

COPY OF TRANSCRIPT

BEFORE THE PUBLIC SERVICE COMMISSION

COMCAST CABLE COMMUNICATIONS,
INC., a Pennsylvania corporation,

Docket No. 03 035 28

Claimant,

vs.

PACIFICORP, dba UTAH POWER, an
Oregon corporation,

Respondent.

~~~~~

DEPOSITION OF JIM COPPEDGE

\*\*\*CONFIDENTIAL\*\*\*

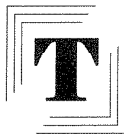
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TAKEN AT: Ballard, Spahr, Andrews & Ingersoll
201 S. Main Street, Suite 600
Salt Lake City, Utah

DATE: May 14, 2004

TIME: 9:30 a.m.

REPORTER: DAWN M. DAVIS, RPR



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APPEARANCES

For the Claimant:

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and

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For the Respondent:

GARY G. SACKETT

JONES, WALDO, HOLBROOK & MCDONOUGH

170 South Main Street, Suite 1500

Salt Lake City, Utah 84101

Also present: Corey Fitz Gerald

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Deposition of Jim Coppedge

May 14, 2004

PROCEEDINGS

JIM COPPEDGE, called as a witness for
and on behalf of the Claimant, being first duly
sworn, was examined and testified as follows:

EXAMINATION

BY-MR. THOMAS:

Q. Good morning, Mr. Coppedge. My name
is, is Dave Thomas, and I'll be taking your
deposition today. I represent Comcast.

I wonder if you could please state your
full name, job title, and business address for the
record.

A. Full name is James Edwin Coppedge,
Junior. My title is Field Services and Inventory
Manager for PacifiCorp. Our address--our new
address--

MS. FITZ GERALD: 650.

THE WITNESS: Thank you.

650 Northeast Holiday, Portland,
Oregon, 97203, I believe.

BY MR. THOMAS:

Q. Before we get into the questioning,
Counsel, same, same arrangement that we reached



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1 yesterday with respect to reviewing and marking
2 the deposition and treating it as subject to the
3 protective order during the interim?

4 MR. SACKETT: Yes, that's fine.

5 MR. THOMAS: Fourteen days from
6 receipt.

7 MR. SACKETT: Yes, that will work fine
8 for us.

9 MR. THOMAS: Okay, thank you.

10 Q. Mr. Coppedge, have you ever had your
11 deposition taken before?

12 A. Yes.

13 Q. Could you please explain to me the
14 circumstances of that deposition?

15 A. When I was working for a company called
16 RCN--that stands for Residential Communications
17 Network--there was some arbitration going on
18 regarding a contractor that presumably felt that
19 he was entitled to some compensation for work that
20 was not performed.

21 Q. Okay. Just a few reminders and then if
22 I'm, if I'm repeating myself or telling you things
23 you already know, feel free to stop me.

24 It's important that when I ask you a
25 question that you speak audibly so that the court



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1 reporter can pick it up.

2 A. Okay.

3 Q. A nodding of the head, for example,
4 would not be picked up by, by the transcript. My
5 intention today is to ask you clear questions that
6 you understand. That's my intention; that's not
7 necessarily how it's going to come out, so if you
8 don't understand a question, please ask me to
9 restate it.

10 A. Okay.

11 Q. We want you to be comfortable here
12 today insofar as possible, and if you need to
13 take a break at any time, just ask to do so. If
14 I've asked a question, all I would ask is that
15 you answer the question before taking the break or
16 before conferring with counsel.

17 We have coffee and juice and water, you
18 know, feel free to get up at any time when you
19 are thinking about a question or whatever to, you
20 know, help yourself if a drink. Again, we want
21 you to be, to be comfortable.

22 If at some point you remember an answer
23 that you had given earlier in the deposition that
24 you want to modify because you are not comfortable
25 with it, please feel free to do so.



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1 A. Okay.

2 Q. And at the end of our time together
3 today, I will again intend to ask you if you
4 would like to do that. If I, if I forget, you
5 should feel free to do so anyway.

6 A. Okay.

7 Q. Remind me. I have just a couple of
8 questions that I need to ask you just sort of a
9 matter of form, just to ensure the integrity of
10 the deposition and the testimony that we going to
11 receive today.

12 Are you currently on any medication or
13 drugs that would make it difficult for you to
14 answer the questions completely and truthfully
15 today?

16 A. No, I'm not.

17 Q. Have you had an alcoholic drink within
18 the last eight hours that might make it difficult
19 for you to answer questions?

20 A. I have not.

21 Q. Are you under a doctor's care for any
22 illness that might make it difficult for you to
23 answer the questions today?

24 A. No.

25 Q. Is there any other reason that you can



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1 think of why you might not be able to answer the
2 questions completely and truthfully?

3 A. No.

4 Q. Thank you.

5 I would like to start, Mr. Coppedge,
6 with a few questions about your, your, your
7 background. And we have your title and your
8 business address. I would like to ask you first
9 about your, your educational background prior to
10 entering the workplace.

11 A. I have a high school diploma. I have a
12 associate's degree in diesel mechanics, and then
13 from there I went into the workplace.

14 Q. Okay. Let's work backwards from your
15 current position with, with PacifiCorp. How long
16 have you been with PacifiCorp?

17 A. Two years and a few weeks.

18 Q. Two years, so you started in roughly
19 2002?

20 A. Correct.

21 Q. And what was your position when you
22 started with PacifiCorp?

23 A. I was hired as project manager for the
24 inventory.

25 Q. For the inventory. When you say the



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1 inventory, do you mean the multistate inventory
2 that has been conducted by Osmose in the
3 PacifiCorp service area?

4 A. That's correct.

5 Q. And before you came to PacifiCorp,
6 could you tell me where--what you were doing in
7 terms of employment?

8 A. I worked for RCN, Residential
9 Communications Network. I started working for
10 them in the San Francisco Bay area.

11 From there I went to Portland, Oregon,
12 to build--start to build their plant in the
13 Portland metropolitan area. That project was
14 dissolved due to funding, and I went and spent
15 the next year commuting back and forth to L.A.
16 working on their projects down there.

17 And then went to work for PacifiCorp.

18 Q. In two--in the spring of 2002?

19 A. Yeah.

20 Q. When did you start with RCN?

21 A. I want to say 1998.

22 Q. Approximately 1998.

23 How long were you in the San Francisco
24 Bay area project for RCN?

25 A. A little over a year.



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1 Q. So until approximately 1999?

2 A. Right.

3 Q. Do you remember a month, by any chance?
4 It's okay if you don't. I am just trying to get
5 a time line.

6 A. I don't. I spent a year and a half in
7 the in the bay area, and then I spent a little
8 over a year in Portland and then spent about a
9 year, a year and a half in L.A.

10 Q. So in 1998 you moved to Portland to
11 assist in the construction of RCN's network in
12 Portland?

13 A. Correct.

14 Q. And you were there, you said, for a
15 year and a half in Portland?

16 A. Thereabouts.

17 Q. And I believe you stated that the
18 project was cancelled due to funding?

19 A. Correct.

20 Q. That would have been 2000, 2001 time
21 period?

22 A. 2000.

23 Q. 2000.

24 Had you established residency within--
25 in the Portland area? And I don't mean as a



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1 legal residency, I just mean you lived in Portland
2 at the time.

3 A. Maybe I can assist this a little bit
4 better.

5 Prior to working for RCN, I worked for
6 a company called Pauley Construction, and I
7 resided in Albuquerque, New Mexico, and I spent
8 two years with them prior to going to, to RCN.

9 At that transition, I moved my family
10 back to Portland, and I commuted from Portland to
11 San Francisco during that year and a half. Then
12 quit that commute and worked in Portland for
13 another year and a half before commuting then
14 again back into L.A.

15 Q. So from Portland to L.A.?

16 A. So all of that time I worked at RCN, I
17 really--my home and residence was in Portland.

18 Q. I understand. Thank you.

19 What was your title at RCN?

20 A. I was project manager.

21 Q. Project manager. Were you project
22 manager for the bay area project?

23 A. Yes.

24 Q. And the Portland project?

25 A. Yes.



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1 Q. And for the L.A.--

2 A. Yes.

3 Q. --project.

4 Prior to RCN, could you please tell me
5 where you were employed?

6 A. I worked for Pauley Construction again
7 in Albuquerque, New Mexico. My title was regional
8 project manager. I had responsibility for
9 construction outside plant, fiber, aerial,
10 underground, some power installation for markets
11 in Texas, New Mexico, some projects in Arizona.

12 Q. And is Pauley Construction a contractor
13 to electric power companies?

14 A. They--for public service, New Mexico,
15 for Arizona Power, for Cox Communication and
16 various fiber companies throughout the Southwest.

17 Q. And was your area of responsibility as
18 regional project manager communications
19 construction or support structure construction?

20 A. It was communication, aerial and
21 underground splicing connectivity, and also at the
22 same time, we did various underground power cable
23 replacement jobs.

24 Q. So you did both power and--you did both
25 power and electrical construction-related work



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1 with Pauley Construction?

2 A. That's right.

3 Q. When did you start with Pauley
4 Construction? Approximately.

5 A. Well, I worked for them for two years,
6 so I guess I would say sometime in 1996, and I
7 would guess March time frame, so March of '96
8 through into '98 before I went to work for RCN.

9 Q. Okay. And prior to working for Pauley
10 Construction, what did you do?

11 A. Initially the company was AT&T
12 Construction Services and then became Lucent
13 Construction Services in the separation of AT&T
14 and Lucent. And I was project manager for all of
15 outside plant construction doing a fiber broadband
16 communications jointly with Pac Bell in
17 California. Originally started in the L.A.
18 marketplace and then finally in the San Diego
19 marketplace.

20 Q. And when did you start at AT&T?
21 Approximately.

22 A. I'll say sometime in 1990, so I worked
23 for AT&T for about six years.

24 Q. And the work that you did for AT&T was
25 specific to California?



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1 A. Initially there were some projects in
2 Washington and in Oregon, some underground
3 projects, before I accepted the position in L.A.
4 I also resided all of that period of time in
5 Portland.

6 Q. In Portland. Are you from Portland
7 originally?

8 A. Yes. Well--

9 Q. Originally.

10 A. Originally I was born in Texas, in
11 Corpus Christi, and when my parents as a
12 teenager--when I was a teenager, my parents moved
13 to Oregon, and so from that time I graduated the
14 last two years of college in, in Portland--or
15 Eugene in Oregon so--

16 Q. So you are an Oregonian by, by nature
17 and default?

18 A. By default.

19 Q. Okay, fine. Fine. Well, we have other
20 Oregonians in the room.

21 MR. WOODS: My wife is from Portland.

22 MR. THOMAS: Let the record reflect
23 that Michael Woods' wife is from Portland, Oregon.

24 Q. In terms of the work that you did for
25 AT&T, you had mentioned that you had in the early



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1 stages done some work in Washington state. Is that
2 correct?

3 A. Yes.

4 Q. Could you describe for me what you did
5 for AT&T in Washington state?

6 A. Sometime in 1989, 1990, AT&T developed
7 this construction services, and they would bid
8 jobs to telecommunications companies, GTE at that
9 time, now Verizon. I think that's pretty much
10 who--initially they had the contract in the
11 northwest, and they were doing various aerial,
12 underground jobs for GTE at the time.

13 Q. So it's essentially a construction
14 contractor that was owned by AT&T that would do
15 communications construction for communications
16 companies?

17 A. Correct.

18 Q. Primarily the incumbent local exchange
19 carriers like Pac Bell?

20 A. Like Pac Bell and Verizon.

21 Q. And Verizon and U.S. West at the time?

22 A. I don't recall us doing any work for
23 U.S. West, but that doesn't mean that there
24 weren't other entities that were doing.

25 Q. Okay. Did you do work for other



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1 communications companies other than Verizon and
2 Pac Bell, I believe are the two you mentioned?

3 A. I did not.

4 Q. You did not.

5 So your, your--were you building fiber
6 optic networks?

7 A. We were building an HFC, hybrid fiber
8 co-ax, to residential and commercial businesses.

9 Q. Wherefore, the incumbent company.

10 A. The agreement with Pac Bell was a joint
11 effort and how that was structured I can't really
12 talk to, but it was a joint effort to build, and
13 we were the construction outfit doing it, but we
14 also owned a percentage of the plant with Pac
15 Bell in the, in the process.

16 Q. Did your job responsibility require you
17 to interact with support structure owners in
18 connection with those projects? When I say
19 support structure, I mean poles and conduits
20 essentially.

21 A. More on the conduit side, but certainly
22 there was some contact and work being done with,
23 with the pole owner at the time.

24 Q. When, when you say more on the conduit
25 side, is it because most of the work that you



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1 were involved in for AT&T and AT&T customers you
2 were building for was underground?

3 A. Primarily.

4 Q. Primarily.

5 And was the conduit already in place or
6 did you--were you involved in actually trenching
7 and installing conduits as well?

8 A. The majority of the work was actual
9 underground construction, digging trenches,
10 putting conduits in, pulling cables in, splicing
11 it, activating it, turning it on.

12 Q. Because we are talking about
13 construction in developing suburban areas, for
14 example?

15 A. Correct. And most of the--I mean, we
16 did use conduit to get to certain breakout points.
17 We also used aerial plant to get to those--the
18 L.A. market and the San Diego market. Most of
19 those areas that we were building were in the
20 suburbs, and a lot of the infrastructure conduit
21 system was already in place to get us back to COs
22 for Pac Bell.

23 Q. So I just kind of have an understanding
24 of how much work you did when you were with AT&T,
25 by state, how much would you estimate in terms of



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1 time and in terms of plant construction did you
2 do in Washington state of the total--

3 A. Comparative to the time spent in
4 California?

5 Q. Correct.

6 A. Most of my work with AT&T was in
7 California, so I would say less than two percent
8 certainly was in Washington or outside California.

9 Q. So 98 percent--okay. An overwhelming
10 majority of the work you did was in California?

11 A. (Witness nods head.)

12 Q. And I guess focusing at this point on
13 specifically the California piece, do you know how
14 many miles, which seems to be as good an
15 indicator as any, of, of plant you installed or
16 were involved in the construction of for AT&T and
17 its customers?

