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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

September 29, 2009 - 10:19 a.m. DAY I
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 Telephone:
Frederick J. Coolbroth, Esq.
(Devine...)
Patrick C. McHugh, Esq.(Devine...)

Reptg. Daniel Bailey:
Alan Linder, Esq. (NHLA)
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9 Office of Consumer Advocate

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11 Robert Hunt, Esq.
12 Kate Bailey, Director-Telecom Div.
13 Pradip Chattopadhyay, Asst. Dir.,
14 Telecom Div.
15 Josie Gage, Telecom Div.

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1 PROCEEDING

2 CHAIRMAN GETZ: Okay. Good
3 morning, everyone. We'll open the hearing in
4 Docket DT 07-027. On April 23, 2008, the
5 Commission issued an order finding that the TDS
6 Companies had demonstrated competitive
7 alternatives were available to a majority of the
8 customers in its Wilton and Hollis subsidiaries;
9 at the same time concluded that the Companies had
10 failed to demonstrate that competitive
11 alternatives were available to the majority of
12 customers in each of the exchanges for Kearsarge
13 and Merrimack. That the docket was left open to
14 provide the Company the opportunity to present
15 new evidence as to Kearsarge and Merrimack. And,
16 on January 29 of this year, the TDS Companies
17 filed supplemental testimony. And, an order
18 scheduling a prehearing conference was issued on
19 February 27. And, after a prehearing conference
20 on March 26, the procedural schedule for this
21 proceeding was adopted on April 9th. And, also,
22 a decision on scope of the proceeding was issued
23 on June 15, 2009.

24 We since have received

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1 testimony from the Office of Consumer Advocate,
2 New Hampshire Legal Assistance, and Comcast,
3 which was followed by a notice of withdrawal by
4 Comcast. And, we have rebuttal testimony filed
5 by TDS on September 9. And, we have a motion in
6 limine, which was filed by the Consumer Advocate
7 yesterday, I believe.

8 So, let's take appearances,
9 and then we'll hear arguments with respect to the
10 Consumer Advocate's motion.

11 MR. MCHUGH: Good morning, Mr.
12 Chairman, Commissioner Below, Commissioner
13 Ignatius. Patrick McHugh, from Devine, Millimet
14 & Branch, here on behalf of Merrimack County
15 Telephone Company and Kearsarge Telephone
16 Company. With me today is Attorney Frederick
17 Coolbroth, of Devine, Millimet; Michael Reed, on
18 behalf of the Companies; as well as Mr. Daniel
19 Goulet sitting with us today. Thank you.

20 CHAIRMAN GETZ: Good morning.

21 MR. GOULET: Good morning.

22 MR. LINDER: Good morning, Mr.
23 Chairman and Commissioners. My name is Alan
24 Linder, from New Hampshire Legal Assistance,

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1 representing Daniel Bailey. And, with me at
2 counsel table is Attorney Daniel Feltes; and to
3 my right is, assisting New Hampshire Legal
4 Assistance, is Professor Kent Chamberlin, a
5 professor at UNH of the Engineering and Computer
6 Department, who is consulting with us on the
7 case; also seated behind me is Attorney Kay
8 Drought, from New Hampshire Legal Assistance.
9 And, both Attorney Drought and Professor
10 Chamberlin have executed the protective
11 agreement, so that they can be present during the
12 confidential portion of the proceeding. Thank
13 you.

14 CHAIRMAN GETZ: Thank you.
15 Good morning.

16 MS. HOLLENBERG: Good morning.
17 Rorie Hollenberg, here for the Office of Consumer
18 Advocate. And, with me today is Meredith
19 Hatfield, Stephen Eckberg, and Kenneth Traum.
20 And, if I might just mention at this moment,
21 after you hear from the parties on our motion in
22 limine, if I could just address a couple of other
23 procedural issues before we begin this morning.

24 CHAIRMAN GETZ: Okay. Thank

1 you.

2 MS. HOLLENBERG: Thank you.

3 MR. HUNT: Good morning. Rob
4 Hunt, Staff attorney. Along with me today is
5 Pradip Chattopadhyay, Policy Analyst; next to him
6 is Josie Gage, Policy Analyst; and next to her is
7 Kate Bailey, Director of Telecommunications.

8 CHAIRMAN GETZ: Okay. Good
9 morning. Well, actually, what else do you have
10 in terms of the procedural issues,
11 Ms. Hollenberg?

12 MS. HOLLENBERG: I would like
13 to establish how we're going to handle
14 confidential information. And, I've talked with
15 I think most of the parties about this. I have
16 not yet spoken with Staff about it, but I spoke
17 with the Company about it yesterday. And, I
18 would also like to just make a comment on
19 Comcast's notice of withdrawal, if I might, that
20 was filed on the -- it was received by the
21 Commission on the 21st. And, so, I just figured,
22 instead of filing anything in response, I could
23 just make the comment. And, I have spoken with
24 the Company about that this morning, which is

1 that I have no -- the OCA has no objections to
2 Comcast withdrawing as a party. But we do
3 question whether or not Comcast can withdraw
4 pleadings or any kind of statements that it's
5 made up to this point that the Commission has
6 ruled on already. To the extent that any kind of
7 statements or positions have been ruled on by the
8 Commission, we think that those documents need to
9 remain a part of the record.

10 And, also --

11 CHAIRMAN GETZ: But that
12 would --

13 MS. HOLLENBERG: I'm sorry.
14 Yes.

15 CHAIRMAN GETZ: But you're not
16 arguing that that would extend to the testimony?

17 MS. HOLLENBERG: No, sir, I'm
18 not. I have no opposition to the Company or to
19 Comcast's withdrawal of the testimony filed in
20 July of 2009. But, to the extent that they filed
21 anything up to that point, that the Commission
22 has mentioned in an order or ruled on in an
23 order, I think it needs to remain part of the
24 record.

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1 I also have another, another
2 thing to comment on. We have discussed this with
3 the Company and the other parties, but the OCA
4 will be revising -- slightly revising its
5 testimony on the stand today. And, to the extent
6 that the Commission needs to understand the
7 agreement that's been reached with the Company
8 about that before that happens, I'm happy to talk
9 to you about that as well.

10 CHAIRMAN GETZ: Okay. Thank
11 you.

12 MS. HOLLENBERG: You're
13 welcome.

14 CHAIRMAN GETZ: Well, let's
15 turn to the Consumer Advocate's motion in limine,
16 the opportunity for the -- we'll give TDS an
17 opportunity to respond to that, and then anyone
18 else who wants to weigh in will have an
19 opportunity. Mr. McHugh.

20 MR. MCHUGH: Thank you, Mr.
21 Chairman. We received the motion in limine
22 yesterday, a little bit after 11:30. So, we are
23 prepared today to respond orally, but not in
24 writing. I broke down the motion in limine into

1 really I think what are two substantive sections.
2 I think the first paragraph or so you might
3 consider an introductory section. But the first
4 substantive issue, as far as I can see, is
5 whether or not Mr. Goulet should be allowed to
6 both submit the propagation modeling for his
7 rebuttal testimony into evidence, as well as
8 whether or not he could answer any questions
9 about it today. I would note that the testimony
10 was submitted on September 29, and this motion in
11 limine was filed the day before the hearing.

12 CHAIRMAN GETZ: September 9.

13 MR. MCHUGH: September 9, I
14 apologize, but -- and the motion was filed the
15 day before the hearing. And, the Company's
16 approach was to focus on the two exchanges with
17 actual benchmark testing, that is actual testing
18 to go out and measure the signal strength in two
19 exchanges at issue that the Company chose in
20 Sutton and Salisbury.

21 So, if you consider
22 propagation modeling, I think you would hear
23 evidence today that propagation modeling is a
24 form of predictive analysis. In other words, you

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1 don't go out and you don't measure it, it's you
2 take what towers are in the area and then RF
3 Engineers and people like Mr. Goulet go out and
4 they develop a propagation model to provide a
5 predictive analysis for cellular or wireless
6 telephone companies as to what signal might be
7 there.

8 The next step would be to go
9 out and do a benchmark drive test. TDS made an
10 affirmative decision to get you the actual data
11 in the first instance. So, in terms of providing
12 it with Mr. Reed's supplemental testimony, the
13 Company decided not to go that route.

14 CHAIRMAN GETZ: I'm sorry.
15 Decided to get it to us in the first instance?

16 MR. MCHUGH: Yes. In the
17 exhibits that we've premarked, Mr. Chairman, the
18 supplemental testimony of Michael Reed, it's
19 premarked as "KTC-MCT 6C".

20 CHAIRMAN GETZ: Meaning the
21 January 29th?

22 MR. MCHUGH: That's right.

23 CHAIRMAN GETZ: Yes.

24 MR. MCHUGH: And that contains

1 the actual test results from the benchmark
2 testing performed by Mr. Goulet and his company.

3 Following in the procedural
4 schedule, Mr. Johnson or Dr. Ben Johnson, who
5 will be testifying on Thursday on behalf of New
6 Hampshire Legal Assistance, in his rebuttal
7 testimony of July 17, 2009 spent about two pages
8 criticizing the benchmark analysis in the TDS
9 approach, specifically because we didn't do
10 propagation modeling or that the Company elected
11 not to do propagation modeling. That testimony
12 really starts at Page 10, Line 20, and goes all
13 the way through Page 12, Line 9. And, he
14 explains in those two pages why he believes TDS's
15 analysis is deficient, and he makes reference to
16 the fact that he's not an engineer, but that he
17 understands that engineers do propagation
18 modeling, he cites an article, and he explains at
19 length why propagation modeling should have been
20 undertaken.

21 So, in response, and in
22 rebuttal to Dr. Johnson's testimony, we provided
23 the propagation modeling for the two exchanges
24 that Mr. Goulet provided the actual benchmark

1 test results for.

2 I just quickly looked up on
3 the Black's Law Dictionary, in the Fourth
4 Edition, the word or the phrase "rebuttal
5 evidence" or "rebutting evidence" is defined as
6 "evidence given to explain, repel, counteract or
7 disprove facts given in evidence by the adverse
8 party." That's exactly what we have done. And,
9 I think the OCA's position is that we're not
10 allowed to do that. That would be the effect of
11 granting the motion in limine on the propagation
12 modeling, is we're not allowed to rebut
13 Dr. Johnson's criticisms with our case. And, I
14 don't think that is -- I don't think it's fair
15 and I don't think it's sustainable.

16 The second sort of phase of
17 the --

18 CHAIRMAN GETZ: Well, let me
19 ask this, though. So, you're contending it's
20 proper rebuttal. Though, it does essentially
21 supplement or explain in greater detail the
22 conclusions that were in the January 29 testimony
23 of Mr. Reed?

24 MR. MCHUGH: Well, I think it

1 validates the benchmark actual test results.
2 And, number two, it's directly responsive to Mr.
3 Johnson's prefiled rebuttal testimony. And, this
4 procedural schedule was set up that the Companies
5 were allowed to provide rebuttal evidence, and
6 that's what I think it falls under.

7 CHAIRMAN GETZ: But there
8 certainly has been no opportunity for discovery
9 on the analysis and testimony of Mr. Goulet.

10 MR. MCHUGH: Well, nobody
11 asked us any questions about it so far. It was
12 -- the first issue about potential discovery
13 arose only by the OCA the day before this hearing
14 started, and Mr. Goulet is here and available for
15 cross-examination.

16 The second issue is, really, I
17 broke it down as to the issue of competition.
18 And, essentially, the OCA, as I read it, claims
19 that Mr. Goulet is not qualified to address the
20 issue of competitiveness, because it's a complex
21 economic subject that was the subject of prior
22 proceedings. And, I want to be clear for the
23 Commission, we are not offering Mr. Goulet for
24 any expertise outside the scope of his

1 qualifications. His direct -- his testimony is
2 direct evidence of how wireless telecommunication
3 companies develop their wireless systems, develop
4 their networks.

5 For example, if you look at
6 Mr. Goulet's rebuttal testimony on Page 6, Line
7 17 and 18, he explains that "The business plans
8 of all of the wireless carriers with whom I work
9 are to deploy networks that will provide
10 in-building residential and commercial", and that
11 he's referencing wireless service. On Page 11,
12 Lines 9 to 12, he references the fact that "The
13 goal of every wireless carrier with which I work
14 is to provide as good or better service than the
15 landline and eventually to replace the landline.
16 In assisting wireless carriers in their zoning
17 and planning" -- I'm sorry -- "zoning and
18 permitting process, the affidavits submitted
19 state that the carrier is seeking to provide a
20 competitive alternative wireless service to
21 landline service."

22 This is direct knowledge of
23 exactly what wireless carriers do in Mr. Goulet's
24 experience and based on his work in various

1 jurisdictions and before multiple zoning and
2 planning boards and courts. And, he's not trying
3 to testify outside his expertise. When he is
4 qualified as an expert, he's got direct knowledge
5 on a specific issue, I think it's fair that he be
6 allowed to testify to it. Thank you.

7 CHAIRMAN GETZ: Okay. Thank
8 you. Mr. Linder, do you have anything on this
9 issue?

10 MR. LINDER: I do, Mr.
11 Chairman. Thank you. With respect to the second
12 issue that Mr. McHugh raised regarding Mr.
13 Goulet's qualifications to render an expert
14 opinion in the area of economics, we have -- we
15 have no objection to Mr. Goulet expressing a lay
16 opinion with respect to certain areas of
17 economics, particularly competitiveness and
18 markets and so on, but the weight that the
19 Commission would accord to that I think has to be
20 congruent with Mr. Goulet's expertise. He does
21 not have expertise in the area of economics in
22 the sense that Witness Johnson does, who's a
23 qualified economist. So, we would not be
24 suggesting that Mr. Goulet not be permitted to

1 express an opinion, of which he will be
2 cross-examined on. But I think that the issue is
3 the weight to be accorded to that opinion, which
4 is basically, in our view, a lay opinion. He
5 certainly has expertise in the area of performing
6 benchmark studies and analyses, and we don't
7 question his ability to do and to respond to
8 propagation studies. But we would object if the
9 Company is proffering Mr. Goulet's testimony in
10 the area of economics as being an expert. We
11 would object to that.

12 With respect to --

13 CHAIRMAN GETZ: Well,
14 actually, can I stop you before you go onto
15 another issue?

16 MR. LINDER: Yes.

17 CHAIRMAN GETZ: Mr. McHugh, do
18 you have any real debate with Mr. Linder about
19 the position he's taking?

20 MR. MCHUGH: Yes. I don't
21 think so. And, I just want to qualify it,
22 because we're not offering Mr. Goulet as an
23 expertise -- an expert in the field of economics.

24 CHAIRMAN GETZ: All right.

1 MR. MCHUGH: He's providing
2 his direct evidence or knowledge, testimony would
3 cover his direct knowledge of how wireless
4 carriers operate and his testimony represents
5 what evidence they file in terms of how they view
6 competition.

7 CHAIRMAN GETZ: Okay. Thank
8 you. Mr. Linder, please proceed.

9 MR. LINDER: Thank you. With
10 respect to the issue of the propagation model and
11 the propagation study that was filed this month,
12 we are not taking the position that the
13 propagation model, which is really a map, all
14 we're talking about is a map, we are not
15 objecting to its introduction in the case. What
16 we feel is, because it is such new information,
17 to which there was no discovery schedule
18 attached, and because it is being filed shortly
19 before testimony today, it's really a question of
20 what weight should be accorded to it. And, we
21 intend to cross-examine on the propagation model
22 map and demonstrate to the Commission that there
23 are several significant problems with respect to
24 that document. And, if the Commission agreed

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1 with us, then that would go to the weight that
2 would be accorded to that document. But we don't
3 question Mr. Goulet's ability to or
4 qualifications to support a propagation model.
5 But there are, in our view, significant problems
6 with this particular document, and it goes to the
7 weight. Thank you.

8 CHAIRMAN GETZ: Thank you.

9 Mr. Hunt, does Staff have a position on the
10 motion?

11 MR. HUNT: Generally, Staff
12 agrees with the motion in limine. But I would
13 also state that, with regard to the statement by
14 Mr. McHugh that parties or Staff could have
15 followed up with discovery when this was
16 submitted on September 9th, it really isn't
17 realistic given the timeframes that were already
18 in place, and it would have meant continuing the
19 hearing further. And, as far as the question of
20 the propagation model, Staff agrees with New
21 Hampshire Legal Assistance's position with regard
22 to weight.

23 CHAIRMAN GETZ: All right.

24 Thank you. And, Ms. Hollenberg, since it's your

1 motion, we'll give you the opportunity to go last
2 on this issue.

3 MS. HOLLENBERG: I think that,
4 you know, the written motion represents our
5 position. I would agree with Attorney Hunt in
6 terms of the timing of the motion. And, frankly,
7 I was trying to do the Companies a favor by
8 giving them a heads up that it was an issue for
9 us and would be an issue at the hearing. And, I
10 think I probably could have brought it up today
11 for the first time, but I was trying to do a
12 courtesy by filing it before the hearing. And, I
13 did not have an opportunity to do discovery on
14 the propagation model. The procedural schedule
15 did not allow for it. And, I agree that it would
16 have resulted in continuing the hearing, which
17 we've been trying to work with the Companies on
18 not doing. I think the fact that the Companies'
19 revised response to a response to an OCA data
20 request after filing its rebuttal, and two months
21 after we filed our testimony relying on that data
22 request also speaks to something that the Company
23 could have done us a courtesy on earlier. So,
24 we're trying to work with the Company to have the

1 hearing today, and I was trying to give them
2 notice of the issue by filing yesterday.

3 CHAIRMAN GETZ: Well, let me
4 understand. You were extending a courtesy so we
5 could have the hearing today. But isn't your
6 position that you would prefer discovery on this
7 testimony before you would proceed?

8 MS. HOLLENBERG: I guess I
9 didn't see that as an alternative. I saw that we
10 were -- that it was new evidence and that we were
11 having the hearing today, this week. So, I
12 didn't see that continuing the hearing and
13 allowing for discovery on that new evidence was
14 an alternative. I certainly don't think that it
15 would be an alternative that the Company would
16 want, but I won't try to speak for them on that,
17 on that point.

18 I mean, to the extent that the
19 Commission would like us to explore that issue,
20 certainly that's within your discretion to allow
21 us to continue the hearing today. I didn't think
22 that that was an alternative to ask for.

23 (Chairman and Commissioners
24 conferring.)

1 CHAIRMAN GETZ: Okay. We're
2 going to take a brief recess to consider the
3 motion.

4 MS. HOLLENBERG: Excuse me,
5 Mr. Chairman, if I could just make one point
6 clear. We're not objecting to Mr. Goulet
7 testifying. We're just objecting to certain
8 portions of his testimony, and to any
9 understanding that he may be an expert in terms
10 of "competitiveness" as that term is used in the
11 statute that applies. And, I think Mr. McHugh
12 may have mentioned a portion of his testimony
13 that I don't think I even mentioned in the motion
14 as requesting not -- as requesting to strike.
15 So, I just wanted to make that clear.

16 CMSR. IGNATIUS: Ms.
17 Hollenberg, let me clarify on the other issue on
18 what the OCA's position is on the propagation
19 analysis, as opposed to the competitiveness
20 questions. Your motion is to strike that
21 testimony and not -- and the Staff had said they
22 were somewhat in agreement with you, but also in
23 agreement with Mr. Linder's view that it's really
24 a question of how much weight you accord the

1 testimony. So, I just want to make sure I
2 understand OCA's position.

3 MS. HOLLENBERG: Okay.

4 CMSR. IGNATIUS: It's not a
5 question of how much weight to accord the
6 testimony, it's that it should be stricken
7 outright, correct?

8 MS. HOLLENBERG: Our request
9 is that it is stricken outright. I do believe
10 that we mention that an alternative could be for
11 the Commission, and I believe the Commission has
12 done this in the first phase of the proceeding
13 when we filed a similar motion, that the
14 Commission could allow themselves to hear the
15 evidence, but then accord it the weight that it
16 deems appropriate. I think that our first
17 request would be that the information be
18 stricken. But I recognize that in the past the
19 Commission has handled it in a different way, and
20 I left that as a decision for the Commission to
21 make.

22 CMSR. BELOW: Could you be
23 specific as to what -- exactly what you think
24 should be stricken?

1 MS. HOLLENBERG: Sure. I
2 think I reference page numbers and lines in my
3 motion. So, if you look at Paragraph 3, it
4 refers to "Goulet Page 8, Line 20, through
5 Page 9, Line 12", where he is talking about the
6 results of the propagation analysis. As well as
7 the "Exhibits B through E" that are attached, and
8 which were subsequently revised by the Companies
9 on Friday last week.

10 I think the results of the
11 propagation analysis, as opposed to the
12 description of when it happens, which is
13 Paragraph 4, is the results are the -- in 3,
14 those page and line numbers.

15 And, then, on the issue of
16 "competitiveness", starting, if you look at
17 Paragraph 5, starting on Page 11, Line 8, through
18 Page 14, Line 7.

19 So, I think that those are the
20 two areas.

21 CHAIRMAN GETZ: Okay. Well,
22 we're going to take a brief recess.

23 (Whereupon a recess was taken at 10:43
24 a.m. and the hearing resumed at 10:57

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1 a.m.)

2 CHAIRMAN GETZ: Okay. With
3 respect to the Consumer Advocate's motion in
4 limine, our view of the Goulet testimony,
5 especially as it concerns the propagation
6 analysis, is it's testimony that more properly
7 would have been filed as supplemental or what is
8 essentially direct testimony in this stage of the
9 phase of the proceeding. And, it goes beyond
10 what we would normally consider proper rebuttal
11 testimony.

12 But, having said that, our
13 goal is to make the best decision possible on the
14 best information possible. And, we think there
15 is useful evidence/testimony that surrounds the
16 propagation analysis.

