the poles and identify any necessary makeready. Comcast's predecessor would then sign and submit an application form to Utah Power which consisted of a map with all poles to which Comcast's predecessor sought to attach marked on the map. No pole numbers were required or submitted. Utah Power would countersign the map indicating its approval, pending completion of the necessary makeready. Comcast's predecessor would sign again to indicate that it authorized Utah Power to conduct the necessary makeready and bill Comcast's predecessor for the charges. Once the makeready was completed, Comcast's predecessor would attach.

Regarding current practices, Comcast will provide documents responsive to this request.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 9: Identify and describe the operations or field processes and procedures used by Comcast, its employees, agents and/or representatives, including but not limited to contractors and subcontractors, when attaching or overlashing equipment to PacifiCorp's support structures in Utah. In particular, identify and describe: (a) instructions given to each person attaching and overlashing equipment to PacifiCorp's support structures on behalf of Comcast; (b) processes and procedures for crews attaching and overlashing equipment to PacifiCorp's support structures; (c) processes and procedures used by operations and field personnel to ensure the proper permit approvals have been granted prior to installation; (d) maps or other guides used by operations or field personnel to locate structures or poles; (e) communications between operations and field personnel regarding attaching or overlashing equipment to PacifiCorp's support structures; (f) processes and procedures for inspections of PacifiCorp structures prior to installation; and (g) processes and procedures for safety inspections of attachments made to PacifiCorp structures after installation.

**Response:** Comcast objects to this Request on the grounds that it is overly broad and unduly burdensome. Further, Comcast objects to this Request on the grounds that it is vague and ambiguous. Finally, Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Comcast's processes and procedures for overlicing do not relate, in any way, to the current dispute, except to the extent that PacifiCorp seeks information regarding the permitting processes for overlicing. To the extent that PacifiCorp seeks information regarding permitting, see Comcast's responses to interrogatories 7 and 8.

**Interrogatory 10:** For each and every attachment that PacifiCorp identified as an unauthorized attachment belonging to Comcast, and which Comcast alleges is inaccurate, identify and describe any and all documentary evidence that Comcast possesses which it believes demonstrates that the attachment is either; (a) subject to a valid installation permit granted by PacifiCorp to Comcast, AT&T or any of their predecessors; (b) the personal property of an entity other than Comcast; or (3) does not exist.

**Response:** Comcast objects to this Request on the grounds that responsive information is not in the possession, custody or control of Comcast. PacifiCorp has possession of many of these documents. Comcast states that it does not have sufficient information to identify each and every pole on which PacifiCorp alleges there is an unauthorized attachment. To the extent that reports, invoices and other documents supporting the Audit results have been provided to Comcast by PacifiCorp, such documents contain data that is unintelligible. For example, one such document PacifiCorp provided contains pages of unauthorized attachments that correspond to a single pole number. Other documents cite unauthorized attachments as having been made a number of years in the future. Accordingly, Comcast cannot verify these

results. Further, Comcast objects to this Request to the extent it is vague and ambiguous. In addition, Comcast objects to the extent that it has already provided PacifiCorp with documentation showing that certain unauthorized attachments are inaccurate.

Subject to the foregoing objections, as well as the General Objections, Comcast will provide documents responsive to this request that are in its possession, custody or control.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 11: With regard to each attachment identified by PacifiCorp as an unauthorized Comcast attachment in the State of Utah, identify each attachment for which Comcast contends it obtained PacifiCorp's permission and fully describe the details of such permission.

Response: Comcast incorporates fully, by reference, its responses to interrogatories 4, 8 and 10 above.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 12: Identify and describe any all documents, communications or conversations in which Comcast provided evidence to PacifiCorp to demonstrate that an attachment is either: (a) subject to a valid installation permit granted by PacifiCorp to Comcast, AT&T or any of their predecessors; (b) the personal property of an entity other than Comcast; or (c) does not exist.

Response: Comcast incorporates fully, by reference, its responses to interrogatories 4 and 10 above.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 13: Identify and describe Comcast's build-out and/or overbuild plans for the State of Utah. In particular, identify and describe: (a) where Comcast has installed new and/or updated pole attachments, including but not limited to maps or reports depicting the location of Comcast's pole attachments; (2) where Comcast intends to install pole attachments; and (c) any internal documents regarding deployment permitting in Utah (attachment timetables for attaching and permitting).

**Response:** Comcast objects to this Request on the grounds that it is overly broad and unduly burdensome as to time, scope and geographic location. Further, Comcast objects on the grounds that the Request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Comcast's future deployment plans have no bearing on this litigation.

