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1 PROCEEDINGS

2

3 JUDGE MACE: Let's be on the record in WUTC,
4 the Inland Telephone Company. This is Docket No.
5 UT-050606. Today is April 28th, 2006. We are here for
6 the continuation of our evidentiary hearing in this
7 case. It's the second day of our hearing.

8 I will take appearances from counsel. We did
9 that yesterday, but I understand there is a preliminary
10 matter related to an exhibit from yesterday. Is that
11 correct, Ms. Krebs?

12 MS. KREBS: Yes. Shall I offer it now?

13 JUDGE MACE: Yes, please.

14 MS. KREBS: Based on my conversation with
15 Mr. Finnigan, we arrived at a subsection of my
16 originally offered exhibit. I was originally going to
17 renumber the pages and then realized that we had
18 referred to page numbers in the cross, so I left the
19 page numbers as they were, which just means we are
20 missing pages, so I will offer it now. I haven't had a
21 chance to hand it out. I can hand them around, and I
22 have extra copies for the Bench.

23 JUDGE MACE: Any objection to the admission
24 of the exhibit?

25 MR. FINNIGAN: No objection.

0200

1 JUDGE MACE: I'll admit it.

2 MS. KREBS: I guess I'll take the first
3 appearance. Judy Krebs, assistant attorney general,
4 representing the public counsel section of the attorney
5 general's office.

6 JUDGE MACE: I don't think we really need
7 appearances today, but I appreciate it. Mr. Shirley,
8 please stand.

9
10 Whereupon,

11 ROBERT SHIRLEY,
12 having been first duly sworn, was called as a witness
13 herein and was examined and testified as follows:

14 JUDGE MACE: Ms. Cameron-Rulkowski, are you
15 ready to proceed?

16 MS. CAMERON-RULKOWSKI: Yes, Your Honor.

17
18

19 DIRECT EXAMINATION

20 BY MS. CAMERON-RULKOWSKI:

21 Q. Good morning. Would you please state your
22 name for the record?

23 A. Robert Shirley.

24 Q. And are you testifying on behalf of
25 Commission staff?

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1 A. I am.

2 Q. What is your position with the Commission?

3 A. I'm a telecommunications policy analyst.

4 Q. In your duties as a telecommunications policy
5 analyst, did you prepare the testimony and exhibit in
6 this case numbered 61-T?

7 A. Yes, I did.

8 Q. If I asked you the questions that appear
9 there, would you give the answers that appear there?

10 A. Yes.

11 Q. Are the answers true to the best of your
12 knowledge?

13 A. Yes.

14 Q. So is Exhibit No. 61-T true and accurate to
15 the best of your knowledge and belief?

16 A. Yes.

17 MS. CAMERON-RULKOWSKI: I would like to move
18 to admit 61-T.

19 JUDGE MACE: Any objection to the admission
20 of the exhibit? I'll admit it.

21 MS. CAMERON-RULKOWSKI: The witness is
22 available for cross-examination.

23 JUDGE MACE: Ms. Krebs?

24 MS. KREBS: I'm going to not be doing any
25 cross, I believe.

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1 JUDGE MACE: I had noted 15 minutes for you.

2 MS. KREBS: I initially thought I might.

3 JUDGE MACE: Very well. Mr. Finnigan?

4 MR. FINNIGAN: Thank you.

5

6

7

CROSS-EXAMINATION

8 BY MR. FINNIGAN:

9 Q. Good morning, Mr. Shirley. Would you first
10 turn to Page 8 of your testimony, please?

11 A. Yes.

12 Q. In the course of your testimony, you discuss
13 several failed developments; is that true?

14 A. Yes.

15 Q. Were any of those failed developments a
16 master plan community such as Suncadia?

17 A. Well, some of these stretch back to the
18 '60's, and I can't say that I ever looked at the
19 paperwork from that time. I would be surprised if any
20 of them were, and none of them were of the size, for
21 example, six thousand acres, though some were certainly
22 large.

