

1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION
3 In the Matter of the Continued)
4 Costing and Pricing of) Docket No. UT-003013
5 Unbundled Network Elements and) Volume XXXIX
6 Transport and Termination.) Pages 4487 to 4663
7 _____)

8 A hearing in the above matter was held on
9 May 8, 2002, at 1:00 p.m., at 1300 South Evergreen Park
10 Drive Southwest, Room 206, Olympia, Washington, before
11 Administrative Law Judge LAWRENCE BERG and DR. DAVID
12 GABEL.

13 The parties were present as follows:
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1 P R O C E E D I N G S

2 JUDGE BERG: This is a continued hearing in
3 Docket Number 003013 also identified as Part D
4 proceeding. I'm Lawrence Berg, the presiding officer in
5 this case. Insofar as all counsel have previously
6 entered their appearances on the record, we will not
7 take appearances further at this time.

8 To start today's proceeding, we will begin
9 with the testimonial oath to of Mr. Robert Hubbard,
10 Qwest witness, to be followed by cross-examination.

11 Mr. Hubbard, if you would please stand and
12 raise your right hand.

13

14 (The following exhibits were identified in
15 conjunction with the testimony of ROBERT HUBBARD.)

16 Exhibit T-2150 is Direct Testimony of Robert
17 J. Hubbard (RJH-T-8). Exhibit T-2151, CT-2151 is
18 Rebuttal Testimony of Robert J. Hubbard (RJH-T10).
19 Exhibit 2152 is Letter from Greg Kopta of Davis Wright
20 Tremaine to Lisa Anderl at Qwest dated 01/15/02
21 (RJH-11). Exhibit 2153 is Rebuttal Testimony of
22 Buckley; Part B; 02/07/01 (RJH-12). Exhibit 2154 is
23 Supplemental Rebuttal Testimony of Hubbard (RJH-T13).
24 Exhibit 2155 is Complete Order and Test Process
25 (RJH-C14). Exhibit 2156 is Qwest Response to WCom DR

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1 No. WCI 05-437 (RJH-15). Exhibit 2157 is Qwest Response
2 to Covad Data Request 40. Exhibit 2158 is Qwest
3 Response to Covad Data Request 45. Exhibit 2159 is
4 Qwest Response to Covad Data Request 48. Exhibit 2160
5 is Qwest Response to Covad Data Request 55. Exhibit
6 C-2161 is Excerpts from Qwest Response to Covad Data
7 Request 60 (and supplements). Exhibit 2162 is Qwest
8 Response to Covad Data Request 61. Exhibit 2163 is
9 Qwest Response to Covad Data Request 62. Exhibit 2164,
10 C-2164 is Excerpts from Qwest Response to Covad Data
11 Request 84 (and Attachment A). Exhibit 2165 is Qwest's
12 Performance Results for Washington (March 2001 -
13 February 2002) for OP-5. Exhibit 2166 is Excerpt from
14 Transcript for Maryland Case No. 8842, dated October 30,
15 2002. Exhibit 2167 is Lucent Press Release, dated June
16 3, 1997. Exhibit 2168 is Marconi Product Brochure,
17 DISC*S with ADSL. Exhibit 2169 is Nlevel3 Product
18 Brochure, Unified Access Platform. Exhibit 2170 is
19 Qwest Response to Staff's Data Request No. 47. Exhibit
20 2171 is Qwest Response to Staff's Data Request No. 48.
21 Exhibit 2172 is Qwest Response to Staff's Data Request
22 No. 57. Exhibit 2173 is Qwest Response to Staff's Data
23 Request No. 60. Exhibit 2174 is Qwest Response to
24 Staff's Data Request No. 72. Exhibit 2175 is Qwest
25 Response to Staff's Data Request No. 73.

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1

2 Whereupon,

3

ROBERT HUBBARD,

4 having been first duly sworn, was called as a witness

5 herein and was examined and testified as follows:

6

7

JUDGE BERG: Thank you.

8

MS. ANDERL: Thank you, Your Honor.

9

10

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

11

BY MS. ANDERL:

12

Q. Good afternoon, Mr. Hubbard.

13

A. Good afternoon.

14

Q. Would you please state your name and your

15

business address for the record.

16

A. My name is Robert J. Hubbard, H-U-B-B-A-R-D,

17

by business address is 700 West Mineral Avenue,

18

Littleton, Colorado 80120.

19

Q. By whom are you employed?

20

A. Qwest.

21

Q. Mr. Hubbard, did you prepare and file direct

22

rebuttal and supplemental rebuttal testimony in this

23

proceeding?

24

A. Yes, I did.

25

Q. Do you have those documents before you?

4496

1 A. Yes, I do.

2 Q. And the exhibits that were attached to those?

3 A. Yes.

4 Q. Do you have any changes or corrections to
5 make to your testimony that you have not previously
6 provided?

7 A. No, I do not.

8 Q. Is the information contained in that
9 testimony and those exhibits true and correct to the
10 best of your knowledge?

11 A. Yes, they are.

12 MS. ANDERL: Your Honor, we would offer
13 Exhibits T-2150 through 2156 and make Mr. Hubbard
14 available for cross.

15 JUDGE BERG: Hearing no objection, those
16 exhibits are admitted.

17 MS. DOBERNECK: Thank you, Your Honor.

18

19 C R O S S - E X A M I N A T I O N

20 BY MS. DOBERNECK:

21 Q. Good afternoon, Mr. Hubbard.

22 A. Good afternoon.

23 Q. At last we meet in a formal fashion.

24 MS. DOBERNECK: Before we begin, I would like
25 to take care of some of the cross-examination exhibits

4497

1 that Covad has listed for your testimony, and I'm
2 talking specifically about Exhibits 2157 through 2164
3 and C-2164, and I would like to move for the admission
4 of those exhibits at this time.

5 MS. ANDERL: And those are just data request
6 responses?

7 MS. DOBERNECK: Yes.

8 MS. ANDERL: I'm checking.

9 No objection to those.

10 JUDGE BERG: Would you repeat that sequence
11 once more for me.

12 MS. DOBERNECK: Certainly, yes. It is 2157
13 through 2164 and C-2164.

14 JUDGE BERG: All right, those exhibits are
15 admitted.

16 MS. DOBERNECK: Thank you, Your Honor.

17 BY MS. DOBERNECK:

18 Q. I have a few cleanup questions for you, Mr.
19 Hubbard, for questions that were deferred to you by
20 prior witnesses, and the first thing I would like to ask
21 you about is contained in Exhibit 2023.

22 A. That is TKM-29?

23 Q. Yes.

24 A. Okay.

25 Q. And if you could flip to page 22 where

4498

1 there's an itemization of a variety of charges that
2 Qwest is proposing in this part of the proceeding.

3 A. Starts with the page summary of results,
4 Commission prescribed costing and pricing, correct?

5 Q. Yes, and the first line item is maintenance
6 and service.

7 A. Yes, we have that.

8 Q. Great. And I don't know if you were in the
9 room when I asked Ms. Million about this, but I wanted
10 to know with the line item that refers to non-scheduled
11 cooperative testing, what that particular task item is,
12 and if it's the same cooperative testing that comes in
13 -- that constitutes the cooperative testing portion of
14 basic installation with cooperative testing. I
15 apologize for that long question.

16 A. That's okay, I think I even followed it.
17 It's my understanding that the non-scheduled cooperative
18 testing is, how do I want to explain this, let's see,
19 where we have the basic installation, and then Covad,
20 for instance, would -- that has not ordered cooperative
21 testing up front would call and say, we would like to
22 have cooperative testing. At that time, we would have
23 to dispatch a technician, and for whatever time it took
24 the technician to get there and perform the cooperative
25 testing, that is billed, my understanding, on a half

4499

1 hour basis. So, you know, if it took him three hours or
2 four hours to get there and perform that, then that's
3 the cost that would be associated with that.

4 Q. Okay. So just to clarify, is it something
5 that could be ordered during either the provisioning
6 process or in the context of maintenance and repair?

7 A. I believe it could be ordered in -- during
8 the provisioning -- during the provisioning time. You
9 would not have ordered that up front, so this is
10 something that is an add on, if you will. Maintenance
11 and repair I'm not sure about. I mean we do the
12 testing, and when you have -- if you turn it over for
13 repair, then we do the testing at that time, so I'm not
14 sure that that would go along with maintenance and
15 repair.

16 Q. Okay. It might be duplicative of what would
17 happen when a company opened a trouble ticket and there
18 was troubleshooting for a problem on a loop?

19 A. Yeah, I think there, you know, there's other
20 charges that go with that, I think, so I'm not sure that
21 this would apply to that.

22 Q. Are there any other Qwest witnesses that you
23 know of that are appearing in this proceeding that would
24 be able to answer that question?

25 A. That's left, I don't believe so.

4500

1 Q. Okay. Mr. Hubbard, would you be considered
2 the subject matter expert or the SME for purposes of
3 questions relating to basic installation and cooperative
4 testing?

5 A. For the network side, yes, not for --
6 probably not for costing and for the product itself, but
7 for network side.

8 Q. Can you tell me what -- how you're using a
9 distinction between the product itself and the network
10 side?

11 A. Well, the network, we do the work basically,
12 and product represents the product that is modeled here.

13 Q. You mean like the rate elements and the
14 rates?

15 A. Yes, the rate elements and stuff, yes.

16 Q. Okay. Well, in your capacity, and I will
17 call you a SME for this purpose, do you have an
18 understanding of your role as a SME in conjunction with
19 the development of TELRIC based costs for basic
20 installation with cooperative testing?

21 A. That's a question -- you know, I have a basic
22 understanding of TELRIC. I represent the network and
23 how to build it. As far as the costing related to
24 TELRIC, that's up to the other people, the cost
25 analysts.

4501

1 Q. Based on your general understanding of
2 TELRIC, do you understand that as a SME you provide sort
3 of a factual basis for how Qwest would conduct
4 activities in a forward looking network?

5 A. I provide input, basically engineering input,
6 into the cost models based on what it takes to build a
7 network and forward looking, yes, we get into forward
8 looking.

9 Q. Would you also provide that input with an eye
10 towards a network that operates efficiently?

11 A. I would believe so.

12 Q. Okay. Now as you notice, I like to use the
13 phrase good loop a lot, and I want to make sure if I use
14 it that you and I are answering on the same basis, or
15 you are answering on the same basis a question I am
16 posing. When I use the phrase good loop, I'm referring
17 to a loop that has circuit continuity from the NID to
18 the ICDF and meets all the technical parameters
19 contained in the NC/NCI codes that are used to order
20 that loop.

21 A. We're on the same page.

22 Q. We're on the same page, great. In your
23 rebuttal testimony, which is Exhibit T-2151.

24 A. I have that.

25 Q. Okay. If you could turn to page 23.

4502

1 MS. ANDERL: Excuse me, Mr. Hubbard, is your
2 microphone on?

3 THE WITNESS: Now it's on.

4 BY MS. DOBERNECK:

5 Q. If you could let me know when you're at page
6 23.

7 A. I'm there.

8 Q. Okay. And I would like you to take a moment
9 to look at the Q&A that runs from lines 1 through line
10 8.

11 (Discussion off the record.)

12 JUDGE BERG: Let me just confirm that page
13 number with you once more, Ms. Doberneck.

14 MS. DOBERNECK: Sure, it's page 23 of Exhibit
15 T-2151.

16 JUDGE BERG: 2151?

17 MS. DOBERNECK: Yes.

18 JUDGE BERG: And I will just indicate that
19 that page does contain some confidential information; is
20 that correct?

21 MS. DOBERNECK: It does, and I can actually
22 -- I won't be -- I will be discussing the fact that
23 there's a percentage but not the specific number, so we
24 don't need -- we don't need to have this portion of the
25 record be confidential.

4503

1 JUDGE BERG: All right, thank you.

2 BY MS. DOBERNECK:

3 Q. Now you describe in that section of your
4 testimony the percentage of loops, of Covad loops,
5 ordered loops, that Qwest tested and fixed. Do you see
6 that?

7 A. Yes, I do.

8 Q. Now does Qwest keep records of its assigned
9 pairs, it's spare pairs, and defective pairs?

10 A. Do we keep records of those?

11 Q. Yes.

12 A. Yes, we have a data base.

13 Q. Okay. Do you know what Qwest's average
14 defective pair rate is in the state of Washington?

15 A. No, I do not.

16 Q. Do you have any understanding or knowledge of
17 what Qwest's defective pair rate is in the Qwest region
18 overall?

19 A. I don't believe I do, no.

20 Q. Do you know if the average defective pair
21 rate is the same as or different than the percentage of
22 loops Qwest had to fix before delivering them to Covad?

23 A. No, I do not.

24 Q. Can you explain how Qwest ran into the
25 percentage specified in your testimony on the supposedly

4504

1 good lines that were assigned to Covad during the month
2 of January?

3 A. Could I ask you to clarify that question just
4 a little bit, to what -- kind of what you're looking for
5 there, or would you repeat the question, how is that.

6 Q. Let me ask you a different question, and that
7 may make it clearer.

8 You cite a percentage in your testimony, do
9 you not?

10 A. Correct.

11 Q. And that percentage means that that
12 percentage of loops did not meet generally accepted
13 industry standards for good loops; isn't that right?

14 A. That is correct, either they weren't good or
15 we had to repair a drop or replace a drop because it may
16 have been a small drop and we had to add another one,
17 yes, that's true. So there was something that we had to
18 do with those loops.

19 JUDGE BERG: And my understanding is that the
20 percentage itself is not confidential.

21 MS. ANDERL: That's what I thought too.

22 MS. DOBERNECK: Oh, you know what, that's
23 right, I'm sorry, okay.

24 BY MS. DOBERNECK:

25 Q. To clarify the record, the percentage of

4505

1 loops that were fixed, and my apologies, is 27%, so 20%,
2 27% of the loops that Qwest is going to deliver to Covad
3 were defective loops, right?

4 A. Correct.

5 Q. And some action had to be undertaken by Qwest
6 at some point prior to Covad being able to provide
7 service over those loops, right?

8 A. Yeah. And I would like to clarify a little
9 bit, they may not have been defective loops. We had to
10 do something, splice in a drop, upsize a drop. It was
11 work that was required of Qwest to make these -- make
12 that pair good all the way from demark to demark.

13 Q. Okay, so 20% of the loops ordered, Qwest had
14 to do something to make it a good loop?

15 A. Well --

16 Q. Prior to service being -- prior to the loop
17 being able to -- capable of supporting service?

18 A. Yes, Qwest had to do some work to make the
19 loop work from demark to demark. The loop may have been
20 good, we may have had to add a drop or whatever.

21 Q. Okay. You also state at page 23 of your
22 rebuttal testimony that CLECs don't understand the
23 technical specifications or what tests are supposed to
24 be conducted. Can you direct me to any evidence in this
25 record that supports your testimony in this regard?

4506

1 A. As far as evidence in my testimony, I did not
2 put anything in here. It's during discussions with
3 testing centers, and my interpretation, when we test a
4 loop, most of the tests performed by the CLECs are just
5 a straight continuity test. They did do some loop back
6 tests and stuff, but most of the time it's the tests
7 that we've already performed.

8 Q. And for purposes of the record, when you're
9 talking about a straight continuity test, you're talking
10 about a determination that it's a good loop from the NID
11 to the ICDF?

12 A. Actually, when we do the test, it's your
13 system added on too, added on also, so it's a test all
14 the way through to the NID, and we'll usually place a
15 short there, and your tester can then see the short.

16 Q. I was actually thinking, trying to figure out
17 the span to distinguish between a continuity test and
18 then what you described as a loop back test.

19 A. Okay.

20 Q. Well, let me go on. I understand a loop back
21 test actually then extends the stretch of the network
22 we're looking at to include the Covad network back to
23 the Covad DSLAM.

24 A. Certainly does, but also for your tester even
25 on their continuity test, if you will, there's a short

4507

1 on the line, they have to have their network, your
2 network, added on so they can see it.

3 Q. Meaning so Qwest can access the Covad testing
4 equipment so it can't -- so the loop can be seen?

5 A. No, for -- Covad can look through their
6 system and see Qwest's loop on there also and see the
7 short that we place at the end of the line.

8 Q. I get you now.

9 You talked about the sort of the basis for
10 your testimony that CLECs don't understand the technical
11 specifications or the tests they're supposed to be
12 ordering as based on your conversations with you
13 referred to a center, can you specify what center you're
14 talking about?

15 A. QCCC.

16 Q. And that's the Qwest CLEC coordinated?

17 A. I think it's the Qwest Co-provider, boy, you
18 got me, I just went blank on that one, I'm sorry.

19 Q. Let's put it this way, is it the center in
20 Omaha?

21 A. Yeah.

22 Q. Okay. Now was the extent of your discussion
23 with the individuals at the QCCC their understanding of
24 why CLECs were ordering cooperative testing of the
25 testing they were using?

4508

1 A. Of why they were ordering cooperative
2 testing?

3 Q. Mm-hm.

4 A. To add their network onto our network, to add
5 their network onto our network and verify that the total
6 network meets all the parameters and that your data
7 system will work.

8 Q. And did you ask or discuss this issue with
9 any CLECs as to why they were ordering cooperative
10 testing?

11 A. I have been in a lot of discussions with
12 CLECs, I don't know if I was in any of the discussions
13 why they're ordering cooperative testing.

14 And for the record, it's the Qwest Customer
15 Care Center.

16 Q. Okay, thank you.

17 A. Flashed back to me.

18 Q. Now as I understand it, and we -- and I
19 believe you were in the room when I asked Mr. Easton
20 about this yesterday, Qwest performs the performance
21 tests on every loop ordered by every CLEC, right?

22 A. Correct.

23 Q. The testing that's actually performed,
24 however, is different based on whether it's a new or
25 reused loop; is that right?

4509

1 A. Okay, if you could define or I can define new
2 and which say is a reused. Reused in my interpretation
3 is an existing loop in service, and another CLEC gets
4 that customer, and we do a lift and lay basically from
5 our service to their service. Is that -- is that where
6 you're going, Megan, with that; is that your
7 understanding?

8 Q. Yes.

9 A. Okay. And a new would be an unbundled loop
10 that basically has not been -- it doesn't have a
11 customer on the end of it existing, and that's my
12 understanding.

13 Q. If there's no customer -- I would like to
14 actually understand a little bit more about what a new
15 loop is. Is it just a loop that's not attached to a
16 Qwest switch?

17 A. My understanding, the way we were just
18 talking about it, a new loop would be from -- basically
19 from the main distribution frame out to a pedestal or to
20 the NID, but it's not working. It doesn't have any
21 service on it, it's not necessarily hooked up to the
22 switch.

23 Q. Okay. So new could include something -- a
24 loop that's terminated on the switch but not used or
25 something that's not even terminated on the switch;

4510

1 that's sort of the two scenarios in which a loop would
2 be considered a new loop?

3 A. That is my interpretation.

4 Q. Okay. Now getting back to my original
5 question, based on Qwest's discovery responses in this
6 matter, my understanding is that for reused loops, as
7 you have described or defined a reused loop, that the
8 type of performance tests Qwest uses on a reused loop is
9 different than the performance tests that's it performs
10 on a new loop; is that correct?

11 A. I would say that's -- we do do testing on it,
12 we do a ANI, automatic number identifier, on it.
13 Remember this reused loop in my interpretation of it is
14 already in service. It's working, it has a customer on
15 the end of it, they're talking, they're using it.
16 Someone else wins it, we go in there, identify that this
17 is the correct loop, and change it over to the other
18 service provider. So it's already existing, it's
19 working, it's your good loop.

20 Q. Okay. To ANI a loop, if that's the proper
21 techy way to refer to the testing, that loop has to be
22 terminated on the Qwest switch, right?

23 A. Correct.

24 Q. And it also requires dial tone, doesn't it?

25 A. Correct.

4511

1 Q. To ANI a loop. But the 2-wire non-loaded
2 loops Covad orders aren't terminated on the Qwest
3 switch, are they; they're terminated on the Covad DSLAM?

4 A. Well, unless you're doing line sharing, and
5 which you do quite a bit of. At that time, they're
6 usually into a Qwest switch to provide the voice.

7 Q. These are I'm talking about 2-wire non-loaded
8 loops.

9 A. Okay.

10 Q. Not line shared loops.

11 A. Okay, 2-wire non-loaded. If you're going in
12 there with a second line or whatever, they're usually
13 not into the switch, no.

14 Q. Okay. And to clarify -- I just lost my train
15 of thought. Okay, so the 2-wire non-loaded loops, oh, I
16 know what I was going to ask you, I'm sorry for my
17 confusion.

18 Actually, a CLEC can't even order cooperative
19 testing for the installation of a line shared loop, can
20 it, because Qwest deems that testing invasive?

21 A. Would you repeat the question, I'm sorry.

22 Q. Sure. A CLEC can't actually even order
23 cooperative testing on a line shared loop, can it,
24 during installation, because the testing would be
25 considered invasive?

4512

1 A. That's correct, the line is already working.

2 Q. Right.

3 A. And it's at the customer premise, so there's
4 really not a need to do that.

5 Q. So when we're talking about basic
6 installation with cooperative testing, we're only
7 talking about the 2-wire non-loaded loops?

8 A. Yes.

9 Q. Okay. And the 2-wire non-loaded loops you
10 would agree are not terminated on the Qwest switch,
11 right?

12 A. Yes.

13 Q. So you can't ANI that loop, can you?

14 A. No.

15 Q. So there would be no testing on a 2-wire
16 non-loaded loop if it's reused when ordered by a CLEC,
17 right?

18 A. You will have to repeat that, because you say
19 -- you used the word reused in there, and if you would
20 repeat.

21 Q. Sure. And a reused loop is one in which
22 service is migrated from Qwest to another carrier,
23 right?

24 A. In the context that we're talking about, yes.

25 Q. Right, and that's all I'm limiting it just to

4513

1 that. Now if Covad were to order a 2-wire non-loaded
2 loop that Qwest would consider to be a reused loop, that
3 loop doesn't terminate on the Qwest switch, right?

