

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA



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ADMINISTRATIVE LAW JUDGE PATRICIA MILES,
presiding

In the Matter of Application of) EVIDENTIARY
Sierra Telephone Company, Inc.) HEARING
(U1016C) to Modify Intrastate)
Revenue Requirement and Rate Design)
and Adjust Selected Rates)
)
) Application
) 21-11-005
)
)

PUBLIC

REPORTERS' TRANSCRIPT
Virtual Proceeding
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PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

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VIRTUAL PROCEEDING

JULY 29, 2022 - 9:30 A.M.

* * * * *

ADMINISTRATIVE LAW JUDGE MILES: The Commission will come to order.

We're on the record. Today is Friday, July 29th. It is the third day of evidentiary hearing in the matter of the Application of Sierra Telephone Company, Inc. to Modify Intrastate Revenue Requirement and Rate Design and Adjust Selected Rates. The proceeding number is A.21-11-005.

I'm the assigned administrative law judge, Patricia Miles. This proceeding is assigned to Commissioner John Reynolds.

And I believe Mr. Rosvall is going to start. We're scheduled for the cross-examination of Dr. Dale Lehman.

Dr. Lehman?

MR. LEHMAN: Yes.

ALJ MILES: I'm going to swear you in on the record, if you would raise your right hand.

DALE LEHMAN, called as a witness by Sierra Telephone Company, having been sworn, testified as follows:

THE WITNESS: I do.

ALJ MILES: Thank you. Would you please state and spell your name for the

1 record?

2 THE WITNESS: Dale Lehman, D-a-l-e,
3 last name, L-e-h-m-a-n.

4 ALJ MILES: Okay. Mr. Rosvall, your
5 witness.

6 MR. ROSVALL: Great. Thank you, your
7 Honor.

8 DIRECT EXAMINATION

9 BY MR. ROSVALL:

10 Q And good morning, Dr. Lehman.

11 I understand you have two documents
12 on your computer screen related to this
13 proceeding. Could you identify those,
14 please?

15 A One is my opening testimony, and
16 the other document is marked as my rebuttal
17 testimony in the same docket.

18 Q Okay. And for identification
19 purposes, I don't know if the copies you're
20 looking at are marked or have a -- have a
21 cover sheet, but I think we're going to refer
22 to your opening testimony as Exhibit 10 -- or
23 STC-10, and -- and your rebuttal testimony as
24 STC-11.

25 Can you confirm that you either
26 have those marked or understand that -- that
27 those are the identifications?

28 A I have those marked and on my

1 computer screen.

2 Q Great. All right. So at this
3 time, do you have any changes to either of
4 those documents?

5 A No changes. I would just note that
6 the rebuttal testimony, the cover page
7 differs from what was served on June 24th in
8 that this is correctly marked as my rebuttal
9 testimony, and the originally-served document
10 said, "Opening Testimony."

11 Q Great. Thank you. And I guess
12 with that clarification, do you affirm that
13 the materials in Exhibits STC-10 and STC-11
14 are your testimony -- your direct testimony
15 in this proceeding?

16 A Direct testimony was STC-10,
17 correct.

18 Q I guess, just to clarify, what I
19 mean is aside from any testimony you may give
20 on cross-examination, is this your
21 affirmative direct testimony, collectively?

22 A Yes.

23 Q Okay. And do you affirm that the
24 testimony reflected therein is true and
25 correct?

26 A Yes.

27 Q Great. And if I asked you the same
28 questions here, would the answers be the

1 same?

2 A They would, yes.

3 Q Great.

4 Your Honor, at this time, Sierra
5 moves Exhibits 10 and -- STC-10 and STC-11
6 into evidence.

7 And the witness is available,
8 although I believe there is actually no
9 cross-examination from Cal Advocates.

10 ALJ MILES: Okay. Those will be
11 marked -- be moved into the evidence.

12 (Exhibit No. STC-10 was received
13 into evidence.)

14 (Exhibit No. STC-11 was received
15 into evidence.)

16 ALJ MILES: I didn't realize there was
17 no cross-examination on Dr. Lehman. Okay. I
18 see that now.

19 All right. Mr. Parker, do you wish
20 to cross-examine this witness?

21 MR. PARKER: Wayne Parker, attorney for
22 Cal Advocates.

23 Cal Advocates does not wish to
24 cross-examine Mr. Lehman.

25 ALJ MILES: All right. And does Cal
26 Advocates stipulate to the testimony
27 Mr. Lehman has submitted?

28 MR. PARKER: Your Honor, Cal Advocates

1 will not stipulate to Mr. Lehman's testimony.

2 ALJ MILES: Okay. Are there portions
3 of it that you disagree with, but you want to
4 forego cross-examination?

5 MR. PARKER: Yes, your Honor.

6 And on a related note, after we
7 complete this, I -- I would like to talk
8 about the other testimony from yesterday.

9 ALJ MILES: All right. Okay.

10 Dr. Lehman, we appreciate your
11 coming forward to participate. Because there
12 is no cross-examination, you are excused.

13 THE WITNESS: Okay. Thank you.

14 MR. ROSVALL: And your Honor, that's
15 our last witness, so our case would be
16 submitted.

17 I do have a clarification I wanted
18 to offer, something that we addressed
19 yesterday about an exhibit.

20 ALJ MILES: About the evidence? Is it
21 about the exhibits or evidence?

22 MR. ROSVALL: It's about an exhibit we
23 talked about at the end of yesterday. I just
24 wanted to --

25 ALJ MILES: Okay. Let's discuss that
26 at the end of the day, so we can keep moving.

27 MR. ROSVALL: Okay.

28 ALJ MILES: All right. Mr. Parker,

1 then, you have a witness for
2 cross-examination this morning?

3 MR. PARKER: Yes, your Honor. I have
4 Mr. James Ahlstedt. I'd like to introduce
5 Mr. James Ahlstedt, and have him come onto
6 the stand.

7 ALJ MILES: All right. Good morning,
8 Mr. Ahlstedt.

9 MR. AHLSTEDT: Good morning, your
10 Honor. Can you hear me well?

11 ALJ MILES: I can see you now.

12 Would you please raise your right
13 hand, so I can swear you?

14 JAMES AHLSTEDT, called as a witness
15 by Public Advocates Office, having been
sworn, testified as follows:

16 THE WITNESS: I do.

17 ALJ MILES: Thank you. Would you
18 please state and spell your full name for the
19 record?

20 THE WITNESS: Yes. My name is James,
21 J-a-m-e-s, Ahlstedt, A-h-l-s-t-e-d-t.

22 ALJ MILES: Thank you. Mr. Parker,
23 your witness.

24 MR. PARKER: Thank you, your Honor.

25 DIRECT EXAMINATION

26 BY MR. PARKER:

27 Q Good morning, Mr. Ahlstedt.

28 A Good morning.

1 Q Do you have with you today a
2 document that has been marked for
3 identification as Exhibit PAO-01?

4 A I do.

5 Q Do you also have with you an
6 exhibit that has been marked as PAO-01-C?

7 A Yes, I do.

8 Q And just for the record, PAO-01 is
9 the public version of your opening testimony?

10 A That's correct.

11 Q And PAO-01-C is the confidential
12 version of your opening testimony?

13 A Yes.

14 Q All right. One moment here.
15 Was -- well, I'd like -- I'm going to refer
16 these questions to both your public and
17 confidential versions of your opening
18 testimony.

19 Were Exhibits PAO-01 and -01-C
20 prepared by you or under your direction?

21 A Yes, they both were.

22 Q Do you have any changes or
23 corrections to either PAO-01 or PAO-01-C?

24 (Technical difficulties.)

25 (Reporter clarification.)

26 ALJ MILES: We can go off the record
27 while we get this cleared up.

28 ///

1 (Off the record.)

2 (Record read.)

3 ALJ MILES: We can go back on the
4 record so that the witness can answer that
5 question.

6 THE WITNESS: No, I do not.

7 BY MR. PARKER:

8 Q Just to clarify, Mr. Ahlstedt, were
9 there portions of your opening testimony in
10 PAO-01 and PAO-01-C that were redlined or
11 stricken through?

12 A Yes, there were portions of my
13 testimony that had a redline strikethrough
14 pursuant to an ALJ's ruling.

15 Q Okay. Thank you. And to the best
16 of your knowledge, are the statements and
17 information presented in Exhibits PAO-01 and
18 PAO-01-C true and correct?

19 A They are.

20 Q And to the extent that you made
21 statements in the nature of judgments and
22 conclusions in Exhibits PAO-01 and PAO-01-C,
23 do those statements represent your best
24 professional judgments and conclusions?

25 A They do.

26 MR. PARKER: Your Honor, the witness is
27 available for cross-examination.

28 ALJ MILES: Okay. Mr. Rosvall, do you

1 have cross-examination for -- for this
2 witness?

3 MR. ROSVALL: I do, your Honor. But,
4 there's a matter -- an important matter we
5 must raise, which is that these -- both of
6 these exhibits, 1 and 1-C, are inconsistent
7 blatantly with your motion to strike ruling.
8 They are not striking the entirety of the
9 portion that you directed be stricken, which
10 is Section H of the testimony. And we've
11 relied on that ruling in preparing our cross.
12 We relied on it in withdrawing portions of
13 Mr. Duval's testimony. And this is just an
14 attempt to get around the ruling. What was
15 circulated last night is simply not
16 consistent with footnote one on page 1 of
17 your ruling. So I guess we would -- it's --
18 it's an issue we need to address now, because
19 we relied on your ruling and the entirety of
20 that section being stricken as to a matter
21 that the Commission already decided it isn't
22 going to address in this proceeding, based on
23 the Phase 2 CHCF-A decision. So I would ask
24 that a -- a different copy that actually
25 complies with your ruling be submitted, and I
26 would also add that striking through the
27 words is not sufficient. It's sort of an
28 indirect way of getting somebody to look at

1 the words, anyway. And you'll see that what
2 we did with Mr. Duval is we put black on all
3 the parts that are not part of his testimony.
4 So these are improper exhibits, and it is
5 going to prejudice us, if we don't address
6 this now.

7 ALJ MILES: All right. I appreciate
8 your raising this concern on the record.
9 The -- the exhibits are not in evidence,
10 because we will determine whether they are
11 moved into evidence at the end of the day.

12 That said, we will go off the record
13 so that we can have a discussion about how to
14 remedy the manner in which the testimony was
15 stricken.

16 So let's go off the record.

17 (Off the record.)]

18 ALJ MILES: Let's go back on the
19 record. I'd like the record to reflect that
20 in an off-the-record discussion, ALJ and
21 counsel have agreed that we will proceed with
22 the cross-examination of Mr. Ahlstedt with
23 the document as it is -- as it has been
24 presented to us by e-mail this morning from
25 the Public Advocates Office.

26 However, no mention will be made of
27 the portions of the document that I ruled
28 should be excluded and Public Advocates will

1 provide a completely redacted version of
2 Mr. Ahlstedt's testimony before his testimony
3 is moved into the record either tonight or at
4 a later date.

5 That being said, we're going to take
6 a brief break of about 15 minutes so that
7 counsel can prepare for cross-examination.
8 We're off the record.

9 (Off the record.)

10 ALJ MILES: So we are back on the
11 record. We've had a brief break. We're back
12 on the record for the cross-examination of
13 Mr. Ahlstedt.

14 Mr. Rosvall, you can resume.

15 MR. ROSVALL: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. ROSVALL:

18 Q Good morning, Mr. Ahlstedt.

19 A Good morning.

20 Q Nice to see you virtually. So I'll
21 have a few questions for you. Let me start
22 with some simple things, cosmetic things, I
23 think, about your testimony. Did you write
24 all aspects of your testimony?

25 A Yes.

26 Q And have you or Cal Advocates
27 provided all exhibits and appendices to
28 Sierra that are necessary to understand the

1 calculations in your testimony?

2 MR. PARKER: Objection, your Honor;
3 vague and ambiguous as to what is necessary.

4 MR. ROSVALL: Your Honor, my question
5 is just necessary in his view, that have
6 provided all the workpapers necessary.

7 ALJ MILES: I'll sustain the objection
8 and the witness can answer with the
9 clarification made.

10 THE WITNESS: Could you repeat the
11 question please.

12 BY MR. ROSVALL:

13 Q Yes, I think the question was, in
14 your view have you provided or has Cal
15 Advocates provided all of the exhibits and
16 appendices necessary to understand the
17 calculations in your testimony?

18 A Yes, your Honor. So my testimony
19 includes the narrative portion, which we've
20 already admitted -- or we've already
21 identified as Cal Advocates PAO-1 and 1-C, I
22 believe, and in that narrative portion,
23 there's also a number of attachments at the
24 end of that.

25 In addition, there's, I believe,
26 Cal Advocates 2 and 2-C, which are the
27 exhibits to my testimony, which provide a
28 number of things, including workpapers and

1 supplemental information that I believe
2 support the analysis and conclusions of my
3 testimony.

4 Q So, I guess, going back to the
5 first page of your testimony, I see a caption
6 in the upper left-hand corner, which has
7 various names: I see your name; I see
8 Ms. Tran's name; and then I also see the
9 assigned Commissioner and the ALJ on your
10 testimony. So why did you include the
11 assigned Commissioner and ALJ Miles on your
12 testimony?

13 A I was just using a standard
14 template from Cal Advocates for that.

15 Q So they're not sponsoring your
16 testimony?

17 A I don't think so.

18 Q And, likewise, Ms. Tran is not a
19 cosponsor of your testimony either?

20 A No.

21 Q Did she contribute to your
22 testimony?

23 A Ms. Tran, acting as my supervisor,
24 reviewed my testimony for grammar and
25 clarity.

26 Q Okay. So let's talk about some of
27 your experience. You've been with the
28 Commission since 2016; correct?

1 A That's correct.

2 Q And during that time, you've been
3 with Cal Advocates throughout your tenure?

4 A Yes.

5 Q And so you've never been part of
6 the Communications Division?

7 A No. I've been with Cal Advocates
8 since 2016.

9 Q And, likewise, you've never been an
10 advisor to a Commissioner or ALJ?

11 A No. I've never been an advisor to
12 a Commissioner or ALJ.

13 Q Have you ever worked in the private
14 sector?

15 A Not related to any utilities at
16 all.

17 Q And just to be clear, you don't
18 have a law degree, at least not yet; is that
19 correct?

20 A No. I don't have a law degree.

21 Q But you do have an undergraduate
22 political science degree with an emphasis in
23 law?

24 A Yes. That's correct.

25 Q As well as a Bachelor's in
26 Economics with an emphasis on -- and then, I
27 think, it says in your Statement of
28 Qualifications, "Game Theory"; is that right?

1 A Almost. It's officially business
2 economics, which is essentially an economics
3 degree with additional classes in management
4 and accounting and so on.

5 Q So just since you put "game theory"
6 in there, I just wanted to ask this: Is game
7 theory, basically, a way of understanding
8 market behavior based on one firm's
9 assumptions of its competitors' actions; is
10 that a good summary of game theory?

11 A I would say so, yes.

12 Q And so is that a microeconomic
13 theory or a macroeconomic theory?

14 A I think it has applications in both
15 fields of economics; although it's been a
16 while since I had my undergraduate degree,
17 so...

18 Q Okay. All right. So let's talk
19 about some of your experience at the
20 Commission. You've been the principal
21 analyst on the Lifeline proceeding -- is that
22 right -- for Cal Advocates?

23 A Up until very recently, yes.

24 Q Okay. Yeah, I think I heard that.
25 And your experience also includes
26 participation in Phase 2 of the CHCF-A
27 Rulemaking, R.11-11-007; is that right?

28 A That's correct.

1 Q And in that proceeding, you were
2 offered as an expert witness on, I believe,
3 rates, revenues and broadband imputation; is
4 that true?

5 A Without my actual testimony in
6 front of me, I can't confirm exactly what I
7 was the expert witness proffered for that,
8 that particular proceeding was, but that
9 sounds correct.

10 Q Okay. And, I guess, just since I
11 think you'll probably recall this, you were
12 the expert on broadband imputation for Cal
13 Advocates; right?

14 A Yes, I was.

15 Q And so prior to attending the site
16 visit you attended in April at Sierra's
17 facility, Sierra's territory, how many times
18 had you been to that area, Sierra's service
19 territory?

20 A Is there a time frame?

21 Q Let's just say in the last 10
22 years.

23 A Twice, maybe.

24 Q So I wanted to ask you a few
25 questions just so I can understand kind of
26 the scope of your testimony relative to other
27 witnesses to make sure I'm asking the right
28 person the right questions.

1 So just so I understand the scope
2 here, you are the witness making
3 recommendations for Sierra's end-user rates
4 for voice service; correct?

5 A That's correct, your Honor, among
6 other things.

7 Q And another one of those things is
8 you have computed the revenues that go into
9 rate design for Sierra?

10 A Yes.

11 Q And as part of that rate design,
12 you've addressed broadband imputation; you're
13 the witness who presents that equation;
14 correct?

15 A That's correct.

16 Q Okay. And amongst the three
17 witnesses -- you being one and Ms. Ye,
18 Mr. Corona being the others -- it's your job
19 to put together all of the recommendations
20 into a revenue requirement and rate design;
21 right?

22 A Yes. So in my testimony, I'm
23 responsible for the results of operations of
24 Cal Advocates -- or rather Cal Advocates'
25 proposal for the results of operations of
26 Sierra Telephone Company, which includes
27 compiling the various recommendations from my
28 two compatriots in this rate case.

1 Q Got it. And that's Chapter 3 of
2 your testimony, Results of Operations; right?

3 A That's correct.

4 Q Okay. And so if I have a question
5 about kind of the overall rate design or
6 revenue requirement, you're the right person
7 to ask?

8 A Yes.

9 Q Whereas, if I had a question about
10 a specific expense issue, that would be
11 Ms. Ye; is that right?

12 A Yes.

13 Q Okay. Got it. And so, likewise,
14 you're not addressing any kind of specifics
15 about rate base; you're just putting that
16 into the equation?

17 A That's correct.

18 Q Got it. All right. So let me
19 direct you to pages 3.1 and 3.2 of your
20 testimony. It's right there in the "Results
21 of Operations" section at the beginning.

22 I think most of my questions will
23 not -- it won't make a difference whether
24 it's confidential or public so you can use
25 either one, but I'm going to direct you to
26 your testimony on those pages.

27 A I'm there. And for your reference
28 I'm using the confidential version of my

1 testimony, but where possible I'll avoid
2 confidential numbers.

3 Q Great. Same. So on that page you
4 cite to a statute on page 3.1 and 3.2 several
5 times, and that's Public Utilities Code
6 275.6. So would you agree that this is the
7 principle statute that governs ratemaking for
8 small independent telephone corporations?

9 MR. PARKER: Objection, your Honor.
10 He's asking the witness for a legal decision
11 or a legal opinion about whether or not a
12 statute is the principle statute?

13 ALJ MILES: I'll sustain the objection,
14 but if Mr. Rosvall can restate his question,
15 the witness may answer if he knows.

16 BY MR. ROSVALL:

17 Q Maybe to restate the question:
18 Does 275.6, Public Utilities Code 275.6, does
19 that govern the ratemaking treatment for
20 small independent telephone corporations?

21 A Your Honor, I believe Public
22 Utilities Code Section 275.6 pertains to the
23 California High Cost Fund-A program. It also
24 describes the process for small independent
25 telephone companies to participate in the
26 California High Cost Fund-A program.

27 It is one of numerous Public
28 Utilities Code citations that I think are

1 relevant to this rate case.

2 Q So thanks for that clarification.

3 I believe last time we circulated a
4 copy of the statute. I think it might be a
5 little bit easier if you just look at it. So
6 that was identified as Exhibit STC-17. Do
7 you have that document with you?

8 A I do.

9 Q Great. So looking at STC-17, and,
10 again, I'm just trying to get an overview of
11 your understanding of the framework here. So
12 I won't ask you about every provision.

13 So just to focus on something in
14 what I believe is the definition section or
15 I'll just identify as 275.6(b). So there's a
16 definition of (b)(6). Can you just read that
17 real quick.

18 A Yes. I believe this definition
19 defines small independent telephone
20 corporations, which are rural incumbent local
21 exchange carriers subject to Commission
22 regulation.

23 Q Great. And so do you know of any
24 other statute that addresses specifically
25 small independent telephone corporations?

26 A I don't know.

27 Q You don't know of any?

28 A I can't recall any at this moment.

1 Q Okay. All right. So just to get a
2 sense of the structure of the statute, which,
3 again, you cited to several times in various
4 subsections on pages 3.1 and 3.2 of your
5 testimony. So Subsection (a) is kind of an
6 overall statement of intent regarding the
7 CHCF-A program; would you agree with that?

8 MR. PARKER: Objection, your Honor;
9 calls for the witness to make a legal
10 conclusion about the language of a statute.

11 ALJ MILES: I'm going to overrule the
12 objection and the witness can answer if he
13 can. Then if he can't, he cannot.

14 THE WITNESS: Could you repeat the
15 question, please?

16 BY MR. ROSVALL:

17 Q Yeah, the question was just trying
18 to get a sense for what subsection (a) of the
19 statute was doing. And I was just asking, is
20 it a general statement of legislative intent
21 regarding the CHCF-A program?

22 A To be honest, I can't really tell
23 you what the legislature intends. I can read
24 the subsection for you, but other than that,
25 I can't really say what the legislature
26 intends.

27 Q Okay. No. You don't have to read
28 it. Moving to subsection (b), would you

1 agree that is in essence a definitions'
2 section, definitions that are deployed later
3 in other parts of the statute?

4 A Subsection (b) states: "For
5 purposes of this section, the following terms
6 have the following meanings." I think in
7 layman's terms, yes, that's a list of
8 definitions.

9 Q Okay. And then as you go down
10 through subsection (b), there's various key
11 terms that are defined; right?

12 A Yes, your Honor. In subsection
13 (b), it looks like there are six key terms as
14 Mr. Rosvall has stated in subsection (b).

15 Q Just to be clear, so focusing on
16 (b) (4), that describes the legislature's
17 definition of "rate of return regulation";
18 right?

19 MR. PARKER: Objection, your Honor.
20 I'm not sure I understand why he's asking a
21 witness, who's not an attorney, questions
22 about definitions in the statute. These are
23 legal questions that are more appropriate to
24 the brief.

25 ALJ MILES: I'm going to sustain the
26 objection noting that the statute speaks for
27 itself, Mr. Rosvall.

28 Are you still trying to establish

1 the witness's qualifications as an expert?
2 I'm sure where you're headed with this line
3 of questions.

4 MR. ROSVALL: No. Actually, that's not
5 my purpose at all. We've kind of gone past
6 that. So my purpose is, in a moment I'm
7 going to have him turn to the next couple
8 pages, which are, you know, pages 3-3 and 3-4
9 of his testimony.

10 It happens that he cites to the
11 statute six times on 3-1 and 3-2 as a prelude
12 to this chart. I'm going to ask him to --
13 for his understanding of the terms "rate
14 design," "revenue requirement," and then I'm
15 going to ask him how he applies those in his
16 chart, which is on the next page. If he
17 didn't cite these statutes, I wouldn't be
18 asking that, but he did.]

19 ALJ MILES: Okay. Fair enough,
20 Mr. Rosvall.

21 I'm going to ask you, as I believe I
22 asked Mr. Parker earlier when he was
23 cross-examining a witness, please tie your
24 questions to testimony and then I think the
25 relevance of this will be clear to everyone.

26 You can proceed.

27 MR. ROSVALL: Great.

28 Q So, Mr. Ahlstedt, I guess I'll

1 direct you to footnote 137 on page 3-2 of
2 your testimony, which I believe refers to
3 Section 275.6(b)(5).

4 So would you agree that that
5 reference which we're now looking at in the
6 statute is a description of a revenue
7 requirement?

8 A Yes.

9 Q And so I want to just get your
10 understanding of a revenue requirement.
11 That's a measurement of cost; right?

12 A Could you rephrase the question.
13 What do you mean by "cost"?

14 Q Well, I guess I'll be even more
15 specific. So the definition -- and I could
16 have you read it, but I'll just read it to
17 you and tell me if I've got it wrong.

18 The definition of revenue
19 requirement in 275.6(b)(5) refers to
20 reasonable expenses, tax liabilities, and a
21 greater return on its rate base.

22 So my question is are those cost
23 items?

24 MR. PARKER: Objection, your Honor. He
25 didn't cite the exact language. It doesn't
26 say "a greater return." It says "a
27 reasonable rate of return."

28 MR. ROSVALL: Oh, I'm sorry. If you

1 heard that, that's not what I intended to
2 say. I can just have the witness read it.

3 Q Mr. Ahlstedt, would you just read
4 subsection (5).

5 A Sure. So Public Utilities Code
6 Section 275.6 subsection (6) -- or rather
7 subsection (5) states "Revenue requirement:
8 The amount that is necessary for a telephone
9 corporation to recover its reasonable
10 expenses and tax liabilities and earn a
11 reasonable rate of return on its rate base."

12 Q Okay. So my question is, having
13 just read it, is that a description of the
14 cost target that is established in a rate
15 case to which the revenues must then meet?

16 A Again, I'm uncertain what exactly
17 you mean by "cost." I think that the
18 definition of revenue requirement speaks for
19 itself.

20 Q Well, let me parcel it a little bit
21 further. Is it an expense as listed in here?
22 Is that a revenue item?

23 A No. An expense is not a revenue
24 item.

25 Q Okay. It's a cost item, isn't it?

26 A I don't think I used the term
27 "cost" in my testimony.

28 Can you point me to where I used

1 that term.

2 MR. ROSVALL: Your Honor, we indulged a
3 lot of questions like this, maybe 100, where
4 we weren't required to tie -- Mr. Parker was
5 not required to tie things specifically to
6 words that the witness is speaking. I'm just
7 asking for his understanding of is it a cost
8 or not.

9 ALJ MILES: And I think he's answered
10 the question so please move on.

11 BY MR. ROSVALL:

12 Q Okay. So let's just look at rate
13 design, the definition 2, subsection up and
14 subsection 3.

15 So would you agree that revenue --
16 rate design is comprised of revenue?

17 A Your Honor, the definition of rate
18 design, subsection 3 states "Rate design
19 means the mix of end-user rates, high cost
20 support, and other revenue sources that are
21 targeted to provide a fair opportunity to
22 meet the revenue requirements of the
23 telephone corporation."

24 Q So he's just read the statute, but
25 I'm going to ask again. The things you just
26 listed that are in the definition of rate
27 design, those are all revenue sources;
28 correct?

1 A Yes.

2 Q Okay. All right. So let's -- one
3 more question actually on this statute.
4 You're the witness for broadband imputation.
5 I think we confirmed that a minute ago.

6 What part of the statute authorizes
7 broadband imputation? Does it appear in here
8 somewhere?

9 MR. PARKER: Objection, your Honor.
10 He's asking the witness for his knowledge of
11 the law or a statute.

12 MR. ROSVALL: A statute that he cites
13 quite a bit.

14 ALJ MILES: If the witness can answer
15 the question, you may. And I'll clarify on
16 the record that it's understood that the
17 witness is not an attorney or a legal
18 professional, but it is also understood that
19 the witness is an expert and has testified as
20 such on broadband imputation and on the
21 matters here in this proceeding.

22 That said, Mr. Ahlstedt, you're not
23 required to speculate or conjecture. But if
24 you can answer the question, please do.

25 THE WITNESS: Yes, your Honor. I think
26 I can answer in part.

27 To my knowledge, there's no use of
28 the term broadband imputation in the statute,

1 but the statute doesn't cover all the
2 decisions made by the Commission. And the
3 Commission has stated that it has the
4 authority and it will impute broadband
5 revenues.

6 BY MR. ROSVALL:

7 Q So that's helpful. And I guess
8 I'll just clarify that broadband imputation
9 comes from a Commission decision, not the
10 statute. It comes from D.21-04-006. Is that
11 right? Or 005. I misspoke.

12 A The decision --- the Commission in
13 decision 21-04-005 did decide to impute
14 broadband revenues in the calculation of
15 small ILECs. In this case, Sierra's
16 California High-Cost Fund-A subsidiary, your
17 Honor. In that decision, I'm sure that the
18 Commission explained how it had the legal
19 authority to impute broadband revenues and
20 how it conformed with the statute at hand.

21 MR. PARKER: Your Honor, may I object.
22 This whole line of questioning about
23 broadband imputation, these are questions
24 that are not even a part of this general rate
25 case. It's not an issue in this case. And
26 Mr. Rosvall already noted the Commission has
27 already issued a decision on broadband
28 imputation.

1 There is also the fact that this
2 feels like this is related to some other
3 proceeding that may follow this or be related
4 to broadband imputation. So I don't really
5 understand why broadband imputation is even
6 being discussed here with regard to this
7 decision, and I just don't understand his
8 line of questioning.

9 ALJ MILES: Okay. And I -- I sustained
10 the objection.

11 But, Mr. Rosvall, I'm going to allow
12 you to make your connections as quickly as
13 possible.

14 MR. ROSVALL: Sure.

15 Q So, Mr. Ahlstedt, will you agree
16 that Chapter 2 of your testimony is entitled
17 "Broadband Revenue Imputation" starting on
18 page 2-1?