23 Q. Where any of them near the size in terms of
24 the number of lots that they would encompass?

25 A. No. The largest one that I'm aware of where

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1 I know the lot size, if you look on Page 11, Line 18, I
2 mention Moses Coulee and 300 lots.

3 Mount Hull is a lot different. There were
4 100 homes there at the time that I became involved.
5 There is more land that was once prior to that original
6 development, but I don't know how many. I would be
7 surprised if there could have been 2,800 plant.

8 Q. Of those developments that are listed on
9 Page 11, did any of those developments have
10 telecommunications infrastructure in place?

11 A. In the Brady area, one home had a radio
12 telephone with a shot of a half mile or so across into
13 the exchange area. It's very poor quality, and
14 certainly nothing -- there might have been somebody
15 else who had that kind of rigged up effort. Nothing
16 approaching vaults and cable and conduit.

17 Q. Wouldn't you agree, Mr. Shirley, that for
18 most developers, their motivation is to sell the lots
19 as quickly as possible and move on to the next
20 development?

21 A. Development is not an area in which I have
22 worked. To the extent that developers want to make
23 money like anyone else in business, if selling the lots
24 quickly is the way that they make money, that wouldn't
25 surprise me.

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1 Q. To put it another way, of the developments
2 you've listed on Page 11 and a couple over on top of
3 Page 12, none of those included a destination resort as
4 part of the development; is that correct?

5 A. My understanding from information I gleaned
6 in the late '90's, so that's information I have now
7 that's several years old, about the early or mid '60's,
8 regarding the Mount Hull area, that was at the time
9 apparently touted -- it was called -- the name escapes
10 me, but not unlike Mountain Star, Suncadia was given a
11 name. Supposedly there would be a small airport where
12 people could fly in, etcetera, etcetera.

13 Unlike Suncadia, to be fair, none of that, I
14 think, was ever built. There is no equivalent
15 Discovery Center. No golf course was ever constructed,
16 but it was touted in that way I was told several years
17 ago. I didn't mean to use the word "tout"
18 inappropriately, and I'm sorry if anyone took offense.

19 Q. Other than what someone told you years ago,
20 do you have any knowledge of any of these other
21 developments?

22 A. Moses Coulee, that is, in fact, operating
23 with a sales center. It has sort of a family
24 recreation center including a rather large swimming
25 pool that I've visited and seen. There is still only,

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1 to my knowledge, only half a dozen to a dozen homes.
2 Many people come with RV's, large RV's and stay there.

3 It seems to me that it is on the one hand
4 very different than Suncadia, but it has in common that
5 notion of some overall ownership that continues while
6 people purchase lots and pay dues, and it's neither the
7 size nor -- for example, they have no plans, as I know
8 it, for a golf course. It's not that large, so it's a
9 little bit like it and more not like it.

10 Q. Would you please turn to Page 10 of your
11 testimony? You were talking about the importance of
12 911 service; is that correct?

13 A. Yes.

14 Q. And you were present yesterday during the
15 testimony of the witnesses in this matter?

16 A. Yes, I was, most of it.

17 Q. And you would agree that the availability of
18 911 service is not an issue for the Suncadia Resort?

19 A. From what I heard yesterday, it sounds like
20 it's either fully addressed, or certainly, there is
21 ever intention to do so, including the redundancy that
22 is common, or perhaps not. I see a smile.

23 Q. I was just tempted to pull out the diagram,
24 but I think I will pass.

25 A. Let's say there are qualified engineers

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1 clearly working hard on it.

2 Q. Would you look at Exhibit 62, please? Do you
3 have that?

4 A. Exhibit 62 is...

5 Q. The petition of Intelligent Community
6 Services?

7 A. Yes, I do.

8 Q. As we started to identify it, it's the
9 petition of Intelligent Community Services for
10 designation as an eligible telecommunications carrier.