4 A. It does until the time we do the lift and
5 lay.

6 Q. So are you saying then that Qwest ANIs the
7 loop before it does the lift and lay?

8 A. Yes, it does; yes, we do.

9 Q. Okay. And then presume if, for example, it
10 were a voice loop going to another carrier, then after
11 the lift and lay Qwest would ANI it again, would it not?

12 A. If it's into your switch, no.

13 Q. In your supplemental rebuttal testimony,
14 which is T-2154.

15 A. I have it.

16 Q. Okay. You discuss in the first few pages of
17 your testimony, it appears to be pages 2 through 6, you
18 discuss some of the examples that Dr. Cabe included in
19 his supplemental responsive testimony regarding certain
20 loops that Qwest tested in connection with basic
21 installation with cooperative testing, right?

22 A. That is correct.

23 Q. Now you don't dispute, do you, what actually
24 happened during the course of the testing in the
25 examples Dr. Cabe gave, do you?

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1 A. Do I dispute, no.

2 Q. Okay. I would like to walk you through some
3 of those examples, so if you would turn to page 3 with
4 the Q&A that begins at line 5.

5 A. I have that.

6 Q. Okay. And this is a situation in which Qwest
7 called Covad, said we have installed your loop, we have
8 done the performance testings, the loop is good to go,
9 let's do cooperative testing, correct?

10 A. When we were doing the original test, we
11 found the defective buried service wire and then
12 repaired that and then ordered the cooperative testing,
13 and for some reason there was some cross connects that
14 were not done.

15 Q. Okay. So even though as Mr. Easton testified
16 that Qwest ensures that the loop is good before even
17 calling the test, the CLEC for cooperative testing, this
18 is an instance in which a problem was found with the
19 loop during cooperative testing, right?

20 A. Yes, there was a problem that was found. You
21 know, we've got hundreds of techs out there, thousands
22 and thousands and thousands of wires, things happen. I
23 have seen, when I was a repairman, I've seen pairs go
24 open or short just for no reason at all. So things do
25 happen in the network with all the wires that are out

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1 there, the hundreds of techs that are out there, things
2 do happen. We try to do the best we can with the
3 performance testing ahead of time to ensure the loop is
4 good, but, you know, you have a very small number that
5 you found in the overall number that we reviewed for one
6 month, and I think we're doing a pretty good job on
7 these. Things do happen in the network.

8 Q. Well, getting back to the example Dr. Cabe
9 included regarding the lack of or the failure to place
10 two cross connects within the central office, this was a
11 problem that was only found during testing, right?
12 During testing with Covad, let me specify.

13 A. Yes.

14 Q. Okay. And it was detected through the use of
15 Covad's testing equipment and testers, right?

16 A. I would say that that's a true statement.
17 For some reason, you know, I don't know exactly why, I
18 would estimate that when we found a buried service wire,
19 we put the order in jep at that time, in jeopardy, and
20 whether the cross connects were not run because the
21 order was in jeopardy or the line was not working and
22 they removed the cross connects, I don't know.
23 Something, something happened or something was not
24 complete to run those cross connects.

25 Q. And this problem, the lack of cross connects,

4516

1 that's a problem in the Qwest network, right?

2 A. Yes, it was.

3 Q. Okay. And because the cross connects were
4 not made within the central office, that loop was not
5 ready for delivery when Qwest called Covad for
6 cooperative testing, correct?

7 A. It was not ready at that time. After it was
8 determined that those cross connects were not there,
9 they were placed, and it was ready in a very short
10 period of time.

11 Q. Okay. And if there had been no cooperative
12 testing with Covad, Qwest would not have caught this
13 problem with the loop, would it?

14 A. No, I don't believe that's true. If there
15 was no cooperative testing, Covad would have informed us
16 that the loop didn't work, and then we would have found
17 it.

18 Q. Well, and then -- then -- but that would have
19 necessitated Covad opening up a trouble ticket, right,
20 because the installation is completed?

21 A. That's true.

22 Q. And what happens, what does Qwest then have
23 to do when a CLEC opens a trouble ticket?

24 A. It has to test the line and figure out where
25 the trouble is and fix it.

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1 Q. Okay. So Qwest would incur some
2 administrative costs in working the trouble ticket on
3 its own side, right?

4 A. It would incur some administrative costs,
5 yes.

6 Q. And it would have to undertake some work in
7 order to do trouble isolation to determine what the
8 problem was?

9 A. Yeah, that's correct.

10 Q. And then Qwest would have to dispatch a
11 technician to correct that problem?

12 A. The central office technician, who is usually
13 on -- usually on site.

14 Q. Okay. And then at the end of that, Qwest
15 would have to close out the trouble ticket and report
16 back to the CLEC?

17 A. That's true.

18 Q. Okay. And all of that, of course, is avoided
19 because of cooperative testing, right?

20 A. No, I wouldn't say it's all avoided. When we
21 did the cooperative testing, a problem was discovered,
22 and we still had to have the technician go fix it, and
23 you have -- also have the test center on the line, so
24 there are still costs.

25 Q. Okay. But you got to avoid at least some of

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1 those costs, right, because you had cooperative testing?

2 A. Probably the administrative costs.

3 Q. Well, let's turn to the next example that

4 Dr. Cabe provided and that you responded to, and that's

5 at page 4, and here is a bad heat coil, right?

6 A. That's correct.

7 Q. And is it fair for the layman in the room to

8 think of this as like a fuse?

9 A. Yeah, that's a good way to do it.

10 Q. Okay. Now here we had a situation in which

11 the fuse was bad and it was detected during testing with

12 Covad, right?

13 A. That's correct.

14 Q. And it was a problem that existed prior to or

15 it was a problem that existed and Qwest had not

16 uncovered at any time prior to calling Covad for

17 cooperative testing, right?

18 A. Yeah, with a bad heat coil, when we do our

19 testing, we will plug in a test cord into where the heat

20 coils go, so we would have to remove the heat coil, plus

21 the test cord in there, do the testing both ways from

22 that point inside the office to the demark and then

23 outside. We use that if we have to put tone on the line

24 or whatever. And when the heat coils were replaced, one

25 of them was defective, I guess, and we fixed that within

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1 I think a very, very short period of time. But there
2 would have been no way to determine that heat coil was
3 bad up front. They don't usually go bad. So, you know,
4 things happen in the network, we've got millions of heat
5 coils out there, and things go bad.

6 Q. But this was a problem with the Qwest
7 network, right?

8 A. The heat coil is part of the Qwest network,
9 yes.

10 Q. And if that loop were delivered with a bad
11 heat coil, it could impair Covad's ability to provide
12 service over that loop, right?

13 A. Yes, just like if you a bad heat coil in your
14 system, you would too.

15 Q. And Qwest utilized the Covad testers and
16 testing equipment in order to isolate this problem,
17 right?

18 A. Well, it was discovered during the
19 cooperative testing, because we still have to have
20 somewhere to plug our equipment into, and the heat coil
21 had to be removed, plugged our equipment into it, and
22 then the heat coil replaced.

23 Q. But you --

24 A. And that would have happened in the Qwest
25 network also.

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1 Q. I'm sorry, I didn't mean to interrupt you.

2 Would you agree that it was Covad who said
3 there is a problem with this loop?

4 A. Covad said that, yes.

5 Q. Okay. Now this fuse or heat coil, is it
6 electrically a part of the loop?

7 A. Yes, I guess it could -- yes, because
8 electricity -- the electrical components would go
9 through the heat coil. The heat coil is there to
10 protect the network. It's a fuse, if electricity comes
11 in, it will blow and go to ground, so it's there to
12 protect the network.

13 Q. And would you consider it to be physically a
14 part of the loop?

15 A. It's required to provide continuity between
16 the outside plant loop and the central office piece of
17 the network.

18 Q. And as -- am I correct in understanding that
19 the heat coil is found someplace between the ICDF and
20 the NID?

21 A. Yes, it's also a -- it's at the main
22 distribution frame, and we also have heat coils at the
23 NID themselves too.

24 Q. Now would this problem with the bad heat coil
25 have been detected if the loop had terminated on the

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1 Qwest switch?

2 A. It would -- for a Qwest customer, it would
3 have been determined by the Qwest customer.

4 Q. Okay.

5 A. It goes to the -- it protects the network, it
6 protects our switch, it protects your switch. It
7 isolates, if you will, the outside plant from the inside
8 within the central office, so it would have affected not
9 only yours, but it would have affected our circuits too.

10 Q. Okay. And so the fact that Covad requested
11 cooperative testing and Qwest could access that, a
12 problem was detected that resulted or prevented a
13 problem to both networks, right?

14 A. Not on a 2-wire non-loaded or unbundled loop,
15 because that was only going to go to your service. If
16 we -- I mean the heat coil can go bad, and it would
17 affect anybody's service that it's hooked up to the
18 equipment within the central office if that happened.

19 Q. Okay. So through Covad agreeing to
20 cooperatively test, it actually served to protect its
21 own network because a piece of Qwest equipment had
22 failed, right?

23 A. A bad heat coil was found, and we repaired
24 it.

25 Q. You didn't provide in any of the testimony

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1 you submitted here any examples to counter those
2 provided by Dr. Cabe, did you?

3 A. As far as other loops than the ones been
4 identified, identified the ones that he identified.

5 Q. Would you agree that despite the use of Covad
6 testing equipment and testers to uncover and detect
7 problems with the Qwest network that Qwest never paid
8 anything to Covad for that use?

9 A. Paid anything to Covad for their testing?

10 Q. For example, Covad doesn't charge Qwest
11 simply because Qwest gets to take advantage of the
12 testing equipment that's available to it during
13 cooperative testing, does it?

14 A. Oh, I'm not sure, if you will, that we take
15 advantage of it. You discovered some deficiencies with
16 a very few number of our loops. We had already done the
17 pretesting on the greatest majority of the loops and
18 fixed a bunch of them, 27% of them, ahead of time.
19 That's our own testing that discovered that. As far as
20 taking advantage of your testing, we -- you found some
21 things that were wrong, very, very few number, five or
22 six that were wrong. Like I said, things happen in the
23 network, things break all the time. I mean it's just --
24 it's just a part of working with thousands and thousands
25 and thousands of wires and techs out there. So, you

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1 know, even he said that it's a -- it's a collaborative
2 method for testings between two networks. It's to
3 ensure that your network works with our networks and
4 everything works together.

5 Q. Mr. Hubbard, wouldn't you agree that in
6 Dr. Cabe's testimony he said these are examples, they're
7 not exhaustive?

8 A. I think that's maybe what he said.

9 Q. And you didn't actually produce or state
10 anywhere in your testimony the number of loops that
11 actually went through performance testing, pretesting,
12 or cooperative testing okay without any Covad
13 intervention, did you?

14 A. State in my testimony, no, I don't believe I
15 did.

16 Q. Okay.

17 JUDGE BERG: Ms. Doberneck, I'm sorry, I
18 heard the question, but I didn't understand it, so I
19 know the witness did, if you could just clarify it for
20 my benefit, I would appreciate it.

21 MS. DOBERNECK: Certainly. Do you want me to
22 do it through question and answer with the witness?
23 Would that be -- whatever you want.

24 JUDGE BERG: I think the witness understood
25 it, so if you could just clarify it with me, and then if

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1 the witness decides that he didn't understand it, he can
2 respond, but it's mainly for my benefit.

3 MS. DOBERNECK: Sure. And the purpose of the
4 question was to elicit an answer to whether Qwest or
5 Mr. Hubbard in his testimony provided any type of number
6 or percentage of the loops ordered by Covad that, in
7 fact, all problems were corrected before the cooperative
8 testing phase.

9 JUDGE BERG: All right, wouldn't that be just
10 a matter of 100% minus 27%?

11 MS. DOBERNECK: No, because what Mr. Hubbard
12 states in his testimony, 2150, well, actually, let me --
13 I believe it's 2151.

14 JUDGE BERG: And I want to be clear, I'm not
15 looking for counsel to testify, but it sounds like
16 you're making a point that I'm not getting.

17 MS. DOBERNECK: No, what he said, what
18 Mr. Hubbard testified, and I don't want to overstate
19 here, and I'm trying to find my page number, what he
20 stated was that on 20%, 27% of the loops -- oh, it's
21 2151, page 23.

22 JUDGE BERG: Mm-hm.

23 THE WITNESS: The confidential page.

24 MS. DOBERNECK: Right, the confidential page.

25 THE WITNESS: 23.

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1 MS. DOBERNECK: What it says is that on 27%
2 of the loops, Qwest pretested and fixed those loops.
3 That doesn't answer the question of how many loops
4 either were not pretested or were pretested but not
5 fixed.

6 JUDGE BERG: Okay.

7 BY MS. DOBERNECK:

8 Q. I would actually like you to turn to page 5
9 of your supplemental rebuttal testimony, which is
10 T-2154, and looking at lines 20 to 21, and there you
11 make the statement, Qwest does perform pretests on the
12 Covad loop orders whether it is documented or not. How
13 in the world is one to know if that pretest has been
14 performed if it's not documented?

15 A. It is real hard to tell. I'm -- we have
16 processes in place for the pretesting to occur. We
17 drive our techs to follow the processes. We assume that
18 they are following the processes. And whether it's
19 documented on the WFA sheets, then we are assuming that
20 they are pretested.

21 Q. Why do you make that assumption?

22 A. We beat up our field forces pretty good to
23 follow the processes that are in place, and we have to
24 assume that they are until we can find that maybe
25 someone is working out of process. That may occur.

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1 When we discover that that is happening, we go to their
2 supervisor, which drives down performance ratings to
3 them. So we do -- we do try and follow the process to
4 the best of our ability, and we do try and drive home to
5 the techs to follow the processes.

6 Q. But isn't it the case that every time the
7 process is not followed or somebody operates out of
8 process that that puts the burdon then on the CLEC to
9 come back to Qwest if there is a problem with the loop?

10 A. If, you know, if the loop is found defective
11 and we were operating out of process, then usually the
12 CLEC will notify us. We, like I said, we try and stay
13 within the processes and drive that home to the techs in
14 the field.

15 Q. Do you agree with -- let me ask you this.
16 Have you reviewed the testimony of John Donovan in this
17 proceeding?

18 A. Yes.

19 Q. Okay. Do you agree with Mr. Donovan that if
20 the circuit has been connected in the central office to
21 the Covad DSLAM that Covad can perform remote electronic
22 testing of the loop?

23 A. I don't remember where that is in his
24 testimony, but I will agree with that, that they can.
25 Once it's all connected, they can do their own testing,

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1 yes.

2 Q. Okay. But if Covad did not and -- during
3 cooperative testing, Covad makes available to Qwest or
4 loops Qwest into that remote testing equipment during
5 cooperative testing, right?

6 A. That is after we have tested the line and
7 turned it over to Covad, they can look and see what they
8 want on the loop, plus they can order any kind of tests
9 that they want to do with us with a tech in the field at
10 the time. They can do a modem sync up, whatever. Some
11 of them have portable modems they carry around with them
12 to do modem sync ups and see if it -- your circuit will
13 work.

14 Q. Well, if Qwest wanted to test the loop after
15 the lift and lay, meaning after it's been taken from
16 where it was and then terminated on the Covad DSLAM, if
17 Qwest then wanted to ensure that the loop was good, it
18 would have to dispatch its own technician if it couldn't
19 use the Covad remote testing facilities?

20 A. It would -- it would disconnect it to test
21 the loop at the, if Qwest wanted to test it for repair
22 and maintenance or whatever, disconnect it at the ICDF
23 and do a test there in the central office to begin with
24 to look out on it. If there was trouble on the line,
25 then, of course, we would dispatch a tech once, you

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1 know, once Covad had proved it into our system.

2 Q. But that's avoided if Covad makes its remote
3 testing capabilities available to Qwest, right?

4 A. But you don't make your testing available to
5 Qwest.

6 Q. Meaning Qwest doesn't use it, you just simply
7 cooperate in the testing that goes on?

8 A. We don't utilize your testing equipment.
9 You're testing for yourself on the -- both networks
10 together. Are we disconnecting here?

11 Q. I think we are. What I'm trying to get to
12 the point of is that when the loop is terminated on the
13 Covad or the CLEC DSLAM, in order for Qwest to test that
14 loop, two things have to occur. Either Qwest loops in
15 with Covad, which then activates the testing equipment
16 to see what's going on, or if it does not include Covad,
17 then it dispatches its own technician to undertake that,
18 the testing. Is that just not accurate?

19 A. No, I think you're reasonably accurate there,
20 but there has to be a reason of once it's in -- once
21 it's basically into your network, then there has to be a
22 reason for Qwest to want to test that line, and that
23 would be, like I said, the only thing I can come to mind
24 is repair and maintenance, and that's you have already
25 proved it into our system, and then we would go out and

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1 disconnect yours and dispatch a central office tech or
2 just -- out there. Or if we need a person out in the
3 field, then we would dispatch an outside tech, but we
4 wouldn't have a reason to look at it once yours -- once
5 it's working in your system.

6 Q. That becomes the problem, doesn't it though,
7 isn't that what -- if you understand, for example, what
8 Mr. Donovan is saying, which is it's a lot easier to do
9 it up front rather than after the fact, because you
10 don't have to go through the dispatch and the trouble
11 ticketing process, right?

12 A. Well, we do the cooperative testing up front
13 when we hand over the loop to you. I mean once it's
14 working, it's basically yours, your loop.

15 Q. Right.

16 A. We wouldn't have a reason to test it. I
17 think we're still disconnecting here. You've got the
18 lost look in your eyes and evidently I do too.

19 Q. Let me ask you a question. In a situation
20 where a customer has two working lines, okay, and the
21 customer requests that Covad provide service on the
22 second line, got that?

23 A. Okay.

24 Q. How do you ensure that once -- that what was
25 once a good loop, as we have used that phrase, continues

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1 to remain good?

2 A. We do the ANI to verify the loop, it's
3 working, it's good. We then do the lift and lay and
4 hand it to Covad. I mean it's a working loop, it's
5 good.

6 Q. Okay.

7 A. It's a good loop.

8 Q. For voice, right, because when you ANI,
9 that's really all you're testing for, you have dial tone
10 and you're testing for voice, right?

11 A. When we're doing ANI, we're testing for
12 voice, yes.

13 Q. And if somebody is ordering a second line for
14 Covad service, there is no -- it's not voice we're
15 looking at, we're not looking for dial tone, right?

16 A. Usually you're looking for data.

17 Q. Right. So there's no dial tone?

18 A. When you have yours, no.

19 Q. Right. And so there's no ANI, right?

20 A. All right, we were talking about voice, and
21 now you just went to data. In the series of questions
22 you just asked, did you start off with data, the second
23 line?

24 Q. The second line is data, right.

25 A. Existing data?

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1 Q. Hm.

2 A. It's working?

3 Q. Well, it could either be -- it could be a
4 voice line, it could be a fax line, it could be any sort
5 of second line that that customer has in service,
6 couldn't it?

7 A. It could be, yes.

8 Q. So --

9 A. It's a working line of some sort.

10 Q. Okay.

11 A. It's up, it's existing, it's a good loop,
12 it's working.

13 Q. Okay. And then let's assume it was a voice
14 circuit, they had a lot of kids, and they wanted the
15 second line, so they could have the first line for
16 themselves, right, got that?

17 A. Okay.

18 Q. And then the end user decides, we don't need
19 that second line any more, the kids have gone off to
20 college, we want to use our second line for some SDSL
21 service from Covad, right?

22 A. Okay.

23 Q. So in that circumstance, you could ANI the
24 line before you lift and lay it, right, because at least
25 originally it's a voice circuit?

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1 A. Correct.

2 Q. And then you terminate it on the Covad DSLAM,
3 right?

4 A. Correct.

5 Q. And now it's a data line?

6 A. Correct.

7 Q. So there's no dial tone?

8 A. We ANI'd it up front, yes.

9 Q. Okay.

10 A. To verify that that is the loop that we're
11 moving.

12 Q. Okay. And then after it's terminated on the
13 Covad DSLAM, how do you ensure that there's circuit
14 continuity?

15 A. It is ANI'd to verify the loop.

16 Q. Before?

17 A. Before.

18 Q. Mm-hm.

19 A. Lift and lay is done, throw it back to the
20 ICDF to the -- to hook up to Covad, the central office
21 tech would make the cross connects. They verify that
22 piece of it, so we have already identified the line
23 outside to the ANI, and the cross connects are run.

24 Q. And then after you have done that work, how
25 do you ensure circuit continuity back to the end user?

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1 A. It was a working line. It is -- it does have
2 continuity.

3 Q. But, for example, we just discussed a
4 situation in which a loop was ordered by Covad and it
5 wasn't, there were no cross connects in the central
6 office.

7 A. That was an unbundled loop. It was not
8 working.

9 Q. Why are you assuming that in the situation in
10 the example we just walked through where the customer
11 decides to move its second line from voice to then the
12 Covad data service that that's not an unbundled loop?

13 A. Well, it is an unbundled loop, but basically
14 it was working before it became an unbundled loop, if
15 you will. It's a working line. We cross connected it
16 to your system, it was working, it had continuity from
17 end to end.

18 Q. Okay. So assuming I accept your explanation,
19 which I reserve my right about, how then do you ensure
20 that that loop is a good loop and meets the technical
21 specifications of the NC/NCI codes for a 2-wire
22 non-loaded loop?

23 A. You -- if it's a 2-wire non-loaded loop, it
24 -- you've got to look at the, you're right, the NC/NCI
25 codes that are ordered. We were just talking about

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1 unbundled loops earlier, so I was telling that. If you
2 want a non-loaded loop, of course we look at the records
3 to see if it is non-loaded, and, you know, we will
4 verify that it's a non-loaded loop when we hand it over
5 to you.

6 Q. How do you test it after it's been terminated
7 on the Covad DSLAM to ensure that it's a good loop?

8 A. On a non-loaded loop, we would verify during
9 the lift and lay process that there was no loads on it.

10 Q. Would you verify anything else?

11 A. Well, the continuity was already there. We
12 would -- and it depends on the loop you ordered.

13 Non-loaded loop, we would verify that there's no loads
14 and then bridge tap on it, and we hand it to you.

15 Q. And you do that through testing after it's
16 terminated on the Covad DSLAM?

17 A. No, during the lift and lay process.

18 Q. Before you lift and lay or during the lift
19 and lay?

20 A. Basically during the lift and lay.

21 Q. And how does that happen? You take it off
22 the Qwest switch, and then what happens?

23 A. Take a look at it with a 77S in the central
24 office, which is a test set.

25 Q. Okay. And then after it's terminated on the

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1 Covad DSLAM, do you test again, or is it just the step
2 during the lift and lay that is sufficient for
3 determining it's a good loop?

