

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

ADMINISTRATIVE LAW JUDGES PATRICIA MILES and
DAVID VAN DYKEN, co-presiding



FILED
06/15/23
04:59 PM
A2211001

In the Matter of Application of) EVIDENTIARY
Foresthill Telephone Co. (U 1009 C) to) HEARING
Modify Intrastate Revenue Requirement)
and Rate Design and Adjust Selected) Application
Rates.) 22-11-001
_____)
)
In the Matter of Application of Kerman)
Telephone Co. (U1012C) to Modify) Application
Intrastate Revenue Requirement and Rate) 22-11-002
Design and Adjust Selected Rates.)
)

REPORTERS' TRANSCRIPT
Virtual Proceeding
June 8, 2023
Pages 569 - 747
Volume 5
PUBLIC

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1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

WITNESSES		PAGE
CHRSTIAN VILLARREAL		
Cross-Examination Resumed By Mr. Rosvall		572
Cross-Examination Resumed By Mr. Rosvall		656
BIXIA YE		
Direct Examination By Ms. Chen		682
Cross-Examination By Mr. Rosvall		685
BENNY CORONA		
Direct Examination By Ms. Chen		733
EXHIBITS	MARKED	RECEIVED
KTC-FTC-14		740
KTC-FTC-16		740
KTC-FTC-19		740
KTC-FTC-21		740
KTC-FTC-22		740
KTC-FTC-23		741
KTC-FTC-24		741
KTC-FTC-25		741
KTC-FTC-28		741
KTC-FTC-30		742
CA-02-C		743
KTC-FTC-38		743
KTC-FTC-39		743

VIRTUAL PROCEEDING

JUNE 8, 2023 - 9:35 A.M.

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ADMINISTRATIVE LAW JUDGE VAN DYKEN: So, we are on the record. This Commission will come to order. Today is Thursday, June 7th -- I'm sorry, Thursday, June 8, 2023. It is the fourth day of the evidentiary hearing in the matter of the consolidated applications of Foresthill Telephone Company, A.22-11-001 and Kerman Telephone Company, A.22-11-002 to Modify Intrastate Revenue Requirement and Rate Design and Adjust Selected Rates.

My name is David Van Dyken. Judge Patricia Miles and I are the assigned administrative law judges to these two proceedings, and the assigned commissioner is Darcie Houck.

When we closed the day yesterday, we were listening to Mr. Villarreal, and he is back with us today to complete his testimony.

Ms. Chen, would you like to start off with -- would you like to start us off this morning with the continuation of Mr. Villarreal's testimony?

MS. CHEN: Good morning, your Honor. I believe we -- I have done the direct examination of Mr. Villarreal, and he is ready for cross-examination.

1 ALJ VAN DYKEN: Okay. Great, thank you.

2 And, Mr. Villarreal, before we continue, I just
3 want to remind you that you are still under oath.

4 All right. Mr. Rosvall?

5 MR. ROSVALL: Great, thank you, your Honor.

6 CHRYSTIAN VILLARREAL,
7 resumed the stand and testified further as
8 follows:

9 CROSS-EXAMINATION RESUMED

10 BY MR. ROSVALL:

11 Q Good morning, Mr. Villarreal.

12 A Good morning.

13 Q So, I am going to start off with what I think
14 might be an easy question just to clarify your
15 testimony.

16 I am looking at page 2-13 of your Kerman
17 testimony, which I think has been marked as Exhibit
18 CA-K-04. And there's a heading on that page that says,
19 "Custom calling and voicemail services at no charge will
20 provide all of Kerman's customers with expanded
21 service."

22 Do you see that?

23 A What page of my testimony did you say?

24 Q It's 2-13 of the Kerman testimony.

25 A Okay. I am here.

1 Q Okay. So, you see that heading about custom
2 calling features and voicemail?

3 A Yes.

4 Q Okay. And so, the company and -- and Cal
5 Advocates has agreed on this as part of the -- the
6 stipulation that was submitted in this proceeding,
7 right?

8 A Yes.

9 Q Okay. And I -- I just wanted to clarify to
10 make sure that it's your position that all of the custom
11 calling features should be included within the basic
12 rate, right?

13 A Yes.

14 Q Okay. And I noticed on page 2-14, I think it
15 is, you have a sentence there talking about some of the
16 public benefits of call forwarding and call waiting in
17 particular. You mention the benefits during wildfires.

18 I wanted to ask you about a different service,
19 which is caller ID. Do -- can you think of any public
20 benefits that caller ID would provide understanding that
21 caller ID would be part of this package?

22 A Yes. In case of an emergency, a person with
23 caller ID will be able to see the number that is calling
24 them, and if it's a recognizable number, such as the
25 fire department or someone -- a relative, they will be

1 able to answer without fear of a robo call or scam call.

2 Q Right. So, you agree that that service is also
3 important for public safety?

4 A Yes.

5 Q Okay. All right. I am going to move onto the
6 rate proposal that you're making, starting with
7 residential service. So, I am going to back you up, I
8 think, two pages in this same testimony. I will ask you
9 about both Kerman and Foresthill, but I will just start
10 with Kerman.

11 So, your proposed rates for both companies are
12 \$27.50 for basic monthly residential service, correct?

13 A Yes.

14 Q And -- and so, focusing on Kerman for a moment,
15 the current rate is \$22.58, right?

16 A Yes.

17 Q And for Foresthill it's \$25?

18 A Yes.

19 Q So, for Kerman, that would be just shy of a \$5
20 increase per month, right?

21 A Yes, but that rate was last set in 2017.

22 Q Okay. And -- and just to be clear, Kerman's
23 test year in that case was 2016; is that your
24 understanding?

25 A Yes.

1 Q Okay. So, you have been to Kerman, right, on
2 the site visit?

3 A Yes.

4 Q And would you agree it's a low-income area?

5 MS. CHEN: Objection. Vague as to "low
6 income." Is there a definition?

7 MR. ROSVALL: I am asking -- he's been offered
8 as an expert; he's been to Kerman. I am asking for his
9 impression as to whether the area that he visited is a
10 low-income area.

11 ALJ VAN DYKEN: Overruled. I will allow the
12 question.

13 THE WITNESS: I don't know.

14 BY MR. ROSVALL:

15 Q You don't know? Okay.

16 All right. Let's look at page 2-6 of your
17 testimony. Can you turn -- we are looking again in the
18 Kerman document. Can you turn to 2-6, please?

19 A Okay. I am here.

20 Q So, on page 11, you state that the weighted
21 average median household income for a census block group
22 in Kerman is 63,063; is that right?

23 A Yes.

24 Q So, that means that half of the households in
25 these census blocks are below that income level, right?

1 Is that what "median" means?

2 A I did state in my testimony that the median
3 income is 63,000.

4 Q I am just asking what the median means. The
5 median means that half are above that number and half
6 are below, right?

7 A I don't think necessarily that is what that
8 means. I think the average -- it means the average of
9 the household income.

10 Q So, isn't the chart that you reference, and I
11 will just direct you to -- to your Table 2-2, when you
12 cite to MHI that means median household income, right?

13 A Yes.

14 Q Okay. So, are median and average the same?

15 A Yes.

16 Q They are? Okay. So, median doesn't mean
17 the -- the midpoint of the data, it means the average?

18 A Is that a question?

19 Q Yes.

20 A Yes.

21 Q Okay. So, just to ask you about another number
22 on the -- on page 11, or sorry, line 11, page 2-6.

23 So, you have a number that says the median
24 household income, MHI, is 24,764 in the lowest MHI
25 census block group within Kerman; is that right?

1 A Yes.

2 Q Okay. So, I guess same question as before.
3 That means that half the households in that census block
4 are below 24,764; isn't that right?

5 A Yes, but it could be affected by other data
6 like population. It could be a low population area.

7 Q Are you suggesting that the census block groups
8 have different numbers of the population?

9 A Yes.

10 Q Okay. And what do you base that on?

11 A The data from the American Community Survey
12 from the census.

13 Q It talked about the number of people that are
14 within census block groups?

15 A I don't recall.

16 Q Okay. So, let's just -- let's just take the
17 numbers themselves, and the numbers I am talking about
18 are the 63,000 average median-household income that you
19 cited to on page 2-6.

20 Did you compare how that figure compares to
21 federal poverty guidelines?

22 A No, I compared them with similar household
23 incomes in urban areas in the same state.

24 Q So, you didn't consider whether that -- that
25 level of income for someone is above or below the

1 poverty line?

2 MS. CHEN: Objection, asked and answered.

3 ALJ VAN DYKEN: Sustained.

4 Mr. Rosvall, can you rephrase the question?

5 BY MR. ROSVALL:

6 Q Yeah, sure. Mr. Villarreal, I am just building
7 on your answer. So, you only considered whether the
8 rate was reasonably comparable, you didn't consider
9 whether a person -- a household at 53,000 is above or
10 below the poverty line?

11 A At the federal level, no.

12 Q Okay. Nonetheless, let's take a look. So,
13 there's a cross exhibit that has been identified as
14 KTC-FTC-16. This is a government website, therefore,
15 subject to official notice under the Commission's rules,
16 Rule 13.10; and so, we provided this in advance. I
17 would just ask you to look at Exhibit 16, please.

18 A Okay.

19 Q All right. So, in taking a look at that
20 exhibit, there's a heading at the top that says 2023
21 poverty guidelines 48 contiguous states.

22 Do you see that?

23 A Yes.

24 Q Okay. And then, looking down, there is a
25 highlighted column that is highlighted in yellow. If

1 you look at that column, you understand that when it
2 says 100 percent, it means 100 percent of the poverty
3 guidelines; in other words, at the poverty level?

4 A Yes.

5 Q Okay. And just as an example, a family of four
6 using these standards at \$30,000 per year would be at
7 the poverty line, correct, according to this?

8 MS. CHEN: Objection. I am not sure it's been
9 established that Mr. Villarreal considered the federal
10 poverty guidelines.

11 MR. ROSVALL: Your Honor, our --

12 MS. CHEN: I wanted to bring that -- sorry.

13 MR. ROSVALL: Your Honor, our witnesses were
14 asked about a great many things, many of which were
15 unauthenticated. This is a government website from the
16 department -- the Department of Health and Human
17 Services; it's very clear what it is, and he has been
18 offered as an expert. I am just trying to figure out
19 whether he considered that the -- considered how the
20 income levels in Kerman compares to the poverty line; in
21 other words, it doesn't matter whether he is familiar
22 with this document or not.]

23 ALJ VAN DYKEN: Overruled. I'll allow the
24 question.

25 ///

1 BY MR. ROSVALL:

2 Q The question, Mr. Villarreal, was just a family
3 of four -- household of four at \$30,000 annual income is
4 at the poverty line according to this document; right?

5 A It appears that it's for all the states. And
6 I'd say that California could be different than the
7 federal poverty line.

8 Q And when you say that, this document --
9 according to the title it includes all states except
10 Alaska and Hawaii; right?

11 A Yes.

12 Q Okay. And from your experience, isn't it
13 likely that the cost of living in California is actually
14 higher than in other states?

15 A Yes, but the median household income can also
16 be higher in California.

17 Q Okay. So do you have any idea what the
18 standard is that the Commission uses for Lifeline
19 eligibility for customers in California as measured by
20 household income?

21 A I'm not an expert in Lifeline, but I believe
22 it's household income.

23 Q At what level?

24 A Can you clarify.

25 Q Yeah. Let's say for a family of four. For a

1 family of four at what income level would they qualify
2 for Lifeline?

3 A I don't know the exact numbers.

4 Q Okay. Another question about just the area in
5 Kerman or households in general. It is possible that
6 low-income households could have more household members
7 than four; right?

8 A It's possible.

9 Q Don't many low-income households actually have
10 more than four members?

11 MS. CHEN: Objection. Calling for speculation.

12 MR. ROSVALL: Your Honor, that's not a valid
13 objection as to an expert. If he's being offered as an
14 expert, speculation is not a valid objection.

15 ALJ VAN DYKEN: Objection sustained.

16 Can you rephrase the question, Mr. Rosvall.

17 MR. ROSVALL: Sure.

18 Q I think the question is do -- maybe I'll ask it
19 this way: Do you know whether low-income households
20 tend to have more household members than four?

21 A I don't know.

22 Q Okay. Let's actually turn to -- so we're on
23 page 2-6 of your Kerman testimony. I wanted to direct
24 you to an exhibit that you referenced there on that
25 page. So I believe it's your Footnote 50 that directs

1 us to Exhibit B-1 of your testimony.

2 Would you agree that that's where you performed
3 the averaging of the medium household figures that
4 you're describing?

5 A Yes.

6 Q Okay. So do you have -- can you pull up that
7 exhibit. Can you look at that for us. And I'll pull it
8 up, too.

9 MS. CHEN: Could you repeat the exhibit.

10 MR. ROSVALL: Yeah. It's Exhibit B-1 of
11 Mr. Villarreal's testimony.

12 MS. CHEN: Thank you.

13 BY MR. ROSVALL:

14 Q So do you have it in front of you?

15 A Yes.

16 Q Okay. So in that exhibit there's a tab called
17 Kerman CBG Analysis. Do you see that?

18 A Yes.

19 Q Okay. Can you go to that tab, please.

20 A Yes.

21 Q In looking at the column that says "Company,"
22 it says "Sebastian-Foresthill." But those figures are
23 for Kerman; right?

24 A Yes. That's a typo.

25 Q Okay. And where you have the average listed

1 there or average listed at the bottom right-hand corner
2 of this spreadsheet, that's the average of the medians
3 listed in Column O; correct?

4 A Yes.

5 Q Okay. So only one of the CBGs listed there has
6 a median household income above 100,000. Is that
7 correct?

8 A Yes.

9 Q And I'll just ask you to count. It should be
10 pretty easy. Of the 14 CBGs listed there, how many of
11 them have medium household income of less than 70,000?

12 A I counted 10 that are less than 70,000.

13 Q Okay. So 10 out of 14?

14 A Yes.

15 Q So isn't it true that Kerman's area is the
16 lowest income area of all the rural Income Local
17 Exchange Carriers in California as measured by these
18 figures?

19 A I don't know.

20 Q You didn't look at that?

21 A I analyzed Kerman in this testimony.

22 Q But you didn't look at whether Kerman's income
23 level in its specific area is the lowest or how it
24 compares to other Small LECs?

25 A I looked at Kerman's income levels and compared

1 it with urban areas.

2 Q Okay. Let me point you to the top of page 2-4
3 of your testimony. There's a statement there that says
4 "The most recent GRCs of the other Small LECs; Sierra,
5 Cal-Ore, Calaveras, Ponderosa and Ducor Telephone
6 Companies.

7 Do you see that?

8 A On page 240 you said?

9 Q 2-4. And then look at the very top.

10 A Okay. I see.

11 Q Okay. So you see that. And there's a Footnote
12 41 attached to that sentence.

13 A Yes.

14 Q Okay. So there's -- Footnote 41 leads to a
15 series of Commission decisions, right, involving the
16 companies that you listed in this sentence?

17 A Yes.

18 Q Did you look at any of those decisions?

19 A Yes.

20 Q So isn't it true if you look at those
21 decisions, that the basic residential rates for Kerman
22 are set at a lower level than all of the other carriers
23 in the last round of rate cases from 2016 to 2019?

24 MS. CHEN: Objection. There are multiple
25 decisions being asked about here. And I don't know if

1 it's fair to ask the witness to recall exactly, you
2 know, what was said in each decision. I don't know if
3 there's a cross exhibit that he pointed to.

4 MR. ROSVALL: Your Honor, he said he read them.
5 It's a pretty simple question. I'm asking does he know
6 whether the rates for those companies are set at higher
7 or lower levels than Kerman?