19 A Yes.

20 Q Okay.

21 A So 2-1 the title of that chapter of
22 my testimony is "Chapter 2, Broadband Revenue
23 Imputation."

24 Q Okay. And then from there
25 pages 2.1 and all the way through 2.5 you
26 discuss the mechanics of broadband imputation
27 and the calculation in the rate case; is that
28 right?

1 A Yes, your Honor, that's correct.

2 Q Okay. So I guess coming back to
3 the statute, what I'm trying to --

4 Actually, first of all, one more
5 question. Did you attend the hearings
6 yesterday?

7 A I did.

8 Q Yeah. So do you recall,
9 Mr. Ahlstedt, the rather extensive discussion
10 with Mr. Duval about the affect of broadband
11 imputation on the tax calculation for Sierra?

12 A I don't think that was rather
13 extensive. I do recall the conversation
14 though.

15 Q Okay. So just to use the judge's
16 point to establish the connection here, I am
17 trying to understand where do we look for the
18 mechanics of broadband imputation? And so my
19 first question is do we look to the statute
20 to find those mechanics 275.6?

21 A No. I think I've already said,
22 your Honor, that the Commission in decision
23 21-04-005 authorized broadband imputation and
24 described how it was to be implemented.

25 Q Okay. So we look to the decision?

26 A Yes.

27 Q All right. So with that said, I'm
28 going to direct you back to pages 3.3 and

1 3.4. This is the results of operations
2 tables that you presented. Do you see that?

3 A Yes, 3.3 and 3.4.

4 Q So could you just describe what
5 results of operations table is in simple
6 terms.

7 A Sure. Your Honor, results of
8 operations table in the most basic sense is
9 the calculation of how much High-Cost Fund-A
10 subsidy to provide to Sierra in this case.

11 Q Okay. And so the test year that is
12 displayed here in the numbers that we see in
13 the table, that's test year 2023? That's
14 what you're recommending for 2023?

15 A Yes.

16 Q Okay. And just so everybody is
17 clear about how you got to this
18 calculation --

19 (Audio interruption.)

20 MR. ROSVALL: I'm sorry. I heard a
21 little --

22 ALJ MILES: I'm sorry. Is the reporter
23 interjecting?

24 MR. ROSVALL: There's a cat involved.
25 I heard that.

26 ALJ MILES: We're getting some sort of
27 interference. If you're not speaking, could
28 you please mute yourself.

1 Okay. I'm sorry, Mr. Rosvall. Please
2 continue.

3 MR. ROSVALL: Okay. Great. I think
4 we're hearing it again.

5 ALJ MILES: Yeah. Hold on. Let's go
6 off the record.

7 (Off the record.)

8 ALJ MILES: Okay. Well, let's try
9 again.

10 MR. ROSVALL: Thanks, your Honor.
11 These things happen in the virtual world.

12 Q So I think where we were was you
13 just confirmed the test year. I wanted to
14 confirm the source of the financials that are
15 forming the calculations that you have made
16 clear here. And I wanted to confirm that it
17 is the end of year 2021 financials rather
18 than what the -- the application presented,
19 which was obviously before the end of 2021.

20 Is that your understanding?

21 A So the results of operations table,
22 which is table 18 in my testimony on
23 pages 3-3 and 3-4, includes Sierra's updated
24 workpapers that were provided to Cal
25 Advocates as well as Cal Advocates' proposal.

26 Which one of those are you
27 referring to?

28 Q I think you just answered it. I am

1 just trying to confirm that you didn't -- you
2 didn't start with the calculations presented
3 in the application when you started making
4 adjustments. You started with the updated
5 2021 end-of-year financials that were
6 presented as a supplement to Cal Advocates.
7 Is that right?

8 A Speaking only on behalf of the
9 revenues portion as that's the portion that I
10 sponsored, yes. I used the updated
11 end-of-year 2021 data provided by Sierra.

12 Q Okay. I'll confirm the other part
13 of it with Ms. Ye if that makes sense.

14 All right. So we've just spent
15 some time talking about the statutory
16 definitions of rate design and revenue
17 requirements. So what I wanted to try to
18 confirm is where those things appear in the
19 results of operations table. So I'll just
20 direct you to the page 3.4, line 9. And when
21 I say line 9, I'm talking about line 9 of the
22 chart.

23 Would you agree that that line
24 contains a calculation where the revenue
25 requirement appears?

26 A Yes.

27 Q And so the revenue requirement is
28 comprised -- in the second column there it's

1 comprised of adding up lines 2, 4, 5, and 8;
2 right?

3 A That's correct, your Honor. The
4 revenue requirement is composed of those
5 other lines as they are labeled in my table.
6 And those formulas for calculating, in this
7 case, revenue requirements are right there in
8 the third column for your ease of reference.

9 Q Okay. So to be clear, what lines
10 2, 4, 5, and 8 are -- I'll give you a second
11 to kind of track this through. Those are
12 operating expenses, property tax, and
13 amortization on excess deferred tax, federal
14 and state income tax, and return on rate
15 base. Is that what they are?

16 A Yes, I believe so.]

17 Q Okay. And so each of those figures
18 that appear on that line are the telephone
19 company's costs. Correct?

20 MR. PARKER: Objection, your Honor.
21 I -- I think the word, costs, is ambiguous,
22 and that's not the wording that Mr. Ahlstedt
23 uses in the table.

24 ALJ MILES: Okay. I'll sustain the
25 objection.

26 Mr. Rosvall, can you restate your
27 question?

28 MR. ROSVALL: Sure.

1 Q So the -- the five elements of rate
2 base that -- I mean of revenue requirement
3 that we've just identified, my question is:
4 Those -- those items reflect Cal Advocates'
5 calculation of the revenue requirements that
6 Sierra will need for the test year 2023?

7 A Yes, line 9 is the revenue
8 requirement that Cal Advocates proposes for
9 Sierra's test year 2023.

10 Q Okay. So the -- that line doesn't
11 include any of STI's costs?

12 A Cal Advocates' proposal does not.
13 However, it's my opinion that Sierra's
14 updated workpapers which were provided on
15 May 10th, which is that fourth column from
16 the left, does inappropriately include some
17 amount from STI.

18 Q I -- I think I understand where
19 you're going, and we will come back to that.
20 I promise.

21 But, just to continue with this
22 chart, the -- we've talked about the revenue
23 requirement. I wanted to get your
24 understanding of where the rate design
25 appears.

26 And -- and so in this chart, would
27 you agree that the rate design, which I think
28 you explained earlier is -- is a revenue

1 calculation, is lines 1-A, 1-B and 1-C. Is
2 that true? And I'm on page 3-3.

3 A Yes, your Honor. If you recall the
4 rate design definition from the statute
5 included a mix of end user rates, high-cost
6 support, and other revenue resources. So in
7 general, you could say the rate design in
8 this table is reflected in lines 1
9 through 1-C in total -- the total revenues.

10 Q Okay. And so I noticed that 1-B
11 is -- it states net positive broadband
12 revenue imputation. So you -- you regard
13 that as part of the rate design?

14 A Your Honor, that's a bit of a
15 special case, because net positive broadband
16 revenue imputation, as the name implies, is
17 not as -- excuse me, and as I discuss in
18 Chapter 2 of my testimony is the broadband
19 imputation mechanism adopted by the
20 Commission, and it already includes -- it
21 already factors in the expenses and so on, so
22 forth of Sierra's broadband internet service
23 provider affiliate, STI. So that line item,
24 1-B, which is net positive broadband revenue
25 imputation, is excluded from the taxable
26 revenues in my rate case model.

27 MR. ROSVALL: Your Honor, I'd ask that
28 that last statement be stricken. It was

1 definitely outside the scope of the question.
2 I know the witness wants to talk about that
3 topic, but it wasn't what I asked.

4 ALJ MILES: I'm going to --

5 MR. PARKER: Your Honor --

6 ALJ MILES: I'm going to allow the
7 answer. The witness elaborated, and the past
8 witnesses have elaborated, also, and I did
9 not agree to strick -- to strike their
10 additional explanation. I will not do so
11 here. Please continue.

12 MR. ROSVALL: Will do.

13 Q So Mr. Ahlstedt, I wanted to
14 actually look at an attachment of yours that
15 I think relates to the results of operations
16 table -- table, and that's Attachment I. So
17 this is Attachment I to either version of
18 your testimony. It's not confidential, as
19 far as I can tell.

20 So let me know when you get there,
21 and I just had a few questions about that.

22 A I'm there.

23 Q Okay. So just what is the function
24 of this attachment? What -- what are we
25 looking at? There's a bunch of bracketed
26 things. What are we looking at?

27 A Essentially, this is just another
28 method of displaying the various formulas

1 used to calculate the California High Cost
2 Fund-A subsidy amount, and I believe it was
3 Table 18 of my testimony. So these -- these
4 formulas are another way of showing the
5 calculations in the third column, if I'm
6 remembering correctly.

7 Q And -- and so Table 18 is what we
8 were just discussing, were results of
9 operations?

10 A Yes.

11 Q Okay. And -- and so just so I
12 understand the structure of Attachment I,
13 what's the relationship between the circular
14 bullets and the like arrows that are below
15 that? What do those signify?

16 A They essentially mean that -- that
17 the bullets are kind of a higher level, and
18 the -- the arrows are a lower level more
19 descriptive version of the higher level
20 bullets.

21 Q Okay. And -- and so these formulas
22 here that are in Attachment I, if we were to
23 go look at a soft copy Excel version of your
24 Table 18, they would be in there?

25 A Yes, probably in a -- in a slightly
26 different format, if it's in the Excel
27 version.

28 Q Okay. And -- and so did you

1 provide an Excel copy of -- of those
2 calculations?

3 And I -- I'll just direct you to
4 what I think is your Exhibit A-3.

5 A Yes. Let me bring that up. Yes,
6 Exhibit A-3 is essentially my Table 18 in
7 Excel format.

8 Q Okay. I'm going to find it here,
9 too, and I wanted to ask you the -- the
10 question about it.

11 MR. PARKER: Your Honor, I'd like to
12 ask if Table A-3 is -- in this Excel format
13 is part of a cross-exam exhibit. Because I
14 don't know -- I -- I can't find it, and I
15 don't know that your Honor can find it, or
16 we're -- if we're all looking at the same
17 Excel spreadsheet.

18 MR. ROSVALL: So I think I can clarify
19 that. It is part of what we -- what at least
20 was served on us as part of the distribution
21 of Mr. Ahlstedt's testimony. I also believe
22 it's part of the exhibit, the -- sort of the
23 third exhibit that you are presenting. That
24 doesn't mean, though, that everyone has an
25 Excel copy of it at this second. If we want
26 to go off the record for like five minutes, I
27 can -- I have it, or maybe Mr. Ahlstedt does,
28 and we could distribute it.

1 ALJ MILES: Mr. Ahlstedt, you know the
2 exhibit whereof counsel asks you to answer.
3 Right?

4 THE WITNESS: I do. It is an exhibit
5 to my testimony. I understand the
6 nomenclature or use of the term, exhibit, is
7 maybe a little bit confusing; but, it is one
8 of the supporting exhibits to my testimony,
9 yes.

10 ALJ MILES: Okay. And I think I
11 understand your counsel is saying he doesn't
12 have it to look at.

13 Do you need to provide that to him
14 now or -- or would you -- Mr. Parker, would
15 you like the witness to provide that to you
16 now? I don't need it, but if you would like
17 to see it, can he provide it to you?

18 MR. PARKER: Yes, your -- your Honor.
19 I was just looking for it to see if I could
20 find it. If it's okay with your Honor, if he
21 could just e-mail it to me, just so I can see
22 what document is being discussed.

23 ALJ MILES: Are you able to do that,
24 Mr. Ahlstedt?

25 THE WITNESS: Yes, I can do that right
26 now.

27 MR. ROSVALL: And I just did it, in
28 case it gets there first.

1 THE WITNESS: In that case, I'll --

2 ALJ MILES: Let's -- let's just go off
3 the record for a minute.

4 (Off the record.)

5 ALJ MILES: Let's go back on the
6 record.

7 Okay. We're back on the record. Go
8 ahead. Please proceed, Mr. Rosvall.

9 BY MR. ROSVALL:

10 Q So Mr. Ahlstedt, do you have, I
11 believe, your, I guess, sub-Exhibit A-3?

12 A Yes, I do.

13 Q Okay. And so in -- in looking
14 at -- I'm -- I'm wanting you to just confirm
15 the -- where the formulas for -- from
16 Attachment I that we were just looking at,
17 where they appear in this document.

18 A They appear throughout Column F, I
19 believe, in this document.

20 Q And specifically, they appear below
21 the -- the -- below the table on line -- I'm
22 looking at Excel here, but lines 50
23 through 66. Is that right?

24 A Yes.

25 Q Okay. So if we were to click on
26 those files and -- or the -- you know, put a
27 cursor on those cells in Column F from lines
28 50 to 66, we would find that those formulas

1 track what you're -- you're stating in the --
2 you're presenting in a narrative form in
3 Attachment I. Is that right?

4 A I believe so.

5 Q Okay. All right. And do you
6 believe that the calculation -- well, let
7 me -- let me ask this question, actually:
8 Where do these formulas come from?
9 Everything -- and I'm asking the question
10 either in Attachment I or the Excel
11 spreadsheet, because you've just said they're
12 the same. Where -- where did you get these?

13 A Could you be more specific as to
14 which one of the formulas?

15 Q All of them. I mean the ones --
16 the ones from -- I'm talking about the ones
17 in -- on lines 50 to 66 that we just
18 discussed. I mean did you get them from
19 Communications Division, did -- is there a
20 Commission decision that says what the
21 formulas are supposed to be? Where do they
22 come from?

23 A I don't recall.

24 Q You don't recall. Okay.

25 Well, I guess, what was your
26 starting point to create this Excel
27 spreadsheet, what was your source?

28 A I -- I think the best way to

1 approach this, your Honor, is to start "I,"
2 and work your way down. So if you were to
3 look at Attachment I of my testimony, which
4 is kind of the narrative description of each
5 of these formulas, it describes, at the very
6 start, total revenues, which in this case is
7 regulated revenue plus imputed broadband
8 revenues plus the California High Cost Fund-A
9 subsidy. And if you were to look back at
10 Public Utilities Code Section 275.6 under the
11 term rate design in 275.6, subsection (b)(3),
12 it describes rate design as a mix of end user
13 rates, high-cost support, and other revenue
14 sources, and you will see that that is
15 reflected in the formula for total revenues.
16 And similarly, you could work your way down
17 Attachment I, and -- and come to your own
18 conclusions there.

19 MR. ROSVALL: So, your Honor, my
20 question actually is where the -- where the
21 formulas came from. It's -- I -- I think
22 he's just repeating what's in there, which is
23 helpful. But, I'm asking -- and maybe he
24 just doesn't know, which is an answer. But,
25 I'm asking where did he get the formulas
26 from.

27 ALJ MILES: Okay. Well, I understood
28 his answer to answer your question, but -- so

1 you may ask further clarifying questions, if
2 you would like.

3 MR. ROSVALL: Okay. Well, I'll just
4 ask maybe some more granular questions.

5 Q Did you create the formulas
6 yourself?

7 A I typed the formulas into Excel. I
8 don't -- I don't claim credit over defining
9 what, for example, total revenues are.

10 Q But -- but, I guess, when you typed
11 them in, what were you looking at that
12 allowed you to type them in? What was the
13 source?

14 A Your Honor, I believe I just gave
15 an example of how I came up with total
16 revenues in -- in -- in this case.

17 Q I don't think I'm getting an
18 answer, but I'll ask a few more questions.

19 So did you get them from Sierra,
20 the formulas?

21 MR. PARKER: Your Honor, I'm going to
22 object. He -- the witness has asked and
23 answered the question.

24 MR. ROSVALL: He asked and answered --

25 ALJ MILES: I'm going to sustain the
26 objection, but I want to ask a couple of
27 clarifying questions myself of the witness.

28 Mr. Ahlstedt, I understood you to

1 say that in preparing your table, you used
2 Sierra's workpapers, and you started with
3 updated 2021 year-end data. Is that correct?

4 THE WITNESS: For the revenue portion,
5 that's correct, your Honor.

6 ALJ MILES: Okay. So are Sierra's 2021
7 year-end data workpapers where you got
8 information for the revenue portion of your
9 statement of operations?

10 THE WITNESS: It is for the -- if you
11 were to look at that --

12 (Crosstalk.)

13 ALJ MILES: Operations. Pardon.

14 (Crosstalk.)

15 THE WITNESS: It would be for that
16 fourth row that's labeled Sierra's updated
17 workpapers. That's all just Sierra's
18 information. And then --

19 ALJ MILES: Okay.

20 THE WITNESS: -- as you stated again,
21 your Honor, my own proposal is based, in
22 part, on Sierra's updated workpapers,
23 obviously with my proposed adjustments that
24 are detailed in my testimony applied.

25 ALJ MILES: Okay. Thank you. That
26 helps me.

27 Mr. Rosvall, you may continue.

28 MR. ROSVALL: Okay.

1 Q So I guess the question I was
2 asking is: Did Sierra -- I'm not talking
3 about the inputs. I'm asking about the
4 formulas. Did Sierra give you the formulas?

5 A I reviewed Sierra's workpapers for
6 how they calculated their numbers, I reviewed
7 the statute and the other documentation that
8 I listed in my testimony, and I believe my
9 proposals accurately reflect how to calculate
10 Sierra's California High Cost Fund-A subsidy
11 amount for test year 2023.

12 MR. ROSVALL: So, your Honor, I -- I
13 guess I'll just say, you know, we have a
14 right to know what the source was. If
15 there's an error in the formulas, we have a
16 right to understand. And so he's not
17 answering where the formulas came from. I'm
18 trying to get at it from various angles.
19 I'll try more, but he's not answering.

20 ALJ MILES: Well, again, I'm not a
21 technical expert on this, but to my mind, I
22 hear an answer. He's giving them the logic
23 he used to arrive at the figures. So perhaps
24 I don't understand your question,
25 Mr. Rosvall.

26 MR. ROSVALL: I think he's stated that
27 he didn't invent the formulas. He inputted
28 them. So I'm -- I'm trying to understand

1 where he inputted them from.

2 MR. PARKER: Your Honor, if I may?

3 ALJ MILES: Mr. Parker, let me first
4 ask Mr. Ahlstedt if he understands the
5 distinction that Mr. Rosvall's making as --
6 and do you agree with the distinction
7 Mr. Rosvall's making, Mr. Ahlstedt?

8 THE WITNESS: I appreciate --
9 (Crosstalk.)

10 ALJ MILES: Is there -- I don't know.

11 THE WITNESS: I appreciate you adding
12 that second clarification, your Honor. I do
13 think I understand what Mr. Rosvall was
14 asking; however, it's not a simple answer.

15 As I had explained to you, your
16 Honor, there's multiple sources for how I
17 inputted the formulas in -- and how I
18 determined what formulas to input into the
19 calculation of my Table 18. I don't think
20 there's -- there's any one source I could
21 point to which lists all of the formulas as I
22 did. It's how I -- the list of formulas
23 there is how I personally arrived at the High
24 Cost Fund-A amount in my Table 18. And as
25 far as I'm aware, Mr. Rosvall has not
26 identified any error in that calculation.
27 It's -- it's a little bit confusing to me,
28 then, why we are discussing the formulas

1 themselves.

2 MR. ROSVALL: Well, your Honor, if we
3 do think there's an error in the formulas, I
4 don't necessarily have to bring that up; but,
5 if we do think that, we're entitled to know
6 what the sources are. So I'll just --

7 ALJ MILES: Mr. Rosvall, I don't want
8 you to -- I'm not asking you to engage in
9 argument with the witness, because I know
10 you'll be able to make distinctions in your
11 briefing later. But, I want to ask a
12 clarifying question, because to my mind, the
13 witness has answered he created these
14 formulas based on his understanding of what
15 either Commission decisions require or the
16 statute requires.

17 Are you asking when he input a
18 number into his Excel sheet where that number
19 came from? Because my understanding of the
20 witness's answer is that he created the
21 number based on his calculations. So at this
22 point, I, too, am confused about what you're
23 asking.

24 MR. ROSVALL: Well, actually, if he
25 gave the answer you just said, I might be
26 able to move on. I -- I mean, I'll -- I
27 guess I'll ask again.

28 Q Did you create the formulas,

1 Mr. Ahlstedt?

2 A No, I didn't create the formulas.
3 The formulas are a product of -- of the
4 various decisions and statutes and whatnot,
5 as the ALJ had just stated.

6 Q Okay. So I mean where in 275.6
7 does it contain these formulas?

8 MR. PARKER: Your Honor, I'm going to
9 have to object. He -- he -- the witness has
10 made it clear that based on his understanding
11 of the statutes and the relevant decisions,
12 he input formulas into the spreadsheet. And
13 I don't understand why we're continuing to
14 get questions on the -- you know, did he
15 create the formulas, when he made it clear
16 that he didn't create them. He merely input
17 formulas based on his understanding of the
18 relevant decisions and statutes.

19 ALJ MILES: I'll sustain the objection.
20 I think you're saying asked and answered.

21 MR. PARKER: Yes, your Honor.

22 ALJ MILES: Because again, this isn't
23 the forum for argument.

24 Mr. Rosvall, can you ask another
25 question of the witness, proceed?

26 MR. ROSVALL: Yeah.

27 Q I think just one more clarifying
28 question on this, which is: Did you have a

1 template from any prior rate case that would
2 have contained these formulas?

3 A Excuse me. I was on mute. I don't
4 believe so.

5 Q Okay. And I guess -- I think
6 between the judge and maybe you, I think you
7 maybe said this.

8 But, do you believe the formulas
9 are consistent with Section 275.6?

10 A Yes, I do.

11 Q Okay. All right.

12 I note, just for our tracking
13 purposes, that I'm going to go into some
14 discussion now in a different topic, and I --
15 we could break early for lunch, because I'm
16 about to shift to something else, for just
17 ease, or I can just keep going.

18 ALJ MILES: Sorry. I had myself muted.

19 I'm going to ask the court reporter
20 what she prefers. Because we have had some
21 lengthy breaks already this morning. We
22 could continue for about another 30 minutes,
23 unless, Mr. Rosvall, you feel that where
24 you're headed's going to take much more than
25 30 minutes.

26 MR. ROSVALL: Yeah. There's a --
27 there's a cluster of questions. I mean this
28 is no secret. I'm going to ask about rates,

1 with rates. And so, you know, I -- I'm about
2 to embark on that, and we will not be done by
3 noon with that topic. So I was just thinking
4 perhaps now would be a good time to stop.

5 But, it's not up to me.

6 ALJ MILES: I'm going to ask the court
7 reporter, do you feel you need a break right
8 now?

9 (Reporter clarification.)

10 ALJ MILES: So why don't we break now?

11 I do have a question before we
12 break. Mr. Rosvall, are we going to be in
13 confidential session when we return, or no?

14 MR. ROSVALL: No, we will not. The
15 rates are not a secret, so no. I'm looking
16 at my outline. If we go to confidential
17 session, it would be much later on.

18 ALJ MILES: Okay. So right now, it's
19 11:35. Sorry. I apologize for not putting
20 on my video. Okay. So it's 11:35. So let's
21 break for lunch until 12:30. Is that enough
22 time?

23 MR. ROSVALL: Yeah.

24 ALJ MILES: All right. We're -- we're
25 off the record.

26 (Whereupon, at the hour of 11:35
27 a.m., a recess was taken until 12:30
p.m.)]

28 * * * * *

1 AFTERNOON SESSION - 12:30 P.M.

2 * * * * *

3 ALJ MILES: So let's go back on the
4 record. And, Mr. Rosvall, you may resume
5 your cross-examination.

6 MR. ROSVALL: Thank you.

7 JAMES AHLSTEDT,
8 resumed the stand and testified further as
9 follows:

10 CROSS-EXAMINATION RESUMED

11 BY MR. ROSVALL:

12 Q Mr. Ahlstedt, I guess we'll
13 continue here. As I said before the break,
14 I'm going to ask you some questions about
15 Public Advocates Office's rate proposals.

16 So you can kind of start on page
17 1-9 of either Exhibit PAO-1 or PAO-C.

18 So the Public Advocates Office
19 proposal is raise basic residential rates for
20 Sierra by \$2.50 from \$25 to 27.50; is that
21 right?

22 A Yes. That is correct.

23 Q And would you agree that's a 10
24 percent increase over current rates?

25 A Yes.

26 Q Okay. But for Lifeline
27 customers -- I know you have background in
28 this area -- that's going to be a 40 percent

1 increase; isn't it?

2 A I don't think I have that number in
3 my testimony. Could you point me to where I
4 have that.

5 Q Yeah. You don't actually have it
6 in your testimony, but I know you have a
7 background in Lifeline, and would you agree
8 that the way you calculated a Lifeline rate
9 is by taking the company's basic residential
10 rate, adding the subscriber line charge, and
11 then subtracting federal and state support
12 for Lifeline?

13 MR. PARKER: Objection; your Honor. If
14 Mr. Rosvall would please -- he needs to show
15 in the testimony of Mr. Ahlstedt where
16 there's a calculation and where there might
17 be any calculation that specifically goes to
18 an increase for Lifeline.

19 MR. ROSVALL: Your Honor, Mr. Ahlstedt
20 is an expert for Lifeline. He stated that,
21 and it is directly impacted by the
22 residential rate.

23 ALJ MILES: Okay. I understand the
24 objection. I understand the point you're
25 trying to make, Mr. Rosvall, but I have a
26 question: Is there mention of Lifeline rates
27 in Mr. Ahlstedt's testimony; and, if not, is
28 it within the scope of cross-examination or

1 is it argument?

2 MR. ROSVALL: Well, I think I can
3 establish a connection.

4 ALJ MILES: Okay. Then if you'd ask a
5 question about his testimony -- if you would
6 make a reference to testimony and put your
7 question in the context of that, then I think
8 it's cross-examination.

9 BY MR. ROSVALL:

10 Q All right. Let's start in a
11 different place.

12 So, Mr. Ahlstedt, would you agree
13 that if the basic residential rate goes up,
14 it also goes up for Lifeline customers?

15 A If the basic residential rate
16 changes in any way, it also would change the
17 rate for Lifeline customers because Lifeline
18 customers -- the rate that is charged to
19 Lifeline customers is in part a function of
20 the basic residential rate offered to all
21 customers.

22 Q And you said it's in part a
23 function. The other functions are whatever
24 the available federal support for Lifeline is
25 and the California Lifeline specific support
26 amount; right?

27 A Those are other parts of the
28 formula to calculate a Lifeline customer's

1 basic residential rate. To be more specific,
2 it includes the basic residential rate, as
3 we're discussing; it includes any applicable
4 State or federal Lifeline discounts.

5 I believe on page 1-14 of my
6 testimony, your Honor, at the time of filing
7 this testimony, that combined state and
8 federal discount was up to \$25.48 per month
9 for a Lifeline customer.

10 And there's some caveats there,
11 which I don't think I need to get into, but,
12 again, that's up to that amount per month,
13 and I believe, as Mr. Rosvall has stated
14 before, you need to also include the federal
15 subscriber line charge, the calculation of
16 Lifeline customers' rates.

17 Lifeline customers may also be
18 eligible for other state and/or federal
19 programs that they subsidize, their phone or
20 internet service such as the Federal
21 Affordable Connectivity Program.

22 Q So do you know what Sierra's
23 current Lifeline rate is?

24 A Their current Lifeline rate?

25 Q Correct.

26 A I don't recall if that's in my
27 testimony. Could you point me to where I
28 discuss the current Lifeline rate in my

1 testimony?

2 Q Yeah. It's a question. The
3 question is, do you know?

4 A Off the top of my head, I don't.

5 Q Okay. So I think we can calculate,
6 though, based on what you said. So the way
7 that you would calculate, assuming we know
8 the combined federal and state support, you
9 just stated at the time of the application
10 was 25.48; is that what you stated?

11 A Let me double-check. Yes, \$25.48
12 per month.

13 Q Okay. So the way you would figure
14 out the Lifeline rate is you would add
15 Sierra's \$25 basic rate to the subscriber
16 line charge and then subject the 25.48;
17 right?

18 A Yes. I should also note for your
19 Honor's knowledge that Lifeline's customers
20 are exempt from paying various other state
21 and federal taxes and surcharges for their
22 bill; whereas residential customers may --
23 do have to pay those surcharges.

24 I'm sure we'll discuss this later
25 on in today's hearing, but to put it into
26 perspective based on a \$25 rate, you may
27 expect something in the order of eight to \$10
28 in taxes and surcharges -- and there's an

1 actual figure in my testimony -- on top of
2 that \$25; whereas Lifeline customers don't
3 have to pay any of those surcharges.

4 Q And so just to follow up on that,
5 which I'm sure had nothing to do with my
6 question, but they don't pay any of those
7 surcharges? Lifeline customers don't pay
8 any?

9 A Aside from the subscriber line
10 charge, on the Lifeline service itself, no.
11 To my knowledge they don't, no.

12 Q Okay. So back to my question,
13 which was how you calculated Sierra's
14 Lifeline rate. So I'm not sure I heard an
15 answer, but if --

16 ALJ MILES: Mr. Rosvall, sorry to
17 interrupt you. Which page of his testimony
18 are we on now?

19 MR. ROSVALL: I'm asking about the
20 impact of his basic rate from page 1-9 on
21 Lifeline customers. So you can calculate the
22 Lifeline rate, as we're about to do and so
23 it's direct -- he's just testified that it's
24 directly related, but we're on page 1-9 and
25 then going on through that section to 1-14,
26 which he described to us.