17 But I guess, Mr. McHugh, I
18 think we have at least two procedural options
19 available to us, given our view of the nature of
20 this, of Mr. Goulet's testimony as filed on
21 September 9th. And, it may devolve to a choice
22 for you, for the Company, on whether to strike
23 the references to the propagation analysis and
24 the exhibits or to provide some form of discovery

1 with respect to that testimony. Of course, we'd
2 give you an opportunity to consider that and
3 discuss it with your client. But, at the same
4 time, it may be useful for the parties to
5 consider, depending on the choice that's
6 selected, how such discovery would occur, how
7 much is actually required, and what may also flow
8 out of that is whether or what more we could do
9 today to move this case along or I believe we
10 have Thursday available to us.

11 So, I would just lay that out
12 for the moment and then ask my colleagues, is
13 there anything that I've forgotten that we want
14 to propose to TDS or the other parties at this
15 time?

16 CMSR. BELOW: Well, just to be
17 clear, I think that if you choose the option to
18 strike, it is specifically those parts of the
19 testimony that start on Page 8, near the end of
20 Line 20, through Page 9, Line 12, plus, on Page
21 9, one sentence on Lines 18 and 19 that refer to
22 "Exhibits B through E", and then Exhibits B
23 through E themselves. And, I don't think it goes
24 beyond that from what I see.

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1 CMSR. IGNATIUS: The only
2 other clarification I would add is that on
3 discovery, opportunities to consider, Mr.
4 Chairman, you mentioned that we are scheduled to
5 come back on Thursday, and that could be a day to
6 get done anything we could do today, plus come
7 back on Thursday if discovery has taken place.
8 If that's too short a period of time, another
9 option would be to actually suspend either at the
10 end of today or at the end of what we can get
11 done today, then come back at a later date. Or,
12 if it's simply getting too complicated to break
13 things apart, we can see what we can do now and
14 what we can do later to suspend this morning
15 completely and get nothing else done till another
16 date, if the Company were to say that it did not
17 want to strike the testimony and the exhibits and
18 wanted to proceed with them as part of its
19 presentation.

20 MR. MCHUGH: My initial
21 reaction, Mr. Chairman, is that I think we can
22 still get a lot done today, because the
23 cross-examination, I think Mr. Goulet and
24 Mr. Reed can be qualified as witnesses and attest

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1 to their testimony, and then certainly
2 cross-examination could proceed on all issues,
3 except with respect to the propagation modeling,
4 if the parties would be in agreement. And, then,
5 perhaps we can discuss with the parties at the
6 lunch break what discovery they might want, what
7 they might need that we could get done, if any of
8 it can get done between now and Thursday. And,
9 then, during the lunch break, I could talk with
10 the Company's representatives, and we can talk
11 about the options for proceeding and inform
12 people when we come back from lunch.

13 CHAIRMAN GETZ: Well, let's --
14 is there anyone else that wants to weigh in? I
15 think it may be a good point to actually take a
16 recess to let all the parties discuss among
17 themselves and then see if there's some agreement
18 on how to proceed. It's 11:00 right now. You
19 know, essentially we could take an early lunch
20 break. And, then, if there's some agreement on
21 how to proceed, then we could kick in with -- to
22 do as much as we can today. But does anyone else
23 want to -- Mr. Linder.

24 MR. LINDER: I just wanted to
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1 make the Commission aware that Thursday, the 1st
2 of October, our expert witness, Ben Johnson, is
3 scheduled to testify, and, of course, has already
4 made reservations and so on to be here for that
5 testimony. So, I just wanted to make the
6 Commission aware of that.

7 CHAIRMAN GETZ: Okay. Well,
8 certainly, I think we can -- well, we understand
9 that issue, but that would be something for the
10 parties to discuss when we break for a recess to
11 see if there's some agreement that could be
12 reached. Ms. Hollenberg, did you have something?

13 MS. HOLLENBERG: No. I'm
14 happy to work with the parties to decide what the
15 best way is to proceed. And, I just had one
16 question about whether or not the Commission
17 would also be issuing a ruling from the Bench on
18 the qualifications of Mr. Goulet to testify on
19 economic issues?

20 CHAIRMAN GETZ: Okay. Before
21 he testifies, we will make such a ruling.

22 MS. HOLLENBERG: Thank you.

23 CHAIRMAN GETZ: Mr. Hunt, do
24 you have anything?

1 MR. HUNT: Nothing, other than
2 what the OCA represented.

3 CHAIRMAN GETZ: Is there
4 anything else before or any objection to taking a
5 recess now, give the parties an opportunity to
6 see if there's some meeting of the minds among
7 how to proceed and then --

8 MR. McHUGH: No. Certainly no
9 objection, Mr. Chairman. The only other matters
10 I was going to raise is there's two requests I'd
11 like to make for the Commission to take
12 administrative notice of things. I can do it
13 now, I can do it in the afternoon when we resume.
14 However the Commission wants to proceed.

15 CHAIRMAN GETZ: Why don't we
16 package all of the administrative procedural
17 issues together. I guess the question, the
18 immediate question in my mind, though, is should
19 we take a recess for fifteen, twenty minutes to
20 let the parties talk and then see where we are,
21 or to just take an early lunch break? Any
22 preference?

23 MS. HOLLENBERG: I would
24 prefer to get going, so taking a quicker recess.

1 But I guess --

2 MR. MCHUGH: A fifteen minute
3 recess I think would be fine, Mr. Chairman.

4 CHAIRMAN GETZ: Okay. Well,
5 we'll be available at your call. Thank you.

6 MR. MCHUGH: Thank you.

7 (Whereupon a recess was taken at 11:06
8 a.m. and subsequently the lunch recess
9 was taken. The hearing resumed at 1:18
10 p.m.)

11 * * * * *

12 CHAIRMAN GETZ: We're back on
13 the record in Docket DT 07-027. And Mr. McHugh,
14 do you have something to report?

15 MR. MCHUGH: I do, Mr.
16 Chairman. Thank you.

17 First, on behalf of the
18 petitioners, we need to take exception, for the
19 record, to the Commission's ruling, that we are
20 now in the position of not being permitted to
21 rebut testimony of an economist in a field in
22 which our expert, we believe, is so eminently
23 qualified, versus extending a procedural schedule
24 that now extends over two years for this

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1 petition, and which had been previously agreed
2 upon by the parties. Having noted our exception
3 to the Commission's ruling on the motion in
4 limine, we understand that the testimony which
5 the Commission proposes to strike begins at
6 Page 8, Line 20 of Mr. Goulet's prefiled rebuttal
7 testimony with the words that begin, "However,
8 in..." That testimony then would -- I'm sorry.
9 Striking of that testimony then would extend on
10 Page 9 through the end of Line 12. The stricken
11 material then would include the sentence that
12 begins on Page 9, Line 18, with the words
13 "Exhibits B through E" and extend through the end
14 of that sentence on Page 20, where it ends with
15 the phrase "propagation modeling" -- Page 9,
16 Line 19, with the phrase "propagation modeling,"
17 that that would be stricken and that "Exhibits B
18 through E" would be stricken.

19 In light of the petitioner's
20 need to move forward with business plans, we
21 would propose to strike the testimony as the
22 Commission has presented it to us today, and
23 which I've just tried to repeat so we're clear on
24 the record exactly what words would be stricken.

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1 And we note that tomorrow morning we will be
2 filing a motion in limine to strike portions of
3 Dr. Ben Johnson's testimony wherein he provides
4 evidence of propagation modeling.

5 With that, Mr. Chairman, we're
6 willing to move forward.

7 CHAIRMAN GETZ: Any further
8 response, comment on this issue?

9 (No verbal response)

10 CHAIRMAN GETZ: Okay. Let me
11 just say that I think I would have some quibble
12 about your characterization, Mr. McHugh. I think
13 that, to the extent our ruling concludes that the
14 testimony on propagation was more properly
15 supplemental and direct in nature and not a true
16 rebuttal to what Dr. Johnson raised, we did give
17 you the option of allowing additional discovery.
18 But you appear to have selected the option of
19 striking that testimony. So it sounds like
20 there's no argument about proceeding under that
21 approach. And there's no issues raised by the
22 Bench, so we're prepared to proceed with that
23 language stricken from the record.

24 I guess we still have some

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1 outstanding issues raised, I think maybe the most
2 important of which is a confidentiality issue.
3 Before we get to that, though, is there anyone in
4 the room who is not subject to confidentiality
5 obligations? Mr. Linder?

6 MR. LINDER: Mr. Chairman, I
7 don't believe there's anyone in the room that's
8 not subject. But there is another person in the
9 room from our Legal Assistance office who has
10 signed the protective agreement. So I believe
11 everybody, you know, has signed the appropriate
12 protective agreements.

13 CHAIRMAN GETZ: Okay. Thank
14 you.

15 Well, I guess let's turn back
16 to Ms. Hollenberg, because you raised the issue
17 in the first instance. Is there agreement among
18 everyone on how to proceed? And if so, if you
19 could share that with us, that would be helpful.

20 MS. HOLLENBERG: I'd be happy
21 to. I believe there is agreement on how to
22 proceed. I've talked with all the parties and
23 have discussed with them the way that we've
24 handled confidentiality hearings in default

1 service docket, where basically the entire
2 transcript is and the hearing is confidential
3 because there are no members of the public here
4 today; and then, afterwards, the parties will
5 work together to redact the transcript. I think
6 that's probably the most efficient way, as
7 opposed to breaking up the questioning into two
8 separate parts.

9 CHAIRMAN GETZ: Okay. That's
10 certainly acceptable to the Bench. Is there
11 anything else, then, that we need to address?
12 Mr. McHugh?

13 MR. MCHUGH: Mr. Chairman, if
14 now is the appropriate time, there's two matters
15 that we would request the Commission take
16 administrative notice of under its Rule 203.27.
17 The first is that we ask that you take
18 administrative notice of Final Order No. 25,005,
19 dated August 13, 2009, in the TDS/Comcast Phone
20 of New Hampshire arbitration docket. And we
21 specifically ask that you note in the final order
22 that the Commission ruled that the
23 interconnection agreement, as agreed to by TDS
24 Telecom and Comcast Digital Phone, is approved.

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1 Second, we would ask the
2 Commission to take administrative notice of the
3 petitioner's respective tariff filings for their
4 safety line service, both of which are issued as
5 of September 26th, 2008, and effective as of
6 October 26, 2008, previously having been filed
7 with the Commission.

8 CHAIRMAN GETZ: Is there any
9 objection to taking administrative notice of
10 those documents?

11 (No verbal response.)

12 CHAIRMAN GETZ: Hearing no
13 objection, then we will take administrative
14 notice.

15 MR. MCHUGH: Thank you, Mr.
16 Chairman. I have nothing else at this time.

17 CHAIRMAN GETZ: Okay. Then,
18 anything else before we need to proceed?

19 MS. HOLLENBERG: I actually
20 had contemplated asking the Commission to take
21 administrative notice, and I was going to do it
22 in the course of my questioning. But if you want
23 me to identify that right now, I can do that.

24 CHAIRMAN GETZ: Well, let's --

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1 we're in the neighborhood. Let's do it.

2 MS. HOLLENBERG: Okay. I
3 would like the Commission to take administrative
4 notice of the order in DT 08-013. It's
5 Order 24,938, which approved Comcast CLEC 10
6 certification.

7 And if I could just clarify,
8 Pat. The order you just asked for, was that the
9 order in DT 08-162?

10 MR. MCHUGH: It was.

11 MS. HOLLENBERG: Okay. Thank
12 you.

13 MR. MCHUGH: We have no
14 objection to the OCA's request for administrative
15 notice in the previously mentioned docket.

16 CHAIRMAN GETZ: Was there
17 anything else?

18 MS. HOLLENBERG: Give me one
19 moment, if you would, please.

20 (Pause in proceedings)

21 MS. HOLLENBERG: No. Thank
22 you. That's all.

23 CHAIRMAN GETZ: Okay. Then,
24 Mr. McHugh, if you could call your witnesses.

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1 MR. MCHUGH: Thank you, Mr.
2 Chairman. We would call Mike Reed and Daniel
3 Goulet as the panel of witnesses on behalf of the
4 petitioners.

5 MICHAEL C. REED AND DANIEL L. GOULET,
6 being first duly sworn by the Court
7 Reporter, state as follows:

8 DIRECT EXAMINATION

9 BY MR. MCHUGH:

10 Q. Gentlemen, starting with Mr. Reed, if you
11 would identify for the record your full name
12 and your employer, please.

13 A. (By Mr. Reed) Michael C. Reed, TDS Telecom.

14 Q. Mr. Goulet?

15 A. (By Mr. Goulet) Daniel Goulet, C Squared
16 Systems.

17 Q. Mr. Reed, could you please identify your
18 position with TDS Telecom.

19 A. (By Mr. Reed) I'm the manager of state
20 government affairs for Maine, New Hampshire,
21 Vermont, New York and Pennsylvania.

22 Q. Mr. Reed, are you sponsoring the evidentiary
23 exhibit which we premarked as KTC-MCT 6P,
24 for public, and 6C, for confidential, which

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1 is your supplemental testimony dated
2 January 29, 2009 and the exhibits attached
3 thereto?

4 A. (By Mr. Reed) Yes.

5 Q. Mr. Reed, are you also sponsoring what we've
6 premarked as evidentiary exhibit KTC-MCT 7P,
7 for public, and C, for confidential, which
8 is your rebuttal testimony dated
9 September 9, 2009 and the exhibits attached
10 thereto?

11 A. (By Mr. Reed) Yes.

12 Q. Now, Mr. Reed, taken together, your
13 supplemental testimony and your rebuttal
14 testimony, is the information contained
15 therein true and accurate, to the best of
16 your knowledge?

17 A. (By Mr. Reed) Yes.

18 Q. Do you have any changes to either your
19 supplemental testimony or your rebuttal
20 testimony?

21 A. (By Mr. Reed) I do have one minor change.

22 Q. Could you please identify, well, first,
23 which prefiled testimony and then the page?

24 A. (By Mr. Reed) Prefiled supplemental

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1 testimony dated January 29th. On Page 16,
2 Line 19, the sentence begins "exchanges
3 of..." I would insert "Andover, comma." So
4 the sentence would read, "exchanges of
5 Andover, Boscawen, Chichester," et cetera.

6 Q. Any further changes, Mr. Reed?

7 A. (By Mr. Reed) No, there's no other changes
8 necessary. I would just point out that
9 above that, in Line 13, it includes the KTC
10 exchange of Andover at the end of that
11 sentence. I think that's -- we're just
12 pointing out there's wireless coverage. But
13 Andover does have cable broadband available,
14 so the wireless is in addition to that.

15 Q. Mr. Reed, do you adopt your supplemental
16 testimony and your rebuttal testimony today
17 as though it were read into the record?

18 A. (By Mr. Reed) Yes.

19 Q. Mr. Goulet, I have a similar series of
20 questions for you, sir.

21 Was the -- are you sponsoring the
22 evidentiary exhibit we've premarked as
23 KTC-MCT Exhibit 8P, for public, and C, for
24 confidential, dated September 9, 2009?

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- 1 A. (By Mr. Goulet) I am.
- 2 Q. Was that testimony prepared under your
3 direction and supervision, sir?
- 4 A. (By Mr. Goulet) Yes, it was.
- 5 Q. Were the benchmarking reports that we've
6 attached to Mr. Reed's supplemental
7 testimony, which are marked as Exhibit C --
8 I'm sorry -- 6C prepared under your
9 direction and supervision?
- 10 A. (By Mr. Goulet) Yes, they were.
- 11 Q. Okay. I didn't ask you in the beginning,
12 and I apologize, sir. But could you state
13 for the record your title with C Squared
14 Systems.
- 15 A. (By Mr. Goulet) I'm director of RF services.
- 16 Q. Thank you, sir. Do you have any changes to
17 your prefiled rebuttal testimony dated
18 September 29, 2009, as we now have included
19 in the information that has been stricken?
- 20 A. (By Mr. Goulet) No, I don't.
- 21 Q. Okay. Do you adopt that supplemental
22 testimony, sir, today -- I'm sorry -- your
23 rebuttal testimony today as though it was
24 read into the record today?

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1 A. (By Mr. Goulet) Yes.

2 MR. MCHUGH: Thank you.

3 Witnesses are available for cross-examination.

4 CHAIRMAN GETZ: Okay. Thank
5 you, Mr. McHugh.

6 Just let me point out for the
7 record, consistent with your representation
8 earlier with respect to Mr. Goulet, that his
9 testimony is not offered as expert testimony in
10 the field of economics. Is that a fair
11 characterization?

12 MR. MCHUGH: In terms of the
13 reference to "competitiveness," we are not
14 presenting him as an economist. That's correct.

15 CHAIRMAN GETZ: Okay. And
16 then, I think consistent with Mr. Linder's
17 characterization of the issue, that's how we're
18 going to treat the testimony from Mr. Goulet. So
19 let's turn to Mr. Linder.

20 Are you ready to proceed?

21 MR. LINDER: Yes. Attorney
22 Feltes will be conducting cross-examination.

23 CHAIRMAN GETZ: Mr. Feltes.

24 MR. FELTES: Good morning, Mr.

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1 Chairman, good morning Members of the Commission.
2 Good afternoon, actually. I would open with a
3 couple questions for Mr. Goulet.

4 CHAIRMAN GETZ: Well, before
5 you do -- it's fine if you want to sit down and
6 speak into the mic.

7 MR. FELTES: Well, good
8 afternoon, Commissioners. Good afternoon, Mr.
9 Goulet. Good afternoon, Mr. Reed. Let me begin
10 with a series of questions for Mr. Goulet.

11 CROSS-EXAMINATION

12 BY MR. FELTES:

13 Q. Mr. Goulet, can you turn to your testimony
14 offered in September of this year at
15 Page 12. Are you there?

16 A. (By Mr. Goulet) Yes, I am.

17 Q. All right. I'm going to draw your attention
18 to Lines 6 through 9 of your testimony. And
19 I'm going to read. "Dr. Johnson also states
20 that wireless and wireline have been and
21 continue to be complementary services; yet,
22 at the end of 2008, more than 20 percent of
23 households nationally had only wireless
24 phones, an increase of 2.7 percent from the

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1 first half of 2008." Did I read that
2 correctly?

3 A. (By Mr. Goulet) Yes, you did.

4 Q. Mr. Goulet, can you talk a little louder so
5 we can hear you back here?

6 A. (By Mr. Goulet) Yeah. That's correct.

7 Q. Okay. Also --

8 CHAIRMAN GETZ: You may just
9 need to pull the mic a little closer.

10 Q. (By Mr. Feltes) Now, can I draw your
11 attention to Page 14 of your testimony. Are
12 you there?

13 A. (By Mr. Goulet) Yes, I am.

14 Q. Let me draw your attention to Lines 5
15 through 7. There you state, "If one
16 considers that approximately 20 percent of
17 the homes have only wireless service, it is
18 clear that consumers do find the quality of
19 wireless voice calls acceptable." Is that
20 your testimony?

21 A. (By Mr. Goulet) That's my testimony.

22 Q. Do you consider New Hampshire to be part of
23 the northeast?

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

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1 Q. Are you aware that this same survey showed
2 that only 11 percent of households in the
3 northeast had only wireless?

4 A. (By Mr. Goulet) No, I wasn't aware of that.

5 MR. FELTES: I'd like to
6 approach with the survey.

7 Q. (By Mr. Feltes) Mr. Goulet, let me draw your
8 attention to Page 5 of the survey, where it
9 says table --

10 MR. FELTES: First, can I have
11 this marked for identification, Mr. Chairman?

12 CHAIRMAN GETZ: Well, try to
13 remind me what our convention is here. Do we
14 have an exhibit number for New Hampshire Legal
15 Assistance, that this would be the next exhibit?

16 Let's go off the record.

17 (Discussion off the record)

18 CHAIRMAN GETZ: Back on.

19 Okay. We'll mark for identification the Center
20 for Disease Control and Prevention survey as
21 Bailey 55.

22 (Bailey Exhibit 55 marked for
23 identification.)

24 Q. (By Mr. Feltes) All right. Mr. Goulet, are

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- 1 you at Page 5 of this printout?
- 2 A. (By Mr. Goulet) Yes, I am.
- 3 Q. All right. If you look at the top of
- 4 Page 5, the third bullet point from the top,
- 5 I'm going to read from that. "Adults living
- 6 in the south, 21.3 percent, midwest,
- 7 20.8 percent, were more likely than adults
- 8 living in the northeast, 11.4 percent, or
- 9 west, 17.2 percent, to be living in
- 10 households with only wireless telephones."
- 11 Did I read that correctly?
- 12 A. (By Mr. Goulet) Yes, you did.
- 13 Q. And can you confirm that this is the only
- 14 survey that you provided in your testimony
- 15 to state that wireless is not a
- 16 complementary service to wireline?
- 17 A. (By Mr. Goulet) This is the one reference
- 18 that I did point to, yes.
- 19 Q. Thank you. And you're not aware of TDS
- 20 surveying its own customers to determine
- 21 what their customers use; correct?
- 22 A. (By Mr. Goulet) No.
- 23 Q. Or customers in their exchanges; correct?
- 24 A. (By Mr. Goulet) That was outside of my scope

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1 of work.

2 Q. Mr. Reed, did TDS do a survey of any of its
3 customers to determine what types of
4 services they're using?

5 A. (By Mr. Reed) Not that I'm aware of. We did
6 include in the earlier part of this case a
7 survey we tried to do when customers
8 disconnect, as to the reasons they
9 disconnect. That was included. But I am
10 not aware of any survey.

11 Q. TDS did not do a survey of people living in
12 the exchange areas of Kearsarge and
13 Merrimack, did it?

14 A. (By Mr. Reed) Sorry? Would you repeat that?

15 Q. Sure. TDS did not do a survey of people
16 living -- not just its customers, but people
17 living in Kearsarge and Merrimack exchanges?

18 A. (By Mr. Reed) I think I said that. We
19 didn't do a survey that I'm aware of.

20 Q. Thanks.

21 A. (By Mr. Reed) That I'm aware of.

22 Q. Thank you.

23 Mr. Goulet, back to you. If you can
24 turn to Page 7 of your testimony, please.

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1 Starting at the very bottom, you start on
2 Line 23 saying, "However, a significant part
3 of the reason for that evaluation" --
4 coverage evaluation -- "is so that they" --
5 turning to Page 8 -- "can then interpolate
6 the signal quality measured along the roads
7 to that which is needed to provide
8 competitive service within the neighboring
9 residences and businesses." Did I read that
10 testimony correctly?

