

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

---

In the Matter of: The Application ) Docket No:  
of Rocky Mountain Power for ) 10-035-124  
Authority to Increase its Retail )  
Electric Utility Service Rates )  
in Utah and for Approval of its )  
Proposed Electric Service )  
Schedules and Electric Service )  
Regulations. )

---

TRANSCRIPT OF HEARING PROCEEDINGS

---

TAKEN AT: Public Service Commission  
160 East 300 South  
Salt Lake City, Utah

DATE: May 12, 2011

TIME: 9:03 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Hearing Officer:

**DAVID CLARK**

-oOo-

For Rocky Mountain Power:

**GREGORY B. MONSON, ESQ.**

STOEL RIVES, LLP

201 South Main Street, Suite 1100

Salt Lake City, Utah 84111

(801) 328-3131

(801) 578-6999 (fax)

**BARBARA ISHIMATSU, ESQ.**

PACIFICORP

Legal Department

201 South Main Street, Suite 2300

Salt Lake City, Utah 84111

(801) 220-4640

For the Division of Public Utilities:

**PATRICIA E. SCHMID, ESQ.**

UTAH ATTORNEY GENERAL'S OFFICE

160 East 300 South, Fifth Floor

Salt Lake City, Utah 84111

(801) 366-0380

(801) 366-0352 (fax)

For the Utah Rural Telecom Association:

**STEPHEN F. MECHAM, ESQ.**

CALLISTER, NEBEKER & McCULLOUGH

Zions Bank Building

10 East South Temple, Suite 900

Salt Lake City, Utah 84133

(801) 530-7300

(801) 364-9127 (fax)

-oOo-

APPEARANCES, CONTINUED

For Comcast:

**JEROLD G. OLDROYD, ESQ.**  
**SHARON M. BERTELSEN, ESQ.** (by telephone)  
BALLARD SPAHR, LLP  
One Utah Center, Suite 800  
201 South Main Street  
Salt Lake City, Utah 84111-2221  
(801) 531-3000  
(801) 531-3001 (fax)

For Qwest:

**TORRY R. SOMERS, ESQ.** (by telephone)  
CENTURYLINK  
6700 Via Austi Parkway  
Las Vegas, Nevada 89119

-o0o-

1 MAY 12, 2011

9:03 A.M.

2 P R O C E E D I N G S

3 HEARING OFFICER: Good morning all.

4 MR. MONSON: Good morning.

5 MS. SCHMID: Morning.

6 HEARING OFFICER: My name is David Clark, and  
7 the Commission has designated me as the Hearing  
8 Officer for the oral argument this morning.

9 We're convened in Docket No. 10-035-124, In  
10 Matter of: The Application of Rocky Mountain Power  
11 For Authority to Increase its Retail Electric Utility  
12 Service Rates in Utah and for Approval of its Proposed  
13 Electric Service Schedules and Electric Service  
14 Regulations. Otherwise known as the general rate  
15 case.

16 And specifically we're here to address this  
17 morning the motion to dismiss, motion to strike, or  
18 alternatively, motion to open a separate rulemaking  
19 docket filed by the Utah Rural Telecom Association.

20 First we'll take appearances of counsel.  
21 We'll begin with the moving party.

22 MR. MECHAM: Good morning. Steve Mecham  
23 representing the Utah Rural Telecom Association.

24 MR. OLDROYD: Jerry Oldroyd, attorney at  
25 Ballard Spahr, representing Comcast.

1 MS. ISHIMATSU: Barbara Ishimatsu, Rocky  
2 Mountain Power.

3 MR. MONSON: Gregory Monson for Rocky  
4 Mountain Power.

5 MS. SCHMID: Patricia E. Schmid, with the  
6 Attorney General's Office, for the Division of Public  
7 Utilities.

8 HEARING OFFICER: Thank you.

9 We have parties on the telephone, I believe,  
10 as well. Would you please identify yourselves?

11 MR. SOMERS: Yes. This is Torry Somers,  
12 senior counsel for CenturyLink, on behalf of Qwest.

13 MS. BERTELSEN: This is Sharon Bertelsen,  
14 from Ballard Spahr, on behalf Comcast.

15 HEARING OFFICER: Thank you. Will the two of  
16 you I assume just be monitoring the --

17 MS. BERTELSEN: Yes.

18 HEARING OFFICER: -- arguments?

19 HEARING OFFICER: Okay.

20 MR. SOMERS: I -- this is Torry Somers. I  
21 might have comments to make in this proceeding.

22 HEARING OFFICER: Okay. Thank you.

23 Are there any preliminary matters before we  
24 begin the arguments?

25 My intention is to hear first from

1 Mr. Mecham, and then from others who support the  
2 motion. Then to hear from Rocky Mountain Power. And  
3 then I'll offer Mr. Mecham an opportunity to make any  
4 concluding comments.

5 MS. SCHMID: I believe that perhaps the  
6 appropriate place for the Division, since the Division  
7 is opposing the motion, would be after Rocky Mountain  
8 Power in this process.

9 HEARING OFFICER: Thank you. Is there any  
10 objection to that process?

11 I don't see any. Thank you, Ms. Schmid.  
12 Then that's where we'll proceed. So you'll come just  
13 before URTA's final comments.

14 So Mr. Mecham.

15 MR. MECHAM: Thank you very much. In the  
16 response that Rocky Mountain Power made to our motion  
17 to dismiss they ascribed motives to URTA for filing  
18 this motion. The bottom line is, is that when we  
19 began preparing to submit testimony in this matter we  
20 realized that we've seen this before.

21 The filings that were made in this rate case  
22 are the same filings that were made in  
23 Docket 10-035-97, which remains open to consider the  
24 pole attachment issue. But this is the third time  
25 that Rocky Mountain has tried to change the pole

1 attachment rate formula.

2 The issues that are before the Commission in  
3 this rate docket were before the Commission in  
4 Docket 04-999-03. That's the one that commenced where  
5 Rocky Mountain tried to increase the  
6 telecommunications pole attachment rate from \$12.50 to  
7 \$27.40.

8 And that proceeding was a lively, lengthy  
9 proceeding that went on for more than two years. And  
10 the issues that were decided there are principally the  
11 same issues that Rocky Mountain Power has presented  
12 here in this rate case, with potentially one  
13 exception.

14 But things like whether or not there ought to  
15 be pre- and post-construction inspections and how they  
16 should be recovered, the Commission already decided  
17 that in 04-999-03.

18 The second time we saw these issues, as I  
19 stated before, was in Docket 10-035-97. Same issues.  
20 And the Commission ended up suspending that in  
21 October. And they left that docket open. That  
22 docket, as I said at the outset, remains open to  
23 entertain these issues. And they were, I thought, to  
24 be addressed in that docket, not in this docket.

25 Then on January 24th of this year, rather

1 than proceeding in 10-035-97, Rocky Mountain added the  
2 pole attachment issue to this rate case where they  
3 filed for a \$232 million increase. And the, again,  
4 the proposed tariff sheets appear to be the exact  
5 sheets that were filed in 10-035-97.

6 It's our argument that this is a complete  
7 inefficient use of the Commission's time and of the  
8 parties' time. That it is -- and in the name of  
9 administrative efficiency we brought this motion.

10 And really the interesting thing is, is that  
11 when you calculate the value of this issue, it is  
12 minuscule. It would be a rounding error in a rate  
13 case for 200 -- seeking \$232 million of new revenues.  
14 By my calculations -- and I'm not a mathematician,  
15 Mr. Monson is -- it's .00085. I believe that's  
16 8/1000ths of 1 percent of the request that Rocky  
17 Mountain is making.

18 And yet, to the telecommunications industry,  
19 this is a huge issue. It has a tremendous impact on  
20 whether or -- whether and how infrastructure is put in  
21 place, and its price and its value, and the prices  
22 that are charged end-use customers. And there clearly  
23 are more than just those represented at this table who  
24 will be affected by it.

25 Now, our first priority here is to have this



1 issue dismissed. If the Commission doesn't feel like  
2 it's able to do that, then we would argue that it  
3 should be returned to Docket 10-035-97 to determine  
4 whether or not there is reason to go forward with the  
5 rulemaking.

6 Because, as I said, this affects a class of  
7 people. And while we may have received notice -- and  
8 we did -- not everyone did. Whereas the rulemaking  
9 process at least establishes the process to try to  
10 ensure that that occurs.

11 And I will say that it was the practice, and  
12 frankly it was a rule before the current rule, that  
13 this issue not be entertained in a ratemaking  
14 proceeding. That it be addressed, by rule, for that  
15 very reason.

16 Now, I know that in its response Rocky  
17 Mountain Power states that Mr. Kent, the pole  
18 attachment witness for Rocky Mountain Power, is going  
19 to correct the statement on line 74 of his testimony  
20 where he referred to it as a rulemaking.

21 But even if he does that, the fact of the  
22 matter is, is that elsewhere in his testimony, as an  
23 example lines 29 through 31, he states that he's  
24 proposing an additional component to the pole  
25 attachment rental rate formula to include

1 administrative support costs the Company incurs to  
2 accommodate the joint use of Rocky Mountain's poles.

3 Well, the rate formula is established by  
4 rule. It was -- it is in R746-345. That is where the  
5 formula is. That is going to be done by rulemaking.  
6 And even if the Company is -- that is, Rocky Mountain  
7 Power is successful here in convincing the Commission  
8 that there ought to be some addition to the rate  
9 formula, you're still gonna have to go through  
10 rulemaking.

11 So I would argue that that is duplicative,  
12 inefficient, and we ought to either -- well, we ought  
13 to either move it or dismiss it because there isn't  
14 anything really new that they're raising here. And it  
15 is their burden, under that rule, to come forward and  
16 show that the rates that are in effect are somehow  
17 unjust, unreasonable, and not compensatory.

18 Even the Division -- and I know the Division  
19 can speak for itself. But if you look at page 2,  
20 while they may oppose this motion, in the last  
21 paragraph on page 2 of their response they say:

22 "The Division recognizes that  
23 including pole attachment fee changes in  
24 a rate case filing very well may affect  
25 other pole owners and users, and thus a

1 rate case may not be the most  
2 appropriate forum through which to  
3 change pole attachment rates. The  
4 Commission may wish to open a rulemaking  
5 docket in which to address pole  
6 attachment issues."

7 Your Honor, I'm not sure why we're here.  
8 Now, as I've said probably twice before, the  
9 Commission left open Docket 10-035-97 to address these  
10 very issues. And they -- these issues ought to be  
11 moved to that docket. So that all parties can, in a  
12 very methodical way, go through and determine whether  
13 or not there's enough reason to change that rule.

14 To do it in this docket it's going to crimp  
15 the Commission, it's going to crimp the parties,  
16 because you're gonna have to have this done in  
17 240 days. I don't think that's fair to either the  
18 Commission or to any of the parties here.

19 Now, let me just quickly respond to a couple  
20 of the claims that Rocky Mountain Power makes in its  
21 response. Basically Rocky Mountain Power says that  
22 this proceeding is governed by Title 54-7-12(2)(b)(2),  
23 Rule 746-100-1(c) and 4(d) of that same rule, and Utah  
24 Rules of Civil Procedure 12(b.)

25 We didn't file this under Rules of Civil

1 Procedure 12(b.) I actually don't disagree with Rocky  
2 Mountain Power with respect to 746-100-1(c.) Where  
3 the Commission has not spoken, the Rules of Civil  
4 Procedure can apply.

5 They don't have to. That rule makes it clear  
6 that they don't have to. But I brought this -- that  
7 is, the Utah Rural Telecom Association brought this  
8 issue because we've seen this three times. It's not  
9 new. It's repetitive and wasteful.

10 That's why we brought it. That is reason  
11 enough for the Commission to be able to move forward  
12 and dismiss it out of hand. Or at least move it to  
13 the proper docket rather than this docket.

14 Secondly, 54-7-12(2)(b)(2), if you look at  
15 that statute, that statute addresses whether or not  
16 what Rocky Mountain Power filed is a complete filing.  
17 We don't take issue with that. That's not applicable  
18 here. That -- and they say that we should have filed  
19 that within 14 days of the filing at the Commission.

20 Well, if we had an issue with the complete  
21 filing perhaps that were true. But if you look at  
22 that carefully it appears to me that, while other  
23 parties can raise that issue, it's principally going  
24 to be the Division of Public Utilities and the Office  
25 of Consumer Services that's going to raise it because

1 most other parties really aren't gonna be into it  
2 within 14 days of filing.

3 That statute doesn't apply. What I see  
4 happening here is straw men being raised up and  
5 knocked down that don't apply. That doesn't apply  
6 here. And then, if you take a look at 746-101-4(d),  
7 how does that apply and to what does it apply?

8 In my judgment, based on the way I read that,  
9 that rule, it applies to your garden-variety request  
10 for agency action. It takes into account the  
11 Administrative Procedures Act in 63G, but it does not  
12 apply in a rate case. A rate has always been treated  
13 outside of that.

14 You have a separate 240-day requirement. If,  
15 in fact, Rocky Mountain Power is right that this rule  
16 applies and that any motion has to be brought in  
17 accordance with this rule, then the Commission and the  
18 ratepayers of the State of Utah are in trouble.  
19 Because the very last line of that Section D says  
20 absent a response or reply, the Commission may presume  
21 that there is no opposition.

22 Well, I perused this docket, 035-124, in the  
23 last day or two. There is no response. There is no  
24 reply. Why? Because it wasn't treated like a request  
25 for agency action. It was treated like a rate case.

1 And if this is true, if this, if this motion I was to  
2 bring was supposed to be brought in accordance with  
3 that, it's over. The rate case is over. It doesn't  
4 apply.

5 Motions can be brought at any time. And the  
6 fact of the matter is is that the rule, while not used  
7 that regularly anymore, you could bring motions at any  
8 time pending a docket.

9 And, frankly, they used to be brought on five  
10 days notice. And it was done routinely on a Tuesday.  
11 But there wasn't enough activity, so it was done on an  
12 *ad hoc* basis. And it apparently has even fallen away  
13 from that.

14 So I would argue, your Honor, that none of  
15 those time requirements apply in this case. That  
16 Rocky Mountain Power is wrong. That this is brought  
17 appropriately. And it is brought appropriately under  
18 the correct rule.

19 That if the Commission goes forward with  
20 this, it will be wasteful. And there will be people  
21 who are affected who are not here today who should  
22 have been notified under the Rulemaking Act. And that  
23 concludes my opening statement.

24 HEARING OFFICER: Couple questions if I may,  
25 Mr. Mecham.

1 MR. MECHAM: Of course.

2 HEARING OFFICER: The rule that you've just  
3 been discussing, that --

4 MR. MECHAM: Right.

5 HEARING OFFICER: That at least parties argue  
6 would apply a 30-day time limit, does that apply to a  
7 motion to strike testimony, or just a motion to  
8 dismiss, in your understanding?

9 MR. MECHAM: I honestly don't think that this  
10 applies to general motions.

11 HEARING OFFICER: Uh-huh.

12 MR. MECHAM: This is -- you're talking about  
13 motions directed at responsive pleadings. Under the  
14 Administrative Procedures Act you have a request for  
15 agency action. Anybody interested in it has a 30-day  
16 response period. And then there's a reply period to  
17 that.

18 That's not how a rate case has ever been  
19 conducted. A rate case is opened with the  
20 application. The Commission then puts out a notice of  
21 scheduling conference. They put -- as they did in  
22 this case, which occurred I think on February 9th.

23 They set out the times for filing for -- of  
24 testimony, as well as an intervention date. All of  
25 which occurred here. Really the game would have been

1 played for most intervenors because the intervention  
2 date in this case was set for March 31st.

3 The game would have been over under this  
4 statute. There were no responses and there were no  
5 replies as that is contemplated under the APA of  
6 this -- of the Utah statute.

7 HEARING OFFICER: I'd like you to address one  
8 other thing if you would. The rule that addresses  
9 rental rate formula and method, which is  
10 R746-345-5(b), and it has the heading: "Commission  
11 Relief."

12 Would you address the applicability or lack  
13 thereof, in your mind, of this provision regarding the  
14 opportunity of a pole owner or attaching entity to  
15 petition for a change in the rate formula on the basis  
16 of a factual showing? How does that apply here, in  
17 your mind?

18 MR. MECHAM: And again, is that -- did you  
19 say it's 4(b)?

20 HEARING OFFICER: It's 746-345-5(b.) Five --  
21 4(b), yes. I apologize, I left the 4 out. Thank you.

22 MR. MECHAM: Okay. I think that a pole owner  
23 indeed can do that. I think there's no reason why  
24 they couldn't. But I think in doing so they would --  
25 I believe they'd either have to change the overall



1 formula. But the burden rests on them to do that, not  
2 on me. Not on my client.

3 They've got to put forward the evidence that  
4 whatever the rate is today is not compensatory, and  
5 that it therefore is unjust and unreasonable. And --  
6 so yeah, I think that's something available to them.  
7 I thought that was what was going to occur in  
8 10-035-97, not in a rate case that has to be decided  
9 this summer.

10 But they could actually go forward with  
11 10-035-97 and put that forward. And if they could  
12 justify it somehow, then it would be a change in the  
13 rate formula in the rule. I believe that's how that  
14 works.

15 HEARING OFFICER: Thank you.

16 Mr. Oldroyd?

17 MR. OLDROYD: Thank you very much. We're  
18 here today to support Mr. Mecham's motion. And we do  
19 it on a couple of grounds, one I think procedural and  
20 the other more substantive. Procedurally I'm  
21 concerned with the way this docket was set out by  
22 doing this in a ratemaking.