4 A. During the lift and lay process, we, you
5 know, of course, call Covad and complete the order with
6 them.

7 Q. But you complete the order with them once
8 it's terminated on the Covad DSLAM?

9 A. Yes.

10 Q. Mr. Hubbard, I would like to ask you a few
11 questions about your rebuttal testimony, which is again
12 T-2151, and it's pages 24 and 25. Did you testify in
13 the Part B proceedings?

14 A. Yes, I did, I think it was -- I started with
15 Part A too. I think I was here Part B also.

16 Q. Okay. Would you agree that Part B in no way
17 addressed the costing and pricing of unbundled packet
18 switching?

19 A. I believe it was not discussed there, yes.

20 Q. All right, because that's really one of the
21 issues here, right?

22 A. Yes.

23 Q. Starting on the bottom of page 24 of your
24 rebuttal testimony.

25 A. I have that.

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1 Q. And continuing over to page 25.

2 A. Okay.

3 Q. Now you're addressing the testimony of
4 Dr. Cabe and Mr. Donovan regarding the statement of or
5 the position that copper T1s are not forward looking.

6 A. Correct.

7 Q. All right. Now do you understand that what
8 Dr. Cabe and Mr. Donovan were talking about is the
9 manner in which a digital loop carrier is fed, whether
10 it's fed by a copper T1 versus a -- versus a fiber
11 rather than whether it should be -- whether the feeder
12 generally should be all copper or all fiber or a
13 combination of those?

14 A. I understand that the -- that's basically
15 what they were talking about.

16 Q. Okay. So to the extent Part B only really
17 looked at what's the least cost forward way to build the
18 Qwest network, if you're looking at the feeder portion,
19 that's a very different issue than what's least cost and
20 forward looking for purposes of what should feed a
21 digital loop carrier, right?

22 A. Would you repeat that?

23 Q. Sure. As I understand it, the issue in Part
24 B, we're looking at the loops, at the network, and the
25 question is, if you're trying to build a least cost

4537

1 forward looking network, for the feeder in the feeder
2 portion of that network, that was the question there,
3 whether the feeder portion should be all fiber, all
4 copper, or a combination of both, and that was the Part
5 B issue, right?

6 A. Going back a ways, yeah, I think so.

7 Q. Okay. But that is not the issue addressed
8 here. Here the issue being addressed is not what the
9 feeder is comprised of, but in a forward looking
10 network, is it more efficient to use fiber feeder for a
11 digital loop carrier versus a copper T1 to feed a
12 digital loop carrier. Do you understand that
13 distinction?

14 A. I understand that.

15 Q. Okay. And do you understand that Dr. Cabe
16 and Mr. Donovan are limiting their testimony with regard
17 to what's the appropriate way to cost and price a
18 network where you're talking about a digital loop
19 carrier, that that's -- that they're just limited to
20 that point?

21 A. Okay, I will buy that.

22 Q. Okay. I guess since I'm their lawyer, they
23 have to agree with what I'm asking you.

24 A. I guess so.

25 Q. Okay. You also attached the testimony of

4538

1 Mr. Buckley, who as I understand it, is a Qwest witness?

2 A. Yes, he is.

3 Q. Okay.

4 A. He's one of the cost modelers for RLCAP cost
5 model.

6 Q. Okay. And what Mr. Buckley was addressing is
7 just the issue of whether when you're looking in a
8 forward looking network whether it's appropriate to have
9 any copper in the feeder portion of that network, right?

10 A. Right, he addressed that in his -- I think it
11 was his rebuttal testimony in Part B of the docket here
12 and that, you know, all the cost models out there use
13 both a combination of fiber and copper in the feeder.

14 Q. Mm-hm, but he wasn't addressing for purposes
15 of costing and pricing where you're looking at digital
16 loop carrier what's the most efficient way to feed that,
17 was he?

18 A. Well, most efficient way to feed it, when you
19 get into the most efficient way, you also have to
20 consider your embedded plant that you have out there and
21 take into consideration if you don't have a fiber
22 network to a place, you have to build it. So there are
23 cost advantages to utilizing what is existing. If you
24 have copper T1s there to feed a carrier site, then that
25 is the most cost effective way to serve that instead of

4539

1 having to build a whole fiber route to get there. So
2 whether he's addressing that directly or not, you know,
3 that's my view of that.

4 Q. Okay. On page 25 starting at line 11,
5 starting at line 14, excuse me, you state that it's not
6 all as -- that simple as Mr. Donovan testifies, to
7 provide both POTS and data over an Alcatel NGDLC system;
8 is that right?

9 A. That's what I say, yes.

10 Q. And as I read this, I have some confusion,
11 because it appears to me what you're saying is that what
12 you're actually talking about is upgrading from an
13 Alcatel Lite Span 2000 system to the Lite Span 2010; is
14 that right, or am I just mistaken?

15 A. Well, it's not really the Alcatel 2010
16 either, it's -- in all the Alcatel and in most carrier
17 systems, you still have to do upgrades, you have to do
18 software upgrades, you have to do the processor upgrades
19 because they're not smart enough to handle -- the
20 equipment itself is not smart enough to handle a
21 combination of services. You've got to have a fiber
22 data network, because data has to travel over fiber, to
23 that Alcatel site, to the carrier's site. You've got to
24 have ports available to ATM to hand off. So any upgrade
25 of any existing system is -- I mean it's not just --

4540

1 it's also the 2012 too.

2 Q. Okay. But it is essentially a -- it's an
3 upgrade from the Lite Span 2000 to something else?

4 A. It would be, yeah, and it's not, like I said,
5 it's not just the remote site itself. It's everything
6 in between. It's the ATM switches, fiber backbone, the
7 Alcatel system itself, again with the upgrades in there,
8 the software and the processing units and the cards. So
9 it's not as easy as they depict it as just go slap in a
10 card and it works. It's not that easy. You have to
11 have the whole infrastructure and the ATM switches that
12 could handle this.

13 Q. Well, talking about some of the upgrades
14 specifically, and I'm looking at, for example, like the
15 addition of adding the ABCU cards, which is the
16 carryover line to page 26.

17 A. Okay.

18 Q. And my understanding of when you add, for
19 example, the ABCU cards, you're adding the two control
20 units, you're just basically sticking those cards in the
21 slots, right?

22 A. There's --

23 Q. You're not soldering them down or wire
24 tapping them or anything like that, right?

25 A. They're a -- they're a card upgrade, yes.

4541

1 Q. Would Qwest insert cards from a number of
2 different vendors into the Lite Span card slots, or
3 would it just use the Alcatel cards in an Alcatel unit?

4 A. It would be only the Alcatel cards in that.
5 I had a discussion with Dr. Neil Ransom, who is the CTO
6 of Alcatel worldwide, and they are -- their cards are --
7 basically they have the patent on them, and he said they
8 would not -- you would have to have the same
9 configuration as Alcatel has, and they will not give
10 that to another vendor, so they would be Alcatel
11 specific cards.

12 Q. Okay. So would you say it's standard
13 practice then for a DLC system to keep up with the
14 manufacturer's cards?

15 A. Standard practice, not necessarily. If you
16 don't need or don't have a reason to upgrade that system
17 and it's working just fine, unless it's necessary to
18 operate the system that you upgrade, you wouldn't
19 necessarily replace it. It's just like our embedded
20 network.

21 Q. Would Qwest up -- I don't want to -- not
22 upgrade the cards but go to the next card manufactured
23 by, for example, Alcatel in order to provide a broader
24 array of services to its end users?

25 A. You know, that's a, I guess, a business

4542

1 decision. Whether it's -- whether the system is
2 capable, whether we would do upgrades or offer other
3 services, that's a -- that's a business decision. And
4 then you have to look at the network that it's riding on
5 and the cost of everything else you would have to
6 upgrade and whether it's economical to provide another
7 service over that.

8 Q. But for --

9 A. And if we don't need to, we don't do it. I
10 mean in an embedded network.

11 Q. I'm sorry, I didn't mean to interrupt you.

12 A. No, I walked on top of you, I believe, I'm
13 sorry.

14 Q. But if Qwest decided it wanted to offer
15 another service and there's a newer card available that
16 would allow Qwest to offer the service, Qwest would do
17 that then?

18 A. I don't know what -- I don't know.

19 MS. DOBERNECK: Okay, I have no further
20 questions. Thank you, Mr. Hubbard.

21 THE WITNESS: Thank you.

22 JUDGE BERG: Let's be off the record.

23 (Recess taken.)

24 JUDGE BERG: Mr. Trautman, I will just note
25 for the record that the supplemental pages to Exhibit

4543

1 2127 have been distributed, thank you very much, and I
2 understand that staff has a position with regards to the
3 admission of Exhibit 2142.

4 MR. TRAUTMAN: Yes, Your Honor, Staff would
5 agree to withdraw that exhibit from the record.

6 JUDGE BERG: All right, we'll just treat that
7 exhibit as not offered.

8 And with that, we're prepared to resume the
9 cross-examination of Mr. Hubbard.

10 Mr. Hubbard, I will just remind you that you
11 remain subject to the oath you took earlier this
12 afternoon.

13 THE WITNESS: Yes.

14

15 C R O S S - E X A M I N A T I O N

16 BY MS. NELSON:

17 Q. Good afternoon, Mr. Hubbard.

18 A. Good afternoon.

19 Q. Just a couple of quick things about your
20 background. I notice in your direct testimony there's
21 nothing about your education, could you just briefly
22 describe what your education is.

23 A. High school education and lots and lots and
24 tons of classes through U S West, Mountain Bell, U S
25 West, Qwest.

4544

1 Q. So you're not an economist?

2 A. No.

3 Q. And it looks like you have a lot of outside
4 plant experience.

5 A. That is true.

6 Q. But you have no experience as a central
7 office technician; is that right?

8 A. As an actual central office technician, no, I
9 have never held that title. As an outside plant tech in
10 the central office on basically a regular basis, I have
11 done my own testing from central offices as a repairman.
12 Engineeringwise, engineered into the main distribution
13 frame within the central office. I have been, you know,
14 in and out of central offices for over 30 years. So I
15 have never really held the title of a central office
16 tech.

17 Q. That's okay.

18 A. But I have done a lot of the work inside a
19 central office as far as testing and testing loops and
20 rerunning some jumpers and stuff inside the central
21 office.

22 Q. Could you turn to your rebuttal testimony,
23 it's Exhibit T-2151.

24 A. I have that.

25 Q. I want to direct your attention to pages 5

4545

1 and 6 where you are discussing Mr. Lathrop's testimony,
2 and you are describing the activities that go into
3 Qwest's assumption that two hours of collocation project
4 management center time is required.

5 A. Yes, I have that.

6 Q. Starting on line 9, you describe the steps
7 for --

8 A. You went over to page 6?

9 Q. Pardon me?

10 A. You went to page 6?

11 Q. Yes, I'm on page 6.

12 A. Okay.

13 Q. Starting on line 9, you describe the steps,
14 and the first one is:

15 A CLEC to CLEC order involves a
16 necessary step of having Qwest's CPMC
17 review the CLEC's request for
18 completeness.

19 Do you see that?

20 A. Yes.

21 Q. Now doesn't your system just reject error
22 filled applications?

23 A. No, I mean the system doesn't just reject it.
24 The CPMC in discussions with them, they spend quite a
25 bit of time talking to the account team and trying to

4546

1 straighten out the -- if there's any discrepancies in
2 the orders that come in. If it's totally wrong, then we
3 will reject it. But they do try to straighten out the
4 orders that come in and have a lot of dialogue on a
5 regular basis with the account team to the CLEC to
6 straighten out the orders. So there is a lot of
7 interface there.

8 Q. Remember I asked you before you started
9 testifying to see if you could get copies of Mr.
10 Lathrop's testimony; do you have those?

11 A. Yes, I do.

12 Q. Specifically I'm looking at his surrebuttal
13 testimony, which is Exhibit T-2255; do you have that?

14 A. Well, I've got -- I think so.

15 Q. Okay.

16 A. Surrebuttal, I have that.

17 Q. All right. Then I would like you to look at
18 the attachments to that. They are responses to data
19 requests. Specifically could you locate WCI 05-435. Do
20 you see where their numbers are?

21 A. On the request itself, WTC?

22 Q. Yes.

23 A. And which one was it again?

24 Q. It's WCI 05.

25 A. Oh, W.

4547

1 Q. 05-435.

2 A. Aha.

3 Q. Find it?

4 A. I have it now.

5 Q. Okay. And for the record, that's Exhibit
6 2259. That's a data request and a response by Qwest;
7 isn't that right?

8 A. Yes, it is.

9 Q. Could you please read that into the record?

10 A. You want the request and the response?

11 Q. Sure.

12 A. Okay. Request on Data Request Number WCI
13 05-435.

14 Request. Please explain whether Qwest
15 would reject an error filled application
16 and require a CLEC to resubmit the
17 application.
18 Response. An application with errors
19 would be rejected. A correction
20 notification listing what errors
21 required correction would be sent to the
22 CLEC and to the wholesale project
23 manager. After the corrections are made
24 by the CLEC, the application would be
25 resubmitted for validation with a new

4548

1 submission date.

2 Q. Thank you. Now on the next page, in fact,
3 it's Qwest's response to WCI 05-436; do see that?

4 A. I have that.

5 Q. That's for the record Exhibit 2260. That
6 lists the number of CLEC to CLEC applications that Qwest
7 has received in the past two years and the number of
8 applications Qwest has rejected, does it not?

9 A. It has the number of requests and then the
10 number of rejected, yes.

11 Q. Okay, thank you. Now going back to page 6 of
12 your rebuttal testimony, so you first say that there's a
13 step of having Qwest's CPMC review the CLEC's request
14 for completeness. And then you say, during this task,
15 Qwest, number one, prints all associated E-mails and
16 forms from the CLEC. How long does that take?

17 A. I don't know if I have that broken down by
18 each printing of tasks. Give me just a second.

19 Q. How long would it take to print the E-mails
20 and the forms from the CLECs based on your experience?

21 A. I don't know, depends on all of the E-mails
22 that have gone back and forth. Depends on the, you
23 know, the size of the job, the forms that the CLECs have
24 filled out and that we have to fill out could range in
25 time. It's probably not a great, great deal of time.

4549

1 Q. Could you give me an average?

2 A. Reviewing all the forms and everything.

3 Q. Printing the, I'm focusing on printing the
4 E-mails and the forms.

5 A. I don't, you know, depends on the number, 7,
6 10, 15 minutes.

7 Q. Okay. And could that person as they are
8 printing the E-mail be doing something else, or do they
9 watch the E-mail print?

10 A. Well, you've got to pull it up on the
11 computer to begin with and then start printing. I mean
12 you're printing one, and then you probably will close
13 that one and go to the next one or whatever is required
14 and then print that one.

15 Q. All right. And then the next -- so then they
16 start a working file or job folder then on line 12 say
17 this includes the assigning of billing account number,
18 how long does that take?

19 A. To pull the BAN number, you've got to enter
20 in there the information of the job and whatever is
21 associated with the job to pull the number, and then the
22 system will assign the BAN number.

23 Q. How long does that take?

24 A. I don't know the individual task itself.

25 Q. Could you give me an average?

4550

1 A. Probably in there you're looking at 15, 20
2 minutes.

3 Q. Now going on, line 15:
4 Once all the information is properly
5 documented and entered into the data
6 base, the next thing that the CPMC does
7 is determines which engineer wire center
8 specific should receive the request.

9 A. Correct.

10 Q. How long does that take?

11 A. Well, you've got to again go into the data
12 base and enter the area that you're going to be working
13 in by CLLI code or wire center, and brings up the
14 engineers that are working in there.

15 Q. Does Qwest maintain a list of engineers for
16 each wire center?

17 A. Yes, we do.

18 Q. And so this step would consist of the person
19 looking up that list and locating the engineers assigned
20 to that wire center?

21 A. Sure.

22 Q. Then the next step is:
23 Once all the data has been thoroughly
24 validated free of errors or questions,
25 the CPMC forwards the work package

4551

1 information on to the appropriate
2 engineers.

3 Could you give me an estimate of how long
4 that takes?

5 A. That is the compiling of all the information
6 for the work package to begin, putting it all together,
7 getting it, you know, ready to go to both the CSPEC and
8 the IOF planners, and that could -- you're probably up
9 around about an hour.

10 Q. An hour to forward the work package
11 information?

12 A. Well, there's -- I know it sounds like you're
13 just forwarding, but you're not just forwarding. You're
14 putting it all together and -- for it to go out.

15 Q. Now does that include the validation of
16 whether Qwest made any errors, that step on line 19?

17 A. If Qwest made any errors, it's a validation
18 of all the information provided by the CLEC and against
19 ours, I -- if Qwest made any errors, I guess I don't
20 understand your question.

21 Q. Does that include reviewing the form to
22 ensure that Qwest didn't make any errors?

23 A. I would hope we didn't make any errors, but I
24 would say yes, that's a fair assumption.

25 Q. Could you go to page 15 of your rebuttal

4552

1 testimony, please, and that's where you're discussing
2 Mr. Lathrop's testimony relating to the bona fide
3 request process and the bona fide request cost study.

4 A. Oh, yes, yes.

5 Q. And you're talking about there starting on
6 line 6 that:

7 If there's a technical feasibility issue
8 (a technology never employed in the
9 network before) by its very nature many
10 people will be consulted.

11 And you say:

12 Actual thinking time is required for
13 creative solutions to emerge to new
14 questions, plus several conferences will
15 be held to determine how to provision
16 the request, initial kick off upon
17 receipt of the request, intermediate
18 conference calls to determine where we
19 are in follow up before the feasibility
20 response to make sure we're addressing
21 the CLEC's question and the team
22 understands our response.

23 A. Yes.

24 Q. Is that accurate?

25 A. Yes.

4553

1 Q. Okay. Now does the cost study for the bona
2 fide request process account for the situation where
3 there's not a technically feasible issue but rather that
4 the bona fide request relates to something that Qwest
5 has already performed a bona fide request process on?

6 A. No, because --

7 Q. Does that make sense?

8 A. If I could explain on this. If it's already
9 technically feasible and we have already done it, then
10 it's -- you don't have to issue a bona fide request.
11 You issue a special request, which is different than the
12 bona fide request. You don't -- because all -- if we've
13 already done it or it's been done somewhere and it's
14 technically feasible, then you don't have to issue a
15 bona fide request. That's why we developed a special
16 request process through the 271 process.

17 Q. So are you saying that for every bona fide
18 request that's been submitted to Qwest, that has only
19 been submitted once, and once that bona fide request has
20 been processed, you wouldn't do that activity again?

21 A. What I'm saying is once it's determined to be
22 technically feasible in the network where we have
23 deployed it in the network, then all you have to do is
24 issue a special request. We have developed this during
25 the 271 workshop because of the co-providers wanting not

4554

1 to go through the bona fide request for everything
2 that's already been deemed as technically feasible and
3 we have deployed it in the network, so we developed a
4 special request process, which is different than the
5 bona fide request process. Bona fide request in my
6 realm of the world is for technical feasibility, whether
7 it can work in the network at all.

8 Q. Okay. There was a data response or a data
9 request that was submitted to Qwest during this
10 proceeding, and Qwest responded describing the bona fide
11 requests that have been submitted in 2000 and 2001.

12 A. Do you have that or --

13 Q. Yes, I do. Are you familiar with that data
14 request and response?

15 A. If I could see it, I don't --

16 Q. Sure, I just have one copy.

17 A. That's fine. I have seen a lot of them, I'm
18 not sure I have seen this one.

19 MS. ANDERL: Well, Your Honor, I guess before
20 the witness is crossed off the document that we were not
21 provided with in advance, I would propose an objection.
22 I believe that we were going to distribute
23 cross-examination exhibits ahead of time.

24 MS. NELSON: I didn't expect that his
25 response would be what it was. I expected him to be

4555

1 familiar with the fact that there were several BFRs that
2 were similar.

3 JUDGE BERG: Well, I think this just goes
4 beyond the scope of what's fair under the circumstances.
5 I don't know how counsel would prepare to respond to it
6 if there's disagreement, and I don't know how I would
7 consider it from the Bench under those circumstances.

8 MS. ANDERL: We would be happy to discuss the
9 issue with Ms. Singer-Nelson during a break and see if
10 we can reach a compromise on the issue, but right now I
11 am not even sure to which response she is referring.

12 JUDGE BERG: This is a response, a Qwest
13 response to a company data request?

14 MS. NELSON: Yes, it's WCI 06-457:
15 Please provide the number and
16 specifically identify the services for
17 arrangements that Qwest provides as a
18 result of processing BFRs.

19 JUDGE BERG: And am I hearing that this
20 witness's testimony conflicts with that exhibit?

21 MS. NELSON: Yes, as he was sitting here, his
22 testimony is different. It conflicts with what the
23 response to this data request was.

24 JUDGE BERG: All right, under those
25 circumstances, I would like you to hand it to Ms. Anderl

4556

1 for review. We're going to be off the record here for
2 just a minute. I don't want anyone to leave.

3 MS. NELSON: Thank you judge.

4 JUDGE BERG: I didn't fully understand the
5 context, and I think we'll just take the time out now to
6 look at it.

7 (Discussion off the record.)

8 JUDGE BERG: While we were off the record,
9 Qwest counsel had an opportunity to review the Qwest
10 response to the data request that Ms. Singer-Nelson
11 wishes to discuss with this witness. Qwest has stated
12 that it does not have an objection based on the
13 document's use for an impeachment type presentation, and
14 I will just ask counsel if at some point it's necessary
15 to be made part of the record that we identify it and
16 mark it. But at this point, Ms. Singer-Nelson, you can
17 proceed to make inquiry with regards to the response and
18 this witness's testimony.