11 A. (By Mr. Goulet) You did.

12 Q. What do you mean by the word "interpolate"?

13 A. (By Mr. Goulet) Interpolate? What I mean is
14 when you -- the areas that we were charged
15 with driving in Sutton and Salisbury, if you
16 look at an aerial view of those areas, the
17 ground elevation or the terrain -- which is
18 one of the biggest factors in predictive
19 analysis, terrain and topography, including
20 trees -- the ground elevation at the point
21 where the data was collected in the vehicle
22 and the ground elevation at the point where
23 the homes are varies only slightly; so,
24 therefore, the factor is the trees. The

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1 trees' proximity to the vehicle would be the
2 biggest factor in affecting the receive
3 signal strength and the other metrics that
4 were measured by the handsets. Given --
5 now, if you do an aerial view and you look
6 at the roads in those two exchanges and you
7 look at the homes, there's a buffer of trees
8 between the car, the road and the homes.
9 The trees are about the same distance from
10 the vehicle. They're probably further away
11 from the home. So, therefore, you can
12 safely assume that what you measure at the
13 road location is going to approximate what's
14 going to be measured where the home is.

15 Q. So "interpolate" means the signal collected
16 at the home -- at the road is the same as at
17 the home.

18 A. (By Mr. Goulet) No, that's not what I said.

19 Q. Okay. What would be your definition of the
20 word "interpolate"?

21 A. (By Mr. Goulet) We make -- my definition of
22 the word "interpolate" would be to take the
23 signal strength measured in the vehicle, and
24 because that signal strength is measured

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1 over a 30-meter bin, which is about 90 feet
2 by 90 feet, then you're only a few bins away
3 from the vehicle. So the signal in the home
4 are -- or at the home is going to
5 approximate what you measured in the vehicle
6 or at the vehicle because the only
7 difference between the two is the amount of
8 tree clutter.

9 Q. Did you say that the signal that you
10 measured in the home is --

11 A. (By Mr. Goulet) No, I did not say that. I
12 said "at the home." I specifically said
13 "at."

14 Q. Okay.

15 A. (By Mr. Goulet) And "at the vehicle."

16 MR. FELTES: I'm going to
17 approach with just a definition of "interpolate."
18 I think it's an important term. So we'll...

19 Q. (By Mr. Feltes) Mr. Goulet, can you identify
20 what I've just handed to you?

21 A. (By Mr. Goulet) You handed me a definition
22 from Webster's of the word "interpolate."

23 MR. FELTES: If we can just
24 have this marked for identification as Exhibit

[WITNESS PANEL: REED|GOULET]

1 Bailey 56?

2 CHAIRMAN GETZ: Okay. So
3 marked.

4 (Bailey Exhibit 56 marked for
5 identification.)

6 Q. (By Mr. Feltes) When you say you can
7 interpolate the signal quality measured
8 along the roads, do you mean Definition 1?

9 A. (By Mr. Goulet) No, I would mean
10 Definition 3.

11 Q. Okay. Thank you.

12 On Line 2 [sic] of Page 8 of your
13 testimony, you go on to say "along the
14 roads... that which is needed to provide
15 competitive service within the neighboring
16 residences and businesses." Can you provide
17 a definition of the word "competitive" used
18 in your testimony at Line 2?

19 A. (By Mr. Goulet) In that line, what I was
20 referring to, carriers are trying to design
21 networks to be competitive with their other
22 wireless carriers. And in this regard, in
23 that particular instance, that's where that
24 word comes into play. So, in other words,

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1 carriers aren't going to attempt to design a
2 network that's inferior to their
3 competitors. They want to provide
4 competitive service so that they can attract
5 more customers.

6 Q. So what would be your definition of
7 "competitive service"?

8 A. (By Mr. Goulet) What I just stated: A
9 service that has the quality to draw more
10 customers to them.

11 Q. Do you have a -- can you provide us with a
12 reference to an economic textbook or
13 publication --

14 A. (By Mr. Goulet) This has nothing to do with
15 economics. When I say "competitive
16 service," I'm talking about a competitive RF
17 link budget.

18 Q. Just a yes or no question. Can you provide
19 a --

20 A. (By Mr. Goulet) No, I can't answer it as a
21 yes or no, because, as I just said, the
22 term, the way I intended it here,
23 "competitive" is a reference to a radio
24 frequency link budget that the other

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1 wireless carriers use. That is the type of
2 competitive service that I'm talking about.

3 Q. So you do not have a reference to a
4 publication or economic literature
5 supporting your definition of "competitive"?

6 CHAIRMAN GETZ: Well, let me
7 make sure I understand. I take what you're
8 saying is that you're not using this as an
9 economic term.

10 A. (By Mr. Goulet) Correct.

11 CHAIRMAN GETZ: But what
12 you're saying is when you use the word
13 "competitive" here, you're talking about a
14 service of comparable quality.

15 A. (By Mr. Goulet) It has to do with the
16 link -- radio frequency link budgets that
17 the carriers use when they design their
18 networks. So, in other words, they have
19 their specific thresholds that they need to
20 meet, based on whatever technology platform
21 they're using. And so when I talk about
22 providing a competitive service in this
23 particular sentence, I'm talking about
24 competitive in terms of wireless, other

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1 wireless carriers. In other words, I'm not
2 going to provide a service that is inferior
3 to what is already out there.

4 CHAIRMAN GETZ: In terms of
5 quality.

6 A. (By Mr. Goulet) In terms of quality.

7 CHAIRMAN GETZ: Okay.

8 Q. (By Mr. Feltes) Mr. Goulet, do you think
9 price is important to look at when
10 determining whether or not one product is
11 competitive with another product?

12 A. (By Mr. Goulet) I can't really comment on
13 that. I'm not an economist.

14 Q. Well, let me just give you a hypothetical.
15 Assume two products, Product A and B, serve
16 the exact same function. If the price of
17 Product A is three times the price of
18 Product B, is Product A still competitive
19 with Product B?

20 A. (By Mr. Goulet) I guess I would have to know
21 the whole picture of what the products
22 offered.

23 Q. Assuming that Product A and Product B serve
24 the exact same functions, if the price of

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1 Product A is three times the price of
2 Product B, is Product A still competitive
3 with Product B?

4 A. (By Mr. Goulet) Did you mention quality in
5 there or --

6 Q. Assuming everything is equal except for
7 price. If all functions are the same,
8 quality, all else being equal, the price of
9 Product A is three times that of Product B,
10 is Product A competitive with Product B?

11 A. (By Mr. Goulet) No.

12 Q. Thank you.

13 Are you aware of the monthly wireless
14 pricing plans, any monthly wireless pricing
15 plans that are priced at the level of basic
16 phone service for TDS?

17 A. (By Mr. Goulet) I cannot comment on any
18 pricing plans because it's really not my
19 business. I don't get involved in that end
20 of the business. My business is designing
21 and providing radio frequency support. I
22 don't get into marketing or sales or
23 pricing. I have no -- I couldn't tell you
24 what the other -- what the carriers are

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1 charging or what kind of packages they're
2 offering.

3 Q. Is it your opinion that wireless is
4 competitive with TDS's basic phone service?

5 A. (By Mr. Goulet) Yes, it is my opinion --

6 Q. Without --

7 A. (By Mr. Goulet) -- because of the
8 functionality that it offers.

9 Q. Are you aware that the monthly wireless
10 pricing plans in New Hampshire run anywhere
11 from \$39.99 a month to as much as \$199.99 a
12 month?

13 MR. MCHUGH: Well, I object.
14 There's no foundation for that question. So...

15 MR. FELTES: Well --

16 MR. MCHUGH: Because Attorney
17 Feltes says these are the prices doesn't make it
18 so. He's offered the witness no documents in
19 support of the question.

20 MR. FELTES: Mr. Chairman, I'd
21 like to approach.

22 CHAIRMAN GETZ: Please.

23 MR. MCHUGH: Sure.

24 MR. FELTES: I'd like to mark

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1 for identification purposes this packet of
2 pricing information.

3 CHAIRMAN GETZ: Okay. Be
4 marked for identification as Bailey 57.

5 (Bailey Exhibit 57 marked for
6 identification.)

7 MR. MCHUGH: Mr. Chairman, I
8 would ask that Attorney Feltes provide some
9 information as to how information from the Maine
10 Consumer Advocate involving FairPoint and other
11 phone companies is relevant to this proceedings.
12 I mean, right now, if you look at Page 4, it
13 references plans that -- and it references Time
14 Warner and other companies that may or may not
15 conduct business in New Hampshire.

16 CHAIRMAN GETZ: Mr. Feltes?

17 MR. FELTES: Well, I should
18 note, Mr. Chairman, that it's not just the Maine
19 Authority's printout of pricing plans, but
20 there's also Internet printouts of Sprint, U.S.
21 Cellular and AT&T at the back. So, giving people
22 an opportunity to review everything that's in it,
23 I do have a question for Mr. Reed that could go
24 and lay a better foundation for the relevancy of

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1 the Maine portion of this. So if I can --

2 CHAIRMAN GETZ: Please

3 proceed.

4 BY MR. FELTES:

5 Q. (By Mr. Feltes) Mr. Reed, can you identify
6 what I've just handed you?

7 A. (By Mr. Reed) It's a data response to
8 OCA 1.11.

9 Q. The question on the data request is, "On
10 Page 10 of his testimony" -- this is from
11 the OCA -- "Mr. Reed states that
12 customers... in most of the... exchange...
13 not only have a choice of using wireline or
14 wireless, they also have a choice among
15 wireless carriers either through differences
16 in technology or through wireless carrier
17 roaming agreements. Please provide
18 information about the costs associated with
19 roaming percentage as listed in Table 2 of
20 Exhibit E." Did I read that correctly? And
21 is your response below the response that you
22 provided to the OCA's data request?

23 A. (By Mr. Reed) Yes.

24 Q. And let me read from the response.

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1 "Examples of wireless plans, including
2 roaming capabilities and charges, were
3 included in earlier discovery in this case,
4 including Staff 1-38, 1-54, segTEL 1-2."
5 And then you respond, "The Maine Public
6 Advocate Office publishes the Rate Watchers
7 Guide that, while a Maine publication,
8 provides a comparison chart that might be
9 helpful. This can be accessed at..." and
10 then there's a Web site. Did I read that
11 correctly?

12 A. (By Mr. Reed) You didn't read all of it. If
13 I could -- would you like me to read the
14 part you missed?

15 Q. Sure.

16 A. (By Mr. Reed) The part you missed said, "We
17 did not research roaming or the myriad of
18 plans available by the carriers." And then
19 I went on to say that we included some of
20 that data. And I was trying to be helpful,
21 because I know Wayne and Bill put this
22 together in Maine. And I thought it might
23 be a useful tool, but I didn't mean it to be
24 the end-all be-all. I did not check the

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1 pricing of this. The roaming that you
2 referred to is in Exhibit E and F of
3 Dan's -- or C Squared's filing. It talks
4 about the roaming -- the availability of
5 each other's network that customers use, not
6 the pricing of it.

7 Q. So you did not provide an analysis of the
8 effect of roaming on the price of the
9 wireless plans in those exchanges?

10 A. (By Mr. Reed) That is correct.

11 MR. FELTES: But in
12 referencing this, Mr. Chairman, I think it
13 provides a response that pointed us to some rate
14 comparison charts. So we thought it would be
15 helpful to print out the Web site to just show
16 the Commission the comparison charts of rates for
17 wireless plans, and then I'm going to ask a
18 series questions about TDS rates.

19 CHAIRMAN GETZ: Effectively,
20 these would be wireless plans in Maine --

21 MR. FELTES: Well --

22 CHAIRMAN GETZ: -- some of
23 which may be applicable in New Hampshire.

24 MR. FELTES: Right. That's

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1 true. And --

2 CHAIRMAN GETZ: Well, let's
3 proceed on that basis.

4 MR. FELTES: Okay. I'll just
5 point out that the back portion of it is
6 printouts from the Web links in New Hampshire for
7 wireless plans.

8 Q. Mr. Reed, I'm going to --

9 A. (By Mr. Reed) I just want to clarify. I'm
10 not sure. Are the plans that are on the
11 back taken from what we've provided in the
12 data responses mentioned, or is this a
13 different set of plans? I'm not sure what I
14 agreed that I provided here.

15 Q. The printouts of wireless plans are just
16 printouts that we printed off from the
17 Internet.

18 A. (By Mr. Reed) So they are not copies of what
19 the response to Staff 1-38 was.

20 Q. No. They're up to date.

21 A. (By Mr. Reed) So what I agreed to was -- I
22 did point you to the Advocate's, the Maine
23 Advocate Rate Watchers Guide.

24 CHAIRMAN GETZ: Well, I think

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1 we've lost track of who's cross-examining whom.

2 I just --

3 A. (By Mr. Reed) I just wanted to be sure what

4 I was agreeing to, Mr. Chairman.

5 CHAIRMAN GETZ: Mr. Feltes, I

6 think you had a question for Mr. Goulet.

7 MR. FELTES: Thank you, Mr.

8 Chairman. Before we go on to some more

9 questions, if we could mark Bailey -- excuse

10 me -- OCA 1.11 as Bailey Exhibit, I think we're

11 up to 57 now.

12 CHAIRMAN GETZ: That would be

13 58. So marked.

14 MR. FELTES: Sorry. Okay.

15 (Bailey Exhibit 58 marked for

16 identification.)

17 BY MR. FELTES:

18 Q. I'll actually go with a question for Mr.

19 Reed.

20 Mr. Reed, do you know who Timothy

21 Ulrich is?

22 A. (By Mr. Reed) I'm sorry?

23 Q. Do you know who Timothy Ulrich is?

24 A. (By Mr. Reed) Yes. Yes, of course.

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1 Q. Does he work for your company?

2 A. (By Mr. Reed) Yes, he does.

3 Q. Did he provide testimony earlier in this
4 proceeding?

5 A. (By Mr. Reed) Yes, he did.

6 Q. All right.

7 MR. FELTES: I'll approach
8 with... what I'm handing out is a page from Tim
9 Ulrich's already-entered testimony, rebuttal
10 testimony earlier, in Phase I of this docket.

11 BY MR. FELTES:

12 Q. Mr. Reed, I'm going to read from you -- this
13 is Page 13 of Mr. Ulrich's rebuttal
14 testimony. I'm going to read from you from
15 Lines 17 through 19. "Dr. Johnson, Johnson
16 Direct at Page 31, is right when he says 'in
17 competitive market, firms typically increase
18 their prices in response to cost increases,
19 while they decrease rates in response to
20 competitive pressures.'" Did I read that
21 correctly?

22 A. (By Mr. Reed) Yes.

23 Q. Do you disagree with Mr. Ulrich's
24 acknowledgment that competitive firms

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1 decrease rates in response to competitive
2 pressures?

3 A. (By Mr. Reed) I generally agree with Tim.
4 He's an economist, and he's an expert. And
5 when he says something, I generally agree.
6 But I'm outside of my scope of
7 understanding. I do agree with Tim, if
8 that's what you want me to say.

9 Q. Has TDS decreased its rates for basic phone
10 service since the last time we met?

11 A. (By Mr. Reed) No. Well, not exactly. I
12 guess if you can --

13 Q. For basic local exchange service.

14 A. (By Mr. Reed) In where?

15 Q. Kearsarge and Merrimack.

16 A. (By Mr. Reed) No, we have not.

17 MR. FELTES: Okay. And I'd
18 like to approach.

19 CHAIRMAN GETZ: Please.

20 MR. FELTES: What I'm handing
21 out is already Bailey 40 from early in the
22 proceeding.

23 CHAIRMAN GETZ: Let me just go
24 back to the excerpt you just responded to -- or

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1 asked the question about Mr. Ulrich's testimony,
2 that was marked as an exhibit earlier. But
3 perhaps we should mark that as Bailey 59 as well?

4 MR. FELTES: Yeah, that's a
5 good idea. Thank you.

6 (Bailey Exhibit 59 marked for
7 identification.)

8 BY MR. FELTES:

9 Q. Mr. Reed, can you identify what I just
10 handed you?

11 A. (By Mr. Reed) It was in response to
12 Staff 1-97.

13 Q. And would you agree that this request goes
14 to basic local service rates from 2000 to
15 2006? Correct?

16 A. (By Mr. Reed) Yes. Yes.

17 Q. And the first line of the second paragraph
18 of your response says there have been no
19 changes to basic local service rates for the
20 years 2000 to 2006, with the possible
21 exception of changes in surcharges, taxes,
22 consumer credits associated with the
23 Commission dockets; is that correct?

24 A. (By Mr. Reed) Correct.

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1 MR. FELTES: We can mark that
2 for identification as Bailey 60.

3 CHAIRMAN GETZ: It's already
4 Bailey 40, so let's leave it there.

5 MR. FELTES: That's
6 reasonable.

7 BY MR. FELTES:

8 Q. Mr. Goulet, I'll now turn to you. A couple
9 more questions for you. Can you turn to
10 Page 12 of your testimony. Let me know when
11 you've got it.

12 A. (By Mr. Goulet) I'm here.

13 Q. Great. I'm focusing in on Line 2 through 3
14 of your testimony on Page 12. There you
15 say, "In fact, the functionality of a mobile
16 handset exceeds that of a landline telephone
17 service [sic]." Did I read your testimony
18 correctly?

19 A. (By Mr. Goulet) Yeah, except I didn't say
20 "service." "...exceeds that of a landline
21 telephone."

22 Q. Okay. Would you agree that 911 service is
23 better on a landline than it is wireless?

24 A. (By Mr. Goulet) I guess I would not agree.

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1 Q. So, 911 service is just as good with
2 wireless as it is with --

3 A. (By Mr. Goulet) I don't think that's a yes
4 or no answer, because, for example, if I'm
5 at a home with only a wireline service and I
6 get -- fall out of a tree in the yard, I
7 can't get to the landline phone; but if I
8 have my phone on me, I can use E911.

9 MR. FELTES: Okay. I'm going
10 to approach with a -- this is actually a printout
11 from TDS's Web site.

12 BY MR. FELTES:

13 Q. Mr. Goulet, can you identify the Web address
14 in the upper right-hand corner?

15 A. (By Mr. Goulet) www.tdstelecom dot com.

16 MR. FELTES: If we can have
17 this marked for identification purposes.

18 CHAIRMAN GETZ: That will be
19 marked as Bailey 60.

20 (Bailey Exhibit 60 marked for
21 identification.)

22 BY MR. FELTES:

23 Q. Mr. Goulet, I'm going to draw your attention
24 to the -- well, let's confirm the title.

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- 1 The title of this printout Web address is --
2 and correct me if I'm wrong -- "To Cut The
3 Cord - or Not. Nine Reasons To Keep Your
4 Landline." Did I read that correctly?
5 A. (By Mr. Goulet) Yes, you read it correctly.
6 Q. Let me draw your attention to the first
7 reason that TDS provides to keep your
8 landline. There is a heading that says --
9 and correct me if I'm wrong -- "Need 911?
10 Help Finds You." Did I read that correctly?
11 A. (By Mr. Goulet) Yeah.
12 Q. And if you can look at the third paragraph
13 under that, it says, "If you have kids at
14 home, you need a landline - it's the most
15 reliable connection to 911." Have I read
16 that correctly?
17 A. (By Mr. Goulet) Yes, you have.
18 Q. Do you agree with that?
19 A. (By Mr. Goulet) I didn't write this. This
20 is from TDS. I'm not sure why -- I guess
21 I'm a little confused why you're asking me
22 the question.
23 Q. I'm asking if you agree with TDS's assertion
24 that it's the most reliable connection to

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1 911.

2 A. (By Mr. Goulet) They must -- they might have
3 more information than I do. So, yes, I
4 guess I could agree with it. I'm not an
5 expert in TDS or their 911.

6 I believe, if you give me an
7 opportunity, on Page 12 that you referred me
8 to when I was talking about the
9 functionality of a mobile handset, if you
10 continue the next sentence, it says,
11 "Significant mobility, text messaging,
12 e-mail, easy storage of telephone numbers
13 and simple transmittal of photos taken by a
14 mobile handset are examples of functionality
15 that a mobile phone has that a landline does
16 not have."

17 Q. Yeah. We'll get to that in a second.

18 A. (By Mr. Goulet) That's what I was talking
19 about when I mentioned functionality.

20 Q. If you can go to the second sentence, third
21 paragraph. "Cell phone GPS systems cannot
22 compete with the accuracy and dependability
23 of a landline 911 connection." Did I read
24 that correctly?

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- 1 A. (By Mr. Goulet) You read it correctly.
- 2 Q. Do you disagree with TDS?
- 3 A. (By Mr. Goulet) I don't know the source of
4 that statement, so I cannot disagree or
5 agree with it.
- 6 Q. I think my first question was, what is the
7 Web site? And you confirmed it was TDS. So
8 this statement is from TDS. Do you agree
9 with TDS? Yes or no?
- 10 A. (By Mr. Goulet) I'm going to defer. I don't
11 know what to say because I don't know -- in
12 order for me to answer this question, I
13 would have to know the full functionality of
14 the landline 911. And I don't have that
15 knowledge, and I'm not here to testify to
16 that. So I can't answer your question.
- 17 Q. The second question I asked you in this line
18 of questions was if 911 service in landline
19 is better than 911 service in wireless. And
20 correct me if I'm wrong, but I think you
21 said "maybe," or something along those
22 lines; right?
- 23 A. (By Mr. Goulet) Right. It could be. It may
24 not be. Like I say --

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[WITNESS PANEL: REED|GOULET]

1 Q. So you don't know.

2 A. (By Mr. Goulet) I don't know because I
3 don't -- I am not a 911 expert. I don't
4 claim to be.

5 Q. Okay. Let's go to Page 2. The heading that
6 starts -- it's a heading with an exclamation
7 point at the end, "Conversations Count!" So
8 let me point you to the full paragraph under
9 numbers 1 and 2. "It's all about the
10 conversation, so make it count. A landline
11 connection offers you the highest quality
12 voice transmissions, all the time, anywhere
13 in the comfort of your home."