23 Section 54-7-12 requires that in a general  
24 rate case notice goes to all parties that actually  
25 participated in the last rate case. Well,

1 unfortunately that doesn't necessarily include parties  
2 that are attached to Rocky Mountain Power's poles.

3 Telecom providers, broadband providers,  
4 indeed even cable companies don't necessarily follow  
5 rate cases. So I suspect not necessarily -- but,  
6 well, let me give you a good example. Comcast found  
7 out about this proceeding after it had been filed from  
8 a telephone call from Mr. Mecham. Not because we  
9 received notice.

10 We didn't receive notice until February 3rd  
11 by an email that was sent out by Rocky Mountain Power  
12 announcing that there was going to be a technical  
13 conference that might -- that would address these  
14 issues.

15 I'm not certain an Email is adequate notice.  
16 But the biggest concern is, who did that email go to?  
17 Did it go to all parties of interest? And are all  
18 parties of interest represented here?

19 Parties of interest would be everybody that  
20 attaches to their poles. It would be everybody that  
21 was in that original, it seems to me, the 03-999-04  
22 docket. Because that included an exhaustive search of  
23 filing parties.

24 And it would probably include broadband  
25 companies and telecom companies that are currently

1 planning on attaching to poles in the near future.  
2 They're not here, potentially. I don't know, maybe  
3 they did give notice to the world. But I didn't see  
4 it.

5 And I'm concerned, primarily because we can  
6 contrast that to the proceeding that occurred in the  
7 03-999-04 docket, where the Division of Public  
8 Utilities made an exhaustive search of parties that  
9 were parties of interest.

10 Those parties of interest were given an  
11 opportunity to sit around a desk, sit around a table,  
12 and debate each component of that rule. Each  
13 component of the rate formula. The Commission sat  
14 with the group and made determinations as to what  
15 should be included and what shouldn't be included.  
16 All parties were represented.

17 The Division then took the effort to create a  
18 proposed rule. That proposed rule was debated by all  
19 the parties *ad nauseam*. And then finally a proposed  
20 rule was completed and it was published. And all  
21 parties that otherwise wouldn't have received notice  
22 then had an opportunity and a 30-day period to  
23 comment. The protections of the Utah Administrative  
24 Rulemaking Act assured that all parties were included.

25 The process we have here is not necessarily

1 inclusive. In fact, given the structure of a rate  
2 case, probably ensures that parties out there right  
3 now are not even aware that their rates may be  
4 increased, or that the business plans they're  
5 preparing right now may be wrong because the cost is  
6 wrong.

7 This is a hugely important issue for  
8 telecommunications and cable operators. Don't  
9 underestimate it. But what did you say it  
10 was, .00085 --

11 MR. MECHAM: That's what I said.

12 MR. OLDROYD: -- of 1 percent? In the  
13 National Broadband Plan the FCC stated that the cost  
14 of deploying broadband networks, that 20 percent of  
15 that cost is merely getting access to necessary  
16 facilities, including poles.

17 There's a real balancing act here that needs  
18 to go forward. And the process, if nothing else, this  
19 Commission should ensure that it's fair to all parties  
20 of interest here and not just the Utility.

21 On a substantive basis, however, the burden  
22 under the rule requires a factual finding, a factual  
23 finding that the existing rates, terms, and conditions  
24 are somehow unjust, unreasonable, or not in the public  
25 interest.

1           Part of the problem we have here, that  
2 Mr. Mecham has raised, is that three times those  
3 issues have been in front of the Commission. This is  
4 the third time. It's the same issue. The Commission  
5 has already made decisions on these issues. They  
6 haven't added anything new, and consequently it should  
7 be dismissed.

8           But it's important I think that you  
9 understand that through this whole process that the  
10 Commission has -- the only piece of information that  
11 was submitted was Mr. Kent's testimony, where he said  
12 that certain items are going to settle in account 588.  
13 FERC account 588. And those may not -- aren't  
14 included in the formula.

15           There's no showing that the formula itself is  
16 unjust and unreasonable, just that perhaps certain  
17 accounts -- 588 -- aren't included in that formula.  
18 That doesn't go to the issue as to whether the formula  
19 itself is fair and reasonable.

20           This issue was addressed in the rulemaking  
21 docket *ad nauseam*. Go back and look at the testimony.  
22 Rocky Mountain Power continually said, Our ratepayers  
23 are subsidizing attachers. Nevertheless, the  
24 Commission found and adopted the FCC formula and the  
25 regulations and rules surrounding that formula because

1 it was compensatory, it was fair, and it was  
2 reasonable.

3 That formula hasn't changed. That formula is  
4 still in place. There's still a finding that it's  
5 fair, reasonable, and just, by virtue of the fact that  
6 it was adopted in the rule.

7 What's happening here is Qwest now is trying  
8 to change that rule. They're claiming it's not  
9 rulemaking, but it certainly is changing the rule.  
10 It's changing the formula without the benefit of the  
11 Utah Administrative Rulemaking Act.

12 But the determination -- the findings of the  
13 Commission, by including the FCC formula, bring into  
14 bear literally a 31-year history with the cable  
15 formula. The FCC orders, from the initial fee order  
16 to the order for reconsideration, cases in District  
17 Court, Appellate Court, and even a U.S. Supreme Court  
18 case has demonstrated and shown that the current  
19 formula, the cable formula, is fair and reasonable.  
20 It is compensatory.

21 Section 224 of the Communication Act creates  
22 a zone of reasonableness. And anything above  
23 incremental cost recovery is reasonable. U.S. Supreme  
24 Court said that, okay? The rule is fair and  
25 reasonable. There is no indication that there is a

1 subsidy issue. They've presented no other evidence.

2 In addition they said there are certain what  
3 they call "non-recurring costs" that have been around  
4 since 2002 that should now be -- should be included in  
5 Schedule 4, and Schedule 4 should be amended.

6 The fact that this has been around since 2002  
7 is not necessarily justification for including those  
8 fees in Schedule 4. In fact, what it is demonstrates  
9 the fact that they simply ignored the Commission's  
10 directive on, I believe it was September 6, 2005 -- I  
11 think you probably have a copy of that -- where the  
12 Commission said, clearly said, the Utility can recover  
13 an application fee.

14 They can recover make-ready fees, and they  
15 can recover unauthorized pole attachment fees.  
16 Unauthorized pole attachments fees, back rent from the  
17 time of the last audit, plus \$25 a pole. And other  
18 fees, like inspection fees, post inspection fees, they  
19 believed were included in the pole rental rate.

20 What they're asking to do is to over-recover.  
21 In fact, if you look at Mr. Kent's testimony and put  
22 it in line with that September 6th letter, Mr. Kent  
23 has demonstrated that Rocky Mountain Power has been  
24 overcharging and over-recovering. Instead of changing  
25 Schedule 4 what we ought to be doing is compelling

1 them to refund those amounts to all attachers since  
2 the effective date of that rule.

3 I think it's also important to understand  
4 that, notwithstanding the fact that this appears to be  
5 a relatively minor change adding this new category, it  
6 fundamentally changes the whole nature of pole  
7 attachments. It fundamentally makes the formula  
8 that's been adopted by this Commission meaningless.

9 Let me explain that. Rocky Mountain Power  
10 says that there are two accounts: A joint use  
11 administrative cost, and a GIS licensing support cost,  
12 that settle to account 588. FERC account 588.

13 FERC account 588 is not included in the  
14 formula, therefore it must mean that there is a  
15 subsidy issue where ratepayers are subsidizing  
16 attachers. The problem with that is they have looked  
17 at this in the best light for themselves. They've  
18 gone back and they've looked at what's out there and  
19 they've said, Gee whiz, we're not -- we may not be  
20 recovering this.

21 But Mr. Kent made no attempt, Rocky Mountain  
22 Power has made no attempt to disaggregate other  
23 accounts. Accounts like 593. Accounts like, I think  
24 it's 634. Where there are expenses, based on what the  
25 FCC has said, that have no nexus at all as pole



1 attachments.

2           What they're asking us to do, if we're -- in  
3 fairness if we're going to include those accounts, the  
4 588 account, we need to go back and disaggregate all  
5 those other accounts and pull out all expenses that  
6 shouldn't apply to attachers so there's a nice  
7 matching here.

8           That's been raised before at the FCC level.  
9 And it's been uniformly rejected by the FCC because  
10 they felt that Congress wanted a very simple,  
11 verifiable, easy approach to ratemaking -- to pole  
12 attachments.

13           They wanted -- and it may not be an exact  
14 science, but the FCC has included accounts that they  
15 feel would recover, and fully recover, the expenses of  
16 the Utility.

17           Fact, time after time, if you look at the  
18 motion to re -- the reconsideration motion, the  
19 utilities have tried to include additional  
20 administrative expenses. Each time the Commission has  
21 said administrative expenses, a lot of those are  
22 already covered in the formula through the components  
23 of the formula itself. Particularly operating  
24 expenses.

25           To do this would -- what Rocky Mountain Power

1 is asking would require a rate case within a rate  
2 case. Where each of those accounts -- items included  
3 in those accounts would have to be scrutinized. That  
4 eliminates the whole purpose of the formula. It  
5 eliminates the whole purpose of the rulemaking.

6 So yes, we agree with Mr. Mecham this should  
7 be dismissed. For no other reason we should assure  
8 that all parties of interest (inaudible - speaking too  
9 softly.)

10 THE REPORTER: (Asked Counsel to speak up.)

11 MR. OLDROYD: We should ensure all parties of  
12 interest, the parties that are attaching to these  
13 poles, that they have a voice. That they're included.  
14 Thank you.

15 HEARING OFFICER: Thank you Mr. Oldroyd.

16 Is there anyone else who is supportive of the  
17 motion of the Rural Telecom Association who hasn't  
18 spoken yet?

19 MR. SOMERS: Yes. This is Torry Somers on  
20 behalf of Qwest, and I do have some comments. First,  
21 with respect to comments made by Mr. Oldroyd, I think  
22 there -- just to clarify one point for the record. At  
23 one point Mr. Oldroyd I think inadvertently said that  
24 Qwest wanted to change the rate formula.

25 I think it's clear obviously from Mr. Oldroyd

1 and contrast argument that he meant to say Rocky  
2 Mountain Power, and I just wanted to clarify that  
3 first for the record.

4 MR. OLDROYD: Thank you.

5 MR. SOMERS: Next -- I do not want to repeat  
6 what Mr. Mecham has already stated, so I will be  
7 brief. But Qwest agrees with the Rural Telecom  
8 Association that pole attachment issues from Rocky  
9 Mountain's rate case should be dismissed from this  
10 proceeding.

11 In the past the formula was set as part of a  
12 rulemaking docket. This allows for a consistent  
13 formula for all pole owners, yet at the same time  
14 recognizes that each owner may have different inputs.

15 Rocky Mountain does not want to merely change  
16 an input to the established pole attachment formula.  
17 Rather, Rocky Mountain seeks to change the underlying  
18 formula. Rocky Mountain's proposal to change the  
19 underlying formula, if approved, will create  
20 inconsistencies in the formula used for different pole  
21 attachment owners, which is contrary to the purpose of  
22 creating the formula as part of a rulemaking in the  
23 first place.

24 Rocky Mountain has given no indication  
25 whether they believe that their proposed formula, if

1 approved, should be applied to other pole owners. And  
2 has given no indication whether they will reciprocate  
3 and pay pole attachment rates based on its proposed  
4 formula where they are simply an attacher, not an  
5 owner.

6           Although inputs to the formula will be  
7 different for the different pole owners, regardless of  
8 what happens in this proceeding the formula should  
9 remain consistent for all pole attachment owners.  
10 Given the importance of having a consistent pole  
11 attachment formula, the most appropriate place to deal  
12 with such issues is in a rulemaking, as suggested by  
13 others.

14           However, given that these issues and the  
15 appropriateness of the formula has been dealt with in  
16 the past few years, as stated by Mr. Mecham and  
17 Mr. Oldroyd, we don't believe there's even a need to  
18 review these issues again at this time.

19           Lastly, the Hearing Officer asked a question  
20 about the ability for a party to file a petition for  
21 deviation. However, this is not what Rocky Mountain  
22 has done. Instead, they have simply included this  
23 rate increase in a future test year, without even  
24 seeking a petition and obtaining approval to deviate  
25 from the existing rule. Thank you.

1 HEARING OFFICER: Thank you. Mr. Monson?

2 MR. MONSON: Thank you. Mr. Mecham was  
3 arguing about what the basis of his motion was. And I  
4 was trying to gather from his comments and from his  
5 filing what the basis of the motion was. Now, we  
6 assumed that maybe it was incomplete filing because  
7 they said the evidence was inadequate and so forth.

8 And if they're saying that's not the basis,  
9 then fine, that's not an issue. But there's gotta be  
10 a basis. There's gotta be a legal basis for this  
11 motion.

12 A lot of the discussion today has suggested  
13 that maybe the legal basis is *res judicata* or  
14 *collateral estoppel* or something. I mean, we've heard  
15 this three times. I mean, the legal nomenclature for  
16 that is *res judicata* or *collateral estoppel*. But they  
17 know they can't make that argument because in  
18 ratemaking there is no *res judicata* or *collateral*  
19 *estoppel*.

20 A company, in every rate case, brings up  
21 every cost. And every cost it has is at issue in  
22 every rate case. So there's no, there's no *collateral*  
23 *estoppel*, there's no *res judicata*. So they, they  
24 don't go quite to the point of saying, That's our  
25 basis for this motion.

1           So what is the basis? Well, the basis is  
2 they filed a motion to dismiss. A motion to dismiss  
3 when it's filed at the pleading stage, which is where  
4 we are, is a motion under Rule 12(b)(6.) Now, you may  
5 not want to classify it that way, but that's what it  
6 is.

7           And for a motion of that nature to be granted  
8 the moving party has to show that the Applicant would  
9 not be entitled to the relief they seek given the  
10 facts plead in the complaint or the application,  
11 assuming they're all true and that reasonable  
12 inferences from those facts are true.

13           They haven't even attempted to do that here  
14 because they can't do it. Because we have put forth  
15 facts that show that if they're accepted as true, that  
16 this rate is not appropriate, that it's not just and  
17 reasonable, and that it should be changed. So there's  
18 no basis to grant the motion to dismiss. And that  
19 alone is a reason it should be denied.

20           What they're really arguing is they're  
21 arguing that we're gonna lose. We can't prove -- we  
22 can't meet our burden of proof. We can't show that  
23 there should be a deviation from the rule. We can't  
24 do all these things.

25           Well, those are issues that go to the merits

1 of the issue. Those are the issues you raise in  
2 testimony and in argument on the merits of the issue.  
3 You don't raise them in a motion to dismiss. They  
4 aren't appropriate reasons to dismiss the matter.

5 And there's also been a lot of argument about  
6 the evidence that -- about the formula remaining  
7 consistent, other things. That's all gonna be a very  
8 interesting debate. And I appreciate the fact that we  
9 now have a lot of notice about what issues we're gonna  
10 have to deal with, but those are not issues for a  
11 motion to dismiss.

12 Instead of trying to demonstrate that our  
13 complaint -- or our application is deficient as a  
14 matter of law, we're having this argument that we've  
15 heard this all before. We've had it in three cases.  
16 Or this is the third time. Two cases previously. And  
17 that it would be administratively inefficient to do it  
18 again.

19 I -- Mr. Oldroyd characterized that prior  
20 proceeding as -- twice as being an *ad nauseam*  
21 proceeding. Perhaps he thinks it would be more  
22 administratively efficient to go through an *ad nauseam*  
23 proceeding for two years to count the number of angels  
24 that can stand on the head of a pin, as opposed to  
25 dealing with this straightforwardly in a simple rate

1 case.

2 I mean, Mr. Kent's testimony is five pages  
3 long. He's filed a couple of exhibits. He's filed  
4 one numerical exhibit. The exhibit's very similar to  
5 the exhibit that was filed when the rate was put into  
6 effect after that prior proceeding.

7 It's not gonna take a huge amount of effort  
8 to deal with this. And whether it does or not, that's  
9 not the issue. The issue is, this is a change in  
10 rates, and it should be dealt with in a rate case.

11 The Company is seeking a rate change, and a  
12 general rate case is certainly the appropriate place  
13 to do that. We're not seeking an amendment to the  
14 rule. And rulemaking, therefore, is not an  
15 appropriate place, an appropriate place to consider  
16 this issue.

17 We're asking for, as you noted, we're asking  
18 for a deviation from the formula. And frankly, as one  
19 who's not -- who hasn't been through all this  
20 *ad nauseam* process, I'm not even sure we need to ask  
21 for a deviation. Because the rule says you can  
22 include administrative -- general and administrative  
23 expenses in your charge.

24 That's what we want to do. Apparently in the  
25 course of this lengthy proceeding there was some



1 discussion about which specific accounts that applied  
2 to, and so Rocky Mountain Power has candidly  
3 acknowledged that it wants to include some  
4 administrative and general expenses that weren't  
5 within those accounts, that were discussed.

6 But those accounts aren't set forth in this  
7 rule, so I'm not even sure we're really seeking a  
8 deviation from the rule. But let's assume we are  
9 because we've said we are.

10 But that's -- a deviation from the rule is  
11 not asking for a new rule. We're not asking to amend  
12 the formula. We're doing exactly what is provided in  
13 R746-345-5(b), we're asking for Commission relief from  
14 the rate formula.

15 The one thing I think that is clear -- that  
16 rule doesn't say where we're supposed to seek that  
17 relief. But I think one thing is clear, and that is  
18 you don't seek that relief in a rulemaking proceeding  
19 because you're not asking to amend the rule.

20 And if you want to change rates, the rate  
21 that was set for -- under this formula was not set in  
22 a rulemaking. It wasn't set in the rulemaking, it was  
23 set in a rate filing. Tariff filing. That's the only  
24 place you can do it. Rulemakings aren't for setting  
25 rates.