27 MR. PARKER: Your Honor, may I object?

28 ALJ MILES: What did you object to?

1 MR. PARKER: Your Honor, Mr. Rosvall
2 has made it clear that he's taking a figure
3 from 1-9 in Mr. Ahlstedt's testimony, and
4 then in his own words they're going to
5 calculate what the Lifeline rate is, but the
6 testimony itself does not calculate the
7 Lifeline rate.

8 It does provide information as to
9 what the current rate is and also describes
10 certain exceptions from payment, but there is
11 no calculation of the Lifeline rate in
12 Mr. Ahlstedt's testimony. So I don't see the
13 connection, and I think this is outside the
14 scope of cross-examination.

15 ALJ MILES: I'm going to give
16 Mr. Rosvall a little bit of leeway and see
17 where he's headed. I'll keep in mind your
18 objection. Thank you, Mr. Parker.

19 BY MR. ROSVALL:

20 Q Mr. Ahlstedt, again, you have
21 experience in the Lifeline area; correct?

22 A Yes.

23 Q And so if -- and I think you said
24 this earlier, but just to be clear, if you
25 raise rates for Lifeline customers -- if you
26 raise rates for basic customers, basic
27 service customers, Lifeline goes up dollar
28 for dollar; correct?

1 A I don't think I said that. I said
2 it was a function of it. I'd have to
3 double-check if it was as you describe.

4 Q If the SSA and the federal lifeline
5 support are fixed, and the basic rate goes up
6 by \$2.50. Doesn't Lifeline also go up by
7 \$2.50?

8 MR. PARKER: Objection, your Honor,
9 calls for speculation.

10 MR. ROSVALL: Your Honor, he's being
11 offered as an expert on Lifeline. It's a
12 pretty simple equation.

13 ALJ MILES: Is he being offered as an
14 expert on Lifeline in this proceeding or in
15 another proceeding? That's the part where
16 I'm confused.

17 MR. ROSVALL: Well, he's been offered
18 as an expert on rates. I guess, I misspoke
19 slightly there, but he has also at least been
20 offered as an expert from his statement of
21 calcifications on Lifeline.

22 ALJ MILES: And so my question, before
23 I rule on the objection, Mr. Rosvall, is it
24 your contention that the Lifeline rate has a
25 bearing on the revenue in this case?

26 MR. ROSVALL: It has a bearing, your
27 Honor, on whether the rate itself is just and
28 reasonable.

1 ALJ MILES: Okay. But what I think I
2 hear you saying is in questioning whether the
3 proposed rate of service by the public
4 advocate is reasonable, you're taking into
5 consideration the impact that rate will have
6 on Lifeline rates.

7 And to me that's in the nature of
8 argument versus a cross-examination or Public
9 Advocates' determination about actual rates
10 in this case. Again, I'm asking, are
11 Lifeline rates part of the scenario in this
12 case or is it --

13 MR. ROSVALL: They necessarily are
14 because they go up dollar for dollar if it
15 goes up.

16 ALJ MILES: Okay. Well, I think I'm
17 going to sustain the objection because I
18 think what you're really seeking is to
19 discuss whether the proposals by Cal Advocate
20 are reasonable. And I understand that your
21 concern is -- or Sierra's concern is the
22 impact on Lifeline, but let's focus on the
23 rates at issue here.

24 BY MR. ROSVALL:

25 Q Let me ask the question this way, I
26 guess, Mr. Ahlstedt: Did you consider the
27 impact on Lifeline customers when you
28 recommended a \$2.50 increase in basic rates?

1 A Your Honor, I want to be very
2 careful about my response to Mr. Rosvall's
3 question because of the portion of my
4 testimony that was stricken pertains to
5 Lifeline customers, and that's all I will
6 say.

7 So in the purview of my entire
8 testimony, yes, I did focus heavily on the
9 rates charged to Lifeline customers. More
10 than that, I'm not comfortable discussing
11 based on your Honor's instructions today.

12 BY MR. ROSVALL:

13 Q Your Honor, I'll just clarify. I'm
14 talking about voice Lifeline I haven't asked
15 anything about the topic.

16 ALJ MILES: Fair enough, Mr. Rosvall.
17 So can you point us to the portion of his
18 testimony where he discusses voice Lifeline
19 and then ask a question about that.

20 MR. ROSVALL: I guess I'll just maybe
21 ask a hypothetical question. He's an expert;
22 so he can be asked a hypothetical question,
23 so I will ask him.

24 Q Let's assume Sierra's Lifeline rate
25 is \$6.00. If it goes up by \$2.50, that's
26 over a 40 percent increase; isn't it?

27 A Sorry. Could you repeat what the
28 hypothetical Sierra's current rate is.

1 Q So assume Sierra's current rate is
2 \$6.00. And if it rises to \$8.50, that is
3 more than a 40 percent increase; right?

4 MR. PARKER: Your Honor, I'm going to
5 object. That is going to require
6 Mr. Ahlstedt to basically do a calculation to
7 confirm whether or not he agrees with that
8 calculation.

9 MR. ROSVALL: Well, your Honor, if we
10 were in person, I would hand him this
11 calculator. If, you know, there's a way he
12 can calculate, that's great. I can simplify
13 it by asking --

14 ALJ MILES: Okay. I don't want to hear
15 argument between the counsel, but the bottom
16 line is, Mr. Ahlstedt, if you can answer the
17 question, if you can calculate it in your
18 head or otherwise, you may answer the
19 question. If not, you're not required to
20 speculate.

21 THE WITNESS: Your Honor, without a
22 calculator in front of me, and not wanting to
23 interact with my phone, I'm not going to do
24 any calculations in my head. I don't feel
25 comfortable with it.

26 BY MR. ROSVALL:

27 Q Okay. We'll move on.

28 So let's talk about where your

1 \$27.50 basic rate would fall in the
2 Commission's range of reasonableness.

3 So based on the Phase 2 ratemaking
4 decision, which I believe is D.21-06-004, the
5 Commission established a range of
6 reasonableness for what it called "all
7 inclusive rates"; is that right?

8 A That's correct, your Honor.

9 And I've touched on this briefly
10 before in my testimony earlier today, 10
11 minutes ago. The Commission established in
12 that decision a range of 30 to \$40 inclusive
13 of various tax and surcharges and fees, which
14 were listed, I believe, in that decision.

15 And, essentially, how you calculate
16 that range is you start off with the basic
17 residential rate, tally up all the additional
18 fees and whatnot that were listed in that
19 decision, and if that total rate, which is
20 known as the all inclusive rate is within the
21 30 to \$40 range of reasonableness, then the
22 Commission considers it presumptively
23 reasonable.

24 Q Okay. So as to your \$27.50 rate,
25 I'll direct you to page 1-17 of your
26 testimony. There's a Table 9, that's where
27 you calculated the all-inclusive rate;
28 correct?

1 A That's correct, your Honor.

2 Table 9 in my testimony, as Mr. Rosvall just
3 stated, calculated the all-inclusive rate.

4 At the time I filed this testimony,
5 I believe these figures, if you start at the
6 top of the table, that's the basic
7 residential rate that I proposed \$27.50.

8 And pretty much all of the other
9 line items there, up until the final one,
10 "Total All-Inclusive Rate," those are the
11 various surcharges and fees that Decision
12 21-06-004 indicated should be included within
13 the all-inclusive range of reasonableness and
14 which I used to calculate what my
15 all-inclusive rate will be. The taxes and
16 surcharges there were up-to-date as of the
17 filing of my testimony.

18 I haven't checked if any of those
19 have changed with the intervening months.

20 Q Okay. So, I guess, to clarify,
21 there's a 38.29 at the bottom right of
22 Table 9. Would you agree that puts Sierra,
23 under your proposal, about -- exactly \$1.71
24 below the range -- the top of the range?

25 A If the range is \$40, it's certainly
26 within the range. Yeah, \$38.29 is within the
27 30 to \$40 range.

28 Q That wasn't the question, actually,

1 Mr. Ahlstedt. The question was, how close to
2 the top of the range is it?

3 It's \$1.71; right?

4 MR. PARKER: Objection, your Honor; no
5 foundation for the top of the range was
6 established.

7 ALJ MILES: Okay. There's no need to
8 argue this point. I'll say that my math
9 indicates that \$38.29 is about one dollar and
10 what was the number you gave, Mr. Rosvall?

11 Your math is correct, Mr. Rosvall.
12 Move on.

13 BY MR. ROSVALL:

14 Q So isn't there a new surcharge
15 that's being proposed to the legislature
16 right now?

17 MR. PARKER: Objection, your Honor. No
18 bearing on the testimony itself. It's not
19 mentioned in the testimony.

20 MR. ROSVALL: Your Honor, again, he's
21 being offered as an expert. He's made a
22 proposal. He's just explained that the
23 proposal is contingent upon being within a
24 certain range of reasonableness. If the
25 legislature is adding surcharges, that's
26 relevant whether it's going to fall within
27 the range.

28 MR. PARKER: If I may, your Honor?

1 That's speculative if they're going to
2 pass -- if the legislature will, in fact,
3 pass the surcharges. We have no way of
4 knowing what the legislature will do.

5 ALJ MILES: That was going to be my
6 next question for Mr. Ahlstedt. I'm going to
7 allow him to answer if he can.

8 Do you know if there is a new
9 surcharge that has been enacted since the
10 time you created your testimony,
11 Mr. Ahlstedt?

12 THE WITNESS: No. I know of no such
13 thing, your Honor. I didn't discuss that in
14 my testimony.

15 MR. ROSVALL: So, your Honor, I'd like
16 to introduce an exhibit. I circulated this
17 last night. This is a copy of a bill in the
18 legislature, AB 988, which pertains to this
19 and I did mark it. I think we pre-marked it
20 as Exhibit STC-22.

21 Q So I would like the witness to look
22 at that.

23 A I have it. I'll note it's 30
24 pages. I mean, I haven't read it, but I have
25 it in front of me.

26 Q That's okay. I'll direct you to
27 the part I want to ask you about.

28 First of all, what is the name of

1 the bill?

2 A The name or the number?

3 Q I guess both.

4 A It says here on PDF page 2, it's
5 Assembly Bill 988. I don't see where there
6 is a specific name to the assembly bill
7 though.

8 Q Okay. Maybe scroll down to -- I'll
9 find the title for you. So it's under
10 parenthetical one, right under where it
11 describes AB 988 as amended, and then there's
12 a parenthetical one. The third paragraph
13 below that, it says: "This bill would
14 enact"; could you just read that sentence,
15 please. Just the one sentence.

16 ALJ MILES: Just a minute. Before he
17 reads that, Mr. Rosvall, may I ask what the
18 date of this AB -- would you read the bill
19 number again?

20 MR. ROSVALL: Do you want me to read
21 it?

22 ALJ MILES: Yes. And the date of the
23 bill.

24 MR. ROSVALL: It's AB 988. That's the
25 bill number. And I believe the exhibit shows
26 various dates, including the date that it was
27 originally presented.

28 ALJ MILES: And what's that date?

1 MR. ROSVALL: I'm just scrolling
2 through it now.

3 ALJ MILES: I have a lot of windows
4 open. So I apologize.

5 MR. ROSVALL: It's February 18, 2021.

6 ALJ MILES: Okay. And has this bill
7 been enacted to your knowledge, Mr. Rosvall?

8 MR. ROSVALL: I believe it has not, but
9 it is in our view subject to official notice
10 under Rule 1310 and Evidence Code 452.

11 It is an enactment -- or a
12 government document. Whether or not it's
13 actually been signed into law doesn't stop us
14 from getting officially noticed. So that's
15 our request.

16 ALJ MILES: Yeah, I just wanted to get
17 some particulars about it. Sorry to
18 interrupt. You can proceed.

19 BY MR. ROSVALL:

20 Q So, Mr. Ahlstedt, could you read
21 that sentence I directed you to about three
22 paragraphs down about the name of the bill.

23 A It says: "This bill would enact
24 the Miles Hall Lifeline and Suicide
25 Prevention Act."

26 Q And so scroll a little bit further
27 down, if you would. There's a parenthetical
28 two, and right after the parenthetical two,

1 there's a statement that says -- it's
2 actually three paragraphs down.

3 It says: "This bill would create."
4 Could you just read -- I think it's just one,
5 long sentence, but could you just read that
6 sentence.

7 A It states: "This bill would create
8 a separate surcharge beginning January 1st,
9 2023, on each access line for each month or
10 part thereof for which a service user
11 subscribes with a service supplier."

12 Would you like me to continue?

13 Q You can stop there my question
14 based on what you just read, isn't it true
15 that as of the test year 2023, if this is
16 enacted, there would be definitely an eight
17 cent increase --

18 MR. PARKER: Objection, your Honor.
19 It's speculation. He's asking from the
20 witness if the bill was passed. No one can
21 say if the bill will be passed.

22 MR. ROSVALL: Again, it's a
23 hypothetical, and he's an expert.

24 ALJ MILES: Okay. I'd like to make two
25 requests: No. 1, please wait until counsel
26 asks his question before lodging an
27 objection; secondly, I will say that I
28 sustain the objection because it does call

1 for speculation.

2 And I'll add my own uncertainty
3 about the language that the witness just read
4 is whether the language this bill would
5 create a separate surcharge means that it's
6 being enacted to fund Lifeline with
7 surcharges on other subscribers or whether
8 it's surcharging Lifeline; it's not clear,
9 and because the bill's not enacted, I'm not
10 even sure why we should spend time trying to
11 sort it out.

12 So, I mean, I agree the witness is
13 an expert on Lifeline, but I don't think he
14 can get into the mind of what legislators
15 intend to do. And this bill is not
16 finalized. It could go through many changes
17 and the language is uncertain. So on that
18 basis, I suggest you rephrase your question.
19 BY MR. ROSVALL:

20 Q Mr. Ahlstedt, does the language you
21 just read have any impact on Lifeline?

22 A Your Honor. I'm not even sure if
23 what I had read as the term "Lifeline" is
24 even referring to the California Lifeline
25 program or, more specifically, the Universal
26 Lifeline Telephone Service program
27 administered by the Public Utilities
28 Commission.

1 I think it's just using the same
2 word, "Lifeline," but I don't know for a fact
3 that this is even in relationship to the
4 telephone program.

5 Q Right. That's actually my
6 question, and I'll follow up on it.

7 This bill, as you just read it, it
8 isn't related to the California Lifeline
9 program, it's an additional surcharge; right?

10 A I've read two lines. I have no
11 clue.

12 Q All right. Let's move on. Let's
13 move on to the surcharges that you do list in
14 Table 9. And, I guess, just to be clear you
15 don't include a surcharge that you just read
16 from the 988 bill of this list; right?

17 MR. PARKER: Objection, your Honor;
18 he's asking the witness whether or not he
19 included the surcharge, which doesn't even
20 exist, in testimony proffered months ago.

21 ALJ MILES: I will overrule the
22 objection. I think the witness can answer
23 the question.

24 THE WITNESS: Your Honor, again, I
25 don't know what the surcharge is. Maybe it
26 relates to the California Lifeline program;
27 maybe it doesn't. So I cannot answer that
28 question accurately.

1 MR. ROSVALL: Your Honor, that's not
2 the question.

3 Q Mr. Ahlstedt, the question is, is
4 that surcharge in your list on Table 9?

5 A Your Honor, in my surcharge list, I
6 do have the Universal Lifeline Telephone
7 Service surcharge, which is about midway
8 through that list, and so I do have the
9 surcharge on there for Lifeline.

10 Q But you do not have the suicide
11 prevention surcharge on there; correct?

12 MR. PARKER: Objection, your Honor.
13 Vague and ambiguous.

14 ALJ MILES: I'm going to overrule the
15 objection, but I'm going to indicate that the
16 line items on the chart speak for themselves,
17 Mr. Rosvall. So we can all clearly see what
18 is and isn't on there. I don't see anything
19 denoted as the suicide surcharge.

20 MR. ROSVALL: Fair enough. I'm going
21 to follow up and ask about some of the ones
22 that are on the list.

23 Q So, Mr. Ahlstedt, we identified an
24 exhibit yesterday evening. It's a document
25 identified as STC-23. Would you pull up that
26 document, please.

27 A I have it.

28 Q Great. And are you familiar with

1 what appears to be a portion of the website?

2 A I don't see a URL or a website
3 identification on this document; so I can't
4 say for certain what exactly this is.

5 Q I guess the question is, have you
6 seen this before?

7 MR. PARKER: Objection, your Honor.
8 The witness has already indicated that he
9 can't tell if this is from the website.

10 MR. ROSVALL: Your Honor, the question
11 is, has he seen this document before.

12 ALJ MILES: I think the witness
13 answered that he has it. So he has it in
14 front of him now, but when you say, has he
15 seen it before, do you mean before now?

16 MR. ROSVALL: Right.

17 THE WITNESS: I haven't seen this
18 particular document before. It is a list of
19 surcharge rates. I've seen lists of
20 surcharge rates before on the Commission
21 website. I don't know if this is it.

22 BY MR. ROSVALL:

23 Q And in the upper left, do you
24 recognize the Public Utilities Commission
25 seal?

26 A Yes.]

27 MR. ROSVALL: Okay. So, your Honor, we
28 would like official notice of this document.

1 This is a portion of the Commission's website
2 under Rule 13.10 and Evidence Code 452. This
3 is a document about which there can't be a
4 reasonable dispute. It's from the
5 Commission's website.

6 ALJ MILES: Is this -- what is the
7 number of this document? STC-23?

8 MR. ROSVALL: Correct.

9 MR. PARKER: Your Honor, may I object?

10 ALJ MILES: If you're objecting to the
11 admission of the document, we'll do that at
12 the end of the day.

13 MR. PARKER: All right, your Honor.
14 Thank you.

15 ALJ MILES: You can proceed,
16 Mr. Rosvall.

17 BY MR. ROSVALL:

18 Q Okay. So, Mr. Ahlstedt, I'm
19 looking again at the exhibit that's been
20 identified as STC-23. Let's just focus on a
21 couple of the surcharges. And do you see
22 across the top row the chart that's in this
23 document? There are a series of acronyms
24 starting with UTLS, DDTP, and then so on to
25 the right.

26 A I do.

27 Q Okay. So let's just focus on the
28 one that says "DDTP." Do you know what that

1 surcharge is?

2 A Again, I'll reiterate that I can't
3 confirm that this is a list of surcharges
4 from the CPUC website. I do know that DDTP
5 with reference to surcharges under the
6 Commission's review stands for the "Deaf and
7 Disabled Telephone Program."

8 Q And just to make the connection,
9 this is the surcharges listed in your chart
10 at Table 9. This is the fifth one down;
11 correct?

12 MR. PARKER: Objection, your Honor.
13 Calls for speculation. He doesn't know if
14 what is there actually is the same as what is
15 in his testimony.

16 MR. ROSVALL: Your Honor, I'm just
17 asking is that the DDTP surcharge in this
18 testimony.

19 ALJ MILES: I'm going to overrule the
20 objection.

21 Witness, if you can answer about
22 your chart and what it shows, I'd appreciate
23 it.

24 THE WITNESS: Of course, your Honor.
25 I'm more than willing to explain Table 9 of
26 my testimony. I'd rather not refer to STC-23
27 because again I can't confirm if that's from
28 the Commission's website or when that was

1 pulled from the Commission's website.

2 There's no clear indication for me.

3 But if you look at Table 9 in my
4 testimony -- and my apologies. It kind of
5 all blurs together in a giant block of text
6 there. But the -- I believe it's the sixth
7 row down from the top where it states "Deaf
8 and Disabled Telephone Program/Telephone
9 Relay Service." And in parentheses that is
10 "DDTP/TRS." And you can see there in the
11 second column that the surcharge for that
12 program is 1.11 percent.

13 BY MR. ROSVALL:

14 Q Okay. So thanks for that
15 clarification.

16 So on SDT-23 you also see a
17 1.11 percent effective February 2nd, 2022;
18 correct?

19 A Yes.

20 Q Okay. And my question was going to
21 be if you look at the DDTP surcharge on
22 that -- on STC-23, would you agree that it
23 more than doubled from 2020 to 2022?

24 A Again, your Honor, I'll reiterate I
25 can't confirm that this is from the
26 Commission's website. I don't know if that's
27 in fact what the surcharge was in
28 December 1st of 2020, but I can state that

1 just looking at the document not knowing and
2 not being able to confirm what that document
3 is, the DDTP surcharge or DDTP -- it doesn't
4 even say surcharge here -- goes from .5
5 percent to 1.11 percent.

6 Q So for your answer --

7 ALJ MILES: Hold on a minute. I just
8 want to comment that -- for the witness that
9 you're looking at a document. And if you can
10 answer questions about the document, you may.
11 You don't need to reiterate your question
12 about the validity of the document. That's
13 something we'll take up at the end of the day
14 with counsel. But if you're asked a question
15 about the document that you can answer
16 looking at the face of the document, please
17 try to the best of your ability. You're not
18 required to speculate or engage in surmise.

19 THE WITNESS: Thank you for that
20 clarification, your Honor.

21 BY MR. ROSVALL:

22 Q So I guess a more foundational
23 question here is are you saying that you
24 didn't consider the historical changes in
25 surcharges when you recommended your
26 all-inclusive rate of 38.29?

27 MR. PARKER: Objection, your Honor.
28 It's argumentative.

1 MR. ROSVALL: Your Honor, it's a
2 question.

3 ALJ MILES: The witness may answer the
4 question.

5 THE WITNESS: Could you repeat your
6 question.

7 BY MR. ROSVALL:

8 Q Yeah. The question is you didn't
9 consider the historical changes in surcharges
10 in setting your all-inclusive rate of 38.29?

11 A Could you point me to where in my
12 testimony I discuss the historic surcharges.

13 MR. ROSVALL: Your Honor, I'd like to
14 get some instruction to the witness to answer
15 the question instead of every single time
16 asking for a page when the question is not --
17 the question is about the chart and a
18 follow-up question on his answer.

19 MR. PARKER: If I may, your Honor.

20 ALJ MILES: Please, Mr. Parker. I will
21 comment first.

22 My comment is I believe the question
23 is for the witness "Did you consider
24 historical surcharge rates in preparing your
25 recommendation"?

26 MR. PARKER: Your Honor, that wasn't
27 the question. The question was framed as
28 "You didn't consider historic rates." That

1 was exactly the way Mr. Rosvall worded it.
2 It is worded in an argumentative way to get
3 an answer.

4 ALJ MILES: Mr. Parker, Mr. Parker, you
5 and Mr. Rosvall have a habit of asking
6 questions as statements, as I noted
7 yesterday. And sometimes it's the way the
8 question is posed that makes it sound
9 argumentative. I agree that is the case and
10 I agree that both counsel have a habit of
11 doing that, which is why I indicated what I
12 understand the question to be.

13 Mr. Rosvall, you can correct me if
14 I'm wrong, but I believe the question is for
15 the witness Mr. Ahlstedt "Did you consider
16 historical . . ."

17 Let's do this. Can the court
18 reporter read back the judge's rendition of
19 the question.

20 MR. ROSVALL: And, your Honor, that is
21 the question. What you said is the question.

22 ALJ MILES: Okay. But let the -- if
23 the court reporter can please read back what
24 I said.

25 THE REPORTER: "Did you consider
26 historical surcharge rates in preparing your
27 recommendation?"

28 ALJ MILES: That's what I understood

1 the question to be. If the witness can
2 answer that question, then we can keep moving
3 on.

4 THE WITNESS: Yes, your Honor. I don't
5 believe I included any reference to
6 historical surcharge rates in my testimony,
7 no.

8 ALJ MILES: Thank you.

9 Okay. Mr. Rosvall, you can
10 continue.

11 MR. ROSVALL: All right. Thank you,
12 your Honor.

13 Q So looking again at STC-23, I want
14 to point you to the -- what is listed as the
15 CASF surcharge. That appears in your list on
16 Table 9 as well; correct?

17 A Yes, your Honor. If you were to
18 look right underneath the Lifeline Telephone
19 service surcharge, you'll find the California
20 Advanced Services Fund or CASF surcharge
21 listed in my Table 9.

22 Q And so looking back at STC-23, just
23 if you could confirm under the column that is
24 entitled CASF, that surcharge went up based
25 on this document from .56 in 2018 to
26 1.019 percent in February 2022. Isn't that
27 right?

28 A According to this document, yes.

1 Q Okay. So are you aware of concerns
2 the Commission has raised about the dwindling
3 funding base for these surcharges?

4 A In a general sense I've heard of
5 it. I haven't actively participated in any
6 proceedings related to that though and I
7 didn't discuss it in my testimony.

8 Q Okay. So I'd like to point you to
9 another document. This is also something we
10 exchanged in advance. This is what's been
11 pre-marked as STC-25. It's an order
12 instituting rulemaking. We'd like to direct
13 the witness to STC-25.

14 So let me know when you have it in
15 front of you.

16 A I have it.

17 Q Great. And so what does this
18 appear to be?

19 A This appears to be an order
20 instituting rulemaking filed at the Public
21 Utilities Commission with the date of
22 issuance as of March 11th, 2021.

23 Q Okay. And are you aware of this
24 rulemaking?

25 MR. PARKER: Objection, your Honor.
26 I'm not quite sure what he means by "aware
27 of."

28 ALJ MILES: I'll sustain that

1 objection.

2 Can you rephrase your question.

3 MR. ROSVALL: Sure.

4 Q Mr. Ahlstedt, are you aware that
5 the Commission opened this rulemaking?

6 A I've never personally looked at
7 this document. I'm aware that the Commission
8 was considering ways to address the various
9 public purpose surcharges on phone bills.
10 More than that, I can't say.

11 Q Okay. So I will just direct you to
12 page 5 of this document again marked as
13 STC-25. And I just want you to read the
14 heading that appears on page 5. It's
15 heading 2.1. If you could just read the
16 title.

17 MR. PARKER: Objection, your Honor.
18 There's no connection to Mr. Ahlstedt's
19 testimony and this document. This is a
20 rulemaking and a separate proceeding that
21 he's not even a party to or is not working
22 on. So I don't understand the connection to
23 his testimony.

24 ALJ MILES: I'm going to sustain that
25 objection. I think ST-25 -- STC-25 is a
26 document that we can take notice of if it's a
27 Commission document, but I don't think it's
28 appropriate to question the witness about an

1 OIR that's not -- it's not within the scope
2 of this proceeding. I think it's not within
3 the scope of this proceeding.

4 So would you like to offer the
5 relevancy to this proceeding, Mr. Rosvall.

6 MR. ROSVALL: I would like official
7 notice of this for the purpose of briefing
8 and perhaps further questions.

9 ALJ MILES: That's something we'll do
10 at the end of day. But in terms of
11 questions, I don't think it's appropriate to
12 ask the witness a ton of questions about a
13 Commission rulemaking which is open. I don't
14 know if it's even concluded. I doubt it
15 since it's dated March 11th, 2021.

16 MR. ROSVALL: The question was actually
17 just going to be what the heading of that
18 paragraph says and then there was going to be
19 a follow-up question relating to his
20 surcharge calculations.

21 ALJ MILES: Okay. Well, why don't you
22 go to -- I think the heading is on the
23 document. It speaks for itself and anyone
24 can read it once -- if it's admitted into
25 evidence. But why don't you go ahead to your
26 question.

27 BY MR. ROSVALL:

28 Q Okay. So I guess the question is

1 if the funding base for surcharges goes down
2 and the Commission doesn't take any action to
3 address that, it means that the surcharges in
4 your chart aren't --- are going to be higher
5 than what are in your chart; right?

6 MR. PARKER: Objection, your Honor.
7 Calls for speculation. He has never seen
8 this OIR before.

9 MR. ROSVALL: Your Honor, calls for
10 speculation is not an appropriate objection
11 as to someone being offered as an expert.

12 MR. PARKER: It is if you offer an
13 expert a document to which he has never seen
14 before for a proceeding to which he is not
15 representing a party.

16 ALJ MILES: Okay. Well, I'm overruling
17 the objection because the question as it was
18 posed asked for an opinion. And if she is
19 able -- the court reporter is being asked to
20 do a lot of extra stuff today. But if you're
21 able to read back the original question
22 before the objection, please do.

23 (Record read.)

24 MR. ROSVALL: I might need to clarify
25 based on what was just said. I think there
26 was -- I certainly intended it to be a little
27 different.

28 May I just ask it again.

1 ALJ MILES: Okay. I want to thank the
2 court reporter for reading back.

3 Mr. Rosvall, you can restate your
4 question, but I want to say the question
5 asked an opinion. It is an opinion based on
6 a hypothetical that could occur. And I do
7 think it's appropriate. It does not ask for
8 any specialized knowledge about the OIR.

9 Go ahead, Mr. Rosvall.

10 BY MR. ROSVALL:

11 Q Yeah. And it's really about your
12 chart, Mr. Ahlstedt. So I'll just ask
13 another foundational question.

14 And I think you said this but just
15 to make sure, the surcharges that you list
16 where it says "percentage per dollar," those
17 were percentages in place at the time of your
18 testimony; right?

19 A Yes.

20 Q And so just to understand, when
21 something is a percentage, that percentage is
22 applied to the interest state billing base
23 that generates the amount that a customer
24 actually pays monthly for that surcharge;
25 correct?