11 A. That is correct.

12 Q. What is the status of that today?

13 A. The status today is that it's an active
14 petition before the Commission, and I would like to
15 explain a little bit more. It was filed, I believe, on
16 June 29th, 2005. Shortly thereafter, and I cannot
17 remember how shortly, a representative of ICS called me
18 and asked if it could be held in abeyance, and as I
19 understand, there was no particular time line on which
20 it must be acted, so there was no need for a letter to
21 say, Please don't act on it under any time line that
22 exists.

23 So it sat, and I think it was Monday I
24 received a voice mail message from a representative of
25 ICS asking if the Commission could take up this

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1 petition, and we can, and the next step, according to
2 the way I've handled other petitions of this nature,
3 will be for me to evaluate its completeness and make a
4 recommendation to my supervisor that it should or
5 should not go to an open meeting with a recommended
6 date. Because I was preparing for this hearing, I have
7 not evaluated the petition and have not made any
8 recommendations.

9 MS. KREBS: Your Honor, as a point of
10 clarification, I notice there is not a docket number.
11 Is there a docket number associated with the petition?

12 THE WITNESS: There is a docket number, and I
13 do not know it off the top of my head. It's something
14 I could certainly look up when we have a break.

15 MS. KREBS: Thank you.

16 JUDGE MACE: Mr. Kopta, do you happen to know
17 the docket number for the petition?

18 MR. KOPTA: No, I'm sorry, I don't.

19 MR. FINNIGAN: I don't either, Your Honor.
20 Thank you, Mr. Shirley. That's all I have today. I
21 will offer Exhibit 62.

22 JUDGE MACE: Any objection to the admission
23 of Exhibit 62? Hearing no objection, I will admit it.
24 I have no one else listed for cross-examination for
25 Mr. Shirley. Do you have any redirect, counsel, of

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1 Mr. Shirley?

2 MS. CAMERON-RULKOWSKI: No, I do not, Your
3 Honor.

4 JUDGE MACE: Thank you, Mr. Shirley. You are
5 excused. The next witness is Ms. Reynolds. Are you
6 ready to come to the witness stand?

7

8 Whereupon,

9 DEBORAH J. REYNOLDS,
10 having been first duly sworn, was called as a witness
11 herein and was examined and testified as follows:

12

13 JUDGE MACE: Ms. Reynolds, I notice that your
14 Exhibit, which is marked 51-T, is a confidential
15 exhibit. I'm assuming that not every page is
16 confidential. I want to caution those who are
17 cross-examining you that if you happen to cross on
18 confidential information that we would need to take
19 measures to protect that for purposes of the record.
20 So just saying this to make sure that everybody is
21 alert about that fact. Go ahead.

22

23

24

25

0209

1 DIRECT EXAMINATION

2 BY MS. CAMERON-RULKOWSKI:

3 Q. Would you please state your name for the
4 record?

5 A. Deborah J. Reynolds.

6 Q. You are testifying on behalf of Commission
7 staff?

8 A. Yes.

9 Q. Who is your employer?

10 A. The Utilities and Transportation Commission.

11 Q. What is your position with the Commission?

12 A. I'm a regulatory analyst.

13 Q. In your duties as a regulatory analyst, did
14 you prepare testimony and exhibits in this case
15 numbered 51-TC through 55?

16 A. Yes.

17 Q. Regarding Exhibit 51-TC, is that your
18 prepared direct testimony?

19 A. Yes, it is.

20 Q. If I asked you the questions that appear
21 there, would you give the answers that appear there?

22 A. Yes, except that I refer to ongoing
23 negotiations between ICS and Suncadia and state that
24 ICS is not providing service in the resort. Those
25 references are no longer correct because Suncadia and

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1 ICS signed a telecommunications services contract on
2 April 1st, 2006. These references appear on Pages 6,
3 10, 11, 17, 18, and 19.

