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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

October 1, 2009 - 10:16 a.m. DAY II
Concord, New Hampshire [REDACTED]

RE: DT 07-027
KEARSARGE TELEPHONE CO., WILTON TELEPHONE
CO., HOLLIS TELEPHONE CO., AND MERRIMACK
COUNTY TELEPHONE CO.:
Petitions for Alternative Regulation
Pursuant to RSA 374:3-b.

PRESENT: Chairman Thomas B. Getz, Presiding
Commissioner Clifton C. Below
Commissioner Amy L. Ignatius

Sandy Deno, Clerk

APPEARANCES: Reptg. Kearsarge Telephone, Wilton
Telephone, Hollis Telephone &
Merrimack County
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(Devine, Millimet...)
Patrick C. McHugh, Esq.
(Devine, Millimet...)

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Daniel Feltes, Esq. (NHLA)

COURT REPORTERS: Steven E. Patnaude, LCR No. 52
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REDACTED FOR PUBLIC USE

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1 PROCEEDING

2 CHAIRMAN GETZ: Okay. Good
3 morning, everyone. We'll reopen the hearing in
4 docket DT 07-027. And, I also want to remind
5 everyone to please speak into your microphones.
6 Been having trouble the last couple of days with
7 apparently the court reporters hearing everything
8 that's being said. So, just to remind you, you
9 need to get close to these microphones. They're
10 designed not to pick up things that are too far
11 away.

12 So, with that, I guess the
13 first -- well, let's take appearances, before we
14 begin.

15 MR. MCHUGH: Thank you, Mr.
16 Chairman. Good morning. Patrick McHugh, from
17 Devine, Millimet & Branch, on behalf of Kearsarge
18 Telephone Company and Merrimack County Telephone
19 Company. With me today are Attorney Frederick
20 Coolbroth, from Devine, Millimet & Branch;
21 Michael Reed, from TDS Telecom; and to his right,
22 Mr. Daniel Goulet, of C Squared Systems; and, to
23 Mr. Goulet's right, Ms. Deborah Martone.

24 CHAIRMAN GETZ: Good morning.
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1 MR. MCHUGH: Good morning.

2 MR. LINDER: Good morning, Mr.
3 Chairman and Commissioner. My name is Alan
4 Linder, from New Hampshire Legal Assistance,
5 representing Daniel Bailey. And, with me at
6 counsel table is Attorney Dan Feltes, and present
7 is our witness, Dr. Johnson.

8 CHAIRMAN GETZ: Good morning.

9 MR. FELTES: Good morning.

10 MS. HOLLENBERG: Good morning.
11 Rorie Hollenberg and Meredith Hatfield, here on
12 behalf of the Consumer Advocate, and with us
13 today is Stephen Eckberg.

14 CHAIRMAN GETZ: Good morning.

15 MR. HUNT: Good morning. Rob
16 Hunt, Staff attorney. And, on Tuesday, I
17 misstated Pradip Chattopadhyay's title, it is
18 Assistant Director of Telecommunications; and
19 next to him is Josie Gage, Policy Analyst; and
20 next to her is Kate Bailey, Director of
21 Telecommunications.

22 CHAIRMAN GETZ: Good morning.

23 Is there anything that we need to address before
24 taking up the motion to strike filed by TDS?

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1 (No verbal response)

2 CHAIRMAN GETZ: Okay. Then,
3 I'll give the opportunity, Mr. Linder or
4 Mr. Feltes, to respond to the motion to strike,
5 and then anyone else who wants to weigh in will
6 be given the opportunity.

7 MR. LINDER: Yes. Mr.
8 Chairman, we have reviewed the document, the
9 motion, we have discussed it with Dr. Johnson.
10 We are going to withdraw the pages in question,
11 and would like to state the statements that are
12 referenced in the motion, beginning at Page 10 of
13 Dr. Johnson's testimony, at Line 20, through
14 Page 12, Line 9, that is the information that's
15 the subject of the motion, we would be
16 withdrawing those. We do not agree with the
17 Company's position that those -- that that
18 information, that testimony is not relevant or
19 reliable or that Dr. Johnson is not qualified to
20 make those statements. Those, as the Commission
21 knows, the way the statute is written with
22 reference to competitive technologies involves
23 issues of economics, engineering, and other
24 fields. It is very difficult to analyze the
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1 petitions without reference to both areas of
2 economics and engineering. And, Dr. Johnson has
3 been in this business for over 20 years and he
4 has quite a bit of experience and knowledge in
5 the area. So, we do not agree with the Company
6 that that information, that testimony is -- that
7 Dr. Johnson is not qualified to make those
8 statements or that they're not relevant or
9 material.

10 Instead, our feeling is that
11 the Company withdrew its testimony and related
12 Exhibits B through E on propagation modeling.
13 And, it seems to us that that having occurred, it
14 is both unnecessary and unfair to the Company for
15 Dr. Johnson's testimony, which essentially, in
16 part, criticizes the Company for not having
17 produced a propagation model, to remain. And,
18 the essential issue is with respect to the new
19 testimony presented by the Company, which is
20 whether the benchmark testing was done
21 appropriately, and what it really says and what
22 conclusions should be drawn from it. And,
23 whether there is a propagation model at this
24 point in time is really not the central issue.

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1 It seems to us that to take
2 the time and effort to attempt to address that
3 dispute is not really a good use of the time of
4 the people in this room. The benchmark drive
5 study was done, and that's really the focus of
6 the new information provided by the Company.

7 With the propagation modeling
8 testimony and exhibits removed, there doesn't
9 seem to be much point in fighting about whether
10 Dr. Johnson's references to the fact that there
11 wasn't such should remain a dispute. And, it
12 just seems to us that it would move things along
13 if those two pages or those with the references
14 to the lines I made earlier were just simply
15 removed. And, we would -- Dr. Johnson would so
16 confirm on his direct exam, and we would just
17 file a revised rebuttal testimony of Dr. Johnson
18 with those two pages through those lines removed
19 and submitted next week. Otherwise, it would be
20 the very same document.

21 And, so, our response is that
22 we would remove the pages that are the subject of
23 the motion and resolve the matter that way.

24 CHAIRMAN GETZ: Okay. Thank
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1 you. Then, I guess it's not necessary for other
2 parties to weigh in. Is there anything we need
3 to do before we hear from the witnesses?

4 MR. MCHUGH: I think there's
5 just, Mr. Chairman, in a procedural, we will be
6 able to provide, either later today or perhaps
7 tomorrow at the latest, the Revised Exhibit 6 --
8 I'm sorry, it's 8 for Mr. Goulet, his
9 confidential rebuttal testimony, and the public
10 version, we will provide a revised version with
11 the information that was redacted per the
12 discussions of Tuesday. And, we, like I said, we
13 can get that in either later today or tomorrow.
14 But, for purposes of today, we just would like to
15 use it.

16 I think the only other
17 procedural issue is, we would also ask the
18 Commission to take administrative notice of the
19 filings of Forms ILEC-3 and ILEC-6, on behalf of
20 Kearsarge Telephone Company and Merrimack County
21 Telephone Company, for the fiscal year ended
22 December 31, 2008. And, the Form ILEC-6s are
23 confidential, but we had provided them
24 previously, and we will provide copies again in a
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1 little bit, as well as we will pull the public
2 versions of Form ILEC-3 for each company and
3 provide them as well.

4 CHAIRMAN GETZ: Is there any
5 objection to taking administrative notice?

6 MS. HOLLENBERG: I would just
7 like to mention that the Company did bring this
8 up this morning with us, and I had asked them if
9 I could see it before they requested that you
10 take administrative notice of that document.
11 And, I guess I just want to comment that
12 ordinarily you would ask, at least as far as I
13 perceive it, you would ask for the Commission to
14 take administrative notice during questioning of
15 a witness. And, it seems to me that it just
16 feels as though the Company is continually
17 revising its filing through these requests. And,
18 I guess I'm just wondering to what that
19 administrative notice relates as far as what
20 we've heard at the hearing at this point?
21 Because they have filed their case, and it just
22 feels as though they're revising their direct
23 with these requests for administrative notice.

24 And, if I may just comment on,
{DT 07-027}[REDACTED-PUBLIC USE](10-01-09/Day II)

1 in terms of the parties providing redacted
2 versions of the exhibits, if we could just
3 request, and this may be their plan, but if we
4 could request that the line and page numbers
5 remain the same in the revised version, because
6 we've been referencing them in the hearing.
7 Thank you.

8 CHAIRMAN GETZ: Okay.
9 Certainly that makes sense. Well, let's take up
10 the administrative notice issue with respect to
11 -- these are forms on file with the Commission?

12 MR. MCHUGH: Yes, Mr.
13 Chairman.

14 CHAIRMAN GETZ: Let's look at
15 -- our intent today is to go to around noon, take
16 the lunch break. I guess, Ms. Hollenberg, if you
17 need to see these materials, then we can, you
18 know, pick this up right after the lunch recess.
19 But, I guess as a general matter, orders and
20 filings and other documents that are properly on
21 file with the Commission, I have a hard time in
22 seeing why we wouldn't grant administrative
23 notice of such types of documents. But we can,
24 after you've seen the documents, we can discuss
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1 it after the lunch recess. Mr. Linder.

2 MR. LINDER: Mr. Chairman, we
3 do not object to taking administrative notice of
4 those documents. I just would like to reference
5 for the record that I believe those documents are
6 with respect to regulated revenues and not
7 unregulated revenues, and just wanted to clarify
8 that for the record.

9 CHAIRMAN GETZ: All right.
10 Thank you. Can we hear from the witnesses?

11 MR. MCHUGH: Well, we can.
12 But we've agreed, given Dr. Johnson's schedule,
13 that Dr. Johnson can take the stand this morning,
14 Mr. Chairman.

15 CHAIRMAN GETZ: All right.
16 Certainly.

17 MR. LINDER: I'd like to call
18 Dr. Johnson. And, I'd like to thank the parties
19 for allowing Dr. Johnson to testify out of turn.

20 (Whereupon Ben Johnson was duly sworn
21 and cautioned by the Court Reporter.)

22 BEN JOHNSON, SWORN

23 DIRECT EXAMINATION

24 BY MR. LINDER:

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[WITNESS: BEN JOHNSON]

- 1 Q. Dr. Johnson, would you please state your
2 full name and business address and
3 occupation please.
- 4 A. Yes. Ben Johnson, 3854-2 Killearn Court,
5 Tallahassee, Florida 32309. Occupation, I'm
6 a Consulting Economist, working in a variety
7 of fields involving telecommunications and
8 other regulated industries primarily.
- 9 Q. And, you are President of Ben Johnson
10 Associates?
- 11 A. Yes.
- 12 Q. And, are you the same Ben Johnson that filed
13 testimony in these proceedings in October of
14 2007, direct testimony?
- 15 A. Yes.
- 16 Q. And, did you also testify in this
17 proceeding, in Phase I, at the hearings in
18 December of 2007?
- 19 A. Yes.
- 20 Q. And, were your qualifications attached as an
21 appendix to the direct testimony that you
22 filed in October 2007?
- 23 A. Yes.
- 24 Q. And, have you testified in other
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1 jurisdictions with respect to
2 telecommunications matters involving
3 regulated utilities?

4 A. Yes.

5 Q. Do you have in front of you a document
6 entitled "Rebuttal Testimony of Ben Johnson,
7 Ph.D.", and at the bottom the date "July
8 17th, 2009"?

9 A. Yes, I do.

10 MR. LINDER: I believe all the
11 parties have copies, and I just have three copies
12 for the Commissioners and one for the reporter
13 and clerk.

14 CHAIRMAN GETZ: No, we already
15 have all of this.

16 MR. LINDER: Okay. And, may
17 we mark this with an exhibit number of "Bailey --

18 MR. MCHUGH: 76, I believe.

19 MS. DENO: Seventy-six.

20 CHAIRMAN GETZ: Okay. It will
21 be marked for identification as "Bailey 76".

22 (The document, as described, was
23 herewith marked as Exhibit Bailey 76
24 for identification.)

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[WITNESS: BEN JOHNSON]

1 BY MR. LINDER:

2 Q. Dr. Johnson, you now have Bailey Exhibit 76
3 in front of you, which is your rebuttal
4 testimony?

5 A. Yes.

6 Q. And, was this testimony prepared by you
7 and/or under your direct supervision?

8 A. Yes.

9 Q. Do you confirm that you will be withdrawing
10 from that written rebuttal testimony from
11 Page 10, Line 20, through Page 12, Line 9?

12 A. Yes.

13 Q. And, you will be filing revised testimony
14 with those page numbers and line numbers
15 deleted?

16 A. Yes. I'll just -- I'll provide a copy with
17 white space in the area that previously had
18 text submitted.

19 Q. Okay. Thank you. Are there any other
20 changes or additions or corrections that you
21 would like to note in your rebuttal
22 testimony, Exhibit 76?

23 A. No.

24 Q. Is everything in this testimony, Exhibit 76,
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[WITNESS: BEN JOHNSON]

1 correct to the best of your knowledge?

2 A. Yes, it is.

3 Q. And, if you were asked the same questions
4 that appear in Exhibit 76 today, would your
5 answers be the same?

6 A. Yes.

7 MR. LINDER: The witness is
8 now available for cross-examination.

9 CHAIRMAN GETZ: Thank you.
10 Ms. Hollenberg.

11 MS. HOLLENBERG: Thank you.
12 Actually, Ms. Hatfield will be doing the cross
13 this morning. Thank you.

14 CHAIRMAN GETZ: Thank you.

15 MS. HATFIELD: Good morning,
16 Mr. Johnson.

17 WITNESS JOHNSON: Good
18 morning.

19 MS. HATFIELD: Since I have
20 the pleasure of cross-examining you first, I
21 wanted to just mention one procedural item to
22 you, and that is that everyone in this room I
23 believe has privileges to see confidential
24 information. So, if you do need to discuss it,
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[WITNESS: BEN JOHNSON]

1 please just flag it, but it is appropriate to
2 discuss it.

3 WITNESS JOHNSON: Okay.

4 CROSS-EXAMINATION

5 BY MS. HATFIELD:

6 Q. Are you familiar with Mr. Goulet's rebuttal
7 testimony filed in this case on
8 September 9th?

9 A. Yes.

10 Q. And, do you have a copy of that in front of
11 you?

12 A. I think I might, just double check. Yes.

13 Q. If you could turn to Page 11 of that
14 testimony please?

15 A. Okay.

16 Q. In that first question on Page 11, Mr.
17 Goulet is responding to your conclusion in
18 your testimony that quote "wireless and
19 wireline services have been and continue to
20 be primarily complimentary services, rather
21 than close competitive alternatives." Do
22 you recall his discussion on that page and
23 the following page?

24 A. Yes.

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[WITNESS: BEN JOHNSON]

1 Q. If you would look at Page 11, Line 18, Mr.
2 Goulet states "Much of Dr. Johnson's
3 statements on Page 14 and 15 seem to stem
4 from his personal views." Do you have a
5 response to that suggestion that your
6 testimony represents your "personal views"?
7 A. Well, I don't think that's a fair
8 characterization by any means. The issue,
9 of course, essentially is one of the extent
10 to which the goals that he's claiming for
11 these carriers are actually taking place in
12 the marketplace. And, I do have an
13 opportunity to monitor and be aware of the
14 marketplace in many ways. And, while there
15 -- I don't think there are any studies
16 available that are directly on point to the
17 issues in this case, there are studies that
18 help understand various aspects of the
19 issues. But, to the extent there's any
20 studies out there, such as the survey that
21 indicates the extent to which people have
22 phone service and to the extent they have
23 phone service only from wireless,
24 unfortunately that data is at a very

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[WITNESS: BEN JOHNSON]

1 aggregated level, regional or national
2 generally, certainly doesn't drill down to
3 the detail we need here, which is the
4 specific service territory of this company.

5 So, to the extent I haven't put forward
6 specific studies, I don't think that in any
7 way reduces the significance of the
8 conclusions I've reached or the opinions
9 that I've reached.

10 BY MS. HATFIELD:

11 Q. If you would look at Page 13, --

12 A. Okay.

13 Q. -- starting on Line 21, again, Mr. Goulet is
14 referring to your testimony. And, here he
15 states "Again, Dr. Johnson's preference for
16 use of his wireline phone appears to reflect
17 a personal preference." And, if you turn
18 the page to Page 14, Mr. Goulet ends that
19 paragraph with the sentence "My preference
20 is the opposite." Is your testimony about
21 your "personal preference" for a type of
22 phone service?

23 A. No. If you go back to the original

24 testimony, I believe he's referring to the

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[WITNESS: BEN JOHNSON]

1 material that starts around the end of
2 Page 23, or even the entirety of Page 23,
3 it's really going to the heart of the issue.
4 The statute has this language that the
5 Commission has to interpret dealing with
6 "competitive technologies". So, there's a
7 technical issue when you're trying to
8 compare two different technologies. But, at
9 the heart of it, there's also a question of
10 whether or not something is competitive. I
11 think it's pretty obvious that, in choosing
12 to use that word, the Legislature was
13 envisioning alternatives that are
14 sufficiently close substitutes that they
15 would be relevant and significant in
16 deciding whether an alternative regulation
17 plan should go into effect.

18 MR. MCHUGH: Mr. Chairman, I
19 object to any testimony concerning what the
20 Legislature envisioned and did not envision or
21 what it might have thought about while it was
22 enacting the legislation. There was a whole
23 motion practice about this during Phase I of the
24 proceedings.

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1 MS. HATFIELD: And, I believe,
2 Mr. Chairman, that there's actually extensive
3 testimony in this case on that issue by several
4 witnesses, given that this is the first case
5 where the Commission has to determine what the
6 Legislature meant when it used the word
7 "competitive" in the statute.

8 MR. MCHUGH: And, the ruling
9 from the Commission, as I recall it, in the order
10 on Phase I, is that the Commission gave that
11 testimony no weight.

12 MS. HATFIELD: However, it did
13 allow the evidence in.

14 MR. MCHUGH: Then, I would ask
15 that the same weight be provided as it was given
16 to our witnesses in the first phase of the case.

17 CHAIRMAN GETZ: Okay. One
18 problem I'm having right at the moment is not
19 remembering exactly what we ruled a number of
20 months ago. So, for purposes of the
21 cross-examination, I'm going to permit that the
22 cross-examination and the answers, and we will
23 review our previous ruling, and then make a
24 determination on what will be allowed to remain
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[WITNESS: BEN JOHNSON]

1 in the record and/or determine what weight should
2 be accorded to the testimony.

3 MS. HATFIELD: Thank you.

4 BY MS. HATFIELD:

5 Q. Mr. Johnson, in your view, is it at all
6 relevant to the Commission's analysis in
7 this case whether you or Mr. Goulet has a
8 preference for either wireless service or
9 landline service?

10 A. Not really. I suppose we are representative
11 of the basic process that people go through,
12 so we can each speak from our personal
13 experience and use it by way of an example,
14 a hypothetical example of how someone goes
15 about making decisions. But, beyond that,
16 of course, it's not terribly helpful. The
17 key, though, what I was trying to focus on,
18 is the word "competitive" has a very
19 specific meaning in the economics
20 literature, and it's a word that has a lot
21 of significance here. It significantly
22 modifies the sentence in question. And, to
23 ignore that word or act as though the
24 sentence merely calls for the availability

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[WITNESS: BEN JOHNSON]

1 of wireless service I think would
2 drastically change the meaning of the
3 sentence. So, when we focus on the word
4 "competitive" in that aspect of the
5 sentence, the key is whether or not
6 consumers, in this case the majority of the
7 retail consumers is the primary phrase, but,
8 in general, consumers are treating the
9 alternative technologies or alternative
10 services as competitive. And, there's
11 various characteristics you can observe in
12 the marketplace that indicate whether that's
13 happening. What makes it a difficult issue,
14 and I don't want to oversimplify it, is that
15 different people have different perceptions,
16 they have different tastes and preferences
17 and they will react to the alternatives in
18 different ways. As well, there's a
19 continuum of quality provided, and there may
20 be an area of overlap in certain locations
21 where the quality of wireless is good enough
22 that a certain portion of the consumers
23 start relying more heavily on a wireless
24 service than in another area.

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[WITNESS: BEN JOHNSON]

1 So, where the signal strength is weak
2 or where the call quality is poor, it is far
3 less likely that any significant number of
4 customers would treat it as a truly close
5 substitute, and thus you wouldn't get to the
6 threshold of whether or not it's reached the
7 point of being competitive. The weaker the
8 signal, the more inconsistent the signal,
9 the less close substitutability would exist,
10 which is one of the fundamental
11 characteristics you have to have before you
12 can get to the higher level of actually
13 being a competitive service. So, these
14 issues are intertwined. And, to the extent
15 you have inconsistency, basically, if you're
16 in -- very close to five or six antennas and
17 can continually get a very, very strong
18 signal, the quality of your calls will
19 consistently be high, and people may start
20 using the phone more frequently, the
21 wireless phone more frequently, for calls
22 that otherwise might have been wireline.
23 And, perhaps at some point tastes and
24 preferences will change to where consumers

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[WITNESS: BEN JOHNSON]

1 start treating those as close substitutes,
2 and then eventually get to the point where
3 they're actually merged into the same
4 competitive marketplace. I think we're well
5 short of that. And, in these rural areas,
6 where the evidence that's been supplied by
7 TDS shows a very borderline situation by
8 their own numbers, and really just turns on
9 the question of "well, exactly where is your
10 break point?" Is it 85? Is it 80? What
11 number is it? How you characterize those
12 different numbers, whether or not that is --
13 how frequently that number is actually
14 relevant or that break point is relevant.
15 Does it apply inside the building? Does it
16 apply in the center of the house or only on
17 the outside of the house? Those kinds of
18 borderline questions tell me that we're well
19 short of the point where consumers would
20 treat wireless and wireline service as being
21 as substitutable as it would be in a inside
22 town or an area where you have a very strong
23 signal from several antennas. You don't
24 have mountains, you don't have a lot of

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1 things that we're talking about here in New
2 Hampshire.

3 So, when we talk about statistics
4 nationwide, where 20 percent of the
5 customers are now relying entirely on
6 wireless, that isn't yet, it to me isn't
7 confidence, that's not yet suggesting that
8 it's a national market, wireless and
9 wireline, as a general matter, are being
10 viewed as close substitutes by a majority of
11 the customers. That's telling me that there
12 is 20 percent of customers who no longer use
13 a wireline phone or don't spend the money on
14 it.

15 And, when you look at that and
16 recognize that that nationwide statistic is
17 an average, and that, as you get into
18 mountainous areas, you get into areas of
19 rural New Hampshire, where you may only have
20 a single antenna, and there's a lot of
21 undulation of the terrain, then I
22 immediately say "well, obviously, we're well
23 short of the conditions that the nationwide
24 average represents."

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1 So, I think it goes far beyond my
2 personal opinion. I think it goes to the
3 heart of the question of "how do you bring
4 in the concept of close substitutability
5 into this technical discussion of exactly
6 what these measurements mean?" What are
7 these various break points? How relevant
8 are they? I think they're intertwined. But
9 what is clear is, on a continuum, the
10 conditions here, in these rural exchanges,
11 are at the far end of the continuum, where
12 it's the least -- it will be the longest
13 before it reaches the point of being
14 competitive, as compared to a town in a
15 flatter area, with many antennas surrounding
16 that town, so that you can be confident the
17 signal is always extremely strong.

18 Q. Thank you. On Pages 12 and 13 of his
19 rebuttal testimony, Mr. Goulet referenced a
20 report by the CDC. Are you familiar with
21 that report?

22 A. Yes.

23 Q. It is actually an exhibit in this
24 proceeding. It's Exhibit Bailey 55.

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1 A. If somebody could bring it to me, if you're
2 going to ask me about it, maybe it would
3 help, because I don't think I have that with
4 me.

5 (Atty. Hollenberg handing document to
6 the witness.)

7 WITNESS JOHNSON: Thank you.

8 BY MS. HATFIELD:

9 Q. Are you familiar with this report?

10 A. Only in general terms.

11 Q. I believe you just mentioned the figure
12 "20 percent". Are you citing that from this
13 particular report?

14 A. I believe it may well originate in this
15 report. I believe so.

16 Q. If you look at Mr. Goulet's testimony, in
17 two places on Page 13 and on Page 14, he
18 makes a reference to "Page 4" of that
19 exhibit, where it states that "20 percent of
20 homes nationally have no landline service".

21 A. Yes.

22 Q. Are you familiar with that?

23 A. Yes.

24 Q. Do you agree with Mr. Goulet's conclusion on
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1 Page 14 of his rebuttal testimony that, "if
2 one considers that approximately 20 percent
3 of homes have only wireless service, it is
4 clear that consumers do not" -- excuse me --
5 "do find the quality of wireless voice calls
6 acceptable"?

7 A. I think it's clear that at least 20 percent
8 find the calls acceptable. Bearing in mind
9 "acceptable" may not be, you know, terrific,
10 but it's adequate given their circumstances.
11 And, it's obvious, without any statistics,
12 obvious that some of the people who are in
13 the more normal situation of using both
14 types of phones, find the wireless calls
15 acceptable for at least some of their calls
16 or they wouldn't bother subscriber to
17 wireless service. But there's a mixture of
18 things happening, the convenience of
19 mobility. The convenience of being able to,
20 as I was this morning, sitting in a hotel
21 room and wondering whether there had been
22 miscommunication, whether I was being picked
23 up or was supposed to take a taxi, being
24 able to flip out a phone and make the call,

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1 rather than have to walk up to the person at
2 the hotel desk and ask to borrow their
3 phone. That motivates someone like myself,
4 in my situation, to have a mobile phone,
5 regardless of whether the call quality is
6 very good or not. There's enough situations
7 where I benefit from it.

8 So, it's a complex question. The mere
9 fact that 20 percent have chosen to only
10 have a wireless phone, while it's a very
11 interesting statistic and the trends are
12 interesting, doesn't confirm necessarily
13 that the call quality on that instrument are
14 as consistently as good as it would be in
15 their landline phone, if they have one,
16 those people that do, don't just use the
17 same kind of instrument in the same
18 situation. Those who switch back and forth,
19 maybe they have an office phone at work,
20 they may recognize there's a difference in
21 call quality a certain percentage of the
22 time. I'm not saying every call you would
23 notice. But, often enough, they would be
24 aware there's a quality difference, but the

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1 convenience factor, the mobility factor may
2 be sufficient.

3 Again, I think what you would find,
4 though, is that, if you drill down at that
5 20 percent, started analyzing it
6 geographically, you would find there's going
7 to be a much smaller percentage in areas
8 like rural New Hampshire. It might be
9 almost de minimis, we don't know, we would
10 have no idea of exactly how low it is. All
11 we know is that, as you have more mountains,
12 and you have fewer antennas, the
13 inconsistency problems, the quality problems
14 are going to become more serious. So,
15 obviously, that statistic is not directly
16 applicable to the issues in the case here.

17 Q. And, in fact, if you look at Page 5 of that
18 report, there are actually some figures for
19 different regions of the Company, if you
20 look at -- oh, sorry, of the country, if you
21 look at the third bullet, it includes some
22 regional numbers, including the Northeast at
23 11.4 percent. And, would you think that New
24 Hampshire would be included in that

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1 Northeast figure?

2 A. Yes.

3 Q. Even if a higher number applied to the rural
4 parts of New Hampshire, and even if it was
5 close to 20 percent, do you believe that is
6 enough to show that wireless is a
7 competitive alternative to landline service?

8 A. No. Part of the problem, and this is a
9 subtle point, but one that's important to
10 keep in mind, is you also have budgetary
11 issues. People, even if they don't perceive
12 two services as being directly comparable or
13 close substitutes, and, again, therefore
14 that you haven't reached the threshold being
15 able to consider whether the markets are
16 converging, people also have budgetary
17 constraints. If they're spending more money
18 on wireless service, if they're spending
19 more money on cable television, they would
20 spend less money on going out to eat at
21 night in restaurants. Those kinds of
22 substitutions still take place even if
23 they're not close substitutes.