19 MS. NELSON: Thank you, Judge.

20 BY MS. NELSON:

21 Q. Mr. Hubbard, do you have a copy of WCI
22 006-457?

23 A. Yes, I do.

24 Q. And Qwest's response to that data request?

25 A. Yes, ma'am.

4557

1 Q. If you would turn it over, it's a double
2 sided -- oh, maybe yours isn't double sided, Attachment
3 A to that data request.

4 A. I have Attachment A, yes.

5 Q. It identifies in 2001 that there were 17
6 BFRs?

7 A. Correct.

8 Q. And then in 2000 there were 38 BFRs?

9 A. Correct.

10 Q. And it lists the BFRs underneath each of
11 those years, doesn't it?

12 A. Correct.

13 Q. The subject matter of the BFR?

14 A. Correct.

15 Q. If you would look at under the year 2000,
16 number 3 is location routing service with on/off
17 enhancement?

18 A. Correct.

19 Q. And then number 12 appears to be identical,
20 location routing service with on and off enhancement,
21 and then there's an indication that there were two BFRs?

22 A. Yes.

23 Q. And number 6 is the same; isn't that right?

24 A. Sure. And as I stated in my answer that
25 during the 271 workshop process, we changed and added

4558

1 the special request process. That was not going on in
2 2000, so in 2000 we still have BFR process.

3 Q. Okay.

4 A. We only changed that recently to add the
5 special request process.

6 Q. For purposes of this cost study, you indicate
7 that there's thinking time required, and I think the
8 cost study shows that there are 26 hours of thinking
9 time required, or of total time it's 17 hours of
10 thinking time, so there are 26 hours of total thinking,
11 total time?

12 A. Sure.

13 Q. Is the thinking time deducted in the cost
14 study for BFRs that have already been processed by
15 Qwest?

16 A. I think the different -- I don't know in the
17 cost study if there's a cost for the special request
18 process. The BFR is for technical feasibility of new
19 equipment or whatever that a CLEC would request that's
20 going into the central office or somewhere. It's for
21 technical feasibility. That is where the estimation of
22 the time came in. We used to have BFR listed as ICB
23 type pricing, and through the workshop process, all the
24 co-providers wanted a price on this.

25 Q. I understand that, but --

4559

1 A. Okay.

2 Q. -- for purposes of this docket and the bona
3 fide request cost study, is your answer that you don't
4 know whether the thinking time was reduced for
5 repetitive BFRs?

6 A. Well, it --

7 Q. If you don't know, you can say I don't know.

8 A. Well, I don't know if the time has been
9 reduced. I know that, you know, under the current
10 process, if we have a BFR that has already been proved
11 to be technically feasible and we put it in, you don't
12 need to request that same thing through the BFR process.
13 It's basically for a one time shot.

14 Q. Mr. Hubbard, could you go to Exhibit T-2154,
15 which is your supplemental rebuttal testimony.

16 A. I'm there.

17 MS. NELSON: Oh, Judge, by the way, before I
18 forget, I would like to move for admission into the
19 record WCI 06-457.

20 JUDGE BERG: All right, let's get that
21 identification once more just a little slower so I can
22 make a note.

23 MS. NELSON: Okay, WCI 06-457.

24 MS. ANDERL: No objection.

25 JUDGE BERG: All right, we will mark this as

4560

1 Exhibit 2176. It will be WorldCom cross exhibit for
2 Mr. Hubbard, Qwest's response to WCI 06-457, and that
3 exhibit is admitted.

4 MS. NELSON: Thank you, Judge.

5 BY MS. NELSON:

6 Q. Mr. Hubbard, are you at your supplemental
7 rebuttal testimony?

8 A. Yes.

9 Q. If you would go to page 9, please, and in
10 this testimony, you're discussing Mr. Lathrop's
11 criticism of the Qwest cost study relating to poles,
12 ducts, and rights of way; isn't that right?

13 A. I'm representing the poles, ducts, and rights
14 of way, yes.

15 Q. And then on page 9 looking at line 14, the
16 question is, define the nonrecurring elements associated
17 with poles, ducts, and rights of way?

18 A. Yes.

19 Q. Now line 18 and line 19 are pole inquiry feet
20 per mile and interduct inquiry feet per mile.

21 A. And if I may, there was an errata issued on
22 this, and it's per inquiry. I'm sorry if you didn't get
23 that.

24 Q. Okay, that's what --

25 MS. ANDERL: Ms. Singer-Nelson, you should

4561

1 have a replacement page 9, revised April 22nd.

2 MS. NELSON: Thank you, because I noticed
3 that was not consistent with the price list or the cost
4 study, thank you.

5 JUDGE BERG: Ms. Anderl, I haven't made that
6 insertion either. Could you please tell me again the
7 date that the replacement page was distributed? I may
8 have it as an attachment to correspondence in my
9 miscellaneous folder.

10 MS. ANDERL: Right, it was April 22, 2002, is
11 the date of the revised page. It may not have arrived
12 at the Commission until the day after that.

13 JUDGE BERG: Sure.

14 BY MS. NELSON:

15 Q. Can you explain why that change was made?

16 A. As far as I know, the change was made -- the
17 product managers made the change from a per mile to a
18 per inquiry, and it's probably based on something that
19 happened in one of the 271 workshops I would guess.
20 That's where most of the changes that we have agreed to
21 have occurred. And I probably didn't catch it. I
22 caught this actually the day after it went out.

23 Q. Do you have any more specific information as
24 to why the product managers decided to change that?

25 A. No, I don't.

4562

1 Q. Going to page 10 of your testimony, the
2 question is starting on line 7:

3 Please explain why the pole inquiry fee
4 is a nonrecurring cost element
5 associated with the poles, ducts, and
6 rights of way.

7 A. Yes.

8 Q. You go through and describe the process. It
9 looks like the first -- and you say:

10 The pole inquiry process involves a
11 necessary step of having Qwest's CPMC
12 review the CLEC's request for
13 completeness.

14 During this task, the first thing that you
15 list is Qwest prints out associated E-mails and forms
16 from the CLEC to start a working file. Again, do you
17 know how long that takes?

18 A. Well, you're doing the same functions we
19 discussed earlier, probably around the same amount of
20 time.

21 Q. Okay. And then the CPMC searches the data
22 base for the appropriate CLLI code?

23 A. We refer to that as a CLLI code.

24 Q. Sure.

25 A. For the location.

4563

1 Q. How long does that take?

2 A. Again, you're accessing a data base and
3 inputting address information to pull up the appropriate
4 CLLI code, a few minutes, five minutes, ten minutes.

5 Q. Do you know what the vintage of computer is
6 that you use to do that; are they the modern computers?

7 A. Yeah, I guess. Of course, sometimes we don't
8 think they are, but they're --

9 Q. Do you know the vintage of the computers
10 there?

11 A. It's a terminal and tied into basically a
12 main frame type computer, a huge one, so it's -- no, I
13 don't know the vintage.

14 Q. And then the next step is the information is
15 entered into a data base; how long does that take?

16 A. Depends on the amount of information entered
17 into there.

18 Q. On average?

19 A. I don't know, probably take up to a half hour
20 to get all the information in there.

21 Q. And you understand that the reason I'm asking
22 you these questions is because the cost studies are
23 based on the amount of time associated with each task,
24 don't you?

25 A. Yes.

4564

1 Q. And so I am trying to get more information
2 from you on how long each task would take.

3 A. Okay, and I'm trying to give you my estimate
4 on that. I have tried to include all the tasks that are
5 associated with an overall function.

6 Q. All right. And the next task that you list
7 is a new job will be created?

8 A. Yes.

9 Q. How long does that take?

10 A. Again, you're probably up to, getting all the
11 information in there, in our data base, you're probably
12 up to about -- you could be up to about half an hour.

13 Q. Is there any overlap in the job being created
14 and the information being entered into the data base?

15 A. Overlap of time from the technician or
16 whatever?

17 Q. Right.

18 A. That's doing this?

19 Q. Right. If you look at that sentence, the
20 information will be entered into a data base and a new
21 job will be created, are those two distinct steps, or is
22 there overlap between those?

23 A. Oh, no, it would be a different -- basically
24 a different system that would pull the BAN number and
25 stuff. You would have to input the material in there.

4565

1 Q. And is there any overlap between those two
2 steps?

3 A. There's no -- no, because they're different
4 systems within the computer.

5 Q. Now does the information that's entered into
6 the data base include the pole number, the street code,
7 pole ownership, and space availability?

8 A. Would you repeat that again?

9 Q. Sure. Does the information entered into the
10 data base include, and I will go one by one, does it
11 include the pole number?

12 A. Yes.

13 Q. Does it include the street code?

14 A. It includes the what we call a lead code,
15 which is almost the same as a street code.

16 Q. Okay. Pole ownership?

17 A. Yes.

18 Q. And space availability?

19 A. Not space availability necessarily.

20 Q. Sometimes?

21 A. I don't know that space availability is in
22 there at all. Basically the pole, the size of the pole,
23 class, year placed. If it's got guying on, which way
24 the guy wires are facing, the pole on the pole for the
25 guys, that's what's in there.

4566

1 Q. Okay. And the next step that you list is:

2 The CPMC provides the wholesale account
3 team with the name and contact number
4 for the appropriate local field engineer
5 for joint validation of poles and route.

6 How long does that take?

7 A. We've got to again pull the field engineer
8 out of the data base, ten minutes for that, to get ahold
9 of the wholesale account team to provide that
10 information, I don't know, another ten minutes.

11 Q. Do you send information -- does this CPMC
12 send information through E-mail?

13 A. Sure, but you've got to put all the
14 information into the E-mail and send it.

15 Q. Then going to the bottom of the page, your
16 next step is at the end of line 21, that the engineer
17 reviews the package and coordinates with the CLEC to set
18 up a joint meeting. Estimated time for that?

19 A. To get ahold of the CLEC to set that up, you
20 know, I don't know, depends on the CLEC's availability,
21 of course. To review all the package and stuff as a
22 field engineer, it could take, depends on how long the
23 route is, of course, it could take up to a couple of
24 hours, three hours. Based on my experience to review
25 work packages and determine what is going to be viewed,

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1 could take two to three hours.

2 Q. The next step is on line 4:

3 The project manager center makes a
4 telephone call to the appropriate design
5 engineer to make sure the engineers
6 receive the work package.

7 How long does that take?

8 A. Oh, just a few minutes, that's just to make
9 sure that they have received it, but it is, you know, a
10 part of the work involved. They don't want to let
11 anything drop, make sure it's done on time.

12 Q. It looks like, could you, do you have
13 Mr. Lathrop's testimony again, and this time I want you
14 to look at supplemental testimony that's been marked as
15 T-2252.

16 A. I have his supplemental.

17 Q. And attached to that is his analysis of the
18 pole inquiry fee.

19 MS. ANDERL: I'm sorry, I'm going to need a
20 moment to find that, Ms. Singer-Nelson.

21 MS. NELSON: Okay.

22 JUDGE BERG: Can we confirm the exhibit
23 number, is that T-2252?

24 MS. NELSON: T-2252, yes, Judge. And then
25 attached to that is the pole inquiry fee spreadsheet,

4568

1 and that's marked as 2253.

2 THE WITNESS: If I could ask, is that the
3 confidential attachment?

4 MS. NELSON: It's marked as confidential, but
5 after we had filed this, we conferred with Qwest, and we
6 understand that the cost study itself is not
7 confidential, so it's not confidential.

8 MS. ANDERL: I have it, the header said reply
9 testimony, and the cover sheet said supplemental, so I
10 was a little confused, but I believe that's the February
11 14th?

12 MS. NELSON: Yes, and I'm just looking at the
13 attachment.

14 MS. ANDERL: Thank you.

15 THE WITNESS: I believe I have it.

16 BY MS. NELSON:

17 Q. Now we were -- when we were just talking, on
18 pages 10 and 11, you're talking about the pole inquiry
19 fee, aren't you?

20 A. Yes.

21 Q. Okay. And so this is Mr. Lathrop's
22 spreadsheet that relates to the same cost study that we
23 were just discussing?

24 A. Okay.

25 Q. I notice that the work activities that are

4569

1 listed in this cost study are not the same as those
2 activities that we were just discussing in your
3 testimony. And specifically we're looking at the
4 collocation project management center tasks; do you see
5 that?

6 A. On his spreadsheet?

7 Q. Yes.

8 A. Okay.

9 Q. And this spreadsheet is a copy of the cost
10 study with Mr. Lathrop's recommended changes and the
11 times, but the tasks are the same as those listed in
12 Qwest's cost study.

13 A. Okay.

14 Q. Can you explain why there is a difference in
15 what tasks are listed in the cost study and the tasks
16 that are laid out in your testimony?

17 A. They've listed the job, but they have defined
18 it out of the tasks that they have defined about it what
19 it is. I have tried to identify what it is -- what it
20 takes to do all the steps. I guess if there's a -- that
21 disconnect, I'm not completely sure if there is one.

22 Q. So you don't know why there's a difference
23 between your testimony and the tasks outlined in your
24 testimony and the tasks listed in the cost study?

25 A. I'm not completely sure there is a

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1 discrepancy. Like I said, I have tried to define
2 everything that goes in and everything we do. How the
3 cost people list this for all the tasks I guess may be a
4 little different. I don't know.

5 Q. And who provided the information for the cost
6 study?

7 A. For the cost study itself? I provided
8 information myself, the CPMC has provided information,
9 other SMEs have provided information.

10 Q. Now on page 11 of your testimony, are you
11 there?

12 A. Okay.

13 Q. Are you there?

14 A. Yeah, I'm there.

15 Q. It looks like you're explaining the field
16 verification feed per pole.

17 (Telephone interruption.)

18 JUDGE BERG: Off the record.

19 (Discussion off the record.)

20 JUDGE BERG: Thank you, Ms. Singer-Nelson.

21 MS. NELSON: Thank you, Judge.

22 BY MS. NELSON:

23 Q. Okay, Mr. Hubbard, we're back on page 11 of
24 your testimony, and I just wanted to direct your
25 attention to the field verification feed per pole, and

4571

1 the question starts at line 10.

2 A. Okay.

3 Q. And it looks like on line 16 you identify the
4 field verification element as involving the
5 identification of the pole number, street code,
6 ownership of the pole, and determining space
7 availability on the pole.

8 A. Correct.

9 Q. And those are the same tasks that we just
10 discussed with regard to the pole inquiry fee other than
11 the space availability on the pole; isn't that right?

12 A. Well, through the field verification, you
13 verify that all the records, of course, are accurate and
14 that there's no problems with the poles or anything in
15 the way when you're out there to inhibit doing a job out
16 there. Some of this information, of course, is on the
17 records just the way as I stated, but the space is not.

18 Q. Then on page 12 you start talking about the
19 interduct inquiry fee starting on line 4, and you note
20 that it's a charge used to recover the costs associated
21 with performing an internal record review to determine
22 if a requested route and/or facility is available; do
23 you see that?

24 A. Yes.

25 Q. So there's an internal record review for that

4572

1 determination, doesn't a field verification -- isn't a
2 field verification then required to be certain that the
3 route or facility is available?

4 A. And there are two, two products I guess if
5 you will. The interduct inquiry fee is to see if a
6 route is available, the records are researched to make
7 sure that you can even use the route that you want, see
8 if the interduct is available and can be used. Field
9 verification is on top of that after you order,
10 basically that route we have to do the field
11 verification to make sure that there are nothing in the
12 way and all the -- we go into all the manholes and make
13 sure that you can use them. One is basically you do it
14 for planning, if you will.

15 Q. Both of them are to determine whether the
16 route is available?

17 A. Yeah, the field verification also determines
18 that there's nothing in the way or that everything is
19 completely good so not to hold up a job that you're
20 going to order or place.

21 Q. On page 20 of your testimony, you're
22 addressing Mr. Lathrop's testimony concerning the CLEC
23 to CLEC interconnection or cross connection?

24 A. Yes.

25 Q. Starting on line 9, you note that:

4573

1 A CLEC has the option of running the
2 cross connect themselves or having Qwest
3 perform the cross connect for them.

4 A. Yes, that's true.

5 Q. This service requires both CLECs to have
6 terminations on the same ICDF, doesn't it?

7 A. At that point, yes.

8 Q. Okay. So a CLEC does not really have the
9 option of running the cross connect themselves, do they?

10 A. Oh, no, they do. You're -- you got two
11 different sides to the ICDF, and one side is basically a
12 CLEC side, if you will, and you have the option to run
13 those cross connects on the CLEC to CLEC.

14 Q. Okay. And then at the bottom of that page,
15 you are addressing Mr. Lathrop's testimony concerning
16 the verification process and updating of Qwest's
17 records?

18 A. Yes.

19 Q. And you say that, starting at line 20:
20 No industry that I'm aware of that has
21 large inventories of products has an
22 infallible record keeping system. Human
23 intervention and human inspection is an
24 essential part of inventory based
25 business.

4574

1 You go on to provide some examples.

2 Take the simple every-day transactions
3 most of us have in places like movie
4 rental stores.

5 And you say that:

6 The store's data base may show that a
7 movie is available, but field or shelf
8 review by a person sometimes reveals
9 that for some reason the movie doesn't
10 exist on the shelf.

11 Do you see that?

12 A. Yes.

13 Q. Now when you go to a video store to rent a
14 movie, there's not a separate charge for checking the
15 data base and checking the shelf to make sure the movie
16 is on the shelf; isn't that right?

17 A. At the movie rental store, no.

18 Q. Then you say:

19 We also see the same real life
20 occurrences in department stores, lumber
21 yards, and grocery stores.

22 When you go to the grocery store, you don't
23 pay separately for the clerk or store manager to check
24 the inventory and then also -- to check the inventory in
25 the records and then also to check the inventory on the

4575

1 shelf, do you?

2 A. No, because at that point, you're going to
3 purchase that product if it's available. In the
4 telephone business, you're leasing the facilities, and
5 we have to do verifications to make sure that facility
6 is available for your use to make sure that whatever
7 you're going to place on it, a job, cable in the
8 interduct, cable on poles, that that space is really
9 available and that you can use. You've got a job,
10 you've got time frames to meet just like everybody else.
11 I would think you're going to want to know that
12 everything is available for you at that time.

13 Q. Right, and at a grocery store, if you don't
14 like the price, you can go somewhere else; isn't that
15 right?

16 A. Yeah, at a grocery store you can go somewhere
17 else.

18 Q. And the point is the industries that you have
19 mentioned in this analogy are competitive industries,
20 wouldn't you agree?

21 A. To a point, yes.

22 Q. Let's go to page 22, and I think I'm close to
23 the end of my questioning, you're talking about
24 Mr. Lathrop's recommendations relating to space
25 optioning?

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1 A. Yes.

2 Q. And on line 6, you say:

3 In space optioning, actual engineering
4 is required to determine if space is
5 available within the central office, but
6 this space is not a specified space.

7 When the actual engineering is done to
8 determine if the space is available, what specifically
9 does that engineering entail?

10 A. On the space option?

11 Q. Yes.

12 A. You've got to -- the engineer has got to
13 access the COEFM data base, central office engineering
14 data base, and determine what space is there, the amount
15 of space. They've got to mark the records in there that
16 there is space somewhere, whether it's on whatever floor
17 it's on or whether it's a moving space, that there is a
18 co-provider that has a space option in there, and so
19 actual looking at the records has to be determined if
20 there is really space available.

21 Q. Okay. And the information that's created
22 from that engineering work is retained by Qwest; isn't
23 that right?

24 A. The information that is obtained is for space
25 in whatever increments you ordered within that central

4577

1 office. It's not designed to one specific say 100
2 square foot piece of location. It can be space within a
3 whole floor, that there is space available in there on
4 that.

5 Q. Mm-hm. And my question was, is the
6 information retained by Qwest?

7 A. The information is retained that the CLEC has
8 a space option in there, yes.

9 Q. Right, and the engineering work that was done
10 is retained by Qwest as well?

11 A. But it's not the engineering of a job to
12 provide any facilities to that space. Like I said, that
13 space, you have a space option, you have a option for
14 100 square foot in there. Another CLEC comes in there,
15 we might locate him in some space that's closer to, and
16 your space is a revolving space. The information that
17 we retain in there is that there is so much space
18 available and you have part of that space. That's the
19 records we keep.

20 Q. Now let's take your 100 foot example.
21 Imagine that a CLEC options 100 square feet of space,
22 and there's only 100 square feet of space left in the
23 central office for collocation. Now in that situation,
24 that space would be a specified space?

25 A. In your example, a CLEC wants 100 square foot

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1 and there's only 100 square foot available?

2 Q. Mm-hm.

3 A. Okay, that's -- we mark on there that you
4 have a space option for that location.

5 Q. Okay.

6 A. Nothing has been engineered there yet.

7 Q. But the -- in the space optioning step,
8 engineering was done to determine if space was
9 available?

10 A. That's correct.

11 Q. Okay, you --

12 A. When I, excuse me, when I speak of there's no
13 engineering, there's no engineering there to get any
14 feed for any equipment there or anything.

15 Q. Imagine that a CLEC options 100 square feet
16 of space and there's more than 100 square feet of space
17 available. Now to perform the engineering, Qwest would
18 pencil in where the space option might be, wouldn't it?

19 A. Well, pencil in to a computer base is kind of
20 hard to do. They mark on a computer base, on one of the
21 layers within the computer base, that there is space
22 available in there and that the CLEC has an option for
23 part of that space.

24 Q. And if they didn't do that, then Qwest would
25 run the risk of possibly running out of space, wouldn't

4579

1 they, wouldn't Qwest?

2 A. Well, you have an option. I mean you have a
3 product here to have an option on space there. That's
4 for your benefit also.

5 Q. Right. And so my point is that if Qwest
6 didn't pencil in the option, then Qwest would risk
7 losing the space?

8 A. Well, the CLEC would possibly risk losing the
9 space.

10 Q. Right.

11 A. Yes.

12 Q. And then even if plenty of space exists,
13 Qwest would need to keep the option penciled in to
14 minimize the risk of collocation space running out?