4 Q. In the course of that testimony, you refer to
5 exhibits marked as No. 52, 53, 54, and 55. Are those
6 exhibits true and accurate to the best of your
7 knowledge and belief or have you relied on them in
8 representing what they purport to represent?

9 A. Yes, I have.

10 MS. CAMERON-RULKOWSKI: I move to admit
11 Exhibits 51-TC through 55.

12 MR. FINNIGAN: No objection.

13 JUDGE MACE: Hearing no objection, I'll admit
14 the exhibits. I want to note that it appears that 53
15 should be marked 53-C. I must have forgotten to note
16 that on the exhibit list. I have cross-examination
17 listed from Public Counsel and from Inland.

18 MS. KREBS: We won't be doing any cross, Your
19 Honor. Thank you.

20

21

22 CROSS-EXAMINATION

23 BY MR. FINNIGAN:

24 Q. Good morning, Ms. Reynolds.

25 A. Good morning.

0211

1 Q. Would you please turn first to your testimony
2 on Page 3?

3 A. Yes.

4 Q. Just from a beginning standpoint, you would
5 agree that Inland would be willing to serve the
6 Suncadia Resort if it could have access to those
7 customers on reasonable terms and conditions, would you
8 not?

9 A. I believe that was the testimony that was
10 given yesterday by Mr. Coonan.

11 Q. Do you have any reason to believe that
12 testimony is incorrect?

13 A. No.

14 Q. Would you agree that as the situation exists
15 today, Inland does not have physical access to the
16 residential customers in the Suncadia Resort area?

17 A. Yes.

18 Q. Turning to Page 6, you have a footnote at the
19 bottom of Page 6.

20 A. Yes, I do.

21 Q. As you indicated, you were present for the
22 testimony yesterday.

23 A. For the majority of it.

24 Q. And so you would agree that there is cellular
25 service available to the resort today.

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1 A. I believe my footnote says that according to
2 verbal comments by a representative of Suncadia,
3 cellular service is available in some areas, and that
4 is all that I know about cellular service at the
5 resort.

6 Q. You were not present when Mr. Eisenberg
7 testified yesterday?

8 A. Not for all of his testimony, no.

9 Q. So you are not aware that he testified that
10 the resort has access to cellular service through
11 Cingular?

12 A. I do recall that. Thank you.

13 Q. And were you present when he testified that
14 he's aware of some residents in Suncadia that use
15 cellular service rather than wire-line service?

16 A. I don't recall that.

17 Q. At Page 7 of your testimony, you have a
18 discussion of easements starting at about Line 10. Are
19 you at that point?

20 A. Yes.

21 Q. Are you aware of the industry standard forms
22 of telecommunications easements?

23 A. Could you expand a bit on that question?

24 Q. Sure. Are you aware in your capacity with
25 the Commission of what is a standard form of

0213

1 telecommunications easement in the industry?

2 A. I'm certainly not an expert --

3 MS. CAMERON-RULKOWSKI: I'm going to object.

4 I think that may assume facts that may or may not be

5 so.

6 MR. FINNIGAN: I don't know how it can assume
7 facts that may or not be so, but the question was is
8 she aware of what the industry views as a standard form
9 of utility easement. She either is aware or isn't
10 aware.

11 JUDGE MACE: I'm going to allow the answer to
12 the question, if you can answer it.

13 THE WITNESS: I'm familiar with the easements
14 that have been filed in this case. If those are
15 standard, then I'm familiar with the standard.

16 Q. (By Mr. Finnigan) Then I take it from your
17 response that you are not familiar, generally, with the
18 use of telecommunications easements in the industry?

19 A. I would agree with that.

20 Q. So in your testimony at Page 7, Line 17, when
21 you describe the easements as "broad easements," you
22 are not aware of whether or not those easements are
23 standard form of easements or not; is that correct?

