

Docket No. UT-181051 - Vol. III

WUTC v. Centurylink Communications, LLC

December 5, 2022



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Page 21

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET UT-181051
TRANSPORTATION COMMISSION,)
)
Complainant,)
)
vs.)
)
CENTURYLINK COMMUNICATIONS,)
LLC,)
)
)
Respondent.)

VIRTUAL EVIDENTIARY HEARING, VOLUME III
Pages 21-349
ADMINISTRATIVE LAW JUDGES GREGORY J. KOPTA
AND SAMANTHA DOYLE
* PORTIONS OF TESTIMONY ARE DESIGNATED CONFIDENTIAL
AND ARE SEALED UNDER SEPARATE COVER. *

December 5, 2022
9:00 a.m.

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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Page 22

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Page 23

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Page 24

1 EXAMINATION INDEX
2 JACQUE HAWKINS-JONES PAGE
3 By Mr. McGinty 86, 118
4 By Mr. Sherr 87
5 JAMES WEBBER
6 By Mr. Steese 121
7 By Mr. McGinty 205
8 By Ms. Cortez 209
9 ROBERT AKL
10 By Mr. Steese 212
11 By Mr. McGinty 250
12 STEPHANIE CHASE
13 By Ms. Gafken 255, 268
14 By Mr. Sherr 257
15 BRIAN ROSEN
16 By Ms. Gafken 271, 335
17 By Mr. Steese 275
18
19 EXHIBIT INDEX
20 EXHIBITS FOR ADMISSION
21 JWS-1TC Response Testimony of Stacy J. Hartman on
22 behalf of CenturyLink Communications, LLC
(Confidential)
23 SJH-2 Public Counsel Responses to Data Requests CLC
24 1-16
25 SJH-3C Staff Investigation Report Amendment M (Comtech
Response to Informal Data Requests); Staff
August 2019 Informal Data Requests to Comtech

Page 25

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	SJH-4 WMD Responses to Data Requests CLC 5-7
4	SJH-5C CLC Response to Data Request PC 37 (Confidential)
5	
6	SJH-6 CLC Response to Data Request Public Counsel 6 (without attachment)
7	SJH-7 CLC Response to Data Request Staff 20 (without attachment)
8	
9	SJH-8C CLC Response to Data Requests PC 16, 40C (Confidential)
10	SJH-9C Amendment M to CenturyLink-WMD Contract E09-196M (Confidential)
11	
12	SJH-10C Comtech Response to Data Request PC 2 (Confidential)
13	SJH-11C Staff Data Request 2 (to Comtech) Attachment B (Confidential)
14	
15	SJH-12C Comtech Responses to Data Requests CLC 1-10 (Confidential)
16	SJH-13 December 27, 2018 CenturyLink Network Outage Report A Report of the Public Safety and Homeland Security Bureau Federal Communications Commission
17	
18	SJH-14 Order and Consent Decree, FCC File No: EB-SED-19-00029440
19	SJH-15C Staff Responses to Data Requests CLC 15, 17 (Confidential)
20	
21	SJH-16 Background and Summary of Testimony
22	
23	CDK-1TC Response Testimony of Carl D. Klein on behalf of CenturyLink Communications, LLC (Confidential)
24	
25	CDK-2C "St of WA Comtech NG911" Transition Summary (Confidential)

Page 26

1	EXHIBIT INDEX (Cont.)
2	EXHIBITS FOR ADMISSION
3	CDK-3 Washington Network Design (Figure 1)
4	CDK-4 Washington Network Design (Figure 2)
5	VL-1TC Response Testimony of Valerie Lobdell on behalf of CenturyLink Communications, LLC (Confidential)
6	
7	VL-2 November 2016 Correspondence (CenturyLink/WMD/Comtech)
8	
9	VL-3C Draft Next Generation 9-1-1 Emergency Services Internet protocol Network Transition from ESnet I to Esinet II Scope of Work (Confidential)
10	
11	SET-1TC Response Testimony of Steven E. Turner on behalf of CenturyLink Communications, LLC (Confidential)
12	
13	SET-2 Copy of Steven E. Turner's Curriculum Vitae
14	SET-3 Rutgers University, Illumenet Signaling System 7 (SS7)
15	
16	SET-4C CLC Response to Staff Data Request 27(C) (Confidential)
17	SET-5 CLC Response to Staff Data Request 9
18	SET-6 WMD Response to Public Counsel Data Request 4
19	SET-7C State of Washington E-911 Transition Call Flows between CenturyLink/West-Intrado and Comtech TCS ESInets (Confidential)
20	
21	
22	SET-8 Email entitled "Re: Docket No. UT-181051 - CenturyLink's Second Set of Data Requests to Comtech
23	
24	MDV-1TC Confidential Response Testimony of Martin D. Valence on behalf of CenturyLink Communications, LLC (Confidential)
25	

Page 27

1	EXHIBIT INDEX (Cont.)
2	EXHIBITS FOR ADMISSION
3	MDV-2 CLC Response to Staff Data Request 27(C)
4	MDV-3C Affidavit from Thomas McNealy (Confidential)
5	
6	MDV-4C Correspondence between Infinera and CenturyLink (Confidential)
7	MDV-5 Staff Supplemental Response to CTL Data Request 16(B)
8	
9	MDV-6 Online Ordering Form for Wholesale Private Line Services
10	MDV-7 Comtech Response to Public Counsel Data Request 5
11	MDV-8 Comtech Ordering Documents
12	JHJ-19X Staff Response to CLC Data Request 12
13	JHJ-20X Staff Response to CLC Data Request 13
14	JHJ-21X Staff Response to CLC Data Request 15
15	JHJ-22CX Staff Response to CLC Data Request 17 (Confidential)
16	
17	JHJ-23X Staff Response to CLC Data Request 35
18	
19	JHJ-24X Exh A to Staff Response to CLC Data Request 2 [Same as BR-44X and JDW-54X]
20	JHJ-25CX Excerpt from Exh B to Staff Response to CLC Data Request 2 (bates Staff 1223-1228) [same as BR-45X and JDW-55CX] (Confidential)
21	
22	JHJ-26CX Comtech 911 Call log/breakdown during outage (originally produced by CenturyLink in response to August 2020 Staff informal data request) [same as JDW-81CX] (Confidential)
23	
24	
25	

Page 28

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	JHJ-27CX CenturyLink 911 call log/breakdown during outage (originally produced by CenturyLink in response to August 2020 Staff informal data request)[same as JDW-82CX] (Confidential)
4	
5	
6	JHJ-28CX Appendix G to Staff Investigation Report; Comtech Root Cause Analysis (Confidential)
7	
8	JDW-44X WMD Response to CLC Data Request 9 [same as BR-37X]
9	JDW-45CX WMD Response to CLC Data Request 10 [same as BR-38CX] (Confidential)
10	
11	JDW-46X Email correspondence between Comtech and WMD
12	
13	JDW-47X Email correspondence within WMD
14	
15	JDW-48X Email correspondence between WMD and State of South Dakota
16	JDW-49X Staff Response to CLC Data Request 1
17	JDW-50CX Excerpt from attachment to Staff Response to CLC Data Request 1 (bates Staff 49-52) [same as BR-40CX] (Confidential)
18	JDW-51CX Excerpt from attachment to Staff Response to CLC Data Request 1 (bates Staff 90-93) [same as BR-41CX] (Confidential)
19	JDW-52CX Excerpt from attachment to Staff Response to CLC Data Request 1 (bates Staff 172-179) [same as BR-42CX] (Confidential)
20	JDW-53X Staff Response to CLC Data Request 2 [same as BR-43X]
21	
22	
23	JDW-54X Exh A to Staff Response to CLC Data Request 2 [same as BR-44X]
24	JDW-55CX Excerpt from Exh B to Staff Response to CLC Data Request 2 (bates Staff 1223-1228) [same as BR-45CX and JHJ-25CX] (Confidential)
25	

1 EXHIBIT INDEX (cont.)
 2 EXHIBITS FOR ADMISSION
 3 JDW-56CX Staff Response to CLC Data Request 19
 (Confidential)
 4
 5 JDW-57X Staff Response to CLC Data Request 20
 6 JDW-58X Staff Response to CLC Data Request 29
 7 JDW-59X Staff Response to CLC Data Request 36
 8 JDW-60X Staff Response to CLC Data Request 37
 9 JDW-61X Staff Response to CLC Data Request 38
 10 JDW-62X Staff Response to CLC Data Request 39
 11 JDW-63X Staff Response to CLC Data Request 40
 12 JDW-64CX Staff Response to CLC Data Request 41
 (Confidential)
 13 JDW-65CX Staff Response to CLC Data Request 42
 (Confidential)
 14 JDW-66X Staff Response to CLC Data Request 43
 15 JDW-67CX Comtech Response to CLC Data Requests 1-10
 [Same as BR-46CX] (Confidential)
 16 JDW-68X Comtech 10-K 2019
 17 JDW-69X KEOLAND.com news article "South Dakota 911
 System gets \$3.45 million from companies in
 settlement"
 18 JDW-70X Insurancejournal.com news article: "Company
 to Pay South Dakota \$3.4M in 911 Call System
 Lawsuit"
 19 JDW-71X South Dakota Circuit Court Complaint
 20 JDW-72X Stipulation, South Dakota Circuit Court
 Complaint
 21
 22 JDW-73X Comtech Response to Data Request 4
 23
 24
 25

1 EXHIBIT INDEX (cont.)
 2 EXHIBITS FOR ADMISSION
 3 JDW-87CX Klein Deposition Transcripts and Exhibits
 (Confidential)
 4 JDW-88CX Valence Deposition Transcripts and Exhibits
 (Confidential)
 5 JDW-89CX Turner Deposition Transcripts and Exhibits
 (Confidential)
 6 JDW-90CX Infinera Red Network Outage Root Cause
 Analysis
 (Confidential)
 7 JDW-91CX Infinera Red Network Outage Root Cause
 Analysis
 (Confidential)
 8 JDW-92CX Correspondence between Comtech and
 CenturyLink
 (Confidential)
 9 RA-4X Staff Response to CLC Data Request 21
 10 RA-5X Staff Response to CLC Data Request 22
 11 RA-6X Staff Response to CLC Data Request 23
 12 RA-7X Staff Response to CLC Data Request 26
 13 RA-8X Staff Response to CLC Data Request 27
 14 RA-9CX Staff Response to CLC Data Request 28
 (Confidential)
 15 RA-10X Staff Response to CLC Data Request 30
 16 RA-11CX Staff Response to CLC Data Request 31
 (Confidential)
 17 RA-12CX Staff Response to CLC Data Request 32
 (Confidential)
 18 RA-13CX Akl Deposition Transcript and Exhibits
 (Confidential)
 19
 20
 21
 22
 23
 24
 25

1 EXHIBIT INDEX (cont.)
 2 EXHIBITS FOR ADMISSION
 3 JDW-74X WMD-Comtech Technology Services Contract
 (Exh 1A to Comtech's Response to Staff Data
 Request 4)
 4 JDW-75X WMD-Comtech Technology Services Contract
 Statement of Work (Ex 1D to Comtech's
 Response to Staff Data Request 4)
 5 JDW-76X Comtech Response to Staff Data Request 4
 6 JDW-77X Comtech Response to Staff Data Request 5
 7 JDW-78CX Comtech Response to Staff Data Request 10
 (Confidential)
 8 JDW-79CX Comtech Response to Staff Data Request 11
 (Confidential)
 9 JDW-80X Demonstrative Exhibit: Washington 911 Outage
 Timeline
 10 JDW-81CX Comtech 911 call log/breakdown during outage
 (originally produced by CenturyLink in
 response to August 2020 Staff informal data
 request) [same as JHJ-26CX] (Confidential)
 11 JDW-82CX CenturyLink 911 call log/breakdown during
 outage (originally produced by CenturyLink
 in response to August 2020 Staff informal
 data request) [same as JHJ-27CX]
 (Confidential)
 12 JDW-83CX Amendment M to CenturyLink-WMD Contract
 (Confidential)
 13 JDW-84CX CenturyLink Response to Staff Data Request
 59
 (Confidential)
 14 JDW-85CX CenturyLink Response to Staff Data Request
 57
 (Confidential)
 15 JDW-86CX Staff Response to CLC Data Request
 (Confidential)
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 EXHIBIT INDEX (cont.)
 2 EXHIBITS FOR ADMISSION
 3 SKC-4X Public Counsel Response to CLC Data Request 1
 4 SKC-5X Public Counsel Response to CLC Data Request 2
 5 SKC-6X Public Counsel Response to CLC Data Request 3
 6 SKC-7X Public Counsel Response to CLC Data Request 4
 7 BR-33X WMD Response to CLC Data Request 3
 8 BR-34CX WMD Response to CLC Data Request 5
 (Confidential)
 9 BR-35X WMD Response to CLC Data Request 6
 10 BR-36X WMD Response to CLC Data Request 8
 11 BR-37X WMD Response to CLC Data Request 9 [same as
 JDW-44X]
 12 BR-38CX WMD Response to CLC Data Request 10 [same as
 JDW-45CX] (Confidential)
 13 BR-39X Public Records Request to WMD; Correspondence
 between WMD and CenturyLink
 14 BR-40CX Excerpt from attachment to Staff Response to
 CLC Data Request 1 (bates Staff 49-52) [same
 as JDW-50CX] (Confidential)
 15 BR-41CX Excerpt from attachment to Staff Response to
 CLC Data Request 1 (bates Staff 90-93) [same
 as JDW-51CX] (Confidential)
 16 BR-42CX Excerpt from attachment to Staff Response to
 CLC Data Request 1 (bates Staff 172-179)
 [same as JDW-52CX] (Confidential)
 17 BR-43X Staff Response to CLC Data Request 2 [same as
 JDW-53X]
 18 BR-44X Exh A to Staff Response to CLC Data Request 2
 [same as JDW-54X]
 19
 20
 21
 22
 23
 24
 25

Page 33

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	BR-45CX Excerpt from Exh B to Staff Response to CLC Data Request 2 (bates Staff 1223-1228) [same as JDW-55CX] (Confidential)
4	
5	BR-46X Public Counsel Response to CLC Data Request 5
6	BR-47X Public Counsel Response to CLC Data Request 6
7	BR-48X Public Counsel Response to CLC Data Request 7
8	BR-49X Public Counsel Response to CLC Data Request 8
9	BR-50X Public Counsel Response to CLC Data Request 9
10	BR-51X Public Counsel Response to CLC Data Request 11
11	BR-52X Public Counsel Response to CLC Data Request 13
12	BR-53X Public Counsel Response to CLC Data Request 14
13	BR-54X Public Counsel Response to CLC Data Request 15
14	BR-55X Public Counsel Response to CLC Data Request 16
15	BR-56X Public Counsel Response to CLC Data Request 18
16	BR-57X Public Counsel Response to CLC Data Request 19
17	BR-58X Public Counsel Response to CLC Data Request 20
18	BR-59X Public Counsel Response to CLC Data Request 21
19	BR-60X Public Counsel Response to CLC Data Request 22
20	BR-61X Public Counsel Response to CLC Data Request 23
21	BR-62X Public Counsel Response to CLC Data Request 24
22	BR-63X Public Counsel Response to CLC Data Request 25
23	BR-64X Public Counsel Response to CLC Data Request 27
24	BR-65X Public Counsel Response to CLC Data Request 28
25	BR-66X Public Counsel Response to CLC Data Request 29

Page 34

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	BR-67CX Public Counsel Response to CLC Data Request 31 (Confidential)
4	
5	BR-68CX Public Counsel Response to CLC Data Request 32 (Confidential)
6	
7	BR-69X Public Counsel Response to CLC Data Request 33
8	BR-70X Public Counsel Response to CLC Data Request 34
9	BR-71X Public Counsel Response to CLC Data Request 35
10	BR-72X Public Counsel Response to CLC Data Request 36
11	BR-73X Public Counsel Response to CLC Data Request 37
12	BR-74X Public Counsel Response to CLC Data Request 38
13	BR-75X Public Counsel Response to CLC Data Request 39
14	BR-76X Public Counsel Response to CLC Data Request 43
15	BR-77X Public Counsel Response to CLC Data Request 44
16	BR-78X Public Counsel Response to CLC Data Request 45
17	BR-79CX Comtech Response to Public Counsel Data Request 1 (Confidential)
18	
19	BR-80CX Comtech Response to Public Counsel Data Request 2 (Confidential)
20	
21	BR-81CX Comtech Response to Public Counsel Data Request 3 (Confidential)
22	
23	BR-82CX Comtech Response to Public Counsel Data Request 4 (Confidential)
24	
25	

Page 35

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	BR-83CX Comtech Response to Public Counsel Data Request 9 (Confidential)
4	
5	BR-84X Comtech Response to Public Counsel Data Request 10
6	
7	BR-85X Comtech Response to Public Counsel Data Request 11
8	BR-86X Comtech Response to Public Counsel Data Request 29
9	
10	BR-87X Correspondence between WMD and Public Counsel and Privilege Log
11	JDW-CT Prefiled Testimony of James D. Webber (Confidential)
12	
13	JDW-2 Prefiled Testimony of James D. Webber
14	
15	JDW-3C Docket UT-181051 Staff Investigation Report Narrative (Confidential)
16	
17	JDW-4 FCC Report Narrative, August 2019
18	
19	JDW-5C Attachments 3a and 3c to CenturyLink Response to Staff Data Request 3(C) (Confidential)
20	
21	JDW-6C CenturyLink Responses to Staff Data Requests (C) (Confidential)
22	
23	JDW-7 National 911 Annual Report: 2019 Data
24	JDW-8 National 911 Progress Report: November 2019
25	JDW-9 National Emergency Number Association Definitions
	JDW-10 National Emergency Number Association Origin and History
	JDW-11 Washington Military Department NG911 Transition Announcement

Page 36

1	EXHIBIT INDEX (Cont.)
2	EXHIBITS FOR ADMISSION
3	JDW-12 National Emergency Number Association 911 Origin and History
4	
5	JDW-13 UTC Comments to FCC, PS Dockets 14-193; 13-75
6	
7	JDW-14C CenturyLink Confidential Root Cause Analysis Filed Feb. 12, 2019 (Confidential)
8	
9	JDW-15 CSRIC Best Practices, July 24, 2018
10	
11	JDW-16 Public Safety and Homeland Security Bureau Notice DA-19-1039
12	JDW-17 National Security Agency, Hardening Network Devices, PP-20-0702
13	
14	JDW-18C CenturyLink Responses to public Counsel Data Requests (Confidential)
15	
16	JDW-19C TSYS Responses to Public Counsel Data Requests (Confidential)
17	
18	JDW-20C Attachment B.1(b) to TSYS Response to PC Data Request 4 (Confidential)
19	
20	JDW-21C Attachment 2 to TSYS Response to PC Data Request 23 (Confidential)
21	
22	JDW-22C TSYS Response to Staff Data Request 3 and Attachments (Confidential)
23	
24	JDW-23C TSYS Response to Staff Investigation Data Requests (Confidential)
25	
	JDW-24 CenturyLink Responses to Consumer Protection Investigation Data Requests

Page 37

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	JDW-25 CenturyLink Responses to Staff Investigation Data Requests RS-1 - RS-11, September 2019
4	
5	JDW-26C Attachments A and B to CenturyLink Response to RS-7 and RS-8 (Confidential)
6	
7	JDW-27C CenturyLink Response to Staff Investigation Data Request October 2, 2020 (Confidential)
8	
9	JDW-28C Attachment 1 to CenturyLink Response October 2, 2020 (Confidential)
10	
11	JDW-29C CenturyLink Response to Staff Investigation Data Request September 18, 2020 (Confidential)
12	
13	JDW-30C Attachment 2 to CenturyLink Response September 18, 2020 (Confidential)
14	
15	JDW-31C Attachment to CenturyLink Response to Staff Data Request 20 (Confidential)
16	
17	JDW-32C TSYS Major Outage Report January 14, 2019 (Confidential)
18	JDW-33CT Cross-Answering Testimony of James D. Webber (Confidential)
19	
20	JDW-34C Attachment 1.b to TSYS Response to Staff DR 10 (Confidential)
21	
22	JDW-35C TSYS Revised Response to Staff DR 10 (Confidential)
23	JDW-36C Attachment to CenturyLink Response to Staff DR 42 (Confidential)
24	
25	

Page 38

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	JDW-37C Attachment to CenturyLink Response to Staff DR 42 (Confidential)
4	
5	JDW-38C WMD Contract E09-196 and Amendments J, K, L, and M (Confidential)
6	
7	JDW-39 CenturyLink Response to Staff Dr 56 and Attachment
8	
9	JDW-40C Attachment to CenturyLink Response to Staff DR 59 (Confidential)
10	
11	JDW-41C Supplemental Attachment to TSYS Response to CenturyLink DR 4 (Confidential)
12	
13	JDW-42C Attachment to CenturyLink Response to Staff DR 51 (Confidential)
14	
15	JDW-43 TSYS Response to Staff DR 8
16	JHJ-1CT Testimony of Jacque Hawkins-Jones (Confidential)
17	JHJ-2C Overview of Phase 1 of the Three-Phase Mitigation Project (Confidential)
18	
19	JHJ-3C Narrative of Staff Investigation Report, dated December 2020 (Confidential)
20	
21	JHJ-4 Narrative of Federal Communication Commission Investigation Report
22	
23	JHJ-5 A copy of CenturyLink's data response, dated Jan. 30, 2019
24	JHJ-6 A copy of CenturyLink's Facebook Post, dated Dec. 28, 2018
25	

Page 39

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	JHJ-7 KIRO 7 News Article Regarding King County Sheriff's Office, dated Jan. 22, 2019
4	
5	JHJ-8 Email from Benton County Citizen to Washington State Office of the Attorney General
6	JHJ-9 Email from Skagit County Citizen to Washington State Office of the Attorney General
7	
8	JHJ-10 Wash. Utils. & Trans. Comm'n v. Centurytel of Inter Island, Inc. d/b/a CenturyLink, Docket UT-132234, Order 03 (Oct. 20, 2015)
9	
10	JHJ-11 Wash. Utils. & Transp. Comm'n v. Centurytel of Inter Island, Inc. d/b/a CenturyLink, Docket UT-132234, Order 06 (June 1, 2017)
11	
12	JHJ-12 Wash. Utils. & Transp. Comm'n v. Qwest Corp. d/b/a CenturyLink QC, Docket UT-140597, Order 03 (Feb. 22, 2016)
13	
14	JHJ-13 In re notice of Transaction and Application of CenturyLink, Docket UT-170042, Order 03 (July 27, 2017)
15	
16	JHJ-14 Wash. Utils & Transp. Comm'n v. Centurytel of Inter Island, Inc. d/b/a CenturyLink, Docket UT-190209, Order 03 (June 25, 2020)
17	
18	JHJ-15 CenturyLink Served Public Safety Answering Point Responses
19	JHJ-16 CenturyLink Served Public Safety Answering Response - Spokane Regional Emergency Communications
20	
21	JHJ-17CT Cross-Answering Testimony of Jacque Hawkins-Jones (Confidential)
22	
23	JHJ-18 ValleyCom Response to UTC Questionnaire RA-1CT Reply Testimony of Robert Akl, D.Sc. (Confidential)
24	
25	

Page 40

1	EXHIBIT INDEX (cont.)
2	EXHIBITS FOR ADMISSION
3	RA-2 Dr. Robert Akl CV
4	RA-3 Broadcom Storage Area Networking Design and Best Practices Design Guide
5	
6	SET-88CX Response Testimony of Steven E. Turner (filed as SET-1TC) (62 pages) (Confidential)
7	
8	SET-89CX Comtech Ordering Documents (filed as MDV-8C) (7 pages) (Confidential)
9	
10	SET-90CX Washington Network Design (filed as CDK-3) (1 page) (Confidential)
11	
12	TJM-91CX Response Testimony of Thomas John McNealy (filed as TJM-1TC) (14 pages) (Confidential)
13	
14	TJM-92CX Attachments 3a and 3c to CenturyLink Response to Staff Data Request 3(C) (filed as JDW-5C) (42 pages) (Confidential)
15	
16	TJM-93CX CenturyLink Responses to Staff Data Requests (C)(filed as JDW-6C) (20 pages) (Confidential)
17	
18	TJM-94CX CenturyLink Response to Staff Data Request 41 (2 pages) (Confidential)
19	
20	MDV-95CX Response Testimony of Martin D. Valence (filed as MDV-1TC) (27 pages) (Confidential)
21	
22	MDV-96CX Comtech Ordering Documents (filed as MDV-8C) (7 pages) (Confidential)
23	
24	MDV-97CX Correspondence Between Infinera and CenturyLink (filed as MDV-4C) (18 pages) (Confidential)
25	

Page 45

1 LACEY, WASHINGTON; DECEMBER 5, 2022
 2 9:00 A.M.
 3 --oOo--
 4 P R O C E E D I N G S
 5
 6 JUDGE KOPTA: Let's be on the record in
 7 Docket UT-181051, captioned Washington Utilities and
 8 Transportation Commission v. CenturyLink Communications,
 9 LLC.
 10 I'm Gregory J. Kopta, one of the
 11 administrative law judges who is presiding in this
 12 proceeding along with Judge Samantha Doyle. And we will
 13 also be joined by the Commissioners in a few moments.
 14 We are here today for evidentiary hearings
 15 in this docket, and we are addressing, at this point,
 16 some preliminary issues. We will take appearances once
 17 the Commissioners get here so that we don't have to do
 18 it twice.
 19 And so let's, at least in my mind, the first
 20 issue that we need to address are the exhibits.
 21 We have circulated an exhibit list to the
 22 parties and gotten feedback on that. My intention is to
 23 admit the exhibits on the exhibit list with the
 24 exception of those to which the parties have not -- all
 25 parties have not stipulated. But there are a couple of

Page 46

1 clarifying things.
 2 Mr. Sherr, I believe Exhibits CDK-4 is --
 3 should be CDK-4C; is that correct?
 4 MR. SHERR: That's correct, Your Honor. And
 5 there's also a page that will need to be changed in
 6 Exhibit CDK-1TC because it's a -- CDK-4C is a -- is a
 7 diagram, and that diagram is reproduced on page 10, I
 8 believe, of Mr. Klein's response testimony. So when we
 9 submit updated copies of those to -- we will submit
 10 copies -- updated copies of those documents to the
 11 Commission.
 12 JUDGE KOPTA: All right. That should be
 13 acceptable. So the exhibit list should be amended to
 14 reflect that CDK-4 is actually CDK-4C, and is a
 15 confidential -- or a document that includes confidential
 16 information.
 17 The other change to the exhibit list that
 18 I'm aware of is that Exhibits SKC-1X through 4X should
 19 actually be numbered C -- I mean SKC-4X through 7X.
 20 Just a minor numbering change.
 21 Does anybody else have any corrections at
 22 this time to the exhibit list that was circulated?
 23 Hearing none, before I get to admitting
 24 exhibits, one of the issues that I have is that several
 25 documents have multiple exhibit numbers in the

Page 47

1 cross-examination exhibits. I understand that this is
 2 for the convenience of crossing witnesses so that they
 3 know which documents they will be needing to address
 4 during their testimony.
 5 But at the same time, it is confusing for
 6 the record because, for example, in this case, there are
 7 objections to some exhibits, but then stipulations to
 8 the same document that's labeled as a different exhibit.
 9 So this causes a little bit of consternation.
 10 At this point, I do not want to go back
 11 through the exhibit list and purge duplicates, but for
 12 future reference, I guess, it would be best to have a
 13 document with only one exhibit number to it.
 14 And please, when you are referring to
 15 exhibits that have multiple exhibit numbers, both in
 16 your cross-examination and in post-hearing briefing, try
 17 to use the same one so that we're not continually
 18 referring to the same document under different names.
 19 It makes it confusing for us, and it makes it confusing
 20 for everyone. So please keep that in mind.
 21 MR. MCGINTY: I have a question about that,
 22 Your Honor, if I may?
 23 JUDGE KOPTA: Certainly, Mr. McGinty.
 24 MR. MCGINTY: Do you have a preference as to
 25 which exhibit number we use? For example, we have

Page 48

1 several cross-exhibits are designated as cross-exhibits
 2 that were first admitted as part of someone's testimony.
 3 I would probably refer to that as the exhibit that was
 4 attached to the testimony consistently throughout. But
 5 do you have a different way of approaching that?
 6 JUDGE KOPTA: That would be my preference,
 7 is if it's a document that's already part of someone's
 8 testimony or exhibits to their testimony to refer to it
 9 in that manner.
 10 And if it's a cross-exhibit that is just a
 11 cross-exhibit that has multiple numbers, then just as a
 12 rule of thumb, I would refer to it as whatever document
 13 number it was when it was first discussed in the
 14 hearing.
 15 I mean, if it's one that was subject to an
 16 objection and then admitted, then I would refer to it by
 17 that number.
 18 If it's just used in cross of a witness, the
 19 first witness that it's used with, I would use that
 20 number, I think.
 21 As I say, it's a rule of thumb. It doesn't
 22 necessarily have to be that way, but, again, we're
 23 trying to minimize confusion. And, you know, short of
 24 getting rid of all duplicates, which I don't think is
 25 the best use of anyone's time, then I think that's the

1 best way to proceed. Does that make sense to you, Mr.
2 McGinty?

3 MR. MCGINTY: That does make sense. Thank
4 you for the clarification.

5 JUDGE KOPTA: All right. Sure.

6 And while we're talking about that, you did
7 not -- or you have an objection or are not willing to
8 stipulate to Exhibit JHJ-26CX, which is the same as
9 DW -- JDW-82CX. Are you objecting to both of those
10 exhibits or just the one?

11 MR. MCGINTY: I was objecting to both of
12 those exhibits. I was attempting to use the convention
13 you previously indicated, where I was only referring
14 it -- I was only referring to it by the exhibit number
15 that was -- it was first addressed as in the exhibit
16 list that was provided by CenturyLink. That was my
17 intention, but I intended to object to all
18 instantiations of that document.

19 JUDGE KOPTA: All right. Thank you.

20 And, Ms. Suetake, the same question to you.
21 Three of the exhibits that you have objected to are also
22 exhibits that have been marked for a witness other than
23 Mr. Rosen. Is it your intention that you are objecting
24 only to those documents that's used with Mr. Rosen or
25 are you objecting to those documents in their entirety

1 is admit the exhibits subject to any objections to
2 documents that are the same as the BR documents that you
3 have objected to. Does that -- does that -- would that
4 cover the waterfront from your perspective, Ms. Gafken?

5 MS. GAFKEN: I think that would cover the
6 waterfront from my perspective.

7 JUDGE KOPTA: All right. Well, that's what
8 I'll do, then.

9 So with respect to the exhibits, all of the
10 exhibits on the exhibit list that was circulated, which
11 include the prefiled testimony and associated exhibits
12 as well as the cross-examination exhibits, are admitted
13 subject to the limitation that I just discussed with
14 Ms. Gafken.

15 And with the exception of the following
16 documents, Exhibits BR-33X through 45X; BR-64X through
17 86X; Exhibit JHJ-26CX; Exhibit JHJ-27CX; Exhibit
18 JDW-82CX; Exhibit JDW-81CX; Exhibit JDW-68X through 72X;
19 Exhibit JDW-80X; and exhibit RA-9CX. I believe those
20 are all of the exhibits to which the parties did not
21 stipulate.

22 Are there any other exhibits at this point
23 that anyone can identify to which the parties -- one
24 party or another does not stipulate?

25 MS. GAFKEN: Judge Kopta, there is one more

1 however they are labeled?

2 MS. SUETAKE: Judge Kopta, my co-counsel,
3 Lisa Gafken, will be addressing the objections to the
4 exhibits.

5 MS. GAFKEN: Judge Kopta, my intention is to
6 object to all exhibits -- of the exhibits. So each time
7 it's identified for any witness. And when we get to
8 that, I -- I have each one of the references. I was
9 also grappling with the reducing of confusion issue. So
10 I will probably just stick with the strategy of
11 identifying each.

12 So there's a couple of exhibits that are
13 identified three times. There's a couple of exhibits
14 that are identified twice. I'll probably just provide
15 both of those and all three of those references during
16 the argument, just for absolute clarity.

17 JUDGE KOPTA: Okay. Well, that poses a
18 little bit of a dilemma for me because I had intended to
19 admit all of the exhibits to which the parties
20 stipulated. And in labeling those to which you did not
21 stipulate, you simply used the BR exhibit numbers and
22 not any of the others.

23 So I don't -- at this point, I suppose, it
24 makes it a little bit -- I'm not sure what to do in
25 terms of admitting the exhibits. Perhaps what I will do

1 exhibit. We did identify it in our initial email. It
2 was BR-87X. We -- we do have a copy of that now, and
3 that is one that I will be objecting to.

4 JUDGE KOPTA: All right. CR-87 or BR?

5 MS. GAFKEN: B as in Brian, BR.

6 JUDGE KOPTA: Okay. That's what I thought.
7 Just wanted to make sure we get the initials correct.

8 All right. So BR-87X is also not admitted.

9 And I understand that we can address the
10 objections to some of these exhibits at this time.

11 Mr. McGinty, all of those that are
12 identified for Staff witnesses are those that you
13 believe you can address at this point; is that correct?

14 MR. MCGINTY: I think that's correct.

15 JUDGE KOPTA: All right. Then why don't you
16 proceed. I don't know whether you can do them all at
17 once or whether we need to do one by one, but whatever
18 makes the most sense from your perspective.

19 MR. MCGINTY: I'm happy to go down the list
20 and provide our specific objections to the exhibits.
21 I'll probably lump them together to those that have
22 similar arguments that pertain to them.

23 So JHJ-26CX and JHJ-27CX, which are the same
24 as JDW-81CX and JDW-82CX, this is just a simple lack of
25 foundation issue. From the face of the document, it's

Page 53

1 not clear what these are. It's not clear where the data
 2 came from, who compiled them, what the headings to the
 3 columns mean, anything along those lines.
 4 If foundation is laid during the hearing,
 5 happy to withdraw the objection. Although, not sure how
 6 that will occur in cross-examination, but -- or if
 7 foundation can be pointed out to me that it already
 8 exists in the record, then, again, happy to withdraw the
 9 objection.
 10 But that's just a simple lack of foundation
 11 objection.
 12 JUDGE KOPTA: All right. Well, let's stop
 13 there before you move on to the other ones and allow
 14 CenturyLink to respond.
 15 Mr. Sherr or Mr. Steese?
 16 MR. STEESE: Your Honor, this is Chuck
 17 Steese. I will address the exhibit issues.
 18 Exhibits JHJ-26 and 27CX are also already in
 19 the record as attachments to Mr. Webber's testimony,
 20 specifically JDW-28C and JDW-30C.
 21 So Mr. Webber already has those documents
 22 attached to his testimony. And so the foundation, for
 23 lack of a better term, of those documents has already
 24 been established through their own witness.
 25 JUDGE KOPTA: All right. Well, here we have

Page 54

1 another example of why it's cumbersome to have documents
 2 with multiple exhibit numbers.
 3 MR. MCGINTY: Objection is withdrawn.
 4 JUDGE KOPTA: All right. Thank you.
 5 Then, just to be consistent, I admit those
 6 four documents into the record.
 7 Next.
 8 MR. MCGINTY: So next is -- I'll address
 9 JDW-68X to 72X. Now, 68X appears to be a filing with
 10 the Securities and Exchange Commission with respect to
 11 ComTech.
 12 And then 69 to 72X are newspaper articles
 13 and pleadings having to do with an out-of-state matter
 14 involving an, I think, a South Dakota 911 system outage.
 15 I just don't see the relevance of these.
 16 The hearing, evidentiary hearing, today is on Staff's
 17 complaint related to allegations made against
 18 CenturyLink for a 911 outage that occurred in Washington
 19 State. These potential exhibits are simply irrelevant
 20 and make no fact at issue more or less likely to have
 21 occurred.
 22 JUDGE KOPTA: Mr. Steese?
 23 MR. STEESE: Yes, I'll discuss JDW-68X
 24 first. This is an SCC filing by ComTech. It provides
 25 various background about ComTech. It provides

Page 55

1 information about the fact that they're focused on 911
 2 throughout the country. So to us, this simply provides
 3 background about ComTech, and certainly meets the
 4 relevance threshold since ComTech and its network are at
 5 issue in this proceeding.
 6 With respect to JDW-69X through 72X, ComTech
 7 was the subject of complaint in South Dakota relating to
 8 the fact that various 911 calls would not complete
 9 there. The complaint is one of those exhibits bought by
 10 the South Dakota Commission, and the various provisions
 11 that it cites to in the complaint are essentially
 12 identical to various points and problems that they
 13 raised here.
 14 So from our perspective, this is relevant to
 15 show that ComTech's 911 network design is faulty. And
 16 it has not only been faulty here, it's been faulty
 17 somewhere else as well.
 18 JUDGE KOPTA: Does this particular witness
 19 have any knowledge or have any involvement in those
 20 South Dakota proceedings?
 21 MR. STEESE: Your Honor, I do not know.
 22 JUDGE KOPTA: Well, unless there's some tie
 23 between the witness and those documents, I don't see any
 24 basis on which to admit them through cross of that
 25 witness.

