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September 22, 2014

Via First-Class Mail & Email

Catrice C. Williams
Dept. of Telecommunications and Cable
1000 Washington Street, 8th Fl., Suite 820
Boston, MA 02118-6500

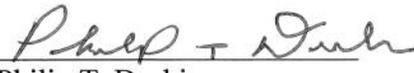
Re: Comcast of Massachusetts III, Inc. v. Peabody Municipal Light Plant, et al
Docket No. 14-2

Dear Ms. Williams:

Enclosed herewith please find Peabody Municipal Light Plant and Peabody Municipal Lighting Commission's Response to Comcast of Massachusetts III, Inc.'s First Set of Information Requests.

Thank you.

Very truly yours,


Philip T. Durkin

PTD/ldn
Enclosure
cc: 14-2 Service List

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Comcast of Massachusetts III, Inc.)	
)	
<i>Complainant,</i>)	
)	
v.)	D.T.C. 14-2
)	
Peabody Municipal Light Plant and)	
Peabody Municipal Lighting Commission)	
)	
<i>Respondents.</i>)	

**PEABODY MUNICIPAL LIGHT PLANT AND PEABODY MUNICIPAL
LIGHTING COMMISSION’S RESPONSE TO COMCAST OF
MASSACHUSETTS III, INC.’S FIRST SET OF INFORMATION
REQUESTS**

Pursuant to M.G.L. c. 30A, 220 C.M.R. § 1.00, Peabody Municipal Light Plant and Peabody Municipal Lighting Commission (collectively “PMLP”) hereby respond and object to Comcast of Massachusetts III, Inc.’s (“Comcast”) First Set of Information Requests (the “Requests”) as follows:

PMLP’s Responses to the Requests are based on information as of this time and are made without prejudice to PMLP’s right to supplement these Responses or to assert additional objections should PMLP discover additional information or grounds for objection at any time before the above-referenced matter is adjudicated.

PMLP’s Response to Comcast’s First Set of Information Requests, D.T.C. Docket No. 14-2 is as follows:

CST I-1. Please state the number of poles:

(A) Solely owned by PMLP.

- a. For all such poles solely owned by PMLP, please indicate the number of such poles that host Comcast attachments and the number of such attachments thereon.
- b. For all such poles solely owned by PMLP that are subject to a joint use agreement with another entity that owns poles to which PMLP is attached, please indicate the number of such poles and

the other pole owner.

- c. Of the solely owned poles subject to a joint use agreement with another entity identified above in (b), state the number of poles to which Comcast is attached and the number of such attachments thereon.

RESPONSE:

See attached pole spreadsheet submitted in response to CST I-1(A)(a), (b) and (c). Brian Abcunas on behalf of the PMLP will support this response.

(B) Jointly owned by PMLP.

- a. For all jointly owned poles, indicate the fractional ownership interest of PMLP as a percentage (e.g., 1,000 poles, 50% interest) and identify any other owner and its ownership percentage.
- b. Identify the number of jointly owned poles on which Comcast has attachments identifying PMLP's ownership percentage of such poles (500 poles, 55%, 200 poles, 50%) and the number of Comcast attachments thereon.

RESPONSE:

PMLP's percentage ownership is 55%. Further responding, see email and attachments thereto prepared by Brian Abcunas on behalf of the PMLP. Brian Abcunas on behalf of the PMLP will support this response.

- (C) For all poles identified in each of (A) and (B) above, including subparts, please identify and produce all continuing property records that refer or relate to such poles.

RESPONSE:

Those poles are primarily installed on public ways in Peabody and Lynnfield with the City's and Town's permission. Both communities maintain property records for their residents. In response to CST I-1(A)(C), the PMLP does not maintain or have property records for the poles. Brian Abcunas on behalf of the PMLP will support this response.

- (D) For all poles identified in each of (A) and (B) above, including subparts, please identify the age, class, and height for each pole.

RESPONSE:

See attached pole spreadsheet submitted in response to CST I-1(C). The attached pole spreadsheet further is responsive to CST I-1 (D) and CST I-1 (E). Further responding, that confirms the poles in

PMLP's system. Brian Abcunas on behalf of the PMLP will support this response.