24 A. I don't believe my testimony states that
25 these are standard easements.

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1 Q. I understand that. What I'm saying is when
2 you characterize that as a broad easement, you were not
3 doing it with a knowledge base as to whether or not the
4 easement that was requested is a standard form of
5 easement or not; is that correct?

6 MS. KREBS: I'm going to renew the objection.
7 What we are talking about is assuming facts not in
8 evidence. Mr. Finnigan has not put into evidence any
9 industry pattern or practice as to what is a standard
10 form of easement, so this whole line of questioning is
11 assuming facts not in evidence in this proceeding.

12 MR. FINNIGAN: Well, Your Honor, the witness
13 has characterized a particular easement as a "broad
14 easement," so I'm exploring her basis for that
15 statement and her knowledge as to whether or not that
16 is an accurate characteristic based upon her knowledge.

17 JUDGE MACE: Yes, I think your
18 cross-examination is assuming that there is some
19 standard form of easement in the industry, and I think
20 you have to establish that first.

21 Q. (By Mr. Finnigan) Ms. Reynolds, you are not
22 aware of what passes for a standard form of easement in
23 the industry; is that correct?

24 A. I believe I admitted that already.

25 Q. So your characterization of what constitutes

0215

1 a broad easement is based upon just your review of that
2 easement?

3 A. My characterization of "broad" in this
4 particular sentence, I believe, refers to the
5 difference between an easement for strictly POTS
6 service, or Place Old Telephone Service, and an
7 easement for the provision of a broader scope of
8 services, such as Internet and some of the other
9 services that were mentioned in yesterday's testimony.

10 MR. FINNIGAN: Just a minute, Your Honor.
11 I'm looking for something.

12 Q. (By Mr. Finnigan) Do you have access to
13 Mr. Eisenberg's Exhibit 32?

14 A. I do not.

15 MR. FINNIGAN: Counsel, if you could?

16 Q. Do you have Exhibit 32 in front of you now?

17 A. Yes.

18 Q. Exhibit 32 was the easement form proposed by
19 Inland Telephone Company to Suncadia. Is that your
20 understanding?

21 A. Yes.

22 Q. If you look down under the section labeled
23 1.1 -- do you see that?

24 A. Yes, I do.

25 Q. -- you see the description of the easement in

0216

1 the third line as a utility easement for communication
2 services?

3 A. Yes.

4 Q. And that's what you are referring to as a
5 "broad easement"?

6 A. Yes.

7 Q. Do you have Exhibits 38 and 39?

8 A. I don't know what they are.

9 Q. Those were exhibits that were introduced
10 yesterday related to Mr. Eisenberg's testimony.

11 A. I do not have them. Thank you, Judy. Which
12 exhibits again, Mr. Finnigan?

13 Q. 38 and 39.

14 A. Could you tell me what they are specifically
15 so I can make sure I'm looking at the right thing?

16 Q. Exhibit 38 is labeled "easement." Up in the
17 left-hand corner, it has a return address of Puget
18 Sound Energy, Inc. Under "grantor," it says, "Mountain
19 Star Resort Development, LLC." Do you see that?

20 A. Yes, I do.

21 Q. Would you look under Section 1, "Purpose,"
22 and take a look to familiarize yourself with that
23 language?

24 A. (Witness complies.) I'm familiar with this
25 section.

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1 Q. Would you characterize this easement as a
2 broad easement?

3 A. Although I'm not an attorney and I think this
4 language would be more appropriately interpreted by
5 such, I would in my nonattorney capacity call it a
6 broad easement. The statement in the easement is
7 fiber-optic cable and other lines, cables and
8 facilities for communications.

9 Q. I don't think you are looking at the right
10 exhibit.

11 JUDGE MACE: It's in "underground facilities"
12 under Paragraph 1.

13 MR. FINNIGAN: Thank you. I stand corrected.

14 Q. (By Mr. Finnigan) Would you look at the
15 first paragraph that begins, "For in consideration of
16 one dollar"; do you see that?

