

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

RESPONSE TESTIMONY OF

PAMELA L. HEDLIN

June 12, 2000

1 **I.IDENTIFICATION OF WITNESS**

2 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND CURRENT**
3 **POSITION.**

4 A. My name is Pamela L. Hedlin and my business address is 1801 California Street,
5 Denver, Colorado 80202. I am employed by U S WEST Communications, Inc.
6 ("U S WEST") as a Manager in the Public Policy organization.

7 **Q. PLEASE DESCRIBE YOUR WORK EXPERIENCE.**

8 A. As the Issues Manager for Universal Service, I am responsible for advocacy
9 pertaining to universal service administrative and policy issues, at the state and
10 Federal level. Prior to this position, I was a Manager in Arizona Regulatory Affairs
11 for U S WEST. In that position I had responsibility for regulatory activity associated
12 with wholesale interconnection activities in the state.

13 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND OTHER**
14 **QUALIFICATIONS.**

15 A. I am a candidate for an M.B.A. (Masters/Business Administration) at the University of Phoenix. I also
16 hold a B.A. in Marketing from the University of Iowa.

17 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?**

18 A. No. During my three years in public policy, I have testified before the Arizona
19 Corporation Commission. In universal service related proceedings, I have

1 participated in public rulemaking workshops with the Idaho Commission staff.

2 **PURPOSE**

3 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

4 A. The purpose of my testimony is to state U S WEST's position on the policy
5 issues raised in the testimony filed by the Washington Utilities and Transportation
6 Commission staff ("WUTC") and the petitioner in the Matter of the Petition of Mount
7 St. Helens Tours, Inc. Tours, Inc. for designation of a Telecommunications Common
8 Carrier to Serve an Unserved Community, or Portion Thereof. In my testimony, I
9 will demonstrate that the evidence in this proceeding does not justify designation of
10 an involuntary eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. §
11 214(e)(3).

12 Q. WHAT IS AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC)?

13 A. An ETC is a common carrier that is eligible to receive state and/or federal
14 universal service funds to the extent they exist. An ETC has certain duties and
15 responsibilities to fulfill as a condition to potentially receiving this public funding,
16 including an obligation to provide universal service throughout the area in which the
17 carrier was designated, 47 U.S.C. §214(e)(1). No state or federal universal service
18 funding is available to a non-rural carrier, such as U S WEST, in Washington.

19

1

SECTION 214(E)(3) REQUIREMENTS

2

Q. IN THE CASE OF AN UNSERVED AREA AND PURSUANT TO SECTION

3

214(E)(3), WHAT CONDITIONS MUST BE MET FOR A STATE

4

COMMISSION TO DESIGNATE A CARRIER AS AN INVOLUNTARY

5

ETC?

6

A. The relevant language in Section 214(e)(3) reads:

7

“If no common carrier will provide the services... to an

8

unserved community or any portion thereof that requests

9

such service, the Commission, with respect to interstate

10

services, or a State commission with respect to intrastate

11

services, shall determine which common carrier or carriers

12

are best able to provide such service to the requesting

13

unserved community or portion thereof and shall order such

14

carrier or carriers to provide such service... Any carrier or

15

carriers ordered to provide such service... shall be

16

designated as an eligible telecommunications carrier...”

17

Thus, prior to designation the Commission must establish that 1) the petitioner is “unserved;” 2)

18

The petitioner is a member of a “community” or constitutes a portion of such a community; and 3)

19

No common carrier will provide service.

20

Q. DOES THE PETITION OF MOUNT ST. HELENS TOURS, INC.

21

ESTABLISH THAT THE PETITIONER IS “UNSERVED”?

22

A. No. The information provided by the petitioner clearly establishes that Mount St. Helens Tours,

23

Inc. currently has telephone service via customer provided radio facilities connected to U S WEST

24

wireline service within the U S WEST Castle Rock exchange. It also establishes that alternative

1 service is available from cellular carriers.