Page 56

1 And as far as the SCC filing, same thing. I
 2 don't know that there's any indication in that witness's
 3 testimony that he had anything to do with that or has
 4 any knowledge of that SCC filing.
 5 And so therefore, I'm going to sustain the
 6 objection. I don't -- through his testimony.
 7 Next, Mr. McGinty.
 8 MR. MCGINTY: So the next would be JDW-80X.
 9 This appears to be labeled as a demonstrative -- I'm
 10 getting some feedback. Oh, there we go.
 11 It's labeled as a demonstrative exhibit. It
 12 appears to be a timeline that was put together by
 13 CenturyLink. It's overly argumentative. It'd be
 14 appropriate for a brief, but it's not evidence that
 15 ought to be admitted in order to prove any fact at
 16 issue.
 17 JUDGE KOPTA: Mr. Steese?
 18 MR. STEESE: Your Honor, the document is
 19 both a summary and a demonstrative. Evidentiary Rule
 20 1003 permits this submission of summary exhibits so long
 21 as each of the exhibits upon which the document is
 22 created is referenced. It certainly is. This is a
 23 timeline of events. The events themselves are directly
 24 at issue, not only in Mr. Webber's testimony, but in
 25 Mr. Rosen's testimony, Mr. Turner's testimony, a whole

Page 57

1 series of witnesses. And so this goes directly to
 2 Mr. Webber.
 3 And the timeline itself, we think,
 4 establishes very clearly a public connection between the
 5 faulty network design and the outage on the 911 calling
 6 in December 2018.
 7 JUDGE KOPTA: Are all of the dates on this
 8 timeline included in testimony or other exhibits that
 9 have already been admitted to the record?
 10 MR. STEESE: Yes, Your Honor.
 11 JUDGE KOPTA: All right. Well, I see this
 12 is cumulative of that information. I understand how
 13 it's useful for you, but I agree with Mr. McGinty that,
 14 certainly, it's more appropriate for a brief as opposed
 15 to an exhibit for cross-examination. So I will sustain
 16 that objection and not admit that exhibit.
 17 Finally, RA-9CX, Mr. McGinty.
 18 MR. MCGINTY: Yes, Your Honor. This is a
 19 response to a data request that CenturyLink promulgated
 20 to Staff as it was responded to in September of 2022.
 21 The issue here that Staff supplemented this
 22 response in October, and the supplemented version is not
 23 the one that's being admitted. It prejudicial to Staff
 24 to provide the unsupplemented response here.
 25 JUDGE KOPTA: Mr. Steese?

Page 58

1 MR. STEESE: Your Honor, Mr. McGinty is
 2 correct. That was an error on our part. We'd like to
 3 supplant the RA-9X with the supplemented version of the
 4 request for admission. That was just a mistake in terms
 5 of the version that was submitted.
 6 JUDGE KOPTA: And, Mr. McGinty, do you have
 7 any objection to --
 8 MR. MCGINTY: No objection to that.
 9 JUDGE KOPTA: All right. Then I will allow
 10 that to be substituted, and I will admit that exhibit.
 11 I believe that takes care of those to which
 12 you have objected, Mr. McGinty?
 13 MR. MCGINTY: That's correct.
 14 JUDGE KOPTA: All right.
 15 Ms. Gafken for Public Counsel.
 16 MS. GAFKEN: Thank you. There are a number
 17 of exhibits that we're objecting to, and I think it
 18 makes sense to group them and take them separately as we
 19 go.
 20 The first two that I'll address is BR-33X
 21 and BR-87X. BR-33X is a request from WMD or -- I'm
 22 sorry -- a request to WMD for privileged communications
 23 and protected work product. There is nothing relevant
 24 that's contained in this exhibit. Any substance of
 25 question would require an answer that includes the

Page 59

1 either privileged attorney-client communications or
 2 protective work product due to a common interest
 3 agreement, Public Counsel, Commission Staff, and WMD.
 4 As a result, Public Counsel objects to the
 5 cross-exhibit contained in BR-33X and ask that it be
 6 excluded.
 7 I'll also address BR-87 as that appears to
 8 be somewhat related. That appears to be a response to a
 9 public records request and privilege log. The
 10 information subject -- I'm sorry -- the information
 11 contained in that exhibit is also subject to the same
 12 attorney-client privilege and work product doctrine that
 13 was established with the common interest agreement.
 14 There's nothing relevant that's contained in the
 15 unredacted portions of the exhibit. And as a result,
 16 Public Counsel again asks that the cross-exhibit
 17 contained as BR-87X be excluded.
 18 JUDGE KOPTA: Mr. Steese?
 19 MR. STEESE: With respect to these two
 20 exhibits, Your Honor, the entire point is what
 21 Ms. Gafken just said. And that is almost immediately
 22 after the outage occurred, Public Counsel, WMD began
 23 coordinating together.
 24 And so the fact that the Public Counsel
 25 witnesses are advocating positions taken by the WMD to

Page 60

1 us is something that is important to establish that they
 2 had been coordinating from, basically, day one.
 3 So from our perspective, we're not intending
 4 in any way, shape, or form to get into the common
 5 interest discussions. The entire purpose is to show the
 6 coordination that was taking place.
 7 JUDGE KOPTA: I really don't see that as
 8 something that the Commission needs to get involved
 9 with. We're really more interested in the underlying
 10 facts and what happened, not who is helping who. So I
 11 don't see any basis on which that information is going
 12 to be at all relevant to the Commission's determination.
 13 So I will sustain the objection to those two
 14 exhibits.
 15 Next, Ms. Gafken.
 16 MS. GAFKEN: Next, BR-39. BR-39 is an
 17 exhibit that contains a public records request from
 18 CenturyLink to WMD. And that public records request is
 19 focused on ComTech. Also contained in that exhibit is a
 20 letter from WMD to CenturyLink addressing certain
 21 service credits under the contract.
 22 Neither document is relevant to the
 23 proceeding at hand. This proceeding is focused on
 24 CenturyLink, not ComTech. The contract remedies are
 25 also irrelevant to whether CenturyLink met its

Page 61

1 regulatory liability. And as a result, Public Counsel
 2 objects to the cross-exhibit contained in BR-39X and
 3 asks that it be excluded.
 4 JUDGE KOPTA: Mr. Steese?
 5 MR. STEESE: Yes, Your Honor. BR-39X is
 6 actually an attachment to the motion -- our response to
 7 the motion for summary determination. Public Counsel's
 8 argument is that CenturyLink breached the contract by
 9 failing to provide various network and transport
 10 responsibilities here. We think that that is
 11 misdirected. This letter shows that they had an
 12 opportunity to a certain breach of contract against
 13 CenturyLink and, in fact, sent a letter demanding
 14 service level credits. And -- and we objected, saying
 15 that we were not the cause of the outage.
 16 So this letter goes directly to the issues
 17 that are at issue and placed at issue by Public Counsel.
 18 MS. GAFKEN: If I may, Mr. Steese mistakes
 19 what the basis of our motion for summary judgment is.
 20 We are not alleging breach of contract, but we are
 21 pointing to the contract as evidence of what
 22 CenturyLink's duties were with respect to the 911.
 23 JUDGE KOPTA: Well, again, this is something
 24 I don't see any relationship to this in Mr. Rosen's
 25 testimony, and certainly there's enough evidence in the

Page 62

1 record to make the argument that you want to make,
 2 Mr. Steese. I don't think the document is necessary for
 3 that. So I sustain the objection to that document.
 4 Next.
 5 MS. GAFKEN: Okay. The next one is an
 6 exhibit that has a couple of different exhibit
 7 designation. BR-42CX, which has also been designated
 8 JDW-52CX. This exhibit contains CenturyLink's vendor
 9 agreements and a contract between CenturyLink and
 10 ComTech related to ALI, the ALI transition.
 11 JUDGE KOPTA: And ALI is A-L-I all caps?
 12 MS. GAFKEN: Yeah. Okay.
 13 JUDGE KOPTA: For the court reporter.
 14 MS. GAFKEN: That's a good -- good reminder,
 15 Judge Kopta. Public Counsel objects to the relevance of
 16 this exhibit as the documents do not relate to questions
 17 of this docket. As a result, Public Counsel objects to
 18 Cross-Exhibit BR-42CX and JD-52CX and asks that these
 19 exhibits be excluded.
 20 JUDGE KOPTA: Mr. Steese?
 21 MR. STEESE: The contracts between ComTech
 22 and CenturyLink and -- all part of the transition
 23 network. We think this is highly relevant to the
 24 proceeding, and it should be included.
 25 JUDGE KOPTA: I, again, do not see a

Page 63

1 connection between these documents and Mr. Rosen's
 2 testimony. If he has any personal knowledge about
 3 these, that's one thing. If he does not, then there's
 4 no basis to allow these in through his testimony.
 5 Therefore, I will sustain the objection on
 6 that basis.
 7 Next, Ms. Gafken.
 8 MS. GAFKEN: The next that three -- three BR
 9 exhibits -- and they do have corresponding other
 10 exhibits. So let me list those exhibits first and then
 11 get into the argument.
 12 BR-43X, which is also designated as JDW-53X;
 13 the next set is BR-44X, which is also designated as
 14 JDW-54X and JHJ-24X. And then the next one is BR-45CX,
 15 which is also designated as JDW-55CX and JHJ-25CX.
 16 And although one of these exhibits or one
 17 set of exhibits is designated as confidential, I do not
 18 need to talk about what the confidential information is
 19 in that to make the objection.
 20 So this set of exhibits addresses Commission
 21 Staff's informal request for information directed at
 22 ComTech during its investigation prior to filing the
 23 complaint that we are here for the hearing for.
 24 Public Counsel objections to these exhibits
 25 as being irrelevant and beyond the scope of this

Page 64

1 proceeding.
 2 BR-43X, and JDW-53X is Staff's response to
 3 CenturyLink Data Request No. 2, which asks Staff to
 4 produce communications with ComTech.
 5 BR-44X, JDW-54X and JHJ-24X contains the
 6 questions that Staff asks ComTech. BR-45CX, JD-5CX and
 7 JHJ-25CX contains ComTech's responses.
 8 This proceeding is focused on CenturyLink,
 9 not ComTech. And as a result, Public Counsel objects to
 10 the exhibits that I've identified and asks that they be
 11 excluded.
 12 JUDGE KOPTA: Mr. Steese?
 13 MR. STEESE: This proceeding absolutely
 14 relates to ComTech's network design. Mr. Rosen talks at
 15 great length about ComTech's network design and cites
 16 repeatedly to ComTech data request responses.
 17 So the fact that these responses are
 18 directly from ComTech, discuss its network design, at
 19 least some of them do, that the whole point is to look
 20 at the ComTech network design and determine whether or
 21 not it was or was not the cause of the outage, why 911
 22 calls did not complete.
 23 And, again, Mr. Rosen discusses at great
 24 length in both his direct testimony as well as in his
 25 responsive testimony ComTech data request responses and

Page 65

1 whether or not that network was or was not designed
 2 properly.
 3 JUDGE KOPTA: Well, I note that the exhibits
 4 as designated for witnesses other than Mr. Rosen are not
 5 exhibits to which Mr. McGinty or Staff has objected.
 6 I agree that ComTech's network is at issue
 7 in this proceeding. Therefore, I will overrule the
 8 objection with respect to the exhibits as designated for
 9 witnesses other than Mr. Rosen.
 10 If Public Counsel wants to make an objection
 11 to the use of those -- you know, those documents during
 12 Mr. Rosen's cross-examination based on any lack of
 13 personal knowledge that he may have about the responses,
 14 you are free to do so.
 15 But at this point, I admit those exhibits
 16 and overrule the objection.
 17 Next.
 18 MS. GAFKEN: Okay. The last two exhibits
 19 that I'll talk about at this point are BR-64X and
 20 BR-65X.
 21 Both of those exhibits are Public Counsel
 22 responses to CenturyLink data request asking about
 23 ComTech's SS7 capabilities. Neither exhibit presents
 24 relevant information, as ComTech SS7 capabilities are
 25 not subject to this proceeding. Therefore, we object to

Page 66

1 the admission of those Cross-Exhibit BR-64X and
 2 Cross-Exhibit BR-65X.
 3 JUDGE KOPTA: Mr. Steese?
 4 MR. STEESE: Your Honor, this is -- the
 5 response is the same. Comtech's network design and its
 6 SS7 design and capabilities are directly at issue in
 7 this proceeding.
 8 And for the exact same reason as I
 9 articulated moments ago, these documents go directly to
 10 that network design.
 11 JUDGE KOPTA: These are both responses to --
 12 by Public Counsel, specifically Mr. Rosen, to data
 13 requests from CenturyLink.
 14 I agree with Mr. Steese that this is an
 15 issue before the Commission. Therefore, I overrule the
 16 objection and will admit those two documents.
 17 Any other objections at this point that we
 18 can address?
 19 MR. STEESE: Your Honor, if I can briefly.
 20 I understand that in an email from this morning, Public
 21 Counsel said that they did not need to raise objections
 22 to the other exhibits at this point in time.
 23 In an effort to help the proceeding move
 24 quickly, we would ask, if possible, that we address the
 25 other remaining objections as well.

Page 67

1 MS. GAFKEN: The other remaining objections
 2 are going to be based on how the exhibits are used. So
 3 the ones that I've already addressed and that Judge
 4 Kopta ruled upon, those are ones that are more general
 5 in nature. And the other exhibits, as I said, will
 6 depend on how CenturyLink intends to use them with their
 7 witness.
 8 JUDGE KOPTA: I think that's a fair way of
 9 proceeding. I agree, Mr. Steese, it would be beneficial
 10 if we could address all objections at this point, but
 11 that does not seem to be something that we can do. So
 12 we will just await the use of those documents in
 13 cross-examination of Mr. Rosen to determine whether they
 14 will be admitted or not.
 15 All right. I think that takes care of
 16 exhibits. The other elephant in the room is
 17 confidentiality.
 18 Several of the parties and the Commission
 19 itself have raised the issue of the extents to which we
 20 need to close those hearings to those who have not
 21 signed the confidentiality agreement or otherwise
 22 entitled to review confidential information.
 23 Mr. Steese, are you going to be addressing
 24 this on behalf of CenturyLink?
 25 MR. STEESE: Your Honor, yes, I will.

Page 68

1 JUDGE KOPTA: All right. First question I
 2 have for you, given that Mr. Sherr was the one who
 3 raised this initially is, how much of the
 4 cross-examination that you're anticipating would need to
 5 be in a closed session?
 6 MR. STEESE: That's obviously very witness
 7 dependent, Your Honor. There are a couple of witnesses
 8 that it will be minimal.
 9 But in terms of Dr. Akl, it will be
 10 virtually all of his examination. Mr. Webber will
 11 probably be about 70 percent, and Mr. Rosen about --
 12 JUDGE KOPTA: Sorry. I didn't hear the
 13 percentage for Mr. Rosen.
 14 MR. STEESE: About 50 percent.
 15 And it's the -- kind of this thing where
 16 there's two issues.
 17 One is the details are almost always
 18 identified as confidential, and the details are what we
 19 need to discuss.
 20 But the other is if we share a document on a
 21 screen that has a line identified as confidential,
 22 irrespective of whether or not I am asking about that
 23 particular line, it is important for the witness to be
 24 able to see the exhibit and for everyone to be on the
 25 same page.

1 And so that only, in a couple of instances I
2 can think of, is going to pose an issue. We have tried
3 very hard to -- places or -- where it's a start and stop
4 with minimal public questions because you have to set
5 some foundation sometimes in the middle that would not
6 be confidential.

7 But it's going to be rather extensive, and
8 in that vein, too, we saw that WMD sent an email earlier
9 today. We want to make sure that we understand the
10 bounds of what is deemed confidential to make sure that
11 we don't cross a bridge that WMD does not want us to
12 cross in terms of the types of questions that we might
13 ask that might seem not confidential to us that they
14 would find to be confidential.

15 JUDGE KOPTA: Mr. McGinty, do you anticipate
16 delving into confidential information in your
17 cross-examination of CenturyLink witnesses?

18 MR. MCGINTY: Yes, I do. Particularly with
19 the clarification today that call flow information is
20 confidential.

21 I can't imagine -- you know, and obviously,
22 this is a difficult subject to talk about because you
23 might ask a question that you don't think imposes or
24 creates an opportunity for an answer with confidential
25 information, but then, you know, it does in an

1 information.

2 I do want to note that, of course, we would
3 prefer to have as much of this proceeding be open as
4 possible, understanding completely that there are some
5 very sensitive topics being talked about.

6 Regardless of how much of the proceeding
7 ends up being in a closed session, Public Counsel would
8 urge the Commission to, of course, write the order that
9 would clearly allow the public to understand what's
10 happened in this case. And I am confident that the
11 Commission will do that. I wanted to express that on
12 the record.

13 So in any event, we do recognize the need
14 to, most likely, close at least portions of this
15 proceeding. But, of course, always lean towards wanting
16 as much open to the public as possible.

17 I am going to ask Mr. Nelson to respond to
18 what portion of the cross that we anticipate might be
19 confidential.

20 MR. NELSON: Good morning, Your Honor. John
21 Nelson on behalf of Public Counsel. I both underscore
22 Ms. Gafken's comments about generally speaking the
23 preference for open tribunals.

24 However, I do also share Mr. McGinty's
25 comments about anticipating when or when not we may

1 unanticipated way.

2 So this is difficult for me to imagine a way
3 to delineate between a non-confidential cross and a
4 confidential cross of any of the witnesses I intend to
5 examine.

6 JUDGE KOPTA: And do you have any rough
7 estimate of the amount of your cross that might involve
8 confidential information?

9 MR. MCGINTY: I think it's virtually all or
10 could be all, especially with the clarification that WMD
11 made today, that their intention that anything that may
12 involve confidential information not to be in closed
13 session, I think that's got to be everything.
14 Everything may involve confidential information.

15 JUDGE KOPTA: Ms. Gafken or Ms. Suetake?

16 MS. GAFKEN: I will start with some
17 comments, and then I may need to pass the baton to
18 Mr. Nelson to address how much -- what portion of the
19 cross may or may not be confidential.

20 But I did want to say that certainly Public
21 Counsel supports using a closed session for those
22 portions that would cover confidential materials.
23 Commission does have a process that allows us to do this
24 when we can't conduct cross that does elicit a
25 confidential response or touches on confidential

1 delve into confidential matter. You know, for example,
2 question may not intend to delve into it, and the
3 response elicited from the witness may very well go down
4 confidential material, just given the technical nature
5 of this case.

6 So, you know, I normally would like to take
7 it on a witness-by-witness basis, but I do believe that
8 some portions -- it's reasonable to expect some portions
9 of the cross testimony to delve into confidential
10 material.

11 JUDGE KOPTA: Well, this is a dilemma
12 because this case does involve a much larger share of
13 information that's designated as confidential than most
14 hearings. And the fact that we're doing it virtually
15 makes it that much more challenging.

16 If, for example, a witness you anticipate
17 that 70 percent of the cross is going to be
18 confidential, I don't see any basis for having a
19 non-confidential and a confidential session for that
20 witness. Rather just have the whole thing under a
21 confidential session.

22 The question then arises as to whether we do
23 this on a witness-by-witness basis or we do it on a more
24 global basis so that all confidential testimony, for
25 example, of one party's witnesses would be in a closed

Page 73

1 session while the nonconfidential portion would be
 2 conducted outside of that in the more open proceeding.
 3 Do parties have any suggestions or comments
 4 on which method would be most efficient?
 5 MR. STEESE: Your Honor, I have a question
 6 first.
 7 When I looked at and Mr. Sherr looked at
 8 WMD's comments earlier today, they were talking about
 9 network design and call flows. They were talking about,
 10 as we understood it, the current 911 network design.
 11 Obviously, the network design at issue here is the
 12 transition network design, which is no longer in place.
 13 So the question that we have for WMD is, if
 14 we're focussing on the transition network design, we
 15 don't know -- CenturyLink does not know which portions,
 16 if any, still are part of the existing network design.
 17 So might be that what we're talking about
 18 here is a vestige of the past, and we don't need to
 19 worry about the confidential portions.
 20 But if, in fact, WMD says the opposite, and
 21 that is any call flow information, which is what
 22 Mr. McGinty interpreted and I thought might be possibly
 23 what was intended, then CenturyLink's thought is we do
 24 the entire witness examination, if there is a
 25 significant portion that is confidential and

Page 74

1 confidential setting. And then what we can do is have
 2 the various parties, within some period of time
 3 afterwards, go through the transcript and identify the
 4 portions that are public. And then the Commission can
 5 post the public portions on its website.
 6 JUDGE KOPTA: Well, first of all,
 7 confidential information needs to be designated. And so
 8 I'm assuming that the parties have designated
 9 information that they believe is confidential.
 10 If someone wants to ask a question that
 11 elicits a response for information outside of the
 12 testimony that may be confidential, then I would expect
 13 that either counsel for that witness or Ms. Cortez would
 14 object, if we are in open session, to any response to
 15 that question.
 16 That having been said, that still leaves
 17 open the question of whether it makes sense to have to
 18 go witness by witness in terms of confidential session
 19 or whether we have a more global closed hearing.
 20 MR. STEESE: I think witness by witness.
 21 That's going, at least from us, there's going to be some
 22 that have a significant portion that are public, as I
 23 understand it. And so it makes sense to do witness by
 24 witness.
 25 JUDGE KOPTA: Ms. Gafken?

Page 75

1 MS. GAFKEN: Thank you. I did want to
 2 underscore that Public Counsel certainly does rely on
 3 the confidential designations in most instances. In
 4 most cases, confidential information is the Company's.
 5 Here we have an entity that also has a pretty strong
 6 confidential interest.
 7 But we -- it's not our information, and so
 8 we do rely on those designations. I do think that we
 9 would have to go through ours again, our presentation
 10 again and, perhaps, we'll need to refile certain things
 11 to mark things that look to be not confidential as
 12 confidential after the hearing.
 13 Having said that, I do think that a
 14 witness-by-witness approach would be appropriate and
 15 preferred instead of doing something more global.
 16 For example, I know that the -- there are
 17 some witnesses that will likely not need to touch on
 18 confidential information. For example, I don't believe
 19 that Public Counsel witness Stephanie Chase will have to
 20 touch on confidential information. And so I think, for
 21 those witnesses, we certainly do want an open process.
 22 But there are other witnesses that will, and
 23 I agree with what's been stated by the other parties.
 24 But if there's a large percentage of a witness's cross
 25 that is confidential, then the entire portion can -- can

Page 76

1 be done in a closed -- closed session.
 2 So those are our preferences.
 3 JUDGE KOPTA: All right.
 4 Judge Doyle, you had something that you
 5 wanted to add?
 6 JUDGE DOYLE: Yeah. Just a quick logistical
 7 matter. Our coordinator, Ryan Smith, put in the chat we
 8 have a number of entities on the call that are not
 9 properly identified. So when we do go into confidential
 10 proceedings, it will be a breakout room that's been
 11 designated by those who have been pre-identified as
 12 signing the confidentiality agreement.
 13 And so for instance, Room Audio 1, we can't
 14 admit that and guarantee confidentiality without knowing
 15 all the participants being clearly identified.
 16 So if you could either reidentify your --
 17 your connection or in the chat identify clearly exactly
 18 who is in that room so we can guarantee confidentiality.
 19 Thank you.
 20 MR. SHERR: Judge Doyle, I can respond to
 21 that briefly. This is Adam Sherr on behalf of
 22 CenturyLink.
 23 The CenturyLink team, which is rather
 24 significant for the hearing, is in downtown law office
 25 space. We are -- we are occupying two conference rooms.

1 The conference room that we're speaking from, I believe,
2 is identified as CLC Room 1. So we have a connection
3 for the room, but our individual connections are on our
4 computers.

5 And there is another -- what is the other
6 room identified as? There's another room identified
7 by -- it's just as -- I think there's a room that is
8 identified as Perkins Coie, and that contains -- there
9 are several members of our team that are there.

10 Everyone that is here on behalf of
11 CenturyLink Communications has signed the protective
12 order. So there is no one in either of those rooms that
13 has not signed the protective order.

14 If you need -- if you would like us to
15 provide a list and put it in the chat, I can. But you
16 can rest assured that everyone here has signed the
17 protective order.

18 JUDGE DOYLE: But I think that would be
19 appropriate so that all the parties can guarantee that
20 there's a list of those who are present.

21 We still have Room Audio 1, then a caller
22 (508) 654-2013 -- oh, excuse me. The caller has been
23 identified. So I guess it's just Room Audio 1. Is that
24 also --

25 MR. SHERR: Yes. That's us. As I speak,

1 them disclosed in the live and open presentation. Thank
2 you.

3 JUDGE KOPTA: Ms. Ornstein?

4 MS. ORNSTEIN: Thank you, Judge. I just
5 wanted to note that while we are discussing the
6 transition 911 system in the state of Washington, there
7 are many elements that are still in place today in the
8 state of Washington as well as in other states' 911
9 system. So that requires just an extra degree of
10 consideration when addressing us. We don't have an
11 objection to having a witness-by-witness approach, but
12 we'd ask all the parties to be particularly careful in
13 any of the details that are designated as confidential
14 now remaining. So it's not just the state of Washington
15 that may be impacted if something was to be a security
16 risk.

17 JUDGE KOPTA: All right. Well, it sounds
18 like the best approach is go witness by witness. So
19 what we will do is at the beginning of each witness's
20 testimony, go as far as we can with non-confidential or
21 if it's a witness that, essentially, there's very
22 little, if any, that is not confidential, then we can
23 identify -- then I would appreciate counsel conducting
24 the cross to inform us of that fact and we can
25 immediately, then, go into a confidential session.

1 you'll see that it identifies. So we're using the audio
2 from the room in this high-tech setting. So that's
3 why -- it has its own connection.

4 JUDGE DOYLE: Okay. So yeah. If you can
5 make that list available so that all the parties can
6 be -- rest assured that -- that everyone has signed that
7 agreement. Thank you.

8 MR. SHERR: You bet. Thank you.

9 JUDGE KOPTA: Ms. Cortez?

10 MS. CORTEZ: Thank you. Yes. I agree
11 with -- turning back to how the proceedings should be
12 handled, and I agree with everything that's been said.
13 I certainly can object when a question is asked.
14 However, I don't know what the witness will say, and I
15 think it's -- we've all indicated it could be that a
16 witness will misunderstand what is confidential and what
17 is not. And once information is out there, especially
18 as it relates to the security of the network, you know,
19 it's impossible to pull that back.

20 So I do think that the witness-by-witness
21 approach is best, and with the, you know, interest in
22 the open administration of justice, I think Mr. Steese's
23 suggestion is a good one, that we could release the
24 transcript later with an agreement of things that are
25 not confidential rather than taking the risk of having

1 I don't know about trying to do a review of
2 the transcript afterwards. We can talk about that at
3 the end of the hearing to see whether that makes sense.
4 I mean, we share Public Counsel's concern that as much
5 of our proceedings as possible should be open to the
6 public.

7 At the same time, we also are very aware
8 that much of this information is extremely sensitive,
9 and we do not want it to be available to those who are
10 not entitled to see it.

11 So we're trying to balance those two things.
12 And we will do what we can as we go forward. But I
13 think that's the best that we can do at the moment.

14 So are there any other preliminary matters
15 that we need to address before the Commissioners join us
16 and we begin the cross-examination?

17 Hearing none, I see that Commissioner Doumit
18 is --

19 MR. SHERR: Excuse me. Excuse me, Your
20 Honor. This is Adam Sherr. I'm sorry. I muted myself
21 for the benefit of all, but I am now off mute.

22 Just one brief preliminary matter, and that
23 is I believe asked on Friday if Commission knows if CLC
24 witness Lobdell would be excused or would be expected to
25 appear to receive questions from the judges -- from Your

Page 81

1 Honor or from the Commissioners. Do you happen to know?
 2 JUDGE KOPTA: We do not yet know at this
 3 point. I mean, some of it may depend on what the other
 4 witnesses' testimonies are and the extent to which
 5 Ms. Lobdell's take on some of the information or some of
 6 the information that comes up as it references to her
 7 testimony may be useful.
 8 So --
 9 MR. SHERR: Thank you.
 10 JUDGE KOPTA: -- I hate to have her sit
 11 around and wait and only not to have to do it, but the
 12 only thing I hate worse than that is us needing to ask
 13 her questions and she's not available.
 14 MR. SHERR: It's all good. Thank you for
 15 responding. Appreciate it.
 16 JUDGE KOPTA: All right. Sure.
 17 I see that the Commissioners have joined us.
 18 So at this point, let's take appearances for the record,
 19 beginning with Commission Staff.
 20 MR. MCGINTY: William McGinty on behalf of
 21 Commission Staff.
 22 JUDGE KOPTA: And Public Counsel.
 23 MS. SUETAKE: Public Counsel. This is Nina
 24 Suetake for Public Counsel, and I'm joined by
 25 co-counsels Lisa Gafken and John Nelson.

Page 82

1 JUDGE KOPTA: And for the Company?
 2 MR. SHERR: Morning. Adam Sherr on behalf
 3 of CLC.
 4 MR. STEESE: And Chuck Steese on behalf of
 5 CLC, Your Honor.
 6 JUDGE KOPTA: And for the Washington
 7 Military Department?
 8 MS. CORTEZ: Dawn Cortez on behalf of the
 9 Washington State Military Department.
 10 JUDGE KOPTA: And on behalf of ComTech?
 11 MS. ORNSTEIN: Susan Ornstein on behalf of
 12 Telecommunications Systems, Inc.
 13 JUDGE KOPTA: Any other appearances?
 14 All right. Hearing none, just a brief
 15 technical observation. Please mute your phones if you
 16 are not speaking or in the middle of doing the cross or
 17 being responded to cross questions.
 18 In addition, I don't think we need the
 19 cameras on, except for those who are directly involved
 20 in the cross-examination, just to sort of reduce the
 21 clutter a little bit. I mean, it's always nice to see
 22 people, but our focus is on the witness who is
 23 testifying.
 24 I will be on camera. I'm assuming the
 25 Commissioners will also be on camera and will be

Page 83

1 unmuted. So I think that should take care of
 2 everything.
 3 And with that, we begin with Staff
 4 witnesses. Mr. McGinty, do you want to introduce your
 5 first witness?
 6 MR. SHERR: Your Honor, can I interject?
 7 I'm sorry. This is Adam Sherr again. One more -- one
 8 more question.
 9 Do we know if everyone in the meeting room
 10 here has signed the protective order? There was an
 11 issue regarding confidentiality that just struck my mind
 12 that I don't think we need -- I think we touched on, but
 13 didn't address directly. And that is with regard to
 14 screen sharing. There may be a need to put onto the
 15 screen, for convenience of the witness, the document
 16 that's been marked confidential and to ask that witness
 17 a question, not necessarily about the confidential part,
 18 but that confidential information will then appear on
 19 the screen. If everyone in the room has signed the
 20 protective order, there isn't an issue with that, but if
 21 not, that may be an issue.
 22 JUDGE KOPTA: Well, my understanding is that
 23 we will only be addressing or disclosing confidential
 24 information in closed sessions. So if there's a need to
 25 screen share a portion of testimony that includes

Page 84

1 confidential information, then that should be in a
 2 closed session.
 3 The other option would be to use a redacted
 4 version that redacts the confidential portion to the
 5 extent that that's not germane to the questions that are
 6 being asked of that witness. Does that make sense,
 7 Mr. Sherr?
 8 MR. SHERR: It does. It does.
 9 JUDGE KOPTA: All right. Well, then, we
 10 will proceed along those lines.
 11 Mr. McGinty.
 12 MR. MCGINTY: Yes, Your Honor. First Staff
 13 witness is Jacque Hawkins-Jones, whose testimony has
 14 been prefiled with the Commission.
 15 COMMISSIONER DOUMIT: Your Honor -- if I
 16 may. Apologize.
 17 JUDGE KOPTA: That's right. Commissioner
 18 Doumit, I neglected to allow you to speak first. So
 19 please do.
 20 COMMISSION DOUMIT: I apologize for that,
 21 Your Honor. I have two statements for the record that I
 22 wanted to make, Your Honor. Both relate to the
 23 potential sort of, you know, involvements -- but in the
 24 matter.
 25 The first is that I worked for Verizon until

Page 85

1 I came to the Commission, and I learned from their
 2 record that Verizon as an originating provider was
 3 impacted in some degree by -- by the outage. I
 4 wanted to say I don't recall that incident, and I don't
 5 recall having anything to do with it sort of at the
 6 time. But I wanted to state that for the record and
 7 want, you know, to ask whether there will be any
 8 objections to my participation based on that prior
 9 affiliation.

10 JUDGE KOPTA: All right. So are there any
 11 objections to Commissioner Doumit participating in this
 12 proceeding under -- with that understanding?

13 MR. MCGINTY: No objections from Staff.

14 JUDGE KOPTA: I hear no other objections,
 15 and therefore, there are none. So we are -- second
 16 point.

17 COMMISSIONER DOUMIT: Second point, yes --
 18 thank you, Your Honor -- is that my son works for Delta
 19 Partners, which is a wholly owned subsidiary of FTI
 20 Consulting, one of the Company's witnesses, expert
 21 witnesses, and works with -- for FTI Consulting. I have
 22 not discussed this case in substance with my son
 23 whatsoever, but I did, again, want to make that
 24 statement for the record to discern whether there may be
 25 objections based upon my relationship with my son.

Page 86

1 JUDGE KOPTA: Are there any objections?
 2 MR. MCGINTY: No objections from Staff.
 3 MS. GAFKEN: No objections from Public
 4 Counsel.

5 JUDGE KOPTA: All right.
 6 COMMISSIONER DOUMIT: Thank you, Your Honor.
 7 Sorry for the interruption. Thank you.

8 JUDGE KOPTA: No, not at all. I'm glad you
 9 clarified that.
 10 (Jacque Hawkins-Jones sworn.)
 11 (Main session.)

12
 13 E X A M I N A T I O N
 14 BY MR. MCGINTY:
 15 **Q. Ms. Hawkins-Jones, so you previously filed**
 16 **testimony with the Commission; is that right?**
 17 A. Correct.
 18 **Q. And is all of that testimony still true and**
 19 **correct, to the best of your knowledge?**
 20 A. Correct.
 21 **Q. And you adopt it today?**
 22 A. Yes.
 23 **Q. Including the cross answering testimony that you**
 24 **filed?**
 25 A. Yes.

Page 87

1 MR. MCGINTY: No further questions.
 2 JUDGE KOPTA: All right. Your testimony has
 3 previously been admitted, and therefore, we will move to
 4 cross-examination. Who is going to be doing that,
 5 Mr. Sherr or Mr. Steese?
 6 MR. SHERR: This is Adam Sherr, Your Honor.
 7 I will be.
 8 JUDGE KOPTA: All right. Proceed,
 9 Mr. Sherr.

10 C R O S S - E X A M I N A T I O N
 11 BY MR. SHERR:
 12 **Q. Good morning, Ms. Hawkins-Jones. Nice to see**
 13 **you. I think we've spoken a couple times on the phone,**
 14 **but nice to meet you, well, sort of in person here.**
 15 **You were not a Commission employee at the time**
 16 **of the December 2018 outage; is that correct?**
 17 A. Correct.
 18 **Q. You joined the Commission in August of 2019?**
 19 A. Correct.
 20 **Q. When were you assigned to investigate the outage**
 21 **at question in this case?**
 22 A. In August of 2019.
 23 **Q. Okay. Immediately upon joining the Commission?**
 24 A. Correct.
 25 **Q. Okay. Were you assigned to head the**

Page 88

1 **investigation on behalf of Staff?**
 2 A. I was assigned as the lead investigator of this
 3 investigation.
 4 **Q. Okay. Who was the lead investigator prior to**
 5 **you?**
 6 A. Susie Paul.
 7 **Q. Okay. Is Ms. Paul still an employee of the**
 8 **Commission?**
 9 A. No, she is not.
 10 **Q. When you were assigned to investigate the outage**
 11 **in August of 2019, were you told that the investigation**
 12 **was focused solely on CenturyLink?**
 13 A. No, I was not.
 14 **Q. When did that -- when was that decision made?**
 15 A. In consultation with Commission Staff and our
 16 then expert. After review of all the evidence, Staff
 17 made a determination in their investigative report.
 18 **Q. And when was -- when was the decision made that**
 19 **the investigation would be solely focused on**
 20 **CenturyLink?**
 21 MR. MCGINTY: Objection. Asked and
 22 answered.
 23 MR. SHERR: Well, with respect, I asked
 24 when, and I don't believe Ms. Hawkins-Jones responded.
 25 JUDGE KOPTA: I'll allow the question.