17 A. Yes.

18 Q. If you read down further, do you see this is
19 described as a perpetual easement?

20 A. Yes.

21 Q. When you use the term "broad" to describe an
22 easement, does that include in your view the idea that
23 it is perpetual?

24 A. I believe if you return to my testimony, I
25 have a parenthetical or subpart of the sentence where I

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1 explain what I meant by "broad easements," and it says,
2 "Easements that would have permitted Inland to provide
3 among other services television, alarm systems,
4 broadband Internet access, and other advanced
5 telecommunications services or information services."

6 Q. So that's your definition of a broad easement
7 in this context?

8 A. That is what I meant by "broad easement."

9 Q. So it had nothing to do with whether it was
10 perpetual or not.

11 A. No.

12 Q. Are you familiar with the agreement between
13 Suncadia and ICS? I know you mentioned it, but have
14 you had an opportunity to review it?

15 A. Do you mean the confidential contract?

16 Q. Yes. It's Exhibit 19. I believe it's "HC"
17 for purposes of this record.

18 A. I really couldn't say I was familiar with it.
19 We only received it on Tuesday, as you know.

20 Q. Are you aware that part of that agreement is
21 an easement?

22 A. No.

23 Q. Have you reviewed the HUD disclosure
24 statements that Suncadia has provided in response to
25 discovery in this case that relate to the Suncadia

0219

1 Resort area?

2 A. Are you referring to the set of HUD
3 disclosure statements that are attached to my testimony
4 as exhibits or to the supplement that was filed on
5 Tuesday with the updated data request response?

6 Q. Let's start with the one that's attached to
7 your testimony --

8 A. May I clarify? I'm familiar with the first
9 set and not the second.

10 Q. That's fine. We will start there. Are you
11 familiar with the disclosure statements, other than the
12 pages that you have attached to your testimony?

13 A. I'm familiar with the pages attached to my
14 testimony.

15 Q. Are you familiar with the rest of the
16 document other than those two pages?

17 A. I've read it, but it was when I wrote my
18 testimony in December.

19 Q. Do you have any understanding whether or not
20 there is a right for purchasers of lots within the
21 Suncadia Resort area to obtain a private easement?

22 A. I don't have the entire HUD statement in
23 front of me, and I can't answer that question without
24 it.

25 Q. I'm just asking if you are aware.

0220

1 A. Is the HUD statement in the record?

2 Q. I've asked you if you have read it. You have
3 said you have read it, so I'm asking you if based on
4 that reading, are you aware of whether there is a right
5 for purchasers of lots in the Suncadia Resort area to
6 obtain a private easement?

7 A. I don't recall.

8 Q. Ms. Reynolds, you do agree that there are
9 three wireless ETC's whose designated service area for
10 ETC purposes covers the Suncadia Resort area?

11 A. Could you direct me to where I talk about
12 that in my testimony?

13 Q. I'm asking you first of all if you are aware.

14 A. If I'm aware --

15 Q. That there are three wireless ETC's that have
16 been designated in their designated service area
17 includes the Suncadia Resort area.

18 A. I believe I would refer that question to
19 Mr. Shirley.

20 Q. I'm asking if you are aware, please.

21 A. I don't know the number of ETC's. I can't
22 say that I know that there are three. That's why I'm
23 hesitating to answer.

24 Q. Are you aware that there is at least one ETC
25 other than Inland that has been designated whose

0221

1 designated service area includes the Suncadia Resort
2 area?

3 A. Yes.

4 Q. To your knowledge, how many ETC's have been
5 designated that have in their designated service area
6 the Suncadia Resort area?

7 A. I do not know.

8 Q. Would you turn to Page 13 of your testimony?

9 A. (Witness complies.) I'm there.

10 Q. At the top of Page 13, you discuss excerpts
11 from the HUD disclosure statement stating that Inland
12 would be the telecommunications provider. Do you see
13 that testimony?