1 Comcast has raised issues about notice.  
2 Well, it's apparent that the Company, the Division,  
3 and the Commission have attempted to provide notice to  
4 all interested parties. There have been efforts to  
5 give notice to pole attachers, to telecom companies.  
6 But one thing that's clear in all this is that Comcast  
7 and the Utah Rural Telecom Association have had  
8 notice.

9 They're the parties that are here. And  
10 Qwest. And they're the parties that are here arguing.  
11 They've had notice. They know about this proceeding.  
12 They have participated. They came to the scheduling  
13 conference. They have filed a motion and a response  
14 to the motion. They know about it, so they don't have  
15 any basis to complain about notice.

16 And just one other issue, and that's on the  
17 timing issue. Again, the 14 days doesn't apply  
18 because they're not asking that the application be  
19 dismissed because it's incomplete. But what they're  
20 doing is they're asking for the, they're asking for  
21 the application to be dismissed. Not the whole  
22 application but a part of the application.

23 Now, Mr. Mecham has said that that's -- rate  
24 cases are different. They fall outside the rules.  
25 What if a party thought a rate case was totally

1 inappropriate for some reason and was not justified,  
2 maybe based on a stipulation or something. When could  
3 they file that motion?

4           Could they wait for three months until their  
5 testimony was due and then say, Oh, gosh, you know, we  
6 just realized this is -- this case shouldn't have been  
7 filed, it should have been dismissed?

8           No, the rule is very clear. The rule is, if  
9 you have a motion in response to an initiatory  
10 pleading you have to file that within 30 days. You  
11 can get an extension of the 30 days if you ask for it,  
12 but otherwise you have to file it within the time  
13 allowed by the rule.

14           And there's nothing unique about rate cases.  
15 I mean, we acknowledged in our filing that we aren't,  
16 we aren't claiming that parties have to raise every  
17 objection to every proposed adjustment within 30 days.  
18 But if they want to dismiss the application, they have  
19 to do that. And that's a jurisdictional issue. You  
20 have to file it within 30 days.

21           And I think, I think the Commission ought to  
22 think about the kind of precedent this would  
23 establish. If a party can wait until two weeks before  
24 their testimony is due, several months after an  
25 application is filed, and at that point suddenly say,

1 You know, we don't want to file testimony. We want to  
2 dismiss the matter.

3 What kind of precedent does that establish  
4 for future cases? Doesn't that open the door for  
5 parties to be dilatory in their approach to a case,  
6 and to come in at the last minute and raise those kind  
7 of issues?

8 So we think as a matter of law this motion is  
9 not well taken and it should be denied. We recognize  
10 there's going to be issues on facts and policy that  
11 will be addressed in the case. But they should be  
12 addressed in this case, and this is the appropriate  
13 place to do it. Thank you.

14 HEARING OFFICER: Mr. Monson, would you  
15 address the comments you made about the time limits of  
16 the motion in relation to the motion to strike, as  
17 distinct from the motion to dismiss?

18 MR. MONSON: Yeah. As you noticed in our  
19 pleading we didn't address the motion to strike  
20 because we felt like there was no argument directed at  
21 that motion. But we have thought about it. And the  
22 motion to strike, I mean, a motion to strike testimony  
23 can be filed whenever the testimony is filed.

24 I mean, you wouldn't file a motion to strike  
25 testimony on rebuttal until after the rebuttal

1 testimony is filed. I don't think, I don't think the  
2 30-day period applies to that, okay? But there is a  
3 little bit of Commission guidance in the past.

4 I've had the experience of filing a motion to  
5 strike and having the Commission tell me, You were too  
6 late. And what that circumstance was, was a party  
7 filed surrebuttal testimony about ten days or two  
8 weeks in advance of a hearing. The Utility in that  
9 case, Questar Gas, filed a motion to strike that  
10 testimony only three days in advance of the hearing.

11 And the Commission felt like that was unfair  
12 to the party who had, who had filed the testimony,  
13 which was the Office of Consumer Services, and so  
14 therefore denied it because it was untimely. And  
15 suggested that, at least for the Utility, if you want  
16 to file a motion to strike you better do it promptly.  
17 So that parties know and have an opportunity to deal  
18 with it before the hearing.

19 That's the only guidance I'm aware of. But I  
20 don't think a motion to strike has to be filed within  
21 30 days.

22 HEARING OFFICER: Thank you.

23 Ms. Schmid. And let me apologize for  
24 overlooking the Division, and you personally. I  
25 didn't intend to do that. And so thank you for

1 speaking up at that moment.

2 MS. SCHMID: You're welcome. The Division is  
3 walking a tightrope in this case, frankly. The  
4 Division has not taken a position on the merits of the  
5 pole attachment request and how that request dovetails  
6 with the pole attachment proceeding that was truly  
7 lengthy and *ad nauseam*.

8 So the Division here is addressing the  
9 process, not the merits of the pole attachment  
10 arguments. It's important to remember that the  
11 Division has a unique perspective and unique  
12 responsibilities and obligations.

13 The Division informs the Commission. It  
14 makes recommendations regarding public utility policy.  
15 It makes recommendations on applications, such as rate  
16 cases, the one before us in this docket. And it makes  
17 recommendations and comments on rulemaking.

18 The Division must act in the public interest.  
19 The public interest says -- the public interest is  
20 composed of many elements. Just to name a couple:  
21 The public interest should and must promote the safe,  
22 healthy, and financial interest of the public utility.  
23 Public interest must provide for just and reasonable  
24 rates. Public interest must make the process as  
25 transparent as possible.

1           So the Division is in a unique situation.  
2     The docket that brings us here with the pole  
3     attachment issue raised is also a unique situation.  
4     In my memory, I have not experienced pole attachment  
5     issues being heard in a rate case. And so it is, as  
6     the telecom parties have said, it is a different world  
7     for them.

8           But the Division noted that in its  
9     January 26, 2011, memorandum to the Commission, in  
10    which the Division stated:

11           "A cursory review of the filing  
12           revealed proposed changes to the  
13           Company's pole attachment rate;  
14           therefore, the Division requests that  
15           the scheduling conference notice include  
16           a reference to this proposed change.  
17           And, in addition to the regular service  
18           list, that the notice be sent to a  
19           general telecom list."

20           And as said, obviously actual notice, if not  
21     paper notice, has been received by some of the  
22     parties.

23           Okay, so turning back to the uniqueness of  
24     this within a rate case. As we all know, in a rate  
25     case the Utility takes its expenses, it takes its

1 revenues, figures out what it needs for a revenue  
2 requirement, including cost of capital, and then makes  
3 a request.

4 In this case Rocky Mountain Power is asking  
5 for a large rate increase, approximately 232 million.  
6 And yes, the \$200,000 ascribed to the pole attachment  
7 increase is a small part of that. But it's important  
8 to remember that in a rate case there are many  
9 adjustments that fall in the 200, 3,000 -- 200 or  
10 300 thousand dollar range, and sometimes even less.

11 Each part is important. Each part affects  
12 everything else. If the motion to dismiss is granted,  
13 the Commission just can't stop there. And should not  
14 stop there. The Commission must take into account how  
15 the effect of such a dismissal would impact other  
16 ratepayers.

17 That would leave a \$200,000 hole in the  
18 Company's revenue requirement. And it would leave,  
19 unless they were adjusted out, costs associated with  
20 those pole attachment issues in.

21 The Commission would also need to deal with  
22 the fact that if it allows an issue to be plucked out  
23 at this stage, what the precedent would be. For  
24 example, in this rate case the residential customer  
25 charge is being proposed to be changed from



1 approximately \$5 to approximately \$10. Sorry, \$3.75  
2 to \$10.

3 What would happen if a group of consumers  
4 came in and said, This is not the proper place for  
5 this, we want to have it taken out? That would leave  
6 a big hole in the rate case. And yes, I do understand  
7 that there is a specific rule here, but I will note  
8 that the rule does allow for Commission relief.

9 Nonetheless -- and here comes the tightrope  
10 part -- the Division is sensitive to the fact that the  
11 pole attachment rule docket was the result of a lot of  
12 blood, sweat, and tears. The Division is sensitive,  
13 too, to the fact that it takes a rulemaking to make  
14 changes applicable to a broad class.

15 Anything decided with regard to pole  
16 attachments in this case would apply only to Rocky  
17 Mountain Power and those who attach to its poles. It  
18 would not automatically, of course, apply to Comcast  
19 and those who attach to Comcast's poles. Broader  
20 applicability would be obtained through a rulemaking.  
21 Or, in the alternative, each pole attacher bringing  
22 their own case.

23 So while the Division is very concerned about  
24 removing a particular category and extracting revenues  
25 and costs from the rate case, the Division said, as

1 Mr. Mecham pointed out, that a rulemaking may be the  
2 place to decide the issue of general applicability.

3 URTA also asked the Commission to suspend the  
4 testimony filing schedule in this case if the  
5 Commission is unable to render a decision on the  
6 expedited basis that URTA requested.

7 Testimony is due Monday on pole attachment  
8 issues. Today is the 12th. Mr. Mecham -- I'm sorry.  
9 URTA has requested that the testimony schedule be  
10 suspended if the Commission is unable to rule in this  
11 expedited manner.

12 Extending the testimony with regard to pole  
13 attachment testimony specifically could cause  
14 unintended consequences. There are many, many pieces  
15 in this rate case. There are layers of testimony.  
16 For example, cost of capital testimony was filed  
17 yesterday. Pole attachment testimony is due Monday.  
18 Later this month revenue requirement testimony is due.  
19 And not too far behind, in June, cost of service and  
20 rate design testimony is due.

21 Everything is stacked. Everything is  
22 layered. At the scheduling conference so many parties  
23 had conflicts it was appearing, at least to me, almost  
24 impossible to select a hearing date. Ultimately that  
25 was done, with certain parties foregoing or changing

1 their vacation plans.

2 If we move the pole testimony part, that  
3 affects that as well. And the whole hearing schedule  
4 is like a *Jenga* game, with the little wooden  
5 rectangles. And if you move one piece, things can  
6 happen. Thank you.

7 HEARING OFFICER: Thank you, Ms. Schmid.

8 Mr. Monson, I have a question for you  
9 regarding the alternative remedy of redirecting or  
10 repositioning the issues raised in Mr. Kent's  
11 testimony into the existing docket. The other -- the  
12 rulemaking docket, for lack of a better term.

13 What is the prejudice to the Company if the  
14 Commission were to take that course?

15 MR. MONSON: Well, first of all I want to  
16 make it clear that we don't think that's a rulemaking  
17 docket, but -- because rulemaking and rate changes are  
18 very different.

19 But I guess the main prejudice to the Company  
20 is that, as Ms. Schmid just said, that there will be  
21 an element of revenue requirement that's extracted out  
22 of this case. And so is that prejudice to the Company  
23 or is that prejudice to the other customers? I don't  
24 know. But it's prejudice.

25 It's not, it's not appropriate to say, We're

1 gonna take one element of your case -- we're gonna  
2 take one element of your revenue requirement and we're  
3 gonna exclude it from the rate case.

4 I mean, if the Commission is gonna rule that  
5 we can file rate increase applications and their  
6 impact on our total revenue requirement doesn't  
7 matter, maybe we welcome that ruling. But I don't  
8 think it's appropriate.

9 HEARING OFFICER: Is there a distinction  
10 between the opportunity that the Company would enjoy  
11 to present the costs in the rate case and the method  
12 for recovering those costs?

13 MR. MONSON: I think, I think I can agree  
14 that there may be a distinction there. But I want to  
15 point out that in many issues of ratemaking it's not  
16 just a matter of costs. It's a matter of what  
17 accounts do you include. What, you know, how do you  
18 account for projections of those accounts, and a  
19 variety of issues.

20 So I don't think this is that different than  
21 other rate case issues. One difference is that  
22 there's a rule that gives a formula. But the rule  
23 says we can ask for a deviation from the formula. And  
24 the question is, where do you do that?

25 Wouldn't be in the rulemaking, but it

1 might -- it could be in a case -- another case. But  
2 it seems like then you'd have to bring it back to a  
3 rate case, because if it's gonna change your rate then  
4 it affects your revenue requirement. So.

5 HEARING OFFICER: Thank you. Mr. Mecham?

6 MR. MECHAM: Thank you. Let me just note  
7 that with respect to costs and revenues and so on, and  
8 whether or not they're included in a rate case, that's  
9 a common problem. That's all -- there are always  
10 intervening costs and revenues that occur until the  
11 next rate case.

12 I don't -- that is ratemaking. That, that is  
13 what happens. And the revenues from pole attachments  
14 have been included in whatever the most recent rate  
15 case was. So that they're not included in this rate  
16 case doesn't mean that they won't be included in the  
17 next round.

18 Pole attachments, as I said in my opening  
19 statement, hasn't -- this issue has never been  
20 addressed in a rate case. And the reason is that, up  
21 until this rule, it was prohibited. That's why. And  
22 it was prohibited because there are classes affected  
23 that don't get notice of the rate case. That's why.  
24 It's that simple.

25 Now, Mr. Monson -- well, and you've raised a

1 couple of times, your Honor, the motion to strike.  
2 The only reason that I filed a motion to strike is, is  
3 because if the Commission were to grant our motion to  
4 dismiss it makes no sense to retain the testimony  
5 that's dismissed -- or that is the issue that's  
6 dismissed from the case, it makes no sense to keep  
7 that in the docket.

8 With respect to what we have to show with  
9 respect -- insofar as a motion to dismiss is  
10 concerned, there are motions that aren't 12(b)(6)  
11 motions. And this is administrative rule. That is,  
12 it's administrative law.

13 And the Commission makes it very clear that  
14 where the Commission speaks -- which it has on  
15 motions -- that supplants the rules. And even if the  
16 rules apply, if it doesn't fit, if it's not  
17 appropriate, you don't have to apply the rules.

18 If the Commission has answered the questions  
19 that are being asked, and they've done it before, and  
20 they were unwilling to address it in 10-035-97, I  
21 don't see why they have to do it in this case. Making  
22 a motion to dismiss completely appropriate.

23 I don't understand how Rocky Mountain Power  
24 can say this isn't an amendment to a rule. Mr. Kent's  
25 testimony makes very clear that they are trying to add

1 components to the formula. If you're adding  
2 components to the formula, you're changing the rule.  
3 Whether it results from -- in this rate case, it will  
4 subsequently result in a rulemaking.

5 I also can't understand this time for filing  
6 under 746-100-4. Because if a rate case is treated  
7 like a garden-variety request for agency action, this  
8 assumes that there is an opposing party. How does a  
9 utility serve the opposing parties when they don't  
10 know who's actually going to intervene? When they  
11 don't know who's going to be interested?

12 This isn't a two-party case. This is a  
13 multi-party case, which is why the Commission has  
14 treated rate cases separately. You have -- in all --  
15 in my experience, which now exceeds 20 years, I have  
16 never seen a response filed to an application to a  
17 rate case in the way one would respond to a request  
18 for agency action. It doesn't happen.

19 The application is filed. The Commission  
20 notices up a hearing. Interested parties come. And  
21 there's an intervention date set. All of that was  
22 done in this case. I wasn't served with the  
23 application. I've never been served with the  
24 application.

25 What constitutes service under this thing?

1 This says that an opposing party is to be served with  
2 the request for agency action, and thereafter they've  
3 got 30 days to respond. And if you have a motion  
4 dealing with that pleading you have to deal with it  
5 before the responsive testimony is due.

6 What if you never get served under this  
7 statute? Or I mean, excuse me, under this rule. It  
8 doesn't work. And the *coup de grâce*, and I've already  
9 pointed this out, is if this applies to rate cases,  
10 the case is over.

11 We may as well go home. Because there was no  
12 response or reply, period. The Commission, therefore,  
13 can presume there's no opposition, and they get their  
14 \$232 million.

15 The opposition occurs in a rate case with the  
16 testimony that's filed. This is not a garden-variety  
17 request for agency action under the Administrative  
18 Procedures Act. Never was intended to be. Never has  
19 been treated that way. And shouldn't be treated that  
20 way now.

21 Therefore, nothing I've heard today changes  
22 our position. This issue does not belong in a rate  
23 case. This issue has been decided. For the life of  
24 me, I can't understand why people can't just accept  
25 the fact that issues have been decided and move on.



1 The very specific issues have been decided. The  
2 Commission has spoken.

3 I understand administrative -- in  
4 administrative law you can come back, you can come  
5 back, you can come back. But after a while it seems  
6 to me like we're spinning wheels, wasting time and  
7 resources.

8 I would urge the Commission to dismiss this.  
9 And if you can't dismiss it, then I would move it back  
10 into 10-035-97. And decide whether or not rulemaking  
11 is justified. If Mr. Monson doesn't think that's a  
12 rulemaking docket, then let's use that docket to  
13 decide whether rulemaking is justified.

14 And I would leave it at that. Thank you.

15 HEARING OFFICER: Thank you, Mr. Mecham.

16 The Commission is going to address this  
17 motion through a written ruling. It's not gonna be  
18 possible to issue that before May 16th. So I want to  
19 have all the parties understand that the schedule that  
20 was promulgated in the scheduling order on  
21 February 23rd is operative.

22 I don't -- I also caution parties not to  
23 infer any disposition of the motion as it relates to  
24 that schedule. But the schedule is, as several have  
25 noted, complex. And we're only three or four days

1 away from that due date, so we'll need to proceed with  
2 the schedule.

3 And the written ruling will be published as  
4 soon as it can be prepared.

5 MR. MECHAM: May I ask one thing?

6 HEARING OFFICER: Mr. Mecham.

7 MR. MECHAM: It is true our testimony is due  
8 on Monday. This is a dispositive motion, so we  
9 stopped working on our testimony.