1 A. I wouldn't be able to tell you when exactly that
 2 occurred.
 3 BY MR. SHERR:
 4 **Q. Okay. And you mentioned a prior expert. That**
 5 **was Mr. Wheeler, correct?**
 6 A. Correct.
 7 **Q. Over the course of the two years Staff**
 8 **investigated the outage, Staff issued five sets of**
 9 **informal data requests to the Company; is that true?**
 10 A. I believe so. I would have to look to confirm.
 11 **Q. Could you take a look at Exhibit JHJ-3C, which**
 12 **was attached to your direct testimony. Let me know when**
 13 **you're there.**
 14 A. Okay. What was the number again?
 15 **Q. It's JHJ-3C. And this was the narrative portion**
 16 **of the Staff investigation report that you just alluded**
 17 **to.**
 18 A. And then what -- was this provided to the Staff?
 19 **Q. This is attached to your direct testimony.**
 20 A. So that's Staff investigation report?
 21 **Q. That's right. That's Exhibit JHJ-3C. Do you**
 22 **have access to that now?**
 23 A. Yes, I do.
 24 **Q. Okay. If you're -- are you looking at it**
 25 **electronically?**

1 **Q. Okay. And those have been -- just for your**
 2 **reference, those have been identified as**
 3 **Cross-Exhibits JHJ-26CX and 27CX?**
 4 A. Yes.
 5 **Q. You remember receiving these.**
 6 **And those call logs were broken out by hour by**
 7 **the total number of calls during that hour and by how**
 8 **many successful and failed calls to 911 there were; is**
 9 **that accurate?**
 10 A. Yes.
 11 **Q. Okay. And there was, again, there was one for**
 12 **CenturyLink and one for ComTech?**
 13 A. Correct.
 14 **Q. Okay. And if the calls -- if for each row,**
 15 **which was an hour of the day, the number -- for the**
 16 **number of failed calls, an error code was given as to**
 17 **the nature of the error. Do you recall that?**
 18 A. Correct.
 19 **Q. And CenturyLink in its cover email that -- that**
 20 **accompanied those call logs defined the various --**
 21 **various error codes. Do you recall that?**
 22 A. Yes, I do.
 23 **Q. And these logs showed thousands of failed 911**
 24 **calls during the time frame to ComTech, sort of PSAPs.**
 25 **Do you recall that?**

1 A. Yes, I am.
 2 **Q. Great. So it's a 28-page PDF. Could you look**
 3 **at page 12 of the PDF. If you go to the very bottom, it**
 4 **says page 10. I will note that in this case, most**
 5 **documents have multiple numbers on them. So that can be**
 6 **a little confusing, but let me know when you're there.**
 7 A. I am looking at page 10 of the report.
 8 **Q. Great.**
 9 **So if you look at the bottom -- the bottom --**
 10 **the very, very end of that page, it says 2018**
 11 **investigation information. Could you just read to**
 12 **yourself the first sentence?**
 13 A. Okay.
 14 **Q. Does that refresh your recollection as to how**
 15 **many sets of data requests the Staff sent to CenturyLink**
 16 **during the course of the investigation?**
 17 A. Yes.
 18 **Q. Okay. It was five; is that correct?**
 19 A. Correct. It says five.
 20 **Q. Great.**
 21 **In your response to Staff's final set of**
 22 **informal data requests to CenturyLink, that was from**
 23 **August of 2020, CenturyLink produced 911 call logs, one**
 24 **for CenturyLink, one for ComTech. Do you recall those?**
 25 A. I do recall seeing call logs, yes.

1 A. Correct.
 2 **Q. And virtually no unsuccessful calls to**
 3 **CenturyLink PSAPs. Do you recall that?**
 4 A. That's how it was presented, yes.
 5 **Q. Okay. And CenturyLink explained that the small**
 6 **number of uncompleted calls did not actually fail as a**
 7 **result of the network outage. Do you recall that?**
 8 A. I believe that's how it was presented, yes.
 9 **Q. Okay. After receiving that data -- and let me**
 10 **go back.**
 11 **So this was -- you received the data several**
 12 **months before the complaint was filed in this case**
 13 **against CenturyLink, true?**
 14 A. Yes.
 15 **Q. Okay. After receiving the data that we just**
 16 **discussed, did Staff send any follow-up questions to**
 17 **ComTech?**
 18 A. I don't believe so, no.
 19 **Q. None to explore whether something specific in**
 20 **ComTech's practices or network design caused 911 calls**
 21 **to fail in Washington?**
 22 A. So we didn't send any follow-up after receiving
 23 these.
 24 **Q. Okay. And over the course of the same two-year**
 25 **investigation, Staff sent one set of data requests,**

1 informal data requests, to ComTech. That was in
2 February of 2019, and another brief follow-up -- set of
3 follow-up questions in August of 2019. Do you recall
4 those?

5 A. I recall sending data requests to CenturyLink
6 during those times. I don't recall exactly what was on
7 them.

8 Q. Okay. Well, fair enough. Let me clarify. I'm
9 talking about sending data requests to ComTech, not
10 CenturyLink.

11 A. Correct, yes.

12 Q. Okay. So there was an -- and if -- for your
13 reference -- and this isn't a memory test -- so for your
14 reference, Exhibit JHJ-24X and JHJ-25CX are the two sets
15 of questions.

16 A. Yes.

17 Q. Just to clarify, you recall that there were --
18 there was one set of questions sent in February '19 --
19 of 2019 and then a brief follow-up sent in August of
20 2019?

21 A. Correct.

22 Q. Let's take a look at Exhibit 24X. Let me know
23 when you have that on your screen.

24 A. I have it available.

25 Q. This document -- excuse me. Go ahead.

1 don't want your answer to include anything that's been
2 identified as confidential.

3 But do you have Exhibit JHJ-25CX in front of
4 you?

5 A. Yes, I do.

6 Q. Okay. And these are the August 2019 follow-up
7 question from Staff to ComTech as well as their
8 September 12, 2019 responses; is that correct?

9 A. That is correct.

10 Q. Okay. And, again, you have this electronically
11 in front of you?

12 A. Yes, I do.

13 Q. If you could take a look at page 4 of the PDF.
14 I want to direct your attention specifically to the
15 question, the Data Request No. RS-3A. It appears about
16 halfway, two-thirds down the page.

17 A. Yes, I'm there.

18 Q. Can you just read the question and answer to
19 yourself, and let me know when you've done so.

20 A. Okay.

21 Q. Okay. So here ComTech explains that its SS7
22 connectivity was impacted by the outage and that it
23 experienced intermittent lack of redundancy -- excuse
24 me -- intermittent lack of circuit redundancy, correct?

25 A. Correct.

1 A. I have it available.

2 Q. I'm sorry. I spoke over you. Can you say that
3 again?

4 A. I have the document JHJ-24X open.

5 Q. Thank you.

6 And these are Staff's initial questions to
7 ComTech in February of 2019?

8 A. Correct.

9 Q. And Staff doesn't ask any questions here about
10 ComTech's network design, does it?

11 A. I didn't draft these questions. These were
12 drafted by Susie Paul. So these are the questions that
13 she asked at that time.

14 Q. Okay. Can you take a -- just take a look. I
15 understand that you didn't draft them. Can you take a
16 look through the questions. Let me know when you
17 proceeded reading through them.

18 A. Yes.

19 Q. Okay. Are there any questions about ComTech's
20 network design?

21 A. No.

22 Q. Thank you.

23 Let's look at Exhibit 25CX. Now, I will note
24 this document has been identified as confidential. And
25 so be careful to the extent that your answer -- you

1 Q. And Staff received these responses 15 months
2 before filing the complaint against CenturyLink, true?

3 A. They received them in September of 2019.

4 Q. And the complaint was filed in December of 2020?

5 A. Correct.

6 Q. Okay. Any time within those 15 months -- at any
7 time during those 15 months did Staff follow up to
8 investigate how ComTech design constructed or maintained
9 its SS7 network supporting 911 calling in Washington?

10 A. Staff was constantly reviewing information as
11 far as the data responses received from ComTech, and in
12 consultation with our experts on the -- how the network
13 was designed. And so that -- so I don't know if I would
14 be able to answer your question exactly.

15 Q. Well, let me ask a more specific question.

16 Did Staff follow up with ComTech to investigate
17 how ComTech's network was designed, constructed, or
18 maintained?

19 A. If there was no data request provided, then no,
20 Staff did not follow up with ComTech.

21 Q. Great.

22 And you reviewed the prefiled testimony of
23 CenturyLink witness Stacey Hartman, which has since been
24 adopted by Jeanne Stockman, correct?

25 A. That's correct.

1 **Q. Okay. And you saw that that, among other**
2 **things, that attached to that testimony were emails and**
3 **documents gathered by CenturyLink through discovery in**
4 **this case?**

5 A. Yes.

6 MR. SHERR: Your Honor, I think this is
7 where we may have to go into confidential concession for
8 one brief segment of questions.

9 JUDGE KOPTA: All right. Is it -- will you
10 be finished with your cross after this?

11 MR. SHERR: I will not. This is new. Would
12 you like me to -- would it be preferable I skip this and
13 come back to it?

14 JUDGE KOPTA: That would be my preference,
15 yes.

16 MR. SHERR: Okay.

17 JUDGE KOPTA: I don't want to have to go
18 back and forth. That's the concern I have. If this
19 comes up again, then we have to go into another session.
20 So let's get them all at one time.

21 MR. SHERR: Okay. Sounds good, Your Honor.

22 BY MR. SHERR:

23 **Q. Let me change subjects.**

24 **Looking back at Exhibit 25X.**

25 A. Okay.

1 **Z locations identified. Do you see those --**

2 A. Yes.

3 **Q. These are the circuits -- this is your**
4 **understanding that these are the circuits that ComTech**
5 **was leasing from CenturyLink for its use, for ComTech's**
6 **use, as SS7 links in support of its 911 network?**

7 A. That is ComTech's response, yes.

8 **Q. Okay. Do any of these four connections**
9 **originate and terminate within the state of Washington?**

10 A. I wouldn't be able to answer that.

11 **Q. Okay. Well, look at that, which is identified**
12 **as No. 1 here. I don't want you to read it out loud.**
13 **It identifies two locations.**

14 A. Correct.

15 MS. CORTEZ: Objection. If I may, I'm -- I
16 guess I'm a little confused. One of the things that I
17 asked not to be raised in the open sessions were
18 locations. These seem to be locations that relate, one,
19 to the transition, but, two, these two entities may
20 still be in place today. So I thought these things
21 would be addressed in the closed session.

22 JUDGE KOPTA: Well, they are designated as
23 confidential. So it sounds like you need to reserve
24 that for the confidential session, Mr. Sherr.

25 MR. SHERR: Understood. Thank you.

1 **Q. Could you scroll down to this is page 6 of the**
2 **PDF and, again, these are the follow-up questions from**
3 **ComTech to Staff, correct?**

4 A. These are their responses, yes.

5 **Q. Okay. So the follow-up questions, the questions**
6 **were issued in August of '19, these responses from**
7 **September of '19?**

8 A. Correct.

9 **Q. Okay. Looking specifically at the response to**
10 **question identified as RS-3C, which is the only -- the**
11 **only question that appears on that last page of the**
12 **document?**

13 A. Correct.

14 **Q. Okay. And I'll note that there is information**
15 **that is identified as confidential here. So please do**
16 **not read that information out loud.**

17 **Do you see that within that confidential**
18 **information, without identifying specifics to it --**

19 MR. SHERR: And I'll be honest, Your Honor.
20 I'm not sure if this information is still considered
21 confidential, but it's identified as such here. So I
22 will treat it as such.

23 BY MR. SHERR:

24 **Q. Seeing that -- where -- the information that is**
25 **identified as confidential, there are four circuit A and**

1 MS. CORTEZ: Thank you.

2 BY MR. SHERR:

3 **Q. Ms. Hawkins-Jones, let's look again at**
4 **Exhibit 3C, which is attached to your direct testimony.**
5 **This is the Staff investigation report.**

6 A. Give me one minute to pull it up.

7 **Q. Okay.**

8 A. Okay. I am there.

9 **Q. Okay. And this is the investigation report that**
10 **was filed on the -- with the Commission by Staff on the**
11 **same day as the complaint was filed in December of 2020,**
12 **true?**

13 A. I believe so, yes.

14 **Q. Did you draft the report?**

15 A. I did draft the report, yes.

16 **Q. Okay. Obviously, you were familiar with its**
17 **contents, then, before it was submitted by Staff?**

18 A. Yes, I am familiar with it.

19 **Q. Okay. And this 28-page document is merely the**
20 **narrative portion of the report, but the report also**
21 **contained voluminous exhibits as well, true?**

22 A. Correct.

23 **Q. Okay. And those have been filed with Commission**
24 **in this proceeding?**

25 A. Correct.

1 Q. Okay. If you could take -- and each of those
2 attachments were identified as Appendix A through -- I
3 can't remember -- but A through some letter; is that
4 true? N or O? That's how they were identified?

5 A. Yes.

6 Q. Okay. Can you please open, on your screen, the
7 document that's been marked as Exhibit JHJ-28CX?

8 A. Okay. I'm there.

9 Q. Okay. And this was marked, as you can tell from
10 the upper left-hand corner of the first page, this was
11 identified as Appendix G to the Staff investigation
12 report?

13 A. Correct.

14 Q. Okay. And what this document is is the root
15 cause analysis document compiled by ComTech just a
16 couple weeks after the outage; is that your
17 understanding?

18 A. Correct.

19 Q. When did Staff receive this document?

20 A. I would have to look to confirm the date.

21 Q. Do you know approximately when?

22 A. I believe sometime in January of 2019.

23 Q. Good enough. Thank you.

24 And you've read this document before, correct?

25 A. Correct.

1 Q. Do you agree that ComTech was responsible for
2 designing, constructing, and maintaining its own SS7
3 network?

4 MR. MCGINTY: Objection. Beyond the scope.

5 JUDGE KOPTA: Mr. Sherr?

6 MR. SHERR: I'm simply asking if

7 Ms. Hawkins-Jones, who led the investigation, has an
8 opinion as to whether ComTech had responsibility for its
9 own network.

10 JUDGE KOPTA: I will allow the question.

11 A. I am not a network design expert, and so I
12 wouldn't be able to speak on that. We worked in
13 consultation with our technical experts.

14 BY MR. SHERR:

15 Q. Does the Staff investigation report, which was
16 Exhibit JHJ-3C, does the Staff investigation report
17 address the sufficiency of ComTech's SS7 network design?

18 A. Staff's investigation report goes over the
19 recommendations provided to the Commission. And in that
20 case, it is regarding CenturyLink, not ComTech.

21 Q. Thank you.

22 I'm going to have you look back at your direct
23 testimony, which is Exhibit JHJ-1CT. Let me know when
24 you're there.

25 A. I am there.

1 Q. Could you look at the very last page, which is
2 page 6. Let me know when you're there.

3 A. I am there.

4 Q. Okay. The page 6 contains a table. The table
5 is entitled "Corrective and Preventative Actions." Do
6 you see that?

7 A. Yes.

8 Q. Would you read No. 4 to yourself. Again, it's
9 not clear to me what portions of these documents are
10 confidential. So I don't want you to read it aloud.
11 But can you just read what's been identified as No. 4 to
12 yourself, and let me know when you've done that.

13 A. Okay.

14 Q. Okay. At any point after receiving this root
15 cause analysis and before filing the complaint nearly
16 two years later, did Staff investigate whether ComTech
17 had sufficient circuit diversity for its SS7 links?

18 A. I wouldn't be able to say, given that this was
19 provided when I was not an employee of the Commission.

20 Q. Are you aware of any data requests or inquiries
21 sent by Staff to ComTech, at any point after this
22 document was received by Staff, where Staff inquired and
23 investigated as to whether ComTech had sufficient
24 circuit diversity in December of 2018 for its SS7 links?

25 A. Not to my knowledge.

1 Q. Okay. Great.

2 Can you look at page 5 of your testimony. Let
3 me know when you get to page 5.

4 A. I am there.

5 Q. Starting at line 4, there's a question, Please
6 briefly describe the December outage.

7 So here you briefly describe the outage to the
8 911 system in Washington, correct?

9 A. Correct.

10 Q. And you're aware that no part of CenturyLink's
11 911 system failed as a result of the Infinera outage,
12 aren't you?

13 A. Can you repeat the question?

14 Q. I can.

15 Are you aware that no part of CenturyLink's 911
16 system failed as a result of the Infinera outage?

17 A. I don't know if I would be able to agree with
18 that statement.

19 Q. Are you aware of any interference with calls
20 going between originating service providers and Intrado
21 gateway?

22 A. Could you rephrase?

23 Q. Sure. I'm simply asking your awareness. Are
24 you aware of any interference, any issues, with calls
25 traversing between originating service providers and the

1 **Intrado gateway?**
 2 A. Yes, I am aware.
 3 **Q. Okay. What issues were there between -- well,**
 4 **let me ask you this: Do you testify regarding problems**
 5 **with calls traversing between originating service**
 6 **providers and the Intrado gateway?**
 7 A. The information that Staff has and what I have
 8 testified to has been in consultation with our technical
 9 experts. And -- which is why we have what our
 10 determination and recommendation was in our report.
 11 So what I -- what I have testified to is what my
 12 recollection and knowledge is in the matter.
 13 **Q. Okay. I want to make sure that the question was**
 14 **clear enough because it may not have been to you.**
 15 **Are you aware that Intrado, I'm not speaking**
 16 **about ComTech and I'm not speaking about Infinera, that**
 17 **Intrado was the underlying 911 provider for CenturyLink**
 18 **in Washington at the time?**
 19 A. Yes, I am aware.
 20 **Q. Okay. So I am talking about the portion of the**
 21 **call that went between the originating service provider**
 22 **and Intrado's gateway.**
 23 **Do you have evidence that there were -- there**
 24 **were problems with calls going between the originating**
 25 **service provider and the Intrado gateway?**

1 Ms. Hawkins-Jones led the investigation that led to a
 2 complaint for millions of dollars against CenturyLink.
 3 The determination of that complaint, the key
 4 determination of that complaint, which is about 911
 5 failure, is whether CenturyLink was responsible for
 6 calls failing.
 7 And so I'm simply exploring
 8 Ms. Hawkins-Jones' knowledge, if she has any, as to the
 9 existence of problems at various portions of the call
 10 flow.
 11 JUDGE KOPTA: This witness does discuss the
 12 Commission Staff's investigation. So I think it's a
 13 proper inquiry, and if Ms. Hawkins-Jones doesn't know,
 14 she can say that she doesn't know.
 15 A. And I think I have stated that I am not a
 16 technical network design expert, and we did rely on our
 17 experts for that specific knowledge.
 18 BY MR. SHERR:
 19 **Q. Okay. So you don't know is your answer to the**
 20 **question?**
 21 A. Yes.
 22 **Q. Okay. Are you aware of any issues with the**
 23 **operation of the Intrado selective router at the time of**
 24 **the outage?**
 25 A. Could you restate the question?

1 A. I believe that I would not be the -- this -- can
 2 you rephrase the question?
 3 **Q. Sure. I can.**
 4 **Are you aware of any problems -- now this -- let**
 5 **me take you back. This is December of 2018, during the**
 6 **network event, during the outage.**
 7 **Are you aware of any calls failing, if you're**
 8 **thinking about the call flow, between the originating**
 9 **service provider and the Intrado gateway?**
 10 A. I'm not aware of calls failing.
 11 **Q. Okay. Are you aware of any issues with calls**
 12 **traveling between the Intrado gateway and the Intrado**
 13 **selected router?**
 14 A. Again, I'm not a network design expert, and we
 15 relied on them for their consultation in this
 16 investigation.
 17 **Q. Understood. But I'm asking about your**
 18 **awareness.**
 19 **Are you aware of any issues with calls traveling**
 20 **between the Intrado gateway and the Intrado selected**
 21 **router?**
 22 MR. MCGINTY: Objection. Lack of
 23 foundation. I'm not sure this witness is familiar with
 24 the call flow details counsel is asking about.
 25 MR. SHERR: Again, Your Honor,

1 **Q. Sure.**
 2 **Are you aware of any issues with the operation**
 3 **of the Intrado selective router at the time of the**
 4 **outage?**
 5 JUDGE KOPTA: Mr. Sherr, I understand where
 6 you're going with this. But I think we've pretty well
 7 established that Ms. Hawkins-Jones is not a technical
 8 expert. She's going to give you the same answer each
 9 time. So I don't know that it's terribly productive to
 10 continue down this road.
 11 MR. SHERR: I understand, Your Honor. I can
 12 move on.
 13 BY MR. SHERR:
 14 **Q. Ms. Hawkins-Jones, you understand that this**
 15 **complaint addresses not an outage on CenturyLink's 911**
 16 **network, but on an outage affecting one of CenturyLink's**
 17 **national transport networks; is that correct?**
 18 A. Correct.
 19 **Q. I'm going to have you change your screen one**
 20 **more time. If you take a look at Exhibit JHJ-4. Let me**
 21 **know when you're there.**
 22 A. You said JHJ-4?
 23 **Q. Yeah, 4. This was an attachment to your direct**
 24 **testimony as well.**
 25 A. I would need a minute to pull that up.

<p style="text-align: right;">Page 109</p> <p>1 Q. If you're not able to, I can also share my 2 screen. 3 A. That would be great. Thank you. 4 Q. Sure. Sorry. I could have said that earlier. 5 Are you able to see my screen? 6 A. Yes. 7 Q. Great. 8 And so Exhibit 4, JHJ-4, to your testimony was 9 the narrative of the FCC's investigation report from 10 August of 2019; is that correct? 11 A. Correct. 12 Q. Okay. And this is also Appendix C to the Staff 13 investigation report on file with the Commission, true? 14 A. Correct. 15 Q. Are you aware that CenturyLink, as a result of 16 this investigation, CenturyLink was fined a total of 17 \$500,000 for the nationwide impact of the outage by the 18 FCC? 19 A. Yes. 20 Q. And the FCC found only 11 failed calls on 21 CenturyLink's 911 network. And all of those were in 22 Arizona, none in Washington; is that correct? 23 A. If that's what they reported, yes. 24 Q. You don't have any reason to disagree with that? 25 A. I do not.</p>	<p style="text-align: right;">Page 111</p> <p>1 *CONFIDENTIAL TESTIMONY* 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 110</p> <p>1 Q. Okay. 2 MR. SHERR: Your Honor, the remaining 3 questions I'll go back to all need to be in confidential 4 session. 5 JUDGE KOPTA: All right. How long do you 6 anticipate your cross continuing? 7 MR. SHERR: Oh, probably about ten minutes. 8 JUDGE KOPTA: Okay. All right. I just want 9 to make sure we're still under our time limits. 10 It is currently 10:30. So why don't we take 11 our morning break. I would like to keep it to ten 12 minutes, if possible. So if we would -- well, in this 13 case, since it's 10:28, if we can resume at 20 until 14 11:00, and at that time we will go into confidential 15 session to allow you to ask questions that pertain to 16 information designated as confidential. 17 MR. SHERR: Thank you. 18 JUDGE KOPTA: Let's be off the record. 19 (A break was taken from 20 10:29 to 10:43.) 21 (Confidential session.) 22 [*CONFIDENTIAL TESTIMONY* 23 24 25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 112</p> <p>1 *CONFIDENTIAL TESTIMONY* 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 113</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 115</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 114</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 116</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*]</p>

Page 117

1 [*CONFIDENTIAL TESTIMONY*
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19 *CONFIDENTIAL TESTIMONY*]
20 (Pause in the proceedings.)
21 (Main session.)
22 JUDGE KOPTA: Let's be back on the record.
23 Understand that the Commissioners have no questions for
24 Ms. Hawkins-Jones.
25 Mr. McGinty, do you have redirect?

Page 118

1 MR. MCGINTY: Yes, very briefly, Your Honor.
2
3 R E D I R E C T E X A M I N A T I O N
4 BY MR. MCGINTY:
5 **Q. First of all, Ms. Hawkins-Jones, you testified**
6 **that you rely on consultation with experts in your**
7 **investigation in this case. Could you describe that**
8 **process?**
9 A. Sure. So the -- I don't know if I glitched out
10 for a second -- Staff did consult and hire the
11 consultants to provide us with the technical expertise
12 regarding the network, if we had questions, what that
13 looked like, walk us through, explain those things to us
14 to use and encapsulate that information into our
15 investigative report.
16 **Q. And what's the reason for that?**
17 A. That is because on Staff -- or -- yeah. On
18 Staff, the Commission Staff, did not have that in-depth
19 technical knowledge readily available.
20 **Q. Thank you.**
21 **Now secondly, you testified that the outage that**
22 **occurred in this case occurred on a CenturyLink national**
23 **transport network and not on its 911 system. Do you**
24 **recall that testimony?**
25 A. Yes.

Page 119

1 **Q. Did CenturyLink use that national transport**
2 **network to fulfill any 911 related responsibilities that**
3 **it had?**
4 A. Can you restate the question?
5 **Q. Sure.**
6 **So did CenturyLink use the national transport**
7 **network to fulfill any 911-related responsibilities that**
8 **it had?**
9 A. Yes.
10 **Q. And what were those responsibilities?**
11 A. To provide 911 service to the state of
12 Washington.
13 MR. MCGINTY: Okay. No further questions.
14 JUDGE KOPTA: All right. Thank you,
15 Ms. Hawkins-Jones. We appreciate your testimony. You
16 are excused.
17 Mr. McGinty, would you like to call your
18 next witness?
19 MR. MCGINTY: Yes. I think next witness in
20 the order is James Webber.
21 JUDGE KOPTA: All right. Mr. Webber, if you
22 could turn your camera on so we can see you.
23 THE WITNESS: Hopefully you can see me and
24 hear me now.
25 JUDGE KOPTA: I can both see you and hear

Page 120

1 you.
2 THE WITNESS: Excellent.
3 (James Webber sworn.)
4 JUDGE KOPTA: Mr. McGinty, do you have any
5 questions for Mr. Webber?
6 MR. MCGINTY: No. His testimony is
7 prefiled. As long as that's adopted and admitted into
8 the proceeding, no questions.
9 JUDGE KOPTA: It has been admitted with
10 certain caveats, but none that are germane to exhibits
11 that he filed.
12 So who on behalf of CenturyLink will be
13 questioning Mr. Webber?
14 MR. STEESE: Your Honor, it will be Chuck
15 Steese that's questioning Mr. Webber.
16 JUDGE KOPTA: Do you have a significant
17 amount of questions that do not involve confidential
18 information?
19 MR. STEESE: Very little, but some. I tried
20 to organize it where the first 20 minutes or so is
21 non-confidential, Your Honor, and then we would go into
22 confidential setting after that.
23 JUDGE KOPTA: Well, let's do it that way. I
24 want to make sure that we have as much on the public
25 record as possible. So, Mr. Steese, you may proceed.

Page 121

1 And when you get to the point where you are aware that
 2 confidential information is likely to be discussed,
 3 please let us know so that we can then go into
 4 confidential session.
 5 MR. STEESE: Of course, Your Honor.
 6 (Main session.)
 7
 8 CROSS - EXAMINATION
 9 BY MR. STEESE:
 10 Q. Good morning, Mr. Webber.
 11 A. Good afternoon here in Chicago.
 12 Q. Thank you.
 13 And we have met before in a different
 14 proceeding, correct?
 15 A. We have.
 16 Q. Let's start with a little bit about your
 17 background.
 18 You're not an engineer, correct, Mr. Webber?
 19 A. That's correct.
 20 Q. And I reviewed your CV, which is MDW-2, and it's
 21 several pages long, correct?
 22 A. I don't have the exact page count, but it is
 23 several pages long. That's true.
 24 Q. And in that CV you identify the various
 25 proceedings that you have acted as an expert in your

Page 122

1 career, correct?
 2 A. That is my intent, yes.
 3 Q. And I searched that, and the word 911 is nowhere
 4 in your CV. So have you ever been involved in a 911
 5 dispute before?
 6 A. Frankly, I don't recall if I've been involved in
 7 a 911 dispute, but I've certainly been involved in 911
 8 from a technical and a cost perspective assisting
 9 establishing 911 connectivity for at least one
 10 competitive local exchange carrier.
 11 So I do have experience with the costs, the
 12 equipment, the routing, the standards, and practical
 13 application.
 14 Q. But you have not designed a 911 network,
 15 correct?
 16 A. I don't know that I would say it -- that
 17 definitively. As you'll note in my CV, I was a member
 18 manager of the competitive local exchange carrier. And
 19 in that scenario, it was my responsibility to identify
 20 the signaling vendor, purchase the equipment, and
 21 establish the 911 functionality.
 22 So in that regard, yes, I have been involved in
 23 that, but that has not been the preponderance of my
 24 career.
 25 Q. So let's talk about that. You're talking about

Page 123

1 911 connecting as originating service provider, not as a
 2 911 provider, correct?
 3 A. That's fair.
 4 Q. And so when I'm talking about designing a 911
 5 network, I'm talking about designing a 911 network for
 6 911 providers. You've never done that, correct?
 7 A. Well, when you talk about designing a network,
 8 there's a lot involved in designing a network. And I've
 9 been involved in analyzing network design and costs for
 10 all sorts of purposes. And I have been involved in the
 11 implementation of 911 from the perspective, as you
 12 mentioned, of a local exchange carrier, which involves
 13 switching connectivity, signalling connectivity,
 14 decisions regarding SIGTRAN, SS7, direct interconnection
 15 via IP, et cetera.
 16 So a lot of the issues comingle and overlap.
 17 And I think it's, to be fair to your question,
 18 inaccurate to just blanket, make a statement that I've
 19 not been involved in issues related thereto.
 20 Q. That wasn't my question, though, Mr. Webber. My
 21 question was you were never involved in design of a 911
 22 network for a 911 provider. And you identified several
 23 things that you have done, but given that you didn't
 24 identify that you had worked for a 911 provider helping
 25 to design their network, I take it you have not done

Page 124

1 that, correct?
 2 A. I have not designed the totality of a 911
 3 network in the past. No, I have not.
 4 Q. So let's turn and focus on diversity for a bit,
 5 and let's make sure we're defining the issue here.
 6 You were aware that CenturyLink says in a 911
 7 network you should have circuits that are geographically
 8 diverse, network diverse, and provider diverse. That's
 9 what CenturyLink says, correct?
 10 A. Can you show me that?
 11 Q. You've read the testimony of Mr. Turner,
 12 correct?
 13 A. I have. It's been a while.
 14 Q. Do you not recall him saying that in his
 15 testimony?
 16 A. Not the three phrases that you identified
 17 together. So I would like to see that.
 18 Q. Are you aware that Mr. Rosen from Public
 19 Counsel's witness, who has designed 911 networks, says
 20 that circuits should be geographically, network, and
 21 provider diverse. Do you remember him saying that?
 22 A. Again, I don't recall the exact words. If you'd
 23 like to show it to me, I'd be happy to read it.
 24 Q. Okay. And your testimony is the only obligation
 25 is to be geographically diverse with your circuits if

1 **you're a 911 provider, correct?**
 2 A. I don't think that's fair to say. If you take a
 3 look at the back end of my first piece of testimony, I
 4 identified the quad scenario, if you will. My
 5 understanding that ComTech or TSYS was employing for
 6 signalling with CenturyLink's chosen provider, which was
 7 then TNS, that provides for physical diversity, it
 8 provides for geographic diversity, and it also provides
 9 for route diversity.

10 **Q. Okay. Perfect.**
 11 **So what CenturyLink and Mr. Rosen are saying is**
 12 **a lack of network or provider diversity was a flaw in**
 13 **ComTech's design, and you disagree with that, correct?**

14 A. I don't see any standard that was applicable,
 15 whether under the Commission's rules or the
 16 administrative codes in Washington, at the time of the
 17 outage that required the additional of, as you'll say
 18 it, provider diversity in addition to the terms that I
 19 previously identified.

20 **Q. Okay. Perfect.**
 21 **So let's focus -- I'm going to do share screen,**
 22 **and we will move things along faster. So I'm going to**
 23 **bring up JDW-16, which is attached to your testimony.**
 24 **Do you recognize this document? I have some words**
 25 **highlighted to draw your attention to, but do you just**

1 but it says a single outage, not a single point of
 2 failure.
 3 **Q. And here the way that ComTech designed its**
 4 **network, the Green CenturyLink Network provided the**
 5 **potential for a single point of failure, correct?**
 6 A. No, I don't believe that's true. I think the
 7 words "network" and "single point" in the statement that
 8 you just identified are being conflated.

9 A single point is typically considered to be a
 10 physical single point, whereas that Green Network that
 11 failed, failed at multiple nodes simultaneously, and the
 12 whole network went down, which traverses thousands of
 13 miles, not a particular single point.

14 So it was more than just a cut at a particular
 15 point in cable or a failure of a particular card that
 16 wasn't redundant or another failure of a piece of
 17 equipment that wasn't redundant, but rather the packet
 18 storm that propagated through that IGCC's brought down
 19 the entirety of the entire Green Network. So I can't
 20 agree that it's a single point.

21 **Q. Are you aware that Mr. Rosen has identified**
 22 **software failures in the past as being, quote, "Single**
 23 **points of failure." You don't recall him testifying to**
 24 **that?**

25 A. I don't recall his testimony verbatim, no.

1 **recognize this as an FCC release from October 15 of**
 2 **2019, relating to the outage on the Green Network?**

3 A. I see that.
 4 **Q. And do you see a paragraph highlighted, the**
 5 **first bullet. The FCC says, as of at least October 15**
 6 **of 2019, ensure sufficient circuit diversity including**
 7 **provider diversity; do you see that?**
 8 A. Yes. So a year later the FCC is making
 9 recommendations that describe adding provider diversity.
 10 I do see that.

11 **Q. And the reason is, quote, "To ensure that a**
 12 **single outage won't simultaneously affect different**
 13 **circuits," correct?**

14 A. Can you show me that?
 15 **Q. It's highlighted right below.**
 16 A. I do see that, yes. Again, this is a year after
 17 the outage, and this is adding, as I recall, additional
 18 recommendations to the industry after this outage, not
 19 prior to.

20 **Q. We'll get to that in a minute.**
 21 **But the whole point here is to make sure that**
 22 **there is no single point of failure that can cause 911**
 23 **calls to not complete. That's the reason for provider**
 24 **diversity, correct?**

25 A. It says -- well, the words speak for themselves,

1 **Q. Now, you said that --**
 2 A. And let me -- let me be clear. I don't intend
 3 to be argumentative in this regard. We've got thousands
 4 of pages at issue in this case. I don't remember
 5 Mr. Rosen's testimony verbatim, and that's my point. It
 6 says what it says.

7 **Q. So your point with respect to Exhibit JDW-16 was**
 8 **this was a year after the outage. There was no standard**
 9 **that you can think of that created network or provider**
 10 **diversity for 911 providers before the incident. That's**
 11 **your testimony, correct?**

12 A. Can you show me that phrase?
 13 **Q. I just think that's what you testified to,**
 14 **correct?**

15 A. I don't recall saying that in my written
 16 testimony the way you've described it.

17 **Q. I thought you just said that a moment ago; did**
 18 **you not?**

19 A. We can go back and read the entirety of what I
 20 said a moment ago. My general point here is this is
 21 something that the FCC is seeking to do a year after the
 22 outage because the industry has matured and learned more
 23 and is now seeking guidance and establishing more
 24 information for the industry to consider as to
 25 reliability.

1 You'll notice that this CSRIC standards are
2 identified immediately above the highlighted language.
3 They did not include the language that's below, and the
4 FCC here is looking into that issue and establishing
5 additional industry guidance.

6 JUDGE KOPTA: I just want to interrupt for
7 the court reporter's benefits. CSRIC is all caps
8 C-S-R-I-C, correct?

9 MR. STEESE: That is correct.

10 THE WITNESS: Thank you, Your Honor. And
11 I'll try to be more specific when I speak. I forget the
12 acronyms are so plentiful in our industry.

13 JUDGE KOPTA: Yes, they are, indeed. And I
14 believe you also said something about SIGTRANS.

15 THE WITNESS: I did.

16 MR. STEESE: S-I-G-T-R-A-N, all caps.

17 JUDGE KOPTA: All right.

18 THE WITNESS: And it's shorthand for
19 signalling transport.

20 JUDGE KOPTA: Okay. Again, we're just
21 trying to make sure that everybody can know what is
22 going to be down on the page.

23 BY MR. STEESE:

24 **Q. Well, Let's look at Exhibit JDW-67X -- CX,**
25 **excuse me. But the page I'm going to be talking about**

1 MS. GAFKEN: Judge Kopta, if I may, it
2 sounds to me like the witness doesn't know which exhibit
3 it is that Mr. Steese is referring to. So providing
4 that exhibit number, it's JDW-67CX.

5 MR. MCGINTY: This is on page 31 of the PDF.
6 So it won't -- if you're just opening up PDFs, it won't
7 be apparent from the first page.

8 THE WITNESS: Okay. And I apologize for the
9 technical -- here.

10 BY MR. STEESE:

11 **Q. I'll ask you my first question. Do you see that**
12 **this NENA document was approved by the NENA executive**
13 **board April 5, 2018, eight months before the outage?**

14 MR. MCGINTY: I'm going to object. Witness
15 has indicated he'd like to be able to open the whole
16 exhibit that earlier was approved. I'd like to give him
17 the opportunity to do that. Can we take a short recess
18 to make that happen? Maybe that's what we need to do?

19 JUDGE KOPTA: All right. Let's be off the
20 record while we address this technical issue.

21 (Pause in the proceedings.)

22 JUDGE KOPTA: Let's be back on the record.
23 And, Mr. Steese, you may proceed. I believe Mr. Webber
24 has at least a portion of the document to which you are
25 referring.

1 **will not have any confidential setting.**
2 **And do you see on page 31 of that PDF is**
3 **something entitled "Emergency Services IP Network Design**
4 **Information Document From NENA." Do you see that?**

5 A. Right now you've got the -- the title page up.
6 I would like to open up that document. So give me a
7 moment.

8 Do you recall the original exhibit number to my
9 direct?

10 **Q. This wasn't in your direct testimony, sir.**

11 A. Was it in my rebuttal testimony?

12 **Q. Nope. This is a cross-examination exhibit.**

13 A. Okay.

14 **Q. And do you see that -- do you know what NENA is?**

15 A. It's the emergency numbering administration.
16 Falls under the FCC's guidance.

17 **Q. And NENA is --**

18 A. I'm still looking for that document. So I would
19 like a moment.

20 JUDGE KOPTA: And, again, for the court
21 reporter's benefit, NENA is all caps, N-E-N-A.

22 BY MR. STEESE:

23 **Q. If you want me to move the page down or a few**
24 **pages, I will. My first question is going to be**
25 **relatively general, and then...**

1 THE WITNESS: I do.

2 BY MR. STEESE:

3 **Q. Mr. Webber, you can see that this is NENA**
4 **document that received executive approval on April 5 of**
5 **2018, correct?**

6 A. I agree with that.

7 **Q. And NENA is the industry body that is**
8 **exclusively responsible for overseeing 911 network**
9 **design, correct?**

10 A. It's one of the industry bodies that relates to
11 911 design, reliability, et cetera. There are CSRIC,
12 for example, under the FCC has a guidance as well,
13 but -- but it is certainly one of the premier bodies.