24 Notice the bullet point directly above

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1 the regional one. It's talking about adults
2 living in poverty at 30 percent nationwide
3 were more likely to be living in households
4 with only wireless telephones. Now, how
5 could that possibly be? That doesn't seem
6 intuitive. That poor people are more likely
7 to limit themselves to only wireless phone.
8 The answer is apparent, which is the income
9 constraint or what you kind of call the
10 income elasticity of demand for wireline
11 service. We've always known that wireline
12 service is less frequently used by poor
13 people than higher income people. For
14 higher income people, the luxury of having a
15 second phone, or the luxury of having any
16 phone at all, is more affordable, and
17 therefore they're -- you know, an extremely
18 high percentage will have it. For the
19 30 percent in poverty, it's obvious that
20 they have made the decision that the ability
21 to make phone calls from a wireless phone,
22 it may be a prepaid plan and only a limited
23 number of minutes a month that they're
24 entitled to, but that is more important to

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1 them than the convenience of having their
2 own home phone, given a choice and their
3 limited income, the extra \$20 a month spent
4 on the wireless -- the wireline phone may be
5 lost along with food or other things to help
6 pay for that expensive wireless service.

7 The point I'm trying to make is that
8 it's a more complex question than simply
9 saying "Well, they must be competitive,
10 because some people, once they decide they
11 have to have a wireless phone, at some point
12 also drop their wireline service. In and of
13 itself, that may sound like they're being
14 competitive, but it really isn't. You have
15 to drill down a little deeper and study the
16 question. And, I don't believe we're at
17 that point yet where the markets have
18 actually converged. I will concede that, as
19 wireless service becomes less expensive, and
20 as more minutes are provided, there is a
21 trend where eventually there may be enough
22 substitutability that it would be legitimate
23 to say as a general matter that "wireline
24 and wireless service are sort off per se

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1 competitive." But we're nowhere near that
2 right now. We're in a much more
3 fact-specific situation, where you really
4 have to see specific evidence to reach that
5 kind of conclusion.

6 MS. HATFIELD: Thank you very
7 much. No further questions.

8 CHAIRMAN GETZ: Mr. Hunt?

9 MR. HUNT: Staff has no
10 questions for this witness.

11 CHAIRMAN GETZ: Mr. McHugh?

12 MR. MCHUGH: No questions, Mr.
13 Chairman.

14 CHAIRMAN GETZ: And, redirect
15 -- or well, actually, why don't we have a chance.
16 Commissioner Below?

17 CMSR. BELOW: I have no
18 questions.

19 CHAIRMAN GETZ: Commissioner
20 Ignatius.

21 CMSR. IGNATIUS: I do. Thank
22 you.

23 BY CMSR. IGNATIUS:

24 Q. Mr. Johnson, in your prefiled testimony at

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1 Page 25, you took issue with C Squared's
2 numbers saying that they didn't, and I'm
3 looking at Line 5, they didn't "provide
4 insights into variations in call quality
5 from time to time, or place to place for a
6 single carrier." If I can paraphrase, that
7 the fact that it was aggregated data, and
8 not carrier-by-carrier, it didn't break down
9 further than that was of significance to
10 you. Can you explain more why that is an
11 issue?

12 A. Right. And, to be fair here, I'm referring,
13 when I say they didn't, I'm talking about
14 they didn't in their testimony, in their
15 filing, what they submitted to you, what
16 they've analyzed or interpreted. There is
17 some detail available on CD provided in
18 discovery where you can actually do that
19 sort of analysis. But there's some clues,
20 and it's a good way to explain it, they had
21 these color maps where they were showing --
22 they tended to focus on the map showing a
23 composite of all the different carriers.
24 So, it's sort of the best case as you drove

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1 along, as, you know, one block one carrier
2 signal was working, a few blocks away there
3 were different carrier signals working, and
4 a few blocks away the first carrier's signal
5 was working again. You again get the
6 impression of, you know, a lot of green.
7 And, the way you look at those maps, in
8 essence, if it's yellow, you should be
9 starting to think in your mind, "look, if
10 there's little red dots next to those yellow
11 areas, the odds are that's not very good
12 quality service." And, somebody would be
13 very unlikely to drop their wireline
14 coverage just because they have wireless,
15 because they're going to have difficulties
16 making calls depending on the time or where
17 they are in the house, how many walls there
18 are between them and the one antenna that
19 might be serving them, etcetera. So, when
20 you look at the maps, it's sort of green
21 versus yellow is critical. And, you need to
22 remember also that there's no color shown
23 for the parts where it's so bad it's even
24 below the threshold of the yellow. If you

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1 get a sense of where the road is, if you
2 look to other maps, you can sense they must
3 have been driving along that, but, if all
4 coverage is gone, there's a dip in the road,
5 something happens.

6 When you compare the different
7 carriers, the maps look much less robust.

8 _____
9 _____
10 _____
11 _____

12 _____ At most, you're talking
13 about those two carriers. If you look at
14 the Salisbury drawings, there are some
15 spotty areas where Verizon has the green
16 level of coverage, and there's more areas,
17 but it's still spotty, where U.S. Cellular
18 has it, and then there's a lot of yellow.
19 And, they're trying to argue that the yellow
20 is good enough quality. But, in my mind,
21 they haven't made that case. I haven't seen
22 anything that helps me to be convinced that,
23 just because I see yellow, a customer would
24 be satisfied with that quality and give up

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1 their wireline service.

2 Q. But calls will relay from one, and I'll get
3 the words wrong, and maybe "relay" isn't the
4 right word, but one company's coverage can
5 be picked up by another for a particular
6 call, can they not? So that what
7 significance is it that U.S. Cellular may
8 not be everywhere in an exchange, and
9 Verizon may not be everywhere in an
10 exchange, they work together, don't they,
11 once a call has been initiated or received?

12 A. To some degree, they may. The drawing, the
13 actual maps do give you, however, sort of
14 the -- there are maps that indicate the
15 extent to which they're using the roaming
16 technology, and in most cases they're not.
17 So, when you see the carrier-specific data,
18 the way the maps have been presented and my
19 understanding of it, is they give you at
20 least a footnote indicating the extent to
21 which they're doing roaming. Verizon was
22 using -- relying more on roaming, so the
23 yellows are taking into account roaming over
24 to another carrier, as you drive along, the

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1 coverage was dropping in and out of quality,
2 even allowing for the possibility to
3 suddenly switch to another antenna,
4 maintained by, say, U.S. Cellular would
5 have, whoever they might have a roaming
6 agreement with. And, some of the detail
7 there's an indication of which -- what
8 carrier they're relying on. So, when you
9 get a carrier like Sprint, they might have
10 extremely little of their own provisions,
11 but they're doing roaming as you said.

12 It is somewhat relevant, though, back
13 to the question of "competitive", because,
14 obviously, roaming is not a very profitable
15 service to provide. A carrier would not be
16 expected to be marketing and really want to
17 be providing someone continuous coverage in
18 their home as a substitute for wireline, if
19 every one of those calls is going to be a
20 roaming call on another carrier, that's not
21 a very attractive customer for them. So, I
22 don't think you would see these carriers who
23 don't have their own direct facilities in
24 these exchanges being an active participant

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1 in the marketplace, even for the wireless,
2 except to the extent that there is spillover
3 coverage from them as they're running in
4 larger metropolitan areas.

5 The point I'm only trying to make is,
6 there's two sides to a marketplace: There's
7 a seller and a buyer. Buyers may be
8 indifferent. They see ads for all these
9 different carriers nationwide. They might
10 want to choose whichever one seems to give
11 them the best price. But they're going to
12 be paying attention to ones who are actually
13 participating on the selling side, the
14 marketing side, and that's where the
15 carriers are selected. They're going to
16 primarily target the market areas where they
17 have facilities in place to provide their
18 own calls without having to pay or having a
19 contractual arrangement with another
20 carrier.

21 Q. In your view, in order to have reliable
22 information about what's available to a
23 customer, looking from the customer
24 perspective, for high quality cellular phone

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1 coverage from their home, would you -- it
2 sounds like you would need an analysis of
3 what each customer's chosen provider is and
4 what that provider's coverage is --

5 A. I wouldn't go --

6 Q. -- in I don't know how broad an area. I'm
7 not sure how -- how would you ever get the
8 data that you would find acceptable to show
9 that it is high quality, apart from cost
10 considerations, just quality?

11 A. I think you perhaps are reading more into my
12 testimony that's there, if you're getting
13 the impression that I'm suggesting that they
14 would need to reach that sort of effort.
15 So, what I was trying to suggest is that
16 there was a whole dimension to the problem
17 that they were glossing over. And, I was
18 just trying to convey to you that, as I look
19 at these maps, I would have -- it's really a
20 matter of emphasis. I would have put a lot
21 more emphasis on the two maps for U.S.
22 Cellular and Verizon, and a lot less
23 emphasis on this composite, because I think
24 the composite is misleading. I'm not

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1 suggesting that you need to get down into
2 each person's house. Now, however, there is
3 -- you can triangulate on this kind of a
4 problem. There's different types of data
5 you can use, different ways you can look at
6 it to try to get a handle on it. The kind
7 of information that the National Health
8 Service was looking at that is based on
9 survey data, they're basically asking people
10 "what kind of phone service, if any, do you
11 have?" That's what they're figuring out.
12 And, there's nothing that would prevent you
13 from doing that kind of a survey process in
14 New Hampshire specifically or in rural New
15 Hampshire specifically.

16 Similarly, as -- to the extent someone
17 drops a wireline, you can try to figure out
18 "well, is that the second line they dropped
19 or is that their only line?" And, we don't
20 have that evidence in this case for these
21 exchanges. We certainly don't have it up to
22 date. We had some limited information in an
23 earlier phase, it was a matter of
24 controversy. There's been no effort to fill

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1 in the gaps or make it specific to these
2 exchanges. So, that's why I'm talking about
3 triangulating. If you start seeing a lot of
4 people are dropping their only phone line,
5 and when you ask them "why are you dropping
6 their only phone line?" They say "Because
7 I've decided to only use my wireless, I
8 can't afford two phones, and I've decided to
9 only use wireless." That will give you some
10 information, but they haven't provided it.

11 Similarly, when we talk about these
12 questions of the dB data that we have is
13 actually very useful, but the problem that
14 we have is we don't have a good handle on
15 how to correlate between the number being
16 measured as they drove alone the road and
17 customer perceptions. And, that's a
18 separate issue that, at reasonable cost, you
19 could drill down and you could do testing
20 and ask people, give them examples of phone
21 calls, let them listen to phone calls of
22 different qualities, or describe to them, in
23 sort of precise engineering terms, if, you
24 know, you can kind of hear the person, but

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1 not very well, and have it kind of come in
2 and out, and in cases have to have "could
3 you say that again? I haven't completely
4 lost the call. I'm having a little trouble
5 hearing you. Just a second, let me try
6 turning around so my head is not between me
7 and the antenna." Not that they would know
8 that, but that's effectively what happens.
9 "Let me try to walk into another part of the
10 room. All of a sudden I can hear you
11 again."

12 If you just described that to somebody
13 and say "now, would you consider that to be
14 a good enough substitute for the service you
15 normally get from your wireline that you
16 would drop your wireline call?" What
17 percentage of the people would say "Yes,
18 that's fine. It doesn't really annoy me.
19 I've had that experience." And, what
20 percentage of the people would say "Yes,
21 I've have that experience occasionally and
22 it really drives me crazy. And, there's no
23 way I would drop my phone service." That
24 would -- That sort of survey is not terribly

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1 expensive. Again, it's a relatively modest
2 cost. You set up a panel and figure out
3 "what does an 85 dB signal mean inside a
4 house for people's perception? How do we
5 get those two pieces of information
6 together?" That's what's missing. And, I
7 think that's a whole lot more practical than
8 what you originally asked to supply, for
9 every house in every exchange you have to do
10 something, I'm not asking for that. But I'm
11 seeing, you know, this is the second shot at
12 trying to help you deal with this problem.
13 And, unfortunately, I don't think they have
14 moved very far in trying to robustly fill
15 out the evidence to help us make that
16 connection between a truly competitive
17 alternative versus the mere alternative
18 that's available, but isn't really
19 competitive.

20 Q. Let me ask you another question on the color
21 coding in the Company's submission of green
22 and yellow as being very good and good, in
23 terms of call quality, based on, well, very
24 good and good in terms of signal strength,

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1 and then I guess an extension by that to
2 what call quality would be. Are there
3 industry standards that you're aware of that
4 would define "good" or "very good" or would
5 define the calls that are likely to come
6 from those signal strengths that the Company
7 used?

8 A. I have not found any or seen any industry
9 standard, nor do I think those terms that
10 we're using are industry standard terms. I
11 believe they originated in evidence, in
12 testimony in the earlier proceeding. What I
13 have seen is I've seen a variety of
14 documents that do show that there's a whole
15 continuum, and that 85 is getting towards
16 the far end of the range. And, I've seen
17 some drawings or maps which suggest that I
18 think it's, once above 95 or so, basically,
19 there is no coverage. The calls aren't
20 being made or they're being dropped so
21 constantly that basically that's the extreme
22 edge. And, there's a lot of much higher
23 quality signals than 85 and 80 and so on.

24 So, I've seen other documents that

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1 suggest that it's fair to say the 85 to 90
2 is getting towards the terrible end of the
3 range, but is not yet sufficiently terrible
4 to say there's no coverage. Our problem is,
5 first, we don't know precisely how to
6 correlate those kinds of statistics that are
7 used in designing networks and the like.
8 That's where you would see it in a document.
9 How we correlate that with customer
10 perceptions and their attitudes as to
11 whether something is an adequate substitute
12 or a close substitute. That's one problem.

13 An additional problem we have is that
14 the -- all of this data is based on, they
15 have been driving along and basically what
16 we can see is that the service is
17 significantly poorer than in, you know, in
18 Kansas, in a comparably dense area in Kansas
19 the service -- in Kansas, the service would
20 probably be poorer, because of the
21 mountains, and it's sort of intuitive, and
22 that's what the map is proving. So, we see
23 these differences, and we can see that
24 nationwide we're at this 20 percent, using

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1 that as an example. We know where we are
2 nationwide in the marketplace. But, to pull
3 all that together, we're just missing some
4 really critical pieces of the picture.

5 Q. One other thing I want to clarify. When you
6 just now used what you considered 85 maybe
7 at the far end of the range for good
8 quality, acceptable quality calls, is that
9 assuming that there is further loss of
10 signal strength because of building
11 penetration, we had a lot of testimony on
12 Tuesday about that issue, or is that
13 assuming that 85 is what you've got after
14 you've had that loss because of building
15 penetration, and it may have come in higher,
16 but what you have is now 85? Or, is it even
17 that mechanical a system?

18 A. I don't think it's a directly mechanical
19 thing, because these are continuous numbers.
20 I mean, obviously, 86 is a little worse than
21 85. It's not suddenly dropping off. So,
22 these were sort of arbitrary or judgmentally
23 chosen breakpoints chosen by the Company, by
24 their own terminology they perceive that

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1 greater than minus 85 dB would provide
2 in-building coverage. So, again, even by
3 their own terms, what they're admitting is,
4 if you look at the map and you see yellow,
5 you don't have in-building coverage. You
6 only have vehicle coverage. The problem we
7 have, from my point of view, is that's
8 pretty significant, that we're right there
9 on the borderline. Yes, we've got a lot of
10 green, and it's a little hard to correlate
11 the green with the little red dots to know
12 whether we're at your 50 percent majority
13 issue of the customers. But, even if you're
14 green, if you're sort of -- if it turns out
15 that the rules of thumb they used, the
16 judgments they made as to using this 85
17 benchmark really wasn't adequate to deal
18 with, you know, they think, apparently, in
19 their own mind, they somehow handle the
20 problem that they're driving along a road
21 and were not inside a building. But, if
22 that's judgment's a little bit off, by 4 dB,
23 10 dB, I mean, I've seen articles that
24 indicate that a building can be 20 dB of

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1 difference. It depends on the size of the
2 building, how big it is, what it's made out
3 of, if it's brick versus wood, the 10 dB
4 adjustment factor that we're talking about
5 seems like a reasonable one. But the
6 problem is, it's very volatile. The
7 impression you get, if it turned out that a
8 10 dB adjustment needs to be made beyond what
9 they have already allowed for, their results
10 completely swing. You would get a, you
11 know, dramatically lower percentages of the
12 houses would meet that needed criterion.
13 And, ultimately, it's not just an
14 engineering judgment. It's not just coming
15 in and saying "well, I think my allowances
16 for those factors was adequate." You know,
17 you've really got to say "well, are the
18 customers perceiving that it's adequate?"
19 Are customers, if you actually get inside
20 those kinds of houses, are people going to
21 be satisfied? And, I just don't think we
22 can come even close to filling in that gap
23 here.

24 Q. Well, just one more line on that. If you --
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1 let's assume for a moment the 10 dB
2 adjustment for building penetration in this
3 case. If there is a measurement at the
4 vehicle level of 85, and we're now talking
5 about the ability for people in the home to
6 use their wireless --

7 A. Right, and be satisfied with it.

8 Q. -- and be satisfied with it, then are you
9 saying that's really effectively a 95, to
10 make it a 95 level?

11 A. It would actually be -- the way I would
12 describe it is it would be 75, I think is
13 the direction, and the closer to zero. It's
14 the amount of loss. How much loss you had
15 from the original point where it came from
16 the antennas. So, the bigger the number,
17 the worse it is, the more attenuation or
18 loss of signal. So, 95 is very weak, 85 is
19 weak, 75 is stronger. That's the range
20 we're talking about. So, when we talk about
21 a 10 dB shift, one way of thinking of it, as
22 I look at the map of the yellow and green,
23 and I sort of visualize --

24 Q. Well, before you get to that, I'm just

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1 trying to understand, when we use these

2 numbers, --

3 A. Okay.

4 Q. -- what you assume when you hear the

5 numbers, what I should assume.

6 A. Okay.

7 Q. What Mr. Goulet is using, and we haven't had

8 a chance to cross-examine him yet, but we

9 can ask him that as well. When you hear

10 that it's at the vehicle level at negative

11 85, and we're assuming for this discussion

12 here a 10 percent adjustment, I mean, I'm

13 sorry, a 10 dB adjustment --

14 A. Okay.

15 Q. -- for in-home reception.

16 A. All right. Okay.

17 Q. Then, is an 85 at the vehicle, negative 85

18 at the vehicle level, and negative 95 I take

19 it is correct in the home?

20 A. Yes. If you had measured it in the home,

21 then you would have only seen negative 95 is

22 the assumption you're making.

23 Q. Yes. And, in the home, at negative 95, in

24 your opinion going to give you satisfactory

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1 call quality?
2 A. Everything I've seen, all the documents I've
3 seen, suggests that absolutely not. That
4 you would -- no. Again, I don't -- the
5 ultimate question isn't what I think, it's a
6 question of what consumers think. And, from
7 what I've been able to see, the way they're
8 engineering the systems, the documents I've
9 seen the engineers prepare, that that's at
10 the range where basically you've got very
11 little hope of even selling service for the
12 convenience. If someone is that poor in
13 their house, the odds that they would choose
14 your service, instead of somebody else's,
15 etcetera, it just isn't there. The quality
16 is not there. And, the standard would be
17 much higher for giving up your wireline
18 service, to simply abandon it entirely and
19 live by it, you know, you really need a much
20 stronger signal, much more consistency.

21 CMSR. IGNATIUS: Thank you.

22 CHAIRMAN GETZ: Mr. Linder?

23 MR. LINDER: We have no

24 redirect. Thank you.

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1 CHAIRMAN GETZ: Okay. Thank
2 you. Then, the witness is excused.

3 WITNESS JOHNSON: Thank you.

4 CHAIRMAN GETZ: Thank you, Dr.
5 Johnson.

6 MR. LINDER: We have no
7 further witnesses, Mr. Chairman.

8 CHAIRMAN GETZ: Thank you.

9 MR. LINDER: Thank you.

10 CHAIRMAN GETZ: Mr. McHugh.

11 MR. McHUGH: Mr. Chairman,
12 we'll call Mr. Reed and Mr. Goulet back to the
13 stand for further cross-examination.

14 CHAIRMAN GETZ: And, we'll
15 just note for the record that they're already
16 sworn in.

17 (Whereupon Michael Reed and
18 Daniel Goulet were recalled to the
19 stand, having been previously sworn.)

20 CHAIRMAN GETZ: Ms. Hollenberg.

21 MS. HOLLENBERG: I guess I was
22 under the impression that there may be questions
23 that the New Hampshire Legal Assistance was going
24 to follow up on those articles the other day?

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1 No?

2 Okay. Thank you. Good
3 morning.

4 WITNESS REED: Good morning.

5 MICHAEL REED, PREVIOUSLY SWORN

6 DANIEL GOULET, PREVIOUSLY SWORN

7 CROSS-EXAMINATION (RESUMED)

8 BY MS. HOLLENBERG:

9 Q. Mr. Reed, if I could start with you. Could
10 you identify for me the towns that are
11 included within the Sutton Exchange?

12 A. (Reed) I can't. I have a data response.
13 But I'm trying to remember off the top of my
14 head, because we include portions of certain
15 towns. Exchange boundaries are different
16 than town boundaries.

17 Q. Right.

18 A. (Reed) And, I would have to find that data
19 response. Let me think.

20 CHAIRMAN GETZ: Could you
21 offer him subject to check, Ms. Hollenberg, if
22 that's all right?

23 MS. HOLLENBERG: I can try.

24 CHAIRMAN GETZ: I assume you

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1 know the answer to that question.

2 MS. HOLLENBERG: I actually
3 don't know exactly, that's why I asked. But I
4 think I have an idea, so I'm happy to try that.

5 BY MS. HOLLENBERG:

6 Q. I think that the towns may be Wilmot, North
7 Sutton, South Sutton, and Newbury in the
8 Sutton Exchange?

9 CMSR. BELOW: North Sutton and
10 South Sutton are all part of the Township of
11 Sutton.

12 MS. HOLLENBERG: Okay.

13 BY THE WITNESS:

14 A. (Reed) I was going to say I think it's South
15 Newbury, but I do need to check that. I'm
16 sorry.

17 CMSR. BELOW: And, I believe
18 South Newbury is part of the Town of Newbury.

19 WITNESS REED: Yes.

20 BY THE WITNESS:

21 A. (Reed) I looked at that this morning, and I
22 don't know what data response it is.

23 BY MS. HOLLENBERG:

24 Q. You know what, why don't we go -- if we
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1 could just go back to that question, and
2 maybe the attorneys could look for something
3 to help us. How does that sound?

4 A. (Reed) Sure.

5 Q. Okay. I would like to show you a document
6 that was attached to your original filing in
7 this case as "Attachment E". Do you
8 recognize that document?

9 A. (Reed) Yes.

10 Q. Thank you.

11 CHAIRMAN GETZ: Off the
12 record.

13 (Off the record)

14 CHAIRMAN GETZ: Yes, back on
15 the record.

16 MS. HOLLENBERG: Thank you.

17 BY MS. HOLLENBERG:

18 Q. And, this, as we mentioned before, was filed
19 with your original testimony in this case
20 back -- way back in March 2007?

21 A. (Witness Reed nodding affirmatively).

22 Q. And, it listed each exchange within all of
23 the TDS companies in New Hampshire. Do you
24 agree with that?

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1 A. (Reed) Yes.

2 Q. Okay. And, I think that this kind of -- I
3 thought this was a useful reference for me
4 to have a picture of the Company's case, as
5 far as what it perceived as being available
6 to customers or greater than 50 percent of
7 the customers in each exchange. And, I
8 wanted to ask you to look at your -- I
9 believe it's your rebuttal testimony, which
10 the Company asked to be marked as "KTC-MCT
11 Exhibit 7C". And, I apologize, it looks
12 like it was referenced in your original
13 testimony. Yes. I'm sorry, the testimony
14 filed on January 29th, 2009, which was your
15 supplemental testimony, KTC-MCT Exhibit 6C.

16 When we began the hearing on Tuesday,
17 you made a change to that testimony. Do you
18 recall that?

19 A. (Reed) Yes.

20 Q. And, that change was related to Page 16,
21 Line 19?

22 A. (Reed) Yes.

23 Q. If you could turn to that please. And, at
24 Line 19, you ask or you inserted the word

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1 "Andover" between "of" and "Boscawen"?

2 A. (Reed) Yes.

3 Q. "Andover,"?

4 A. (Reed) Yes.

5 Q. Thank you. Do you agree that, before this
6 revision was made, your testimony asserted
7 that "only wireless service was available as
8 an alternative in Andover"?

9 A. (Reed) No. I'd have to go back and look.
10 I'm not sure of that. I would have to go
11 back and reread this to make sure.

12 MR. McHUGH: Mr. Chairman, I
13 need to interject for the record here. The
14 attachment that's confidential to testimony filed
15 by Mr. -- or filed on behalf of Mr. Reed on
16 November 15, 2007 contains, as a confidential
17 Attachment E, a listing of the exchanges for each
18 of the companies, all four at that time,
19 reflecting Andover with 90 percent of cable
20 broadband. That's already a matter of record in
21 this proceeding.

22 MS. HOLLENBERG: Thank you.
23 And, I appreciate that. But, Mr. Reed, if you
24 could look at your Attachment E, which, if I
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1 haven't asked already for that to be marked as an
2 exhibit for identification, I would do that now.

3 CHAIRMAN GETZ: Okay. What's
4 the next OCA exhibit number?

5 MS. HOLLENBERG: We don't -- I
6 don't believe we have any exhibits yet.

7 CHAIRMAN GETZ: Okay. So,
8 then, we'll mark this as "OCA 1" for
9 identification.

10 (The document, as described, was
11 herewith marked as Exhibit OCA 1 for
12 identification.)

13 BY MS. HOLLENBERG:

14 Q. If you look at OCA 1, and if you look about
15 halfway down that chart you see Andover
16 exchange listed. Could you go to the third
17 column and tell me what it says for cable
18 television. A "yes" or a "no"?

19 A. (Reed) It says "no".

20 Q. Okay. And, for cable broadband, does it say
21 "yes" or "no"?

22 A. (Reed) It says "no".

23 Q. Thank you.

24 A. Could I go back to the previous question

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1 that you asked me? I did have a chance to
2 look at that. Or would you like to ask
3 again?

4 Q. That's fine, if you would like to answer the
5 question.

6 A. (Reed) Well, I just, you said I only --
7 "Andover only had wireless service", and I
8 didn't say that. What I said was "We would
9 like to again confirm the availability of
10 wireless service in the MCT exchanges", not
11 "only wireless".

12 Q. Okay. But, if you read the question and
13 answer that follows, it says or the answer
14 says that only -- that Andover is not listed
15 as an exchange having cable broadband. Do
16 you agree with that?

17 A. (Reed) Yes. That's correct. That is an
18 error, yes.

19 Q. Okay.

20 A. (Reed) And, we did try to correct that.

21 Q. Thank you.

22 A. (Reed) And, if I could just maybe add that
23 we also provided maps in the initial filing,
24 where this Attachment E was, there is a map

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1 of Andover that clearly lays out the entire
2 route that we feel Comcast serves in the
3 Andover exchange. That was included in the
4 initial filing. This Exhibit E, I really
5 tried to find out how Andover crept into
6 this last night. And, I am beside myself to
7 understand why.

8 Q. Okay.

9 A. (Reed) But this particular testimony that
10 we're providing in the supplemental should
11 show wireless is available, in addition to
12 the broadband, and that was not only trying
13 to cover wireless. I apologize for any
14 errors.

15 Q. Okay. That's fine. And, no need to
16 apologize, and I'm sure you can appreciate
17 it's been a long case, and it's hard to
18 follow all of the evidence and the
19 assertions. So, I appreciate your
20 clarifying that. You know, is the Company
21 relying on the CoverageRight map to prove
22 availability of wireless for Sutton and for
23 Salisbury?

24 A. (Reed) In addition to the testing provided
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[WITNESS PANEL: REED|GOULET]

1 by C Squared, yes.

2 Q. Okay. And, do you know if there are any
3 wireline CLECs serving customers in Sutton
4 and Salisbury?

5 A. (Reed) Wireline CLECs serving, no.

6 Q. Okay.

7 A. (Reed) Not that I'm aware of.

8 Q. So, as far as your -- as far as OCA
9 Exhibit 1, there is no -- there is no column
10 for "wireline CLECs" in that table?