14 Do you agree that a landline offers you
15 the highest quality voice transmissions all
16 the time, anywhere in the comfort of your
17 home?

18 A. (By Mr. Goulet) No.

19 Q. You don't? Okay. So you disagree with TDS?

20 A. (By Mr. Goulet) Yes, in that statement I
21 disagree.

22 Q. All right. Getting to your testimony --

23 A. (By Mr. Goulet) Do you even want to know why
24 I disagree?

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1 Q. You can elaborate if you want.

2 A. (By Mr. Goulet) Well, it says "anywhere in
3 the comfort of your home." That would
4 assume that you had a phone in every single
5 room and everywhere in your home.

6 Q. Right. Going to Page 12 of your testimony,
7 I'm going to go to a statement that you just
8 cited us to. Lines 3 through 5, you said --
9 and correct me if I'm wrong -- "Significant
10 mobility, text messaging, e-mail, easy
11 storage of telephone numbers and simple
12 transmittal of photos taken by a mobile
13 handset are examples of functionality of a
14 mobile phone not available with a basic
15 landline phone"; correct?

16 A. (By Mr. Goulet) Correct.

17 Q. Right. So you would agree that these are
18 arguments that wireless and wireline are not
19 in the same market; correct?

20 A. (By Mr. Goulet) No, I didn't say that. I
21 said -- are not in the same market. They
22 absolutely are in the same market.

23 Q. Right. If I can go to Page 13 of your
24 testimony, Lines 9 through 11, along this

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1 theme of "same market." You wrote -- well,
2 you cite that 20 percent of homes
3 nationally... CDC... and then you go on to
4 say "shows that consumers are opting for
5 wireless service instead of landline and
6 that the two could be considered to be
7 competing for the same market." Did I read
8 your testimony correctly?

9 A. (By Mr. Goulet) Yes, you did.

10 Q. Can you define for us what you mean by
11 "competing for the same market"?

12 A. (By Mr. Goulet) In that sentence, that was
13 my -- that's my personal opinion, that they
14 are competing for the same market. That I
15 know a number of people in a number of areas
16 that have no landline phone; they only have
17 a wireless phone. And that's what that
18 statement is referring to.

19 Q. So, do you have a definition of "competing
20 in the same market"?

21 A. (By Mr. Goulet) Yeah. They're competing
22 wireline -- what I'm saying there is
23 wireline and wireless are competing in the
24 same market, that they're vying -- they're

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1 competing. They're alternatives to the same
2 service.

3 Q. So your definition of "competing" is just
4 that it's an alternative?

5 A. (By Mr. Goulet) No, I didn't give you a
6 definition of "competing." I guess I'm a
7 little confused as to how you're tying this
8 into the previous page.

9 Q. Well, I may not be tying it into any
10 previous page. I'm just asking if you have
11 a definition of "competing" in this context.

12 A. (By Mr. Goulet) Yeah. In this context, what
13 I'm saying is that the wireline -- I guess
14 you could say the carriers and the wireline
15 services are both competing for the same
16 customers.

17 Q. Do you have a citation to any economic
18 literature or any telecommunications
19 literature that support your assertion of
20 what "competing for the same market" means?

21 A. (By Mr. Goulet) No, I have no documentation,
22 other than what was printed and provided in
23 the CDC.

24 Q. Mr. Goulet, was your resume affixed to your

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1 rebuttal testimony in this proceeding?

2 A. (By Mr. Goulet) Yes, it was.

3 Q. And you agree you don't have a degree in
4 economics?

5 A. (By Mr. Goulet) No. I stated that earlier.

6 Q. And you've never held a position in
7 economics, either --

8 A. (By Mr. Goulet) No.

9 Q. -- as an analyst or researcher?

10 A. (By Mr. Goulet) No.

11 Q. And you've never evaluated the
12 telecommunications market in the economic
13 sense?

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

15 Q. I'm going to ask some questions of Mr. Reed
16 now.

17 MR. FELTES: And I'll approach
18 with a data response. This is Bailey 1.18,
19 Phase II.

20 CHAIRMAN GETZ: Mark this for
21 identification as Bailey 61.

22 (Bailey Exhibit 61 marked for
23 identification.)

24 Q. Mr. Reed, Confidential Exhibits E and F

[DT 07-027] (REDACTED-PUBLIC USE) [09-29-09/DAY 1]

[WITNESS PANEL: REED|GOULET]

1 attached to your January 2009 testimony
2 detailed the drive test measurements; do
3 they not?

4 A. (By Mr. Reed) Yes, the drive-test
5 measurements for Salisbury and Sutton.

6 Q. Right. And in this request we asked if
7 C Squared measured wireless signal strength
8 or call quality for any TDS exchanges other
9 than Sutton and Salisbury. And the answer
10 is no, they did not; correct?

11 A. (By Mr. Reed) No. Actually, it says, "No.
12 See responses to Staff 1.2 to 1.3 and 1.4."

13 Q. Did C Squared do any drive-test measurements
14 in any other exchanges besides Sutton and
15 Salisbury?

16 A. (By Mr. Reed) No.

17 Q. Okay. Thank you.

18 If I could turn to Page 7 of your
19 January testimony, Michael Reed's
20 January 2009 testimony. And specifically --

21 A. (By Mr. Reed) Just to be sure, we're talking
22 January 29th testimony; right?

23 Q. Yeah, January 29. You got it?

24 A. (By Mr. Reed) All right.

[DT 07-027] (REDACTED-PUBLIC USE) [09-29-09/DAY 1]

[WITNESS PANEL: REED|GOULET]

- 1 Q. Looking at Lines 9 through 11, you say,
2 "Please note that the signals plotted on
3 Exhibits A and B are a compilation of the
4 strongest signals of the six carriers shown
5 on Pages 2 through 4 in Exhibits C and D."
6 Did I read that correctly?
- 7 A. (By Mr. Reed) Yes.
- 8 Q. If we can all turn to Exhibits A and B of --
9 attached to Mr. Reed's January 29, 2009
10 testimony. Are you there, Mr. Reed?
- 11 A. (By Mr. Reed) Yes, I am.
- 12 Q. I just have a few questions about this.
13 These maps do not distinguish between the
14 signal strength of various carriers, do
15 they? A and B.
- 16 A. (By Mr. Reed) Do not distinguish between
17 carriers. No, that is correct.
- 18 Q. Right. And as your testimony said, it's
19 merely a compilation of the strongest
20 signals of each of the six carriers.
- 21 A. (By Mr. Reed) Yes. By "the strongest
22 signals," the signals I referred to in the
23 testimony, the two different categories.
24 What we did is -- is it good for an

[DT 07-027] (REDACTED-PUBLIC USE) [09-29-09/DAY 1]

[WITNESS PANEL: REED|GOULET]

1 explanation, or would you rather -- I just
2 think it's important to point out that A and
3 B was developed for ease of reading this.
4 The C Squared results are quite detailed and
5 quite complicated, and several layers of
6 carriers and different tasks. We summarize
7 that in C and D to make it easier to read
8 and then, in turn, created A and B. So,
9 just so you understand why we did that.

10 Q. Thank you. So these are a compilation of
11 the strongest signals of the six carriers.
12 Yes?

13 A. (By Mr. Reed) By "the strongest signals,"
14 I'm just troubled with that. We only
15 recorded on Attachment A and B signals that
16 are greater than a negative 85 dB and
17 signals that are negative 85 to negative 90
18 dB. So the definition of "strongest," I do
19 not -- I'm just not really sure what you
20 mean by "strongest." They're the
21 definitions I used as "good" and "very good"
22 signals. And if that's what you're
23 referring to as "strongest," yes.

24 Q. Okay. One of these carriers that was merged

[WITNESS PANEL: REED|GOULET]

1 into this map is U.S. Cellular; correct?

2 A. (By Mr. Reed) Yes.

3 Q. Does TDS still own U.S. Cellular?

4 A. (By Mr. Reed) Yes. Telephone Data Systems
5 owns --

6 Q. Telephone --

7 A. (By Mr. Reed) Telephone Data Systems owns
8 U.S. Cellular. TDS Telecom is a branch of
9 Telephone Data Systems. TDS Telecom does
10 not own U.S. Cellular.

11 Q. So you contracted with C Squared, LLC to
12 travel the roads in Sutton and Salisbury and
13 receive drive test measurements; correct?

14 A. (By Mr. Reed) Yes.

15 Q. And I'm going to approach with one of your
16 data responses.

17 CHAIRMAN GETZ: We'll mark
18 this for identification as Bailey 62, the OCA
19 Question 1.10.

20 (Bailey Exhibit 62 marked for
21 identification.)

22 BY MR. FELTES:

23 Q. Mr. Reed, this question goes to the measured
24 strengths -- receive signal strength

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[WITNESS PANEL: REED|GOULET]

1 indications; does it not? I'll let you take
2 some time to review it.

3 A. (By Mr. Reed) Well, I just want to point out
4 that the response does include call quality
5 as well. So it's not just receive signal
6 strength. It refers to call quality as
7 well.

8 Q. Okay. But in your response you provide a
9 range of dBm signals that you described as
10 "good" or "very good"; correct?

11 A. (By Mr. Reed) Yes.

12 Q. And a very good signal, in your opinion, is
13 equal to or better than minus 85 dBm; is
14 that right?

15 A. (By Mr. Reed) That's correct. And it's
16 really important to point out that it's
17 equal to or greater than. So many of these
18 signals, the only thing we've indicated is
19 the negative 85, you know, or greater than.

20 Q. By "greater than," you mean a signal that's
21 closer to, say, minus 50 dBm?

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

23 Q. Okay. And good signals, in your opinion,
24 range between something minus 85.01 dBm to

[WITNESS PANEL: REED|GOULET]

1 minus 90 dBm; is that right?

2 A. (By Mr. Reed) Correct.

3 MR. FELTES: Going to approach
4 with -- this is a previously marked exhibit, but
5 we'll mark it for I.D. It's Staff Analyst Josie
6 Gage's portion of her testimony. And it's Page 7
7 through 9 of Josie Gage's testimony and then some
8 excerpts from the exhibits that were attached to
9 Josie Gage's testimony earlier at Phase I.

10 CHAIRMAN GETZ: Okay. We'll
11 mark this as Bailey 63.

12 (Bailey Exhibit 63 marked for
13 identification.)

14 BY MR. FELTES:

15 Q. Mr. Reed, can I draw your attention to
16 Page 7 of Josie Gage's testimony. The last
17 bullet point on the page, Lines 19 through
18 21, Ms. Gage testifies, "In determining
19 areas that qualify as underserved, a map
20 depicting minus 85 dBm must be filed with
21 the Authority." And that's referencing the
22 ConnectMaine Authority; is that correct?

23 A. (By Mr. Reed) Yes.

24 Q. "The Authority" -- and I'll read on, and

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[WITNESS PANEL: REED|GOULET]

1 correct me if I'm wrong. "The Authority
2 considers any signal outside of or weaker
3 than minus 85 dBm underserved." Did I read
4 that correctly?

5 A. (By Mr. Reed) Yes.

6 Q. But you still -- were you aware of this
7 testimony when you decided to use the range
8 of minus 85.01 through minus 90 dBm as a
9 good signal?

10 A. (By Mr. Reed) Was I aware of this testimony?
11 Yes. I might add, though, that that's why I
12 retained an expert to help me with this,
13 because I am familiar with this segment of
14 ConnectMaine, and I'm not sure it's -- well,
15 that's why we retained C Squared.

16 Q. Okay. Well, let's go to the actual drive
17 test information that was provided by
18 C Squared. And that's Confidential Exhibit
19 E and F; correct?

20 A. (By Mr. Reed) Yes.

21 Q. And let's start with Confidential Exhibit E.
22 Confidential Exhibit E, Mr. Reed, relates to
23 the measured results from the Sutton
24 exchange; correct?

[DT 07-027] (REDACTED-PUBLIC USE) [09-29-09/DAY 1]

[WITNESS PANEL: REED|GOULET]

- 1 A. (By Mr. Reed) It's the multi-carrier
2 benchmarking report, yes.
- 3 Q. For Sutton exchange.
- 4 A. (By Mr. Reed) For Sutton, in its entirety,
5 yes.
- 6 Q. Well, if you can go to Page 1 of 22 of
7 Confidential Exhibit E. Let me know when
8 you've made it there.
- 9 A. (By Mr. Reed) Yes.
- 10 Q. Start with the first sentence. "On
11 May 30th, 2008, C Squared Systems, LLC
12 performed a benchmark drive test of the
13 Sutton, New Hampshire area..." Did I read
14 that area; correct?
- 15 A. (By Mr. Reed) Yes.
- 16 Q. And the results of the May 30th, 2008 test
17 are produced throughout this exhibit; right?
- 18 A. (By Mr. Reed) Oh, I'm sorry. You're not
19 reading. Okay. I'm sorry. I was trying to
20 follow where you were reading.
- 21 Q. That's okay.
- 22 A. (By Mr. Reed) Okay. So you read that. And
23 I agree. And you asked me a question. I'm
24 sorry.

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[WITNESS PANEL: REED|GOULET]

- 1 Q. Sure. Let's just go to Page 3 of 22 of this
2 confidential exhibit.
- 3 A. (By Mr. Reed) Okay.
- 4 Q. And you will see a table, "Table 2: Call
5 Quality Matrix."
- 6 A. (By Mr. Reed) Yes.
- 7 Q. And off to the left-hand column, "Receive
8 Signal Strength." Am I reading that
9 correctly?
- 10 A. (By Mr. Reed) Yes.
- 11 Q. And then you have the ranges that we
12 discussed earlier in the second column;
13 right?
- 14 A. (By Mr. Reed) Yes.
- 15 Q. And you can see that just using Verizon,
16 that the percentage of the total -- this
17 shows the percentage of the total readings
18 that are at or greater than minus 85 dBm for
19 Verizon in that first box, upper left-hand
20 corner. That was a long question. But is
21 that what -- well, let me just start over.
- 22 The first box, upper left-hand corner
23 under "Verizon," the column is "Verizon,"
24 the row is "greater than or equal to

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[WITNESS PANEL: REED|GOULET]

- 1 85 dBm." And there's a number there, and
2 that number is _____ percent; correct?
- 3 A. (By Mr. Reed) Correct.
- 4 Q. That number represents the percentage of
5 total Verizon receive signal readings that
6 were equal to or better than minus 85 dBm;
7 correct?
- 8 A. (By Mr. Reed) Yes.
- 9 Q. All right. And if you can see, the next
10 number for Verizon is _____ percent; is that
11 correct?
- 12 A. (By Mr. Reed) Yes. That would be the
13 negative 85 to negative 90 dBm.
- 14 Q. So you would conclude that approximately,
15 subject to check, ___ percent of Verizon's
16 receive signals readings were a good or very
17 good signal, according to your --
- 18 A. (By Mr. Reed) According to my definitions of
19 "good" and "very good," yes.
- 20 Q. And moving right along to U.S. Cellular, the
21 addition of _____ and _____ percent equals
22 roughly ___ percent of the readings of U.S.
23 Cellular were good or very good, according
24 to your definition of "good" or "very good"

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- 1 signals; correct?
- 2 A. (By Mr. Reed) Yes.
- 3 Q. All right. And can you confirm for us on
- 4 Page 3 of 22 that U.S. Cellular is the only
- 5 carrier that has more than __ percent of the
- 6 readings at or better than minus 85 dBm?
- 7 A. (By Mr. Reed) At negative 85?
- 8 Q. Right.
- 9 A. (By Mr. Reed) More than ___ percent of what
- 10 reading?
- 11 Q. _____ percent of the total readings of the
- 12 individual carrier that are at or greater
- 13 than minus 85 dBm.
- 14 A. (By Mr. Reed) Yes.
- 15 Q. So, U.S. Cellular is the only carrier above
- 16 ___ percent for minus 85 dBm?
- 17 A. (By Mr. Reed) Yes. On Table 2, yes.
- 18 Q. Okay. Well, let's go to Table 2 of
- 19 Confidential Exhibit F. Let me show you
- 20 what --
- 21 A. (By Mr. Reed) Yes, I'm there.
- 22 Q. Okay. This table -- and correct me if I'm
- 23 wrong -- showed the same information for the
- 24 Salisbury exchange as it did for the Sutton

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[WITNESS PANEL: REED|GOULET]

1 exchange we just discussed; correct?

2 A. (By Mr. Reed) Yes.

3 Q. And can you confirm that there was no

4 carrier in Salisbury that had more than

5 ___ percent of its measurements equal to or

6 better than minus 85 dBm?

7 A. (By Mr. Reed) That is correct.

8 Q. Mr. Goulet, these measurements are performed

9 at dBm readings. What does "dBm" mean?

10 A. (By Mr. Goulet) It's decibels. "dBm" means

11 decibel measurement. Decibel is a ratio.

12 I just want to clarify that you're

13 using all these readings in a vacuum, and

14 you can't do that. I mean, I don't want you

15 to make the assumption that, because

16 ___ percent of the U.S. Cellular calls or

17 ___ percent of Verizon is greater than 85,

18 that that's an indication of call quality,

19 because what you're not considering is power

20 control. In other words, power control is

21 when my mobile is close to the cell site, I

22 don't have to go out at full power, and the

23 cell site doesn't have to transmit to me at

24 its full power. So it powers down and saves

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[WITNESS PANEL: REED|GOULET]

1 me battery life. So, just because the
2 reading was -- there was a certain count
3 that was less than 85, you cannot just make
4 the jump that 85 correlates to call quality.

5 Q. Okay. Thank you. And if your cell phone is
6 further away from the base station, you
7 would have a worse receive signal strength;
8 correct?

9 A. (By Mr. Goulet) No. Your cell phone would
10 power itself up, and it does it in
11 increments of seven steps. And the cell
12 site would, in turn, also power up. And so
13 you could basically be an 85 and be half a
14 mile, depending on the topography, away from
15 the site, and be an 85 and be 20 feet from
16 the site.

17 Q. So your phone powers up. But does the
18 signal fade as it goes to you, the further
19 away --

20 A. (By Mr. Goulet) I'm sorry. What?

21 Q. Holding all other factors constant, does a
22 cell phone signal fade going over larger
23 distances?

24 A. (By Mr. Goulet) There are not other -- you

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[WITNESS PANEL: REED|GOULET]

1 cannot hold other factors constant in the
2 wireless world. It's radio frequency.

3 There's no holding other factors constant.

4 Q. Are you -- okay. Are you familiar with the
5 concept of "path loss"?

6 A. (By Mr. Goulet) Path loss, yes.

7 Q. What is it?

8 A. (By Mr. Goulet) Path loss is the theory that
9 for every specified distance that you go
10 away from an object or from the source of
11 the transmitting signal, that you incur
12 loss, a certain amount of loss. There's a
13 formula that goes with that.

14 So what you're saying is that if you go
15 far away from the site, yes, that is true;
16 you will have path loss, additional path
17 loss. But what I'm trying to explain is
18 that the cell site and the mobile can
19 compensate for a portion of that path loss.

20 Q. Okay.

21 A. (By Mr. Goulet) And I just didn't want you
22 to look at these numbers and say, because
23 this percentage of the total was less than
24 85, that that's an indication. You can't

[WITNESS PANEL: REED|GOULET]

1 take that in a vacuum that that's an
2 indication of a weak signal.

3 Q. Path loss, or the loss attributed to a
4 signal, is usually measured in dB watts;
5 correct?

6 A. (By Mr. Goulet) It's measured in dB.

7 Q. Okay. So, for example, if the signal is
8 minus 90 dBm and something obstructs the
9 signal and there's a dB loss of 5, the
10 resulting signal on the opposite side of
11 that object is minus 95 dBm; correct?

12 A. (By Mr. Goulet) That's correct.

13 Q. Okay. Thank you.

14 Let's take a look at -- I handed out
15 earlier to you, Mr. Goulet, Josie Gage's
16 testimony and some excerpts of her exhibits.
17 If we can look at --

18 A. (By Mr. Goulet) Excuse me. Could I just
19 ask, 'cause I'm not familiar. I don't know
20 who Ms. Gage is.

21 Q. Josie Gage is a staff analyst. She's
22 sitting at the table.

23 A. (By Mr. Goulet) Oh, I'm sorry.

24 Q. That's okay. And she provided testimony

[WITNESS PANEL: REED|GOULET]

1 earlier in the proceeding, in the first
2 phase of this docket. And what I'm
3 referencing is that testimony and the
4 exhibits attached to her testimony.

5 Mr. Goulet, if you can turn to
6 Exhibit 1, which immediately follows Page 7
7 through 9 of her testimony excerpts. Let me
8 know when you've reached that.

9 A. (By Mr. Goulet) I have it.

10 Q. Ms. Gage attaches an exhibit that
11 summarizes, quote, unquote, common obstacles
12 measured at the Portable Radio Research
13 Group at Virginia Polytechnic Institute in
14 Blacksburg, Virginia. Did I read that
15 correctly?

16 A. (By Mr. Goulet) Yes, you did.

17 Q. And the first dB loss that's indicated in
18 this chart is a brick house exterior, and
19 the dB loss is 14.5 dB; is that right?

20 A. (By Mr. Goulet) That's what this says, yes.

21 Q. Do you have any reason to disagree with that
22 dB loss for brick house exterior?

23 A. (By Mr. Goulet) I guess I would have to ask
24 you -- I don't know the source of this data,

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[WITNESS PANEL: REED|GOULET]

1 how old this data is. I don't know what
2 frequency this data was measured for. Was
3 it 800 megahertz? Was it 150? Was it 1900
4 megahertz, or was it something else? Do you
5 know?

6 Q. I don't know.

7 A. (By Mr. Goulet) See, it's dependent upon
8 what band you're operating in.

9 Q. Okay. And for a wood-siding exterior for --
10 in this chart, there's a 8.8 dB loss; is
11 that right? Did I read that correctly?

