

Exhibit No. \_\_\_\_ (JOT-1T)

Docket No. UE-141335

Witnesses: Minor, Britz, Thomson, Mathisen, Firestone

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

King County, Washington; BNSF Railway;  
Frontier Communications, Northwest, Inc.;  
Verizon Wireless; and New Cingular  
Wireless PCS, LLC

For a Declaratory Order

Docket No. UE-141335

**PRE-FILED JOINT OPENING TESTIMONY OF**

**ANTHONY MINOR (King County, Washington)**

**GREGORY L. BRITZ (BNSF Railway)**

**GEORGE BAKER THOMSON, JR. (Frontier Communications Northwest Inc.)**

**MICHAEL MATHISEN (Verizon Wireless)**

**JENNIFER FIRESTONE (New Cingular Wireless PCS, LLC)**

**November 19, 2014**

1 **I. INTRODUCTION**

2 **Q. Please state your names, titles, and who you represent in this matter.**

3 A. Our names, titles and representations are as follows:

4 • Anthony Minor, Manager of Radio Communications Services, King  
5 County, Washington (“King County”);

6 • Gregory L. Britz, Director Technology Services-Communications, BNSF  
7 Railway (“BNSF”);

8 • George Baker Thomson, Associate General Counsel, West Region,  
9 Frontier Communications Northwest Inc. (“Frontier”);

10 • Michael Mathisen, Pacific NW Real Estate Manager, Verizon Wireless  
11 (“Verizon”); and

12 • Jennifer Firestone, Senior Real Estate Manager and Construction  
13 Manager, New Cingular Wireless PCS, LLC (“AT&T”).

14 **Q. Together, are you filing this Joint Opening Testimony in support of the Petition for**  
15 **Declaratory Order filed with the Washington Utilities and Transportation**  
16 **Commission (“Commission”) on June 26, 2014?**

17 A. Yes. King County, BNSF, Frontier, Verizon and AT&T (collectively, “Petitioners”) seek  
18 an order from the Commission requiring Puget Sound Energy (“PSE”) to fund the  
19 replacement of the Maloney Ridge Line, and collect those costs as recommended by  
20 Mike Gorman.

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**ANTHONY MINOR (KING COUNTY)**

**Q. Please state your name and business address.**

A. My name is Anthony Minor. I am employed by King County, 855 S 192nd Street, Suite 1000, SeaTac, Washington 98148.

**Q. Please describe your position and responsibilities.**

A. I currently serve as Manager of Radio Communications Services. My responsibilities are the management and operation of the King County 800 MHz Emergency Radio System and related services, a portion of which is served by the Maloney Ridge Line.

**GREGORY L. BRITZ (BNSF)**

**Q. Please state your name and business address.**

A. My name is Gregory L. Britz. I am employed by BNSF, 2400 Western Center Blvd., Fort Worth, Texas 76131.

**Q. Please describe your position and responsibilities.**

A. I currently serve as Director Technology Services-Communications. My responsibilities involve Field Operations and Maintenance of Telecommunications Infrastructure, including BNSF's facility served by the Maloney Ridge Line.

**GEORGE BAKER THOMSON, JR. (FRONTIER)**

**Q. Please state your name and business address.**

A. My name is George Baker Thomson, Jr. I am employed by Frontier, 1800 41st Street, Suite N-100, Everett, Washington, 98203.

**Q. Please describe your position and responsibilities.**

A. I currently serve as Associate General Counsel, West Region. My responsibilities are, among other things, to fully investigate disputes and potential litigation on behalf of

1 Frontier, and to represent the company as in-house counsel in various judicial and  
2 administrative matters in Washington, Oregon, California, Arizona, New Mexico, Utah,  
3 Idaho, Montana and Nevada. These responsibilities include Frontier's current dispute  
4 with PSE involving the Maloney Ridge Line.

5 **MICHAEL MATHISEN (VERIZON)**

6 **Q. Please state your name and business address.**

7 A. My name is Michael Mathisen. I am employed by Verizon, 5430 NE 122nd Ave.,  
8 Portland, Oregon 97230.

9 **Q. Please describe your position and responsibilities.**

10 A. I currently serve as Pacific NW Real Estate Manager. My responsibilities are managing  
11 cell site properties for the Pacific NW Region, including the site served by the Maloney  
12 Ridge Line.