18 A. It's been a long time since I had to
19 dig back that far.

20 Q. If you can recall.

21 A. I would easily say that over that
22 period of time we built well in excess of 400
23 miles of underground.

24 Q. Four hundred miles of underground?

25 A. (Witness nods head.)



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1 Q. And how much--of the total amount--and
2 let's just limit it to California because we'll
3 treat Washington as a footnote since it seems to
4 represent such a small part of the total--of the
5 total amount of plant that you built in
6 California, how much of that do you think was
7 underground and how much of that was aerial,
8 percentage or mileage basis, whatever comes
9 easiest to you?

10 A. First, let me clarify that that 400
11 miles consists of pulling cable in existing duct
12 as opposed to trenching.

13 Q. Okay.

14 A. I mean, there was a portion of that. So
15 aerial plant construction in that project probably
16 was less than 5 percent, just as a wild ball
17 park.

18 Q. When you say that project, do you mean
19 all the work in--

20 A. All the work in California.

21 Q. And that was in Los Angeles?

22 A. Los Angeles.

23 Q. Was it in San Francisco?

24 A. San Diego.

25 Q. San Diego, okay.



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1 So Los Angeles and San Diego for AT&T
2 from approximately 19--

3 A. '90 to '96.

4 Q. To '96. Okay.

5 And then focusing on California again,
6 beginning in about 1998, RCN work in San
7 Francisco, Portland, and then Los Angeles?

8 A. Correct.

9 Q. Okay. Back to Pauley Construction.
10 Where were the projects that you worked on there,
11 which cities, locations for Pauley?

12 A. I worked in San Antonio, Texas. We
13 worked in Austin. We worked primarily around--
14 Albuquerque was the majority of the work, but we--
15 but I was also responsible--we had a satellite
16 office in El Paso.

17 Q. Okay. So in--San Antonio you mentioned
18 initially?

19 A. Right.

20 Q. Who, who were you working for there?
21 Who was your customer or your client, if you
22 recall?

23 A. It was a company called Espire. I
24 think prior to that name they were--

25 Q. Would the name ACSI help?



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1 A. Thank you.

2 Q. You're welcome.

3 A. I'm glad you know that.

4 Q. They are a client.

5 A. Oh.

6 Q. In San Antonio, it was Espire.
7 Austin, do you remember who the

8 client--

9 A. It was Espire as well.

10 Q. It was Espire as well.

11 El Paso did you say?

12 A. Yes.

13 Q. Was that Espire?

14 A. It was Espire. And we also did a
15 little bit of work for El Paso Electric.

16 Q. And the work you did for El Paso
17 Electric, was it communications-related work or
18 power?

19 A. It was communications.

20 Q. Any other cities in Texas that I
21 missed? El Paso, San Antonio, Austin.

22 A. I will also state that for Southwest
23 Bell we also did work in El Paso for as well, the
24 surrounding communities, Las Cruces.

25 Q. Okay. Now, was this primarily



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1 underground construction or was it aerial?

2 A. A combination of both.

3 Q. Combination of both.

4 Can you give me ball parks of--was it
5 50-50, 70-30?

6 A. I would say 80 percent of what we did
7 for Espire or maybe a little better was aerial
8 construction.

9 Q. Eighty percent?

10 A. Right.

11 Q. Okay. And how much, if you recall,
12 plant did you do for--plant construction did you
13 do for Espire across those cities we just talked
14 about?

15 A. For Espire, if you include those cities
16 as well as Albuquerque, I would say easily a
17 hundred miles or better of aerial construction.

18 Q. In each city or in total?

19 A. It total.

20 Q. In total, okay.

21 A. It may be more than that but--

22 Q. Were you on the aerial--primarily
23 focused on the aerial at this point, did you have
24 responsibility for interacting with the owners of
25 the telephone and electric utility poles?



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1 A. Yes.

2 Q. Okay. You, you then dealt with those
3 individuals who are commonly referred to as the
4 joint use administrators?

5 A. For getting permit applications for
6 those routes, yes.

7 Q. Right. And so you--would you do the
8 engineering?

9 A. No. The engincer was done by Espire or
10 other--some other company.

11 Q. Espire itself would do the engineering
12 or they would have another contractor do the
13 engineering. Correct?

14 A. Depending on the city and, and who was
15 responsible for that area for Espire. It could
16 go both ways.

17 Q. But you guys did construction?

18 A. Right.

19 Q. Okay. You would be presented with a
20 engineering drawing which would tell you where on
21 the pole you could attach the facilities and
22 that's what would you do?

23 A. Correct.

24 Q. Attach strand. Correct?

25 A. Correct.



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1 Q. Lash fiber to the strand. Correct?

2 A. Correct.

3 Q. Splicing?

4 A. Correct.

5 Q. Okay. Just trying to get a picture in
6 my mind of how this, how this works.

7 Would you like to take a break? Are
8 you--

9 A. No, I'm fine.

10 Q. Okay. Do you have--you have mentioned
11 three cities that you worked in for RCN: San
12 Francisco, Portland, and Los Angeles.

13 A. Correct.

14 Q. I hesitated myself a second. I
15 couldn't remember.

16 A. You want to restate those?

17 Q. Yes. I believe, Mr. Coppedge, earlier
18 you stated that you worked in San Francisco and
19 Portland and Los Angeles for RCN. Is that correct?

20 A. That's correct.

21 Q. Thank you.

22 Do you have an estimate of how many
23 miles of plant for RCN that you were involved in
24 building for RCN in those three cities in total?
25 Your best estimate.



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1 A. I want to guess in a combination in
2 those two cities somewhere between 200, 250 miles.

3 Q. And can you estimate what--and I think
4 you are going to be able to guess my question--
5 what, what percentage was aerial and what
6 percentage was underground?

7 A. Ninety-eight percent of it was aerial
8 and the balance was underground.

9 Q. Okay. Did--you were an employee of
10 RCN, I believe you said. Correct?

11 A. Correct.

12 Q. Did you, in your position as project
13 manager, actually do the construction of the plant
14 in the same or a similar way that you had done
15 for Pauley Construction and before that for AT&T's
16 construction?

17 A. I would say yes, with the exception
18 that RCN had its own engineering group that went
19 out and did the fielding, drew the prints, did
20 all of the, the cable assignments, splicing
21 assignments. And that group, the engineering
22 group, with the work combined with construction,
23 would process those applications to Southwest
24 Bell, to Pacific Gas and Electric, Southern Cal
25 Edison, and then after those permits were



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1 approved, go start construction.

2 Q. AT&T, did you actually climb poles and
3 run machinery to dig trenches and install
4 conduits? Were you a field person?

5 A. No.

6 Q. How about with, with Pauley
7 Construction, did you climb poles and install
8 strand?

9 A. On occasion, but that wasn't my primary
10 function.

11 Q. Okay. Your primary function at AT&T
12 was what?

13 A. Managing the project.

14 Q. Managing the project?

15 A. Schedules.

16 Q. Okay. And you were regional project
17 manager for Pauley Construction. Correct?

18 A. Correct.

19 Q. So your--just so I understand your
20 testimony, you, on occasion, were asked to do, you
21 know, real construction work, but primarily you
22 were a project manager and you needed to keep--
23 your job was to keep the trains running on time?

24 A. That's correct.

25 Q. Okay. At RCN did you have--did you



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1 interact with the joint use administrators of the,
2 the pole and conduit owners in those RCN cities
3 we talked about before?

4 A. Yes, I did interact. That wasn't
5 necessarily my primary function. I mean, RCN had
6 its own engineering group, but we jointly went and
7 looked at alternate routes or alternate solutions
8 that there were problems attaching the poles.

9 Q. So as project manager, did you oversee
10 engineering or pre-engineering functions of RCN?

11 A. Yes.

12 Q. Did you oversee permitting
13 relationships between RCN and the support
14 structure owners?

15 A. Again, just let me state that my
16 primary function was to construct, build, and
17 activate the plant, but there was a percentage of
18 my responsibilities that dealt with a preview of
19 the engineering and the routes or obstacles that
20 we would face and making sure that we had the
21 proper permits with those structure owners.

22 Q. Did that interaction require you to
23 deal frequently with the National Electrical
24 Safety Code?

25 A. In California they run under the guise



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1 of GO-95. California opted to put their own
2 rules in place, which mirror somewhat NESC rules,
3 but there are other rules that are far more
4 stringent or different than the NESC.

5 Q. Moving out of the past and coming into,
6 into the present, how did you, how did you come
7 to be hired by PacifiCorp?

8 A. When RCN made the decision to move into
9 the Portland market, my initial work was with the
10 attorneys, visiting the various cities, working
11 with the franchisees to---the cable commissions in
12 which cities we would built out first and what
13 that schedule might look like. And also running
14 some preliminary numbers based on the size of the
15 city and what the schedule would entail and how
16 fast we could build out, what the aerial portion
17 of the city consisted of, what the underground
18 portions of those cities, where the commercial
19 entities were.

20 As we worked through some of those
21 analysis, we had hired and, previously in the bay
22 area, worked with a outside engineering plant
23 called--give me a minute--I want to say Northstar
24 Engineering Company. Anyway, we had worked with
25 them in the bay area quite frequently, so when we



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1 came into the Portland market, we used their
2 services to do a lot of our preliminary work and,
3 and design for that marketplace.

4 So the first part of my challenge or,
5 or responsibilities was to get those prints
6 engineered, walked out. So in that process in
7 building the area in Portland metropolitan, the
8 poles that we were going to attach to was
9 PacifiCorp. So it was my first experience taking
10 some of this engineering work and going to
11 PacifiCorp and meeting with Corey Fitz Gerald.

12 When we, when we walked in the door and
13 made our first presentation, we told Corey that we
14 were going to attach to every single one of her
15 poles, which, which amounted to something like
16 18,000 poles. And there was a look of disbelief,
17 as you can imagine. And we brought the initial
18 packages in that we wanted to submit to make sure
19 that what we were going to supply them was
20 adequate information. Our, our packages--the, the
21 requirement with RCN for our own internal database
22 was an, an analysis of every pole that we were
23 going to attach to, what the heights was, whether
24 there was make-ready work, whether there were
25 violations that existed on the pole already.



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1 I don't recall the first submission of
2 poles that we gave her, but we handed her tabloid
3 stacks of data that were inches thick. And after
4 approval for those poles, we started construction.
5 And in Portland I think we built somewhere in the
6 neighborhood of 200 miles or better, at least, of
7 strand, maybe not all co-ax fiber, but when it
8 shut down due to the telecommunications downturn
9 and kind of RCN rethinking where they wanted to
10 put their money given the environment, we put
11 everything kind of on hold and let it stay in
12 place for about a year trying to see whether the
13 market was going to turn around and continue
14 building or whether we were going to withdrawal
15 and that's--that time frame is when I went back
16 to, to L.A. to assist them in that project.

17 So I guess the piece I left out in all
18 of that--I was contacted by the Oregon Joint Use
19 person--and, and I'll draw a blank on his name
20 for a minute but--

21 Q. Oregon Joint Use person for PacifiCorp?

22 A. No, this was for the Oregon PUC.

23 Q. Would that be Jerry, Jerry Murray?

24 A. Jerry Murray. Thank you.

25 To see if I had some interest in



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1 sitting in on, on the board as a director for--on
2 the Oregon Joint Use Association Board as a
3 director and represent the ILECs as, as part of
4 the Joint Use Association, which I accepted.

5 And so then my, my work with Corey was
6 more than just bringing in applications and
7 attaching to their poles.

8 When RCN really made the announcement
9 that the turnaround in the marketplace was not
10 looking real good, Corey asked me one day if I
11 was interested in looking at PacifiCorp for
12 employment, and so after some discussions over
13 several months, I left RCN and went to work for
14 PacifiCorp.

15 Q. When Jerry Murray contacted you about
16 serving on the J--the Oregon Joint Use
17 Association, when was this?

18 A. I would say sometime in mid to late
19 2000.

20 Q. Mid to late 2000.

21 At the time you were working for RCN.
22 Correct?

23 A. Correct.

24 Q. Had the Portland project at that point
25 shut down?



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1 A. No. We were just--that was in the
2 early stages of doing franchise work with the
3 cities, and we had already done our initial
4 paperwork with the PUC to--coming as a competitor
5 to the marketplace, and we were in early stages
6 of engineering and design.

7 Q. When did it--when did RCN sort of
8 freeze the Portland market?

9 A. 2001, late--

10 Q. Late 2001?

11 A. --late 2001, sometime in that time
12 frame.

13 Q. And--

14 A. And, just for the record, a lot of
15 these dates, 2001, is--just I am pulling numbers
16 out of the area exactly. I don't--I mean, it
17 could have been early 2002. Okay?

18 Q. I understand, your best recollections.

19 A. Best recollections.

20 Q. I understand.

21 A. It's a ball park.

22 Q. But you started with Corey and
23 PacifiCorp in the spring of 2002?

24 A. That's true, yes.

25 Q. Okay. So was it a period of a few



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1 weeks or a few months that you were commuting
2 from Portland to L.A. to work on that project for
3 RCN, if you recall?

4 A. I'm sorry, can you restate the
5 question?

6 Q. Yes.

7 You stated that your best recollection
8 was that Portland was shut down by RCN in late
9 2001, maybe early 2002, and I asked whether it
10 was a period of a few weeks or a few months that
11 you were commuting from Portland to L.A. to help
12 with the--RCN's L.A. project.

13 So the question is, was it--were you
14 commuting for a few weeks or a few months? I am
15 just trying to pin down the chronology, and then
16 we can get on with the more interesting stuff.

17 A. My commute in the waiting to see what
18 the marketplace was going to do to L.A. was
19 somewhere in the neighborhood of six, eight, nine
20 months that I commuted.

21 Q. Okay. Were you working simultaneously
22 in Portland and Los Angeles? Was there overlap
23 between your responsibilities as project manager
24 and--in Portland and, and in Los Angeles?