12 A. (By Mr. Goulet) Yeah, it's going to be my
13 same answer. I don't -- because you haven't
14 been able to tell me what frequency this
15 chart is referencing, then I can agree with
16 you that each value that you read to me is
17 on the chart, but I'm not going to agree
18 that that's the correct value.

19 Q. Okay. And, for example, an interior wall,
20 at least this measurement at the Portable
21 Radio Research Group at Virginia Polytechnic
22 Institute, not knowing the frequency, was
23 4.7 dB loss; is that right?

24 A. (By Mr. Goulet) Can you define an "interior

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[WITNESS PANEL: REED|GOULET]

1 wall"? Is it Sheetrock? Is it paneling?

2 Is it --

3 Q. So those factors matter?

4 MR. MCHUGH: You have to
5 answer "Yes" or "No."

6 A. (By Mr. Goulet) Oh, I'm sorry. I
7 don't agree. I can't agree with that.

8 Q. An interior wall's composition of materials
9 does matter --

10 A. (By Mr. Goulet) Yes.

11 Q. -- to dB loss; right?

12 A. (By Mr. Goulet) Yes.

13 Q. Okay.

14 MR. FELTES: I'm going to
15 approach with a few data request series.

16 CHAIRMAN GETZ: Would you like
17 this package marked for identification, Mr.
18 Feltes?

19 MR. FELTES: Thank you.

20 CHAIRMAN GETZ: Well, there
21 appears to be four data requests. The cover of
22 the package is Bailey 1.16. We'll mark the
23 package for identification as Bailey 64.

24 (Bailey Exhibit 64 marked for

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[WITNESS PANEL: REED|GOULET]

1 identification.)

2 BY MR. FELTES:

3 Q. Mr. Reed, I'll address these questions to
4 you. Did C Squared -- looking at the first
5 data request, Bailey 1.16, can you confirm
6 that C Squared did not measure wireless
7 signal strength or call quality within any
8 TDS residential customer locations?

9 A. (By Mr. Reed) That's correct.

10 Q. And there was no correction factor in the
11 signal strength for in-building penetration
12 into homes; correct? In other words, the
13 measurement readings were measured readings
14 in a car on the road; correct?

15 A. (By Mr. Reed) Yes.

16 Q. And there was no correction factor for the
17 readings for building penetration for the
18 signal strength to go inside a home; right?

19 A. (By Mr. Reed) Not included in the
20 benchmarking report, no.

21 Q. Okay. And Bailey 1.17, which is the next
22 data response, C Squared did not measure any
23 wireless strength or call quality within
24 business locations either; correct?

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[WITNESS PANEL: REED|GOULET]

1 A. (By Mr. Reed) That's correct.

2 Q. Going to the third data request, Staff 1.12,
3 Staff requests TDS to please provide tallies
4 of customers that correspond with Exhibits A
5 and B of Mr. Reed's supplemental testimony.
6 And TDS's response -- correct me if I'm
7 wrong -- is the requested tallies are not
8 available; is that right?

9 A. (By Mr. Reed) That's correct.

10 Q. The next data request --

11 A. (By Mr. Reed) It's a little more
12 comprehensive than that. But the first
13 sentence is correct, yes.

14 Q. Okay. The next data request, Staff 2.11,
15 requests please visually count out and
16 provide tallies of customers requested in
17 Staff 1.12. And TDS's response was a count
18 was not done and, therefore, is not
19 available. Is that right?

20 A. (By Mr. Reed) That's correct. I mean, the
21 reason for that was the customer locations
22 were plotted on the map as best we could see
23 them, as best records that we had to
24 correspond with the drive-through. So there

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[WITNESS PANEL: REED|GOULET]

1 was a visual depiction of where the
2 customers were based on the signal strength.
3 It was meant to be visually easy to see that
4 the majority of the customers have a good or
5 very good signal.

6 Q. TDS did not provide an estimate of the
7 signals received by people inside their
8 homes; correct?

9 A. (By Mr. Reed) Not included in the
10 benchmarking report. I mean, there's
11 discussion about the signal strength of
12 homes and so on in data responses.

13 Q. Okay.

14 MR. FELTES: I'd approach with
15 some of those data responses. These are a packet
16 of data responses related to questions about
17 support for receive signal strength tests and
18 also in-building penetration of a wireless
19 signal.

20 BY MR. FELTES:

21 Q. Mr. Reed, we'll start with --

22 MR. FELTES: Well, can we have
23 this marked for identification Mr. Mr. Chairman?

24 CHAIRMAN GETZ: Okay. This is

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[WITNESS PANEL: REED|GOULET]

1 marked for identification as Bailey 65. It's a
2 seven-page exhibit, and the cover page includes
3 the question that's described as Bailey 1.27.

4 (Bailey Exhibit 65 marked for
5 identification.)

6 BY MR. FELTES:

7 Q. Mr. Reed, in Bailey 1.27 we asked to please
8 provide any articles or cases that discuss
9 receive signal strength indication tests, as
10 referenced in your testimony. And you refer
11 us to Bailey 1.22; correct?

12 A. (By Mr. Reed) Yes.

13 Q. Next page, Mr. Reed, is Bailey 1.22; is that
14 right?

15 A. (By Mr. Reed) Yes.

16 Q. And we asked for any cases and articles that
17 discuss the difference in wireless signal
18 inside a home versus outside a home, both in
19 the signal strength, receive signal strength
20 indication tests and call quality tests. Is
21 that what we asked for?

22 A. (By Mr. Reed) Yes.

23 Q. And you have a response, and I'm going to
24 highlight a couple sentences. Feel free to

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[WITNESS PANEL: REED|GOULET]

1 highlight other sentences. But the last two
2 sentences you say, "Access to these
3 documents is provided to the wireless
4 services providers as customers of the
5 infrastructure vendor. For competitive
6 reasons, this information is proprietary and
7 confidential." Did I read that correctly?

8 A. (By Mr. Reed) That's a -- yes, you did.

9 Q. All right. So you did not provide any cases
10 or articles explaining or supporting the use
11 of these tests, did you?

12 A. (By Mr. Reed) No. I just want to point out,
13 I mean, I hired a consulting firm who are
14 experts in this field. And I did not look
15 for articles. But this information was
16 provided to me from C Squared in that
17 answer.

18 Q. Well, Mr. Goulet, I'll point to you
19 Bailey 2.3. It's the third page of this
20 packet. And we asked, "Please identify any
21 case, decisions of cases litigated in a
22 [sic] court or before an administrative
23 tribunal, like the New Hampshire Public
24 Utilities Commission... where C Squared, LLC

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[WITNESS PANEL: REED|GOULET]

1 provided a similar analysis for a party
2 and/or provided testimony in a case..." And
3 your answer was you have not; is that
4 correct?

5 A. (By Mr. Goulet) Give me one minute.

6 (Witness reviews document.)

7 A. (By Mr. Goulet) C Squared has provided --
8 I'm sorry I didn't receive this before or
9 didn't catch it. C Squared has provided
10 similar analysis and has provided testimony
11 in cases.

12 MR. FELTES: Mr. Chairman, I'd
13 like to make a record request for --

14 CHAIRMAN GETZ: Well, are you
15 making a distinction between yourself and
16 C Squared in this case? Or what exactly --

17 A. (By Mr. Goulet) Well, it's the word
18 "similar." We do this type of work all the
19 time, benchmarking for carriers for -- and
20 we do drive testing for carriers. We do
21 provide testimony in public zoning boards,
22 Connecticut Siting Counsel. So, I mean,
23 it's the word "similar" that I did not pick
24 up on before. We do drive testing similar

[WITNESS PANEL: REED|GOULET]

1 to this almost daily.

2 MR. FELTES: That's okay.

3 We'll move on.

4 BY MR. FELTES:

5 Q. Mr. Goulet, I'll draw your attention to
6 Bailey 2.2, the next page of this packet of
7 exhibits. The question is, "Please refer to
8 TDS response to Bailey 1.12" -- excuse me
9 "1.22 relating to the difference in wireless
10 signals inside a home versus outside a
11 home." And we asked for a series of
12 documentation, articles or cases relating to
13 the difference in wireless signals inside a
14 home versus outside a home; did we not?

15 A. (By Mr. Goulet) Yes, you did.

16 Q. And let's look at one of your responses.
17 Response C on the next page, you wrote,
18 "There has been extensive research and study
19 concerning the effects of man-made and
20 natural impairments affecting path loss in a
21 radio frequency environment. These studies
22 include building penetration, fading and
23 dispersion. The Okurmura/Hata model is
24 probably one of the most widely used path

[WITNESS PANEL: REED|GOULET]

1 loss models in the world for cellular
2 applications. Provided below are just a few
3 of the many publications used in the
4 wireless industry..." and then you provide a
5 series of publications; is that correct?

6 A. (By Mr. Goulet) That's correct.

7 Q. And one of those publications is Wireless
8 Communications, Principles and Practice,
9 Second Edition by Theodore Rappaport; is
10 that right?

11 A. (By Mr. Goulet) That is correct.

12 Q. So you regard Mr. Rappaport as an authority
13 in the -- on the issue of in-home building
14 penetration?

15 A. (By Mr. Goulet) I consider him an authority
16 on wireless communications. I don't know
17 that I'd consider him an authority
18 specifically on in-building.

19 Q. Are you familiar with the book that
20 Mr. Rappaport -- that you cited, the Second
21 Edition of Wireless Communications,
22 Principles and Practice?

23 A. (By Mr. Goulet) Yeah. I mean, I'm familiar
24 with the book. It's a textbook. So, I

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[WITNESS PANEL: REED|GOULET]

1 mean, it's something that we have in the
2 office and I've read years ago. But...

3 MR. FELTES: I'd like to hand
4 out a chapter from the book.

5 BY MR. FELTES:

6 Q. Mr. Goulet, can you read the title on the
7 first page of the handout that I just gave
8 you?

9 A. (By Mr. Goulet) "Wireless Communications,
10 Principles and Practice, Second Edition,
11 Theodore S. Rappaport."

12 MR. FELTES: I'd like to mark
13 this for identification.

14 CHAIRMAN GETZ: Mark this as
15 Bailey 65.

16 CMSR. IGNATIUS: Sixty-six.

17 CHAIRMAN GETZ: Okay.
18 Bailey 66.

19 (Bailey Exhibit 66 marked for
20 identification.)

21 BY MR. FELTES:

22 Q. Mr. Goulet, the page numbers on this are
23 kind of small. They're up in the right-hand
24 corner. Can you see the page numbers if you

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[WITNESS PANEL: REED|GOULET]

1 flip to, you know, just to the middle? Do
2 you see the page numbers?

3 A. (By Mr. Goulet) Yeah. Under "Next"?

4 Q. Yeah, right under "Next."

5 A. (By Mr. Goulet) Yeah.

6 Q. If you can, and everybody in the room, flip
7 to Page 158. And let me know when you get
8 there.

9 (Witness reviews document.)

10 Q. Mr. Goulet, have you made it there?

11 A. (By Mr. Goulet) I'm there. I'm trying to
12 read it.

13 Q. Okay.

14 (Witness reviews document.)

15 Q. All right. I'm just going to ask you a few
16 questions about it. If you need more time,
17 please let me know.

18 Mr. Goulet, I'm going to refer you to
19 Table 4.3, which is the only thing on the
20 page. The title of the table is "Average
21 Signal Loss Measurements Reported by Various
22 Researchers for Radio Paths Obstructed by
23 Common Building Material." Did I read that
24 correctly?

[WITNESS PANEL: REED|GOULET]

- 1 A. (By Mr. Goulet) Yes, you did.
- 2 Q. And I'll draw your attention to the first
3 material type. That's a small font, but it
4 says "all metal"; is that right?
- 5 A. (By Mr. Goulet) That's correct.
- 6 Q. And the dB loss for all metal for the
7 research as cited by Rappaport is 26; is
8 that right?
- 9 A. (By Mr. Goulet) It's 26 at that frequency.
- 10 Q. At 815 megahertz frequency?
- 11 A. (By Mr. Goulet) Correct.
- 12 Q. Okay. Thank you.
- 13 The next column -- excuse me -- row,
14 "Aluminum Siding." The dB loss at 815
15 megahertz for aluminum siding listed here is
16 20.4 dB; is that right?
- 17 A. (By Mr. Goulet) Yes, I agree that's what it
18 says.
- 19 Q. Okay. For foil insulation, the dB loss for
20 foil insulation at 815 megahertz listed here
21 in the table is 3.9 dB; is that correct?
- 22 A. (By Mr. Goulet) That's what the table says,
23 yes.
- 24 Q. And just one more, concrete block wall. At
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1 1300 megahertz, the dB loss is listed here
2 as 13 dB; is that right?

3 A. (By Mr. Goulet) That's what the table says,
4 yes.

5 Q. And you would acknowledge -- would you
6 not -- that there is dB loss of a signal
7 when it goes into somebody's home; right?

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

9 Q. Let me turn you to Page 166 of this
10 Rappaport chapter. Let me know when you get
11 there.

12 A. (By Mr. Goulet) I'm there.

13 Q. Okay.

14 CHAIRMAN GETZ: While we give
15 Mr. Goulet a second, just let me address what our
16 intention is for the hearing for the rest of the
17 day. We would like to take a brief recess around
18 3:15 for 15 or 20 minutes and then resume
19 until -- we want to adjourn for the day by 5:00.

20 MR. FELTES: Okay. I don't
21 know how much more I have. I think in the
22 ballpark of 50 minutes, probably. Maybe a little
23 bit more.

24 BY MR. FELTES:

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[WITNESS PANEL: REED|GOULET]

- 1 Q. All right. Mr. Goulet, on Page 166 I'm
2 going to refer you to Section 4.12, the
3 title of which is "Signal Penetration Into
4 Buildings." Is that what it says?
- 5 A. (By Mr. Goulet) Yes.
- 6 Q. And Mr. Rappaport, in the second paragraph,
7 summarizes some studies on building
8 penetration; does he not?
- 9 A. (By Mr. Goulet) My copy is not -- you're
10 going to have to give me a minute. Some of
11 it didn't print well. I guess it would be
12 best if you ask your question and then I can
13 look at that particular line that you're
14 referencing.
- 15 Q. Would this be better?
- 16 A. (By Mr. Goulet) I can't read it. I'm
17 looking right here.
- 18 Q. Okay. So why don't we start at the word
19 "measurements," which is the fourth
20 paragraph in the second -- fourth sentence
21 in the second paragraph. Let me know when
22 you've seen that.
- 23 A. (By Mr. Goulet) I'm there.
- 24 Q. All right. I'm going to read from there.

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1 "Measurements in Liverpool, Tur87, showed
2 that penetration loss decreases with
3 increasing frequency." Do you agree with
4 that statement?

5 A. (By Mr. Goulet) Penetration loss decreases
6 with increasing frequency...

7 Q. You testified earlier that dB loss depends
8 on frequency. This sentence says
9 measurements in Liverpool, in a study cited
10 by Rappaport, showed that penetration loss
11 decreases with increasing frequency. Is
12 that something you agree with?

13 A. (By Mr. Goulet) No.

14 Q. You don't agree with it?

15 A. (By Mr. Goulet) I need a minute because it's
16 a method of how you're interpreting this.
17 Penetration attenuation values...

18 CHAIRMAN GETZ: Should we be
19 interpreting this -- let me take an attempt at
20 it. Measurements in Liverpool show that
21 penetration loss decreases as frequency
22 increases?

23 MR. FELTES: Yes.

24 CHAIRMAN GETZ: Does that

[WITNESS PANEL: REED|GOULET]

1 help?

2 A. (By Mr. Goulet) Say that again?

3 CHAIRMAN GETZ: Measurements
4 in Liverpool showed that penetration loss
5 decreases as frequency increases. I don't want
6 to start editing the gentleman's textbook for
7 him, but...

8 A. (By Mr. Goulet) That may be in Liverpool,
9 but that's not our findings.

10 BY MR. FELTES:

11 Q. Okay. The next sentence. "Specifically,
12 penetration attenuation values of 16.4 dB,
13 11.6 dB and 7.6 dB were measured on the
14 ground floor of a building at frequencies of
15 441 megahertz, 896.5 megahertz and 1400
16 megahertz, respectively." Did I read that
17 correctly?

18 A. (By Mr. Goulet) Yes, you did.

19 Q. The frequency levels of the carriers that
20 you measured for TDS in Confidential
21 Exhibits E and F were 1900 megahertz for
22 Sprint and Verizon; correct? Or I can refer
23 you to the exhibit if you --

24 A. (By Mr. Goulet) For Sprint, yes. Verizon?

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1 Oh, yeah. I'm sorry. That mark is 1900,
2 yes. Sorry.

3 Q. In both exchanges?

4 A. (By Mr. Goulet) Yes.

5 Q. And U.S. Cellular was at 800 megahertz in
6 both exchanges; correct?

7 A. (By Mr. Goulet) Yes, that's correct.

8 Q. The next sentence, "Measurements by
9 Turkmani... showed penetration loss of 14.2
10 dB, 13.4 dB and 12.8 dB for 900 megahertz,
11 1800 megahertz and 2300 megahertz,
12 respectively"; is that correct?

13 A. (By Mr. Goulet) That's what that says.

14 Q. Do you have any reason to disagree with the
15 findings reported by Mr. Rappaport here?

16 A. (By Mr. Goulet) I'm trying to get how that
17 relates to what we're doing here in this
18 country. But I would need to look at this a
19 little more. If I'm interpreting this
20 correctly, he's saying that the higher you
21 go in frequency, the lower your loss is.

22 Q. Right. That's I think what it said. I'm
23 going to approach you with one of the
24 Turkmani articles that Mr. Rappaport cites

[WITNESS PANEL: REED|GOULET]

1 to. The front page is a citation page and
2 then the article is behind it.

3 Mr. Goulet, the article was published
4 in a publication called "IEEE." Do you know
5 what that is?

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

7 Q. What is it?

8 A. (By Mr. Goulet) It's the Institute of
9 Electrical Engineers.

10 MR. FELTES: If we can have
11 this marked for identification purposes?

12 CHAIRMAN GETZ: Be Bailey 67.

13 (Bailey Exhibit 67 marked for
14 identification.)

15 BY MR. FELTES:

16 Q. Mr. Goulet, if you could flip to the second
17 page, there's a title. Can you read for us
18 the title of this article?

19 A. (By Mr. Goulet) "Estimating Coverage of
20 Radio Transmission Into and Within Buildings
21 at 900, 1800, and 2300 Megahertz."

22 Q. And 900 megahertz was for U.S. Cellular, and
23 1800 megahertz was for Verizon and Sprint,
24 for both the Sutton and Salisbury exchanges

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1 in your study; correct? Just to confirm.

2 A. (By Mr. Goulet) Yes.

3 Q. Let me draw your attention to the fifth
4 bullet point on the right-hand side of the
5 first page -- or the second bullet point
6 from the middle of the page. That may have
7 been confusing, but let me... the bullet
8 point that begins with the three words "the
9 penetration loss." Do you see where I'm at?

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

11 Q. I'm going to read from that. "The
12 penetration loss decreases at higher
13 frequencies: 14.2 dB at 900 megahertz, 13.4
14 dB at 1800 megahertz, and 12.8 dB at 2300
15 megahertz." Would you acknowledge that I
16 read those numbers correctly from this
17 study?

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

19 Q. Thank you.

20 MR. FELTES: If it pleases the
21 Commission, I have another couple articles to go
22 over with Mr. Goulet.

23 BY MR. FELTES:

24 Q. Mr. Goulet, can you read for us the title of

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1 the article on the first page of the article
2 behind the cover page.

3 A. (By Mr. Goulet) "Essential Factors
4 Influencing Building Penetration Loss."

5 Q. And just above that there is a notation from
6 when this article was printed. Can you read
7 that for us?

8 A. (By Mr. Goulet) Sorry. Say that again,
9 please?

10 Q. Just above the title "Essential Factors
11 Influencing Building Penetration Loss" there
12 is a notation for --

13 A. (By Mr. Goulet) It's "2008, 11th IEEE
14 International Conference on Communication
15 Technology Proceedings."

16 Q. And would you assume that IEEE is the
17 Institute of Electronics and Electrical
18 Engineers?

19 A. (By Mr. Goulet) Yes.

20 MR. FELTES: And we would like
21 to have that marked for identification.

22 CHAIRMAN GETZ: This would be
23 Bailey 68.

24 (Bailey Exhibit 68 marked for

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1 identification.)

2 BY MR. FELTES:

3 Q. And I would like to draw your attention to
4 Page 3. And on Page 3, in the upper left
5 there's a Figure 3. And the title, although
6 it's small, in small font, says "Mean
7 Penetration Loss Against Angle of Incidence
8 for the Four Buildings." Did I read that
9 correctly?

10 A. (By Mr. Goulet) Yes, you did.

11 Q. And would you accept, then, that Figure 3 --
12 would you acknowledge that Figure 3 shows
13 the mean penetration loss of a signal going
14 into a building for these different angles?

15 MR. MCHUGH: Mr. Chairman, I
16 object. There's four specific buildings at issue
17 is the way I'm reading this article, if you look
18 at Page 1 of the article. So, under the
19 abstract, if you note, it says, "Field strength
20 measurements are taken in four buildings in urban
21 microcells." So I object to the form of the
22 question as being overly broad and not relevant.

23 MR. FELTES: Well, Mr.
24 Chairman, I think that in-building penetration,

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1 you know, is relevant.

2 CHAIRMAN GETZ: Well, can you
3 rephrase?

4 MR. FELTES: Sure.

5 BY MR. FELTES:

6 Q. Figure 3 at the top of Page 3 shows, quote,
7 unquote, Mean Penetration Loss Against Angle
8 of Incidence for the First Four Buildings;
9 correct?

10 A. (By Mr. Goulet) The last part of your
11 sentence was -- could you repeat the last
12 part? Through the first?

13 Q. Mean penetration loss against angle of
14 incidence for the four buildings.

15 A. (By Mr. Goulet) Correct.

16 Q. And let me draw your attention to the
17 conclusion on Page 4. And maybe to add to
18 clarity, we'll go to the conclusion, which
19 doesn't talk about angles. Let me point
20 your attention to the third sentence of the
21 conclusion. And I'm going to read that.
22 "The average building penetration loss in
23 four buildings was found to be 18 dB." Did
24 I read that correctly?