26 A Yes, with a caveat for the federal
27 universal surcharge at the bottom.

28 Q Right. Okay. And then I guess the

1 question is if the billing base goes down, it
2 means the surcharges have to go up to support
3 the same level of support for the program;
4 right?

5 A I can't speculate as to what the
6 Commission will or won't do to address
7 decreasing or increasing billing base. I
8 just don't know.

9 Q But if the billing base goes down
10 and they need to generate the same amount of
11 money from a smaller pot, they have to
12 increase the rate, don't they?

13 ALJ MILES: I think he has answered the
14 question. Can we move on.

15 MR. ROSVALL: Yes.

16 Q So the follow-up question is what
17 percent increase in all of these surcharges
18 that are listed in your chart would it take
19 to put Sierra over the \$40? Do you know?

20 A Your Honor, I do not know. I will
21 say that what the Commission approves here
22 for the rates and for this rate case in
23 general we're looking at a snapshot in time
24 for a forward-looking test year. So, you
25 know, what it's going to be in two years,
26 five years, ten years I don't know how
27 pertinent that is to the rate case today.

28 Q So but I guess suffice to say if

1 the total number in the far right column of
2 your Table 9, if that were to go up, for
3 example, by \$2.50, Sierra would be
4 significantly over the range of
5 reasonableness; correct?

6 MR. PARKER: Objection, your Honor.
7 He's using the word "significantly over."
8 That's a characterization.

9 ALJ MILES: I'm going to overrule the
10 objection.

11 If the witness understands the
12 question, can you answer.

13 THE WITNESS: I can try, your Honor.
14 And to give you some more context into how
15 the Commission established this 30 to \$40
16 range of reasonableness, it didn't start off
17 like that. It started off, I believe, as a
18 30 to \$37 range of reasonableness. But in
19 this prior decision that we've been
20 referencing quite a bit in the California
21 High-Cost Fund-A reform proceeding, I think
22 it was decision 21-05-006, I believe. In
23 that decision the Commission decided to
24 expand the range of reasonableness and
25 specify which surcharge and fees are included
26 in the range.

27 So that was one way the Commission
28 addressed changes to the formula and how to

1 calculate an all-inclusive rate. There's
2 nothing to say that the Commission can't do
3 that again.

4 Again, I will reiterate we're
5 looking at a shot in time here. I don't know
6 how relevant speculating on this issue is.
7 The issue you have in front of you, your
8 Honor, is are -- is Cal Advocates' proposal
9 of \$27.50 currently within the all-inclusive
10 range of reasonableness?

11 MR. ROSVALL: Your Honor, I'd like an
12 answer to the question. The witness is not
13 answering the question. He's saying a lot of
14 other things.

15 ALJ MILES: Well, if I can be blunt,
16 what the witness is doing is exactly what
17 Mr. Duval did yesterday when I asked "If the
18 income tax changes, doesn't that make your
19 calculation incorrect or --"

20 So my point is witnesses often
21 discuss rationales that are not directly
22 responsive to the question, but I do think
23 the question was clear. And the question was
24 simply something like "If the surcharges go
25 up by --" I forget the amount Mr. Rosvall
26 indicated -- "wouldn't that put the rate over
27 \$40?"

28 Do we need the court reporter to

1 read back that question or do you want to
2 restate it, Mr. Rosvall?

3 MR. ROSVALL: Your Honor, it was
4 exactly what you said accept it was \$2.50.

5 ALJ MILES: Okay. So again, I'm not
6 the expert, but I think the question is: Is
7 38 -- let me look at the figure. The
8 question is: If \$38.29 has \$2.50 added to
9 it, is that more than \$40? That's the way I
10 understand the question. And I think that's
11 math. And if you can answer it, please do.

12 THE WITNESS: Sure, your Honor. I
13 believe earlier today we discussed the
14 difference between Cal Advocates' current
15 proposed all-inclusive rate of \$38.29 and the
16 cap of \$40 for the range of reasonableness
17 which was a dollar and 70 in change. So
18 \$2.50 is greater than a \$1.70 which indicates
19 to me that that would put it over the \$40 cap
20 in this hypothetical, which isn't reality.

21 ALJ MILES: That's my understanding
22 about the hypothetical.

23 Can we proceed, Mr. Rosvall?

24 MR. ROSVALL: Yes.

25 Q So just one last question. So
26 Sierra's rates will be in place until its
27 next rate case; correct?

28 A Yes, unless it for some reason

1 comes to the Commission and the Commission
2 changes its rate in between rate cases for
3 some reason.

4 Q So in order for Sierra's rates to
5 stay at or below the \$40 range of
6 reasonableness ceiling, the surcharge rates
7 would have to remain the same or decline or
8 only go up by \$1.71 from now until 2028; is
9 that right?

10 A Sorry. That was a little bit long
11 of a question. Can you repeat it.

12 Q I can just ask you a simple
13 question. If any time between 2023 and 2028
14 the \$38.29 goes up by more than a \$1.71, in
15 any time in that five years Sierra will be
16 over the range of reasonableness; right?

17 A As we had just discussed, if that
18 difference is a \$1.70, which I'm sure it
19 is -- if the rate was to increase -- the rate
20 and the surcharges and everything else was to
21 increase above \$1.71, it would put you over
22 the \$40 cap.

23 To my knowledge, it's not a
24 requirement for the rates to stay within the
25 cap in perpetuity. It's to set rates today
26 or in this rate case is the purpose of the 30
27 to \$40 range of reasonableness.

28 Q But you agree that the range of

1 reasonableness defines what the Commission
2 believes would be the prudent range of rates;
3 correct?

4 A It's my understanding that the
5 Commission views that if rates --
6 all-inclusive rates fall within the
7 all-inclusive range in reasonableness, then
8 they are presumptively reasonable when they
9 are adopted.

10 Q Okay. So let's back up actually,
11 and I'll ask you a few more questions about
12 kind of the structure of this section of your
13 testimony. And so I guess backing up to
14 pages 1.91 -- 1-9 where you begin talking
15 about the basic residential rate.

16 On that page for the 27 you cite
17 again to a section of Public Utilities Code
18 275.6. Do you see that?

19 A I do. It cites Public Utilities
20 Code Section 275.6(c)(3).

21 Q Great. And if you still have it in
22 front of you, could you just read -- it's not
23 very long. Could you just read that section
24 from the statute.

25 A Yes. Just give me a moment.

26 So Public Utilities Code Section
27 275.6(c) states "In administering the
28 California High-Cost Fund-A Program, the

1 Commission shall do all of the following."
2 And if you skip to subsection (3) of that, it
3 goes and says "Ensure that rates charged to
4 customers of small independent telephone
5 corporations are just and reasonable and are
6 reasonably comparable to rates charged to
7 customers of urban telephone corporations."

8 Q Okay. So based on that statute the
9 Commission has a responsibility to ensure
10 that end-user rates are both just and
11 reasonable and reasonably comparable;
12 correct?

13 A Yes. That's what it says in that
14 statute.

15 Q And so isn't it possible that
16 something could be reasonably comparable and
17 yet still not be just and reasonable?

18 MR. PARKER: Objection, your Honor.
19 Calls for speculation on a legal
20 interpretation of a statute.

21 MR. ROSVALL: Your Honor, that's just
22 not correct. I'm asking for his
23 understanding of the standard that he's
24 applying in his own testimony on 1.9.

25 ALJ MILES: I'm overruling the
26 objection -- sorry. I didn't unmute fast
27 enough.

28 I'm overruling the objection. And

1 the witness may answer if he has an opinion.

2 THE WITNESS: So if I can restate your
3 question, it was can a rate be separately
4 just and reasonable and also reasonably
5 comparable or --

6 BY MR. ROSVALL:

7 Q It was the other way around
8 actually. I'll try to ask it again.

9 The question was isn't is possible
10 that a rate could be reasonably comparable to
11 urban rates but yet be just -- but yet not be
12 just and reasonable?

13 A In my eyes the two are very much
14 linked. If you review my testimony, your
15 Honor, you'll find that the rate I proposed
16 is both just and reasonable and reasonably
17 comparable to urban rates.

18 Q But as far as the standard, you
19 regard this as one in the same?

20 ALJ MILES: It's been asked and
21 answered, and I think counsel may wish to
22 argue the point in briefing.

23 BY MR. ROSVALL:

24 Q So let's turn to your -- this kind
25 of structure of this section. You discussed
26 your residential rate proposal. I believe it
27 starts on page 1-9. There's a heading that
28 says "B" and then there's a "B-1" there. And

1 so B-1 says -- refers to the reasonably
2 comparable standard and then B-2 on page 1-12
3 says "The basic residential rate of 27.50 is
4 just and reasonable."

5 So would you agree that it's that
6 second heading where you discuss the just and
7 reasonable standard?

8 A Yeah. In the second heading which
9 says "Basic residential rate of \$27.50 is
10 just and reasonable," I do discuss the just
11 and reasonable standard to the statute. And
12 again, just because they're in separate
13 sections for legibility and ease of reading
14 doesn't mean I think that they aren't
15 interlinked. I do think they are
16 interlinked.

17 Q Okay. But the two subheadings
18 under number two, the heading you just read,
19 are income level comparability. That appears
20 on page 1-12. And then on page 1-15 the
21 other subheading is "Inflation level
22 comparability." Is that right? Those are
23 the two arguments being made to support just
24 and reasonableness?

25 A Those are the two arguments that
26 I'm putting forward in the subsection.
27 Again, I think all of these issues are very
28 much interlinked.

1 Q Well, let me follow up on that. So
2 if just and reasonableness and comparability
3 are interlinked and AT&T raises its rates
4 using its price flexibility to a level that
5 exceeds the range of reasonableness --

6 So let's say AT&T were to raise its
7 rate to \$42. In that scenario wouldn't the
8 rate be no longer just and reasonable if you
9 were to set Sierra at that rate?]

10 A That's not how I arrived at the 27
11 dollar and 50 cent rate, so I'm not sure it's
12 applicable to hypothesize about -- about that
13 methodology.

14 Q So you don't have an opinion as to
15 whether or not 40 -- \$42 would be just and
16 reasonable?

17 A I don't even think AT&T's rate in
18 my testimony is \$42; so in that hypothetical,
19 no.

20 Q I guess, Mr. Ahlstedt, what I'm
21 trying to get at here is if AT&T's raised the
22 basis for comparability, and you set Sierra's
23 rate at a 42-dollar rate just because AT&T
24 has that rate, it could still be true that
25 that rate is comparable, because it's AT&T's
26 rate, but it could also be no longer just and
27 reasonable, because it's above the cap. So
28 I'm trying to get your opinion on that

1 subject.

2 A Your Honor, if you were to go to
3 page 1-11 of my testimony, Table 6, you know,
4 I -- I offer a methodology which has been
5 used in the past in other rate cases to help
6 assess what is a reasonably comparable urban
7 rate, and I list some of the major urban
8 carriers in California as of May of -- of
9 this year and what their rates are, and I do
10 a little bit of a weighted average to help
11 account for the size of the various companies
12 and the rates they charge, and -- and the
13 result there is that I found the weighted
14 average monthly basic residential rate of the
15 large urban carriers in California was
16 \$29.77, and that's my point of comparison to
17 my 27 dollar and 50 cent rate. You know, the
18 27 dollar and 50 cent rate is fairly close to
19 the 29 dollar and 77 cent rate; in fact,
20 according to my testimony, it is \$2.27 less,
21 which I think is reasonably comparable.

22 Q Okay. So let's -- let's actually
23 focus on your discussion of inflation. So
24 this is page 1-15. So -- of your -- either
25 of PAO-1 or PAO-1-C.

26 Can you explain why inflation has
27 anything to do with whether a rate is -- is
28 just and reasonable? Why -- why does

1 inflation have anything to do with what the
2 rate should be?

3 A Your Honor, in addition to the
4 other topics that I've discussed in my
5 testimony related to the just and
6 reasonableness and reasonably comparableness
7 of the basic residential rate that I'm
8 proposing, I offer this very simple
9 inflationary calculation as a reference point
10 for yourself to help contextualize what my
11 rate proposal is, and how it compares to, in
12 this case, inflation over the period starting
13 with when Sierra adopted its current basic
14 residential rate of \$25; and I believe that
15 was in 2018.

16 So again, to put a point on it, I'm
17 simply showcasing to you what inflation has
18 been since that point in time as a reference
19 to help you understand my proposal.

20 Q So Mr. Ahlstedt, I guess the
21 question I have on that is you're not saying,
22 are you, that raising rates by inflation
23 would always be just and reasonable, are you?

24 A I don't believe I stated that in my
25 testimony, and I think, as we all know, the
26 current state of the world and -- and the
27 state of inflation, I think it was somewhere
28 around nine percent since the last year,

1 which is certainly not reflected in the
2 inflationary calculation that I provided in
3 my testimony. It was an estimate, the best
4 case estimate that I could use at my time
5 that I filed my testimony, and again, it's
6 simply a point of comparison for your Honor
7 to help contextualize what my rate proposals
8 actually mean.

9 Q So you were the rate witness in the
10 CHCF-A Phase 2 proceeding. Correct?

11 A Again, I -- I believe so. I would
12 have to look at my testimony to -- to give
13 you an accurate assessment of all of the
14 issues that I testified on in that
15 proceeding.

16 Q Okay. Well, yeah. Let -- we
17 provided your testimony as an exhibit, so
18 let's -- let's take a look at it.

19 So this was identified as -- I
20 believe this is STC-26. It's the testimony
21 of James Ahlstedt in the Phase 2 CHCF-A
22 proceeding, and I have the specific page I
23 wanted to ask you about. So do you have that
24 in front of you?

25 A I do.

26 Q Okay. So I'm looking at page 3-2
27 of -- of that testimony, and there's a
28 heading --

1 MR. PARKER: Your Honor, if I may, I
2 notice that the document -- the document is
3 marked confidential. Do we need to go into a
4 confidential session to discuss this
5 document?

6 MR. ROSVALL: Thank you for asking,
7 Mr. Parker.

8 ALJ MILES: Does this -- I -- I have a
9 question. Is this proceeding still underway?

10 MR. ROSVALL: It is underway, but
11 there's no current activity that I know of.

12 ALJ MILES: Okay. Does the witness
13 recall when he -- okay. So I think what
14 Mr. --

15 We can go off the record, Miss Court
16 Reporter.

17 (Off the record.)

18 (Whereupon, the following material
19 was placed under seal by direction of
ALJ Miles.)

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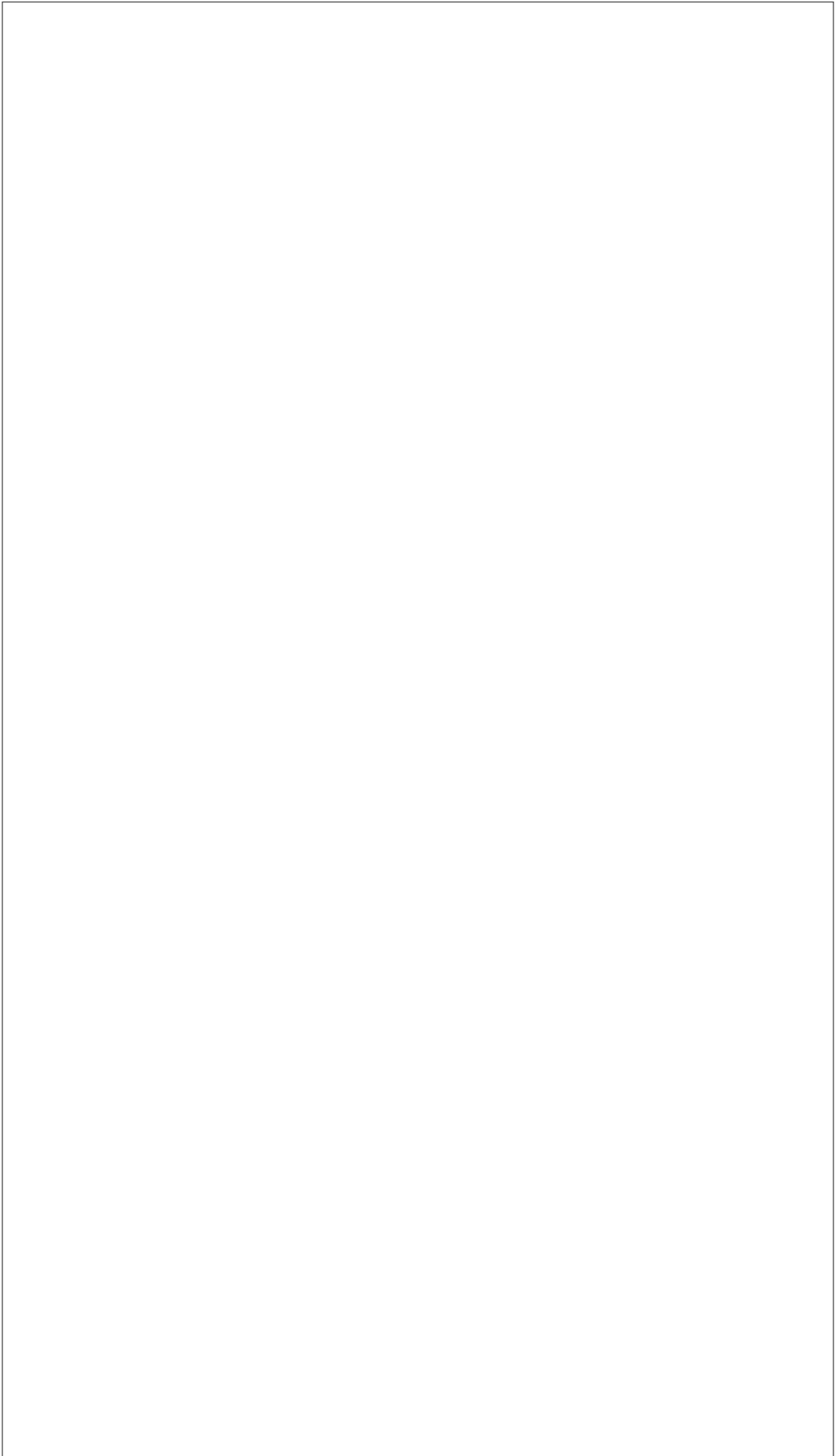
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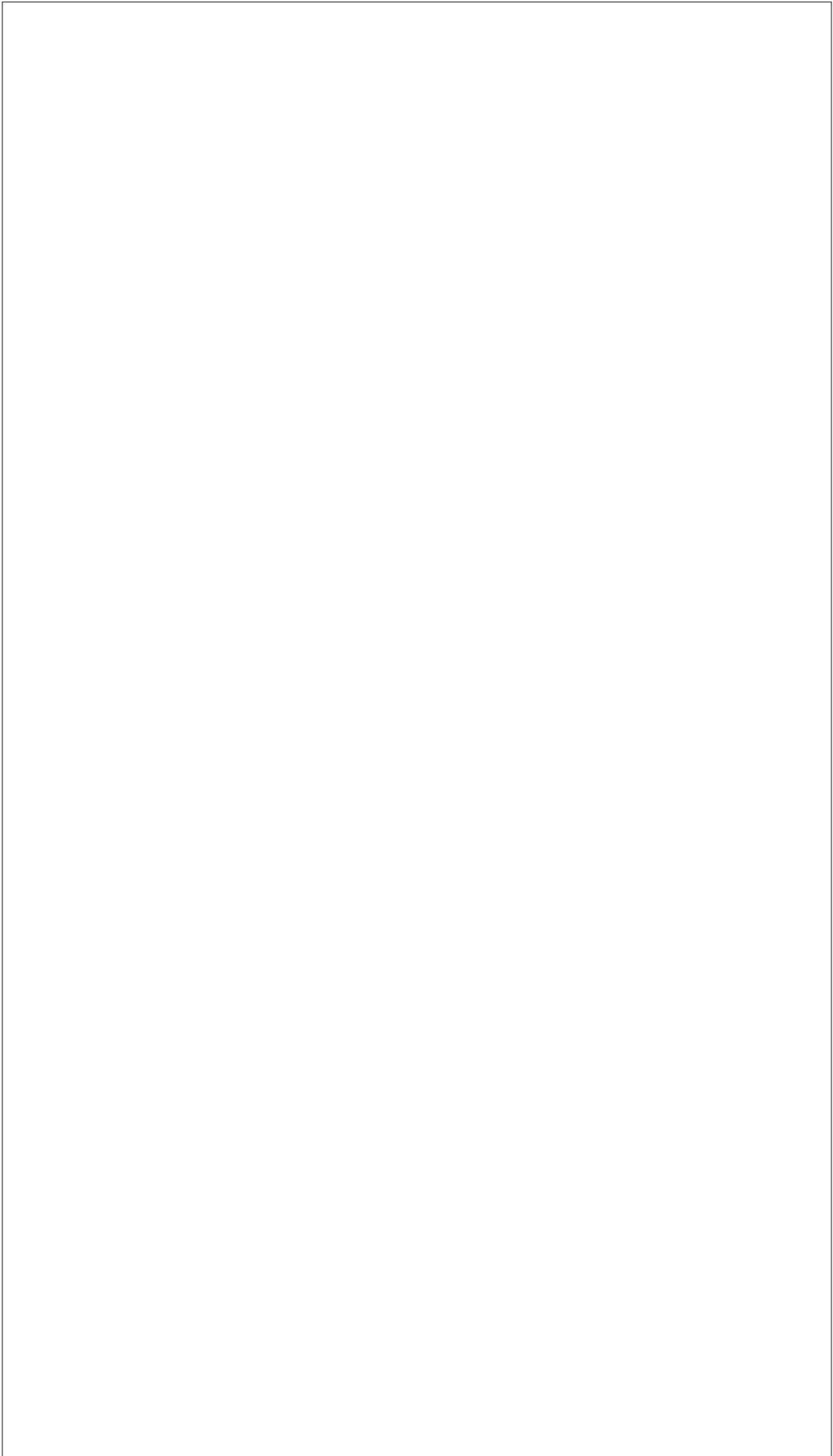
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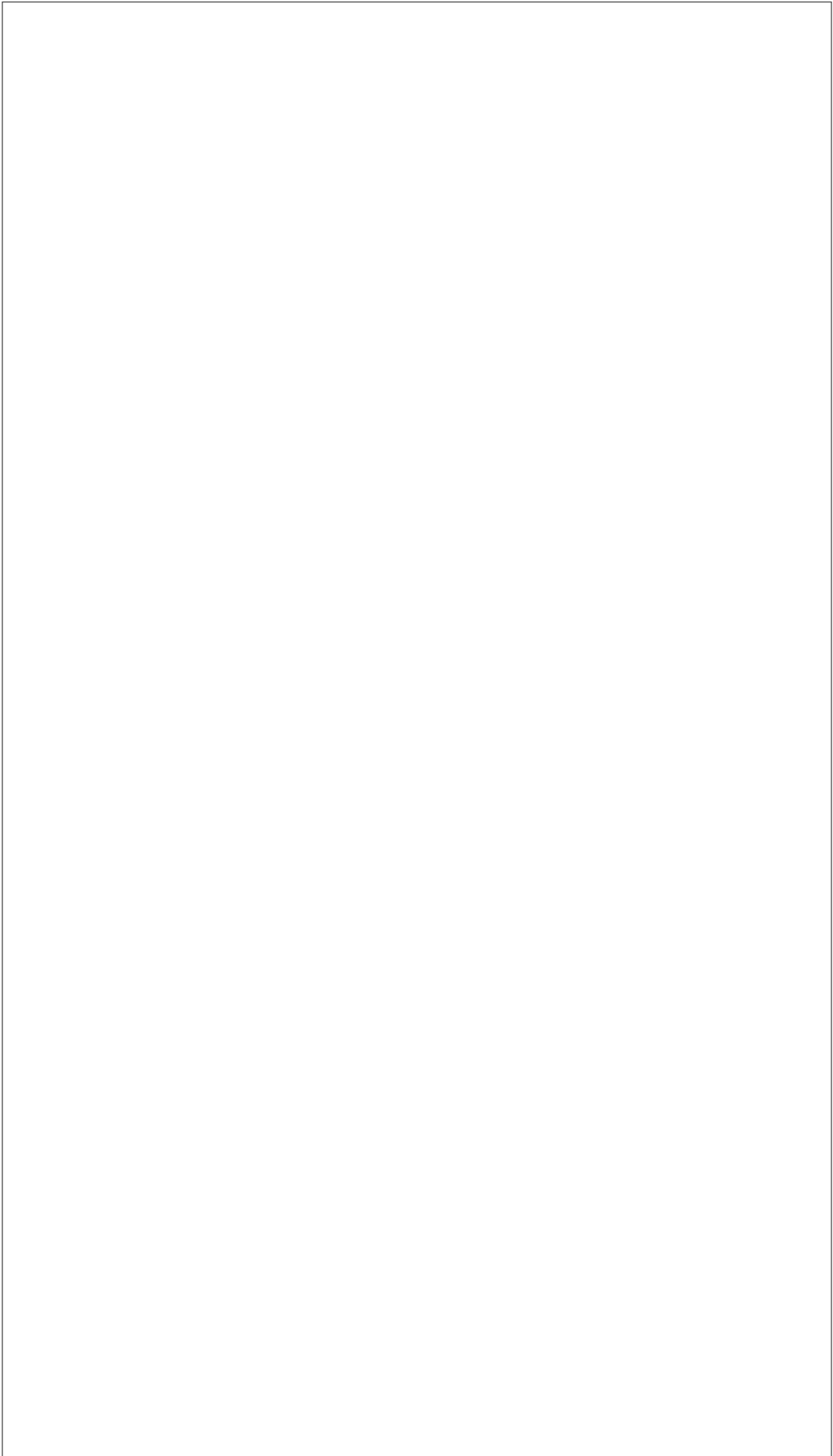
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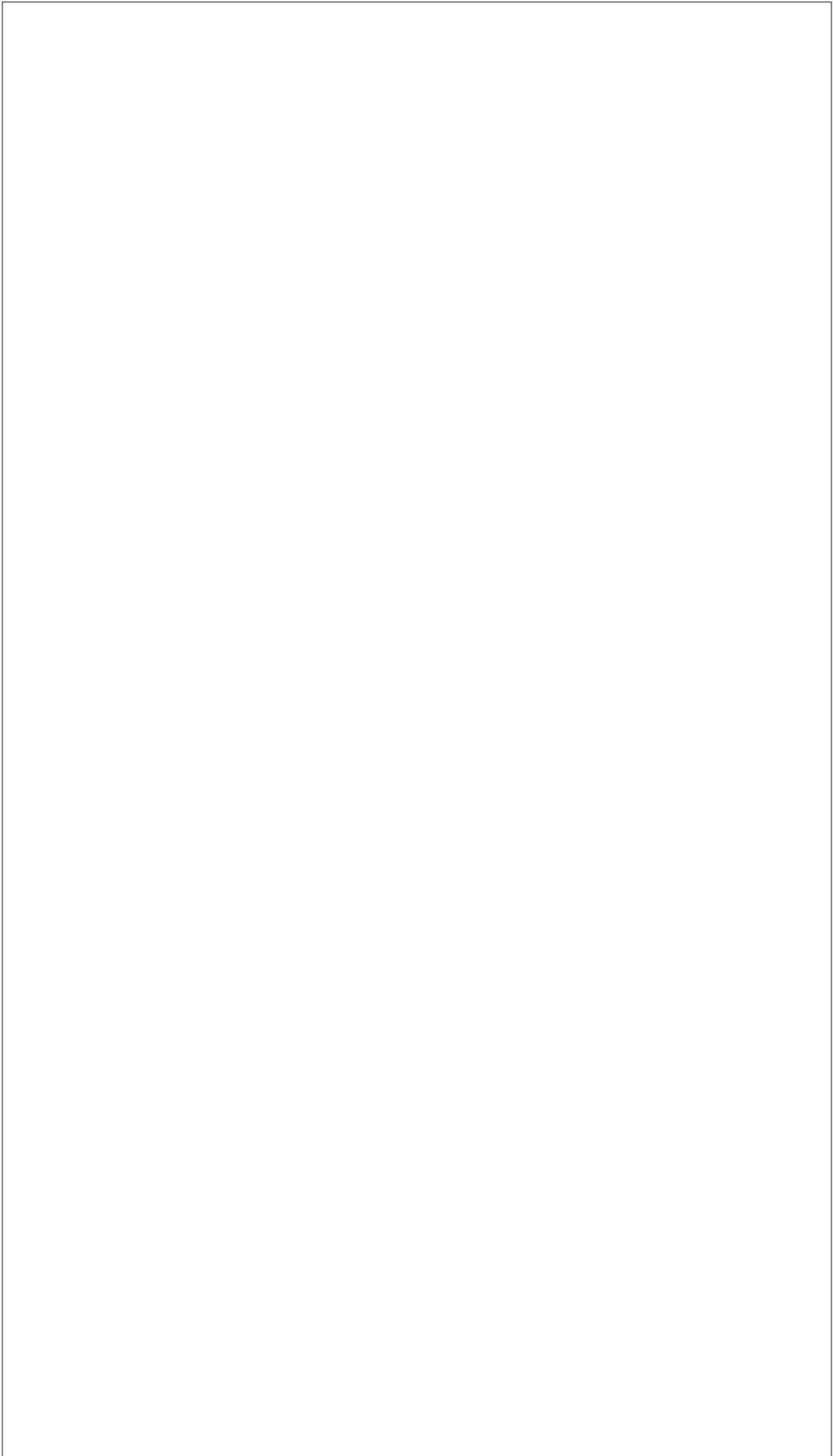
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(End sealed material)

ALJ MILES: Let's go back on the record.