14 **Q. Let's turn to page 40 of the PDF. Do you see**
15 **section 2.1.2 ESInet design considerations?**

16 A. 2.12 ESInet design, I do.

17 **Q. And it's talking about ESInet, Emergency Service**
18 **Infrastructure, the mission critical infrastructure**
19 **systems that support NG911 must be established with the**
20 **very highest degree of security reliability, resiliency,**
21 **redundancy, survivability, and diversity. And it**
22 **continues. Do you see that?**

23 A. I do.

24 **Q. And it says it is important to point out that**
25 **even when redundant physical circuits are quartered, for**

1 **the most part Legacy PSAPs do not have dual**
 2 **facilities -- dual entrance facilities. Do you see**
 3 **that?**
 4 A. Yes, and a PSAP is capitalized, P as in Paul,
 5 Sam as in Simon, A as in apple, P as in Paul, little S.
 6 And that would be the center at which the calls are
 7 answered.
 8 **Q. It next talks about further these systems and**
 9 **networks will remain fully operational during regular**
 10 **daily operations as well as during and immediately**
 11 **following a major natural or manmade disaster on a local**
 12 **region and even -- and even nationwide basis. Do you**
 13 **see that? Do you see that, sir?**
 14 A. No, not yet.
 15 **Q. Did you see it highlighted? It's in the**
 16 **bottom -- last sentence of paragraph 1.**
 17 A. Not in the version that I have. Oh, I see
 18 you've highlighted a different document. Yes, I see
 19 that.
 20 **Q. And --**
 21 A. Again, we're talking about the PSAP facilities
 22 at their locations where they're answering calls.
 23 **Q. The next it says, When feasible, alternate**
 24 **network access paths are highly desirable to consider**
 25 **during the ESInet design process.**

1 **rest of the 911 network? Is that what you're saying?**
 2 A. My answer is that I've stated.
 3 **Q. And several vendors may interconnect upstream**
 4 **and, essentially, use the same backbone. And so it is**
 5 **important to understand where vendors may interconnect**
 6 **and how they interconnect and design an ESInet to**
 7 **minimize or avoid situations that lack redundancy**
 8 **throughout the network.**
 9 **Do you see that?**
 10 JUDGE KOPTA: Mr. Steese, I'm going to
 11 interrupt you at this point. I'm having a hard time
 12 understanding how it's useful to have Mr. Webber and you
 13 read all of these portions of this document and ask
 14 Mr. Webber about them. I don't understand what you're
 15 getting at here, and we seem to be using a lot of time
 16 to take up that particular line of inquiry.
 17 MR. STEESE: Mr. Webber is specifically
 18 testifying that there was no standard that he was aware
 19 of that suggested provider diversity was critical to
 20 consider. And here is a document from NENA, one of the
 21 leading industry bodies by his own admission, that talks
 22 about supplier diversity and talks about how you should
 23 manage supplier diversity.
 24 And I'm going to ask him when -- because
 25 it's obvious he has not looked at this critical

1 **Do you see that?**
 2 A. I do, and that's similar to the quad design that
 3 was used by ComTech that we had talked about earlier.
 4 Here, we're talking about alternate entrance
 5 facilities, if you will, into a building where a PSAP is
 6 located. So you might have a cable entering on the
 7 north side of the building. And, if you're lucky, a
 8 cable that enters on the south side of the building in
 9 case something happens.
 10 On one side of the building, at least, the
 11 circuits into that building has one -- or one of the
 12 circuits entering that building may not have been
 13 damaged.
 14 **Q. The next paragraph says, The same level of care**
 15 **should be taken when purchasing circuits from vendors.**
 16 **In many instances, multiple circuits from providers is**
 17 **assumed to create greater diversity and redundancy.**
 18 **Do you see that?**
 19 A. I do.
 20 **Q. So here NENA is specifically talking about**
 21 **provider diversity, correct?**
 22 A. Within the context of the PSAP buildings where
 23 the calls are answered, they are, yes.
 24 **Q. And are you saying that the entrance into the**
 25 **PSAP facility should have greater protections than the**

1 document, and I want to be able to make sure he
 2 understands what's here and then ask him some questions
 3 that go directly to his testimony.
 4 JUDGE KOPTA: Mr. Steese, that's not your
 5 job to educate Mr. Webber on this document. If he's not
 6 familiar with it, it's not an appropriate area to cross
 7 him. Establish that he has not seen this before, if you
 8 can establish that, and then we move on.
 9 I just don't see that it's useful to have
 10 him read a document that he -- is not part of his
 11 testimony and with which he may or may not be familiar,
 12 only to get to a series of questions. I would say get
 13 to the series of questions after you establish whether
 14 or not he is familiar with this document and the
 15 information it contains.
 16 MR. STEESE: So I'll ask Mr. Webber a very
 17 specific question.
 18 BY MR. STEESE:
 19 **Q. Were you aware of this document when you were**
 20 **drafting your testimony? Did you consider it?**
 21 A. Not to my recollection, no.
 22 **Q. And isn't it true --**
 23 A. And previously, you and I discussed the CSRIC
 24 recommendations from the FCC that came out a year after
 25 this incident that we're talking about in 2018. A year

1 later, in 2019, the FCC came out with additional
2 guidance for resiliency for networks of the type that
3 we're talking about. I was familiar with that, and I
4 cited that information.

5 But, again, that was a year after this incident.

6 **Q. And so eight months before the incident, NENA,**
7 **the leading, one of the leading organizations,**
8 **specifically recommends getting provider diversity as**
9 **part of the ESInet design; isn't that true?**

10 A. I would have to read this document in its
11 entirety. Here, we're talking about entrance and exits
12 to PSAPs, which is different than designing the entirety
13 of the network. And without having studied this entire
14 document, I'm not going to further guess.

15 **Q. Is a connection into an ESInet only from a PSAP?**

16 A. I -- I don't understand your question.

17 **Q. When you talk about an ESInet, an ESInet is the**
18 **entire network that forms 911, the entire 911 network,**
19 **correct?**

20 A. It is described as a 911 network. I wouldn't
21 say it's in the entirety because there are other facets
22 to 911 capabilities.

23 **Q. And an ESInet has connections from selective**
24 **routers into switches, and it eventually makes its way**
25 **into PSAPs, correct?**

1 **Q. I'm just asking did you consider it?**

2 A. No.

3 **Q. Let's look at Exhibit WMD-70.**

4 JUDGE KOPTA: Before we -- before we read, I
5 notice some of that information was highlighted. Is
6 that designated as confidential?

7 MR. STEESE: Your Honor, I was trying to
8 keep the highlights off the screen. If it was there, I
9 apologize. I am trying very hard to not do that.

10 JUDGE KOPTA: All right. Well, I just want
11 to caution everyone that we are not in confidential
12 session. So if you're sharing your screen, please do
13 not include information that's designated as
14 confidential.

15 MR. STEESE: I apologize, Your Honor. Thank
16 you.

17 BY MR. STEESE:

18 **Q. Let's look at JDW-75X. Do you see that JDW-75X**
19 **is the June 24, 2016, statement of work from ComTech to**
20 **the Washington State Military Department?**

21 A. That appears to be true, yes.

22 **Q. And this entire document, there's redactions in**
23 **it. This is the redacted version. We never got the**
24 **nonredacted version from ComTech. So I'm going to show**
25 **you the portions here that begin on page 177 of that**

1 A. Sure.

2 **Q. And the ESInet is far more than just the**
3 **straight connection into the PSAP, correct?**

4 A. Again, we're getting outside of my testimony.
5 But I would accept that premise. And, again, I would
6 accept this document says what it says, but I haven't
7 read it.

8 **Q. Let's look at Mr. Rosen's testimony, which is**
9 **BR-1C, bottom of page 20, continuing over to 21. You**
10 **looked at Mr. Rosen's testimony as part of your**
11 **preparation of your own materials, correct?**

12 A. Which testimony is this?

13 **Q. Mr. Rosen, Public Counsel's --**

14 A. Which testimony?

15 **Q. Oh, I'm sorry. His direct testimony.**

16 A. I don't recall responding to Mr. Rosen in my
17 reply testimony. And I don't recall whether I
18 considered this paragraph or not.

19 **Q. So you don't recall Mr. Rosen testifying on the**
20 **bottom of page 20, line 19, in building 911 systems, I**
21 **generally advise that supplier diversity be used to**
22 **guard against the kind of failure that occurred here.**

23 **You never remember looking at that?**

24 A. I -- I read it and I see that you read it
25 accurately. I don't --

1 **PDF.**

2 MS. CORTEZ: Objection. Even though there
3 are redactions, there appear to be highlighting that
4 would signify confidential information that is exposed.

5 MR. STEESE: That's not accurate. The
6 highlights are my highlights to draw his attention.

7 MS. CORTEZ: Oh, got it. Thank you.

8 MR. STEESE: Yes.

9 BY MR. STEESE:

10 **Q. So when you look at Exhibit 75X, did you ever**
11 **consider, Mr. Webber, in providing your testimony what**
12 **ComTech promised to deliver to Washington State Military**
13 **Department when -- with its 911 design? Did you ever**
14 **look at this?**

15 A. I don't recall talking about this document in my
16 testimony at all, whether in my initial testimony or my
17 reply. And I -- I don't recall having reviewed this
18 document. I may have, but I don't recall it.

19 **Q. Oh, sorry. I thought you were finished.**

20 **So in looking to see what ComTech promised to**
21 **deliver the State of Washington, you didn't consider the**
22 **document that identified, considered, or described what**
23 **they were going to deliver to the state?**

24 A. I think that mischaracterizes what I stated
25 previously.

1 What I indicated was I did not talk about this
2 document, whether in my direct testimony or in my reply
3 testimony. I don't recall whether I read this document,
4 and I don't recall statements, either in my direct or my
5 reply testimony, where I had analyzed what ComTech
6 promised to provide to WMD. That's simply not within
7 the scope of what I had done.

8 **Q. So you did not -- did you recall ComTech**
9 **promising that its network would eliminate all single**
10 **points of failure? Were you aware of that?**

11 A. I don't recall that. I see a document right
12 here that says something to that effect, but I don't
13 recall that.

14 **Q. Do you recall ComTech promising network**
15 **redundancy, similar diversity and redundancy influence**
16 **all network build-out aspects to consider. Did you --**
17 **were you aware of that?**

18 A. As I sit here, as I said before, I don't recall
19 having seen this document. I don't recall these phrases
20 particular -- particularly, but I don't dispute that
21 they exist.

22 **Q. And do you recall ComTech saying that it**
23 **implements redundancy through, quote, "Carrier**
24 **diversity," closed quote. Were you aware that they gave**
25 **that assurance to the state?**

1 **understood.**

2 **So let's look at page 56 of that document 74X.**

3 A. You're going to have to make that a lot bigger.
4 Sorry.

5 **Q. I'm -- it's page 56. It is PDF page 62, and, of**
6 **course, I'll make it bigger. Happy to do it.**

7 **And were you aware that the contract says that a**
8 **service level agreement failure occurs when there is**
9 **vulnerability to a single point of failure? Were you**
10 **aware of that?**

11 A. I -- I don't recall that being in that contract,
12 but it doesn't surprise me.

13 **Q. So then if we look at page 38, the force majeure**
14 **provisions of the contract. Why don't you take your**
15 **time and just read that provision to yourself, and then**
16 **I'm going to ask a few questions.**

17 A. Okay. I've read that.

18 **Q. So in this particular provision, the Washington**
19 **Military Department tells ComTech that if there is an**
20 **outage that could have been avoided utilizing applicable**
21 **redundancy requirements, then they are not -- they are**
22 **still responsible if they did not employ applicable**
23 **redundancy requirements, correct?**

24 A. I'm not an attorney, but I do see applicable
25 redundancy requirements as a phrase in the force majeure

1 A. I don't recall that in this document. I do
2 recall seeing that in responses to discovery. In TSYS's
3 or ComTech's answers to both the Staff and to PC I
4 recall that being identified, but I don't recall this
5 particular document.

6 **Q. You say PC, the Public Counsel?**

7 A. I do.

8 **Q. So then let's look at Exhibit 75X -- excuse**
9 **me -- 74X.**

10 **Did you look at the contract between the**
11 **Washington Military Department and ComTech in looking to**
12 **see what ComTech was contractually obligated to provide**
13 **to the State of Washington?**

14 A. I recall looking at a lot of the contract
15 documents to understand the network, and I forget the
16 exact question that you asked. So maybe you could
17 rephrase that.

18 **Q. I just want to make sure that there's a contract**
19 **between WMD and CenturyLink that you reference in your**
20 **testimony.**

21 **There's also a contract between WMD and ComTech,**
22 **and I'm asking whether you considered the contract**
23 **between WMD and ComTech?**

24 A. Yes, I looked at both.

25 **Q. Okay. Thank you. I just didn't know if I**

1 paragraph 1105.

2 **Q. And so if ComTech had designed its network in**
3 **accordance with NENA standards and employed carrier or**
4 **network diversity, this particular outage on the Green**
5 **Network would not have impacted their ability to**
6 **complete 911 calls, would it?**

7 A. I don't understand your question as it relates
8 to this paragraph. You've switched from redundancy to
9 some other term, and you're talking about the Green
10 Network outage.

11 **Q. Sorry?**

12 A. Well, I don't understand your question.

13 **Q. Fair enough.**

14 A. You're asking me to give a legal interpretation
15 on a question that I don't understand. So I think we're
16 going to have to back up and start with a new question.

17 **Q. NENA said that when designing a 911 network, one**
18 **is supposed to employ carrier diversity, correct?**

19 A. The portion of that contract that -- or the
20 portion of that NENA document you showed me was talking
21 about connectivity into the PSAPs, and I do recall
22 seeing the words "diversity" or the word "diversity" in
23 there, but I'm not going to interpret that whole
24 document right now. I haven't studied it. I told you
25 that previously.

Page 145

1 **Q. I'll ask a separate question, then, just a very**
2 **direct one. This is not looking at the contract.**
3 **Had ComTech deployed circuit diversity on its**
4 **signalling links -- strike that.**
5 **Had ComTech employed carrier diversity on its**
6 **signalling links and used something other than the**
7 **CenturyLink Green Network to deploy two of its**
8 **signalling links, the 911 calls to PSAPs served by**
9 **ComTech would have completed during the December outage,**
10 **true?**
11 **A. I can't say that with certainty. When you look**
12 **at the FCC's report, the FCC identifies people who were**
13 **impacted by the CenturyLink Green Network outage as a**
14 **general matter. When I say "people," I mean companies.**
15 **Two of those companies were West. Another one was TNS,**
16 **and if you had different circuits, if you will,**
17 **connected from ComTech to TNS, and TNS is in the middle**
18 **of ComTech and CenturyLink for the remaining**
19 **provisioning of the totality of the 911 services in the**
20 **state, and TNS is impacted, I don't know whether**
21 **different circuits connecting TNS to ComTech would or**
22 **would not have resolved the problem. I simply don't**
23 **have an answer to that. My answer is I don't know.**
24 **Q. But ComTech certainly did not have network**
25 **diversity on its signalling links, did it?**

Page 146

1 **A. I would disagree with that. When -- when you**
2 **look at my direct testimony, for the tail end of that**
3 **testimony, I identify the quad links. That basically**
4 **means there are two sets of STPs on both sides.**
5 **MS. CORTEZ: Objection. I -- I can't tell**
6 **where this testimony is going. I don't know if it's**
7 **going to stray into the various technical aspects of the**
8 **network that I've -- that I've indicated that we need to**
9 **protect. And so we've already mentioned several of the**
10 **providers that we'd hoped to avoid bringing out as well.**
11 **So maybe this would be better in the private session.**
12 **MR. STEESE: Your Honor, I was on the verge**
13 **of going into confidential setting so CenturyLink would**
14 **not oppose.**
15 **JUDGE KOPTA: All right. Then we will await**
16 **any further response to that question until we're in**
17 **confidential session.**
18 **Do you have anything else that we can**
19 **discuss in open session, Mr. Steese?**
20 **MR. STEESE: Your Honor, everything else is**
21 **going to be in and out of confidential.**
22 **JUDGE KOPTA: All right. Can you stop**
23 **sharing your screen for just a moment, Mr. Steese.**
24 **Let's be off the record for a moment.**
25 **(Pause in the proceedings.)**

Page 147

1 (Confidential session.)
2 [*CONFIDENTIAL TESTIMONY*
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25 *CONFIDENTIAL TESTIMONY*

Page 148

1 *CONFIDENTIAL TESTIMONY*
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25 *CONFIDENTIAL TESTIMONY*

<p style="text-align: right;">Page 149</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 151</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 150</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 152</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 153</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 155</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 154</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 156</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 157</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 159</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 158</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 160</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 161</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 163</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 162</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 164</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 165</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 167</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 166</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 168</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 169</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 171</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 170</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 172</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 173</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 175</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 174</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 176</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 177</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 179</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 178</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 180</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 181</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 183</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 182</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 184</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 185</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 187</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 186</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 188</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 189</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 191</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 190</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 192</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 193</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 195</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 194</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 196</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 197</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 199</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 198</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 200</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 201</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 203</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 202</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 204</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 205</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 207</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 206</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 208</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 209</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 211</p> <p>1 [*CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 *CONFIDENTIAL TESTIMONY*]</p> <p>15 (A break was taken from</p> <p>16 2:38 p.m. to 2:52 p.m.)</p> <p>17 (Main session.)</p> <p>18 JUDGE KOPTA: Let's be on the record after</p> <p>19 our afternoon break.</p> <p>20 We are ready for Staff's next and last</p> <p>21 witness, Mr. McGinty. Do you want to call him?</p> <p>22 MR. MCGINTY: Yes, next witness is Robert</p> <p>23 Akl.</p> <p>24 (Robert Akl sworn.)</p> <p>25 JUDGE KOPTA: Thank you.</p>
<p style="text-align: right;">Page 210</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*]</p>	<p style="text-align: right;">Page 212</p> <p>1 Mr. McGinty, anything further for him?</p> <p>2 MR. MCGINTY: No.</p> <p>3 JUDGE KOPTA: Your prefiled testimony and</p> <p>4 exhibits have been admitted, and you are available for</p> <p>5 cross. Mr. Steese, I assume, will be asking you</p> <p>6 questions.</p> <p>7 MR. STEESE: That's correct, Your Honor.</p> <p>8</p> <p>9 CROSS - EXAMINATION</p> <p>10 BY MR. STEESE:</p> <p>11 Q. Good afternoon, Dr. Akl. How are you today?</p> <p>12 A. Good, thank you.</p> <p>13 Q. And we met before virtually during your</p> <p>14 deposition, correct?</p> <p>15 A. Yes.</p> <p>16 Q. In this matter, the Commission Staff is paying</p> <p>17 you \$850 per hour, correct?</p> <p>18 A. Yes.</p> <p>19 Q. All right. Let's talk about your experience.</p> <p>20 One of the things you do as a professor is you teach</p> <p>21 network design, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And one type of network that you teach your</p> <p>24 students how to design is an SS7 network, correct?</p> <p>25 A. Yes.</p>

1 Q. And you teach your students that when designing
2 an SS7 network, it's essential to design the network so
3 there is no single point of failure, correct?

4 A. Yes.

5 Q. And link diversity is a critical ingredient in
6 network reliability and requires provisioning links in
7 such a manner that a single failure will not cause the
8 disruption of services, correct?

9 A. That is fair, yes.

10 Q. And because of the critical nature of SS7 links,
11 physical, electrical, and architectural diversity are
12 necessary, correct?

13 A. Yes.

14 Q. And you teach students, when you're teaching
15 them how to design an SS7 network, that that network is
16 critical to stay up because if it's down, calls don't
17 complete, correct?

18 A. Yes.

19 Q. And, again, it's always important when designing
20 an SS7 network to ensure there's no one single point of
21 failure, correct?

22 A. And not just an SS7, but, yes. It would apply
23 to SS7 also.

24 Q. And for providing your opinions that are
25 contained in your testimony, I think it's RA-1C, you

1 testimony.

2 JUDGE KOPTA: Mr. Steese, do you want to
3 give a reference in Mr. AkI's testimony to the question
4 you're asking?

5 MR. STEESE: On page 1, he talks about the
6 cause. And, to me, when you're talking about the cause
7 of an outage, it's important to understand what he knows
8 and doesn't know about who's involved. So he's here to
9 talk about causation and, certainly, ComTech and its
10 network design is central to the cause in question.

11 JUDGE KOPTA: To the extent that he has
12 reviewed it, and I believe that may be the basis of a
13 question of him. But I don't think assuming or going
14 beyond his testimony is appropriate at this juncture.

15 MR. STEESE: I don't understand, Your Honor.
16 How can one testify about cause if there's a number of
17 facts you haven't considered? By definition, that is
18 appropriate cross-examination of an expert, to show that
19 the testimony should be discounted completely because
20 they didn't consider a number of facts that led to the
21 causal question.

22 JUDGE KOPTA: Well, Mr. Steese, you can make
23 that argument in your brief. But if you're going beyond
24 his testimony, you're going outside of the scope of a
25 permissible cross-examination.

1 only reviewed the materials that are referenced in your
2 testimony, correct?

3 A. Yes.

4 Q. And you weren't aware that the State of
5 Washington was going through a transition to a new 911
6 provider during the outage, were you?

7 A. I -- I was aware at some point, but I wasn't
8 aware -- that was not something I was asked to look
9 into.

10 Q. And you weren't aware that ComTech was the
11 covered 911 service provider for the PSAPs that had 911
12 calls fail during the outage, were you?

13 A. I was not -- I did not provide any opinions on
14 that, but I was aware there were other parties that are
15 involved, but I did not provide any opinions on ComTech
16 or 911.

17 Q. Wasn't my question. I want to make sure I
18 understand. My question is: You weren't aware that
19 ComTech was the covered 911 service provider for the
20 PSAPs that had 911 calls fail during the outage, were
21 you?

22 MR. MCGINTY: I'm going to object as beyond
23 the scope. Dr. AkI's testimony was very limited to the
24 Red and Green networks. So I'm not sure what the
25 questioning regarding ComTech has to do with Dr. AkI's

1 MR. STEESE: Just give me one moment, Your
2 Honor.

3 JUDGE KOPTA: Sure.
4 BY MR. STEESE:

5 Q. So turn to your testimony at page 5. Let me
6 know when you're there.

7 A. I am there.

8 Q. And you reference a specific exhibit, correct?
9 You have Mr. Webber's Exhibit 4, correct?

10 A. Yes, there are multiple exhibits that I
11 reference on that page. One of them is JDW-4.

12 Q. Correct. And if we look at JDW-4, which I'll
13 pull up on the screen. Just one moment. JDW-4 is the
14 FCC report about the outage, correct?

15 A. Yes.

16 Q. And in looking at this particular -- oops,
17 excuse me -- this particular exhibit, this particular
18 exhibit talks about, in paragraph 6, covered 911 service
19 providers are required to take reasonable measures to
20 provide reliable 911 service in three specific respects,
21 including, No. 1, circuit diversity, correct?

22 A. Yes, I see the word that you are pointing to or
23 reading.

24 Q. And when you look, it says that they are
25 required to do this. And required is mandatory,

Page 217

1 correct? It's a mandatory word. Thou shall --
 2 A. I see the words you are reading. That is
 3 correct.
 4 **Q. And when it's talking about, in the next**
 5 **sentence, they must certify annually, whether they audit**
 6 **physical diversity. The word is "must," again, a**
 7 **mandatory word, correct?**
 8 A. Yes. I see the word that you are reading.
 9 **Q. Now, in this particular case, if you go to your**
 10 **testimony at page 1, just let me bring that up quickly.**
 11 **You see your testimony. Your CV. Sorry. Testimony is**
 12 **not there. I know how to do this. Just give me one**
 13 **second.**
 14 **Page 1 of your testimony, correct?**
 15 A. Yes.
 16 **Q. I changed to page 2 right when you said --**
 17 A. Yes. I didn't mean to do that.
 18 **Q. And if you look at your testimony, point No. 1**
 19 **says that you focused on the causes of the outages on**
 20 **the Red Network and the Green Network as well as the**
 21 **relationship between the two events, correct?**
 22 A. Yes. I only looked at, not outages in general,
 23 not 911, but I only looked at CenturyLink's Red Network
 24 and Green Network, those outages. And the relationship
 25 between the Red's outage would have given us insight to

Page 218

1 prevent the Green Network outage.
 2 **Q. So you were not asked to give an opinion one way**
 3 **or the other about what caused 911 calls to complete.**
 4 **You were just looking at the relationship between the**
 5 **outage on the Red Network in February of 2018 to the**
 6 **outage on the Green Network in December of 2018; is that**
 7 **correct?**
 8 A. Yes, that is fair. I did not look or analyze
 9 anything outside the CenturyLink's Red and Green Network
 10 outages and their relationship.
 11 **Q. Forgive me. I'm going to ask the question**
 12 **again. I didn't completely understand your answer.**
 13 **So you were not asked to give an opinion as to**
 14 **why 911 calls did not complete during the outage on the**
 15 **Green Network; is that correct?**
 16 A. I would agree that I did not look at the 911
 17 aspect of it. I only looked at the outage on a Green
 18 Network as a result of packet storm.
 19 **Q. So I'm going to round this out to make sure I**
 20 **understand.**
 21 **So you did not look to see if the reason why 911**
 22 **calls did not complete is because there was a lack of**
 23 **diversity on the ComTech network. That's not something**
 24 **you ever evaluated, correct?**
 25 A. That is correct.

Page 219

1 **Q. Okay. Let's focus, then, on this packet storm**
 2 **that occurred on the Red and Green Networks.**
 3 **So first, you have never been retained by a**
 4 **client, until here, to evaluate what caused a packet**
 5 **storm to occur, correct?**
 6 A. Regarding causes of a packet storm as it relates
 7 to what happened here, that is correct.
 8 But as -- but as you've asked me in my
 9 deposition, I have looked at packet storms before and
 10 how to prevent them.
 11 **Q. You were retained by a client who had -- was**
 12 **involved in a patent infringement case that had**
 13 **technology that theoretically was described to prevent**
 14 **packet storms. That's been your involvement with packet**
 15 **storms, correct?**
 16 A. My involvement in packet storms in litigation
 17 related to a patent that relates to packet storms as
 18 well as teaching my students on the technology of what
 19 causes packet storms, how to avoid packet storms. That
 20 is why I was an expert retained relating to patents
 21 related to packet storms. And that's my understanding
 22 of why I am retained in this matter, to render opinions
 23 on the packet storms on the Green Network.
 24 **Q. And you've never written an article on packet**
 25 **storms, correct?**

Page 220

1 A. No, I've written articles on networks in
 2 general, but not specifically on packet storms.
 3 **Q. But you've read articles written by others about**
 4 **packet storms, correct?**
 5 A. Yes.
 6 **Q. And none of those articles that you can recall**
 7 **involved an evaluation of what caused that packet storm,**
 8 **correct?**
 9 A. Well, a lot of times, we don't know the cause of
 10 a packet storm. That is the point, is we try to
 11 prevent -- we try to design the network to prevent
 12 packet storms; if they happen, to minimize their effect.
 13 They aren't something that's normally you anticipate or,
 14 rather, they're something that you assume can happen,
 15 but you design to try to prevent or minimize their
 16 damage in a couple of different ways.
 17 **Q. Thank you.**
 18 MR. STEESE: Your Honor, at this point I'd
 19 like to go into confidential session, and I would remain
 20 there for the rest of my time.
 21 And just so you know, it's going to be
 22 significantly less than my two hour projected.
 23 JUDGE KOPTA: Well, I appreciate that,
 24 Mr. Steese. Whatever time we can save will be
 25 beneficial all the way around.

<p style="text-align: right;">Page 221</p> <p>1 So, Ryan, are you still here? Ryan? Oh, 2 no. 3 MR. SMITH: Sorry. I'm here. My computer 4 was freezing up a little bit. Ready for me to send you 5 back? 6 JUDGE KOPTA: Yes, please do. 7 MR. SMITH: All right. I'm on it. 8 (Pause in the proceedings.) 9 (Confidential session.) 10 [*CONFIDENTIAL TESTIMONY* 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 223</p> <p>1 *CONFIDENTIAL TESTIMONY* 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 222</p> <p>1 *CONFIDENTIAL TESTIMONY* 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 224</p> <p>1 *CONFIDENTIAL TESTIMONY* 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 225</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 227</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 226</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 228</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 229</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 231</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 230</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 232</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 233</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 235</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 234</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 236</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 237</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 239</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 238</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 240</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 241</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 243</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 242</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 244</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 245</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 247</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 246</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 248</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 249</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 251</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 250</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 252</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

Page 253

1 *CONFIDENTIAL TESTIMONY*

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25 *CONFIDENTIAL TESTIMONY*]

Page 254

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19 *CONFIDENTIAL TESTIMONY*]

20 (Main session.)

21 JUDGE KOPTA: All right. It seems that

22 everyone is back. I believe that takes care of all of

23 Staff's witnesses.

24 Am I correct, Mr. McGinty?

25 MR. MCGINTY: That's correct.

Page 255

1 JUDGE KOPTA: Then we will move to Public

2 Counsel.

3 Ms. Gafken or Ms. Suetake, do you want to

4 call your next witness? Or, Mr. Nelson, I don't mean to

5 leave you out.

6 MS. GAFKEN: Public Counsel calls Stephanie

7 Chase.

8 JUDGE KOPTA: All right.

9 (Stephanie Chase sworn.)

10 JUDGE KOPTA: Ms. Gafken, any questions for

11 Ms. Chase?

12 MS. GAFKEN: Sure. I have a few preliminary

13 questions.

14

15 EXAMINATION

16 BY MS. GAFKEN:

17 **Q. Ms. Chase, on whose behalf are you testifying**

18 **for today?**

19 A. Public Counsel.

20 **Q. Were your testimony and exhibits prepared by you**

21 **or under your instruction and supervision?**

22 A. Yes, they were prepared by me.

23 **Q. Do you have any changes to your testimony or**

24 **exhibits?**

25 A. Yes, I have one correction to make to my

Page 256

1 initial -- to my direct testimony, the revised version.

2 On page 18, lines 10 and 11, I transposed the

3 total numbers. And so the -- the number at the end of

4 line 10 should be 5,376,000.

5 And the total number for at the end of line 11

6 should be \$10,753,000.

7 **Q. So the number on those two lines were just**

8 **transposed?**

9 A. Yeah. Just the -- sorry. I'm sorry about that.

10 Just the total numbers were transposed.

11 **Q. And that error didn't -- would not change your**

12 **testimony, correct?**

13 A. No. It would not change the total.

14 MS. GAFKEN: With that, Stephanie Chase is

15 available for cross-examination.

16 JUDGE KOPTA: All right. Thank you,

17 Ms. Gafken.

18 Ms. Chase, your exhibits and testimony have

19 already been admitted as well as the cross-examination

20 exhibits. So we're ready for cross.

21 I'm assuming, Mr. Sherr, that is up to you.

22 MR. SHERR: Yes, Your Honor.

23 ////

24 ////

25 ////

Page 257

1 CROSS - EXAMINATION
 2 BY MR. SHERR:
 3 **Q. Good afternoon, Ms. Chase. I'm Adam Sherr,**
 4 **CenturyLink. Nice to meet you.**
 5 A. Nice to meet you as well.
 6 **Q. You've been with Public Counsel since January of**
 7 **2020, correct?**
 8 A. Yes, that's true.
 9 **Q. You were not with Public Counsel at the time of**
 10 **the outage?**
 11 A. I was not.
 12 **Q. Let's take a look -- do you have in front of you**
 13 **Exhibit 1 -- SKC-1TC, your direct testimony?**
 14 A. Yes.
 15 **Q. Would you take a look at page 3 of your**
 16 **testimony, specifically lines 5 through 8?**
 17 A. Okay. I'm there.
 18 **Q. Okay. And there you reference an outage on**
 19 **CenturyLink's national network, correct?**
 20 A. Yes.
 21 **Q. Okay. Same page, line 18, you make reference to**
 22 **a failure on CenturyLink's nationwide fiberoptic**
 23 **network?**
 24 A. Yes.
 25 **Q. Do you understand that the specific circuits**

Page 258

1 **that ComTech was leasing from CenturyLink that**
 2 **experienced the outage in December of 2018 were on**
 3 **CenturyLink's national network, true?**
 4 A. Yes. They were on the national transport
 5 network, but impacted the 911 service that was being
 6 transitioned to ComTech.
 7 **Q. Okay. And you understand that these were**
 8 **interstate circuits and not intrastate circuits?**
 9 A. Yes.
 10 **Q. Let's look back at page 3 starting on line 19.**
 11 A. Okay.
 12 **Q. And carrying over to page 4, line 5. You**
 13 **briefly discuss the packet storm event, correct?**
 14 A. I do.
 15 **Q. Okay. Did you evaluate the probability of the**
 16 **particular packet malformation that preceded the packet**
 17 **storm event?**
 18 A. I did not.
 19 **Q. In your view, is it important for the Commission**
 20 **to evaluate the probability of the particular packet**
 21 **malformation?**
 22 A. I can't really address that, I don't think. But
 23 that's a better question for our technical expert,
 24 Mr. Rosen.
 25 **Q. Do you -- from your perspective, is it important**

Page 259

1 **for the Commission to evaluate the foreseeability of the**
 2 **particular packet malformation?**
 3 A. Well, that is one of the Commission's
 4 enforcement criteria, is one of the 11 enforcement
 5 criteria, is to consider the foreseeability of the
 6 event.
 7 **Q. Let's look at pages 5 to 6, 5 and 6 of your**
 8 **testimony, specifically line 7.**
 9 A. On page 5 or on page 6?
 10 **Q. I'm so sorry. Yeah. Starting on page 5.**
 11 A. Okay.
 12 **Q. There you discuss CenturyLink's past 911**
 13 **outages, correct?**
 14 A. Yes.
 15 **Q. Do you understand that the outage that occurred**
 16 **in December of 2018 did not involve any aspect of the**
 17 **CenturyLink 911 network in Washington?**
 18 A. I understand that the outage was on the national
 19 transport network, but I also understand that that
 20 outage impacted the way that the interconnection was set
 21 up between ComTech and CenturyLink.
 22 **Q. So it's your understanding, just to make sure**
 23 **I'm following you, that the impact of the outage on the**
 24 **national network affected the signalling network, the**
 25 **SS7 network, that was used in support of 911 calling in**

Page 260

1 **Washington; is that accurate?**
 2 A. Yes.
 3 **Q. Okay. Do you understand the distinction between**
 4 **the 911 network and the SS7 network?**
 5 A. Yes, I understand that there are -- that there
 6 are multiple levels to sort of layer the cake for
 7 these -- for this system.
 8 **Q. Okay. Are you aware of this outage affecting**
 9 **any component -- I'll ask again -- of CenturyLink's 911**
 10 **network in Washington?**
 11 MS. GAFKEN: Objection. Asked and answered.
 12 JUDGE KOPTA: Overruled. I'll let her
 13 answer that.
 14 A. So I -- I am aware that CenturyLink's national
 15 transport outage impacted the interconnection between
 16 ComTech and CenturyLink at the state level.
 17 And I've sort of forgotten your question. I'm
 18 sorry, Mr. Sherr. Can you rephrase it?
 19 BY MR. SHERR:
 20 **Q. Sure. I will ask it again.**
 21 **Are you aware of any of the packet storm on the**
 22 **national transport network affecting any aspect of**
 23 **CenturyLink's 911 network?**
 24 A. Could you be more specific about what you mean
 25 by CenturyLink's 911 network?

1 Q. Sure. Well, let me ask you: Do you
2 understand -- again, do you understand the difference
3 between the 911 network and the SS7 network?

4 A. Yes.

5 Q. This outage affected the SS7 network, correct?

6 A. Yes.

7 Q. The SS7 network of ComTech, not the SS7 network
8 utilized by CenturyLink, correct?

9 A. I think that's correct, yes.

10 Q. Okay. Let's jump to page 16 of your testimony.

11 A. Okay. Okay. I'm there.

12 Q. I'm almost there.

13 A. Oh, sorry.

14 Q. Specifically, if you look at page 16, starting
15 on line 19, and the sentence that carries over to
16 page 17, line 1, you say, Additionally, CenturyLink
17 created this network without vendor diversity where a
18 single software error could take down an entire system.

19 Did I read that correctly?

20 A. Yes.

21 Q. What system were you referring to there?

22 A. To the 911 system as a whole.

23 Q. But -- okay. Again, there was no direct affect
24 to CenturyLink's 911 system, only the SS7 network
25 utilized by ComTech?

1 Q. You're not sure?

2 A. I'm not sure.

3 Q. Are you aware that CenturyLink Communications,
4 CLC, was unaware until the outage that ComTech had
5 placed all of its SS7 links on the CLC Infinera Green
6 Network?

7 MS. GAFKEN: I'm going to object. This is
8 beyond the scope of Ms. Chase's testimony.

9 JUDGE KOPTA: Yes, Mr. Sherr, if you would
10 point to a particular point in Ms. Chase's testimony,
11 that would be helpful.