25 A. To some extent. I mean, I'm not really



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1 sure--we had, we had a plan in the air, we had
2 underground that had been done, we had purchased
3 three buildings for hubs, satellite, Megapops, and
4 I had a warehouse that was full of equipment that
5 I would go spend some time in Portland during
6 that time frame to kind of keep the monitor on
7 what was going on, maybe sit with the Joint Use
8 Association, check on the warehouse, make sure
9 everything was still safe and secure.

10 Q. But at the time, your primary focus was
11 Los Angeles?

12 A. Correct.

13 Q. Although you did have some monitoring
14 and administrative responsibilities for the
15 project, such as it was at that point in
16 Portland?

17 A. Correct.

18 Q. Okay. That's helpful, thank you.

19 I believe you mentioned a little
20 earlier that Jerry Murray of the Public Utility
21 Commission in Oregon had asked you to be the ILEC
22 representative to the JUA. Is that, is that
23 correct? The incumbent local exchange
24 representative?

25 A. CLEC.



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1 Q. Okay. CLEC, competitive local
2 exchange?

3 A. Right.

4 Q. So you believe now that you might have
5 misspoken, that you actually--

6 A. Correct.

7 Q. That was what I thought, but I wanted
8 to just, just make sure.

9 Couple of questions on, on the past and
10 then we'll, we'll--and I know I said this before
11 but this time I mean it.

12 When you worked with Pauley
13 Construction, did you do any work for cable TV
14 companies at the time? You mentioned Cox. Did
15 you do work for their cable TV services?

16 A. I did not personally, no. Pauley
17 Construction had various contracts throughout the
18 Southwest with cable companies. Jones
19 Interconnect was the cable company in Albuquerque,
20 and we had--prior to my getting there, they had
21 just completed an overbuild, and so I had some
22 administration over the cleanup of it, but my time
23 in Albuquerque, we didn't do any construction for
24 cable TV companies.

25 Q. Okay. And how about at AT&T, did you



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1 do any work for cable TV companies at AT&T?

2 A. No, because we were building our own
3 HFC plant.

4 Q. Was the HFC plant that was being built
5 to be a competitive plant with cable TV, HFC
6 plant?

7 A. Yes.

8 Q. Okay. Okay. You testified earlier you
9 met Corey, and at some point through your
10 acquaintance of the--with the Joint--Oregon Joint
11 Use Administration, you began talking about the
12 possibility of your working at PacifiCorp.
13 Correct?

14 A. Correct.

15 Q. And you said that consideration and
16 discussions went on for a period of months?

17 A. Correct.

18 Q. Okay. So the idea of working at
19 PacifiCorp was first broached end of 2001, early
20 2002?

21 A. Without specifics I would say early
22 2002.

23 Q. That's, that's fine. That's, that's
24 helpful.

25 So when you started at PacifiCorp, was



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1 it your understanding that you were being hired to
2 assist PacifiCorp with the aerial plant audit?

3 A. Yes.

4 Q. Okay. Could you describe for me the
5 work that you did at PacifiCorp for the first,
6 say, three months to get ready for the audit from
7 roughly May of 2002 to July of 2002?

8 A. Initially my first assignment was to
9 put together an RFP, so in order to do that it
10 was to try and understand some of PacifiCorp's
11 existing systems and looking at the schedule and
12 what the efforts were going to be in order to do
13 this in the time frame that, that had been
14 decided and how we would roll that out, manage
15 this project, and what the RFP needed really to
16 address going--before--on going out to bid.

17 Q. And what were the kinds of issues that
18 the RFP needed to address that you were
19 discovering during this?

20 A. The methodology in which we would
21 capture and collect and report on data.

22 Q. And when you say methodology, what
23 exactly do you mean by that?

24 A. My experience with--and my background
25 in, in managing all types of projects was taking



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1 a look at the--at what you need to accomplish.
2 So I have a million and a half poles that need to
3 be inventoried systemwide over a given period of
4 time and what resources might I need to collect
5 that data and what would be the best effort, the
6 best method in order to collect that data, to
7 report on it and bring it in.

8 And, you know, certainly there were
9 some early conversations before giving crews a
10 handprint map to go out in the field and mark
11 this data down. And my experience says, every time
12 you manually touch this piece of data, I have a
13 print that gets rained on. What's the impact to
14 the effort?

15 And after some time with PacifiCorp and
16 understanding their systems, it became fairly
17 apparent that the best methodology was to somehow
18 electronically build a system to collect that in
19 the field so that I only touch that data a few
20 times in its process before it gets brought back
21 in and compiled.

22 Q. So after--to paraphrase--arriving at
23 the conclusion that paper maps, paper maps, bad;
24 digital, good--

25 A. Better.



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1 Q. Better. What did you do at that point?

2 A. Included in the RFP was the ability for
3 these companies that we had talked to about what
4 their availability was and what their experience
5 was in the field, can you bring to us your
6 experience, your understanding, and some of your
7 thoughts in this RFP as to how you would proceed
8 and collect this data and--

9 Q. So you contacted a number of vendors
10 and service providers and said, basically, look,
11 we are going to be issuing this RFP for this
12 really big project, these are the basic things
13 that we are going to try to accomplish, let me
14 hear what you think we should put in the RFP for
15 this.

16 A. Or how they are currently collecting
17 data, what are their struggles, what are their
18 successes.

19 Q. Which companies did you talk to during
20 this pre-RFP stage?

21 A. We did a lot of internal research but
22 specifically communications with Osmose because
23 they had previously gone out in the field and
24 done a connectivity project for PacifiCorp, and we
25 already had that mapping piece in place. But we



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1 talked to companies like Transmap that was
2 collecting data electronically. I mean, we had
3 various conversations with a lot of different
4 companies.

5 Q. Let me throw some, some names out.

6 A. Okay.

7 Q. Did you have conversations with Line
8 Soft, which--or ITRON, that you recall?

9 A. I think we had some very limited
10 conversations with them, and, and my recollection
11 is that although they had a pole-loading software,
12 didn't really have a hand-collection field data
13 device that would bring data in at the time.
14 Now--

15 Q. I didn't--did you say they did not
16 really have a handheld, Line Soft did not?

17 A. That's my recollection.

18 Q. I just didn't hear you.

19 In terms of other companies, did you
20 speak with--and, again, we are talking about the
21 pre-RFP stage--did you speak with, with UAM at
22 PGE, John Sullivan's group?

23 A. Yes.

24 Q. And did you--from these conversations
25 with Osmose, the limited conversations that you



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1 had with UA--I'm sorry--with Line Soft and your
2 conversation with UAM, you--and other companies--
3 you assembled a profile of issues and pitfalls and
4 considerations that you sought to wrap at some
5 point into an RFP?

6 A. Correct.

7 Q. At this pre-RFP stage, can you recall
8 how many conversations you may have had with UAM
9 and PGE on this issue? At the pre-RFP stage.

10 A. Quantity, no. I know we had several.
11 Specifically a number, I don't know.

12 Q. Okay. Were there meetings that were
13 specifically between you and UAM to talk about
14 this issue?

15 A. I can't specifically recall that. I do
16 know that we had several conversations with them.
17 I do know that we looked at their handheld device
18 and their method that they were kind of in the
19 development stages of.

20 Q. Do you recall whether UAM was
21 developing at--this handheld device methodology
22 themselves or whether they were doing it or were
23 outsourcing the technology piece of it to another
24 company? If you know.

25 A. When--let me ask you, when you say



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1 outsourcing it to another company, meaning what?

2 Q. What I mean--you said, I believe, that
3 they were in the development stage of a handheld
4 device. It sounded to me when you said that that
5 PGE itself or UAM itself was developing this
6 handheld device, which made me ask you the
7 question that--was PGE really developing the
8 device or were they working with somebody else to
9 develop the software and the device to collect
10 this sort of information?

11 A. My, my understanding from UAM was that
12 they were developing this themselves to use with
13 their own mapping system to, one, use it internal
14 on their own PGE pole audits, but I also believed
15 that they were out soliciting other companies kind
16 of in those early stages to do an audit program
17 for other entities.

18 Q. And UAM solicited PacifiCorp to do this
19 audit project?

20 A. Yes.

21 Q. Okay. When did you release the RFP,
22 the final RFP, out to the target vendors?

23 A. I want to say late July 2002.

24 Q. Late July 2002.

25 So from the time you started, roughly



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1 May 2002, you were in a research and RFP drafting
2 mode?

3 A. Yes.

4 Q. Any other vendors that you recall
5 speaking to during this research drafting phase
6 that culminated with the issuance of the RFP in
7 late July?

8 A. Well, I think I said earlier we had
9 talked to a company called Transmap.

10 Q. Correct.

11 A. We obviously had talked to UAM. We had
12 talked to Osmose because of my relationship with
13 Northstar, who had done the engineering for RCN
14 for me in a job that they had done. We included
15 them in some of those discussions.

16 I know that there was some discussion
17 with a company called Southwest Solutions because
18 of their pole audits in the industry.

19 There may have been others, but I don't
20 recall that right now.

21 Q. During this research drafting phase,
22 for--who did you speak to at Osmose about this
23 project?

24 A. Initially my conversation with Osmose
25 was Chris Diliberto.



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1 Q. You, you say initially. Were there
2 others at Osmose that you spoke to?

3 A. At some--when I say initially, it was
4 looking at their handheld device and, and kind of
5 their experience and issues, and at some point
6 then Jim McGifford--I don't--Chris was pretty much
7 the point person for the technology and, and the
8 field data, so I think--I don't recall earlier in
9 the game really talking to anybody else.

10 Q. You mentioned Jim McGifford?

11 A. Jim McGifford.

12 Q. And what was Jim's function at Osmose?

13 A. He was Vice President of the western
14 region for Osmose.

15 Q. Is he based in Portland?

16 A. Based in Phoenix.

17 Q. Phoenix.

18 During this research, pre-RFP phase,
19 how many conversations would you estimate that you
20 had had with Chris Diliberto?

21 A. Five, six.

22 Q. Are these in-person meetings?

23 A. Some of them.

24 Q. How many?

25 A. Two.



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1 Q. And three phone calls?

2 A. Yes.

3 Q. And how many discussions with Jim
4 McGifford?

5 A. Probably only one. My recollection was
6 that in--whether he called me or I called him, it
7 was about the availability or the ability, rather,
8 of Osmose to do this kind of audit.

9 Q. Okay. The RFP was issued in late July
10 2002. Correct?

11 A. Correct.

12 Q. How many target companies were sent a
13 copy of the RFP, if you recall?

14 A. My recollection is eight.

15 Q. Eight.

16 How many responded?

17 A. I believe seven. I believe there was
18 only one company that declined based on the
19 intensity of the schedule.

20 Q. And based on the seven responses you
21 got, what was the next step in the process?

22 A. I believe that when the bids came in
23 that we sat down and analyzed the numbers and
24 looked at some of the information, material that
25 they had provided about their experience levels.



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1 And out of that group of I believe seven, we
2 narrowed the field to really two candidates that
3 based on their bids and their understanding of the
4 schedule and, and the data that needed to be
5 collected, we offered to two companies to come in
6 and do a formal presentation and really get into
7 hours of discussion about their ability to
8 succeed. And those two companies were Osmose and
9 a company called CLS, Custom Lighting Services.

10 Q. When you said we sat down and looked
11 over the seven responses, who do you mean by we?

12 A. John Juerin was--works for PacifiCorp
13 in Procurement and assisted in putting together
14 all of the contractual aspects and the procurement
15 guidelines as PacifiCorp standards. So we did
16 the--John and I did kind of the analysis on the
17 bid packages.

18 Q. Anybody, anybody else in those
19 discussions after you got your RFP responses back
20 from the list of seven to the list of two?

21 A. I'm sorry, can you ask me the question
22 again?

23 Q. Yes. I'm sorry.

24 Bids went out, eight of them, seven
25 responses came back, quote, we sat down to go



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1 through them. You answered initially we was you
2 and John Juerin?

3 A. Correct.

4 Q. And I asked, was there anybody in
5 addition to you and John Juerin who had those
6 discussions after the bids came back in.

7 A. In reviewing the numbers and the
8 packages, I know that Corey and I had some
9 discussions on it. There may have been others
10 involved pretty much at a high level that says,
11 you know, here is kind of what it's shaping up to
12 look like, and this is kind of where we are
13 headed.

14 Q. Who would those others have been?

15 A. The only person that I could, could say
16 that met with Corey and I would have been Jack
17 Vranish

18 Q. Who is Jack Vranish?

19 A. Jack Vranish was Corey's boss at the
20 time.

21 Q. Can you spell his last name?

22 A. It's v-r-a-n-i-s-h.

23 Q. What was Jack Vranish's title?

24 A. Director.

25 Q. Director of?



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1 A. Asset Management I want to say.

2 Q. He was in Asset Management as opposed
3 to Procurement?

4 A. Correct,

5 MR. THOMAS: Okay. Counsel, would you
6 like to take a short break here? Is that all
7 right?

8 MR. SACKETT: Seems like a good time,
9 an hour and a half.

10 MR. THOMAS: Sure. You want to take a
11 quick break here?

12 (Recess taken.)

13 Q. Before we recessed, we had talked about
14 some of the PacifiCorp individuals that you had
15 spoken to after the bids had come back from the
16 vendors.

17 Who else did you speak to in PacifiCorp
18 before the RFP was issued at the end of July of
19 2002?

20 A. For clarification, before the RFP went
21 out?

22 Q. Correct. During the research phase.

23 A. Specific to the RFP would have been
24 Corey Fitz Gerald and Jack Vranish.

25 Q. Nobody else?



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1 A. The only person I would include in that
2 would be Joe Clifton, kind of assisting or
3 reviewing the RFP documents prior to them going
4 out.

5 Q. And, and why was Joe, Joe Clifton
6 involved in the process?

7 A. Joe at the time was a supervisor
8 doing--his responsibilities were pre- and post-
9 inspections for applications, and Joe and I have
10 some history because he worked at Northstar, and
11 we go back quite a few years. And combined with
12 his knowledge of the industry and, and my
13 experience in the industry was just kind of a, a
14 check and balance, does this make sense to you,
15 is this clear to you, is it comprehensive, kind
16 of those discussions.

17 Q. So you had a dialogue with Jim?

18 A. Joe.

19 Q. Sorry, Joe.

20 With Joe about these, about these
21 issues prior to the RFPs going out?

