

Exh.TJM- RX
Docket UT-181051
Witness: Thomas McNealy

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**CENTURYLINK
COMMUNICATIONS, LLC.,**

Respondent.

DOCKET UT-181051

**CROSS-EXAMINATION EXHIBIT
OF**

THOMAS MCNEALY

**ON BEHALF OF STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Thomas McNealy

May 27, 2022

UTC STAFF DATA REQUEST NO. 41:

In Exh. SET-1TC at 9:24-26, Mr. Turner states: “In my opinion, it is customary and appropriate to rely upon the statements of an equipment vendor about how to deploy its infrastructure into the network.”

Please identify and provide all documents that demonstrate Infinera instructed CenturyLink, that it must not disable, decommission or lock, the Infinera General Communications Channel (IGCC) on the Red or Green networks: (1) prior to the Red network outage; and (2) after the Red network outage but before the Green network outage.

RESPONSE:

CLC objects to this data request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This data request seeks to investigate an outage on CLC’s national transport network. The outage did not directly affect CLC’s or its affiliates’ remaining 911 network in Washington. Instead, it affected CLC’s national transport network. More specifically, the outage affected *interstate DS-3 circuits* purchased by a vendor of Comtech on behalf of Comtech (for the provision of SS7 functionality), the responsible Washington 911 provider for the PSAPs that experienced a 911 outage. The interstate and non-regulated services provided on CLC’s national transport network, and the facilities utilized to provide such services, are not regulated by the Commission, and the Commission lacks jurisdiction over them. *In Re AT&T Commc'ns of the Pac. Nw.*, No. 04, 2003 WL 23341214 (Wash. U.T.C. Dec. 1, 2003) (“*AT&T's proposed language would encompass facilities-access purchased out of federal tariffs over which the Commission lacks jurisdiction.*”) (citing 34th Supplemental Order; Order Regarding Qwest's Demonstration of Compliance with Commission Orders, *Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 of the Telecommunications Act of 1996*; *U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996*, Dkt. Nos. UT-003022, UT-003040, ¶ 22 (May 2002)); *MilleniaNet Corp. v. Pennsylvania Pub. Util. Comm'n*, No. 990 C.D. 2008, 2009 WL 9104922 (Pa. Commw. Ct. Apr. 30, 2009) (complaint dismissed because the “the PUC does not have jurisdiction over interstate telecommunications services.”). CenturyLink further objects to this data request on the basis that it is overly broad and unduly burdensome. Without waiving its objections, CLC responds as follows.

CLC identified the responsive materials that it has been able to identify in the pre-filed responsive testimony of Steven Turner and Martin Valence. In addition, the Affidavit of Thomas McNealy, Senior Director at Infinera Corporation, confirms that:

[REDACTED]

Shaded Information is CONFIDENTIAL Per Protective Order in Docket UT-181051

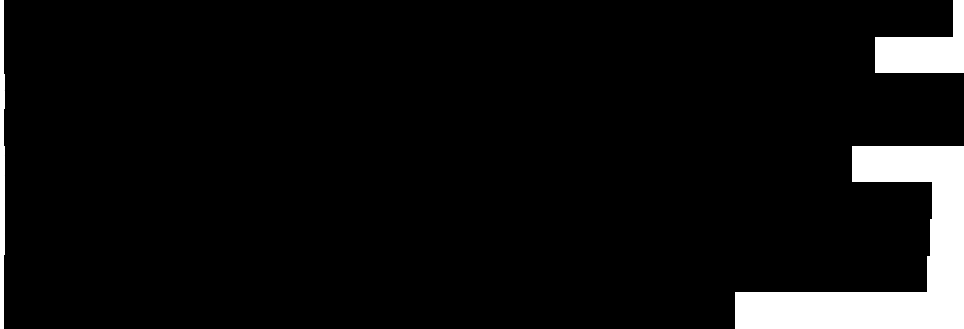
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CenturyLink Supplemental Responses to UTC Staff Data Request Nos. 37-55

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See Exhibit MDV-3C (McNeally Affidavit) ¶ 19.

Respondent(s): CenturyLink Legal

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