



FILED

02-11-11

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Exhibit EDM-4

Request No. 2-1:

Please provide the location of any and all physical or factual evidence under your or your agent's physical control, custody, or possession related to the incident. Identify with particularity each piece of evidence. Provide all measurements and technical specifications of said evidence. Identify with specificity the height/location that said evidence had previously been affixed to the subject poles.

Objection:

AT&T objects to this request on grounds that it is overbroad, vague and ambiguous, and requires AT&T to resort to guesswork and speculation in order to respond. AT&T also objects to this request to the extent it seeks information unrelated to the subjects addressed in AT&T's direct testimony served on Thursday, November 18, 2010. AT&T objects to this request to the extent it seeks information regarding events occurring post October 21, 2007 on grounds that such information is irrelevant, and cannot lead to the discovery of admissible evidence.

AT&T further objects to the extent this request seeks confidential information protected under the attorney client privilege, the attorney work product privilege, and the common interest doctrine.

In its response, AT&T interprets this request as seeking the location of the facilities and subject poles that are not currently located in Malibu Canyon.

Response:

Subject to and without waiver of its general or specific objections, AT&T provides the following response:

Neither AT&T nor its agents have any physical evidence under its control, custody, or possession. It is AT&T's understanding that physical objects associated with the failed poles that have been removed and retained are located in a warehouse controlled by SCE in Westminster, California, which has always been available for inspection by CPSD. AT&T's fiber optic cable attached to the subject poles was damaged as a result of the fire and was removed after the fire by Bouchard Communications. AT&T understands that the fiber was discarded upon removal.

Request No. 2-5:

Please provide the name and contact information of any person or entity that has taken possession of any physical evidence removed from the site of the incident. This data request includes persons who came in contact (in any capacity) with the evidence after the incident. Identify all facts, information, documents, evidence, and/or other witnesses that were perceived by the witness, related to this incident, the facilities involved in this incident, the repairs of the facilities related to the incident, and any pole loading calculations/analysis conducted.

Objection:

AT&T objects to this request on grounds that it is overbroad. AT&T also objects to this request to the extent it seeks information unrelated to the subjects addressed in AT&T's direct testimony served on Thursday, November 18, 2010. AT&T objects to this request to the extent it seeks information regarding events occurring post October 21, 2007 on grounds that such information is irrelevant, and cannot lead to the discovery of admissible evidence. AT&T objects to this data request as vague and ambiguous.

AT&T further objects to the extent this request seeks confidential information protected under the attorney client privilege, the attorney work product privilege, and the common interest doctrine.

Response:

Subject to and without waiver of its general or specific objections, AT&T provides the following response:

AT&T's fiber optic cable attached to the subject poles was damaged as a result of the fire and was removed after the Malibu Canyon fire by Bouchard Communications. AT&T understands that the fiber was discarded upon removal. See response to CPSD Data Request 4-5 for Bouchard Communication's contact information. It is AT&T's belief that other physical evidence removed and retained from the site of the fire is located at a warehouse controlled by Southern California Edison Company in Westminster, CA, which has always been available for inspection by CPSD.

Data Request 2-1: Please provide the location of any and all physical or factual evidence under your or your agent's physical control, custody, or possession related to the incident. Identify with particularity each piece of evidence. Provide all measurements and technical specifications of said evidence. Identify with specificity the height/location that said evidence had previously been affixed to the subject poles.

Objection: Verizon Wireless objects to this request for the reasons set forth in the General Objections above.

More specifically, but without limiting or waiving such General Objections, Verizon Wireless objects on the grounds and/or to the extent that such Data Request:

- calls for privileged information, as described in the General Objections
- is not relevant nor reasonably calculated to lead to the discovery of admissible evidence inasmuch as the data request is beyond the scope of Verizon Wireless's testimony
- is vague and ambiguous with respect to the terms "factual evidence" and "technical specifications"
- seeks information that is equally available to CPSD
- seeks information that has been previously provided by Verizon Wireless

Response: Subject to and without waiving any General Objection or Specific Objection, Verizon Wireless responds as follows:

Physical objects associated with the failed poles that have been removed from Malibu Canyon and retained are located in SCE's warehouse facility in Westminster, California. If CPSD desires to view such objects, it should make arrangements with SCE.

Verizon Wireless's fiber optic lines on the subject poles at the time of the fire were replaced and the existing line discarded.

Information regarding the height and location of attachments are set forth on pages 4-10 of the testimony of Malcolm Brown and Attachment MB-3 through MB-10.

Data Request 2-5: Please provide the name and contact information of any person or entity that has taken possession of any physical evidence removed from the site of the incident. This data request includes persons who came in contact (in any capacity) with the evidence after the incident. Identify all facts, information, documents, evidence, and/or other witnesses that were perceived by the witness, related to this incident, the facilities involved in this incident, the repairs of the facilities related to the incident, and any pole loading calculations/analysis conducted.

Objection: Verizon Wireless objects to this request for the reasons set forth in the General Objections above.