10 As I recall, the schedule says that our  
11 testimony is due May 16th. Rebuttal is June -- is due  
12 June 15th. And then I believe surrebuttal is due  
13 July 6th. And then the hearing on this is due around  
14 July 13th.

15 It is -- with -- well. We didn't file this  
16 motion because we thought we would lose. We actually  
17 think we can win this issue. But it would -- and I  
18 don't think we have to disrupt the schedule that much.  
19 But I really do think in order to get the testimony we  
20 need I probably need at least until next Thursday or  
21 Friday.

22 And I don't see why rebuttal needs to change.  
23 In other words, the only thing I would ask for is that  
24 we be able to file a few days later. And go forward  
25 with rebuttal, and go forward with surrebuttal, and go

1 forward with the hearing.

2 Because, you know, as it is, my expert -- and  
3 we do have an expert -- but I don't think he's gonna  
4 be ready by Monday.

5 HEARING OFFICER: Let's go off the record.

6 (A discussion was held off the record.)

7 (A recess was taken from 10:09 to 10:24 a.m.)

8 HEARING OFFICER: We've had a mini scheduling  
9 conference off the record and I'm now going to report  
10 the results of that.

11 As a result of those conversations the  
12 schedule that is presented in a scheduling order  
13 issued February 23, 2011, in this docket is amended,  
14 with respect to the pole attachment phase, in the  
15 following respects:

16 The testimony from parties other than the  
17 Applicant, that is, the direct testimony, is now due  
18 Wednesday, May 18, 2011. And the rebuttal testimony  
19 of all parties is now due Thursday, June 16, 2011.

20 And with that announcement I believe we've  
21 concluded our business at this hearing. Which was, I  
22 should note, duly noticed. And we appreciate the  
23 participation of all parties. And we'll be adjourned.  
24 Thank you.

25 (The hearing was concluded at 10:26 a.m.)

C E R T I F I C A T E

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SALT LAKE         )

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were 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 proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 51, inclusive.

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

SIGNED ON THIS 23rd DAY OF May, 2011.

Kelly L. Wilburn, CSR, RPR  
Utah CSR No. 109582-7801

<b>\$</b>	<b>23rd</b> [1] - 49:21 <b>240</b> [1] - 11:17 <b>240-day</b> [1] - 13:14 <b>24th</b> [1] - 7:25 <b>26</b> [1] - 39:9 <b>29</b> [1] - 9:23	<b>8</b>	36:12, 45:20 <b>addresses</b> [2] - 12:15, 16:8 <b>addressing</b> [1] - 38:8 <b>adequate</b> [1] - 18:15 <b>adjourned</b> [1] - 51:23 <b>adjusted</b> [1] - 40:19 <b>adjustment</b> [1] - 35:17 <b>adjustments</b> [1] - 40:9 <b>administrative</b> [12] - 8:9, 10:1, 24:11, 25:20, 25:21, 32:22, 33:4, 46:11, 46:12, 49:3, 49:4 <b>Administrative Procedures Act</b> [3] - 13:11, 15:14, 48:17 <b>administratively</b> [2] - 31:17, 31:22 <b>adopted</b> [3] - 21:24, 22:6, 24:8 <b>advance</b> [2] - 37:8, 37:10 <b>affect</b> [1] - 10:24 <b>affected</b> [3] - 8:24, 14:21, 45:22 <b>affects</b> [4] - 9:6, 40:11, 43:3, 45:4 <b>agency</b> [7] - 13:10, 13:25, 15:15, 47:7, 47:18, 48:2, 48:17 <b>agree</b> [2] - 26:6, 44:13 <b>agrees</b> [1] - 27:7 <b>allow</b> [1] - 41:8 <b>allowed</b> [1] - 35:13 <b>allows</b> [2] - 27:12, 40:22 <b>almost</b> [1] - 42:23 <b>alone</b> [1] - 30:19 <b>alternative</b> [2] - 41:21, 43:9 <b>alternatively</b> [1] - 4:18 <b>amend</b> [2] - 33:11, 33:19 <b>amended</b> [2] - 23:5, 51:13 <b>amendment</b> [2] - 32:13, 46:24 <b>amount</b> [1] - 32:7 <b>amounts</b> [1] - 24:1 <b>angels</b> [1] - 31:23 <b>announcement</b> [1] - 51:20 <b>announcing</b> [1] - 18:12 <b>answered</b> [1] - 46:18	<b>9</b>	<b>APA</b> [1] - 16:5 <b>apologize</b> [2] - 16:21, 37:23 <b>apparent</b> [1] - 34:2 <b>appear</b> [1] - 8:4 <b>appearances</b> [1] - 4:20 <b>appearing</b> [1] - 42:23 <b>Appellate</b> [1] - 22:17 <b>applicability</b> [3] - 16:12, 41:20, 42:2 <b>applicable</b> [2] - 12:17, 41:14 <b>Applicant</b> [2] - 30:8, 51:17 <b>Application</b> [1] - 4:10 <b>application</b> [14] - 15:20, 23:13, 30:10, 31:13, 34:18, 34:21, 34:22, 35:18, 35:25, 47:16, 47:19, 47:23, 47:24 <b>applications</b> [2] - 38:15, 44:5 <b>applied</b> [2] - 28:1, 33:1 <b>applies</b> [5] - 13:9, 13:16, 15:10, 37:2, 48:9 <b>apply</b> [18] - 12:4, 13:3, 13:5, 13:7, 13:12, 14:4, 14:15, 15:6, 16:16, 25:6, 34:17, 41:16, 41:18, 46:16, 46:17 <b>appreciate</b> [2] - 31:8, 51:22 <b>approach</b> [2] - 25:11, 36:5 <b>appropriate</b> [13] - 6:6, 11:2, 28:11, 30:16, 31:4, 32:12, 32:15, 36:12, 43:25, 44:8, 46:17, 46:22 <b>appropriately</b> [2] - 14:17 <b>appropriateness</b> [1] - 28:15 <b>Approval</b> [1] - 4:12 <b>approval</b> [1] - 28:24 <b>approved</b> [2] - 27:19, 28:1 <b>argue</b> [4] - 9:2, 10:11, 14:14, 15:5 <b>arguing</b> [4] - 29:3, 30:20, 30:21, 34:10 <b>argument</b> [8] - 4:8, 8:6, 27:1, 29:17, 31:2, 31:5, 31:14, 36:20 <b>arguments</b> [3] -
<b>\$10</b> [2] - 41:1, 41:2 <b>\$12.50</b> [1] - 7:6 <b>\$200,000</b> [2] - 40:6, 40:17 <b>\$232</b> [3] - 8:3, 8:13, 48:14 <b>\$25</b> [1] - 23:17 <b>\$27.40</b> [1] - 7:7 <b>\$3.75</b> [1] - 41:1	<b>3</b>	<b>A</b>			
<b>0</b>	<b>3,000</b> [1] - 40:9 <b>30</b> [6] - 35:10, 35:11, 35:17, 35:20, 37:21, 48:3 <b>30-day</b> [4] - 15:6, 15:15, 19:22, 37:2 <b>300</b> [1] - 40:10 <b>31</b> [1] - 9:23 <b>31-year</b> [1] - 22:14 <b>31st</b> [1] - 16:2 <b>3rd</b> [1] - 18:10	<b>8/1000ths</b> [1] - 8:16			
<b>00085</b> [2] - 8:15, 20:10 <b>03-999-04</b> [2] - 18:21, 19:7 <b>035-124</b> [1] - 13:22 <b>04-999-03</b> [2] - 7:4, 7:17	<b>4</b>	<b>9</b>			
<b>1</b>	<b>4</b> [5] - 16:21, 23:5, 23:8, 23:25 <b>4(b)</b> [2] - 16:19, 16:21 <b>4(d)</b> [1] - 11:23	<b>8</b>			
<b>1</b> [2] - 8:16, 20:12 <b>10-035-124</b> [1] - 4:9 <b>10-035-97</b> [10] - 6:23, 7:19, 8:1, 8:5, 9:3, 11:9, 17:8, 17:11, 46:20, 49:10 <b>10:09</b> [1] - 51:7 <b>10:24</b> [1] - 51:7 <b>10:26</b> [1] - 51:25 <b>12</b> [1] - 4:1 <b>12(b)</b> [2] - 11:24, 12:1 <b>12(b)(6)</b> [2] - 30:4, 46:10 <b>12th</b> [1] - 42:8 <b>13th</b> [1] - 50:14 <b>14</b> [3] - 12:19, 13:2, 34:17 <b>15th</b> [1] - 50:12 <b>16</b> [1] - 51:19 <b>16th</b> [2] - 49:18, 50:11 <b>18</b> [1] - 51:18	<b>5</b>	<b>9</b>			
<b>2</b>	<b>5</b> [1] - 41:1 <b>54-7-12</b> [1] - 17:23 <b>54-7-12(2)(b)(2)</b> [2] - 11:22, 12:14 <b>588</b> [7] - 21:12, 21:13, 21:17, 24:12, 24:13, 25:4 <b>593</b> [1] - 24:23	<b>8</b>			
<b>20</b> [2] - 20:14, 47:15 <b>200</b> [3] - 8:13, 40:9 <b>2002</b> [2] - 23:4, 23:6 <b>2005</b> [1] - 23:10 <b>2011</b> [5] - 4:1, 39:9, 51:13, 51:18, 51:19 <b>224</b> [1] - 22:21 <b>23</b> [1] - 51:13 <b>232</b> [1] - 40:5	<b>6</b>	<b>9</b>			
	<b>6</b> [1] - 23:10 <b>634</b> [1] - 24:24 <b>63G</b> [1] - 13:11 <b>6th</b> [2] - 23:22, 50:13	<b>8</b>			
	<b>7</b>	<b>9</b>			
	<b>74</b> [1] - 9:19 <b>746-100-1(c)</b> [2] - 11:23, 12:2 <b>746-100-4</b> [1] - 47:6 <b>746-101-4(d)</b> [1] - 13:6 <b>746-345-5(b)</b> [1] - 16:20	<b>8</b>			
		<b>9</b>			
		<b>8</b>			