Subject to the foregoing objections, as well as the General Objections, Comcast states that, beginning in approximately mid-2001 when PacifiCorp began requiring permits, Comcast provided to PacifiCorp, in the normal course of its business, applications identifying each pole to which it seeks or sought to attach and/or overlash facilities.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 14: Identify and describe where Comcast has installed pole attachments on PacifiCorp's poles in the State of Utah since the initiation of this action. In particular, identify and describe: (a) where Comcast has installed pole attachments, including but not limited to maps or reports depicting the location of Comcast's pole attachments; and (b)

identify for each pole attachment whether Comcast secured a permit from PacifiCorp prior to making the pole attachment on PacifiCorp's pole in Utah.

**Response:** Comcast objects to this Request on the grounds that it is overly broad and unduly burdensome. Subject to the foregoing objections, as well as the General Objections, Comcast has submitted a pole attachment application to PacifiCorp for every pole attachment installed since the initiation of this action. Accordingly, PacifiCorp already has all the information in its possession identifying and describing each pole attachment installed by Comcast since the initiation of this action. However, if PacifiCorp would like to review the documents reflecting these attachments that are in the possession, custody or control of Comcast, Comcast will, pursuant to Rule 33(d) of the Utah Rules of Civil Procedure, produce such documents at a time mutually convenient to the parties.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

**Interrogatory 15:** Identify and describe the work Mastec has been performing on behalf of Comcast with respect to Comcast's audit that was initiated to verify the results of the PacifiCorp 2003 [Audit?]. In particular, identify and describe: (a) whether Mastec has been conducting an audit on Comcast's behalf to verify the results of PacifiCorp's audit of its joint-use utility poles in Utah, (b) instructions given to Mastec; (c) maps, facilities inspected, surveyed, and tabulated by Mastec; (d) all data collected with respect to each support structure and each facility surveyed by Mastec; and (e) methods by which data was collected, stored or manipulated, including the identification and description of any mechanical or electronic devices employed by field inspectors, including, but not limited to vehicles, bucket trucks, measuring "sticks," electronic devices (such as laser-based measuring devices, global positioning systems

(“OPS”), geographic information systems (“GIS”), personal digital assistant (“PDA”) handheld devices, “laptop” computers and the like).

**Response:** Comcast objects to subparagraphs (c), (d) and (e) of this Interrogatory on the grounds that they are overly broad and unduly burdensome. Further, Comcast objects to this Request on the grounds that it is vague and ambiguous. Finally, Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections as well as the General Objections, (a) Comcast states it contracted with Mastec to investigate PacifiCorp’s unauthorized attachment allegations in the American Fork district.

(b) Comcast instructed Mastec to count the number of attachments in the American Fork district.

(c) Comcast provided Mastec maps of its cable television system and maps generated by PacifiCorp.

(d) Comcast will produce documents responsive to this request.

(e) Mastec collected the information in the field and generated an EXCEL spreadsheet identifying Comcast’s attachments.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 16: Identify all individuals, contractors, subcontractors and other persons, whether or not employed by Comcast or such contractors or subcontractors, participating in any capacity in Comcast’s audit that was initiated to verify the results of the PacifiCorp 2003 Audit.

**Response:** Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections as well as the General Objections, Comcast states that Gary Goldstein and Steve Brown provided maps and instructions to Mastec.

**Answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 17: Identify and describe the field processes and procedures used by Comcast or its agents to verify the results of the 2003 Audit. In particular, identify and describe (a) instructions given to persons conducting the actual field inspections; (b) maps, facilities inspected, surveyed, and tabulated; (c) all data collected with respect to each support structure and each facility surveyed; and (d) methods by which data was collected, stored or manipulated, including the identification and description of any mechanical or electronic devices employed by field inspectors, including, but not limited to vehicles, bucket trucks, measuring “sticks,” electronic devices (such as laser-based measuring devices, global positioning systems (“GPS”), geographic information systems (“GIS”), personal digital assistant (“PDA”) handheld devices, “laptop” computers and the like).

**Response:** Comcast incorporates fully, by reference, its response to Interrogatories Nos. 15 and 16.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 18: Identify and describe every person who received PacifiCorp’s 30 day advance notices authored by James Coppededge advising Comcast of PacifiCorp’s intent to begin the 2003 Audit in specific areas in Utah. In particular, identify and

describe (a) every person who received the notices; and (b) any correspondence or communications regarding the notices.

