

Docket No. UT-181051 - Vol. IV

WUTC v. Centurylink Communications, LLC

December 6, 2022



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
))
Complainant,) Docket No. UT-181051
))
v.))
))
CENTURYLINK COMMUNICATIONS,)
))
Respondent.)

EVIDENTIARY HEARING, VOLUME IV

PAGES 350 - 510

ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE

* PORTIONS OF TESTIMONY ARE DESIGNATED CONFIDENTIAL
AND ARE SEALED UNDER SEPARATE COVER. *

8:38 A.M.

December 6, 2022

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Lacey, Washington 98503

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VIDEOCONFERENCE EVIDENTIARY HEARING, DAY 2

EXAMINATION INDEX

WITNESS NAME:	PAGE
JEANNE STOCKMAN	
Direct Exam by Mr. Sherr	355
STEVEN E. TURNER	
Direct Exam by Mr. Steese	360
Cross-Exam by Mr. McGinty	361
Redirect Exam by Mr. Steese	399
Cross-Exam by Commissioner Rendahl	401
Cross-Exam by Commissioner Doumit	403
Redirect Exam by Mr. Steese	407
CARL KLEIN	
Direct Exam by Mr. Steese	416
Cross-Exam by Mr. McGinty	418
Cross-Exam by Mr. Nelson	437
Cross-Exam by Commissioner Rendahl	450
Cross-Exam by Commissioner Danner	453
Cross-Exam by Commissioner Doumit	453
THOMAS J. MCNEALY	
Direct Exam by Mr. Steese	456
Cross-Exam by Mr. McGinty	457
Cross-Exam by Commissioner Danner	487
Cross-Exam by Commissioner Rendahl	489
Cross-Exam by Commissioner Doumit	493
Cross-Exam by Commissioner Danner	496
Redirect Exam by Mr. Steese	497

(Exhibits marked and admitted in Volume III)

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1 LACEY, WASHINGTON, DECEMBER 6, 2022

2 8:38 A.M.

3

4 P R O C E E D I N G S

5

6 JUDGE DOYLE: All right. With that, let's
7 be on the record. We are here for Docket UT-181051, a
8 complaint against CenturyLink Communications, and this
9 is day two of our evidentiary hearing.

10 And I believe -- so we've had a few
11 excusals, so what -- who I have next, you will be
12 calling Carl Klein for CenturyLink.

13 MR. SHERR: Your Honor, Adam Sherr for
14 CenturyLink.

15 Ms. Stockman, I believe, is listed first
16 as a witness. I know that Public Counsel did waive
17 cross-examination. I believe Ms. Stockman has just a
18 couple of corrections to make to her testimony.

19 JUDGE DOYLE: Okay.

20 MR. SHERR: And we're not sure if the
21 commissioners have questions for her as well. So
22 she's ready at your convenience, and it's our
23 understanding that Mr. Turner is the -- will be the
24 next witness on behalf of CenturyLink.

25 JUDGE DOYLE: Okay.

1 That -- that works fine. So if
2 Ms. Stockman -- is -- is there video for the room?

3 Oh, there you are. Okay.

4 If you could raise your hand.

5 JEANNE STOCKMAN, witness herein, having been
6 first duly sworn on oath,
7 was examined and testified
8 as follows:

9

10 JUDGE DOYLE: Thank you.

11 If you'd like to direct your -- and ask --
12 ask your questions for correction.

13 MR. SHERR: Thank you, your Honor.

14 DIRECT EXAMINATION

15 BY MR. SHERR:

16 Q. Good morning, Ms. Stockman.

17 A. Good morning.

18 Q. Could you state your name for the record?

19 A. Jeanne Stockman.

20 Q. And do you have in front of you pre-filed
21 testimony and exhibits that have been marked as
22 Exhibit JWS-1TC, Exhibits SJH-2 through -15 and
23 Exhibit JWS-16?

24 A. Yes.

25 Q. And are you adopting the pre-filed testimony

1 of Stacy Hartman?

2 A. I am.

3 Q. Do you have any corrections to the testimony?

4 A. I do, in two places.

5 Q. Go ahead.

6 A. The first place I have a correction is on
7 page 12 at line 5.

8 Q. Okay.

9 Give -- give folks just a second.

10 A. The correction is to replace the words "911
11 network" with "SS7 network."

12 Q. Okay.

13 Do you have any other corrections?

14 A. Yes. In one other place on page 28 at
15 line 18.

16 Q. Go ahead.

17 A. It's the same correction in both places the
18 language appears. So "911 network" should be
19 corrected to read "SS7 network" both times.