8 ALJ VAN DYKEN: I'm going to sustain the
9 objection. I'm not clear that you read through all of
10 them.

11 So could you maybe restate your question there,
12 Mr. Rosvall.

13 MR. ROSVALL: I guess I'll just ask for clarity
14 again.

15 Q You said a moment ago that you read this
16 decision; right, Mr. Villarreal?

17 A I cite them there to support the weighted
18 average analysis that I did, and that's all.

19 Q I'm not asking -- okay. I'm not asking why you
20 cited them. I'm just asking if you read them. You just
21 said you did.

22 So you read them; right?

23 A Yes.

24 Q Okay. So I'll just ask the question this way.
25 We've established that Kerman's current rate is 22.58.

1 Isn't it true that all of those other companies in those
2 decisions have rates going into the remaining cases that
3 just happened? In all those decisions you referenced,
4 the rates were set at either 24 or \$25. Is that true?

5 MS. CHEN: Objection. Same objection as
6 before. Again, asking about multiple decisions and --
7 and without, you know, having his -- I don't know if
8 it's fair to ask the witness to recall every single
9 thing that he read in every decision.

10 ALJ VAN DYKEN: I'm going to sustain the
11 objection. But, Mr. Villarreal, you can answer the
12 question if you know the information, but you do not
13 need to speculate.

14 THE WITNESS: I don't recall.

15 BY MR. ROSVALL:

16 Q Okay. How about just for Kerman? I mean,
17 you're being offered as an expert here for Kerman.
18 Isn't it true that in Kerman's 2016 rate case decision
19 that the low-income character of the area justified a
20 lower residential rate?

21 A This was one of the factors, but that rate was
22 also set in 2016 which was many years ago.

23 Q Okay. And in that case do you recall -- would
24 you agree that Cal Advocates' predecessor who was known
25 as Lorre at the time that they actually supported a

1 lower rate for Kerman at 22.58? Do you recall that?

2 A I don't recall.

3 Q Okay. All right. Let's just come back to your
4 proposal in this case. Despite the figures that you
5 cited about median household income, your proposal is to
6 bring Kerman up to 27.50 for basic residential service.

7 Isn't it true that that would be the highest
8 rate in the state for a Small LEC if adopted? The
9 27.50?

10 A I don't know if it would be the highest, but
11 there are other GRCs -- or other ILECs that are at \$26
12 and \$25.

13 Q Okay. But as far as you're aware, is there any
14 ILEC that is higher than 27.50?

15 A I don't know.

16 Q Okay. But just, I guess, coming back to basic
17 principles understanding you've been offered as an
18 expert, if the incomes in Kerman are much lower, do you
19 at least agree that it's relevant whether the rate is
20 affordable?

21 MS. CHEN: Objection. Vagueness as to
22 affordable. This can be a term of art. What definition
23 are you referring to?

24 ALJ VAN DYKEN: Sustained.

25 Mr. Rosvall, can you provide a definition for

1 what you mean by "affordable."

2 MR. ROSVALL: Sure.

3 Q So, Mr. Villarreal, do you agree that in the
4 low-income areas like Kerman's based on the data that
5 you have provided, that it's important that customers
6 feel that they can afford to purchase the service at the
7 rates provided?

8 A If the recommended rate is within the 30 to \$40
9 range of reasonableness, then the Commission has deemed
10 it as presumably reasonable. And my recommended \$27.50
11 rate does that.

12 Q Don't you agree that this specific character of
13 the area should come into play in determining whether or
14 not the rate falls at the top or bottom of the range?

15 MS. CHEN: Objection. Calls for speculation
16 outside his area of expertise.

17 MR. ROSVALL: Your Honor, it's directly within
18 his area of alleged expertise. He's been offered as an
19 expert on what the rates should be. I'm asking isn't
20 the income level important in determining where it falls
21 within the range.

22 MS. CHEN: Your Honor, that's a Commission
23 determination. That's policy. The witness is not being
24 offered for policy.

25 MR. ROSVALL: Again, that's not a valid

1 objection of somebody being offered as an expert. If we
2 want to say he's not an expert, I'll move on.

3 ALJ VAN DYKEN: I will overrule the objection.

4 Can you repeat the question, please,

5 Mr. Rosvall.]

6 MR. ROSVALL: Sure.

7 Q I think the question is just, isn't it
8 important to consider the specific income character of
9 the area in question to determine where, within the
10 Commission's range of reasonableness, the rate should
11 fall?

12 A I recommend a rate that follows the P.U. codes
13 and decisions. And if it's within those, I recommend
14 the rate, and then it's up to the Commission to decide
15 that.

16 Q So you don't know; is that your answer?

17 A No, I recommend a rate based on my analysis.

18 MR. ROSVALL: Your Honor, I'd like him to
19 answer the question. The question is whether the
20 specific character of the area should be taken into
21 account in figuring out where the rate falls within the
22 range.

23 ALJ VAN DYKEN: I think I heard the witness say
24 he doesn't know the answer to the question. Is that
25 correct, Mr. Villarreal?

1 THE WITNESS: I don't know.

2 MR. ROSVALL: Okay, I'll move on.

3 Q So let's turn back to Table 2-5 of your
4 testimony. This is at page 2-12. So this is where
5 you're displaying the difference between the current
6 inclusive residential rate and what you believe the
7 inclusive rate would be under your proposal. It's kind
8 of a simple looking chart.

9 A Okay, I'm here.

10 Q Okay. And just to be clear, the inclusive rate
11 is computed by adding various surcharges and fees on to
12 the basic tariff rate; right?

13 A Yes.

14 Q Okay. But those fees and surcharges fluctuate
15 over time; don't they?

16 A They can. It's up to the Commission.

17 Q Okay. So just looking at the chart that you
18 prepared, Table 2-5, the number that you have there is
19 4.95. That might turn out to be something else in 2024,
20 2025, or beyond; right?

21 A Which number?

22 Q So you have a number that's listed as \$4.95
23 under the heading "Dollar Difference, Cal Advocates'
24 Proposed and Current All Inclusive." I understand that
25 to be the amount that reflects the surcharges and fees.

1 That could be -- that could be an additional amount;
2 right?

3 MS. CHEN: Objection. Calls for speculation.

4 ALJ VAN DYKEN: I'll will sustain the
5 objection. Can you ask the question in a different way,
6 Mr. Rosvall.

7 MR. ROSVALL: Sure.

8 Q Let's just actually go to the chart on the
9 previous page, Table 2-4. Do you see on that page,
10 Mr. Villarreal, there's a bunch of surcharges for
11 various public policy programs?

12 A Yes.

13 Q Okay. And there's some rates listed on that
14 page. Specifically, let's just take the Flat Rate PPP
15 Surcharges amount that's listed as \$1.11. That might
16 not be \$1.11 in 2025, for example, that could change?

17 MS. CHEN: Objection. Calls for speculation.

18 MR. ROSVALL: Your Honor, I'm just asking him
19 about the mechanism for these surcharges. Again, he's
20 been offered as an expert. He's including these in a
21 calculation of conclusive rates. I'm asking whether
22 it's static and what it depends on.

23 ALJ VAN DYKEN: I will overrule the objection.

24 THE WITNESS: Can you repeat the question.

25 ///

1 BY MR. ROSVALL:

2 Q Sure.

3 In looking at the \$1.11 on the line that says
4 "Flat Rate PPP Surcharges" in Table 2-4, that number
5 isn't necessarily going to be \$1.11 in future years or
6 even in test year; right, it could be something else?

7 A I don't know. That's up to the Commission. I
8 can't speak for the Commission.

9 Q All right, let's look at a cross exhibit here.
10 So we provided a document that shows the history of the
11 surcharges. So this is Exhibit KTC-FTC-19. Could you
12 click on that, please.

13 A Okay.

14 Q Great. So just looking at what you have in
15 front of you --

16 And your Honor, just for clarity here, this is
17 a document off of the Commission's website, a document
18 that's commonly referred to where the surcharge rates
19 are displayed. And so I'll just ask the witness a
20 couple of questions.

21 First of all, have you ever seen this page
22 before?

23 A I'm sorry, I was having issues. Can you repeat
24 the question.

25 Q Sure. The question was just, have you seen

1 this page before?

2 A Yes.

3 Q Okay. And so just looking at the title of the
4 page, it says "Surcharge Rates"; right?

5 A Yes.

6 Q And scrolling down there's a statement there in
7 bold that says "New Flat Rate Surcharges - Beginning
8 April 2023"; is that right?

9 A Yes.

10 Q Okay. And then your 1.11 flat rate is shown
11 there in the chart below that with a date 4-1-2023, and
12 then it says the 1.11; right?

13 A Yes.

14 Q Okay. Okay. But looking off to the right, and
15 that's in the table, it shows that the flat rate
16 actually supports six different programs; right?

17 A Yes, the public programs.

18 Q Okay. And I'm not going to have you read all
19 these numbers, but just scrolling down further there's a
20 chart below that that shows the historical surcharge
21 amounts for all of those programs that have now been
22 rolled into the flat rate. I'll just ask you to locate
23 it and answer the question.

24 Those have changed significantly over time;
25 correct, based on that chart?

1 MS. CHEN: Objection. Vague as to
2 "significantly."

3 ALJ VAN DYKEN: Sustained.

4 Can you rephrase the question, please,
5 Mr. Rosvall.

6 MR. ROSVALL: Sure.

7 Q So Mr. Villarreal, so looking at the chart
8 there's six programs shown there, and the time period
9 shown in the chart is 2010 to 2022; correct?

10 A Yes.

11 Q Okay. And just -- let's just look off to the
12 right where it says "Total," there's a column that says
13 "Total." Do you understand that to be the total
14 percentage of what those surcharges in each row add up
15 to?

16 A Yes.

17 Q Okay. And so in looking at that, just
18 scrolling down the -- vertically from the total number,
19 would you agree that every single number below that is
20 different from one another?

21 A Yes.

22 Q Okay. So at least based on history, the
23 surcharges do change?

24 A Based on the history, yes.

25 Q So I'm going to go back to -- just one moment

1 here. Just to illustrate the point here for a moment.
2 So I'd ask you to look at just the ULTS line, so this is
3 ULTS column. And would you agree that in comparing the
4 row that says 6-1-2015 to 2-2-2022 that the Lifeline
5 rate more than doubled over that time?

6 A What years? Can you repeat.

7 Q Sure. There's a row that says "6-1-2015," and
8 then there's a row that says "2-2-2022."

9 A Yeah, it increased, but that's a difference of
10 seven years.

11 Q Okay. I guess just to maybe point you to
12 something more recent, just the -- look at the increase
13 between -- I'll point you to 11-1 -- sorry, 12-1-2016,
14 the row there, and then the most recent one, 2-2-2022.
15 So would you agree that's about a -- slightly over a
16 five-year period?

17 A Yes, but I don't see why this matters when it's
18 a flat rate surcharge of \$1.11.

19 (Crosstalk.)

20 Q The Commission -- go ahead.

21 A That was all.

22 Q So just going back up to the top of the chart,
23 the 1.11 is comprised of these same programs; right?

24 A Yes.

25 Q Okay. So if the individual programs are prior

1 to more support, the 1.11's going to go up; isn't it?

2 A I don't know. That's up to the Commission to
3 decide.

4 Q Okay. So going back to the timeframe here, you
5 looked at the change in the surcharge rate from 2016 to
6 2022. The rates that are going to be put in place in
7 this rate case for Kerman, they're going to be in place
8 until 2029; right?

9 A Yes.

10 Q Okay. And so isn't it possible that through
11 changes to the surcharges that the rate will actually go
12 over the inclusive rate ceiling of \$40 between now and
13 2029?

14 MS. CHEN: Objection. Calls for speculation.

15 MR. ROSVALL: Again, same response. He's been
16 offered as an expert. I'm testing whether or not this
17 is going to be a legitimate rate design throughout the
18 period it would be in place.

19 ALJ VAN DYKEN: I'll sustain the objection.
20 But Mr. Villarreal, you can answer the question if you
21 know it, but you do not need to speculate.

22 THE WITNESS: With the \$1.11 flat rate
23 surcharge the all-inclusive rate is actually lower than
24 when there's an individual percentage for each public
25 program. And when there is an individual percentage for

1 each public program, the all-inclusive rate has never
2 tipped over that \$40 cap, so with a lower \$1.11 flat
3 rate surcharge.

4 BY MR. ROSVALL:

5 Q So when you say the all-inclusive rate hasn't
6 tipped over the \$40, you're talking about a current rate
7 of 22.58; right?

8 A I'm talking historically.

9 Q For Kerman?

10 A For other ILECs, as well.

11 Q The other ILECs who don't have rates at 27.50?

12 MS. CHEN: Objection. Mischaracterizing
13 testimony. Misleading.

14 MR. ROSVALL: Your Honor, he clarified earlier
15 that none of the ILECs that he's aware of have a 27.50
16 rate.

17 ALJ VAN DYKEN: I'll sustain the objection.

18 BY MR. ROSVALL:

19 Q Let's come at this another way. So let's just
20 look at the federal number that you list as the FUSC or
21 the Federal Universal Service Charge. This is the very
22 first line in your chart, Table 2-4. So that percentage
23 is 32.6 percent based on the -- I guess the citation you
24 provide is that it's the first quarter of 2023; is that
25 right?

1 A Yes.

2 Q Okay. But that surcharge has been higher
3 historically than 32.6 percent; right?

4 MS. CHEN: Objection. Calls for speculation.

5 MR. ROSVALL: He can say he doesn't know, your
6 Honor.

7 ALJ VAN DYKEN: I will overrule the objection.

8 Mr. Villarreal, you can answer the question if
9 you know it, but you do not need to speculate.

10 THE WITNESS: I don't know.]

11 BY MR. ROSVALL:

12 Q Okay. We provided an exhibit that is the
13 second quarter 2021 contribution factor paralleling that
14 32.6 percent number that you -- that you set in your
15 chart. This has been marked exhibit KTC-FTC-23.

16 Could you pull that up, please?

17 A Okay.

18 Q So, just looking at this document, this is,
19 again KTC-FTC-23. There is a page -- March 12, 2021,
20 date on it; is that right?

21 A In the title?

22 Q Just where it says "released" off to the right.

23 A I don't see.

24 Q Well, maybe we are not looking at the same
25 thing. Does it say public notice at the top?

1 A I am looking at KTC-FTC-23, 2021 Second Quarter
2 Contribution Factor.

3 Q Okay.

4 MS. CHEN: If I can clarify. I think -- I
5 believe it's the second page of the document if that
6 helps the witness.

7 BY MR. ROSVALL:

8 Q Maybe it is what you're looking at, I am not
9 certain, but the -- so, maybe it's the second page. Is
10 there something that says, "Released March 12, 2021"?

11 A On my copy, the first two pages are gray.

12 MS. CHEN: Can we go off the record?

13 MR. ROSVALL: Sure.

14 MS. CHEN: Your Honor?

15 ALJ VAN DYKEN: Yes, off the record, please,
16 Ms. Button.

17 (Off the record.)

18 ALJ VAN DYKEN: Back on the record, please.

19 BY MR. ROSVALL:

20 Q (Line muted.)

21 MS. CHEN: Mr. Rosvall, I think you're muted.

22 MR. ROSVALL: Thank you, Ms. Chen.

23 Q Mr. Villarreal, do you have a document that
24 says "public notice" at the top, and then it refers to
25 the Federal Communications Commission?

1 A Yes.

2 Q Okay. And is there a date off to the right
3 that just says, "released March 12, 2021"?

4 A Yes.

5 Q Okay. And just for clarity, this is a parallel
6 document to the one that appears in your Footnote 61 on
7 page 2-11, right? This is the same kind of document,
8 but a different date?