11 A. (Reed) That's right.

12 Q. And, would you be able to confirm that there
13 are no wireline CLECs serving any areas
14 within the TDS exchanges of Merrimack County
15 Telephone or Kearsarge Telephone Company?

16 A. (Reed) I only hesitate because Comcast is
17 now certified as a CLEC, and I don't know if
18 they sold anything.

19 Q. Okay.

20 A. (Reed) I honestly don't know. So, I would
21 hesitate to give you that answer.

22 Q. Okay. But you didn't -- you didn't assert
23 in your original filing or your modified
24 filing that wireline CLECs were a

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[WITNESS PANEL: REED|GOULET]

- 1 competitive alternative in those exchanges?
- 2 A. (Reed) Correct. My only doubt would be
- 3 Comcast. No other CLECs.
- 4 Q. Okay. Thank you. Do you know if there are
- 5 any non-affiliated broadband providers
- 6 serving Sutton and Salisbury Exchanges?
- 7 A. (Reed) I do not think so, no.
- 8 Q. Okay. And, you would agree that Merrimack
- 9 County Telephone is the only provider of DSL
- 10 in the Sutton Exchange?
- 11 A. (Reed) Yes.
- 12 Q. And, that would you also agree that
- 13 Merrimack County Telephone is the only
- 14 provider of cable TV in the Sutton Exchange?
- 15 A. (Reed) Not exactly. There's just a little
- 16 piece of Sutton I think that Comcast serves.
- 17 Or, is it Salisbury? I would have to look.
- 18 There's a little piece that Comcast serves,
- 19 but it's very minor.
- 20 Q. Okay.
- 21 A. (Reed) The majority would be MCT.
- 22 Q. Okay. And, would you agree that there is no
- 23 cable modem service in Sutton?
- 24 A. (Reed) Yes. With the exception of that one
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1 little piece, whichever exchange it is.

2 Q. Of either Sutton or Salisbury?

3 A. (Reed) Yes.

4 Q. Okay. Thank you. Do you happen to know
5 whether or not Sutton is an exchange
6 included in Comcast's CLEC-10 authorization?
7 I can help you, if you don't.

8 A. (Reed) Oh, that would be appreciated.

9 (Atty. Hollenberg handing document to
10 Witness Reed.)

11 BY MS. HOLLENBERG:

12 Q. Okay. I have a letter that I believe began
13 in the docket DT 08-013 at the Commission.
14 And, can you confirm for me that this is a
15 letter from Attorney Cameron Kelly -- I'm
16 sorry, it's Cameron Kerry, to Debra Howland,
17 dated January 28th, 2008?

18 A. (Reed) Yes.

19 Q. And, if you could look at the second
20 paragraph, and the second sentence in it
21 reads: "Comcast Phone seeks to expand this
22 service to include Rate Centers served by
23 the TDS Telecom Companies in Andover,
24 Antrim, Bennington, Boscawen, Chichester,
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1 Deering, Henniker, Hillsboro, Hopkinton,
2 Loudon, New London, Salisbury, Wilmot, and
3 Wilton."

4 A. (Reed) Yes.

5 Q. Is Sutton an exchange listed there?

6 A. (Reed) No.

7 MS. HOLLENBERG: Thank you.

8 If I could have this marked as "OCA 2" please.

9 CHAIRMAN GETZ: So marked.

10 (The document, as described, was
11 herewith marked as Exhibit OCA 2 for
12 identification.)

13 MS. HOLLENBERG: Thank you.

14 BY MS. HOLLENBERG:

15 Q. Would you agree that the list in Comcast's
16 letter is not a list of all the exchanges
17 that the TDS Companies serve in New
18 Hampshire?

19 A. (Reed) Yes, I would agree with that.

20 Q. And, you would agree that Salisbury is an
21 exchange listed there?

22 A. (Reed) Yes.

23 Q. Thank you. Are you familiar with the
24 petition for arbitration of rates that was

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1 filed by Comcast in December 2008?

2 A. (Reed) Yes.

3 Q. And, would you agree that the Commission
4 issued an order in that arbitration docket
5 in August of 2009, subject to check?

6 A. (Reed) Subject to check, yes.

7 MS. HOLLENBERG: And, I
8 believe I asked the Commission to take
9 administrative notice of this order on Tuesday.

10 BY MS. HOLLENBERG:

11 Q. Are you familiar with the type of service
12 that Comcast Phone will offer in the TDS
13 exchanges?

14 A. (Reed) Yes.

15 Q. And, do you agree that among those services
16 is the LIS service, which stands for Local
17 Interconnection Service"?

18 A. (Reed) Yes.

19 Q. And, that they intend or have stated that
20 they intend to connect -- to interconnect
21 Voice-over Internet Protocol to an affiliate
22 that goes by the name of "Comcast IP"?

23 A. (Reed) I would, just subject to check.

24 Q. Okay. Do you agree that they're intending
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1 to provide Voice-over Internet Protocol
2 services phone service through an affiliate?

3 A. (Reed) Yes.

4 Q. Okay. And, you would agree that their
5 affiliate that will be providing that VoIP
6 service is not a certified CLEC?

7 A. (Reed) Yes.

8 Q. And, in fact, there is a pending docket to
9 determine the extent of the Commission's
10 regulation of VoIP services in New
11 Hampshire, is that correct?

12 A. (Reed) Yes. That's correct.

13 Q. Thank you. For the Merrimack County
14 Telephone exchanges of Bradford and Warner,
15 is it correct that the Company is relying on
16 the CoverageRight maps to prove wireless
17 availability?

18 A. (Reed) Yes.

19 Q. And, I believe you testified on Tuesday that
20 C Squared had not performed an analysis of
21 these exchanges or any other exchanges
22 besides Sutton and Salisbury?

23 A. (Reed) That's correct. I could just add, I
24 mean, we provided the CoverageRight map. Of

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1 course, we have technicians there all the
2 time. We have anecdotal information about,
3 well, including me driving around with my
4 cellphone up. But we rely on the
5 CoverageRight map and the C Squared, we
6 tried to prove that the CoverageRight map
7 was something that can be relied upon.

8 Q. Okay. Thank you. You would agree, though,
9 that, in terms of the record of this
10 proceeding, the anecdotal information you
11 have would not be a part of that?

12 A. (Reed) I didn't provide it.

13 Q. Okay.

14 A. (Reed) So, it wouldn't be part of it.

15 Q. Okay.

16 A. (Reed) I might try to, but --

17 Q. And, would you agree that Merrimack County
18 Telephone is the only provider of cable TV
19 in Bradford?

20 A. (Reed) Yes.

21 Q. And, that Bradford --

22 A. (Reed) With the exception of satellite. I'm
23 sorry. Cable TV, yes. Although, there is
24 satellite.

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- 1 Q. Okay. But there's no phone satellite
2 technology that you're aware of, in terms of
3 I guess non-wireless -- I'll withdraw that
4 question. And, do you agree that Merrimack
5 County Telephone is the only cable provider
6 in the Warner exchange?
- 7 A. (Reed) Yes.
- 8 Q. And, that there is no cable modem service in
9 Warner?
- 10 A. (Reed) Correct. Yes.
- 11 Q. So, as far as your -- as OCA Exhibit 1, if
12 we can just revisit that, Warner we just
13 talked about, you're relying on
14 CoverageRight to prove wireless. No cable
15 broadband, no cable television, even though
16 it says "yes" on that. Could you explain
17 that?
- 18 A. (Reed) Well, there is cable television.
- 19 Q. Okay.
- 20 A. (Reed) But it's provided, as you described,
21 by MCT Cable.
- 22 Q. Yes. You're right. Thank you. It's
23 provided by the Company?
- 24 A. (Reed) Yes.

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1 Q. Merrimack County Telephone. And, the DSL is
2 provided by Merrimack County Telephone?

3 A. (Reed) Correct.

4 Q. And, in terms of Bradford, wireless is based
5 on CoverageRight, no cable broadband, cable
6 television through Merrimack County
7 Telephone, DSL through Merrimack County
8 Telephone?

9 A. (Reed) Yes.

10 Q. With regards to Andover, which is a
11 Kearsarge Telephone Company exchange, we
12 talked a little bit about the fact that
13 Comcast's CLEC-10 includes that exchange.
14 And, I think you testified on Tuesday that
15 Comcast has the ability to -- has two years
16 to provide some sort of services within its
17 exchanges after approval of their
18 arbitration agreement. Do you recall that?

19 A. (Reed) Yes, I recall that question.

20 Q. Okay. And, is there any, in terms of the
21 broadband available in Andover, do you agree
22 that that -- who is that provided by?

23 A. (Reed) Well, we provide DSL in Andover, but
24 Comcast has been providing broadband there

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- 1 right along.
- 2 Q. Okay. So, for purposes of OCA Exhibit 1,
3 wireless, yes, is based on CoverageRight,
4 cable broadband --
- 5 A. (Reed) Should be -- Should have been "yes",
6 and it would have been Comcast.
- 7 Q. Comcast. Does Comcast serve the whole Town
8 of Andover?
- 9 A. (Reed) I could rely on that map I filed
10 earlier that I mentioned. I'd have to take
11 a quick look at which exhibit that was.
- 12 Q. Okay.
- 13 A. (Reed) But that does describe it, and it's a
14 significant portion of the exchange. I
15 forget if it's -- I could go back to our
16 earlier exhibit, but I'm thinking
17 90 percent, subject to check, of that
18 exchange.
- 19 Q. And, that's cable TV?
- 20 A. (Reed) Yes. And cable broadband.
- 21 Q. Okay. And, the DSL is "yes" in this
22 exhibit, but that is through Merrimack
23 County Telephone?
- 24 A. (Reed) That's correct.

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- 1 Q. Or Kearsarge, I'm sorry.
- 2 A. (Reed) I'm sorry, Kearsarge. Yes. I agreed
3 with you.
- 4 Q. And, any wireline CLEC serving Kearsarge's
5 exchange of Andover?
- 6 A. (Reed) No, not that I'm aware of. Can we
7 just make sure we agree, Comcast we won't
8 count in that question, so I don't have to
9 keep disclaiming? Comcast is a CLEC, and I
10 don't want to leave them out of that
11 discussion.
- 12 Q. I understand that.
- 13 A. (Reed) But we're treating it separately, as
14 long as we --
- 15 Q. Yes, I understand that. Thank you. Yes. I
16 guess, when I am asking about "wireline
17 CLECs", for clarity, and I appreciate you're
18 trying to make that clear, I am talking
19 about a non-cable wireless --
- 20 A. (Reed) Okay.
- 21 Q. -- or, non-cable wireline CLEC.
- 22 A. (Reed) Okay.
- 23 Q. If I could have you look at your
24 supplemental testimony again, which is
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- 1 KTC-MCT Exhibit 6, and I'm referring to the
2 confidential version. Confidential Exhibits
3 A and B are the maps of the Sutton Exchanges
4 illustrating the test drive routes completed
5 by C Squared. Do you agree with that?
- 6 A. (Reed) Yes. In part, I mean, it's more
7 comprehensive than that.
- 8 Q. It's a compilation?
- 9 A. (Reed) Yes.
- 10 Q. I guess, would you agree it's a compilation
11 of all the results of all the wireless
12 carriers in these two exhibits?
- 13 A. (Reed) At a certain test level, along with
14 the customer locations.
- 15 Q. Okay. And, they depict signal strength
16 greater than negative 90 dBm?
- 17 A. (Reed) Yes.
- 18 Q. Negative 90 dBm is weaker than negative 85
19 dBm, is that correct?
- 20 A. (Reed) Yes.
- 21 Q. Okay. And, you described negative 90 dBm as
22 a conservative benchmark level for
23 determining whether wireless service is
24 available to a customer. Do you recall

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1 that?

2 A. (Reed) Yes.

3 Q. And, when you were talking about the
4 "benchmark level", that was for signal
5 strength on the road, right?

6 A. (Reed) Yes. It's -- Yes. I was basing it
7 on the C Squared data and trying to, when I
8 say "conservative", that was my definition
9 of "conservative", and trying to match up
10 the previous testimony from the Staff and
11 the exhibits provided, the Commission's
12 order, the test results from C Squared,
13 trying to come to a number that was
14 something that matched everything that we
15 could rely on. So, I went with the
16 conservative. The expert is here to really
17 determine what's conservative.

18 Q. And, don't you worry, I'll have --

19 A. (Reed) My definition is probably not
20 technical.

21 Q. I'll have some questions for him, too, I
22 promise. Would you agree that all calls
23 made by TDS's retail customers in the
24 Merrimack County Telephone exchanges are

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1 clear?

2 A. (Reed) If they're made over our network they
3 are.

4 Q. And, how about in the Kearsarge Telephone
5 Company exchanges?

6 A. (Reed) Yes, absolutely.

7 Q. And, just for clarity, CoverageRight data is
8 not depicted in your confidential Exhibits A
9 and B to your supplemental testimony?

10 A. (Reed) Correct. That's in Exhibit G.

11 Q. I want to ask you to refer to your -- first
12 to your Exhibit C and D to your supplemental
13 testimony. Do you agree that there was some
14 confusion about what the first page of these
15 exhibits represented?

16 A. (Reed) Yes.

17 Q. Okay. And, before the OCA filed testimony,
18 we -- would you agree that the Company's
19 representation was that these represented
20 the actual drive routes of C Squared?

21 A. (Reed) Yes.

22 Q. And, that, subsequently, that understanding
23 was corrected by your rebuttal testimony, as
24 well as a revised response to a data

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1 request, do you agree with that?

2 A. (Reed) Correct. Yes.

3 Q. Thank you.

4 A. (Reed) I could just complain. I mean, it
5 was the planned drive route. When C Squared
6 arrived there, the roads were not exactly
7 what they drove. And, through our myriad of
8 maps we tried to create to make this more
9 clear, we made it less clear.

10 Q. It happens. If you could refer to your
11 supplemental testimony beginning at Page 9.
12 At line 19, there's a question, and
13 thereafter the beginning of an answer that
14 in which you describe some key results that
15 you suggest the Commission should refer to
16 when making its determination about
17 availability in the Sutton Exchanges, is
18 that correct?

19 A. (Reed) Yes.

20 Q. And, these key -- these three key results
21 relate to the wireless carriers of Verizon
22 Wireless, Sprint-Nextel CDMA, and U.S.
23 Cellular, is that correct?

24 A. (Reed) Yes. That's on Page 10.

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- 1 Q. Thank you. Yes. If you could look at
2 Table 2, which is at -- of Exhibit E
3 attached to that testimony now, and that's
4 at Page 2 of Exhibit E. Looks like it may
5 be Bates stamped at "Exhibit 6C 032" at the
6 bottom. Do you see that table?
- 7 A. (Reed) Yes.
- 8 Q. Thanks.
- 9 A. (Reed) Yes.
- 10 Q. At the bottom of the table, there is a line
11 related to "Roaming Percentages", do you see
12 that?
- 13 A. (Reed) Yes.
- 14 Q. And, would you agree that, with regards to
15 Verizon Wireless, _____ percent of the calls
16 had roaming associated with them?
- 17 A. (Reed) Not of the calls, of the test results
18 performed by C Squared. The calls -- yes, I
19 guess they would be calls.
- 20 Q. Okay. And, I would just say, Mr. Goulet, at
21 any point, if you feel like you want to
22 answer the question, rather than Mr. Reed,
23 that's fine with me. I just -- I've been
24 doing hearings every day this week, so I'm

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- 1 not thinking very clearly. I'm just asking
2 you to confirm the contents here. And,
3 under the "Sprint CDMA" column, would you
4 agree that the percentage there for roaming
5 is "_____ percent"?
- 6 A. (Goulet) I would.
- 7 Q. Thank you. I think you were asked the other
8 day, Mr. Reed, U.S. Cellular is an affiliate
9 of TDS, is that correct?
- 10 A. (Reed) Of Telephone Data Systems, yes.
- 11 Q. Yes. Okay. And, of the TDS Companies in
12 New Hampshire?
- 13 A. (Reed) Yes.
- 14 Q. Okay. If you could look at your
15 supplemental testimony, at Page 10, Line 18.
16 And, again, if you'd agree, this is where
17 you direct the Commission to some key
18 results related to the Salisbury Exchange?
- 19 A. (Reed) Yes.
- 20 Q. For the same wireless carriers: Verizon
21 Wireless, Sprint-Nextel CDMA, and U.S.
22 Cellular?
- 23 A. (Reed) Yes.
- 24 Q. And, then, again, if you could just look at
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1 Exhibit F, at Page 3 of that exhibit, which
2 is Bates stamped at the bottom right corner
3 "Exhibit 6C" -- "KTC-MCT Exhibit 6C 056".

4 A. (Reed) Yes.

5 Q. And, the same "Roaming" line, you see there
6 that "_____ percent" is listed under the
7 "Verizon" column as roaming percentage?

8 A. (Reed) Yes.

9 Q. And, the percentage under "Sprint-Nextel
10 CDMA" is "_____ percent"?

11 A. (Reed) Yes.

12 Q. I just have some questions for you about a
13 data response that you answered in this
14 second phase of the proceeding. And, I have
15 separated the data response and the
16 attachment, because one is public and the
17 other is confidential.

18 MS. HOLLENBERG: If these
19 could be marked as the next two exhibits for the
20 OCA please. So, the data response itself, which
21 is OCA 2.3 should be "OCA Exhibit 3", and the
22 attachment referred to should be a confidential
23 "OCA Exhibit 4".

24 CHAIRMAN GETZ: So marked.

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1 (The documents, as described, were
2 herewith marked as Exhibit OCA-3 and
3 Exhibit OCA-4, respectively, for
4 identification.)

5 MS. HOLLENBERG: Thank you.

6 BY MS. HOLLENBERG:

7 Q. And, you would agree, Mr. Reed, that this is
8 -- actually, Mr. Goulet, let me ask you this
9 question, because this appears to be your
10 response to OCA 2.3 in the second phase of
11 this proceeding. Do you agree with that?

12 A. (Goulet) Yes.

13 Q. And, Mr. Goulet, before we continue, would
14 you agree that in the header of this
15 document it says the word "PUBLIC"? In the
16 top right corner, if you can follow me, it
17 says "Kearsarge Telephone Company", under
18 that it says "Merrimack County Telephone
19 Company", then the docket number, then the
20 "Company responses", then what set, --

21 A. (Goulet) I agree.

22 Q. -- and then it says "PUBLIC"?

23 A. (Goulet) Yes.

24 Q. Thank you. And, you would confirm, though,

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1 that there are some words in the question
2 that have "BEGIN CONFIDENTIAL", "END
3 CONFIDENTIAL" around them?

4 A. (Goulet) Correct.

5 MS. HOLLENBERG: Okay. And,
6 just for purposes of the record, I would just
7 assert that this is a public document at this
8 point in time, even though we've redacted the
9 question initially, when the Company responded it
10 put those words in a public document.

11 CHAIRMAN GETZ: Well, wait a
12 second. So, then, are you saying that Exhibit 4
13 as well or just what would have been in
14 Exhibit 3?

15 MS. HOLLENBERG: Just Exhibit
16 3. I just wanted to make clear, in case there
17 was any question in the future, that this, I
18 believe that Exhibit 3 is a public document. But
19 I do agree that Exhibit 4 should be a
20 confidential document.

21 CHAIRMAN GETZ: Is there any
22 dispute about that, Mr. McHugh?

23 MR. MCHUGH: None.

24 BY MS. HOLLENBERG:

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1 Q. And, Mr. Goulet, --

2 MS. HOLLENBERG: If I could
3 just have a moment.

4 (Short pause)

5 BY MS. HOLLENBERG:

6 Q. You were asked to provide, in Section (a) of
7 the question, to "provide a [cleaner] copy
8 of TDS-CONF 0185", and you stated that "a
9 [cleaner] copy was not available". Do you
10 recall that that was a Sprint summary of
11 charges provided in response to an earlier
12 data request?

13 A. (Goulet) Well, I can see that that's what's
14 attached to this, yes, is a Sprint.

15 Q. And, you were then asked to provide details
16 of those Sprint plans, and you provided what
17 has been marked as OCA Attachment 4, do you
18 agree with that?

19 A. (Goulet) Yes.

20 Q. And, this, the first page of this document
21 appears to describe two different telephone
22 numbers, do you agree? _____ and
23 _____?

24 A. (Goulet) That's correct.

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1 Q. And, did you use both of these numbers to
2 test for TDS?

3 A. (Goulet) We could have, because Sprint and
4 Nextel merged. So, if you notice in the
5 benchmarking report it says "Sprint-Nextel",
6 that's because they're one company now. So,
7 the bills come from Sprint. One of these
8 was likely the -- one of these was the dual
9 mode phone or it could have been the phone
10 that we used for the Sprint-iDEN portion of
11 the test, because they're two different --
12 totally different technologies, and the
13 other is the Sprint CDMA call. And, we have
14 -- we also have multiple subscriber handsets
15 that we use for each carrier.

16 Q. Do you know if you use these two numbers,
17 though, for your testing for TDS?

18 A. (Goulet) If you give me one minute, let me
19 check. I wouldn't swear to it was these
20 exact phones, but we know that we use the
21 same phones and we have the same plans. So,
22 we don't -- we don't have special phones.
23 These are just subscriber phones. But
24 there's so many engineers in the office, and

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- 1 we're spread out so much we have to have
2 multiple phones.
- 3 Q. Okay.
- 4 A. (Goulet) But these, for example, the billing
5 for a Sprint phone would be the same.
- 6 Q. Okay. So, you would agree that, even if
7 these weren't the phone numbers provided --
- 8 A. (Goulet) The exact phone numbers. They were
9 basically the same subscriber handset.
- 10 Q. Same plans?
- 11 A. (Goulet) As these, yes.
- 12 Q. Okay. Okay. And, if I could just have you
13 look at, in the first -- on the left half of
14 the first page, do you see that the monthly
15 recurring access charges are "_____"?
- 16 A. (Goulet) Yes, I do.
- 17 Q. And, that the total charges are "_____"?
- 18 A. (Goulet) Yes, I do.
- 19 Q. And, this is a for a Sprint Business
20 Essential Plan?
- 21 A. (Goulet) Yes.
- 22 Q. Okay. Which includes roaming, is that
23 correct?
- 24 A. (Goulet) That's correct.

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- 1 Q. All right. And, then, on the other side, it
2 looks as though for that plan the total
3 charges are "_____"?
4 A. (Goulet) That's correct.
5 Q. Okay. And, this looks to be a plan for a
6 "3G Connection Card". What is that?
7 A. (Goulet) That's the card for wireless access
8 to the internet --
9 Q. Okay.
10 A. (Goulet) -- that plugs into the phone --
11 plugs into the laptop.
12 Q. Okay. Thank you. How about on Page two of
13 this Exhibit 4?
14 A. (Goulet) Oh, can I clarify something, --
15 Q. Sure.
16 A. (Goulet) -- before we move to Page 2,
17 because I'm looking at this document? This,
18 at the top, like I said, this, I'm not --
19 I'm looking at this now and I'm saying these
20 were not the exact subscriber numbers used,
21 because the date on the invoice is March
22 30th, 2009, and the testing was done May, I
23 believe. It was done May 30th. So, I just
24 didn't want you to look at these bills and

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1 the amount of the invoice and say "well, how
2 could that be for that much usage in
3 minutes?"

4 MS. HOLLENBERG: Okay. I
5 guess, if I could at this time ask that the two
6 documents that were just distributed, which were
7 OCA 1 -- response to OCA 1.5 and an attachment
8 which was referenced there be marked as "OCA 5"
9 and confidential "Exhibit OCA 6"?

10 CHAIRMAN GETZ: So marked.

11 (The documents, as described, were
12 herewith marked as Exhibit OCA 5 and
13 Exhibit OCA 6, respectively, for
14 identification.)

15 MS. HOLLENBERG: Thank you.

16 BY MS. HOLLENBERG:

17 Q. And, Mr. Goulet, if you could look at the
18 OCA Exhibit 5, which is the response to OCA
19 1.5.

20 A. (Goulet) Yes.

21 Q. Okay. And, maybe I should have started here
22 first, do you agree that the question asks
23 -- it says "Mr. Reed identifies six wireless
24 networks that C Squared measured. For each

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1 of the six, please list and describe the
2 details of all retail calling plans utilized
3 by C Squared for its measurements." Did I
4 read that correctly?

5 A. (Goulet) Yes, you did.

6 Q. Okay. And, in your response, you --
7 Mr. Reed referred to the "Calling Plan
8 Attachments TDS-CONF 0182-0185", is that
9 correct?

10 A. (Goulet) That's correct.

11 Q. And, if you look at confidential Exhibit 6,
12 are those the attachments that are
13 referenced, if you look down in the corner,
14 right-hand corner, are those numbers -- do
15 those numbers correspond to those numbers
16 that are mentioned in the response, Exhibit
17 5?

18 A. (Goulet) Yes. Yes, they are.

19 Q. Thank you. Mr. Reed, do you need a copy?

20 A. (Reed) No, it just refers to 0182 and 3 --
21 oh, never mind. Sorry.

22 Q. That's okay. So, we were -- the OCA was
23 asking you for copies of the plans and
24 details about the plans that you used, and

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1 you provided confidential -- or, Mr. Reed
2 provided confidential Exhibit 6. And, then,
3 if you -- I'm sorry to jump around like
4 this, but, if you look at 2.3, which is OCA
5 Exhibit 3, this is a follow-up to 1.5, is
6 that correct? It says --

7 A. (Goulet) I believe where this came from was
8 the Sprint plan that we provided, I mean, we
9 can only go into our files and get the
10 copies that we got from Sprint. And, I
11 believe the original Sprint one was
12 illegible. It wasn't very clear. So, they
13 asked us to reproduce one. So, then, I went
14 back, and what I did was I found one that
15 was the same plan, but it was more legible
16 than the month -- the period that I
17 initially provided. I believe that that was
18 the case.

19 Q. Okay. And, if you look at Page 4 of
20 Exhibit 6, confidential Exhibit 6, is that
21 the illegible or not clear copy of the print
22 invoice that you provided?

23 A. (Goulet) Yes.

24 Q. Okay. And, you look, though, at the billing
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1 period, that doesn't cover the billing
2 period that you did the testing either, does
3 it?

4 A. (Goulet) No. Because these are just -- in
5 other words, the plans that we used with
6 these carriers, the plans don't change. We
7 have the same plan. It's just, I went to
8 our accounting and I said "can you give me a
9 bill for the plan that we have associated
10 with these phones?" And, these are what
11 they gave me.

12 Q. Okay. That's helpful.

13 A. (Goulet) It is not -- It is not the
14 specific, because I asked him that, I said
15 "can I have for the billing period that we
16 did the test?" And, he said "I don't have
17 those yet." I guess apparently it takes us
18 a while to get the paperwork, but --

19 Q. Thank you. I appreciate that clarification.
20 And, just so you understand, I'm not trying
21 to have you acknowledge that these bills
22 represent the time period that you did the
23 testing. I guess I'm just trying to get a
24 sense from you about the plans that you used

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1 when you did the testing and the costs
2 associated with those plans.

3 A. (Goulet) Okay.

4 Q. Does that help?

5 A. (Goulet) Yes.

6 Q. Okay.

7 A. (Goulet) Because, like, for example, the
8 U.S. Cellular plan is a prepaid plan.

9 Q. Okay. Right. And, we'll get to that,
10 actually. If you could just go to OCA
11 Exhibit 6, confidential Exhibit 6. That's
12 the Verizon Wireless plan on the first page.

13 A. (Goulet) Okay.

14 Q. Do you agree with that?

15 A. (Goulet) Yes.

16 Q. And, it looks like, at the top, the monthly
17 access charges, there's two lines listed.

18 And, I want to refer to the second one,
19 because that looks like actually a month
20 there, "11/27 to 12/26". And, the charge
21 associated with that is "_____", is that
22 correct?

23 A. (Goulet) That's correct.

24 Q. Okay. And, on the second page is the T

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1 Mobile plan, describes the T Mobile plan
2 that C Squared used to test for TDS. And,
3 you would agree that halfway down it says
4 "Monthly Recurring Charges" are "_____",
5 is that correct?