20 Q. Both times on line 18?

21 A. Yes.

22 Q. Okay.

23 Thank you.

24 With those corrections, is the testimony that
25 you had corrected --

1 COMMISSIONER DANNER: We're going to --
2 excuse me.

3 We're -- we are having trouble finding
4 those cites, and we're going pretty fast.

5 COMMISSIONER RENDAHL: So what document
6 are we looking at?

7 COMMISSIONER DANNER: So we're looking
8 at --

9 MR. SHERR: Apologies. Yes. We're
10 looking at Exhibit JWS-1TC, the direct -- the response
11 testimony.

12 COMMISSIONER DANNER: Thank you.

13 MR. SHERR: Apologies.

14 COMMISSIONER DANNER: And the first
15 correction was page 10; is that correct?

16 MR. SHERR: Page 12.

17 THE WITNESS: Page -- page 12, line 5.

18 COMMISSIONER RENDAHL: So this is Ann
19 Rendahl. So page 12, line 5 and replace "911 network"
20 with --

21 THE WITNESS: "SS7 network."

22 COMMISSIONER DANNER: And to be clear,
23 that is the line that starts with 911 network in
24 December 2018, period?

25 THE WITNESS: Yes.

1 COMMISSIONER DANNER: All right. Thank
2 you.

3 And what was the second change?

4 THE WITNESS. The second change is on
5 page 28 at line 18.

6 COMMISSIONER DANNER: And that is the
7 Comtech gateway are part of the Comtech SS7 network?

8 THE WITNESS: Correct. And then --

9 COMMISSIONER DANNER: Not the CenturyLink
10 911?

11 THE WITNESS: And then that CenturyLink
12 911, the 911 at the end of that line also becomes SS7.

13 COMMISSIONER DANNER: All right. Thank
14 you.

15 THE WITNESS: You're welcome.

16 BY MR. SHERR:

17 Q. With those corrections, is the testimony true
18 and correct to the best of your knowledge?

19 A. It is.

20 Q. Okay.

21 MR. SHERR: Your Honor, I believe the
22 testimony and exhibits have been admitted already.
23 This document is available for commissioner questions,
24 if any.

25 JUDGE DOYLE: Thank you.

1 Commissioners, did any of you have
2 questions for this witness?

3 Otherwise, we can continue on.

4 COMMISSIONER DANNER: No questions here,
5 your Honor.

6 COMMISSIONER RENDAHL: No questions.

7 JUDGE DOYLE: Okay.

8 You may be excused.

9 And we can now turn -- so apparently, I
10 have these a little out of order, so I believe you
11 said Steven Turner was who you had anticipated going
12 next; is that correct?

13 MR. STEESE: That's -- that's correct,
14 your Honor.

15 JUDGE DOYLE: Okay.

16 Mr. Turner will please join us next then.

17 MR. STEESE: He is resituating himself in
18 front of the witness computer, so just give us a
19 moment, your Honor.

20 JUDGE DOYLE: Of course.

21 MR. STEESE: May I proceed your Honor?

22 JUDGE DOYLE: First, let's swear in the
23 witness.

24 If you could raise your right hand.

25

1 STEVEN E. TURNER, witness herein, having been
2 first duly sworn on oath,
3 was examined and testified
4 as follows:

5 JUDGE DOYLE: Thank you.

6 You may introduce your witness.

7 DIRECT EXAMINATION

8 BY MR. STEESE:

9 Q. Can you please state your name?

10 A. It's Steven E. Turner.

11 Q. And, Mr. Turner, by whom are you employed?

12 A. FTI Consulting.

13 Q. And, Mr. Turner, have you filed pre-filed
14 response testimony in this case?

15 A. I have.

16 Q. Do you have any changes or corrections to
17 that testimony?

18 A. I do not.

19 MR. STEESE: Your Honor, since the
20 material has already been an exhibit, we tender
21 Mr. Turner for cross-examination.

22 JUDGE DOYLE: Thank you.

23 Mr. McGinty, you may start with your
24 cross.

25 MR. MCGINTY: Thank you.

1 And I think I'll have a little bit that
2 can be in open, and then we'll probably go into
3 confidential session pretty quickly.