9 A Yes.

10 Q Okay. And so, if you just look at the very
11 first sentence, the FCC here is stating that the
12 contribution factor was 33.4 percent.

13 Do you agree?

14 A Yes.

15 Q Okay. So, just looking at your 32.6 percent,
16 is there any reason -- is there anything stopping the
17 FCC, as far as you know, from setting that rate at 35
18 percent or 40 percent?

19 MS. CHEN: Objection. Beyond his scope of
20 knowledge.

21 MR. ROSVALL: Your Honor, he can answer. It
22 is -- we don't know whether it is until he answers.

23 ALJ VAN DYKEN: Objection overruled.

24 Mr. Villarreal, you can answer the question if
25 you know it but, again, you do not need to speculate.

1 THE WITNESS: I don't know. I can't speak for
2 the FCC.

3 BY MR. ROSVALL:

4 Q Okay. So, also just looking at your chart, you
5 have a bunch of public policy funds listed there. That
6 list doesn't account for new public policy funds that
7 might be created, right? So, if the legislature created
8 one last year, for example, it wouldn't be on this list?

9 A I used the public programs that are available
10 right -- or that are current right now that are required
11 by the D.21-06-004.

12 Q Okay. So, are you aware that the legislature
13 adopted a suicide hotline surcharge that also applies to
14 telephone bills effective this year?

15 A No, I'm not aware.

16 Q Okay. Nonetheless, let's take a look at the
17 bill. So, this is cross exhibit KTC-FTC-22. Subject to
18 official notice, because it is an adopted bill of the
19 legislature. This is AB 988 2022 Bauer-Kahan.

20 So, could you take a look at that, please?

21 A Okay.

22 Q So, I know you said you're not familiar, but I
23 do just want to make sure that it's -- it's clear what
24 this surcharge is.

25 So, if you could scroll down, I will try to

1 point you to a specific page. Again, before we do that,
2 do you see after the paragraph at the top with all the
3 legal mumbo jumbo, there is something that says,
4 "approved by Governor September 29, 2022"?

5 A Yes, I see it.

6 Q Okay. And -- and so, just looking at -- let's
7 scroll down to section (b), (b)(3) -- or actually it's
8 (b)(2). And I am -- I am referring here to the --
9 sorry, I will try and be more specific here.

10 So, I am -- I am actually referring to the
11 statute that is adopted, which is below that, so it's
12 where you see a -- it's where you see a 41030 under
13 Section 17. There's a section (b)(2) underneath that,
14 so it's Revenue Taxation Code 41030(b)(2).

15 Do you see that?

16 A The one starting with, "On and after January"?

17 Q That's probably in there somewhere.

18 MS. CHEN: Can I ask a clarifying question to
19 orient this? I see, I think, page numbers on top. Can
20 you provide, maybe, a page number? There's a page
21 number on top and a page number on the bottom. There's
22 different articles, so.

23 BY MR. ROSVALL:

24 Q I am -- unfortunately, my version doesn't have
25 page numbers. I can pull up the version I think you're

1 looking at, but I guess I was hoping that we could look
2 at Section 17.

3 Like, if you go -- if you look at the left
4 side, and you scroll down on the left side, there should
5 be something that says FCC.17.

6 Do you -- do you see that? I can find a
7 different document if needed.

8 ALJ VAN DYKEN: So, on -- on the version that I
9 am looking at, I am looking at page 18.

10 THE WITNESS: Okay, I think I found it.

11 BY MR. ROSVALL:

12 Q Okay. So, I just wanted you to read the
13 sentence that appears in (b)(2).

14 A "For the 2023 and 2024 calendar years, the 988
15 surcharge shall be set at eight cents per access line
16 per month."

17 Q Okay. And then, if you scroll -- just the very
18 next section (b)(3) -- I am not going to have you read
19 it, because it's kind of long, but can you look at the
20 very end of it?

21 Would you agree that in years after 2024, the
22 surcharge for this suicide hotline program could be as
23 high as \$0.30? It's in the last sentence of (b)(3).

24 MS. CHEN: Objection. Calling for
25 interpretation of a document that he is just looking at

1 for the first time. It's also a statute, a legal you
2 know, document.

3 ALJ VAN DYKEN: Yeah. Objection sustained.

4 BY MR. ROSVALL:

5 Q I will move on to another question, which is
6 just let's assume it is \$0.30 a year and it could take
7 effect in 2025. That would be an additional that
8 occurs. That would be additional to the surcharges that
9 you listed in your Table 2-4, right?

10 MS. CHEN: Objection. It's unclear whether
11 it's been established that he -- whether he testified he
12 knew of this hotline, and how it's applied to fees and
13 charges.

14 MR. ROSVALL: Your Honor, it's a hypothetical.
15 I am asking if it's true that it goes up to \$0.30 as
16 stated in this statute, would be an addition to the
17 items he has actually listed in his testimony.

18 ALJ VAN DYKEN: I will sustain the objection
19 but, Mr. Rosvall, you can rephrase the question if that
20 would help.

21 BY MR. ROSVALL:

22 Q So, Mr. Villarreal, Table 2-4 doesn't include
23 the suicide hotline surcharge, does it?

24 A No.

25 Q And -- and nonetheless, based on what you just

1 read, it's something that customers would be paying on
2 their telephone bills during 2023, 2024, 2025, right?

3 MS. CHEN: Objection. Still calling for
4 interpretation of something that is -- that he was --
5 what he didn't testify on. I don't think it's been
6 established that he can -- he can answer that question.

7 MR. ROSVALL: Again, your Honor, he's been
8 offered as an expert. I am asking whether or not he's
9 accounted for this additional surcharge, either he can
10 say yes, no, or I don't know.

11 ALJ VAN DYKEN: I will sustain the objection.

12 Can you try the question one more time,
13 Mr. Rosvall?

14 BY MR. ROSVALL:

15 Q Sure. Do you have any reason to believe that
16 based on the statute that you just read that customers
17 won't be paying this surcharge during 2024 of the test
18 year?

19 A I don't know. I have never seen this bill
20 before, and it is -- I only included the bills that were
21 required -- or the surcharges that were required by the
22 decision in my testimony.

23 Q Okay. I guess, I will cut to the chase here
24 and ask this question. As someone who has been offered
25 as an expert here and representing to the Commission

1 that this will fall within the range of \$30 to \$40, did
2 you consider what would happen if the surcharges listed
3 here increased by 50 percent, the suicide hotline goes
4 to \$0.30, and the federal contribution charge goes to 35
5 percent, did you consider what would happen if something
6 like that occurred?

7 A I did an analysis of my recommended rate of
8 27.50 and assured that that rate would fit in the \$30 to
9 \$40 range of reasonableness at this current time.

10 Q Okay. So, you didn't account for these
11 possibilities of changes to these numbers in future
12 years?

13 MS. CHEN: Objection, asked and answered. The
14 witness has given his answer of what he considered.

15 ALJ VAN DYKEN: Objection sustained.

16 BY MR. ROSVALL:

17 Q All right. Let's move on. So, let's stay on
18 page 2-11. I just want to confirm, you -- you list
19 something called the universal Lifeline telephone
20 service surcharge on this page.

21 As far as you know, that's the only reference
22 to Lifeline in your entire testimony, you don't suggest
23 that anywhere?

24 A Yes.

25 Q Okay. And, so, did you analyze -- whether it's

1 in your testimony or not, did you analyze what the
2 impact of your rate increases would be on Lifeline
3 rates?

4 A Yes, even though it's not in my testimony, I
5 did take into account how Lifeline would be affected by
6 my recommended rate.

7 Q Okay. And so, you agree that there is a large
8 number of Lifeline customers in Kerman, right? Did you
9 -- did you read Ms. Armstrong's testimony?

10 A Yes.

11 Q Okay. And I apologize, I asked you, kind of,
12 two questions there.

13 You agree that there's a large number of
14 Lifeline customers in Kerman, right?

15 A Yes.

16 Q Okay. And Lifeline rates are determined based
17 on the -- the residential rate that is adopted for the
18 customer base overall, right, that is how the Lifeline
19 rate is computed?

20 A I don't know how it's computed.

21 Q So, you said you analyzed the impact, but you
22 don't know how the Lifeline rate is computed?

23 MS. CHEN: Objection. Asked and answered.

24 ALJ VAN DYKEN: Sustained.

25 ///

1 BY MR. ROSVALL:

2 Q Let's take a quick look at the rules for
3 Lifeline since you said you thought about this. Maybe
4 this will refresh your recollection.

5 So, I am going to look at cross exhibit
6 KTC-FTC-27, this is PUC General Order 153. Again,
7 subject to official notice under the Commission's rules.

8 Could you look at that, please?

9 MS. CHEN: Can you repeat that exhibit number?

10 MR. ROSVALL: Sure, it's KTC-FTC-27 on my list.

11 MS. CHEN: General Order 133?

12 MR. ROSVALL: I think it's 153. If it says
13 133, it's probably a typo.

14 MS. CHEN: Okay. Thank you. I have it as
15 KTC-FTC-24.

16 MR. ROSVALL: Oh, okay. I can confirm. Can I
17 have a moment just to confirm that? I just want to make
18 sure we're looking at the same thing.

19 ALJ VAN DYKEN: Okay. Let's go off the record
20 until we can confirm which document that we are looking
21 at.

22 (Off the record.)

23 ALJ VAN DYKEN: Back on the record, please.

24 BY MR. ROSVALL:

25 Q So, Mr. Villarreal, do you have PUC General

1 Order 153 in front of you?

2 A Yes.

3 ALJ VAN DYKEN: I'm sorry, real quick. What is
4 the exhibit number that we are looking at?

5 MR. ROSVALL: My apologies. I think we
6 clarified that it's 24.

7 ALJ VAN DYKEN: Okay, great. Thank you.

8 BY MR. ROSVALL:

9 Q So, Mr. Villarreal, could you just read the --
10 the title at the top where it says Public Utilities
11 Commission of the State of California, and it goes on?

12 A Public Utilities Commission of the State of
13 California, Procedures for Administrative of the Moore
14 Universal Telephone Service Act, California Lifeline
15 Program, General Order.

16 Q So, these are the Lifeline rules, right?

17 A It appears so.

18 Q Okay. And let's just scroll down. I will try
19 to make this easy. Just scroll down.

20 Could you read the first two sentences of
21 Section 1.4 right below there?

22 A (Reading from document):

23 The California LifeLine Program provides
24 support to participating California
25 LifeLine Service. Providers through a

1 Specific Support Amount ("SSA") prescribed
2 by the Commission that reduces the rate for
3 eligible services purchased by LifeLine
4 Subscribers. Where Subscribers also
5 qualify for support through the federal
6 Lifeline program, Subscribers may be
7 eligible for further reduced rates based on
8 both federal and state support, subject to
9 certain limitations set forth in this
10 General Order. Where Subscribers are not
11 eligible for federal Lifeline support,
12 Subscribers may continue to receive
13 California LifeLine support, provided that
14 they qualify for support under this General
15 Order.

16 Q Okay. So, what -- this only describes Lifeline
17 support is applied as a discontinue to what, in that
18 paragraph is called, eligible services, right?

19 A Right.

20 Q Okay. Could you flip to -- it's quite some
21 ways down, but could you flip to Appendix C of the
22 document? In my document, it's, like, page 56 of the
23 pdf. I don't know if that is helpful.

24 A Okay, I am here.

25 Q So, could you just read the first sentence

1 under where it says part A?

2 A (Reading from document):

3 Wireline California Lifeline service
4 providers offering the service elements of
5 California Lifeline wireline as set forth
6 in Appendix A-1 on a stand-alone basis or
7 with are broadband service that does not
8 meet federal Lifeline minimum standards may
9 recover up to the maximum SSA.

10 Q Okay. And then, just because that sentence
11 mentions Appendix A-1, can you just scroll up, Appendix
12 A-1 is just a few pages -- well, more than a few pages,
13 but it's above that. On my document, it looks as if
14 it's on page 39 of the pdf.

15 A Okay.

16 Q Okay. So, just -- I am not going to have you
17 read this thing, but that's the Appendix A that Appendix
18 C was referred to where it talks about service elements
19 of California Lifeline wireline, right, on this page?

20 A Yeah.

21 Q Okay. And so, based on those two provisions,
22 wireline basic service is eligible for Lifeline credit,
23 so the service that we are talking about, the 27.50 that
24 you have proposed that service is going to be subject to
25 these rules, right?

1 A Yes.

2 Q Okay. So, I just want to get a sense for how
3 this is going to all come together, so I will have you
4 scroll back up to Section 8.6.2 of the General Order
5 itself. I will try to give you a page number in the
6 pdf, but it is -- it is sequential so that you can get
7 there. The internal pagination for the GO is page 26 at
8 the top. I think it's also page 26 of the pdf.

9 A Okay, I see it.

10 Q Okay. Can you just read that sentence there
11 that 8.6.2?

12 A Yes.

13 California LifeLine Service Providers must,
14 at a minimum, show the regular non-LifeLine
15 rate, Federal support credits, and any
16 California LifeLine support credits on
17 Subscriber's bills in a manner discernible
18 by the public, which may include, but is
19 not limited to, a bill message.

20 Q Okay. I just want to take a look at how Kerman
21 and Foresthill has implemented that requirement.

22 So, we provided another exhibit, which is -- I
23 am going to use Foresthill because it's a little easier
24 to see. So, for Foresthill, there's a cross exhibit, I
25 believe it's 25. I will confirm that for you. It's --

1 this just says Foresthill Tariff A-20.

2 A Under KTC-FTC-25?

3 Q Yes. Is that --

4 A Okay.

5 Q Well, you know what, I think I'm -- I want to
6 make sure I am not confusing you. Yeah, sorry, it is
7 KTC-FTC-25.

8 So, can you open up that document, please?

9 A Yeah. I am here.

10 Q Okay. So, I am just -- I will have you scroll
11 down to -- there's a few pages in there, but there's a
12 place where it displays the basic rate and displays how
13 the Lifeline rate is computed. It's in Schedule A-12,
14 so if you scroll down to Schedule A-12. I will tell you
15 the pdf page when I get there.

16 Yeah, it's with -- it's on page -- at least the
17 pdf that I am seeing, it's page 31. There's something
18 that says Schedule A-20, and then middle of the page,
19 there's something that says, "rates and charges."

20 Do you see that?

21 A A-20?

22 Q That's the name of the Schedule. I think it's
23 on page 31 of the pdf.

24 A Okay, I am here.

25 Q Okay. So, there's a heading in the middle of

1 that page that says, "rates and charges."

2 Do you see that?

3 A Yes.

4 Q Okay. And just to confirm, if you look at
5 items a3 and a5 of what you see under the heading
6 federal Lifeline. So, I am just looking at a3 and a5.

7 Those are the federal and state Lifeline
8 credits, right, 9.25 and 16.23?

9 A Yes.

10 Q Okay. And then, just -- again, this is
11 Foresthill. So, I guess, let's just back up and say, on
12 line 1 there -- a1, it has a \$26 rate.

13 Do you understand that to be Foresthill's
14 proposed rate?

15 A Yes.

16 Q Okay. And, I guess, for everyone tracking
17 this, I think it's clear, but this document is pulled
18 from the application; it's one of the requirements of
19 the application, so just for reference, this is
20 something that is already within the proceeding.

21 So, I guess, my -- my question is, if you can
22 look at this thing -- this "a" there displays the --
23 what -- what it considers to be Federal Lifeline, it
24 starts with a \$26 federal rate then, it adds the -- they
25 call it a EUCL, and then it subtracts the federal and

1 state Lifeline credit to arrive at the rate of \$7.02.