6 A. (Goulet) That is correct.

7 Q. Okay. And, their total charge is it totals
8 "_____", which includes taxes and fees?

9 A. (Goulet) Correct.

10 Q. And, the next, Page 3, of OCA confidential
11 Exhibit 6 lists the wireless plan for AT&T
12 that was used by C Squared for TDS, is that
13 correct?

14 A. (Goulet) That's correct.

15 Q. And, if you look about three quarters of the
16 way down, the "Monthly Service Charges" are
17 "_____"?

18 A. (Goulet) Correct.

19 Q. And, the next page again, this was the
20 Sprint-Nextel page, and we did ask for a
21 clearer copy of that. And, if you look at
22 OCA Exhibit 4, confidential Exhibit 4, we
23 were talking before about the monthly access
24 charges, and those are listed on 1 and 2, is

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- 1 that correct?
- 2 A. (Goulet) Yes.
- 3 Q. And, one of the charges we didn't cover on
- 4 Page 2 is a monthly access charge for --
- 5 which is "_____", is that correct?
- 6 A. (Goulet) Now you're on Page 2?
- 7 Q. Page 2 of OCA Exhibit 4.
- 8 A. (Goulet) So, that's back on T Mobile?
- 9 Q. No, I'm sorry. Actually, it's Exhibit 4,
- 10 which is a group of -- is the clearer Sprint
- 11 information.
- 12 A. (Goulet) Oh. Okay. Page 2.
- 13 Q. About halfway down on the left-hand side, do
- 14 you see "Monthly Recurring Access Charges"
- 15 of "_____"?
- 16 A. (Goulet) Yes, I do.
- 17 Q. And, lastly, the U.S. Cellular plan that you
- 18 used to test for TDS is on the next page, do
- 19 you agree with that?
- 20 A. (Goulet) Yes.
- 21 Q. And, do you know if you used Plan 1 or Plan
- 22 2, because there are two plans listed on
- 23 this "Prepaid Plans" pricing list? If you
- 24 don't know, that's okay, too.

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- 1 A. (Goulet) We would have -- well, we would
2 have used Plan 2, because we tend to use a
3 lot of minutes, because we do a lot of drive
4 testing.
- 5 Q. Okay. So, that Plan 2 has a monthly access
6 fee of \$___, and then ___ cents per minute,
7 right?
- 8 A. (Goulet) Correct.
- 9 Q. And, for both plans, there's a ___ cent per
10 minute roaming charge, is that correct?
- 11 A. (Goulet) That's correct.
- 12 Q. Thank you. Would you agree, Mr. Goulet,
13 that roaming occurs when a wireless customer
14 uses their cellphone outside of a home area
15 as described --
- 16 A. (Goulet) Yes.
- 17 Q. Okay. As described in their call plan?
- 18 A. (Goulet) Yes.
- 19 Q. Thank you. Mr. Reed, I'd like to ask you
20 some questions about your confidential
21 Exhibit G, which is attached to your
22 supplemental testimony. I think it's the
23 last page.
- 24 A. (Reed) Yes. Uh-huh.

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- 1 Q. And, you would agree that this is the
2 "CoverageRight map"?
- 3 A. (Reed) Yes.
- 4 Q. And, that this -- and the vendor that
5 provides the CoverageRight technology is a
6 company called "American Roamer", is that
7 correct?
- 8 A. (Reed) That's correct.
- 9 Q. And, do you agree that this map that you
10 have as Exhibit G you also relied on in your
11 original filing in this case?
- 12 A. (Reed) Yes.
- 13 Q. You didn't file it with your original
14 filing, but you referred to it as a basis
15 for your assertions that there was
16 competitive alternatives?
- 17 A. (Reed) Yes.
- 18 Q. And, I believe you provided it in discovery?
- 19 A. (Reed) Yes.
- 20 CHAIRMAN GETZ: Ms. Hollenberg?
- 21 MS. HOLLENBERG: Yes.
- 22 CHAIRMAN GETZ: It's noon.
- 23 MS. HOLLENBERG: Okay.
- 24 CHAIRMAN GETZ: Is this a good
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1 place to take a break in your cross?

2 MS. HOLLENBERG: Sure.

3 CHAIRMAN GETZ: Do you have
4 any idea of how much additional cross you expect?

5 MS. HOLLENBERG: I could try
6 and do it in thirty minutes maybe.

7 CHAIRMAN GETZ: And, Mr. Hunt,
8 do you have questions for the witnesses?

9 MR. HUNT: Yes, a few, about
10 twenty minutes.

11 CHAIRMAN GETZ: Okay. All
12 right. Then, let's take the lunch recess and
13 return at 1:00. Thank you.

14 (Whereupon the lunch recess was taken
15 at 12:04 p.m, and the hearing resumed
16 at 1:15 p.m.)

17 CHAIRMAN GETZ: We're back on
18 the record and resuming with cross-examination by
19 Ms. Hollenberg.

20 MS. HOLLENBERG: Thank you. I
21 wanted to also report back to the Commission
22 about the administrative notice issue that we had
23 earlier. It's our understanding at this time --
24 and I'll allow the Company to speak if I speak
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1 incorrectly -- that the Company is no longer
2 seeking to have administrative notice taken of
3 the ILEC-6, and, rather, it's just the ILEC-3,
4 which is the annual report.

5 MR. MCHUGH: Correct.

6 MS. HOLLENBERG: And as a
7 result, we have no objection to that.

8 MR. MCHUGH: Thank you.

9 CHAIRMAN GETZ: Okay. Then
10 we'll take administrative notice.

11 MS. HOLLENBERG: Thank you.

12 CROSS-EXAMINATION (cont'd)

13 BY MS. HOLLENBERG:

14 Q. Mr. Reed, we talked a little bit before we
15 broke about the CoverageRight map that's
16 attached to your supplemental filing as
17 Exhibit G, and I asked you whether or not
18 that was the same CoverageRight data that
19 you relied on in the initial phase of this
20 proceeding. And I just want to make clear
21 that there was no update to that data
22 between those two phases. The map wasn't
23 updated.

24 A. (By Mr. Reed) I would have to check on that.

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- 1 My initial response is it was not updated.
2 But I would have to verify that it wasn't.
3 There was quite a time lapse there, so there
4 may have been an update. I mean, there is a
5 difference, in that we plotted the exchanges
6 on there. But I think it's exactly the
7 same, other than plotting the exchanges.
- 8 Q. Other than drawing the boundaries?
- 9 A. (By Mr. Reed) Yes.
- 10 Q. Okay. I guess I would just ask that at a
11 break --
- 12 A. (By Mr. Reed) I will check, yes.
- 13 Q. Thank you.
- 14 A. (By Mr. Reed) Yeah.
- 15 Q. And as you just mentioned, the Exhibit G
16 does show the outlines for all the Merrimack
17 County Telephone and Kearsage Telephone
18 Company exchanges.
- 19 A. (By Mr. Reed) Yes.
- 20 Q. I'd like to show you a document, which is
21 your response to Bailey 2.5 in this phase of
22 the proceeding. Do you recognize that
23 document?
- 24 A. (By Mr. Reed) Yes.

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1 CHAIRMAN GETZ: We'll mark

2 this for identification as OCA Exhibit 7.

3 MS. HOLLENBERG: Thank you.

4 (OCA Exhibit 7 marked for
5 identification.)

6 Q. Do you agree that you were asked in
7 Subsection A to identify all readings, tests
8 or other data which serve as inputs in the
9 CoverageRight database?

10 A. (By Mr. Reed) Yes.

11 Q. And your response below says, "See response
12 to (f) below."

13 A. (By Mr. Reed) Yes.

14 Q. And then if you turn to the second page,
15 Subsection F, the response states, "The
16 CoverageRight product is purchased on a
17 subscription basis from Empower Geographics,
18 a reseller of American Roamer products.
19 U.S. Cellular holds an existing license. In
20 the past, U.S. Cellular provided TDS Telecom
21 with the entire database. But after
22 renegotiating the contract and T&Cs, U.S.
23 Cellular can no longer provide the entire
24 database outside of the specific licenses

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1 they purchase. As such, TDS Telecom cannot
2 provide the database"; is that correct?

3 A. (By Mr. Reed) Yes.

4 Q. So when you were asked to identify all the
5 readings, and that was your response, is it
6 safe to say your response is that you don't
7 know the readings, tests or data that serve
8 as inputs into the CoverageRight database?

9 A. (By Mr. Reed) I don't know that. But the
10 people that prepared the map did. But we
11 can no longer provide those. U.S. Cellular
12 can no longer provide them.

13 Q. Okay. So you were not -- you did not
14 provide that information in response to
15 discovery in this case.

16 A. (By Mr. Reed) That's correct. Yes.

17 Q. And I'd like to next ask you to take a look
18 at your response to OCA 2.9 in the second
19 phase of this proceeding.

20 MS. HOLLENBERG: And if I
21 could have this marked for identification,
22 please.

23 CHAIRMAN GETZ: To be marked
24 as OCA No. 8.

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1 MS. HOLLENBERG: Thank you.

2 (OCA Exhibit 8 marked for
3 identification.)

4 Q. And do you agree that this is your response
5 to OCA 2.9 in Phase II of this proceeding?

6 A. (By Mr. Reed) Yes.

7 Q. And you were asked what, if any,
8 information -- oh, I'm sorry. I'm referring
9 to the wrong -- I apologize.

10 Okay. This response follows up on a
11 response to OCA 1-14. And I believe this
12 may actually be the same exhibit that's been
13 marked as Bailey Exhibit 75.

14 MS. HOLLENBERG: So if the
15 Commission prefers to keep that nomenclature, I
16 don't oppose that. I'm sorry for the confusion.

17 BY MS. HOLLENBERG:

18 Q. And I think you testified on
19 cross-examination by Intervenor Bailey's
20 attorneys about the sentence which states --
21 second sentence of your response which
22 states, "American Roamer states that all
23 coverage represented is that marketed by the
24 individual service providers."

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1 A. (By Mr. Reed) Yes.

2 Q. Do you recall that testimony?

3 A. (By Mr. Reed) Yes.

4 Q. And by "individual service providers,"

5 you -- that means wireless telephone

6 providers?

7 A. (By Mr. Reed) Yes.

8 Q. And those are the wireless telephone

9 providers whose service is represented in

10 Exhibit G?

11 A. (By Mr. Reed) Yes. I mean, that statement

12 is American Roamer's general statement. In

13 my particular case, I'm referring to G.

14 Q. Okay. Thank you.

15 And that statement then continues.

16 "The predictions" -- or "The patterns

17 represented are based upon the predictions

18 of the carriers themselves." Did I read

19 that correctly?

20 A. (By Mr. Reed) I'm sure you did, but I'm not

21 sure where you are.

22 Q. I'm sorry. That's the third sentence in the

23 response. "The patterns represented are

24 based upon the predictions..."

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1 A. (By Mr. Reed) Yes.

2 Q. And then the next sentence, "The predictions
3 represent a probability of being able to
4 place or receive a call." Did I read that
5 correctly?

6 A. (By Mr. Reed) Yes. Just to clarify, I
7 quoted this from the New York PSC's order,
8 who relied on American Roamer maps.

9 Q. Okay. Thank you.

10 And then the next sentence says, "Each
11 carrier can set the cutoff point at which
12 they no longer feel comfortable marketing
13 their service." Did I read that correctly?

14 A. (By Mr. Reed) Yes.

15 Q. Okay. Do you know what cutoff points each
16 carrier used in the CoverageRight map relied
17 on in this case?

18 A. (By Mr. Reed) I do not know. They keep that
19 confidential, I think. Yes.

20 CHAIRMAN GETZ: Well, for
21 administrative purposes, we'll keep this data
22 request and data response marked as OCA No. 8 but
23 recognize it has also been marked as Bailey 75.

24 MS. HOLLENBERG: Thank you.

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1 If I could just have a moment?

2 (Pause in proceedings)

3 BY MS. HOLLENBERG:

4 Q. Next I would like to ask you to look at a
5 document which is your response, Mr. Reed,
6 to OCA 1.14 in Phase II of this proceeding.

7 MS. HOLLENBERG: If I could
8 have this marked as the next OCA exhibit, please.

9 CHAIRMAN GETZ: Okay. Marked
10 as OCA No. 9.

11 MS. HOLLENBERG: Thank you.

12 (OCA Exhibit 9 marked for
13 identification.)

14 Q. And do you agree that you were asked in this
15 question what, if any, information about
16 signal strength is included in Exhibit G?

17 A. (By Mr. Reed) Yes.

18 Q. Do you agree that Exhibit G does not
19 indicate signal strength of the wireless
20 carriers that are reflected on it?

21 A. (By Mr. Reed) It does not display them, but
22 obviously it would rely on the coverage in
23 order to plot the area. So there has to
24 be -- that data has to underline that. But

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1 it's not displayed on Exhibit G, no.

2 Q. So, just to get into that just a little bit
3 more -- and I think I understand what you're
4 saying -- there has to be some underlying
5 signal strength data to support the
6 CoverageRight map; is that what you're
7 saying?

8 A. (By Mr. Reed) That's what the carriers
9 report, yes, in order to create the map.

10 Q. And that is signal strength data that each
11 carrier selects for themselves, in terms of
12 marketing their services; correct?

13 A. (By Mr. Reed) Yes, that's where they feel
14 the signals are good enough to market their
15 service.

16 Q. And the CoverageRight map, the different
17 variations of the green represent the number
18 of carriers in those areas?

19 A. (By Mr. Reed) Yes.

20 Q. And it's a compilation of all carriers'
21 results?

22 A. (By Mr. Reed) Yes.

23 Q. Okay. And there's no indication, though,
24 from Exhibit G, and you do not have any

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1 information about what signal strength was
2 used by each carrier to create the
3 CoverageRight map.

4 A. (By Mr. Reed) Not on Exhibit G. We provided
5 that through the benchmarking analysis.

6 Q. Yes, I understand. For the C Squared you
7 do --

8 A. (By Mr. Reed) Yes.

9 Q. -- but not for the Exhibit G, CoverageRight
10 map; right?

11 A. (By Mr. Reed) That's right.

12 Q. Thank you.

13 I will next ask you to look at your
14 response to Staff 1-73, which is actually a
15 data response from the first phase of this
16 proceeding.

17 MS. HOLLENBERG: And if that
18 could be marked as OCA Exhibit 10.

19 CHAIRMAN GETZ: So marked.

20 MS. HOLLENBERG: Thank you.

21 (OCA Exhibit 10 marked for
22 identification.)

23 Q. Do you disagree that you were asked in this
24 question to provide an outline of the

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- 1 cellular coverage area with a minimum of
2 negative 80 dBm on a copy of each of MCTs
3 exchange boundary maps on file with the
4 Commission?
- 5 A. (By Mr. Reed) Yes.
- 6 Q. And do you agree that the third sentence of
7 your response states that the companies do
8 not have access to a map of negative 80 dBm?
- 9 A. (By Mr. Reed) Yes.
- 10 Q. And the sentence before that states the
11 cellular coverage map -- meaning the C
12 Squared -- or meaning the CoverageRight
13 map -- is based on 32 dBu; is that correct?
- 14 A. (By Mr. Reed) Yes.
- 15 Q. Mr. Goulet, do you agree that dBm is a
16 measure of signal strength of the wireless
17 signal at the receiving end?
- 18 A. (By Mr. Goulet) dBm is a relative term. It
19 refers to decibel in reference to milliwatt.
20 That's what dBm refers to, period.
- 21 Q. But you measured it at the receiving end in
22 your tests, the receiver of your handsets in
23 your car?
- 24 A. (By Mr. Goulet) It was reported right out of
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1 the subscriber units in the vehicle.

2 Correct.

3 Q. And what's the difference with dBu?

4 A. (By Mr. Goulet) dBu is this piece of -- dBu
5 has to -- 32 dBu contours were required by
6 the FCC for earlier, when cellular first
7 came to be, when you had to define your
8 coverage areas. That's what the 32 dBu
9 contour is. I have -- we don't use 32 dBu
10 contours anymore.

11 Q. Does it measure -- does dBu -- as opposed to
12 measuring at the receiving end, is it
13 correct that dBu measures it where the
14 signal is emitted --

15 A. (By Mr. Goulet) Correct.

16 Q. -- at the source?

17 A. (By Mr. Goulet) Correct.

18 Q. Thank you.

19 A. (By Mr. Goulet) It's in reference to
20 microwave.

21 Q. Okay. And I guess, just to be clear, if the
22 CoverageRight map is based on 32 dBu, that
23 is a different type of data from your
24 C Squared analysis data; is that correct?

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1 The dBm data.

2 A. (By Mr. Goulet) But I would have to -- just
3 to explain, I would have to say that --

4 Q. I'm sorry. If you could just say "Yes" or
5 "No," it makes it much easier for the
6 transcript.

7 A. (By Mr. Goulet) Well, no, then I can't.

8 Q. Well, you can explain your answer. But I
9 guess --

10 A. (By Mr. Goulet) Oh, I can say, "Yes,
11 but..."?

12 Q. Absolutely.

13 A. (By Mr. Goulet) Oh, okay, I'll do that.
14 Yes, but I believe there's way too much
15 focus in this room on signal strength. And
16 as far as each carrier having a different
17 signal strength, it's a function of their
18 technology platform and their business plan.
19 So if we use a threshold in our benchmark
20 report of, say 85, neg 85, that is a nominal
21 value we used based on our knowledge from
22 working -- we currently work with six
23 wireless carriers. They don't all use
24 necessarily a neg 85. But they all have

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1 different platforms, so there are different
2 thresholds based on the platform that
3 they're using.

4 Q. Thank you. I appreciate that. And I'm
5 really not trying to get into the validity
6 of your choices, in terms of the
7 measurements you used. I just was trying to
8 point out that you used a dBm measurement,
9 and the CoverageRight map relies on a dBu
10 measurement.

11 A. (By Mr. Goulet) And I believe that Verizon
12 uses the dBm measurement also.

13 Q. But the CoverageRight maps that the Company
14 is relying on for certain exchanges uses
15 dBu.

16 A. (By Mr. Goulet) I can't --

17 Q. Is this what it says?

18 A. (By Mr. Goulet) I can't respond to that
19 because I don't know what they use. But I
20 know what the carriers provide is dBm.

21 Q. Mr. Reed, is this what it says, that the
22 CoverageRight map is based on 32 dBu?

23 A. (By Mr. Reed) I'm sorry to say I have to
24 take a look at these. It doesn't say this

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1 is a CoverageRight map exhibit, and I have
2 to take a quick look if I could.

3 Q. Sure.

4 A. (By Mr. Reed) I'm answering as though it is,
5 and I am not a hundred percent sure.

6 Q. Absolutely.

7 A. (By Mr. Reed) That was awhile back, and I'm
8 not --

9 Q. Absolutely.

10 CHAIRMAN GETZ: Let's just go
11 off the record if we're going to have some
12 cross-talk about finding exhibits.

13 (Pause in proceedings)

14 CHAIRMAN GETZ: Let's go back
15 on the record. Are you ready, Mr. Reed?

16 MR. REED: Yes, I am. Thank
17 you.

18 BY MS. HOLLENBERG:

19 Q. Thank you. Do you agree this answer says
20 that the cellular coverage map, which refers
21 to the CoverageRight map, is based on 32
22 dBU?

23 A. (By Mr. Reed) Yes, I do.

24 Q. Okay. Thank you.

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1 Mr. Reed, if you could refer to your
2 supplemental testimony, KTC-MCT Exhibit 6C,
3 please. And I would like you to
4 specifically look at Page 12, Lines 13 to
5 16.

6 A. (By Mr. Reed) Yes.

7 Q. You indicate at this point that wireless
8 telecommunications is offered to virtually
9 100 percent of the service areas within
10 these two exchanges. And I believe you're
11 referring to Salisbury and Sutton; is that
12 correct?

13 A. (By Mr. Reed) Yes.

14 Q. And I'm just -- I just had passed out
15 Bailey Exhibit 53, which is a copy of R.S.A.
16 374:3-b. Could you tell me where, if at
17 all, the words "offer" or "offered" is
18 indicated or is included in that statute?

19 (Witness reviews document.)

20 A. (By Mr. Reed) I would guess that it's not
21 there. But if you'd like me to read the
22 whole thing, I will. It says "available."

23 Q. I guess if you -- okay. And if you could
24 now look at your supplemental testimony at

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1 Page 13, Lines 5 through 20. Do you agree
2 that you talk here about the New York State
3 Public Service Commission, this case and
4 decision, that you state relied on the
5 CoverageRight maps to determine the level of
6 wireless competition in the ILEC areas of
7 New York?

8 A. (By Mr. Reed) Yes.

9 MS. HOLLENBERG: And I've just
10 asked to be distributed the Company's response to
11 Bailey 1.35 in Phase II. And if that could be
12 marked for identification, please, as OCA
13 Exhibit 11?

14 CHAIRMAN GETZ: So marked.

15 (OCA Exhibit 11 marked for
16 identification.)

17 BY MS. HOLLENBERG:

18 Q. Do you agree that the New York Public
19 Service Commission's order adopted a
20 framework for alternative regulation of
21 independent telephone companies in New York?

22 A. (By Mr. Reed) I would have to double-check.
23 I'm not sure if it was a framework for
24 alternative regulation. It was a framework

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1 indicating competition. I don't remember if
2 it exactly said that, "adopting framework."
3 But let me look.

4 Q. Okay. So you are familiar with this order,
5 though, because you cited it in your
6 testimony; correct?

7 A. (By Mr. Reed) In the matter of examining a
8 framework for regulatory relief.

9 Q. Okay.

10 A. (By Mr. Reed) I actually participated in
11 this docket, yes.

12 Q. And do you agree that the regulatory relief
13 was focused on setting rates for independent
14 telephone companies in New York?

15 A. (By Mr. Reed) No, not entirely.

16 Q. Okay. And could you tell me what the
17 purpose of the docket was?

18 A. (By Mr. Reed) It included that. But it was
19 a framework identifying competition, the
20 competitive environment in the State of New
21 York. The initial phase of the docket was
22 zeroed in on Verizon and Frontier. And this
23 was the second phase of the docket where
24 they picked up the other ILECs in the remote

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1 exchanges of Frontier.

2 Q. And the framework, though, do you agree, for
3 determining competition also determined the
4 type of rate relief that these ILECs would
5 be eligible for?

6 A. (By Mr. Reed) They allowed some rate relief,
7 yes. But it was based on several
8 characteristics other than just the
9 competition.

10 Q. Yes. Thank you.

11 And would you agree that that -- I
12 heard you talking about the first phase and
13 that TDS was among the ILECs that petitioned
14 for this kind of framework before this
15 phase, the second phase of the proceeding
16 was opened.

17 A. (By Mr. Reed) Yes, TDS did participate. I
18 have six companies in New York that I work
19 with.

20 Q. And as you alluded to earlier, the framework
21 that the New York Public Service Commission
22 adopted included two factors, and
23 competition or competitive presence was one
24 of them.

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1 A. (By Mr. Reed) Yes.

2 Q. And that was as measured by the percent of
3 cable and wireless alternatives available.

4 A. (By Mr. Reed) That was part of it, yes.

5 Q. Okay. So they required, do you recall -- is
6 it correct to say that the New York Public
7 Service Commission in this case required
8 there to be evidence of two competitive
9 alternatives?

10 A. (By Mr. Reed) Yes.

11 Q. And the other factor included in the
12 framework was an adjusted return on equity;
13 is that correct?

14 A. (By Mr. Reed) Oh, sure. There was more to
15 this than just identifying competition.

16 Q. And you would agree that the proceeding that
17 we're involved in at this point, the Company
18 did not propose or request a review of its
19 adjusted return on equity?

20 A. (By Mr. Reed) Yes. I was not indicating
21 that we should follow the New York PSC
22 example. I was indicating that the New York
23 PSC relied on the American Roamer product as
24 proof of wireless competition in upstate New

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1 York. And I did work with Staff on that,
2 and as well as the maps.

3 I would just add that I used the same
4 process in that case, or almost
5 simultaneous, where I plotted out the cable
6 competition and provided maps. It was less
7 formal than we did here, but it was very,
8 very similar.

9 Q. Okay. Could you look at Page 12 and 13 of
10 the order, please.

11 A. (By Mr. Reed) Yes.

12 Q. Before we --

13 MR. MCHUGH: Attorney
14 Hollenberg, I just --

15 MS. HOLLENBERG: It's Bates 13
16 and 14, but it's Page 12 and 13 of the order.

17 MR. MCHUGH: Thank you.

18 MS. HOLLENBERG: Thank you.

19 BY MS. HOLLENBERG:

20 Q. Before we talk about the relief to be
21 granted portion of this order, do you agree
22 that the New York Public Service Commission
23 did not consider DSL for purposes of
24 determining competitive presence?

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- 1 A. (By Mr. Reed) I would have to go back and
2 read it. I don't recall that.
- 3 Q. Okay. And these -- you would agree that
4 these pages of the order describe the four
5 categories of rate relief provided by this
6 Commission in the -- by the New York
7 Commission in its order?
- 8 A. (By Mr. Reed) Yes.
- 9 Q. And the first type of rate relief applied
10 where there was a definitive competitive
11 presence and a reasonable adjusted
12 intrastate ROE; is that correct?
- 13 A. (By Mr. Reed) Yes.
- 14 Q. And this allowed for some basic rate
15 flexibility. But it was up to \$2 per year
16 for two years; is that correct?
- 17 A. (By Mr. Reed) Yes.
- 18 Q. Okay. And the Commission said it would
19 revisit that in two years; is that correct?
- 20 A. (By Mr. Reed) Yes.
- 21 Q. And it also required that the ROE plus 500
22 basis points, that it be at a point where it
23 was a reasonable adjusted ROE, which was not
24 to exceed an allowed ROE plus 500 basis

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1 points?

2 A. (By Mr. Reed) Yes. Just need to point out
3 that we're not talking apples and apples
4 here, because there were companies in New
5 York that were absolutely in need of rate
6 relief and were trying to work through that
7 issue at the same time of determining
8 competition. That's not the model we're
9 following here. This is a very different
10 outcome because of that. I relied on this
11 for the identification of competition.
12 That's why.

13 Q. Okay. And I guess that's helpful, because I
14 wasn't sure from your testimony about the
15 extent of your reliance on this case.

16 A. (By Mr. Reed) Yeah. We just fired up the
17 next phase, which is a state USF. So if you
18 want, we can hear it if you'd like.

19 Q. No, not today.

20 But that was the category, Category 1,
21 that the TDS companies were qualified for.

22 A. (By Mr. Reed) Yes. And I could add that we
23 have not done any rate increases. I have
24 local rates there that range from \$8 a month

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1 to a high of -- these are round numbers --
2 \$16 a month. And this order granted us the
3 ability to file a rate increase of two bucks
4 each year for two years. And we did not
5 take advantage of any of that, for the
6 simple reason that we have the competition
7 that they identified.

8 Q. Okay. Thank you.

9 Would you agree, without having me go
10 through each category of rate relief
11 provided, that the \$2 a year for two years
12 was the maximum basic rate relief that was
13 allowed by this order?

14 A. (By Mr. Reed) That is correct. But we do
15 have companies that are going through the
16 regular process of rate relief in addition
17 to this.

18 Q. Okay. That's fine. Thank you.

19 A. (By Mr. Reed) I'm sorry. TDS does not have
20 companies going through that. I also
21 represent the New York State Telephone
22 Association. So I'm sorry. I used that
23 term loosely. Some of the new members are
24 going through this process.

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1 Q. Okay. But as far as that order you referred
2 to in your testimony, the greatest extent of
3 basic relief was \$2 a year for two years.

4 A. (By Mr. Reed) For two years, yes.

5 Q. With a re-examination after two years.

6 A. (By Mr. Reed) That's correct. Yes.

7 Q. Thank you.

8 At the hearing in Phase I of this
9 docket, the Company acknowledged that there
10 had been no requests to port a number to a
11 VoIP provider. Do you recall that?

12 A. (By Mr. Reed) Yes.

13 Q. And I believe you were asked some questions
14 about it the first day of this hearing. And
15 I guess I was curious if the Company had
16 received any port requests since then.

17 A. (By Mr. Reed) I'm sorry. I have not updated
18 that porting request. I'm trying to get the
19 data now. I did not file it as part of
20 this.