13 **JENNIFER FIRESTONE (AT&T)**

14 **Q. Please state your name and business address.**

15 A. My name is Jennifer Firestone. I am employed by AT&T Mobility, 2020 224<sup>th</sup> Street SE,  
16 Bothell, Washington 98021.

17 **Q. Please describe your position and responsibilities.**

18 A. I currently serve as Senior Real Estate Manager and Construction Manager. My  
19 responsibilities are managing cell site properties for Washington State, including the site  
20 served by the Maloney Ridge Line.

21 **II. MALONEY RIDGE LINE**

22 **Q. Please describe the Maloney Ridge Line.**

23 A. The Maloney Ridge Line is an approximately 8.5 mile long underground cable located in

1 the Snoqualmie National Forest, Washington, by which electric service is provided to the  
2 Petitioners. We understand that the Maloney Ridge Line is owned and operated by PSE  
3 and part of PSE's retail distribution system. We also understand that the line initially  
4 served only a single customer, General Telephone Company ("GTE"), which funded the  
5 construction of the Maloney Ridge Line.

6 However, the situation has changed over the years. After the Maloney Ridge Line  
7 was constructed around 1971, a number of additional customers made significant  
8 investments in their own facilities and started taking service from PSE on the Maloney  
9 Ridge Line. Petitioners, among other customers, own and operate facilities served by  
10 PSE over the Maloney Ridge Line and are retail tariff customers of PSE. Unlike the  
11 situation at the time of its construction, PSE now uses its Maloney Ridge Line to serve a  
12 number of customers under its applicable tariffs. Based on the history of service  
13 interruptions, it is our opinion that PSE is not providing safe or reliable service on the  
14 Maloney Ridge Line.

15 **Q. Please describe the Petitioners.**

16 A. King County is the most populous county in Washington and is the 13th most populous  
17 county in the United States. In 2010, King County's population was 1,931,249. The  
18 2013 estimate of the population was 2,044,449.

19 BNSF is a composite of many different railroad lines that have merged and been  
20 acquired over the course of 160 years. BNSF continues to play a significant role in the  
21 economy by connecting consumers and meeting the needs of shippers.

22 Frontier provides local exchange and access telecommunication services for more  
23 than 300,000 retail residential and commercial customers in Washington alone.

1 Verizon is a global communications and technology leader, serving customers in  
2 Washington.

3 AT&T is a global communications and technology leader. AT&T serves  
4 customers nationwide and in Washington with a broad range of wireless voice and data  
5 services.

6 **Q. What is the Maloney Ridge Electronic Users Association?**

7 A. The Maloney Ridge Electronic Users Association is a joint venture formed to fulfill a  
8 number of purposes, including arranging for power and associated billing for its  
9 members. Each member of the Maloney Ridge Electronic Users Association pays its  
10 share of the operating costs under the Service Agreement between the Maloney Ridge  
11 Electronic Users Association and PSE. In addition, each member of the Maloney Ridge  
12 Electronic Users Association pays its share of the Schedule 24 rate charged by PSE.

13 **Q. Who are the members of the Maloney Ridge Electronic Users Association?**

14 A. The members of the Maloney Ridge Electronic Users Association include Verizon  
15 Wireless, and New Cingular Wireless PCS, LLC, BNSF and Bonneville Power  
16 Administration.

17 **Q. Does BNSF also have a Service Agreement with PSE?**

18 A. Yes. In addition to its membership in the Maloney Ridge Electronic Users Association,  
19 BNSF also has a Service Agreement with PSE.

20 **Q. Please describe the history of Petitioners' connections on the Maloney Ridge Line.**

21 A. King County has been connected to the Maloney Ridge Line since approximately 1980  
22 and built the Sobieski Communications Facility for its emergency radio services. The  
23 Sobieski Communications Facility is one of the communications towers for the King

1 County 800 MHz Emergency Radio System, providing vital 911 radio communications.  
2 Several other public agencies are collocated at the Facility, and many of them provide  
3 vital public safety and public service communications, including the Snohomish County  
4 Emergency Radio System (“SERS”) and King County Sheriff’s Office (“KCSO”). SERS  
5 provides emergency 911 communications services for first responders (police and fire) in  
6 Snohomish County. KCSO operates a system of four VHF/UHF communications  
7 channels that support not only the KCSO in rural areas but also provide interoperability  
8 and mutual aid communications with dozens of police and fire agencies within King  
9 County, and with state and federal law enforcement agencies.