2 Is that understanding?

3 A Yes.

4 Q Okay. So, just -- I guess simple math here,
5 but if the rates here were 20 -- if the starting point
6 rate were 27.50 instead of 26, the \$7.02 would go up by
7 exactly that number, \$1.50, right, so it would be 8.52,
8 right?

9 A I don't know. The California Lifeline provides
10 up to \$17.90 in discount, and the federal Lifeline
11 provides up to \$9.25 in discount, so combined that is
12 \$27.15 of discount.

13 So, customers could pay \$0.35.

14 Q I'm sorry, \$0.35 total?

15 A Of the \$25.50 rate with those combined
16 discounts.

17 Q Doesn't the 6.50 EUCL charge count in figuring
18 out how the reductions take place; in other words, shows
19 right here on the page?

20 A Yes.

21 Q Okay. So, just to be clear, just so we're
22 comparing apples to apples. The -- as between the Cal
23 Advocates' proposal and Kerman and Foresthill's
24 proposals, all -- all other things being equal, the
25 Lifeline rate would go up by exactly the same amount of

1 dollars between your proposal and the companies, right?

2 A I don't know. Because it provides discounts up
3 to \$17.90 for California Lifeline and 9.25 for federal
4 Lifeline.

5 Q So, I -- I think I understand your point. It
6 -- you know, this document was submitted, obviously, in
7 November. So, let's say you substitute the 16.23 and
8 put in 17.90 in the current specific support amount.
9 You would put that in in both Cal Advocates' and the
10 companies' proposals, right, that same number would be
11 in there?

12 A Can you say that one more time?

13 Q Sure. I will try to be a little clearer.

14 So, if you're calculating the Lifeline rate,
15 and you're accounting for the fact that you just stated
16 that the specific support amount has gone up to 17.90,
17 that would be a 17.90 that you're subtracting from the
18 basic rate in both proposals, right, the companies' and
19 yours?

20 A Yeah, and the same for federal.

21 Q Okay. So, the only difference between the
22 calculation for you and the companies is going to be
23 whether yours is 1.50 or -- 1.50 higher, or it's the
24 companies' proposals, so it's -- it's a dollar for
25 dollar increase, right?

1 A I don't know. It would be higher, but I don't
2 know.

3 MR. ROSVALL: Okay. I have another kind of
4 line of questioning here. I could continue but just
5 want to be respectful of the witness. Is now a good
6 time for a break? I am just offering that up, but I am
7 happy to continue.

8 ALJ VAN DYKEN: Okay. Yeah, Mr. Rosvall, about
9 how much longer do you think that you might go with your
10 cross?

11 MR. ROSVALL: I think we do have some --
12 there's going to be some significant more cross.

13 ALJ VAN DYKEN: Okay. Okay.

14 MR. ROSVALL: It -- I am not almost done, if
15 that's what you mean. I -- I actually -- I think we may
16 go a little bit into the earlier afternoon based on the
17 pace here, but we will finish in time to do Mr. Corona,
18 and start Ms. Ye. I -- I -- I am not worried about the
19 overall timing, but I don't think that I will finish
20 this morning.

21 ALJ VAN DYKEN: Okay. Well, if you feel this
22 is a good spot to break, let's go ahead and take a -- a
23 ten-minute break, and we will reconvene at 11:00. And
24 off the record, please.

25 (Off the record.)

]

1 ALJ VAN DYKEN: Okay. It appears that everyone
2 is ready. So let's go back on the record and resume.

3 MR. ROSVALL: I don't see the witness, but he's
4 probably there somewhere.

5 THE WITNESS: Yes, I'm here.

6 BY MR. ROSVALL:

7 Q Okay. All right. Welcome back,
8 Mr. Villarreal.

9 A Thank you.

10 Q All right. So let's shift gears and talk about
11 some of the arguments you've provided in support of your
12 proposed rates.

13 So could you please going back to the Kerman
14 testimony -- again, I guess this is Exhibit CA-K-4.

15 Could you take a look at page 2-4. And I'd
16 like to discuss Table 2-1 on that page.

17 A Okay.

18 Q Okay. So in that table you compute what you
19 state is a weighted average of urban carrier rates;
20 correct?

21 A Yes.

22 Q And you believe that weighted averages are a
23 reasonable way to perform comparisons even when some
24 inputs are much larger than others?

25 A I think it's the best way to do it.

1 Q Okay. So even though AT&T represents more than
2 72 percent of the weight, a weighted average is still
3 appropriate in your mind?

4 A Yes. That's why I take a weighted average.

5 Q Okay. And just for context, looking back at
6 page 2-2 of your Kerman testimony, you have a heading
7 that says "A monthly basic residential rate of 27.50 is
8 reasonably comparable to urban rates."

9 And so Table 2-1 is part of that argument, that
10 discussion. Is that right?

11 A Yes.

12 Q So just looking at the carriers listed on Table
13 2-1, they are AT&T, Consolidated Communications, and
14 then three different Frontier entities?

15 A Yes.

16 Q And the Frontier entities are all owned by the
17 same parent company; right?

18 A Yes.

19 Q Okay. So for the purpose of computing weighted
20 average you have the three rates that are being
21 inputted. You basically have three rates total.
22 There's the 22.50 from Frontier, the 28.44 for
23 Consolidated, and then the 34.50 for AT&T; right?

24 A Yes. They are the three largest urban ILECs in
25 California.

1 Q Okay. But you didn't consider any of the
2 residential rates for CLECs, did you?

3 A No.

4 Q And CLECs do serve urban areas, don't they?

5 A They can.

6 Q Okay. Did you consider any of the residential
7 rates provided by cable companies for voice service?

8 A No.

9 Q Did you consider any of the rates provided by
10 fixed wireless providers for residential voice service?

11 A No.

12 Q And similarly, you didn't consider any of the
13 prices for Voice over Internet Protocol or VoIP service
14 that AT&T, Consolidated, or Frontier may offer; right?

15 A No.

16 Q So your analysis is strictly traditional
17 residential basic service offered by three companies?
18 The three on your list?

19 A It's a comparison of Kerman's rates with the
20 three largest urban ILECs in California that serve the
21 majority of urban customers.

22 Q But only as to their traditional residential
23 circuit switch offering; right?

24 A I don't know.

25 Q Okay. Let me ask it a different way. You

1 didn't consider any of AT&T's, Consolidated's, or any
2 Frontier's digital voice or Voice over Internet Protocol
3 offerings in this chart; right?

4 A I just compare the basic residential rate with
5 Kerman's.

6 Q Okay. So the three companies listed -- AT&T,
7 Consolidated, and Frontier -- they're all subject to the
8 Uniform Regulatory Framework or URF?

9 A Yes.

10 Q Okay. And under URF AT&T, Frontier, and
11 Consolidate can set their own rates without Commission
12 approval; right?

13 A These are character traits that are accepted by
14 the Commission.

15 Q Regardless of whether they're in a tariff,
16 isn't it true that under URF each of these three
17 companies have pricing flexibility and can set the rates
18 however they want?

19 A I don't recall, but they need to be accepted by
20 the Commission.

21 Q The Commission has to approve the rates?

22 MS. CHEN: Objection. Asked and answered.

23 MR. ROSVALL: I'm just following up on his
24 answers to clarify whether he means that the Commission
25 has to affirmatively adopt the rates.

1 ALJ VAN DYKEN: I will allow the question.

2 THE WITNESS: Yes, the Commission either
3 accepts or rejects the rates.

4 BY MR. ROSVALL:

5 Q Are you aware of any Commission decision
6 adopting the AT&T \$34.50 rate?

7 A No.

8 Q Are you aware of any Commission determination
9 of any kind where they projected an URF company rate
10 change?

11 A I don't know.

12 Q Okay. Hasn't Cal Advocates been on record as
13 stating that AT&T's rates are not just and reasonable in
14 the past?

15 A I don't know. That's up for the Commission to
16 decide.

17 Q I was asking about Cal Advocates' position. In
18 proceedings in the past wasn't there a complaint case in
19 2013 where Cal Advocates said that even a lower rate for
20 AT&T was not just and unreasonable?

21 ALJ MILES: I'm sorry. This is Judge Miles.

22 Mr. Rosvall, if you have a specific decision
23 that you can cite to and ask the witness about for the
24 proposition that you're indicating, please do that
25 because your question is very broad.

1 BY MR. ROSVALL:

2 Q Well, let me ask it this way: Did you read
3 Dr. Lehman's testimony?

4 A Yes.

5 Q Okay. And he attaches a brief from the
6 predecessor to Cal Advocates as Exhibit E to his
7 testimony that presents Cal Advocates' argument that
8 AT&T's rate is not just and reasonable. Do you recall
9 that?

10 A Yes.

11 Q Okay. All right. So looking back at your
12 Table 2-1 I think we've established from the numbers on
13 the page that more than 72 percent of the weighting is
14 toward AT&T's \$34.50 raise.

15 Have you computed the average without AT&T in
16 it? Like just take AT&T out? What would the average
17 be?

18 A I don't know.

19 Q Well, just -- I guess just sitting here the
20 Consolidated weighting is less than 1 percent; right?

21 A Yes.

22 Q So the weighed average without AT&T would
23 probably be something less than \$23, right, if
24 Consolidated is only 1 percent?

25 A Can you say that one more time?

1 Q Yeah, yeah. So I'll try to explain it further.

2 So the Frontier rates are all 22.50; right?

3 A Yes.

4 Q Okay. And so Consolidated represents less than
5 1 percent of the weighting. So if you take AT&T out and
6 you look at Frontier's rate of 22.50, the remaining
7 weighted average would be less than \$23; right?

8 A I don't know.

9 Q Okay. So let me ask you this: Do you know how
10 many AT&T customers are actually purchasing residential
11 circuit switch -- the -- let me back up actually.

12 Do you know how many customers AT&T has for
13 VoIP alternatives to the rates that you're stating here?

14 A No. I'm only comparing tariffs-to-tariff
15 rates.

16 Q Okay. Have you looked at the prices for AT&T's
17 VoIP alternatives?

18 A No.

19 Q Okay. All right. Let's actually back up one
20 page to page 2-3 of your Kerman testimony staying in the
21 same document.

22 On that page you state that accepted weighted
23 average calculation methodology to determine -- sorry.
24 I might be misstating it here. So -- yeah. So maybe
25 I'll just have you read it. There's a sentence that

1 starts on line 14 that begins "The Commission
2 accepted --"

3 A Okay.

4 The Commission accepted weighted average
5 calculation methodology to determine rates
6 in the most GRC -- most recent GRC decision
7 of the small ILECs for Volcano Telephone
8 Company.

9 Q Okay. So are you suggesting the Commission
10 actually endorsed your specific weighted average
11 methodology, said that it was reasonable in Volcano's
12 rate case?

13 A They did not explicitly state. They endorsed
14 weighted average. They accepted the 27.50 calculation
15 methodology which included a weighted average and they
16 also stated that the \$27.50 rate was reasonably
17 comparable to urban rates.

18 Q Right. So but they made that determination for
19 Volcano, right, without reference to weighted averages?

20 A Not explicitly but they accepted the
21 methodology which included a weighted average.

22 Q Then -- but there's nothing in that decision
23 that suggests that the question of whether something
24 would be comparable or just and reasonable would apply
25 to Kerman, does it?

1 A Can you repeat that one more time.

2 Q Yeah. I'm just asking the language that you're
3 referring to, which I'm happy to have you look at it.
4 It's an exhibit we provided, but it sounds like you're
5 familiar. The language from the Volcano decision
6 doesn't suggest that it's reaching any conclusions about
7 reasonable comparability or just and reasonableness for
8 Kerman. Isn't that true?

9 A It decided that that methodology for the 27.50
10 rate which included a weighted average rate was
11 reasonably comparable. And here in Kerman I'm using a
12 27.50 rate with a weighted method -- weighted average
13 methodology as well.

14 Q Let me ask you this question. And maybe we do
15 need to look at the document. But let's look at the
16 document. So it's Cross Exhibit FTC-KTC-36. At least
17 that's what I have. This is the Volcano rate decision
18 which can be officially noticed.

19 A Okay. I'm here.

20 Q So I think the page you are referring to is
21 page 11. So can you scroll down there for us.

22 A Okay.

23 Q So just at the top of page 11 -- well, first of
24 all, this is what you're referring to; right? This is
25 where you're saying that the Commission adopted the

1 27.50 rate for Volcano?

2 A Yes.

3 Q Okay. So just focusing on that top line there,
4 AT&T's rate was 32.50 in that -- at that time; right?

5 That's only last year. It was 32.50; right?

6 A Yes.

7 Q Okay. So it's gone up another \$2 since then?

8 A Yes.

9 Q Okay. So we can't really reach any conclusions
10 from this decision about whether the current rate is
11 reasonably comparable or just and reasonable. That's
12 for the Commission to determine here; right?

13 A What's the question? I'm sorry.

14 Q The question is in mind of the \$2 increase we
15 can't really determine whether the Commission finds the
16 -- the higher AT&T rate, current rate just and
17 reasonable or reasonably comparable.

18 A I don't know. That's up to the Commission to
19 decide.

20 Q In this case it's up to the Commission to
21 decide; right? The one we're participating in?

22 A Yes.

23 Q Okay. All right. So you also on that page --
24 I think if you back up, you cite to -- it's on the next
25 page. So I think we maybe touched on this earlier, but

1 you cite to several Commission decisions on page 2-4 and
2 Footnote 41. They're decisions for other small ILECs.

3 A Yes.

4 Q Okay. And you said earlier you were familiar
5 with these decisions, that you looked at them. So just
6 going one-by-one here, wasn't the basic rate in the
7 two-part case undisputed?

8 A I don't recall.

9 Q Okay. And what about the other four? So the
10 other four are Ponderosa, Sierra, Calaveras and Cal-Ore.
11 Weren't those all resolved by settlement?

12 ALJ MILES: Excuse me. This is Judge Miles.

13 Mr. Rosvall, I understand that the witness
14 indicated he's read these decisions, but could you refer
15 to a specific finding in the decision to support your
16 question and ask him about that just to keep the record
17 clear. Thank you.

18 MR. ROSVALL: Your Honor, we didn't provide
19 these decisions. You know, I wasn't planning on going
20 into the details. I was trying to figure out if the
21 witness knows. And I think it might be -- I don't want
22 to slow things down doing that, but I was just hoping I
23 could ask the witness whether or not he knows whether
24 those decisions were resolved by settlement. That's
25 actually the only question.

1 ALJ MILES: Okay. But the decisions speak for
2 themselves. So if there's something you can point to
3 that demonstrates that the decision -- the proceedings
4 were settled, that would be more valuable to the record
5 then quizzing this witness on whether he knows
6 particulars about decisions. Or if you wanted to
7 determine if the witness understands why the proceedings
8 were settled or something of that nature, I think it's
9 fair to present him with the decision and ask a specific
10 question. But whether he knows or not doesn't change
11 the fact of what occurred in past proceedings. So it's
12 not clear to me what the point of this line of
13 questioning is.

14 MR. ROSVALL: Your Honor, the point is just
15 because he cited these decisions. I mean, I didn't. He
16 cited to them. And I'm trying to figure out whether he
17 knows if they were resolved by settlement and therefore
18 non-precedential.

19 If I'm not allowed to ask that question, I'll
20 move on. I was just trying to see if he knows.

21 ALJ MILES: Again, it's not clear what the
22 relevance is to this proceeding of whether or not he
23 knows. If those are past proceedings and the Commission
24 has reached a conclusion or they've been settled, then
25 that is a fact that stands whether he knows about it or

1 not.