22 A. Correct.

23 Q. You guys were friends from before?

24 A. Correct.

25 Q. Okay. And you had worked with him



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1 before because he was at Northstar?

2 A. Correct.

3 Q. Was he your principle point of contact
4 at Northstar when you were at RCN seeking to
5 built Portland?

6 A. Not initially. They had another
7 manager in place that was my point of contact and
8 that manager left, and Joe took that position
9 over, but I had known Joe before that so--

10 Q. When did Joe, if you know, start, start
11 working for PacifiCorp?

12 A. I believe he started February of 2002,
13 in that time frame.

14 Q. Just a few months before you?

15 A. Correct.

16 Q. Okay. Bids are in, you decide on two
17 to come back and make a presentation. Osmose
18 gets the contract. Correct?

19 A. Correct.

20 Q. Why did Osmose get the contract?

21 A. One, because of their price. But
22 certainly as well to their credit, their
23 experience in the industry and their ability to
24 assist us in the technology since we already had
25 the, the FastGate mapping system in place and how



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1 we would tie that--their handheld device or, or
2 collection piece--tie that into our mapping
3 database.

4 Q. Did Osmose develop the FastGate
5 application?

6 A. Yes. Well, it, it was developed by a
7 company called CNI, Coherent Networks, who was its
8 own independent entity, but at some point Osmose
9 purchased CNI.

10 Q. Do you know when that occurred?

11 A. I can't give you a specific date. I
12 don't know.

13 Q. Do you know when PacifiCorp purchased
14 and implemented FastGate for its systems?

15 A. Not specifically dates, but several
16 years prior, they had done a connectivity project
17 that CNI at the time assisted PacifiCorp in, in
18 implementing what we call FastGate.

19 Q. So Osmose and CNI worked together to
20 install and implement FastGate for the PacifiCorp
21 connectivity project?

22 A. Correct.

23 Q. And just so I'm clear, when we are
24 talking about the connectivity project, we're
25 talking about a--well, let me ask you this way.



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1 Describe for me what the connectivity
2 project was. I think I have an idea, but I'd
3 like to hear your description of it.

4 A. Connectivity--the platform is to know
5 from substations what circuits run out of that
6 substation, where those lines, poles, go and which
7 particular lines or phase, phase A, B, or C, is
8 on that pole at what location, what transformer,
9 what customers are tied to those transformers.

10 Q. And when the, when the connectivity
11 project was done, did it gather data about
12 transformer locations, if you know?

13 A. Yes.

14 Q. Okay. Can you give me a rough time
15 frame of when the connectivity project was
16 initiated and completed, if it's completed?

17 A. I really can't give you a specific
18 time. It was before my involvement at PacifiCorp.
19 I just believe it was several years prior, so
20 2000 time frame.

21 Q. So 2000 time frame.

22 What other--in addition to the
23 connectivity projects, what other kinds of
24 projects did Osmose do for PacifiCorp across the
25 service area, the multistate service area?



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1 A. Osmose, as a company, not specific--not
2 necessarily specific to PacifiCorp, but they have
3 a test and treat, and that's really how Osmose
4 was formed is they go out and test and treat
5 poles for various companies.

6 Q. And does PacifiCorp utilize Osmose's
7 test-and-treat services, to your knowledge?

8 A. Yes.

9 Q. Are there other services that Osmose
10 provides to PacifiCorp that you know of?

11 A. As part of that test and treat, there
12 is--it's a facility point inspection that looks at
13 that pole and collects certain kinds of data is--
14 it's really directed at power issues, is, is a
15 insulator broken on a cross arm, is a cross arm
16 broke. They note some types of violations that
17 are on that pole.

18 Q. Okay. After you decided that Osmose
19 was the winner, did you then enter into a
20 contract with Osmose?

21 A. Yes.

22 Q. How far--when the decision was made to
23 hire Osmose, how long was that decision made after
24 the bids came in?

25 A. My recollection is that mid September



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1 we informed Osmose that they were going to be
2 awarded the contract. And several weeks after
3 that--I don't have a specific date for you--then
4 we signed a contract.

5 Q. Do you remember who from PacifiCorp
6 signed the contract with Osmose, who was the
7 individual whose signature appeared on the
8 contract?

9 A. I really don't.

10 Q. Was it your signature?

11 A. No.

12 Q. Who was the gentleman you worked with
13 in Procurement to develop--

14 A. John.

15 Q. Was it John's signature?

16 A. I don't believe so. I believe that it
17 was upper management, a managing director. My
18 guess would be that Alec Burden was the person
19 that signed the contract, but without really--

20 Q. That's fine.

21 A. --looking at the document--

22 Q. I understand. No, we, we will probably
23 at some point have an opportunity to take a look
24 at that and we can nail that question down. I
25 just wanted to see what, what your recollection



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1 was.

2 Do you remember who signed the contract
3 for Osmose?

4 A. Jim McGifford.

5 Q. Jim McGifford.

6 And Jim was the vice president for the
7 northwest region?

8 A. For western region.

9 Q. Western region. Okay.

10 Were you involved in the nitty-gritty
11 negotiations over the contract with Osmose?

12 A. Yes.

13 Q. Who else was involved in that from
14 PacifiCorp?

15 A. John Juerin.

16 Q. Just John?

17 A. Right.

18 Q. Is John an attorney?

19 A. No, not to my knowledge.

20 Q. Okay. Who was involved from Osmose's
21 side?

22 A. I know Chris Diliberto, I know Jim
23 McGifford. I don't believe there was anybody else
24 over the contract. I don't believe so.

25 Q. Okay. Can you tell us how the



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1 financial terms of the contract were structured?

2 And I'll be more specific.

3 Was there a aggregate contract amount
4 that was established or was there an amount on,
5 say, a per pole basis that was established in the
6 contract?

7 A. The pricing structure was based on a
8 per pole visit, broken down to a joint use pole
9 and a distribution pole with no joint use
10 attachments.

11 Q. Okay. And what were those price points
12 for the two different ones?

13 A. Distribution only pole was \$3.25 and a
14 joint use pole was \$12.27.

15 Q. What did the contract specify in terms
16 of the work that Osmose was to perform on
17 PacifiCorp's behalf? In other words, what exactly
18 were they doing for PacifiCorp under the contract?

19 A. The whole intent of the RFP was to
20 visit every distribution pole or every
21 transmission pole that had joint use associated
22 with it. Obviously there is towers and structures
23 that went out miles that obviously don't have any
24 joint use on them.

25 They were instructed to collect every



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1 licensee attachment on that pole specific to joint
2 use and also any infraction that was associated
3 with that pole, as well as collecting information
4 on guys and whether they are correctly bonded,
5 whether they are correctly anchored, risers,
6 attachments on the poles, power supply attachments
7 on the pole, and some types of equipment that
8 would produce weight on that line and then take a
9 photo of the pole, get a GPS location.

10 I mean, in, in--each one of those
11 entities--I mean, well, they have a height on the
12 pole, but is there an amplifier on the pole and--
13 or a fiber slack loop on the pole. There are a
14 lot of different choices associated with those
15 attachments that they could record.

16 Q. This was for all of PacifiCorp's
17 service states?

18 A. Yes.

19 Q. Did the inspections record such things
20 as strand tension and inputs that would be used
21 for performing loading calculations?

22 A. If there was strands attached only and
23 no cable, then that attachment was recorded.
24 There was no tensioning analysis done on guys
25 other than perhaps this guy was not sufficiently



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1 tensioned.

2 Q. Like a slack guy?

3 A. Right.

4 Q. Okay.

5 A. Or if there was a missing guy guard on
6 it but not enough information to do pole loading
7 on.

8 Q. And was this just an examination of the
9 communication facilities that were on the pole?

10 A. Osmose was asked to report any urgent,
11 imminent hazard, a line that's fixing to fall
12 down, then that was basically a phone call back
13 to the office, send a crew out here and fix it.

14 The only measurements that they
15 collected for PacifiCorp would have been where the
16 secondary line was or the bottom of a transformer
17 or a weather head, only for the purposes of a
18 reference point to calculate NESC violations.

19 Q. Okay. So if the inspector or Osmose
20 technician were in the field, he would be out
21 there to look primarily at facilities in the
22 communications space and at the top of the
23 communications space, insofar as there, there was
24 an issue with separation from electric?

25 A. Correct.



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1 Q. But if they were out there and they saw
2 a secondary sagging and sparking and rubbing with
3 the communications strand, there would be a call
4 back?

5 A. To get it fixed.

6 Q. To get it fixed. And PacifiCorp would
7 roll a truck and get it fixed.

8 A. (Witness nods head.)

9 Q. Okay. The process would involve
10 counting--identifying the attachments of
11 communications companies on the pole. Is that
12 right?

13 A. Correct.

14 Q. Okay. We have some idea of how the,
15 the process worked from recording in the field
16 PDAs to eventually being incorporated into
17 PacifiCorp's systems, but I was wondering if you
18 could walk me through that process because I'm not
19 sure that I got it all when I was making inquiry
20 of that recently.

21 And we can start from field guy has a
22 PDA, 300 poles in the PDA, and then he goes back
23 to the office once he has completed the 300
24 poles. Then what happens? I, I understand that
25 part.



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1 A. Do you understand the front end on
2 the--before that process?

3 Q. Let's assume I don't. Yeah, I, I think
4 I do, but it wouldn't hurt me to hear it again.

5 A. The FastGate data model mapping shows
6 where the poles are and the facility point
7 numbers, and that data is specific to a district
8 or an area is posted--is electronically posted
9 like an e-mail on an FTP site and Osmose will go
10 in and retrieve that district, that data set, and
11 take it in to their in-house.

12 Osmose then takes that package and cuts
13 it up in work packages, manageable size, for the
14 crews in the field to put on their PDA.

15 Those work packages, once they are cut
16 up, are then sent out to a supervisor in the area
17 with a laptop, downloaded and then they are
18 distributed to the, the foreman or fielders and--
19 that are actually collecting the data. And they
20 put that on their handheld and take that
21 information out into the field.

22 So from that point I have 200 poles, or
23 whatever that work package might consist of. They
24 go out and--I mean, it has streets on it, the
25 pole lines and they're basically following that



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1 pole line. And when they click on a pole, there
2 is a data set that is available for them to
3 collect, so I can put in the licensee, the height
4 of the attachment, if there is a violation, if
5 there is a guy, a riser.

6 Once that pole--there are certain data
7 sets within that that that inspector has to fill
8 out or when he tries to close or save that data
9 set, it sends him a message, you haven't completed
10 your information and here are the ones that you
11 need to go back and fill in, which would be the
12 facility point number, the licensee name or type
13 of the attachment.

14 That pole virtually, on the mapping
15 system, turns from red, not collected, to green as
16 I've completed all of my tasks and he would move
17 to the next pole and start the process all over
18 again, which was to gets the GPS locations and
19 the photo of the pole as well.

20 Once that work package is complete, he
21 then returns that to the supervisor, who would
22 then electronically send that work package back to
23 Osmose's CNI office in Buffalo, and they would
24 start compiling that data and, and dependent upon
25 the size of the district and how long it would



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1 take to, to really inventory this area, Osmose
2 would then package that data back up so we might
3 get 10 percent of the district with work packages
4 compiled.

5 Let me--I missed a step in there.

6 Osmose in their contract also has a
7 responsibility to QC a percentage of those poles
8 that they field, so prior to--once the fielder was
9 done with the package and gave it to the
10 supervisor, the supervisor would distribute that
11 to a group of individuals that would go out and
12 QC a percentage of those poles to validate that
13 the accuracy was correct.

14 Then they would then submit that back
15 to Osmose, compile it, give us whatever data set
16 was completed.

17 We bring that data in-house and
18 distribute those packages back out to our internal
19 PacifiCorp contracted by Volt to go out and
20 analyze a portion of those packages as well, to
21 validate not only did poles that were only fielded
22 but never QC'd met our criteria. The poles that
23 were QC'd also met that same criteria.

24 And then we would send that data back
25 to Osmose as accepted. And once that area had



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1 been completed, then they would redeliver it and
2 the, the point that needs to be understood is
3 there is a conversion process in the GPS that
4 takes place from what the satellite tells me to
5 actual point on the earth and make sure that
6 those GPS coordinates are in line with one
7 another, and then we would bring that data back
8 in and start running whatever reports necessary
9 and do kind of a final QC on that data before it
10 was applied to production mapping, which was
11 originally where it came from.

12 Q. Got it.

13 A. Okay.

14 Q. Thank you. Good explanation. I have a
15 couple of, of follow-up questions.

16 The first one is are--throughout
17 PacifiCorp--and let's focus just on Utah for now,
18 but in PacifiCorp's Utah service area, would there
19 be Qwest poles interspersed with PacifiCorp poles?

20 A. Yes.

21 Q. Would those appear on the, the PDA map
22 that, that the, the fielder would have?

23 A. Correct.

24 Q. Would they appear as a foreign-owned
25 pole?



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1 A. It would show up as a different color
2 pole because it was a foreign-owned.

3 Q. So--I think you mentioned that it was,
4 it was--a PacifiCorp pole where no data had been
5 collected was red, when the data was collected, it
6 turned green. Right?

7 A. Right. There--there is kind of a
8 dark--a circle around--well, there is a circle
9 around that red pole that says that--it's black
10 and so this pole is owned by PacifiCorp, but
11 there would be a blue circle around that pole
12 indicating it was leased.

13 Q. Indicating that--

14 A. Foreign-owned.

15 Q. PacifiCorp--okay. PacifiCorp leased
16 space on that pole for its facilities?

17 A. Yes.

18 Q. When the fielder goes out, sees a pole
19 with a blue circle around it indicating a foreign-
20 owned pole, would the fielder conduct the
21 inventory of that pole?

22 A. Only to collect information on a, on a
23 leased pole, only that PacifiCorp has any
24 infractions on it that are of concern because we
25 are only worried about our space on that pole,



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1 not joint use.

2 Q. You are worried about the electric
3 space at the top of pole, you are not worried--

4 A. If there are any urgent hazards on that
5 pole. So I have a facility point because I want
6 to validate that my records, leased pole,
7 coincides with the mapping. So I would make sure
8 the facility point was met so I could balance it
9 off of our records and if there is urgent hazards
10 on it.