2 **Q. FROM WHAT LANDLINE CARRIER IS MOUNT ST. HELENS TOURS,**
3 **INC. CURRENTLY RECEIVING TELEPHONE SERVICE?**

4 A. As described in the testimony of U S WEST's witness Don Hartzog, Mount St.
5 Helens Tours, Inc. receives dialtone service from U S WEST cable facilities
6 located in the Castle Rock exchange via customer provided radio technology and
7 an antenna located on property owned by the U.S. Army Corps of Engineers at
8 the Sediment Retention Dam on the North Fork of the Toutle River.

9 **Q. IN TESTIMONY FILED ON BEHALF OF THE PETITIONER, MR. MARK**
10 **SMITH STATES THAT U S WEST HAS EXPANDED ITS MARKET AREA**
11 **WITHOUT PERMISSION FROM THE COMMISSION. HOW DO YOU**
12 **RESPOND?**

13 A. U S WEST has not provided exchange services over U S WEST facilities to the
14 area encompassed by this petition which is outside of U S WEST's defined
15 service area. As further described by Mr. Hartzog, the United States Forest
16 Service (USFS) connects to U S WEST's facilities at a location that is inside
17 U S WEST's exchange boundary. U S WEST does not bring service to the USFS
18 or other users who are located outside the exchange boundary over its own
19 facilities, but allows access to its facilities by users who transport the service

1 themselves across the exchange boundary. U S WEST does maintain pay
2 telephones that are located outside of its exchange boundary but this does not
3 constitute the provision of regulated exchange service by U S WEST.¹

4 **Q. DOES THE PETITION OF MOUNT ST. HELENS TOURS, INC.**
5 **ESTABLISH THAT NO OTHER COMMON CARRIER WILL**
6 **VOLUNTARILY SERVE THIS AREA?**

7 A. No. Toledo Telephone, which is a common carrier, is willing to provide service via landline
8 technology. In addition, the petitioner has filed testimony that includes an estimate from U S
9 WEST, provided to Mount St. Helens Tours, Inc. as part of a settlement conference, to provide
10 service.

11 **Q. IN ADDITION TO THE FACT THAT MOUNT ST. HELENS TOURS, INC.**
12 **RECEIVES SERVICE ALREADY FROM U S WEST, AND THAT**
13 **ANOTHER LANDLINE CARRIER IS WILLING TO PROVIDE SERVICE,**
14 **ARE THERE OTHER COMMON CARRIERS SERVING THE AREA?**

15 A. Yes, there are at least two known wireless carriers serving this area. Donald
16 Hartzog, a U S WEST witness, describes his experience with cellular service in
17 this area in his testimony. In addition, the February 4, 2000 Comments filed by
18 Mount St. Helens Tours, Inc. acknowledge that it uses U S Cellular's service at its
19 location. Furthermore, U S Cellular has been designated an ETC by the

¹ The payphones are not provisioned over U S WEST facilities outside the exchange.

1 Commission for the Castle Rock exchange.

2

3 **Q. STAFF'S CONSULTANT MR. RAYMOND JUSSAUME JR. HAS FILED**
4 **TESTIMONY REGARDING THE DEFINITION OF A COMMUNITY.**
5 **DOES MR. JUSSAUME CONCLUDE THAT MT. ST. HELENS TOURS,**
6 **INC. CONSTITUTES A COMMUNITY OR PORTION THEREOF?**

7 A. No. Mr. Jussaume states he will develop an opinion of whether Mt. St. Helens
8 Tours, Inc. constitutes a community or portion thereof after he reviews the
9 testimony of the petitioners (p.10). One can only conclude from Mr. Jussaume's
10 testimony that the February 4th, 2000 Comments filed by Mt. St. Helens Tours,
11 Inc. did not obviously demonstrate the existence of a community or portion
12 thereof.

13 **Q. IS THE COMMISSION REQUIRED TO DETERMINE IF MOUNT ST.**
14 **HELENS TOURS, INC. MEETS THE INTENDED DEFINITION OF A**
15 **COMMUNITY IN SECTION 214(E)(3)?**

16 A. Yes. However, the Commission's determination must be made based on the
17 evidence provided by Mount St. Helens Tours, Inc. to establish that it is a
18 community or portion thereof. Absent any proof provided by the petitioner, the
19 Commission can only examine the facts before it in determining whether a

1 community or portion thereof exists in this geographic area.