12 MR. SHERR: Sure. I can move on, Your
13 Honor. Ms. Chase testified regarding the outage. So
14 I'm asking for her understanding of some of the
15 underlying facts relevant to the outage, but I can move
16 on.

17 JUDGE KOPTA: Thank you.

18 BY MR. SHERR:

19 Q. Ms. Chase, are you aware that if ComTech had
20 placed two of its four SS7 links on another CenturyLink
21 network or on the network of another provider that 911
22 calls -- ComTech -- or PSAPs would not have failed
23 during the outage?

24 A. I can't answer that, but I think that would be a
25 better question for Mr. Rosen.

1 A. If by 911 -- do you mean -- by 911 system, do
2 you mean an impact to CenturyLink's PSAPs?

3 Q. Well, I don't want to testify for you. So I
4 leave it there. I think we got the answer.

5 Did you read miss -- did you read CenturyLink's
6 response testimony?

7 A. Yes.

8 Q. Okay. Including the testimony and exhibits of
9 Stacy Hartman, which has since been adopted by Jeanne
10 Stockman and Steven Turner?

11 A. Yes.

12 Q. Okay. Are you now aware that ComTech lacked
13 vendor diversity for its SS7 links at the time of the
14 December 2018 outage?

15 A. I'm going to defer that question to Mr. Rosen.

16 Q. So you don't know?

17 A. I do not recall offhand.

18 Q. Okay. Are you aware that ComTech designed,
19 constructed, and managed its own SS7 network?

20 A. I'm not sure that I can answer that, either.

21 Q. Okay. Are you aware that ComTech placed all
22 four of its SS7 links on the same CenturyLink national
23 network?

24 A. Again, I think that's a better question for
25 Mr. Rosen.

1 Q. Let's take a look at page 18, which I think you
2 advised us just a moment ago.

3 A. Yes.

4 Q. Okay. So I don't have to ask you about
5 transposing the numbers.

6 A. Right.

7 Q. Thank you for that.

8 A. Mm-hmm.

9 Q. On page 18, you specifically, at line 10, you
10 recommend that the Commission penalize CenturyLink
11 Communications, as revised, \$5,376,000 for violation of
12 RCW 80.36.220; is that correct?

13 A. Yes, that's correct.

14 Q. That statute deals with the duty to transmit
15 messages, true?

16 A. That is true.

17 Q. Do you or Mr. Rosen testify about the substance
18 of that claim at all?

19 A. No. There is not anything in my testimony that
20 addresses the -- or makes a legal conclusion about that
21 statute.

22 Q. Okay. Do you make any policy arguments
23 concerning that particular violation that you allege?

24 A. I -- I don't make a specific reference to that
25 statute. My -- my testimony focuses on the -- more on

1 the criteria, enforcement criteria, that the Commission
2 has set out in their policy statements.

3 **Q. Okay. Any evidence? Are you aware of any
4 evidence that CenturyLink refused to transmit messages
5 of another telecommunications provider?**

6 A. I'm not sure that I can answer that question.

7 **Q. Okay. Are you aware of any evidence that
8 CenturyLink discriminated in transmitting messages?**

9 A. CenturyLink had a responsibility under the
10 contract to transmit and -- and provide 911 services
11 for -- to the state of Washington. And because of the
12 outage, that didn't happen. So that is a violation of
13 what the statute requires.

14 **Q. Okay. Let me ask my question again because I
15 think that may not have been clear.**

16 **Do you have any evidence that CenturyLink
17 discriminated in transmitting messages?**

18 A. I do not have evidence of discrimination
19 specifically.

20 **Q. Okay. Any evidence that CenturyLink neglected
21 to transmit message of another telecommunications
22 provider?**

23 A. I do not have evidence of neglect.

24 **Q. Same page, the next line, so as corrected,
25 Public Counsel -- you specifically recommend a penalty**

1 **general, could not reach emergency services by dialling
2 911, if they did not have that functionality on their
3 telephone?**

4 A. I am not aware of a CenturyLink identified
5 customer specifically, but many other customers in
6 Washington who had difficulty reaching 911 services and
7 in the case of many emergencies.

8 **Q. Okay. Is it your understanding, then, of this
9 rule that any failed 911 call creates liability as a
10 violation of WAC 480.120.450?**

11 A. It's my position and Public Counsel's position
12 that CenturyLink had an obligation as a 911 provider,
13 under the contract, to provide and, you know, from the
14 caller to the PSAP, and that was not -- that obligation
15 was not met.

16 **Q. Okay. Public Counsel's allegations in this
17 case, and as articulated in your testimony and
18 Mr. Rosen's testimony, focus on CenturyLink
19 Communications' role as interexchange carrier, not as an
20 originating service provider; is that correct?**

21 A. Yes, I believe that's correct.

22 **Q. Okay. Thank you.**

23 MR. SHERR: I have no further questions.

24 JUDGE KOPTA: All right. Thank you,
25 Mr. Sherr.

1 **of \$10,752,000 for violation of WAC 480.120.450. Do you
2 see that?**

3 A. Yes.

4 **Q. And this rule relates to E911 obligations of
5 local exchange carriers, true?**

6 A. Yes.

7 **Q. Do you or Mr. Rosen testify about the substance
8 or merits of that particular claim?**

9 A. I don't address the specific -- the requirements
10 of the specific WAC in my testimony.

11 **Q. Are you aware of any evidence that CenturyLink
12 acting as an originating service provider -- let me
13 start over.**

14 **Are you aware of any evidence that CenturyLink
15 Communications, the respondent in this case, acting as
16 an originating service provider, failed to offer 911
17 dialling functionality to its customers?**

18 A. Again, I'm aware of CenturyLink's obligations
19 under the contract to provide 911 service, and that
20 didn't happen because of the outage. So they failed to
21 fulfill those obligations.

22 **Q. Are you aware, in general, if a CenturyLink
23 Communications local customer -- so in CenturyLink's
24 capacity as an originating service provider, are you
25 aware of any CenturyLink Communications customer who, in**

1 Any questions for Ms. Chase from the
2 Commissioners?

3 COMMISSIONER RENDAHL: None from me. Thank
4 you, Your Honor.

5 CHAIR DANNER: No questions, Your Honor.

6 COMMISSIONER DOUMIT: No questions. Thank
7 you.

8 JUDGE KOPTA: All right.

9 Redirect, Ms. Gafken?

10 MS. GAFKEN: I have some brief redirect.

11
12 R E D I R E C T E X A M I N A T I O N

13 BY MS. GAFKEN:

14 **Q. Ms. Chase, you were asked questions about the
15 SS7 network and the 911 network. Do you recall that
16 line of questioning?**

17 A. I do.

18 **Q. Is your understanding that the SS7 network is
19 part of the Washington 911 network?**

20 A. It is. Because all -- there are multiple parts
21 that, you know, make up these networks, not just the --
22 the signalling path, but also the voice calls.

23 **Q. You were asked questions about your analysis in
24 your testimony about the outage. Do you recall those
25 questions?**

1 A. I do.
 2 **Q. Is your testimony about the outage based on your**
 3 **analysis or the analysis of another witness?**
 4 A. About the outage itself, to -- with my
 5 testimony, I relied both on this Staff investigation
 6 report as well as analysis from our witness, Brian
 7 Rosen.
 8 **Q. And Mr. Rosen analyzed the circumstances of the**
 9 **outage; is that correct?**
 10 A. It is.
 11 **Q. You were asked questions about CenturyLink's**
 12 **role, and Mr. Sherr asked about CenturyLink as the**
 13 **originating service provider. Is the originating**
 14 **service provider the same as the 911 service provider?**
 15 A. I'm sorry, Lisa. Could you rephrase the
 16 question?
 17 **Q. Sure.**
 18 **Is CenturyLink's role as the -- an originating**
 19 **service provider the same as its role as the 911 service**
 20 **provider?**
 21 A. No.
 22 **Q. How do they differ?**
 23 A. The role as the 911 service provider is more
 24 serious, I would say, and substantive role. They have
 25 an obligation to connect persons in need of help with

1 expectation is we will finish with Mr. Rosen this
 2 evening. And so keep that in mind as we are
 3 progressing. But anyway, we will be off the record.
 4 (A break was taken from
 5 4:19 p.m. to 4:24 p.m.)
 6 JUDGE KOPTA: Let's be on the record again.
 7 And Ms. Gafken is going to call your
 8 second-to-last witness.
 9 MS. GAFKEN: We would like to call Brian
 10 Rosen.
 11 (Brian Rosen sworn.)
 12 JUDGE KOPTA: Thank you.
 13 Ms. Gafken, you may proceed.
 14 MS. GAFKEN: Thank you.

E X A M I N A T I O N

BY MS. GAFKEN:

17 **Q. Mr. Rosen, how are you employed?**
 18 A. I'm an independent consultant.
 19 **Q. What is your occupation? What do you do?**
 20 A. I an engineer. I'm a -- I work on the 911
 21 system and have for 20 years. Generally speaking, I've
 22 been involved in packet network since the mid '70s.
 23 I've been designing networks and working with networks
 24 all the way through. I have extensive experience in
 25

1 the PSAP to provide them that help in an emergency
 2 situation.
 3 **Q. So in the role as the originating service**
 4 **provider, they have a relationship with the caller to**
 5 **provide telephone service, correct?**
 6 A. Yes.
 7 **Q. And their role as the 911 service provider for**
 8 **the state of Washington, how does that role come about?**
 9 A. That role came about because they have a
 10 contract with the Washington -- or because they had a
 11 contract with the Washington Military Department.
 12 **Q. Okay.**
 13 MS. GAFKEN: Thank you. I have no further
 14 questions.
 15 JUDGE KOPTA: All right. Thank you,
 16 Ms. Chase, for your testimony. We appreciate it, and
 17 you are excused.
 18 Ms. Gafken, do you have another --
 19 MR. STEESE: Your Honor, before we proceed,
 20 this is Chuck Steese. Since we're going to go late, do
 21 you mind if we take a five-minute health break before we
 22 begin with Mr. Rosen?
 23 JUDGE KOPTA: No. I think that would be
 24 fine. So it's now 4:19. If we could have folks come
 25 back at 4:24. Then we can give Mr. Rosen -- my

1 network design, specifically IP networks, the SIP
 2 protocol, which is used for carrying telephone calls
 3 over IP networks, where I'm the cochair of the ITF SIP
 4 core working group, which is the standards organization
 5 for SIP.
 6 I'm also heavily involved in Next Generation 911
 7 and have been since the inception of that project. I'm
 8 currently the cochair of the I3 Architecture working
 9 group in NENA, which developed the technical standards
 10 for Next Generation 911.
 11 **Q. And are you testifying on behalf of Public**
 12 **Counsel today?**
 13 A. I am.
 14 **Q. Were the testimony and exhibits prepared by you**
 15 **or under your instruction and supervision?**
 16 A. They were.
 17 **Q. Do you have any changes to your testimony or**
 18 **exhibits?**
 19 A. Yes. Apparently, I have created a typo. In my
 20 rebuttal testimony, on page 21, there's a diagram and a
 21 piece of text above it. And in the middle of that
 22 paragraph, it says, Is beyond where Intrado connects to
 23 TNS and before CenturyLink connects to TNS. And that is
 24 erroneous. It's and before ComTech connects to TNS. So
 25 that's an unfortunate typo.

Page 273

1 **Q. Okay. Thank you.**
 2 MS. GAFKEN: Mr. Rosen is available for
 3 cross-examination.
 4 JUDGE KOPTA: All right. Mr. Rosen, your
 5 testimony and exhibits have been admitted, as have been
 6 some of the cross-examination exhibits. So we will
 7 proceed with cross-examination.
 8 Mr. Steese, your witness.
 9 MR. STEESE: Your Honor, before I begin,
 10 Mr. Rosen made his correction, and I did not get that
 11 down. So if he could just, please, identify the page
 12 one more time. I apologize, Mr. Rosen.
 13 THE WITNESS: It was page 21 of my rebuttal
 14 testimony.
 15 MR. STEESE: And say that one more time, the
 16 correction, please.
 17 THE WITNESS: In the middle of the paragraph
 18 above the diagram, there's a line that starts, is beyond
 19 where Intrado connects to TNS. And the --
 20 MR. STEESE: I'm sorry. Just one moment.
 21 You said page 21 of your rebuttal?
 22 THE WITNESS: Yes.
 23 MS. GAFKEN: So Exhibit BR-30T, page 21,
 24 lines 10 to 11.
 25 MR. STEESE: Say it again. I'm sorry.

Page 274

1 THE WITNESS: The correction is beyond where
 2 Intrada connects to the TNS. The phrase and before
 3 CenturyLink connects to TNS is an error. It should be
 4 and before ComTech connects to TNS.
 5 MR. STEESE: I apologize for that. I just
 6 wanted to make sure I got it down. Thank you.
 7 JUDGE KOPTA: Just a moment, Mr. Steese.
 8 Commissioner Rendahl?
 9 COMMISSIONER RENDAHL: Right. So I just
 10 wanted to clarify. Mr. Rosen, you said there's a figure
 11 on that page. I don't have a figure on my page at all
 12 on page 21.
 13 THE WITNESS: Sorry. It's not on that page.
 14 It's --
 15 COMMISSIONER RENDAHL: Thank you for that
 16 clarification. I wanted to make sure I had the right --
 17 thank you.
 18 JUDGE KOPTA: Okay. Mr. Rosen --
 19 MR. STEESE: That's why I was struggling
 20 too.
 21 JUDGE KOPTA: I'm going to caution everybody
 22 to talk one at a time because we're starting to talk
 23 over each other. It's getting towards the end of the
 24 day. It's an easy thing to do, but it makes our court
 25 reporter's job much harder. So please wait until each

Page 275

1 of us has finished before we talk.
 2 Mr. Steese, please proceed.
 3 MR. STEESE: Thank you, Your Honor.
 4
 5 C R O S S - E X A M I N A T I O N
 6 BY MR. STEESE:
 7 **Q. Mr. Rosen, it's a pleasure meeting you. I'm**
 8 **Chuck Steese. I represent CenturyLink Communication,**
 9 **LLC, in this matter.**
 10 MR. STEESE: So, Your Honor, virtually
 11 everything is going to be -- especially with the
 12 guidance given to me or us by WMD -- it's going to be in
 13 a confidential setting. I would just recommend we go
 14 straight away into the confidential setting.
 15 JUDGE KOPTA: All right. Let's be off the
 16 record.
 17 (Pause in the proceedings.)
 18 (Confidential session.)
 19 [*CONFIDENTIAL TESTIMONY*
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 25 *CONFIDENTIAL TESTIMONY*

Page 276

1 *CONFIDENTIAL TESTIMONY*
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 25 *CONFIDENTIAL TESTIMONY*

<p style="text-align: right;">Page 277</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 279</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 278</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 280</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 281</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 283</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 282</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 284</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 285</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 287</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 286</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 288</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 289</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 291</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 290</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 292</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 293</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 295</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 294</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 296</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 297</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 299</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 298</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 300</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 301</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 303</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 302</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 304</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 305</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 307</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 306</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 308</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 309</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 311</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 310</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 312</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 313</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 315</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 314</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 316</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 317</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 319</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 318</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 320</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 321</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 323</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 322</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 324</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 325</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 327</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 326</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 328</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 329</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 331</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 330</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 332</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 333</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 335</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 334</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 336</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 337</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 339</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 338</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 340</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 341</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 343</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>
<p style="text-align: right;">Page 342</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 344</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>

<p style="text-align: right;">Page 345</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 347</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*]</p>
<p style="text-align: right;">Page 346</p> <p>1 *CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 *CONFIDENTIAL TESTIMONY*</p>	<p style="text-align: right;">Page 348</p> <p>1 [*CONFIDENTIAL TESTIMONY*</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 *CONFIDENTIAL TESTIMONY*]</p> <p>17 (Adjourned at 6:26 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand
Reporter in and for the State of Washington, do hereby
certify that the foregoing transcript is true and
accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358

A				
A-L-I 62:11	addressing 45:15	ago 66:9 128:17,20	Angela 43:24	application 39:13
a.m 21:17 45:2	50:3 60:20 67:23	264:2	Announcement	122:13
ability 144:5 349:9	79:10 83:23	agree 57:13 65:6	35:25	apply 213:22
able 68:24 89:1	Adjourned 348:17	66:14 67:9 75:23	Annual 35:20	appreciate 79:23
96:14 99:10	administration	78:10,12 103:1	annually 217:5	81:15 119:15
102:18 103:12	78:22 130:15	104:17 127:20	answer 58:25 69:24	220:23 270:16
104:17 109:1,5	administrative	132:6 218:16	94:25 95:1,18	approach 75:14
131:15 136:1	21:12 22:2 45:11	agreement 59:3,13	96:14 99:10	78:21 79:11,18
absolute 50:16	125:16	67:21 76:12 78:7	107:19 108:8	approaching 48:5
absolutely 64:13	admission 24:19	78:24 143:8	135:2 145:23,23	appropriate 56:14
accept 138:5,6	25:2 26:2 27:2	agreements 62:9	218:12 260:13	57:14 75:14 77:19
acceptable 46:13	28:2 29:2 30:2	ahead 93:25	262:4,20 263:24	136:6 215:14,18
access 89:22 133:24	31:2 32:2 33:2	Akl 24:9 31:24	265:6	approval 132:4
accompanied 91:20	34:2 35:2 36:2	39:24 40:3 68:9	answered 88:22	approved 131:12
accurate 91:9	37:2 38:2 39:2	211:23,24 212:11	133:7 134:23	131:16
140:5 260:1 349:9	40:2 41:2 42:2	Akl's 214:23,25	260:11	approximately
accurately 138:25	43:2 44:2 58:4	215:3	answering 39:17,19	101:21
acronyms 129:12	66:1 135:21	ALI 62:10,10,11	86:23 133:22	April 131:13 132:4
acted 121:25	admit 45:23 50:19	allegations 54:17	answers 142:3	architectural
acting 266:12,15	51:1 54:5 55:24	267:16	anticipate 69:15	213:11
Actions 102:5	57:16 58:10 65:15	allege 264:23	71:18 72:16 110:6	Architecture 272:8
Adam 22:20 76:21	66:16 76:14	alleging 61:20	220:13	area 40:4 136:6
80:20 82:2 83:7	admitted 48:2,16	allow 53:13 58:9	anticipating 68:4	argument 50:16
87:6 257:3	51:12 52:8 56:15	63:4 71:9 84:18	71:25	61:8 62:1 63:11
add 76:5	57:9,23 67:14	88:25 103:10	anybody 46:21	215:23
adding 126:9,17	87:3 120:7,9	110:15	anyone's 48:25	argumentative
addition 82:18	212:4 256:19	allows 70:23	anyway 271:3	56:13 128:3
125:18	273:5	alluded 89:16	apologize 84:16,20	arguments 52:22
additional 125:17	admitting 46:23	aloud 102:10	131:8 139:9,15	264:22
126:17 129:5	50:25	alternate 133:23	273:12 274:5	arises 72:22
137:1	adopt 86:21	134:4	apparent 131:7	Arizona 109:22
Additionally	adopted 96:24	amended 46:13	Apparently 272:19	Armstrong 22:21
261:16	120:7 262:9	Amendment 24:24	appear 80:25 83:18	article 29:18,20
address 45:20 47:3	advise 138:21	25:10 30:19	140:3	39:3 219:24
52:9,13 53:17	advised 264:2	Amendments 38:5	appearances 45:16	articles 54:12 220:1
54:8 58:20 59:7	advocating 59:25	amount 70:7	81:18 82:13	220:3,6
66:18,24 67:10	Affairs 23:10	120:17	appears 54:9 56:9	articulated 66:9
70:18 80:15 83:13	affect 126:12	analysis 28:6 31:8	56:12 59:7,8	267:17
103:17 131:20	261:23	31:10 36:5 42:4	95:15 98:11	asked 78:13 80:23
258:22 266:9	Affidavit 27:4	101:15 102:15	139:21	84:6 88:21,23
addressed 49:15	affiliation 85:9	268:23 269:3,3,6	Appendix 28:5	94:13 99:17
67:3 99:21	afternoon 121:11	analyze 218:8	101:2,11 109:12	142:16 214:8
addresses 63:20	211:19 212:11	analyzed 141:5	apple 133:5	218:2,13 219:8
108:15 264:20	257:3	269:8	applicable 125:14	260:11 268:14,23
	Agency 36:10	analyzing 123:9	143:20,22,24	269:11,12

asking 65:22 68:22 103:6 104:23 106:17,24 139:1 142:22 144:14 212:5 215:4 263:14	attorney 22:8,14 23:4 39:5,6 143:24	B 25:13 27:19 28:24 33:3 37:4 52:5	100:13 101:22 106:1 127:6 131:23 215:12 254:22 267:21	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
asks 59:16 61:3 62:18 64:3,6,10	attorney-client 59:1,12	B.1(b) 36:15 42:21	belive 129:14	BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
aspect 218:17 259:16 260:22	audio 76:13 77:21 77:23 78:1	back 47:10 78:11 78:19 92:10 97:13 97:18,24 103:22 106:5 110:3 117:22 125:3 128:19 131:22 144:16 221:5 254:22 258:10 270:25	beneficial 67:9 220:25 benefit 80:21 130:21 benefits 129:7 Benton 39:4 best 36:7 40:4 47:12 48:25 49:1 78:21 79:18 80:13 86:19 349:9	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
aspects 141:16 146:7	audit 217:5	background 25:21 54:25 55:3 121:17	bet 78:8	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
assigned 87:20,25 88:2,10	August 24:25 27:22 28:4 30:14,17 35:15 44:6 87:18 87:22 88:11 90:23 93:3,19 95:6 98:6 109:10	backbone 135:4	beyond 63:25 103:4 214:22 215:14,23 263:8 272:22 273:18 274:1	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
assisting 122:8	available 78:5 80:9 81:13 93:24 94:1 118:19 212:4 256:15 273:2	balance 80:11	big 78:8	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
associated 51:11	Avenue 21:22 22:15 23:10	Barajas 44:5	bigger 143:3,6	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
Association 35:22 35:23 36:3	avoid 135:7 146:10 219:19	based 65:12 67:2 85:8,25 269:2	bit 47:9 50:18,24 82:21 121:16 124:4 221:4	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
assume 212:5 220:14	AW-1T 43:24	basically 60:2 146:3	blanket 123:18	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
assumed 134:17	await 67:12 146:15	basis 55:24 60:11 61:19 63:4,6 72:7 72:18,23,24 133:12 215:12	board 131:13	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
assuming 74:8 82:24 215:13 256:21	aware 46:18 80:7 102:20 104:10,15 104:19,24 105:2 105:15,19 106:4,7 106:10,11,19 107:22 108:2 109:15 121:1 124:6,18 127:21 135:18 136:19 141:10,17,24 143:7,10 214:4,7 214:8,10,14,18 260:8,14,21 262:12,18,21 263:3,19 265:3,7 266:11,14,18,22 266:25 267:4	bates 27:19 28:15 28:17,19,24 32:16 32:18,20 33:3	bodies 132:10,13 135:21	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
assurance 141:25	AW-1T 43:24	baton 70:17	bottom 90:3,9,9 133:16 138:9,20	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
assured 77:16 78:6	avoided 143:20	beginning 79:19 81:19	bound 55:9	BR-16C 42:17 BR-17 42:19 BR-18C 42:20 BR-19 42:22 BR-1C 138:9 BR-1CTr 41:14 BR-2 41:15 BR-20 42:23 BR-21C 43:3 BR-22 43:5 BR-23 43:6 BR-24 43:8 BR-25 43:9 BR-26 43:11 BR-27 43:12 BR-28 43:13 BR-29C 43:15 BR-30CT 43:16 BR-30T 273:23 BR-31 43:18 BR-32C 43:19 BR-33X 32:7 51:16 58:20,21 59:5 BR-34CX 32:8 BR-35X 32:9 BR-36X 32:10 BR-37X 28:8 32:11 BR-38CX 28:9 32:13 BR-39 60:16,16 BR-39X 32:14 61:2 61:5 BR-3C 41:16 BR-40CX 28:16 32:16 BR-41CX 28:18 32:18 BR-42CX 28:20 32:20 62:7,18 BR-43X 28:21 32:22 63:12 64:2 BR-44X 27:18 28:23 32:23 63:13 64:5 BR-45CX 28:25
attached 48:4 53:22 89:12,19 97:2 100:4 125:23	aware 46:18 80:7 102:20 104:10,15 104:19,24 105:2 105:15,19 106:4,7 106:10,11,19 107:22 108:2 109:15 121:1 124:6,18 127:21 135:18 136:19 141:10,17,24 143:7,10 214:4,7 214:8,10,14,18 260:8,14,21 262:12,18,21 263:3,19 265:3,7 266:11,14,18,22 266:25			

33:3 63:14 64:6 BR-45X 27:20 BR-46CX 29:16 BR-46X 33:5 BR-47X 33:6 BR-48X 33:7 BR-49X 33:8 BR-4C 41:18 BR-5 41:20 BR-50X 33:9 BR-51X 33:10 BR-52X 33:11 BR-53X 33:12 BR-54X 33:13 BR-55X 33:14 BR-56X 33:15 BR-57X 33:16 BR-58X 33:17 BR-59X 33:18 BR-6 41:22 BR-60X 33:19 BR-61X 33:20 BR-62X 33:21 BR-63X 33:22 BR-64X 33:23 51:16 65:19 66:1 BR-65X 33:24 65:20 66:2 BR-66X 33:25 BR-67CX 34:3 BR-68CX 34:5 BR-69X 34:7 BR-70X 34:8 BR-71X 34:9 BR-72X 34:10 BR-73X 34:11 BR-74X 34:12 BR-75X 34:13 BR-76X 34:14 BR-77X 34:15 BR-78X 34:16 BR-79CX 34:17 BR-7C 41:24 BR-80CX 34:19 BR-81CX 34:21	BR-82CX 34:23 BR-83CX 35:3 BR-84X 35:5 BR-85X 35:6 BR-86X 35:8 BR-87 59:7 BR-87X 35:9 52:2 52:8 58:21 59:17 BR-8C 42:3 BR-9C 42:4 breach 61:12,20 breached 61:8 break 110:11,19 211:15,19 270:21 271:4 breakout 76:10 Brian 24:15 41:14 41:15 43:16 52:5 269:6 271:9,11 bridge 69:11 brief 56:14 57:14 80:22 82:14 93:2 93:19 97:8 215:23 268:10 briefing 47:16 briefly 66:19 76:21 104:6,7 118:1 258:13 bring 125:23 217:10 bringing 146:10 Broadcom 40:4 broken 91:6 brought 127:18 Buell 21:21 build-out 141:16 building 134:5,7,8 134:10,11,12 138:20 buildings 134:22 bullet 126:5 Bureau 25:17 36:8 <hr/> C C 22:1 23:1 35:18 40:16 45:4 46:19	87:10 109:12 118:3 121:8 212:9 257:1 268:12 275:5 349:1,1 C-S-R-I-C 129:8 cable 127:15 134:6 134:8 cake 260:6 call 26:19 27:21 28:3 29:20 30:13 30:16 42:5 69:19 73:9,21 76:8 90:23,25 91:6,20 105:21 106:8,24 107:9 119:17 211:21 255:4 267:9 271:7,9 caller 77:21,22 267:14 270:4 calling 57:5 96:9 259:25 calls 55:8 64:22 91:7,8,14,16,24 92:2,6,20 104:19 104:24 105:5,24 106:7,10,11,19 107:6 109:20 126:23 133:6,22 134:23 144:6 145:8 213:16 214:12,20 218:3 218:14,22 255:6 263:22 268:22 272:2 camera 82:24,25 119:22 cameras 82:19 capabilities 65:23 65:24 66:6 137:22 capacity 266:24 capitalized 133:4 caps 62:11 129:7 129:16 130:21 captioned 45:7 card 127:15	care 58:11 67:15 83:1 134:14 254:22 career 122:1,24 careful 79:12 94:25 Carl 25:22 41:5 44:6 carrier 122:10,18 123:12 141:23 144:3,18 145:5 267:19 carriers 266:5 carries 261:15 carrying 258:12 272:2 case 47:6 71:10 72:5,12 85:22 87:21 90:4 92:12 97:4 103:20 110:13 118:7,22 128:4 134:9 217:9 219:12 266:15 267:7,17 cases 75:4 causal 215:21 causation 215:9 cause 28:6 31:7,9 36:5 42:4 61:15 64:21 101:15 102:15 126:22 213:7 215:6,6,10 215:16 220:9 caused 92:20 218:3 219:4 220:7 causes 47:9 217:19 219:6,19 caution 139:11 274:21 caveats 120:10 CCR 21:20 349:15 CDK-100CX 41:7 CDK-101CX 41:9 CDK-102CX 41:11 CDK-103CX 44:6 CDK-1TC 25:22	41:6 46:6 CDK-2C 25:24 41:8 CDK-3 26:3 40:9 41:9 CDK-4 26:4 46:2 46:14 CDK-4C 46:3,6,14 CDK-99CX 41:5 center 133:6 central 215:10 CenturyLink 21:7 22:19 24:21 25:16 25:23 26:5,11,24 27:5,22 28:3,3 30:14,16,16,20,22 31:12 32:15 35:16 35:18 36:5,11,23 37:3,4,6,8,10,12 37:14,23 38:3,7,8 38:11,12 39:8,10 39:12,14,16,17,19 40:13,16,18,24 41:3,11,20 42:4,7 42:7,11,13,14,22 42:23 43:3,5,6,8 43:11,18 45:8 49:16 53:14 54:18 56:13 57:19 60:18 60:20,24,25 61:8 61:13 62:9,22 64:3,8 65:22 66:13 67:6,24 69:17 73:15 76:22 76:23 77:11 88:12 88:20 90:15,22,23 90:24 91:12,19 92:3,5,13 93:5,10 96:2,23 97:3 99:5 103:20 105:17 107:2,5 109:15,16 118:22 119:1,6 120:12 124:6,9 125:11 127:4 142:19 145:7,13
---	---	---	---	--

<p>145:18 146:13 257:4 258:1 259:17,21 260:16 261:8,16 262:22 263:3,20 264:10 265:4,8,9,16,20 266:11,14,22,25 267:4,12,18 269:12 272:23 274:3 275:8 CenturyLink's 26:22 38:22,24 43:22 61:22 62:8 73:23 104:10,15 108:15,16 109:21 125:6 217:23 218:9 257:19,22 258:3 259:12 260:9,14,23,25 261:24 262:2,5 266:18,23 269:11 269:18 CenturyLink-W... 25:10 30:19 CenturyLink/We... 26:19 CenturyLink/W... 26:7 Centurytel 39:7,9 39:15 certain 60:20 61:12 75:10 120:10 certainly 47:23 55:3 56:22 57:14 61:25 70:20 75:2 75:21 78:13 122:7 132:13 145:24 215:9 certainty 145:11 Certified 349:6 certify 217:5 349:8 cetera 123:15 132:11 CHAIR 268:5 challenging 72:15</p>	<p>change 46:17,20 97:23 108:19 256:11,13 changed 46:5 217:16 changes 255:23 272:17 CHARLES 22:20 Chase 24:12 43:21 43:23 75:19 255:7 255:9,11,17 256:14,18 257:3 263:13,19 268:1 268:14 270:16 Chase's 263:8,10 chat 76:7,17 77:15 Chicago 121:11 chosen 125:6 Chuck 53:16 82:4 120:14 270:20 275:8 circuit 29:22,23 95:24 98:25 102:17,24 126:6 145:3 216:21 circuits 99:3,4 124:7,20,25 126:13 132:25 134:11,12,15,16 145:16,21 257:25 258:8,8 circulated 45:21 46:22 51:10 circumstances 269:8 cited 137:4 cites 55:11 64:15 Citizen 39:4,6 claim 264:18 266:8 clarification 49:4 69:19 70:10 274:16 clarified 86:9 clarify 93:8,17 274:10</p>	<p>clarifying 46:1 clarity 50:16 CLC 24:22 25:3,4,5 25:7,8,14,20 26:15,17 27:3,12 27:13,14,15,16,17 27:19 28:7,9,14 28:15,17,19,21,22 28:24 29:3,4,5,6,7 29:8,9,10,11,13 29:14,15 30:24 31:13,14,15,16,17 31:18,20,21,22 32:3,4,5,6,7,8,9 32:10,11,13,16,18 32:20,22,23 33:3 33:5,6,7,8,9,10,11 33:12,13,14,15,16 33:17,18,19,20,21 33:22,23,24,25 34:3,5,7,8,9,10,11 34:12,13,14,15,16 77:2 80:23 82:3,5 263:4,5 CLC-002938 43:3 CLC-003101 43:4 CLC-003102 43:4 Cleanwater 22:8 clear 53:1,1 102:9 105:14 128:2 265:15 clearly 57:4 71:9 76:15,17 client 219:4,11 close 67:20 71:14 closed 68:5 70:12 70:21 71:7 72:25 74:19 76:1,1 83:24 84:2 99:21 141:24 clutter 82:21 co-counsel 50:2 co-counsels 81:25 cochair 272:3,8 code 91:16</p>	<p>codes 91:21 125:16 Coie 77:8 Colorado 22:22 columns 53:3 come 97:13 270:8 270:24 comes 81:6 97:19 comingle 123:16 Comm'n 39:7,9,11 39:15 comments 36:4 70:17 71:22,25 73:3,8 Commission 21:2,4 21:18 22:6 25:17 38:21 45:8 46:11 54:10 55:10 59:3 60:8 63:20 66:15 67:18 70:23 71:8 71:11 74:4 80:23 81:19,21 84:14,20 85:1 86:16 87:15 87:18,23 88:8,15 100:10,23 102:19 103:19 107:12 109:13 118:18 212:16 258:19 259:1 264:10 265:1 Commission's 60:12 125:15 259:3 Commissioner 80:17 84:15,17 85:11,17 86:6 268:3,6 274:8,9 274:15 Commissioners 45:13,17 80:15 81:1,17 82:25 117:23 268:2 common 59:2,13 60:4 Communication 38:21 275:8</p>	<p>communications 21:7 24:21 25:17 25:23 26:5,11,24 39:20 42:14 45:8 58:22 59:1 64:4 77:11 263:3 264:11 266:15,23 266:25 Communications' 267:19 companies 29:18 145:14,15 Company 29:20 82:1 89:9 Company's 75:4 85:20 competitive 122:10 122:18 compiled 53:2 101:15 Complainant 21:5 complaint 29:22,23 54:17 55:7,9,11 63:23 92:12 96:2 96:4 100:11 102:15 107:2,3 108:15 complete 55:8 64:22 126:23 144:6 213:17 218:3,14,22 completed 145:9 completely 71:4 215:19 218:12 compliant 107:4 component 260:9 computer 221:3 computers 77:4 Comtech 23:8 24:24,25 25:11,13 25:14,24 26:19,22 27:10,11,21 28:6 28:10 29:15,17,24 30:7,8,9,10,13 31:11 34:17,19,21</p>
---	---	---	---	--