14 A. Yes.

15 Q. Do you have any idea what remedy those
16 individuals might have for the fact that Inland is not
17 a telecommunications provider?

18 A. Could you rephrase the question?

19 Q. I actually think it's pretty clear.

20 A. Then could you please repeat it?

21 Q. Do you have any idea of what remedy the
22 property owners would have due to the fact that Inland
23 is not a telecommunications provider?

24 MS. CAMERON-RULKOWSKI: Objection insofar as
25 that calls for some legal analysis.

0222

1 JUDGE MACE: Mr. Finnigan?

2 MR. FINNIGAN: She's made a statement about
3 the certain number of property owners that were
4 informed. I'm just asking her if she knows what would
5 be the consequence of that information.

6 JUDGE MACE: I'll allow the answer.

7 THE WITNESS: I don't know.

8 Q. (By Mr. Finnigan) Are you aware that there
9 is a community association or homeowner's association,
10 if you will, for the Suncadia Resort area formed by the
11 legal documents creating the master plan community?

12 A. I'm aware that Suncadia assesses dues for a
13 homeowner's association.

14 Q. Are you aware how many of the lots in the
15 Suncadia Resort area have to be sold before Suncadia,
16 LLC, relinquishes control of that association?

17 A. No.

18 Q. Would you turn to Exhibit 56, please?

19 A. (Witness complies.) I have it.

20 Q. Do you recognize that as Commission staff's
21 response to Inland Data Request No. 3?

22 A. Yes, I do.

23 Q. Would you turn to Page 17, Lines 1 through 8,
24 please?

25 A. Of my testimony?

0223

1 Q. Yes, please.

2 A. (Witness complies.) I have that. I would
3 like to point out this is one of the places I corrected
4 my testimony.

5 Q. I understand that, and that's the question
6 I'm going to ask is with the changes in your testimony,
7 I'm not quite sure I understand how this question
8 should be answered, so why don't you go ahead and tell
9 us in light of your changes to the testimony what the
10 answer would be. You start your answer with a "no,"
11 and I'm not sure how that relates now with the changes
12 that you've described.

13 A. I believe that the first sentence up to the
14 comma or the second sentence that I would leave the
15 "no" in place.

16 Q. And that's sufficient. That's what I wanted
17 to understand is that given the change in context,
18 whether the beginning of this answer changed or not.

19 A. Does not.

20 Q. Thank you. Would you turn to Exhibit 57,
21 please?

22 A. Yes, I have it.

23 Q. Do you recognize that as Commission staff
24 response to Inland's Data Request No. 4?

25 A. Yes, I do.

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1 Q. Would you turn to Exhibit 58, please?

2 A. Yes.

3 Q. And do you recognize this document as
4 Commission staff's response to Data Request No. 5 from
5 Inland?

6 A. Yes.

7 Q. And would you turn to Exhibit 59, please?

8 A. Yes.

9 Q. Do you recognize that as Commission staff
10 response to Inland Data Request No. 6?

11 A. Yes.

12 Q. The last sentence in the response references
13 the Commission's line extension rule. Do you see that
14 reference?

15 A. Yes.

16 Q. Do you have an understanding of how that line
17 extension rule would apply to a single resident within
18 the Suncadia Resort area?

19 A. Without the specific facts of an actual case,
20 I cannot.

21 Q. Let's explore a hypothetical. Let's assume
22 that Inland's filing in this case has not been granted.
23 Let's further assume that there is an individual who
24 owns a single lot within the Suncadia Resort area which
25 is located approximately two miles from the resort

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1 entrance, or from the Discovery Center. Do you have an
2 understanding under those circumstances how the
3 Commission's line extension rule would apply to a
4 customer requesting service from Inland Telephone
5 Company?

6 A. In order to answer that hypothetical, can you
7 tell me -- I don't have enough information about the
8 Suncadia development to be sure if it falls under
9 "lengthy list of exemptions" under Subsection 6 of
10 that. What would the assumption be about that, that
11 Suncadia is exempt or is not?