10 BNSF has been connected to the Maloney Ridge Line since approximately 1994.  
11 BNSF uses the line for train control management involving data and voice networking  
12 used to communicate with locomotive engineers operating the train in the area between  
13 Stevens Pass and Index, Washington.

14 Frontier is a successor to the original customer served by the Maloney Ridge  
15 Line, GTE, and its Maloney Ridge Tower has used the Maloney Ridge Line to serve  
16 Stevens Pass and Skykomish since approximately 1972 when the line was first  
17 constructed. Today, the radio links of Stevens Pass Central Office serve over 150  
18 working local telephone residential and commercial access lines, including service to  
19 several state agency offices and first responders in Skykomish and Stevens Pass.

20 Verizon has taken service from the Maloney Ridge Line since 1994. Verizon’s  
21 facility on the line is essential for Verizon customer voice service. The majority of  
22 Verizon’s voice traffic on the line is comprised of calls from drivers commuting along the  
23 stretch of Highway 2 to the Wellington/Stevens Pass area.

1 AT&T is a successor to Interstate Mobilephone Co. d/b/a Cellular One. AT&T or  
2 its predecessors have been part of the Maloney Ridge Electronic Users Association since  
3 1994. The Maloney Ridge Electronic Users Association entered into a Service  
4 Agreement with PSE's predecessor in June 1995. AT&T uses the Maloney Ridge Line to  
5 power its cellular communications equipment and ancillary support equipment (HVAC,  
6 AC power, rectification equipment and battery backup) for its Maloney Ridge cell site.

7 **Q. What investments have Petitioners made with respect to their connections on the**  
8 **Maloney Ridge Line?**

9 A. King County has invested more than \$800,000 in the Sobieski Communications Facility  
10 and associated equipment.

11 BNSF has invested more than \$400,000 dollars in facilities and equipment.  
12 BNSF's facilities include a self-support lighted microwave tower and multi-use building  
13 that provide vital communications to its railroad operations and also support antenna and  
14 microwave dish equipment used by BNSF and its microwave tower tenants, T-Mobile  
15 and StarTouch.

16 Frontier has invested more than \$450,000 in its Maloney Ridge Radio Tower and  
17 equipment alone. If this tower and its associated equipment must be moved because  
18 reliable electric power cannot be guaranteed, the cost could range well above \$1,000,000.

19 Verizon has invested more than \$1.1 million in facilities and equipment on the  
20 Maloney Ridge Line.

21 AT&T has invested substantially in its cellular communications equipment.  
22 AT&T has continued to invest in adding new cellular tower equipment and radios to this  
23 cell site as future generations of wireless service are deployed in its network.

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**Q. What costs have Petitioners paid to PSE with respect to their service on the Maloney Ridge Line?**

A. Under their Service Agreements with PSE, Petitioners, as well as other customers served on the Maloney Ridge Line, have paid PSE for the costs of repair in addition to the standard PSE retail rates for service on the line.

**Q. What is the importance of Petitioners' connections on the Maloney Ridge Line?**

The Maloney Ridge Line powers vital emergency communications services for the more than two million residents of King County and 700,000 residents of Snohomish County. In addition, these mutual aid resources are extremely important for supporting interoperable communications among many public agencies with respect to large scale events requiring crowd control, high profile criminal trials, vehicle pursuits, joint law enforcement operations, or disasters such as flooding, large storms, mud slides, and earthquakes. These resources are vital to coordinated area communications and responses during times of crisis. Accordingly, communications services at this location are critically important to King County, Snohomish County, and their residents.

Several hundred operational and maintenance personnel involved in BNSF's railroad operations rely on the services provided by the Maloney Ridge Line. When electric service to BNSF on the Maloney Ridge Line is interrupted, communications with train operators can be interrupted, which can require train traffic to stop for safety reasons. These service interruptions result in delays, added costs, and most importantly, pose severe safety concerns.