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1 A. (By Mr. Goulet) Yes, you did.

2 MR. FELTES: All right. We
3 have another article related to building
4 penetration loss.

5 MR. MCHUGH: Mr. Chairman, I
6 can't help but point out -- and I want to make
7 sure this is clear for the record -- the four
8 buildings at issue in what we've marked as
9 Bailey 68 are four buildings where measurements
10 were taken inside and around the perimeter of
11 four buildings in the metropolis of Karachi. I
12 fail to see how that has any relevance to the
13 work that Mr. Goulet did. And I just need to
14 note that for the record. That was on Page 1
15 under Roman II.

16 MR. FELTES: Mr. Chairman, I
17 think the relevance of this article is that there
18 is building penetration loss with a signal going
19 into a building. It is true that urban
20 buildings -- you know, I understand the nature of
21 the objection. But it is still relevant to show
22 that a publication in -- a major trade
23 publication, you know, shows building penetration
24 loss. And that's what these articles go to.

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1 Some may be more relevant than others.

2 A. (By Mr. Goulet) Excuse me. Can I, just in
3 an effort to save time? I'm getting from
4 what you're saying that your belief is that
5 you're trying to prove to me with all these
6 articles that there is loss associated with
7 in-building. And I do not disagree with
8 that at all and -- I don't want to say more
9 than that. But just so you know, if that's
10 where -- if that is your intent, I
11 absolutely understand that there is
12 in-building penetration loss. And that is
13 accounted for in our report.

14 Q. I'm sorry. I didn't hear the last part.

15 A. (By Mr. Goulet) It is accounted for in our
16 report.

17 Q. Can you show me where it's accounted for in
18 your report?

19 A. (By Mr. Goulet) The thresholds that are
20 provided in the report, that is based on a
21 RF link budget. The link budget to 85
22 allows for 10 dB of attenuation, which is a
23 typical number used in this market in New
24 England for wood-frame-structured houses

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1 with glass windows and drywall, et cetera.

2 The typical -- you cannot -- yeah, there's a

3 few brick homes. But we're talking about a

4 rural market in Sutton and Salisbury, the

5 link budget at negative 85 measured in the

6 vehicle through a phone. Now, those

7 antennas were not outside the vehicles. So

8 you've got vehicle loss there.

9 Q. Do you have any articles or information that
10 estimates the dB loss of a signal going into
11 a vehicle?

12 A. (By Mr. Goulet) Through a vehicle, typically
13 what is taken is 5 to 8 dB.

14 Q. Do you have any support for the assertion
15 that typically it's 5 to 8 dB?

16 A. (By Mr. Goulet) Do I have documents that I
17 can provide you? No, because the documents
18 are proprietary.

19 Q. Okay. Well, let's look at Confidential
20 Exhibit E, if you can take a look at that.
21 Confidential Exhibit E attached to Michael
22 Reed's testimony in January. And if you can
23 go to Page 1 of 2.

24 (Witness reviews document.)

[WITNESS PANEL: REED|GOULET]

1 CHAIRMAN GETZ: One of 22?

2 MR. FELTES: Oh, I'm sorry.

3 It's 1 of 22. I apologize. One of 22.

4 BY MR. FELTES:

5 Q. Mr. Goulet, there's a heading that says

6 "Handset Configuration."

7 A. (By Mr. Goulet) Yes.

8 Q. _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 A. (By Mr. Goulet) Yes, you did.

16 Q. In your position, is there still a vehicle

17 loss of the dB going into the vehicle?

18 A. (By Mr. Goulet) Going -- yes. The phones

19 were inside the vehicle. So if my phone is

20 inside the vehicle, in order for the signal

21 to get from the cell site to my phone, it

22 has to penetrate the vehicle.

23 Q. What kind of vehicle were you driving?

24 A. (By Mr. Goulet) They're SUVs.

[WITNESS PANEL: REED|GOULET]

- 1 Q. Do they have windows?
- 2 A. (By Mr. Goulet) Yes, they do.
- 3 Q. Were the windows up or down?
- 4 A. (By Mr. Goulet) I don't know.
- 5 Q. Don't know?
- 6 A. (By Mr. Goulet) It was May 30th. I
- 7 assume -- he could have had his
- 8 air-conditioning on. I don't know whether
- 9 the windows were up or down. But the phones
- 10 aren't at the window level.
- 11 Q. Do you accept that windows may provide some
- 12 dB loss?
- 13 A. (By Mr. Goulet) Absolutely.
- 14 Q. All right. So, knowing whether they were up
- 15 and down is something that's important.
- 16 A. (By Mr. Goulet) The phones weren't at window
- 17 level.
- 18 Q. Earlier, Michael Reed testified there was
- 19 not a correction factor for in-building
- 20 penetration. Is that correct?
- 21 A. (By Mr. Goulet) No. Well, there's not a
- 22 correction factor, as such. There
- 23 doesn't -- again, I go back to the RF link
- 24 budget. And just to explain, if the cutoff

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1 level is neg 85 for in-building, that's what
2 we're using for in-building in a rural
3 market. What that means is, if you have 10
4 dB of loss for building penetration, then
5 once the handset is -- or the signal is
6 inside the building, you would be a neg 95.
7 That's the -- there's no adjustment. It's
8 part of the RF link budget that the carriers
9 use. If you're in an urban environment, the
10 cutoff threshold would be in the
11 neighborhood of a 65 because you have
12 concrete buildings to deal with. If you're
13 in a suburban market with under 10-story
14 buildings and some wood-frame two-tenement,
15 three-tenement buildings, then it's another
16 loss. So the link budget -- each carrier
17 has its own link budget, and that's where
18 that, quote, unquote, adjustment is.

19 Q. Well, let me just ask you a question. So
20 the --

21 CHAIRMAN GETZ: Well,
22 actually, I think this is -- we're past the time
23 where we want to take a break. Is this something
24 that is a necessary follow-up at the moment, or

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1 can we pick this up after we have our recess?

2 MR. FELTES: I think we could
3 take a recess.

4 CHAIRMAN GETZ: Okay.
5 Let's -- we'll be in recess for about 15 or 20
6 minutes. Thank you.

7 (Whereupon a recess was taken at
8 3:20p.m. and the hearing resumed at
9 3:45 p.m.)

10 CHAIRMAN GETZ: Okay. We'll
11 resume with Mr. Feltes.

12 MR. FELTES: Thank you, Mr.
13 Chairman.

14 BY MR. FELTES:

15 Q. Mr. Goulet, before we broke I was asking you
16 a series of questions. And I just want to
17 make sure we're on the right track here.

18 You would agree that a -- you testified
19 earlier that a signal going into a home will
20 tend to experience at least a minus 10 dB
21 penetration loss; correct?

22 A. (By Mr. Goulet) I said it will experience at
23 least 10 dB of penetration loss, not minus
24 10 dB. There is a difference.

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- 1 Q. Okay. That's fine. So, 10 dB loss?
- 2 A. (By Mr. Goulet) Ten dB of loss, right.
- 3 Q. Going into a home.
- 4 Pointing you to Exhibit E, Confidential
- 5 Exhibit E of Michael Reed's testimony,
- 6 Page 3 of 22. Are you there?
- 7 A. (By Mr. Goulet) Yes, I'm there.
- 8 Q. You see percentages to the right of a column
- 9 called "receive signal strength"; is that
- 10 correct?
- 11 A. (By Mr. Goulet) That is correct.
- 12 Q. Those percentages reflect the raw value of
- 13 the receive signal strength at various
- 14 ranges; correct?
- 15 A. (By Mr. Goulet) They reflect the output of
- 16 the subscriber handsets in the vehicle, as
- 17 measured from within the vehicle, yes.
- 18 Q. All right. And you don't reduce those raw
- 19 values by 10 dB, do you?
- 20 A. (By Mr. Goulet) No, we don't.
- 21 Q. Okay. So if --
- 22 A. (By Mr. Goulet) Well, excuse me. Excuse me.
- 23 Just for clarification. When you say "we
- 24 don't reduce them," what do you mean?

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1 Reduce them when?

2 Q. You receive a signal on the road; correct?

3 A. (By Mr. Goulet) The phone inside the vehicle
4 receives the signal.

5 Q. On the road.

6 A. (By Mr. Goulet) Well, the vehicle's on the
7 road, yes.

8 Q. Right. And that signal -- the raw value of
9 that signal is what is reported to create
10 these percentages within these ranges of
11 dBm; correct?

12 A. (By Mr. Goulet) Correct. There's no
13 correction factor for the vehicle
14 penetration loss.

15 Q. And there's no correction factor for
16 in-building penetration into one's home, is
17 there?

18 A. (By Mr. Goulet) Not a correction factor.
19 That's the link budget threshold.

20 Q. Well, let me just be clear. There's no
21 correction factor of minus 10 dB or whatever
22 for the signal's loss, dB loss going into a
23 home in this chart?

24 A. (By Mr. Goulet) Okay. To be clear, this

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[WITNESS PANEL: REED|GOULET]

1 chart is reporting what the phones

2 measured --

3 Q. Okay.

4 A. (By Mr. Goulet) -- in the vehicles. That's

5 all it's reporting. It's subscriber

6 handsets at a 45-degree angle mounted inside

7 the vehicle away from each other. As the

8 vehicle drives down the road, the phone's on

9 a call and it's spitting out all this

10 information and it's being stored in a

11 computer.

12 Q. So if one of the phones received a minus 85

13 dBm received strength signal value, can we

14 assume, then, that if a person was in a home

15 on the road, that would be at least minus 95

16 dBm; correct?

17 A. (By Mr. Goulet) Actually, it would be likely

18 a little better, because you have to deduct

19 the path loss of the vehicle, the

20 penetration loss of the vehicle.

21 Q. Right. Which you testified earlier in your

22 opinion is between 5 and 8 dB; correct?

23 A. (By Mr. Goulet) Correct.

24 Q. And there's a minus 10 dB, as you testified,

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1 at least, for in-home building penetration;
2 right?

3 A. (By Mr. Goulet) Ten dB is what's used in
4 this market, yes.

5 Q. Neither of those are corrected in the data
6 here in the chart; correct?

7 A. (By Mr. Goulet) Correct.

8 Q. Okay. Mr. Reed, if I have a minus 85 dBm
9 value and experience a 10 dB loss for going
10 into a home, would you agree that the dBm
11 value is then minus 95 dBm?

12 A. (By Mr. Reed) Your math is correct, but I'm
13 not sure I agree with that.

14 Q. Well, Mr. --

15 A. (By Mr. Reed) I mean, if everything was
16 exactly equal -- I think it would be better
17 if Mr. Goulet answered this question, but
18 I'll give it my best shot.

19 As my understanding of this process,
20 you know, the signal in the house could
21 actually be stronger than the signal going
22 down the road. So if it's exactly -- if
23 you're comparing exactly a neg 85 to exactly
24 a neg 85 outside the house, then I would

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1 agree with the math, based on what Mr.

2 Goulet says.

3 Q. All right. So let me turn your attention to
4 Page 8 of Josie Gage's testimony that I
5 handed out earlier.

6 A. (By Mr. Reed) I'm sorry. I can't hear you.

7 Q. Sorry, Mr. Reed. Page 8 of Josie Gage's
8 testimony that I handed out earlier.

9 MR. MCHUGH: What was that
10 marked, Attorney Feltes?

11 MS. HOLLENBERG: Sixty-three.

12 MR. MCHUGH: Thank you.

13 BY MR. FELTES:

14 Q. Mr. Reed, top of Page 8 of Josie Gage's
15 testimony there's a bullet point, and it
16 says, "In determining areas that qualify as
17 unserved, a map of minus 95 dBm must be
18 filed with the Authority. The Authority
19 considers any signal outside of or weaker
20 than minus 95 dBm unserved." Did I read
21 that correctly?

22 A. (By Mr. Reed) Yes.

23 Q. And by "Authority," it's referring to
24 Page 7, the ConnectMaine Authority; is that

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- 1 right?
- 2 A. (By Mr. Reed) Yes.
- 3 Q. So I want to present -- Mr. Goulet, did your
4 study account for the loss of a signal due
5 to somebody holding it?
- 6 A. (By Mr. Goulet) No, it did not.
- 7 Q. So it did not account for the loss of a
8 signal for grip loss?
- 9 A. (By Mr. Goulet) Let me explain. Actually,
10 the link budget accounts for body loss.
- 11 Q. The raw data --
- 12 A. (By Mr. Goulet) Raw data is raw data.
- 13 Q. Okay. So the chart --
- 14 A. (By Mr. Goulet) But the link budget, if you
15 let me explain -- the link budget of 5, in
16 that link budget you have a lot of metrics;
17 and one of those metrics is body loss, which
18 is normally 2dB.
- 19 Q. The chart on Page 3 of 22 of Confidential
20 Exhibit E again reflects raw data without
21 correction for body loss, without correction
22 for in-home penetration and, as you noted,
23 without correction for vehicle penetration;
24 correct?

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1 A. (By Mr. Goulet) Correct.

2 Q. All right.

3 MR. FELTES: I'd like to
4 approach with an article on grip loss.

5 CHAIRMAN GETZ: We'll mark
6 this as Bailey 69.

7 MR. FELTES: Thank you.

8 (Bailey Exhibit 69 marked for
9 identification.)

10 BY MR. FELTES:

11 Q. Mr. Goulet, can you read the title of the
12 article on Page 2 of your handout.

13 A. (By Mr. Goulet) "User's Impact on PIFA
14 Antennas and Mobile Phones."

15 Q. Okay. And can I draw your attention to
16 Table II and Table III, which are the second
17 to the last page -- on the second to last
18 page of the article. Let me know when
19 you've made it there.

20 A. (By Mr. Goulet) I am there.

21 Q. Now, looking at Table II, which says,
22 "Absorbed power distribution for different
23 tissue regions and configurations." Did I
24 read that correctly?

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1 A. (By Mr. Goulet) Yes, you did.

2 Q. And the second row from the top says
3 "Antenna Position"; is that right?

4 A. (By Mr. Goulet) Yeah, but this -- just to be
5 clear, they're talking about absorption
6 power and body tissue.

7 Q. Hmm-hmm. Yes. Let's go to the introduction
8 on Page 2 of the document. Roman II says
9 "Grip Study Description." And then it goes
10 on to say -- and correct me if I'm wrong --
11 "A recent contribution within the COS
12 Action 2100... reports a first grip study
13 for talk and data modes in mobile phones
14 with [sic] rigorous... methodology... over a
15 sample of a hundred subjects." And the next
16 paragraph -- and correct me if I'm wrong --
17 talks about the positions of people's
18 fingers on the phone and grip style; does it
19 not? Take your time.

20 (Witness reviews document.)

21 A. (By Mr. Goulet) I guess I'd be curious what
22 this has to do with Bluetooth. I'm not
23 really gripping that.

24 Q. The question before you is whether or not

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1 this study analyzes grip study, analyzes
2 grip loss.

3 A. (By Mr. Goulet) The study appears to analyze
4 grip loss. But I have no idea when they're
5 talking about the position of the index
6 fingers on the phone, what model phone
7 they're talking about. This study was done
8 in Sweden.

9 Q. Whether or not the study was done in Sweden,
10 does that make a difference on grip loss?

11 A. (By Mr. Goulet) I don't know if I can answer
12 the question until I've had an opportunity
13 to read this article.

14 Q. Let's look at Table II, second to the last
15 page. The second row says "Antenna
16 Position." And for each of the two columns
17 next to it, the antenna position is "top";
18 correct?

19 A. (By Mr. Goulet) That's what this says, yeah.

20 Q. Table III, upper right, also has antenna
21 position, and for each of the two columns
22 the antenna position is "bottom," as noted
23 in the table; correct?

24 A. (By Mr. Goulet) That's correct.

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1 MR. MCHUGH: Mr. Chairman, let
2 me object here and cut to the chase. We're going
3 to stipulate, I think, that all the articles they
4 want to put before the Commission say what they
5 say. However, Mr. Goulet needs time to read them
6 all in order to intelligently answer questions
7 about what they mean and whether or not they
8 impact anything in this case. So if they want to
9 give us all the articles, we can then pick this
10 up so other people can get some cross-examination
11 in on Thursday. But I don't see the value -- we
12 will stipulate to what they say. But we're not
13 agreeing that they're also going to go into
14 evidence. But in terms of making it easier, if
15 they just want to give them to us, we can
16 pre-number them. For right now, we'll stipulate
17 that they say what the words say.

18 CHAIRMAN GETZ: Mr. Feltes?

19 MR. FELTES: Yeah, I think
20 that is fine. I just have a few questions,
21 though, just to make sure that we're on the same
22 page about grip loss. So --

23 MR. MCHUGH: We're not on any
24 page on grip loss. That's my point. Mr. Goulet

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1 needs to read the article before he can interpret
2 what it says or what it means in terms of this
3 case, or having nothing to do with this case, if
4 that's what Attorney Feltes wants to ask. But I
5 will stipulate that Bailey 69, the words are on
6 the document and they say what they say. And
7 we'll stipulate. That's marked for I.D.

8 MR. FELTES: Mr. Chairman, I
9 don't think Mr. Goulet needs to read the entire
10 article to state whether or not he knows that
11 grip loss exists. And --

12 CHAIRMAN GETZ: I think he's
13 already agreed with you that there is a concept
14 called "body loss."

15 A. (By Mr. Goulet) That's correct.

16 CHAIRMAN GETZ: Which I assume
17 grip loss would be a subset of body loss. And
18 then I think this has been consistent with a lot
19 of these documents. I'm not sure that he's
20 disagreeing with some of your underlying
21 propositions. So why don't we just get the
22 question directly asked and see where we are.

23 BY MR. FELTES:

24 Q. Mr. Goulet, you testified earlier -- and I'd

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1 just ask the question again to confirm. You
2 agree that there is something called "grip
3 loss"; correct?

4 A. (By Mr. Goulet) I agree that there's an
5 article in front of me on grip loss. But I
6 have to say that in the 23 years of working
7 with the -- in wireless as an RF manager and
8 doing design, I have never in my life seen
9 the word "grip loss." It's in -- in link
10 budgets, it's referred to as "body loss."
11 There's body loss. And what that means is
12 when I hold a phone next to my head, my head
13 is between the phone and the tower. The
14 signal's coming from that direction.
15 There's a 2 dB allowed for body loss. I'm
16 just being honest with you. I have never --
17 I am unfamiliar with the term "grip loss"
18 with a handheld phone. I have never seen it
19 before, never heard of it had my 23 years in
20 wireless.

21 Q. Are you familiar with a concept called "head
22 loss"?

23 A. (By Mr. Goulet) I'm familiar with the
24 concept called "body loss," which I would

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1 assume that that would be the same as head
2 loss.

3 MR. FELTES: Handing out an
4 article on head loss.

5 CHAIRMAN GETZ: And we'll mark
6 this for identification as Bailey 70.

7 MR. MCHUGH: I'd reiterate the
8 objection, your Honor, again. We'll stipulate
9 that the words on No. 70 are what they are. And
10 Mr. Goulet's already testified as to what he's
11 familiar with in terms of body loss.

12 MR. FELTES: Mr. Chairman,
13 part of this is to be used for impeachment
14 purposes. Mr. Goulet just testified that head
15 loss is body loss. Head loss, as noted --
16 there's a series of questions we would ask, that
17 head loss is a subset of body loss; grip loss is
18 a subset of body loss as well. So that's why
19 we're going down this line with each individual
20 article.

21 MR. MCHUGH: And if Mr. Goulet
22 has an opportunity to review the articles in
23 advance, then he can answer questions about them;
24 otherwise, reading them into the record does

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1 nothing. And I'll stipulate that they say what
2 they are.

3 CHAIRMAN GETZ: Okay. We'll
4 allow some further questions on this, Mr. Feltes.
5 But I think -- I'm not sure that you've properly
6 characterized Mr. Goulet's position. I think
7 he's agreed that there is such a thing as body
8 loss. He said he's not familiar with the term
9 "grip loss." And he's assuming, based on what
10 your characterizations were, that head loss may
11 be something similar to body loss. So let's just
12 move this along.

13 BY MR. FELTES:

14 Q. Mr. Goulet, can you just read the title of
15 this article.

16 A. (By Mr. Goulet) "Comparison Between Head
17 Losses of 20 Phones With External and
18 Built-In Antennas Measured in Reverberation
19 Chamber."

20 MR. FELTES: And if we can
21 just mark it for identification purposes.

22 CHAIRMAN GETZ: It will be
23 Bailey 70.

24 (Bailey Exhibit 70 marked for

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1 identification.)

2 BY MR. FELTES:

3 Q. Mr. Goulet, you've acknowledged that there
4 is something called "body loss"; correct?

5 A. (By Mr. Goulet) Correct.

6 Q. And what is the typical dB loss for body
7 loss?

8 A. (By Mr. Goulet) Typically, 2 dB is assigned
9 for body loss in some carriers' link
10 budgets.

11 Q. And the raw data in Confidential Exhibit E
12 and F did not correct for body loss, did it?

13 A. (By Mr. Goulet) Again, the raw data is
14 based -- does -- provides no physical -- we
15 did not massage, manipulate or correct any
16 data.

17 Q. Okay.

18 MR. FELTES: We just have one
19 article on body loss.

20 BY MR. FELTES:

21 Q. Mr. Goulet, can you read the title of this
22 article?

23 A. (By Mr. Goulet) "Body Loss Measurements of
24 Internal Terminal Antenna In Talk Position

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1 Using Real Human Operator."

2 MR. FELTES: Can we mark this
3 for identification purposes.

4 CHAIRMAN GETZ: Be Bailey 71.

5 (Bailey Exhibit 71 marked for
6 identification.)

7 BY MR. FELTES:

8 Q. If I can turn you to the abstract which
9 summarizes the article, I'm going to read
10 from the second sentence. And correct me if
11 I'm wrong.