11 Q. So--just to get this clear in my--my
12 head, you got two poles right next to each other;
13 one is a PacifiCorp pole and the one immediately
14 adjacent to it is a Qwest pole.

15 Fielder goes out to the PacifiCorp
16 pole, which at that stage of the process is red
17 with a black circle around it. Am I right so
18 far?

19 A. Yes.

20 Q. Okay. The fielder looks up at the
21 communications facilities, does some measurements
22 and records information in the PDA regarding who
23 is on there and what the separations and the like
24 are and records that. Is that correct?

25 A. Correct.



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1 Q. And then he looks up to make sure there
2 is no obvious electric problems on the pole.
3 Assuming there aren't any, he closes that pole out
4 and then goes to the Qwest pole or--

5 A. Correct.

6 Q. Assuming there is a problem of a sort
7 of serious nature, make a phone call, a truck
8 will roll, and that will be taken care of?

9 A. Correct.

10 Q. And so then he goes to the next pole,
11 which is Qwest, and he doesn't inspect or record
12 information related to the communications
13 facilities on that pole. Is, is that correct,
14 the Qwest-owned pole?

15 A. Correct.

16 Q. Okay. Just looks up and does the
17 same--well, let me ask you.

18 Does he do basically the same thing
19 with respect to the electric attachments that he
20 had just done on the previous PacifiCorp pole or
21 is there something specific that he does?

22 A. I'm not sure--I thought we were talking
23 about Qwest poles.

24 Q. We are. We are.

25 A. And you said PacifiCorp poles.



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1 Q. Yes. Maybe I wasn't clear. On the
2 PacifiCorp pole, just wanted to make sure there
3 wasn't a bad safety problem there. If there is
4 not one, he is finished with the PacifiCorp pole.

5 He goes to the Qwest pole. Does he do
6 the same thing that he just did to the PacifiCorp
7 pole, look up, gee, no problems, move on?

8 A. If it's a leased pole, foreign-owned,
9 he is really only looking at power, if there is a
10 urgent eminent hazard on it and not collecting
11 joint use data.

12 But if it's a PacifiCorp pole, a urgent
13 hazard, if one exists, and collecting all the
14 joint use data on that pole.

15 Q. Okay. And is--all this work is done
16 from the ground?

17 A. Yes.

18 Q. And crews of--well, how many members
19 were in, in the fielding crew for Osmose?

20 A. One person. A crew consists of one
21 person.

22 Q. Throughout the entire survey in Utah,
23 one person?

24 A. Yeah.

25 Q. There was never a time where there were



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1 two or three?

2 A. Initially they tried to do, in their
3 collection data, trying to do it with two
4 individuals, one kind of doing the measurements
5 and one doing the handheld that--and they found
6 after they got into it that really the one
7 individual could collect it as fast, so they split
8 those crews up to one individual.

9 Q. Okay. So they could make two crews out
10 of one?

11 A. Correct.

12 Q. Okay. Did--what pops up on the PDA, is
13 it basically a map or was it a more detailed
14 graphic? Did it look just like an electronic
15 version of a flat paper map where--sort of one-
16 dimensional, where poles were indicated with a
17 circle and roads were indicated by two parallel
18 lines, that sort of thing?

19 A. One-dimensional, flat line roads,
20 poles.

21 When you mentioned the word graphical,
22 there are--as I put attachments on that pole,
23 there are not only the licensee, this is AT&T or
24 Comcast or Qwest or whoever, but there is an icon
25 that kind of identifies that as CATV or Telco or



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1 fiber, whatever that entity is.

2 Q. Okay.

3 A. There is some graphical to it, I
4 suppose.

5 Q. Okay. Did you--do you recall whether
6 there were instances where PacifiCorp's QC kicked
7 back work packets for resurvey by Osmose?

8 A. Can you restate that for me?

9 Q. Yes.

10 A. I thought I understood, but I'm not
11 sure.

12 Q. I'm glad, I'm glad you asked and that's
13 very helpful that you do that.

14 My understanding is that PacifiCorp
15 conducts its own QC of a small percentage of
16 poles within a data set. Is that right?

17 A. Correct.

18 Q. Were there instances where the data set
19 had passed Osmose's QC but it didn't pass
20 PacifiCorp's QC?

21 A. In some cases, yes.

22 Q. Can you give me a ball park estimate of
23 how many times that this may have occurred either
24 as a number of, well, it happened ten times out
25 of--or on a percentage basis?



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1 A. I would say a very few times did we-1
2 percent of the time, 2 percent of the time we--I
3 mean, I'm talking globally here, I'm not--and
4 maybe I, I don't know that I can specifically say
5 percentages to Utah, but globally, I think 1, 2
6 percent of the time did we fail and force Osmose
7 to go back and revisit that pole or that state--
8 data set.

9 Q. And that would be the, the result of a
10 failed QC is that they would go redo the entire
11 data set?

12 A. Correct.

13 Q. Okay.

14 A. Can I stop you? Can I take just two
15 minutes to run to the bathroom.

16 Q. Oh, absolutely. Absolutely. Please.

17 A. Now that that's on the record.

18 (Recess taken.)

19 Q. Before coming to PacifiCorp to help out
20 with the audit or, in fact, to sort of oversee
21 the audit, had you ever participated in a detailed
22 inventory kind of like this before?

23 A. I guess I would have to answer that an
24 inventory such to the extent that PacifiCorp is
25 doing, no. But through my work history, certainly



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1 audits and inventories of existing plants when I
2 worked at RCN, going out and visiting pole after
3 pole after pole to look at any infractions that
4 our construction crews might have created and
5 seeing to it that those were corrected. So on
6 some scale, yes.

7 Q. Okay. Do you have any knowledge about
8 how Osmose employees were compensated by Osmose
9 for the work performed in connection with the
10 audit? And we can break this down in a couple of
11 different ways. The first one is we had somewhat
12 of an understanding of how Osmose was compensated
13 by PacifiCorp. It was basically on a per pole
14 basis, one price for joint use, one price for
15 non-joint use.

16 A. Correct.

17 Q. But within the Osmose sphere, do you
18 have knowledge about how Osmose compensated its
19 employees for their work on the PacifiCorp
20 project?

21 A. My understanding is that they are
22 strictly hourly employees.

23 Q. Do you have any knowledge about bonuses
24 or premiums which would go to the Osmose
25 employees?



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1 A. I don't. I would assume not, but I
2 don't--

3 Q. You don't--what about compensation of
4 Osmose managers or executives, do you have any
5 information about that compensation?

6 A. I do know that Osmose came back to us
7 at some point because of their financial struggle
8 with what they were being paid to do this
9 inventory versus what it was really costing them,
10 and I do know that we looked at some of their
11 financials and some of their projected bonuses,
12 assumptions, but the reality of all of that was
13 that they reduced some of their upper management
14 layers in, in their process. I have to believe
15 that because of their financial struggle through
16 this project that there likely were not any
17 bonuses ever paid at all.

18 Q. So in the financial information that
19 Osmose provided you in connection with possible
20 renegotiation of a contract, you had seen
21 projected information for management bonuses?

22 A. What their overheads were, what their
23 vehicles were, what some of their--and I can't--I
24 guess the line item, without specifically looking
25 at the document, probably said salary plus



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1 bonuses, which would be a standard line item on,
2 on a financial form. So--

3 Q. And you, you used the term financial
4 struggle that Osmose was having under the
5 contract. What do you mean by struggle?

6 A. In their assumptions of what time it
7 would take them to actually collect this data in
8 the field versus the price that they were getting
9 to visit the pole was--and, and we talked a
10 little bit ago about initially starting out with
11 two guys in the field and saying, well, I can
12 really do it equally with one so I, therefore,
13 split my cost on that pole. But some of their
14 early assumptions on how long it would take them
15 to collect data on a joint use pole, I think, was
16 probably a little aggressive, so they were taking
17 longer at the pole to collect that data.

18 Q. And when they came back and, and said,
19 we'd like to renegotiate this, what did they
20 propose?

21 A. They--there is a tag on the pole that
22 lists year, class, and height of the pole and
23 what they were asking for was that if they could
24 not collect that information. And the relief we
25 gave them for--specific to Oregon and Washington



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1 and northern California--was that we, through
2 their FPI inspection program, already had that
3 data, but for Utah and Wyoming and Idaho,
4 Washington, we had little tiny pieces of that data
5 but globally not. So the relief we gave them was
6 that in Oregon we would use the FPI data to
7 supplement, which meant that that--when they
8 visited that pole that was one piece of
9 information that the fielder didn't have to
10 collect.

11 Q. For non-Utah--some non-Utah states.

12 A. Correct.

13 Q. Now, I had heard you might give us some
14 abbreviations that we are not familiar with, so I
15 am going to ask you what FPI means.

16 A. Facility point inspections.

17 Q. Okay, thank you.

18 A. That's the only one I know.

19 Q. I'm sure.

20 Just a quick question about those
21 facility point inspections that were done
22 previously in the other states.

23 What--can you describe for me what,
24 what that was and when it was done?

25 A. There is an inspection program that



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1 systematically goes through a circuit and
2 identifies the condition of that pole. I mean,
3 did a car hit it, is, is the strength of that
4 pole adequate, like we talked before, is the cross
5 arm broke, is the insulator broke and, and it's--I
6 think Oregon is on a ten-year cycle, I believe,
7 to go through the system. So over the years we've
8 collected some of that data that would have
9 assisted them in not having to collect it.

10 Q. Okay. Mr. Coppedge, are you familiar
11 with an audit that was conducted in Utah from
12 approximately 1997 to 1999?

13 A. I am only aware that there was one. I
14 am not familiar with the extent of that project.

15 Q. Did you have, in connection with your
16 management responsibilities for the, the Utah
17 audit, have occasion to refer to the results of
18 that '97/'99 audit?

19 A. Only from the standpoint that the data
20 that resides in a mainframe database that we'll
21 call JTU, that those records prior to or during
22 that audit reside in that database.

23 So if I go look at an attachment
24 specific to a facility point, if it was collected
25 in that time frame, it would say, this attachment



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1 on this pole, 1998, which may or may not have
2 been from the inventory during that period of
3 time. It may have been the application that was
4 submitted in that time frame as well.

5 Q. But you never had occasion to look at
6 raw data from the 1997/1999 audit?

7 A. No. No.

8 Q. Just from what was in the JTU database?

9 A. It's in a mainframe application
10 that's--well, it's, it's difficult to extract data
11 out of it in, in some forms that you would like
12 to review it in, but the application itself is to
13 go into specific fields, specific poles, and look
14 at those specific attachments.

15 Q. Okay. Was there any other--did--
16 consideration or discussions that you had with
17 either Osmose or PacifiCorp individuals regarding
18 the 1997/1999 Utah audit?

19 A. No.

20 Q. Okay. Mr. Coppedge, do you know
21 whether Osmose had used contractors to perform
22 their responsibilities under the audit contract or
23 whether their people were employees of Osmose?

24 A. Specific to the inventory RFP?

25 Q. Yes.



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1 A. And the inventory project audit, those
2 persons in the field per the contract in the RFP
3 were not to be subcontractors and, to my
4 knowledge, they are all employees of Osmose.

5 Q. Okay. That was a contractual
6 requirement?

7 A. Yes.

8 Q. Speaking of contractual requirements,
9 were the field tasks performed by Osmose personnel
10 conducted from the ground?

11 A. Yes.

12 Q. No pole climbing?

13 A. No pole climbing.

14 Q. Bucket trucks?

15 A. No.

16 Q. Why?

17 A. First of all, there's really no need to
18 use a bucket truck to measure or identify that
19 cable. Usually there is a tag on the cable, a
20 fiber cable, that would specifically tell you who
21 that fiber company was. I already know who the
22 licensee is in a specific geographical area and I
23 need a height stick to measure that attachment.
24 And a bucket truck would have only increased the
25 cost to do these inspections. So they had a



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1 little, tiny Ranger pickup, in most cases, or a
2 small sedan vehicle to get from pole to pole and
3 no need to go up in a bucket or climb the pole
4 for any reason.

5 Q. Any other reason that you can recall
6 why it wasn't--it was just a function of need?

7 A. (Witness shakes head.)

8 Q. Do--were there maybe union
9 considerations that you know of that might have
10 affected how the audit was performed? If you
11 know.

12 A. To do the type of inspection that these
13 individuals were being asked to perform did not
14 require them in any form to climb, get high
15 enough on the pole, and I don't--I wouldn't equate
16 their ability to do the inspection in relationship
17 to a union issue.

18 Q. Okay. We spent a good deal of time
19 this morning talking about what the fielders did
20 at, at the poles. Did they look at the
21 facilities along the span to the next pole or
22 were they just concentrated on, you know, tunnel
23 vision at the pole approach?

24 A. Looking for mid span clearances along
25 the route, there are NESC rules that apply to a



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1 specific height above the road or a drop or, or
2 lateral line that would come off and cross the
3 road somewhere as well as any equipment that would
4 be the prime--the primary--most of cable TV, Telco
5 type of equipment is located close to the pole,
6 but for fiber installations, there are splice
7 cases and slack loops of 150 feet or better and
8 the splice case itself, which adds considerable
9 weight to a mid span, so is it in conflict with
10 another attachment, is it sufficiently placed on
11 the pole.

12 Certainly if you have driven around and
13 ever looked at poles like we look at poles, you
14 will see these huge coils of cable that as--is
15 just wound up sometimes in a ball that's hanging
16 from the strand with a rope or some tape or
17 whatever they had to tie it with and that in and
18 of itself is an infraction because it requires a
19 slack loop to be placed on the strand. So there
20 were several items that they were looking for
21 walking from pole to pole.

22 Q. When we break for lunch and go off the
23 record, I'll tell you about something that
24 happened to the three of us recently when we were
25 doing just that, driving in a car looking at



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1 poles, but I'm not putting it on the record.

2 So the mid span inspections would be
3 both for the communications facilities and also to
4 check for serious electric problems that might be
5 at mid span?