15 A. It's maintained in the data base.

16 Q. Oh, that's what you called revolving?

17 A. Revolving, did I say revolving for anything?

18 Q. Yes.

19 A. On what?

20 Q. When you were talking about options.

21 A. I don't remember that.

22 MS. NELSON: That's fine. I think I'm about
23 done with my questions, but just let me check with
24 Mr. Lathrop.

25 I have nothing further.

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1 JUDGE BERG: Mr. Trautman.

2 MR. TRAUTMAN: Thank you. Before I start, I
3 would just like to move for admission of staff cross
4 exhibits, they're Exhibits 2170 through 2175. 2175 may
5 already have been admitted. If not, I will include
6 that, and I believe Ms. Anderl indicated that she had no
7 objection.

8 MS. ANDERL: That's correct.

9 JUDGE BERG: I did have a 2176 that had been
10 admitted, but the other exhibits have not been offered
11 before this time.

12 MR. TRAUTMAN: Right.

13 JUDGE BERG: Exhibits 2170 through 2175 are
14 admitted.

15

16 C R O S S - E X A M I N A T I O N

17 BY MR. TRAUTMAN:

18 Q. And, Mr. Hubbard, if you could turn to
19 Exhibit T-2151, which is your rebuttal testimony of
20 March 7th on page 5.

21 A. I'm on my rebuttal, page 5.

22 Q. Okay. At the top of that page on line 5 you
23 state that the average is 8.31 DA Hotels per wire
24 center, and at line 7 you state that Qwest has not
25 deployed in every wire center in Washington. Do you see

4581

1 that?

2 A. Yes, I do.

3 Q. Can you tell me what is the range of DA Hotel
4 deployment, with zero obviously being the minimum, what
5 would be the most DA Hotels in a wire center; do you
6 know that?

7 A. Off the top of my head, I don't know the
8 correct -- I mean I don't know for sure, like 8 or 12, I
9 mean there's like 12 or so.

10 Q. Is there anywhere in the record where I could
11 find the actual number of DA Hotels in each wire center
12 in Washington?

13 A. Yeah, you could pull up the Web site, the
14 disclosure Web site, and they're all listed in there.

15 Q. Is there anything in this --

16 MR. TRAUTMAN: Well, why don't we make a
17 record requisition to have that information put in the
18 record, and that would be a record requisition for the
19 actual number of DA Hotels in each wire center in
20 Washington.

21 JUDGE BERG: One moment, please.

22 MS. ANDERL: And just a clarification, will
23 it be acceptable to staff if we compile that data, or do
24 you want the raw data from which you can compile it
25 yourselves? I mean we can give you the wire centers and

4582

1 the number of DA Hotels, or we can I guess print page
2 after page after page from the data base.

3 MR. TRAUTMAN: I think you can do the
4 compiling, you can do that part.

5 JUDGE BERG: All right, and this will be due
6 in standard time, and this is record requisition 2503.

7 MS. ANDERL: Thank you, we will provide that
8 to staff and the other parties when we produce it.

9 JUDGE BERG: And let me just again formally
10 indicate that if any parties wish to have record
11 requisition responses considered as part of the record,
12 then they have to subsequently move for admission.

13 BY MR. TRAUTMAN:

14 Q. If you could turn to T-2154, and that's your
15 supplemental rebuttal testimony.

16 A. Okay.

17 Q. And I'm looking at page 9, actually I guess
18 it's replacement page 9, but that's the page at which
19 you begin discussing the nonrecurring elements that
20 Qwest proposes for the poles, ducts, and right of way.

21 A. Yes, okay.

22 Q. Do you know whether Qwest uses other
23 utilities, poles, conduits, or rights of way, at any
24 point in Qwest's network?

25 A. On poles, we also attach to power owned

4583

1 poles. Cable TV doesn't usually have poles, so it's
2 just usually power or telephone poles, our own poles.

3 Q. Would it be like poles of electric companies
4 or PUDs?

5 A. Yes.

6 Q. Do you know whether those other utilities
7 charge Qwest for attaching to those poles or sharing the
8 facilities?

9 A. Yes, they do.

10 Q. And what do they charge; do they charge
11 monthly fees?

12 A. I'm not completely sure. I don't know if
13 it's monthly or a yearly fee; I don't know.

14 Q. Do those other utilities bill Qwest a
15 nonrecurring charge every time that Qwest has an inquiry
16 as to the availability or access to these facilities?

17 MS. ANDERL: I'm going to object, Your Honor,
18 I don't think the practices of other utilities,
19 particularly utilities that are not telecommunications
20 companies subject to the TELRIC pricing requirements
21 that Qwest is, I don't believe their practices or their
22 pricing is relevant for purposes of this proceeding.

23 MR. TRAUTMAN: Your Honor, I think it could
24 be very relevant. I think that's something that Qwest
25 could argue in a brief.

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1 JUDGE BERG: Well, I will overrule the
2 objection, I will treat it as weight.

3 MS. ANDERL: Mr. Hubbard, you can answer the
4 question.

5 THE WITNESS: If you could repeat the
6 question.

7 BY MR. TRAUTMAN:

8 Q. Do you know whether other utilities bill
9 Qwest nonrecurring charges each time that Qwest has an
10 inquiry as to the availability of these facilities?

11 A. I have no idea.

12 Q. Could you obtain that information?

13 A. I don't know. I may. I don't know.

14 MR. TRAUTMAN: Well, we would like to make a
15 record requisition as to the amounts per inquiry or per
16 facility that Qwest would pay to other utilities for use
17 of the poles.

18 MS. ANDERL: Your Honor, we will again make
19 an objection to this. Mr. Trautman did not respond to
20 my last objection on relevance as to what bearing this
21 has to the issues that are before the Commission, and we
22 do not think it is relevant.

23 MR. TRAUTMAN: It bears, Your Honor, it bears
24 to the reasonableness of the practices that Qwest is
25 proposing.

1 JUDGE BERG: Although it likely appears
2 inconsistent to allow the question to go forward but not
3 the record requisition, this just does call to mind a
4 similar situation that came up during yesterday's
5 proceedings. Qwest is required to develop prices based
6 on its own costs and not the costs of others, and so I'm
7 going to deny the record requisition.

8 MR. TRAUTMAN: All right.

9 BY MR. TRAUTMAN:

10 Q. Mr. Hubbard, are you aware of the national
11 joint utilities notification system?

12 A. Not -- I -- not that I know of. I mean I may
13 know what goes in it or know it by another name, but I
14 don't know -- I don't know -- not --

15 Q. So would you know whether Qwest uses any of
16 the data in that system?

17 A. I don't know I guess, since I'm not sure what
18 it is. Like I said, I may know it by another name or
19 something, but I'm not familiar.

20 Q. Is there another Qwest witness that would
21 know the answer to that question, to your knowledge?

22 A. I don't know.

23 MS. ANDERL: Without knowing more about what
24 that is, Mr. Trautman, I can't even represent whether we
25 have any witnesses who have testified already or have

4586

1 yet to testify who could answer that.

2 Q. So as far as you know, you have not heard of
3 that particular notification system?

4 A. Not that I can think off the top of my head.

5 MR. TRAUTMAN: All right, that's all I have.

6

7 E X A M I N A T I O N

8 BY DR. GABEL:

9 Q. Good afternoon, Mr. Hubbard, I would like to
10 begin by asking you to turn to Exhibit 2154. This is
11 your supplemental rebuttal testimony.

12 A. Okay.

13 Q. Page 7.

14 A. Yes.

15 Q. At line 6, you state:

16 Qwest will still have performance
17 standards to meet after 271. An
18 escalation process will remain in place
19 to ensure that Qwest meets performance
20 standards or commitments.

21 Are you familiar with the acronym QPAP?

22 A. Yes, I am.

23 Q. Okay. Does the QPAP currently have
24 performance standards for special access circuits, you
25 know, data circuits?

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1 A. I believe they do, yes. I mean yes, they do.

2 Q. Okay. So for the -- okay, well, that's fine.

3 Earlier today you were using an acronym ANI,
4 could you tell me what that acronym stands for?

5 A. Certainly, it's automatic number identifier.

6 Q. Okay.

7 MS. NELSON: Excuse me, Judge, can I just
8 interrupt for a second, I really don't know what to do
9 with this. But the witness testified that the QPAP here
10 in Washington contains special access performance
11 standards, and that's not finalized, that's not -- I
12 mean what do you do with that?

13 JUDGE BERG: I think you wait and you
14 cross-examine the witness further, or if you wanted to
15 ask for a recess to talk with Qwest counsel, I could
16 certainly allow that to happen.

17 MS. NELSON: We could do it if we had another
18 break. I don't want to -- I know we're late, but I was
19 concerned with that.

20 JUDGE BERG: All right. I think the next
21 break will be at the conclusion of this witness's
22 testimony, so let's just take a ten minute break right
23 now, and that will give the parties some opportunity to
24 confer. It's something that may be important to
25 Dr. Gabel's line of questioning.

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1 MS. ANDERL: And could we either on the
2 record or off the record then perhaps get a real tight
3 clarification in terms of what the question is that
4 Dr. Gabel wants answered.

5 Dr. Gabel, you said special access and then
6 you said data circuits.

7 DR. GABEL: Yeah, just when I read the
8 testimony, I had in mind that I thought initially the
9 QPAP was only applying to voice circuits and that this
10 has been a concern of CLECs. You know, and I don't know
11 this QPAP situation in Washington, but just my general
12 understanding is that QPAP generally applies to voice
13 circuits and to a lesser degree to data circuits or to
14 DSL. And so where there was concern expressed about
15 quality of service on the circuits that were turned
16 over, and this was an issue that was raised by Covad,
17 the question I had in my mind, well, if you turn over
18 poorly conditioned circuits, is there a penalty
19 associated with it, with that?

20 MS. DOBERNECK: And what I can -- right, what
21 I can -- I think it's that special access and data. If
22 we're talking data or DSL capable circuits such as
23 2-wire, 4-wire, non-loaded, or even line share loops,
24 there are provisions contained in this -- in the QPAP,
25 sub measures that include within their scope the 2 and

4589

1 4-wire and line shared loops, so those are covered.
2 Special access is different, but I think that your
3 concern is not that, yes.

4 JUDGE BERG: Does that address your concern,
5 Ms. Singer-Nelson, or do you also want an opportunity to
6 check it out further off the record?

7 MS. NELSON: No, I don't need to do anything
8 more.

9 MS. ANDERL: That's perfect as far as we're
10 concerned.

11 JUDGE BERG: All right, thank you,
12 Ms. Doberneck, and we'll go ahead and continue with
13 Mr. Hubbard's cross-examination.

14 BY DR. GABEL:

15 Q. And also, Mr. Hubbard, I just want to make
16 sure I understand a performance testing. Do I
17 understand correctly that Qwest regularly collects
18 information, tests loops on a regular basis using an
19 automated process through their switching machine? Or
20 let me restate the question.

21 On a regular basis, does Qwest do performance
22 testing on voice loops?

23 A. We did a one time MLT of all loops, which is
24 a mechanized loop test that's automatic through the
25 switch, to try and build or verify the data within the

4590

1 raw loop data tool to make sure it's accurate. And so
2 we did test all loops at one time. We don't necessarily
3 just go test our loops or run an automatic test to test
4 them all the time, no. But we validated them one time
5 to build the raw loop data tool to make sure that the
6 information is in there.

7 Q. And that one time event was to check for
8 things like bridge taps and load coils?

9 A. It was to verify the resistance loss or the
10 RLs, if you will, out to all loops to make sure the
11 CLECs can see if that loop up front is capable of
12 handling data service or whatever type of service they
13 want on there.

14 Q. So what's been referred to in this proceeding
15 as performance testing is a test that is only undertaken
16 when there is a request for performance testing?

17 A. On the unbundled loops that we have an order
18 on from a CLEC, we will do the performance testing on
19 all of those loops before we hand them off to the CLEC.

20 Q. And so for any unbundled loops, you will do
21 performance testing or only when performance testing is
22 requested?

23 A. I'm going to say we do it for all loops, even
24 on the lift and lay when we do the automatic number
25 identifier and stuff, that is a sort of performance

4591

1 testing, so I'm going to say all loops.

2 Q. And every time this performance testing is
3 done, do you always send the results of the performance
4 testing to the CLEC?

5 A. I believe they have to request that.

6 Q. Okay.

7 A. And then we send it within 48 hours.

8 Q. I know this is an odd question to ask you,
9 and I will, of course -- but nevertheless I feel
10 compelled in these discussions, you know, I'm just
11 conveying to you my confusion here. If a CLEC orders a
12 loop and you need to deliver it where it meets certain
13 standards, why would -- why, in your opinion, would a
14 CLEC want to see the results from the test as opposed to
15 just seeing the standard was passed, you know, that the
16 loop was qualified?

17 A. Sure, I don't think that's a silly question.
18 A CLEC basically designs their own circuit, if you will.
19 And if they want that performance test, they're looking
20 at the characteristics of the loop itself to design
21 their circuit, so I don't think that's a silly question
22 at all.

23 Q. Now I would like to ask you to turn to
24 Exhibit 2151. Here you're discussing at around page 26
25 through 29, you say that line 15, you respond to the

4592

1 question, can the ADLU card be unbundled as a stand
2 alone network element. And your response is, no, and
3 you offer a few reasons. I guess my -- when I read
4 this, again just conveying my thought, I would like you
5 to explain to me what -- how would an ADLU card differ
6 from a DS1 port card in a digital switching machine?
7 You know, that DS1 port termination is an unbundled
8 network element, but it doesn't function just on its
9 own. Nevertheless, there's a tariffed rate element for
10 that one card that goes into a more complicated piece of
11 equipment, which is the digital switching machine. Why
12 would it be wrong by analogy to say, well, an ADLU card
13 doesn't function on its own, but just as you can tariff
14 a DS1 port cord on a digital switching machine, you can
15 tariff an ADLU card in a next generation digital line
16 carrier?

17 A. I don't know.

18 Q. Well, in your mind, am I drawing the wrong
19 analogy? You're the engineer, not myself, is it wrong
20 to draw the analogy between a DS1 port card and an ADLU
21 card?

22 A. The DS1 port card in the switch, not being a
23 switch engineer, Mr. Craig is a switch engineer, I
24 really don't know what all goes into that, if it's a
25 stand alone element or not. I know that the -- this is

4593

1 not a stand alone element. It's not -- doesn't have a
2 demark location, which is one of the requirements. So I
3 don't know. I can't make the comparison, I'm sorry.

4 Q. Okay. Well, you are an outside plant
5 engineer, so let me ask a different question, all right.
6 There's also a tariff UNE for a DS1 loop, which may
7 require a DS1 special card in a digital line carrier
8 system. Is that correct, that you would use a different
9 kind of card in a digital line carrier system for a DS0
10 connection than a DS1 connection?

11 A. Yeah, and I think you're getting more of a
12 finished service on that. On this, it would be a stand
13 alone card, and it's not capable of being a stand alone
14 card. The other that you're referring to is a total
15 basically system, I believe. It's a service.

16 Q. The digital line carrier system, isn't there
17 common equipment in addition to the stand alone card?

18 A. Yes, there's common equipment.

19 Q. Okay. Here's my final question. So in my
20 mind, it's sort of comparable to what I concluded when
21 Ms. Million was on the witness stand about what advice
22 or guidance can you provide us. I would like to refer
23 you to your rebuttal testimony, pages 2 to 4, and your
24 discussion this afternoon with Covad about some of the
25 problems that have arisen when you have tested lines for

1 Covad. And as I sat here and listened to that
2 discussion this afternoon, Mr. Hubbard, you said yes,
3 occasionally there are instances, and tell me if I'm
4 misrepresenting you, but I understood you to say that
5 sometimes there are instances where things go wrong in
6 ways we didn't anticipate, and sometimes a line is
7 handed over to Covad where we thought it was working but
8 it's not working. And I thought I understood you to
9 say, well, you know, we've got hundreds of technicians
10 out there, we have thousands of lines, and sometimes
11 things go wrong. Is that a fair characterization?

12 A. That's a fair characterization, yes.

13 Q. Okay. And then on the other hand when I read
14 the testimony of Covad, you know, Covad I think, and I
15 hope I'm not misrepresenting their views, seems to
16 express a concern that Covad is a competitor of Qwest
17 and Qwest has almost -- doesn't have a good incentive or
18 enough incentive to hand over a well functioning line.
19 And so sitting here listening to it, you know, we sort
20 of have two different stories. We have one story where,
21 and a concern is expressed by a competitor of yours,
22 that you don't have the right incentive to hand over a
23 well functioning line. You say, well, sometimes these
24 kinds of accidents happen. And so I read the -- I
25 listen to the record, and I say, well, you know, what

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1 conclusion is appropriate to draw from this, you know,
2 how do you distinguish between the two. And I was just
3 wondering if you just had any thoughts on, you know, how
4 you think somebody should distinguish between things
5 that are the way you represent or you're saying, well,
6 things just go wrong some of the time, but if that
7 happens a lot, then you start to get the concern that
8 Covad has that, well, it's more than just an occasional
9 accident.

10 And so I guess I'm trying to come to a
11 question, and I guess just my question is, you know, how
12 is -- I guess my question is, you know, maybe is, is
13 there a reason why the QPAP doesn't do enough to
14 distinguish between those two cases? Is there
15 something, you know, from what you know of the QPAP, you
16 know, if it is the case that the problems are just due
17 to occasional errors, well, those occasional errors
18 would affect your system too. If that's the situation,
19 then what Covad experiences shouldn't be statistically
20 different from what you experience.

21 And so I guess my question, I guess my final
22 question, which I still haven't gotten to, I'm sorry,
23 but at least you know how I'm thinking as I'm sitting
24 here listening to this, is, you know, how -- is there
25 any reason, in your opinion from what you know of the

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1 QPAP, is there any reason why the QPAP doesn't really
2 get to this problem that I hear, a concern that you're
3 not handing over lines that are equivalent to what
4 you're working with? And I will present the same
5 question to the Covad witnesses, but I just wanted to
6 give you an opportunity to respond, if you want to
7 respond. And I'm sorry this wasn't more focused, but I
8 just --

9 A. I just saw Lisa lean up, I didn't know if she
10 had an objection or she was waiting on baited breath for
11 me to talk or something.

12 MS. ANDERL: Got my attention.

13 A. The measurements that I have seen, the
14 internal measurements, the PID measurements that report
15 in to the QPAP, as far as I know, show that we are
16 running in parity. In fact, there was even one of the
17 exhibits that was identified earlier does show on some
18 of the things that we're running in parity between our
19 service and what we provide to the co-providers. We,
20 you know, strive to make the loops available. As I have
21 stated, things happen in the network. It's unavoidable
22 with what's out there unfortunately. We try and do a
23 good job to get the loops to the co-providers on time.

24 As far as working together, I think we do
25 work together. I think it's obvious if you go through

4597

1 some of the reports. The COTs talk to the Covad
2 testers. I think the techs in the field and the Covad
3 techs all want to build a good not only working
4 relationship, but a good service to their customers and
5 the techs. I don't know if they -- they know they're
6 out on an order, they know it's for Covad, they do their
7 best to work that order just as they would for us.

8 In my realm of thinking, engineering jobs and
9 working as a tech, you do the job that you're sent to
10 do, and you do it in the best time and best way you can.
11 It's not that, you know, I don't think Covad -- I don't
12 think we're trying to harm anybody. I think we deliver
13 a loop the best we can. There are a few instances that
14 they identified. The majority of the loops worked fine.
15 So I think when you look at the measurements that
16 provide that we're in parity, and we provide the same
17 service to the CLECs that we provide ourselves.

18 DR. GABEL: Thank you.

19 JUDGE BERG: Dr. Gabel asked the question
20 that I wanted to ask, and so we will just look for
21 redirect from Qwest at this point in time.

22 MS. ANDERL: That would be great. And, Your
23 Honor, certainly while we have fought mightily to keep
24 the SGAT proceeding and terms and conditions separate
25 from this cost proceeding, to the extent that the Bench

4598

1 wants more information on specific QPAP measurements or
2 where we are in our performance on particular measures
3 vis-a-vis specific CLECs or the CLEC community as a
4 whole, we can provide that in response to Bench Requests
5 or other requests if you would like, if the Bench would
6 like.

7 JUDGE BERG: Thank you, we will consult with
8 each other about that.

9 MS. ANDERL: Sure.

10

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

12 BY MS. ANDERL:

13 Q. Good afternoon, Mr. Hubbard.

14 A. Good afternoon, Ms. Anderl.

15 Q. Just a few questions. You were asked early
16 on by Ms. Doberneck about the percentage, 27%, which we
17 decided is not confidential, of loops that Qwest either
18 fixed or had to do some work on before it could deliver
19 those to Covad from the overall universe of loops that
20 Covad ordered in January of 2002. Do you recall those
21 questions?

22 A. That was a long time ago it seems like, but
23 yes, I do.

24 Q. If those -- well, let me just ask directly.
25 Is it appropriate to refer to all of those loops as

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1 defective pairs?

2 A. No, they're a loop that exists in the field
3 and something had to be done with them, whether it's to
4 splice it to a drop or where the drop was undersized. I
5 wouldn't refer to them as defective loops. They're a
6 loop that something had to be done with is what I
7 characterized.

8 Q. Now you were asked some questions about the
9 technicians in the field following the appropriate
10 processes in terms of doing the performance testing
11 prior to the time they contact the CLEC to conduct the
12 cooperative testing. Do you recall that?

13 A. Yes, I do.

14 Q. You also stated that you or we had beat up
15 the field force pretty good on the processes. Can -- I
16 would like to ask you a little bit more about what you
17 meant by that. Did you mean by that remark to suggest
18 that there were regular communications with the field
19 technicians to communicate the proper processes?

20 A. Yes, they have meetings with their
21 supervisors to go over the processes, and they do this
22 on a regular basis.

23 Q. So are those in person, team type meetings?

24 A. Yes.

25 Q. Are the proper processes communicated in any

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1 other way to the technicians?

2 A. They're set down by E-mail to their
3 appropriate supervisors, and then he discusses them with
4 them. If any procedures change, there's usually -- it's
5 usually updated in their handbooks through, I don't know
6 whether you call it a flier or not, but they're updated
7 as an addition to their handbook for procedure changes.