12 "Depending on the [sic] exact placement
13 of the [sic] index finger, frequency band
14 and [sic] type position of radiator, total
15 body losses ranging from 6 to 26 dB have
16 been measured." Did I read that correctly?

17 A. (By Mr. Goulet) Yes, you read it correctly.

18 Q. Thank you. Are you aware of any FCC
19 procedures on accounting for in-building
20 penetration loss?

21 A. (By Mr. Goulet) I'm sorry. I'm aware of a
22 lot of FCC procedures. But you have to
23 clarify what specifically -- relating to
24 what? Emissions? Exposure? Or what are

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1 you --

2 Q. Are you aware of any FCC -- Federal
3 Communications Commission -- procedures on
4 correcting for in-building penetration loss?

5 A. (By Mr. Goulet) No, I am not.

6 MR. FELTES: I'd like to
7 approach with what is a 47 CFR, Subpart E,
8 Appendix 1, a procedure -- oops, that's the wrong
9 one.

10 MR. MCHUGH: I was going to
11 say, that's...

12 MR. FELTES: Sorry. This is
13 the right one.

14 CHAIRMAN GETZ: Mark this as
15 Bailey 72 for identification.

16 (Bailey Exhibit 72 marked for
17 identification.)

18 BY MR. FELTES:

19 Q. Mr. Goulet, can I draw your attention to the
20 lower left column of this page, the first
21 page, Page 155. I'm going to read for you
22 Appendix 1 to Subpart A in Part 24. "A
23 procedure for calculating PCS signal levels
24 of microwave receivers, Appendix E of the

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1 memorandum opinion and order." Did I read
2 that correctly?

3 A. (By Mr. Goulet) Yes.

4 Q. And if you can turn to the top of the second
5 column?

6 MR. MCHUGH: Of 155?

7 MR. FELTES: Page 155. Sorry.

8 BY MR. FELTES:

9 Q. And if you can just review what has been
10 laid out here for a second and then I'll ask
11 you some questions.

12 CHAIRMAN GETZ: I'm sorry.

13 Are you asking him to review the whole right-hand
14 column of the first page or...

15 MR. FELTES: Well, let's just
16 go to No. 3.

17 BY MR. FELTES:

18 Q. No. 3 on the second column of Page 155. The
19 FCC, "Based on PCS IRP values, correction
20 and weighting factors, and microwave
21 receiving system characteristics determined
22 above, calculate the total interference...
23 at the input of each microwave receiver
24 using the Longley-Rice propagation model."

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1 Did I read that correctly?

2 A. (By Mr. Goulet) Yes, you read that
3 correctly.

4 MR. MCHUGH: Actually, just to
5 correct the record, the initials are E period, I
6 period, R period, P period.

7 BY MR. FELTES:

8 Q. What's the Longley-Rice model?

9 A. (By Mr. Goulet) Longley-Rice is used for
10 microwave, which this whole CFR document has
11 to do with PCS and microwave receivers and
12 interference. It has nothing whatsoever to
13 do with cellular or broadband service.

14 MR. FELTES: Approach with a
15 definition of "PCS."

16 CHAIRMAN GETZ: Mark this as
17 Bailey 73 for identification.

18 (Bailey Exhibit 73 marked for
19 identification.)

20 BY MR. FELTES:

21 Q. All right. Mr. Goulet, can I draw your
22 attention to the second column on Page 139,
23 which is a -- that starts with "Personal
24 Communications Services" and then parens,

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- 1 "PCS." That definition says, "Radio
2 communications that encompass mobile and
3 ancillary fixed communication that provide
4 services to individuals and businesses and
5 can be integrated with a variety of
6 competing networks." Did I read that
7 correctly?
- 8 A. (By Mr. Goulet) I'm sorry. You're on the
9 one you just handed out, the second column?
- 10 Q. That's correct.
- 11 A. (By Mr. Goulet) And where?
- 12 Q. A little over halfway down, "Personal
13 Communications Services."
- 14 A. (By Mr. Goulet) Okay.
- 15 Q. "PCS" in parens. "Radio communications that
16 encompass mobile and ancillary fixed
17 communications [sic] that provide services
18 to individuals and businesses and can be
19 integrated with a variety of competing
20 networks." Did I read that correctly?
- 21 A. (By Mr. Goulet) That's correct.
- 22 Q. Is it still your position that PCS cannot
23 encompass mobile phones?
- 24 A. (By Mr. Goulet) I'm sorry, but I'm not sure

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1 where you're getting that from. Where did I
2 say that PCS can't encompass mobile phones?

3 Q. The previous --

4 A. (By Mr. Goulet) What I said was the previous
5 document has to do with when the PCS
6 carriers got the microwave frequency bands,
7 they had to do microwave clearing and PCN
8 coordination. That's what this whole
9 document is about. And it tells you what
10 you're responsible for doing. It has
11 nothing whatsoever to do with PCS in the
12 context that we're talking about: Providing
13 wireless service to subscribers. This is
14 all about microwave receivers and
15 interference between microwave radio,
16 point-to-point microwave.

17 Q. Well, let's turn to Page 156 of the first
18 FCC thing I handed you, Exhibit No. 72. The
19 third symbol from the top in the upper
20 right-hand column has capital B, capital I
21 [sic]. Do you see where I'm at?

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

23 Q. And after it, it says "Building penetration
24 loss at street level in dB"; does it not?

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1 A. (By Mr. Goulet) Yes, it does.

2 Q. And if you flip to the next page, at 157, at
3 the top it says "building height and
4 building penetration factors"; does it not?

5 A. (By Mr. Goulet) Yes, it does.

6 Q. And it goes on to say, "The building height
7 correction, BH, is a function of the average
8 building height within the nominal coverage
9 area of the base station"; does it not?

10 A. (By Mr. Goulet) Yes, it does.

11 Q. Says, "It is used in conjunction with the
12 building penetration loss, BP, to adjust the
13 expected interference contribution from that
14 portion of the portables transmitting
15 within buildings. The adjustment factor is
16 given by..." and then it lists some
17 adjustment factors; does it not?

18 A. (By Mr. Goulet) Yes, it does.

19 MR. MCHUGH: Again, Mr.

20 Chairman, I'll stipulate that the words say what
21 they say. If we could get to the actual question
22 without reading the rest of the document?

23 BY MR. FELTES:

24 Q. Are Sutton and -- sure. Are Sutton and

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1 Salisbury exchanges, would you characterize
2 them as "urban" or "suburban"?

3 A. (By Mr. Goulet) I would characterize them as
4 "rural."

5 Q. What is the building penetration correction
6 factor listed for suburban areas on
7 Page 155?

8 A. (By Mr. Goulet) On the document for
9 interference?

10 Q. Excuse me, 157. Sorry about that. Upper
11 left of Page 157, Exhibit No. 72.

12 A. (By Mr. Goulet) And your question was, what
13 does it say?

14 Q. Yes.

15 A. (By Mr. Goulet) For which?

16 Q. What is the correction factor for building
17 penetration in a suburban area?

18 (Witness reviews document.)

19 A. (By Mr. Goulet) I'm not finding the term
20 "correction factor." Where does that say
21 that?

22 Q. Okay.

23 A. (By Mr. Goulet) I see an adjustment. It
24 says an adjustment is given. And again,

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1 this has to do with determining interference
2 for microwave radio operators. I don't
3 understand how this is relevant to this at
4 all. This has nothing whatsoever to do with
5 cellular or PCS. If you look at the
6 document, you're skipping around it and
7 you're taking -- I believe this thing is
8 being taken out of context. This is
9 relative to interference and frequency
10 clearing.

11 Q. Well, you know, this is about building
12 penetration loss; is it not?

13 A. (By Mr. Goulet) It mentions the words
14 "building penetration loss," but it's
15 totally out of context to what we're talking
16 about.

17 Q. And regardless of whether --

18 A. (By Mr. Goulet) When you're measuring
19 interference, the FCC requires you to use
20 different values than what carriers are
21 using for measuring their link budgets to
22 determine what call quality is going to be.
23 It's apples and oranges.

24 Q. Regardless of where a microwave signal is

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- 1 going, from the bay station to the receiver
2 or the receiver to the bay station, there's
3 still going to be a building penetration
4 loss; is there not?
- 5 A. (By Mr. Goulet) You're asking me about a
6 microwave signal?
- 7 Q. Yeah.
- 8 A. (By Mr. Goulet) A point-to-point microwave?
- 9 Q. A PCS signal.
- 10 A. (By Mr. Goulet) Oh, I'm sorry. You have to
11 repeat the question then.
- 12 Q. Regardless of whether or not the PCS signal
13 is going from the bay station to a user or a
14 user to a bay station, it doesn't matter;
15 there's still a building penetration loss;
16 is there not?
- 17 A. (By Mr. Goulet) I've never disagreed that
18 there is building penetration loss, and that
19 number is 10 dB.
- 20 Q. And that 10 dB is the same number you
21 testified to earlier; correct?
- 22 A. (By Mr. Goulet) The 10 dB is the number
23 because the carriers that we measured are
24 both PCS and 800. And when we tried -- when

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1 we generated this report, we gave you a
2 combination of carriers, so we had to pick a
3 nominal value. So, for this area, for rural
4 houses we used 10 dB.

5 Q. You said something critical earlier, and I
6 want to focus in on it. You said PCS -- you
7 measured PCS carriers and 800 megahertz; is
8 that right?

9 A. (By Mr. Goulet) Yeah, I may have said that,
10 meaning I'm trying to make the distinction
11 between the 1900 megahertz operators and the
12 800 cellular operators. That was the intent
13 of that.

14 Q. And the 1900 operators are PCS; correct?

15 A. (By Mr. Goulet) It's a term that can be
16 applied to the 1900 operators; yes. There's
17 many terms that are applied. Some people
18 call it PWS, personal wireless service;
19 others call it personal communications
20 service. But it's just a matter of
21 preference.

22 Q. And the only carrier operating at 800
23 megahertz that you tested was U.S. Cellular;
24 correct?

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1 A. (By Mr. Goulet) In that -- yes.

2 Q. Right. A subsidiary of --

3 A. (By Mr. Goulet) No. I take that back. U.S.
4 Cellular and Sprint Nextel, because Sprint
5 Nextel -- Nextel is iDEN technology, which
6 is 850 megahertz. We called them Sprint
7 Nextel in the report because that's what
8 they are now. That's their legal name. But
9 you notice it will say "Sprint Nextel CDMA"
10 and then it'll say "Sprint Nextel iDEN."

11 Q. And the CDMA is 1900 megahertz; correct?

12 A. (By Mr. Goulet) Correct.

13 Q. And the iDEN is 800?

14 A. (By Mr. Goulet) Is 850.

15 Q. Okay.

16 MR. MCHUGH: Just for the
17 stenographer while we're caucusing, it's a little
18 I and capital D, capital E, capital N for iDEN.

19 MR. FELTES: Thank you.

20 BY MR. FELTES:

21 Q. So you would agree that 10 dB appears in
22 Bailey Exhibit 72?

23 A. (By Mr. Goulet) I'm sorry. I can't -- what?
24 You have to give me the reference.

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1 CHAIRMAN GETZ: And I think,
2 Mr. Feltes --

3 MR. MCHUGH: I was just going
4 to --

5 CHAIRMAN GETZ: I think Mr.
6 McHugh has stipulated that these documents
7 portray the information that are in them.

8 MR. MCHUGH: And for the
9 record, I would stipulate in this case it
10 actually reads "10 dB in suburban areas" on
11 Page 157.

12 BY MR. FELTES:

13 Q. Mr. Goulet, you testified earlier that a
14 10 dB loss from building penetration --
15 which wasn't a correction factor in the raw
16 data; correct?

17 A. (By Mr. Goulet) Correct.

18 Q. And that vehicle penetration, in your
19 opinion, is 5 to 8 dB.

20 A. (By Mr. Goulet) Yeah. To be conservative we
21 used the 5 number. So, in other words, it
22 could be up to 8 dB, but we used 5 dB.

23 Q. Right. And that was not also reflected in
24 your raw data; correct?

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1 A. (By Mr. Goulet) Correct.

2 Q. Right. And neither was body loss reflected
3 in your raw data; correct?

4 MR. MCHUGH: Objection. These
5 were all asked and answered multiple times.

6 MR. FELTES: Mr. Chairman, I
7 agree with Pat. This is a little lead-up to
8 something. I'm only going to ask two more
9 questions.

10 CHAIRMAN GETZ: Okay. Let's
11 get to it.

12 BY MR. FELTES:

13 Q. And you testified that a body loss is 2 dB;
14 correct?

15 A. (By Mr. Goulet) I testified that in RF link
16 budgets the carriers used 2 dB for body
17 loss. They use a number of things. There's
18 also 2 dBI gain of the antenna that's in the
19 mobile. And I didn't say "2 dB." I said
20 "dBI," which is in reference to isotropic.
21 So the 2 dBI of the antenna gain in the
22 mobile, in the handheld, and the 2 dB body
23 loss basically cancel each other out.

24 Q. Okay. Well, let me -- just for illustrative

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1 purposes, why don't we assume in-vehicle
2 penetration -- you may not agree with my
3 assumption, but why don't we just assume for
4 a second that in-vehicle penetration loss
5 for the vehicle you drove around in and body
6 loss offset each other. Just assume for a
7 second that that's the case.

8 A. (By Mr. Goulet) I can't. I don't know why I
9 would assume that. That's not the case.
10 It's not even close to the case.

11 Q. Well, I'm doing a hypothetical. I'm just
12 asking you to assume for a second. I
13 understand you disagree with me. That's
14 okay.

15 If those offset, there's still a
16 correction factor needed for at least 10 dB
17 for in-building penetration; correct?

18 A. (By Mr. Goulet) It's not -- I can't -- you
19 keep calling it "a correction factor." It's
20 not a correction factor. The 85, that
21 greater than minus 85 is from the link
22 budget. That already accounts for body
23 loss, antenna gain, fade margin, a number of
24 things that I don't want to belabor. But

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1 all of that. You can't just think of it as
2 the signal leaves the antenna, it goes
3 through this wall and hits the phone.
4 There's a lot more to it than that. And so
5 what you're trying to do is you're trying to
6 take just, I believe, the receive signal
7 strength numbers and correlate that to
8 some -- apply a correction factor and say
9 that's what it's going to be in the house.
10 And I'm sorry, but it's not that simple.
11 That's not the real world is all I can say.
12 You're not taking into account any of the
13 other things.

14 Q. Mr. Goulet, just entertain me for a second.

15 A. (By Mr. Goulet) Okay.

16 Q. I understand you do not agree with whatever,
17 with what I'm about to say.

18 A. (By Mr. Goulet) Okay.

19 Q. Assume that body loss offsets in-vehicle
20 loss. And assume that, you know, the
21 foliage, for example, is the same around a
22 home as it is on the road. We still haven't
23 taken into account the penetration loss
24 going into a home, which you've testified

[WITNESS PANEL: REED|GOULET]

1 earlier is at least 10 dB; correct?

2 A. (By Mr. Goulet) That's correct.

3 MR. FELTES: I'm going to
4 approach with a chart. This chart, Mr. Chairman,
5 there's a narrative about how we created the
6 chart. The chart is created based on the raw
7 data that was provided in a data request series
8 that show all the different receive signal
9 strength, you know, measurements, and for each
10 carrier. And what we did is we reduced each one
11 of those signals by 10 dB for illustrative
12 purposes and recreated the charts listed at
13 Page 3 of 22 for Confidential Exhibits E and F.

14 MR. MCHUGH: And I would note
15 for the record, Mr. Chairman, that Mr. Goulet
16 testified that that's already been accounted for,
17 along with all other factors. So we don't
18 stipulate that this is in any way accurate.

19 CHAIRMAN GETZ: Mr. Feltes,
20 you said before you had two more questions. Did
21 you intend to mean that you were near to
22 completing your cross-examination?

23 MR. FELTES: I just have --

24 CHAIRMAN GETZ: And is this

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1 the -- would this constitute basically the
2 conclusion of your cross-examination?

3 MR. FELTES: It would not. I
4 have about 10 minutes left, just to -- I mean --

5 CHAIRMAN GETZ: Because my
6 initial reaction is, if you reworked the exhibit,
7 that it would be appropriate to give Mr. Goulet
8 some time to absorb this reworking of the
9 Company's exhibit before he would answer
10 cross-examination on it.

11 MR. FELTES: I agree. Sure.

12 CHAIRMAN GETZ: But it's 4:30,
13 and, you know, I was thinking that it would be
14 something that he could pick up on Thursday. But
15 do you want -- and then, I guess, in the
16 meantime, we could turn to -- I assume the
17 Consumer Advocate's going to go next? Do you
18 have any objection to interrupting the
19 cross-examination now and picking it up and
20 finalizing it first thing on Thursday?

21 MR. FELTES: No objection, Mr.
22 Chairman. If we could just mark this for
23 identifications purposes and then --

24 CHAIRMAN GETZ: Okay. Let's

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1 call this Bailey 74.

2 (Bailey Exhibit 74 marked for
3 identification.)

4 CHAIRMAN GETZ: Would it be
5 useful to go to your other questions to complete
6 your cross-examination, or would you prefer to do
7 that after dealing with this exhibit on Thursday
8 morning?

9 MR. FELTES: I guess I would
10 yield to whatever is -- you know, works for OCA.
11 We do have about 10 more minutes. It may not
12 make sense for the OCA to start their --

13 MS. HOLLENBERG: Yeah, that's
14 fine.

15 CHAIRMAN GETZ: What's fine?

16 MS. HOLLENBERG: It's fine for
17 him to continue whatever he has, besides whatever
18 needs to wait until Thursday. I don't have to
19 start right now.

20 CHAIRMAN GETZ: Would you
21 prefer that we would wrap up with Mr. Feltes and
22 then begin fresh on Thursday after we deal with
23 this last exhibit?

24 MS. HOLLENBERG: That's

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1 probably a good idea.

2 CHAIRMAN GETZ: Okay. Then,
3 Mr. Feltes, why don't you ask your last
4 questions, and then we'll, I guess, adjourn for
5 the day. And then if there's any other -- well,
6 there are other procedural issues we need to
7 address before we adjourn. Let's complete the
8 cross.

9 MR. MCHUGH: Mr. Chairman, I
10 hate to be a sort of a stick in the mud of the
11 plan here. But because I don't agree with the
12 accuracy of the chart as it was laid out by Mr.
13 Feltes, I certainly want Mr. Goulet to have
14 adequate time to review. Bailey No. 72 seems to
15 be attached, you know, if I'm looking at the
16 numbers correctly, as the third page of this.
17 But I certainly want Mr. Feltes [sic] to have
18 time to review the first page. And if there's
19 going to be questions on anything other than the
20 first page, then I want to make sure he has time
21 to review it.

22 CHAIRMAN GETZ: Well, I guess
23 I need clarification. What's your intention with
24 this package that's been marked as Bailey 74?

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1 MR. FELTES: Well, we've --
2 you know, it's for illustrative and impeachment
3 purposes. We could do record requests to
4 re-calculate the raw data. We thought it'd be
5 easier, more efficient for everybody involved,
6 that we just use the data and outline how we did
7 use the data to create what we call a
8 "correction" column for in-building penetration,
9 and to illustrate, you know, what actually would
10 be the percentages of raw values within the
11 different bands that are called "good," "very
12 good" and "not so good" by TDS. So I'm happy to
13 wait until Thursday just to ask a couple more
14 questions just to confirm the values. Of course,
15 subject to check, we're not asking the Company or
16 Mr. Goulet to accept our calculations without
17 going over them first and to have the data. And
18 we used the same method that they used to come up
19 with these percentages, but we just added --
20 reduced the signal strength by 10 dB to account
21 for in-building penetration.

22 So I don't know. You know, I
23 mean, maybe it makes sense for Mr. Goulet and the
24 Company to look at the data and make sure that

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1 I'm -- what we propose is right, you know, in
2 terms of the numbers. I understand that it
3 sounds like Mr. Goulet doesn't agree with the
4 methodology. But I don't know how the
5 Commission -- you know, we could just take it up
6 briefly on Thursday or, you know...

7 CHAIRMAN GETZ: Well, I guess
8 with that explanation -- Mr. McHugh?

9 MR. MCHUGH: I suppose, you
10 know, the bottom line is to let him ask his
11 questions; and then we'll have Mr. Goulet, to the
12 extent he needs to review it and correct any
13 testimony Thursday morning when he gets a better
14 chance to look at it, then we'll deal with it.
15 And if the questions are asked and answered, then
16 we'll just let it go.

17 CHAIRMAN GETZ: Well, then,
18 let's move ahead. I think you may have gotten a
19 preview, Mr. Goulet, of what the questions are.
20 So...

21 BY MR. FELTES:

22 Q. Mr. Goulet, if you can turn to -- while
23 we're going over this chart, if you can turn
24 to Confidential Exhibit E.

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- 1 A. (By Mr. Goulet) I'm there.
- 2 Q. Page 3 of 22?
- 3 A. (By Mr. Goulet) I've got it.
- 4 Q. Confidential Exhibit E provides information
5 in Table 2 for receive signal strength
6 values for the Sutton exchange; is that
7 correct?
- 8 A. (By Mr. Goulet) Correct.
- 9 Q. And for Verizon, for example, it has four
10 numbers underneath it: _____ percent,
11 _____ percent, _____ percent --
- 12 A. (By Mr. Goulet) I've verified the numbers
13 with what you put in the chart.
- 14 Q. Okay. Have you had a chance to read the
15 narrative below the chart?
- 16 A. (By Mr. Goulet) No. But I have to say,
17 again, what you've done was already done for
18 you in the coverage plots provided in this
19 very same exhibit. I guess it's my fault
20 because I'm not being clear. I believe what
21 you're trying to do is you've taken all of
22 our data points and you've adjusted them by
23 10 dB.
- 24 Q. That's correct.