6 A. That's correct. And, and there are
7 NESC requirements mid span for the distance
8 between a neutral or service line to the
9 communication space. And, likewise, as the fiber
10 coils, you will find where because of the
11 utilities, are--the telecommunications are pushing
12 the NESC 40-inch rules sometimes to their max and
13 attaching at 12 inches below instead of 40 and
14 running their cables, both strand type and mid
15 span, to my--our service lines or, or neutral
16 lines. They are an infraction as well.

17 Q. Okay. When the Utah Osmose crews were
18 at full capacity, how many, how many individuals
19 comprised the Utah crews?

20 A. I want--I really need to look at a
21 schedule to see what was going on kind of at the
22 same time, but certainly as multiple areas were
23 being collected in a given time, we might have
24 had 40, 50, 60 people kind of going through the
25 area.



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1 Early on certainly you had duplicate
2 people. And that was not a long period of time.
3 But then as we wound through the schedule and,
4 and some of the larger districts were getting
5 close to closure, a lot of those people would
6 have been reassigned to Oregon, Washington,
7 Wyoming, wherever the next scheduled area was.

8 Q. So Osmose would rotate folks out of
9 Utah and into other states potentially?

10 A. Osmose is training primarily but
11 because, because of the locality to Salt Lake to,
12 to Wyoming and--Wyoming because of, of the
13 schedule, we needed to get into Wyoming early in
14 the spring, as soon as the snow would break in
15 order to get done before the snow fell, but, but
16 because of the locality their training center for
17 their fielders was primarily in Salt Lake, so
18 crews would--people would be hired, brought in, go
19 through their training process, go out in the
20 field with fielders that had already had months
21 upon months of field experience and then come back
22 in and kind do a final testing.

23 And once they were--passed their kind
24 of final exam, then they were put out in the
25 field. Now they may stay here for a period of



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1 time depending on the schedule or they might have
2 very easily been shipped off to Oregon.

3 Q. Was there--how would you characterize
4 the amount of turnover of the Utah crews? Was it
5 slight, moderate, appallingly large?

6 A. Two pieces I, I--you need to
7 understand. There was a very high turnover in the
8 training process itself, in that once they went
9 through a week of classroom, a week in the field,
10 and then several days back in the classroom making
11 sure that they knew how to work the IPAC, could
12 identify an infraction, could identify who a cable
13 company was, there was a fair amount of fallout
14 in their ability to comprehend what they needed
15 to.

16 Q. Fallout because of failed examinations?

17 A. Right. Yes.

18 Q. Or this isn't for me, I'm going to do
19 something else?

20 A. Well, I would suppose that probably
21 some of them may have decided along the way that
22 this is really not what I want to do but--

23 Q. Right.

24 A. For the crews that were in the field
25 and, and doing the work in specific geographic



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1 areas--

2 Q. Who had gone through the training
3 successfully?

4 A. Gone through the training, knew that
5 they were going to go to Ogden or to Cedar Falls
6 or wherever those areas were, I would say it was
7 a very slight turnover during that fielding
8 process. There was a higher turnover when you
9 said, I'm now going to reassign you to Washington,
10 and they said, I don't think so.

11 So for the, for the crews that stayed
12 in a relatively close proximity, all of Utah, or
13 for those crews assigned to Washington or to
14 Wyoming, those crews pretty much stayed intact.

15 Now, certain family issues, obviously,
16 but the loss really was--and that's why there was
17 a continual training process--was that as soon as
18 they would get assigned from Wyoming to southern
19 Oregon we would lose ten percent. They would say,
20 I am not going to make that move, I am tired of
21 living in a motel, I am tired of being on the
22 road. It rains too much in Oregon.

23 Q. Do you have an idea of what level of
24 experience the green Osmose trainees came to the
25 process with, in outside plant?



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1 A. The crews that I met, in, in some of
2 their training sessions, they came from all walks
3 of life. I mean, I had people that had been in
4 cable TV, men were 40, 50 years old and were
5 tired of doing that kind of work but still wanted
6 to be out in the field and, and certainly we had
7 people that had very little outside plant
8 experience. But I would tell you also that it
9 was very rigorous training session, i.e., why
10 there was considerable fallout on the front end.

11 Q. Was the fallout from the training cited
12 by Osmose as a reason for renegotiation of the
13 terms of the initial contract?

14 A. No.

15 Q. To your knowledge, was there a
16 prerequisite for either outside plant or some kind
17 of communications experience for the Osmose
18 trainees?

19 A. Certainly preferable. I wouldn't say
20 that it was a prerequisite.

21 Q. Okay. How did Osmose recruit the
22 trainees, if you know?

23 A. I, I don't know. I don't know that.

24 Q. Okay. Just give me moment here and
25 then we can recess.



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1 A couple of quick, quick questions, Mr.
2 Coppedge, and then we'll recess.

3 Do you know approximately how many
4 hours per week the Osmose employees worked on the
5 field inspections?

6 A. Primarily they worked 40 hours a week
7 to keep the cost of overtime down, but I do know
8 that in certain circumstances crews, in order to
9 finish a district or because of weather concerns,
10 trying to get completed with an area, they might
11 have worked Saturdays, Sundays. I don't
12 specifically know exactly but--

13 Q. Would the cost of such overtime have
14 been absorbed by Osmose?

15 A. Absorbed by Osmose. Strictly billed by
16 per pole.

17 Q. Two more questions.

18 From the time that the information is
19 collected in the individual PDA until it is made
20 available to PacifiCorp in Portland for it to do
21 the Volt QC function, how, how long was that, in
22 a range?

23 A. Could be anywhere from a couple weeks
24 to a month and a half. Would depend on the
25 amount of data that was flowing back and forth



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1 and where our QC personnel was completing other
2 areas and data sitting there until they got
3 reassigned or completed their task and moved to
4 the next area to look at data.

5 Q. Okay. And from the time that the data
6 was collected in the field and resident in the
7 PDAs until results were communicated to Comcast,
8 what is the approximate lag time?

9 A. Could be a month to two months. Still
10 would depend on how fast an area was being
11 inventoried and how much data we were trying to
12 process.

13 Q. Okay. In connection--are you still
14 involved with the, with the Oregon Joint Use
15 Association?

16 A. Yes, I am.

17 Q. And I won't ask you how you like that,
18 but I will ask, do you have interaction with
19 Comcast employees up in, up in Oregon?

20 A. Yes, I do.

21 Q. Okay. You have--who do you interact
22 with up in, up in Oregon for Comcast?

23 A. Bill Woods, at times Reed Hjort. And I
24 believe that's h-j-o-r-t.

25 MR. WOODS: That's correct.



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THE WITNESS: Thank you.

And then one name that escapes me right now.

BY MR. THOMAS:

Q. So three individuals from Comcast?

A. Pretty much.

Q. Pretty much. Okay.

Do you ever talk to them about the Utah audit?

A. No.

Q. Were your discussions limited to OJUA issues?

A. Correct.

Q. Oregon matters.

A. And, and I did have on a couple occasions to go out with Bill and I believe Reed to go look at some issues, pole attachments in Portland, on one or two occasions. But pretty much it's limited to, you know, either their attachments, their violations, OJUA concerns.

MR. THOMAS: Why don't we break for lunch.

MR. SACKETT: Okay.

MR. THOMAS: Thanks.

(Recess taken.)



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1 Q. Mr. Coppedge, I had just a couple of
2 follow-up questions from the morning session that
3 I wanted to ask you. And this refers to when the
4 fielders go out to, to the survey poles with
5 their PDAs.

6 Have there been occasions that you know
7 of where they had gone out to a location and a
8 pole that was supposed to be at a location
9 according to the PDA information wasn't there?

10 A. The PDA and the software had the
11 ability, even though a new pole has been placed
12 perhaps in between two existing, for them to
13 create a pole, put the facility point number on
14 it and go ahead and collect data.

15 Q. Okay. So they would be able to go
16 ahead and insert--you know, a pole had been
17 interset and they could say, oh, new pole, click
18 it, and then just go through the process?

19 A. Correct.

20 Q. What about if there's a pole on their
21 map and they go out to the location and there is
22 no pole there?

23 A. And they would delete it as well.

24 Q. Okay. Okay.

25 Mr. Coppedge, I want to turn your



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1 attention to a document which has actually been
2 marked for identification as Fitz Gerald Number
3 11. And the reason it's marked as Fitz Gerald
4 Number 11 is because it was used in, in Corey's
5 deposition yesterday.

6 Now that I have presented you with that
7 document, I am going to have to read it upside
8 down. No, no, no, that's okay. I am more
9 familiar with that.

10 Have you seen this document before?

11 A. Yes.

12 Q. Is this document a, a fee schedule that
13 PacifiCorp generated for joint use permitting
14 attachment fees?

15 A. For inspection fees.

16 Q. For inspections. Thank you. For
17 inspection fees.

18 There are a series of fees described on
19 this document. Reading from the top, there is an
20 application processing fee of 26.65 plus \$4 per
21 pole. Down under the pre inspection fees, there's
22 a \$31.30 application fee for a level one
23 inspection, \$41.20 for level two, 88.55 for level
24 three inspections. Is that correct?

25 A. That's correct.



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1 Q. Starting at the top with the 26.65 fee
2 plus the \$4 per pole, could you describe to me
3 what that would be for?

4 A. That's the, the application process fee
5 for receiving the information from whatever
6 licensee and to enter that data into our database,
7 process the application, notify it to the
8 inspector to go out and then do the in--the post-
9 or pre-inspection and then communicate the
10 results, either it was denied or approved and, and
11 sometimes that goes back and forth several times.

12 If, if you made an application for a
13 pole and it was pre-inspected, there was not room
14 on the pole, then the ASCs would communicate back
15 to the licensee, Comcast in this instance, that
16 there was no available space and an estimate or
17 pole replacement might be required, do you want to
18 proceed with that.

19 And then that response coming back from
20 the licensee saying proceed or, no, we'll do
21 something else. So for all of that communication
22 that's the fee for that portion of the work.

23 Q. Okay. You used an acronym ASC?

24 A. ASC. Stands for administrative services
25 coordinator.



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1 Q. Okay.

2 A. Which is a person that's receiving and
3 corresponding to the licensee.

4 Q. Understand. For the record that's two
5 acronyms now, Mr. Coppedge?

6 A. Touche.

7 Q. Would you describe for me the--under
8 the pre-inspection heading, the level one
9 inspection, which carries a \$31.30 charge for the
10 first pole and then 17.65 for each pole
11 thereafter. What would be involved in a level
12 one pre-inspection?

13 A. Simply getting that information out to
14 the utility specialist and then having them
15 perform the inspections on whatever quantity or
16 poles that were in that application.

17 So those costs involve paying for that
18 person's time to drive wherever that might be and,
19 and do a visual inspection on those poles.

20 Q. Okay. And what's the difference
21 between a level one inspection and a level two
22 inspection?

23 A. Level two inspection is the same thing
24 except that the utility specialist, the fielder,
25 is actually going to have--because of the



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1 inability to say, This is really enough room, that
2 they would have to get out and physically inspect
3 that particular pole and measure that there is
4 clearance or take notes that it would go back to
5 the administrative coordinator to communicate
6 whatever necessary steps were needed to make an
7 authorized attachment on that pole.

8 Q. Okay. And could you describe for me
9 what the level three inspection is?

10 A. A level three is a more in-depth study
11 of that pole, which can include pole loading.

12 Q. Okay. Can but doesn't necessarily
13 include pole loading?

14 A. (Witness nods head.)

15 Q. Okay. Now, going down to the post-
16 inspection fees, which are described as level
17 four, level five, and level six, they carry the
18 same dollar amounts as the pre-inspection level
19 one, level two and level three fees. Correct?

20 A. Correct.

21 Q. And is it a fair characterization to
22 say that level fours, level fives, and level six
23 is approximately the same degree of work that was
24 necessary for level one, level two, level three,
25 which is why they carry the same charge?



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1 A. Correct.

2 Q. Okay. Going back up to the top, to the
3 26.65 plus \$4 per pole, did you--were you involved
4 in determining what the proper amount for this fee
5 should be?

6 A. Only at a very high level. When, when
7 this was initially put together, primarily by Joe
8 Clifton and with, with, obviously, some review
9 with Corey, I had looked at some of the analysis
10 that was done, but at this particular time my
11 responsibilities were strictly to inventory as a
12 project manager as opposed to Joe, the supervisor
13 for that region--or those regions. So I only
14 looked at it kind of at a review level. And
15 then, of course, now I have responsibility for
16 both of those areas. I am familiar with the
17 information and, and how it was arrived at.

18 Q. Did you--well, who was primarily
19 responsible for deriving these, these, these fee
20 levels?

21 A. I, I think Joe Clifton would certainly
22 have been the lead on, on putting this information
23 together but it was a--as my memory serves me
24 right, it was a joint effort, really, with all of
25 the supervisors in those different regions because



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1 where they are located or their utility
2 specialists were located and the distance from one
3 end of their area that they are assigned to has
4 kind of--obviously differences in how far they
5 have to drive to this district to inspect as
6 opposed to another area. So all of those were
7 taken into consideration.

8 Q. So these fees apply to all PacifiCorp
9 service areas?

10 A. Correct.

11 Q. Would you say that you were made
12 familiar with these fees toward the end of the
13 development process before they were rolled out to
14 your pole licensees?

15 A. I might have in the early stages
16 offered some advice, certainly toward the end of,
17 of accepting and saying, This data looks good and
18 makes sense and it's reasonable, then I would have
19 probably had more involvement in it at that time.

20 Q. You said it was developed by--I believe
21 you said it was developed by Mr. Clifton and
22 other, other supervisors across the service area?

23 A. Correct.

24 Q. How many other, how many other
25 individuals do you think were--



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1 A. There are four supervisors, and
2 probably each one of them would have to--or Joe--
3 would have to speak what involvement each one
4 independently had, but Brian Lund is responsible
5 for Washington. I'm sorry. I would like to
6 retract that. He is responsible for Wyoming and
7 Idaho, and at the time John Cordova was in charge
8 of southern Utah, basically from Ogden--or the
9 southern part of Ogden south. And Joe Clifton
10 would be responsible for northern Oregon and
11 Washington. And Mike Leonard, Oregon into
12 California.

13 Q. Were there work papers that were used
14 to, to derive these numbers that might give an
15 indication of how they got to the various fee
16 levels that we have been discussing here, that you
17 know of?