We're now in public session.

Mr. Rosvall, you may continue your questions of this witness.

MR. ROSVALL: It keeps switching me back to muted when you go back and forth. Sorry. Okay. So -- so I'll start over.

1 Q So Mr. Ahlstedt, I was going to ask
2 you about Decision 21-06-004, which I think
3 is the decision you just described, and I
4 believe it's one of two exhibits that
5 Mr. Parker identified yesterday. It's 18 or
6 19.

7 Do we know which one that is?

8 MR. PARKER: Hold on, sir. I'm trying
9 to find it right now. I've gotta -- I've got
10 to close out a -- something here to find my
11 list of exhibits.

12 BY MR. ROSVALL:

13 Q And Mr. Ahlstedt, do you have that
14 decision? You may already have it.

15 A Yeah, I -- I do have that decision
16 opened. It's not the one that was marked,
17 though, but it's the same decision. I just
18 don't have the cover page --

19 Q Yeah.

20 A -- so I can't tell you what the
21 number is.

22 Q Okay. Maybe we could --

23 MR. PARKER: Mr. -- Mr. Rosvall, you
24 said, "21-06-004"?

25 MR. ROSVALL: Correct.

26 MR. PARKER: Yes. That was marked as
27 Exhibit PAO-18.

28 MR. ROSVALL: Great. Thank you.

1 ALJ MILES: That agrees with my
2 records. Thank you.

3 BY MR. ROSVALL:

4 Q So Mr. Ahlstedt, just to complete
5 the -- the thought here, I wanted to go to
6 page 15, middle of the -- middle of the page.
7 There's a paragraph that said -- that starts
8 with "We are not persuaded." Could you just
9 read that, and then we'll ask a couple more
10 questions.

11 A Sure. The sentence states: We are
12 not persuaded that automatic inflation
13 adjustment to basic residential rates is
14 merited.

15 Q Okay. And then I mean could you
16 read the rest of the paragraph? There's two
17 more sentences, I think.

18 A Sure. It states: We agree with
19 the small ILECs that affordability and price
20 sensitivity are important factors that the
21 Commission must take into account. We are
22 also not persuaded that any general index of
23 inflation is a better gauge of reasonableness
24 of the rate to be charged than consideration
25 of the small ILECs' actual costs as part of
26 the GRC process.

27 Q Okay. Thank you. I want to turn
28 to another statement that you make now. This

1 is on page 1-10. So we've been looking at
2 1-9 a little bit, and going back now to 1-10
3 of Exhibit PAO-1 or 1-C.

4 So there's a -- a statement in
5 here, line 8, where you say -- you're
6 describing your rating methodology, and you
7 say the Commission accepted this methodology
8 in the most recent ILEC's GRC decision for
9 the Foresthill Telephone Company.

10 I'd like you to look at -- and then
11 there's a footnote that leads to, I believe,
12 Decision 19-04-017. That's footnote 32.

13 Is that the decision where you're
14 stating that you believe the Commission
15 adopted your rating methodology?

16 A Let me check.

17 Q It's the footnote attached to that
18 sentence, so thinking it is.

19 A Yes, I believe it is.

20 Q Okay. So we provided that decision
21 to you in an exhibit, which I believe is
22 Exhibit STC-30. So I wanted you to take a
23 look at that decision. You reference
24 page 18, so let's just go to page 18, once
25 you have it open.

26 A I'm there.

27 Q Okay. So the -- the question is,
28 looking at page 18 -- and if you need a

1 second to look at it, that's fine.

2 The Commission doesn't actually
3 endorse any kind of rating methodology on
4 this page, does it?

5 A Not specifically. But, your Honor,
6 I would point you to the paragraph that
7 starts "Second" in -- in this explanation for
8 why it adopts Cal Advocates' basic
9 residential rate in that proceeding. It
10 states: Second, Cal Advocates' basic
11 residential rate of \$25 is reasonably
12 comparable to rates charged by carriers in
13 urban areas, and further, the statutory
14 object -- objectives, excuse me, of Public
15 Utilities Code Section 275.6 (f), Cal
16 Advocates' 25-dollar basic residential rate
17 is below the 27-dollar rate charged by AT&T,
18 and above the rate charged by Frontier
19 California.

20 And to add some additional context
21 for you, your Honor, in that rate case where
22 we went to hearings and I offered testimony
23 on revenues and rate design, as I am doing
24 today for Sierra, I used this methodology of
25 a weighted average, and presented it to the
26 Commission.

27 Q Okay. So but, on this page, and --
28 and I'm -- I believe I've read it, also.

1 But, on this page, they don't talk
2 about the rating methodology?

3 MR. PARKER: Objection, your Honor,
4 asked and answered.

5 ALJ MILES: I know I have noise in the
6 background.

7 I'm going to sustain the objection.

8 But, Mr. Rosvall, you can ask
9 another question.

10 MR. ROSVALL: Your Honor, at this time,
11 I'll move on to the next topic.

12 Q So the -- I want to talk a little
13 bit about business rates.

14 So your proposal for business
15 rates, I believe is -- is -- starts on 1-20,
16 and then continues on from there until, I
17 believe, the sort of very top of 1-22 in your
18 testimony.

19 So I guess, just as a -- as an
20 initial clarifying question, the just and
21 reasonableness standard that you read from
22 Public Utilities Code 275.6 (c)(3), that
23 applies to business rates, as well. Correct?

24 A It's my understanding that Public
25 Utilities Code Section 275.6 (c)(3), and in
26 general, applies to all the rates charged by
27 Sierra.

28 Q Okay. And so your proposal for the

1 basic business rate is 43.25. Correct?

2 A That's correct.

3 Q Okay. And as part of your argument
4 supporting the adoption of the 43.25 rate,
5 you, on page 1-20, state that -- you suggest
6 that residential and business rates must
7 increase by the same percentage, and then I'm
8 going to quote you here, to avoid
9 disproportionately burdening one class of
10 customers over another.

11 So do you -- do you see that
12 statement, lines 19 and 20? 19.

13 A Yes, I do.

14 Q Okay. So is it your contention
15 that the Commission has always increased
16 business rates by the same percentage that it
17 increases residential rates?

18 MR. PARKER: Objection, your Honor.
19 That's not what the testimony states.

20 MR. ROSVALL: Your Honor, counsel is
21 engaging in some speaking objections here,
22 and I -- I think there needs to be an actual
23 objection stated.

24 MR. PARKER: That's not -- your Honor,
25 I'm -- I'm not trying to be argumentative.
26 It's just that he's misconstruing the
27 testimony when he quotes the testimony and
28 then asks a question that clearly is trying

1 to get an answer that is not based on the
2 wording of the testimony.

3 ALJ MILES: Okay. I'm going to sustain
4 the objection which indicates that this
5 misstates the testimony on page -- what page
6 are we on? 1-20.

7 But, Mr. Rosvall, if you want to ask
8 a question about page 1-20, please do.

9 BY MR. ROSVALL:

10 Q So you're -- you're saying there
11 that -- that one class of customers can't be
12 burdened relative to another.

13 I guess my question is: Is it
14 always the case -- in other rate cases that
15 you've worked on, is it always the case that
16 the Commission increases business rates by
17 the same percentage as residential rates?

18 A Your Honor, I've worked on several
19 rate cases, at this point. Honestly, I can't
20 recall exactly the methodology used. I know
21 in my testimony, if you look at the following
22 line on page 1-20, it says, "Additionally,
23 the Commission adopted this approach in
24 Sierra's last test year 2018 GRC in Decision
25 17-11-016."

26 Q So let me -- let me ask you a
27 different question. So -- and I'm again
28 referencing your statement on page 1-20, the

1 concern that you're raising about
2 disproportionately burdening one group of
3 customers over another.

4 So my question is: Isn't it true
5 that the cost of providing a basic voice
6 connection to residential and business
7 customers is -- is more or less the same?

8 A I don't know.

9 Q Okay. But, you agree that the
10 business rate you're proposing is -- in your
11 proposal, it's about -- it's more than six --
12 it's almost \$16 greater for the business
13 line, \$15 and some number of cents. Right?

14 A Yes, your Honor. Cal Advocates'
15 proposed business -- basic residential --
16 excuse me, basic business rate is higher than
17 Cal Advocates' proposed basic residential
18 rate, as are Sierra's current rates.
19 Sierra's current basic business rate is
20 higher than Sierra's current basic
21 residential rate.

22 And I will also point out that
23 Sierra's rates have no relation to their
24 costs. And again, I'm not certain what
25 exactly costs is, if that encompasses all
26 expenses and -- and -- and return on rate
27 base that the company needs to recuperate.
28 But, their rates are not associated with

1 their expenses.

2 ALJ MILES: Okay. But, as I understood
3 the question, the question is simply: Is
4 \$43.25 about \$16 higher than \$27.50?

5 Wasn't that the question?

6 MR. ROSVALL: Yes.

7 ALJ MILES: Okay. So when I pull out
8 my abacus and do the math, that's a yes or no
9 answer.

10 THE WITNESS: It's higher, yes.

11 ALJ MILES: Is there -- can we proceed
12 with another question?

13 MR. ROSVALL: Oh, I thought you were
14 adding something up, your Honor. Sorry.

15 ALJ MILES: I'm just observing on the
16 record that 43.25 is higher -- I'm not going
17 to try to do math without a calculator --
18 than 27.50.

19 But, I think your question was:
20 Isn't that about \$16 higher? It seems like
21 that's true.

22 MR. ROSVALL: Okay.

23 Q Okay. So Mr. Ahlstedt, did you --
24 did you look at Mr. Rule's testimony on the
25 same subject, the subject of rates?

26 A I did, yes.

27 Q And do you recall -- and I could
28 pull up the exhibit, but do you recall that

1 he had a list of all of the small ILEC rates,
2 business rates, in Exhibit DR-1 to his -- to
3 his rebuttal testimony?

4 A Honestly, I -- I don't recall if
5 that was in Mr. Rule's testimony, and I don't
6 have it in front of me. I can try and pull
7 it up, though.

8 Q Yeah, if you would. I believe that
9 that's Exhibit 5, "S" -- STC-5.

10 A Okay. I think I have STC-5 in
11 front of me.

12 Q And so I believe there's a -- an
13 exhibit, an internal exhibit to that exhibit,
14 which is DR-1. Do you -- do you see that?

15 A Yes, starting on page 14 of the
16 PDF.

17 Q That sounds right.

18 So my question is: Again, with
19 reference to your statement about
20 disproportionately burdening certain
21 customers over others, it -- based on this
22 list, isn't it true that Sierra would have
23 a -- Sierra's customers would pay at least
24 six dollars over the next highest small ILEC?
25 That -- is that what you understand from this
26 chart?

27 ALJ MILES: Mr. Rosvall, I'm confused
28 about which list when you say, "this list."

1 Are you looking at something in Mr. Rule's
2 testimony or --

3 MR. ROSVALL: Yes.

4 ALJ MILES: -- in the witness's
5 testimony?

6 MR. ROSVALL: In Mr. Rule's testimony.
7 I believe the witness has it. It's -- it's
8 an exhibit to Mr. Rule's testimony, DR-1. I
9 can give you a second to get there, if you
10 need it.

11 ALJ MILES: No. I just want you to
12 express in the record we're looking at
13 Exhibit DR-1. Page what?

14 MR. ROSVALL: Well, it's -- it's an --
15 it's an exhibit. It's DR-1. I think he was
16 listing a page in the PDF; but, it's at the
17 end.

18 ALJ MILES: And so what page is it in
19 the PDF?

20 MR. ROSVALL: Mr. Ahlstedt would
21 probably have to tell me that. I have a hard
22 copy. So --

23 THE WITNESS: Yeah. So your Honor,
24 we're looking at Sierra's Exhibit STC-5,
25 which is Mr. Rule's rebuttal testimony.

26 ALJ MILES: Right.

27 THE WITNESS: In his rebuttal
28 testimony, the entire document, it includes

1 some internal exhibits separate from the STC
2 nomenclature, and this one internal exhibit
3 is listed as DR-1, which is on page -- starts
4 on page 14 of Exhibit STC-5.

5 ALJ MILES: Okay. Thank you.

6 BY MR. ROSVALL:

7 Q And I guess, now that we're there,
8 this -- this exhibit, it -- it contains a
9 list of all the small ILECs and their
10 business rates. Correct?

11 A I see that it does contain a list
12 of the small ILECs. They are one party
13 single line business monthly rate as well as
14 a list of Commission authorities for those
15 rates. Subject to check, yes, it does appear
16 to be that list.

17 Q So I guess again, with reference to
18 your statement and your concern about
19 disproportionately burdening a class of
20 customers over another, if your proposal for
21 business rates is adopted, aren't Sierra's
22 business customers being disproportionately
23 burdened relative to every other small ILEC
24 business customer?

25 A Would you repeat your question,
26 please?

27 Q Yeah. My question is just, if your
28 proposal is adopted, and you can see on the

1 page here your proposal would be 43.25, the
2 next closest business rate is Ponderosa, at
3 37.10, I believe, and the rest of them are
4 all much lower than that, doesn't adopting a
5 43.25 rate for Sierra disproportionately
6 burden Sierra's business customers relative
7 to other business customers of small ILECs?

8 A I didn't discuss that in my
9 testimony.

10 MR. ROSVALL: Your Honor, I'd like the
11 witness to answer the question.

12 ALJ MILES: It calls for speculation,
13 but is the witness willing to agree that
14 four -- \$43.25 is higher than the list of
15 rates shown in Mr. Rule's testimony for small
16 ILECs?

17 THE WITNESS: Yes, your Honor.

18 ALJ MILES: That's a -- that's --

19 THE WITNESS: Cal Advocates' proposal
20 is -- is higher, and Sierra's current rate is
21 higher than those on this list, some of which
22 were adopted in 2016.

23 BY MR. ROSVALL:

24 Q So I'll move on to another exhibit,
25 which is -- I believe it's what's been marked
26 as STC-29. This is the statute that you're
27 referencing in that statement, the Public
28 Utilities Code four -- 453 (c). So could you

1 just take a quick look at that?

2 A Yes, I have it.

3 Q Okay.

4 ALJ MILES: Okay. Hold on a minute. I
5 think I misunderstood. Did you say, "STE
6 (sic) 29," Mr. Rosvall?

7 MR. ROSVALL: I believe so. But, it
8 is -- is it a different exhibit? That's what
9 I think it is.]

10 ALJ MILES: That must be the one you
11 were provided this morning, not from
12 yesterday?

13 MR. ROSVALL: From last night, yes.

14 ALJ MILES: Okay. I'm sorry. Please,
15 proceed.

16 MR. ROSVALL: Thank you.

17 Q I guess, it's a short enough
18 statute. Could you just read it briefly.

19 A Sure. Public Utilities Code
20 Section 453 --

21 Q And I'm just talking about (c), not
22 the rest of it. Just (c).

23 A Yeah, that's where I was going.
24 Subsection (c) states:

25 No public utility shall establish
26 or maintain any unreasonable
27 difference as to rates, charges,
28 service, facilities or in any

1 other respects either as between
2 localities or as between classes
3 of service.

4 Q Okay. So my question is just to
5 confirm: This statute is referring to things
6 that -- differences that cannot exist in
7 rates or they'd be unreasonable, and it does
8 include localities in there -- right -- not
9 just classes of service?

10 A It does say "localities."

11 Q I have another question about your
12 testimony regarding business rates. So I'm
13 going to direct you to page 1-21, and in that
14 chart, there's a table in the middle of the
15 page, Table 11, which states that it's a
16 comparison of urban ILEC, Cal Advocates'
17 proposed and Sierra's current business rates
18 as of May 9, 2022.

19 I just want to point you to a very
20 large rate in the middle of the page there.
21 AT&T is stated as having \$755 measured
22 business rate; do you see that there?

23 A Yes.

24 Q So my question to you is this:
25 That isn't a tariff rate; is it?

26 A To the best of my knowledge that's
27 the rate that AT&T currently charges for its
28 measured rate service.

1 Q Okay. But that's not the question.
2 The question is, is it a tariff?

3 A I believe it's in AT&T's publicly
4 accessible guidebook on its website. That's
5 at least where I found the rate.

6 Q Right. So the guidebook isn't
7 approved by the Commission; is that correct?

8 A I'm not sure.

9 MR. ROSVALL: Your Honor, I just want
10 to have the witness look at a document. This
11 is a document identified as STC-35. It's a
12 Commission resolution. I would just like to
13 ask for official notice of it and ask the
14 witness to confirm what it is.

15 Q So, Mr. Ahlstedt, could you look at
16 that, please.

17 A I have it open. It is a Commission
18 Resolution T-17203, and it is dated April
19 16th, 2009.

20 Q Got it. And I'll give you a second
21 to look at this if you'd like, but just based
22 on what appears on the title page there, this
23 is a resolution granting AT&T's request for
24 tariff services; correct?

25 A That's what it says in the title,
26 yes.

27 Q Okay. And at the very last line of
28 the title, it includes business services;

1 correct?

2 A Yes. And for clarity, the full
3 resolution title is:

4 AT&T California (U-1001-C) in
5 accordance with Decision
6 07-09-018, this resolution
7 approves AT&T California's Advice
8 Letter 33423 filed on August 29th,
9 2008, seeking to de-tariff various
10 retail residential and business
11 services.

12 MR. ROSVALL: Okay. So, your Honor, I
13 have one or two more subjects I'd like to
14 address. They're not related to rates. I'm
15 only asking and pointing this out because
16 this may be a good time for a break. I'm
17 also happy to keep going, so -- but I also
18 really want to finish with Mr. Ahlstedt today
19 for obvious reasons, and so I want to make
20 sure we make time for that as well.

21 ALJ MILES: Okay. I just want to be
22 guided by the court reporter, whether she
23 needs a break.

24 (Off the record.)

25 ALJ MILES: Okay. Then let's keep
26 moving.

27 MR. PARKER: Your Honor, Wayne Parker,
28 Cal Advocates. Mr. Ahlstedt has been

1 testifying without break since 12:30. It is
2 now 2:10. We should allow him at least 10
3 minutes to sort of just relax a little bit.
4 It's been a very long time for him to sit
5 there --

6 ALJ MILES: Okay. Let's take a break.
7 It's now 2:10 and let's return at 2:20.
8 Thank you, everyone.

9 (Recess taken.)

10 ALJ MILES: All right. We've taken a
11 brief break of 10 minutes. We're back on the
12 record. And, Mr. Rosvall, you may proceed
13 with your cross-examination of Mr. Ahlstedt.

14 MR. ROSVALL: Thank you, your Honor.

15 Q So I did have one other question
16 relating to rates, and this is something that
17 you address on pages 1-19 of your testimony,
18 again, Exhibit PAO-1 or 1-C, and there is a
19 confidential number on that page, but I'm not
20 going to ask you about it.

21 So the question is just making sure
22 I understand your position about the
23 structural change to Sierra's rates that it's
24 proposing, and Cal Advocates -- and, I guess,
25 I'm asking you specifically as the proffered
26 expert on this subject: You support the
27 inclusion of customer calling features in the
28 basic rate?

1 A Yes, your Honor. If you look on
2 page 1-19 of my testimony, starting on 1-18
3 of my testimony, I state that Sierra should
4 provide custom calling and voicemail services
5 at no charge to subscribers of their basic
6 residential or basic business services.

7 Q And what advantages do you see from
8 that approach?

9 A Excuse me. I'm looking through my
10 testimony.

11 Your Honor, if you would look on
12 page 1-19 in my testimony starting on line
13 17, I describe some of the advantages,
14 benefits to offering these services at no
15 cost to Sierra's basic residential and basic
16 business customers, including public safety
17 benefits among others.

18 Q Okay. So with that clarification,
19 I'll just move on to another topic. So I
20 want to ask you about the effect that
21 broadband imputation has on Sierra CHCF-A
22 draw. And as a parting point, based on your
23 statement of qualifications, you've worked on
24 four prior formal rate cases for small
25 telephone companies; correct?

26 A Yes. And I'm currently working on
27 three more including Sierra.

28 Q Okay. But aside from the ones that

1 are pending today, in those prior cases for,
2 I think it was, Cal Ore, Calaveras, and
3 Foresthill, there was no broadband imputation
4 on that.

5 (Reporter clarification.)

6 THE WITNESS: And Ponderosa.

7 BY MR. ROSVALL:

8 Q The question was just in those
9 cases, there wasn't broadband imputation;
10 right?

11 A No, your Honor. Those cases were
12 prior to the Commission's adoption of
13 Decision 21-05-004, I think is the correct
14 one, which described the process for imputing
15 broadband numbers, which was set to begin in
16 this round of rate cases with Sierra.

17 Q So I want to just try to understand
18 how the rate design calculation differs from
19 those cases to this one.

20 So in those cases the CHCF-A was
21 computed by starting with the revenue
22 requirement, subtracting the other regulated
23 revenue sources, and then that would produce
24 the CHCF-A; right?

25 ALJ MILES: I have a question. Sorry
26 to interrupt. We're comparing this case,
27 Sierra, to which cases, Mr. Rosvall?

28 MR. ROSVALL: There are four cases that

1 were prior to the broadband imputation
2 decision, I think, as the witness just
3 testified. So I'm asking how the calculation
4 is now different.

5 MR. PARKER: Your Honor, I was going to
6 object because I don't see how that's
7 relevant given the fact that we have a
8 decision that changed things substantially.

9 ALJ MILES: Well, first of all, I just
10 want to be clear about what cases we're
11 talking about. Have -- and I was looking at
12 an e-mail from Communications Division
13 unrelated to this question, but the point is,
14 did we discuss which cases those are or are
15 you referring to the cases mentioned in the
16 qualifications that Mr. Ahlstedt --

17 MR. ROSVALL: Yeah, they are just
18 qualifications. So he stated that's a part
19 of his background.

20 ALJ MILES: Okay. And what years were
21 those proceedings at least and what companies
22 did they pertain to?

23 THE WITNESS: I can read for you, your
24 Honor. In my Statement of Qualifications,
25 which is Attachment A to my testimony, and if
26 you're looking at the PDF, it should be page
27 56 of the PDF --

28 ALJ MILES: I did look at your

1 qualifications, but can you just tell me
2 which proceedings Mr. Rosvall is asking about
3 that you worked on in the past.

4 THE WITNESS: Yes, your Honor.

5 On that Statement of Qualifications,
6 it actually lists them on the third paragraph
7 there; so it says --

8 ALJ MILES: I just want it in the
9 record.

10 THE WITNESS: Yes. A.16-10-001, which
11 is the Ponderosa Telephone Company General
12 Rate Case; A.16-10-002, which is Calaveras
13 General Rate Case; A.16-10-004, which is the
14 Cal Ore Telephone General Rate Case, and then
15 finally, A.17-10-004, which is the Foresthill
16 Telephone Company General Rate Case.

17 ALJ MILES: Okay. So with that
18 background in the record now, the question,
19 Mr. Rosvall, is how does the Sierra
20 proceeding A.21-11-005 differ from these four
21 in what respect? That's the question I want
22 to understand.

23 MR. ROSVALL: Yeah, so we talked
24 earlier about the broadband imputation
25 equation he has experienced from a prior rate
26 case. I'm just trying to ask him how it's
27 different now.

28 ALJ MILES: All right. And then the

1 objection was that the law -- or the
2 Commission's position has changed since these
3 four proceedings were adopted by the
4 Commission; was that the objection?

5 MR. PARKER: Yes, your Honor.

6 Mr. Ahlstedt in response to a question from
7 Mr. Rosvall noted the decision, and I think
8 he was trying to refer to Decision 16-04-006.
9 It wasn't clear because he was kind of fuzzy
10 on the numbers. It's easy to do that.

11 But he did note that there was an
12 intervening decision, and that, therefore,
13 was the decision he applied in his current
14 methodology in this GRC.

15 So prior GRCs and the methodologies
16 and his testimony in those prior GRCs are
17 even less relevant than they would be
18 otherwise.

19 ALJ MILES: Okay.

20 Mr. Ahlstedt, would you go ahead and
21 answer the question now that I understand
22 what the question is.

23 THE WITNESS: Sure. Could I hear the
24 question again, please.

25 ALJ MILES: Mr. Rosvall or do you want
26 the court reporter to --

27 MR. ROSVALL: No, No. I can do it.

28 Q So back in those cases, the CHCF-A

1 was computed by determining revenue
2 requirement, subtracting the regulated
3 revenue sources other than CHCF-A, and that
4 would produce the CHCF-A draw; correct?

5 A Yes. I believe so.

6 Q Okay. And so based on the decision
7 you've mentioned from 2021, now there's an
8 extra step: You take the revenue
9 requirement, subtract the regulated revenue
10 sources, other than CHCF-A, and then you
11 subtract the net ISP profit, and that
12 produces the CHCF-A; does that sound right to
13 you?

14 A I actually have this laid out in my
15 testimony on page 3-2. In there, under the
16 analysis heading, it describes kind of the
17 three tenants used to calculate the
18 California High Cost Fund-A subsidy.

19 It describes the components of
20 total intrastate revenues, which you'll note
21 include broadband revenue imputation and
22 intrastate revenue requirement, and then the
23 third bullet there is that High Cost Fund-A
24 subsidy is sufficient to ensure that the
25 total intrastate revenues equals the
26 intrastate revenue requirement.

27 Q Okay. So I want to go back to --
28 I'm glad you said that. I want to go back to

1 your Attachment I that we talked about
2 earlier. I want to look at a specific part
3 of the equation.

4 And just to confirm, you explained
5 that your Attachment I is where the CHCF-A
6 calculation is explained in sort of
7 mathematical clauses?

8 A That's correct.

9 Q So let's go to that attachment. I
10 have a few more questions.

11 A I'm there.

12 Q So let's just walk through the
13 components of the equation. I'm looking at
14 now page 2 of Attachment I to Mr. Ahlstedt's
15 testimony. So at the very bottom of page 2
16 there's something that says, "CHCF-A
17 subsidy"; are you with me?

18 A Yes.

19 Q I just want to walk-through the
20 components of the equation so it's clear how
21 that equation works.

22 So the first component in the first
23 parenthetical there is "operating expenses
24 plus property tax." So, in essence, this is
25 the expense portion of the revenue
26 requirement; is that right?

27 A Yes.

28 Q Okay. And then the next thing in

1 the equation is a bracketed formula that
2 starts with "8.84 percent" on the first line
3 of the equation, and ends with a "one minus
4 8.84 percent" on a second line; do you see
5 that?

6 A I do.

7 Q And so that's a calculation of
8 interest expense; correct?

9 A Sorry. I may have been getting
10 tripped up in this formula here. You'll
11 excuse me. It's not exactly the most
12 user-friendly to talk about. It's much
13 easier to look at on an Excel spreadsheet
14 than it is in Word.

15 Could you repeat which portion of
16 that three-line formula you're referring to.

17 Q Yeah, I'm getting to the second
18 component of the equation, which starts with
19 a bracket, and the question was: There's an
20 equation in the bracket formula that starts
21 with an 8.84 and ends with a one minus 8.84,
22 that whole bracketed clause.

23 A Okay.

24 Q And my question was going to be:
25 Doesn't that bracket -- that's a calculation
26 of interest expense; is that what that is?

27 A I believe so.

28 And, again, your Honor -- excuse

1 me -- the formula is getting a little fuzzy
2 in my head after being on the stand for this
3 long. I think the formula stands on its own.
4 I can read the formula if you'd like if that
5 would make it more clear to you. I don't
6 think it would to me though, even though I
7 did write the formula here or I did write the
8 formula here.

9 MR. ROSVALL: Your Honor, I'm just
10 trying to understand the components because
11 there's a lot of things in here; so I'll just
12 ask the next question.

13 Q So the interest expense is used to
14 calculate a tax calculation, which is a
15 component of revenue requirement; is that
16 right?

17 A The interest expense is used to
18 calculate, you said the tax portion?

19 Q Yeah.

20 A Let me try and explain this in my
21 own words without using this very
22 number-heavy formula for you, your Honor.

23 The California High Cost Fund-A
24 subsidy is, essentially, a function of the
25 company's total revenues and their total
26 expenses, which include things like we're
27 discussing here: Interest expense, income
28 expense, operating expense, all these

1 different expense categories.

2 The bottom line, the High Cost
3 Fund-A subsidy is the difference between
4 revenues and expenses. It makes up that
5 difference so that Sierra's revenues equal
6 its revenue requirement of which the expenses
7 are a factor in Sierra's revenue requirement.

8 Q Okay. I don't think that answered
9 my question. The question was about whether
10 interest expense is used to calculate tax.

11 A Again, I don't recall. I'm trying
12 to make this easier on your Honor and to your
13 clarity so you can understand how California
14 High Cost Fund-A is calculated.

15 The revenue requirement does
16 include interest expenses, income taxes, all
17 those things are included in the revenue
18 requirement, and all of that is represented
19 in these very complicated formulas here.

20 Q So, Mr. Ahlstedt, I guess I just
21 want to understand the components. So you're
22 giving me a general description; I understand
23 that, but I want to understand the components
24 of the formula.