2 So if you have a question for this witness
3 related to the outcome in those specific proceedings, I
4 think you should ask that.

5 And, Judge Van Dyken, pardon my interruption.

6 MR. ROSVALL: We will brief the fact that they
7 were settlements, but I'll move on.

8 Q So let's actually look at the -- so you also in
9 that footnote cite to a 2023 Sierra decision. So that's
10 23-01-004. I believe that has also been presented --
11 provided as an exhibit in this process.

12 MR. ROSVALL: So I was going to ask the witness
13 about that document. And I will need a second -- I
14 think it's actually been previously identified, but I
15 need a second to find it.

16 And I'm referring to the recent Sierra
17 decision. So if I could have a moment, I'll figure out
18 what the exhibit number is.

19 ALJ VAN DYKEN: All right. Off the record,
20 please.

21 (Off the record.)

22 ALJ VAN DYKEN: Let's go back on the record.

23 BY MR. ROSVALL:

24 Q All right. So we'll come back to the
25 discussion of the Sierra decision, Mr. Villarreal, but

1 I'm going to turn to something else.

2 So you performed an analysis that compared
3 incomes in Kerman versus urban areas in the states. And
4 you have a chart marked in your Kerman testimony as
5 Table 2-2 which appears on page 2-7. So can you turn to
6 that, please.

7 A Okay.

8 Q So I want to make sure I understand what this
9 actually shows. So let's just going column by column.
10 The far left column is just each of the four areas which
11 is Kerman and then the three large metropolitan areas;
12 Los Angeles, San Francisco, and San Diego. Right?

13 A Yes.

14 Q Okay. And then moving to the right, the next
15 column tabulates the number of census block groups in
16 the Kerman area that have a medium household income of
17 less than 24,764. And then it does the same in L.A.,
18 San Francisco, and San Diego.

19 Does that sound right?

20 A Yes.

21 Q Okay. But you agree there are only 14 total
22 census blocks in Kerman; right? Some of which are
23 partial but there's only 14; right?

24 A Yes.

25 Q Okay. So the maximum value that could appear

1 in the first column there is 14?

2 A No. I'm looking at the median household
3 income. In that column I'm looking at the median
4 household income of the lowest CBG in Kerman and
5 comparing it to all of the CBGs in the urban areas who
6 are either at or below that level of income.

7 Q But so that first column though, the one that
8 says CBG with MHI, there's a less than sign 24,764.
9 That's just counting the number of census block groups
10 in each area; right?

11 A Yes.

12 Q Okay. So the maximum that could be -- it turns
13 out it's one. But the maximum that it could be in
14 Kerman's box is 14 because that's how many census block
15 groups there are; right?

16 A Yes.

17 Q Okay. And then some of those census block
18 groups, if you know, they don't overlap completely with
19 Kerman; right? Some of them are partial?

20 A Yes.

21 Q Okay. So just jumping to the fourth column
22 now. Just trying to understand this is the one that
23 says "CBG with MHI" and there's a less than sign 63,063.
24 So that's kind of parallel to the second column except
25 it's using census block groups with less than 63,063;

1 right? Counting them?

2 A Yes.

3 Q Okay. And so for Kerman it's 8 out of 14;
4 right? Eight CBGs fall into that category out of 14;
5 right?

6 A Yes.

7 Q Okay. And just to be clear about how you chose
8 these household income figures, the 24,000 and the
9 63,000, does -- the 24,000 is the lowest median CBG
10 amongst the Kerman CBGs; right. That's how you picked
11 that?

12 A Yes, that's right.

13 Q Okay. And the 63,000 is your calculation of
14 the average of the median household income in Kerman's
15 CBGs. Is that right?

16 A Yes, that's right.

17 Q Okay. So we've established there's only 14
18 CBGs in whole or part that intersect with Kerman. How
19 many are there in L.A.?

20 A In total?

21 Q Yeah.

22 A I don't know the exact number.

23 Q Okay. But thousands; right? Thousands?

24 A Right.

25 Q Okay. And same for San Diego and San

1 Francisco; right? Thousands?

2 A Right.

3 Q Okay. So the maximum numbers that would appear
4 in Columns 2 and 4 are like quarters of magnitude bigger
5 than they could ever be for Kerman in this chart; right?
6 For the big cities?

7 A I'm sorry. What's the question?

8 Q Just the number of census blocks, the maximum
9 number that could appear in these columns if every
10 single census block group fell into the categories
11 you're describing, the numbers for San Francisco, L.A.,
12 and San Diego would be like quarters of magnitude
13 bigger? Far, far bigger?

14 A Right.]

15 Q Okay.

16 So what's the approximate population of Kerman?

17 A I don't have the exact number in front of me.
18 I don't recall.

19 Q Does 20,000 sound about right?

20 A Yeah.

21 Q Okay. And just to be clear, the household
22 income figures that you -- or sorry, the population
23 figures that you display in Columns 3 and 5, so these
24 are the ones that say "Population," those are just
25 adding up the populations that appear in the CBGs that

1 are in Columns 2 and 4; right?

2 A Yeah, but they are meant to display how many
3 people in those urban areas are living at the same or
4 lesser household income as Kerman's customers.

5 Q Okay. So there's more people below those
6 levels in different areas?

7 A Right. And then I do an analysis of what rate
8 those urban customers are paying compared to Kerman's
9 customers.

10 Q Okay, but let's -- you said there's about
11 20,000 Kerman. The number in the far -- the first row,
12 the far right-hand column, is 9,496; right? I'm sorry,
13 9,469; right?

14 A Yes.

15 Q Okay. So it's like almost half the population
16 of Kerman?

17 A I don't know exactly.

18 Q Okay. Do you know what the population of LA
19 is?

20 A No, I don't know the exact number.

21 Q Okay. So when we spoke earlier you were saying
22 that as to the rate issue, you agree that a weighted
23 average would be a good way to do it. Shouldn't you
24 perform a weighted average with these numbers on this
25 chart, Table 2-2?

1 MS. CHEN: Objection. Argumentative.

2 MR. ROSVALL: I can rephrase.

3 ALJ VAN DYKEN: Okay. Yes, please rephrase.

4 BY MR. ROSVALL:

5 Q The question is just for consistency with your
6 approach to the rate probability. Wouldn't it make
7 sense to perform a weighted average for these numbers?

8 A No, because I'm not comparing the number of
9 CBGs or population numbers, I'm comparing the rates that
10 urban customers who live at the same household income or
11 less as Kerman's customers are paying compared to what
12 Kerman's customers are paying. It's not about what the
13 population is or how many CBGs.

14 Q Did you read Dr. Lehman's testimony?

15 A Yes.

16 MS. CHEN: Objection. Asked and answered.

17 ALJ VAN DYKEN: Sustained.

18 MR. ROSVALL: So I think the answer was "Yes,"
19 so I'll just assume it's yes.

20 Q So based on Dr. Lehman's testimony, isn't it
21 true that -- if you just look at Kerman, and you
22 consider how many people fall into these low-income
23 traunches, the ones in your Column 3 and 5, isn't it
24 true that it's a much higher percentage than in LA?

25 MS. CHEN: Objection. Vague. It's unclear.

1 ALJ VAN DYKEN: Objection sustained.

2 Can you clarify the question, please,
3 Mr. Rosvall.

4 MR. ROSVALL: Sure.

5 Q If you just adjust your numbers for the
6 population in each of the areas that you're studying,
7 isn't it true that a much higher percentage of the
8 people in Kerman fall into the less than 24,000 and less
9 than 63,000 categories that you're looking at?

10 MS. CHEN: Objection. The question is unclear.
11 The question is unclear.

12 MR. ROSVALL: Your Honor, the foundation has
13 just been laid for this. He's explained what's in the
14 chart. I think he can answer.

15 ALJ VAN DYKEN: I'll sustain the objection.

16 Mr. Rosvall, if you can clarify the question a
17 little bit further, I'm not sure that I quite follow it
18 either, so --

19 BY MR. ROSVALL:

20 Q So the question is -- let's just look again at
21 the number in the far right-hand column, the 9,469. If
22 we compared that number, as a function of Kerman's
23 population, to the same percentage of the urban
24 populations using their respective numbers in the
25 column, isn't it true that a much higher percentage of

1 Kerman's population is below 63,000 median household
2 income?

3 A Yes, but that's not the problem here. The
4 analysis is that those customers in Kerman are paying
5 the rate of \$22.58, while those customers in urban
6 areas, that share the same household income or less, are
7 paying the rate of AT&T at \$34.50.

8 Q Okay. So the answer is "Yes" then?

9 A Yes, but that's not the issue.

10 Q All right. So I'd like to discuss your views
11 on inflation, and your view that that should be used to
12 measure the reasonableness of basic rates. So you start
13 that discussion at page 2-8 of your testimony for Kerman
14 in a section titled "Inflation Level Comparability." So
15 you state that, on that page, that:

16 Inflation is used to assess the
17 reasonableness of a basic residential rate
18 of 27.50.

19 Is that your testimony?

20 A Yes.

21 Q So what is inflation?

22 A I don't have an exact definition, and I don't
23 want to misspeak or misstate the definition, but if you
24 have a definition that I can read, I'd be happy to.

25 Q Okay. So you don't know. I'll try to

1 summarize and see if this sounds right. So -- well, I
2 guess maybe there's an easier way.

3 What's the -- in Table 2-3, what's the source
4 of inflation that you're using, page 2-9?

5 A It is from NECA, the National Exchange Carrier
6 Association.

7 Q Okay, is it the GDP-CPI?

8 A Yes.

9 Q Okay. And do you know what that stands for?

10 A Growth Domestic Product, and I don't recall the
11 second part.

12 Q Just to summarize, would you agree that
13 inflation, in general, measures the increase or decrease
14 in the value of goods and services over time?

15 A Yeah, that sounds correct.

16 Q Okay. So the inflationary metrics on page 2-9
17 aren't specific to Kerman's service territory; are they?

18 A No, they track inflation levels for the past --
19 past years.

20 Q And why do you believe it's appropriate to use
21 the, you know, inflation rates for the economy as a
22 whole?

23 A It's used to show how inflation has changed,
24 has risen, from the past GRC test year. So for Kerman
25 that was 2016, so to show how the rates should be

1 changed and how the dollar has increased since that last
2 test year.

3 Q Well, let me ask this question: Do you have any
4 reason to believe that salaries for workers at Kerman
5 have increased according to inflation?

6 MS. CHEN: Objection. Beyond his scope of
7 testimony.

8 MR. ROSVALL: Your Honor, Ms. Chen asked a
9 number of questions that were like this where it was
10 "Do you have any evidence, do you have any reason to
11 believe," things like that. I'm just doing the same
12 thing.

13 ALJ VAN DYKEN: Overruled.

14 But Mr. Villarreal, if you know the answer to
15 that question you can answer it, but you do not need to
16 speculate.

17 MR. ROSVALL: Do you want me to restate the
18 question?

19 THE WITNESS: Yes, please.

20 BY MR. ROSVALL:

21 Q So the question was just, do you have any
22 reason to believe that salaries in Kerman have increased
23 according to inflation?

24 A I don't know.

25 Q Okay. How about the price of household goods.

1 Do have any idea whether the household goods that people
2 in Kerman would purchase would fluctuate according to
3 the GDP-CPI?

4 A I don't know.

5 Q Okay. Is there any Commission decision that
6 you know of where the Commission has set rates according
7 to inflation?

8 A No, it's just a piece of analysis that helps
9 show the reasonableness of the rate.

10 Q Okay. So let's shift gears and talk about your
11 business rate proposal. So let's start with Kerman. I
12 believe your proposal is on page 2-15, and you propose
13 to increase business rates from \$35 to \$42 (inaudible);
14 is that right?

15 A Yes.

16 Q So I'm not going to ask you to repeat it
17 exactly, but does that sound like about a 22 percent
18 increase?

19 A I don't know.

20 Q Okay. Well, just looking at -- eyeballing the
21 numbers, is it greater than 20 percent?

22 A I'm not sure.

23 Q And just backing up, the businesses in Kerman,
24 and you've been there for the site visit, I believe you
25 stated they're almost all mom and pop type small

1 businesses; right? Would you agree?

2 A I don't know.

3 Q Okay. How many large multi-line business
4 customers does Kerman have?

5 A Can you repeat that question again.

6 Q Yeah. I'm just wondering how many multi-line
7 business customers Kerman has?

8 A I believe in 2022 Kerman had over 500.

9 Q Those are total business customers; right?

10 A Yeah, I'm talking about lines.

11 Q I'll be more specific. What I'm asking you is:
12 How many customers, business customers, does Kerman have
13 that have more than one line?

14 MS. CHEN: Objection, your Honor. Is there,
15 like -- is there a document that you can show the
16 witness, a question, like, about the number, like --

17 MR. ROSVALL: It's been supplied by other
18 witnesses. If he doesn't know, I'll move on, but I'm
19 asking him about the character of the businesses in the
20 area. One way of looking at that is how many have more
21 than one line. He's the one, you know, proposing the
22 rate, so I'm just trying to ask about the context.

23 ALJ VAN DYKEN: I'll sustain the objection.

24 MS. CHEN: I'm sorry, your Honors. I'm sorry
25 to interject. Can we go off record? I actually have a

1 procedural question.

2 ALJ VAN DYKEN: Yes, let's go off the record,
3 please.

4 (Off the record.)

5 ALJ VAN DYKEN: Ms. Dawson, we are back on the
6 record.

7 BY MR. ROSVALL:

8 Q Okay. So Mr. Villarreal, I think we were just
9 talking about the business rates for Kerman, and I'll
10 just pose the question to you this way: Let's assume
11 that these are small businesses in Kerman. Is there any
12 restriction that you know of on small businesses passing
13 along their rate increases to the low-income residents
14 that live there, their customers?

15 A I didn't get that last part of the question.

16 Q The question is just a small business in
17 Kerman, is there anything restricting that business from
18 raising its own prices in response to a rise in business
19 rates?

20 MS. CHEN: Objection. Outside the scope of his
21 knowledge and testimony on what small businesses will
22 do.

23 MR. ROSVALL: Your Honor, this is something
24 that Dr. Lehman raised. It's something that I'm not
25 going to ask him whether he's familiar with the

1 testimony, because I already asked that, but I'm trying
2 to get Mr. Villarreal's view on this.

3 ALJ VAN DYKEN: All right, so I will overrule
4 the objection.

5 Mr. Villarreal, again, you can answer the
6 question if you know the answer, but please do not
7 speculate.

8 THE WITNESS: I don't know what the businesses
9 will do.

10 BY MR. ROSVALL:

11 Q Okay. So let's look at your Table 2-6. This
12 is on page 2-15 of your Kerman testimony. You have a
13 table titled "Comparison of Urban ILEC, Cal Advocates'
14 Proposed and Kerman Current Basic Business Rates as of
15 May 13th, 2022"; do you see that?

16 A Yes.

17 Q And you state on page 2-15 that:

18 Basic business rates vary between providers
19 with some providers offering flat rate
20 service and others offering measured rate
21 service.

22 So the measured rate services are structured
23 differently than the flat rates; correct?

24 A Yes.

25 Q Because they include a per-minute charge of

1 some kind; right?

2 A A what charge?

3 Q I'll be more specific. The measured resources
4 include some kind of per-minute charge as part of the
5 package; right?

6 A Yeah, measured rate service has an additional
7 cost, depending on the usage.

8 Q Kerman only offers a flat rate; correct?

9 A Yes.

10 Q Okay. So in your Table 2-6, the only other
11 flat rates there are those offered by Consolidated and
12 Citizens/Frontier; is that right?