18 A. I would certainly have to make some
19 assumptions. I mean, I, I, I do remember looking
20 at kind of how they arrived at some of those fees
21 and, and the process that--to what detail I
22 don't--I can't tell you.

23 Q. Do you recall when they gave you, when
24 they gave you these numbers did they say, here is
25 how we got here, or did they say, these are the



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1 numbers that we have come up with for these
2 various functions, what do you think?

3 A. Certainly we would--I would have looked
4 at some of the assumptions as how they arrived
5 there.

6 Q. Okay. To the extent that you know,
7 were there other, other individuals within
8 PacifiCorp other than the ones that you
9 specifically mentioned here, including Corey, who
10 were involved in the development of these numbers?

11 A. Again, it wasn't my realm of
12 responsibility--

13 Q. I understand.

14 A. --at the time so from my perspective,
15 not that I know of.

16 Q. How about in the approval of the
17 numbers after they had been developed?

18 A. It was not within my realm of
19 responsibility. I would have offered my opinion
20 that it looks reasonable to me.

21 Q. But you didn't know whether there was
22 managing director level approval of them?

23 A. I don't know that.

24 Q. Okay. And you don't know whether there
25 was more senior level approval than--



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1 A. I don't.

2 Q. Okay. And you don't have any
3 recollection about the sub-elements that went into
4 the development of these individual elements,
5 amounts, functions?

6 A. Nothing other than I indicated before
7 in, in the time and, and effort, mileage, it
8 would take to get to different areas and how long
9 it would take to do those types of inspections
10 and how many poles you could actually do in a
11 given period of time.

12 Q. Okay. So your, your best information,
13 your best testimony here is that Joe Clifton
14 would, would be in a better position to answer
15 those kinds of questions?

16 A. That's correct.

17 Q. Okay. Thank you.

18 I think we'll take another quick look
19 at another document that--

20 (Discussion off the record.)

21 We are going to look at two different
22 documents here again as expeditiously as possible.
23 And those, Mr. Coppedge, have been already marked
24 for identification as Fitz Gerald Number 8 and
25 Fitz Gerald Number 9. And what you actually have



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1 in your hand now is Fitz Gerald Number 8.

2 And this--are excerpts from a report
3 that appears to have been generated from an Excel
4 spreadsheet and attached to an April 8, 2004,
5 letter to Genevieve Sapir from Jennifer Chapman of
6 the Troutman Sanders law firm.

7 Do you see that document?

8 A. Yes.

9 Q. Okay. Let's turn to the first page of
10 the table which is marked as PCA1. Just a couple
11 of, of quick questions with respect to this
12 document.

13 Do you see the first two rows of data
14 on that document that each says CATV attachment
15 with--each has the same map string of 11405001.0
16 and the facility point number 01000. Those first
17 two rows.

18 A. Yes.

19 Q. Do you see in the column where it says
20 a violation, in the first row it says 235 40-inch
21 rule?

22 A. Yes.

23 Q. And you see where it says attachment
24 height 19, mid span-I mean, attachment mid height
25 16.83?



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1 A. Yes.

2 Q. Does attachment mid height mean a mid
3 span attachment height?

4 A. Yes.

5 Q. Okay. In the second row, in the
6 violation, do you see where that violation column
7 is blank?

8 A. Yes.

9 Q. Okay. Does the map string and facility
10 point number for the first row and the second row
11 indicate that this is the same pole?

12 A. Yes.

13 Q. Why would there be two separate rows
14 for the same pole on this spreadsheet?

15 A. Without looking at a photo or really
16 seeing some more data behind this, I would assume
17 that there are--there is a cross arm on the pole.
18 It could be that we have cable on both sides of
19 the pole. That happens in some cases, so it
20 would have been collected at the same 19 feet.
21 If that--and, and maybe--I mean, I am just
22 throwing out some speculation here.

23 Q. Sure.

24 A. I mean, it's very possible that because
25 when you measure the pole you are measuring from



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1 ground level and in some cases you can have 19
2 feet on the sidewalk but a retaining wall behind
3 it at some other different height, and they are
4 both measured at 19. So it's very possible that
5 there are two attachments on a cross arm or two
6 different bolts on that pole. I would need to
7 look at more data or a photo to validate that.

8 Q. So your, your most accurate thought at
9 this point, just looking at this, is that there
10 are probably two separate attachments to the same
11 pole?

12 A. (Witness nods head.)

13 Q. Could be a boxed pole, could be a pole
14 with a extension arm or cross arm on it?

15 A. Correct.

16 Q. I didn't get your answer with the box
17 pole, all I got was head nod.

18 A. Yes, for both.

19 Q. Thank you.
20 Could it be a service drop, for
21 example?

22 A. It's possible. I doubt it but it's
23 possible.

24 Q. It's possible. Okay.
25 Looking into the column that says



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1 utility code 0877, my understanding is that that
2 would be a signal for an attachment by Comcast to
3 a distribution pole. Is that correct?

4 A. That's correct.

5 Q. And around the middle of the page
6 you'll see a utility code in there of 1051. My
7 understanding of that is that is a signal for a
8 Comcast attachment to a transmission pole.

9 A. That's correct.

10 Q. You will see a few places in that
11 spreadsheet where there is zero indicated as the
12 utility code. Do you see those places?

13 A. Yes.

14 Q. Can you explain what the significance
15 of zero is in those rows in the utility code
16 column for us?

17 A. Yes.

18 The handheld that they take in the
19 field and they are collecting data, when they pull
20 up the licensee dropdown box, it has choices of
21 the entities that are in that district, and they
22 have the ability to add others, but they really
23 have choices that they pick from. And so AT&T
24 Cable Services would have been their choice.

25 And when it comes back in through



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1 Osmose, there is a conversion that takes the
2 licensee name and puts a utility code to it. And
3 the only thing I would offer at this point,
4 without going into the data, is that in the
5 conversion process that utility code didn't come
6 through for whatever reason.

7 Q. So would that pole with a zero in it in
8 this spreadsheet otherwise indicating Comcast
9 attachments be deemed as a Comcast attachment?

10 A. Yes. Well, let me just clarify what
11 you just asked me.

12 Q. Please.

13 A. Because what you--in the case of AT&T
14 or Comcast, the--because there is a licensee name,
15 then the utility code would be assumed to be 877.
16 For whatever reason it didn't come through. But
17 your point to the specific line says that it was
18 construed as an attachment, and a guy attachment
19 isn't construed--is, is only a guy but not a
20 billable item as an attachment. The line I'm
21 looking at says zero, and this one says it's a
22 guy so it only is classified as a guy attachment.

23 Q. Does PacifiCorp charge separately for
24 guy attachments?

25 A. We don't charge for guys or risers.



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1 Q. Okay.

2 A. Your, your attachment is at the pole
3 where the cable strand, whatever, is placed, and
4 the riser is just part of the accommodation to
5 get there and the guy is--wherever those would be
6 found is the accommodation to support that
7 structure. So you--you're being billed for--the
8 licensees are billed for the attachment.
9 Obviously you wouldn't have just a riser on the
10 pole, you would have to have some way to get
11 there to somewhere else, and you wouldn't just
12 have a guy on the pole because it wouldn't be
13 necessary to support.

14 Q. Right. Okay.

15 A. So--

16 Q. If there is a attachment on a pole with
17 a strand and a communications cable and a--say,
18 six inches above that is that service drop, would
19 that be considered one attachment or two
20 attachments?

21 A. Two.

22 Q. Okay. Let's turn our attention to Fitz
23 Gerald Exhibit Number 9 and, Genevieve, you've got
24 an extra, extra copy of this?

25 MS. SAPIR: Sure.



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1 THE WITNESS: Do you want this back?

2 Q. That's your copy. You may keep it if
3 you like.

4 They are--just so you know, I think
5 your counsel in the case has, has indicated that
6 these materials are subject to protective order,
7 so they need to be, you know, treated sensitively.

8 A. Okay.

9 (Discussion off the record.)

10 I'm sorry. This was exhibit--

11 Q. I'm sorry. This was Fitz Gerald
12 Exhibit Number 9. And what we are probably going
13 to do, Mr. Coppedge, is just to have you
14 understand, is probably not associate any specific
15 exhibits with your deposition since Corey had
16 these already in hers. So when, when the
17 transcripts come out and hers looks a lot thicker,
18 don't be jealous.

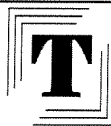
19 This is a document that is titled as
20 Inventory Report Key Comcast Discovery Index. You
21 have that document in front of you?

22 A. Yes.

23 Q. Are you familiar with this document?

24 A. Yes.

25 Q. Did you help prepare the document?



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1 A. No.

2 Q. Do you know who did?

3 A. Sara Johnson.

4 Q. Sara Johnson. Okay.

5 Do you see in the description column of
6 the document immediately below the title--series
7 of, oh, 15 or 20 separate rows beginning with OG
8 with some language after that?

9 A. Yes.

10 Q. Do you see in the first one of those
11 rows where it says attach mismatch?

12 A. Yes.

13 Q. What does that indicate?

14 A. It's an attachment mismatch report.

15 Q. Okay. And what is an attachment
16 mismatch report?

17 A. It says I have a pole or a attachment
18 on a pole in FastGate that the field data says I
19 have an attachment on this pole that I cannot
20 find in JTU, which is the mainframe application.

21 Q. Okay. Earlier on in our--the case,
22 some, some months ago I understood that you had
23 had an emergency health problem arise that
24 prevented the timely sort of processing of some of
25 the data requests.



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1 A. Correct.

2 Q. Who--during that period who was your--
3 was Sara Johnson sort of filling in for you in
4 that regard?

5 A. And we talked probably--well, at least
6 weekly, not necessarily every day but--

7 Q. Okay. I remember from our earlier time
8 this morning that you're, that you're not being
9 treated currently by a doctor, and I am glad to
10 see you are doing better. You look good to me.
11 We are glad to have you here today.

12 But Sara was primarily responsible for
13 generating this document. Did anybody else help
14 her with that, to your knowledge?

15 A. Mike Paolicelli probably typed the form
16 for her.

17 Q. Okay.

18 A. But she pretty much had cataloged all
19 of the documents that you were sent.

20 Q. Okay. Thank you.

21 Mr. Coppedge, a minute ago I think you
22 mentioned that the attachment mismatch report was
23 where if there was an attachment in FastGate but
24 not in the JTU that was what was considered an
25 attachment mismatch. Is that correct?



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1 A. Correct.

2 Q. What if it was the other way around,
3 what if the attachment was in FastGate--I'm sorry.
4 What if the attachment was in the JTU but didn't
5 show up in FastGate? Did that ever happen?

6 A. It would show up on that report as
7 well.

8 Q. It would show up on that report as
9 well. Okay. Thank you.

10 Mr. Coppedge, you're aware that there
11 is a \$250 unauthorized attachment penalty that was
12 assessed for Comcast attachments that emerged in
13 the mismatch report, Is that correct?

14 A. Correct.

15 Q. Do you know, do you know when that \$250
16 penalty charge was, was developed?

17 A. It was prior to my employment at
18 PacifiCorp.

19 Q. Prior to your employment.

20 So when you arrived at PacifiCorp that
21 was what the charge was?

22 A. Correct.

23 Q. Okay. Mr. Coppedge, we are going to
24 provide you a copy of two separate documents that
25 had been previously marked as Fitz Gerald Exhibit



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1 Number 2 and Fitz Gerald Exhibit Number 3.

2 And Fitz Gerald Exhibit Number 2, do
3 you have that--yes, this is Fitz Gerald Exhibit
4 Number 2. And this is a document that is styled
5 as the initial comments of the Utah Rural Telecom
6 Association. Do you have that document in front
7 of you?

8 A. Yes.

9 Q. Are you familiar with this document?

10 A. I can't say that I am.

11 Q. It's okay if you are not. I'll make
12 you familiar with it if you're not.

13 A. Okay.

14 Q. So you are not familiar with it?

15 A. I am not.

16 Q. Okay. Well, I won't make you familiar
17 with all of it but maybe just a part of it. Give
18 me a moment, and I will point you to exactly
19 where we want to be on this.

20 Mr. Coppedge, would you please turn to
21 page four, paragraph nine. And I am going to--I
22 am tired of talking, so I am going to read a
23 little bit to you. It says, "URTA has begun
24 trying to resolve the issue of accounting for pole
25 ownership through inventories, but the commission



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1 may have to review and help solve this issue as
2 well. The issue arose when PacifiCorp began
3 tagging all of the poles where it had facilities
4 and then billed URTA members for pole attachment
5 even when the poles were owned by URTA members.
6 Needless to say, where that has occurred,
7 PacifiCorp billings to the URTA have been
8 inaccurate and inflated."

9 Mr. Coppedge, are you familiar with
10 concerns that rural telephone companies in Utah
11 have had with respect to PacifiCorp tagging poles
12 owned by those rural telecommunications companies?

13 A. I would say I'm--I am aware of pole
14 owners, foreign owners, concerned over ownership
15 of poles.

16 Q. Have they contacted you about this?

17 A. When you say they--you are talking
18 about URTA?

19 Q. Not the association but their members,
20 their specific telephone--

21 A. There, there are--there have been, in a
22 few cases, where the inventory results, they are
23 disputing ownership of that pole.

24 Q. How many rural telephone companies in
25 Utah have, have contacted you about this issue?



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1 A. Me personally, I am only aware of one.

2 Q. One?

3 A. And there may have been other disputes
4 that were sent. I don't know.

5 Q. And who is that?

6 A. I don't recall.

7 Q. You don't recall who that was with.

8 To your knowledge, have they contacted
9 other individuals at PacifiCorp regarding this
10 issue?

11 A. They would have contacted initially
12 Billing--would have received the initial.

13 Q. Did--do you know that Billing received
14 the initial?

15 A. I do not.

16 Q. Have you been involved in attempting to
17 remedy the issues referred to here regarding pole
18 ownership?

19 A. Any, any pole that is disputed or any
20 attachment, for that matter, is going back into
21 the records and seeing if we can validate when we
22 say we own the pole or when the original
23 attachment might have been made to that pole.