25 Let's just turn to the next one.
26 There's a parenthetical that says: Amortized
27 UEDTB plus return on rate base minus imputed
28 broadband revenue. So that's kind of on --

1 of these three lines, it's the second line
2 heading to the third line.

3 So I just want to ask you about
4 that for a moment. That component is
5 reflecting a way of grossing up the revenue
6 requirement for taxes; correct? That's the
7 gross-up, that part of the equation?

8 A I believe so.

9 And for your Honor's clarity, UEDTB
10 stands for -- I have this actually defined,
11 so let me find it in my testimony.

12 If you look on page 3-2 of my
13 testimony, it describes the intrastate
14 revenue requirement and the components of
15 that of which amortized -- Unamortized Excess
16 Deferred Tax Basis, or UEDTB, is a component,
17 which is reflected in that formula -- term,
18 that is.

19 ALJ MILES: Wait a minute. I'm looking
20 at 3.2.

21 THE WITNESS: Yes.

22 ALJ MILES: I'm looking at 3.2. Okay.
23 And I do see under the bullet heading,
24 "Intrastate Revenue Requirement," it says,
25 "Equals operating expenses, plus property
26 tax, plus amortized, quote, Unamortized
27 Excess Deferred Tax Basis, and then in parens
28 UEDTB."

1 Is this the same thing you're
2 referring to in Exhibit I -- or Attachment I.

3 THE WITNESS: That is the same
4 terminology, yes.

5 ALJ MILES: All right.

6 Okay. Mr. Rosvall, go ahead.

7 MR. ROSVALL: So I'll try -- I think we
8 can clarify with a couple more questions.

9 Q Where it says "return on rate
10 base," that is a revenue requirement
11 component that we already discussed from
12 Public Utilities Code 275.6(b)(5); that's one
13 of the components?

14 A Yes. Return on rate base is a
15 component of the revenue requirement, and for
16 your Honor's insight, if you were to look at
17 Table 18 in my testimony on page 3-4, that is
18 listed as line 7, which is the authorized
19 rate of return.

20 You'll see there also it lists
21 Decision 16-12-035, which I believe is the
22 decision that authorized Sierra's 9.22
23 percent rate of return on its rate base.

24 Q So my question about this formula
25 is if you look at it as a whole, you've got
26 expenses and property taxes first, and then
27 you've got tax calculation grossing up the
28 rate base, the return on rate base.

1 So is it fair to say that
2 everything leading up to -- there's a thing
3 that says, "minus regulated revenues."
4 Everything leading up to that point is the
5 revenue requirement; right?

6 A Yes.

7 Q Okay. And I kind of talked over
8 you. Sorry about that. The answer was yes?

9 A Yes.

10 Q So let's go back to -- do you still
11 have that spreadsheet that we looked at
12 earlier. It's your Appendix A-3. I'll give
13 you a second to get there.

14 A I'm there.

15 Q So the end result in cell -- and,
16 again, this is Exhibit A-3 to Mr. Ahlstedt's
17 testimony, which exists in Excel. I think we
18 all have it from earlier.

19 So I want to ask you about the
20 number on line 66. So in cell F-66, that's
21 the end result of your CHCF-A calculation;
22 correct?

23 A Yes.

24 Q Okay. And if you put your cursor
25 on that cell -- and, actually, I'll ask you
26 to put your cursor on two cells above it,
27 which is F-64. That's where, if you can look
28 at the formula -- and matching up against

1 Attachment I, that's where the revenue
2 requirement component of the equation is
3 performed; correct?

4 A It's listed as cell 60, I believe
5 is the actual revenue requirement. That's
6 calculating total revenues.

7 Q I'm looking at cell F-64 and the
8 heading of that, which is cell C-64 says,
9 "Total revenue equals regulated and imputed
10 revenue, plus CHCF-A." That's what that's
11 signifying; right?

12 A Yes.

13 Q I'm trying to see if I can do this
14 without saying the number because this is a
15 confidential number.

16 ALJ MILES: It's very easy to go into
17 confidential session.

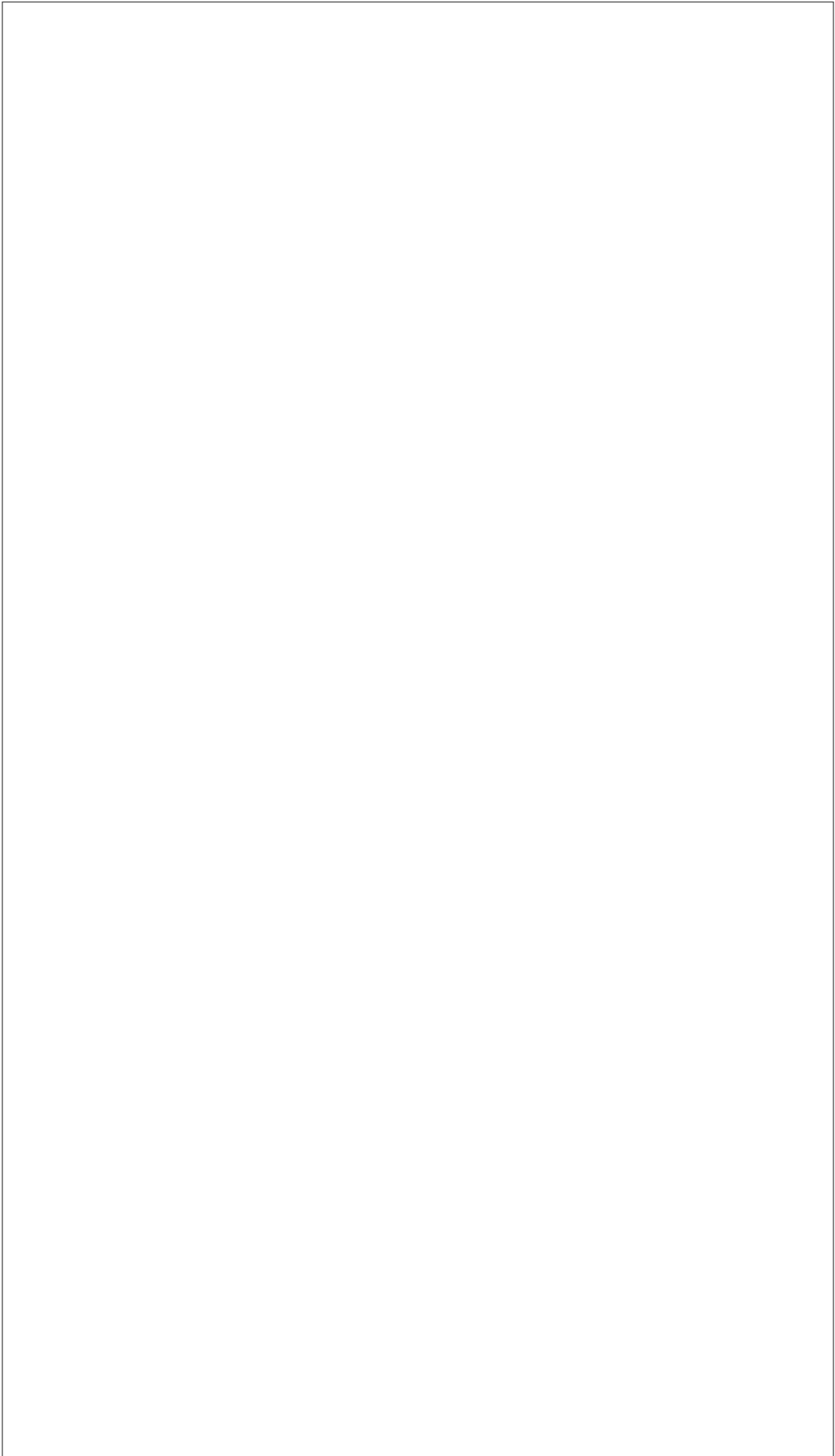
18 MR. ROSVALL: I think we need to do
19 that because I might have to say the number.

20 ALJ MILES: Okay. Could we go into
21 confidential?

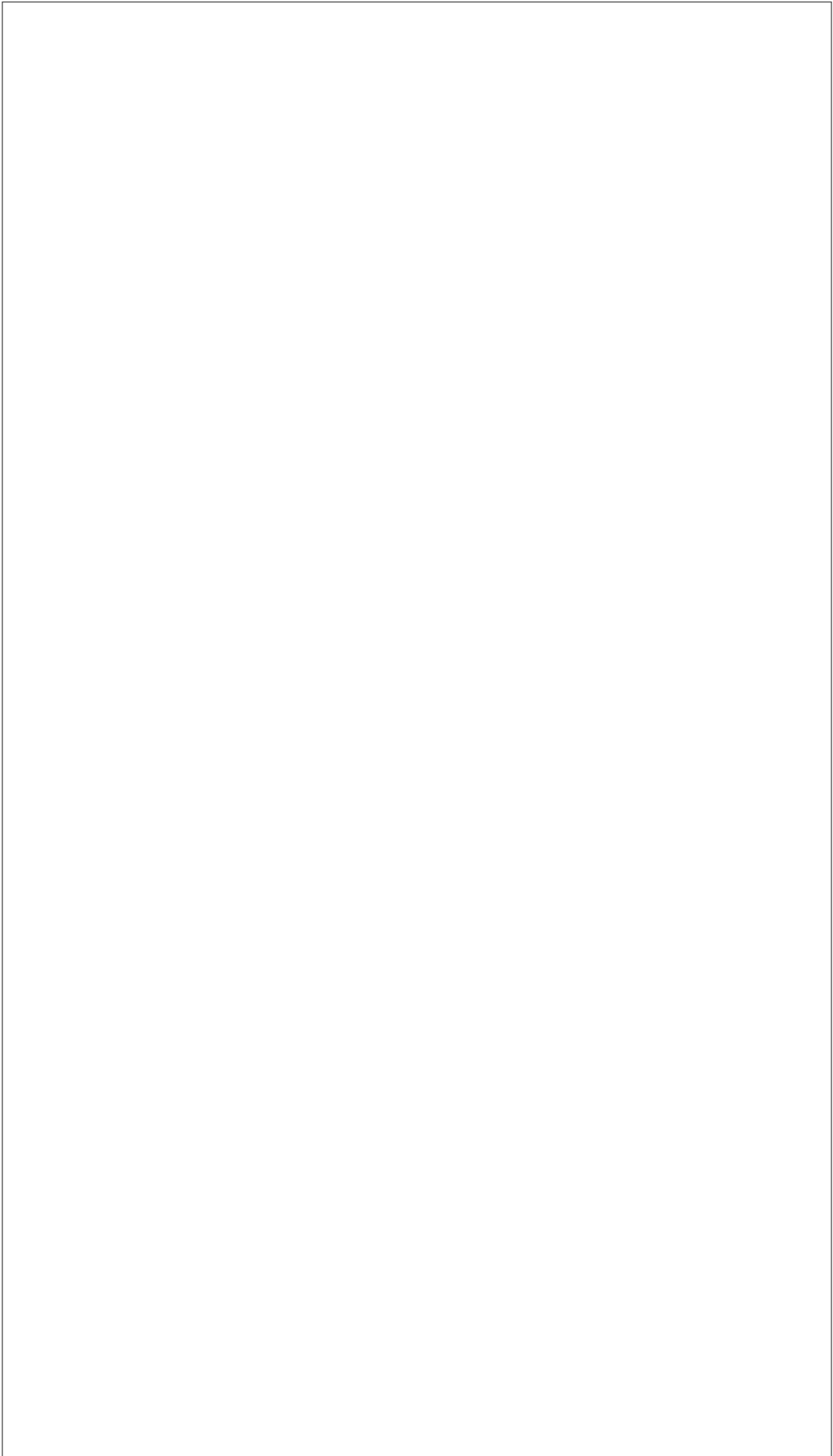
22 (Whereupon, the following material
23 was placed under seal by direction of
ALJ Miles.)