2 **Q. WHAT FACTS ARE AVAILABLE TO THE COMMISSIONERS UNDER**
3 **WHICH THEY CAN MAKE A DETERMINATION AS TO WHETHER**
4 **THERE IS A COMMUNITY OR PORTION THEREOF AT THIS TIME ?**

5 A. The comments filed by Mount St. Helens Tours, Inc. on February 4, 2000
6 contained the following claims that the constituents of the alleged community
7 were:

8 Mount St. Helens Tours, Inc. which operates a recreation facility known as ECO-Park
9 Resort.
10 St. Helens Mountain Retreat which is operated by a homeowners association. It has 15 five acre
11 lots; five are developed and four are occupied by full time residents.
12 Elk Run which has 26 lots; 2 lots are under development and eight have part time residents.
13 Johnson Ridge Observatory which is owned by the USFS; a private for-profit concessionaire.
14 Coldwater Ridge Visitors Center which is owned by the USFS; a private for-profit concessionaire
15 Forest Learning Center which is owned by Weyerhaeuser and operated by WA. DOT
16 Hoffstadt Bluffs Visitors Center which is owned by Cowlitz County and operated by Foodmasters,
17 which is a private for-profit concessionaire
18 Sediment Retention Dam which is controlled by U S Army Corps of Engineers and features a
19 private for-profit concessionaire
20 Washington Dept. of Fish and Wildlife
21 Five businesses at Eco Park which account for the only full time, year round operation
22 on SR504 above Kid Valley
23 1.6 million annual tourists, names and addresses unknown
24

25 The testimony filed by Mount St. Helens Tours, Inc. on June 5, 2000 contained the
26 following additional claims:

27 Two lots at Elk Park have residents that spend less than 30 days at their property.
28 Mark Smith also at one time ran his own business referred to as Mark Smith's Tent and Breakfast; it is
29 not clear if he still operates such a business.
30

31 The depositions taken on May 25, 2000 contained the following facts:

32
33 Per Ben Ditch (manager of Mt. St. Helens, Coldwater Visitor Center and Windy Ridge Cascade Peaks)

1 six people employed by USFS live in the area during the season
2 Per Clint Fitch (Wa. St. Department of Fish and Wildlife - North Toutle Salmon Hatchery) three people
3 that work at the Fish Hatchery live in the area beyond milepost 19; only two are full time residents.
4 A helicopter pilot lives in the area from June – August.
5 Per Dick Ford (Weyerhaeuser) the Forest Learning Center is open from May 18th until November 1st

6 **Q. DO THESE FACTS ESTABLISH SUFFICIENT EVIDENCE THAT A**
7 **PORTION OF A COMMUNITY OR A COMMUNITY EXISTS IN THE**
8 **GEOGRAPHIC AREA ENCOMPASSED BY THE PETITION BEFORE**
9 **THE COMMISSION?**

10 A. No.. Clearly these facts do not demonstrate the existence of a community or portion thereof.
11 It would seem illogical to attribute to Congress an intent to find a community exists, that deserves
12 the involuntary extension of service, where the people involved do not live. It is reasonable to
13 assume that something more than a few businesses is necessary to constitute a community. All
14 businesses share the interest in making a profit, but that shared interest should not be enough to
15 constitute a community.
16 Furthermore, many of the declarations and depositions demonstrate little or no interaction aside
17 from that on a business to business level. There is no precedent that a single business, with its
18 handful of live-in employees, and perhaps one other year round resident make a community that is
19 entitled to an involuntary ETC within the meaning of the Act. If they do, then every inhabited
20 mountaintop and private island in the state that now lacks wireline telephone service
21 will likely be the subject of a petition before this Commission.