24 And certainly if we incorrectly identified or the
25 records show that this pole--and, and a company



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1 provide the documentation that says either that
2 attachment or that pole is, is ours and here is
3 the records to prove it, we certainly would credit
4 those issues.

5 Q. What if the company doesn't have
6 documentation and they--it's ambiguous? What
7 happens then?

8 A. Well, how--I guess my--in response to
9 that, how do I--how do you dispute ownership, but
10 you don't have any records to say it belongs to
11 you?

12 Q. That's a good question.

13 If a, if a pole owner comes to you and
14 says that we own these series of poles on, on
15 this route but PacifiCorp has tagged them as
16 theirs, what would the process be in that
17 circumstance?

18 A. Going into the data to--where the
19 original facility point number was assigned and
20 trying to identify when we placed the pole or
21 when we might have taken over ownership. I mean,
22 there are those cases where the pole has been--
23 ownership was transferred, so we would have record
24 of that.

25 Now, I guess--and I would just make



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1 some assumptions that if your records are clear
2 and when I go look at the data and my records are
3 clear, I guess we would sit at the tables and
4 trade poles for some equity.

5 Q. Has that, that happened?

6 A. Not to this date, that I know of.

7 Q. Is, is the--to your knowledge, is the
8 environment surrounding this issue making such a
9 horse-trading exercise likely?

10 A. I think, I think our records are very
11 well documented, and there may be a few issues
12 where we dispute actual pole ownership with your
13 records versus mine. I would think that would be
14 a rare case.

15 Q. Who else at PacifiCorp has participated
16 in trying to resolve this pole ownership issue?

17 A. This specific issue?

18 Q. No, generally speaking of, of--

19 A. There would be several people that I
20 would call in mapping or go into the data and try
21 and look at the records.

22 Q. But if you got a complaint from--if
23 Billing--you said initially that, that the Billing
24 would be the person--the outfit most likely--

25 A. That would be the initial contact.



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1 Q. The initial contact. Then would
2 Billing contact you?

3 A. If it was a dispute on ownership or
4 attachments based on inventory results, then, yes.

5 Q. Okay. Has Billing contacted you
6 regarding such, such disputes?

7 A. I, I know that we've had conversations
8 about ownerships of pole, but to say that I have
9 a contact from a company that lists these poles
10 are in conflict and had to go and provide data to
11 them, no, they have not done that yet.

12 Q. Okay. My, my question was has somebody
13 from PacifiCorp's billing department contacted you
14 about a dispute over pole ownership of a foreign
15 pole owner.

16 A. No.

17 Q. Okay. You said that you had heard that
18 there were issues of pole ownership dispute.
19 Correct?

20 A. I have heard that, yes.

21 Q. Who did you hear that from?

22 A. Specifically I don't know.

23 Q. How did you--

24 A. I mean, as an industry, there is an
25 issue of records over pole ownership. I mean,



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1 that's--but a specific conversation with a
2 specific individual, I don't--I can't give you an
3 answer.

4 Q. Let's focus on Utah.

5 A. Okay.

6 Q. Do you recall having a specific
7 conversation with anybody about a dispute over
8 pole ownership in the state of Utah?

9 A. I do not.

10 Q. Do you remember receiving an e-mail
11 regarding Utah pole ownership?

12 A. Not to my recollection, no.

13 Q. Do you remember receiving any
14 communication of any kind from anybody about Utah
15 pole ownership?

16 A. Not to my knowledge.

17 Q. So it's your testimony that the
18 information prior to our reading paragraph nine
19 together today regarding this issue of disputed
20 pole ownership was generally and not specific to
21 Utah?

22 A. I would agree with that, yes.

23 Q. Did you have any--no question. I think
24 we are finished with Exhibit 2, and I don't think
25 we'll need to look at Exhibit 3.



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1 A. Do you want that?

2 Q. Yeah, thanks. You are welcome to keep
3 it for your personal library if you like.

4 A. I have enough documents.

5 Q. I am sure you do. I am sure you do.

6 Mr. Coppedge, I've, I've struggled with
7 a number of things in the questions today, and,
8 and your answers have been very helpful. What
9 I'm trying to sort of get at with my next
10 question is a--your view of how the two, the two
11 companies, Comcast, Comcast and PacifiCorp, can
12 sit down and resolve the issues between how many
13 poles from the audit are turning up with Comcast
14 attachments that, you know, you, you have now
15 versus what Billing thought they were previously.
16 And I'm just interested in, in learning what you
17 think would be the, the steps to getting to that
18 point of resolution of those numbers because--and
19 the reason I'm asking you is, is because you're
20 extremely familiar with, with all of the data
21 here, you are extremely familiar with the process
22 and with, you know, the, the plant in Utah now,
23 and it could come in handy.

24 MR. SACKETT: Was that a question?

25 MR. THOMAS: That was a question. I



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1 was interested in hearing his views on how, on
2 how to reconcile the differing data sets.

3 THE WITNESS: Let me first preface this
4 statement.

5 I, I think to sit down at the table
6 with the parties and try and resolve the
7 differences and look at records is a good start
8 and probably so we should have started that
9 process months ago and maybe we wouldn't be where
10 we are today.

11 Let me also say that my years of
12 experience in the industry--and I will
13 specifically talk to RCN, since we spent a lot of
14 time doing that. When you go into a marketplace
15 and look at the number of poles and the number of
16 attachments, it's relatively easy by looking at
17 just a few numbers, I have this many poles in
18 this area, but I only have this many attachments,
19 and the industry standard would say at least 50,
20 more like 68, sometimes 75 percent of those poles
21 should have some type of cable attachment.

22 BY MR. THOMAS:

23 Q. Uh-huh.

24 A. And if the telecom was built on the
25 same power structures instead of their own pole



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1 line, you would make that same assumption as well.

2 And when you look at the number of
3 attachments that were being billed and paid by
4 AT&T/Comcast, it's relatively quickly apparent
5 that a large portion of poles in those areas do
6 not have any record and are not returning rent.

7 Okay. So we have--the reason I say
8 that and, and I'll just throw out kind of some
9 generic numbers. When you say that in a
10 particular district I have 4,000 attachments prior
11 to inventory, but now with all of the found
12 attachments on these poles, I have something in
13 the neighborhood of 10,000, we have a lot of
14 records to go through. I mean, I am okay with
15 the 4,000 over here that were original, and maybe
16 there are some issues there and certainly any, any
17 disputes that would say, well, I think I'm paying
18 Qwest as a pole owner for that attachment, then
19 we can certainly talk about that.

20 But I don't know what kind of
21 documentation--and certainly in the early
22 conversations with Comcast I am willing to change
23 any record that I think is unauthorized that you
24 think is not, and that would be a good starting
25 point.



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1 So I'm certainly willing to sit down
2 with data, and, and my understanding is also, just
3 in this conversation, it's my understanding that
4 Comcast kind of did their own sample audit, but
5 there was never any communication--well, there was
6 certainly communication during the process of that
7 audit to make this individual understand what he
8 needed to look for and where to go, but there was
9 never any communication after the fact that says
10 we found something or everything that we saw was
11 accurate. And I'm certainly, again, willing to sit
12 at the table and talk about comparing records. I
13 think that's where we need to start.

14 Q. Did you, did you ever work in the cable
15 TV industry?

16 A. We only went back through about 1990 in
17 my employment.

18 Q. Right.

19 A. And prior to that--after I got out of
20 diesel mechanic school and the industry was such I
21 couldn't find a job to do what I just got trained
22 for.

23 Q. And what year was this when you got
24 your associate's?

25 A. It was 19--oh, I don't know. 1980,



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1 '81, somewhere in there. '82.

2 I ended up doing some, some labor work
3 for a construction company, and in the process of
4 these years ran equipment, learned how to put up
5 cable, learned how to bore cable, plow cable. If
6 there was a method to get cable from point A to
7 point B over the, over the years of '82 to '90, I
8 learned it. I--my experience was with underground,
9 was with aerial. I can't even begin--and I am
10 glad you didn't ask me--how many miles of cable
11 that I personally installed.

12 Q. How many miles of cable did you
13 personally install?

14 A. A lot. But I, I certainly would say to
15 you that my, my experience actually in the field
16 doing that kind of work and knowing the method
17 and the methodology to correctly install cable
18 kind of led me to where I am.

19 Q. Okay. And just--we are coming full
20 circle now.

21 From the 1982 to 1990 time frame, you
22 were involved in labor and construction and, to
23 paraphrase, a significant part of that was doing
24 both aerial construction and, and underground
25 construction?



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1 A. That's correct.

2 Q. Did, did you work--

3 A. And I was labor and I was operator and
4 I was foreman, I was supervisor.

5 Q. All kinds of capacities?

6 A. (Witness nods head.)

7 Q. And kind of working your way from the
8 ground up?

9 A. From the field.

10 Q. Literally--well, the underground up if
11 you were doing underground construction.

12 Did you work for contracting companies
13 or did you work for actual communications
14 companies?

15 A. During that period, before 1990,
16 because basically after that point I worked for
17 operating companies that had their own facilities.
18 Prior to that, it was for contract companies, for
19 U.S. West, for GTE, for Sprint United, for--I
20 mean, all the major cable companies, telephone
21 companies, some of the early fiber companies
22 putting in facilities for them.

23 Q. And that was when--now, did you ever--
24 were you ever an employee of any of those
25 companies that you just named?



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1 A. No.

2 Q. Were you ever an employee of a cable TV
3 company?

4 A. No.

5 Q. Okay. But you were an employee of
6 construction companies that did work for local
7 telephone companies. Correct?

8 A. Correct.

9 Q. Newly emerging fiber companies?

10 A. Correct.

11 Q. And cable TV companies?

12 A. And cable TV companies.

13 Q. Which cable TV companies did you work
14 for, if you can recall? Was this in Portland
15 area or was this in different places?

16 A. It, it was pretty much--I would say
17 primarily Oregon. We traveled all over. We went
18 up into Washington. We went into California. So
19 for the major telecoms, for--early on, Store
20 Cable.

21 Q. Falcon Cable?

22 A. I remember doing a little bit of work
23 for Falcon way, way, way back but--

24 Q. TCI?

25 A. Some for TCI. I was trying to think of



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1 the company that bought--

2 Q. United Cable?

3 A. --Store out.

4 MR. WOODS: That was TCI.

5 BY MR. THOMAS:

6 Q. Viacom?

7 A. I didn't do much for Viacom.

8 Q. Okay. What I'd like to do, if we could,
9 is maybe just take a short recess. We are just
10 at the end. Maybe you can confer with counsel
11 and, and see if there is a clarification that,
12 that you might want, want to make on anything and
13 we can wrap this baby up.

14 A. Okay.

15 MR. SACKETT: Okay.

16 MR. THOMAS: Thanks.

17 (Recess taken.)

18 Q. We are back. We have gone through our
19 notes and happy to report I don't have any other
20 questions.

21 MR. SACKETT: I just have one area and
22 it has to do with--actually I had several but
23 between you, Mr. Thomas, and Mr. Coppedge, you
24 have managed to clear them all away except one,
25 and I'd like to refer to Exhibit 8. Can we get a



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1 copy back to--

2 THE WITNESS: I have got one here
3 somewhere. Okay.

4 EXAMINATION

5 BY-MR.SACKETT:

6 Q. Mr. Thomas asked you some questions
7 about, about the chart, which actually consists of
8 three pages, and in particular he asked you some
9 questions about the, the column that's titled,
10 Utility Code. Do you see that?

11 A. Yes.

12 Q. And you recall he asked about some
13 zeros in that column and you explained that you
14 thought that those zeros were the result of kind
15 of mistranslation of field data. Is that correct?

16 A. Or, or making the association from the
17 licensee to its correct utility code.

18 Q. Okay. And if you'd look through the
19 other pages of this report, the other two pages
20 of this report, that--where the utility code
21 column exists, there are other places where there
22 are zeros. Are there not?

23 A. Correct.

24 Q. And in connection with all of the
25 zeros, what is the JU class that's associated with



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1 all those zeros?

2 A. It's guy attachments.

3 Q. In all cases?

4 A. Yes.

5 Q. And I think you testified that for guy
6 attachments there is no billing to, to pole
7 attachers. Is that correct?

8 A. Correct.

9 Q. So that--is it fair to say that even if
10 there are--there were some kinds of errors in
11 producing the wrong utility code number here,
12 there would not have been any resulting billing
13 associated with those, would there be?

14 A. Correct.

15 MR. SACKETT: Okay. That's all I have.

16 MR. THOMAS: Okay. May I ask one
17 follow-up, please? And-no question.

18 MR. SACKETT: Okay.

19 MR. THOMAS: Anything else, Counsel?

20 MR. SACKETT: That's all I have.

21 MR. THOMAS: Anything else, Mr.

22 Coppedge, you would like to clarify?

23 THE WITNESS: No. Thank you.

24 MR. THOMAS: Thank you for your time
25 today.



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THE WITNESS: Thank you.

MR. SACKETT: Good.

(Deposition concluded at 2:50 p.m.)



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CERTIFICATE

STATE OF _____)
 : ss.
 COUNTY OF _____)

I HEREBY CERTIFY that I have read the testimony consisting of 125 pages, and the same is a true and correct transcription of said testimony with the exception of the corrections I have listed below in ink.

Page _____	Line _____	Correction _____
Page _____	Line _____	Correction _____
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Page _____	Line _____	Correction _____

 Jim Coppedge

SUBSCRIBED AND SWORN to at _____, this _____
 day of _____, 2003.

 NOTARY PUBLIC

My Commission Expires:



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CERTIFICATE

This is to certify that the foregoing deposition was taken before me, DAWN M. DAVIS, a Registered Professional Reporter and Notary Public in and for the State of Utah;

That said witness was duly sworn to testify the truth, the whole truth and nothing but the truth;

That the deposition was reported by me in stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true, and correct transcription of said testimony so taken and transcribed is set forth in the foregoing pages;

That no review of this deposition was requested by either party or the witness and, therefore, pursuant to Rule 30 (e) of the Utah Rules of Civil Procedure the review was waived.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause and am not interested in the event thereof.

Dawn M. Davis

Dawn M. Davis, RPR
My Commission Expires:
March 8, 2008