(E) For all poles identified in each of (A) and (B) above please identify the number of poles in each category on which any attacher other than PMLP or Comcast has its facilities attached, including the identity of each such attacher, the number of attachments that each other attacher has on such poles.

RESPONSE:

See attached pole spreadsheet submitted in response to CST I-1(C). The attached pole spreadsheet further is responsive to CST I-1 (D) and CST I-1 (E). Further responding, that confirms the poles in PMLP's system. Brian Abcunas on behalf of the PMLP will support this response.

(F) For all attachers identified in (E) above please identify and produce invoices for pole attachment rental including the annual pole rental charged to such attacher for the years 2012-2014.

RESPONSE:

In response to CST I-1(F), PMLP objects to this request as it is overly broad and burdensome. Further responding, the other third party pole attachers are charged the same rate as Comcast. On behalf of the PMLP, Brian Abcunas will support all responses to CST I-1.

CST I-2. Please state the number of poles that correspond to the investment figure in Account 364 included in your Annual Report, page 8B, line 6, submitted to the DPU for years 2012 and 2013 and identify and explain the manner in which the number of poles that are included in or encompassed by Account 364 was determined.

RESPONSE:

See attached pole spreadsheet. This spreadsheet was prepared by Brian Abcunas on behalf of the PMLP who will support this response.

CST I-3. Please identify and explain the manner in which PMLP calculated the number of attachments and/or poles that PMLP used for purposes of invoicing Comcast for pole rent in each of the years 2012, 2013 and 2014.

RESPONSE:

PMLP calculated the number of poles and attachments based upon a running total of poles which increases or decreases due to Comcast's request to add or remove pole attachments. Brian Abcunas on behalf of the PMLP will support this response.

CST I-4. Please itemize separately PMLP's gross investment in appurtenances (e.g.

cross- arms, transformer mounts, pole-top pins, and other non-pole related items) recorded in Account 364 and provide the percentage that such appurtenances in the aggregate are of Account 364 investment. Please identify and provide documents (including, but not limited to continuing property records) verifying the amount of gross investment for all appurtenances.

RESPONSE:

PMLP objects to this request as it is too burdensome and requires extensive time to complete this calculation. On behalf of the PMLP Brian Abcunas will support this response.

CST I-5. Please state the amount of accumulated depreciation for PMLP's gross pole line investment for each of the years 2012 and 2013, and describe the manner in which such accumulated depreciation was calculated, and include any ledgers or other documents explaining or supporting such calculations.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-6. Please identify the manner and method PMLP calculated the amount of depreciation expense entered on p. 17, line 6(d) of your Annual Reports to the DPU for the years 2012 and 2013, and include the numerical calculation, and any ledgers or other documents explaining or supporting such calculation.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-7. Please state the amount of usable space PMLP's facilities occupy on average for each of the categories of poles identified in response to CST I-1(A) and (B) above, and provide the facts and circumstances supporting that figure.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-8. Do you agree with the rebuttable presumption in the Massachusetts Formula that usable space available on PMLP's solely owned and jointly owned poles is 13.5 feet? If not, please identify all facts, circumstances, and documents