<p>5:18, 5:24, 38:10 <b>ascribed</b> [2] - 6:17, 40:6 <b>associated</b> [1] - 40:19 <b>Association</b> [2] - 26:17, 27:8 <b>assume</b> [2] - 5:16, 33:8 <b>assumed</b> [1] - 29:6 <b>assumes</b> [1] - 47:8 <b>assuming</b> [1] - 30:11 <b>assure</b> [1] - 26:7 <b>assured</b> [1] - 19:24 <b>attach</b> [2] - 41:17, 41:19 <b>attached</b> [1] - 18:2 <b>attacher</b> [2] - 28:4, 41:21 <b>attachers</b> [5] - 21:23, 24:1, 24:16, 25:6, 34:5 <b>attaches</b> [1] - 18:20 <b>attaching</b> [3] - 16:14, 19:1, 26:12 <b>attachment</b> [29] - 6:24, 7:1, 7:6, 8:2, 9:18, 9:25, 10:23, 11:3, 11:6, 23:15, 27:8, 27:16, 27:21, 28:3, 28:9, 28:11, 38:5, 38:6, 38:9, 39:3, 39:4, 39:13, 40:6, 40:20, 41:11, 42:7, 42:13, 42:17, 51:14 <b>attachments</b> [7] - 23:16, 24:7, 25:1, 25:12, 41:16, 45:13, 45:18 <b>attempt</b> [2] - 24:21, 24:22 <b>attempted</b> [2] - 30:13, 34:3 <b>attorney</b> [1] - 4:24 <b>Attorney</b> [1] - 5:6 <b>audit</b> [1] - 23:17 <b>Authority</b> [1] - 4:11 <b>automatically</b> [1] - 41:18 <b>available</b> [1] - 17:6 <b>aware</b> [2] - 20:3, 37:19</p>	<p>24:24, 28:3, 35:2 <b>basis</b> [15] - 14:12, 16:15, 20:21, 29:3, 29:5, 29:8, 29:10, 29:13, 29:25, 30:1, 30:18, 34:15, 42:6 <b>bear</b> [1] - 22:14 <b>began</b> [1] - 6:19 <b>begin</b> [2] - 4:21, 5:24 <b>behalf</b> [3] - 5:12, 5:14, 26:20 <b>behind</b> [1] - 42:19 <b>belong</b> [1] - 48:22 <b>benefit</b> [1] - 22:10 <b>BERTELSEN</b> [2] - 5:13, 5:17 <b>best</b> [1] - 24:17 <b>better</b> [2] - 37:16, 43:12 <b>between</b> [1] - 44:10 <b>big</b> [1] - 41:6 <b>biggest</b> [1] - 18:16 <b>bit</b> [1] - 37:3 <b>blood</b> [1] - 41:12 <b>bottom</b> [1] - 6:18 <b>brief</b> [1] - 27:7 <b>bring</b> [4] - 14:2, 14:7, 22:13, 45:2 <b>bringing</b> [1] - 41:21 <b>brings</b> [2] - 29:20, 39:2 <b>broad</b> [1] - 41:14 <b>Broadband</b> [1] - 20:13 <b>broadband</b> [3] - 18:3, 18:24, 20:14 <b>Broader</b> [1] - 41:19 <b>brought</b> [10] - 8:9, 12:6, 12:7, 12:10, 13:16, 14:2, 14:5, 14:9, 14:16, 14:17 <b>burden</b> [4] - 10:15, 17:1, 20:21, 30:22 <b>business</b> [2] - 20:4, 51:21</p>	<p>36:12, 37:9, 38:3, 40:4, 41:16, 41:22, 42:4, 43:22, 44:1, 45:1, 46:6, 46:21, 47:12, 47:13, 47:22, 48:10 <b>cases</b> [10] - 18:5, 22:16, 31:15, 31:16, 34:24, 35:14, 36:4, 38:16, 47:14, 48:9 <b>category</b> [2] - 24:5, 41:24 <b>caution</b> [1] - 49:22 <b>CenturyLink</b> [1] - 5:12 <b>certain</b> [5] - 18:15, 21:12, 21:16, 23:2, 42:25 <b>certainly</b> [2] - 22:9, 32:12 <b>change</b> [18] - 6:25, 11:3, 11:13, 16:15, 16:25, 17:12, 22:8, 24:5, 26:24, 27:15, 27:17, 27:18, 32:9, 32:11, 33:20, 39:16, 45:3, 50:22 <b>changed</b> [3] - 22:3, 30:17, 40:25 <b>changes</b> [6] - 10:23, 24:6, 39:12, 41:14, 43:17, 48:21 <b>changing</b> [5] - 22:9, 22:10, 23:24, 42:25, 47:2 <b>characterized</b> [1] - 31:19 <b>charge</b> [2] - 32:23, 40:25 <b>charged</b> [1] - 8:22 <b>circumstance</b> [1] - 37:6 <b>Civil</b> [3] - 11:24, 11:25, 12:3 <b>claiming</b> [2] - 22:8, 35:16 <b>claims</b> [1] - 11:20 <b>clarify</b> [2] - 26:22, 27:2 <b>class</b> [2] - 9:6, 41:14 <b>classes</b> [1] - 45:22 <b>classify</b> [1] - 30:5 <b>clear</b> [9] - 12:5, 26:25, 33:15, 33:17, 34:6, 35:8, 43:16, 46:13, 46:25 <b>clearly</b> [2] - 8:22, 23:12 <b>client</b> [1] - 17:2 <b>collateral estoppel</b> [4] - 29:14, 29:16,</p>	<p>29:18, 29:22 <b>Comcast</b> [6] - 4:25, 5:14, 18:6, 34:1, 34:6, 41:18 <b>Comcast's</b> [1] - 41:19 <b>commenced</b> [1] - 7:4 <b>comment</b> [1] - 19:23 <b>comments</b> [8] - 5:21, 6:4, 6:13, 26:20, 26:21, 29:4, 36:15, 38:17 <b>Commission</b> [56] - 4:7, 7:2, 7:3, 7:16, 7:20, 9:1, 10:7, 11:4, 11:9, 11:15, 11:18, 12:3, 12:11, 12:19, 13:17, 13:20, 14:19, 15:20, 16:10, 19:13, 20:19, 21:3, 21:4, 21:10, 21:24, 22:13, 23:12, 24:8, 25:20, 33:13, 34:3, 35:21, 37:3, 37:5, 37:11, 38:13, 39:9, 40:13, 40:14, 40:21, 41:8, 42:3, 42:5, 42:10, 43:14, 44:4, 46:3, 46:13, 46:14, 46:18, 47:13, 47:19, 48:12, 49:2, 49:8, 49:16 <b>Commission's</b> [2] - 8:7, 23:9 <b>common</b> [1] - 45:9 <b>Communication Act</b> [1] - 22:21 <b>companies</b> [4] - 18:4, 18:25, 34:5 <b>company</b> [1] - 29:20 <b>Company</b> [8] - 10:1, 10:6, 32:11, 34:2, 43:13, 43:19, 43:22, 44:10 <b>Company's</b> [2] - 39:13, 40:18 <b>compelling</b> [1] - 23:25 <b>compensatory</b> [4] - 10:17, 17:4, 22:1, 22:20 <b>complain</b> [1] - 34:15 <b>complaint</b> [2] - 30:10, 31:13 <b>complete</b> [3] - 8:6, 12:16, 12:20 <b>completed</b> [1] - 19:20 <b>completely</b> [1] - 46:22 <b>complex</b> [1] - 49:25 <b>component</b> [3] -</p>	<p>9:24, 19:12, 19:13 <b>components</b> [3] - 25:22, 47:1, 47:2 <b>composed</b> [1] - 38:20 <b>concern</b> [1] - 18:16 <b>concerned</b> [4] - 17:21, 19:5, 41:23, 46:10 <b>concluded</b> [2] - 51:21, 51:25 <b>concludes</b> [1] - 14:23 <b>concluding</b> [1] - 6:4 <b>conditions</b> [1] - 20:23 <b>conducted</b> [1] - 15:19 <b>conference</b> [6] - 15:21, 18:13, 34:13, 39:15, 42:22, 51:9 <b>conflicts</b> [1] - 42:23 <b>Congress</b> [1] - 25:10 <b>consequences</b> [1] - 42:14 <b>consequently</b> [1] - 21:6 <b>consider</b> [2] - 6:23, 32:15 <b>consistent</b> [4] - 27:12, 28:9, 28:10, 31:7 <b>constitutes</b> [1] - 47:25 <b>construction</b> [1] - 7:15 <b>consumers</b> [1] - 41:3 <b>contemplated</b> [1] - 16:5 <b>continually</b> [1] - 21:22 <b>contrary</b> [1] - 27:21 <b>contrast</b> [2] - 19:6, 27:1 <b>convened</b> [1] - 4:9 <b>conversations</b> [1] - 51:11 <b>convincing</b> [1] - 10:7 <b>copy</b> [1] - 23:11 <b>correct</b> [2] - 9:19, 14:18 <b>cost</b> [11] - 20:5, 20:13, 20:15, 22:23, 24:11, 29:21, 40:2, 42:16, 42:19 <b>costs</b> [9] - 10:1, 23:3, 40:19, 41:25, 44:11, 44:12, 44:16, 45:7, 45:10 <b>Counsel</b> [1] - 26:10 <b>counsel</b> [2] - 4:20,</p>
<p><b>B</b></p>	<p><b>C</b></p>			
<p><b>balancing</b> [1] - 20:17 <b>Ballard Spahr</b> [2] - 4:25, 5:14 <b>Barbara Ishimatsu</b> [1] - 5:1 <b>based</b> [4] - 13:8,</p>	<p><b>cable</b> [4] - 18:4, 20:8, 22:14, 22:19 <b>calculate</b> [1] - 8:11 <b>calculations</b> [1] - 8:14 <b>candidly</b> [1] - 33:2 <b>capital</b> [2] - 40:2, 42:16 <b>carefully</b> [1] - 12:22 <b>case</b> [24] - 14:15, 15:22, 16:2, 22:18, 35:6, 36:5, 36:11,</p>	<p><b>certain</b> [5] - 18:15, 21:12, 21:16, 23:2, 42:25 <b>certainly</b> [2] - 22:9, 32:12 <b>change</b> [18] - 6:25, 11:3, 11:13, 16:15, 16:25, 17:12, 22:8, 24:5, 26:24, 27:15, 27:17, 27:18, 32:9, 32:11, 33:20, 39:16, 45:3, 50:22 <b>changed</b> [3] - 22:3, 30:17, 40:25 <b>changes</b> [6] - 10:23, 24:6, 39:12, 41:14, 43:17, 48:21 <b>changing</b> [5] - 22:9, 22:10, 23:24, 42:25, 47:2 <b>characterized</b> [1] - 31:19 <b>charge</b> [2] - 32:23, 40:25 <b>charged</b> [1] - 8:22 <b>circumstance</b> [1] - 37:6 <b>Civil</b> [3] - 11:24, 11:25, 12:3 <b>claiming</b> [2] - 22:8, 35:16 <b>claims</b> [1] - 11:20 <b>clarify</b> [2] - 26:22, 27:2 <b>class</b> [2] - 9:6, 41:14 <b>classes</b> [1] - 45:22 <b>classify</b> [1] - 30:5 <b>clear</b> [9] - 12:5, 26:25, 33:15, 33:17, 34:6, 35:8, 43:16, 46:13, 46:25 <b>clearly</b> [2] - 8:22, 23:12 <b>client</b> [1] - 17:2 <b>collateral estoppel</b> [4] - 29:14, 29:16,</p>	<p>29:18, 29:22 <b>Comcast</b> [6] - 4:25, 5:14, 18:6, 34:1, 34:6, 41:18 <b>Comcast's</b> [1] - 41:19 <b>commenced</b> [1] - 7:4 <b>comment</b> [1] - 19:23 <b>comments</b> [8] - 5:21, 6:4, 6:13, 26:20, 26:21, 29:4, 36:15, 38:17 <b>Commission</b> [56] - 4:7, 7:2, 7:3, 7:16, 7:20, 9:1, 10:7, 11:4, 11:9, 11:15, 11:18, 12:3, 12:11, 12:19, 13:17, 13:20, 14:19, 15:20, 16:10, 19:13, 20:19, 21:3, 21:4, 21:10, 21:24, 22:13, 23:12, 24:8, 25:20, 33:13, 34:3, 35:21, 37:3, 37:5, 37:11, 38:13, 39:9, 40:13, 40:14, 40:21, 41:8, 42:3, 42:5, 42:10, 43:14, 44:4, 46:3, 46:13, 46:14, 46:18, 47:13, 47:19, 48:12, 49:2, 49:8, 49:16 <b>Commission's</b> [2] - 8:7, 23:9 <b>common</b> [1] - 45:9 <b>Communication Act</b> [1] - 22:21 <b>companies</b> [4] - 18:4, 18:25, 34:5 <b>company</b> [1] - 29:20 <b>Company</b> [8] - 10:1, 10:6, 32:11, 34:2, 43:13, 43:19, 43:22, 44:10 <b>Company's</b> [2] - 39:13, 40:18 <b>compelling</b> [1] - 23:25 <b>compensatory</b> [4] - 10:17, 17:4, 22:1, 22:20 <b>complain</b> [1] - 34:15 <b>complaint</b> [2] - 30:10, 31:13 <b>complete</b> [3] - 8:6, 12:16, 12:20 <b>completed</b> [1] - 19:20 <b>completely</b> [1] - 46:22 <b>complex</b> [1] - 49:25 <b>component</b> [3] -</p>	<p>9:24, 19:12, 19:13 <b>components</b> [3] - 25:22, 47:1, 47:2 <b>composed</b> [1] - 38:20 <b>concern</b> [1] - 18:16 <b>concerned</b> [4] - 17:21, 19:5, 41:23, 46:10 <b>concluded</b> [2] - 51:21, 51:25 <b>concludes</b> [1] - 14:23 <b>concluding</b> [1] - 6:4 <b>conditions</b> [1] - 20:23 <b>conducted</b> [1] - 15:19 <b>conference</b> [6] - 15:21, 18:13, 34:13, 39:15, 42:22, 51:9 <b>conflicts</b> [1] - 42:23 <b>Congress</b> [1] - 25:10 <b>consequences</b> [1] - 42:14 <b>consequently</b> [1] - 21:6 <b>consider</b> [2] - 6:23, 32:15 <b>consistent</b> [4] - 27:12, 28:9, 28:10, 31:7 <b>constitutes</b> [1] - 47:25 <b>construction</b> [1] - 7:15 <b>consumers</b> [1] - 41:3 <b>contemplated</b> [1] - 16:5 <b>continually</b> [1] - 21:22 <b>contrary</b> [1] - 27:21 <b>contrast</b> [2] - 19:6, 27:1 <b>convened</b> [1] - 4:9 <b>conversations</b> [1] - 51:11 <b>convincing</b> [1] - 10:7 <b>copy</b> [1] - 23:11 <b>correct</b> [2] - 9:19, 14:18 <b>cost</b> [11] - 20:5, 20:13, 20:15, 22:23, 24:11, 29:21, 40:2, 42:16, 42:19 <b>costs</b> [9] - 10:1, 23:3, 40:19, 41:25, 44:11, 44:12, 44:16, 45:7, 45:10 <b>Counsel</b> [1] - 26:10 <b>counsel</b> [2] - 4:20,</p>

<p>5:12 <b>count</b> [1] - 31:23 <b>coup</b> [1] - 48:8 <b>Couple</b> [1] - 14:24 <b>couple</b> [5] - 11:19, 17:19, 32:3, 38:20, 46:1 <b>course</b> [4] - 15:1, 32:25, 41:18, 43:14 <b>Court</b> [3] - 22:17, 22:24 <b>covered</b> [1] - 25:22 <b>create</b> [2] - 19:17, 27:19 <b>creates</b> [1] - 22:21 <b>creating</b> [1] - 27:22 <b>crimp</b> [2] - 11:14, 11:15 <b>current</b> [2] - 9:12, 22:18 <b>cursor</b> [1] - 39:11 <b>customer</b> [1] - 40:24 <b>customers</b> [2] - 8:22, 43:23</p>	<p><b>demonstrates</b> [1] - 23:8 <b>denied</b> [3] - 30:19, 36:9, 37:14 <b>deploying</b> [1] - 20:14 <b>designated</b> [1] - 4:7 <b>desk</b> [1] - 19:11 <b>determination</b> [1] - 22:12 <b>determinations</b> [1] - 19:14 <b>determine</b> [2] - 9:3, 11:12 <b>deviate</b> [1] - 28:24 <b>deviation</b> [7] - 28:21, 30:23, 32:18, 32:21, 33:8, 33:10, 44:23 <b>difference</b> [1] - 44:21 <b>different</b> [8] - 27:14, 27:20, 28:7, 34:24, 39:6, 43:18, 44:20 <b>dilatory</b> [1] - 36:5 <b>direct</b> [1] - 51:17 <b>directed</b> [2] - 15:13, 36:20 <b>directive</b> [1] - 23:10 <b>disaggregate</b> [2] - 24:22, 25:4 <b>disagree</b> [1] - 12:1 <b>discussed</b> [1] - 33:5 <b>discussing</b> [1] - 15:3 <b>discussion</b> [3] - 29:12, 33:1, 51:6 <b>dismiss</b> [7] - 10:13, 12:12, 31:4, 35:18, 36:2, 49:8, 49:9 <b>dismissal</b> [1] - 40:15 <b>dismissed</b> [9] - 9:1, 21:7, 26:7, 27:9, 34:19, 34:21, 35:7, 46:5, 46:6 <b>disposition</b> [1] - 49:23 <b>dispositive</b> [1] - 50:8 <b>disrupt</b> [1] - 50:18 <b>distinct</b> [1] - 36:17 <b>distinction</b> [2] - 44:9, 44:14 <b>District Court</b> [1] - 22:16 <b>Division</b> [22] - 6:6, 10:18, 10:22, 19:17, 34:2, 37:24, 38:2, 38:4, 38:8, 38:11, 38:13, 38:18, 39:1, 39:8, 39:10, 39:14, 41:10, 41:12, 41:23, 41:25 <b>Division of Public Utilities</b> [3] - 5:6, 12:24, 19:7</p>	<p><b>Docket</b> [6] - 4:9, 6:23, 7:4, 7:19, 9:3, 11:9 <b>docket</b> [28] - 4:19, 7:3, 7:21, 7:22, 7:24, 11:5, 11:11, 11:14, 12:13, 13:22, 14:8, 17:21, 18:22, 19:7, 21:21, 27:12, 38:16, 39:2, 41:11, 43:11, 43:12, 43:17, 46:7, 49:12, 51:13 <b>dollar</b> [1] - 40:10 <b>done</b> [8] - 10:5, 11:16, 14:10, 14:11, 28:22, 42:25, 46:19, 47:22 <b>door</b> [1] - 36:4 <b>dovetails</b> [1] - 38:5 <b>down</b> [1] - 13:5 <b>due</b> [15] - 35:5, 35:24, 42:7, 42:17, 42:18, 42:20, 48:5, 50:1, 50:7, 50:11, 50:12, 50:13, 51:17, 51:19 <b>duly</b> [1] - 51:22 <b>duplicative</b> [1] - 10:11</p>	<p><b>entertain</b> [1] - 7:23 <b>entertained</b> [1] - 9:13 <b>entitled</b> [1] - 30:9 <b>entity</b> [1] - 16:14 <b>error</b> [1] - 8:12 <b>establish</b> [2] - 35:23, 36:3 <b>established</b> [2] - 10:3, 27:16 <b>establishes</b> [1] - 9:9 <b>evidence</b> [4] - 17:3, 23:1, 29:7, 31:6 <b>exact</b> [2] - 8:4, 25:13 <b>exactly</b> [1] - 33:12 <b>example</b> [4] - 9:23, 18:6, 40:24, 42:16 <b>exceeds</b> [1] - 47:15 <b>exception</b> [1] - 7:13 <b>exclude</b> [1] - 44:3 <b>excuse</b> [1] - 48:7 <b>exhaustive</b> [2] - 18:22, 19:8 <b>exhibit</b> [2] - 32:4, 32:5 <b>exhibit's</b> [1] - 32:4 <b>exhibits</b> [1] - 32:3 <b>existing</b> [3] - 20:23, 28:25, 43:11 <b>expedited</b> [2] - 42:6, 42:11 <b>expenses</b> [9] - 24:24, 25:5, 25:15, 25:20, 25:21, 25:24, 32:23, 33:4, 39:25 <b>experience</b> [2] - 37:4, 47:15 <b>experienced</b> [1] - 39:4 <b>expert</b> [2] - 51:2, 51:3 <b>explain</b> [1] - 24:9 <b>Extending</b> [1] - 42:12 <b>extension</b> [1] - 35:11 <b>extracted</b> [1] - 43:21 <b>extracting</b> [1] - 41:24</p>	<p><b>factual</b> [3] - 16:16, 20:22 <b>fair</b> [7] - 11:17, 20:19, 21:19, 22:1, 22:5, 22:19, 22:24 <b>fairness</b> [1] - 25:3 <b>fall</b> [2] - 34:24, 40:9 <b>fallen</b> [1] - 14:12 <b>far</b> [1] - 42:19 <b>FCC</b> [8] - 20:13, 21:24, 22:13, 22:15, 24:25, 25:8, 25:9, 25:14 <b>February</b> [4] - 15:22, 18:10, 49:21, 51:13 <b>fee</b> [3] - 10:23, 22:15, 23:13 <b>fees</b> [7] - 23:8, 23:14, 23:15, 23:16, 23:18 <b>felt</b> [3] - 25:10, 36:20, 37:11 <b>FERC</b> [3] - 21:13, 24:12, 24:13 <b>few</b> [2] - 28:16, 50:24 <b>figures</b> [1] - 40:1 <b>file</b> [12] - 11:25, 28:20, 35:3, 35:10, 35:12, 35:20, 36:1, 36:24, 37:16, 44:5, 50:15, 50:24 <b>filed</b> [26] - 4:19, 8:3, 8:5, 12:16, 12:18, 18:7, 30:2, 30:3, 32:3, 32:5, 34:13, 35:7, 35:25, 36:23, 37:1, 37:7, 37:9, 37:12, 37:20, 42:16, 46:2, 47:16, 47:19, 48:16 <b>filing</b> [17] - 6:17, 10:24, 12:16, 12:19, 12:21, 13:2, 15:23, 18:23, 29:5, 29:6, 33:23, 35:15, 37:4, 39:11, 42:4, 47:5 <b>filings</b> [2] - 6:21, 6:22 <b>final</b> [1] - 6:13 <b>finally</b> [1] - 19:19 <b>financial</b> [1] - 38:22 <b>findings</b> [1] - 22:12 <b>fine</b> [1] - 29:9 <b>first</b> [5] - 5:25, 8:25, 27:3, 27:23, 43:15 <b>First</b> [2] - 4:20, 26:20 <b>fit</b> [1] - 46:16 <b>Five</b> [1] - 16:20 <b>five</b> [2] - 14:9, 32:2 <b>follow</b> [1] - 18:4 <b>following</b> [1] - 51:15 <b>foregoing</b> [1] - 42:25 <b>formula</b> [51] - 7:1,</p>
<p><b>D</b></p>				
<p><b>date</b> [6] - 15:24, 16:2, 24:2, 42:24, 47:21, 50:1 <b>David Clark</b> [1] - 4:6 <b>days</b> [15] - 11:17, 12:19, 13:2, 14:10, 34:17, 35:10, 35:11, 35:17, 35:20, 37:7, 37:10, 37:21, 48:3, 49:25, 50:24 <b>de</b> [1] - 48:8 <b>deal</b> [6] - 28:11, 31:10, 32:8, 37:17, 40:21, 48:4 <b>dealing</b> [2] - 31:25, 48:4 <b>dealt</b> [2] - 28:15, 32:10 <b>debate</b> [2] - 19:12, 31:8 <b>debated</b> [1] - 19:18 <b>decide</b> [3] - 42:2, 49:10, 49:13 <b>decided</b> [7] - 7:10, 7:16, 17:8, 41:15, 48:23, 48:25, 49:1 <b>decision</b> [1] - 42:5 <b>decisions</b> [1] - 21:5 <b>deficient</b> [1] - 31:13 <b>demonstrate</b> [1] - 31:12 <b>demonstrated</b> [2] - 22:18, 23:23</p>				
		<p><b>E</b></p>		
		<p><b>easy</b> [1] - 25:11 <b>effect</b> [3] - 10:16, 32:6, 40:15 <b>effective</b> [1] - 24:2 <b>efficiency</b> [1] - 8:9 <b>efficient</b> [1] - 31:22 <b>effort</b> [2] - 19:17, 32:7 <b>efforts</b> [1] - 34:4 <b>either</b> [4] - 10:12, 10:13, 11:17, 16:25 <b>Electric</b> [3] - 4:11, 4:13 <b>element</b> [3] - 43:21, 44:1, 44:2 <b>elements</b> [1] - 38:20 <b>eliminates</b> [2] - 26:4, 26:5 <b>elsewhere</b> [1] - 9:22 <b>email</b> [2] - 18:11, 18:16 <b>Email</b> [1] - 18:15 <b>end</b> [1] - 8:22 <b>end-use</b> [1] - 8:22 <b>ended</b> [1] - 7:20 <b>enjoy</b> [1] - 44:10 <b>ensure</b> [3] - 9:10, 20:19, 26:11 <b>ensures</b> [1] - 20:2</p>		
			<p><b>F</b></p>	
			<p><b>facilities</b> [1] - 20:16 <b>Fact</b> [1] - 25:17 <b>fact</b> [15] - 9:21, 13:15, 14:6, 20:1, 22:5, 23:6, 23:8, 23:9, 23:21, 24:4, 31:8, 40:22, 41:10, 41:13, 48:25 <b>facts</b> [4] - 30:10, 30:12, 30:15, 36:10</p>	