12 Q. That's part of what I'm asking you to tell me
13 as part of the hypothetical. What's your view of how
14 the line extension rule would apply?

15 A. That would require much more analysis about
16 when Suncadia was created than I'm able to do today. I
17 could give you -- well, I just can't do it today.

18 Q. You would agree that the Commission's line
19 extension rule is fairly complex?

20 A. I would.

21 Q. Do you know from your own understanding, I'm
22 not asking for a legal opinion, but from your own
23 understanding, do you understand those exemptions that
24 you've referenced to apply to the developer, or does it
25 also include a single residential lot owner within the

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1 development?

2 A. I don't know.

3 Q. Would you now turn to Exhibit 60?

4 A. Yes.

5 Q. Do you recognize this Exhibit as Commission
6 staff's response to Inland's Data Request 2-B?

7 A. I do, yes.

8 Q. Do you have any understanding of the role of
9 the homeowner's association for the Suncadia Resort?

10 A. No.

11 MR. FINNIGAN: Thank you, Ms. Reynolds.

12 That's all I have today.

13 JUDGE MACE: Your exhibits?

14 MR. FINNIGAN: I will offer Exhibits 56
15 through 60.

16 JUDGE MACE: Any objection to the admission
17 of those exhibits? Hearing no objection, I will admit
18 them. Ms. Rulkowski, do you have any redirect?

19 MS. CAMERON-RULKOWSKI: I do, Your Honor.

20 JUDGE MACE: Go ahead.

21

22 REDIRECT EXAMINATION

23 BY MS. CAMERON-RULKOWSKI:

24 Q. Is Inland serving any part of Suncadia today,
25 as far as you know?

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1 A. Yes. I believe they are serving the
2 Discovery Center.

3 Q. Does Inland have physical access to the
4 Discovery Center?

5 A. Since Mr. Coonan's testimony yesterday was
6 that he had to have physical access to provide service,
7 I would say they must.

8 Q. Thank you. Now, I'll refer you to your
9 testimony on Page 17, and this has to do with the
10 recent entry of the contract into this proceeding. Do
11 you take a different view of this filing now given that
12 Suncadia has signed a contract with ICS for
13 telecommunications service?

14 A. No, I don't.

15 Q. In that same area of your testimony at Line
16 5, by "geographically defined," do you mean defined
17 through a tariff map?

18 A. Yes, I do.

19 MS. CAMERON-RULKOWSKI: That's all I have.

20

21

22 FURTHER CROSS-EXAMINATION

23 BY MR. FINNIGAN:

24 Q. Other than the clarification provided by
25 counsel about access to the Discovery Center, would you

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1 agree that Inland does not have access to the remaining
2 portions of the Suncadia Resort area today?

3 A. Yes.

4 MR. FINNIGAN: Thank you.

5 JUDGE MACE: Thank you. That completes your
6 cross-examination, Ms. Reynolds. You are excused, and
7 I believe that's all the witnesses there are.
8 Ms. Rulkowski?

9 MS. CAMERON-RULKOWSKI: As a housekeeping
10 matter, I've just been provided from Staff with a
11 docket number for the ETC petition of ISC.

12 JUDGE MACE: That number is...

13 MS. CAMERON-RULKOWSKI: UT-053041.

14 JUDGE MACE: Thank you. I'm reviewing the
15 schedule that I see on communication from Mr. Finnigan
16 dated March 20th, 2006, and it shows initial briefs
17 June 5th and reply briefs June 21st. Is that briefing
18 schedule still amenable to the parties recognizing that
19 there is a certain time frame within which this
20 proceeding needs to be concluded? Everybody is still
21 on track with that schedule?

22 MR. FINNIGAN: As far as I know.

23 JUDGE MACE: Is there anything else we need
24 to address at this point? If not, then the record is
25 closed. Thank you very much.

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(Hearing concluded at 10:35 a.m.)

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