supporting your disagreement for each of your solely owned and jointly owned poles.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-9. Do you agree that the minimum attachment height is the lowest permissible point of attachment of a wire or cable on a pole that will result in compliance with any applicable law, regulation, or electrical safety code? If not, please identify all facts and circumstances supporting your disagreement.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-10. Do you agree that the minimum vertical clearance for communications conductors is 15.5 feet along roads and other areas subject to truck traffic and may be reduced to as little as 9.5 feet along spaces and ways subject to pedestrian traffic only? If not, please identify all facts and circumstances supporting your disagreement.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-11. Do you agree that the NESC allows for attachments of communications conductors at 18 feet above the ground, allowing for 2.5 feet of sag? If not, please identify all facts and circumstances supporting your disagreement.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-12. Do you agree with the presumption embodied in the Massachusetts Formula that each attachment by a communications provider occupies one foot of pole space? If not, please identify all facts and circumstances supporting your disagreement.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-13. Do you agree that the NESC defines the “Communication Worker Safety Zone” or “Safety Space” to be the 40 inch space between the power supply space, or lowest power supply attachment, and the communications space, or highest communications attachment? If not, please identify all facts and circumstances supporting your disagreement.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-14. Do you agree that Safety Space set forth above in CST I-13 is usable space? If not, please identify all facts and circumstances supporting your disagreement.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-15. Do you agree that under the NESC the following may be installed in whole or in part in the Safety Space set forth above in CST I-13: transformers, equipment cases, span wires, drip loops, certain neutral lines, fiber optic supply lines, luminaire brackets, other grounded outdoor lights and brackets, and traffic signal brackets? If not, please identify all facts and circumstances supporting your disagreement with each including any citation to the NESC.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-16. Please state whether there are any communications facilities, transformers, equipment cases, span wires, drip loops, neutral lines, fiber optic supply lines, street lights, luminaire brackets, other grounded outdoor lights and brackets, or traffic signal brackets installed in the Safety Space set forth above in CST I-13 on any of the poles identified in response to CST I-1(A) and (B). If so, please identify by number and type.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to

resubmit this request upon further review including the responses to DPU requests.

CST I-17. What percentage of annual PMLP electric service revenue was the pole attachment rent paid by all third party attachers on PMLP poles for each of 2012 and 2013? Please provide the supporting calculations and identify the source of each figure used in that calculation.

RESPONSE:

In 2012, the PMLP attachment fees were 0.17% of total revenue based on the following (pole attachment revenue \$102,456.85/total revenue \$60,303,294). In 2013, pole attachment fees were 0.168% of total revenue based on the following (pole attachment fees \$105,336.81/total revenue \$62,755,510). These numbers are from the actual PMLP budget data for those years. On behalf of the PMLP Brian Abcunas will support this response.

CST I-18. Please state on a cents-per-kilowatt hour basis, and per-subscriber-average-bill basis, the impact of using the Massachusetts Formula rate as set forth in Exhibit 13 to Comcast's Pole Attachment Rate Complaint filed March 19, 2014, in this proceeding. Please provide your calculations and any supporting documentation.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-19. Please state whether PMLP agrees that the space allocation factor of 7.41% (using the rebuttable presumption values) in the Massachusetts Formula is applied to the annual costs associated with the entire pole (including the unusable space and the Safety Space set forth above in CST I-13). If not, please state the basis for PMLP's disagreement with this statement.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-20. Please provide the interest rate associated with the \$64,705,000 tax-exempt revenue bonds ("Bonds") issued by Berkshire Wind Power Cooperative Corporation ("BWPC") in connection with BWPC's financing the purchase of wind turbines and construction activities for the Berkshire Wind Power Project, and the basis for such a rate as applied to PMLP and its proportionate share of the debt service over the 20-year life of such Bonds.

RESPONSE:

The interest rate associated with the Berkshire Wind Power Cooperative Corporation is 5%. On behalf of the PMLP, Brian Abcunas will support this response.

- CST I-21. Does PMLP agree that the Bond Buyers 25 Revenue Bond index, or similar bond index for municipalities, would be representative of a revenue bond interest rate for PMLP should they need to issue a revenue bond in connection with the provision of electric service? If not, please explain with specificity why that index would not be representative and what interest rate PMLP believes would be representative along with the facts and circumstances supporting that interest rate.

RESPONSE:

The PMLP can neither agree nor disagree with the statement made in CST I-21 since the PMLP has not utilized the Bond Buyers 25 Revenue Bond index. On behalf of the PMLP Brian Abcunas will support this response.

- CST I-22. Please identify, on an annual basis, the total dollar amount of make-ready charges, including invoices, paid by:
- (A) Comcast to PMLP over the past five years; and
 - (B) Each third-party attacher and incumbent ILEC to PMLP over the past five years.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

- CST I-23. Please state whether PMLP agrees that it is permitted to recover from pole attachers in the form of directly reimbursed make-ready charges the costs of installing a taller pole or modifying an existing pole where necessary to accommodate attachment of facilities by such attacher. If this answer is anything other than an unqualified yes, please provide a citation to any such rule or policy that PMLP believes supports this position.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

- CST I-24. Please state whether PMLP routinely charges third party attachers, including Comcast, for the cost of a pole replacement or modifying an existing pole where necessary to accommodate a new attachment. If not, please provide any

documents that demonstrate that PMLP absorbs pole replacement costs when performed to accommodate third party attachers, including specifically with respect to Comcast.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-25. Please state whether it is PMLP's practice to assume title to poles that are replaced and paid for by third party attachers in the make-ready process.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

CST I-26. Please confirm whether it is PMLP's practice to charge rent to a third party attacher for a pole that the third party attacher has replaced and paid for as part of the make-ready process.