21 Q. Okay.

22 A. (By Mr. Reed) You know, I could have. I
23 mean, we relied on providing the wireless
24 signal as the benchmark that we needed, in

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1 addition to, as I filed in the supplemental
2 testimony, the significant losses we're
3 facing in access lines and access minutes.
4 I should have told you that earlier today.
5 But Exhibit G, along with all of the losses
6 we're experiencing, is what we filed. I
7 could have done that. And I could do that
8 as a record request if you'd like.

9 Q. And I guess I would leave it to the
10 Commission's discretion as to whether or not
11 that would be helpful for you to see whether
12 or not the Company has received any porting
13 requests since Phase I.

14 MS. HOLLENBERG: If you want
15 to reserve a record request for that or reserve
16 an exhibit?

17 CHAIRMAN GETZ: All right. We
18 will reserve OCA No. 12 for that response.

19 MS. HOLLENBERG: Okay. Thank
20 you.

21 (OCA EXHIBIT 12 RESERVED FOR RECORD
22 REQUEST BY OCA.)

23 A. (By Mr. Reed) A majority of the port
24 requests we get -- for example, in New York
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[WITNESS PANEL: REED|GOULET]

1 State where Time Warner is quite active, we
2 get them from customers who port to Time
3 Warner. I anticipate that most of the
4 porting requests are going to come from
5 Comcast. Some of these are wireless. And
6 I'll try to get those data for you.

7 Q. Okay. And I am almost done, I just want you
8 to know.

9 If you could look, Mr. Reed, at your
10 rebuttal, which is KTC-MCT Exhibit 7,
11 please?

12 A. (By Mr. Reed) Yes.

13 Q. Thank you. If you go to Page 3, Lines 11
14 through 20, please. We touched a little bit
15 earlier on some confusion that existed about
16 which was the actual and which was the
17 proposed drive route for C Squared. I'm
18 sorry. Strike that.

19 In this section you were actually
20 talking about Section 6.2, Subsection 5,
21 that Mr. Eckberg stated in testimony had
22 been effectively moved up, in terms of the
23 Commission's order in Phase I?

24 A. (By Mr. Reed) Yes.

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1 Q. And your response, you say at Line 18, "I do
2 not believe that Section 6.2 of the
3 settlement agreement remains applicable, and
4 it should be revised to reflect that MCT and
5 KTC have made the requisite showing of
6 competition."

7 A. (By Mr. Reed) Yes.

8 Q. Is it your testimony that all of 6.2 of the
9 settlement agreement no longer applies, or
10 just Subsection 5? And just to assist you,
11 I have Exhibit 6, which is the settlement
12 agreement from Phase I. And Section 6.2 can
13 be found on Page 4 of exhibit -- Page 5 of
14 Exhibit 6, which is Page 4 of the settlement
15 agreement itself.

16 (Witness reviews document.)

17 A. (By Mr. Reed) Yes.

18 Q. Your position is that 6.2 should no longer
19 apply?

20 A. (By Mr. Reed) Yes.

21 Q. And just to clarify, when you say that you
22 believe that the settlement agreement should
23 be revised to, quote, reflect that MCT and
24 KTC have made the requisite showing of

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- 1 competition, you're not suggesting that you
2 made that before this supplemental filing.
3 You're suggesting that that is being made by
4 your supplemental filing.
- 5 A. (By Mr. Reed) Yes.
- 6 Q. Okay. And if you could turn to Pages 6 and
7 7 of your rebuttal, please. You talked...
8 you talked here about some updated data for
9 access line loss and minutes -- intrastate
10 access minutes of use?
- 11 A. (By Mr. Reed) Yes.
- 12 Q. And these were -- this is data for Merrimack
13 County Telephone and Kearsarge Telephone
14 Company as a whole. They're not exchange
15 numbers, are they?
- 16 A. (By Mr. Reed) Depends on where you're
17 talking. You're on Page 6?
- 18 Q. Yes.
- 19 A. (By Mr. Reed) Those are numbers for the
20 entire Company, yes. On Page 7 we break out
21 the access lines.
- 22 Q. Yes. Yes. And do you agree that on Page 7
23 the numbers, the loss numbers are not the
24 same for each exchange?

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1 A. (By Mr. Reed) Yes.

2 Q. And you didn't file updated access line data
3 with your supplemental testimony, did you?

4 A. (By Mr. Reed) We did in data responses,
5 Staff data response.

6 Q. But not with your supplemental testimony.

7 A. (By Mr. Reed) I don't believe I did.

8 Q. Nor any minutes of used data in your
9 supplemental testimony.

10 A. (By Mr. Reed) Now I better go back and look.

11 (Witness reviews document.)

12 A. (By Mr. Reed) I do not believe so, no.

13 Q. No. Thank you.

14 Exhibit 6, which was passed around a
15 little bit ago, is the settlement agreement.
16 At Page 4, and possibly Bates Page 5, it
17 talks about Section 6.2, which requires a
18 two-year rate freeze for basic services. Do
19 you see that?

20 A. (By Mr. Reed) Yes.

21 Q. You would agree that that two-year rate
22 freeze begins from the date of the
23 Commission's order approving the plan, or
24 the plans?

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1 (Witness reviews document.)

2 Q. When did the --

3 A. (By Mr. Reed) In the supplemental file are
4 you talking now?

5 Q. I guess, when does the two-year rate
6 freeze --

7 A. (By Mr. Reed) Oh, when the Commission
8 approves. Yes, I agree with you.

9 Q. Okay. Thank you.

10 And Section 6.2 provided the
11 termination, the mechanism for termination.
12 And if Section 6.2 no longer applies, is it
13 your position that that automatically
14 expires after two years?

15 A. (By Mr. Reed) Yes. Just to be clear, the
16 rates will still be frozen for two years
17 after the Commission issues their order.

18 Q. Yes, but there would not be any process or
19 showing by the Company after two years?

20 A. (By Mr. Reed) No.

21 Q. Thank you.

22 And following the basic rate cap
23 period, Section 6.3 states that basic rates
24 will be able to increase 10 percent per year

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1 for four years. Yes?

2 A. (By Mr. Reed) Yes.

3 Q. And that's up to a cap equal to the
4 corresponding basic service rates charged by
5 FairPoint.

6 A. (By Mr. Reed) Yes.

7 Q. And just a question about the exogenous base
8 rate changes. I'm wondering if you could
9 answer a question based on this
10 hypothetical: If FairPoint raises its rates
11 because of an exogenous event, that would
12 change the cap for TDS rates; right? So
13 would TDS also be able to raise its rates
14 for the exogenous event -- the same
15 exogenous event?

16 A. (By Mr. Reed) I think we could probably read
17 it that way. But the "exogenous event"
18 would have to be approved by the Commission.
19 We'd have to make a case, bring it in and go
20 through that exercise. It could, but it
21 would still come before the Commission.
22 That's the whole purpose of the "exogenous."

23 Q. Okay. And after the first four years where
24 the basic rate increases are somewhat

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1 limited, what happens to the rates after
2 that? Can they be raised at all, or do you
3 have no limit?

4 (Witness reviews document.)

5 A. (By Mr. Reed) There were no -- it would be a
6 competitive marketplace.

7 Q. No limit?

8 A. (By Mr. Reed) Yeah.

9 Q. And if you look at Section 9 of the
10 settlement agreement, which you can find --

11 A. (By Mr. Reed) You know, just keep in mind
12 that we anticipated with the rate freeze in
13 the settlement agreement that there's
14 another -- well, in the case of the two
15 companies we're talking about, a four-year
16 rate freeze and then a gradual increase over
17 four years, that there would be no doubt in
18 anyone's mind we'd be in a fully competitive
19 market at that point.

20 Q. So when you say a "four-year rate freeze,"
21 are you talking about the years --

22 A. (By Mr. Reed) We've already had two.

23 Q. So, not -- but under the settlement
24 agreement, it's two years.

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1 A. (By Mr. Reed) Be two.

2 Q. Okay. Section 9 requires the companies to
3 work with OCA, NHLA and Staff to improve
4 dissemination of information regarding the
5 Lifeline and Link-Up programs to eligible
6 persons to increase participation in
7 programs. Could you tell me what has
8 happened in the Hollis and Wilton exchanges
9 for purposes of that provision since it was
10 approved?

11 A. (By Mr. Reed) I'm not aware that we've done
12 anything. We've had conversation with the
13 OC -- with NHLA, but it's been in regard to
14 this filing.

15 Q. Okay.

16 A. (By Mr. Reed) We sent out all the notices,
17 and I'm not sure what's been done in
18 addition to that. We do follow all the
19 rules and send out Lifeline notices and make
20 sure we're alerting customers. But there's
21 always a struggle to find out how to get
22 people on board.

23 Q. Okay. Do you -- strike that.

24 I know that the revised plan that's

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1 under consideration now offers the Company
2 to bundle services with -- bundle services;
3 correct?

4 A. (By Mr. Reed) Yes.

5 Q. And is it that the Company can't offer
6 bundled service right now?

7 A. (By Mr. Reed) We can't offer them as easily
8 as our competitors do. They're still
9 subject to review by the Commission, data
10 requests, ongoing scrutiny. We can't just
11 roll them out and get them in place. We're
12 up against a strong competitor. There's a
13 process; it's the regulatory process we go
14 through with a tariff product.

15 Q. But to clarify, would you agree that
16 typically when you roll out a new product,
17 you file a revised tariff?

18 A. (By Mr. Reed) Yes.

19 Q. How often is it that that becomes an
20 adjudicatory proceeding?

21 A. (By Mr. Reed) Maybe not a full proceeding,
22 but it's certainly subject to review and
23 delay.

24 Q. Okay. Okay. Mr. Goulet, I just have a
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1 couple quick questions for you. You would
2 agree that you have in your career worked
3 for the same companies that you tested for
4 TDS --

5 A. (By Mr. Goulet) Yes.

6 Q. -- or affiliates? Yes.

7 And you would agree that C Squared
8 would like to continue working for these
9 companies; isn't that correct?

10 A. (By Mr. Goulet) Yes.

11 Q. And just to clarify, you did answer some
12 questions about the Blumberg report for the
13 CDC, and I just wondered whether you have
14 studied any -- done any -- conducted any
15 studies regarding the number of
16 wireless-only homes within the Merrimack
17 County Telephone and Kearsarge Telephone
18 Company territories.

19 A. (By Mr. Goulet) No, I have not.

20 Q. Would you agree that there is a portion of
21 the actual drive route that C Squared
22 performed in the Sutton exchange where there
23 was no signal along I-89 South?

24 A. (By Mr. Goulet) Yes, I would.

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1 Q. So that was the actual drive route with no
2 signal; is that right?

3 A. (By Mr. Goulet) Oh, there was signal. What
4 that means is that the call dropped at that
5 point and did not re-initiate, for whatever
6 reason, on -- the phone couldn't access.
7 But if you notice, there are no homes in
8 that section of road, either.

9 Q. Thank you. But do you agree that your map
10 for the Sutton exchange reflects a portion
11 of I-89 South with no signal that you
12 actually drove?

13 A. (By Mr. Goulet) No. I agree -- you keep
14 using the term "no signal." I agree that
15 the call dropped at some point in time on
16 the southbound side of I-89. If you notice
17 on the northbound side of I-89 in the same
18 exchange, there is coverage.

19 Q. Is there signal strength data for the
20 southbound I-89, entire southbound I-89?

21 A. (By Mr. Goulet) No, there is not.

22 Q. Okay. Thank you.

23 You talked about a link budget. Could
24 you just tell me what that is.

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1 A. (By Mr. Goulet) Sure. Each carrier built
2 their networks based on what is called an RF
3 link budget. That's a radio frequency link
4 budget. And based on the technology of that
5 carrier, whether they're CDMA, which is the
6 code division multiple access, or TDMA,
7 which is time division -- so, basically, you
8 have T-Mobile, AT&T are GSM carriers. Their
9 platform was the TDMA; they're now GSM. You
10 have Sprint, Verizon, U.S. Cellular are CDMA
11 carriers. So they have different platforms
12 and they have different link budgets. Some
13 of the metrics within the link budget are
14 the same. For example: The phones are
15 designed to put out X-power. The handsets
16 can only go out so much. It's not
17 unlimited. The base stations can only go
18 out so much. It's limited. A typical base
19 station is in the neighborhood of 16 to 20
20 watts output power out of the base station.
21 A phone is six-tenths of a watt, okay.

22 Now, in the link budget you have things
23 like the output power of the phone, the
24 receive sensitivity of the phone, the

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1 receive sensitivity of the base station, the
2 output power of the base station, typically
3 2dB body loss -- that's for when -- the days
4 of holding the phone near your head. Now
5 with Bluetooth, of course, that tends to go
6 away. Then, each carrier, based on their
7 technology platforms, there's things that
8 change in the link budget. There's things
9 like fade margin. CDMA has soft hand-off
10 gain. GSM doesn't have that.

11 Q. Can I ask you a question here? Am I
12 understanding when I'm listening to you, is
13 it fair to call those, like, assumptions?
14 When you're doing a test --

15 A. (By Mr. Goulet) No.

16 Q. -- you're assuming certain things?

17 A. (By Mr. Goulet) No, not at all. There's
18 assumptions and -- for example: The base
19 station. The base stations have to be
20 FCC-type accepted. So they have to have a
21 specific -- they have to meet noise floor --
22 noise figure -- excuse me -- requirements.
23 That's not an assumption. The handsets have
24 to meet spec. That's not an assumption.

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1 There are -- yes, there are a lot of
2 theories that come into play for things like
3 soft hand-off gain, spectral density, a
4 number of things that play into their link
5 budget. The point is, each carrier has
6 their link budget, and it's based on their
7 technology again. So what their cutoff
8 threshold is in this link budget -- they
9 have a link budget for dense urban and they
10 have another link budget for urban. Dense
11 urban is 20-story buildings, concrete,
12 Calcutta, or wherever we were talking about
13 the other day.

14 Q. Karachi.

15 A. (By Mr. Goulet) Karachi. Things like --
16 anyway. For example: The financial
17 district in downtown Boston is a dense
18 urban. Concord is urban. Manchester is
19 urban. Parts of Providence, Rhode Island
20 are dense urban because you have 50-story
21 buildings and they're very congested. Then
22 you have urban and then you have suburban.
23 And you have to be careful. Suburban
24 Somerville, Massachusetts is not the same as

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1 suburban Concord. And then you have rural.
2 This is a rural market that we're working
3 in. So we used the link budget for each
4 carrier. Now, for example -- and I'm not
5 going to give out carrier's link budgets
6 because that's proprietary.

7 But let's assume you have Carrier A,
8 and their bottom-line threshold for rural is
9 neg 82. Carrier B, their bottom-line link
10 budget might be neg 85. C, D and E, their
11 bottom-line link budget may be minus 90.
12 That link budget means that's for
13 in-building. That link budget means at
14 minus-90 link budget that has already -- you
15 can have 10 dB of loss for a typical
16 wooden-structured home in a rural area, and
17 you would still have a reliable call.

18 Q. According to that carrier.

19 A. (By Mr. Goulet) For that carrier, for that
20 platform, for this market. That's very
21 important, because -- and I want to explain
22 something. Somebody mentioned something
23 earlier about the number of cell sites.

24 Q. You know what? I'm going to interrupt you,
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1 actually, because you have very competent
2 attorneys that can ask you great questions
3 on redirect. And I don't want this
4 Commission --

5 A. (By Mr. Goulet) I'm sorry.

6 Q. -- to get any more angry at me for taking up
7 their time. So --

8 A. (By Mr. Goulet) No, engineers just ramble.
9 Go ahead.

10 MR. MCHUGH: Well, Mr.
11 Chairman, she asked a question, and he wasn't
12 finished with his answer.

13 CHAIRMAN GETZ: Yeah, I
14 think -- I find this useful 'cause we're finally
15 getting to him explaining --

16 MS. HOLLENBERG: Okay.

17 CHAIRMAN GETZ: -- what the RF
18 link budget is and what it's meant to accomplish.

19 MS. HOLLENBERG: Okay.

20 CHAIRMAN GETZ: So if you want
21 to go further, please do.

22 A. (By Mr. Goulet) All right. Going back to
23 the link budget, when we provided -- came up
24 with the values to use in the plots -- this

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1 is critical because we wanted to be
2 conservative -- we didn't want to give the
3 best case. We wanted to give a worst-case
4 scenario. So what we did was, if Carrier A
5 was 82, and one was 90 and one was 85, we
6 said, okay, we're going to use a nominal
7 value of 85, which is a very reasonable
8 value for this market. That's going to be
9 our cutoff point. Now, the one thing we did
10 not include was the fact that the phones
11 were mounted at a 45-degree angle down on
12 the lower wall of the SUV below the window.
13 We haven't accounted for that in-vehicle
14 loss, which typically in a link budget it's
15 5 to 8 dB. What that means is we show you a
16 dot on the map that says neg 85. That neg
17 85 is really a neg 80 or a neg 78 because of
18 that 5 to 8 -- because we didn't -- we don't
19 have the phones. We're not holding them
20 outside the vehicle like this up in the air.
21 They're inside the vehicle behind the wall
22 of the metal, and they're on an angle. So
23 it's not like the antennas are sticking up
24 in a perfect situation. So there's a 7 -- a

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1 5 to 8 dB which is relative to that. So
2 now, that 85, really, subtract 7 from that.
3 So now you take that signal and you bring it
4 in the house. And I think we've all agreed
5 that there's 10 dB loss. It's in the FCC
6 reports that were brought up, the CFRs. A
7 10 dB is a legitimate value to use for a
8 wooden structure. So now, that's 77, 78,
9 79, 80 outside. You walk through the wall
10 of the house, that's a 90. That, I am
11 telling you, in a rural market, because you
12 don't have -- that 90 in Boston would never
13 work. That 90 in downtown Manchester might
14 not work because you've got so much traffic,
15 so many users all in a closed-in area that
16 makes your noise floor go way up.

17 Now, you -- it's just like in this
18 room. If I'm talking to you, and then the
19 stenographer, who never speaks, starts
20 talking to me, and three more people start
21 talking to me, I've got to talk louder so
22 that I can understand what you're saying,
23 and you've got to talk louder. That's the
24 noise floor going up. Same thing. In a

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1 rural market, you don't have that number of
2 customers. So therefore, you can live with
3 a neg 90 in a home in New Hampshire in these
4 markets that we're talking about. Have I
5 rambled long enough?

6 Q. I didn't say that. I just want to clarify
7 with you your statement just a moment ago
8 about the fact that your data does not
9 reflect dB loss for in-vehicle and that it
10 really reflects a higher, closer to zero --

11 A. (By Mr. Goulet) No, the data reflects --

12 Q. Excuse me, sir.

13 A. (By Mr. Goulet) -- exactly what the phones
14 reported.

15 Q. Okay. But you said that it didn't account
16 for the dB loss in the vehicle?

17 A. (By Mr. Goulet) Correct.

18 Q. Okay. And then you just stated that a
19 neg 85 dB is really a neg 80?

20 A. (By Mr. Goulet) Yeah, worst case.

21 Q. Okay. Is this the first time you're making
22 that statement in this proceeding?

23 A. (By Mr. Goulet) I believe the statement --
24 and give me a minute to answer that.

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1 In the beginning of the report which
2 we're calling Exhibit D... okay. No, I take
3 that back. It describes the positioning of
4 the phones within the vehicle at a 45-degree
5 angle. But I do not make -- I do not make
6 any distinction on the adjustment. But I'm
7 not sure why that's relevant, because I
8 recorded the values. It is this -- these
9 proceedings that you're all adding and
10 adding correction factors. The values that
11 I reported and the plots that were generated
12 are based on the RF link budget. That's all
13 you should need to know.

14 Q. Okay. You were asked on cross-examination
15 about your rebuttal testimony at Page 8,
16 Line 2. And the questions related to the
17 word -- your use of the word "competitive."
18 And I just want to clarify.

19 You talked about at that point -- and
20 the reason I asked you about the link
21 budgets was I think that was the first time
22 it came up, those words. And I think I
23 heard you say that you were thinking about
24 "competitive" in terms of wireless carriers

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1 competing with each other. Is that correct?

2 A. (By Mr. Goulet) I did say that. I was also,
3 just to explain further, talking about
4 they're competing with each other, and
5 they're also competing with the wireline.

6 Q. Okay. But you said that it was in terms of
7 wireless carriers competing with other
8 wireless carriers.

9 A. (By Mr. Goulet) Yes, I did say that.

10 Q. And I just -- you also on cross talked about
11 the atmospheric condition issue, and you
12 were asked to look at some marketing
13 information from the Internet from different
14 wireless providers. Do you recall that?

15 A. (By Mr. Goulet) Yes, I do.

16 Q. And I just want to clarify. I think you
17 characterized it as "marketing literature."
18 Do you recall that?

19 A. (By Mr. Goulet) Yes.

20 Q. Okay. Would you agree that the Commission
21 should not rely on marketing literature?

22 A. (By Mr. Goulet) It's not up to me to say.
23 I'm not here to testify against marketing
24 literature.

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1 Q. Is it your position that marketing
2 literature of wireless carriers is a
3 reliable source of information?

4 A. (By Mr. Goulet) No, I didn't say that. I
5 said I don't think that marketing material
6 for wireless carriers, or TDS for that
7 matter, is a solid source of information.
8 And I don't think anyone in this room does.

9 Q. Okay. Thank you.

10 MS. HOLLENBERG: I don't have
11 any other questions.

12 CHAIRMAN GETZ: Mr. Hunt.

13 MR. HUNT: Thank you.

14 CROSS-EXAMINATION

15 BY MR. HUNT:

16 Q. Good afternoon, Mr. Reed. Good afternoon,
17 Mr. Goulet.

18 A. (By Mr. Goulet) Good afternoon.

19 Q. Some questions for you, Mr. Goulet, first.
20 You testified as to the ability of cell
21 phones to compensate for signal loss
22 previously. Do you recall talking about
23 that?

24 A. (By Mr. Goulet) Yes.

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1 Q. Can you explain how that compensation occurs
2 with the phone?

3 A. (By Mr. Goulet) Sure. If you look at
4 Exhibit E in your -- and you need to -- the
5 only way I can explain it is if you can look
6 at the original benchmark report. If you go
7 to -- I believe Exhibit E is Sutton. If you
8 go to Figure 18, Figure 18 is a plot.

9 MR. MCHUGH: What page is
10 that? Sorry.

11 MR. GOULET: I'm sorry. It's
12 Page 21 of 22 in Exhibit E.

13 A. (By Mr. Goulet) Okay. What Figure 18 shows
14 is that the mobile phones power down, up and
15 down, based on the signal coming from the
16 cell site. And the cell site is doing the
17 same thing. And the purpose of that is that
18 you want to be able to save battery life in
19 your subscriber handset. If you don't need
20 to be at full power because, the signal --
21 if you're in an area where the signal is
22 very strong, the network is designed such
23 that your phone will power down. So,
24 instead of going out at six-tenths of a

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1 watt, you're going out at much less. And
2 the cell site, in turn, powers down. It's
3 called power control. And what that does is
4 it reduces the overall noise floor. So if
5 your phone doesn't have to be at full power,
6 then other people -- other users that are on
7 the system, they have a better opportunity
8 for a cleaner call. They can have the best
9 call that the network can provide because
10 you're not causing undue interference with
11 them.

12 So, in this plot, if you look at the
13 northwest -- northeast section, you'll see a
14 polygon there. And that is -- that happens
15 to be an area that Verizon was in its
16 "home-only" state. So it's not roaming. So
17 if you look at the levels, red and yellow
18 are showing areas where the phone was
19 actually powered down. It wasn't at full
20 power and -- which kind of ties into the
21 whole discussion on the percentage for
22 receive signal strength values recorded. If
23 the phone was powered down, that could have
24 been powered down to a neg 86. So that's

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1 what got recorded in the totals that are in
2 Table 2 of the same report, and then, in
3 turn, got averaged and percentages derived
4 from that. But it does not necessarily mean
5 that it was a weak signal. It means that
6 power control is in place. That's what I
7 meant. That's the direct, most direct
8 answer I can give you to your question.

9 Q. Thanks.

10 When you're talking about that
11 compensation, I'm trying to understand
12 whether you mean that that compensation
13 actually corrects for signal loss that you
14 were talking about in previous testimony or
15 if it somehow --

16 A. (By Mr. Goulet) It doesn't correct for
17 signal loss. What it does is it keeps the
18 network cleaner by not putting out an ERP or
19 an output power that's more than what it
20 needs to put out. So therefore, if the
21 subscriber handset is putting out less
22 power, it's less of a drain on the
23 subscriber handset battery, so you don't
24 have to be recharging it as much, and it's

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1 introducing less noise to whatever serving
2 cell you're on.

3 Q. Thank you.

4 A. (By Mr. Goulet) You're welcome.

5 Q. You also testified previously that the data
6 that C Squared collected was raw data in the
7 sets in the vehicles?

8 A. (By Mr. Goulet) Well, what I mean is
9 basically we took the same subscriber
10 handsets that anybody in this room could go
11 out and purchase. We don't -- C Squared
12 doesn't have specialized equipment. We buy
13 the same handsets that everybody is using.
14 The phones were put on a -- put in the
15 vehicle. The only thing that's different is
16 we use some pretty involved software and
17 some interface units, a _____,
18 which is described in the report. And what
19 that does is it tells the phone -- it keeps
20 the phones on a call. And if something
21 happens -- so you've got six phones in the
22 vehicle making phone calls. And the person
23 driving with a laptop, he's not making the
24 calls; the computer is making the calls. So

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1 if a phone call gets torn down for whatever
2 reason, weak signal, the equipment tells
3 that phone to reinitiate another call.

4 The data -- what I meant when I said
5 "raw data" was that all of that data is
6 available in the phone. We just developed a
7 software to extract the data from the phone.
8 So we have lat and long, we have receive
9 signal strength, bit error rate, frame error
10 rate, receive quality, all of these metrics
11 that the carriers use in a benchmark to
12 determine the quality of their system or to
13 determine -- do competitive analyses to see
14 where the competition is better than they
15 are, where they need to improve. That's
16 what I meant by the raw data. It's just the
17 phones spitting out data.

18 Q. Thank you.

19 A. (By Mr. Goulet) You're welcome.

20 Q. To the extent that the different types of
21 signal losses that you talked about
22 previously impact the measurements taken by
23 C Squared, can you explain them?

24 A. (By Mr. Goulet) Can you repeat the first

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1 part of that question?

2 Q. Yes. You talked previously about signal
3 losses and how those can occur, whether it
4 be through a wall of a building or a window
5 of a vehicle. But could you explain a
6 little bit further about how that signal
7 loss can impact the measurements taken in
8 the vehicle by C Squared?

9 A. (By Mr. Goulet) Well, the only thing that's
10 going to impact the measurement taken --
11 obviously, the in-building loss penetration
12 isn't going to affect the measurement taken,
13 because the only thing that impacts it is
14 the vehicle itself and the direction of
15 travel. That's why, for example, on I-89
16 northbound we were fine, because apparently
17 we originated on... wherever. We were fine
18 going north, but south there was a problem.

19 Anyway, so, to answer your question,
20 the only thing that impacts the data during
21 the collection would be the vehicle
22 penetration. That's the only thing that
23 would come into play. So the data reported
24 goes back to the link budgets, and you use

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1 that data to determine where subscribers
2 could make calls. Does that...

3 Q. Thank you.

4 A. (By Mr. Goulet) You're welcome.

5 Q. On a different topic, just generally how
6 were the physical locations of the customers
7 plotted on the exhibits?

8 A. (By Mr. Goulet) That was given to me by TDS
9 in a MapInfo format, MapInfo table, and then
10 we brought it into our plots.

11 Q. So that would be a more appropriate --

12 A. (By Mr. Goulet) So it would be a more
13 appropriate question for TDS. It was their
14 technical group that did it and then sent it
15 to us in a format that we then brought into
16 MapInfo.

17 Q. Mr. Goulet, you were being questioned just a
18 few moments ago on signal strength with
19 regards to the measurements reflected in the
20 tests done in the vehicle. What was the
21 signal strength reported -- or recorded when
22 the call was dropped on 89 South in Sutton?

23 A. (By Mr. Goulet) Well, I don't have my laptop
24 with me. But which carrier were you

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1 referring to? Because we reported this by
2 carrier.