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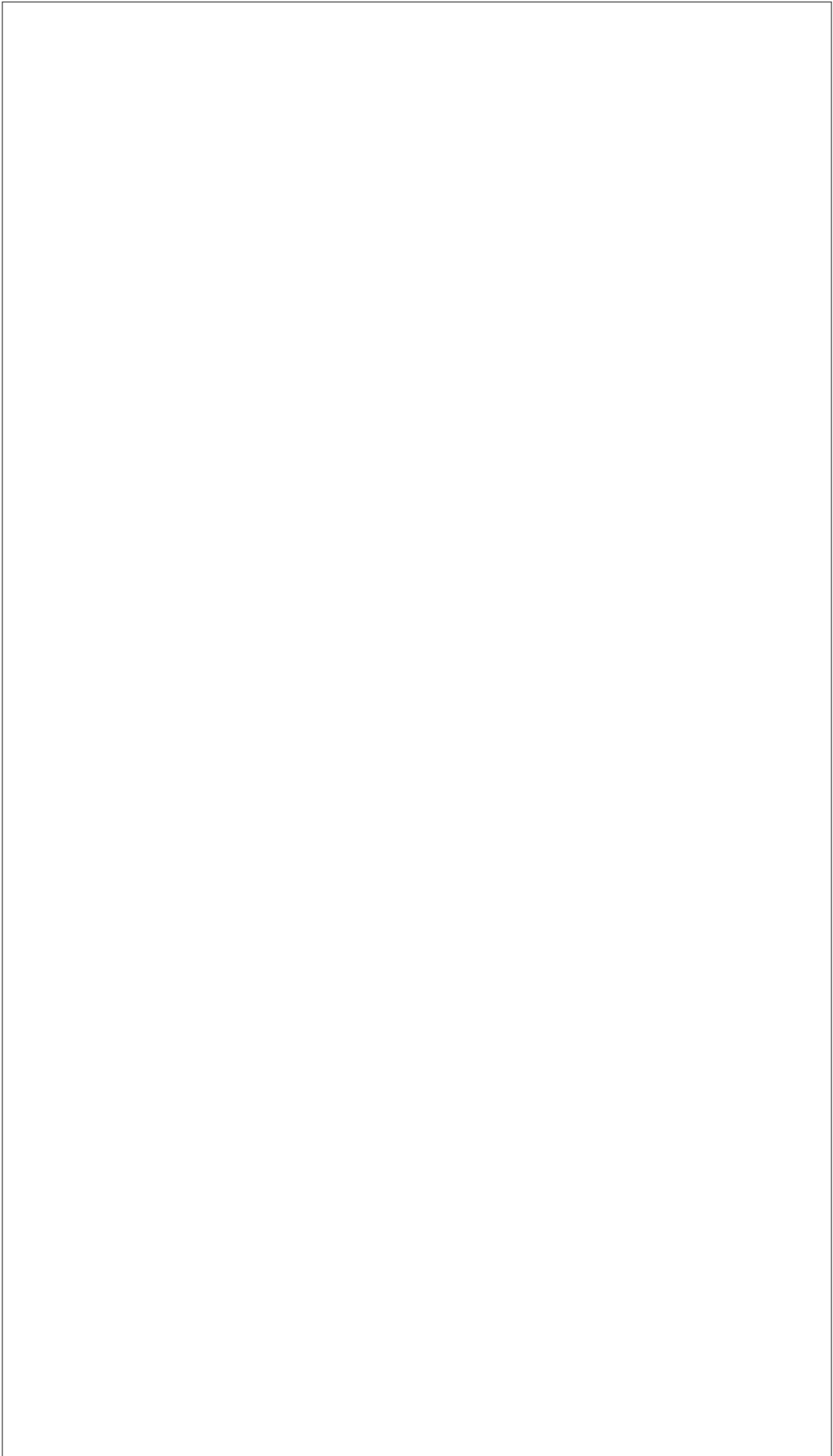
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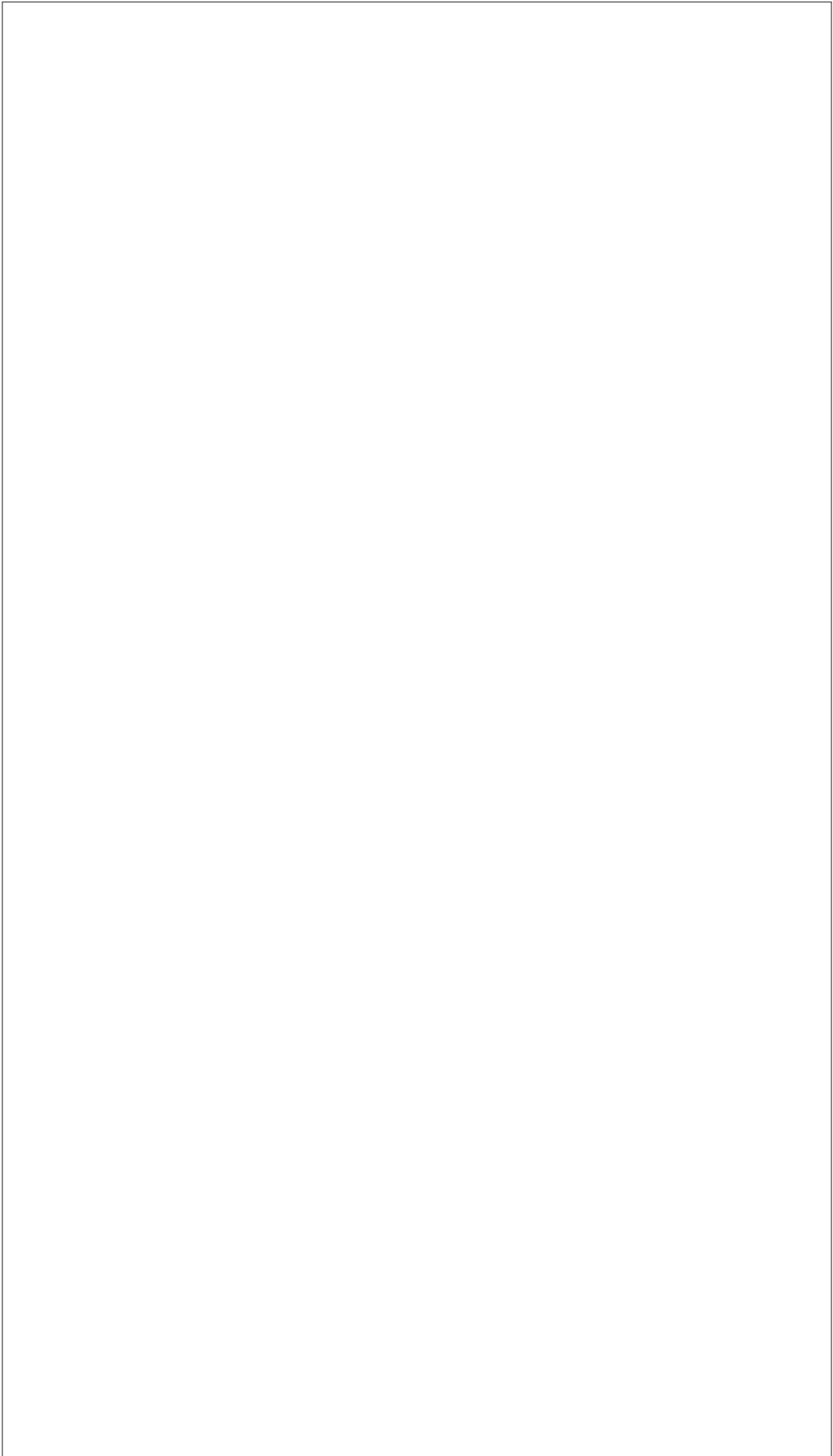
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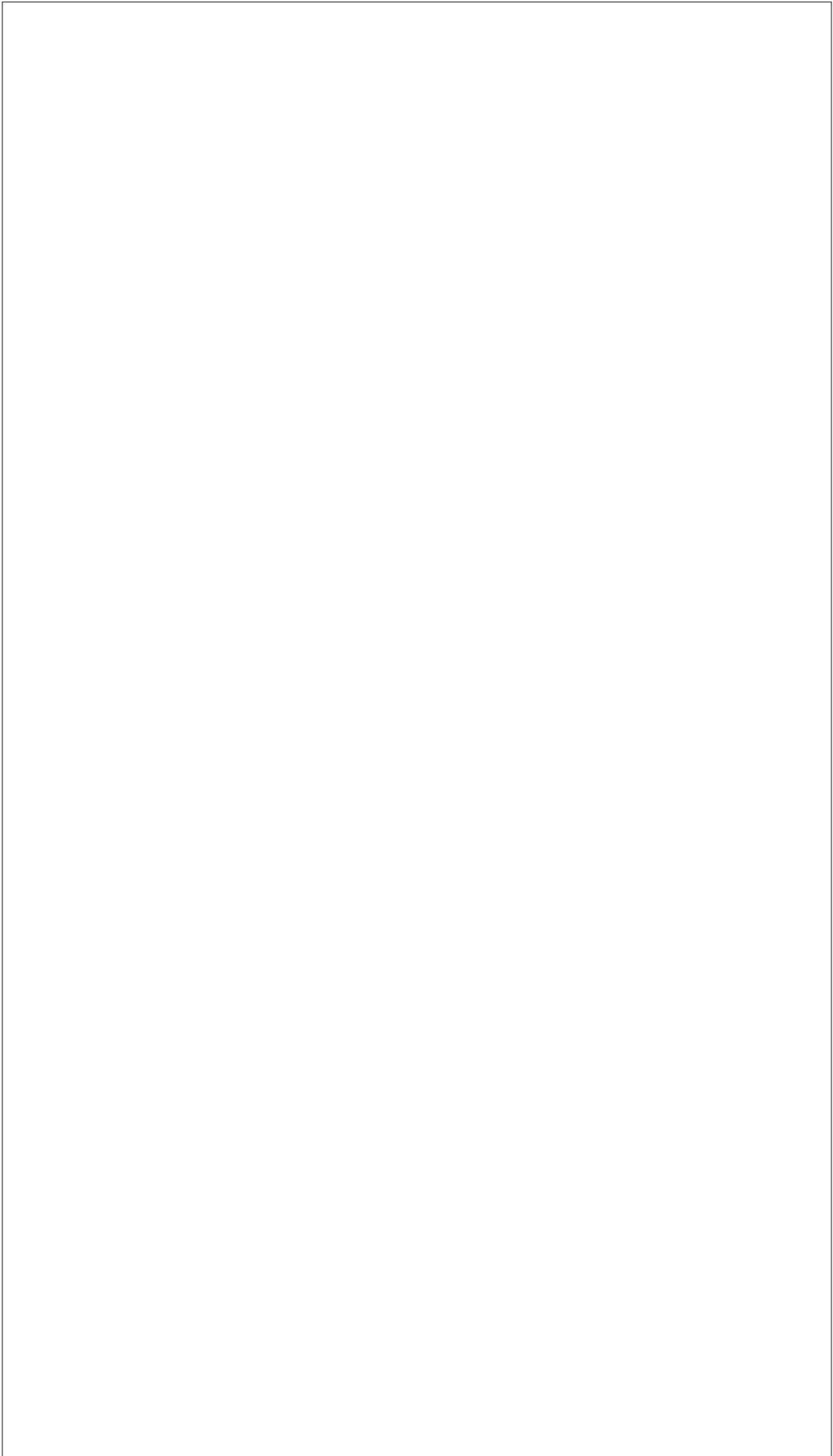
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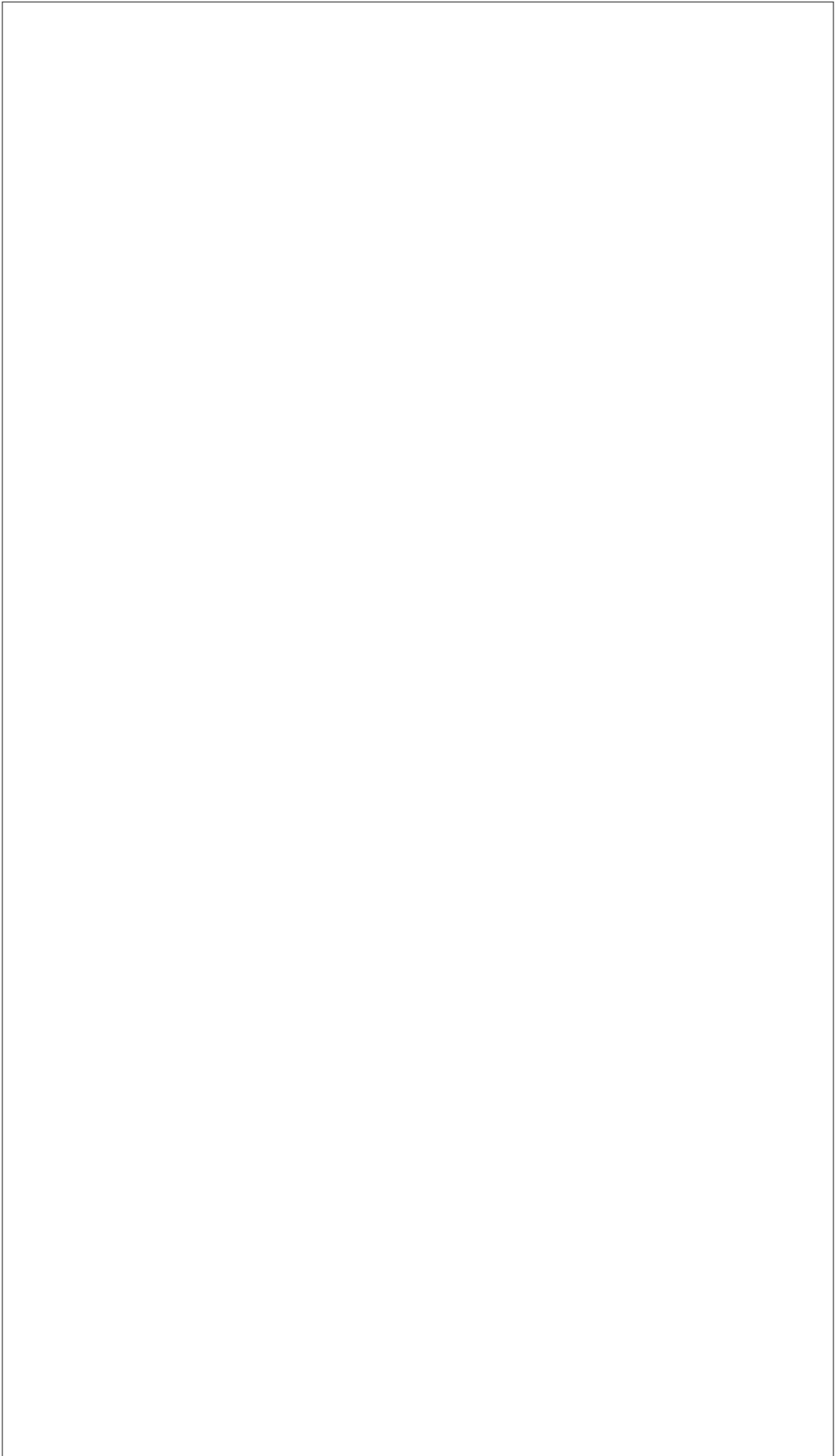
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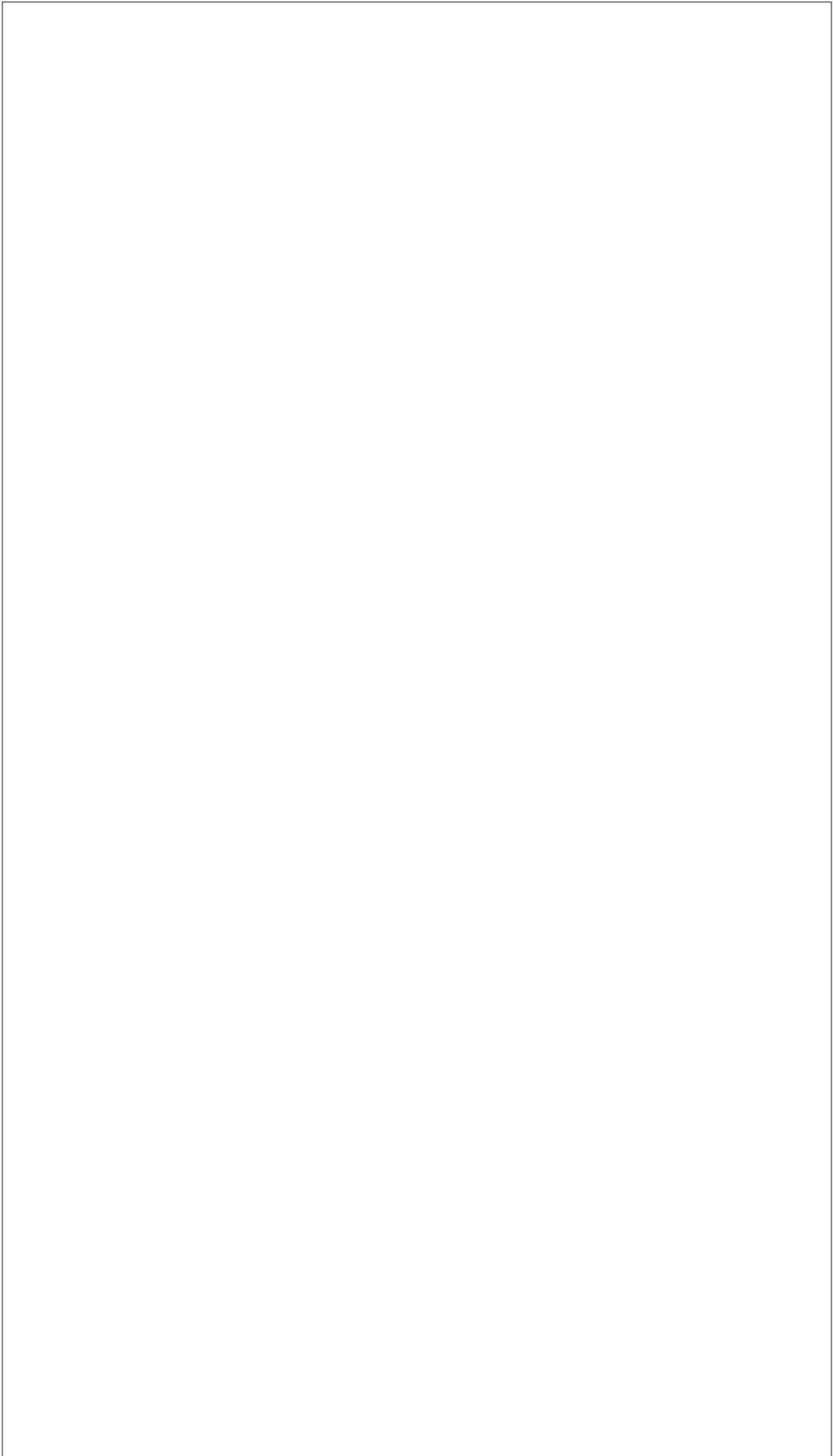
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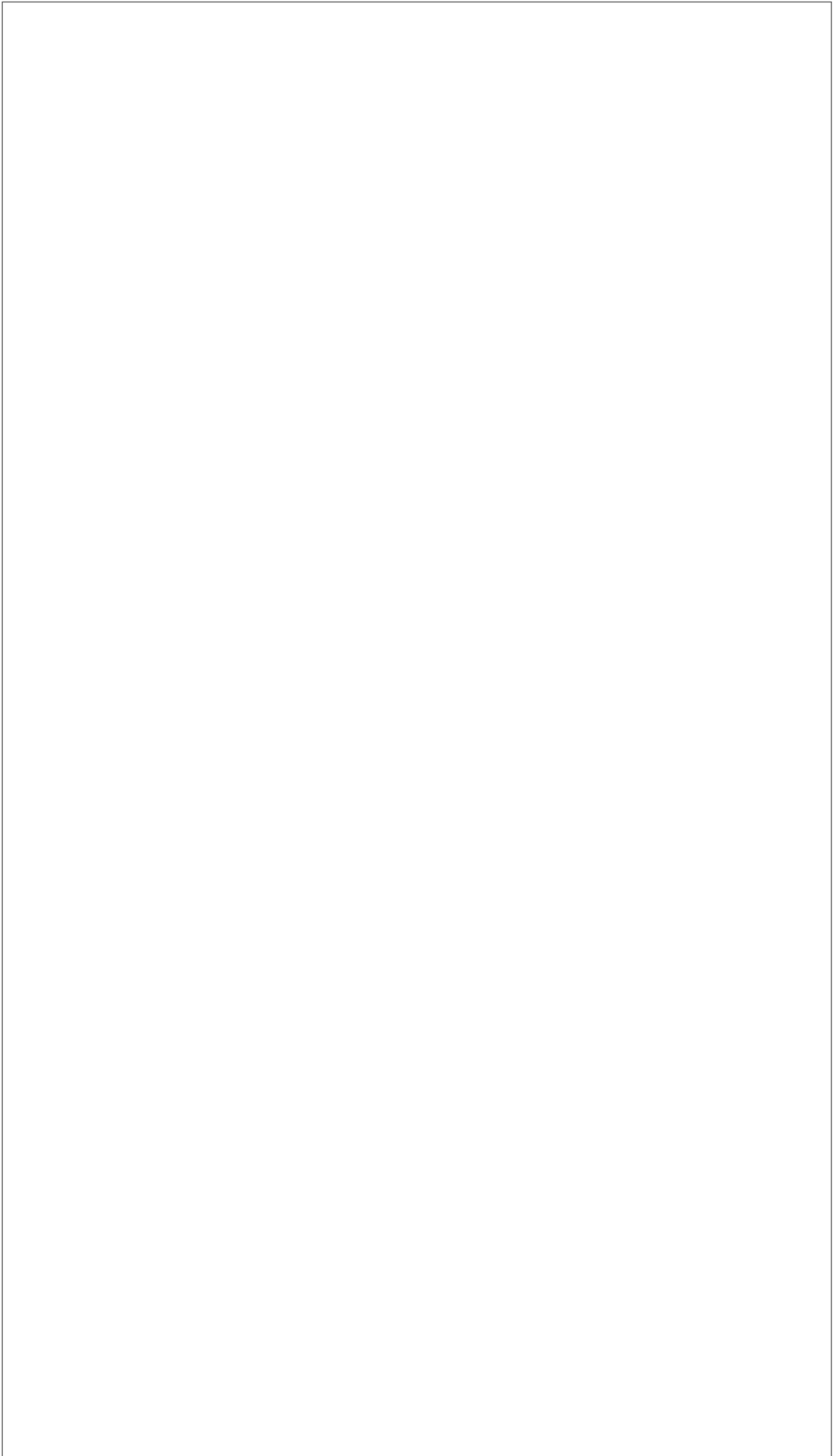
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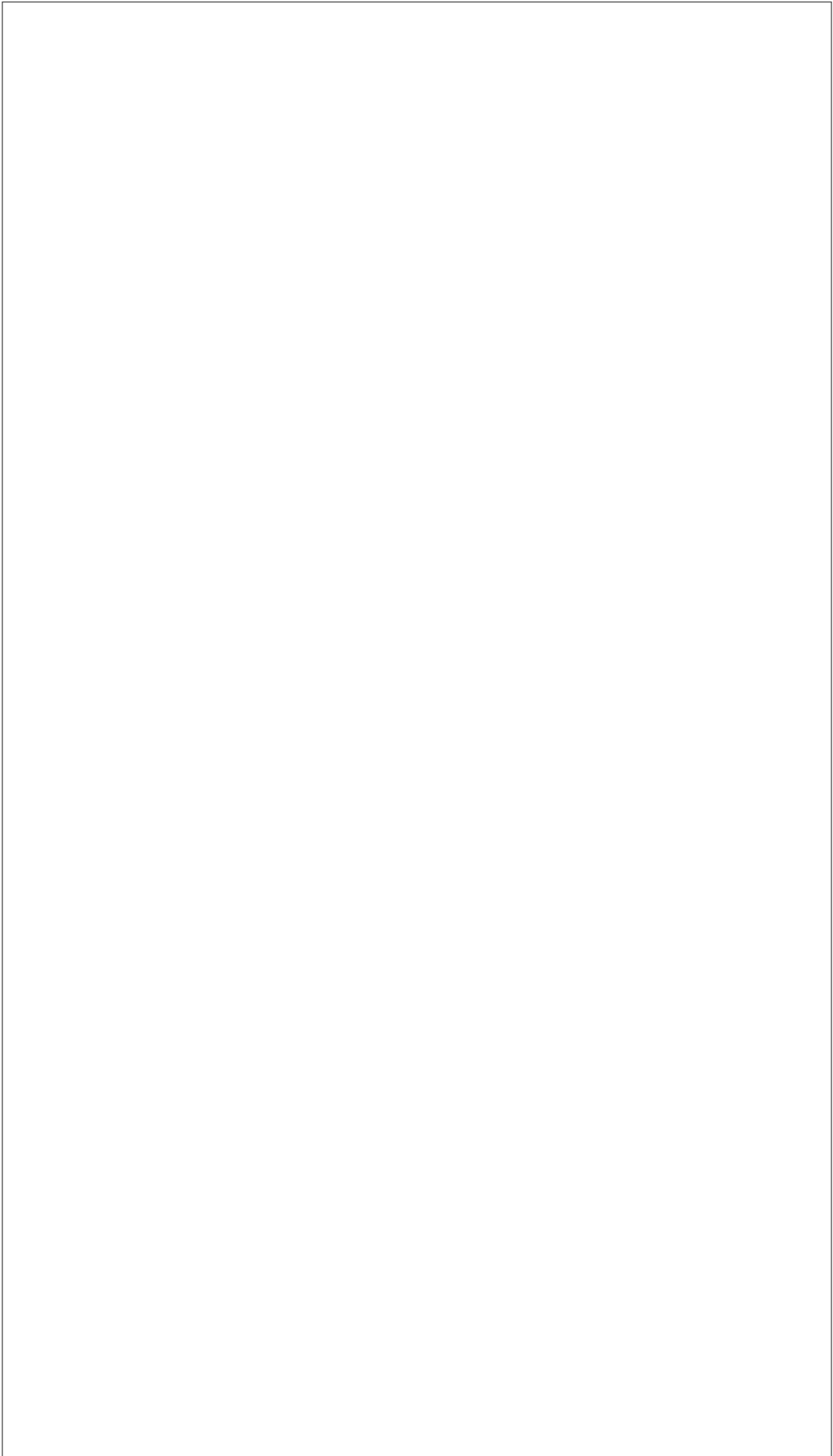
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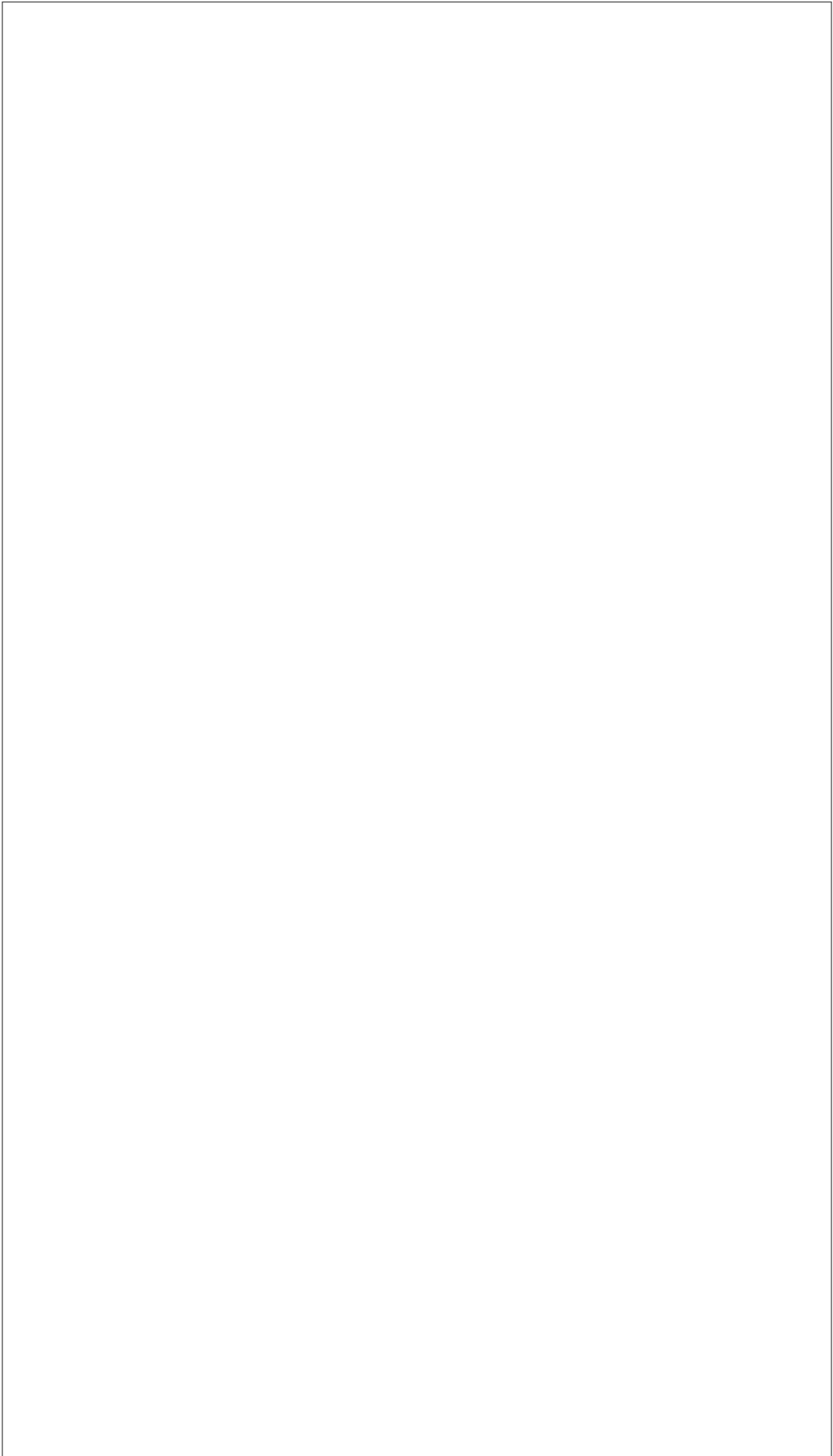
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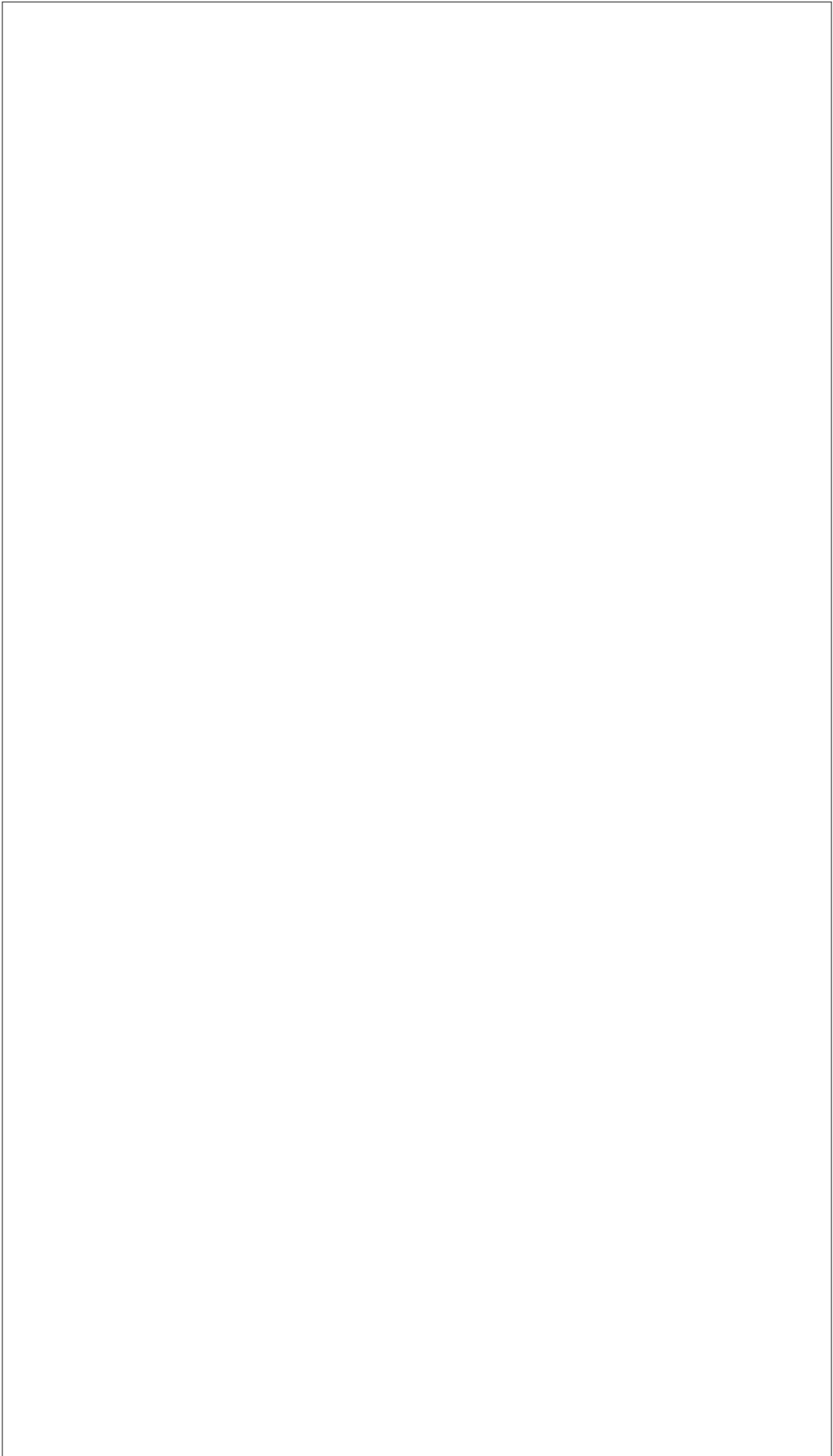
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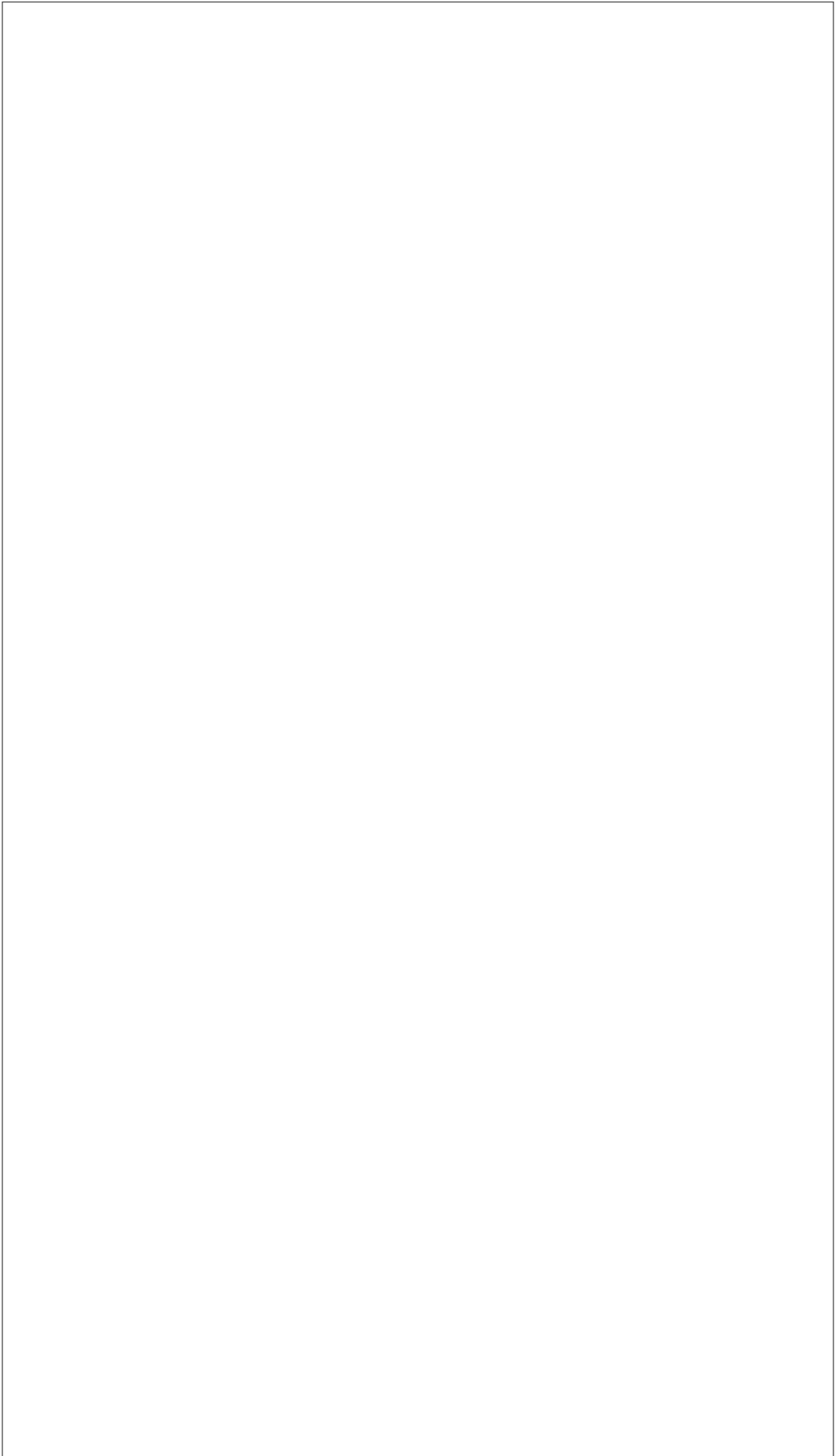
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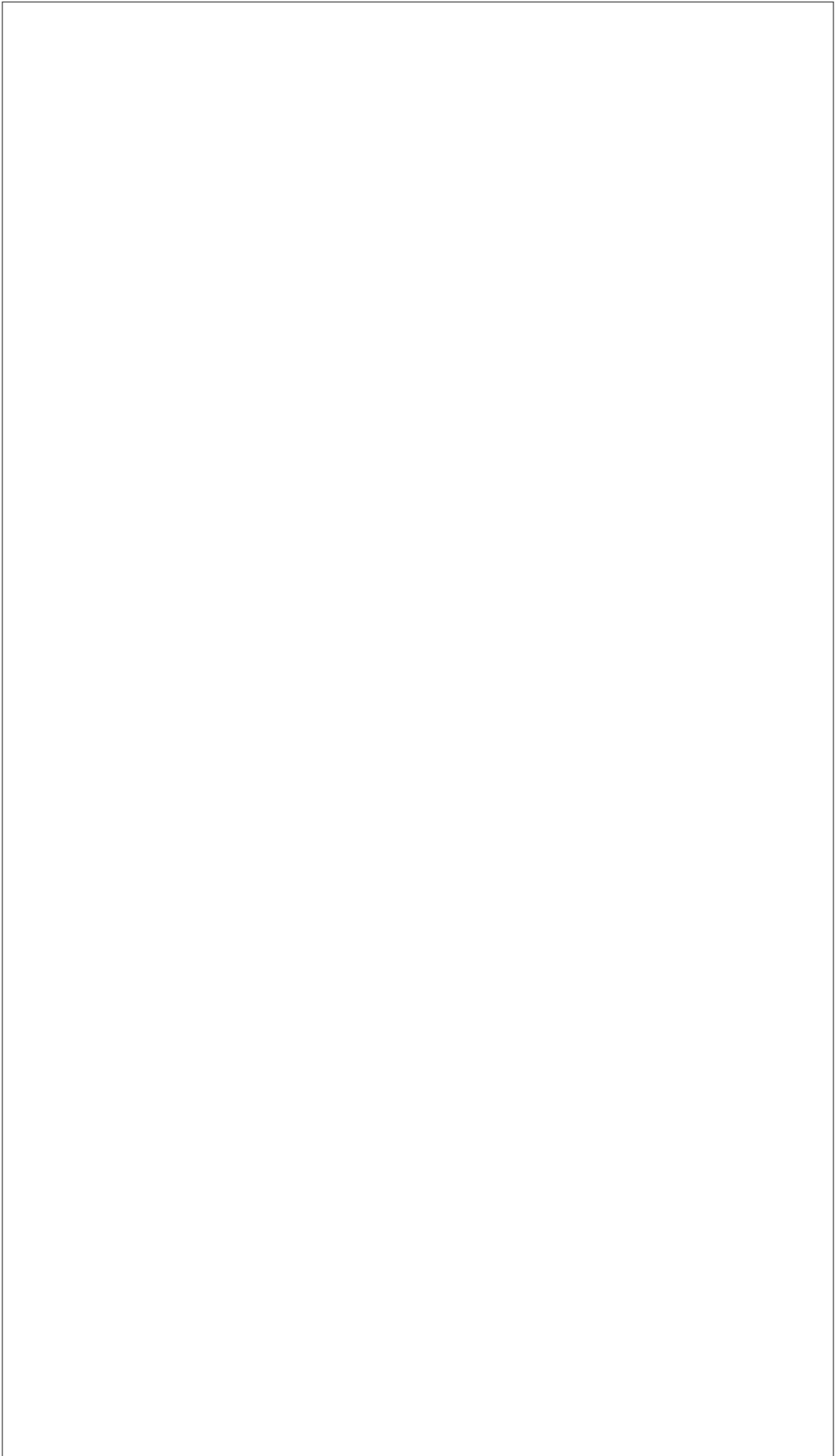
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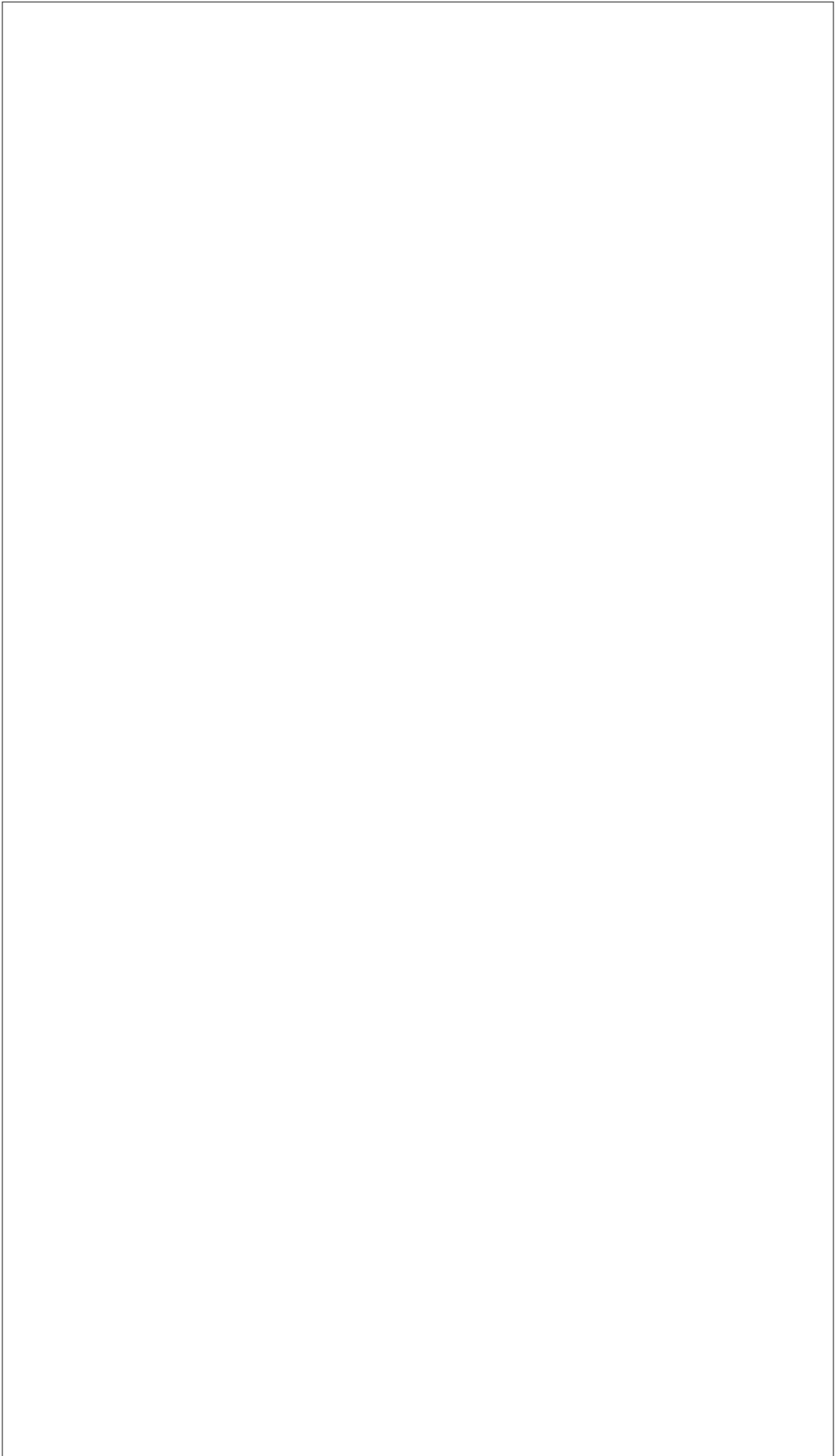
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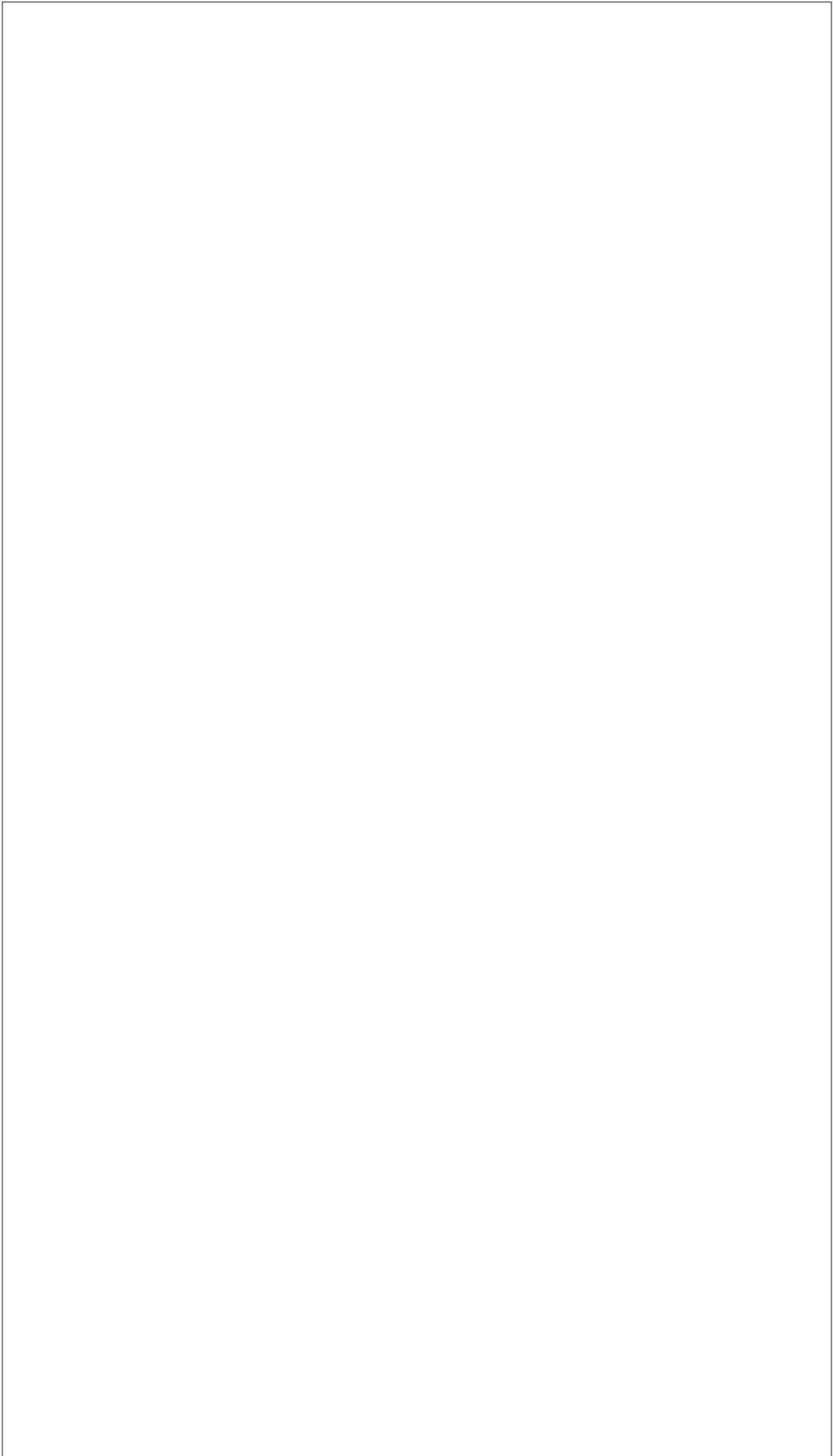
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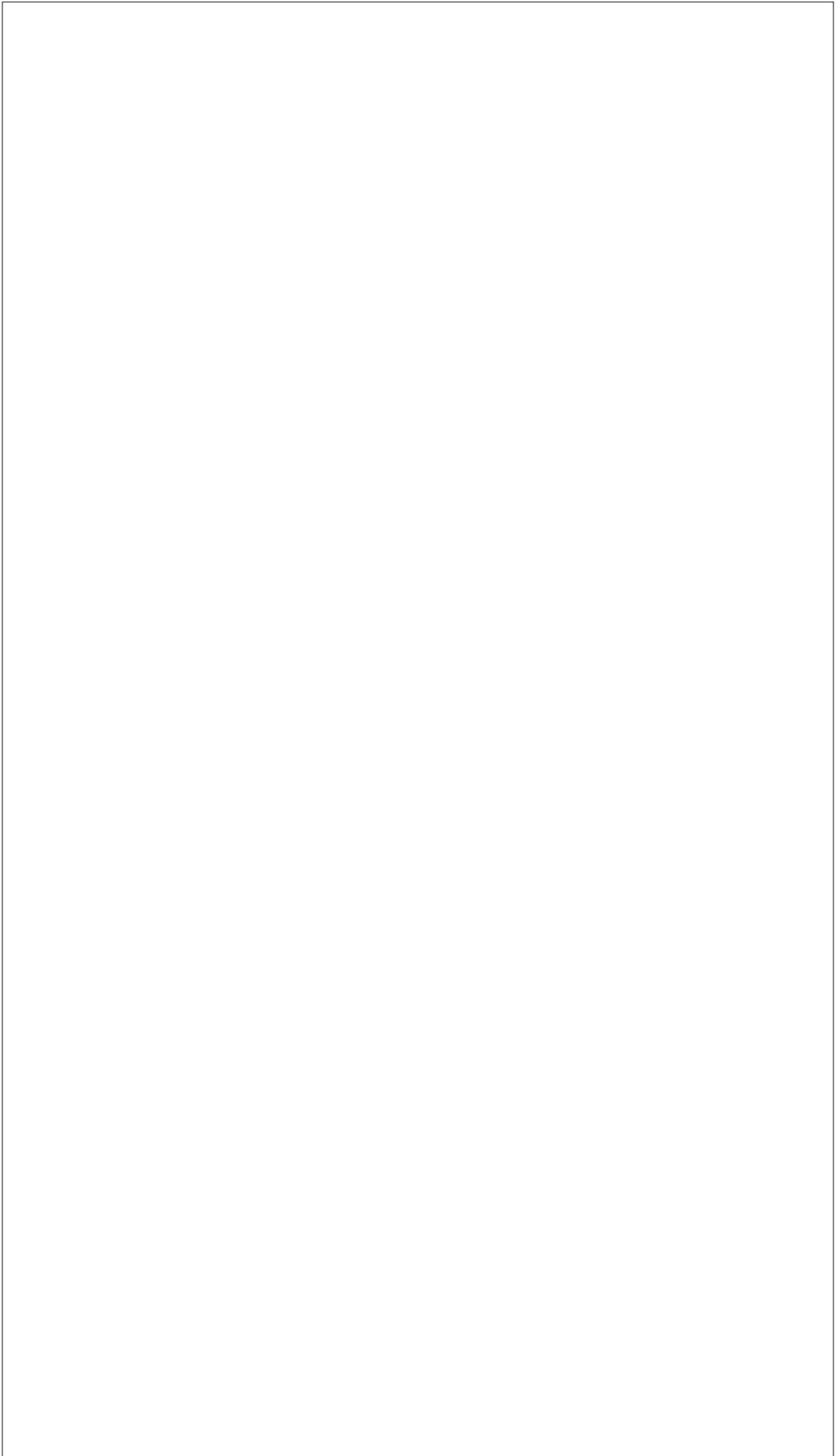
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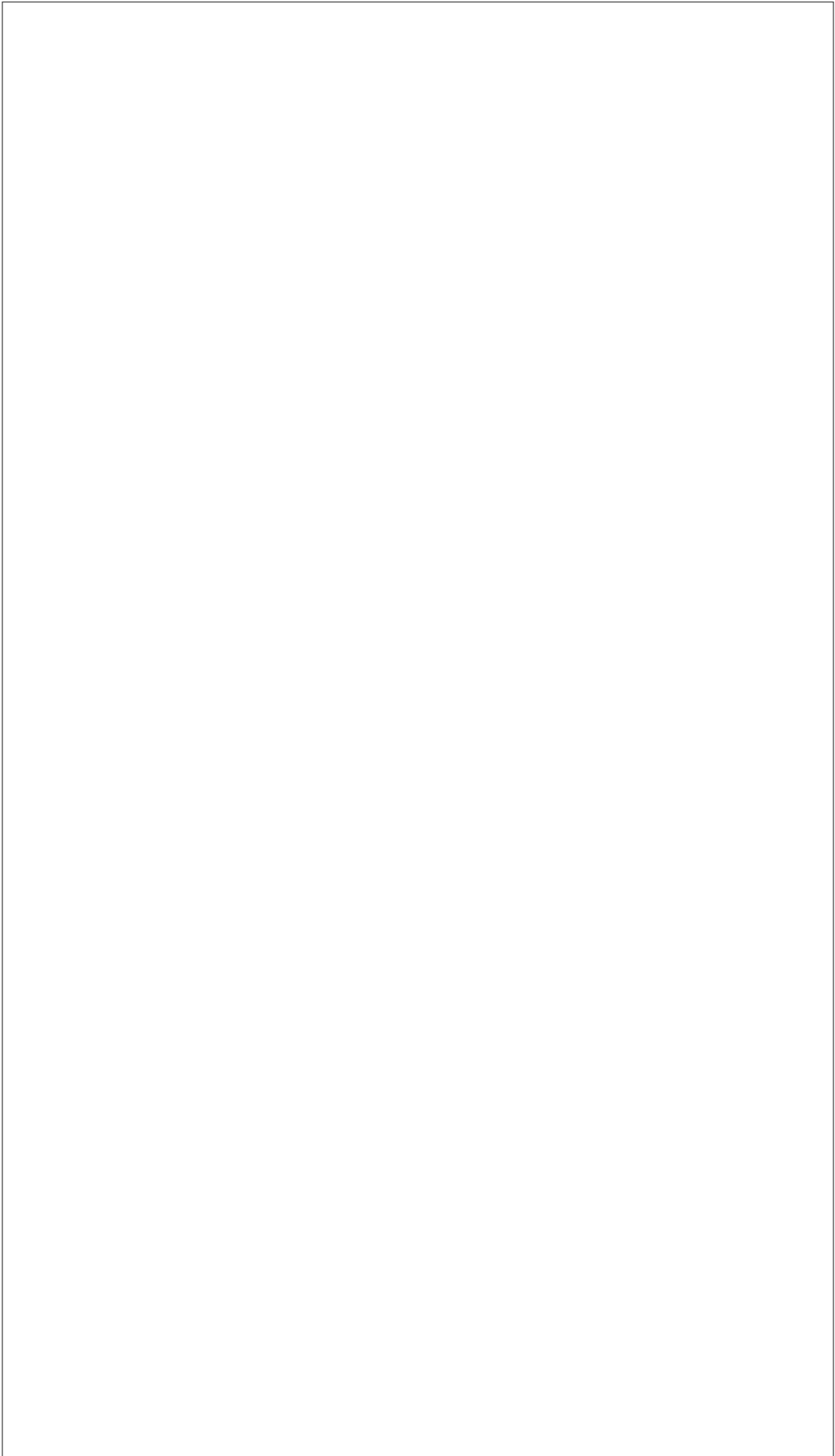
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(End sealed material)

