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 SUPPLEMENTAL COMPELLED RESPONSES TO WITA'S FIRST SET OF DATA REQUESTS

Intelligent Community Services, Inc. ("ICS") provides the following supplemental compelled responses to Washington Independent Telecommunications Association's ("WITA's") First 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 supplemental responses provided below.

II.

SPECIFIC SUPPLEMENTAL COMPELLED RESPONSES

WUTC Docket No. UT-053041
ICS Supplemental Compelled Responses to WITA First Data Requests
July 14, 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

Supplemental Compelled Response:

Suncadia is not willing to allow Inland or any other carrier to "opt in" to the agreement between Suncadia and ICS because the network Suncadia has constructed was designed for physical access by a single service provider. Suncadia has constructed a passive optical network ("PON") that consists of dark or "unlit" fiber strands. Suncadia has deployed only the fiber necessary to serve the residents and businesses in the resort area, and multiple customer locations are served by using a single strand of distribution fiber.

In the agreement between ICS and Suncadia, Suncadia owns the fiber distribution infrastructure and ICS owns the electronics and service extensions from the neighborhood vaults to the subscriber. It is not technically feasible for two different carriers to physically access the Suncadia distribution infrastructure because no more than one carrier can "light" any particular strand of dark fiber, and Suncadia has not deployed sufficient dark fiber for more than one carrier to have fiber dedicated to its use in serving customers within the resort area.

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Suncadia is not willing to expend the resources that would be required to build duplicate facilities solely to allow a second service provider to have its own fiber to use to serve customers. Suncadia, however, is willing to permit another carrier to provide service within the resort area. Suncadia originally attempted to negotiate with Inland to be the carrier that had physical access to the Suncadia network, but Inland walked away from those negotiations. Suncadia subsequently negotiated and reached an agreement with ICS.

If Inland (or any other service provider) legitimately wants to offer service to Suncadia resort residents, Inland must access those customers by obtaining a virtual path to a subscriber via the electronics and additional network infrastructure provided by ICS. ICS has offered to provide Inland with such access, and those two carriers currently are negotiating the terms and conditions of an Interconnection Agreement which include Inland's ability to provide telecommunications service in the Suncadia resort area.

Prepared by: Paul Eisenberg and Keith Southard
Date: July 14, 2008

Dated this 14th day of July 2008.

As to objections:

INTELLIGENT COMMUNITY SERVICES, INC.

By: _____

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