34:23 35:3,5,6,8 40:7,22 41:7,22 41:24 42:3,4,8,10 42:15,17,19,20 43:9,15,19 54:11 54:24,25 55:3,4,6 60:19,24 62:10,21 63:22 64:4,6,9,16 64:18,20,25 65:24 82:10 90:24 91:12 91:24 92:17 93:1 93:9 94:7 95:7,21 96:8,11,16,20 98:3 99:4 101:15 102:16,21,23 103:1,8,20 105:16 125:5 127:3 134:3 139:19,24 140:12 140:20 141:5,8,14 141:22 142:11,12 142:21,23 143:19 144:2 145:3,5,9 145:17,18,21,24 214:10,15,19,25 215:9 218:23 258:1,6 259:21 260:16 261:7,25 262:12,18,21 263:4,19,22 272:24 274:4 Comtech's 30:3,5 55:15 64:7,14,15 65:6,23 66:5 92:20 94:10,19 96:17 99:5,7 103:17 125:13 142:3 concern 80:4 97:18 concerning 264:23 concession 97:7 conclusion 264:20 conduct 70:24 conducted 73:2 conducting 79:23 conference 76:25	77:1 confident 71:10 confidential 21:13 24:21 25:4,9,10 25:12,13,15,20,23 25:25 26:6,10,12 26:16,20,23,25 27:4,6,15,20,23 28:4,6,9,16,18,20 28:25 29:3,12,13 29:16 30:9,11,15 30:18,19,21,23,25 31:3,5,6,8,10,12 31:19,21,23,24 32:8,13,17,19,21 33:4 34:4,6,18,20 34:22,24 35:4,11 35:14,17,19 36:5 36:6,12,14,16,18 36:20,22 37:5,7,9 37:11,13,15,17,18 37:20,22,24 38:4 38:6,9,11,13,16 38:18,20 39:22,24 40:6,8,10,12,15 40:17,19,21,23,25 41:4,6,8,10,13,17 41:19,24 42:3,8 42:10,15,16,17,21 43:3,15,17,20 44:7 46:15,15 63:17,18 67:22 68:18,21 69:6,10 69:13,14,16,20,24 70:4,8,12,14,19 70:22,25,25 71:19 72:1,4,9,13,18,19 72:21,24 73:19,25 74:1,7,9,12,18 75:3,4,6,11,12,18 75:20,25 76:9 78:16,25 79:13,22 79:25 83:16,17,18 83:23 84:1,4 94:24 95:2 97:7	98:15,17,21,25 99:23,24 102:10 110:3,14,16,21,22 110:25 111:1,25 112:1,25 113:1,25 114:1,25 115:1,25 116:1,25 117:1,19 120:17,22 121:2,4 130:1 139:6,11,14 140:4 146:13,17 146:21 147:1,2,25 148:1,25 149:1,25 150:1,25 151:1,25 152:1,25 153:1,25 154:1,25 155:1,25 156:1,25 157:1,25 158:1,25 159:1,25 160:1,25 161:1,25 162:1,25 163:1,25 164:1,25 165:1,25 166:1,25 167:1,25 168:1,25 169:1,25 170:1,25 171:1,25 172:1,25 173:1,25 174:1,25 175:1,25 176:1,25 177:1,25 178:1,25 179:1,25 180:1,25 181:1,25 182:1,25 183:1,25 184:1,25 185:1,25 186:1,25 187:1,25 188:1,25 189:1,25 190:1,25 191:1,25 192:1,25 193:1,25 194:1,25 195:1,25 196:1,25 197:1,25 198:1,25 199:1,25 200:1,25 201:1,25 202:1,25 203:1,25 204:1,25 205:1,25 206:1,25 207:1,25 208:1,25 209:1,25 210:1,25 211:1,14 220:19 221:9,10 221:25 222:1,25	223:1,25 224:1,25 225:1,25 226:1,25 227:1,25 228:1,25 229:1,25 230:1,25 231:1,25 232:1,25 233:1,25 234:1,25 235:1,25 236:1,25 237:1,25 238:1,25 239:1,25 240:1,25 241:1,25 242:1,25 243:1,25 244:1,25 245:1,25 246:1,25 247:1,25 248:1,25 249:1,25 250:1,25 251:1,25 252:1,25 253:1,25 254:1,19 275:13,14,18,19 275:25 276:1,25 277:1,25 278:1,25 279:1,25 280:1,25 281:1,25 282:1,25 283:1,25 284:1,25 285:1,25 286:1,25 287:1,25 288:1,25 289:1,25 290:1,25 291:1,25 292:1,25 293:1,25 294:1,25 295:1,25 296:1,25 297:1,25 298:1,25 299:1,25 300:1,25 301:1,25 302:1,25 303:1,25 304:1,25 305:1,25 306:1,25 307:1,25 308:1,25 309:1,25 310:1,25 311:1,25 312:1,25 313:1,25 314:1,25 315:1,25 316:1,25 317:1,25 318:1,25 319:1,25 320:1,25 321:1,25 322:1,25 323:1,25 324:1,25 325:1,25 326:1,25 327:1,25 328:1,25 329:1,25 330:1,25	331:1,25 332:1,25 333:1,25 334:1,25 335:1,25 336:1,25 337:1,25 338:1,25 339:1,25 340:1,25 341:1,25 342:1,25 343:1,25 344:1,25 345:1,25 346:1,25 347:1,25 348:1,16 confidentiality 67:17,21 76:12,14 76:18 83:11 confirm 89:10 101:20 conflated 127:8 confused 99:16 confusing 47:5,19 47:19 90:6 confusion 48:23 50:9 connect 269:25 connected 145:17 connecting 123:1 145:21 connection 57:4 63:1 76:17 77:2 78:3 137:15 138:3 connections 77:3 99:8 137:23 connectivity 95:22 122:9 123:13,13 144:21 connects 272:22,23 272:24 273:19 274:2,3,4 Consent 25:18 consider 128:24 133:24 135:20 136:20 139:1 140:11,21 141:16 215:20 259:5 consideration 79:10 considerations 132:15
--	--	--	---	---

<p>considered 98:20 127:9 138:18 140:22 142:22 215:17 consistent 54:5 consistently 48:4 constantly 96:10 consternation 47:9 constructed 96:8 96:17 262:19 constructing 103:2 consult 118:10 consultant 271:19 consultants 118:11 consultation 88:15 96:12 103:13 105:8 106:15 118:6 Consulting 85:20 85:21 Consumer 36:23 cont 23:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 contained 58:24 59:5,11,14,17 60:19 61:2 100:21 213:25 contains 60:17 62:8 64:5,7 77:8 102:4 136:15 contents 100:17 context 134:22 continually 47:17 continue 108:10 continues 132:22 continuing 110:6 138:9 contract 25:10 30:3 30:5,19 38:5 41:19 60:21,24</p>	<p>61:8,12,20,21 62:9 142:10,14,18 142:21,22 143:7 143:11,14 144:19 145:2 265:10 266:19 267:13 270:10,11 contracts 62:21 contractually 142:12 convenience 47:2 83:15 convention 49:12 coordinating 59:23 60:2 coordination 60:6 coordinator 76:7 copies 46:9,10,10 copy 26:13 38:22 38:24 52:2 core 272:4 corner 101:10 Corp 39:11 correct 46:3,4 52:7 52:13,14 58:2,13 86:17,19,20 87:16 87:17,19,24 89:5 89:6 90:18,19 91:13,18 92:1 93:11,21 94:8 95:8,9,24,25 96:5 96:24,25 98:3,8 98:13 99:14 100:22,25 101:13 101:18,24,25 104:8,9 108:17,18 109:10,11,14,22 121:14,18,19,21 122:1,15 123:2,6 124:1,9,12 125:1 125:13 126:13,24 127:5 128:11,14 129:8,9 132:5,9 134:21 137:19,25 138:3,11 143:23</p>	<p>144:18 212:7,14 212:17,21,24 213:3,8,12,17,21 214:2 216:8,9,12 216:14,21 217:1,3 217:7,14,21 218:7 218:15,24,25 219:5,7,15,25 220:4,8 254:24,25 256:12 257:7,19 258:13 259:13 261:5,8,9 264:12 264:13 267:20,21 269:9 270:5 corrected 265:24 correction 255:25 273:10,16 274:1 corrections 46:21 Corrective 102:5 correctly 261:19 correspondence 26:7 27:5 28:10 28:11,12 31:11 32:14 35:9 40:24 corresponding 63:9 Cortez 23:3 24:8 74:13 78:9,10 82:8,8 99:15 100:1 140:2,7 146:5 cost 122:8 costs 122:11 123:9 counsel 22:12 24:22 25:5 26:18 27:10 32:3,4,5,6 33:5,6,7,8,9,10,11 33:12,13,14,15,16 33:17,18,19,20,21 33:22,23,24,25 34:3,5,7,8,9,10,11 34:12,13,14,15,16 34:17,19,21,23 35:3,5,6,8,9 36:11 36:13 41:14,16,18</p>	<p>41:21,22,24 42:3 42:8,10,11,13,15 42:17,19,20,22,23 43:5,6,8,9,12,13 43:15,18,19,22 58:15 59:3,4,16 59:22,24 61:1,17 62:15,17 63:24 64:9 65:10,21 66:12,21 70:21 71:7,21 74:13 75:2,19 79:23 81:22,23,24 86:4 106:24 142:6 255:2,6,19 257:6 257:9 265:25 272:12 Counsel's 61:7 80:4 124:19 138:13 267:11,16 count 121:22 country 55:2 County 39:3,4,6 349:4 couple 45:25 50:12 50:13 62:6 68:7 69:1 87:13 101:16 220:16 course 71:2,8,15 89:7 90:16 92:24 121:5 143:6 court 29:22,23 62:13 129:7 130:20 274:24 cover 21:14 51:4,5 70:22 91:19 covered 214:11,19 216:18 CR-87 52:4 create 134:17 created 56:22 128:9 261:17 272:19 creates 69:24 267:9 credits 60:21 61:14</p>	<p>criteria 259:4,5 265:1,1 critical 132:18 135:19,25 213:5 213:10,16 cross 48:18 55:24 69:11,12 70:3,4,7 70:19,24 71:18 72:9,17 75:24 79:24 82:16,17 86:23 97:10 110:6 136:6 212:5 256:20 Cross-Answering 37:18 39:21 43:16 43:23 cross-examination 47:1,16 51:12 53:6 57:15 65:12 67:13 68:4 69:17 80:16 82:20 87:4 130:12 215:18,25 256:15,19 273:3,6 273:7 cross-exhibit 48:10 48:11 59:5,16 61:2 62:18 66:1,2 cross-exhibits 48:1 48:1 91:3 crossing 47:2 CSRIC 36:7 129:1 129:7 132:11 136:23 csteese@atllp.com 22:23 CTL 27:7 cumbersome 54:1 cumulative 57:12 current 73:10 currently 110:10 272:8 Curriculum 26:13 customer 266:23 266:25 267:5 customers 266:17</p>
---	---	---	--	---

<p>267:5 cut 127:14 CV 40:3 121:20,24 122:4,17 217:11 CX 41:3 129:24</p> <hr/> <p style="text-align: center;">D</p> <p>D 25:22 26:23 35:11,12 37:18 40:20 41:5 44:6 45:4 118:3 268:12 D.Sc 39:24 d/b/a 39:8,10,12,16 DA-19-1039 36:9 daily 133:10 Dakota 28:13 29:18 29:20,22,23 54:14 55:7,10,20 damage 220:16 damaged 134:13 DANNER 268:5 data 24:22,24,25 25:3,4,5,7,8,11,13 25:14,20 26:15,17 26:18,22 27:3,7 27:10,12,13,14,15 27:16,17,19,22 28:4,7,9,14,15,17 28:19,21,22,24 29:3,4,5,6,7,8,9 29:10,11,13,14,15 29:24 30:3,6,7,8,9 30:10,14,17,20,22 30:24 31:13,14,15 31:16,17,18,20,21 31:22 32:3,4,5,6,7 32:8,9,10,11,13 32:16,18,20,22,23 33:3,5,6,7,8,9,10 33:11,12,13,14,15 33:16,17,18,19,20 33:21,22,23,24,25 34:3,5,7,8,9,10,11 34:12,13,14,15,16 34:17,19,21,23 35:3,5,6,8,17,18</p>	<p>35:20 36:11,13,16 36:17,19,21,24 37:3,7,11,15 38:22 40:14,16,18 41:3,12,16,18,21 41:22,24 42:3,7,9 42:10,11,13,16,18 42:19,20,22,23 43:3,5,6,8,9,11,12 43:13,15,18,19,22 53:1 57:19 64:3 64:16,25 65:22 66:12 89:9 90:15 90:22 92:9,11,15 92:25 93:1,5,9 95:15 96:11,19 102:20 date 42:5 101:20 dated 38:19,22,24 39:3 dates 57:7 David 44:3 Dawn 23:3 82:8 dawn.cortez@at... 23:6 day 60:2 91:15 100:11 274:24 deals 264:14 Dec 38:24 December 21:16 25:16 38:19 45:1 57:6 87:16 96:4 100:11 102:24 104:6 106:5 145:9 218:6 258:2 259:16 262:14 decision 88:14,18 decisions 123:14 Decree 25:18 deemed 69:10 defer 262:15 defined 91:20 defining 124:5 definition 215:17 Definitions 35:22</p>	<p>definitively 122:17 degree 79:9 85:3 132:20 delineate 70:3 deliver 140:12,21 140:23 Delta 85:18 delve 72:1,2,9 delving 69:16 demanding 61:13 demonstrative 30:12 56:9,11,19 Denver 22:22 Department 35:24 41:19 82:7,9 139:20 140:13 142:11 143:19 270:11 depend 67:6 81:3 dependent 68:7 deploy 145:7 deployed 145:3 deposition 31:3,4,6 31:24 44:6 212:14 219:9 describe 104:6,7 118:7 126:9 described 128:16 137:20 140:22 219:13 design 26:3,4 40:4 40:4,9 41:9 55:15 57:5 64:14,15,18 64:20 66:5,6,10 73:9,10,11,12,14 73:16 92:20 94:10 94:20 96:8 103:11 103:17 106:14 107:16 123:9,21 123:25 125:13 130:3 132:9,11,15 132:16 133:25 134:2 135:6 137:9 140:13 212:21,24 213:2,15 215:10</p>	<p>220:11,15 272:1 designated 21:13 48:1 62:7 63:12 63:13,15,17 65:4 65:8 72:13 74:7,8 76:11 79:13 99:22 110:16 139:6,13 designation 62:7 designations 75:3,8 designed 65:1 96:13,17 122:14 124:2,19 127:3 144:2 262:18 designing 103:2 123:4,5,7,8 137:12 144:17 213:1,19 271:24 desirable 133:24 details 68:17,18 79:13 106:24 determination 60:12 61:7 88:17 105:10 107:3,4 determine 64:20 67:13 developed 272:9 Devices 36:10 diagram 46:7,7 272:20 273:18 dialling 266:17 267:1 differ 269:22 difference 261:2 different 47:8,18 48:5 62:6 121:13 126:12 133:18 137:12 145:16,21 220:16 difficult 69:22 70:2 difficulty 267:6 dilemma 50:18 72:11 direct 41:14 43:21 43:24 44:3,4,5 64:24 89:12,19</p>	<p>95:14 100:4 103:22 108:23 123:14 130:9,10 138:15 141:2,4 145:2 146:2 256:1 257:13 261:23 directed 63:21 directly 56:23 57:1 61:16 64:18 66:6 66:9 82:19 83:13 136:3 Director 23:9 disagree 109:24 125:13 146:1 disaster 133:11 discern 85:24 disclosed 79:1 disclosing 83:23 discounted 215:19 discovery 97:3 142:2 discriminated 265:8,17 discrimination 265:18 discuss 54:23 64:18 68:19 107:11 146:19 258:13 259:12 discussed 48:13 51:13 85:22 92:16 121:2 136:23 discusses 64:23 discussing 79:5 discussions 60:5 dispute 122:5,7 141:20 disruption 213:8 distinction 260:3 diverse 124:8,8,8 124:21,25 diversity 102:17,24 124:4 125:7,8,9 125:12,18 126:6,7 126:9,24 128:10</p>
---	---	--	--	---

<p>132:21 134:17,21 135:19,22,23 137:8 138:21 141:15,24 144:4 144:18,22,22 145:3,5,25 213:5 213:11 216:21 217:6 218:23 261:17 262:13 docket 21:4 26:21 35:13 39:8,10,12 39:14,16 45:7,15 62:17 Dockets 36:4 doctrine 59:12 document 46:15 47:8,13,18 48:7 48:12 49:18 52:25 56:18,21 60:22 62:2,3 68:20 83:15 93:25 94:4 94:24 98:12 100:19 101:7,14 101:15,19,24 102:22 125:24 130:4,6,18 131:12 131:24 132:4 133:18 135:13,20 136:1,5,10,14,19 137:10,14 138:6 139:22 140:15,18 140:22 141:2,3,11 141:19 142:1,5 143:2 144:20,24 documents 27:11 40:7,22 46:10,25 47:3 49:24,25 51:2,2,16 53:21 53:23 54:1,6 55:23 62:16 63:1 65:11 66:9,16 67:12 90:5 97:3 102:9 142:15 doing 72:14 75:15 82:16 87:4</p>	<p>dollars 107:2 Doumit 80:17 84:15,18,20 85:11 85:17 86:6 268:6 downtown 76:24 Doyle 21:13 22:3 45:12 76:4,6,20 77:18 78:4 Dr 37:19,21,23 38:3,7,9,11,13,14 40:3 68:9 212:11 214:23,25 draft 26:8 94:11,15 100:14,15 drafted 94:12 drafting 136:20 draw 125:25 140:6 Drive 22:8 dual 133:1,2 due 42:5 59:2 duplicates 47:11 48:24 duties 61:22 duty 264:14 DW 49:9 DW-1T 44:3</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 22:1,1 23:1,1 26:11,13 40:5 45:4,4 86:13 87:10 118:3,3,3 121:8 212:9 255:15 257:1 268:12,12,12 271:16 275:5 349:1,1 E-911 26:19 42:5 E09-196 38:5 41:19 E09-196M 25:10 E911 266:4 earlier 69:8 73:8 109:4 131:16 134:3 easy 274:24 EB-SED-19-0002...</p>	<p>25:19 educate 136:5 effect 141:12 220:12 efficient 73:4 effort 66:23 eight 131:13 137:6 either 59:1 74:13 76:16 77:12 141:4 262:20 electrical 213:11 electronically 89:25 95:10 elements 79:7 elephant 67:16 elicit 70:24 elicited 72:3 elicits 74:11 eliminate 141:9 Elliott 23:10 email 26:21 28:10 28:11,12 39:4,6 52:1 66:20 69:8 91:19 emails 97:2 emergencies 267:7 emergency 26:8 35:22,23 36:3 39:19 130:3,15 132:17 267:1 270:1 employ 143:22 144:18 employed 144:3 145:5 271:18 employee 87:15 88:7 102:19 employing 125:5 encapsulate 118:14 ends 71:7 enforcement 259:4 259:4 265:1 engineer 121:18 271:21 ensure 126:6,11</p>	<p>213:20 entering 134:6,12 enters 134:8 entire 59:20 60:5 73:24 75:25 127:19 137:13,18 137:18 139:22 261:18 entirety 49:25 127:19 128:19 137:11,12,21 entities 76:8 99:19 entitled 26:21 67:22 80:10 102:5 130:3 entity 75:5 entrance 133:2 134:4,24 137:11 equipment 122:12 122:20 127:17 erroneous 272:24 error 58:2 91:16,17 91:21 256:11 261:18 274:3 ESInet 26:9,9 132:15,16,17 133:25 135:6 137:9,15,17,17,23 138:2 ESInets 26:20 especially 70:10 78:17 275:11 essential 213:2 essentially 55:11 79:21 135:4 establish 60:1 122:21 136:7,8,13 established 53:24 59:13 108:7 132:19 establishes 57:4 establishing 122:9 128:23 129:4 estimate 70:7 et 123:15 132:11</p>	<p>evaluate 219:4 258:15,20 259:1 evaluated 218:24 evaluation 220:7 evening 271:2 event 71:13 106:6 258:13,17 259:6 events 56:23,23 217:21 eventually 137:24 everybody 129:21 274:21 evidence 56:14 61:21,25 88:16 105:23 265:3,4,7 265:16,18,20,23 266:11,14 evidentiary 21:11 45:14 54:16 56:19 Ex 30:5 exact 66:8 121:22 124:22 142:16 exactly 76:17 89:1 93:6 96:14 examination 24:1 68:10 73:24 examine 70:5 example 47:6,25 54:1 72:1,16,25 75:16,18 132:12 Excellent 120:2 exception 45:24 51:15 Excerpt 27:19 28:15,17,19,24 32:16,18,20 33:3 exchange 54:10 122:10,18 123:12 266:5 excluded 59:6,17 61:3 62:19 64:11 exclusively 132:8 excuse 77:22 80:19 80:19 93:25 95:23 129:25 142:8</p>
---	---	---	--	--

<p>216:17 excused 80:24 119:16 270:17 executive 131:12 132:4 Exh 27:17,19 28:22 28:24 30:3 32:23 33:3 exhibit 24:18 25:1 26:1 27:1 28:1 29:1 30:1,12 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:21,23 46:6,13,17,22,25 47:8,11,13,15,25 48:3 49:8,14,15 50:21 51:10,17,17 51:17,18,18,19,19 52:1 53:17 54:2 56:11 57:15,16 58:10,24 59:11,15 60:17,19 62:6,6,8 62:16 65:23 68:24 89:11,21 93:14,22 94:23 95:3 97:24 100:4 101:7 103:16,23 108:20 109:8 128:7 129:24 130:8,12 131:2,4,16 139:3 140:10 142:8 216:8,9,17,18 257:13 273:23 exhibits 24:19 25:2 26:2 27:2 28:2 29:2 30:2 31:2,3,4 31:6,24 32:2 33:2 34:2 35:2 36:2 37:2 38:2 39:2 40:2 41:2 42:2 43:2 44:2 45:20 45:23 46:2,18,24</p>	<p>47:1,7,15 48:8 49:10,12,21,22 50:4,6,6,12,13,19 50:25 51:1,9,10 51:11,12,16,20,22 52:10,20 53:18 54:19 55:9 56:20 56:21 57:8 58:17 59:20 60:14 62:19 63:9,10,10,16,17 63:20,24 64:10 65:3,5,8,15,18,21 66:22 67:2,5,16 100:21 120:10 212:4 216:10 255:20,24 256:18 256:20 262:8 272:14,18 273:5,6 exist 141:21 existence 107:9 existing 73:16 exists 53:8 exits 137:11 expect 72:8 74:12 expectation 271:1 expected 80:24 experience 122:11 212:19 271:25 experienced 95:23 258:2 expert 85:20 88:16 89:4 103:11 106:14 107:16 108:8 121:25 215:18 219:20 258:23 expertise 118:11 experts 96:12 103:13 105:9 107:17 118:6 explain 118:13 explained 92:5 explains 95:21 explore 92:19 exploring 107:7</p>	<p>exposed 140:4 express 71:11 extensive 69:7 271:25 extent 81:4 84:5 94:25 215:11 extents 67:19 extra 79:9 extremely 80:8</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 349:1 face 52:25 Facebook 38:24 facets 137:21 facilities 133:2,2,21 134:5 facility 134:25 fact 54:20 55:1,8 56:15 59:24 61:13 64:17 72:14 73:20 79:24 facts 60:10 215:17 215:20 263:15 fail 92:6,21 214:12 214:20 failed 91:8,16,23 104:11,16 109:20 127:11,11 263:22 266:16,20 267:9 failing 61:9 106:7 106:10 107:6 failure 107:5 126:22 127:2,5,15 127:16,23 138:22 141:10 143:8,9 213:3,7,21 257:22 failures 127:22 fair 67:8 93:8 123:3 123:17 125:2 144:13 213:9 218:8 Falls 130:16 familiar 100:16,18 106:23 136:6,11 136:14 137:3</p>	<p>far 56:1 79:20 96:11 138:2 faster 125:22 faulty 55:15,16,16 57:5 FCC 25:18 35:15 36:4 109:18,20 126:1,5,8 128:21 129:4 132:12 136:24 137:1 145:12 216:14 FCC's 109:9 130:16 145:12 feasible 133:23 Feb 36:6 39:12 February 93:2,18 94:7 218:5 Federal 25:17 38:21 feedback 45:22 56:10 fiberoptic 257:22 Fifth 22:15 figure 26:3,4 274:10,11 file 25:18 109:13 filed 36:6 40:6,7,9 40:12,14,16,20,22 40:24 41:3,5,8,9 41:12 86:15,24 92:12 96:4 100:10 100:11,23 120:11 filing 54:9,24 56:1 56:4 63:22 96:2 102:15 final 90:21 Finally 57:17 find 69:14 fine 270:24 fined 109:16 finish 271:1 finished 97:10 140:19 275:1 first 45:19 48:2,13 48:19 49:15 54:24</p>	<p>58:20 63:10 68:1 73:6 74:6 83:5 84:12,18,25 90:12 101:10 118:5 120:20 125:3 126:5 130:24 131:7,11 219:3 five 89:8 90:18,19 five-minute 270:21 flaw 125:12 flow 69:19 73:21 106:8,24 107:10 flows 26:19 73:9 focus 82:22 124:4 125:21 219:1 267:18 focused 55:1 60:19 60:23 64:8 88:12 88:19 217:19 focuses 264:25 focussing 73:14 folks 270:24 follow 96:7,16,20 follow-up 92:16,22 93:2,3,19 95:6 98:2,5 following 51:15 133:11 259:23 force 143:13,25 foregoing 349:8 foreseeability 259:1,5 forget 129:11 142:15 Forgive 218:11 forgotten 260:17 form 27:8 60:4 forms 137:18 forth 97:18 forward 80:12 found 109:20 foundation 52:25 53:4,7,10,22 69:5 106:23 four 54:6 98:25</p>
---	---	--	--	---

<p>99:8 262:22 263:20 Fourth 21:22 frame 91:24 Frankly 122:6 free 65:14 freezing 221:4 Friday 80:23 front 95:3,11 257:12 FTI 85:19,21 fulfill 119:2,7 266:21 fully 133:9 functionality 122:21 266:17 267:2 further 87:1 119:13 133:8 137:14 146:16 212:1 267:23 270:13 future 47:12</p> <hr/> <p style="text-align: center;">G</p> <p>G 28:5 45:4 101:11 Gafken 22:13 24:13,16 50:3,5 51:4,5,14,25 52:5 58:15,16 59:21 60:15,16 61:18 62:5,12,14 63:7,8 65:18 67:1 70:15 70:16 74:25 75:1 81:25 86:3 131:1 255:3,6,10,12,16 256:14,17 260:11 263:7 268:9,10,13 270:13,18 271:7,9 271:13,14,17 273:2,23 Gafken's 71:22 Garlinghouse 21:20 349:6,15 gateway 104:21 105:1,6,22,25 106:9,12,20</p>	<p>gathered 97:3 general 22:8,14 23:4 39:5,6 67:4 128:20 130:25 145:14 217:22 220:2 266:22 267:1 generally 71:22 138:21 271:22 Generation 26:8 272:6,10 geographic 125:8 geographically 124:7,20,25 germane 84:5 120:10 getting 48:24 56:10 135:15 137:8 138:4 274:23 give 100:6 108:8 130:6 131:16 144:14 215:3 216:1 217:12 218:2,13 270:25 given 68:2 72:4 91:16 102:18 123:23 217:25 275:12 glad 86:8 glitched 118:9 global 72:24 74:19 75:15 go 47:10 52:19 56:10 58:19 66:9 72:3 74:3,18 75:9 76:9 79:18,20,25 80:12 90:3 92:10 93:25 97:7,17,19 110:3,14 120:21 121:3 128:19 136:3 217:9 220:19 270:20 275:13 goes 57:1 61:16 103:18</p>	<p>going 56:5 60:11 67:2,23 69:2,7 71:17 72:17 74:21 74:21 87:4 103:22 104:20 105:24 108:6,8,19 125:21 125:22 129:22,25 130:24 131:14 135:10,24 137:14 139:24 140:23 143:3,16 144:16 144:23 146:6,7,13 146:21 214:5,22 215:13,23,24 218:11,19 220:21 262:15 263:7 270:20 271:7 274:21 275:11,12 good 62:14,14 71:20 78:23 81:14 87:12 97:21 101:23 121:10,11 212:11,12 257:3 gotten 45:22 grappling 50:9 great 64:15,23 90:2 90:8,20 96:21 104:1 109:3,7 greater 134:17,25 Green 126:2 127:4 127:10,19 144:4,9 145:7,13 214:24 217:20,24 218:1,6 218:9,15,17 219:2 219:23 263:5 Gregory 21:12 22:3 45:10 group 58:18 272:4 272:9 guarantee 76:14,18 77:19 guard 138:22 guess 47:12 77:23 99:16 137:14 guidance 128:23</p>	<p>129:5 130:16 132:12 137:2 275:12 Guide 40:4</p> <hr/> <p style="text-align: center;">H</p> <p>halfway 95:16 hand 60:23 handled 78:12 happen 81:1 131:18 220:12,14 265:12 266:20 happened 60:10 71:10 219:7 happens 134:9 happy 52:19 53:5,8 124:23 143:6 hard 69:3 135:11 139:9 Hardening 36:10 harder 274:25 Hartman 24:20 96:23 262:9 hate 81:10,12 Hawkins-Jones 24:2 38:15 39:21 84:13 86:10,15 87:12 88:24 100:3 103:7 107:1,13 108:7,14 117:24 118:5 119:15 Hawkins-Jones' 107:8 head 87:25 headings 53:2 health 270:21 hear 68:12 85:14 119:24,25 hearing 21:11 46:23 48:14 53:4 54:16,16 63:23 74:19 75:12 76:24 80:3,17 82:14 hearings 45:14 67:20 72:14 heavily 272:6</p>	<p>help 66:23 269:25 270:1 helpful 263:11 helping 60:10 123:24 high-tech 78:2 highest 132:20 highlighted 125:25 126:4,15 129:2 133:15,18 139:5 highlighting 140:3 highlights 139:8 140:6,6 highly 62:23 133:24 hire 118:10 History 35:23 36:3 Homeland 25:16 36:8 honest 98:19 Honor 46:4 47:22 53:16 55:21 56:18 57:10,18 58:1 59:20 61:5 66:4 66:19 67:25 68:7 71:20 73:5 80:20 81:1 82:5 83:6 84:12,15,21,22 85:18 86:6 87:6 97:6,21 98:19 106:25 108:11 110:2 118:1 120:14,21 121:5 129:10 139:7,15 146:12,20 212:7 215:15 216:2 220:18 256:22 263:13 268:4,5 270:19 273:9 275:3,10 hoped 146:10 Hopefully 119:23 hour 91:6,7,15 212:17 220:22 Hovey 44:4</p>
---	--	--	---	---

<p>I</p> <p>I3 272:8</p> <p>identical 55:12</p> <p>identified 50:7,13 50:14 52:12 64:10 68:18,21 76:9,15 77:2,6,6,8,23 91:2 94:24 95:2 98:10 98:15,21,25 99:1 99:11 101:2,4,11 102:11 123:22 124:16 125:4,19 127:8,21 129:2 140:22 142:4 267:4</p> <p>identifies 78:1 99:13 145:12</p> <p>identify 51:23 52:1 74:3 76:17 79:23 121:24 122:19 123:24 146:3 273:11</p> <p>identifying 50:11 98:18</p> <p>IGCC's 127:18</p> <p>II 26:9</p> <p>III 21:11</p> <p>Illumenet 26:14</p> <p>imagine 69:21 70:2</p> <p>immediately 59:21 79:25 87:23 129:2 133:10</p> <p>impact 109:17 259:23 262:2</p> <p>impacted 79:15 85:3 95:22 144:5 145:13,20 258:5 259:20 260:15</p> <p>Impairment 42:5</p> <p>implementation 123:11</p> <p>implements 141:23</p> <p>important 60:1 68:23 132:24 135:5 213:19</p>	<p>215:7 258:19,25</p> <p>imposes 69:23</p> <p>impossible 78:19</p> <p>in-depth 118:18</p> <p>inaccurate 123:18</p> <p>inception 272:7</p> <p>incident 85:4 128:10 136:25 137:5,6</p> <p>include 51:11 95:1 129:3 139:13</p> <p>included 57:8 62:24</p> <p>includes 46:15 58:25 83:25</p> <p>including 86:23 126:6 216:21 262:8</p> <p>independent 271:19</p> <p>INDEX 24:1,18 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1</p> <p>indicated 49:13 78:15 131:15 141:1 146:8</p> <p>indication 56:2</p> <p>individual 77:3</p> <p>industry 126:18 128:22,24 129:5 129:12 132:7,10 135:21</p> <p>Infinera 27:5 31:7 31:9 40:24 104:11 104:16 105:16 263:5</p> <p>influence 141:15</p> <p>inform 79:24</p> <p>informal 24:24,25 27:22 28:4 30:14</p>	<p>30:17 63:21 89:9 90:22 93:1</p> <p>information 46:16 55:1 57:12 59:10 59:10 60:11 63:18 63:21 65:24 67:22 69:16,19,25 70:8 70:12,14 71:1 72:13 73:21 74:7 74:9,11 75:4,7,18 75:20 78:17 80:8 81:5,6 83:18,24 84:1 90:11 96:10 98:14,16,18,20,24 105:7 110:16 118:14 120:18 121:2 128:24 130:4 136:15 137:4 139:5,13 140:4</p> <p>infrastructure 132:18,18</p> <p>infringement 219:12</p> <p>ingredient 213:5</p> <p>initial 52:1 94:6 140:16 256:1</p> <p>initially 68:3</p> <p>initials 52:7</p> <p>inquired 102:22</p> <p>inquiries 102:20</p> <p>inquiry 107:13 135:16</p> <p>insight 217:25</p> <p>instance 76:13</p> <p>instances 69:1 75:3 134:16</p> <p>instantiations 49:18</p> <p>instruction 255:21 272:15</p> <p>Insurancejourna... 29:20</p> <p>intend 70:4 72:2 128:2</p>	<p>intended 49:17 50:18 73:23</p> <p>intending 60:3</p> <p>intends 67:6</p> <p>intent 122:2</p> <p>intention 45:22 49:17,23 50:5 70:11</p> <p>Inter 39:8,10,16</p> <p>interconnect 135:3 135:5,6</p> <p>interconnection 123:14 259:20 260:15</p> <p>interest 59:2,13 60:5 75:6 78:21</p> <p>interested 60:9</p> <p>interexchange 267:19</p> <p>interference 104:19 104:24</p> <p>interject 83:6</p> <p>intermittent 95:23 95:24</p> <p>Internet 26:9</p> <p>interpret 144:23</p> <p>interpretation 144:14</p> <p>interpreted 73:22</p> <p>interrupt 129:6 135:11</p> <p>interruption 86:7</p> <p>interstate 258:8</p> <p>Intrado 104:20 105:1,6,15,17,25 106:9,12,12,20,20 107:23 108:3 272:22 273:19</p> <p>Intrado's 105:22</p> <p>intrastate 258:8</p> <p>introduce 83:4</p> <p>investigate 87:20 88:10 96:8,16 102:16</p>	<p>investigated 89:8 102:23</p> <p>investigation 24:24 28:5 35:13 36:21 36:24 37:3,6,10 38:19,21 63:22 88:1,3,11,19 89:16,20 90:11,16 92:25 100:5,9 101:11 103:7,15 103:16,18 106:16 107:1,12 109:9,13 109:16 118:7 269:5</p> <p>investigative 88:17 118:15</p> <p>investigator 88:2,4</p> <p>involve 70:7,12,14 72:12 120:17 259:16</p> <p>involved 60:8 82:19 122:4,6,7,22 123:8,9,10,19,21 214:15 215:8 219:12 220:7 271:23 272:6</p> <p>involvement 55:19 219:14,16</p> <p>involvements 84:23</p> <p>involves 123:12</p> <p>involving 54:14</p> <p>IP 123:15 130:3 272:1,3</p> <p>irrelevant 54:19 60:25 63:25</p> <p>irrespective 68:22</p> <p>Island 39:8,10,16</p> <p>issue 45:20 50:9 52:25 54:20 55:5 56:16,24 57:21 61:17,17 65:6 66:6,15 67:19 69:2 73:11 83:11 83:20,21 124:5 128:4 129:4</p>
--	--	--	---	--

131:20 issued 89:8 98:6 issues 45:16 46:24 53:17 61:16 68:16 104:24 105:3 106:11,19 107:22 108:2 123:16,19 It'd 56:13 ITF 272:3	JDW-30C 37:12 53:20 JDW-31C 37:14 41:12 JDW-32C 37:16 JDW-33CT 37:18 JDW-34C 37:19 JDW-35C 37:21 JDW-36C 37:23 JDW-37C 38:3 JDW-38C 38:5 JDW-39 38:7 JDW-3C 35:13 JDW-4 35:15 216:11,12,13 JDW-40C 38:8 JDW-41C 38:10 JDW-42C 38:12 JDW-43 38:14 JDW-44X 28:7 32:12 JDW-45CX 28:9 32:13 JDW-46X 28:10 JDW-47X 28:11 JDW-48X 28:12 JDW-49X 28:14 JDW-50CX 28:15 32:17 JDW-51CX 28:17 32:19 JDW-52CX 28:19 32:21 62:8 JDW-53X 28:21 32:22 63:12 64:2 JDW-54X 27:18 28:22 32:24 63:14 64:5 JDW-55CX 27:20 28:24 33:4 63:15 JDW-56CX 29:3 JDW-57X 29:4 JDW-58X 29:5 JDW-59X 29:6 JDW-5C 35:16	40:14 JDW-60X 29:7 JDW-61X 29:8 JDW-62X 29:9 JDW-63X 29:10 JDW-64CX 29:11 JDW-65CX 29:13 JDW-66X 29:14 JDW-67CX 29:15 131:4 JDW-67X 129:24 JDW-68X 29:17 51:18 54:9,23 JDW-69X 29:18 55:6 JDW-6C 35:18 40:16 JDW-7 35:20 JDW-70X 29:20 JDW-71X 29:22 JDW-72X 29:23 JDW-73X 29:24 JDW-74X 30:3 JDW-75X 30:5 139:18,18 JDW-76X 30:7 JDW-77X 30:8 JDW-78CX 30:9 JDW-79CX 30:10 JDW-8 35:21 JDW-80X 30:12 51:19 56:8 JDW-81CX 27:23 30:13 51:18 52:24 JDW-82CX 28:4 30:16 49:9 51:18 52:24 JDW-83CX 30:19 JDW-84CX 30:20 JDW-85CX 30:22 JDW-86CX 30:24 JDW-87CX 31:3 JDW-88CX 31:4 JDW-89CX 31:6 JDW-9 35:22	JDW-90CX 31:7 JDW-91CX 31:9 JDW-92CX 31:11 JDW-CT 35:11 Jeanne 96:24 262:9 JHJ-10 39:7 JHJ-11 39:9 JHJ-12 39:11 JHJ-13 39:13 JHJ-14 39:15 JHJ-15 39:17 JHJ-16 39:19 JHJ-17CT 39:21 JHJ-18 39:23 JHJ-19X 27:12 JHJ-1CT 38:15 103:23 JHJ-20X 27:13 JHJ-21X 27:14 JHJ-22CX 27:15 JHJ-23X 27:16 JHJ-24X 27:17 63:14 64:5 93:14 94:4 JHJ-25CX 27:19 28:25 63:15 64:7 93:14 95:3 JHJ-26 53:18 JHJ-26CX 27:21 30:15 49:8 51:17 52:23 91:3 JHJ-27CX 28:3 30:17 51:17 52:23 JHJ-28CX 28:5 101:7 JHJ-2C 38:17 JHJ-3C 38:19 89:11,15,21 103:16 JHJ-4 38:21 108:20 108:22 109:8 JHJ-5 38:22 JHJ-6 38:24 JHJ-7 39:3 JHJ-8 39:4	JHJ-9 39:6 job 136:5 274:25 John 22:14 40:11 71:20 81:25 john.nelson@atg... 22:17 join 80:15 joined 45:13 81:17 81:24 87:18 joining 87:23 Judge 45:6,12 46:12 47:23 48:6 49:5,19 50:2,5,17 51:7,25 52:4,6,15 53:12,25 54:4,22 55:18,22 56:17 57:7,11,25 58:6,9 58:14 59:18 60:7 61:4,23 62:11,13 62:15,20,25 64:12 65:3 66:3,11 67:3 67:8 68:1,12 69:15 70:6,15 72:11 74:6,25 76:3,4,6,20 77:18 78:4,9 79:3,4,17 81:2,10,16,22 82:1,6,10,13 83:22 84:9,17 85:10,14 86:1,5,8 87:2,8 88:25 97:9 97:14,17 99:22 103:5,10 107:11 108:5 110:5,8,18 117:22 119:14,21 119:25 120:4,9,16 120:23 129:6,13 129:17,20 130:20 131:1,19,22 135:10 136:4 139:4,10 146:15 146:22 211:18,25 212:3 215:2,11,22 216:3 220:23 221:6 254:21
J				
J 21:12 22:3 24:20 38:5 45:10 Jacque 24:2 38:15 39:21 84:13 86:10 James 24:5 35:11 35:12 37:18 119:20 120:3 Jan 38:22 39:3 January 37:16 101:22 257:6 JD-52CX 62:18 JD-5CX 64:6 JDW-10 35:23 JDW-11 35:24 JDW-12 36:3 JDW-13 36:4 JDW-14C 36:5 JDW-15 36:7 JDW-16 36:8 125:23 128:7 JDW-17 36:10 JDW-18C 36:11 JDW-19C 36:13 JDW-2 35:12 JDW-20C 36:15 JDW-21C 36:17 JDW-22C 36:19 JDW-23C 36:21 JDW-24 36:23 JDW-25 37:3 JDW-26C 37:4 JDW-27C 37:6 JDW-28C 37:8 53:20 JDW-29C 37:10				