(Recess taken.)

ALJ MILES: So we've just returned from a short break, and we've been in confidential session for financial questions or questions related to figures that are subject to confidential treatment.

At this point, Mr. Rosvall has completed his cross-examination of the witness, Mr. Ahlstedt. Is that correct?

MR. ROSVALL: It is.

ALJ MILES: Okay. And Mr. Parker, do you have any redirect for Mr. Ahlstedt?

MR. PARKER: Wayne Parker, attorney for Cal Advocates.

Cal Advocates has no questions on redirect for Mr. Ahlstedt.

ALJ MILES: Okay. So then counsel agree that Mr. Ahlstedt can be excused?

MR. ROSVALL: Yes, your Honor.

MR. PARKER: Yes, your Honor.

ALJ MILES: Okay. So it's 3:17. We're scheduled to proceed until 4:30.

Does Cal Advocates want to begin with its next witness and present that witness for cross-examination?

1 MR. PARKER: No, your Honor. I'm
2 preferring to wait 'til Monday. She -- I
3 don't know that she's even really ready to
4 testify today.

5 ALJ MILES: Okay.

6 MR. PARKER: I could introduce her.

7 ALJ MILES: I forgot it's Friday.

8 Okay.

9 So we can, then, go ahead and
10 proceed to the question of exhibits, and for
11 that, I'm hoping that Mr. Gutierrez, our
12 analyst, can remain with us.

13 MR. GUTIERREZ: Right here, your Honor.
14 I'm not going anywhere.

15 ALJ MILES: Okay. Great. We'll be
16 doing this on the record. Let me look back
17 and see what we've handled today.

18 MR. ROSVALL: And your Honor, I wanted
19 to remind you that we had a -- an agreement
20 about an earlier exhibit. I believe it's
21 PAO-16. So I just -- I don't need to address
22 it now, but wanted to flag that for you as
23 something to be addressed here.

24 ALJ MILES: That's not the testimony of
25 Mr. Ahlstedt, is it?

26 MR. ROSVALL: No.

27 ALJ MILES: Okay. Okay. So --

28 MR. PARKER: Your Honor, that was a

1 cross-exam exhibit from yesterday.

2 ALJ MILES: I don't remember what the
3 issue was with that one.

4 But, what is Mr. Ahlstedt's exhibit
5 number? Because I don't see that I wrote
6 that down.

7 MR. PARKER: Yes, your Honor. So
8 Mr. Ahlstedt's opening testimony, public, is
9 marked as PAO-01.

10 ALJ MILES: Okay. That's public.

11 MR. PARKER: And his confidential
12 testimony is marked as PAO-02.

13 ALJ MILES: Okay. Well, just to be
14 consistent with what we did with STCs, I'm
15 going to call it PAO-01-C.

16 MR. PARKER: Yes, your Honor.

17 ALJ MILES: I'm going to --

18 MR. PARKER: I'd also add, your Honor,
19 that we also offer into evidence exhibits to
20 the opening testimony. Specifically, all the
21 exhibits to Mr. Ahlstedt's opening testimony,
22 the public opening testimony, are to be
23 marked as PAO-02, and all the exhibits to his
24 confidential testimony, opening testimony, I
25 should say, would be marked as PAO-02-C, just
26 so we keep that same methodology with regard
27 to naming.

28 ALJ MILES: Okay. And I'll just note

1 on the record that pursuant to an earlier
2 discussion that we had off the record, PAO-01
3 and PAO-01-C are marked for identification,
4 but not admitted, subject to Public Advocates
5 Office providing a properly redacted
6 document, pursuant to my ruling.

7 (Exhibit No. PAO-01 was marked for
8 identification.)

9 (Exhibit No. PAO-01-C was marked for
10 identification.)

11 ALJ MILES: Just to be complete, I'll
12 put the date of my ruling on the record; my
13 ruling dated July 13, 2022. Okay.

14 MR. ROSVALL: Your Honor, I just had a
15 question about the timing of -- of that part
16 of it, and maybe it's for Mr. Parker, but
17 when are -- so -- so those exhibits are not
18 admitted right now, but there will be a
19 correction made. I'm just not sure when
20 we're doing that.

21 ALJ MILES: I think they can be ready
22 by Monday.

23 MR. PARKER: Yes, your Honor, I think
24 we can get it done. If -- Mr. Ahlstedt is
25 done. He already knows that -- because of
26 conversations after this morning's discussion
27 among the three attorneys that we need to
28 revise or redact, in full, in accordance with

1 your order. I don't know that he started
2 doing it yet, but knowing Mr. Ahlstedt, he
3 probably already has started working on it.

4 ALJ MILES: All right. Okay. What
5 else do we have to mark and put into evidence
6 today?

7 MR. ROSVALL: We have Dr. Lehman. We
8 have a -- some number of cross exhibits from
9 us, which I -- I -- I can represent is a much
10 smaller subset of what we circulated. I'm
11 only going to move some of them.

12 ALJ MILES: Okay. Are you prepared to
13 read those into the record?

14 MR. ROSVALL: I think so, but I -- I
15 would want to maybe start with Dr. Lehman.
16 So let me -- let me identify that.

17 So -- so Dr. Lehman's testimony was
18 Exhibits STC-10 and Exhibit STC-11. So we
19 move those in -- into evidence.

20 ALJ MILES: And these are both public?

21 MR. ROSVALL: Correct.

22 ALJ MILES: And Mr. Parker, do you have
23 any objection to moving these exhibits into
24 evidence?

25 MR. PARKER: Wayne Parker for Cal
26 Advocates.

27 Cal Advocates does not object to
28 admitting these into evidence.

1 ALJ MILES: Okay. You indicated
2 earlier, but I said we'd discuss it this
3 afternoon, that you wanted to make some
4 comment about Cal Advocates' position with
5 respect to the document.

6 MR. PARKER: Yes, your Honor. I wanted
7 to note that we do not stipulate to its
8 accuracy or any accuracy of its contents. We
9 merely do not object to admitting it to the
10 record.

11 ALJ MILES: All right. And is that the
12 same posture for the earlier documents?

13 MR. PARKER: Yes, your Honor. If you
14 want, I can go back and look at those exhibit
15 numbers, if you want to read them into the
16 record.

17 ALJ MILES: No. I think it's fine.
18 Because I asked on the record, "Do you
19 stipulate to their accuracy?" You said,
20 "Yes." Now, you're saying you don't
21 stipulate to the accuracy, but you don't
22 object to their admission into evidence?

23 MR. PARKER: That is correct, your
24 Honor.

25 ALJ MILES: Okay. So Mr. Gutierrez,
26 since you are on the line, I don't recall
27 that your exhibit listing has a column,
28 anyway, for stipulated. You just show marked

1 and admit --

2 MR. GUTIERREZ: Actually, your Honor,
3 if you note, in between the link of
4 supporting documents column and the
5 marked/identified column, there is -- there
6 are probably a significantly large list of
7 "Ns." Those are indicating stipulation.
8 Currently, I have --

9 ALJ MILES: "N" is indicating no
10 stipulation?

11 (Crosstalk.)

12 MR. GUTIERREZ: I'm sorry?

13 ALJ MILES: "N" is indicating no
14 stipulation, is it not?

15 MR. GUTIERREZ: Correct. And -- and
16 "Y" is -- and "Y" indicates, yes, stipulated.

17 ALJ MILES: Okay. So what I'm looking
18 at --

19 (Crosstalk.)

20 ALJ MILES: What I'm looking at -- and
21 I didn't realize this is what you prepared,
22 Mr. Gutierrez. I thought this came from
23 Sierra.

24 But, I see Exhibit 1 through 12, all
25 for Sierra, on the page I'm looking at, and
26 they all have "N's."

27 MR. GUTIERREZ: That -- that is
28 partially -- that may have been lost in

1 translation or something like that, your
2 Honor, because I have STC's 8, 9 and 12
3 listed as stipulated.

4 Does that correlate, Mr. --
5 Mr. Parker?

6 ALJ MILES: Okay. So basically, I can
7 answer that question. There should be no
8 stipulation to any of the documents.

9 MR. GUTIERREZ: Understood. I will
10 correct that.

11 ALJ MILES: Okay. And I think the list
12 I'm looking at came from counsel for Sierra.
13 It's different than your own list,
14 Mr. Gutierrez.

15 All right. So now we have 10 and
16 11, which are both public, not confidential.

17 12 was Mr. Thompson. We already got
18 that. I don't remember, honestly, if we got
19 that in yesterday or today. I think he
20 appeared yesterday for a quick -- okay. So
21 12 is in.

22 Okay. So then other than
23 Mr. Lehman's exhibits, or testimony,
24 Mr. Rosvall, you have some cross-exam
25 exhibits which pertain to Mr. Ahlstedt.
26 Correct?

27 MR. ROSVALL: Yes, your Honor. And I
28 could read what I think is the total list

1 that we would like to move, which is not
2 everything, and then maybe we could go one by
3 one from there. Should I do it that way?

4 ALJ MILES: When you say the total list
5 which we want to move, which is not
6 everything, that suggests you don't want to
7 move into evidence everything on the
8 cross-exam list?

9 MR. ROSVALL: Correct. We circulated a
10 number of things last night. We didn't use
11 all of them. So I -- I would focus on the
12 ones that we actually talked about.

13 ALJ MILES: Yes. And as a matter of
14 fact, we don't need to mark for
15 identification anything that we didn't talk
16 about, because it doesn't exist, if nobody's
17 discussed it, unless you plan to use it in
18 briefing.

19 MR. ROSVALL: Well, this is a feature,
20 I guess, of the virtual environment. We
21 already marked them, and I identified them
22 that way, because we have to circulate them
23 the night before. So there -- we were
24 already calling them certain things. It'll
25 create mass confusion if we call them
26 something else. So I mean there's not that
27 many, but --

28 ALJ MILES: I don't think you

1 understand my comment. If you circulated
2 them and identified them, that's fine. But,
3 nobody's referred to them, and if you don't
4 plan to refer to them in briefing, we don't
5 need them in the record.

6 MR. ROSVALL: Oh, right. They don't
7 need -- right. They don't need to be in the
8 record, but they do need to stay numbered as
9 they are.

10 ALJ MILES: Right. But, do we need to
11 even mention them, if they're not going to be
12 used at all?

13 MR. ROSVALL: My preference is not to,
14 simply because it would take a long time.

15 ALJ MILES: Okay. So --

16 MR. ROSVALL: But, I -- I'd rather just
17 tell you which ones we're moving, and then go
18 one by one.

19 ALJ MILES: Yes. That's what I'm
20 asking. I want to know what we're marking
21 for identification and we plan to move into
22 evidence. And I understand all we're going
23 to hear about are the cross-examination
24 exhibits that are relevant, because somebody
25 asked a question about them or was asked to
26 look at them.

27 MR. ROSVALL: Yeah. So --

28 ALJ MILES: So why don't we list those?

1 MR. ROSVALL: Okay. I guess a point of
2 protocol, three of these that we did talk
3 about are statutes. We did talk about them.
4 We identified some Commission decisions
5 yesterday. I'm just going to include those,
6 because that's what we did yesterday.

7 ALJ MILES: All right.

8 MR. ROSVALL: So okay.

9 ALJ MILES: We marked them, but we
10 didn't move them into evidence, because we
11 thought it was unnecessary.

12 MR. ROSVALL: Okay. So -- so here we
13 go, then.

14 So 17 -- STC-17 is Public Utilities
15 Code 275.6, obviously a statute, but we'd
16 like to identify that.

17 (Exhibit No. STC-17 was marked for
18 identification.)

19 ALJ MILES: Okay. And don't go very
20 fast, because the court reporter's still
21 taking it down.

22 MR. ROSVALL: Okay. Yeah.

23 The next one we'd like to identify
24 is STC-22, which is the bill, AB 988.

25
26 (Exhibit No. STC-22 was marked for
27 identification.)

28 MR. ROSVALL: The next one is STC-23,

1 which is the Commission's surcharge list from
2 the website.

3 (Exhibit No. STC-23 was marked for
4 identification.)

5 ALJ MILES: Okay. Hold on just a
6 minute. I got -- because I don't want to
7 talk over you, since the court reporter's
8 taking this down.

9 So STC-23 is the surcharge list from
10 website. I get that.

11 AB 988, what was the number for that
12 one?

13 MR. ROSVALL: That's STC-22.

14 ALJ MILES: All right. Because I
15 didn't have that as a STC number.

16 And then the statute?

17 MR. ROSVALL: The -- the statute was
18 STC-17, 270 -- Public Utilities Code 275.6.

19 ALJ MILES: STC-17. Okay. Proceed.

20 MR. ROSVALL: Okay. So the next one is
21 STC-25, which was the Order Instituting
22 Rulemaking, R.21-03-002.

23 (Exhibit No. STC-25 was marked for
24 identification.)

25 MR. ROSVALL: And then, just for
26 Mr. Parker's benefit, I -- I wanted to
27 clarify this. I'm not going to move STC-26.
28 This was the -- the testimony from Phase 1.

1 We talked about it. He read the heading.

2 I'm not going to move it.

3 But, I will move STC-30, which is
4 the Foresthill decision referenced by
5 Mr. Ahlstedt.

6 (Exhibit No. STC-30 was marked for
7 identification.)

8 ALJ MILES: Okay. Just a second.
9 That's the D.21-06-004?

10 MR. ROSVALL: No, that's D.19-04-017, I
11 think.

12 ALJ MILES: Okay. Oh, yeah, he
13 mentioned -- Foresthill, I think, is
14 17-10-004, is it not?

15 MR. ROSVALL: That's the proceeding
16 number.

17 ALJ MILES: Oh, okay. What's the
18 decision?

19 MR. ROSVALL: I have --

20 ALJ MILES: I don't see that in my
21 notes.

22 MR. ROSVALL: I -- from memory, it's
23 D.19-04-017, but I'm trying to find it.

24 MR. GUTIERREZ: If it's -- if it's any
25 help, that is what I have on my end, as well.

26 MR. ROSVALL: Yeah.

27 ALJ MILES: Okay. And what's --

28 MR. PARKER: And that's also what I

1 show in my notes, as well.

2 ALJ MILES: What number are we giving
3 it, though? STC?

4 MR. ROSVALL: That one's STC-30.

5 ALJ MILES: All right. Thank you.

6 MR. ROSVALL: And then I only have one
7 more, unless my notes are incorrect, but I
8 think they're right.

9 I only have one more, which is
10 STC-35, and that's the detariffing
11 resolution; so Resolution 17203.

12 ALJ MILES: T-17203.

13 MR. ROSVALL: Right.

14 ALJ MILES: Right. Okay.

15 (Exhibit No. STC-35 was marked for
16 identification.)

17 ALJ MILES: So now I'll hear
18 objections, if any, from Mr. Parker.

19 MR. PARKER: I'm sorry, your Honor. I
20 was on mute. I want to --

21 ALJ MILES: Let me preempt -- let me
22 preempt one thing. I'm not going to sustain
23 an objection to the surcharge list from our
24 website, ST-23 -- STC-23, because I did allow
25 in excerpts from the Sierra website, which
26 were of questionable clarity. Now, I don't
27 know if we need this surcharge list in the
28 record, or if it's -- can be simply marked.

1 But, I understand you made a number of
2 objections during testimony about the
3 website. I don't need to hear those again,
4 because I'm going to --

5 MR. PARKER: Yeah.

6 ALJ MILES: -- allow it to be marked.
7 And I don't think we need it -- well, do we
8 need it in evidence?

9 MR. ROSVALL: Yes, we -- we do.

10 ALJ MILES: Okay. Well, I'm going to
11 allow it, notwithstanding the witness's
12 repeated protestations that he wasn't sure
13 what it was, because I allowed other websites
14 in in this proceeding, despite repeated
15 protestations. Okay?

16 But, please proceed with any
17 objections to other exhibits.

18 MR. PARKER: All right, your Honor.
19 I'll make this easy for everyone. Cal
20 Advocates has no objections to admitting
21 STC-25, STC-30, or STC-35.

22 ALJ MILES: Okay.

23 (Exhibit No. STC-25 was received
24 into evidence.)

25 (Exhibit No. STC-30 was received
26 into evidence.)

27 (Exhibit No. STC-35 was received
28 into evidence.)

MR. PARKER: However, we do object --

1 Cal Advocates does object, for reasons that
2 we stated earlier, so I won't beat the -- the
3 horse any deader than it is, STC-22, which is
4 the text of the legislative bill AB 998.

5 ALJ MILES: Is it 998 or 988?

6 MR. ROSVALL: I think the latter.

7 MR. PARKER: It's 988. I'm sorry, your
8 Honor. I should have made it clearer.

9 ALJ MILES: Okay. And I'm going to
10 sustain the objection, and I'm not going to
11 admit that, because -- well, let me say I'll
12 mark it. It -- whether it's admitted or not,
13 I can take notice of it as a government
14 document, or as a document, and counsel for
15 Sierra is free to use it in argument and
16 briefing. But, I'm not going to move it in
17 as, quote unquote, evidence, because we don't
18 know if it'll ever become law. So it's of
19 limited value, in my opinion. But, it's very
20 useful for argument, if you want to use it
21 for argument. It may be persuasive, even,
22 okay, for the point you were trying to make.

23 So we can mark that.

24 MR. ROSVALL: So -- so what does it
25 mean to mark it? I just -- I just want to
26 understand our parameters here. We're just
27 marking it to acknowledge its existence, but
28 it will not be part of the evidentiary

1 record. That's what you're saying, I think.

2 Is it --

3 ALJ MILES: I'm saying I'm marking it
4 for -- I'm marking it for identification, and
5 it's been objected to, and I'm sustaining the
6 objection in terms of putting it in as
7 evidence. But, as you know, because it is a
8 document issued by a legislative body, I can
9 take notice of it, as I can take notice of
10 the statutes and other decisions of the
11 Commission; and accordingly, whether it's in
12 evidence or not, you could also reference it
13 in your briefing.

14 MR. ROSVALL: I understand now. Thank
15 you.

16 ALJ MILES: I just don't want to give
17 somebody the impression that I don't
18 understand that something that's not a final
19 statute is, quote unquote, evidence.

20 Okay. Anything else?

21 MR. ROSVALL: Only the stipulated item
22 that I mentioned earlier, which is that --
23 and I can address this by sending the
24 document to you.

25 But, Mr. Parker and I were able to
26 meet and confer about PAO-16. It's another
27 one of these scenarios where there's a
28 narrative in front of the document, and we

1 just put the narrative in front of the
2 document. And so I think he's on board with
3 that.

4 ALJ MILES: Okay. And it makes me very
5 happy, and gives me a warm fuzzy feeling that
6 you guys can agree on something. So very
7 good, gentlemen, going into the weekend.

8 MR. ROSVALL: So who should I send that
9 to? I can do it right now.

10 ALJ MILES: Maybe to Mr. Gutierrez. I
11 think he's compiling all the exhibits.

12 Am I misspeaking, Mr. Gutierrez?

13 MR. ROSVALL: I'll send it to your --
14 you, your Honor, Mr. Parker, and
15 Mr. Gutierrez. We'll handle it that way.

16 ALJ MILES: Okay. All right. So I
17 think we've come to the end of our business,
18 and there being no further business, we can
19 officially go off the record, Madam Court
20 Reporter.

21 (Whereupon, at the hour of 3:38
22 p.m., this matter having been continued
23 to 9:30 a.m., August 1, 2022, the
Commission then adjourned.)]

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