13 A Yes.

14 Q Okay. And I believe you answered a data
15 request on this subject. You can tell me if I'm wrong,
16 but you acknowledge that the AT&T 755 rate, measured
17 service rate, is not just and reasonable; right?

18 A Yes.

19 Q Okay. Do you know whether any AT&T customers
20 actually purchased business service at that rate?

21 A I don't know. In this table I am only
22 comparing the rates.

23 Q But it could be zero; right? There could be no
24 one that purchases that unjust and unreasonable rate;
25 right?

1 A I don't know.

2 Q Okay. And in Footnote 74 you testified that
3 AT&T's \$755 rate is part of the AT&T Business Tariff.
4 So my question is, you attached an exhibit as B-16 to
5 your testimony, but that actually isn't a tariff; is it?

6 A Yeah, it is a guidebook, AT&T guidebook.

7 Q Okay. And you're not aware of any Commission
8 decision where the Commission approved the rates in that
9 guidebook; are you?

10 A I don't know.

11 Q Okay. Isn't it true that AT&T de-tariffed its
12 business services in 2009?

13 A I don't know the exact date, but yes.

14 Q So yes, they did de-tariff?

15 A The \$755 business rate is de-tariffed.

16 Q Okay. And they don't have a flat rate; right?

17 A No.

18 Q Okay. And this is the same question I asked
19 you for residential, but this time for business. You
20 haven't considered any of the UIP or VoIP alternatives
21 that may exist for AT&T, Frontier, or Consolidated; have
22 you?

23 A No, in this table I'm comparing the rates that
24 urban customers -- most urban customers pay.

25 Q Most urban customers, as defined by the chart

1 that you've prepared with just the three companies;
2 right? You didn't look at (indecipherable) cable
3 companies or others; correct?

4 A Yes, the three largest ILECs in California.

5 Q Okay, you say they're largest, but you don't
6 know how many lines people -- how many business lines
7 they actually have at the rates displayed here; do you?

8 A Not for business lines, but in my weighted
9 average table I displayed the working lines.

10 Q Those are the overall working lines, including
11 residential lines; correct?

12 A Yes.

13 Q Okay. So I want to back up. I did find the
14 Sierra decision. This is the line of questioning we
15 were trying to get to a little while ago. It is a
16 marked exhibit, it's KTC-FTC-43. So can you open that,
17 and I'll just remind you and everyone that we're looking
18 at a document that the witness mentions on page 11 -- or
19 sorry, not page 11, it's page 2-5, I believe, yeah.
20 There's a Footnote 45, page 2-5, so that's the
21 reference, but I wanted to ask you about that decision.

22 A Okay, I've opened the decision.

23 Q Okay. So if you -- and I believe there's a
24 specific reference you provide, and I think it's easier
25 to see it in the Foresthill version of your testimony.

1 So now I'm looking at Exhibit CA-K-5, and I believe
2 there you have a specific page reference in the Sierra
3 decision, which is page 11; do you see that? So I was
4 going to turn you to page 11.

5 A Okay.

6 Q So on page -- I guess it's page 2-5 of your
7 Foresthill testimony, lines 10 and 11, you reference a
8 quote from the Volcano and Sierra rate cases, and you
9 say the \$2.50 increase in basic residential rate is
10 clearly not excessive or unreasonable.

11 So my question about the Sierra case, just to
12 be clear, is the Commission didn't adopt a \$2.50
13 increase in the Sierra case; right?

14 A They adopted the methodology for the analysis
15 and methodology for the 27.50 rate, but took into
16 consideration other factors and compromised at \$26.

17 Q Okay. So just first I just want to clarify,
18 they don't actually mention an endorsed weighted average
19 methodology; do they? You're just -- go ahead.

20 MS. CHEN: Objection. Unclear as to
21 "endorsed." What is meant by that?

22 MR. ROSVALL: I can clarify that.

23 Q I think the question's just, did the Commission
24 specifically say that the weighted average methodology
25 you're representing is the right way to analyze rate

1 comparability. Did they say that in the Sierra
2 decision?]

3 A It didn't say that explicitly, but they said
4 that it is reasonably comparable to urban rates as
5 required by Public Utilities Code 275.6.

6 Q And just for context, your increase for Kerman
7 would be a \$5 rate, right? \$5 rate increase?

8 A I haven't -- yeah, around there.

9 Q Okay. So, just -- you mentioned that the
10 Commission adopted a compromise in the Sierra decision,
11 so looking at page 11, there's a sentence that
12 immediately comes after the quote that you provided, and
13 it starts with, "however."

14 Can you read that, please?

15 A "However, we are persuaded that Sierra's
16 concerns about the income demographics of its customers,
17 the ongoing financial challenges within the community
18 due to recent fires as well as effects of the pandemic
19 warrant mitigation."

20 Q And so, just starting with Foresthill.

21 Foresthill had a fire the same timeframe as
22 Sierra, right, last year, big fire?

23 A Yes.

24 Q Okay. And then turning to Kerman, the
25 demographics in Kerman are even more low income than

1 Sierra, right?

2 A I don't know.

3 Q Okay. So, I am going to turn to -- I will use
4 your Kerman testimony, back to page 2-15. This is part
5 of your discussion with inflation which we talked about
6 a little bit earlier.

7 There's a -- there's a sentence on that page,
8 2-15, where you say that, "residential and business
9 rates must increase by the same percentage to avoid
10 disproportionately burdening one class of customers over
11 another."

12 So, is it your contention that the Commission
13 has always increased business rates by the same
14 percentage that it increases residential rates?

15 A Can you say that one more time?

16 Q Yeah. The question is, if you know, has the --
17 is it your position that the Commission has always
18 increased business rates by the same percentage increase
19 as residential rates?

20 A I don't know, but the P.U. Code says that they
21 should be raised the same.

22 Q Does that P.U. Code Section, which -- maybe we
23 should look at it. So, we provided this as a -- an
24 exhibit. It's a series of statutes as the one you're
25 citing; Public Utilities Code 453(c) is in there.

1 So, this is Cross Exhibit KTC-FTC-21. Could
2 you open that, please?

3 Let me know when you're there.

4 A I don't see a 21. I see a 20 and 22.

5 MS. CHEN: If I may, when I open the
6 KTC-FTC-21, I think I have it, but the cover page says
7 KTC-FTC-33.

8 Q It may be in there twice, or I may be wrong
9 but, regardless, maybe if it's 33, we can open that.
10 It's -- it's a range of statutes, 451 through 453.

11 ALJ VAN DYKEN: All right. Can we go off the
12 record until we figure it out?

13 MR. ROSVALL: Sure.

14 (Off the record.)

15 ALJ VAN DYKEN: Back on the record.

16 BY MR. ROSVALL:

17 Q So, Mr. Villarreal, do you have the range of
18 statutes that includes Public Utilities Code 453?

19 A Yes.

20 Q Okay. So, the section C there is what you
21 reference in your testimony, correct?

22 A Yes.

23 Q Okay. So, it doesn't say anything about
24 business services there, does it?

25 A I don't understand the question.

1 Q Just reading Section 453(c), your testimony is
2 that in order to comply with this section that business
3 rates and residential rates would have to go up by the
4 same percentage, and I am asking does 453(c) say
5 anything about business rates?

6 MS. CHEN: Objection. Unclear on "say
7 anything." Like, what -- what does that mean exactly?

8 ALJ VAN DYKEN: All right. Sustained.

9 Can you rephrase the question, Mr. Rosvall?

10 BY MR. ROSVALL:

11 Q Sure. I think we will start here.
12 Mr. Villarreal, does Section 453(c) mention business
13 rates?

14 A Not explicitly.

15 Q Okay. Do you have any Commission decisions or
16 other authorities to suggest that the Commission has
17 interpreted the term "classes of service" to mean that
18 business and residential rates must be the same?

19 A Can you state that one more time?

20 Q Sure. Do you have any -- do you have any
21 authorities or other references from the Commission that
22 suggests that the term "classes of service" has been
23 interpreted by the Commission to mean that business and
24 residential services must be the same rates?

25 A No. But in 453(c), it states that there

1 shouldn't be any unreasonable difference between classes
2 of service, and business and residential are both
3 classes of service.

4 Q Okay. But you're -- you're just reading the
5 statute; you're not relying on any other authority about
6 what that means?

7 A Yes.

8 Q Okay. So, isn't it true that business rates
9 have been traditionally higher for all companies for
10 many years? Business rates are generally \$10 or \$15
11 higher?

12 MS. CHEN: Objection. Calls for speculation.

13 MR. ROSVALL: The question is does he know?

14 ALJ VAN DYKEN: I will overrule that one.

15 Mr. Villarreal, you can answer the question if
16 you know the answer, but you do not need to speculate.

17 THE WITNESS: Can you repeat the question?

18 BY MR. ROSVALL:

19 Q Yeah. Just -- the question is, do you know
20 whether business rates have traditionally been higher
21 than residential rates for carriers in California
22 generally?

23 A I don't know.

24 Q Well, if the statute did apply to residential
25 and business services, wouldn't it be improper to have

1 any difference between residential and business?

2 MS. CHEN: Objection. Calls for a legal
3 policymaking opinion. That's beyond the scope of
4 testimony.

5 MR. ROSVALL: Your Honor, he offered the
6 opinion. It's in his testimony. His opinion is it's --
7 it's a legal opinion. His opinion is that this -- that
8 this statute means that things must increase by
9 inflation. It seems like I should be able to test that.

10 ALJ VAN DYKEN: I will sustain the objection.

11 BY MR. ROSVALL:

12 Q Let me ask this question: Do you know whether
13 the cost of providing a residential line is greater or
14 less than the cost of providing a business line?

15 A I don't know.

16 MR. ROSVALL: Okay. So, I am going to dive
17 into another topic. I probably have about 30 more
18 minutes for this witness. I think it would make sense
19 to stop unless folks want to go and have a late lunch,
20 but I will offer to stop here if folks don't want to do
21 that.

22 MS. CHEN: Carolyn Chen for Cal Advocates, I
23 think we would appreciate a break at this time.

24 ALJ VAN DYKEN: Okay. Sounds good. Sounds
25 like this would be a good breaking point. So, let's --

1 let's break for a one-hour lunch. Time is currently
2 2:12 (sic). Let's just call it 1:15 when we get back.

3 We are off the record, and we are adjourned
4 until 1:15.

5 (At the hour of 12:12 p.m., a recess was
6 taken until 1:16 p.m.)]

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AFTERNOON SESSION - 1:16 P.M.

* * * * *

CHRISTIAN VILLARREAL,

resumed the stand and testified further as follows:

ALJ VAN DYKEN: Let's go on the record in the proceedings.

CROSS-EXAMINATION RESUMED

BY MR. ROSVALL:

Q Thank you, your Honor.

Good afternoon, Mr. Villarreal.

A Good afternoon.

Q So, before I proceed, I wanted to make sure we circulated to counsel, and I believe uploaded to the portal the revised version of what had previously been KTC-FTC-30. It's a much shorter document now, and it's a data request that I think the witness will be familiar with.

I just wanted to note that in case anyone is confused or had already downloaded the document. I am not going to get to it just yet, but I wanted to be sure you had it, Mr. Villarreal.

A I'm not sure if I have the updated version.

MS. CHEN: Mr. Villarreal, I just forwarded it to you.

1 THE WITNESS: Okay.

2 MS. CHEN: It might take a minute.

3 THE WITNESS: Okay, I have it.

4 BY MR. ROSVALL:

5 Q And I am not going to talk about it yet, so
6 when we get there, if you need a moment to look at it,
7 that's totally fine.

8 A Okay.

9 Q All right. So, I think with that, I will
10 proceed.

11 So, let's talk a little bit about your
12 broadband imputation proposal, moving on from our
13 discussion of rates.

14 So, for this part of the discussion, I am going
15 to shift to the Foresthill testimony, so this is the
16 document marked CA-X-05 -- or, sorry -- CA-F-05.

17 I -- I think a lot of this conversation will
18 involve confidential numbers, so I thought I would point
19 that out now. I am not a -- it's probably two minutes
20 away, but should I wait until we actually on the
21 precipice on the number, or should I -- should we just
22 do it now?

23 ALJ VAN DYKEN: I would say let's wait to go
24 into a confidential session until we get to the actual
25 confidential information.

1 Beyond that, though, do we have a confidential
2 version of CA-F-05?

3 MR. ROSVALL: There is, and I -- I perhaps
4 misspoke. I am going to be looking at Exhibit CA-F-5-C.

5 ALJ VAN DYKEN: Okay.

6 MR. ROSVALL: So, shall I proceed?

7 ALJ VAN DYKEN: Yes.

8 BY MR. ROSVALL:

9 Q Okay. So, Mr. Villarreal, I am going to point
10 you to page 19, and on that page, there's a footnote
11 citing to, I believe, the broadband imputation decision.
12 That is D.21-04-005.

13 I will give you a chance to get there, though.

14 A Okay. I am here.

15 Q So, would you agree that that is the decision
16 in which the Commission enacted broadband imputation?

17 A Yes.

18 Q And -- and if -- are you aware also that the
19 companies participating in that proceeding filed an
20 application for rehearing, and that there was a decision
21 on rehearing as well on the same subject?

22 A Yes.

23 Q Okay. So, that -- and that's D.21-08-042.

24 Is that your understanding?

25 A That sounds right.

1 Q Okay. So, let's just start with the first
2 decision in your footnote, the broadband imputation
3 decision. So, let's -- let's open it up. I think it's
4 actually been marked already as something else, but we
5 provided it as KTC-FTC-38, so it might be easier to just
6 use that.

7 So, could you click on that please or open it
8 up?

9 A Okay. I have it open.

10 Q All right. So, I am going to point you to the
11 order paragraphs pages 23 and 24, and I am just going to
12 start with ordering paragraph one, so let me know when
13 you're there.

14 A Okay. I am here.

15 Q Okay. So, just -- this is the ordering
16 paragraph in which the Commission defined the scope of
17 the expenses and revenues that would go into broadband
18 imputation; is that right?

19 A Yes.

20 Q Okay. And so, for expenses or revenues to
21 count as part of the imputation mechanism based on this
22 paragraph, page 24, they have to be broadband related
23 right, it says broadband related?

24 A Sorry, I didn't hear. Can you say that one
25 more time?

1 Q Yeah. I was just asking if the expenses and
2 revenues, they have to be broadband related in order to
3 count.

4 Is that your understanding?

5 A Yes.

6 Q Okay. And -- and likewise, to be imputed,
7 revenues would have to be derived from the IS -- the
8 internet service provider over the company's local
9 exchange facilities, correct?

10 A Yes.

11 Q Okay. And if they're provided over an
12 alternative platform not the local exchange facilities,
13 then they wouldn't count, right?

14 A Yes.

15 Q Okay. So, if the facilities aren't supported
16 by the CHCF-A, they wouldn't be included as part of the
17 broadband imputation, right?

18 A Can you say that one more time?

19 Q Yeah. So, if -- if facilities aren't supported
20 by the CHCF-A, then the revenues and expenses derived
21 from those facilities wouldn't be included in the
22 imputation, right?

23 A I don't know.

24 Q Okay. So, as far as the vintage of the data to
25 be used in broadband imputation, this ordering paragraph

1 says, right there on page 24, that it has to be the
2 calendar year immediately proceeding the GRC
3 application, correct?

4 A Correct.

5 Q And to implement this ordering paragraph,
6 Communications Division issued a template for the
7 companies to use in displaying their financials; is that
8 right?

9 A Yes.

10 Q Okay. And Foresthill has used that -- that
11 template, right?

12 A Yes.

13 Q Okay. And did you review the company's
14 application when it was submitted?

15 A Yes.

16 MR. ROSVALL: Okay. So, just so there's not a
17 misunderstanding about what we're talking about here, I
18 would like to direct the witness and everyone to Exhibit
19 C to the application, which has been marked as
20 FTC-KTC-28.