<p>9:25, 10:3, 10:5, 10:9, 16:9, 16:15, 17:1, 17:13, 19:13, 21:14, 21:15, 21:17, 21:18, 21:24, 21:25, 22:3, 22:10, 22:13, 22:15, 22:19, 24:7, 24:14, 25:22, 25:23, 26:4, 26:24, 27:11, 27:13, 27:16, 27:18, 27:19, 27:20, 27:22, 27:25, 28:4, 28:6, 28:8, 28:11, 28:15, 31:6, 32:18, 33:12, 33:14, 33:21, 44:22, 44:23, 47:1, 47:2</p> <p><b>forth</b> [3] - 29:7, 30:14, 33:6</p> <p><b>forum</b> [1] - 11:2</p> <p><b>forward</b> [11] - 9:4, 10:15, 12:11, 14:19, 17:3, 17:10, 17:11, 20:18, 50:24, 50:25, 51:1</p> <p><b>four</b> [1] - 49:25</p> <p><b>frankly</b> [4] - 9:12, 14:9, 32:18, 38:3</p> <p><b>Friday</b> [1] - 50:21</p> <p><b>front</b> [1] - 21:3</p> <p><b>fully</b> [1] - 25:15</p> <p><b>fundamentally</b> [2] - 24:6, 24:7</p> <p><b>future</b> [3] - 19:1, 28:23, 36:4</p>	<p><b>gosh</b> [1] - 35:5</p> <p><b>gotta</b> [2] - 29:9, 29:10</p> <p><b>governed</b> [1] - 11:22</p> <p><b>grant</b> [2] - 30:18, 46:3</p> <p><b>granted</b> [2] - 30:7, 40:12</p> <p><b>Gregory Monson</b> [1] - 5:3</p> <p><b>grounds</b> [1] - 17:19</p> <p><b>group</b> [2] - 19:14, 41:3</p> <p><b>grâce</b> [1] - 48:8</p> <p><b>guess</b> [1] - 43:19</p> <p><b>guidance</b> [2] - 37:3, 37:19</p>	<p>40:7, 40:11</p> <p><b>impossible</b> [1] - 42:24</p> <p><b>inadequate</b> [1] - 29:7</p> <p><b>inadvertently</b> [1] - 26:23</p> <p><b>inappropriate</b> [1] - 35:1</p> <p><b>inaudible</b> [1] - 26:8</p> <p><b>include</b> [9] - 9:25, 18:1, 18:24, 25:3, 25:19, 32:22, 33:3, 39:15, 44:17</p> <p><b>included</b> [17] - 18:22, 19:15, 19:24, 21:14, 21:17, 23:4, 23:19, 24:13, 25:14, 26:2, 26:13, 28:22, 45:8, 45:14, 45:15, 45:16</p> <p><b>including</b> [5] - 10:23, 20:16, 22:13, 23:7, 40:2</p> <p><b>inclusive</b> [1] - 20:1</p> <p><b>incomplete</b> [2] - 29:6, 34:19</p> <p><b>inconsistencies</b> [1] - 27:20</p> <p><b>increase</b> [3] - 7:5, 8:3, 40:7</p> <p><b>Increase</b> [1] - 4:11</p> <p><b>increased</b> [1] - 20:4</p> <p><b>incremental</b> [1] - 22:23</p> <p><b>incurs</b> [1] - 10:1</p> <p><b>indeed</b> [2] - 16:23, 18:4</p> <p><b>indication</b> [3] - 22:25, 27:24, 28:2</p> <p><b>industry</b> [1] - 8:18</p> <p><b>inefficient</b> [3] - 8:7, 10:12, 31:17</p> <p><b>infer</b> [1] - 49:23</p> <p><b>inferences</b> [1] - 30:12</p> <p><b>information</b> [1] - 21:10</p> <p><b>informs</b> [1] - 38:13</p> <p><b>infrastructure</b> [1] - 8:20</p> <p><b>initial</b> [1] - 22:15</p> <p><b>initiatory</b> [1] - 35:9</p> <p><b>input</b> [1] - 27:16</p> <p><b>inputs</b> [2] - 27:14, 28:6</p> <p><b>insofar</b> [1] - 46:9</p> <p><b>inspection</b> [2] - 23:18</p> <p><b>inspections</b> [1] - 7:15</p> <p><b>Instead</b> [3] - 23:24,</p>	<p>28:22, 31:12</p> <p><b>intend</b> [1] - 37:25</p> <p><b>intended</b> [1] - 48:18</p> <p><b>intention</b> [1] - 5:25</p> <p><b>interest</b> [9] - 18:17, 18:18, 18:19, 19:9, 19:10, 20:20, 26:8, 26:12, 38:22</p> <p><b>interested</b> [3] - 15:15, 34:4, 47:11</p> <p><b>Interested</b> [1] - 47:20</p> <p><b>interesting</b> [2] - 8:10, 31:8</p> <p><b>intervene</b> [1] - 47:10</p> <p><b>intervening</b> [1] - 45:10</p> <p><b>intervenors</b> [1] - 16:1</p> <p><b>intervention</b> [3] - 15:24, 16:1, 47:21</p> <p><b>ISHIMATSU</b> [1] - 5:1</p> <p><b>issue</b> [35] - 6:24, 8:2, 8:11, 8:19, 9:1, 9:13, 12:8, 12:17, 12:20, 12:23, 20:7, 21:4, 21:18, 21:20, 23:1, 24:15, 29:9, 29:21, 31:1, 31:2, 32:9, 32:16, 34:16, 34:17, 35:19, 39:3, 40:22, 42:2, 45:19, 46:5, 48:22, 48:23, 49:18, 50:17</p> <p><b>issued</b> [1] - 51:13</p> <p><b>issues</b> [32] - 7:2, 7:10, 7:11, 7:18, 7:19, 7:23, 11:6, 11:10, 18:14, 21:3, 21:5, 27:8, 28:12, 28:14, 28:18, 30:25, 31:1, 31:9, 31:10, 34:1, 36:7, 36:10, 39:5, 40:20, 42:8, 43:10, 44:15, 44:19, 44:21, 48:25, 49:1</p> <p><b>items</b> [2] - 21:12, 26:2</p> <p><b>itself</b> [4] - 10:19, 21:15, 21:19, 25:23</p>	<p><b>June</b> [4] - 42:19, 50:11, 50:12, 51:19</p> <p><b>jurisdictional</b> [1] - 35:19</p> <p><b>justification</b> [1] - 23:7</p> <p><b>justified</b> [3] - 35:1, 49:11, 49:13</p> <p><b>justify</b> [1] - 17:12</p>
<b>G</b>		<b>H</b>	<b>J</b>	
<p><b>game</b> [3] - 15:25, 16:3, 43:4</p> <p><b>garden</b> [3] - 13:9, 47:7, 48:16</p> <p><b>garden-variety</b> [3] - 13:9, 47:7, 48:16</p> <p><b>gather</b> [1] - 29:4</p> <p><b>Gee</b> [1] - 24:19</p> <p><b>general</b> [5] - 15:10, 32:22, 33:4, 39:19, 42:2</p> <p><b>general rate case</b> [3] - 4:14, 17:23, 32:12</p> <p><b>General's</b> [1] - 5:6</p> <p><b>GIS</b> [1] - 24:11</p> <p><b>given</b> [6] - 19:10, 20:1, 27:24, 28:2, 28:14, 30:9</p> <p><b>Given</b> [1] - 28:10</p> <p><b>gonna</b> [14] - 10:9, 11:16, 13:1, 30:21, 31:7, 31:9, 32:7, 44:1, 44:3, 44:4, 45:3, 49:17, 51:3</p>	<p><b>hand</b> [1] - 12:12</p> <p><b>head</b> [1] - 31:24</p> <p><b>heading</b> [1] - 16:10</p> <p><b>healthy</b> [1] - 38:22</p> <p><b>hear</b> [2] - 5:25, 6:2</p> <p><b>heard</b> [4] - 29:14, 31:15, 39:5, 48:21</p> <p><b>hearing</b> [10] - 37:8, 37:10, 37:18, 42:24, 43:3, 47:20, 50:13, 51:1, 51:21, 51:25</p> <p><b>Hearing Officer</b> [28] - 4:3, 4:6, 4:7, 5:8, 5:15, 5:18, 5:19, 5:22, 6:9, 14:24, 15:2, 15:5, 15:11, 16:7, 16:20, 17:15, 26:15, 28:19, 29:1, 36:14, 37:22, 43:7, 44:9, 45:5, 49:15, 50:6, 51:5, 51:8</p> <p><b>held</b> [1] - 51:6</p> <p><b>history</b> [1] - 22:14</p> <p><b>hoc</b> [1] - 14:12</p> <p><b>hole</b> [2] - 40:17, 41:6</p> <p><b>home</b> [1] - 48:11</p> <p><b>honestly</b> [1] - 15:9</p> <p><b>huge</b> [2] - 8:19, 32:7</p> <p><b>hugely</b> [1] - 20:7</p>	<b>I</b>	<p><b>January</b> [2] - 7:25, 39:9</p> <p><b>Jenga</b> [1] - 43:4</p> <p><b>Jerry Oldroyd</b> [1] - 4:24</p> <p><b>joint</b> [2] - 10:2, 24:10</p> <p><b>judgment</b> [1] - 13:8</p> <p><b>July</b> [2] - 50:13, 50:14</p>	<p style="text-align: center;"><b>K</b></p> <p><b>keep</b> [1] - 46:6</p> <p><b>Kent</b> [3] - 9:17, 23:22, 24:21</p> <p><b>Kent's</b> [5] - 21:11, 23:21, 32:2, 43:10, 46:24</p> <p><b>kind</b> [3] - 35:22, 36:3, 36:6</p> <p><b>knocked</b> [1] - 13:5</p> <p><b>known</b> [1] - 4:14</p>
<b>G</b>		<b>I</b>	<b>J</b>	
<b>G</b>	<b>I</b>	<b>J</b>		<p style="text-align: center;"><b>L</b></p> <p><b>lack</b> [2] - 16:12, 43:12</p> <p><b>large</b> [1] - 40:5</p> <p><b>last</b> [6] - 10:20, 13:19, 13:23, 17:25, 23:17, 36:6</p> <p><b>Lastly</b> [1] - 28:19</p> <p><b>late</b> [1] - 37:6</p> <p><b>law</b> [4] - 31:14, 36:8, 46:12, 49:4</p> <p><b>layered</b> [1] - 42:22</p> <p><b>layers</b> [1] - 42:15</p> <p><b>least</b> [6] - 9:9, 12:12, 15:5, 37:15, 42:23, 50:20</p> <p><b>leave</b> [4] - 40:17, 40:18, 41:5, 49:14</p> <p><b>left</b> [3] - 7:21, 11:9, 16:21</p> <p><b>legal</b> [3] - 29:10, 29:13, 29:15</p> <p><b>lengthy</b> [3] - 7:8, 32:25, 38:7</p> <p><b>less</b> [1] - 40:10</p> <p><b>letter</b> [1] - 23:22</p> <p><b>level</b> [1] - 25:8</p> <p><b>licensing</b> [1] - 24:11</p> <p><b>life</b> [1] - 48:23</p> <p><b>light</b> [1] - 24:17</p> <p><b>limit</b> [1] - 15:6</p> <p><b>limits</b> [1] - 36:15</p> <p><b>line</b> [4] - 6:18, 9:19, 13:19, 23:22</p> <p><b>lines</b> [1] - 9:23</p> <p><b>list</b> [2] - 39:18, 39:19</p>