22 **Q. SHOULD THE COMMISSION ORDER U S WEST TO EXTEND**
23 **WIRELINE SERVICE TO MT. ST. HELENS TOURS, INC. AS AN**

1 **INVOLUNTARY ETC?**

2 A. No.

3 **Q. BASED ON YOUR ANALYSIS OF THE FACTS BEFORE THE**
4 **COMMISSION IN THIS PROCEEDING, WHAT ARE THE ACTUAL**
5 **ISSUES RAISED BY THE PETITIONER AND THE COMMISSION**
6 **STAFF?**

7 A. The issues before the Commission, as raised by the petitioner and the Commission
8 staff, are issues of rates and technology preferences. The evidence does not deal
9 with the issue of whether the petitioner has service. Nor does their evidence
10 address the issue as to whether other common carriers will provide service to the
11 petitioner. The petitioner's evidence makes it clear that the petitioner has a
12 technology preference and is not willing to pay the cost associated with that
13 service

14 **Q. MR. SHIRLEY USES THE CLAIM THAT THE AREA AROUND MT. ST.**
15 **HELENS TOURS, INC. IS RURAL AND HIGH COST AS A PREDICATE**
16 **FOR THE ARGUMENT THAT ONLY WIRELINE CARRIERS SHOULD**
17 **BE CONSIDERED FOR INVOLUNTARY ETC DESIGNATION ON THE**
18 **BASIS THAT THE RATES CHARGED BY WIRELESS CARRIERS**
19 **DISQUALIFY THEM FROM CONSIDERATION. IS HE CORRECT?**

1 A. No. Mr. Shirley's testimony which addresses the rates charged by wireless carriers
2 in Seattle, contains no proof that U S WEST or any wireline carrier is the best
3 common carrier able to serve, even if the requirements of Section 214(e)(3) were
4 met. Nor has it been established that wireless rates are prohibitive to residents in
5 this area. In fact, in the deposition of Mr. Jay Shepard, Mr. Shepard states:

6 "I mean, the cell phone, the cost of cell phones are so low now and I know
7 they work at our counter if you're a US Cellular subscriber. So the cost of
8 cell phone business now, I mean, I don't think we'd pay a lot whole more
9 than we're doing up there." ²

10

11 **Q. WHAT OTHER CONCERNS ARE RAISED BY MR. SHIRLEY'S**
12 **RECOMMENDATION TO THE COMMISSION THAT THEY**
13 **"DESIGNATE A WIRELINE COMMON CARRIER" AS THE**
14 **INVOLUNTARY ETC AT PAGE 16 OF HIS TESTIMONY?**

15 A. The proposal to limit the designation to a wireline carrier is not competitively or technologically
16 neutral, regardless of whether designating a voluntary or involuntary ETC. Pursuant to 47 CFR
17 §54.201(h), a state commission shall designate a common carrier that meets the requirements of
18 this section as an eligible telecommunications carrier irrespective of the technology used by such
19 carrier. Pursuant to 47 CFR §54.201(3), only eligible Telecommunications carriers shall receive
20 universal service support.

21

1 ² (transcripts p. 26 line 22-24 through p. 27 line 1)

1 **Q. DOES THE PETITIONER OR THE COMMISSION STAFF RAISE OTHER**
2 **REASONS AS TO WHY A WIRELINE COMMON CARRIER SHOULD BE**
3 **DESIGNATED TO SERVE THE AREA ENCOMPASSED BY THE**
4 **PETITION?**

5 A. Yes. The petitioner and commission staff suggest that wireless technology has technical
6 limitations that do not exist in wireline technology. They therefore conclude that a wireline
7 common carrier must be designated as the ETC under Section 214(e)(3).
8 Customer preference for one technology, wireline, over another, radio, does not
9 make a customer unserved. Mr. Hartzog testifies that the limited capabilities of
10 the particular type of radio technology that Mt. St. Helens Tours, Inc. chose,
11 which is not a type that U S WEST would use, are responsible for any service
12 reliability problems or limitations that exclude data or fax transmission.
13 According to Mr. Hartzog, microwave radio technology would allow reliable
14 service, high speed data (within the limits of the copper cable) and fax
15 transmission.
16 It is bootstrapping for Mt. St. Helens Tours, Inc. to claim that because it chose to connect with
17 U S WEST, a relatively inexpensive type of radio with lower capabilities than other types on the
18 market, its lack of reliable service and data and fax capability caused by that same radio requires
19 the designation of an involuntary wireline ETC.