RESPONSE:

Comcast is not requesting a response at this time, however, Comcast reserves the right to resubmit this request upon further review including the responses to DPU requests.

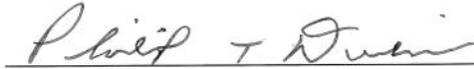
Respectfully Submitted,
Peabody Municipal Light Plant,
By its Attorney,


Philip T. Durkin
27 Lowell Street
Peabody, MA 01960
978-406-4222
BBO# 139240

Date: September 22, 2014

CERTIFICATE OF SERVICE

I, Philip T. Durkin, certify that on this day, I forwarded a copy of the foregoing Peabody Municipal Light Plant and Peabody Municipal Lighting Commission's Response to the Comcast of Massachusetts III, Inc.'s First Set of Information Requests, by first-class mail and/or email, to each person designated on the service list in the above-referenced proceeding.



Philip T. Durkin
27 Lowell Street
Peabody, MA 01960
978-406-4222
BBO# 139240

Date: September 22, 2014

PMLP Pole Attachment Rate Calculation Using "Massachusetts Formula"
For DPU Response

9/18/2014

	Net Investment Per Pole		\$	9,236,494.00
A	Total Gross Investment in Pole Plant		\$	6,437,402.00
B	Accumulated Depreciation (Poles)			
C	Accumulated Deferred Taxes (Poles)		\$	2,799,092.00
D	Net Investment in Pole Plant	(estimated 5% appurtenance factor)	\$	139,954.60
E	Net Investment in Appurtenance		\$	2,659,137.40
F	Net Investment in Bare Pole Plant			5743
G	Number of Pole Equivalents			
			\$	463.02
H	Net Investment Per Bare Pole			
	Carrying Charges			
	<i>Administrative</i>			
I	Administrative Expense		\$	6,999,199.00
J	Total Plant in Service		\$	100,332,414.00
K	Depreciation Reserve for Total Plant in Service		\$	63,248,768.00
L	Accumulated Deferred Taxes		\$	37,083,646.00
M	Net Plant in Service			18.87%
N	Administrative Carrying Charge			
	<i>Tax</i>			
O	Normalized Tax Expense		\$	495,000.00
P	Total Plant in Service		\$	100,332,414.00
Q	Depreciation Reserve for Total Plant in Service		\$	63,248,768.00
R	Accumulated Deferred Taxes		\$	36,588,646.00
S	Net Plant in Service			1.35%
T	Tax Carrying Charge			
	<i>Maintenance</i>			
U	Maintenance Expense	estimated	\$	1,542,950.00
V	Net Investment in Poles		\$	11,586,918.00
W	Maintenance Carrying Charge			13.32%
	<i>Depreciation</i>			
X	Annual Depreciation for Poles			3.00%
Y	Gross Investment in Pole Plant		\$	9,236,494.00
Z	Net Investment in Pole Plant		\$	2,799,092.00
AA	Gross / Net Adjustment			330%
BB	Depreciation Carrying Charge			9.90%
	<i>Return</i>			
CC	Rate of Return			5%
	Allocation of Usable Space			
DD	Assumed Cable Attachment Space			1.0
EE	Usage Space			13.5
FF	Space Factor			7.41%
	Pole Attachment Rate			
GG	Net Investment Per Bare Pole		\$	463.02
HH	Total Carrying Charge			48.44%
II	Usage Factor			7.41%
			\$	16.61
JJ-SO	Calculated Rate - SO Poles		\$	16.61
JJ-JO	Calculated Rate - JO Poles	SO rate x 0.55	\$	9.14