Frontier's Maloney Ridge Radio Tower provides critical emergency services

1 support. In particular, the Stevens Pass Ski Resort depends on Frontier's radio tower to  
2 handle any emergency communications for situations that may occur on area ski slopes,  
3 or in the event of an avalanche or other emergency situation. Frontier serves residential  
4 and commercial customers in Skykomish. The Washington State Department of  
5 Transportation also relies on Frontier's radio tower, especially in winter months when it  
6 is clearing snow from U.S. Highway 2, one of the two major travel routes between  
7 eastern and western Washington, protecting drivers from dangerous road conditions. The  
8 residential community of Stevens Pass also relies on the Maloney Ridge Radio Tower for  
9 both routine and emergency communications.

10 Verizon's site on the Maloney Ridge Line services the town of Skykomish and is  
11 critical to emergency 911 services. It is used by both state and local authorities in the  
12 area. The site takes an average of 12,473.65 minutes of voice traffic per day as well as a  
13 little more than 600 3G data originations per hour (averaged over 30 days, including all  
14 hours of the day). If the site were unavailable, for reasons such as the unreliability of the  
15 PSE distribution service, Verizon could not serve its customers in this area where voice  
16 and data connectivity is heavily reliant on one site. The site also is located between two  
17 other critical Verizon sites—Index and Stevens Pass—and serves as a very important  
18 handover point between those two sites, across the King/Chelan county border.

19 AT&T's cell site on the Maloney Ridge Line provides voice and data service  
20 along with critical emergency 911 services to consumers and businesses in Skykomish  
21 and travelers on Highway 2. AT&T's Maloney Ridge cell site is located between two  
22 other AT&T cell sites, allowing AT&T to provide wireless service on Highway 2 in the  
23 Maloney Ridge area.

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**Q. What would happen if Petitioners were required to relocate their Maloney Ridge Line facilities?**

A. If electric service on the Maloney Ridge Line were allowed to deteriorate further, King County would be required to relocate its facilities (if at all possible) by constructing similar facilities in some other suitable location, likely served by PSE as well. Replacing the necessary equipment would cost millions of dollars, imposing an undue burden to taxpayers, likely causing disruption and reduced services to emergency communication, and could take years to build.

Assuming a replacement electronic service location were even practical for BNSF, building its Maloney Ridge replacement facilities in a new location would take years and cost millions of dollars.

If Frontier were required to relocate its facilities on the Maloney Ridge Line, building replacement facilities in a new location would take years and cost millions of dollars.

Due to the terrain in the area, the current location on the Maloney Ridge Line is the only practical site for the Verizon facilities to serve the area. If Verizon were required to relocate its facilities, building replacement facilities in a new location would cost approximately \$1.2 million.

The terrain and difficulty permitting a site on United States Forest Service land means it would be extremely difficult, if not impossible, for AT&T to find a suitable replacement location for this cell site. This cell site provides wireless service to Skykomish and Highway 2. Due to the terrain (steep mountains and valleys) and the

1 propagation characteristics of radio frequency (“RF”) signal from the cell site, it would  
2 be difficult to find another location to achieve the same RF coverage. If by some chance  
3 a suitable replacement location was found it would likely take several years and hundreds  
4 of thousands of dollars to relocate the cell site.

5 **Q. Please describe PSE’s current service to Petitioners on the Maloney Ridge Line.**

6 A. The Maloney Ridge Line was constructed more than 40 years ago and no longer provides  
7 safe and reliable service. Service is repeatedly interrupted, sometimes for prolonged  
8 periods of time.

9 **Q. Will the public interest be served by the Commission’s issuance of a declaratory  
10 order in favor of the Petitioners?**

11 A. Yes. Millions of Washington residents and visitors rely on Petitioners and PSE’s other  
12 customers taking service on the Maloney Ridge Line. Petitioners use the Maloney Ridge  
13 Line to provide essential communications services to the general public and state and  
14 local agencies, including emergency communications networks. The frequent service  
15 interruptions interfere with communications vital to communities served by PSE and also  
16 create a safety hazard because first responders and other emergency service providers  
17 depend on reliable service on the Maloney Ridge Line. The public interest demands the  
18 immediate replacement of the electric facilities serving PSE’s customers on the Maloney  
19 Ridge Line, and the costs should be allocated as recommended by Mike Gorman.

20 **Q. Does this conclude your joint testimony?**

21 A. Yes, it does.