4 JUDGE DOYLE: Okay.

5 We will do our best to do a quick
6 transition. They're -- they're setting up the room as
7 we speak, so no rush.

8 MR. MCGINTY: Okay.

9 CROSS-EXAMINATION

10 BY MR. MCGINTY:

11 Q. Now, Mr. Turner, do you have your testimony
12 in front of you available for you to look at?

13 A. I do.

14 Q. Okay.

15 Could you please turn to page 25? And I'm
16 particularly interested in footnote 17 there. And
17 just let me know when you're there.

18 A. Yes, I'm there.

19 Q. Okay.

20 So you testify that, simply buying links from
21 two providers does not ensure overall route diversity;
22 is that correct?

23 A. Yes, it does not en- -- it does not ensure it.

24 Q. Right.

25 And that's because suppliers often provision

1 links from one another so that, ultimately, links
2 brought by one provider might ultimately travel on the
3 network or circuits of another, and the customer
4 doesn't necessarily know that; is that right?

5 A. That is correct.

6 Q. Okay.

7 And suppliers don't necessarily share that
8 information with their customers, do they?

9 A. That is not correct.

10 Q. That is not correct.

11 So suppliers, as a matter of course, will
12 share that information with their customers?

13 A. Well, matter of course is -- is different, but
14 if you need to know how circuits are being routed for
15 diversity purposes, it is very straightforward to be
16 able to get carriers to actually convey that
17 information because they understand that, oftentimes,
18 when you're provisioning networks, you're doing so
19 with a need for diversity, and you need to understand
20 how the facilities are being routed.

21 Q. Okay.

22 So that information, in your experience, is
23 not trade secret or proprietary information that
24 customers do not have access to?

25 A. In my experience, it may be trade secret or

1 proprietary, but it is shared, and you typically can
2 get what's referred to as a design layout record.
3 That design layout record can give you the details of
4 how the circuit is being routed, and can be used to
5 ensure that you have diversity for the arrangements
6 that you're trying to put in place.

7 Q. Okay. Thank you very much.

8 MR. MCGINTY: At this point, I think we
9 need to go into a confidential session.

10 JUDGE DOYLE: I believe -- Ryan, are you
11 on? Is that ready?

12 MR. SMITH: Yup, it is ready. I just had
13 one -- one person -- is it Anita Self, is that our
14 court reporter?

15 JUDGE DOYLE: Oh, court reporter, yes.
16 Thank you.

17 MR. SMITH: All right.

18 And I'm ready to go ahead and send you
19 guys in.

20 JUDGE DOYLE: Excellent. Thank you so
21 much.

22 MR. SMITH: Yeah.

23 (Confidential session.)

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13 (Main session.)

14 JUDGE DOYLE: Okay.

15 COMMISSIONER DANNER: Judge, would this be
16 a good time for us to take our morning break?

17 JUDGE DOYLE: This could absolutely be a
18 good time to take our morning break. So it's 9:57.
19 Let's return -- is ten minutes acceptable?

20 We'll make it -- it'll technically be 13.
21 Let's return at 10:10. We'll make a nice even number.

22 MR. SHERR: Judge, Adam Sherr. Can I ask
23 one quick question?

24 Do you -- do you know or foresee if
25 Ms. Lobdell will have any questions from the

1 Commission? We don't have any corrections to her
2 testimony. So if not, I'd like to know if she can be
3 excused.

4 JUDGE DOYLE: Commissioners, do you have
5 any?

6 COMMISSIONER DANNER: No questions for
7 Ms. Lobdell.

8 COMMISSIONER DOUMIT: Yeah, she can be
9 excused.

10 COMMISSIONER RENDAHL: She can be excused.

11 MR. SHERR: Thank you so much.

12 JUDGE DOYLE: She may be -- thank you.

13 MR. SHERR: Appreciate it.

14 JUDGE DOYLE: All right.

15 With that, let's take a break. It's 9:58
16 and we'll return at 10:10. Thank you all.

17 (A break was taken from
18 9:58 a.m. to 10:13 a.m.)

19 JUDGE DOYLE: Okay.

20 It looks like we've all returned from the
21 break. Let's be back on the record. It's now 10:13.
22 And we are going to start with witness Carl Klein for
23 CenturyLink.

24 I see you're on camera there. Can you
25 please raise your right hand?

1 CARL KLEIN, witness herein, having been
2 first duly sworn on oath,
3 was examined and testified
4 as follows:

5
6 JUDGE DOYLE: Thank you.