20 **Q. MR. SHIRLEY TESTIFIES THAT AFTER THE DETERMINATION OF**
21 **WHETHER THE AREA AROUND MT. ST. HELENS TOURS, INC. IS A**

1 **COMMUNITY OR PORTION THEREOF, THE NEXT ISSUE IS**
2 **WHETHER OR NOT IT IS RURAL OR HIGH COST. IS THAT**
3 **ACTUALLY A RELEVANT ISSUE IN THIS CASE?**

4 A. No. Section 214(e)(3) does not provide for a determination that an area is high-
5 cost or rural; merely that it is unserved, no carrier is willing to serve and it is a
6 community or portion thereof. Any common carrier involuntary designated as an
7 ETC pursuant to Section 214(e)(3) needs to be able to cover its cost of providing
8 service. If there is no federal or state fund money available, it is the common
9 carrier's end user customers that ultimately pay for the service.

10 **Q. MR. MARK SMITH HAS ALLEGED DISCRIMINATION AGAINST THE**
11 **PROPERTY OWNERS AT ELK RUN, ST. HELENS TOURS, INC.**
12 **RETREAT AND ECO PARK RESORT. HOW DO YOU RESPOND?**

1 A. Based on the testimony of U S WEST's witness Mr. Hartzog, I can say that the
2 claims of unfairness and discrimination are completely unfounded. U S WEST
3 has made the same solutions available to Mount St. Helens Tours, Inc. as to the
4 USFS. U S WEST allowed the USFS to connect to U S WEST's copper cable
5 within the Castle Rock exchange and it permits Mount St. Helens Tours, Inc. to
6 do the same. If any property owners at Elk Run or Mount St. Helens Retreat were
7 to provide the means to transport service from the point of termination of
8 U S WEST's facilities within the Castle Rock exchange to their property, within
9 the capacity of the available pairs in the existing cable, U S WEST would serve
10 them on the same terms and conditions as it now serves Mount St. Helens Tours,
11 Inc. and the other locations outside the Castle Rock exchange.

12 **Q. EARLIER IN YOUR TESTIMONY, YOU STATED THAT**
13 **TECHNOLOGY PREFERENCE WAS ANOTHER ISSUE RAISED BY**
14 **THE PETITIONER AND THE COMMISSION STAFF. WHAT**
15 **SPECIFICALLY DID YOU MEAN?**

16 A. The situation in this proceeding is that Mount St. Helens Tours, Inc. is currently
17 served but does not prefer the technology used to provide service, which Mount
18 St. Helens Tours, Inc. itself installed. As testified to by U S WEST's witness Mr.
19 Hartzog, not only does the area receive exchange service from U S WEST through

1 customer provided radio facilities, but there are wireless carrier options, too.

2 Second, there are two carriers willing to serve this petitioner: U S WEST and The Toledo
3 Telephone Company. U S WEST quoted prices to extend facilities to Mount St. Helens Tours,
4 Inc. under two possible scenarios.³ Mr. Glenn Ramsey, President of The Toledo Telephone
5 Company, filed testimony that offered a qualified yes to the question “Is Toledo Telephone, Inc.
6 willing to serve the Mount St. Helens area?” Therefore, the petitioner and the area around the
7 petitioner are not unserved and there are other common carriers willing to provide service.

8 **Q. IS COST RECOVERY ALSO A FACTOR IN THIS PROCEEDING?**

9 A. Yes. Mount St. Helens Tours, Inc. would prefer to receive telephone service via
10 an alternate technology to that which it chose for itself, but it does not want to
11 incur the cost of doing so. In lieu of covering the costs to receive a service
12 believed to be of better quality, Mount St. Helens Tours, Inc., which is a for profit
13 business, and the Staff attempt to designate a wireline carrier as an ETC pursuant
14 to Section 214(e)(3).

15 Mr. Shirley (p. 16) states that the Commission should designate a wireline common carrier as an
16 ETC and that it should recover the cost of providing such services through universal service
17 mechanisms. He also proposes the application of service extensions.

1 ³ Att. 00001 to Mark Smith’s testimony was filed by the petitioner although pursuant to negotiations
2 conducted in good faith on the part of U S WEST these discussions were not to be used as evidence.

