

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	
)	DOCKET NO. UT-991930
MOUNT ST. HELENS TOURS, INC.)	
)	
For Designation of a Telecommunications)	
Common Carrier to Serve an Unserved)	
Community, or Portion Thereof.)	
.....)	
In the Matter of the Petition of)	
)	DOCKET NO. UT-991931
BARBARA BRADY)	
)	
For an Exchange Area Boundary Change.)	
.....)	
In the Matter of Designation of a)	
Telecommunications Common Carrier to Serve)	DOCKET NO. UT-993000
WILDERNESS LAKE COMMUNITY, or)	
Portion Thereof, on the Commission's Own)	
Motion)	
)	
U S WEST COMMUNICATIONS, INC.)	
)	
GTE NORTHWEST INCORPORATED)	
_____)	

RESPONSE TESTIMONY OF

ANTHONY J. GALLAGHER

June 12, 2000

1 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

2 A. My name is Anthony J. Gallagher

3 700 W. Mineral Ave.

4 Littleton, CO. 80120

5 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?**

6 A. I am a manager in the interconnect planning group of U S WEST.

7 **Q. HOW LONG HAVE YOU HELD THIS POSITION?**

8 A. I have held this position for approximately two and one half years.

9 **Q. PLEASE DESCRIBE YOUR DUTIES IN THIS POSITION.**

10 A. I am the Subject Matter Expert (SME) for Line Extension Charges (LEC), Special
11 Construction Charges (SCC), commercial and residential provisioning tariffs, Outside
12 Plant (OSP) construction and engineering methods, procedures and policies, among
13 many other duties.

14 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL EDUCATION.**

15 A. I am a High School graduate. The U. S. Army, and many Bell System Schools, as
16 well as many years of on the job training have trained me in the telecommunications
17 field. I have been employed by different Regional Bell Operating Companies
18 (RBOCs), concurrently since 1971. I have been in Outside Plant Construction for
19 over twenty years, and have been in Outside Plant Engineering and Staff positions for

1 the last nine plus years.

2 **Q. HAVE YOU TESTIFIED PREVIOUSLY AS AN EXPERT WITNESS?**

3 A. Yes, I have testified before an Administrative Law Judge, regarding U S WEST's
4 commercial provisioning policy. I have testified in Iowa City, IA District Court
5 regarding Rights of Way issues. I have testified before an Administrative Law Judge,
6 regarding a new residential provisioning tariff.

7 **Q. ARE YOU FAMILIAR WITH THE PETITION BY MT. ST. HELENS TOURS,**
8 **INC. THAT U S WEST BE DESIGNATED AN INVOLUNTARY CARRIER**
9 **UNDER §214(E)(3) OF THE TELECOMMUNICATIONS ACT TO PROVIDE**
10 **SERVICE TO THE PROPERTY AT THE MT. ST. HELENS TOURS**
11 **LOCATION AT MILEPOST 24 ON SR 504?**

12 A. Yes.

13 **Q. HAVE YOU REVIEWED THE RESPONSES BY MT. ST. HELENS TOURS,**
14 **INC. TO DATA REQUESTS, THE DEPOSITIONS OF NONPARTY**
15 **WITNESSES AND THE PREFILED TESTIMONY SUBMITTED BY MT. ST.**
16 **HELENS TOURS, INC.?**

17 A. Yes.

18 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

1 A. I testify on the network policy issues that are raised by the request of Mt. St. Helens
2 Tours that U S WEST be required to extend wireline facilities to provide service at
3 the Eco Park location.

4 **Q. WOULD IT BE COSTLY FOR U S WEST TO COMPLY WITH AN ORDER OF**
5 **THE COMMISSION TO SERVE THE MT. ST. HELENS TOURS LOCATION**
6 **BY EXTENDING WIRELINE FACILITIES?**

7 A. Yes, extremely costly, between eighty and four hundred thousand dollars for new
8 construction, and the return on that investment could not be justified. If the order
9 were to require U S WEST to use an existing structure or fiber that is owned by the U.
10 S. Forest service, serving Mt. St. Helens tours might be less dollar wise, but there are
11 many service quality and technician safety risks involved that could cause personal
12 harm, which could be much more costly than new construction.