<p><b>literally</b> [1] - 22:14  <b>lively</b> [1] - 7:8  <b>look</b> [7] - 10:19, 12:14, 12:21, 13:6, 21:21, 23:21, 25:17  <b>looked</b> [2] - 24:16, 24:18  <b>lose</b> [2] - 30:21, 50:16</p>	<p><b>million</b> [4] - 8:3, 8:13, 40:5, 48:14  <b>mind</b> [2] - 16:13, 16:17  <b>mini</b> [1] - 51:8  <b>minor</b> [1] - 24:5  <b>minuscule</b> [1] - 8:12  <b>minute</b> [1] - 36:6  <b>moment</b> [1] - 38:1  <b>Monday</b> [4] - 42:7, 42:17, 50:8, 51:4  <b>monitoring</b> [1] - 5:16  <b>Monson</b> [6] - 8:15, 29:1, 36:14, 43:8, 45:25, 49:11  <b>MONSON</b> [6] - 4:4, 5:3, 29:2, 36:18, 43:15, 44:13  <b>month</b> [1] - 42:18  <b>months</b> [2] - 35:4, 35:24  <b>morning</b> [5] - 4:3, 4:4, 4:8, 4:17, 4:22  <b>Morning</b> [1] - 4:5  <b>most</b> [5] - 11:1, 13:1, 16:1, 28:11, 45:14  <b>motion</b> [43] - 4:17, 4:18, 6:2, 6:7, 6:18, 8:9, 10:20, 13:16, 14:1, 15:7, 17:18, 25:18, 26:17, 29:3, 29:5, 29:11, 29:25, 30:4, 30:7, 34:13, 34:14, 35:3, 35:9, 36:8, 36:16, 36:19, 36:21, 36:22, 36:24, 37:4, 37:9, 37:16, 37:20, 46:1, 46:2, 48:3, 49:17, 49:23, 50:8, 50:16  <b>motion to dismiss</b> [13] - 4:17, 6:16, 15:7, 30:2, 30:18, 31:3, 31:11, 36:17, 40:12, 46:3, 46:9, 46:22  <b>Motions</b> [1] - 14:5  <b>motions</b> [6] - 14:7, 15:10, 15:13, 46:10, 46:11, 46:15  <b>motives</b> [1] - 6:17  <b>Mountain's</b> [3] - 10:2, 27:9, 27:18  <b>move</b> [7] - 10:13, 12:11, 12:12, 43:2, 43:5, 48:25, 49:9  <b>moved</b> [1] - 11:11  <b>moving</b> [2] - 4:21, 30:8  <b>multi</b> [1] - 47:13  <b>multi-party</b> [1] - 47:13</p>	<p><b>must</b> [6] - 24:14, 38:18, 38:21, 38:23, 38:24, 40:14</p>	<p><b>noticed</b> [2] - 36:18, 51:22  <b>notices</b> [1] - 47:20  <b>notified</b> [1] - 14:22  <b>notwithstanding</b> [1] - 24:4  <b>number</b> [1] - 31:23  <b>numerical</b> [1] - 32:4</p>	<p>47:8, 47:9, 48:1  <b>opposition</b> [3] - 13:21, 48:13, 48:15  <b>oral</b> [1] - 4:8  <b>order</b> [5] - 22:15, 22:16, 49:20, 50:19, 51:12  <b>orders</b> [1] - 22:15  <b>Original</b> [1] - 18:21  <b>Otherwise</b> [1] - 4:14  <b>otherwise</b> [2] - 19:21, 35:12  <b>ought</b> [7] - 7:14, 10:8, 10:12, 11:10, 23:25, 35:21  <b>outset</b> [1] - 7:22  <b>outside</b> [2] - 13:13, 34:24  <b>over-recover</b> [1] - 23:20  <b>over-recovering</b> [1] - 23:24  <b>overall</b> [1] - 16:25  <b>overcharging</b> [1] - 23:24  <b>overlooking</b> [1] - 37:24  <b>own</b> [1] - 41:22  <b>owner</b> [4] - 16:14, 16:22, 27:14, 28:5  <b>owners</b> [6] - 10:25, 27:13, 27:21, 28:1, 28:7, 28:9</p>	
<b>M</b>		<b>N</b>		<b>O</b>	
<p><b>main</b> [1] - 43:19  <b>make-ready</b> [1] - 23:14  <b>manner</b> [1] - 42:11  <b>March</b> [1] - 16:2  <b>matching</b> [1] - 25:7  <b>mathematician</b> [1] - 8:14  <b>Matter</b> [1] - 4:10  <b>matter</b> [10] - 6:19, 9:22, 14:6, 31:4, 31:14, 36:2, 36:8, 44:7, 44:16  <b>matters</b> [1] - 5:23  <b>MAY</b> [1] - 4:1  <b>mean</b> [10] - 24:14, 29:14, 29:15, 32:2, 35:15, 36:22, 36:24, 44:4, 45:16, 48:7  <b>meaningless</b> [1] - 24:8  <b>meant</b> [1] - 27:1  <b>Mecham</b> [16] - 6:1, 6:3, 6:14, 14:25, 18:8, 21:2, 26:6, 27:6, 28:16, 29:2, 34:23, 42:1, 42:8, 45:5, 49:15, 50:6  <b>MECHAM</b> [12] - 4:22, 6:15, 15:1, 15:4, 15:9, 15:12, 16:18, 16:22, 20:11, 45:6, 50:5, 50:7  <b>Mecham's</b> [1] - 17:18  <b>meet</b> [1] - 30:22  <b>memorandum</b> [1] - 39:9  <b>memory</b> [1] - 39:4  <b>men</b> [1] - 13:4  <b>merely</b> [2] - 20:15, 27:15  <b>merits</b> [4] - 30:25, 31:2, 38:4, 38:9  <b>method</b> [2] - 16:9, 44:11  <b>methodical</b> [1] - 11:12  <b>might</b> [3] - 5:21, 18:13, 45:1</p>	<p><b>name</b> [3] - 4:6, 8:8, 38:20  <b>National</b> [1] - 20:13  <b>nature</b> [2] - 24:6, 30:7  <b>nauseam</b> [6] - 19:19, 21:21, 31:20, 31:22, 32:20, 38:7  <b>near</b> [1] - 19:1  <b>necessarily</b> [5] - 18:1, 18:4, 18:5, 19:25, 23:7  <b>necessary</b> [1] - 20:15  <b>need</b> [7] - 25:4, 28:17, 32:20, 40:21, 50:1, 50:20  <b>needs</b> [3] - 20:17, 40:1, 50:22  <b>networks</b> [1] - 20:14  <b>never</b> [4] - 45:19, 47:16, 47:23, 48:6  <b>Never</b> [2] - 48:18  <b>Nevertheless</b> [1] - 21:23  <b>new</b> [6] - 8:13, 10:14, 12:9, 21:6, 24:5, 33:11  <b>Next</b> [1] - 27:5  <b>next</b> [3] - 45:11, 45:17, 50:20  <b>nexus</b> [1] - 24:25  <b>nice</b> [1] - 25:6  <b>nomenclature</b> [1] - 29:15  <b>non</b> [1] - 23:3  <b>non-recurring</b> [1] - 23:3  <b>none</b> [1] - 14:14  <b>Nonetheless</b> [1] - 41:9  <b>note</b> [3] - 41:7, 45:6, 51:22  <b>noted</b> [3] - 32:17, 39:8, 49:25  <b>nothing</b> [3] - 20:18, 35:14, 48:21  <b>notice</b> [21] - 9:7, 14:10, 15:20, 17:24, 18:9, 18:10, 18:15, 19:3, 19:21, 31:9, 34:1, 34:3, 34:5, 34:8, 34:11, 34:15, 39:15, 39:18, 39:20, 39:21, 45:23</p>	<p><b>objection</b> [2] - 6:10, 35:17  <b>obligations</b> [1] - 38:12  <b>obtained</b> [1] - 41:20  <b>obtaining</b> [1] - 28:24  <b>obviously</b> [2] - 26:25, 39:20  <b>occur</b> [2] - 17:7, 45:10  <b>occurred</b> [3] - 15:22, 15:25, 19:6  <b>occurs</b> [2] - 9:10, 48:15  <b>October</b> [1] - 7:21  <b>offer</b> [1] - 6:3  <b>Office</b> [1] - 5:6  <b>Office of Consumer Services</b> [2] - 12:24, 37:13  <b>Oldroyd</b> [7] - 17:16, 26:15, 26:21, 26:23, 26:25, 28:17, 31:19  <b>OLDROYD</b> [5] - 4:24, 17:17, 20:12, 26:11, 27:4  <b>one</b> [18] - 7:4, 7:12, 16:7, 17:19, 26:22, 26:23, 32:4, 32:18, 33:15, 33:17, 34:6, 34:16, 38:16, 43:5, 44:1, 44:2, 47:17, 50:5  <b>One</b> [1] - 44:21  <b>open</b> [7] - 4:18, 6:23, 7:21, 7:22, 11:4, 11:9, 36:4  <b>opened</b> [1] - 15:19  <b>opening statement</b> [2] - 14:23, 45:18  <b>operating</b> [1] - 25:23  <b>operative</b> [1] - 49:21  <b>operators</b> [1] - 20:8  <b>opportunity</b> [6] - 6:3, 16:14, 19:11, 19:22, 37:17, 44:10  <b>oppose</b> [1] - 10:20  <b>opposed</b> [1] - 31:24  <b>opposing</b> [4] - 6:7,</p>	<p><b>objection</b> [2] - 6:10, 35:17  <b>obligations</b> [1] - 38:12  <b>obtained</b> [1] - 41:20  <b>obtaining</b> [1] - 28:24  <b>obviously</b> [2] - 26:25, 39:20  <b>occur</b> [2] - 17:7, 45:10  <b>occurred</b> [3] - 15:22, 15:25, 19:6  <b>occurs</b> [2] - 9:10, 48:15  <b>October</b> [1] - 7:21  <b>offer</b> [1] - 6:3  <b>Office</b> [1] - 5:6  <b>Office of Consumer Services</b> [2] - 12:24, 37:13  <b>Oldroyd</b> [7] - 17:16, 26:15, 26:21, 26:23, 26:25, 28:17, 31:19  <b>OLDROYD</b> [5] - 4:24, 17:17, 20:12, 26:11, 27:4  <b>one</b> [18] - 7:4, 7:12, 16:7, 17:19, 26:22, 26:23, 32:4, 32:18, 33:15, 33:17, 34:6, 34:16, 38:16, 43:5, 44:1, 44:2, 47:17, 50:5  <b>One</b> [1] - 44:21  <b>open</b> [7] - 4:18, 6:23, 7:21, 7:22, 11:4, 11:9, 36:4  <b>opened</b> [1] - 15:19  <b>opening statement</b> [2] - 14:23, 45:18  <b>operating</b> [1] - 25:23  <b>operative</b> [1] - 49:21  <b>operators</b> [1] - 20:8  <b>opportunity</b> [6] - 6:3, 16:14, 19:11, 19:22, 37:17, 44:10  <b>oppose</b> [1] - 10:20  <b>opposed</b> [1] - 31:24  <b>opposing</b> [4] - 6:7,</p>	<p>47:8, 47:9, 48:1  <b>opposition</b> [3] - 13:21, 48:13, 48:15  <b>oral</b> [1] - 4:8  <b>order</b> [5] - 22:15, 22:16, 49:20, 50:19, 51:12  <b>orders</b> [1] - 22:15  <b>Original</b> [1] - 18:21  <b>Otherwise</b> [1] - 4:14  <b>otherwise</b> [2] - 19:21, 35:12  <b>ought</b> [7] - 7:14, 10:8, 10:12, 11:10, 23:25, 35:21  <b>outset</b> [1] - 7:22  <b>outside</b> [2] - 13:13, 34:24  <b>over-recover</b> [1] - 23:20  <b>over-recovering</b> [1] - 23:24  <b>overall</b> [1] - 16:25  <b>overcharging</b> [1] - 23:24  <b>overlooking</b> [1] - 37:24  <b>own</b> [1] - 41:22  <b>owner</b> [4] - 16:14, 16:22, 27:14, 28:5  <b>owners</b> [6] - 10:25, 27:13, 27:21, 28:1, 28:7, 28:9</p>	
<b>M</b>		<b>N</b>		<b>O</b>	
<b>M</b>		<b>N</b>		<b>O</b>	
<b>M</b>		<b>N</b>		<b>O</b>	
<b>M</b>		<b>N</b>		<b>O</b>	

<p>26:11, 26:12, 34:4, 34:9, 34:10, 35:16, 36:5, 37:17, 39:6, 39:22, 42:22, 42:25, 47:9, 47:20, 49:19, 49:22, 51:16, 51:19, 51:23</p> <p><b>Parties</b> [1] - 18:19</p> <p><b>parties'</b> [1] - 8:8</p> <p><b>party</b> [11] - 4:21, 28:20, 30:8, 34:25, 35:23, 37:6, 37:12, 47:8, 47:12, 47:13, 48:1</p> <p><b>past</b> [3] - 27:11, 28:16, 37:3</p> <p><b>Patricia E. Schmid</b> [1] - 5:5</p> <p><b>pay</b> [1] - 28:3</p> <p><b>pending</b> [1] - 14:8</p> <p><b>people</b> [3] - 9:7, 14:20, 48:24</p> <p><b>percent</b> [3] - 8:16, 20:12, 20:14</p> <p><b>Perhaps</b> [1] - 31:21</p> <p><b>perhaps</b> [3] - 6:5, 12:21, 21:16</p> <p><b>period</b> [5] - 15:16, 19:22, 37:2, 48:12</p> <p><b>personally</b> [1] - 37:24</p> <p><b>perspective</b> [1] - 38:11</p> <p><b>perused</b> [1] - 13:22</p> <p><b>petition</b> [3] - 16:15, 28:20, 28:24</p> <p><b>phase</b> [1] - 51:14</p> <p><b>piece</b> [2] - 21:10, 43:5</p> <p><b>pieces</b> [1] - 42:14</p> <p><b>pin</b> [1] - 31:24</p> <p><b>place</b> [12] - 6:6, 8:21, 22:4, 27:23, 28:11, 32:12, 32:15, 33:24, 36:13, 41:4, 42:2</p> <p><b>Plan</b> [1] - 20:13</p> <p><b>planning</b> [1] - 19:1</p> <p><b>plans</b> [2] - 20:4, 43:1</p> <p><b>played</b> [1] - 16:1</p> <p><b>plead</b> [1] - 30:10</p> <p><b>pleading</b> [4] - 30:3, 35:10, 36:19, 48:4</p> <p><b>pleadings</b> [1] - 15:13</p> <p><b>plucked</b> [1] - 40:22</p> <p><b>plus</b> [1] - 23:17</p> <p><b>point</b> [5] - 26:22, 26:23, 29:24, 35:25, 44:15</p> <p><b>pointed</b> [2] - 42:1, 48:9</p> <p><b>pole</b> [45] - 6:24, 6:25,</p>	<p>7:6, 8:2, 9:17, 9:24, 10:23, 10:25, 11:3, 11:5, 16:14, 16:22, 23:15, 23:16, 23:17, 23:19, 24:6, 24:25, 25:11, 27:8, 27:13, 27:16, 27:20, 28:1, 28:3, 28:7, 28:9, 28:10, 34:5, 38:5, 38:6, 38:9, 39:2, 39:4, 39:13, 40:6, 40:20, 41:11, 41:15, 41:21, 42:7, 42:12, 43:2, 45:13, 51:14</p> <p><b>Pole</b> [2] - 42:17, 45:18</p> <p><b>poles</b> [8] - 10:2, 18:2, 18:20, 19:1, 20:16, 26:13, 41:17, 41:19</p> <p><b>policy</b> [2] - 36:10, 38:14</p> <p><b>position</b> [2] - 38:4, 48:22</p> <p><b>possible</b> [2] - 38:25, 49:18</p> <p><b>post</b> [2] - 7:15, 23:18</p> <p><b>post-construction</b> [1] - 7:15</p> <p><b>potentially</b> [2] - 7:12, 19:2</p> <p><b>Power's</b> [1] - 18:2</p> <p><b>practice</b> [1] - 9:11</p> <p><b>pre</b> [1] - 7:15</p> <p><b>precedent</b> [3] - 35:22, 36:3, 40:23</p> <p><b>prejudice</b> [5] - 43:13, 43:19, 43:22, 43:23, 43:24</p> <p><b>preliminary</b> [1] - 5:23</p> <p><b>prepared</b> [1] - 50:4</p> <p><b>preparing</b> [2] - 6:19, 20:5</p> <p><b>present</b> [1] - 44:11</p> <p><b>presented</b> [3] - 7:11, 23:1, 51:12</p> <p><b>presume</b> [2] - 13:20, 48:13</p> <p><b>previously</b> [1] - 31:16</p> <p><b>price</b> [1] - 8:21</p> <p><b>prices</b> [1] - 8:21</p> <p><b>primarily</b> [1] - 19:5</p> <p><b>principally</b> [2] - 7:10, 12:23</p> <p><b>priority</b> [1] - 8:25</p> <p><b>problem</b> [3] - 21:1, 24:16, 45:9</p> <p><b>procedural</b> [1] - 17:19</p>	<p><b>Procedurally</b> [1] - 17:20</p> <p><b>Procedure</b> [3] - 11:24, 12:1, 12:4</p> <p><b>proceed</b> [2] - 6:12, 50:1</p> <p><b>proceeding</b> [18] - 5:21, 7:8, 7:9, 8:1, 9:14, 11:22, 18:7, 19:6, 27:10, 28:8, 31:20, 31:21, 31:23, 32:6, 32:25, 33:18, 34:11, 38:6</p> <p><b>process</b> [10] - 6:8, 6:10, 9:9, 19:25, 20:18, 21:9, 32:20, 38:9, 38:24</p> <p><b>prohibited</b> [2] - 45:21, 45:22</p> <p><b>projections</b> [1] - 44:18</p> <p><b>promote</b> [1] - 38:21</p> <p><b>promptly</b> [1] - 37:16</p> <p><b>promulgated</b> [1] - 49:20</p> <p><b>proof</b> [1] - 30:22</p> <p><b>proper</b> [2] - 12:13, 41:4</p> <p><b>proposal</b> [1] - 27:18</p> <p><b>proposed</b> [10] - 8:4, 19:18, 19:19, 27:25, 28:3, 35:17, 39:12, 39:16, 40:25</p> <p><b>Proposed</b> [1] - 4:12</p> <p><b>proposing</b> [1] - 9:24</p> <p><b>protections</b> [1] - 19:23</p> <p><b>prove</b> [1] - 30:21</p> <p><b>provide</b> [2] - 34:3, 38:23</p> <p><b>provided</b> [1] - 33:12</p> <p><b>providers</b> [2] - 18:3</p> <p><b>provision</b> [1] - 16:13</p> <p><b>public</b> [2] - 38:14, 38:22</p> <p><b>public interest</b> [7] - 20:24, 38:18, 38:19, 38:21, 38:23, 38:24</p> <p><b>published</b> [2] - 19:20, 50:3</p> <p><b>pull</b> [1] - 25:5</p> <p><b>purpose</b> [3] - 26:4, 26:5, 27:21</p> <p><b>put</b> [7] - 8:20, 15:21, 17:3, 17:11, 23:21, 30:14, 32:5</p> <p><b>puts</b> [1] - 15:20</p>	<p>37:9</p> <p><b>questions</b> [2] - 14:24, 46:18</p> <p><b>quickly</b> [1] - 11:19</p> <p><b>quite</b> [1] - 29:24</p> <p><b>Qwest</b> [6] - 5:12, 22:7, 26:20, 26:24, 27:7, 34:10</p>	<p><b>Rates</b> [1] - 4:12</p> <p><b>rather</b> [2] - 7:25, 12:13</p> <p><b>Rather</b> [1] - 27:17</p> <p><b>re</b> [1] - 25:18</p> <p><b>read</b> [1] - 13:8</p> <p><b>ready</b> [2] - 23:14, 51:4</p> <p><b>real</b> [1] - 20:17</p> <p><b>realized</b> [2] - 6:20, 35:6</p> <p><b>Really</b> [1] - 15:25</p> <p><b>really</b> [6] - 8:10, 10:14, 13:1, 30:20, 33:7, 50:19</p> <p><b>reason</b> [10] - 9:4, 9:15, 11:13, 12:10, 16:23, 26:7, 30:19, 35:1, 45:20, 46:2</p> <p><b>reasonable</b> [9] - 21:19, 22:2, 22:5, 22:19, 22:23, 22:25, 30:11, 30:17, 38:23</p> <p><b>reasonableness</b> [1] - 22:22</p> <p><b>reasons</b> [1] - 31:4</p> <p><b>Rebuttal</b> [1] - 50:11</p> <p><b>rebuttal</b> [5] - 36:25, 50:22, 50:25, 51:18</p> <p><b>receive</b> [1] - 18:10</p> <p><b>received</b> [4] - 9:7, 18:9, 19:21, 39:21</p> <p><b>recent</b> [1] - 45:14</p> <p><b>recess</b> [1] - 51:7</p> <p><b>reciprocate</b> [1] - 28:2</p> <p><b>recognize</b> [1] - 36:9</p> <p><b>recognizes</b> [2] - 10:22, 27:14</p> <p><b>recommendations</b> [3] - 38:14, 38:15, 38:17</p> <p><b>reconsideration</b> [2] - 22:16, 25:18</p> <p><b>record</b> [5] - 26:22, 27:3, 51:5, 51:6, 51:9</p> <p><b>recover</b> [6] - 23:12, 23:14, 23:15, 23:20, 25:15</p> <p><b>recovered</b> [1] - 7:16</p> <p><b>recovering</b> [3] - 23:24, 24:20, 44:12</p> <p><b>recovery</b> [1] - 22:23</p> <p><b>rectangles</b> [1] - 43:5</p> <p><b>recurring</b> [1] - 23:3</p> <p><b>redirecting</b> [1] - 43:9</p> <p><b>reference</b> [1] - 39:16</p> <p><b>referred</b> [1] - 9:20</p> <p><b>refund</b> [1] - 24:1</p> <p><b>regard</b> [2] - 41:15, 42:12</p>
		<p><b>Q</b></p>		
		<p><b>Questar Gas</b> [1] -</p>		