<p>255:1,8,10 256:16 260:12 263:9,17 267:24 268:8 270:15,23 271:6 271:12 273:4 274:7,18,21 275:15 judges 21:12 22:2 45:11 80:25 judgment 61:19 July 36:7 39:14 jump 261:10 junction 215:14 June 39:10,16 139:19 justice 78:22 JWS-1TC 24:20</p> <hr/> <p style="text-align: center;">K</p> <p>K 38:5 43:21 keep 47:20 110:11 139:8 271:2 KEOLAND.com 29:18 key 107:3 kind 68:15 138:22 King 39:3 KIRO 39:3 Klein 25:22 31:3 41:5 44:6 Klein's 46:8 know 47:3 48:23 52:16 55:21 56:2 65:11 69:21,25 72:1,6 73:15,15 75:16 78:14,18,21 80:1 81:1,2 83:9 84:23 85:7 89:12 90:6 93:22 94:16 95:19 96:13 101:21 102:2,12 103:23 104:3,17 107:13,14,19 108:9,21 118:9 121:3 122:16 129:21 130:14</p>	<p>131:2 142:25 145:20,23 146:6 215:8 216:6 217:12 220:9,21 262:16 267:13 268:21 knowing 76:14 knowledge 55:19 56:4 63:2 65:13 86:19 102:25 105:12 107:8,17 118:19 349:9 knows 80:23 215:7 Kopta 21:12 22:3 45:6,10 46:12 47:23 48:6 49:5 49:19 50:2,5,17 51:7,25 52:4,6,15 53:12,25 54:4,22 55:18,22 56:17 57:7,11,25 58:6,9 58:14 59:18 60:7 61:4,23 62:11,13 62:15,20,25 64:12 65:3 66:3,11 67:4 67:8 68:1,12 69:15 70:6,15 72:11 74:6,25 76:3 78:9 79:3,17 81:2,10,16,22 82:1,6,10,13 83:22 84:9,17 85:10,14 86:1,5,8 87:2,8 88:25 97:9 97:14,17 99:22 103:5,10 107:11 108:5 110:5,8,18 117:22 119:14,21 119:25 120:4,9,16 120:23 129:6,13 129:17,20 130:20 131:1,19,22 135:10 136:4 139:4,10 146:15 146:22 211:18,25</p>	<p>212:3 215:2,11,22 216:3 220:23 221:6 254:21 255:1,8,10 256:16 260:12 263:9,17 267:24 268:8 270:15,23 271:6 271:12 273:4 274:7,18,21 275:15</p> <hr/> <p style="text-align: center;">L</p> <p>L 38:5 labeled 47:8 50:1 56:9,11 labeling 50:20 Lacey 21:19 45:1 lack 52:24 53:10,23 65:12 95:23,24 106:22 125:12 135:7 218:22 lacked 262:12 laid 53:4 language 129:2,3 large 75:24 larger 72:12 late 270:20 law 21:12 22:2 45:11 76:24 Lawsuit 29:21 layer 260:6 lead 88:2,4 leading 135:21 137:7,7 lean 71:15 learned 85:1 128:22 leasing 99:5 258:1 leave 255:5 262:4 leaves 74:16 led 103:7 107:1,1 215:20 left-hand 101:10 Legacy 133:1 legal 23:9 144:14 264:20</p>	<p>length 64:15,24 let's 45:6,19 53:12 81:18 93:22 94:23 97:20 100:3 110:18 117:22 120:23 121:16 122:25 124:4,5 125:21 129:24 131:19,22 132:14 138:8 139:3,18 142:8 143:2 146:24 211:18 212:19 219:1 257:12 258:10 259:7 261:10 264:1 271:6 275:15 letter 60:20 61:11 61:13,16 101:3 level 61:14 134:14 143:8 260:16 levels 260:6 liability 61:1 267:9 limitation 51:13 limited 214:23 limits 110:9 line 27:8 68:21,23 104:5 135:16 138:20 256:4,5 257:21 258:10,12 259:8 261:15,16 264:9 265:24 268:16 273:18 lines 53:3 84:10 256:2,7 257:16 273:24 link 213:5 links 99:6 102:17 102:24 145:4,6,8 145:25 146:3 213:6,10 262:13 262:22 263:5,20 Lisa 22:13 50:3 81:25 269:15 lisa.gafken@atg....</p>	<p>22:16 list 45:21,23 46:13 46:17,22 47:11 49:16 51:10 52:19 63:10 77:15,20 78:5 litigation 219:16 little 47:9 50:18,24 79:22 82:21 90:6 99:16 120:19 121:16 133:5 221:4 live 79:1 LLC 21:8,21 24:21 25:23 26:5,11,24 45:9 275:9 LLP 22:21 Lobdell 26:5 80:24 Lobdell's 81:5 local 122:10,18 123:12 133:11 266:5,23 located 134:6 locations 99:1,13 99:18,18 133:22 log 35:10 59:9 log/breakdown 27:21 28:3 30:13 30:16 logistical 76:6 logs 90:23,25 91:6 91:20,23 long 56:20 110:5 120:7 121:21,23 longer 73:12 look 64:19 75:11 89:10,11 90:2,9 93:22 94:14,16,23 95:13 99:11 100:3 101:20 102:1 103:22 104:2 108:20 125:3 129:24 138:8 139:3,18 140:10 140:14 142:8,10</p>
---	---	---	--	---

<p>143:2,13 145:11 146:2 214:8 216:12,24 217:18 218:8,16,21 257:12,15 258:10 259:7 261:14 264:1 looked 73:7,7 118:13 135:25 138:10 142:24 217:22,23 218:17 219:9 looking 89:24 90:7 97:24 98:9 129:4 130:18 138:23 140:20 142:11,14 145:2 216:16 218:4 Loop 21:19 lot 123:8,16 135:15 142:14 143:3 220:9 loud 98:16 99:12 lucky 134:7 lump 52:21</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 24:24 25:10 30:19 38:5 86:13 87:10 118:3 121:8 212:9 255:15 257:1 268:12 271:16 275:5 Main 86:11 117:21 121:6 211:17 254:20 maintained 96:8,18 maintaining 103:2 majeure 143:13,25 major 37:16 133:11 making 126:8 malformation 258:16,21 259:2 manage 135:23 managed 262:19 manager 122:18</p>	<p>mandatory 216:25 217:1,7 manmade 133:11 manner 48:9 213:7 mark 75:11 marked 49:22 83:16 101:7,9 Martin 26:23 40:20 material 72:4,10 materials 70:22 138:11 214:1 matter 54:13 72:1 76:7 80:22 84:24 105:12 145:14 212:16 219:22 275:9 matters 80:14 matured 128:22 McGinty 22:7 24:3 24:7,11 47:21,23 47:24 49:2,3,11 52:11,14,19 54:3 54:8 56:7,8 57:13 57:17,18 58:1,6,8 58:12,13 65:5 69:15,18 70:9 73:22 81:20,20 83:4 84:11,12 85:13 86:2,14 87:1 88:21 103:4 106:22 117:25 118:1,4 119:13,17 119:19 120:4,6 131:5,14 211:21 211:22 212:1,2 214:22 254:24,25 McGinty's 71:24 McNealy 27:4 40:11 MDV-1TC 26:23 40:20 MDV-2 27:3 MDV-3C 27:4 MDV-4C 27:5 40:24</p>	<p>MDV-5 27:7 MDV-6 27:8 MDV-7 27:10 MDV-8 27:11 MDV-8C 40:7,22 MDV-95CX 40:20 MDV-96CX 40:22 MDV-97CX 40:24 MDV-98CX 41:3 MDW-2 121:20 mean 46:19 48:15 53:3 80:4 81:3 82:21 145:14 217:17 255:4 260:24 262:1,2 means 146:4 measures 216:19 meet 87:14 257:4,5 meeting 83:9 275:7 meets 55:3 member 122:17 members 77:9 memory 93:13 mentioned 89:4 123:12 146:9 merely 100:19 merits 266:8 message 265:21 messages 264:15 265:4,8,17 met 60:25 121:13 212:13 267:15 method 73:4 mid 271:23 middle 69:5 82:16 145:17 272:21 273:17 miles 127:13 Military 35:24 41:18,19 82:7,9 139:20 140:12 142:11 143:19 270:11 million 29:18 millions 107:2</p>	<p>mind 45:19 47:20 83:11 270:21 271:2 minimal 68:8 69:4 minimize 48:23 135:7 220:12,15 minor 46:20 minute 100:6 108:25 126:20 minutes 110:7,12 120:20 mischaracterizes 140:24 misdirected 61:11 mission 132:18 mistake 58:4 mistakes 61:18 misunderstand 78:16 Mitigation 38:17 Mm-hmm 264:8 moment 80:13 128:17,20 130:7 130:19 146:23,24 216:1,13 264:2 273:20 274:7 moments 45:13 66:9 months 92:12 96:1 96:6,7 131:13 137:6 morning 66:20 71:20 82:2 87:12 110:11 121:10 motion 61:6,7,19 MOU 42:5 move 53:13 66:23 87:3 108:12 125:22 130:23 136:8 255:1 263:12,15 multiple 46:25 47:15 48:11 54:2 90:5 127:11 134:16 216:10</p>	<p>260:6 268:20 mute 80:21 82:15 muted 80:20</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 22:1 23:1 45:4 86:13,13 87:10,10 101:4 118:3,3 121:8,8 212:9,9 255:15,15 257:1,1 268:12,12 271:16 271:16 275:5,5 N-E-N-A 130:21 names 47:18 narrative 35:14,15 38:19,21 89:15 100:20 109:9 national 21:24 35:20,21,22,23 36:3,10 108:17 118:22 119:1,6 257:19 258:3,4 259:18,24 260:14 260:22 262:22 nationwide 109:17 133:12 257:22 natural 133:11 nature 67:5 72:4 91:17 213:10 nearly 102:15 necessarily 48:22 83:17 necessary 62:2 213:12 need 45:20 46:5 52:17 63:18 66:21 67:20 68:4,19 70:17 71:13 73:18 75:10,17 77:14 80:15 82:18 83:12 83:14,24 99:23 108:25 110:3 131:18 146:8 269:25 needing 47:3 81:12 needs 60:8 74:7</p>
---	--	---	--	---

<p>neglect 265:23 neglected 84:18 265:20 Neither 60:22 65:23 Nelson 22:14 70:18 71:17,20,21 81:25 255:4 NENA 130:4,14,17 130:21 131:12,12 132:3,7 134:20 135:20 137:6 144:3,17,20 272:9 network 25:16 26:3 26:4,9 31:7,9 36:10 40:9 41:9 42:4 55:4,15 57:5 61:9 62:23 64:14 64:15,18,20 65:1 65:6 66:5,10 73:9 73:10,11,12,14,16 78:18 92:7,20 94:10,20 96:9,12 96:17 99:6 103:3 103:9,11,17 106:6 106:14 107:16 108:16 109:21 118:12,23 119:2,7 122:14 123:5,5,7 123:8,9,22,25 124:3,7,8,20 125:12 126:2 127:4,4,7,10,12 127:19 128:9 130:3 132:8 133:24 135:1,8 137:13,18,18,20 141:9,14,16 142:15 144:2,4,5 144:10,17 145:7 145:13,24 146:8 212:21,23,24 213:2,2,6,15,15 213:20 215:10 217:20,20,23,24</p>	<p>218:1,5,6,9,15,18 218:23 219:23 220:11 257:19,23 258:3,5 259:17,19 259:24,24,25 260:4,4,10,22,23 260:25 261:3,3,5 261:7,7,17,24 262:19,23 263:6 263:21,21 268:15 268:15,18,19 271:23 272:1 Networking 40:4 networks 108:17 124:19 133:9 137:2 214:24 219:2 220:1 268:21 271:24,24 272:1,3 never 123:6,21 138:23 139:23 219:3,24 new 97:11 144:16 214:5 news 29:18,20 39:3 newspaper 54:12 NG911 25:24 35:24 41:7 132:19 nice 82:21 87:12,14 257:4,5 Nina 22:13 81:23 nina.suetake@at... 22:17 nodes 127:11 non-confidential 70:3 72:19 79:20 120:21 nonconfidential 73:1 nonredacted 139:24 Nope 130:12 normally 72:6 220:13 north 134:7</p>	<p>note 65:3 71:2 79:5 90:4 94:23 98:14 122:17 notice 36:8 39:13 129:1 139:5 November 26:7 35:21 number 35:22,23 36:3 47:13,25 48:13,17,20 49:14 58:16 76:8 89:14 91:7,15,16 92:6 130:8 131:4 215:16,20 256:3,5 256:7 numbered 46:19 numbering 46:20 130:15 numbers 46:25 47:15 48:11 50:21 54:2 90:5 256:3 256:10 264:5</p> <hr/> <p style="text-align: center;">O</p> <p>O 45:4 86:13 87:10 87:10 101:4 118:3 121:8,8 212:9,9 255:15 257:1,1 268:12 271:16 275:5,5 o0o-- 45:3 object 49:17 50:6 65:25 74:14 78:13 131:14 214:22 263:7 objected 49:21 51:3 58:12 61:14 65:5 objecting 49:9,11 49:23,25 52:3 58:17 objection 48:16 49:7 53:5,9,11 54:3 56:6 57:16 58:7,8 60:13 62:3 63:5,19 65:8,10 65:16 66:16 79:11</p>	<p>88:21 99:15 103:4 106:22 140:2 146:5 260:11 objections 47:7 50:3 51:1 52:10 52:20 63:24 66:17 66:21,25 67:1,10 85:8,11,13,14,25 86:1,2,3 objects 59:4 61:2 62:15,17 64:9 obligated 142:12 obligation 124:24 267:12,14 269:25 obligations 266:4 266:18,21 observation 82:15 obvious 135:25 obviously 68:6 69:21 73:11 100:16 occupation 271:20 occupying 76:25 occur 53:6 219:5 occurred 54:18,21 59:22 89:2 118:22 118:22 138:22 219:2 259:15 occurs 143:8 Oct 39:8 October 37:7,8 57:22 126:1,5 offer 266:16 offhand 262:17 office 22:8,14 23:4 39:3,5,6 76:24 oh 56:10 77:22 110:7 133:17 138:15 140:7,19 221:1 261:13 okay 50:17 52:6 62:5,12 65:18 78:4 87:23,25 88:4,7 89:4,14,24 90:13,18 91:1,11</p>	<p>91:14 92:5,9,15 92:24 93:8,12 94:14,19 95:6,10 95:20,21 96:6 97:1,16,21,25 98:5,9,14 99:8,11 100:7,8,9,16,19 100:23 101:1,6,8 101:9,14 102:4,13 102:14 104:1 105:3,13,20 106:11 107:19,22 109:12 110:1,8 119:13 124:24 125:10,20 129:20 130:13 131:8 142:25 143:17 219:1 257:17,18 257:21 258:7,11 258:15 259:11 260:3,8 261:10,11 261:11,23 262:8 262:12,18,21 264:4,22 265:3,7 265:14,20 267:8 267:16,22 270:12 273:1 274:18 Olympia 21:23 22:9 23:5 once 45:16 52:17 78:17 ones 53:13 67:3,4 Online 27:8 oops 216:16 open 71:3,16,23 73:2 74:14,17 75:21 78:22 79:1 80:5 94:4 99:17 101:6 130:6 131:15 146:19 opening 131:6 operation 107:23 108:2 operational 133:9 operations 133:10</p>
---	--	---	--	--

opinion 103:8 218:2,13	104:6,7,11,16 106:6 107:24	259:2 260:21 271:23	143:18 144:4 216:16,17,17	Perfect 125:10,20
opinions 213:24 214:13,15 219:22	108:4,15,16 109:17 118:21	page 24:2 40:10 41:10 46:5,7	217:9 258:16,20 259:2 263:10	period 74:2
opportunity 61:12 69:24 131:17	125:17 126:2,12 126:17,18 127:1	68:25 90:3,4,7,10 95:13,16 98:1,11	264:23 266:8	Perkins 77:8
oppose 146:14	128:8,22 131:13 143:20 144:4,10	101:10 102:1,2,4 104:2,3 121:22	particularly 69:18 79:12 141:20	permissible 215:25
opposed 57:14	145:9,13 214:6,12 214:20 215:7	129:22,25 130:2,5 130:23 131:5,7	parties 45:22,24,25 50:19 51:20,23	permits 56:20
opposite 73:20	216:14 217:25 218:1,5,6,14,17	132:14 138:9,20 139:25 143:2,5,5	67:18 73:3 74:2,8 75:23 77:19 78:5	person 87:14
option 84:3	257:10,18 258:2 259:15,18,20,23	143:13 215:5 216:5,11 217:10	79:12 214:14	personal 63:2 65:13
order 25:18 39:8 39:10,12,14,16	260:8,15 261:5 262:14 263:4,13	257:15,21 258:10 258:12 259:9,9,10	Partners 85:19	persons 269:25
56:15 71:8 77:12 77:13,17 83:10,20	266:20 268:24 269:2,4,9	261:10,14,16 264:1,9 265:24	parts 268:20	perspective 51:4,6 52:18 55:14 60:3
119:20	outages 217:19,22 217:24 218:10	272:20 273:11,13 273:21,23 274:11	party 51:24	122:8 123:11 258:25
Ordering 27:8,11 40:7,22	259:13	274:11,12,13	party's 72:25	pertain 52:22 110:15
organization 272:4	outside 73:2 74:11 138:4 215:24	pages 21:12 40:6,8 40:12,14,16,18,20	pass 70:17	Phase 38:17
organizations 137:7	218:9	40:22,24 41:4,6,8 41:12 121:21,23	patent 219:12,17	phone 87:13
organize 120:20	overlap 123:16	128:4 130:24 259:7	patents 219:20	phones 82:15
Origin 35:23 36:3	overly 56:13	paragraph 126:4 133:16 134:14	path 268:22	phrase 128:12 143:25 274:2
original 130:8	overrule 65:7,16 66:15	138:18 144:1,8 216:18 272:22	paths 133:24	phrases 124:16 141:19
originally 27:22 28:3 30:14,16	Overview 38:17	273:17	Paul 88:6,7 94:12 133:4,5	physical 125:7 127:10 132:25
originate 99:9	owned 85:19	part 48:2,7 58:2 62:22 73:16 83:17	Pause 117:20 131:21 146:25	213:11 217:6
originating 85:2 104:20,25 105:5		104:10,15 133:1 136:10 137:9	221:8 275:17	piece 125:3 127:16 272:21
105:21,24 106:8 123:1 266:12,16	P	138:10 268:19	Pay 29:20	272:21
266:24 267:20 269:13,13,18	P 22:1,1 23:1,1 45:4 133:4,5	participants 76:15 participating 85:11	paying 212:16	place 60:6 73:12 79:7 99:20
270:3	p.m 211:16,16 271:5,5 348:17	particular 55:18 68:23 127:13,14	PC 25:4,8,11 36:15 36:17 142:3,6	placed 61:17 262:21 263:5,20
Ornstein 23:9 79:3 79:4 82:11,11	packet 127:17 218:18 219:1,4,6	127:15 135:16 141:20 142:5	PC-7a 41:21	places 69:3
ought 56:15	219:9,14,14,16,17 219:19,19,21,23		PC-7b 41:21	Plan 42:14
out-of-state 54:13	220:10,12 258:13 258:16,16,20		PDF 90:2,3 95:13 98:2 130:2 131:5	pleadings 54:13
outage 25:16 27:21 28:3 30:12,13,16			132:14 140:1 143:5	please 47:14,20 82:15 84:19 98:15
31:7,9 37:16 42:5 42:7,14 54:14,18			PDFs 131:6	101:6 104:5 121:3
57:5 59:22 61:15 64:21 85:3 87:16			penalize 264:10	139:12 221:6
87:20 88:10 89:8 92:7 95:22 101:16			penalty 265:25	273:11,16 274:25 275:2
			people 82:22 145:12,14	pleasure 275:7
			percent 68:11,14 72:17	plentiful 129:12
			percentage 68:13 75:24	PO 22:9 23:4
				point 39:17 45:15 47:10 50:23 51:22

<p>52:13 59:20 64:19 65:15,19 66:17,22 67:10 81:3,18 85:16,17 102:14 102:21 121:1 126:21,22 127:1,5 127:7,9,10,13,15 127:20 128:5,7,20 132:24 135:11 143:9 213:3,20 214:7 217:18 220:10,18 263:10 263:10 pointed 53:7 pointing 61:21 216:22 points 55:12 127:23 141:10 policy 264:22 265:2 portion 70:18 71:18 73:1,25 74:22 75:25 83:25 84:4 89:15 100:20 105:20 131:24 144:19,20 portions 21:13 59:15 70:22 71:14 72:8,8 73:15,19 74:4,5 102:9 107:9 135:13 139:25 pose 69:2 poses 50:17 position 267:11,11 positions 59:25 possible 66:24 71:4 71:16 80:5 110:12 120:25 possibly 73:22 post 38:24 74:5 post-hearing 47:16 potential 54:19 84:23 127:5 PP-20-0702 36:10 practical 122:12</p>	<p>practices 36:7 40:4 92:20 pre-identified 76:11 preceded 258:16 prefer 71:3 preferable 97:12 preference 47:24 48:6 71:23 97:14 preferences 76:2 preferred 75:15 prefiled 35:11,12 51:11 84:14 96:22 120:7 212:3 prejudicial 57:23 preliminary 45:16 80:14,22 255:12 premier 132:13 premise 138:5 preparation 138:11 prepared 255:20 255:22 272:14 preponderance 122:23 present 77:20 presentation 75:9 79:1 presented 92:4,8 presents 65:23 presiding 45:11 pretty 75:5 108:6 prevent 218:1 219:10,13 220:11 220:11,15 Preventative 102:5 previously 49:13 86:15 87:3 125:19 136:23 140:25 144:25 prior 63:22 85:8 88:4 89:4 126:19 private 27:8 146:11 privilege 35:10 59:9,12 privileged 58:22</p>	<p>59:1 probability 258:15 258:20 probably 48:3 50:10,14 52:21 68:11 110:7 problem 145:22 problems 55:12 105:4,24 106:4 107:9 proceed 49:1 52:16 84:10 87:8 120:25 131:23 270:19 271:13 273:7 275:2 proceeded 94:17 proceeding 45:12 55:5 60:23,23 62:24 64:1,8,13 65:7,25 66:7,23 67:9 71:3,6,15 73:2 85:12 100:24 120:8 121:14 proceedings 55:20 76:10 78:11 80:5 117:20 121:25 131:21 146:25 221:8 275:17 process 70:23 75:21 118:8 133:25 produce 64:4 produced 27:22 28:3 30:14,16 90:23 product 58:23 59:2 59:12 productive 108:9 professor 212:20 Progress 35:21 progressing 271:3 project 38:17 272:7 projected 220:22 promised 140:12 140:20 141:6</p>	<p>promising 141:9,14 promulgated 57:19 propagated 127:18 proper 107:13 properly 65:2 76:9 proposed 41:3 protect 146:9 protected 58:23 Protection 36:23 protections 134:25 protective 59:2 77:11,13,17 83:10 83:20 protocol 26:9 272:2 prove 56:15 provide 50:14 52:20 57:24 61:9 77:15 118:11 119:11 141:6 142:12 214:13,15 216:20 265:10 266:19 267:13 270:1,5 provided 49:16 89:18 96:19 102:19 103:19 127:4 provider 85:2 105:17,21,25 106:9 123:1,2,22 123:24 124:8,21 125:1,6,12,18 126:7,9,23 128:9 134:21 135:19 137:8 214:6,11,19 263:21 265:5,22 266:12,16,24 267:12,20 269:13 269:14,14,19,20 269:23 270:4,7 providers 104:20 104:25 105:6 123:6 128:10 134:16 146:10 216:19</p>	<p>provides 54:24,25 55:2 125:7,8,8 providing 131:3 140:11 213:24 provision 143:15 143:18 provisioning 145:19 213:6 provisions 55:10 143:14 PS 36:4 PSAP 133:4,21 134:5,22,25 137:15 138:3 267:14 270:1 PSAPs 91:24 92:3 133:1 137:12,25 144:21 145:8 214:11,20 262:2 263:22 public 22:12 24:22 25:5,16 26:18 27:10 32:3,4,5,6 32:14 33:5,6,7,8,9 33:10,11,12,13,14 33:15,16,17,18,19 33:20,21,22,23,24 33:25 34:3,5,7,8,9 34:10,11,12,13,14 34:15,16,17,19,21 34:23 35:3,5,6,8,9 36:8,11,13 39:17 39:19 41:14,16,18 41:20,22,24 42:3 42:8,10,11,13,15 42:17,19,20,22,23 43:5,6,8,9,12,13 43:15,18,19,22 57:4 58:15 59:3,4 59:9,16,22,24 60:17,18 61:1,7 61:17 62:15,17 63:24 64:9 65:10 65:21 66:12,20 69:4 70:20 71:7,9</p>
---	---	--	--	--

<p>71:16,21 74:4,5 74:22 75:2,19 80:4,6 81:22,23 81:24 86:3 120:24 124:18 138:13 142:6 255:1,6,19 257:6,9 265:25 267:11,16 272:11 pull 78:19 100:6 108:25 216:13 purchase 122:20 purchasing 134:15 purge 47:11 purpose 60:5 purposes 123:10 put 56:12 76:7 77:15 83:14</p> <hr/> <p style="text-align: center;">Q</p> <p>QC 39:12 quad 125:4 134:2 146:3 quartered 132:25 question 47:21 49:20 58:25 68:1 69:23 72:2,22 73:5,13 74:10,15 74:17 78:13 83:8 83:17 87:21 88:25 95:7,15,18 96:14 96:15 98:10,11 103:10 104:5,13 105:13 106:2 107:20,25 119:4 123:17,20,21 130:24 131:11 136:17 137:16 142:16 144:7,12 144:15,16 145:1 146:16 214:17,18 215:3,10,13,21 218:11 258:23 260:17 262:15,24 263:25 265:6,14 269:16 questioning 120:13</p>	<p>120:15 214:25 268:16 Questionnaire 39:23 questions 62:16 64:6 69:4,12 80:25 81:13 82:17 84:5 87:1 92:16 93:3,15,18 94:6,9 94:11,12,16,19 97:8 98:2,5,5 110:3,15 117:23 118:12 119:13 120:5,8,17 136:2 136:12,13 143:16 212:6 255:10,13 267:23 268:1,5,6 268:14,23,25 269:11 270:14 quick 76:6 quickly 66:24 217:10 quote 126:11 127:22 141:23,24 Qwest 39:11</p> <hr/> <p style="text-align: center;">R</p> <p>R 22:1 23:1 45:4 87:10 118:3,3 121:8 212:9 257:1 268:12,12 275:5 349:1 RA-10X 31:20 RA-11CX 31:21 RA-12CX 31:22 RA-13CX 31:24 RA-1C 213:25 RA-1CT 39:24 RA-2 40:3 RA-3 40:4 RA-4X 31:13 RA-5X 31:14 RA-6X 31:15 RA-7X 31:16 RA-8X 31:17 RA-9CX 31:18</p>	<p>51:19 57:17 RA-9X 58:3 raise 66:21 raised 55:13 67:19 68:3 99:17 RCW 264:12 reach 267:1 reaching 267:6 read 90:11 95:18 98:16 99:12 101:24 102:8,10 102:11 124:11,23 128:19 135:13 136:10 137:10 138:7,24,24 139:4 141:3 143:15,17 220:3 261:19 262:5,5 readily 118:19 reading 94:17 216:23 217:2,8 ready 211:20 221:4 256:20 really 60:7,9 258:22 Realtime 21:21 reason 66:8 109:24 118:16 126:11,23 218:21 reasonable 72:8 216:19 rebuttal 130:11 272:20 273:13,21 recall 85:4,5 90:24 90:25 91:17,21,25 92:3,7 93:3,5,6,17 118:24 122:6 124:14,22 126:17 127:23,25 128:15 130:8 138:16,17 138:19 140:15,17 140:18 141:3,4,8 141:11,13,14,18 141:19,22 142:1,2 142:4,4,14 143:11</p>	<p>144:21 220:6 262:17 268:15,24 receive 80:25 101:19 received 92:11 96:1 96:3,11 102:22 132:4 receiving 91:5 92:9 92:15,22 102:14 recess 131:17 recognize 71:13 125:24 126:1 recollection 90:14 105:12 136:21 recommend 264:10 265:25 275:13 recommendation 105:10 recommendations 103:19 126:9,18 136:24 recommends 137:8 record 45:6 47:6 53:8,19 54:6 57:9 62:1 71:12 81:18 84:21 85:2,6,24 110:18 117:22 120:25 131:20,22 146:24 211:18 271:3,6 275:16 records 32:14 59:9 60:17,18 Red 31:7,9 214:24 217:20,23 218:5,9 219:2 Red's 217:25 redacted 84:3 139:23 redactions 139:22 140:3 redacts 84:4 redirect 117:25 268:9,10 reduce 82:20 reducing 50:9</p>	<p>redundancy 95:23 95:24 132:21 134:17 135:7 141:15,15,23 143:21,23,25 144:8 redundant 127:16 127:17 132:25 refer 48:3,8,12,16 reference 47:12 91:2 93:13,14 142:19 215:3 216:8,11 257:18 257:21 264:24 referenced 56:22 214:1 references 50:8,15 81:6 referring 47:14,18 49:13,14 131:3,25 261:21 refile 75:10 reflect 46:14 refresh 90:14 refused 265:4 regard 83:13 122:22 128:3 regarding 39:3 83:11 103:20 105:4 118:12 123:14 214:25 219:6 263:13 Regardless 71:6 region 133:12 Regional 39:19 regular 133:9 regulatory 23:9 61:1 reidentify 76:16 relate 62:16 84:22 99:18 related 42:5 54:17 59:8 62:10 119:2 123:19 219:17,21 relates 64:14 78:18</p>
---	--	---	--	---

<p>132:10 144:7 219:6,17 266:4 relating 55:7 126:2 219:20 relationship 61:24 85:25 217:21,24 218:4,10 270:4 relatively 130:25 release 78:23 126:1 relevance 54:15 55:4 62:15 relevant 55:14 58:23 59:14 60:12 60:22 62:23 65:24 263:15 reliability 128:25 132:11,20 213:6 reliable 216:20 relied 106:15 269:5 rely 75:2,8 107:16 118:6 remain 133:9 220:19 remaining 66:25 67:1 79:14 110:2 145:18 remedies 60:24 remember 91:5 101:3 124:21 128:4 138:23 reminder 62:14 Rendahl 268:3 274:8,9,15 render 219:22 repeat 104:13 repeatedly 64:16 rephrase 104:22 106:2 142:17 260:18 269:15 reply 39:24 138:17 140:17 141:2,5 report 24:24 25:16 25:16 28:5 35:13 35:15,20,21 37:16 38:19,21 88:17</p>	<p>89:16,20 90:7 100:5,9,14,15,20 100:20 101:12 103:15,16,18 105:10 109:9,13 118:15 145:12 216:14 269:6 reported 21:20 109:23 reporter 62:13 349:7 reporter's 129:7 130:21 274:25 Reporting 21:21 represent 275:8 reproduced 46:7 request 25:4,5,7,11 25:13 26:15,17,18 27:3,7,10,12,13 27:14,15,16,17,19 27:23 28:4,7,9,14 28:15,17,19,21,22 28:24 29:3,4,5,6,7 29:8,9,10,11,13 29:14,24 30:4,6,7 30:8,9,10,15,17 30:20,22,24 31:13 31:14,15,16,17,18 31:20,21,22 32:3 32:4,5,6,7,8,9,10 32:11,13,14,16,18 32:20,22,23 33:3 33:5,6,7,8,9,10,11 33:12,13,14,15,16 33:17,18,19,20,21 33:22,23,24,25 34:3,5,7,8,9,10,11 34:12,13,14,15,16 34:17,19,21,23 35:3,5,6,8,17 36:16,18,19 37:7 37:11,15 40:14,18 41:3,12,16,18,21 41:22,24 42:3,7,9 42:10,12,13,16,18</p>	<p>42:19,20,22,24 43:3,5,7,8,9,11,12 43:14,15,18,19,22 57:19 58:4,21,22 59:9 60:17,18 63:21 64:3,16,25 65:22 95:15 96:19 requests 24:22,24 24:25 25:3,8,14 25:20 26:22 29:15 35:18 36:12,14,22 36:24 37:3 40:16 66:13 89:9 90:15 90:22 92:25 93:1 93:5,9 102:20 require 58:25 required 125:17 216:19,25,25 requirements 143:21,23,25 266:9 requires 79:9 213:6 265:13 reserve 99:23 resiliency 132:20 137:2 resolved 145:22 respect 51:9 54:10 55:6 59:19 61:22 65:8 88:23 128:7 respects 216:20 respond 53:14 71:17 76:20 responded 57:20 82:17 88:24 respondent 21:9 266:15 responding 81:15 138:16 response 24:20,24 25:4,5,7,8,11,22 26:5,11,15,17,18 26:23 27:3,7,10 27:12,13,14,15,16 27:17,19,22 28:4</p>	<p>28:7,9,14,15,17 28:19,21,22,24 29:3,4,5,6,7,8,9 29:10,11,13,14,15 29:24 30:3,6,7,8,9 30:10,14,17,20,22 30:24 31:13,14,15 31:16,17,18,20,21 31:22 32:3,4,5,6,7 32:8,9,10,11,13 32:16,18,20,22,23 33:3,5,6,7,8,9,10 33:11,12,13,14,15 33:16,17,18,19,20 33:21,22,23,24,25 34:3,5,7,8,9,10,11 34:12,13,14,15,16 34:17,19,21,23 35:3,5,6,8,16 36:15,17,19,21 37:4,6,8,10,12,14 37:19,21,23 38:3 38:7,8,10,12,14 38:22 39:19,23 40:5,11,14,18,20 41:3,5,11,16,18 41:20,22,24 42:3 42:7,8,10,11,13 42:15,17,19,19,20 42:22,23 43:3,5,6 43:8,9,11,12,13 43:15,18,19,22 46:8 57:19,22,24 59:8 61:6 64:2 66:5 70:25 72:3 74:11,14 90:21 98:9 99:7 146:16 262:6 responses 24:22 25:3,14,20 35:18 36:11,13,23 37:3 39:18 40:16 64:7 64:16,17,25 65:13 65:22 66:11 95:8 96:1,11 98:4,6</p>	<p>142:2 responsibilities 61:10 119:2,7,10 responsibility 103:8 122:19 265:9 responsible 103:1 107:5 132:8 143:22 responsive 64:25 rest 77:16 78:6 135:1 220:20 restate 107:25 119:4 result 59:4,15 61:1 62:17 64:9 92:7 104:11,16 109:15 218:18 resume 41:15 110:13 retained 219:3,11 219:20,22 review 67:22 80:1 88:16 reviewed 96:22 121:20 140:17 214:1 215:12 reviewing 96:10 revised 37:21 42:13 256:1 264:11 rid 48:24 right 46:12 49:5,19 51:7 52:4,8,15 53:12,25 54:4 57:11 58:9,14 67:15 68:1 76:3 79:17 81:16 82:14 84:9,17 85:10 86:5,16 87:2,8 89:21 97:9 110:5 110:8 119:14,21 126:15 129:17 130:5 131:19 139:10 141:11 144:24 146:15,22</p>
--	---	---	--	---