13 **Q. IF U S WEST IS ORDERED TO EXTEND SERVICE TO THE ECO PARK**
14 **LOCATION, WHAT DOES U S WEST PROPOSE FOR THE MEANS TO**
15 **RECOVER ITS COST?**

16 A. Bill Mt. St. Helens the full cost for Special Construction.

17 **Q. IN FACT DOES MT. ST. HELENS TOURS NOW ENJOY COMMON**
18 **CARRIER TELECOMMUNICATIONS SERVICE?**

19 A. Yes.

1 **Q. HAS MT. ST. HELENS AFFIRMATIVELY SHOWN IN FACT THAT ITS**
2 **LOCATION IS SERVED BY MORE THAN ONE COMMON CARRIER OF**
3 **TELECOMMUNICATIONS?**

4 A. As I understand it Mt. St. Helens Tours, Inc., has admitted that it uses cellular
5 telephone service at that location, and the carrier, U S Cellular, is designated as an
6 eligible telecommunications company in the Castle Rock exchange.

7 **Q. DOES U S WEST PROVIDE LOCAL EXCHANGE SERVICE UPSLOPE OR**
8 **EASTWARD OF MILEPOST 21 ON SR 504?**

9 A. No. U S WEST's exchange service is received at locations outside the exchange
10 boundary, but these services are turned over by U S WEST to others inside the
11 exchange boundary; how they get to the end user is the responsibility of the U.S.
12 Forest Service or the Fish and Wildlife Department or Mt. St. Helens Tours, Inc.

13 **Q. DOES U S WEST HOLD ITSELF OUT TO PROVIDE LOCAL EXCHANGE**
14 **SERVICE UPSLOPE OR EASTWARD OF MILEPOST 21 ON SR 504?**

15 A. No.

16 **Q. IF IT WERE SHOWN THAT MT. ST. HELENS TOURS, INC. WERE AN**
17 **UNSERVED COMMUNITY OR PORTION THEREOF, WOULD U S WEST**
18 **BE THE COMMON CARRIER BEST ABLE TO PROVIDE SERVICE TO**
19 **THAT COMMUNITY OR PORTION?**

1 A. No.

2 **Q. MT. ST. HELENS TOURS, INC. APPARENTLY BELIEVES THAT U S WEST**
3 **COULD SOMEHOW PROVIDE SERVICE TO THE ECO PARK LOCATION**
4 **BY USING THE FOREST SERVICE FIBER SYSTEM AND ESTABLISHING**
5 **A NEW “NODE” ON THAT SYSTEM SIMILAR TO THAT WHICH EXISTS**
6 **AT THE HOFFSTADT BLUFFS VISITOR CENTER. IF U S WEST WERE**
7 **ORDERED TO PROVIDE SERVICE TO MT. ST. HELENS TOURS BY**
8 **EXTENDING FACILITIES TO THE ECO PARK LOCATION, AND IF**
9 **U S WEST WERE SOMEHOW PERMITTED TO PERFORM THIS**
10 **EXTENSION BY USING THE EXISTING FIBER OPTIC FACILITIES THAT**
11 **RUN IN THE CONDUIT SYSTEM ALONG SR 504, WHAT ENGINEERING**
12 **ISSUES WOULD BE INVOLVED?**

13 A. There would be many difficult issues. First, the Forest Service would have to agree to
14 allow such a “node” to be created, and there would have to be commercial power
15 available at the Eco Park site to run the remote terminal that would be placed there.
16 There is no indication at all in this case that such agreement for U S WEST’s use of
17 the fiber and creation of a “node” is in the works. The Eco Park web site indicates
18 that there is no power at the Eco Park location. Fundamentally, aside from these
19 issues this arrangement would place U S WEST in a position of dependence on
20 another entity, the federal government, for the operation and maintenance of the fiber

1 system, such that U S WEST could not be held responsible for the quality of service
2 that was provided to “its” nominal customer, Mt. St. Helens Tours, Inc. U S WEST
3 does not as a public utility, surrender its obligation to own and maintain the facilities
4 that it uses to provide service to the public.