**Response:** Comcast is unaware of any such persons receiving the notices described in this Interrogatory prior to the initiation of this litigation. Comcast further states that the only copies of these notices that it has received were unsigned and provided by PacifiCorp in connection with this litigation. After the commencement of this litigation, Becky Hardy in Comcast's Accounts Payable department received a notice of impending audit dated December 1, 2003.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 19: Identify and describe every person who received the results of PacifiCorp's 2003 Audit. In particular, identify and describe (a) every person who received the results of the 2003 Audit; and (b) any correspondence or communications regarding the invoices or the unauthorized attachments.

**Response:** Comcast objects to this Request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, and seeks information protected by the attorney-client privilege and work product doctrine. Further, Comcast objects on the grounds that the information responsive to this Request is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, as well as the General Objections,

(a) Comcast states that the following people received or should have received copies of PacifiCorp's unauthorized attachment penalty invoices in the normal course of business: JoAnne Nadalin, Becky Hardy, Marty Pollock, Theresa Sorenson, Fred Graffam,

Michael Woods, Patrick O'Hare, Jim Carney and Mark Jaeger. In addition, Gary Goldstein, Rodney Bell and JoAnne Nadalin received documents PacifiCorp identified as results of the Audit. These documents include reams of data forwarded to JoAnne Nadalin and an EXCEL spreadsheet forwarded to Rodney Bell.

(b) Comcast discussed the unauthorized attachment invoices during a number of its bi-weekly operations calls. During the normal course of business, the following people would have participated: Gary Waterfield, Craig Malang, Kaei Majors, Todd Beauchamp, Steve Proper, Merlin Jensen, Brenda Schneider, Barbara Shelley, Brad Dusto, Cathy Kilstrom, Steve Bouchard and Tracy Baumgartner. In addition, Comcast discussed PacifiCorp's alleged unauthorized attachment penalties with the people:

Angela W. Adams, Esq.	Ballard, Spahr, Andrews & Ingersoll, LLP
Brad Kaplan	Comcast Cable Communications
Craig Malang	Comcast Cable Communications
Curt Henninger	Comcast Cable Communications
Dan Bailey	Comcast Cable Communications
Dwayne O'Dell	Comcast Cable Communications
Everett Preece	Comcast Cable Communications
Gary Goldstein	Comcast Cable Communications
Genevieve D. Sapir, Esq.	Cole, Raywid & Braverman, LLP
Harper Loyning	Comcast Cable Communications
J. Davidson Thomas, Esq.	Cole, Raywid & Braverman, LLP
Jeff Smith, Esq.	Comcast Cable Communications
Jerold W. Oldroyd, Esq.	Ballard, Spahr, Andrews & Ingersoll, LLP
JoAnne Nadalin	Comcast Cable Communications
Kelly Archibald	Comcast Cable Communications
Kyle Birch, Esq.	Comcast Cable Communications
Lyndon Lauhionga	Comcast Cable Communications
Mark Deffendall	Comcast Cable Communications
Marty Pollock	Comcast Cable Communications
Michael D. Woods, Esq.	Comcast Cable Communications
Mike Clark	Comcast Cable Communications

Mike Morgan	Comcast Cable Communications
Mike Stockdale	Comcast Cable Communications
Robert Kelly	Comcast Cable Communications
Rodney Bell	Comcast Cable Communications
Sheryl Pehrson	Comcast Cable Communications
Steve Brown	Comcast Cable Communications
Steve Proper	Comcast Cable Communications
Tim Jackson	Comcast Cable Communications
Tyson Stone	Comcast Cable Communications

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 20: Identify and describe every person who received PacifiCorp's invoices for the attachments that PacifiCorp identified as unauthorized attachments belonging to Comcast in Utah. In particular, identify and describe (a) every person who received the invoices; and (b) any correspondence or communications regarding the invoices or the unauthorized attachments.

**Response:** Comcast incorporates fully, by reference, its response to interrogatory 19.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 21: Identify and describe any and all documents, communications or conversations between and among any agents, representatives or employees of Comcast and PacifiCorp regarding the negotiation of the Letter Agreement between Comcast and PacifiCorp dated September 8, 2003.

**Response:** Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible

evidence. Counsel for PacifiCorp has stated that “there is only one overarching factual issue; whether Comcast has unauthorized attachments on PacifiCorp’s facilities” (*see* Letter from C. Zdebski to J.D. Thomas, dated Mar. 25, 2004). Moreover, the September 8, 2003 did nothing more than memorialize Comcast’s payment of contested funds and both parties have acknowledged that the funds in question were paid under dispute. Further, Comcast objects on the grounds that all information responsive to this request is either in PacifiCorp’s possession, custody and control, or privileged by the attorney-client privilege and/or attorney work product doctrine. To the extent that PacifiCorp seeks information between and among Comcast’s attorneys, those documents are privileged. Further, to the extent that PacifiCorp seeks information between and among PacifiCorp and Comcast, PacifiCorp should already have this information in its possession. Finally, Comcast objects on the ground that this request is overly broad and unduly burdensome. Numerous communications were exchanged between and among the parties in the months leading up to the signing of the agreement.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 22: Identify and describe any and all instances in which Comcast, its agents, representatives or employees may have contracted with Osmose Utilities Services, Inc. on behalf of Comcast.