21 This document is confidential. I think -- I am
22 not quite at the point of saying the numbers, but I just
23 point out that it is confidential.

24 ALJ VAN DYKEN: Okay. Let's go into
25 confidential session.

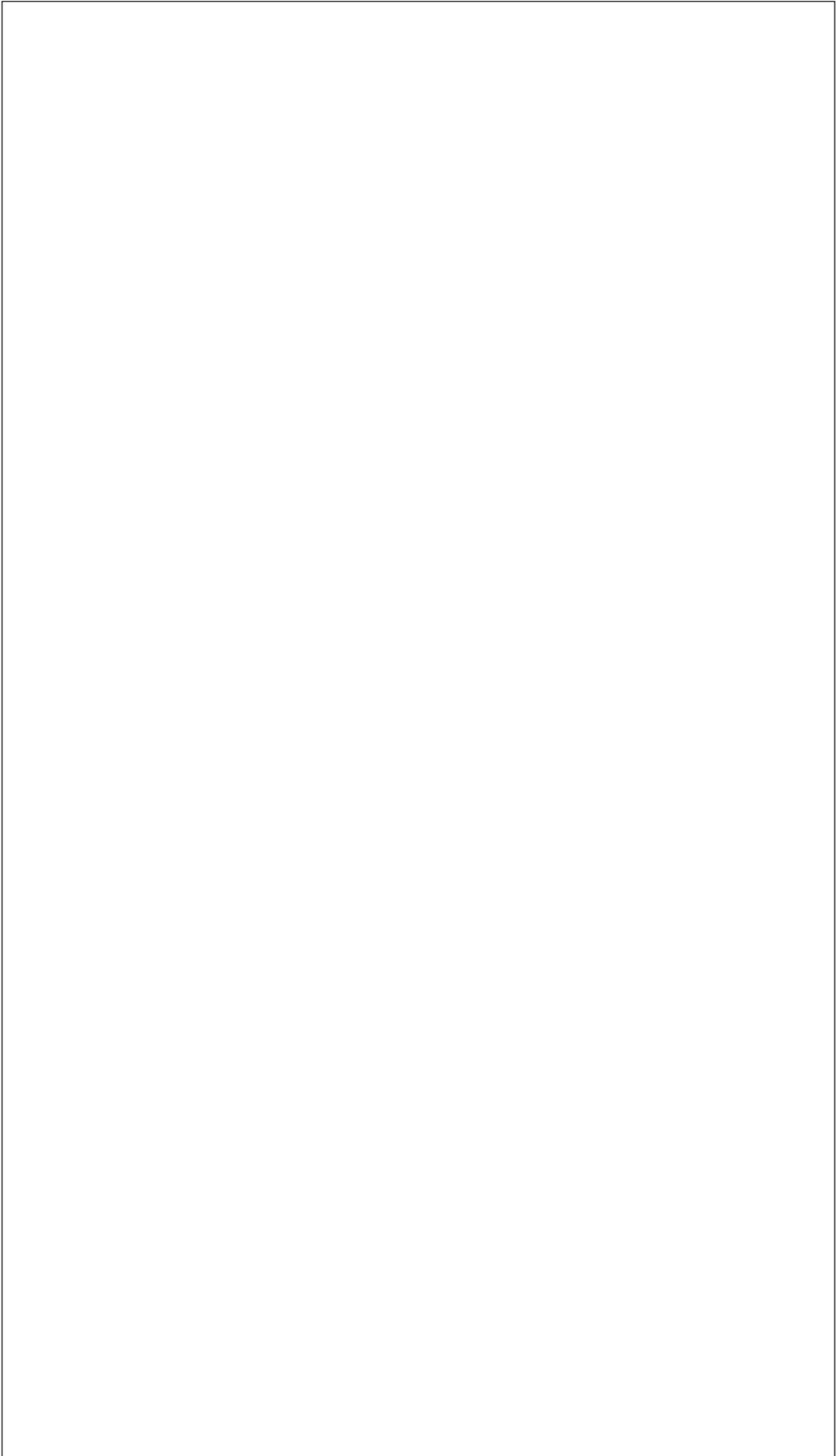
1 MR. ROSVALL: So, let me know -- well, I guess,
2 let me know when we're there, your Honor.

3 ALJ VAN DYKEN: Sure. Mr. Donovan or
4 Mr. Ocampo, can we go into a confidential session,
5 please?

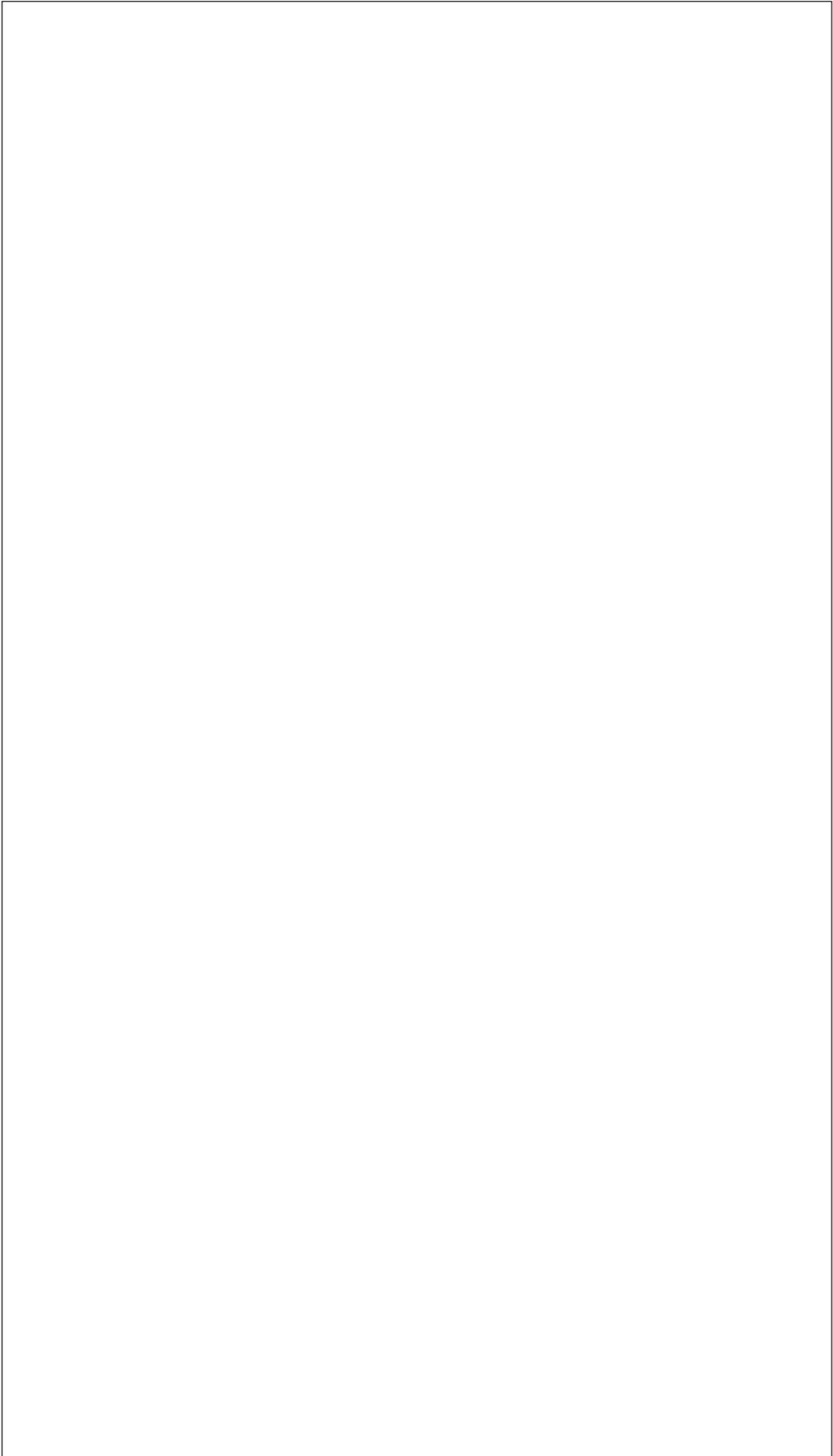
6 (The following material
7 was placed under seal by direction
8 of ALJ Van Dyken.)