3 Q. Whichever carrier you were referring to. I
4 don't have the information in front of me.

5 A. (By Mr. Goulet) Well, I used Verizon. You
6 know, that's something I would have to look
7 at the data file, because to actually pick
8 the lat and long point looking at this map,
9 I mean, I couldn't answer that question.

10 What happens is when the phone drops
11 like that, if you can think of it as a
12 crash, you get -- on a dropped call you get
13 a bunch of different readings. It's almost
14 like garbage, because the call is being torn
15 down. So you get a signal strength and then
16 you get something else and then you get
17 something else. Just as you noticed there's
18 some points -- it's like .03 percent roaming
19 for U.S. Cellular in the market. Probably
20 wasn't any roaming. That's data that was
21 reported. And it's minutia. But it's when
22 calls are being initiated and taken down and
23 initiated and taken down. There is some
24 filtering.

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1 I can't -- so, to answer your question,
2 I would have to have my laptop in front of
3 me and go in and look at -- there's lines
4 and lines and lines of data. I think it was
5 in the neighborhood of 55,000 some-odd rows
6 of data. I'd have to go to that point and
7 get the long and lat and then tell you what
8 the signal strength was.

9 MR. HUNT: I'd ask that that
10 question be considered a record request.

11 CHAIRMAN GETZ: Okay. Well,
12 let's -- I think that somewhat follows up on an
13 OCA question. So let's just reserve OCA No. 12
14 for that purpose at this point.

15 MS. DENO: Last OCA was 12.

16 MS. HOLLENBERG: Excuse me.
17 Twelve was related to the porting requests?

18 MR. MCHUGH: Yeah, that's what
19 I was --

20 CHAIRMAN GETZ: So it would be
21 OCA 13.

22 MS. HOLLENBERG: Or Staff?

23 CHAIRMAN GETZ: Mr. Linder?

24 MR. LINDER: We have a

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1 question about record requests.

2 CHAIRMAN GETZ: Well, let's
3 wait a second here. Let's just see if we can get
4 this straightened out first.

5 So we have a record request
6 from Staff, and we're just trying to give an
7 exhibit number for these purposes. And the next
8 available exhibit number was --

9 MS. DENO: Thirteen.

10 CHAIRMAN GETZ: So, OCA 13.
11 Okay. Mr. Linder?

12 MR. LINDER: The question is
13 whether there should be a record request. The
14 issue that I would like to highlight is the
15 answer to the record request is likely to come in
16 after the record closes, which would mean that if
17 any party had difficulty with the record
18 response, there would be no opportunity to
19 confront the witness with it. And I don't know
20 how we deal with that situation. There may be
21 information that would come in on the record
22 request that we would disagree with.

23 CHAIRMAN GETZ: So if he gives
24 a number that he is providing under oath as what
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1 was part of the analysis he performed, your
2 problem is? You should have some opportunity --
3 it's the exact number he would be giving to
4 Mr. Hunt now if he had the data in front of him.
5 This is an answer to cross-examination from
6 Mr. Hunt. You've already had your
7 cross-examination. And so what's the issue? It
8 would be part of the record.

9 MR. LINDER: We might have the
10 opportunity to re-cross.

11 CHAIRMAN GETZ: Your re-cross
12 would be available on redirect. This is an
13 answer to cross-examination. So this is not
14 something you have a right to ask the question
15 about. If something's elicited on redirect, then
16 you have an opportunity for re-cross, but not a
17 right.

18 MR. LINDER: Correct. Okay.
19 Thank you.

20 MS. HOLLENBERG: Excuse me,
21 Mr. Chairman. This is just a minor issue, but I
22 wondered if this exhibit could be labeled as
23 Staff Exhibit 1, as opposed to OCA Exhibit 13. I
24 don't oppose it, but we didn't ask for it. So I
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1 just wondered...

2 CHAIRMAN GETZ: Well, yeah,
3 it's a matter of convenience.

4 Is there a Staff number yet?

5 MS. DENO: Hold on, please.

6 No.

7 CHAIRMAN GETZ: Okay. Then
8 we'll call it Staff 1.

9 MS. HOLLENBERG: Thank you.

10 (STAFF EXHIBIT 1 RESERVED FOR RECORD
11 REQUEST BY STAFF.)

12 CHAIRMAN GETZ: Please
13 proceed.

14 MR. MCHUGH: Mr. Chairman, I'm
15 sorry to interrupt. The only thing I'm trying to
16 do is understand the question, because there's
17 55,000 sort of data points where the machine is
18 collecting all this information every so often.

19 I'm trying to figure out,
20 Attorney Hunt, where exactly do you want us to
21 provide? Is it a range of numbers for 89, or is
22 it just the first drop-off on 89? I mean,
23 there's a lot of data that he has in his
24 computer. Just so I have an idea of what we

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1 should turn over, that's all.

2 MR. HUNT: Well, the question
3 was: What was the signal strength recorded when
4 the call was dropped on 89 South in Sutton?

5 MR. MCHUGH: Okay. When the
6 call was dropped. Okay. All right. Got it.
7 Thank you.

8 BY MR. HUNT:

9 Q. If you can answer this, Mr. Goulet: What
10 signal strength is so weak that a typical
11 handset would not receive it clearly?

12 A. (By Mr. Goulet) Where are you? You have to
13 tell me where you -- I can't quantify.
14 You're asking me to quantify something that
15 I can't quantify in a vacuum. In other
16 words, you got to tell me are you in a rural
17 environment. And tell me what technology
18 you're using.

19 Q. 89 in Sutton. You're on the same -- in the
20 same location where the signal -- where the
21 call was dropped, as referred to in my
22 previous question.

23 A. (By Mr. Goulet) Yeah. The problem is I have
24 to look at why that call was dropped. Was

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1 it a signal strength issue, or was it some
2 other issue? Sometimes the networks have
3 their own problems with their switching on
4 their cell sites. They could have lost a
5 channel. I need to look at that data before
6 I can give you an answer to that.

7 Q. I'm not asking why the call was dropped.

8 I'm asking --

9 A. (By Mr. Goulet) Oh, okay.

10 Q. Given that same scenario, what would be
11 the -- for a typical handset, what signal
12 strength would be so weak that it wouldn't
13 be received clearly?

14 A. (By Mr. Goulet) In a rural market on 89 --
15 and you can't cast this number in stone --
16 if they're -- based on the handset and the
17 receive sensitivity -- I mean, I guess
18 there's too many factors. You're asking me
19 to give you an answer. It's almost like
20 asking me what the speed limit is. I mean,
21 that's a definite defined number. There
22 isn't a defined number.

23 I could be with my phone on that road
24 and maybe hold the call down to a minus 112

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1 with a receive sensitivity of minus 116 if
2 it was 4:00 in the morning and there weren't
3 many other users on it. And I'm not trying
4 to just give you a hard time. Trust me on
5 this. It is not -- if you asked me to give
6 you a ballpark, I would say if I was on a
7 call already and there wasn't any anomaly on
8 the network or the cell site that was
9 serving me, I could probably hold that call
10 down to neg 109, 110. If I wasn't on a
11 call, I probably wouldn't be able to make a
12 call if I was in a neg 109 or 110, because
13 there's access thresholds that the carriers
14 use. But once you get on a call, some
15 carriers choose after a certain point to
16 tear you down. Other carriers choose to let
17 you drag on and on as long as you want
18 because it's money. It's per-minute usage.
19 And it depends on their business plan.
20 That's why it's a very difficult question to
21 answer.

22 Q. What signal strength would a carrier
23 typically design the RF link budget for in
24 an urban area?

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- 1 A. (By Mr. Goulet) In an urban -- you have to
2 give me which type of carrier now, because,
3 as I said, there's CDMA and there's TDMA and
4 there's GSM.
- 5 Q. The first two you mentioned.
- 6 A. (By Mr. Goulet) Well, they each have
7 different link budgets.
- 8 Q. Go through each of them, please.
- 9 A. (By Mr. Goulet) I would say CDMA in an urban
10 market -- so we're talking Boston, downtown
11 Boston, that would be an urban market.
12 Downtown Providence, New York City, they
13 would probably have a neg 65 in an urban
14 environment. And a GSM, it's going to be --
15 I'm not -- it's going to be around that.
16 It's going to be anywhere between 65 and 70,
17 I'll say. And that accounts for typically
18 20 dB of in-building loss. And you've
19 got -- and then you've got reinforced
20 concrete and a number of other things that
21 go into play. So you could -- one GSM
22 carrier might have a 72, one might have a
23 75. The 20 dB gives you a neg 95 inside the
24 building. Now, in a -- oh, that answers

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1 that question.

2 Q. Thank you. Mr. Reed, you testified that
3 under the alternative rate plan, after the
4 initial four-year rate freeze, rates would
5 no longer have a cap. How is that
6 consistent with R.S.A. 374:3-b,III(b), which
7 requires that a plan that provides -- that
8 the plan provide for maximum basic local
9 service rates at levels that do not exceed
10 the comparable rates charged by the largest
11 ILEC?

12 A. (By Mr. Reed) I was reading the same thing,
13 and I'm not a hundred percent sure. I need
14 to check on that. I believe the statute,
15 where it says the four years of the plan was
16 approved, the 10 percent in each of the four
17 years, I would have to go back and look at
18 the plan as filed for our stipulation and
19 see exactly what it said. I'm not positive.

20 Q. Back to a different topic, a question that I
21 asked Mr. Goulet. How were the physical
22 locations of your customers plotted on the
23 exhibits?

24 A. (By Mr. Reed) I am going to have to point
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1 you to a data response that we provided in
2 this case. It was OCA 2.10. I assure you,
3 I didn't prepare those maps. We had some
4 people that did it. It's a rather lengthy
5 response. I can read it if you'd like. It
6 does explain the process that we used.
7 There's a combination -- of course, we had
8 the C Squared maps, and we had to import our
9 maps. But it's pretty well spelled out in
10 that data response. It's very well spelled
11 out.

12 Q. I'll leave it up to you. Do you want to
13 provide that information in response to this
14 question or not?

15 CHAIRMAN GETZ: Well, it seems
16 at this point, let's make that Staff Exhibit 2.

17 And that's the Company's
18 response to what? OCA 2.10, Mr. Reed?

19 MR. REED: 2.10, yes.

20 CHAIRMAN GETZ: If you can
21 provide a copy and make it -- we'll make it Staff
22 Exhibit 2.

23 MR. REED: Yeah. Specifically
24 2.10A. I'm sorry. Yes.

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1 (STAFF EXHIBIT 2 RESERVED FOR RECORD
2 REQUEST BY STAFF.)

3 BY MR. HUNT:

4 Q. Thank you. And C Squared tested signal
5 strength only in Sutton and Salisbury;
6 correct?

7 A. (By Mr. Reed) Yes.

8 Q. Why only those exchanges?

9 A. (By Mr. Reed) Those are the exchanges that I
10 chose based on the first phase of our docket
11 were identified as the most rural exchanges.
12 I think we were all struggling on
13 identifying how to measure wireless signal,
14 and I chose C Squared to go measure the
15 toughest exchanges.

16 Q. So, how does signal strength in Sutton and
17 Salisbury demonstrate availability in each
18 of the exchanges served by TDS, as required
19 by the statute?

20 A. (By Mr. Reed) It doesn't by itself. But in
21 conjunction with Exhibit G and the
22 CoverageRight data we provided earlier.
23 There was a question about the CoverageRight
24 map. And the detailed testing that C

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1 Squared provided gave me the proof that I
2 needed that their testing matched up with
3 the CoverageRight map, which told me we
4 could rely on the CoverageRight map, as the
5 New York PSC did, to say, yes, there's
6 wireless coverage there. You know, I won't
7 go into that trap about what I think the
8 legislature thought. But I did sit in the
9 committee room while we were going through
10 this process. And I assure you, I did not
11 anticipate that measuring wireless signals
12 on every road in every exchange was how we
13 were going to identify whether the customers
14 had competitive alternatives.

15 I just think this is a -- it was an
16 extraordinary event. We were all struggling
17 with that, as the Staff did, trying to draw
18 towers and plot towers. And I thought this
19 was the best way to provide the Commission
20 the assurance they needed that there is
21 wireless signal available. And along with
22 the data of lost access minutes -- and we
23 can debate 20 percent in the northeast or
24 15 percent or whatever you want, but I'm

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1 losing 65 percent of my access minutes to
2 somebody, and wireless people are the ones
3 that are there. So, I think combined with
4 the CoverageRight map, the backup data from
5 C Squared, the loss of minutes and lines --
6 and I would only point out that if you look
7 at Exhibit A and B, where the customers are
8 located -- again, referring to 2.10A --
9 there's no houses on Southbound 89. There's
10 no customers in that area. We lost the
11 signal there. But this is for the majority
12 of the customers in the exchange, not the
13 majority of Interstate 89. So, combined, I
14 think everything -- the CoverageRight, the
15 backup data from C Squared and the losses --
16 indicate to me we had. I did not test all
17 those other exchanges.

18 MR. HUNT: Nothing else.

19 Thank you.

20 CHAIRMAN GETZ: Okay. We're
21 going to take a brief recess and be back in 10
22 minutes or so.

23 (Whereupon a recess was taken at

24 2:45 p.m., and the hearing resumed at

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1 3:05 p.m.)

2 CHAIRMAN GETZ: Back on the
3 record in DT 07-027. And we'll turn to
4 Commissioner Below.

5 CMSR. BELOW: Thank you, Mr.
6 Chairman.

7 BY CMSR. BELOW:

8 Q. Mr. Reed, turning to Exhibit 6C, Exhibit A
9 of it, the Sutton summary page, the wireless
10 map signal strength -- do you have that?

11 A. (By Mr. Reed) Yes.

12 Q. You were just saying that there weren't
13 homes along southbound 89. But right in the
14 middle of that there's quite a few red dots
15 in an area called Shadow Hill Road, which
16 seems to be in the immediate proximity of
17 I-89 South, where the recording of signal,
18 the sort of green dots on the southbound
19 lane, seem to end. Is that fair to say?

20 A. (By Mr. Reed) Not exactly, Commissioner.
21 Shadow Hill Road was the section, as I
22 understand it -- maybe I better let Mr.
23 Goulet answer it. But Shadow Hill Road was
24 not part of the drive test where those

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1 houses are. So we shouldn't assume that
2 there is no signal there. 89 is a over
3 little further. Or maybe I'm
4 misunderstanding, but...

5 Q. But you're not providing evidence that there
6 is any signal there, are you?

7 A. (By Mr. Reed) I am only saying that we did
8 not do a drive route there.

9 Q. Right. And I just to turn to Mr. Goulet,
10 just trying to understand this I-89 South
11 mystery. If you look at that same exhibit,
12 directly above the "SH" in Shadow Hill Road
13 is where the series of dots seem to end on
14 southbound 89. Is that what you see?

15 A. (By Mr. Goulet) Yeah, I see that.

16 Q. Well, would you believe that's actually in
17 the immediate proximity of the Sutton exit
18 and on-ramps?

19 A. (By Mr. Goulet) Yeah. And I'm looking at
20 that. I'm suspect about that. I would
21 really like an opportunity to look at the
22 data to see was that a normal dropped call.
23 If we -- it's probably too late at this
24 point. But I mean, if we have to, we could

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1 re-drive that road. But I'm wondering if it
2 was a dropped call or was it some kind of
3 equipment failure. Because if you look
4 right under the "S" in Shadow Hill Road, and
5 the other road -- I think it's Gile Road --
6 that's solid green, which would lead me to
7 believe that signal strength was fine. Now,
8 I need to know what that drop was from. Was
9 it an anomaly or what happened there? Was
10 it -- what was the issue with that.

11 Q. Is it possible your driver turned off the
12 interstate at that point?

13 A. (By Mr. Goulet) And that's what I can
14 tell -- each one of these data points, in
15 addition to long and lat, have a time stamp.
16 So it has a date and a time stamp, so I can
17 actually tell if there was a lapse, and when
18 the equipment was running, if something
19 happened. So I would like an opportunity to
20 look at that. My guess is, looking at what
21 is next to it underneath the "S," that's
22 solid. But I'd want to go back to the
23 reports. That was Sutton; right?

24 Q. This is Sutton. When we look at Page 4 of

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1 Exhibit E of the same - I'm not sure if it's
2 the same exhibit.

3 A. (By Mr. Goulet) Sutton drive route map?

4 Q. Yeah, the Sutton drive route map. You
5 basically show one blue line along I-89 from
6 the edge of the exchange in the southeast
7 corner, or lower right, up through the King
8 Hill Road exit in New London, north of the
9 exchange boundary. And that line seems to
10 draw -- follow the northbound lane towards
11 the south; although, where it exits in New
12 London, it happens to be drawn on top of the
13 southbound lane. I think in your document
14 you expressed the intent was to drive both,
15 in both directions?

16 A. (By Mr. Goulet) Yeah. In other words,
17 because that's an interstate, we wouldn't
18 have drawn the line twice. The
19 understanding was that we were going to
20 drive north and south on the interstate. In
21 fact, what we actually drove was a little
22 more than what's shown on here. Because I
23 think right at the inter -- at the exchange
24 border in the south, I don't believe there's

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1 an exit right there; so obviously, we would
2 have had to keep driving until we got to an
3 exit. So, I mean, this is a reasonable
4 representation of the drive test. And the
5 fact that we didn't draw a double line on
6 I-89 -- we just drew one line to say we're
7 going to drive Interstate 89.

8 Q. Okay. And Mr. Reed, how many red dots are
9 there on this Exhibit A?

10 A. (By Mr. Reed) I did not count them.

11 Q. Do you not know how many customers you have
12 in this exchange?

13 A. (By Mr. Reed) I know how many access lines.
14 We don't usually track customers. Access
15 lines we count. These are actually
16 dwellings that we plotted on this map. So
17 you can't match up the access line count to
18 the number of dots on this map. And these
19 dwelling locations were taken from our
20 outside plant maps rather than customer
21 addresses or items like that. So it's not a
22 direct correlation to access line count to a
23 dot.

24 Q. Is it a direct correlation to customers? I
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1 mean, are these dwellings, do they represent
2 where you actually have customers or --
3 A. (By Mr. Reed) Yes. Based on our outside
4 plant maps is what we had for data that we
5 tried to import into this file so we can at
6 least show where the majority of the
7 dwellings were in relation to the drive
8 test, in relation to the signal, in relation
9 to the CoverageRight map. It was meant to
10 be another layer of data that we could use
11 to identify that the majority of the
12 customers, the customer locations at least
13 had a good signal.
14 Q. Are you concluding that a majority have it
15 from this map by just looking at it? Or did
16 you count the red dots and their proximity
17 to --
18 A. (By Mr. Reed) I used a lot of things. I
19 used his data, of course. I used the
20 CoverageRight map. I used some information
21 from the first case with tower locations. I
22 used a myriad of things. This was meant to
23 be an additional help, just visually for the
24 parties to see the houses.

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1 Q. Okay.

2 A. (By Mr. Reed) And I just want to add. I
3 mean, just because -- and perhaps I could
4 use Exhibit A. I mean, just because we
5 didn't -- a drive wasn't done -- I can't
6 find it. Perhaps in the upper right-hand
7 corner of Sutton, French Road, up in that
8 area, you can see there's some houses.
9 There was no drive route there. So I
10 wouldn't want to indicate that there was no
11 signal there, only that the drive route
12 didn't go there. The driving was done, the
13 testing was done prior to us plotting the
14 customer locations. That was done after the
15 fact. Perhaps, had I done it first, I would
16 have changed his drive route.

17 Q. But in contrast, in the lower part of the
18 exchange area -- and I'm just noticing for
19 the first time when I look at the drive
20 route map compared to Exhibit A, the bottom
21 of the exchange is drawn quite differently.
22 It's sort of a sharp point in Exhibit A, but
23 it's kind of flattened out and has an
24 additional facet to it in the vicinity of

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- 1 Andrews Road and Roby Road on the drive
2 route map. Can you explain that difference?
- 3 A. (By Mr. Reed) Well, if we could collaborate
4 just briefly? It's a combination of maps.
5 We were trying to take our TDS exchange map
6 which we provided to C Squared. C Squared
7 loaded that into their mapping system to
8 plot their maps and their drive routes. And
9 then we layered on other things back at TDS
10 to layer on the customers. There was a lot
11 of iterations of this map. So they may not
12 be exactly perfect. This began with a TDS
13 exchange map that's on file with the
14 Commission.
- 15 Q. Okay. Well, in that vicinity of Andrews
16 Road and Cottage Lane on Exhibit A, there
17 are, for instance, a number of red dots in
18 that -- or red squares in that vicinity --
- 19 A. (By Mr. Reed) Yes.
- 20 Q. -- which appear to be along a road that was
21 part of the drive route. And you sort of
22 see some yellow dots that kind of space out
23 and then terminate. I mean, that -- would
24 it be fair to say that appears to be an area
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1 where there were gaps in coverage? So those
2 homes -- some of those homes, at least the
3 one on Andrews Road, and as it turns and
4 becomes Roby Road or something else, may not
5 have coverage?

6 A. (By Mr. Reed) If it's okay, I'd like Mr.
7 Goulet to answer this question.

8 But this is just -- as we're looking at
9 Exhibit A, this is just -- the green and the
10 yellow are the best signals. I'm not --
11 without looking at the other layers of the
12 testing that were done, I'm not sure I can
13 say the results. It may be true, but --

14 Q. Okay. There was not signal --

15 A. (By Mr. Reed) Of the quality --

16 Q. -- of greater than negative 90 dBm.

17 A. (By Mr. Reed) That's correct. Yes. I'm
18 sorry.

19 A. (By Mr. Goulet) Just Cottage Lane, that's a
20 Class VI road. That was not driven.

21 Q. Right. But looking at the drive map, was
22 Roby Road driven?

23 A. (By Mr. Goulet) Yeah. And I believe that
24 it's -- Roby Road was driven. But as Mr.

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1 Reed just stated, when we -- when he created
2 these maps, we took off, eliminated from the
3 plot anything that was below a _____. So
4 that's why it may look like they weren't
5 driven. They were driven. But if the
6 signal strength was lower than _____, it
7 didn't get added to this particular map.

8 Q. Right. So you -- the presumption is you
9 couldn't count on those customers along that
10 section of the road that don't have any
11 yellow or green dots. You would presume --
12 you wouldn't assume that they necessarily
13 have had enough coverage for wireless to be
14 considered a competitive choice for those
15 particular customers.

16 A. (By Mr. Reed) Not under the standard we use,
17 which was the _____. I'm frantically
18 looking for the test results to answer your
19 question. But not under the _____, as you
20 described.

21 A. (By Mr. Goulet) Only some of those customers
22 would and some wouldn't. It would be -- for
23 that little loop at the bottom, it would be
24 50/50. And that's based on the signal

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1 quality from the report. And I only looked
2 at Verizon and U.S. Cellular.

3 Q. And on the TX power sheets, the black dot
4 that is greater than _____, that's where
5 the phone is powering up to its maximum?

6 A. (By Mr. Goulet) Yes. Correct.

7 Q. So that doesn't really say whether they're
8 finding a signal or not, but they're trying
9 to search for a signal with maximum power.

10 A. (By Mr. Goulet) Yeah. Correct. That plot,
11 you need to use that in reference with some
12 of the other plots. Because the mobile was
13 at full power, as you say correctly, doesn't
14 tell you anything. The point of that plot
15 was to show you where the mobiles were
16 powered down.

17 Q. Which indicates where there is a strongest
18 signal with the least sort of noise
19 information for --

20 A. (By Mr. Goulet) Well, it's strongest signal.
21 And the reason they're powered down is so
22 that they won't be contributing to
23 additional noise in the area unnecessarily.

24 CMSR. BELOW: All right.

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1 That's all. Thank you.

2 CHAIRMAN GETZ: Commissioner
3 Ignatius.

4 CMSR. IGNATIUS: Thank you.

5 BY CMSR. IGNATIUS:

6 Q. Mr. Goulet, I know that there's been some, I
7 think, frustration that all of us trying to
8 figure out these measurements and make sense
9 of what they -- how they translate into
10 customer acceptability has been maybe
11 frustrating for you, because we're trying to
12 understand how they all fit together.

13 I take it you can't say a certain
14 signal strength necessarily means a certain
15 quality of call.

16 A. (By Mr. Goulet) Yes, actually, we can.

17 Q. All right.

18 A. (By Mr. Goulet) If I can ask you to look at
19 Exhibit E. And when you first go to Table 2
20 there's a call quality metric -- matrix.

21 Q. This is on Page 3?

22 A. (By Mr. Goulet) On Page 3.

23 Q. All rightie. Great. I was going to ask you
24 that. So can you explain what that call

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1 quality --
2 A. (By Mr. Goulet) Sure. What we tried to do
3 here is we arranged the table so that the
4 three CDMA, that technology was together --
5 which is Verizon, U.S. Cellular and Sprint.
6 IDEN is by itself. And we can kind of take
7 them out of the equation because the
8 benchmark show that they basically had very
9 little coverage in the area. And that
10 leaves AT&T and T-Mobile. And if you look
11 at just the bottom line, the roaming, it's
12 telling me that T-Mobile, ___ percent of the
13 time, was roaming. And I know that they
14 were roaming on _____. So ___ would be the
15 one, two, three, fourth server in that
16 exchange. Now, the call quality. There's
17 CDMA uses what they call Ec/Io. That is the
18 measurement of their call quality.

19 So now, if I could just ask you to do
20 me a favor and go to Page 16 in the same
21 exhibit. And now, the tricky part is I
22 don't know how your package is put together.
23 But if you could also look at -- did I tell
24 you Page 19?

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1 Q. Sixteen.

2 A. (By Mr. Goulet) I'm sorry. I want you on --
3 it's Figure 16, but it's Page 19 of 22. It
4 says "Verizon RSSI."

5 Q. All right.

6 A. (By Mr. Goulet) Now, if you could go to also
7 look at Page 22, which is Figure 19,
8 "_____". And all that "Ec/Io" means
9 is it's the energy from the serving cell
10 site. It's a ratio of that energy versus
11 the interfering energy from all the other
12 cell sites and all the other mobiles.
13 That's what that means. In the business
14 they call it "Ec/Io." They have a million
15 acronyms.

16 But anyway, these two -- the
17 significance of these two plots are, if you
18 look at the northeast polygon and you look
19 at Figure 16 on Page 19 of 22, you see a
20 bunch of red, yellow -- yellow is to a ___
21 ___; red is a receive signal strength all the
22 way down to _____. Now, this is right out
23 of the phone.

24 Now you look at Figure 19, which is the

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1 call quality for CDMA for _____. Their
2 target for Ec/Io is greater than _____
3 ____, which is a ratio. It's not -- notice
4 it doesn't say dBm. That's just a ratio.
5 And there's no need for me to really
6 elaborate on that. But that's what their
7 goal is for a good, quality call.

8 So you see, even where it shows that
9 you're a _____ in that same polygon in the
10 northeast, you have met the quality standard
11 for CDMA. You have a good quality call. In
12 fact, this shows, off the top of my head --
13 because I didn't do the math, but I'm
14 looking at this, and I'm saying as far as a
15 quality call, you've got to be covering at
16 least _____ percent of that exchange, as
17 far as the Ec/Io numbers go. And you can do
18 similar. You can go through the same
19 exercise for Sutton. And that is the
20 difference --

21 MR. McHUGH: That is Sutton.

22 A. (By Mr. Goulet) I'm sorry. The same
23 exercise for Salisbury. And I don't know if
24 you care to do that, but...

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- 1 Q. Well, let me make sure I understand what
2 you're saying. The call quality figures in
3 your Page 3, the Table 2, are a mathematical
4 description of what you're seeing, say for
5 Verizon, for what you're seeing in Figure 19
6 depicted? Should those match up?
- 7 A. (By Mr. Goulet) Correct. And these numbers,
8 I want you to know, for CDMA, the Ec/Io
9 number is reported right out of the phone.
10 That's another metric that the phone spits
11 out that data. We store it. And it has a
12 long and lat and a time stamp and a date and
13 everything else attached to it. That is
14 the -- Ec/Io is the call quality metric that
15 the CDMA carriers use.
- 16 Q. So in terms of a quality test on Figure 19
17 for Verizon, you have very high quality
18 measurements in most places. The southern
19 portions, sort of the southwestern portions,
20 if I have my orientation right -- I don't
21 see a north and south on here --
- 22 A. (By Mr. Goulet) No, you're correct.
- 23 Q. -- are spottier in some places that are
24 poorer in quality, and the rest are very
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1 high in the quality, by this demonstration?