7 And, Mr. Steese, you may introduce the
8 witness.

9 DIRECT EXAMINATION

10 BY MR. STEESE:

11 Q. Can you please state your name?

12 A. My name is Carl, C-A-R-L, D. Klein, K-L-E-I-N.

13 Q. And by whom are you employed, Mr. Klein?

14 A. I'm employed by Lumen.

15 Q. And did you submit a pre-filed response
16 testimony in this case?

17 A. Yes, I did.

18 Q. And do you have any corrections to that
19 testimony, which is marked as CDK-1C?

20 A. Yes, sir.

21 Q. And what corrections do you have?

22 And give -- wait for a moment to make sure
23 everyone, once you identify the page, get's there.

24 A. It's -- from my testimony, it's page 11,
25 line 11.

1 Q. Why don't you tell them the changes that you
2 have?

3 A. And the changes, I incorrectly put the wrong
4 exhibit there. It currently says JDW-31C, and,
5 actually, the exhibits should be JDW-28C and JDW-30C.

6 MR. STEESE: I see people making notes, so
7 I want to make sure everyone has that before we
8 proceed. I see thumbs up. Perfect.

9 BY MR. STEESE:

10 Q. Do you have any other corrections to your
11 testimony, Mr. Klein?

12 A. No, I do not.

13 MR. STEESE: I tender Mr. Klein for
14 cross-examination.

15 JUDGE DOYLE: Thank you.

16 We can begin with commission staff.

17 Mr. McGinty, are you ready?

18 There you are. Go right ahead.

19 MR. MCGINTY: Thank you very much.

20 And we're going to dive right into
21 Exhibit 3, CDK-3, which I think the Washington
22 Military Department has asked to be treated as
23 confidential, if I'm not mistaken, so I think we need
24 to go into confidential session.

25 JUDGE DOYLE: Okay.

1 Ryan, are we -- are you back with us and
2 are we all set to move to confidential?

3 MR. SMITH: Yep.

4 JUDGE DOYLE: Great, thank you.

5 MR. SMITH: Yep, I'll move you right now.

6 (Confidential session.)

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6 (Main session.)

7 JUDGE DOYLE: Thank you, Ryan.

8 Oh, there you are, Mr. McNealy.

9 Can you raise your right hand, please?

10

11 THOMAS J. MCNEALY, witness herein, having been
12 first duly sworn on oath,
13 was examined and testified
14 as follows:

15

16 JUDGE DOYLE: Thank you.

17 Mr. Steese, you may introduce the witness.

18

DIRECT EXAMINATION

19 BY MR. STEESE:

20 Q. Can you please state your name?

21 A. Thomas J. McNealy.

22 Q. And, Mr. McNealy, by whom are you employed?

23 A. I work for Infinera Corporation.

24 Q. And do you have your pre-filed direct

25 testimony available to you on a computer screen?

1 A. I do.

2 Q. Do you have any corrections to make to that
3 testimony?

4 A. I do not.

5 MR. STEESE: At this time, your Honor, I
6 tender Mr. McNealy for cross-examination.

7 JUDGE DOYLE: Okay. Thank you.

8 Mr. McGinty, you may begin.

9 MR. MCGINTY: Thank you, your Honor.

10 And virtually all of Mr. McNealy's
11 testimony is designated confidential, so I think we're
12 going to go need to go right back into confidential
13 session.

14 JUDGE DOYLE: I should have checked.

15 Okay. Apologies, all. Here we go.

16 Ryan, can you put us back in?

17 MR. SMITH: On your way.

18 JUDGE DOYLE: If everyone has joined -- I
19 see the commissioners -- you may continue. Thank you.

20 (Confidential session.)

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8 (Main session.)

9 JUDGE DOYLE: Okay.

10 Ryan, is the breakout room all cleared?

11 MR. SMITH: It looks like there's CLC Room

12 1, Donna Barnett, Ken -- nope. Ken's back in here.

13 Sean, I think, is on his way as well.

14 The room will close out in 45 seconds and
15 counting.

16 JUDGE DOYLE: Okay.

17 MR. SMITH: But they're on their way.

18 It's just CLC Room 1 now.

19 JUDGE DOYLE: Okay. Perfect.

20 I wanted to --

21 MR. SMITH: Could I make a small request
22 to the attendees?

23 JUDGE DOYLE: Sure.

24 MR. SMITH: If -- if you guys don't need
25 to disconnect from the meeting, like, during breaks,

1 it does make it easier to get you guys back into the
2 confidential sessions easier.