<p>212:19 217:16 221:7 254:21 255:8 256:16 264:6 267:24 268:8 270:15 273:4 274:9,16 275:15 risk 78:25 79:16 road 108:10 Robert 24:9 39:24 40:3 211:22,24 role 267:19 269:12 269:18,19,23,24 270:3,7,8,9 room 67:16 76:10 76:13,18 77:1,2,3 77:6,6,7,21,23 78:2 83:9,19 rooms 76:25 77:12 root 28:6 31:7,9 36:5 42:4 101:14 102:14 Rosen 24:15 41:14 41:15 43:16 49:23 49:24 64:14,23 65:4,9 66:12 67:13 68:11,13 124:18 125:11 127:21 138:13,16 138:19 258:24 262:15,25 263:25 264:17 266:7 269:7,8 270:22,25 271:1,10,11,18 273:2,4,10,12 274:10,18 275:7 Rosen's 56:25 61:24 63:1 65:12 128:5 138:8,10 267:18 rough 70:6 round 218:19 route 125:9 router 106:13,21 107:23 108:3</p>	<p>routers 137:24 routing 42:5 122:12 row 91:14 RS-1 37:3 RS-11 37:3 RS-3A 95:15 RS-3C 98:10 RS-7 37:5 RS-8 37:5 rule 48:12,21 56:19 266:4 267:9 ruled 67:4 rules 125:15 Rutgers 26:14 Ryan 76:7 221:1,1</p> <hr/> <p style="text-align: center;">S</p> <p>S 22:1,21 23:1 45:4 87:10,10 121:8,8 133:5 212:9,9 257:1,1 275:5,5 S-I-G-T-R-A-N 129:16 Safety 25:16 36:8 39:17,19 Sam 133:5 Samantha 21:13 22:3 44:4 45:12 save 220:24 saw 69:8 97:1 saying 61:14 124:14,21 125:11 128:15 134:24 135:1 141:22 says 73:20 90:4,10 90:19 124:6,9,19 126:5,25 127:1 128:6,6 132:24 133:23 134:14 138:6,6 141:12 143:7 216:24 217:19 272:22 SCC 54:24 56:1,4 scenario 122:19 125:4</p>	<p>scope 26:9 63:25 103:4 141:7 214:23 215:24 263:8 screen 68:21 83:14 83:15,19,25 93:23 101:6 108:19 109:2,5 125:21 139:8,12 146:23 216:13 scroll 98:1 SEALED 21:14 searched 122:3 Seattle 21:22,23 22:15 23:11 second 26:22 42:13 85:15,17 118:10 217:13 second-to-last 271:8 secondly 118:21 section 132:15 Securities 54:10 security 25:17 36:8 36:10 78:18 79:15 132:20 see 54:15 55:23 57:11 60:7,11 61:24 62:25 68:24 72:18 78:1 80:3 80:10,17 81:17 82:21 87:12 98:17 99:1 102:6 109:5 119:22,23,25 124:17 125:14 126:3,4,7,10,16 130:2,4,14 131:11 132:3,14,22 133:2 133:13,13,15,17 133:18 134:1,18 135:9 136:9 138:24 139:18 140:20 141:11 142:12 143:24 216:22 217:2,8,11</p>	<p>218:21 266:2 seeing 90:25 98:24 142:2 144:22 seeking 128:21,23 seen 136:7 141:19 segment 97:8 selected 106:13,20 selective 107:23 108:3 137:23 send 92:16,22 221:4 sending 93:5,9 Senior 23:9 sense 49:1,3 52:18 58:18 74:17,23 80:3 84:6 sensitive 71:5 80:8 sent 61:13 69:8 90:15 92:25 93:18 93:19 102:21 sentence 90:12 133:16 217:5 261:15 separate 21:14 145:1 separately 58:18 September 37:3,11 37:13 57:20 95:8 96:3 98:7 series 57:1 136:12 136:13 serious 269:24 served 39:17,19 145:8 service 60:21 61:14 104:20,25 105:5 105:21,25 106:9 119:11 123:1 132:17 143:8 214:11,19 216:18 216:20 258:5 266:12,16,19,24 267:20 269:13,14 269:14,19,19,23 270:3,5,7</p>	<p>services 26:8 27:9 30:3,5 130:3 145:19 213:8 265:10 267:1,6 session 68:5 70:13 70:21 71:7 72:19 72:21 73:1 74:14 74:18 76:1 79:25 84:2 86:11 97:19 99:21,24 110:4,15 110:21 117:21 121:4,6 139:12 146:11,17,19 147:1 211:17 220:19 221:9 254:20 275:18 sessions 83:24 99:17 set 26:22 63:13,17 63:20 69:4 90:21 92:25 93:2,18 259:20 265:2 SET-1TC 26:11 40:6 SET-2 26:13 SET-3 26:14 SET-4C 26:15 SET-5 26:17 SET-6 26:18 SET-7C 26:19 SET-8 26:21 SET-88CX 40:5 SET-89CX 40:7 SET-90CX 40:9 sets 89:8 90:15 93:14 146:4 setting 74:1 78:2 120:22 130:1 146:13 275:13,14 settlement 29:19 SH-1T 44:4 shape 60:4 share 68:20 71:24 72:12 80:4 83:25 109:1 125:21</p>
--	--	--	---	--

<p>sharing 83:14 139:12 146:23 Sheriff's 39:3 Sherr 22:20 24:4 24:14 46:2,4 53:15 68:2 73:7 76:20,21 77:25 78:8 80:19,20 81:9,14 82:2,2 83:6,7 84:7,8 87:5 87:6,6,9,11 88:23 89:3 97:6,11,16 97:21,22 98:19,23 99:24,25 100:2 103:5,6,14 106:25 107:18 108:5,11 108:13 110:2,7,17 256:21,22 257:2,3 260:18,19 263:9 263:12,18 267:23 267:25 269:12 short 48:23 131:17 shorthand 129:18 349:6 show 55:15 60:5 124:10,23 126:14 128:12 139:24 215:18 showed 91:23 144:20 shows 61:11 side 134:7,8,10 sides 146:4 signaling 26:14 122:20 signalling 123:13 125:6 129:19 145:4,6,8,25 259:24 268:22 signed 67:21 77:11 77:13,16 78:6 83:10,19 significant 73:25 74:22 76:24 120:16</p>	<p>significantly 220:22 signify 140:4 signing 76:12 SIGTRAN 123:14 SIGTRANS 129:14 similar 52:22 134:2 141:15 Simon 133:5 simple 52:24 53:10 simply 50:21 54:19 55:2 103:6 104:23 107:7 141:6 145:22 simultaneously 126:12 127:11 single 126:12,22 127:1,1,5,7,9,10 127:13,20,22 141:9 143:9 213:3 213:7,20 261:18 SIP 272:1,3,5 sir 130:10 133:13 sit 81:10 141:18 situation 270:2 situations 135:7 SJH-10C 25:11 SJH-11C 25:13 SJH-12C 25:14 SJH-13 25:16 SJH-14 25:18 SJH-15C 25:20 SJH-16 25:21 SJH-2 24:22 SJH-3C 24:24 SJH-4 25:3 SJH-5C 25:4 SJH-6 25:5 SJH-7 25:7 SJH-8C 25:8 SJH-9C 25:10 Skagit 39:6 SKC-1TC 257:13 SKC-1Tr 43:21 SKC-1X 46:18</p>	<p>SKC-2 43:22 SKC-3T 43:23 SKC-4X 32:3 46:19 SKC-5X 32:4 SKC-6X 32:5 SKC-7X 32:6 skill 349:9 skip 97:12 small 92:5 Smith 76:7 221:3,7 software 127:22 261:18 solely 88:12,19 someone's 48:2,7 somewhat 59:8 son 85:18,22,25 sorry 58:22 59:10 68:12 80:20 83:7 86:7 94:2 109:4 138:15 140:19 143:4 144:11 217:11 221:3 256:9,9 259:10 260:18 261:13 269:15 273:20,25 274:13 sort 82:20 84:23 85:5 87:14 91:24 260:6,17 sorts 123:10 sounds 79:17 97:21 99:23 131:2 south 28:13 29:18 29:20,22,23 54:14 55:7,10,20 134:8 Southeast 21:19 space 76:25 speak 77:25 84:18 103:12 126:25 129:11 speaking 71:22 77:1 82:16 105:15 105:16 271:22 specific 52:20 92:19 96:15</p>	<p>107:17 129:11 136:17 216:8,20 257:25 260:24 264:24 266:9,10 specifically 53:20 66:12 95:14 98:9 134:20 135:17 137:8 220:2 257:16 259:8 261:14 264:9 265:19,25 267:5 272:1 specifics 98:18 Spokane 39:19 spoke 94:2 spoken 87:13 Square 21:19 SS7 26:14 65:23,24 66:6 95:21 96:9 99:6 102:17,24 103:2,17 123:14 212:24 213:2,10 213:15,20,22,23 259:25 260:4 261:3,5,7,7,24 262:13,19,22 263:5,20 268:15 268:18 St 25:24 41:7 Stacey 96:23 Stacy 24:20 262:9 Staff 22:6 24:24,24 25:7,13,20 26:15 26:17 27:3,7,12 27:13,14,15,16,17 27:19,19,22 28:4 28:5,14,15,15,17 28:17,19,19,21,22 28:24,24 29:3,4,5 29:6,7,8,9,10,11 29:13,14 30:3,6,7 30:8,9,10,14,17 30:20,22,24 31:13 31:14,15,16,17,18 31:20,21,22 32:16</p>	<p>32:16,18,18,20,20 32:22,23 33:3,3 35:13,17,18 36:19 36:21 37:3,6,10 37:14,19,21,23 38:3,7,8,12,14,19 40:14,16,18 41:3 41:11 43:11 52:12 57:20,21,23 59:3 64:3,6 65:5 81:19 81:21 83:3 84:12 85:13 86:2 88:1 88:15,16 89:7,8 89:16,18,20 90:15 92:16,25 94:9 95:7 96:1,7,10,16 96:20 98:3 100:5 100:10,17 101:11 101:19 102:16,21 102:22,22 103:15 103:16 105:7 109:12 118:10,17 118:18,18 142:3 212:16 269:5 Staff's 41:3 54:16 63:21 64:2 90:21 94:6 103:18 107:12 211:20 254:23 standard 125:14 128:8 135:18 standards 122:12 129:1 144:3 272:4 272:9 start 69:3 70:16 121:16 144:16 266:13 starting 104:5 258:10 259:10 261:14 274:22 starts 273:18 state 26:19 28:12 39:5,6 41:18,19 42:14 54:19 79:6 79:8,14 82:9 85:6</p>
--	---	--	---	---

99:9 119:11	274:19 275:2,3,6	subjects 97:23	104:23 105:13	table 102:4,4
139:20 140:12,21	275:8,10	submission 56:20	106:3,23 108:1	tail 146:2
140:23 141:25	Steese's 78:22	submit 46:9,9	109:4 110:9 118:9	take 45:16 58:18
142:13 145:20	Stephanie 24:12	submitted 58:5	119:5 120:24	72:6 81:5,18 83:1
214:4 260:16	43:21,23 75:19	100:17	124:5 126:21	89:11 93:22 94:14
265:11 270:8	255:6,9 256:14	subsidiary 85:19	129:21 136:1	94:14,15 95:13
349:3,7	Steven 26:11,13	substance 58:24	138:1 142:18	101:1 106:5
stated 75:23 107:15	40:5 262:10	85:22 264:17	214:17,24 216:3	108:20 110:10
135:2 140:24	stick 50:10	266:7	218:19 255:12	123:25 125:2
statement 30:5	stipulate 49:8	substantive 269:24	259:22 260:20	131:17 135:16
85:24 104:18	50:21 51:21,24	substituted 58:10	261:1 262:20	143:14 216:19
123:18 127:7	stipulated 45:25	successful 91:8	263:1,2,12 265:6	257:12,15 261:18
139:19	50:20	Suetake 22:13	269:17 274:6,16	264:1 270:21
statements 84:21	Stipulation 29:23	49:20 50:2 70:15	surprise 143:12	taken 59:25 110:19
141:4 265:2	stipulations 47:7	81:23,24 255:3	survivability	134:15 211:15
states' 79:8	Stockman 96:24	sufficiency 103:17	132:21	271:4
statute 264:14,21	262:10	sufficient 102:17	Susan 23:9 82:11	takes 58:11 67:15
264:25 265:13	stop 53:12 69:3	102:23 126:6	susan.ornstein@...	254:22
stay 213:16	146:22	suggested 135:19	23:12	talk 63:18 65:19
Steese 22:20 24:6	Storage 40:4	suggestion 78:23	Susie 88:6 94:12	69:22 80:2 122:25
24:10,17 53:15,16	storm 127:18	suggestions 73:3	sustain 56:5 57:15	123:7 137:17
53:17 54:22,23	218:18 219:1,5,6	Suite 21:22 22:15	60:13 62:3 63:5	141:1 212:19
55:21 56:17,18	220:7,10 258:13	22:21 23:10	SW 22:8	215:9 274:22,22
57:10,25 58:1	258:17 260:21	summary 25:21,24	switched 144:8	275:1
59:18,19 61:4,5	storms 219:9,14,15	41:7 56:19,20	switches 137:24	talked 71:5 134:3
61:18 62:2,20,21	219:16,17,19,19	61:7,19	switching 123:13	talking 49:6 73:8,9
64:12,13 66:3,4	219:21,23,25	supervision 255:21	sworn 86:10 120:3	73:17 93:9 105:20
66:14,19 67:9,23	220:2,4,12	272:15	211:24 255:9	122:25 123:4,5
67:25 68:6,14	STPs 146:4	supplant 58:3	271:11	129:25 132:17
73:5 74:20 82:4,4	straight 138:3	Supplemental 27:7	system 26:14 29:18	133:21 134:4,20
87:5 120:14,15,19	275:14	38:10 41:20 42:3	29:20 54:14 79:6	136:25 137:3,11
120:25 121:5,9	strategy 50:10	42:19 43:8,12,13	79:9 104:8,11,16	140:15 144:9,20
129:9,16,23	stray 146:7	supplemented	118:23 260:7	215:6 217:4
130:22 131:3,10	Street 22:21	57:21,22 58:3	261:18,21,22,24	talks 64:14 133:8
131:23 132:2	strike 145:4	supplier 135:22,23	262:1 271:22	135:21,22 215:5
135:10,17 136:4	strong 75:5	138:21	systems 82:12	216:18
136:16,18 139:7	struck 83:11	support 99:6	132:19 133:8	Taylor 21:20 349:6
139:15,17 140:5,8	struggling 274:19	132:19 259:25	138:20	349:15
140:9 146:12,19	students 212:24	supporting 96:9		TCS 26:19
146:20,23 212:5,7	213:1,14 219:18	supports 70:21		teach 212:20,23
212:10 215:2,5,15	studied 137:13	suppose 50:23	T	213:1,14
215:22 216:1,4	144:24	supposed 144:18	T 86:13 87:10	teaching 213:14
220:18,24 270:19	subject 48:15 51:1	sure 49:5 50:24	118:3,3 121:8	219:18
270:20 273:8,9,15	51:13 55:7 59:10	52:7 53:5 69:9,10	212:9 255:15	team 76:23 77:9
273:20,25 274:5,7	59:11 65:25 69:22	81:16 98:20	257:1 268:12,12	Teasdale 22:21
			271:16 275:5	
			349:1,1	

<p>technical 72:4 82:15 103:13 105:8 107:16 108:7 118:11,19 122:8 131:9,20 146:7 258:23 272:9 technology 30:3,5 219:13,18 telecommunicati... 82:12 265:5,21 telephone 267:3 270:5 272:2 tell 89:1 101:9 146:5 tells 143:19 ten 110:7,11 term 53:23 144:9 terminate 99:9 terms 50:25 58:4 68:9 69:12 74:18 125:18 terribly 108:9 test 93:13 testified 105:8,11 118:5,21 128:13 263:13 testify 105:4 215:16 262:3 264:17 266:7 testifying 82:23 127:23 135:18 138:19 255:17 272:11 testimonies 81:4 testimony 21:13 24:20 25:21,22 26:5,11,23 35:11 35:12 37:18 38:15 39:21,24 40:5,11 40:20 41:5,14 43:16,21,23,24 44:3,4,5 46:8 47:4 48:2,4,8,8 51:11 53:19,22 56:3,6</p>	<p>56:24,25,25 57:8 61:25 63:2,4 64:24,25 72:9,24 74:12 79:20 81:7 83:25 84:13 86:16 86:18,23 87:2 89:12,19 96:22 97:2 100:4 103:23 104:2 108:24 109:8 110:22,25 111:1,25 112:1,25 113:1,25 114:1,25 115:1,25 116:1,25 117:1,19 118:24 119:15 120:6 124:11,15,24 125:3,23 127:25 128:5,11,16 130:10,11 136:3 136:11,20 138:4,8 138:10,12,14,15 138:17 140:11,16 140:16 141:2,3,5 142:20 146:2,3,6 147:2,25 148:1,25 149:1,25 150:1,25 151:1,25 152:1,25 153:1,25 154:1,25 155:1,25 156:1,25 157:1,25 158:1,25 159:1,25 160:1,25 161:1,25 162:1,25 163:1,25 164:1,25 165:1,25 166:1,25 167:1,25 168:1,25 169:1,25 170:1,25 171:1,25 172:1,25 173:1,25 174:1,25 175:1,25 176:1,25 177:1,25 178:1,25 179:1,25 180:1,25 181:1,25 182:1,25 183:1,25 184:1,25 185:1,25 186:1,25 187:1,25 188:1,25</p>	<p>189:1,25 190:1,25 191:1,25 192:1,25 193:1,25 194:1,25 195:1,25 196:1,25 197:1,25 198:1,25 199:1,25 200:1,25 201:1,25 202:1,25 203:1,25 204:1,25 205:1,25 206:1,25 207:1,25 208:1,25 209:1,25 210:1,25 211:1,14 212:3 213:25 214:2,23 215:1,3,14,19,24 216:5 217:10,11 217:11,14,18 221:10,25 222:1 222:25 223:1,25 224:1,25 225:1,25 226:1,25 227:1,25 228:1,25 229:1,25 230:1,25 231:1,25 232:1,25 233:1,25 234:1,25 235:1,25 236:1,25 237:1,25 238:1,25 239:1,25 240:1,25 241:1,25 242:1,25 243:1,25 244:1,25 245:1,25 246:1,25 247:1,25 248:1,25 249:1,25 250:1,25 251:1,25 252:1,25 253:1,25 254:1,19 255:20 255:23 256:1,12 256:18 257:13,16 259:8 261:10 262:6,8 263:8,10 264:19,25 266:10 267:17,18 268:24 269:2,5 270:16 272:14,17,20 273:5,14 275:19 275:25 276:1,25 277:1,25 278:1,25</p>	<p>279:1,25 280:1,25 281:1,25 282:1,25 283:1,25 284:1,25 285:1,25 286:1,25 287:1,25 288:1,25 289:1,25 290:1,25 291:1,25 292:1,25 293:1,25 294:1,25 295:1,25 296:1,25 297:1,25 298:1,25 299:1,25 300:1,25 301:1,25 302:1,25 303:1,25 304:1,25 305:1,25 306:1,25 307:1,25 308:1,25 309:1,25 310:1,25 311:1,25 312:1,25 313:1,25 314:1,25 315:1,25 316:1,25 317:1,25 318:1,25 319:1,25 320:1,25 321:1,25 322:1,25 323:1,25 324:1,25 325:1,25 326:1,25 327:1,25 328:1,25 329:1,25 330:1,25 331:1,25 332:1,25 333:1,25 334:1,25 335:1,25 336:1,25 337:1,25 338:1,25 339:1,25 340:1,25 341:1,25 342:1,25 343:1,25 344:1,25 345:1,25 346:1,25 347:1,25 348:1,16 text 272:21 thank 49:3,19 54:4 58:16 75:1 76:19 78:7,8,10 79:1,4 81:9,14 85:18 86:6,7 94:5,22 99:25 100:1 101:23 103:21 109:3 110:17 118:20 119:14</p>	<p>121:12 129:10 139:15 140:7 142:25 211:25 212:12 220:17 256:16 263:17 264:7 267:22,24 268:3,6 270:13,15 271:12,14 273:1 274:6,15,17 275:3 theoretically 219:13 thereto 123:19 thing 56:1 63:3 68:15 72:20 81:12 274:24 things 46:1 75:10 75:11 78:24 80:11 97:2 99:16,20 118:13 123:23 125:22 212:20 think 48:20,24,25 51:5 52:14 54:14 57:3 58:17 61:10 62:2,23 67:8,15 69:2,23 70:9,13 74:20 75:8,13,20 77:7,18 78:15,20 78:22 80:13 82:18 83:1,12,12 87:13 97:6 107:12,15 108:6 119:19 123:17 125:2 127:6 128:9,13 140:24 144:15 213:25 215:13 258:22 261:9 262:4,24 263:24 264:1 265:15 270:23 thinking 106:8 Thomas 27:4 40:11 Thou 217:1 thought 52:6 73:22 73:23 99:20 128:17 140:19</p>
--	---	--	---	--

<p>thousands 91:23 127:12 128:3 three 49:21 50:13 50:15 63:8,8 124:16 216:20 Three-Phase 38:17 threshold 55:4 thumb 48:12,21 THURSTON 349:4 tie 55:22 time 46:22 47:5 48:25 50:6 52:10 66:22 74:2 80:7 85:6 87:15 91:24 94:13 96:6,7 97:20 105:18 107:23 108:3,9,20 110:9,14 125:16 135:11,15 143:15 220:20,24 257:9 262:13 273:12,15 274:22 timeline 30:12 56:12,23 57:3,8 times 50:13 87:13 93:6 220:9 title 130:5 TJM- 41:3 TJM-1TC 40:12 TJM-91CX 40:11 TJM-92CX 40:13 TJM-93CX 40:16 TJM-94CX 40:18 TNS 125:7 145:15 145:17,17,20,21 272:23,23,24 273:19 274:2,3,4 today 45:14 54:16 69:9,19 70:11 73:8 79:7 86:21 99:20 212:11 255:18 272:12 told 88:11 144:24 topics 71:5 total 91:7 109:16</p>	<p>256:3,5,10,13 totality 124:2 145:19 touch 75:17,20 touched 83:12 touches 70:25 Trans 39:7 Transaction 39:13 41:7 transcript 31:24 44:6 74:3 78:24 80:2 349:8 Transcripts 31:3,4 31:6 transition 25:24 26:9,19 35:24 62:10,22 73:12,14 79:6 99:19 214:5 transitioned 258:6 transmit 264:14 265:4,10,21 transmitting 265:8 265:17 Transp 39:9,11,15 transport 61:9 108:17 118:23 119:1,6 129:19 258:4 259:19 260:15,22 Transportation 21:2,4,18 45:8 transposed 256:2,8 256:10 transposing 264:5 traveling 106:12,19 traverses 127:12 traversing 104:25 105:5 treat 98:22 tribunals 71:23 tried 69:2 120:19 true 86:18 89:9 92:13 96:2 100:12 100:21 101:4 109:13 121:23</p>	<p>127:6 136:22 137:9 139:21 145:10 257:8 258:3 264:15,16 266:5 349:8 try 47:16 129:11 220:10,11,15 trying 48:23 80:1 80:11 129:21 139:7,9 TSYS 36:13,15,17 36:19,21 37:16,19 37:21 38:10,14 125:5 TSYS's 142:2 turn 119:22 124:4 132:14 216:5 Turner 26:11 31:6 40:5 124:11 262:10 Turner's 26:13 56:25 turning 78:11 twice 45:18 50:14 two 58:20 59:19 60:13 65:18 66:16 68:16 76:25 80:11 84:21 89:7 93:14 99:13,19,19 102:16 145:7,15 146:4 217:21 220:22 256:7 263:20 two-thirds 95:16 two-year 92:24 type 137:2 212:23 types 69:12 typically 127:9 typo 272:19,25</p>	<p>105:17 263:15 underscore 71:21 75:2 understand 47:1 52:9 57:12 66:20 69:9 71:9 74:23 94:15 108:5,11,14 117:23 135:5,14 137:16 142:15 144:7,12,15 214:18 215:7,15 218:12,20 257:25 258:7 259:15,18 259:19 260:3,5 261:2,2 understanding 71:4 83:22 85:12 99:4 101:17 125:5 135:12 219:21 259:22 263:14 267:8 268:18 understands 136:2 understood 73:10 99:25 106:17 143:1 unfortunate 272:25 University 26:14 unmuted 83:1 unredacted 42:5 59:15 unsuccessful 92:2 unsupplemented 57:24 updated 46:9,10 upper 101:10 upstream 135:3 urge 71:8 use 47:17,25 48:19 48:25 49:12 65:11 67:6,12 84:3 99:5 99:6 118:14 119:1 119:6 135:4 useful 57:13 81:7 135:12 136:9 UT-132234 39:8,10</p>	<p>UT-140597 39:12 UT-170042 39:14 UT-181051 21:4 26:21 35:13 45:7 UT-190209 39:16 UTC 36:4 39:23 Utilities 21:2,4,18 45:7 utilized 261:8,25 utilizing 143:20 Utils 39:7,9,11,15</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>v 39:7,9,11,15 45:8 Valence 26:24 31:4 40:20 Valerie 26:5 ValleyCom 39:23 various 54:25 55:8 55:10,12 61:9 74:2 91:20,21 107:9 121:24 146:7 VB-1T 44:5 vein 69:8 vendor 62:8 122:20 261:17 262:13 vendors 134:15 135:3,5 verbatim 127:25 128:5 verge 146:12 Verizon 84:25 85:2 version 42:5 57:22 58:3,5 84:4 133:17 139:23,24 256:1 vestige 73:18 Victor 44:5 view 258:19 violation 264:11,23 265:12 266:1 267:10 VIRTUAL 21:11 virtually 68:10 70:9 72:14 92:2</p>
<hr/> <p style="text-align: center;">U</p> <hr/>				
<p>Ulster 22:21 unanticipated 70:1 unaware 263:4 uncompleted 92:6 underlying 60:9</p>				

<p>212:13 275:10 Vitae 26:13 VL-1TC 26:5 VL-2 26:7 VL-3C 26:8 voice 268:22 VOLUME 21:11 voluminous 100:21 vs 21:6 vulnerability 143:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>WA 25:24 41:7 WAC 266:1,10 267:10 wait 81:11 274:25 walk 118:13 want 47:10 62:1 69:9,11 70:20 71:2 75:1,21 80:9 83:4 85:7,23 95:1 95:14 97:17 99:12 102:10 105:13 110:8 120:24 129:6 130:23 136:1 139:10 142:18 211:21 214:17 215:2 255:3 262:3 wanted 52:7 71:11 76:5 79:5 84:22 85:4,6 274:6,10 274:16 wanting 71:15 wants 65:10 74:10 Wash 39:7,9,11,15 Washington 21:1,4 21:18,19,22 22:9 22:15 23:5,11 26:3,4,19 30:12 35:24 39:4,6 40:9 41:9,18,19 42:14 45:1,7 54:18 79:6 79:8,14 82:6,9 92:21 96:9 99:9 104:8 105:18</p>	<p>109:22 119:12 125:16 139:20 140:12,21 142:11 142:13 143:18 214:5 259:17 260:1,10 265:11 267:6 268:19 270:8,10,11 349:3 349:7 wasn't 123:20 127:16,17 130:10 214:7,17 waterfront 51:4,6 way 48:5,22 49:1 60:4 67:8 70:1,2 120:23 127:3 128:16 137:24 218:2 220:25 259:20 271:25 ways 220:16 we'll 75:10 126:20 we're 47:17 48:22 49:6 58:17 60:3,9 72:14 73:14,17 77:1 78:1 80:11 110:9 124:5 129:20 133:21 134:4 136:25 137:3,11 138:4 144:15 146:16 256:20 270:20 274:22 we've 78:15 87:13 108:6 128:3 146:9 Webber 24:5 35:11 35:12 37:18 53:21 57:2 68:10 119:20 119:21 120:3,5,13 120:15 121:10,18 123:20 131:23 132:3 135:12,14 135:17 136:5,16 140:11 Webber's 53:19 56:24 216:9</p>	<p>website 74:5 weeks 101:16 went 105:21 127:12 weren't 214:4,10 214:18 West 145:15 whatsoever 85:23 Wheeler 89:5 White 43:24 44:3 Wholesale 27:8 wholly 85:19 William 22:7 81:20 william.mcginity... 22:10 willing 49:7 withdraw 53:5,8 withdrawn 54:3 witness 48:18,19 49:22 50:7 53:24 55:18,23,25 67:7 68:6,23 72:3,16 72:20 73:24 74:13 74:18,18,20,20,23 74:24 75:19 78:14 78:16 79:18,18,21 80:24 82:22 83:5 83:15,16 84:6,13 96:23 106:23 107:11 119:18,19 119:23 120:2 124:19 129:10,15 129:18 131:2,8,14 132:1 211:21,22 255:4 269:3,6 271:8 273:8,13,17 273:22 274:1,13 witness's 56:2 75:24 79:19 witness-by-witness 72:7,23 75:14 78:20 79:11 witnesses 47:2 52:12 57:1 59:25 65:4,9 68:7 69:17 70:4 72:25 75:17</p>	<p>75:21,22 83:4 85:20,21 254:23 witnesses' 81:4 WMD 23:2 25:3 26:18 28:7,9,10 28:11,12 32:7,8,9 32:10,11,13,14,15 35:9 38:5 41:16 41:18 42:7 43:3 43:12,13 58:21,22 59:3,22,25 60:18 60:20 69:8,11 70:10 73:13,20 141:6 142:19,21 142:23 275:12 WMD's 73:8 WMD-70 139:3 WMD-Comtech 30:3,5 Woodland 21:19 word 122:3 144:22 216:22 217:1,6,7 217:8 words 124:22 125:24 126:25 127:7 144:22 217:2 work 26:9 30:5 58:23 59:2,12 139:19 271:21 worked 84:25 103:12 123:24 working 271:24 272:4,8 works 85:18,21 worry 73:19 worse 81:12 wouldn't 89:1 99:10 102:18 103:12 137:20 write 71:8 written 128:15 219:24 220:1,3 www.buellrealti... 21:25</p>	<hr/> <p style="text-align: center;">X</p> <hr/> <p>X 86:13 87:10 118:3 121:8 212:9 255:15 257:1 268:12 271:16 275:5</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 62:12 76:6 78:4 108:23 118:17 256:9 259:10 year 126:8,16 128:8,21 136:24 136:25 137:5 years 89:7 102:16 271:22</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Z 99:1</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>01-11-2019 42:5 03 39:8,12,14,16 06 39:10</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 26:3 28:14,15,17 28:19 32:3,16,18 32:20 34:17 37:8 38:17 39:10 40:10 41:10 42:16 43:3 43:7 76:13 77:2 77:21,23 99:12 133:16 215:5 216:21 217:10,14 217:18 257:13 261:16 1-10 25:14 29:15 1-16 24:23 1.b 37:19 10 28:9 30:9 32:13 35:5 37:20,21 43:5 46:7 90:4,7 256:2,4 264:9 273:24</p>
--	--	--	--	--

<p>10-K 29:17 10,752,000 266:1 10,753,000 256:6 10:28 110:13 10:29 110:20 10:30 110:10 10:43 110:20 1003 56:20 11 30:10 33:10 35:7 109:20 256:2,5 259:4 273:24 11:00 110:14 1105 144:1 118 24:3 12 27:12 36:6 41:8 90:3 95:8 121 24:6 1223-1228 27:19 28:24 33:3 122718 42:7 13 27:13 33:11 13-75 36:4 1325 21:22 14 33:12 37:16 40:12 14-193 36:4 15 25:20 27:14 33:13 96:1,6,7 126:1,5 16 25:8 33:14 41:6 261:10,14 16(B) 27:7 17 25:20 27:15 43:10,18 261:16 172-179 28:19 32:20 177 139:25 18 33:15 37:11,13 40:24 42:10 256:2 257:21 264:1,9 1840 21:22 19 29:3 33:16 44:6 93:18 98:6,7 138:20 258:10 261:15</p>	<p>1A 30:3 1D 30:5</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 25:11,13 26:4 27:17,19 28:21,23 28:24 32:4,22,23 33:3 34:19 36:17 37:7,9,12 40:18 41:3,16,24 43:22 64:3 217:16 2,203 41:12 2.1.2 132:15 2.12 132:16 2:38 211:16 2:52 211:16 20 25:7 29:4 33:17 37:15 39:8 40:16 41:12 110:13 120:20 138:9,20 271:22 200 23:10 200-0677 22:22 2000 22:15 2015 39:8 2016 26:7 39:12 139:19 2017 39:10,14 2018 25:16 36:7 38:24 57:6 87:16 90:10 102:24 106:5 131:13 132:5 136:25 218:5,6 258:2 259:16 262:14 2019 24:25 29:17 35:15,20,21 36:6 37:3,16 38:23 39:3 87:18,22 88:11 93:2,3,19 93:20 94:7 95:6,8 96:3 101:22 109:10 126:2,6 137:1 2020 27:22 28:4 30:14,17 37:7,9</p>	<p>37:11,13 38:19 39:16 90:23 96:4 100:11 257:7 2022 21:16 44:6 45:1 57:20 205 24:7 206 21:23 22:16 23:11 209 24:8 21 31:13 33:18 138:9 272:20 273:13,21,23 274:12 21-349 21:12 212 24:10 22 31:14 33:19 39:3 39:12 23 31:15 33:20 36:18 42:22 24 33:21 36:7 139:19 2401 23:10 24X 93:22 25 33:22 39:16 41:23 250 24:11 255 24:13 257 24:14 25CX 94:23 25X 97:24 26 31:16 42:19 268 24:13 27 25:16 31:17 33:23 39:14 40:20 27(C) 26:15 27:3 271 24:16 275 24:17 27CX 53:18 91:3 28 31:18 33:24 38:24 28-page 90:2 100:19 287-9066 21:23 29 29:5 33:25 35:8</p> <hr/> <p style="text-align: center;">3</p>	<p>3 32:5,7 34:21 36:19 41:18 42:18 257:15 258:10 3(C) 35:17 40:14 3.45 29:18 3.4M 29:20 30 31:20 38:23 42:3 31 31:21 34:3 43:20 130:2 131:5 32 31:22 34:5 33 34:7 335 24:16 3358 21:20 349:15 34 34:8 35 27:16 34:9 43:8 36 29:6 34:10 360 21:23 22:10 23:5 37 25:4 29:7 34:11 38 29:8 34:12 143:13 39 29:9 34:13 3a 35:16 40:13 3c 35:16 40:13 100:4</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 26:18 29:24 30:4 30:6,7 32:6 34:23 36:16 38:11 42:7 42:21 95:13 102:8 102:11 104:5 108:23 109:8 216:9 258:12 4:19 270:24 271:5 4:24 270:25 271:5 40 29:10 132:14 40109 23:4 40124 22:9 40C 25:8 41 29:11 40:18 41:3 42 29:13 37:23 38:3 40:14 43 29:14 34:14 44 34:15 45 34:16</p>	<p>45X 51:16 464-6595 22:16 4643 22:21 480.120.450 266:1 267:10 49-52 28:15 32:16 4X 46:18</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 21:16 27:10 30:8 32:8 33:5 42:13 45:1 104:2,3 131:13 132:4 216:5 257:16 258:12 259:7,7,9 259:10 5-7 25:3 5,376,000 256:4 264:11 50 68:14 500,000 109:17 508 77:22 51 38:13 534-9066 21:23 56 38:7 143:2,5 57 30:23 58) 42:7 586-6470 23:5 59 30:21 38:9</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 25:5 32:9 33:6 43:14 98:1 102:2 102:4 216:18 259:7,7,9 6:26 348:17 62 40:6 143:5 621 21:19 654-2013 77:22 68X 54:9 69 54:12</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 26:14 33:7 39:3 40:8,22 41:21 43:12 259:8</p>
---	---	--	---	--

<p>70 68:11 72:17 709-6027 22:10 70s 271:23 7141 22:8 720 22:22 72X 51:18 54:9,12 55:6 74X 142:9 143:2 75X 140:10 142:8 794-4102 23:11 7X 46:19</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 32:10 33:8 38:14 42:9,12 257:16 80.36.220 264:12 800 21:24 22:15,21 80237 22:22 846-6989 21:24 850 212:17 86 24:3 86X 51:17 87 24:4</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 26:17 28:7 32:11 33:9 35:3 42:24 43:11,15 9-1-1 26:8 9:00 21:17 45:2 90-93 28:17 32:18 911 27:21 28:3 29:18,20 30:12,13 30:16 35:20,21 36:3 54:14,18 55:1,8,15 57:5 61:22 64:21 73:10 79:6,8 90:23 91:8 91:23 92:20 96:9 99:6 104:8,11,15 105:17 107:4 108:15 109:21 118:23 119:2,11 122:3,4,7,7,9,14 122:21 123:1,2,4 123:5,6,11,21,22</p>	<p>123:24 124:2,6,19 125:1 126:22 128:10 132:8,11 135:1 137:18,18 137:20,22 138:20 140:13 144:6,17 145:8,19 214:5,11 214:11,16,19,20 216:18,20 217:23 218:3,14,16,21 258:5 259:12,17 259:25 260:4,9,23 260:25 261:3,22 261:24 262:1,1 263:21 265:10 266:16,19 267:2,6 267:9,12 268:15 268:19 269:14,19 269:23 270:7 271:21 272:6,10 911-related 119:7 98101 21:22 22:15 98121 23:11 98503 21:19 98504 22:9 23:5</p>			
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