**Response:** Comcast objects to this Request on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objection, as well as the General Objections, Comcast is not aware of any such instance.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 23: State whether it is your contention that unauthorized attachments do not pose a safety problem.

**Response:** Comcast objects to this Request on the grounds that it calls for a legal conclusion. Further, Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Comcast objects to this Request as vague and ambiguous. This interrogatory constitutes an incomplete hypothetical question. It seeks a sweeping generalization that cannot be determined by Comcast. Whether pole attachments that are installed without a valid permit create safety concerns rests on many factors. These factors and contingencies make it impossible for Comcast to make a blanket statement.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 24: Identify and describe the extent of Comcast or its predecessor in interest's participation in the Oregon Joint-Use Task Force or the Oregon Joint-Use Association. In particular, identify and describe (a) every person that has represented Comcast or its predecessor in interest on the Oregon Joint-Use Task Force and the Oregon Joint-Use Association; (b) the extent of any communications made by PacifiCorp regarding an audit of its pole plant; and (c) Comcast and its predecessors role on the both the Oregon Joint-Use Task Force and the Oregon Joint-Use Association.

**Response:** Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 25: Identify and describe Comcast's modem build-out and/or overbuild plans for the State of Utah. In particular, identify and describe: (a) where Comcast has installed new and/or updated fiber optic systems, including but not limited to maps or reports depicting the location of Comcast's fiber optic systems attachments; (b) where Comcast intends to install fiber optic systems attachments; and (c) any internal documents regarding deployment permitting in Utah (attachment timetables for attaching and permitting).

**Response:** Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Comcast's future business and service plans are not relevant to this litigation.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 26: State whether Comcast provides voice over internet protocol ("VOIP") service in the State of Utah.

**Response:** Comcast fully incorporates its response to Interrogatory No. 25.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 27: Identify and describe the construction standards used by Comcast, its employees, agents and/or representatives, including but not limited to contractors and subcontractors, when attaching or overlashing equipment to PacifiCorp's support structures in Utah. In particular, identify and describe: (a) instructions given to each person attaching and overlashing equipment to PacifiCorp's support structures on behalf of Comcast; and (b)

processes and procedures for crews attaching and overlasshing equipment to PacifiCorp's support structures.

**Response:** Comcast objects to this Request on the grounds that it is overly broad and unduly burdensome. Further, Comcast objects to this Request on the grounds that it is vague and ambiguous. Finally, Comcast objects to this Request on the grounds that it seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Comcast's processes and procedures for overlasshing do not relate, in any way, to the current dispute. To the extent that PacifiCorp seeks information regarding the permitting processes for overlasshing, see Comcast's responses to interrogatories 7 and 8.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 28: Identify and describe the safety standards used by Comcast, its employees, agents and/or representatives, including but not limited to contractors and subcontractors, when attaching or overlasshing equipment to PacifiCorp's support structures in Utah. In particular, identify and describe: (a) any safety instructions, guidelines or standards given to each person attaching and overlasshing equipment to PacifiCorp's support structures on behalf of Comcast; (b) processes and procedures for crews attaching and overlasshing equipment to PacifiCorp's support structures; (c) processes and procedures for inspections of PacifiCorp structures prior to installation; and (d) processes and procedures for safety inspections of attachments made to PacifiCorp structures after installation.

**Response:** Comcast fully incorporates its response to Interrogatory No. 27. In addition, Comcast states that it uses the NESC, the NEC, OSHA and other required standards in installing and maintaining its facilities.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Interrogatory 29: Identify and describe the employee qualifications used by Comcast in hiring or designating employees, agents and/or representatives, including but not limited to contractors and subcontractors, who will be responsible for attaching or overlashing equipment to PacifiCorp's support structures in Utah.

**Response:** Comcast fully incorporates its response to Interrogatory No. 27.

**Objection and answer prepared by Angela W. Adams, Esq. and Genevieve D. Sapir, Esq.**

Dated: April 12, 2004.

**COMCAST CABLE COMMUNICATIONS, LLC**

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of April, 2004, a true and correct copy of Comcast's Responses to PacifiCorp's First Set of Interrogatories was served on the following parties via electronic mail and FedEx:

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