2 A. (By Mr. Goulet) Yes.

3 Q. Thank you. And we could do a similar thing
4 with Salisbury --

5 A. (By Mr. Goulet) Yes.

6 Q. -- by comparing those two?

7 A. (By Mr. Goulet) Right.

8 Q. All right. The other part of the
9 substitutability for cell phone and
10 landlines -- we've talked about quality as a
11 substitution for people to use their -- for
12 using their landlines. The other part would
13 be on cost.

14 And Mr. Reed, let me ask you. You had
15 said in New York you were authorized to
16 raise rates by \$2 per year but chose not to
17 because of competitive pressures.

18 A. (By Mr. Reed) Yes.

19 Q. So even a \$2 rate rise was something that
20 you felt would negatively affect your
21 customers?

22 A. (By Mr. Reed) I wouldn't say I felt that.
23 Our marketing department did. We have a big
24 disagreement about that. I don't agree with

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1 that premise. When you have an \$8 rate, for
2 example, versus a \$16 rate, and then we have
3 to remember we have to put a slick on that,
4 we get up very quickly. So I don't agree
5 with that basic premise. But I have the
6 same flexibility in Vermont, and we have
7 not -- we've had pricing flexibility in
8 Vermont for over five years, and we have not
9 done it there. It's a marketing standpoint
10 we're having because we're facing so much
11 competition.

12 Q. All right. If there's a sense that
13 customers are very sensitive to those price
14 changes, and there's some risk to the
15 Company to raise rates, then help me
16 understand why cell packages -- which I
17 think we've seen various numbers in the
18 testimony here -- tend to be quite a bit
19 higher than your basic exchange rates?

20 A. (By Mr. Reed) Most of the packages --
21 there's so many of them, I can't pretend
22 to -- they almost all include unlimited long
23 distance or some long distance piece, some
24 nationwide. I was reading some of the

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1 exhibits that we included today. We're
2 talking -- when I talk in New York an \$8
3 rate or a \$16 rate, that is straight dial
4 tone. That's no features. That's no long
5 distance. That's a local EAS calling, as we
6 have here. That's what we're talking about.
7 When we start comparing these wireless
8 packages, they're all over the place, from
9 Friends and Family and Faces and...

10 Q. That's fair. But Mr. Johnson had
11 testified -- and there was no
12 cross-examination challenging that -- of
13 various packages that ranged from, I think
14 they were sort of in the high 30s to the
15 60s, even before you get into the more
16 complicated packages that C Squared had to
17 participate with. And that's unusual. I
18 understand.

19 So we're somewhere in the \$40 to \$60
20 range, let's say, for a cell package along
21 the lines Mr. Johnson had used; is that
22 fair?

23 A. (By Mr. Reed) I can go with that. I'm not
24 sure I agree with those numbers until I look

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1 at them. But yes.

2 Q. All right. Well, your -- nobody challenged
3 him when he testified to it earlier, so
4 that's why I guess I'm assuming that you
5 might find those be would be a ballpark.

6 But let's assume that for a moment,
7 that that's sort of a fair range for a
8 residential user package. Then, how is
9 that, something at that cost, a substitution
10 for a basic exchange landline service?

11 A. (By Mr. Reed) Customers are substituting.
12 If you take your basic exchange -- and we'll
13 take one of our rates in New Hampshire, \$12
14 or \$14 with the EAS calling. Add in your
15 slick of \$6.50, add in all of the features
16 that come with your cell phone -- your
17 voicemail, all of the things they tack on --
18 and then include whatever long distance -- I
19 think they have regional long distance, some
20 have nationwide, some have international.
21 But if you took a subset or an average of
22 minutes, long-distance minutes that people
23 use, I think they become very, very close.
24 As a matter of fact, I mean, there's even

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1 Lifeline wireless now. I think TracFone is
2 offering that. It's that popular. People
3 want to use their wireless phones.

4 I think I mentioned earlier on, we've
5 developed a bundle, or a very small bundle,
6 called the Smart Pack, Smart Line -- Safety
7 Line. I knew that. Safety Line. And it's
8 targeted right directly at wireless
9 customers who want a modem, a broadband
10 service. So we would like them, rather than
11 to go with a cable modem provider, for
12 example, and go with wireless, we're hoping
13 to entice them to go ahead with their
14 wireless. Keep their landline, and go with
15 our DSL. So we've tried to cut the cost
16 down on that. That's one of the bundles
17 that we've rolled out. We're directly
18 targeting these people. They are leaving
19 our network.

20 I do want to point out that it's not
21 just a loss of access line. And, you know,
22 I don't want to dispute that 20-percent loss
23 of customers or people cutting the cord in
24 the northeast 15 percent. Loss of access

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1 minutes is a huge, huge impact on our
2 Company. So, customers are using their
3 wireless phones for long distance. They're
4 buying these packages. They're keeping
5 their -- they may keep their landline, but
6 they're keeping the very basic landline, for
7 whatever reason. Maybe -- I don't know --
8 emergencies. I'm not sure why they keep it.
9 But we are losing access minutes to the tune
10 of some of the data I provided here of
11 __ percent of our long-distance access line.
12 So we may not -- we have not lost that same
13 number of customers. We don't have that
14 many cord cutters. But we do certainly have
15 loss of use of our network.

16 Q. That's helpful. And let me just make sure I
17 understand where you are on those losses.

18 Looking at your supplemental
19 testimony -- I'm sorry -- your rebuttal
20 testimony at Page 6 -- and this is the
21 confidential numbers -- in the MCT exchanges
22 you show a minutes-of-use drop of
23 __ percent; is that right?

24 A. (By Mr. Reed) Yes.

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- 1 Q. And in Kearsarge, a ___ percent drop?
- 2 A. (By Mr. Reed) Yes.
- 3 Q. And are those as of the date of the filing?
- 4 It starts from 2004.
- 5 A. (By Mr. Reed) Right.
- 6 Q. But are they pretty much current through
- 7 September?
- 8 A. (By Mr. Reed) They're current through... I
- 9 just need to check that. I'm not sure if we
- 10 did update these. I know some went through
- 11 April and...
- 12 Q. But they're more current than the original
- 13 phase of the filing.
- 14 A. (By Mr. Reed) Yes, yes. Yes, we did update
- 15 them and the access lines on the next page.
- 16 Q. And the access lines are dropping for
- 17 Merrimack, ___ percent; is that right?
- 18 A. (By Mr. Reed) Yes.
- 19 Q. And Kearsarge, ___ percent?
- 20 A. (By Mr. Reed) Yes.
- 21 Q. You say you don't know whether a drop in
- 22 access line necessarily means loss of a
- 23 customer completely; simply a drop of an
- 24 access line.

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1 A. (By Mr. Reed) That's right. We have lost
2 that access line.

3 Q. Do you have a count of customer loss as
4 of --

5 A. (By Mr. Reed) No, I do not. I mean, some of
6 these -- and it was brought up earlier.
7 Some of this is there could be some second
8 line losses. And, you know, there's all
9 sorts of speculation as to why people
10 disconnect their second line. Some of it's
11 'cause the kids go off to college. Some is
12 because they went to DSL. Some of it's
13 economics. But we have some of the access
14 line reduction is due to second line loss.
15 But quite honestly, I think in Merrimack
16 County our second lines have gone up, having
17 increased versus reduced. So it's not a
18 factor. There is some second line loss in
19 there, but these are losses in access lines
20 nonetheless.

21 Q. And this is both residential and commercial
22 customers?

23 A. (By Mr. Reed) Yes. But these -- you know,
24 the exchanges we're talking about are

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1 primarily residential customers.

2 Q. All right. Do you have similar data that
3 shows where those minutes of use are being
4 picked up? You know they're not on your
5 landline access lines anymore. Do you know
6 anything about where -- what people are
7 using instead?

8 A. (By Mr. Reed) No. No. I mean, we know
9 where -- we know the usage is up on
10 wireless. You know, that's national
11 publications. The FCC and everyone else
12 publishes that. VoIP is growing at a huge
13 rate. We even have to talk magicJack, you
14 know, for whatever, two bucks a month or
15 whatever it is they charge once you have a
16 broadband connection. Minutes are going to
17 all of these places.

18 Q. And in some cases, they'd be going to U.S.
19 Cellular, in some cases to Verizon, in some
20 cases to U.S. Sprint?

21 A. (By Mr. Reed) Sure. They're all competitors
22 of our landline service, yes.

23 Q. U.S. Cellular is also owned by your parent
24 company; correct.

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1 A. (By Mr. Reed) Yes.

2 Q. Is there any relationship -- is it better
3 for you or no different if someone goes off
4 your access lines and uses U.S. Cellular
5 than if they go off your lines and use
6 Verizon?

7 A. (By Mr. Reed) No. No. We operate our
8 individual telephone companies, our landline
9 companies, our regulated companies
10 completely separate from U.S. Cellular. I
11 have actually one contact at U.S. Cellular
12 that I've known, and he's the one guy I call
13 to find out who to hire for an expert. That
14 is our total relationship with U.S.
15 Cellular.

16 Q. So the fact that a TDS Company is --
17 Telephone and Data System Company is losing
18 business to another Telephone and Data
19 System Company may be true, but that doesn't
20 give TDS Telecom any comfort.

21 A. (By Mr. Reed) No, it does not.

22 Q. I guess one last line I'm curious about is
23 the assertion, Mr. Reed, that you know that
24 more than a majority of each exchange has

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1 competitive alternatives is based not on a
2 customer count, because you said that
3 these -- the data were never calculated that
4 way. So it's based on what? What
5 mathematics did you do to come to that
6 50 percent and above conclusion?

7 A. (By Mr. Reed) Well, that's one of the
8 reasons we created Exhibit A and B, as I
9 said. We began this process with Exhibit E
10 and F. That's what we contracted C Squared
11 to do for us. And then we summarized that
12 to show just the signal that we chose in
13 Exhibit C and D. And then we decided to put
14 it all on Exhibit A and B. And one of our
15 co-workers had the idea that we have to
16 visually see where this is. So, A and B was
17 part of that.

18 The other thing we've done is a similar
19 analysis that the Staff did. We even took
20 antenna -- this is before we hired our
21 expert -- took antenna locations and drew
22 circles around it. I have some other data
23 here as to the location of all the antenna,
24 draw the circles. The CoverageRight map I

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1 rely on, particularly after we, as far as I
2 was concerned, proved the results that
3 that's pretty -- very accurate for us to
4 use. The C Squared testing backed up what
5 we saw on the CoverageRight map. I looked
6 at the wireless, what they're marketing,
7 what their coverage areas are. We took all
8 of that into consideration. And there's no
9 question in my mind that these exchanges,
10 the majority of our customers have access to
11 wireless. And, of course, we got the other
12 exchanges that already have the competition
13 with the Comcast competition with the
14 broadband and now the CLECs. So we only had
15 a few exchanges, these two being the most
16 remote is why we zeroed in on it.

17 Q. Mr. Reed, the marketing -- and that may not
18 be the right word for it. The customer gets
19 a bill insert or Web site provisions that
20 New Hampshire Legal Assistance showed you
21 yesterday or brought forth yesterday about
22 the good reasons for keeping a landline.

23 You're familiar with all of those materials?

24 A. (By Mr. Reed) I saw them yesterday or

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1 Tuesday. Yes.

2 Q. Well, they're from your system; are they
3 not?

4 A. (By Mr. Reed) Yes, they are.

5 Q. All right. And they brought out a lot of
6 good qualities about landlines, the things
7 they could do. I guess I'm curious in how
8 you, in your own mind, put those two things
9 together: The assertion that the
10 availability of cell company coverage shows
11 competitive substitution, and yet your own
12 materials are saying they're not
13 substitutes.

14 A. (By Mr. Reed) You bet. We're in the
15 landline business.

16 Q. All right. Can you explain that to me a
17 little bit more so I can understand that?

18 A. (By Mr. Reed) We're going to use every
19 possible argument we can use to keep
20 customers on landlines. I mean, we all know
21 a cell signal will drop on you when you go
22 around the corner. People are still
23 using -- choosing to use the wireless
24 phones. I will never -- we engineer our

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1 network to the five 99.59s [sic]. And we
2 always have. That's no longer really that
3 important to customers. They are changing
4 that. Particularly the younger customers.
5 They don't even sign up any longer. They
6 need the broadband connection and
7 communications. But we're still marketing
8 the heck out of our service quality, our
9 technicians' abilities, billing, bundling.
10 And maybe we can add in our Dish network.
11 We're marketing our landline business.
12 That's what we're in and that's what we're
13 marketing. I certainly am not going to put
14 out a marketing piece that says, you know,
15 we hope you choose us, 'cause you've got all
16 kinds of wireless signals around you. We're
17 trying to zero in on what we sell, what we
18 maintain.

19 Q. So in your view, the functionality of a
20 landline is greater and is not a substitute
21 for cell coverage. But your fear is that
22 your customers think that they are
23 substitutes?

24 A. (By Mr. Reed) Well, I mean, it's more

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1 complicated than that. I mean, we're not --
2 I don't want to indicate that we're in a
3 dying landline business. We're continuing
4 to invest in the New Hampshire network. We
5 came in and did a presentation to the Staff.
6 We're building fiber to the home. We're
7 going to be a broadband provider in this
8 state. We've invested _____ of dollars
9 in this state just since this proceeding
10 started, and we have every intention to keep
11 doing that. We're not -- we're going to
12 keep marketing that. But I think the
13 industry is going towards, you know, a
14 broadband pipe and what you can put on that
15 broadband pipe, which is going to include
16 dial tone. It's going to include high-speed
17 Internet. I mean, people are talking
18 Internet speeds that I never imagined
19 possible before. So we are continuing to do
20 that. And in fact, that's one of the
21 requirements of our plan, is to continue and
22 invest in infrastructure that we didn't talk
23 about today. _____ of dollars have been
24 invested, despite the fact that we don't

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1 have a plan in these two companies yet. We
2 still have fiber to the home in some of the
3 exchanges in these companies that we're
4 talking about today.

5 So I don't want to indicate that the
6 landline is a dead business. We're
7 continuing to invest. Our marketing piece
8 is certainly going to put down cell phones.
9 It's marketing. But at the same time, our
10 cell phones are taking our access minutes.
11 And in my opinion -- and I'm certainly not
12 an economist or expert. I only do this,
13 what I'm doing today. I think the wireless
14 are taking the minutes that I'm talking
15 about, and the Comcasts of the world are
16 going to take our lines. I've seen
17 ___ percent of our lines out the door in New
18 York when Time Warner started going
19 door-to-door. That's the way it is. That's
20 the competitive environment that we're in.
21 So we're going to invest in broadband to the
22 home, fiber to the home. And we're going to
23 go nose-to-nose with these people for those
24 big pipes. We want to keep those customers.

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1 Q. That's helpful. Thank you.

2 CHAIRMAN GETZ: Redirect?

3 MR. MCHUGH: Thank you, Mr.
4 Chairman.

5 REDIRECT EXAMINATION

6 BY MR. MCHUGH:

7 Q. Mr. Reed, you were asked some questions
8 concerning rate caps before we broke about
9 half a hour or so ago. Do you recall those
10 questions?

11 A. (By Mr. Reed) Yes, I do.

12 Q. While we were on the break, did you have an
13 opportunity to review any of the amended
14 alternative form of regulation plans for
15 Kearsarge and Merrimack?

16 A. (By Mr. Reed) Yes, I did.

17 Q. And would you care to explain your answer in
18 a little bit more detail --

19 A. (By Mr. Reed) Yes.

20 Q. -- than what you gave earlier?

21 A. (By Mr. Reed) Yes. I had a chance to review
22 the Kearsarge plan, alternative regulation
23 plan, and specifically 4.1.3. I was in
24 error when I quoted that we had the ability

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1 to go beyond the cap of the largest provider
2 in the state. So the plan clearly calls
3 that that is the cap --

4 Q. And just for the record --

5 A. (By Mr. Reed) -- barring an exogenous event.

6 Q. -- what section of the amended plan are you
7 referring to?

8 A. (By Mr. Reed) 4.1.3.

9 Q. Okay. Thank you.

10 Mr. Reed, we handed out at the
11 beginning of the hearings on Tuesday what
12 we've premarked as Exhibit KTC-MCT 9P, for
13 public. Do you have that in front of you?

14 A. (By Mr. Reed) Yes, I do.

15 Q. Can you explain what that is, sir?

16 A. (By Mr. Reed) This is the Interconnection
17 Agreement Under Sections 251 and 252 of the
18 Telecom Act Between TDS Telecom and Comcast
19 Phone of New Hampshire, LLC, d/b/a Comcast
20 Digital Phone.

21 Q. And that has been submitted to the
22 Commission after the earlier proceedings
23 with Comcast in the arbitration docket; is
24 that correct?

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1 A. (By Mr. Reed) That is correct.

2 Q. Do you know of any impediments to Comcast
3 offering service in the TDS Telecom areas of
4 Merrimack County Telephone or the service
5 territory of Kearsarge Telephone?

6 A. (By Mr. Reed) No, I do not.

7 Q. Has either Kearsarge or Merrimack increased
8 their basic rates since this docket started?

9 A. (By Mr. Reed) No.

10 Q. Mr. Goulet, a lot of questions have been
11 asked of you and the nature of the work that
12 you have done for TDS. Could you please
13 explain to the Commission the nature of the
14 work that you perform for wireless carriers.

15 A. (By Mr. Goulet) Yes. What we do is we're --
16 we provide radio frequency, RF, engineering
17 support services. We currently support
18 Verizon, U.S. Cellular, AT&T, Sprint-Nextel,
19 T-Mobile, Metro PCS and Pocket
20 Communications, which is the new carrier
21 into the market. We do things as -- for
22 example: We just completed the entire
23 network design for Pocket for Hartford,
24 Connecticut and New Haven BTAs, Poughkeepsie

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1 and Springfield and Pittsfield markets,
2 which consisted of 466 sites.

3 Now, what that entails is we find
4 search areas -- we define search areas where
5 the sites need to be based on the frequency
6 that they're operating at and their
7 infrastructure equipment. We do predictive
8 analysis. We issue the search rings to the
9 site acquisition people that lease the
10 properties and find the locations, et
11 cetera. Go out, bring us back candidates.
12 We evaluate candidates using predictive
13 analysis. Once we've isolated a candidate,
14 we do drive tests to make sure that that
15 candidate is going to do what the predictive
16 analysis claims it's going to do.

17 In addition to doing RF design, we do
18 federal and -- we do local and federal
19 permitting, and regulatory -- some
20 regulatory. On the local level, we often
21 have to testify -- or I too many times have
22 to testify -- clarify that -- in front of
23 local zoning boards and planning boards
24 representing the wireless carriers. And

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1 it's during these testimonies that -- and,
2 unfortunately, I mean, I'm quoted much too
3 often. But I am authorized as a
4 representative of that carrier. And I'm
5 only representing them from an RF
6 engineering perspective. They have their
7 own attorneys and consultants, et cetera.
8 But I'm authorized to go in there. And I
9 have to explain why we need that site, where
10 we need it, at the height we need it to
11 provide in-building coverage to whatever
12 specific locality I'm going into, so that
13 that carrier can provide competitive
14 wireless service as an alternative to
15 landline service.

16 And their objective, which is often
17 stated -- and I know from working for the
18 carriers -- I was the RF manager for three
19 carriers: Verizon, Sprint-Nextel -- well,
20 when it was just Sprint PCS -- and AT&T. So
21 I know what their objectives are. And their
22 objective is, and it has been since I came
23 in the business in 1986, has been to replace
24 the landline phone. And they're doing it.

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1 And I'm not saying that. I know I'm not an
2 economist. I'm telling you that this is --
3 when I provide written RF reports and I
4 provide written testimony at local zoning
5 boards -- I've appeared before Connecticut
6 Siting Council, I've appeared before the
7 Cape Cod Commission, I've -- I mean, we
8 just -- I'm doing a number of sites in this
9 area right now.

10 And when I testify in front of these
11 boards, there is no -- the idea of, oh, they
12 want to cover the road, they want to provide
13 mobile service, that is so outdated. What
14 they want to do now is they want to provide
15 voice, data and broadband, wireless. That
16 is their goal. They believe that the
17 functionality of the mobile phone -- no
18 offense, Mike -- is much greater than the
19 functionality of the landline phone. It's
20 more portable. I can sit in my living room
21 and I can text-message my son in college. I
22 can send a photo to my daughter in New York.
23 I don't have to leave the couch. You cannot
24 do that with a landline phone. And I can

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1 talk to my relatives wherever they may be
2 out of state and not have to pay long
3 distance; it's included in my plan.

4 We live -- I mean, I live in Hollis.
5 And we had our long distance disconnected
6 months ago because we do not use it. I
7 use -- my wife uses her mobile. I use my
8 mobile. But that's one of the things we do.

9 The other big part of what we do is we
10 currently support the carriers in designing
11 in-building systems for huge campuses. We
12 did Dartmouth-Hitchcock. We're involved in
13 the central artery tunnel in Boston. We're
14 involved in New York City in many
15 businesses, because companies now -- not
16 only residents, but companies. They want to
17 be able to use their wireless wherever they
18 are. I don't care if they're in the
19 basement. I don't care if they're in the
20 bathroom. They want that portability and
21 they want that functionality. And they
22 demand it. And the carriers are spending
23 huge. There is so much -- there is more
24 funding now in an economic crisis from the

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1 wireless carriers than I've ever seen
2 before. Our business, when everybody else
3 was cutting back, we're -- I can't hire
4 people fast enough because there is so much
5 work for wireless. And now they're at the
6 point that they've got the funding. I'm
7 recently doing all of these towns in
8 Southern New Hampshire and rural areas of
9 Maine. And we're starting to do Vermont.
10 And Verizon bought RCC. So, you know, there
11 was some roaming on U.S. Cellular. But I'm
12 sure in the very near future that will
13 likely change.

14 MR. MCHUGH: Thank you, Mr.
15 Chairman. I have nothing further.

16 CHAIRMAN GETZ: Okay. Then
17 the witnesses are excused. Thank you, gentlemen.

18 And Mr. Eckberg.

19 MS. HOLLENBERG: Thank you.

20 CHAIRMAN GETZ: While we're
21 making the change, I guess my expectation is --
22 well, we'll see how much cross there is, how long
23 the direct is. But to end this proceeding, I was
24 expecting -- well, let me ask the parties.

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1 Was there expectation of
2 briefs in this proceeding?

3 MR. MCHUGH: I think we would
4 like an opportunity to submit briefs, Mr.
5 Chairman.

6 CHAIRMAN GETZ: Well,
7 certainly if there's going to be briefs, then I
8 would forego oral closing arguments. And I
9 understand that there may be some argument about
10 introduction of -- or admission of exhibits into
11 evidence. So I guess we'll hear that, depending
12 on how long we go today with Mr. Eckberg.

13 Are there any other
14 outstanding procedural issues? Is there anything
15 else that we need to consider?

16 MR. MCHUGH: I don't believe
17 so, Mr. Chairman.

18 CHAIRMAN GETZ: As we noted
19 the other day, we need to end the proceedings
20 today at 4:30.

21 So, Ms. Hollenberg.

22 MS. HOLLENBERG: Thank you.

23 STEPHEN ECKBERG, being first duly
24 sworn by the Court Reporter, states as

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1 follows:

2 MS. HOLLENBERG: And just to
3 remind the Commission before I start with Mr.
4 Eckberg, we did reach an agreement with the
5 Company about some limited modifications to our
6 direct testimony, which we'll do orally today at
7 the hearing. Thank you.

8 DIRECT EXAMINATION

9 BY MS. HOLLENBERG:

10 Q. Mr. Eckberg, if you could please state your
11 full name and your employer for the record.

12 A. (By Mr. Eckberg) My name is Stephen R.
13 Eckberg, and I'm employed as a utility
14 analyst with the Office of Consumer
15 Advocate.

16 Q. Did you file prefiled testimony in this
17 proceeding?

18 A. Yes, I did.

19 Q. And did you file that testimony on
20 July 17th, 2009?

21 A. Yes, I did. I have a copy of it here. And
22 that's the date on the front of it, yes.

23 MS. HOLLENBERG: I'd like that
24 to be marked as OCA Exhibit 13, please. And I
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1 wonder if anyone needs a copy.

2 CHAIRMAN GETZ: So marked.

3 (OCA Exhibit 13 marked for
4 identification.)

5 BY MS. HOLLENBERG:

6 Q. Does your prefiled testimony contain a
7 summary of your qualifications?

8 A. Yes, that's included as Attachment 1 to my
9 testimony.

10 Q. And was this prefiled testimony prepared by
11 you or under your direction?

12 A. Yes, it was.

13 Q. Do you have any corrections to make to this
14 testimony?

15 A. I do have one correction, yes.

16 In my prefiled testimony on Page 8,
17 Lines 8 through 10, there's a sentence that
18 reads, "The settlement agreement, as it
19 pertained to KTC and MCT, did not permit an
20 immediate transition to alternative
21 regulation." And after hearing from the
22 parties at the settlement conference and
23 reviewing the rebuttal testimony from the
24 Company's witness, Mr. Reed, I believe that

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1 this sentence in my testimony is not
2 technically correct. The settlement
3 agreement did permit immediate transition to
4 alt reg, and it just required a rate freeze
5 for the first two years.

6 Q. So, do you have a change to propose for your
7 testimony?

8 A. Yes. I think I'd like to add the word
9 "full" between the words "immediate" and
10 "transition" so that the latter part of that
11 sentence reads, "did not permit an immediate
12 full transition to alternative regulation."

13 Q. Thank you. Do you have any modifications to
14 make to your testimony?

15 A. Yes, I also have some modifications.

16 As a result of the Company's rebuttal
17 testimony which indicated that one of their
18 data responses to the OCA was incorrect, and
19 the Company's correction of that data
20 response after their rebuttal was filed, I
21 need to revise my testimony.

22 Q. And could you explain how your testimony is
23 being revised, please.

24 A. Yes. In my prefiled testimony, starting on
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1 Page 10, Line 19, for the next five pages,
2 through Page 15, Line 19, I expressed
3 several concerns about the supplemental
4 filing. And those concerns need some
5 modification because of this change in the
6 information from the Company.

7 My first concern was related to the
8 Company's assertion that the results of the
9 signal strength analysis by C Squared for
10 the Sutton and Salisbury exchanges are
11 consistent with the CoverageRight map
12 depicting those exchanges. And I took the
13 position that there were areas along the
14 C Squared actual drive routes where no or
15 insufficient signal existed, but where the
16 CoverageRight map showed one or more
17 wireless carriers were marketing their
18 services; thus, the C Squared analysis was
19 not consistent with the CoverageRight maps.
20 In other words, the number of providers
21 shown by CoverageRight map is not indicative
22 of the availability of the wireless
23 signal -- of wireless signal, period. I
24 don't need the word "the" there. Excuse me.

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1 In reaching this conclusion, I relied
2 upon the Company's response to OCA 2-13,
3 which was attached to the confidential
4 version of my testimony as Attachment 4.
5 And as Mr. Reed has addressed in
6 cross-examination, I believe after I filed
7 my testimony, the Company indicated in
8 rebuttal in a somewhat indirect manner that
9 its original response to OCA 2-13 was
10 incorrect. And the Company has corrected
11 its response to OCA 2-13 on September 17th.

12 Q. Do you have a document before you that is
13 the Company's confidential response to
14 OCA 2.13?

15 A. Their original response to 2-13? I
16 believe --

17 Q. Oops, I'm sorry. I understand that you said
18 the original response was attached to your
19 confidential version of your testimony as
20 Exhibit 4.

21 A. Yes.

22 Q. Is this, the document before you, is this
23 the supplemental response by the Company to
24 OCA 2-13?

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1 A. I don't believe I have a copy of the
2 supplemental response from the Company
3 before me.

4 Q. That's my document passer-outer mistake.

5 A. Okay. Prompting.

6 Q. Thank you.

7 A. Yes, this appears to be the supplemental
8 response from the Company. Yes.

9 Q. And just to clarify, in the initial response
10 the Company indicated that Exhibit E was the
11 planned drive route and Exhibit C was the
12 actual drive route; correct?