8 Q. Thank you. You were asked a question about a
9 hypothetical situation where a customer had two voice
10 grade lines and wanted to convert one of those lines to
11 a data line with service from Covad; do you remember
12 that?

13 A. I remember that we were on that discussion,
14 and Megan informed me I was confusing her, so yes, I do
15 remember that discussion.

16 Q. The questions focused on how does Qwest
17 basically insure that the loop stays good or is an
18 appropriate and good loop prior to, during, and after
19 the lift and lay procedure; do you remember that?

20 A. I remember that discussion, yes.

21 Q. Okay. Now if that is currently functioning
22 as a voice grade loop and Covad wanted to use that loop
23 as a data loop, is it correct that Covad would place an
24 order for a loop that had a specific set of NC/NCI codes
25 associated with it?

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1 A. Yes, they would, and the customer that had
2 that second line at their house I believe would have to
3 issue the disconnect on that line, which would make
4 basically an unbundled loop available there, and Covad
5 would issue the NC/NCI codes for the characteristics of
6 that loop.

7 Q. And --

8 A. And whatever installation they wanted.

9 Q. And that second loop or line wouldn't be
10 assigned to fill the order for Covad's loop unless it
11 met the technical specifications that Covad had
12 requested; is that right?

13 A. That's correct.

14 Q. And then during the process of disconnecting
15 that loop from voice service and connecting it to
16 Covad's DSLAM, would Qwest be able to test it to ensure
17 continuity?

18 A. Yes, with whatever tests they requested, with
19 the coordinated tests if they wanted.

20 Q. The cooperative testing would happen after
21 the connection to the DSLAM; is that right?

22 A. The final test with Covad, yes.

23 Q. And let me just ask you, the data request
24 response was admitted as an exhibit on cross
25 examination. Take a look at 2157, I think. It's a

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1 Qwest data request response, and I believe that, yes, it
2 is, it's Exhibit 2157, it's Qwest's response to Covad
3 03-040.

4 A. I have that.

5 Q. Does that data request response identify the
6 types of tests that are run on different types of loops
7 in the standard performance testing?

8 A. Yes, it does.

9 Q. And if a CLEC wanted a different kind of test
10 run on a loop beyond that which is standard in the
11 performance testing, would one way for the CLEC to
12 obtain that testing be to order cooperative testing?

13 A. To order cooperative testing, yes.

14 Q. And so Qwest will perform different or
15 additional tests during the cooperative testing than it
16 would -- than are set forth here in this document?

17 A. Yes, it's basically any test that they wanted
18 to perform.

19 Q. You were asked some questions by
20 Ms. Singer-Nelson about the CLEC to CLEC connection
21 process, and she asked you whether Qwest would reject an
22 error filled application; do you remember that?

23 A. I remember that.

24 Q. You responded that Qwest would not always
25 reject an error or an application with errors, but would

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1 sometimes try to straighten it out; is that correct?

2 A. That is correct.

3 Q. Ms. Singer-Nelson then had you read into the
4 record a data request response which indicated a Qwest
5 response to a similar question that Qwest would reject
6 an application with errors in it; do you recall that?

7 A. Yes.

8 Q. Can you discuss the inconsistency or
9 potential inconsistency between the two responses?

10 A. Yes. The response I read in, I said if it
11 was basically if one -- if an application is full of
12 errors all through it, then we're rejecting it. If it's
13 just a few, I have found from talking to the CPMC that
14 they work with them to try to straighten out just, you
15 know, if there's a couple of errors in there.

16 Q. And if an application is incomplete or
17 missing information, would that necessarily be an
18 application with errors in it?

19 A. If it was missing information?

20 Q. Yes.

21 A. No, but, you know, if we knew what the
22 information was anyway, CLLI code or something like
23 that, no, it would not. But if it's missing information
24 that is required, we may have to go back to them and ask
25 what it is, what they need.

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1 Q. So depending on what type of information was
2 incorrect or missing, that could determine whether Qwest
3 rejected the application or tried to work with the CLEC
4 on it?

5 A. Certainly.

6 Q. You were also asked some questions about the
7 bona fide request process and the issue of technical
8 feasibility that's associated with that; do you remember
9 that?

10 A. Yes.

11 Q. You looked at a data request response and
12 described how some of the technical bona fide requests
13 that were handled in the year 2000 may have been similar
14 to one another and that that was before the period of
15 time when the special request process had been created
16 for bona fide or requests that had already been
17 processed; do you remember that?

18 A. Yes, I do.

19 Q. Is it possible that bona fide requests that
20 are described in the same way could potentially raise
21 different technical feasibility issues as well depending
22 on what type of central office or what type of switching
23 equipment they were being requested in connection with?

24 A. Oh, absolutely. It depends, you know, one
25 central office is not like another. If they want to

4605

1 bring copper cable into there, one may not have
2 available duct space or any way to get at -- get access
3 to that where another central office may. So there is
4 different facets to look at.

5 Q. So please forgive my very sophisticated
6 example here, but if, for example, Qwest had addressed a
7 bona fide request with technical feasibility issues in
8 connection with a Lucent 5E switch, and we had said,
9 yes, you can do X, Y, Z there, does that necessarily
10 address the same X, Y, Z question in connection with a
11 Nortel or an Ericsson switch?

12 A. No, all switches are a little bit different.

13 Q. In the space optioning process for
14 collocation, if a CLEC options 100 square feet in the
15 central office, is a specific area in the central office
16 reserved for that CLEC in that space option process?

17 A. No, they have the square footage within
18 there, but not a specific space.

19 Q. And in the example that Ms. Singer-Nelson
20 gave you where there was a central office that only had
21 100 square feet available, is it possible that after the
22 option had been accepted for 100 square feet that
23 additional space elsewhere in the office could become
24 available?

25 A. Absolutely.

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1 Q. And under those circumstances, if the CLEC
2 wanted to excise their space options, there would be
3 more than simply one area to choose from in which to
4 place that CLEC?

5 A. That is correct.

6 Q. If a CLEC, and I'm going to go back to an
7 area that Ms. Doberneck explored with you as well as
8 Dr. Gabel, if a CLEC receives a good loop,
9 Ms. Doberneck's good loop.

10 MS. DOBERNECK: As opposed to the naughty
11 loop.

12 MS. ANDERL: Let's not even go there.

13 THE WITNESS: Must be late in the day.

14 BY MS. ANDERL:

15 Q. After performance testing, can you explain a
16 reason why even if the CLEC were 100% confident that the
17 loop were a good loop after Qwest's performance testing,
18 the CLEC might still want to order cooperative testing?

19 A. After they have -- after they have the loop
20 and it's up and working?

21 Q. No, under a circumstance where even if the
22 CLEC were 100% confident that Qwest's performance test
23 would be run as described and that the loop would be
24 delivered would be good, are there other reasons why a
25 CLEC would still order a basic installation with

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1 cooperative testing?

2 A. Sure, they want to test both networks
3 together and make sure that the whole network works, if
4 you will.

5 Q. And is cooperative testing the way to ensure
6 that that happens?

7 A. Sure.

8 MS. ANDERL: That's all the redirect that I
9 have, thank you.

10 JUDGE BERG: All right.

11 MS. DOBERNECK: Thank you, Your Honor, I will
12 be brief.

13

14 R E C R O S S - E X A M I N A T I O N

15 BY MS. DOBERNECK:

16 Q. Mr. Hubbard, you did respond to Dr. Gabel's
17 questions about what the QPAP measures or does not, and
18 I would like to clarify your understanding as to what it
19 does measure. What we're -- when we're talking about
20 good loops, we're talking about new service installation
21 quality, aren't we, that is the percentage of loops
22 after installation that are good loops?

23 A. I believe that's right, yes.

24 Q. Okay. So is it your understanding that there
25 is nothing in the QPAP that measures whether -- well,

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1 strike that.

2 Is it your understanding then that the QPAP
3 measures -- okay, third time's the charm.

4 Is it your understanding then that the QPAP
5 does not measure at any time prior to the order being
6 closed whether the loop that's been delivered is good or
7 not?

8 A. I don't know that for sure.

9 Q. Is it your understanding or do you know if
10 the QPAP in any way measures whether in connection with
11 cooperative testing when the loop is turned over for
12 cooperative testing if that loop is good or not?

13 A. I guess I don't know for sure.

14 Q. Okay. Would you be surprised if I told you
15 the QPAP in no way measures whether performance testing
16 or cooperative testing took place at all?

17 A. Subject to check, I would.

18 Q. And would you be surprised if I told you that
19 the QPAP in no way measures or tracks whether a CLEC is
20 part of the process of determining whether a loop is
21 good or not during the cooperative testing portion prior
22 to the order being closed?

23 A. I don't believe it tracks whether the CLEC
24 has input to that, no, I don't.

25 Q. Okay. And would you be surprised if I told

4609

1 you that the only thing the QPAP tracks with regard to
2 whether a loop is good or not is whether after
3 installation is completed and Qwest has reported that
4 the order is closed that we then look to see if the loop
5 has remained good in the first 30 days after
6 installation?

7 A. I believe the QPAP does track that.

8 Q. Now you also as part of your response in
9 talking about how Qwest is performing, you stated, and I
10 wrote it down directly, that the majority of loops that
11 were delivered to Covad in the time period we're talking
12 about worked fine. Do you recall making that statement?

13 A. Yes.

14 Q. Okay. But at this point in time, Qwest has
15 not affirmatively introduced into evidence the
16 percentage of loops on which it actually did perform its
17 testing on the Covad loops, right?

18 A. I did not have that in my testimony, no. I
19 think the numbers kind of speak for themselves, but.

20 Q. Well, Qwest did not affirmatively introduce
21 into the record or provide any testimony, did it, on the
22 percentage of loops ordered by Covad where in fact the
23 loop passed performance testing the first time around,
24 did it?

25 A. I do not have that into my record, no.

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1 Q. Okay. And there's no evidence in the record,
2 and you did not include in your testimony, nor did any
3 other witness, any discussion or description of the
4 percentage of loops on which performance testing was
5 undertaken, corrected, and then passed cooperative
6 testing, did you?

7 A. No.

8 Would you repeat that, that got a little long
9 on me there?

10 Q. Sure, and my apologies.

11 A. No, that's okay.

12 Q. There is no evidence or testimony that Qwest
13 has provided or affirmatively introduced into the record
14 where the loop was bad during performance testing and
15 then Qwest corrected it and it also passed cooperative
16 testing, right?

17 A. I believe I did with the 27% that we fixed,
18 they did pass cooperative testing after that, if I
19 remember right, going through all the WFA sheets.

20 Q. The WFA sheets. Just to be clear, of course
21 -- well, and then I just would like to clarify my
22 understanding of your testimony. It's your rebuttal,
23 page 23 of your rebuttal, lines 6 and 7, what it says is
24 that on its pretest Qwest fixed 20% of the loops prior
25 to cooperative testing, right?

4611

1 A. 27%.

2 Q. Yes. So all that tells us is that 20% of the
3 loops got performance tested, right, performance tested
4 and corrected?

5 A. No, what that tells you is on the performance
6 test that we fixed 27%. We found something wrong with
7 27%, and we fixed those prior to the cooperative test.

8 Q. But it doesn't tell us what percentage of
9 loops that were ordered by Covad actually were
10 performance tested, right?

11 A. What percentage, no. I mean they were all
12 performance tested except for those very few that you
13 found.

14 Q. All were performance tested except for the
15 very few we found, are you talking about Dr. Cabe's
16 examples?

17 A. Yes.

18 Q. Those actually were performance tested,
19 weren't they, but there was still a problem with the
20 loop when Qwest called Covad?

21 A. Like I said, there was -- yes, there were
22 some there were still bad.

23 MS. DOBERNECK: Okay, thank you, Mr. Hubbard.

24 JUDGE BERG: Mr. Trautman, Dr. Gabel,
25 anything further Ms. Anderl?

4612

1 MS. ANDERL: No.

2 JUDGE BERG: Mr. Hubbard, thank you very much
3 for being here, for helping us, and for your patience.
4 You're excused from the Bench, or from the witness stand
5 I should say. You would be sentenced to the Bench, and
6 you're excused from the witness stand.

7 We will take a ten minute break now.

8 (Recess taken.)

9 JUDGE BERG: At this time, we're going to
10 take the introduction of Ms. Albersheim and cross-exam
11 questions for her. Let's begin by administering the
12 affirmative oath.

13

14 (The following exhibits were identified in
15 conjunction with the testimony of RENEE ALBERSHEIM.)

16 Exhibit T-2200 is Rebuttal Testimony of Renee
17 Albersheim (RA-T4). Exhibit T-2201 is Supplemental
18 Rebuttal Testimony of Albersheim (RA-T5). Exhibit 2202
19 is FCC, In re Common Carrier Bureau Operation Support
20 Systems form Transcript. Exhibit 2203 is Massachusetts
21 D-PUC Order re Compliance Filing by Verizon, Docket No.
22 DPU/DTE 96-73/74. Exhibit 2204 is Connecticut D-PUC,
23 Docket No. 97-04-10, Order re Applic. of SNET re TSLRIC
24 Studies and Rates for UNEs. Exhibit 2205 is Michigan
25 PSC Opinion and Order in Case No. U-11831, In the Matter

4613

1 to Consider TSLRIC Costs for AmeriTech-MI. Exhibit 2206
2 is Lucent Technologies Service Mgmt Product Description.
3 Exhibit 2207 is Hard-copy Printout of Footnote #4
4 Reference from 4/17/02 Supplemental Rebuttal Testimony.

5

6 Whereupon,

7

RENEE ALBERSHEIM,

8 having been first duly sworn, was called as a witness

9 herein and was examined and testified as follows:

10

11 JUDGE BERG: All right.

12

13 D I R E C T E X A M I N A T I O N

14 BY MR. SHERR:

15 Q. Good afternoon, Ms. Albersheim.

16 A. Good afternoon.

17 Q. Could you state your name and business

18 address for the record.

19 A. My name is Renee Albersheim. I work at 930 -

20 15th Street, 10th Floor, Denver, Colorado 80202.

21 Q. By whom are you employed?

22 A. Qwest.

23 Q. Did you prepare rebuttal and supplemental

24 rebuttal testimony for this proceeding?

25 A. Yes, I did.

4614

1 Q. Are those marked as Exhibits T-2200 and
2 T-2201?

3 A. Yes.

4 Q. And do you have those in front of you?

5 A. Yes.

6 Q. Is that testimony true and correct to the
7 best of your knowledge?

8 A. Yes.

9 Q. Do you have any corrections?

10 A. No.

11 MR. SHERR: Your Honor, at this time, I would
12 move for the admission of Exhibit T-2200 and T-2201 and
13 tender the witness for cross-examination.

14 JUDGE BERG: All right, hearing no
15 objections, Exhibits T-2200 and T-2201 are admitted.

16 Ms. Singer-Nelson, I understand off the
17 record that there has been an agreement between WorldCom
18 and Qwest for the stipulated admission of certain
19 exhibits.

20 MS. NELSON: Yes, Your Honor, thank you.
21 WorldCom and Qwest have agreed to admit exhibits that
22 have been pre-marked as 2202 and 2206. One is the FCC
23 transcript of May 29th, 1997, and the other, 2206, is
24 the Lucent Technologies active use service management
25 product description.

4615

1 JUDGE BERG: All right.

2 MS. NELSON: And with the admission of those
3 two exhibits, WorldCom has no cross-examination.

4 JUDGE BERG: All right, Exhibits 2206 and
5 2202 are admitted.

6 Ms. Tennyson.

7 MS. TENNYSON: Thank you, staff does have a
8 few questions.

9

10 C R O S S - E X A M I N A T I O N

11 BY MS. TENNYSON:

12 Q. I would first like you to look at what has
13 been marked as Exhibit 2207.

14 A. Do I have 2207?

15 Q. This was a Staff cross-examination exhibit.

16 A. Oh, yes, okay, I remember that one now.

17 JUDGE BERG: Let's be off the record
18 momentarily.

19 (Discussion off the record.)

20 BY MS. TENNYSON:

21 Q. Thank you, Ms. Albersheim, do you have that
22 now?

23 A. Yes.

24 Q. Okay. And is this copy, is this a printout
25 of the reference that you made in footnote 4 of your

4616

1 April 17th supplemental rebuttal testimony?

2 A. Yes.

3 Q. So this is the Qwest product catalog?

4 A. Yes, for UDIT.

5 MS. TENNYSON: I would move the admission of
6 Exhibit 2207.

7 MR. SHERR: No objection.

8 JUDGE BERG: Exhibit 2207 is admitted.

9 MS. TENNYSON: Thank you.

10 BY MS. TENNYSON:

11 Q. I would like you to refer to, let me make
12 sure I'm looking at the right testimony here, your
13 rebuttal testimony, Exhibit 2200, and referring to page
14 3.

15 A. I'm there.

16 Q. Okay. And line 15, you reference IMA or
17 interconnect mediated access as a real time electronic
18 interface offered by Qwest. Do you know when Qwest
19 began to use this electronic interface?

20 A. I believe it was 1997.

21 Q. And going on to lines 18 through 20, you
22 refer then to IMA-GUI and IMA-EDI. Can you tell us when
23 Qwest initiated use of these two systems?

24 A. Not off the top of my head. I would have to
25 look those up.

4617

1 Q. Do you know whether it was say around the
2 time frame of the year 2000 or --

3 A. Oh, no, it was --

4 Q. -- 1995 or --

5 A. I think '97. But like I said, I would have
6 to check. I don't remember when each one came out.

7 Q. Okay, thank you. Could you go to page 8 of
8 your rebuttal testimony.

9 A. I'm there.

10 Q. And starting at line 8, you, well, actually
11 at line 7, you state that Qwest, you believe Qwest has a
12 state of the art OSS and that Qwest spends a great deal
13 of time improving and obtaining the latest upgrades to
14 those applications purchased from outside vendors. Do
15 you see that?

16 A. Yes.

17 Q. Can you describe for us what is Qwest's
18 policy for obtaining the latest upgrades to applications
19 purchased from outside vendors?

20 A. A standard policy?

21 Q. Is there a standard or a process; do you have
22 one?

23 A. I think they're all evaluated case by case,
24 so I don't know of a global standard policy.

25 Q. Okay. And going on to page 9, at lines 12 to

4618

1 14 of this testimony, you state that:

2 Manual steps that may be required in the
3 provisioning process are not related to
4 manual steps that are associated with
5 the electronic order fallout.

6 Do you see that?

7 A. Yes.

8 Q. Can you identify for us, I would like you to
9 identify and list what manual steps are required in
10 provisioning that are not related to the manual steps
11 associated with order fallout.

12 A. When I speak of -- that goes to my discussion
13 of the two separate sets of activities occurring with
14 processing of an LSR. The first part is the order
15 processing through our electronic interfaces, so fallout
16 from there from manual handling occurs if an error
17 occurs on the LSR and it makes the LSR fall out, if you
18 will, to use Mr. Morrison's term, to a queue where it
19 must be dealt with by a service delivery coordinator.
20 When you go on through our back office systems, after
21 the order is in to our back office systems, then we're
22 talking about provisioning processes. A sample manual
23 step might be a technician having to perform a function
24 to provision the process.

25 Q. So something where a technician actually has

4619

1 to touch something or connect something or disconnect
2 something?

3 A. Right.

4 Q. Is that what you're talking about?

5 A. Right.

6 MS. TENNYSON: I believe those are all the
7 questions that I have. Yes, that is all I have for this
8 witness.

9 JUDGE BERG: All right.

10 Any redirect?

11 MR. SHERR: None, Your Honor.

12 JUDGE BERG: All right, Ms. Albersheim --

13 THE WITNESS: That was too easy.

14 JUDGE BERG: -- I hope though the wait was
15 worth it.

16 THE WITNESS: Yes.

17 JUDGE BERG: Thank you very much for being
18 here, you're excused from the witness stand, from the
19 hearing.

20 Let's be off the record.

21 (Discussion off the record.)

22 JUDGE BERG: Mr. Craig, would you please
23 stand and raise your right hand.

24

25 (The following exhibits were identified in

4620

1 conjunction with the testimony of JOSEPH P. CRAIG.)

2 Exhibit T-2180 is Direct Testimony of Joseph
3 P. Craig (JPC-T1). Exhibit 2181 is Network Config. for
4 Unbundled Packet Switching (JPC-2). Exhibit T-2182 is
5 Rebuttal Testimony of Joseph P. Craig (JPC-T3). Exhibit
6 2183 is Customized Routing Service Request for Line
7 Class Code form (JPC-4). Exhibit 2184 is WorldCom
8 response to Qwest data request no. 39 in Part D.
9 Exhibit 2185 is Agenda, notes and minutes from mtg bet.
10 Qwest and WCom. Exhibit 2186 is E-mail from S. Brown of
11 Qwest to T. Priday of WorldCom regarding customized
12 routing and attachment. Exhibit 2187, C-2187 is E-Mails
13 from T. Priday of WorldCom to Qwest regarding WorldCom
14 Customized Routing Request and attachments. Exhibit
15 2188 is Letter from E. Caputo of WorldCom to Joseph
16 Craig and Lillian Robertson of Qwest. Exhibit 2189 is
17 Qwest web site regarding customized routing. Exhibit
18 2190 is Oki Network Technologies Product Description of
19 Smart MDF. Exhibit 2191 is Qwest response to WorldCom
20 Data Request No. 05-452 and Attachment A.

21

22 Whereupon,

23 JOSEPH P. CRAIG,

24 having been first duly sworn, was called as a witness

25 herein and was examined and testified as follows:

4621

1

2

JUDGE BERG: Thank you.

3

MS. ANDERL: Thank you, Your Honor.

4

5

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

6

BY MS. ANDERL:

7

Q. Good afternoon, Mr. Craig.

8

A. Good afternoon.

9

Q. Please state your name and business address

10 for the record.

11

A. Joseph Craig, C-R-A-I-G, 700 West Mineral

12

Avenue, Littleton, Colorado 80120.

13

Q. And by whom are you employed?

14

A. Qwest Corporation.

15

Q. Mr. Craig, did you prepare direct and

16

rebuttal testimony for this proceeding?