More specifically, but without limiting or waiving such General Objections, Verizon Wireless objects on the grounds and/or to the extent that such Data Request:

- calls for privileged information, as described in the General Objections
- is not relevant nor reasonably calculated to lead to the discovery of admissible evidence inasmuch as the data request is beyond the scope of Verizon Wireless's testimony
- is vague and ambiguous with respect to the terms "evidence," "incident," and "perceived"
- is vague, ambiguous, overbroad, unduly burdensome and oppressive
- seeks irrelevant facts that are not reasonably calculated to lead to the discovery of admissible evidence in so far as it requests information with respect to repairs and remedial actions (See Evidence Code Section 1151)
- has been previously asked by CPSD and responded/objected to by Verizon Wireless

Response: Subject to and without waiving any General Objection or Specific Objection, Verizon Wireless responds as follows:

SCE has possession of the poles and attachments that were removed from Malibu Canyon. Following the fire, Verizon Wireless's 48 strand fiber optic cable was replaced with a similar 48-strand fiber optic cable. The damaged fiber optic cable was discarded.

Verizon Wireless refers CPSD to its April 20, 2009 Report; its responses to First CPSD Data Request, Second CPSD Data Request and Supplemental Data Request, as well as the Testimony of Malcolm Brown.

DATA REQUEST 2-1:

Please provide the location of any and all physical or factual evidence under your or your agent's physical control, custody, or possession related to the incident. Identify with particularity each piece of evidence. Provide all measurements and technical specifications of said evidence. Identify with specificity the height/location that said evidence had previously been affixed to the subject poles.

Objection:

NextG incorporates by reference the General Objections. NextG objects specifically to this Request on the grounds that the Request is:

- Beyond the scope of discovery permitted under the schedule for this proceeding, as described in the General Objections;
- Invasive of confidential and privileged attorney-client, work product and common interest privileges as described in the General Objections;
- Vague and ambiguous, overbroad, including matter not relevant to the subject matter of this proceeding, in the use of the defined term, "evidence," as described in the General Objections;
- Vague and ambiguous, overbroad, including matter not relevant to the subject matter of this proceeding, in the use of the defined term, "your," as described in the General Objections;
- Vague and ambiguous in the use of the undefined term, "physical evidence," as described in the General Objections;
- Vague and ambiguous in the use of the undefined term, "factual evidence;"
- Vague and ambiguous as to the phrase, "location of . . . factual evidence;"
- Vague and ambiguous, overbroad, including matter not relevant to the subject matter of this proceeding, in the use of the term, "your," as described in the General Objections;
- Overbroad as to time and subject matter, and as such, burdensome, oppressive and harassing, and not related to the subject matter of this proceeding.

Response:

Subject to and without waiving the foregoing objections, and interpreting the term "physical or factual evidence," as the subject poles and related equipment in place at the time of the incident, and interpreting the term, "your," to refer to NextG, its officers, employees and agents, the term "physical evidence," NextG responds as follows:

Physical evidence of the subject poles and some of the related equipment is maintained by SCE at its warehouse in Westminster, California. CPSD has inspected that evidence. NextG's fiber optic lines on the subject poles at the time of the incident were damaged and consequently replaced. The damaged lines were discarded.

The height and location of NextG's attachments is set forth in documents produced to CPSD in this proceeding that include engineering maps and as-built specifications of the subject poles, and are referenced in the testimony of Alan Young and Nicholas Goldmann.

DATA REQUEST 2-5:

Please provide the name and contact information of any person or entity that has taken possession of any physical evidence removed from the site of the incident. This data request includes persons who came in contact (in any capacity) with the evidence after the incident. Identify all facts, information, documents, evidence, and/or other witnesses that were perceived by the witness, related to this incident, the facilities involved in this incident, the repairs of the facilities related to the incident, and any pole loading calculations/analysis conducted.

Objection:

NextG incorporates by reference the General Objections. NextG objects specifically to this Request on the grounds that the Request is:

- Beyond the scope of discovery permitted under the schedule for this proceeding, as described in the General Objections;
- Vague and ambiguous, overbroad, including matter not relevant to the subject matter of this proceeding, in the use of the defined term, “evidence,” as described in the General Objections;
- Vague and ambiguous in the use of the undefined term, “physical evidence;”
- Vague and ambiguous, overbroad, including matter not relevant to the subject matter of this proceeding, in the use of the defined term, “witness,” as described in the General Objections;
- Vague and ambiguous, overbroad, including matter not relevant to the subject matter of this proceeding, in the use of the undefined term, “facilities,” as described in the General Objections;
- Vague and ambiguous, overbroad, including matter not relevant to the subject matter of this proceeding, in the use of the undefined term, “incident,” as described in the General Objections;
- Vague and ambiguous in the use of the phrase, “other witnesses that were perceived by the witness;”
- Overbroad as to time and subject matter, and as such, burdensome, oppressive and harassing, and not related to the subject matter of this proceeding.

Response:

Subject to and without waiving the foregoing objections, and interpreting the term, “physical evidence,” to refer to tangible evidence, the term, “witness,” to refer to a person who perceived events surrounding the failure of the subject poles and the origination of the Malibu Fire, the term, “facilities,” to refer to the subject poles and the lines and equipment attached to the poles, and the term, “incident,” to refer to the failure of the subject poles that resulted in the Malibu Canyon Fire on October 21, 2007, NextG responds as follows:

SCE maintains custody and control of the “physical evidence,” and should have information responsive to this Request.