13 A. I believe that's correct. I would have to
14 look at my testimony again. But I think
15 that you represent that correctly.

16 Q. Okay. And there's a space on this document,
17 OCA 2.13, which if I could have marked as
18 OCA Exhibit 14 for this hearing?

19 CHAIRMAN GETZ: So marked.

20 MS. HOLLENBERG: Thank you.

21 (OCA Exhibit 14 marked for
22 identification.)

23 BY MS. HOLLENBERG:

24 Q. You see that there's a -- the second

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1 paragraph is the initial response?

2 A. Correct.

3 Q. Okay. And then the supplemental response,
4 tell us how that was different.

5 A. The supplemental response indicates that
6 Exhibit C was the planned drive route rather
7 than the actual drive route, which is what
8 the initial response said. And so basically
9 the response sort of swaps positions between
10 those two maps, between the actual and the
11 planned drive routes. Did I make that
12 clear?

13 Q. Yes.

14 A. Okay.

15 Q. And when you filed -- just for purposes of
16 clarity, when you filed your testimony, you
17 were under the impression that Exhibit C was
18 the actual drive route.

19 A. Yes.

20 Q. And when you got this supplemental response
21 saying that Exhibits E and F rather than C
22 and D were the actual drive routes, how did
23 that impact your testimony?

24 A. Well, it certainly made some changes to
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1 my -- it certainly did impact my testimony.

2 And if I could just have a moment?

3 Yeah, the impact is that it appears
4 that the areas in Sutton and Salisbury
5 exchanges that I originally identified as
6 being driven by C Squared, but as having no
7 signal data, were not driven by C Squared.

8 Q. Do you have before you a document that is
9 the Company's response in Phase II to OCA
10 Data Request 2.11?

11 A. No, I don't believe I have a copy of that.

12 Ah, I do have a copy of that OCA 2-11, yes.

13 Q. And could you tell us about this data
14 response.

15 A. Yes. In this confidential response to OCA
16 2-11, the Company confirmed that the data
17 collected by C Squared showed that there was
18 a 3.11-mile section of Interstate 89 south,
19 between approximately Dial Pond Road and the
20 southern-most border of the Sutton exchange
21 territory, that did not have wireless signal
22 strength from any carrier that was
23 sufficient to maintain a wireless call or to
24 initiate a new call.

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1 Q. And the -- does that data response confirm
2 or -- I'm sorry. I take that back.

3 Is this data response in any way
4 supportive of the concern that you raised,
5 the first concern that you raised in your
6 testimony?

7 A. Yes, it is, because on my -- if you... I'm
8 trying to think how to present this. My
9 original testimony included an attachment
10 which showed polygons on -- those were
11 Attachments 2 and 3 of my testimony. And
12 those polygons I described as the areas
13 where C Squared had driven but which there
14 were no signal strength. And as a result of
15 this change in response, those polygons are
16 no longer accurate. However, this new
17 response -- well, this response to OCA 2-11
18 identifies a new polygon, which I have
19 identified here on revised Attachment 3 with
20 a dashed line. And this new polygon I
21 believe supports Issue 1 that I discussed in
22 my testimony, starting on Page 14, around
23 Line 19. This is a new polygon where there
24 was no signal strength data, even though the

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1 Company drove this road. And this is a --
2 further, I would say that this is a
3 particularly valuable piece of information
4 because the CoverageRight map indicates that
5 there are four wireless carriers that are
6 marketing their services in this area. And
7 you can tell that by the dark shade of green
8 right at that area. It might be a little
9 hard on the copies to detect exactly which
10 shade of green is relevant. But I'm quite
11 confident that that is an area with four
12 wireless carriers marketing their services.

13 MS. HOLLENBERG: Mr. Chairman,
14 if I could have the Company's response to
15 OCA 2.11 marked as OCA Exhibit 15, please?

16 CHAIRMAN GETZ: So marked.

17 MS. HOLLENBERG: And if I
18 could have the revised Attachment 3 for purposes
19 of this hearing marked as OCA Exhibit 16?

20 CHAIRMAN GETZ: So marked.

21 MS. HOLLENBERG: Thank you.

22 (OCA Exhibits 15, 16 marked for
23 identification.)

24 BY MS. HOLLENBERG:

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1 Q. Could I -- you did have a couple other
2 concerns that you raised in your testimony.
3 And if you can just summarize those and
4 indicate whether or not those are impacted
5 by the Company's revised response to
6 OCA 2.13, please.

7 A. Certainly. The first concern which I just
8 addressed is, in fact, related to the second
9 and third concerns that I raised in my
10 prefiled testimony. Consequently, I do -- I
11 would like to comment on how the resolution
12 of the first concern impacts the other
13 positions that I took related to these other
14 concerns.

15 Mr. Reed's testimony asserted that the
16 consistency between C Squared's analysis and
17 the CoverageRight map proves that the
18 CoverageRight map is an accurate depiction
19 of the extent of competitive alternatives
20 available to customers in all New Hampshire
21 exchanges, including the MCT exchanges of
22 Bradford and Warner and the KTC exchange of
23 Andover. Mr. Reed further asserted that the
24 CoverageRight map shows that wireless

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1 telecommunications is available to virtually
2 100 percent of the service area within
3 Bradford, Warner and Andover.

4 In my prefiled testimony, I took the
5 position that the CoverageRight data was not
6 sufficient on its own to show that wireless
7 service is available to a majority of retail
8 customers within the Bradford and Warner
9 exchanges of MCT and the Andover exchange of
10 KTC. My position was based upon the fact
11 that there was no signal strength analysis
12 in the Bradford, Warner and Andover
13 exchanges, and that my finding that there
14 were areas along C Squared's actual drive
15 route that had no signal data.

16 I also considered in reaching this
17 conclusion the Commission's ruling in the
18 first phase of this proceeding, that the
19 CoverageRight maps are, quote, not
20 sufficient to demonstrate availability of
21 third-party offerings. As I stated
22 previously, I believe that the areas that
23 C Squared -- the areas along C Squared's
24 actual drive route that have no signal

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1 data -- of which I only have a single
2 instance of that at the moment, just to be
3 clear -- are different than those originally
4 identified in my prefiled testimony.

5 However, there continues to be one
6 significant area where the C Squared data
7 indicates that there's no signal strength
8 and where the CoverageRight map indicates
9 that four wireless companies are marketing
10 their services. Therefore, I continue to
11 take the position that such disconnections
12 between the CoverageRight map data and the
13 C Squared signal strength data make it
14 impossible to establish a real consistency
15 between these two quantities. Further, I
16 continue to take the position that the
17 CoverageRight maps do not indicate signal
18 strength, so they cannot be relied on alone
19 as sufficient proof that wireless service is
20 available as an alternative for a majority
21 of customers within the Bradford, Warner and
22 Andover exchanges.

23 Q. At this point I want to ask you just about
24 two other issues. And I'm wondering if you
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1 agreed in your prefiled testimony that the
2 fact that C Squared's analysis shows that
3 there's -- there are signal on these --
4 there is signal on the roads in those
5 exchanges, does that prove that the -- that
6 wireless is a competitive alternative? Do
7 you take a position on that?

8 MR. MCHUGH: I object, Mr.
9 Chairman. This is supplemental testimony. The
10 agreement that I thought I had with the Office of
11 Consumer Advocate is that they were going to
12 supplement the testimony solely as it relates to
13 the mistake made with respect to one data
14 request. That goes far beyond the agreement.

15 MS. HOLLENBERG: And I just
16 want to make clear that ordinarily when a witness
17 takes the stand, they summarize their prefiled
18 testimony. And so I was trying to do a little
19 bit of both. And I'm not intending to have him
20 add information. I think that the question I
21 asked him about, which I was trying to ask on
22 direct to speed things up, is an issue he talks
23 about in his testimony.

24 MR. MCHUGH: Then it's in his
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1 prefield testimony and it doesn't need to be
2 repeated here.

3 CHAIRMAN GETZ: Well, we do
4 tend to allow brief summaries. So if it's a
5 brief summary and then we can move this along,
6 that would be helpful.

7 MS. HOLLENBERG: Okay.

8 BY MS. HOLLENBERG:

9 Q. I guess I'd just ask, are there any other
10 issues that you raised in your testimony;
11 and if so, could you just briefly speak to
12 those, briefly.

13 A. Yes, there's two points I'd like to be clear
14 on that were in my prefiled testimony. The
15 first is that in that testimony I did not
16 agree that the C Squared analysis for Sutton
17 and Salisbury definitively proves that a
18 competitive alternative is available to a
19 majority of retail customers in Sutton and
20 Salisbury. I suggested that the issue of
21 whether these services are competitive
22 remains as an issue for the Commission to
23 assess and determine. Not being an expert
24 in these areas, I referred the Commission to

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1 the OCA's testimony from its witness,
2 Dr. Robert Loube, from Phase I, where he
3 addressed issues of competitiveness.

4 And the second issue from my prefiled
5 testimony, and it remains my position, is
6 that the Commission -- that, should the
7 Commission approve the alternative
8 regulation plans for MCT and KTC, that the
9 two-year rate freeze provided in Section 6.1
10 of the settlement agreement is still
11 required and that the two-year period does
12 not start until the Commission approves
13 those plans for those two companies.

14 MS. HOLLENBERG: Thank you. I
15 don't have anything else.

16 CHAIRMAN GETZ: Mr. Linder.

17 CROSS-EXAMINATION

18 BY MR. LINDER:

19 Q. I do have a few questions. They're mainly
20 due to confusion on my part with respect to
21 the modifications made to the testimony. I
22 apologize.

23 Is your position with respect to the
24 CoverageRight map -- am I understanding this

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1 correctly -- that you're saying that the
2 CoverageRight map that was used to depict
3 coverage in the Salisbury and Sutton
4 exchanges cannot be applied to either the
5 Andover or Warner or Bradford exchanges to
6 show availability? Do I understand that
7 correctly?

8 A. Well, naturally, I think my intention is to
9 say that the CoverageRight map concept, in
10 the big aggregate here -- I mean, obviously,
11 the CoverageRight map for Sutton is
12 different than the CoverageRight map for
13 Andover, for example. But the issue that
14 I've identified or tried to explicate here
15 is that there is at least one area on the
16 Sutton drive route map in my revised
17 Attachment 3 -- which was Exhibit 16, I
18 believe it's marked -- where the drive route
19 produced no signal strength data that was
20 sufficient to support a call in an area
21 where four wireless carriers are marketing
22 their services. And this disconnection
23 between these two types of data -- the
24 signal strength data and the CoverageRight

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1 map data -- seems to indicate to me that
2 there is not the consistency between these
3 two things that Mr. Reed asserts. And
4 therefore, I do not believe that one can use
5 the CoverageRight map data alone to assert
6 that wireless services are available in --
7 to the majority of customers in the other
8 three exchanges that I mentioned. Does that
9 respond to your question?

10 Q. Yeah. And the second question is, are you
11 referring to the map, Exhibit G?

12 A. Am I referring to the map --

13 Q. The Exhibit G map?

14 A. Exhibit G?

15 Q. Yes.

16 A. The Exhibit G map, I believe, is the full
17 statewide map.

18 Q. Okay.

19 A. Right, with the individual -- yes, you can
20 see the exchange boundaries on there for all
21 of the companies. It's a little more
22 difficult to discern the exchange boundaries
23 within the Company boundaries. So, yes, I
24 was just referring to that.

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1 Q. Okay. Thank you for clarifying.

2 A. Okay.

3 MR. LINDER: No further
4 questions.

5 CHAIRMAN GETZ: Mr. Hunt?

6 MR. HUNT: No questions.

7 CHAIRMAN GETZ: And Mr.
8 McHugh?

9 CROSS-EXAMINATION

10 BY MR. MCHUGH:

11 Q. Do you have any certifications in RF
12 engineering, sir?

13 A. No, I don't.

14 Q. Do you have any experience with wireless
15 telecommunications and the build-out of
16 their networks?

17 A. No.

18 Q. Do you have any experience with companies
19 such as C Squared in measuring the
20 availability of wireless cellular coverage?

21 A. No, I don't. I relied on their data as they
22 provided it.

23 Q. Thank you.

24 MR. MCHUGH: Nothing further,

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1 Mr. Chairman.

2 CHAIRMAN GETZ: Commissioner
3 Ignatius?

4 BY CMSR. IGNATIUS:

5 Q. Mr. Eckberg, the section in your OCA
6 Exhibit 16, the map you created with the
7 overlay of the CoverageRight against the
8 data points, and you marked off the section
9 where you find -- where the data showed
10 no -- being driven but no signal strength,
11 that's the southbound direction of I-89;
12 correct?

13 A. First, just to clarify, I did not create the
14 map. The Company created the map and
15 provided it to us. I've simply done the
16 additions which appear to be hand-drawing on
17 the map.

18 Q. All right.

19 A. But to then -- the answer to your question
20 is, yes, that is the southbound section of
21 I-89.

22 Q. And the northbound direction of I-89 shows a
23 pretty steady presence of the green dots and
24 that level of signal strength.

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1 A. I would agree with that. Yes, it does
2 appear.

3 Q. Is that the same area that Mr. Goulet said
4 he needed to go back and check when he was
5 testifying earlier, to understand why there
6 was no southbound lane demonstrated on the
7 map?

8 A. That may be the area he was referring to.
9 I'm not sure whether he was referring to an
10 area -- whether he was referring to 89 south
11 or whether he was referring to another road
12 which Commissioner Below was discussing with
13 him. I'm not a hundred-percent sure. But
14 it may be, yes.

15 Q. Thank you.

16 CHAIRMAN GETZ: Redirect.

17 MS. HOLLENBERG: Thank you.

18 Just two quick questions.

19 REDIRECT EXAMINATION

20 BY MS. HOLLENBERG:

21 Q. Mr. Eckberg, did you hold yourself out as an
22 expert in RF engineering or the design of
23 wireless networks in your testimony?

24 A. I do not believe that I did, no.

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1 Q. Okay. And would you agree that you reported
2 facts that you received from the companies
3 in this proceeding in your testimony?

4 A. Yes, I would agree with that.

5 Q. Thank you.

6 CHAIRMAN GETZ: Okay. Then,
7 nothing further? Then the witness is excused.
8 Thank you, Mr. Eckberg.

9 Is there any objection to
10 striking the identifications and admitting the
11 exhibits into evidence?

12 MR. McHUGH: Mr. Chairman, on
13 behalf of the Companies, I would object to
14 Mr. Bailey Exhibits 67 through 74. I believe all
15 of those exhibits were used solely for purposes
16 of cross-examination. There was absolutely no
17 foundation laid which would support those
18 documents being full evidentiary exhibits. For
19 example, while I certainly understand the
20 Commission's rules say the rules of evidence do
21 not necessarily apply, I submit there has to be
22 some foundation to get a document into evidence
23 when it's used solely for purposes of
24 cross-examination, or this Commission's

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1 proceedings would simply be inundated with
2 various articles from various publications, with
3 no showing whatsoever made that they have any
4 relevance to the proceeding. So, as an example,
5 I would cite the Commission to Rule of Evidence
6 803(18) which discusses learned treatise
7 exceptions to the hearsay rule. And it
8 specifically requires, among other things, that
9 such documents, when used on cross-examination,
10 they have to be established as reliable authority
11 by testimony, of which we have none from
12 Mr. Bailey or any other party. So they don't
13 meet that requirement. And there would otherwise
14 have to be an admission by the witness that the
15 specific article or publication is some authority
16 on some specific matter. And I submit you don't
17 have that here. So I don't think the
18 identification should be stricken, and I would
19 object to that. And I don't think the materials
20 in 67 through 74 should be admitted.

21 Now, let me just add that 72
22 and 73 are cites to certain sections of the Code
23 of Federal Regulation. I don't know that they
24 need to be exhibits. To the extent Mr. Bailey's
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1 counsel wants to assert in a brief that here's
2 what they say, then so be it. But I would just
3 point that out in terms of the actual exhibit
4 references.

5 CHAIRMAN GETZ: And that's the
6 entirety of the objection to those 67 through 74?

7 MR. MCHUGH: Yes, Mr.
8 Chairman.

9 CHAIRMAN GETZ: Are there any
10 objections to any other exhibits being admitted
11 into evidence?

12 (No verbal response.)

13 CHAIRMAN GETZ: Okay.
14 Opportunity to respond. Mr. Feltes? Mr. Linder?

15 MR. FELTES: Thank you, Mr.
16 Chairman.

17 Well, these sets of exhibits
18 are relevant and reliable. Let's take them one
19 at a time.

20 Sixty-seven is the article,
21 "Estimating Coverage of Radio Transition Into and
22 Within Buildings at 900, 1800, 2300 megahertz."
23 We've heard testimony that the frequency band
24 that is being used by Verizon and Sprint CDMA in
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1 the exchanges of Sutton and Salisbury is at the
2 1800 or thereabouts frequency band, around 900
3 for U.S. Cellular. So this article is an IEEE
4 article, which Mr. Goulet acknowledged is the
5 Institute of Electronics and Electrical
6 Engineers. And it's a publication from IEEE
7 which is cited to -- it's my understanding it's
8 cited to by Theodore Rappaport in his chapter,
9 which Attorney McHugh is not objecting to,
10 Exhibit 66. And Mr. Goulet acknowledged that Mr.
11 Rappaport is an expert in wireless
12 communications.

13 MR. MCHUGH: There's no
14 objection to No. 66, for the record.

15 MR. FELTES: So, you know, No.
16 67 is cited by Rappaport. If there's no
17 objection to 66, I don't see why there would be
18 objection to 67. But moreover, it's reliable
19 because it's IEEE. It explains in more detail
20 these in-building penetration readings. I think
21 that's helpful. We think that's relevant. We
22 heard a lot of testimony about RF link budgets
23 and a lot of testimony about what that means and
24 the implications for these drive tests. And so,
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1 you know, Exhibit 67 is an article we think is
2 reliable. IEEE. We think it's relevant.
3 In-building penetration is relevant. Mr. Goulet
4 acknowledged that. So we would move to admit 67.

5 Shall I go through each one?

6 Okay.

7 Sixty-eight is another IEEE
8 article on the factors influencing building
9 penetration. While it does cite some tests on
10 concrete walls in Karachi, I assume that there
11 are some concrete walls in Sutton and Salisbury
12 and some elements of the same type of building
13 penetration loss. It, too, is helpful in
14 illustrating to the Commission, in our view, some
15 of the different elements of building penetration
16 loss. It's an IEEE article. We think it's
17 relevant and reliable.

18 Sixty-eight [sic] is relevant
19 and reliable as well. It's "User's Impact on
20 PIFA Antennas in Mobile Phones." Mr. Goulet
21 testified he was not aware of grip loss. But
22 we're not just admitting this for impeachment
23 purposes as the others up to date. Excuse me.
24 67 and 68 is not just for impeachment purposes.

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1 But 68 [sic] is also, we're moving to admit --
2 it's reliable. It's IEEE. It's -- we've heard
3 testimony from Mr. Goulet, importantly, on RF
4 link budgets, that a 2dB loss is built in. This
5 goes directly to that. You know, it goes
6 directly to showing the Commission a little bit
7 more about body loss, grip loss, which Mr. Goulet
8 said that he didn't know about. And it shows
9 some of the penetration factor -- or the loss
10 factors of grip loss. So we think it's relevant.
11 We haven't had any evidence that people are not
12 holding their phones and there's significant
13 Bluetooth usage. So grip loss, we think, is a
14 factor that needs to be considered when
15 evaluating these drive test results because
16 people hold their phones in their homes.

17 Exhibit 69 [sic] is titled
18 "Comparison Between Head Losses of 20 Phones With
19 External and Built-In Antennas Measured in
20 Reverberation Chamber." Again, we think this is
21 relevant and reliable. People hold their phones
22 to their heads. It's a component of body loss.
23 It's an IEEE article. It lays out some of the
24 losses from the head, absorption losses at the
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1 frequency levels that are tested in this case.
2 No. 70 is -- excuse me -- 71
3 is "Body Loss Measurements of Internal Antennas
4 in Talk Position Using Real Human Operator." We
5 think this is a relevant article. It talks --
6 it's a 2008 article. It talks about total body
7 loss, talks about the difference between head
8 loss and grip loss. It also talks about, I
9 think, something that is important, which we
10 would highlight in the brief. But to highlight
11 why it's relevant is that, when we hear that 2 dB
12 body loss is assumed in a RF link budget, that is
13 what the carriers are providing, according to Mr.
14 Goulet, this first paragraph talks about that the
15 specification documents provided by carriers
16 doesn't necessarily take into effect grip loss,
17 and that the conclusion is that the body
18 losses -- total body loss, including grip loss,
19 is between 6 and 26 dB, which calls -- we would
20 argue it's relevant because it's relevant to the
21 RF link budget that's being used to do these
22 total tests.

23 The "head loss" article was
24 Exhibit 70. Sorry about that.

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1 The FCC, I agree with Attorney
2 McHugh, that we could simply cite to it in our
3 brief. But we do think it's relevant. It's
4 actually called "Broadband PCS Spectrum," which
5 is the 1900 megahertz spectrum, which many of the
6 carriers tested use. For clarity, U.S. Cellular
7 is not on the 1900 megahertz spectrum. But we
8 think it's relevant because it talks about the
9 interruption of a signal and building penetration
10 loss. It not only shows -- demonstrates a 10 dB
11 loss for suburb, but it also shows dB losses in
12 small towns. And this is a procedure that the
13 FCC has laid out. I guess I wouldn't -- you
14 know, we could cite to it in our brief. But we
15 would like to move for it as an exhibit because
16 we think it's relevant and reliable.

17 Seventy-two -- excuse me -- 73
18 is another FCC Code of Federal Regulations.
19 Again, Attorney McHugh is correct; we could just
20 cite to it in our brief. But we thought it was
21 helpful to outline the definition of personal
22 communication services that's in the Code of
23 Federal Regulations.

24 Seventy-four is the document
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1 that New Hampshire Legal Assistance created using
2 the data contained on TDS Confidential 0266, a CD
3 that contained raw data of receive signal
4 strength readings. We used it for impeachment
5 and illustrative purposes. Mr. Goulet, on
6 Tuesday, testified that he did not have a problem
7 with the narrative. Today, he was available for
8 redirect to question the numbers, to question the
9 methodology, and that did not occur. We think
10 that there's been significant discussion about
11 which way these dB numbers go. And we think that
12 this chart is helpful to look at if in the end
13 you conclude that there should be a 10 dB
14 correction factor. Again, there's some body
15 loss, things you got to take into account. And
16 you got to take into account in-vehicle
17 penetration, but there's also in-building
18 penetration. So we think that this is helpful
19 for illustrative purposes, and we would also move
20 for this to be an exhibit as well. Thank you,
21 Mr. Chairman.

22 CHAIRMAN GETZ: Okay. Thank
23 you. Anything else on any of the exhibits?

24 MS. HOLLENBERG: If I may just
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1 clarify something? There have been a couple of
2 references to Mr. Goulet checking his data on the
3 I-89 South section of the C Squared analysis in
4 Sutton. And is that something that the
5 Commission is planning to receive from him?

6 CHAIRMAN GETZ: You mean just
7 observations he made? In other words, no data --
8 I think I know what you're speaking to. But in
9 the absence of an expressed reservation of an
10 exhibit number for a data request or record
11 request from the Bench, then there's no
12 expectation of any other filings.

13 MS. HOLLENBERG: Thank you. I
14 was just going to note that we would object to
15 it. But if that's not going to be received, then
16 I don't have to do that.

17 CHAIRMAN GETZ: Mr. McHugh,
18 did you have something?

19 MR. MCHUGH: Well, I agree in
20 terms of the observations. But as I recall,
21 there were two oral data requests that we were
22 going to follow up on.

23 CHAIRMAN GETZ: Yes. Yes,
24 those are the ones that were expressly reserved.

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1 MR. MCHUGH: Requested. Yes,
2 sir.

3 CHAIRMAN GETZ: Okay. What
4 we're going to do, then, on the exhibits is we
5 will admit into evidence everything identified as
6 an exhibit in this proceeding, except for
7 Bailey 67 through 74. We'll take the arguments
8 under advisement and issue a ruling next week on
9 what treatment we'll give to those particular
10 exhibits.

11 So what we're going to do is
12 forego closing statements and allow for briefs.
13 But for briefing, is there any other issues,
14 procedural issues we need to address before close
15 the hearings?

16 (No verbal response.)

17 CHAIRMAN GETZ: Have the
18 parties talked about briefs? One round? Two
19 rounds? How much time? My assumption is that
20 there's -- that the parties are going to want to
21 see the transcripts. Is that correct?

22 MS. HOLLENBERG: That would
23 probably be helpful.

24 CHAIRMAN GETZ: Okay. So is

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1 there -- can I say a single round of briefs

2 within --

3 MS. HOLLENBERG: Yes.

4 CHAIRMAN GETZ: Okay. And how
5 many days after?

6 MS. HOLLENBERG: Thirty.

7 CHAIRMAN GETZ: Let's go off
8 the record just for a second.

9 (Discussion off the record.)

10 CHAIRMAN GETZ: Back on the
11 record then. There's agreement among the parties
12 that there be a single round of briefs that will
13 be due 15 days after the transcripts are provided
14 to the parties.

15 MS. HATFIELD: Mr. Chairman,
16 if I might? Would the Commission consider,
17 first, setting a page limit? And secondly, could
18 you give us any guidance on particular issues you
19 want us to focus on? Or are you looking for
20 global briefs on just the issues that are before
21 the Commission?

22 (Discussion among Commissioners)

23 CHAIRMAN GETZ: In terms of --
24 we don't think it's necessary to impose a page

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1 limit. So I guess that's up to the parties and
2 how much they want to write. And in terms of
3 what topics to emphasize, we're not providing any
4 directives with respect to that. I think what
5 we're looking for in general is there's, in
6 essence, a petition by the TDS. And any of the
7 arguments that the parties want to make to why we
8 should adopt or reject the petition, then that's
9 the parties' call.

10 I would also want to make sure
11 that the answers to the data record requests
12 certainly then should be in hand well in advance
13 of the time of the transcripts. I expect these
14 are things that can come by the end of next week?
15 Is that fair?

16 MR. MCHUGH: I think so, Mr.
17 Chairman. Yes.

18 CHAIRMAN GETZ: All right.
19 Anything else? Mr. Linder?

20 MR. LINDER: To the extent
21 that the briefs might refer to confidential,
22 non-public documents, would we be expected to
23 file two versions, one redacted and one not,
24 or...

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1 CHAIRMAN GETZ: Yes, I think
2 that's the better course. That would be the
3 better course, consistent I think with the
4 practice with testimony and other documents, yes.

5 (Discussion among Commissioners)

6 CHAIRMAN GETZ: We have a
7 proposal by Commissioner Ignatius. To the extent
8 that if it's a 50-page brief, and one page
9 contains redacted material, you could submit the
10 50-page brief and the one redacted page.

11 MR. MCHUGH: Fair enough.

12 CHAIRMAN GETZ: Okay. All
13 right. Anything else?

14 (No verbal response)

15 CHAIRMAN GETZ: Hearing
16 nothing, then we'll close the hearing and take
17 the matter under advisement. Thank you,
18 everyone.

19 (Whereupon the hearing concluded at
20 4:35 p.m.)

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24

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1 C E R T I F I C A T E

2 I, Susan J. Robidas, a Licensed
3 Shorthand Court Reporter and Notary Public
4 of the State of New Hampshire, do hereby
5 certify that the foregoing is a true and
6 accurate transcript of my stenographic
7 notes of these proceedings taken at the
8 place and on the date hereinbefore set
9 forth, to the best of my skill and ability
10 under the conditions present at the time.

11 I further certify that I am neither
12 attorney or counsel for, nor related to or
13 employed by any of the parties to the
14 action; and further, that I am not a
15 relative or employee of any attorney or
16 counsel employed in this case, nor am I
17 financially interested in this action.

18

19

20 Susan J. Robidas, LCR/RPR
21 Licensed Shorthand Court Reporter
22 Registered Professional Reporter
23 N.H. LCR No. 44 (RSA 310-A:173)
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