17

A. Yes, I did.

18

Q. Do you have before you Exhibit T-2180, 2181,

19

T-2182, and 2183?

20

A. Yes, I do.

21

Q. Is that testimony and are those exhibits true

22

and correct to the best of your knowledge?

23

A. Yes, they are.

24

Q. Do you have any changes that you need to make

25

at this time?

4622

1 A. No, ma'am.

2 MS. ANDERL: Your Honor, we would offer those
3 four exhibits for admission into the record and tender
4 Mr. Craig for cross-examination.

5 JUDGE BERG: Hearing no objection, those
6 exhibits are admitted.

7 MS. DOBERNECK: All right, thank you, Your
8 Honor.

9

10 C R O S S - E X A M I N A T I O N

11 BY MS. DOBERNECK:

12 Q. Good afternoon Mr. Craig.

13 A. Good afternoon.

14 Q. In your direct testimony, which is Exhibit
15 2180, at page 5 you discuss how DSL service offerings
16 can be provided using packet switching technology.

17 A. Yes, I do.

18 Q. Are there other types of services that can be
19 provided using packet switching technology?

20 A. Oh, certainly.

21 Q. And what kinds of services would that be,
22 would those be?

23 A. I'm sorry?

24 Q. What kind of services would those be?

25 A. Qwest has a frame relay product that uses

4623

1 frame relay as a packet switch network. Other providers
2 have other data networks, all data networks that would
3 use a packet switch technology. SS7 is a packet switch
4 network, if you will, that uses packet switch
5 technology.

6 Q. And --

7 A. SS7 being, I'm sorry, signaling system 7.

8 Q. And is Qwest using its packet switch network
9 to currently provide those services?

10 A. Qwest uses its ATM network to provide DSL
11 services. We use ATM technology.

12 Q. Okay. And what -- and you also talked about
13 frame relay and SS7, and are you using your ATM network
14 or a packet switched network to provide those?

15 A. We use a different network to provide those.

16 Q. Different than what?

17 A. Different than ATM. For instance, our
18 signaling system 7, our SS7 network, we use Ericsson
19 technology.

20 Q. Okay. Were you or are you familiar with the
21 fact that Qwest's unbundled packet switching product
22 offering is provisioned using an unspecified byte rate?

23 A. Yes, ma'am, I am.

24 Q. Okay. And you state at page 5 of your
25 testimony that the various types of DSL such as VDSL,

4624

1 HDSL, RADSL, IDSL, SDSL, all have unique byte rates, is
2 that right?

3 A. That's correct.

4 Q. And can you explain for me how byte rate
5 plays into each of these different types of DSL
6 technologies?

7 A. The byte rate is the speed at which data will
8 transfer, and it's dependent on not only the technology
9 of DSL being provisioned or incorporated, it also
10 includes the what's known as the customer premise
11 equipment or the CPE, the modem if you will, that will
12 also limit the speed of data transfer. So between those
13 two requirements, you know, what video transmits -- has
14 to transmit faster than regular packet data, for
15 instance, different speeds are required, therefore
16 different CPE equipment is also required so to get to
17 the appropriate byte rate for the data transfer.

18 Q. Okay. Setting aside the CPE issue, am I
19 correct then in understanding, for example, if you're
20 talking VDSL that in order to provide the service known
21 as VDSL, you would have to have a specific byte rate?

22 A. I believe video does have a different byte
23 rate in its -- there's technology standards known as
24 ANSI standards that go along with those. I know that
25 there is a standard for ADSL known as DSL service that

4625

1 is set by the ANSI committee and also through the ATM
2 forum.

3 Q. Well, I would like to go back again, because
4 I want to understand the interplay between byte rate and
5 different types of DSL offerings that a carrier might
6 want to provide HDSL. Is there a specific -- in order
7 for a carrier to provide HDSL, does there have to be a
8 specific byte rate in order to allow HDSL to be
9 provided?

10 A. I don't think there's a byte rate minimum. I
11 think that it works best with that particular technology
12 if it transmits at a specific speed or greater and it --
13 it's used and incorporated into the packet switch
14 network to make sure that there is enough overall byte
15 rate speed available for the services that are using the
16 network.

17 Q. So when you say there's no byte rate speed
18 minimum, you mean HDSL could be something along the
19 lines of an up to a certain speed?

20 A. If you want it to work appropriately, yeah,
21 then I think there's a, how shall I say, a good or a
22 preferred byte rate, and if it runs faster than that,
23 then, you know, if there's enough bandwidth throughout
24 the network to provide that faster speed, certainly
25 there's nothing wrong with that. It works better if it

4626

1 works at a specific speed, I would think. Just with
2 other DSL services, there's different byte rates that
3 make the service work.

4 Q. Is there a minimum byte rate below which the
5 speed can not drop or the service wouldn't be considered
6 HDSL?

7 A. I'm not familiar with those; I don't know.

8 Q. Okay. And what about something like VDSL, is
9 there a minimum byte rate that you have to have in order
10 to provide that?

11 A. I don't know; I couldn't say.

12 Q. And if there were minimum byte rates in order
13 to provide a specific type of DSL service -- strike
14 that.

15 If a carrier wanted to provide HDSL, for
16 example, and provide a guarantee as to the speed for
17 that particular service.

18 A. Okay.

19 Q. Are you understanding the scenario?

20 A. I think I'm tracking so far.

21 Q. Okay. Then the carrier, if it were a CLEC
22 such as Covad ordering unbundled packet switching from
23 Qwest, if we wanted to provide that guarantee to our end
24 user customer, we would likewise have to have that
25 guarantee from Qwest; is that right?

4627

1 A. I think that's -- if you want something other
2 than an unspecified byte rate, that you would order
3 something called a specified byte rate.

4 Q. And --

5 A. And we would make sure that in the
6 provisioning of that particular circuit that the
7 bandwidth was available for that byte rate.

8 Q. Okay. And can you tell me if Qwest UPS
9 product offering is based on an unspecified byte rate,
10 is it possible for a CLEC to obtain or ensure a
11 specified byte rate currently from Qwest?

12 A. Just to make sure I'm clear, which product
13 offering?

14 Q. Unbundled packet switching.

15 A. I believe unbundled packet is -- has a
16 provision for a specified byte rate. So if a CLEC were
17 purchasing unbundled packet switch, I believe there is
18 an option that they would be able to specify that byte
19 rate.

20 Q. And can you tell me where I might find the
21 option to purchase that?

22 A. I believe the last time I saw them, they were
23 in the Qwest tech pub.

24 Q. Okay. So even though Ms. Malone described
25 the product offering as one with -- based on an

4628

1 unspecified byte rate, that somewhere out to there,
2 there appears to be the ability to order a specified
3 byte rate?

4 A. I think the standard product offering is as
5 an unspecified byte rate that -- without any indication
6 that you wanted something other than the standard
7 product offering, that's what we would assume that to be
8 is the standard, and we would provision it as such.

9 Q. And do you know whether there are any rate or
10 rate elements that have been proposed by Qwest in this
11 proceeding as to a CLEC request for a specified byte
12 rate?

13 A. The prices that I saw that were submitted in
14 this particular docket were for a DS1 virtual channel
15 and the function of the DSLAM and were not byte rate
16 sensitive.

17 Q. Okay. So currently, assuming they exist, we
18 don't know what the rate element or rate would be if a
19 CLEC wanted a specified byte rate, right?

20 A. You would know that the byte rate were, for
21 instance, I think the unbundled packet switch virtual
22 channel is at a DS1 level or greater. The DS1 bandwidth
23 is 1.544 megabytes. The only hindrance on that virtual
24 channel would be the CPE modem that the customer at the
25 other end of the loop is using as well as obviously the

4629

1 bandwidth of the DS1. And how you divided that 1.544
2 megabytes of the DS1 would be up to the CLEC to manage
3 that spectrum.

4 Q. You're telling me that a virtual channel
5 we're leasing from Qwest, we have the ability to control
6 something that's not even a dedicated or permanent
7 channel?

8 A. The CLEC is the only one using that
9 particular DS virtual channel, and if you've got one
10 customer on that channel, that one customer has the
11 entire bandwidth of the DS1.

12 Q. So then what you are saying is if we wanted
13 to provide a DSL service using the Qwest unbundled
14 packet switching offering and we wanted to ensure the
15 capability of offering up to 1.5 meg, which is the DS1,
16 what the DS1 would be capable of, right?

17 A. Yes, ma'am.

18 Q. Then that entire DS1 would have to be
19 dedicated to that one user, right?

20 A. If you wanted to guarantee the end user 1.544
21 megabytes, then that would be the only one user that you
22 would put on that virtual channel.

23 Q. Okay. And then as we -- so if we wanted to
24 then disseminate the cost of that DS1 channel over 24
25 users, we would no longer be able to provide that kind

4630

1 of guarantee to our end user, because we're adding
2 customers to distribute the cost over multiple users?

3 A. Yes and yes. If that end user is using, as
4 in my testimony, asymmetric or ADSL, the ATM forum has a
5 guideline, a requirement if you will, that the end users
6 won't work at anything less than 7.2K. So if you have
7 7.2K for a DSL user and you divide that into the 1.544
8 megabyte, you have literally the option of provisioning
9 214 or 200 and some, if my math is correct, DSL users on
10 that DS1.

11 Q. Just out of curiosity, have you ever
12 experienced ADSL at 7.2K?

13 A. I have, you know, and I don't know why the
14 forum did that. However, that's what the forum said was
15 the minimum requirement.

16 Q. I just wanted to be sure.

17 I would like you to assume the following.
18 Assume a CLEC is collocated in a central office, and
19 assume that the circumstances are such, meaning there's
20 fiber in the loop, Qwest has collocated the DSLAM, and
21 there's no space available for the CLEC DSLAM, so in
22 order to get then to that end user customer we would
23 have to order unbundled packet switching. So do you
24 have that hypothetical down?

25 A. We have met the four requirements of the UNE

4631

1 remand, and the CLEC is now ready to purchase from Qwest
2 unbundled packet switch.

3 Q. And to the best of your knowledge, is Qwest
4 currently capable of provisioning unbundled packet
5 switching to that CLEC ordering it?

6 A. I believe we are, yeah.

7 Q. And assume again that the CLEC is collocated
8 in the central office, and there is some fiber in the
9 loop, but this time there is space, for example, in
10 order to get to -- at the remote terminal. So in order
11 to get to that end user, because of the existence of
12 fiber, we would then have to go and collocate at the
13 remote terminal, right?

14 A. Maybe I misunderstood. I would say no, you
15 wouldn't have to collocate at the remote terminal.
16 Unbundled packet switch, that would be a contradiction
17 for one of the requirements. If I understood you
18 correctly, your question, one of the requirements is
19 that we have denied CLEC collocation at the remote
20 terminal.

21 Q. Actually, I was assuming that we hadn't met
22 the requirement, that there was space for collocation at
23 the remote terminal.

24 A. Okay.

25 Q. So in order --

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1 JUDGE BERG: Excuse me, so you're proposing
2 that as a second hypothetical?

3 MS. DOBERNECK: Yes.

4 JUDGE BERG: Okay.

5 MS. DOBERNECK: Yes.

6 BY MS. DOBERNECK:

7 Q. So I just -- I want to be clear about the
8 distinctions here. I'm just trying to make sure we have
9 a clear record on the distinctions between unbundled
10 packet switching and remote terminal collocation. So we
11 have the CLEC collocated in the CO, there's some fiber
12 in the feeder, and there's space at the remote terminal.
13 Now in order to get to those end users, we would have to
14 collocate in the remote terminal at that point because
15 the conditions for unbundled packet switching are not
16 met, right?

17 A. No, I would say no, because the -- here's
18 where I'm kind of stuck, and excuse me. One of the
19 requirements for unbundled packet switch is that the
20 CLEC has been denied or not permitted to collocate at
21 the remote terminal. Now you're saying you want to
22 collocate at the remote terminal, so I'm not sure that I
23 understand fully the clearness of your question.

24 Q. I will move on.

25 If you could turn to your Exhibit 2181, which

4633

1 was attached to your direct testimony as JPC-2.

2 A. Yes, ma'am.

3 Q. I would like to ask you just a couple of
4 questions about the configuration that is laid out here.

5 A. Okay.

6 Q. And now is this the way, as Qwest sees it,
7 the way the network is configured when unbundled packet
8 switching is provided?

9 A. That's what this exhibit was meant to depict,
10 yes.

11 Q. Okay. And then starting, I'm starting on the
12 right side and moving left, starting from the end user
13 and heading towards the central office, there is a link
14 between the DSLAM and the splitter, and it says data
15 path; do you see that?

16 A. Yes, I do.

17 Q. What is the data path; is that a cross
18 connect or a DSL or what?

19 A. The splitter in the DSLAM, at least the one
20 that I have seen, the two were connected together; it
21 was a back plane. The reason that data path is here is
22 just to indicate that there is a path to get from the
23 line splitter to the DSLAM, and there's also a path out
24 of the line splitter back to the voice switch for the
25 voice side of the loop.

4634

1 Q. Okay.

2 A. So it's not something, I don't think, that --
3 it's not cross connected. It's a part of the DSLAM line
4 splitter functionality.

5 Q. Okay. When you first started responding to
6 my question, you said the one you had seen were
7 connected. When you said -- when you're talking about
8 connected, are you talking about the DSLAM and the
9 splitter being connected?

10 A. There was a connection between the two, yeah,
11 they were -- I believe it was back plane.

12 Q. What is back plane?

13 A. The back plane would be like a part of or a
14 piece of equipment that is a part of the two. It's kind
15 of like what's the -- what's the linkage between the
16 foot, the accelerator pedal and the carburetor on the
17 car. It's the connection that connects the two
18 together.

19 Q. So it's some physical wiring?

20 A. No, it's a part of the equipment that is
21 purchased. There's a -- the back plane would be like
22 the legs to a table.

23 Q. Okay.

24 A. The back plane is when you plug the cards in,
25 there's connectors on the front, and the back plane

4635

1 would run the length of the equipment so that there's
2 something to connect the cards into. The back plane is
3 a piece of -- it's like the fourth side of a box.

4 Q. I understand now.

5 Okay, if you go up to the DSLAM -- if you go
6 up to the DSLAM, there is a line connecting it to a
7 DSX-1; do you see that?

8 A. Yes, ma'am, I do.

9 Q. What is this DSX-1?

10 A. It's a digital cross connect frame bag that
11 is used to wire the output of the DSLAM known as the
12 DSLAM trunk port out to something that you can actually
13 connect to some sort of physical connection.

14 Q. Physical, something you can connect to being
15 a DSL or something heading back to the central office?

16 A. The DS1 would connect at the DSX panel, and
17 then the DSX panel is actually wired into the DSLAM.

18 Q. Okay. And what is the line between the
19 digital cross connect panel and the DSLAM; is that just
20 another -- is that a back plane?

21 A. That's known as the -- that's known as the
22 virtual channel, and that was what was the virtual
23 channel transport that was part of our cost studies.
24 That is the transport that takes the data from the
25 DSLAM, if you will, out of the DSX. So you connect your

4636

1 DS1 at the DSX, and you can -- then we take the other
2 end of that DS1 back to the Qwest packet switch.

3 Q. Okay. And that includes the link between the
4 DSLAM and the DSX, is that also part of the virtual
5 transport?

6 A. It's not a part of the virtual channel. The
7 link between the DSX and the DSLAM is a functionality or
8 part of the DSLAM.

9 Q. Now in this -- in this depiction here, there
10 are separate paths taking voice and data back into the
11 central office, right?

12 A. Yes, ma'am.

13 Q. And the virtual channel is via DS1, right?

14 A. That would be the data path.

15 Q. Okay. And what is the voice path; is that a
16 DS1, DS3, or OCN?

17 A. That would be the remaining portion of the
18 customer's tip and ring loop.

19 Q. The customers what loop?

20 A. Tip and ring, twisted pair loop.

21 Q. Thank you. For the twisted pair loop on the
22 voice side, are there electronics at either end for the
23 splitter or the voice switch that are attached?

24 A. I'm sorry, I missed the first part of your
25 question; would you repeat it, please?

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1 Q. Sure. For that twisted pair carrying the
2 voice traffic back to the voice switch in the central
3 office, are there -- does Qwest have to put any type of
4 electronics on either end, either the splitter end or
5 the voice switch end?

6 A. No, I don't believe so. That's the remaining
7 portion of the voice and the loop, and it works fine
8 without electronics now.

9 Q. Okay. Now once we head back into the central
10 office via our DS1 virtual channel, I see again a
11 digital cross connect; is that right?

12 A. That's correct.

13 Q. Now is that where the DS1 port is located, or
14 is that -- or is the port located actually on the packet
15 switch?

16 A. Which port are you referring to?

17 Q. The DS1 port that a CLEC would lease if it
18 wanted unbundled packet switching from Qwest.

19 A. The DS1 port would essentially start at the
20 DSX of the Qwest remote terminal, and if it were a DS1
21 transport that you had requested, would terminate at the
22 DSX of the ATM switch listed here as the Qwest packet
23 switch.

24 Q. Okay. And then from that packet switch, it
25 would be handed off to the CLEC packet switch in this

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1 diagram?

2 A. Via one of two methods out of the ATM. If
3 the CLEC had requested DS1, there would be another DSX
4 out of the ATM, at which point we would either hand it
5 to the CLEC at the DSX or at the ICDF. If it were an
6 optical, an OC facility, OCN facility, we would -- it
7 would come out of the ATM to a fiber distribution panel
8 and would be handed off either there or at the ICDF.
9 Most of the time I think the preference is ICDF.

10 Q. Okay. My understanding based on Ms. Malone's
11 testimony yesterday though was that Qwest currently is
12 not offering an OCN option in connection with its packet
13 switching; is that correct? And let me just put it this
14 way. I thought the only options available were either
15 DS1 or DS3.

16 A. The product team looked at this particular
17 exhibit, and there was no mention to take it off, so I
18 -- that would confuse me a little bit.

19 Q. Do you know if there's any sort of technical
20 impediment for the virtual channel to be provided over
21 an OCN?

22 A. For the virtual channel to be provided over
23 an OCN?

24 Q. As --

25 A. We could. It comes out of the DSLAM at the

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1 DS1 level. I guess we could MUX it up and then MUX it
2 down at the other end. That would still -- that's not
3 something that was put into the product as the standard
4 product offering.

5 Q. You mentioned that the -- that it comes out
6 of the DSLAM as a DS1, would you also have to MUX it if
7 the CLEC ordered DS3?

8 A. I think that we would make the -- it would
9 need MUXing somewhere, and if we put the DS3 level of
10 the virtual channel in, I don't -- we priced it at the
11 DS1 level, so that would also be out of standard it
12 appears to me.

13 Q. When you say you priced it at the DS1 level,
14 and I recognize you're not the sort of the product, that
15 you're the technical guy, there is an option for the
16 packet switch interface port to get that at a DS3 level.

17 A. Then that would be the DS3 pricing for the
18 virtual channel.

19 Q. And again, I don't want to overstep the
20 bounds of your knowledge, but would you understand then
21 if we selected the DS3 interface port that we then would
22 not have to pay for MUXing; do you know?

23 A. I believe that would be the cost of the
24 MUXing onto the DS3 level so that that would include the
25 DS1, DS3 MUXing.

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1 MS. DOBERNECK: Thank you, I have no further
2 questions.

3

4 C R O S S - E X A M I N A T I O N

5 BY MS. NELSON:

6 Q. Good afternoon.

7 A. Good afternoon.

8 Q. All right, Mr. Craig, let's go to your
9 rebuttal testimony, which has been marked as T-2182.

10 A. Okay, I'm there.

11 Q. You have defined at the bottom, I'm looking
12 at page 2 at the bottom of page 2, you have defined
13 custom routing as a software function of a Qwest, I'm
14 going on to page 3, and of the switch that allows a CLEC
15 to designate a particular outgoing trunk that will carry
16 certain classes of traffic originating from the CLEC's
17 end users.

18 A. Yes, I did.

19 Q. Do you see that?

20 A. The software function I'm referring to there
21 is called processing functions like line class codes and
22 routing tables.

23 Q. Okay. Is your definition from the UNE Remand
24 Order?

25 A. Not word for word, no.

4641

1 Q. But have you looked at the definition in the
2 UNE Remand Order?

3 A. Yes, I have.

4 Q. And is it consistent with the definition in
5 the UNE Remand Order?

6 A. I believe it is.

7 Q. Your rebuttal testimony addresses
8 Mr. Caputo's testimony relating to customized routing;
9 isn't that right?

10 A. Yes, it does, part of it, yeah.

11 Q. On page 2, line 14, and then again on page 4,
12 line 11, you make representations that WorldCom has not
13 requested customized routing from Qwest; is that right?

14 A. At the time of this filing that was true,
15 yes.

16 Q. Has your understanding of that changed?

17 A. Yes, it has. We did receive a customized
18 routing request form, line class code request form, from
19 WorldCom I believe on the 19th of March.

20 Q. And that's the same form that you attached to
21 your testimony as an exhibit?

22 A. Yes, it's Exhibit 2183, I believe.

23 Q. Okay. So WorldCom filled out that form and
24 submitted it to Qwest?

25 A. Yes, they did.

4642

1 Q. Are you familiar with testimony that
2 Mr. Caputo had filed in Arizona and Washington in the
3 cost proceedings detailing WorldCom's request for
4 customized routing over features group D trunks?

5 A. I'm not familiar with the details. I
6 remember the testimony that was filed in Arizona, and
7 I'm not recalling any details that were a part of that
8 testimony.

9 Q. Were you a witness in one of those
10 proceedings?

11 A. I was a witness in Arizona, yes, ma'am.

12 MS. ANDERL: Ms. Singer-Nelson, I believe you
13 said Arizona and Washington, did you mean Arizona and
14 Colorado?

15 MS. NELSON: I did mean Arizona and Colorado.

16 BY MS. NELSON:

17 Q. And you were a participant in the Arizona
18 proceedings?

19 A. Yes, ma'am.

20 Q. Are you familiar with the fact that
21 Mr. Caputo also recently testified in Minnesota relating
22 to WorldCom's specifications for customized routing over
23 feature group D trunks?