5 **Q. IF U S WEST WERE ORDERED TO PROVIDE SERVICE TO MT. ST.**
6 **HELENS TOURS, INC., IS THERE ANY OTHER WAY IN WHICH IT**
7 **COULD PHYSICALLY USE THE EXISTING FIBER TO PROVIDE SUCH**
8 **SERVICE, AND IF SO, WHAT ENGINEERING ISSUES EXIST WITH THAT**
9 **METHOD?**

10 A. The only other way in which U S WEST could physically use the existing fibers,
11 besides creating a “node” at the Eco Park location, would be essentially to move the
12 Forest Service terminal from its existing location near Kid Valley, three miles
13 upslope. U S WEST would place a fiber terminal at the location where the Forest
14 Service terminal now stands, and it would use the existing fibers to provide service to
15 Eco Park, as well as to carry traffic that is now carried on those same fibers from the
16 upslope locations. The Forest Service terminal at its new location at Eco Park would
17 receive a hand-off of the traffic that is destined for the upslope locations, from the U
18 S WEST fiber terminal that would also be placed at the Forest Service location. This
19 would be very costly, in the range of the amounts estimated by Mr. Hartzog to place
20 copper cable in the highway. The engineering issues would be many, including again

1 the need for commercial power at the Eco Park site, the need for agreements by all
2 upslope customers to the cutoff of all of their service while facilities were relocated,
3 and the need for agreement by the Forest Service to the relocation of its terminal. The
4 loss of service would be at least one week, and probably longer.

5 **Q. WHAT ENGINEERING ISSUES ARE INVOLVED IN THE ALTERNATIVE**
6 **OF PULLING A COPPER CABLE IN THE EXISTING FOREST SERVICE**
7 **CONDUIT SYSTEM?**

8 A. Again, numerous difficult engineering issues exist. Mr. Hartzog has estimated the
9 cost of pulling the cable in the existing conduit, on a best case scenario basis (aside
10 from the payment to the Forest Service, which cannot yet be determined). The true
11 cost will require answers that U S WEST does not have and cannot obtain without
12 detailed studies and the cooperation of the Forest Service, to certain questions. That
13 existing conduit structure contains primary power cables at 25 kilovolts. U S WEST
14 technicians are not journeyman electricians, and so U S WEST would have to hire
15 qualified personnel to separate the primary power from the telecommunications
16 facilities. Furthermore, U S WEST is not in the business of acquiring other entities'
17 structures or plant or portions thereof. The quality of placement is the issue here.
18 Does the communications conduit have the proper separation from the power, per the
19 National Electric Safety Code? Are the conduits at the proper depth per industry
20 standards? Do the Hand Holes/Maintenance Holes, Frames and Covers meet DOT

1 weight specifications? Does the distance between vaults allow U S WEST to pull
2 standard lengths of copper cable? If not, will the additional friction caused by
3 extraordinary length and added weight damage the new cable or the existing fiber?
4 Aside from these issues, it is my understanding that all of the fibers in this cable are in
5 service and all of the ducts are in use. This means that in order to place a copper
6 cable in the structure, the copper cable would have to be placed in the same duct as
7 the working fiber cable. To necessitate this placement the power and fiber cables
8 would have to be separated and new Hand Holes would need to be placed, adjacent to
9 the existing Hand Holes/Maintenance Holes. New Hand Holes could only be placed
10 if there were enough slack in the existing fiber cable. Additionally, placing a copper
11 cable in the same duct as a working fiber cable is risky at best, and is against all of our
12 practices. The Forest Service clearly will not tolerate damage to the fiber cable from
13 the efforts to pull a copper cable in the same duct but such damage is a clear risk of
14 the operation. Additionally, releases from the existing customers on the fiber in case
15 the pulling of the copper cable damaged the fiber and disrupted service would need to
16 be obtained by U S WEST before any attempt would be made. There is no evidence
17 in this case that the upslope customers have agreed to release U S WEST from
18 liability if the fiber cable is damaged by copper cable pulling activities.
19 There may be insufficient slack in the existing fiber to allow the fiber to be lifted out
20 of the existing hand holes and placed with the copper in the new hand holes which is

1 necessary for the re routing of the ducts to separate the copper communications cable
2 from the power cable in the hand holes to be successful. If that is the case, in order to
3 allow the pulling of the copper cable, the fiber would be extracted upslope to the Eco
4 Park location and then re pulled with the copper. Again, a lengthy out of service
5 period for the upslope customers would be involved and there is no evidence that they
6 would agree to this.

7 **Q. DOES THIS CONCLUDE YOUR RESPONSE TESTIMONY?**

8 **A.** Yes, it does.

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