

1 N-o-r-m-a-n.

2 A.L.J. JENNINGS-FADER: Thank you, sir.

3 Mr. Delvaney.

4 MR. DELVANEY: Thank you, Your Honor.

5 Mr. Norman's testimony, I believe, has been admitted to  
6 the record already?

7 A.L.J. JENNINGS-FADER: Yes, it has.

8 MR. DELVANEY: And, therefore, we would  
9 tender him for cross on Issue 8, retirement of copper  
10 facilities.

11 A.L.J. JENNINGS-FADER: Okay. Thank you  
12 very much. Covad.

13 CROSS EXAMINATION

14 BY MR. NEWELL:

15 Q Good afternoon again, Mr. Norman.

16 A Good afternoon.

17 Q Mr. Norman, are you aware that Qwest's  
18 stated policy on copper retirement is not to  
19 proactively retire copper plant, in the event it places  
20 parallel fiber feeder or feeder to the home loops?

21 A That's a pretty loaded question. Can  
22 you explain what you mean by that?

23 Q Are you aware that Qwest has expressed  
24 the policy not to retire copper plant when it overlays  
25 fiber plant?

1           A       In -- technically --

2                   MR. DELVANEY: Your Honor, I am going to  
3 object, because the term, "policy," is vague and  
4 ambiguous. If counsel has a particular statement or  
5 pronouncement by the company that he has in mind, then  
6 I wouldn't have an objection. But the broad statement,  
7 "policy," is the one I have to object to.

8                   MR. NEWELL: I do have one in mind, Your  
9 Honor.

10                  A.L.J. JENNINGS-FADER: Okay.

11                  MR. NEWELL: I was hoping that the  
12 witness could elaborate on it. Perhaps he's not the  
13 appropriate person to do so, but I will show him the  
14 portion of the TRO that provides the FCC's explanation  
15 of what Qwest provided to them, with respect to the  
16 policy. If Mr. Norman can add any further  
17 clarification, so be it. If he can't, we'll move on.

18                  A.L.J. JENNINGS-FADER: Thank you. I  
19 think that would be the best approach.

20                  MR. NEWELL: Okay.

21 BY MR. NEWELL:

22                  Q       Mr. Norman, I have a copy of the  
23 Triennial Review Order. Hopefully it doesn't break the  
24 table. I would like you to turn to Paragraph 296, Note  
25 851.

1           A     296, Note 851; is that correct?

2           Q     Yes, yes. And I would like you to read,  
3 beginning with the words, "Qwest explains," the very  
4 last -- excuse me. I am sorry. I should tell you  
5 through which word. Through the word, "overlay."

6           A     Oh, "Qwest explains that it does not  
7 proactively remove copper facilities in the cases of an  
8 overlay."

9           Q     Thank you. So, in a situation where  
10 Qwest is forced to retire copper loop plant, in the  
11 case of maintenance problems or something along those  
12 lines, which we would expect to be rather rare, there  
13 wouldn't be any loop facilities remaining to the  
14 affected customers except for Qwest's new hybrid loops  
15 or fiber-to-the-home-loops; is that correct?

16          A     Well, I can only say that, you know,  
17 where technically feasible, we'll try to keep some  
18 loops in place. And that's about all I can say, as far  
19 as that goes.

20          Q     Okay. So, in the typical scenario, let's  
21 assume that it's not possible to keep any loops in  
22 place. The only loops that would be available would be  
23 Qwest's next generation facilities; is that fair?

24          A     Um, well, I am not sure what you mean by,  
25 "next generation." Are you talking about copper?

1 Q Copper fiber hybrid or fiber to the home.

2 A Um, please just re -- just ask the  
3 question again. And even then -- I am trying to  
4 understand where you are going.

5 Q If Qwest retires the copper plant, that  
6 once served those customers, and it's forced to do so,  
7 and replace it with either copper fiber hybrid  
8 technology, or fiber-to-the-home technology, in that  
9 typical scenario, those would be the only facilities  
10 available -- loop facilities available to reach those  
11 customers; is that correct?

12 A If forced; that's correct.

13 Q Okay. And if Covad requested access to  
14 those new loop facilities, their request would be  
15 denied; is that correct?

16 A No, they would not. We do provide access  
17 on, at least at the DLC, if that's what you are talking  
18 about, at the Digital Loop Carrier we will provide  
19 access.

20 Q But Qwest would deny a request to access  
21 the entire loop from the Central Office to the customer  
22 premise; isn't that correct?

23 MR. DELVANEY: Your Honor -- go ahead.

24 My objection is I'm not clear whether  
25 counsel is speaking of a copper loop or a fiber loop.

1 And it's material to the question.

2 MR. NEWELL: To the extent that was not  
3 clear, I will clarify.

4 BY MR. NEWELL:

5 Q I am speaking of a copper fiber hybrid  
6 loop that typically is, as I understand it, would, at  
7 some point between the Central Office and customer  
8 premise, have some sort of a remote DSLAM technology  
9 deployed, or a fiber to the home product, that would be  
10 a continuous fiber loop from the Central Office to the  
11 customer, with, perhaps, some intermediate equipment,  
12 but it would be a continuous fiber loop.

13 A I am just saying we would offer  
14 collocation space at the remote terminal that you  
15 mentioned. And that's, you know, we will give you  
16 that.

17 Q And you are speaking of the copper fiber  
18 hybrid scenario where there would be a remote DSLAM?

19 A That's correct.

20 Q But in the case of a fiber-to-home-loop,  
21 Qwest would deny a request for that continuous loop; is  
22 that correct?

23 A I don't know that for sure. Sorry.

24 Q Okay. Do you know if, instead of  
25 requesting access to the loop facilities that are left

1 to serve the customer -- and, again, we're talking  
2 about copper fiber hybrid loops, or fiber-to-the-home  
3 loops, if instead of requesting those facilities, Covad  
4 requested that Qwest resell the broadband offering,  
5 whatever broadband offerings are available to those  
6 customers, do you know whether Qwest would be willing  
7 to resell those services to Covad?

8 A I do not.

9 Q Okay. Thank you.

10 MR. NEWELL: Nothing further.

11 A.L.J. JENNINGS-FADER: Thank you.

12 THE WITNESS: Thank you.

13 A.L.J. JENNINGS-FADER: Qwest, anything  
14 on redirect?

15 MR. DELVANEY: No thank you, Your Honor.

16 A.L.J. JENNINGS-FADER: Okay. Thank you.

17 Mr. Norman. You are finally excused, sir.

18 THE WITNESS: Oh, thank you very much.

19 A.L.J. JENNINGS-FADER: Thank you. I  
20 believe all of your interests have now been addressed.  
21 Thank you very much for your testimony and your  
22 attendance at the hearing.

23 MR. NEWELL: Your Honor, may I retrieve  
24 my copy of the TRO?

25 A.L.J. JENNINGS-FADER: No. Once it's on