<p><b>regarding</b> [3] - 16:13, 38:14, 43:9 <b>regardless</b> [1] - 28:7 <b>regular</b> [1] - 39:17 <b>regularly</b> [1] - 14:7 <b>Regulations</b> [1] - 4:14 <b>regulations</b> [1] - 21:25 <b>rejected</b> [1] - 25:9 <b>relates</b> [1] - 49:23 <b>relation</b> [1] - 36:16 <b>relatively</b> [1] - 24:5 <b>relief</b> [5] - 30:9, 33:13, 33:17, 33:18, 41:8 <b>Relief</b> [1] - 16:11 <b>remain</b> [1] - 28:9 <b>remaining</b> [1] - 31:6 <b>remains</b> [2] - 6:23, 7:22 <b>remedy</b> [1] - 43:9 <b>remember</b> [2] - 38:10, 40:8 <b>removing</b> [1] - 41:24 <b>render</b> [1] - 42:5 <b>rent</b> [1] - 23:16 <b>rental</b> [3] - 9:25, 16:9, 23:19 <b>repeat</b> [1] - 27:5 <b>repetitive</b> [1] - 12:9 <b>replies</b> [1] - 16:5 <b>reply</b> [4] - 13:20, 13:24, 15:16, 48:12 <b>report</b> [1] - 51:9 <b>REPORTER</b> [1] - 26:10 <b>repositioning</b> [1] - 43:10 <b>represented</b> [3] - 8:23, 18:18, 19:16 <b>representing</b> [2] - 4:23, 4:25 <b>request</b> [11] - 8:16, 13:9, 13:24, 15:14, 38:5, 40:3, 47:7, 47:17, 48:2, 48:17 <b>requested</b> [2] - 42:6, 42:9 <b>requests</b> [1] - 39:14 <b>require</b> [1] - 26:1 <b>requirement</b> [8] - 13:14, 40:2, 40:18, 42:18, 43:21, 44:2, 44:6, 45:4 <b>requirements</b> [1] - 14:15 <b>requires</b> [2] - 17:23, 20:22 <b>res judicata</b> [4] - 29:13, 29:16, 29:18,</p>	<p>29:23 <b>residential</b> [1] - 40:24 <b>resources</b> [1] - 49:7 <b>respect</b> [6] - 12:2, 26:21, 45:7, 46:8, 46:9, 51:14 <b>respects</b> [1] - 51:15 <b>respond</b> [3] - 11:19, 47:17, 48:3 <b>response</b> [11] - 6:16, 9:16, 10:21, 11:21, 13:20, 13:23, 15:16, 34:13, 35:9, 47:16, 48:12 <b>responses</b> [1] - 16:4 <b>responsibilities</b> [1] - 38:12 <b>responsive</b> [2] - 15:13, 48:5 <b>rests</b> [1] - 17:1 <b>result</b> [3] - 41:11, 47:4, 51:11 <b>results</b> [2] - 47:3, 51:10 <b>Retail</b> [1] - 4:11 <b>retain</b> [1] - 46:4 <b>returned</b> [1] - 9:3 <b>revealed</b> [1] - 39:12 <b>revenue</b> [7] - 40:1, 40:18, 42:18, 43:21, 44:2, 44:6, 45:4 <b>revenues</b> [6] - 8:13, 40:1, 41:24, 45:7, 45:10, 45:13 <b>review</b> [2] - 28:18, 39:11 <b>Rocky</b> [3] - 10:2, 27:8, 27:18 <b>Rocky Mountain</b> [9] - 6:25, 7:5, 8:1, 8:16, 18:2, 27:15, 27:17, 27:24, 28:21 <b>Rocky Mountain Power</b> [27] - 4:10, 5:1, 5:3, 6:2, 6:7, 6:16, 7:11, 9:16, 9:18, 10:6, 11:20, 11:21, 12:1, 12:16, 13:15, 14:16, 18:11, 21:22, 23:23, 24:9, 24:21, 25:25, 27:1, 33:2, 40:4, 41:16, 46:23 <b>round</b> [1] - 45:17 <b>rounding</b> [1] - 8:12 <b>routinely</b> [1] - 14:10 <b>Rule</b> [2] - 11:23, 30:4 <b>rule</b> [51] - 9:12, 9:14, 10:4, 10:15, 11:13, 11:23, 12:5, 13:9, 13:15, 13:17, 14:6,</p>	<p>14:18, 15:2, 16:8, 17:13, 19:12, 19:18, 19:20, 20:22, 22:6, 22:8, 22:9, 22:24, 24:2, 28:25, 30:23, 32:14, 32:21, 33:7, 33:8, 33:10, 33:11, 33:16, 33:19, 35:8, 35:13, 41:7, 41:8, 41:11, 42:10, 44:4, 44:22, 45:21, 46:11, 46:24, 47:2, 48:7 <b>rulemaking</b> [29] - 4:18, 9:5, 9:8, 9:20, 10:5, 10:10, 11:4, 21:20, 22:9, 26:5, 27:12, 27:22, 28:12, 32:14, 33:18, 33:22, 38:17, 41:13, 41:20, 42:1, 43:12, 43:16, 43:17, 44:25, 47:4, 49:10, 49:12, 49:13 <b>Rulemaking Act</b> [1] - 14:22 <b>Rulemakings</b> [1] - 33:24 <b>rules</b> [5] - 21:25, 34:24, 46:15, 46:16, 46:17 <b>Rules</b> [3] - 11:24, 11:25, 12:3 <b>ruling</b> [3] - 44:7, 49:17, 50:3 <b>Rural</b> [2] - 26:17, 27:7</p>	<p><b>Secondly</b> [1] - 12:14 <b>Section</b> [3] - 13:19, 17:23, 22:21 <b>see</b> [5] - 6:11, 13:3, 19:3, 46:21, 50:22 <b>seek</b> [3] - 30:9, 33:16, 33:18 <b>seeking</b> [5] - 8:13, 28:24, 32:11, 32:13, 33:7 <b>seeks</b> [1] - 27:17 <b>select</b> [1] - 42:24 <b>senior</b> [1] - 5:12 <b>sense</b> [2] - 46:4, 46:6 <b>sensitive</b> [2] - 41:10, 41:12 <b>sent</b> [2] - 18:11, 39:18 <b>separate</b> [2] - 4:18, 13:14 <b>separately</b> [1] - 47:14 <b>September</b> [2] - 23:10, 23:22 <b>serve</b> [1] - 47:9 <b>served</b> [4] - 47:22, 47:23, 48:1, 48:6 <b>service</b> [3] - 39:17, 42:19, 47:25 <b>Service</b> [3] - 4:12, 4:13 <b>set</b> [10] - 15:23, 16:2, 17:21, 27:11, 33:6, 33:21, 33:22, 33:23, 47:21 <b>setting</b> [1] - 33:24 <b>settle</b> [2] - 21:12, 24:12 <b>several</b> [2] - 35:24, 49:24 <b>Sharon Bertelsen</b> [1] - 5:13 <b>sheets</b> [2] - 8:4, 8:5 <b>show</b> [5] - 10:16, 30:8, 30:15, 30:22, 46:8 <b>showing</b> [2] - 16:16, 21:15 <b>shown</b> [1] - 22:18 <b>similar</b> [1] - 32:4 <b>simple</b> [3] - 25:10, 31:25, 45:24 <b>simply</b> [3] - 23:9, 28:4, 28:22 <b>sit</b> [2] - 19:11 <b>situation</b> [2] - 39:1, 39:3 <b>small</b> [1] - 40:7 <b>softly</b> [1] - 26:9 <b>SOMERS</b> [4] - 5:11, 5:20, 26:19, 27:5</p>	<p><b>sometimes</b> [1] - 40:10 <b>soon</b> [1] - 50:4 <b>Sorry</b> [1] - 41:1 <b>sorry</b> [1] - 42:8 <b>speaking</b> [2] - 26:8, 38:1 <b>speaks</b> [1] - 46:14 <b>specific</b> [3] - 33:1, 41:7, 49:1 <b>specifically</b> [2] - 4:16, 42:13 <b>spinning</b> [1] - 49:6 <b>spoken</b> [3] - 12:3, 26:18, 49:2 <b>stacked</b> [1] - 42:21 <b>stage</b> [2] - 30:3, 40:23 <b>stand</b> [1] - 31:24 <b>State of Utah</b> [1] - 13:18 <b>statement</b> [1] - 9:19 <b>states</b> [2] - 9:17, 9:23 <b>statute</b> [6] - 12:15, 13:3, 16:4, 16:6, 48:7 <b>Steve Mecham</b> [1] - 4:22 <b>still</b> [3] - 10:9, 22:4 <b>stipulation</b> [1] - 35:2 <b>stop</b> [2] - 40:13, 40:14 <b>stopped</b> [1] - 50:9 <b>straightforwardly</b> [1] - 31:25 <b>straw</b> [1] - 13:4 <b>strike</b> [13] - 4:17, 15:7, 36:16, 36:19, 36:22, 36:24, 37:5, 37:9, 37:16, 37:20, 46:1, 46:2 <b>structure</b> [1] - 20:1 <b>submit</b> [1] - 6:19 <b>submitted</b> [1] - 21:11 <b>subsequently</b> [1] - 47:4 <b>subsidizing</b> [2] - 21:23, 24:15 <b>subsidy</b> [2] - 23:1, 24:15 <b>substantive</b> [2] - 17:20, 20:21 <b>successful</b> [1] - 10:7 <b>suddenly</b> [1] - 35:25 <b>suggested</b> [3] - 28:12, 29:12, 37:15 <b>summer</b> [1] - 17:9 <b>supplants</b> [1] - 46:15 <b>support</b> [4] - 6:1, 10:1, 17:18, 24:11 <b>supportive</b> [1] -</p>
<b>S</b>				
	<p><b>safe</b> [1] - 38:21 <b>sat</b> [1] - 19:13 <b>saw</b> [1] - 7:18 <b>schedule</b> [10] - 42:4, 42:9, 43:3, 49:19, 49:24, 50:2, 50:10, 50:18, 51:12 <b>Schedule</b> [4] - 23:5, 23:8, 23:25 <b>Schedules</b> [1] - 4:13 <b>scheduling</b> [7] - 15:21, 34:12, 39:15, 42:22, 49:20, 51:8, 51:12 <b>SCHMID</b> [4] - 4:5, 5:5, 6:5, 38:2 <b>Schmid</b> [4] - 6:11, 37:23, 43:7, 43:20 <b>science</b> [1] - 25:14 <b>scrutinized</b> [1] - 26:3 <b>search</b> [2] - 18:22, 19:8 <b>second</b> [1] - 7:18</p>			

<p>26:16 <b>supposed</b> [2] - 14:2, 33:16 <b>Supreme</b> [2] - 22:17, 22:23 <b>surrebuttal</b> [3] - 37:7, 50:12, 50:25 <b>surrounding</b> [1] - 21:25 <b>suspect</b> [1] - 18:5 <b>suspend</b> [1] - 42:3 <b>suspended</b> [1] - 42:10 <b>suspending</b> [1] - 7:20 <b>sweat</b> [1] - 41:12</p>	<p><b>thereof</b> [1] - 16:13 <b>they've</b> [4] - 24:18, 24:19, 46:19, 48:2 <b>They've</b> [4] - 17:3, 23:1, 24:17, 34:11 <b>thinks</b> [1] - 31:21 <b>third</b> [3] - 6:24, 21:4, 31:16 <b>thousand</b> [1] - 40:10 <b>three</b> [7] - 12:8, 20:12, 29:15, 31:15, 35:4, 37:10, 49:25 <b>Thursday</b> [2] - 50:20, 51:19 <b>tightrope</b> [2] - 38:3, 41:9 <b>timing</b> [1] - 34:17 <b>Title</b> [1] - 11:22 <b>Today</b> [1] - 42:8 <b>today</b> [5] - 14:21, 17:4, 17:18, 29:12, 48:21 <b>took</b> [1] - 19:17 <b>Torry Somers</b> [3] - 5:11, 5:20, 26:19 <b>total</b> [1] - 44:6 <b>totally</b> [1] - 34:25 <b>transparent</b> [1] - 38:25 <b>treated</b> [7] - 13:12, 13:24, 13:25, 47:6, 47:14, 48:19 <b>tremendous</b> [1] - 8:19 <b>tried</b> [3] - 6:25, 7:5, 25:19 <b>trouble</b> [1] - 13:18 <b>true</b> [6] - 12:21, 14:1, 30:11, 30:12, 30:15, 50:7 <b>truly</b> [1] - 38:6 <b>try</b> [1] - 9:9 <b>trying</b> [4] - 22:7, 29:4, 31:12, 46:25 <b>Tuesday</b> [1] - 14:10 <b>turning</b> [1] - 39:23 <b>twice</b> [2] - 11:8, 31:20 <b>Two</b> [1] - 31:16 <b>two</b> [8] - 5:15, 7:9, 13:23, 24:10, 31:23, 35:23, 37:7, 47:12 <b>two-party</b> [1] - 47:12</p>	<p><b>unauthorized</b> [1] - 23:15 <b>Unauthorized</b> [1] - 23:16 <b>under</b> [14] - 10:15, 11:25, 14:17, 14:22, 16:3, 16:5, 20:22, 30:4, 33:21, 47:6, 47:25, 48:6, 48:7, 48:17 <b>Under</b> [1] - 15:13 <b>underestimate</b> [1] - 20:9 <b>underlying</b> [2] - 27:17, 27:19 <b>unfair</b> [1] - 37:11 <b>unfortunately</b> [1] - 18:1 <b>uniformly</b> [1] - 25:9 <b>unintended</b> [1] - 42:14 <b>unique</b> [5] - 35:14, 38:11, 39:1, 39:3 <b>uniqueness</b> [1] - 39:23 <b>unjust</b> [4] - 10:17, 17:5, 20:24, 21:16 <b>unless</b> [1] - 40:19 <b>unreasonable</b> [4] - 10:17, 17:5, 20:24, 21:16 <b>untimely</b> [1] - 37:14 <b>unwilling</b> [1] - 46:20 <b>up</b> [7] - 7:20, 13:4, 26:10, 29:20, 38:1, 45:20, 47:20 <b>urge</b> [1] - 49:8 <b>URTA</b> [4] - 6:17, 42:3, 42:6, 42:9 <b>URTA's</b> [1] - 6:13 <b>users</b> [1] - 10:25 <b>Utah</b> [3] - 4:12, 11:23, 16:6 <b>Utah Administrative Rulemaking Act</b> [2] - 19:23, 22:11 <b>Utah Rural Telecom Association</b> [4] - 4:19, 4:23, 12:7, 34:7 <b>utilities</b> [1] - 25:19 <b>utility</b> [3] - 38:14, 38:22, 47:9 <b>Utility</b> [7] - 4:11, 20:20, 23:12, 25:16, 37:8, 37:15, 39:25</p>	<p><b>V</b></p> <p><b>vacation</b> [1] - 43:1 <b>value</b> [2] - 8:11, 8:21 <b>variety</b> [4] - 13:9, 44:19, 47:7, 48:16 <b>verifiable</b> [1] - 25:11 <b>virtue</b> [1] - 22:5 <b>voice</b> [1] - 26:13</p> <p><b>W</b></p> <p><b>wait</b> [2] - 35:4, 35:23 <b>walking</b> [1] - 38:3 <b>wants</b> [1] - 33:3 <b>wasteful</b> [2] - 12:9, 14:20 <b>wasting</b> [1] - 49:6 <b>Wednesday</b> [1] - 51:18 <b>weeks</b> [2] - 35:23, 37:8 <b>welcome</b> [2] - 38:2, 44:7 <b>wheels</b> [1] - 49:6 <b>Whereas</b> [1] - 9:8 <b>whiz</b> [1] - 24:19 <b>whole</b> [6] - 21:9, 24:6, 26:4, 26:5, 34:21, 43:3 <b>win</b> [1] - 50:17 <b>wish</b> [1] - 11:4 <b>witness</b> [1] - 9:18 <b>wooden</b> [1] - 43:4 <b>words</b> [1] - 50:23 <b>works</b> [1] - 17:14 <b>world</b> [2] - 19:3, 39:6 <b>written</b> [2] - 49:17, 50:3</p> <p><b>Y</b></p> <p><b>year</b> [1] - 7:25 <b>years</b> [4] - 7:9, 28:16, 31:23, 47:15 <b>yesterday</b> [1] - 42:17 <b>Your Honor</b> [3] - 11:7, 14:14, 46:1 <b>yourselves</b> [1] - 5:10</p> <p><b>Z</b></p> <p><b>zone</b> [1] - 22:22</p>
<p><b>T</b></p> <p><b>table</b> [2] - 8:23, 19:11 <b>Tariff</b> [1] - 33:23 <b>tariff</b> [1] - 8:4 <b>tears</b> [1] - 41:12 <b>technical</b> [1] - 18:12 <b>telecom</b> [4] - 18:25, 34:5, 39:6, 39:19 <b>Telecom</b> [3] - 18:3, 26:17, 27:7 <b>telecommunication s</b> [3] - 7:6, 8:18, 20:8 <b>telephone</b> [2] - 5:9, 18:8 <b>ten</b> [1] - 37:7 <b>term</b> [1] - 43:12 <b>terms</b> [1] - 20:23 <b>test year</b> [1] - 28:23 <b>testimony</b> [42] - 6:19, 9:19, 9:22, 15:7, 15:24, 21:11, 21:21, 23:21, 31:2, 32:2, 35:5, 35:24, 36:1, 36:22, 36:23, 36:25, 37:1, 37:7, 37:10, 37:12, 42:4, 42:9, 42:12, 42:13, 42:15, 42:16, 42:17, 42:18, 42:20, 43:2, 43:11, 46:4, 46:25, 48:5, 48:16, 50:7, 50:9, 50:11, 50:19, 51:16, 51:17, 51:18 <b>Testimony</b> [1] - 42:7 <b>THE</b> [1] - 26:10 <b>themselves</b> [1] - 24:17 <b>thereafter</b> [1] - 48:2 <b>therefore</b> [6] - 17:5, 24:14, 32:14, 37:14, 39:14, 48:12 <b>Therefore</b> [1] - 48:21</p>	<p><b>U</b></p> <p><b>U.S</b> [2] - 22:17, 22:23 <b>Ultimately</b> [1] - 42:24 <b>unable</b> [2] - 42:5, 42:10</p>		