

ATTACHMENT B

WUTC Docket No. UT-053041
ICS Responses to WITA First Data Requests
June 10, 2008

Data Request No. 1:

Is Suncadia willing to offer to Inland the contract that it has entered into with ICS simply substituting "Inland" for "ICS" and providing a more current date for the agreement? If no, please identify in detail all reasons why this is not an offer that Suncadia would make to Inland.

Response:

ICS objects to this request on the grounds that it requests speculation, rather than information, and improperly attempts to conduct contract negotiations through discovery. Subject to, and without waiver of, these objections, Suncadia is not making an offer to any carrier, but as Mr. Eisenberg states in his testimony, Suncadia is willing to enter into negotiations with any carrier that is genuinely interested in providing service to residents in the resort area in response to a legitimate request for such negotiations. Suncadia has received no such requests since executing its agreement with ICS.

Prepared by: Counsel (objections) and Paul Eisenberg
Date: June 10, 2008

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Data Request No. 2:

At page 3, lines 14 and 15 of Mr. Eisenberg's Testimony, he states as follows:
"...Suncadia would be willing to enter into negotiations with that carrier to enable it to provide such services." Please identify in detail the terms of the negotiations that Suncadia would propose.

Response:

ICS objects to this request on the grounds that it requests speculation, rather than information, and improperly attempts to conduct contract negotiations through discovery. Subject to, and without waiver of, these objections, Suncadia is not proposing terms for negotiations, and development of any such terms would be premature until Suncadia receives a legitimate request for negotiations from a carrier that is genuinely interested in providing service to residents in the resort area. Suncadia has received no such requests since executing its agreement with ICS.

Prepared by: Counsel (objections) and Paul Eisenberg
Date: June 10, 2008

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of Intelligent Community Services, Inc. For Designation as Eligible Telecommunications Carrier Under 47 U.S.C. 214(e)(2)	Docket No. UT-053041 ICS RESPONSES TO WITA'S SECOND SET OF DATA REQUESTS
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Intelligent Community Services, Inc. ("ICS") provides the following responses to Washington Independent Telecommunications Association's ("WITA's") Second Set of Data Requests.

I.

GENERAL OBJECTIONS

ICS objects to WITA's definitions and instructions to the extent that they seek to impose obligations exceeding those imposed by the Commission's Rules and Washington Rules of Civil Procedure. More specifically, ICS further objects to the definitions of "ICS" and "Suncadia" as overly broad and to the instruction to provide any information beyond the scope of this docket and not within ICS's possession, custody and control. ICS hereby incorporates these general objections into each of the specific objections and responses provided below.

II.

SPECIFIC OBJECTIONS AND RESPONSES

WUTC Docket No. UT-053041
ICS Responses to WITA Second Data Requests
June 13, 2008

Data Request No. 1:

In Mr. Eisenberg's Testimony at page 3, line 4, he states "Suncadia has constructed a backbone fiberoptic network throughout the resort area..." Please identify the "backbone fiberoptic network" in detail; including, but not limited to, the following:

- a. The manufacturer of the fiberoptic cable;
- b. Splitter configuration;
- c. Location of nodes;
- d. Location of hand holes;
- e. Locaiton [*sic*] of man holes;
- f. Locations and types of cabinets identifying type of cabinet by location;
- g. The number of fibers; and
- h. Whether all fibers are in one sheath and, if not, the number of sheaths and the number of fibers per sheath.

Response:

ICS objects to this request as beyond the scope of Mr. Eisenberg's testimony, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

Prepared by: Counsel
Date: June 13, 2008

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Data Request No. 2:

Please provide "as-built" staking sheets for the backbone fiberoptic network referenced in Mr. Eisenberg's Testimony.

Response:

ICS objects to this request as vague and ambiguous in the use of the term "staking sheets," beyond the scope of Mr. Eisenberg's testimony, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

Prepared by: Counsel
Date: June 13, 2008

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Data Request No. 3:

Please provide engineering staking sheets for planned future additions to the backbone fiberoptic network referenced in Mr. Eisenberg's Testimony.

Response:

ICS objects to this request as vague and ambiguous in the use of the term "staking sheets," beyond the scope of Mr. Eisenberg's testimony, not reasonably related to any legitimate issue in this proceeding, not reasonably calculated to lead to the discovery of admissible evidence, and as an attempt to abuse the discovery process to improperly obtain proprietary information.

Prepared by: Counsel
Date: June 13, 2008

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Data Request No. 4:

Please provide a narrative description of any planned additions to the backbone fiberoptic network referenced in Mr. Eisenberg's Testimony.

Response:

ICS objects to this request as beyond the scope of Mr. Eisenberg's testimony, not reasonably related to any legitimate issue in this proceeding, not reasonably calculated to lead to the discovery of admissible evidence, and as an attempt to abuse the discovery process to improperly obtain proprietary information.

Prepared by: Counsel
Date: June 13, 2008

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Data Request No. 5:

Please identify whether the backbone fiberoptic network referenced in Mr. Eisenberg's Testimony is passive or active.

Response:

ICS objects to this request as vague and ambiguous in its use of the terms "passive" and "active," beyond the scope of Mr. Eisenberg's testimony, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiver of, those objections, the backbone fiberoptic network Suncadia has constructed is a dark fiber network.

Prepared by: Counsel (objections) and Keith Southard
Date: June 13, 2008

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Data Request No. 6:

Please identify whether the backbone fiberoptic network referenced in Mr. Eisenberg's Testimony is GPON or APON.

Response:

ICS objects to this request as beyond the scope of Mr. Eisenberg's testimony, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiver of, those objections, see ICS Response to WITA Second Data Request No. 5.

Prepared by: Counsel (objections) and Keith Southard
Date: June 13, 2008

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Data Request No. 7:

Please identify the manufacturer of the core electronics.

Response:

ICS objects to this request as vague and ambiguous, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

Prepared by: Counsel
Date: June 13, 2008

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Data Request No. 8:

Please identify the manufacturer of the optical NID or optical network terminal or, if both are used, the manufacturer of each.

Response:

ICS objects to this request as vague and ambiguous, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

Prepared by: Counsel
Date: June 13, 2008

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Data Request No. 9:

Please identify whether customer drops are in conduits.

Response:

ICS objects to this request as vague and ambiguous, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiver of, those objections, and assuming that "customer drops" refers to the spurs from the Suncadia fiberoptic backbone network to the end user customer premise, the spurs are provisioned through conduit constructed by the developer to the lot line and by the lot owner or builder from the lot line to the house.

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Data Request No. 10:

Will Suncadia allow Inland Telephone Company to pull its own fiberoptic cable through Suncadia's distribution conduit and drop conduit, if any?

Response:

ICS objects to this request as speculative, not reasonably related to any legitimate issue in this proceeding, not reasonably calculated to lead to the discovery of admissible evidence, and an improper use of the discovery process to attempt to establish hypothetical terms and conditions in the absence of any legitimate request by Inland Telephone Company to serve customers in the Suncadia resort area. Subject to, and without waiver of, those objections, see ICS Responses to WITA First Set of Data Requests numbers 1-2, Mr. Eisenberg's testimony and Mr. Southard's testimony for a description of Suncadia's position.

Prepared by: Counsel
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Data Request No. 11:

Please identify the size and configuration of all conduit used for the backbone fiberoptic network referenced in Mr. Eisenberg's Testimony.

Response:

ICS objects to this request as beyond the scope of Mr. Eisenberg's testimony, not reasonably related to any legitimate issue in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

Prepared by: Counsel
Date: June 13, 2008