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- 1 A. (By Mr. Goulet) And now you're -- I don't
2 want to put words in your mouth. But you're
3 saying, okay, that's what the signal
4 strength would be inside the home.
- 5 Q. If the homes are on the road.
- 6 A. (By Mr. Goulet) If the homes are on the
7 road. Correct.
- 8 Q. Right.
- 9 A. (By Mr. Goulet) Okay. We've already done
10 that. The neg 85 is the RF link budget for
11 in-building for a rural market -- meaning,
12 you will be a neg 95 in the house. And
13 that's an acceptable level. Neg 95, or neg
14 90 to 95 is considered in-vehicle
15 coverage -- meaning, you'll be down around
16 102, minus 102 in your car, which, moving in
17 a vehicle passing through fades, you'll be
18 fine. And in a rural market, you can -- I
19 agree with some of the other things that
20 were provided. In a rural market, as in
21 Sutton and Salisbury, you cannot compare
22 that to San Francisco or Sweden or Tokyo or
23 New York City or Boston. You only have a
24 minimum number of cell sites introducing RF

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1 into Sutton and Salisbury. There's not a
2 lot of RF noise there. So, a 95 inside a
3 wooden structure in a home in Salisbury and
4 Sutton is going to be a good-quality call.

5 Q. Minus 95 dB?

6 A. (By Mr. Goulet) And I understand what you
7 did. But that 85 for in-building cutoff
8 means you're going to be -- you could be as
9 low as -- as weak as neg 95, but you're
10 still going to be able to have a good call
11 inside that house. That's what that -- so
12 you've put the adjustment on paper, but
13 we've already done it with the points that
14 are in the plot. So everywhere you see
15 green, that's in-building. That's the 85
16 cutoff -- meaning, you're going to be 95
17 inside the house with a 10 dB.

18 Q. Okay. I understand.

19 A. (By Mr. Goulet) I guess it's my fault, and I
20 apologize for not being clear. I was trying
21 to get that point out earlier.

22 Q. No, that really helps. Okay. So I really
23 don't have any more questions over this
24 exhibit. So let's go ahead and jump to Mr.

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1 Reed.

2 Mr. Reed, can you take a look at
3 Page 16 of your January 2009 testimony. Let
4 me know when you reach Page 16.

5 A. (By Mr. Reed) Yes, I'm there.

6 Q. Thank you. I'd like to draw your attention
7 to Lines 12 and 13 of Page 16.

8 A. (By Mr. Reed) Yes.

9 Q. You testified, "We would like to again
10 confirm the availability of wireless service
11 in MCT exchanges of Bradford and Warner...
12 and KTC exchange of Andover." Did I read
13 that correctly?

14 A. (By Mr. Reed) Yes.

15 Q. And am I correct that C Squared did not take
16 any measured signal strength tests in
17 Bradford, Warner and Andover? Correct?

18 A. (By Mr. Reed) Correct.

19 Q. And are you not asking the Commission to
20 assume that if the CoverageRight map is
21 correct for Sutton and Salisbury, then it
22 also must be correct for Bradford, Warner
23 and Andover?

24 A. (By Mr. Reed) Yes.

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1 Q. All right. The CoverageRight map which you
2 have up, displayed in front of the TDS table
3 and in Exhibit G of your initial
4 testimony -- is that the right exhibit?

5 A. (By Mr. Reed) Yes.

6 Q. -- is only a compilation of marketing data
7 provided by carriers; isn't that right?

8 A. (By Mr. Reed) No, I wouldn't agree that it's
9 marketing data. I know it's used in
10 marketing. But it's not marketing data, as
11 I understand it.

12 Q. I'm going to --

13 A. (By Mr. Reed) This is prepared by another
14 firm.

15 Q. Okay. And it's prepared by American Roamer;
16 correct?

17 A. (By Mr. Reed) Yeah.

18 Q. Is that a yes? I'm sorry.

19 A. (By Mr. Reed) Yes. I'm sorry.

20 CHAIRMAN GETZ: Okay. We'll
21 mark this for identification as Bailey 75. It's
22 the OCA response -- or OCA Request 2.9 and the
23 Company's response.

24 (Bailey Exhibit 75 marked for

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1 identification.)

2 BY MR. FELTES:

3 Q. Mr. Reed, is this your response to OCA 2.9?

4 A. (By Mr. Reed) Yes.

5 Q. And the second to the last sentence of your
6 first full paragraph of your response I'm
7 going to read. Second to the last sentence,
8 beginning with "CoverageRight," the first
9 full paragraph.

10 A. (By Mr. Reed) Yes.

11 Q. It reads as follows -- and correct me if I'm
12 incorrect -- "CoverageRight wraps all the
13 most current marketed footprints into a
14 convenient package offering all the files in
15 the same compatible format"; is that right?

16 A. (By Mr. Reed) Yes.

17 Q. And the next sentence, "See excerpt below
18 taken from American Roamer Web site for
19 additional information." Is that your
20 testimony?

21 A. (By Mr. Reed) Yes.

22 Q. And then there's an excerpt from American
23 Roamer, the company you testified provides
24 CoverageRight; is that right?

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[WITNESS PANEL: REED|GOULET]

- 1 A. (By Mr. Reed) Yes.
- 2 Q. And the first sentence states -- and correct
3 me if I'm wrong -- "CoverageRight is a
4 unique map database featuring the coverage
5 patterns marketed by each wireless carrier."
6 Did I read that correctly?
- 7 A. (By Mr. Reed) Yes.
- 8 Q. I'd refer you to Page 9 of Josie Gage's
9 testimony, Exhibit 63. Let me know when
10 you've reached that.
- 11 A. (By Mr. Reed) Which page? I'm sorry.
- 12 Q. It's Page 9.
- 13 A. (By Mr. Reed) Uh-huh.
- 14 Q. Have you made it there, Mr. Reed?
- 15 A. (By Mr. Reed) Yes.
- 16 Q. I'm sorry. I'm focusing in on Lines 10
17 through 11. Josie Gage testifies that
18 coverage locator maps are meant to be
19 marketing tools, not a guaranty from the
20 provider on service and availability. Did I
21 read that correctly?
- 22 A. (By Mr. Reed) Yes.
- 23 Q. Mr. Goulet, if I could --
- 24 A. (By Mr. Reed) Can I just -- I'm not sure

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[WITNESS PANEL: REED|GOULET]

1 she's referring to the CoverageRight map in
2 this particular case.

3 Q. She's referring to coverage locator maps.

4 A. (By Mr. Reed) Okay. We changed -- I'm
5 sorry. I thought you were tying the two
6 together.

7 Q. Mr. Goulet, can I draw your attention to
8 Page 14 of your testimony? Let me know when
9 you've reached that.

10 A. (By Mr. Goulet) Okay.

11 Q. And I'm going to focus in on Lines 11
12 through 13. You testified that Dr.
13 Johnson's assertion that atmospheric
14 conditions may affect signal strength of
15 wireless carriers is incorrect. Atmospheric
16 effects are relevant only for very long
17 distances and very high frequencies. Did I
18 read that testimony correctly?

19 A. (By Mr. Goulet) Yes, you did.

20 Q. And by "atmospheric effects," do you mean
21 weather conditions?

22 A. (By Mr. Goulet) Yes.

23 Q. Let me draw your attention to Josie Gage's
24 testimony marked as Exhibit 63. I want to

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1 draw your attention to the very last page,
2 which is Page 6 of 36 [sic] of Exhibit 3.
3 Let me know when you've reached that. The
4 very last page of Josie Gage's testimony
5 which has -- it's Page 6 of 36 [sic] of
6 Exhibit 3 that was attached to her
7 testimony. Are you at that last page?

8 A. (By Mr. Goulet) We're not on Bailey 63?

9 Q. Sorry?

10 A. (By Mr. Reed) Okay. I'm sorry.

11 Q. That's okay.

12 MR. MCHUGH: Are you on this?

13 MR. FELTES: Yeah, the last
14 page of Bailey Exhibit 63.

15 CHAIRMAN GETZ: So, not the
16 narrative, the coverage maps?

17 MR. FELTES: Right. AT&T
18 coverage, Page 6 of 39, Exhibit 3 of Josie Gage's
19 testimony. My apologies. Exhibit 63.

20 BY MR. FELTES:

21 Q. Mr. Goulet, again you testified just now
22 that weather is not a factor in signal
23 strength; did you not?

24 A. (By Mr. Goulet) I testified that atmospheric

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1 conditions.

2 Q. If I can point you to the last paragraph on
3 this page, and specifically the second
4 sentence of the last paragraph. And I'll
5 read it. "Actual coverage area may differ
6 substantially from map graphics; and
7 coverage may be affected by such things as
8 terrain, weather, foliage, buildings and
9 other construction, signal strength,
10 customer equipment and other factors." Did
11 I read that correctly?

12 A. (By Mr. Goulet) Yes, you did.

13 Q. Do you disagree with AT&T's assertion that
14 weather may affect coverage?

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

16 Q. Okay. And let me draw your attention to the
17 third sentence.

18 A. (By Mr. Goulet) Can I, just to clarify?

19 Q. Sure.

20 A. (By Mr. Goulet) You're asking -- well, we
21 went from my testimony which related to
22 atmospheric conditions, atmospheric effects,
23 which do impact microwave point-to-point,
24 but have little effect when you have a

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1 tower, a rooftop directing a signal towards
2 the ground, towards mobile users. So you'd
3 really be hard-pressed to prove that there's
4 atmospheric effects there.

5 In this document that you refer to at
6 Page 6 of 39, where -- this is a
7 marketing -- I believe AT&T's marketing
8 sheet. And they used the term "weather."
9 And I do disagree that at these frequencies
10 weather would be a factor. It's a piece of
11 marketing literature. They're going to
12 throw in whatever they -- they threw the
13 word "weather" in there I guess to cover.
14 But I don't agree with it, not at 1900
15 megahertz in this application.

16 Q. Okay. If we flip one page prior to that --
17 and this is U.S. Cellular. And this is --
18 we're still on Bailey Exhibit 63. And if I
19 could point to you to the bottom of this
20 page, there's a small, a very small-font
21 paragraph there. Do you see it?

22 A. (By Mr. Goulet) Yes, I see that.

23 Q. And it says -- and correct me. You
24 identified that this is -- that the company

[WITNESS PANEL: REED|GOULET]

1 that's listed at the top of the page is U.S.
2 Cellular; correct?

3 A. (By Mr. Goulet) That's correct.

4 Q. And this small paragraph at the bottom, I'm
5 going to read it. And correct me if I'm
6 wrong. "This map shows an approximation of
7 service coverage. Actual coverage may vary.
8 Service may be interrupted or limited due to
9 weather, terrain, customer equipment or
10 network limitations."

11 Do you disagree with U.S. Cellular
12 saying that service may be interrupted or
13 limited due to weather?

14 A. (By Mr. Goulet) You know, I'm going to back
15 up. I do not disagree, because that
16 actually is a true statement, since all of
17 U.S. Cellular is network, as well as AT&T.
18 So I have to -- I would like to retract, if
19 you don't mind, and explain.

20 All the cell sites are connected in
21 some way to a switching office, whether it
22 be through fiber, through microwave backhaul
23 or telephone facilities. If the facilities
24 go down due to a storm or the switch goes

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1 down due to bad weather and some kind of
2 power failure, then, yes, the network is
3 going to be affected, and so are the
4 wireless subscribers. They're going to be
5 partially affected, in that they won't be
6 able to use their phone to make a landline
7 call. They can still make calls to other
8 mobiles, but they won't be able to call a
9 landline. So, in that regard, the weather
10 is a factor. So I would like to retract
11 that last one. But I don't want that to be
12 misrepresented as meaning that weather is a
13 factor because of my signal leaving my phone
14 and going to whatever tower I'm being served
15 by.

16 Q. Thank you.

17 Mr. Reed, let me draw your attention to
18 Page 6 and 7 of your rebuttal testimony
19 filed this month.

20 A. (By Mr. Reed) Yes.

21 Q. All right. Thank you. On Page 6 and 7 you
22 testified to loss of intrastate access
23 minutes and loss of access lines; do you
24 not?

[WITNESS PANEL: REED|GOULET]

1 A. (By Mr. Reed) Yes.

2 Q. And you testified to this as evidence that
3 competition exists; correct?

4 A. (By Mr. Reed) Yes.

5 Q. Let's take intrastate access minutes for a
6 moment. TDS has not provided any study
7 directly linking loss in access minutes to a
8 wireless technology, has it? Just yes or
9 no. Is there a study that links the loss of
10 access minutes to wireless technology? Yes
11 or no.

12 A. (By Mr. Reed) No, not that I'm aware of. We
13 certainly didn't provide it in this
14 testimony.

15 Q. Okay. And TDS has provided no study
16 directly linking the loss of access minutes
17 to any other technology, has it?

18 A. (By Mr. Reed) No.

19 Q. Nor has TDS provided a study estimating the
20 number of access lines lost to wireless
21 carriers, has it?

22 A. (By Mr. Reed) Not a study. We did provide
23 some data early on in this case, as I said,
24 from customer samples, customers that have

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1 actually left the network, and the reasons
2 why. I wouldn't characterize that as a
3 study.

4 Q. And there is no study of the number of
5 access lines potentially lost to Voice over
6 Internet Protocol, is there?

7 A. (By Mr. Reed) No.

8 Q. Nor is there a study of the number of access
9 lines lost due to people dropping a second
10 phone line who get DSL; correct?

11 A. (By Mr. Reed) Not a study. I have the data.
12 We have the data of how many second lines
13 we've lost and how many access lines we've
14 lost.

15 Q. When you say "access lines," does that term,
16 "access lines," include broadband lines?

17 A. (By Mr. Reed) Yes. I want to be sure I'm
18 clear. So if I'm a residential customer in
19 Sutton and I decide I'm going to change, I'm
20 going to include DSL, I still count it as
21 one access line. It's not two access lines.
22 It's now one access line, DSL. It's one
23 customer, one access line.

24 Q. TDS has provided no study directly linking

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1 the access line to a third-party provider of
2 any sort, has it?

3 A. (By Mr. Reed) No. I'm not sure I understand
4 you. But I don't think we've included any
5 studies.

6 Q. And if you haven't included any studies, I
7 assume, then, that you did not include or
8 provide a study or information directly
9 linking access line loss to a third-party
10 provider of voice service, have you?

11 A. (By Mr. Reed) No. What we have provided is
12 the ongoing access line loss since 2004.
13 And we updated it in this testimony to show
14 the access line loss we've incurred just
15 since we filed this case. You can draw your
16 own conclusion as to where these people are
17 going. The houses are still there. People
18 are still in them, but they don't have our
19 service.

20 MR. FELTES: I'm going to
21 approach with some exhibits that came out in
22 Phase I of the hearing. And this is the last set
23 of questions that we have. And with the
24 permission of Mr. Chairman, we can have this

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1 marked for identification.

2 CHAIRMAN GETZ: This is
3 already marked as Bailey 34, 35 and 37, it
4 appears.

5 MR. FELTES: That's fine.
6 Yeah.

7 BY MR. FELTES:

8 Q. Mr. Reed, I'm looking at Bailey 34. It's
9 your response to Staff Question 1-22 in
10 Phase I of this proceeding. "Question: How
11 many porting requests from VoIP providers
12 have been received by MCT, KTC, WTC and HTC,
13 respectively, as of now?" And your response
14 is "None"; is that correct?

15 A. (By Mr. Reed) Yes, as of September 4th,
16 2007.

17 Q. Is there any -- did you provide any data on
18 porting requests from VoIP providers since
19 then?

20 A. (By Mr. Reed) No. This case is specifically
21 an update of providing additional new
22 information, and we did that with the
23 wireless coverage. I did not provide any
24 updated porting, no.

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- 1 Q. Turn your attention to Bailey 35, which is
2 the next page. It's a response to OCA 1-46,
3 which asked you, "Please provide a list of
4 communities where each cable provider
5 provides telephone service in a TDS study
6 area in New Hampshire by study area." Did I
7 read that request correctly?
- 8 A. (By Mr. Reed) Yes.
- 9 Q. And your response is, "Petitioner is not
10 aware of any communities within the TDS
11 study area where a cable provider is
12 offering telephone service at this time..."
13 Did I read that correctly?
- 14 A. (By Mr. Reed) In part, yes. What you read
15 is correct.
- 16 Q. And is that still the case today?
- 17 A. (By Mr. Reed) I'm not a hundred-percent sure
18 of that. Comcast is now certified, as we
19 updated in this case. And we have an
20 interconnection agreement in effect and on
21 file with the Commission. Whether they've
22 begun to offer service, I couldn't tell you
23 for sure.
- 24 Q. And are you aware of a Commission rule that

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- 1 allows a CLEC up to two years to provide
2 service?
- 3 A. (By Mr. Reed) Oh, yes, I'm very aware of
4 that. Yes. I assure you.
- 5 Q. What rule is it?
- 6 A. (By Mr. Reed) I'm sorry.
- 7 Q. Would you confirm, subject to check, that
8 it's PUC 431.12(a), subject to check?
- 9 A. (By Mr. Reed) Yes.
- 10 Q. Okay. Thank you. So you have no
11 information that Comcast is currently,
12 today, providing voice service in any of
13 your exchanges; correct?
- 14 A. (By Mr. Reed) I can only tell you that they
15 are authorized by this Commission and they
16 have an interconnection agreement in place.
17 I can't confirm whether they've sold
18 anything there or not.
- 19 Q. So you don't know.
- 20 A. (By Mr. Reed) That's correct.
- 21 Q. I'll turn your attention to Bailey 37.
22 Before we get to Bailey 37, just one more
23 question about Comcast.
- 24 Do you know what Comcast prices its

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1 voice services at?

2 A. (By Mr. Reed) Oh, I would have to check.

3 But I think, if I recall from the previous
4 docket, it was like an "all you can eat" for
5 \$24.95 or \$29.95, something along those
6 lines. I'm sorry. That may be marketing
7 for Vermont, not New Hampshire. So, sorry.

8 Q. Would you accept, subject to check, that
9 it's in the ballpark of \$45 per month?

10 A. (By Mr. Reed) No.

11 Q. You wouldn't accept that?

12 A. (By Mr. Reed) Again, I'd have to look at
13 that. I don't recall that number. I know
14 they offer a stand-alone service, but I
15 don't recall -- and I don't recall what it
16 includes, as far as I believe it's all long
17 distance included in there, as well as a lot
18 of features.

19 Q. Would you accept, subject to check, that
20 that they only offer stand-alone to
21 customers that are grandfathered-in?

22 A. (By Mr. Reed) I don't know that.

23 Q. They do not provide a stand-alone service or
24 offer stand-alone service to new customers,

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1 do they?

2 A. (By Mr. Reed) Oh, I don't agree with that.

3 I'm sorry. I don't recall that from our

4 previously finished docket. I'd have to

5 look at that. I believe they offered that

6 as a service, and I believe that was part of

7 their whole certification. But I'd have to

8 check on that.

9 Q. Irrespective of whether or not they offer

10 that -- and you'll check on that -- you have

11 no information that they're providing

12 service to -- any voice service to anybody

13 in your territories; correct?

14 A. (By Mr. Reed) I can repeat the same answer

15 again if you'd like. I'm not sure if

16 they've sold it. They are authorized.

17 They're certified, and they have an

18 interconnection agreement in place. I don't

19 know if they've sold anything to date.

20 Q. All right. Let's turn your attention to

21 Bailey 37, which would be the third page,

22 the third and final page of the handout I

23 just provided you. The question for you,

24 Mr. Reed, in this Staff 1-58 of Phase I,

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1 "Has the Company estimated what percentage
2 of broadband customers in each exchange do
3 not purchase TDS basic... service?" -- is
4 that one of the questions?

5 A. (By Mr. Reed) Yes.

6 Q. And the second question, "If not, please
7 provide the aforementioned estimate, along
8 with the analysis and accompanying relevant
9 documents and work papers"; correct?

10 A. (By Mr. Reed) That's correct.

11 Q. And your response, Mr. Reed, is, "No.
12 Petitioners have not estimated the number of
13 customers who are cable broadband only or
14 cable and wireless only"; correct?

15 A. (By Mr. Reed) That is correct. I would just
16 add that that's dated September 4th, 2007.
17 And we have updated our access line loss,
18 both in my supplemental testimony and then
19 again in the rebuttal, just since we filed
20 this case, of the ongoing access line
21 losses. Yes.

22 Q. Right. Has TDS completed a price elasticity
23 of demand analysis similar to the one staff
24 completed in Phase I for the Sutton

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1 exchange?

2 A. (By Mr. Reed) No.

3 Q. Has TDS completed a price elasticity of
4 demand analysis similar to the one that
5 Staff completed in Phase I for the Salisbury
6 exchange?

7 A. (By Mr. Reed) No.

8 Q. Has it completed a price elasticity of
9 demand analysis for any exchange in
10 Kearsarge or Merrimack?

11 A. (By Mr. Reed) No. And just to be clear on
12 that, our position right now is that, with
13 the competition that we're facing, any sort
14 of rate increase through a price elasticity
15 model to estimate how much we can raise
16 rates is kind of a moot point. We're not
17 raising rates. We're trying to compete.
18 We're trying to keep our rates as low as we
19 can.

20 MR. FELTES: Thank you, Mr.

21 Chairman. No further questions.

22 CHAIRMAN GETZ: Okay. Then,
23 before we adjourn for the day, is there anything
24 we need to address? Anyone?

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1 (No verbal response)

2 CHAIRMAN GETZ: Okay. Hearing
3 nothing, then we'll begin -- Mr. Linder?

4 MR. LINDER: I assume that the
5 Commission is going to try to complete these
6 hearings by the end of the day on Thursday, the
7 1st? And the reason that I ask is Dr. Johnson
8 had been planning -- I mean, we had been planning
9 to have him testify on the 1st. And I didn't
10 know if the Commission was considering any other
11 hearing date if we run over. It's a logistics
12 issue with flying him from out of state.

13 CHAIRMAN GETZ: Well, let's
14 close the record for now and just let's talk
15 process for a moment.

16 So, on the record, Sue, we're
17 closing the record for today, and we'll resume on
18 Thursday with a cross-examination of the panel by
19 Ms. Hollenberg from the Office of Consumer
20 Advocate.

21 (Hearing adjourned at 5:00 p.m.)

22

23

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

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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