24 A. I'm familiar with some testimony that was
25 filed as part of the 271 evidentiary hearing. I think

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1 it was at one of the checklist items. I'm familiar with
2 that testimony, if that's what you're referring to.

3 Q. And it was Mr. Caputo's testimony requesting
4 customized routing on behalf of WorldCom?

5 A. I think the testimony essentially said there
6 was a desire. I don't know that Qwest would consider
7 that a request or an order for it.

8 Q. Are you aware that MCI WorldCom and Qwest
9 negotiated a contract amendment that it filed in
10 Washington that provided for the option of customized
11 routing over MCI WorldCom's existing feature group D
12 trunks?

13 A. I'm familiar with their UNE-P amendment, and
14 there is a provision that talks about custom routing,
15 and one of the options of custom routing I believe is
16 part of the terms and conditions of custom routing in
17 their UNE-P amendment.

18 Q. Okay. Could you go to that UNE-P amendment,
19 it's Exhibit 2057. Do you have a copy of that?

20 A. Yes, I do.

21 JUDGE BERG: One moment, please.

22 MS. NELSON: Thank you.

23 (Discussion off the record.)

24 BY MS. NELSON:

25 Q. All right, Mr. Craig, can you go to page 16

4644

1 of that amendment. It's actually the typewritten page
2 16. I know there are two different versions of this
3 exhibit in the record, so I don't want to confuse people
4 who are looking at the other version. So I'm looking at
5 the typewritten page 16 on the amendment itself. Do you
6 have that?

7 A. I think I'm there.

8 Q. Okay. And that addresses section 2.2 terms
9 and conditions?

10 A. Terms and conditions of customized routing,
11 yes, ma'am.

12 Q. Of customized routing. And 2.2.2 outlines
13 that MCI has three options by which to route its end
14 user customers' calls; isn't that right?

15 A. Yes, those are the three options I just
16 referred to.

17 Q. Okay. And option number 3, let's turn to
18 that, it's option number C actually on the next page 17.

19 A. I'm there.

20 Q. Do you see that?

21 A. Mm-hm.

22 Q. It's says:

23 MCI may custom route operator services
24 or directory assistance calls to unique
25 operator services/directory services

4645

1 trunk, i.e., existing feature group D
2 trunks.

3 Do you see that?

4 A. Yes, I do.

5 Q. WorldCom currently has trunks at Qwest's
6 switches in Washington, does it not?

7 A. Yes, they do, and they're not unique.
8 They're what was known as a shared or a direct -- pardon
9 me. The trunking from the end office that goes directly
10 to WorldCom are trunk groups that are what's known as
11 primary high trunk groups, which means that there's
12 another route when those trunks are either busy or
13 otherwise unavailable at the end office switch. So
14 while they're direct connected to MCI's platform,
15 they're not direct connected there on a unique basis.

16 Q. Does WorldCom have existing feature group D
17 trunks at Qwest's Washington switches?

18 A. Most of our switches have WorldCom trunks
19 from the direct connect from their interexchange carrier
20 platform to the Qwest end offices, yes.

21 Q. Right. And WorldCom currently over those
22 trunks transmits, or Qwest actually transmits calls over
23 those trunks for WorldCom's operator services and
24 directory assistance for WorldCom's long distance
25 service; isn't that right?

4646

1 A. Yes, I think the traffic on those trunk
2 groups is two ways, so it's a bidirectional trunk group,
3 and it's for the exchange of toll traffic, whether that
4 be operator services, one plus dialing on an equal
5 access or an equal access feature group D basis.

6 Q. Okay.

7 A. It's a preselect, presubscription kind of
8 basis.

9 Q. So if you have a Qwest customer in Washington
10 that has MCI as a long distance carrier today, that
11 customer presses 00 or 1, area code, 555-1212, and that
12 call will be sent over or routed over WorldCom's
13 existing feature group D trunk's; isn't that right?

14 A. That would be the primary selected route out
15 of the Qwest switch, yes.

16 Q. Okay. So you are familiar with the form that
17 WorldCom completed to request customized routing?

18 A. Yes, ma'am, I have seen the form.

19 Q. Let's go to that form then. It's your
20 cross-examination exhibits, and it would be an
21 attachment to 2187 and C-2187. Let me know when you're
22 there.

23 A. Okay, I'm there.

24 Q. And just as some background, the top few
25 pages, pages 1 through 3 of this exhibit, are E-mail

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1 exchanges between Qwest and WorldCom; isn't that right?

2 A. That's what it appears, yes.

3 Q. Relating to WorldCom's customized routing
4 request and the forms that are attached to that E-mail,
5 those E-mails?

6 A. That's what it appears to be, yes.

7 Q. So starting on page 4 of the exhibit is the
8 completed form; isn't that right?

9 A. That's correct.

10 Q. And attached to that starting at page 8 are
11 WorldCom's test results report.

12 MS. ANDERL: Your Honor, I'm going to object
13 to further questioning on this exhibit for various
14 reasons. I have no objection to the first seven pages,
15 but the other attachments are I believe objectionable
16 and not appropriate to be identified or admitted through
17 this witness. And I don't know if we need to talk about
18 that now or if Ms. Singer-Nelson is going to attempt to
19 lay a foundation to admit these documents through
20 Mr. Craig.

21 MS. NELSON: Judge, I would like to admit
22 these documents through Mr. Craig. I think it's
23 appropriate for them to go in the record through
24 Mr. Craig. He has said that he has received -- he has
25 -- is familiar with the request form and that WorldCom

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1 had completed it and sent it in, and these documents
2 were attached to that request form. They're part and
3 parcel to the request for customized routing. I guess I
4 would just ask one question --

5 JUDGE BERG: Just a moment here.

6 I'm very confused, Ms. Anderl, they haven't
7 been offered for admission yet, and I don't understand
8 that Ms. Singer-Nelson has asked any confidential
9 questions about confidential information, so it seems
10 you're objecting to their admission.

11 MS. ANDERL: Well, Your Honor, then --

12 JUDGE BERG: Otherwise you're objecting on a
13 question basis to relevance?

14 MS. ANDERL: Well, let me back up and say I
15 object to this witness being asked questions about the
16 document before it's been offered.

17 MS. NELSON: I wasn't going to ask him any
18 questions about the document. I was asking him to
19 identify the documents that were attached to the
20 application.

21 MS. ANDERL: Well, Your Honor, if WorldCom is
22 going to seek to admit this document an hour later, I
23 find it objectionable, and I would like the objection to
24 be addressed before the witness is questioned about the
25 document.

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1 JUDGE BERG: I need some basic information to
2 identify what the documents are, and all I'm saying is I
3 think the objections are just premature. So if we can
4 allow questions to establish the basis of what the
5 documents are, how they're related, where they come
6 from, then that may give me the additional background
7 that I need to determine whether or not, in fact,
8 they're appropriate for admission or not. But then
9 before questions about the documents were to proceed, I
10 would -- I would hear some -- I would take the
11 objection.

12 MS. ANDERL: All right, Your Honor, very
13 well.

14 MS. NELSON: Thank you, Judge.

15 BY MS. NELSON:

16 Q. Mr. Craig, have you ever seen these documents
17 before?

18 A. I'm sorry, which documents are you referring
19 to?

20 Q. Have you ever seen Exhibit C-2187 and
21 specifically starting at page 4 and going through and
22 including page 23?

23 A. Yes, I have, I believe so.

24 Q. Thank you. Are you aware that MCI WorldCom
25 has designated the trucks that it wants Qwest to route

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1 its OS and DA calls to for its UNE-P customers?

2 A. They have specified their existing feature of
3 the trunks. We don't consider them to be their unique
4 trunks as long as there's an alternate route for the
5 traffic.

6 Q. Well, let's go through that. Is it your
7 understanding that Qwest initially informed WorldCom
8 that it was not going to deny its request for technical
9 reasons but for regulatory reasons?

10 MS. ANDERL: Your Honor, and I guess at this
11 point I will object again to questions about the
12 implementation negotiations between the parties, which I
13 do not believe are appropriate to bring up here.

14 JUDGE BERG: I would have to agree. And
15 again, I think everybody is getting used to my style, my
16 style here in dealing with objections is I will share
17 with the parties my initial reaction on just my
18 understanding and then look to the parties and provide
19 that for some assistance in allowing the parties to
20 argue further, and then I will make a final
21 determination, as I have done in several other
22 instances.

23 So let me just say that it strikes me the
24 same as Ms. Anderl suggests, that what you're getting
25 into here now are the details of the request that's been

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1 submitted after having established that in fact the
2 request has been made. And what other information will
3 be helpful for me for making a decision in this case
4 related to these documents, or how will these documents
5 help me make a decision on the issues in this case?

6 MS. NELSON: Judge, Qwest has maintained
7 through both the testimony of Ms. Million and then again
8 through the testimony of Malone, Ms. Malone, that
9 operator services and directory assistance should be
10 priced at market based rates. The basis for that is the
11 UNE Remand Decision at Paragraph 441 where the FCC said
12 that:

13 We find where incumbent LECs provide
14 customized routing, lack of access to
15 incumbent's OS and DA service on an
16 unbundled basis does not materially
17 diminish a requesting carrier's ability
18 to offer telecommunications service.

19 So that's saying that if customized routing
20 is provided by Qwest, then operator services and
21 directory assistance does not have to be unbundled and
22 does not have to be provided at TELRIC rates. WorldCom
23 has presented testimony in this case that says, in fact,
24 although Qwest claims that customized routing is
25 available, Qwest has not provided customized routing.

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1 And so if, in fact, Qwest has not provided customized
2 routing, then OS and DA should be priced at TELRIC until
3 customized routing is provided.

4 JUDGE BERG: Isn't that what the UNE Remand
5 Order says?

6 MS. NELSON: Yes, and the dispute here is
7 where -- is factually whether customized routing is
8 provided by Qwest in the state of Washington. If it is
9 not factually provided, then we're asking you to find
10 that Qwest operator services and directory assistance
11 services need to be priced at TELRIC rates until
12 customized routing is provided to WorldCom.

13 JUDGE BERG: So what you're asking me to do
14 is just adopt the finding in the UNE Remand Order that
15 until customized routing is available, then Qwest must
16 offer OS/DA at TELRIC rates?

17 MS. NELSON: Right, because Qwest has
18 testified that its position is that OS and DA should be
19 priced at market based rates.

20 JUDGE BERG: Ms. Singer-Nelson, I just want
21 to explore if it's possible to hold this until the end
22 of your presentation, and if so, when that would be. In
23 other words, what I'm looking to do, and here's the
24 issue for me, the issue for me is what I see you looking
25 for in the form of relief here is you're looking for a

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1 determination in this proceeding that it's technically
2 feasible to provide customized routing over feature
3 group D trunks. Am I correct?

4 MS. NELSON: I think we're asking for several
5 different things with all of this evidence. I mean
6 that's one of the things that we would ask the
7 Commission to address. But the key really is tied to
8 what the pricing is going to be for OS and DA and then
9 whether, in fact, WorldCom -- whether, in fact, Qwest
10 provides customized routing here. That's really the key
11 that we're getting to. I don't know that we're going
12 to. So technical feasibility is an issue. It's not the
13 only issue relating to this testimony, but Qwest must
14 prove that it's not technically feasible to provide the
15 trunks the way that WorldCom has requested them in order
16 to be relieved of their obligation to unbundle OS and
17 DA.

18 JUDGE BERG: From my perspective, you've
19 already got the protection of the UNE Remand Order,
20 which says that until customized routing is available,
21 OS/DA must be provided at TELRIC rates. And so what
22 you're looking for me to do is to make a determination
23 that based upon Qwest's rejection of WorldCom's request
24 that it be provided over feature group D trunks that I
25 would find that customized routing is not being

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1 provided. And that's a question that I want to carry
2 over until tomorrow. While a lot of background isn't
3 necessary, there have been other cases before the
4 Commission where the Commission has paid particular
5 attention to whether or not specific issues are being
6 addressed by the Bench in a proper type of proceeding,
7 and I would prefer to have an opportunity to get some
8 additional input on this particular point before making
9 a decision.

10 MS. NELSON: I think that there is a dispute
11 between the parties at this point in time whether, in
12 fact, Qwest has denied the request for customized
13 routing.

14 MS. ANDERL: I think that's true, and thank
15 you, Ms. Singer-Nelson. I was going to interject before
16 we left this subject for the day, we don't believe we
17 have denied WorldCom's request, and we think really it's
18 too soon to say. There can't be facts developed on this
19 record, that that's really appropriately an issue for
20 another proceeding if WorldCom want to pursue it. And
21 that for purposes of this proceeding, Your Honor
22 identified the appropriate issues, which is the extent
23 to which Qwest offers customized routing, and we believe
24 we do, and the impact of that on Qwest's OS and DA
25 rates.

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1 And just so that it's clear, it's our
2 position in this case that the correct outcome is a
3 finding that Qwest does provide customized routing or
4 offers customized routing, that we are therefore not
5 required to unbundle OS and DA or price them at TELRIC
6 rates. However, we believe that our current OS and DA
7 unbundled service offerings are priced at TELRIC rates,
8 and they are available in the interconnection tariff.
9 They were established as UNEs back in 1998 when they
10 were UNEs. We priced them in accordance with the
11 Commission's order. They were tariffed in the
12 interconnection tariff, and we're not here proposing a
13 change to those rates. We are only addressing the new
14 legal issues or principles that have arisen since the
15 UNE Remand Order.

16 JUDGE BERG: But if you got the decision that
17 you have outlined you wanted, while you may be offering
18 those rates at TELRIC today, they could change tomorrow.

19 MS. ANDERL: You're correct.

20 JUDGE BERG: And that's the principle, and so
21 my concern at this point is that if Qwest is looking for
22 a determination that it is offering customized routing
23 in such a way that it not be required to provide OS/DA
24 at TELRIC rates, then it would just seem to be in
25 balance that WorldCom would be able to fully present a

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1 case that customized routing is not being offered. And
2 while it may force the disagreement between the parties
3 in an ongoing negotiation to the forefront, to the table
4 in this proceeding, it seems that if we got -- if that's
5 the outcome you're looking for, then I don't know how I
6 could give you what you want without letting -- and by
7 you I mean Qwest.

8 MS. ANDERL: I know.

9 JUDGE BERG: Qwest what Qwest wants without
10 giving WorldCom an opportunity to build a case for what
11 it wants. It seems like they're two sides of the same
12 coin.

13 MS. ANDERL: Well, yes and no. I mean I
14 think we have made a prima facie case that we do offer
15 customized routing, but the whole nature of the issue
16 and the problem lies in that first word customized. We
17 have offered to define product with two established rate
18 elements. That is what we believe appropriate to comply
19 with the UNE Remand Order for customized routing. We
20 also offer other types of individual case basis
21 customized routing that is the, you know, really
22 customized routing, in accordance with a carrier's
23 specific requests and desires.

24 We believe that we are still in the process
25 of working through the issues with WorldCom to attempt

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1 to implement that request from WorldCom in a way that
2 meets their needs, but we feel very strongly that it's
3 premature to bring what WorldCom at this point
4 characterizes as a dispute between the parties before
5 the Commission, because we don't believe we're at
6 impasse with WorldCom yet.

7 JUDGE BERG: Well, I think both parties would
8 prefer to have a decision on this issue that was well
9 considered, and so I am going to carry this issue over
10 until tomorrow morning. Now the question is whether or
11 not you would like to proceed with some of your other
12 cross-examination questions for this witness or whether
13 that requires that we recess for the day.

14 MS. NELSON: That's really the main subject
15 of my cross-examination except for a very small part, so
16 I think if we go on to another -- to his criticism of
17 Mr. Morrison's testimony, I can get that finished. Did
18 you want to go until 6:30?

19 JUDGE BERG: I think that would be ideal. I
20 don't think it would be, you know, reasonable to go much
21 past that, but if we can finish your piece with regards
22 to this witness's rebuttal to Mr. Morrison and then let
23 me bring this decision to the table in the morning, I
24 think that would be best from all perspectives.

25 MS. NELSON: Okay.

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1 JUDGE BERG: All right.

2 BY MS. NELSON:

3 Q. Mr. Craig, let's go to your testimony at page
4 13 where you're addressing operating support systems.

5 A. That's my rebuttal testimony?

6 Q. Yes, the same piece of testimony that we were
7 addressing before, it's T-2182.

8 A. Yes, I'm there.

9 Q. Now you're responding to Mr. Morrison's
10 proposal that Qwest deploy automated metallic cross
11 connect devices, specifically the smart MDF; is that
12 right?

13 A. Yes, ma'am.

14 Q. Let's go to your cross-examination exhibits
15 again, please. Are you there?

16 A. I'm there.

17 Q. You're at your cross examination Exhibits?

18 A. Mm-hm.

19 Q. Why don't you go to 2190, which is the Oki
20 Network Technologies Web page.

21 A. Okay, I'm there.

22 Q. Turn to page 2 of that document.

23 A. Okay.

24 Q. Isn't it true that the Oki Smart MDF provides
25 support for high speed transmission, and in that

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1 documentation it shows that it's conforming to ADSL,
2 HDSL, T1, E1, and ISDN? That's right under the picture
3 that's on page 2 of that exhibit.

4 A. That's what the document says, yes, ma'am.

5 Q. It says it's compatible with high speed
6 services?

7 A. I don't see that particular phrase that
8 you're reading. It says that it's support for high
9 speed transmission conforming to the different DSL
10 services that are listed.

11 Q. So that would mean that it would be
12 compatible with high speed services, wouldn't it?

13 A. Okay, that's what it says.

14 Q. Now your testimony says that U S West or
15 Qwest actually tested this equipment and it failed?

16 A. Parts of it failed, yes.

17 Q. Parts of it failed?

18 A. Approximately two years ago, Qwest put out an
19 RFP for an automated electronic cross connect device,
20 and one of the companies that responded was Oki. Oki
21 engineers as well as their senior director, I believe,
22 for the project brought their system out to the Mineral
23 building and demonstrated it with a lab test, if you
24 will, for two days. And the results of that information
25 I put in my testimony, the results of that two day test.

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1 So if, you know, Oki has done any reengineering of the
2 device between now and then, I don't know. I would
3 think that they did. I would hope that they would.

4 Q. And were you personally involved in that
5 test?

6 A. I was not personally involved, no.

7 Q. And it was a couple of years ago?

8 A. I believe it was two, maybe two and a half
9 years ago.

10 Q. So the year 2000 maybe?

11 A. Roughly around there, yes.

12 Q. Did Qwest ever follow up with the vendor?

13 A. We did not intend to purchase after the
14 demonstration by not only Oki, other vendors. We did
15 not see anything that we felt was appropriate for our
16 network, and we have not pursued it since then, no.

17 Q. Could the failure of that equipment two years
18 ago have been a problem with Qwest's methodology used to
19 test the equipment?

20 A. I don't believe so, because the Oki engineer
21 as well as their product manager or director of product
22 -- of this particular product took the information back
23 to Oki and their -- they were well aware of the problem
24 after they left our building, and they did not ever say
25 that it was a problem with the way it was connected.

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1 They were there when it was connected. They never said
2 it was a way in the -- a form in the way the equipment
3 was being used. They were there when -- and it was
4 their demonstration.

5 Q. And Qwest never followed up after that?

6 A. We never followed up, I don't believe,
7 because we had no intent after that to purchase the
8 product. If we ever get back to a point where we think
9 we might, I'm sure that there would be some follow up.

10 MS. NELSON: I would like to move for the
11 admission of Exhibit 2190.

12 MS. ANDERL: No objection.

13 JUDGE BERG: All right, 2190 is admitted.

14 MS. NELSON: That's all I wanted to go over
15 with regard to Mr. Morrison's testimony, Judge.

16 JUDGE BERG: All right, and so the remainder
17 of your questions would be based on the Commission's
18 decision regarding 2187, C-2187?

19 MS. NELSON: Yes, and if that's the case, I
20 would like to admit -- move for admission of a few of
21 the other cross-examination exhibits. I don't know how
22 sweeping your ruling -- how sweeping you intend to make
23 your ruling tomorrow or really what you're intending to
24 do. Are you planning on making a ruling tomorrow
25 morning when we reconvene as to whether or not we're

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1 allowed to provide information on the issue of
2 customized routing?

3 JUDGE BERG: Yes, so I prefer that you hold
4 on to offering, tendering other exhibits for admission
5 until then.

6 MS. NELSON: Okay.

7 JUDGE BERG: All right.

8 Let's be off the record.

9 (Discussion off the record.)

10 JUDGE BERG: WorldCom has not completed its
11 cross-examination of this witness. However, Covad's
12 counsel, Ms. Doberneck, has an additional question and
13 possibly a follow up question for this witness that she
14 would like to present before the conclusion of today's
15 proceeding, and we will allow that cross-examination to
16 occur at this time.

17 MS. DOBERNECK: Thank you, Your Honor.

18

19 C R O S S - E X A M I N A T I O N

20 BY MS. DOBERNECK:

21 Mr. Craig, do you recall your testimony that
22 if we wanted to ensure a certain speed of service, we
23 would just put one end user on a DS1?

24 A. On the virtual channel, yes.

25 Q. Yes, I'm sorry, the virtual channel. Is it

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1 -- when we're talking about the bandwidth and the speed
2 available, is it simply sort of an arithmetical
3 progression such that if we had two end users, your
4 maximum up to speed would be 750, which is half of the
5 1.5, or if we had three end users it would be 500K; is
6 that how the bandwidth would get divvied up?

7 A. Kind of sort of. Let me see if I can help
8 you there. Let's just take from your example one DS1,
9 1.544 megabytes of bandwidth, and you have three
10 customers. If those three customers are not using that
11 channel at the same time, each of those three customers
12 is using 1.544 megabytes. It only become a spectrum
13 management issue when you've got multiple customers or
14 users of that same DS1 at the same time.

15 MS. DOBERNECK: Thank you.

16 JUDGE BERG: All right, thank you, counsel.

17 At this time, we will be adjourned for the
18 day. We will convene tomorrow morning at 9:00. Counsel
19 are requested to begin arriving at 8:45.

20 Thank you, everyone.

21 (Hearing adjourned at 6:30 p.m.)

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