1 **Q. WHAT UNIVERSAL SERVICE MECHANISMS ARE AVAILABLE TO U S WEST?**

2 A. If the carrier designated were U S WEST, U S WEST receives no federal universal service support
3 in Washington. In addition, there is no state fund for U S WEST to draw from to fully cover its
4 costs of providing service. Therefore, until the FCC or the state Commission creates a universal
5 service fund that allows carriers an opportunity to fully recover monthly and installation costs, no
6 carrier should be involuntarily designated an ETC. Any carrier designated as an involuntary ETC
7 must be able to fully recover the non-recurring cost of extending facilities as well as the recurring
8 costs.

9 Thus, even if Mount St. Helens Tours, Inc. were an unserved community or portion thereof and no
10 carrier were willing to serve, and if U S WEST were the carrier best able to serve, a lawful
11 method for an involuntary ETC to fully recover its costs would need to be developed first.

12 **HAS THE COMMISSION STAFF SUGGESTED HOW THE COSTS FOR**
13 **DEPLOYMENT OF SERVICE TO THIS AREA SHOULD BE**
14 **RECOVERED?**

15 A. Yes. The commission staff advocates recovery of such costs be accomplished through an increase
16 to terminating switched access rates.

17 **Q. IS IT REASONABLE FOR MOUNT ST. HELENS TOURS, INC., TO USE**
18 **THE TELECOMMUNICATIONS ACT TO IMPOSE ON U S WEST'S**
19 **SWITCHED ACCESS SERVICE CUSTOMERS SIGNIFICANT AND**
20 **EXTRAORDINARY COSTS NECESSITATED SOLELY BY ITS CHOICE**
21 **OF A REMOTE SITE AS ITS PLACE OF BUSINESS?**

1 A. No it is not reasonable. The Section 214(e)(3) of the Act, relied upon by Mount St. Helens Tours,
2 Inc., does not apply as the area is receiving service, there are additional carriers willing to serve the
3 area and it has not been established that a community exists. In addition, Mount St. Helens Tours,
4 Inc., a for-profit business, made the decision to locate its business in this area and understood the
5 difficulties associated with such when it did so.

6
7 Their decision was no different than a business decision a common carrier makes as to where it
8 provides service and deploys investment. As described by U S WEST's witness Mr. Gallagher, the
9 costs of providing wireline service to the area of Mount St. Helens Retreat or Elk Run or ECO
10 Park are great, and U S WEST has no obligation to serve under its tariffs or under the Act. If
11 U S WEST is ordered to provide service, it must be guaranteed full cost recovery.

12 **Q. IF U S WEST IS ORDERED TO PROVIDE SERVICE TO MOUNT ST.**
13 **HELENS TOURS, INC., HOW DOES U S WEST PROPOSE TO RECOVER**
14 **ITS COSTS?**

15 A. U S WEST does not believe it can lawfully be ordered to provide service to
16 Mount St. Helens Tours, Inc. in this proceeding. However, if U S WEST were to
17 provide service outside of its service area, it must be permitted to recover its full
18 construction costs as well as recurring costs over a reasonable period of time.
19 U S WEST would have no choice but to recover such costs through rates charged
20 to its customers in the form of either an implicit subsidy or through rates charged
21 directly to Mt. St. Helens Tours, Inc..

1 Q. WHAT IS THE APPROPRIATE ACTION FOR THE COMMISSION TO TAKE IN THIS
2 PROCEEDING?

3 A. Based on my testimony that Section 214(e)(3) does not apply in this proceeding and the testimony
4 of U S WEST's technical witnesses, I recommend the Commission dismiss the petition. The
5 petitioner Mount St. Helens Tours, Inc. is not unserved and there are carriers willing to serve.
6 There is no substantial evidence that a community or portion of a community exists here. Thus,
7 there is no justification to invoke Section 214(e)(3). Other rate payers should not be forced to
8 cover the price of extending wireline service to Mount St. Helens Tours, Inc.. As there are already
9 at least three carriers serving these customers and one more willing to serve, there is no basis to
10 designate an involuntary ETC.

11 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

12 A. Yes.

13