3 JUDGE DOYLE: Okay.

4 I think we're winding down for the day. I
5 think this might be it, but thank you so much, Ryan.

6 MR. SHERR: Your Honor, just one
7 clarification.

8 Are you able to hear us?

9 JUDGE DOYLE: Yes.

10 MR. SHERR: Okay.

11 We're just having some technical
12 questions. Thank you. Sorry to interrupt.

13 JUDGE DOYLE: No worries. Okay.

14 So just wanted to follow up.

15 Initial briefs will be due January 17th,
16 2023, right at the beginning of the new year. There's
17 a 60-page limit, and then response briefs will be due
18 February 10th, 2023.

19 I want to confirm that the following
20 cross-exhibits are not going to be admitted into the
21 record. That's BR-34X through -- BR-34X, BR-35X,
22 BR-36X, BR-37X, BR-38X, BR-40X, BR-41X, BR-67X,
23 BR-79X, BR-80X, BR-82X, BR-83X, and BR-86X.

24 Are there any other procedural matters
25 before we adjourn?

1 MS. GAFKEN: I did just want to clarify
2 with the list of exhibits that you just listed, Judge
3 Doyle, there are four exhibits that were also exhibits
4 directed to Mr. Webber, and I believe those exhibits
5 were admitted, but they were not used for Mr. Rosen's
6 cross-examination.

7 The exhibit numbers are BR-37X, BR-38X,
8 BR-40X and BR-41X. They have corresponding exhibits
9 with Mr. Webber.

10 JUDGE DOYLE: Okay.

11 Thank you.

12 MS. GAFKEN: For the rest of the --

13 JUDGE DOYLE: Yeah.

14 MS. GAFKEN: -- the rest of the exhibits
15 that you listed, my understanding is they are not in
16 the record. Thank you.

17 JUDGE DOYLE: Thank you. I forgot there
18 was some cross on those.

19 And then finally, I want to cover the due
20 date for Bench Request Number 1, which was Public
21 Counsel's Data Request Number 58 that included the
22 footnotes on page 43 for Exhibit SET-1TC.

23 Is it reasonable to have that due date be
24 the close of business this Friday?

25 MR. SHERR: Yes, your Honor, we can get it

1 to you in the next day. No problem.

2 JUDGE DOYLE: Okay. Perfect.

3 And I'm not going to be issuing any emails
4 or -- or notices. This is -- this is your notice.

5 MR. SHERR: That's no problem.

6 And we will also, as we talked about at
7 the beginning of the hearing, provide the updated
8 CDK-4C and the updated version of CDK-1TC to make sure
9 that diagram is also denoted as confidential. So we
10 will -- we will endeavor to do those both at the same
11 time.

12 JUDGE DOYLE: Okay. Great.

13 We'll say officially those will be due
14 close of business Friday, just in -- in case there's
15 any delay.

16 MR. SHERR: Is filing those through the
17 portal and serving the service list sufficient for
18 both of those?

19 JUDGE DOYLE: Yes. Yeah. And just --
20 just do them as updated --

21 MR. SHERR: Okay.

22 JUDGE DOYLE: -- to the original, yeah.
23 And those will be admitted to the record.

24 Okay.

25 Are there other procedural matters before

1 we adjourn?

2 MR. MCGINTY: Yes, your Honor. And this
3 is another exhibit substitution.

4 Proposed Cross-Exhibit RA-9CX was an
5 exhibit where the -- the supplemented version of that
6 data request needs to substitute for the
7 unsupplemented version.

8 MR. STEESE: That's a fair point. We'll
9 get that done, too, Mr. McGinty. Thank you.

10 MR. MCGINTY: Thank you so much.

11 JUDGE DOYLE: I unmuted myself. Okay.
12 Excellent. Thank you. Okay. All right.

13 Well, with that, if the commissioners or
14 Judge Kopta don't have anything else that I've
15 forgotten, I believe we are adjourned early. Let's be
16 off the record.

17 (Videoconference hearing concluded
18 at 12:06 p.m.)

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STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I, ANITA W. SELF, a Certified Court 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.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 21st day of December 2022.

Anita W. Self



ANITA W. SELF, RPR, CCR #3032