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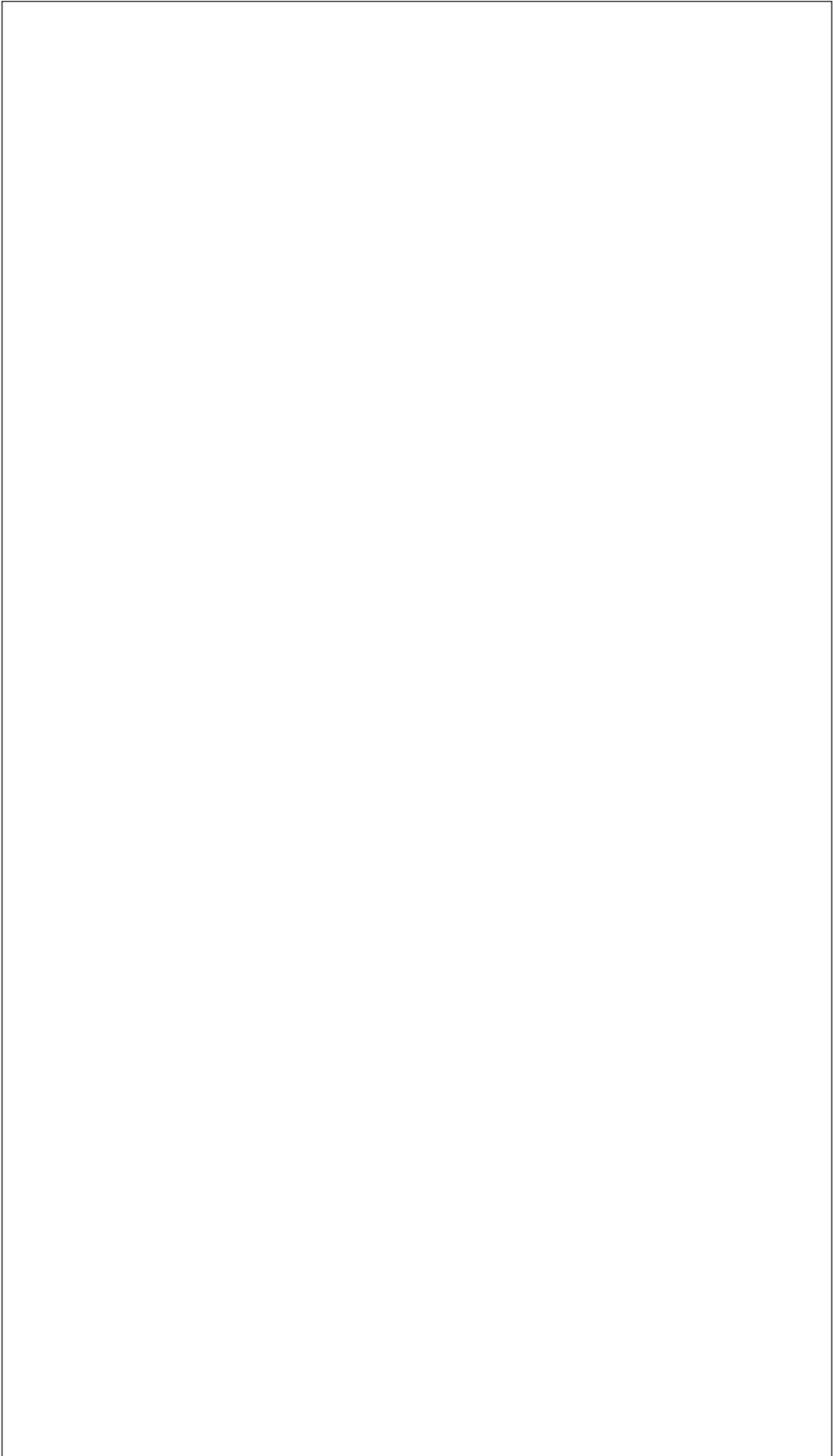
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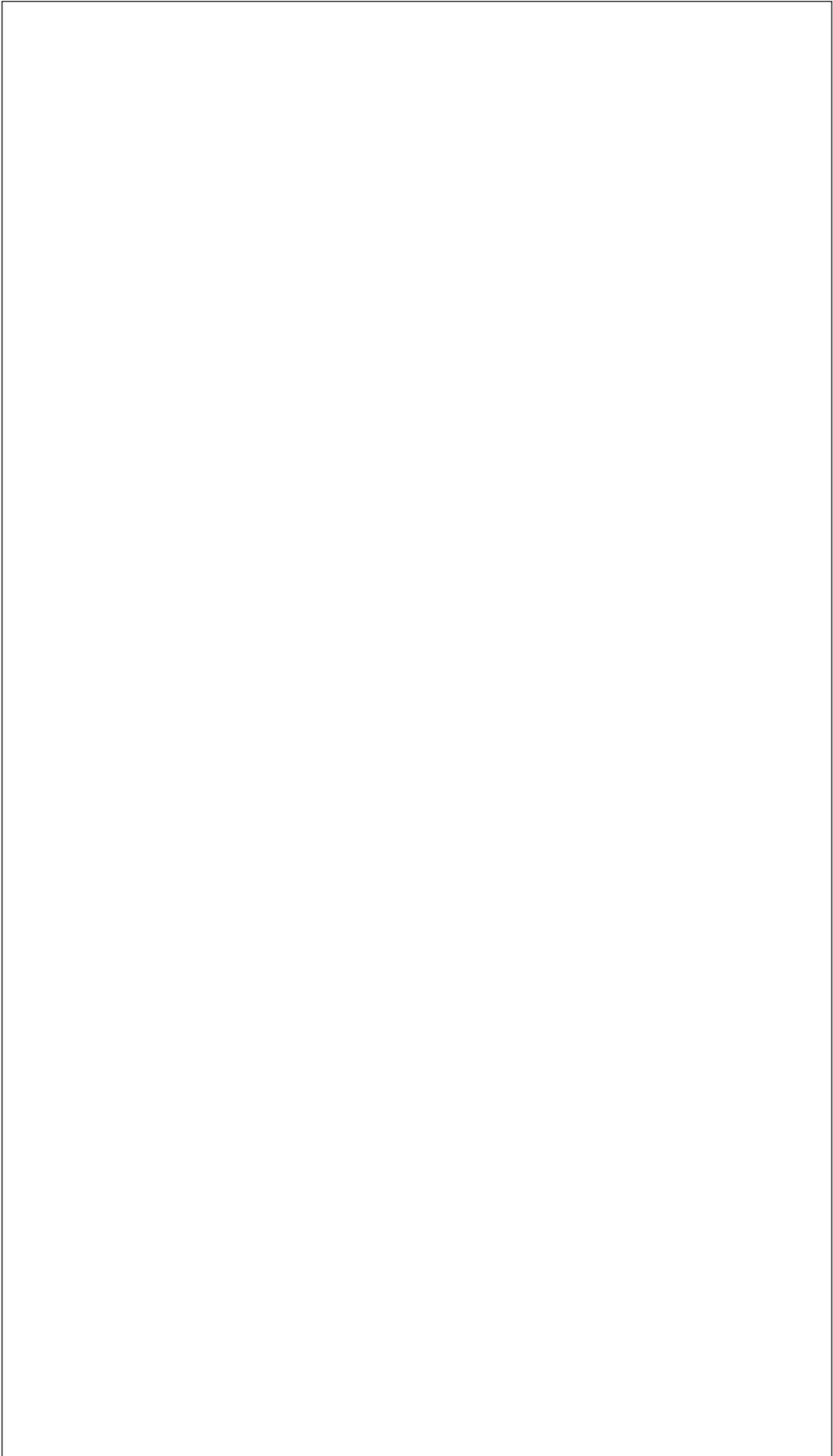
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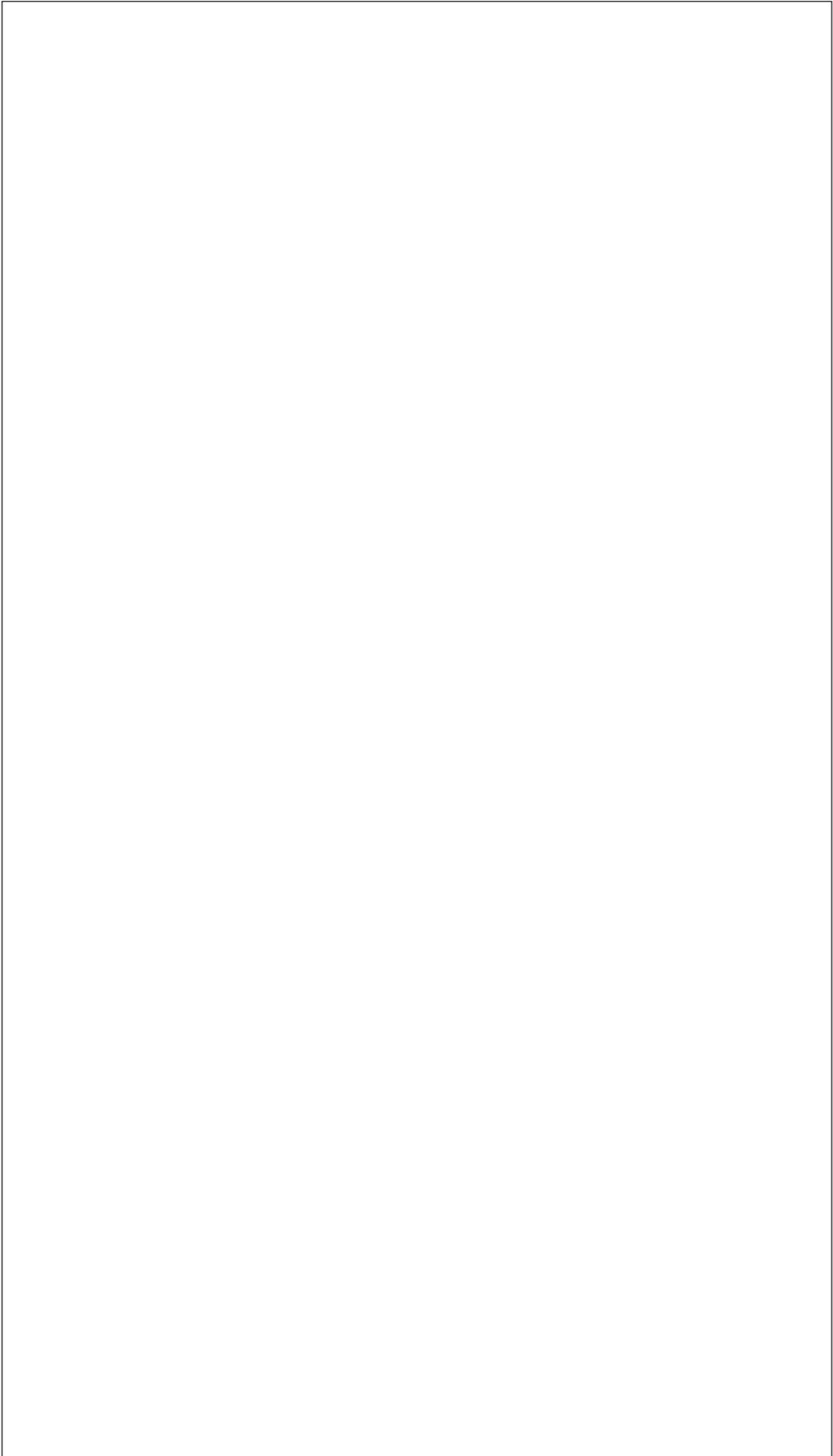
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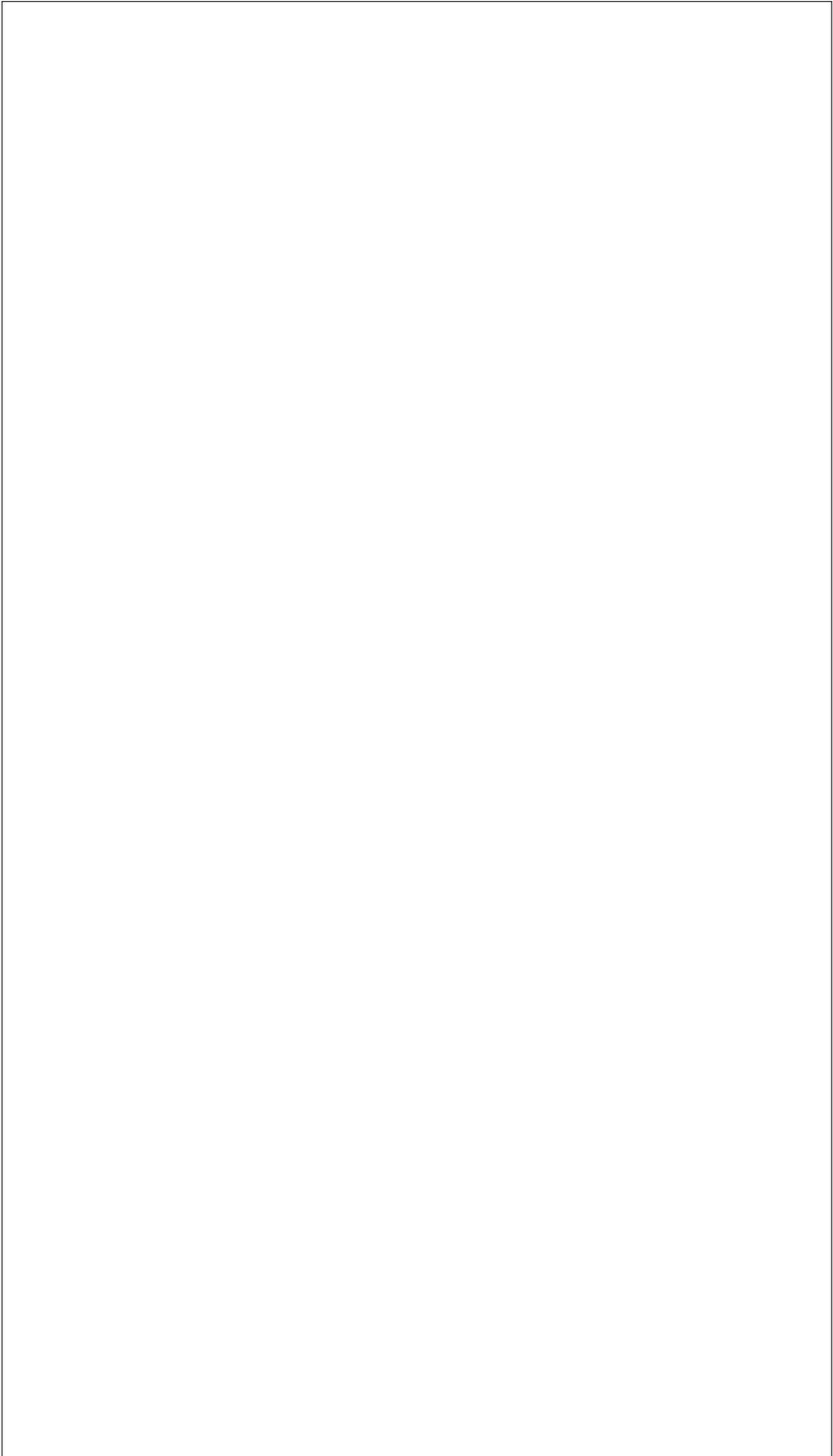
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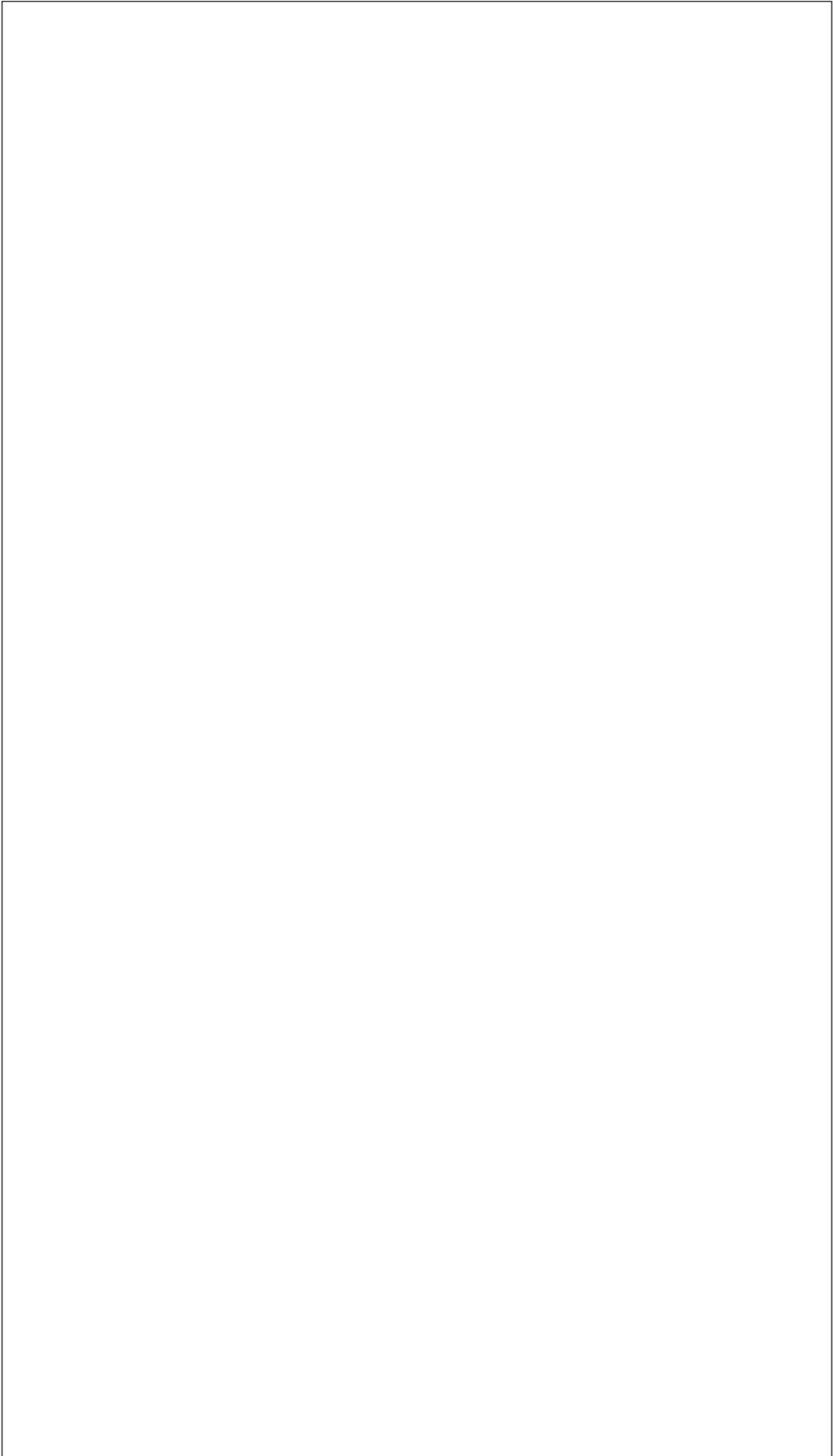
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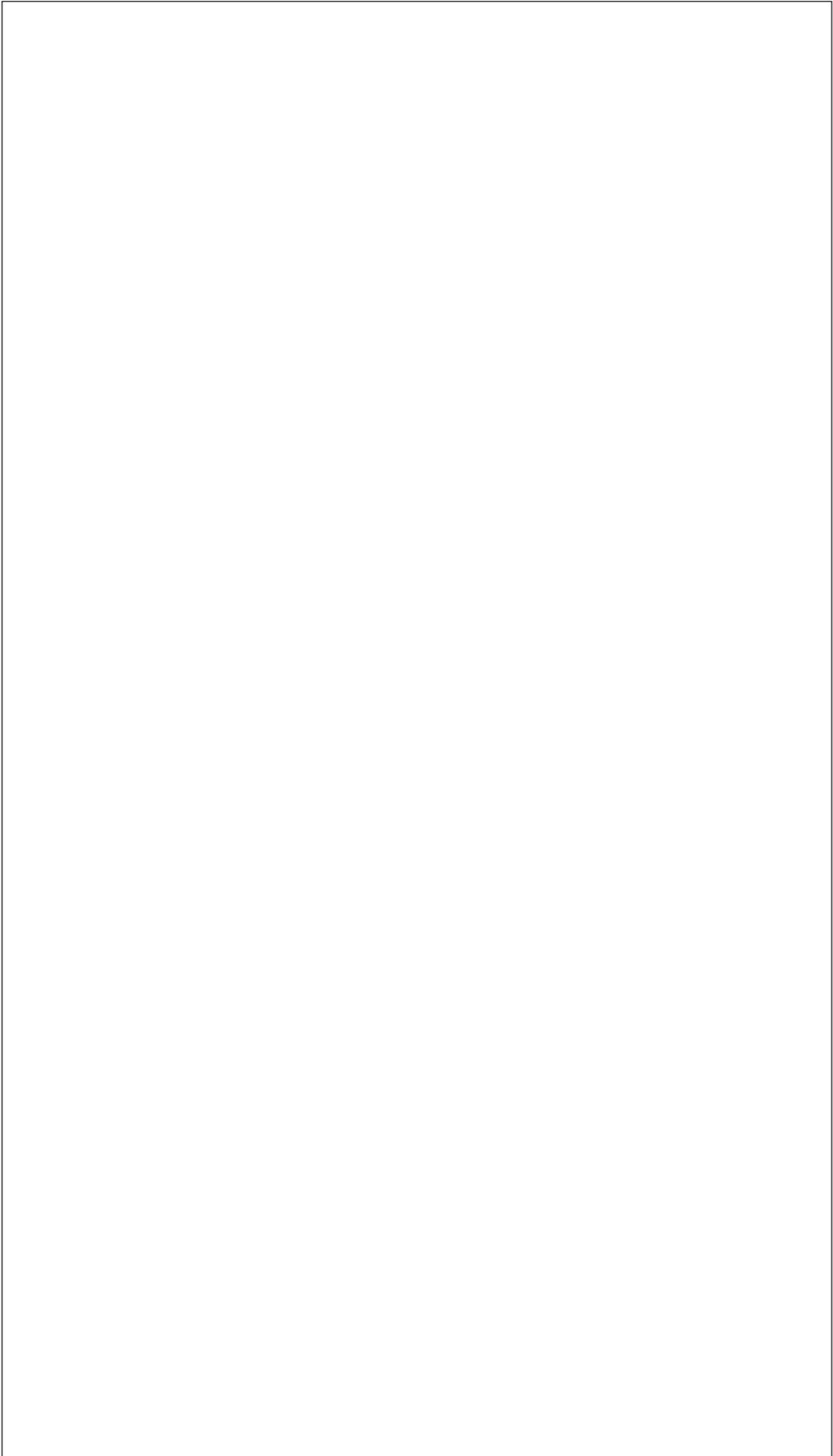
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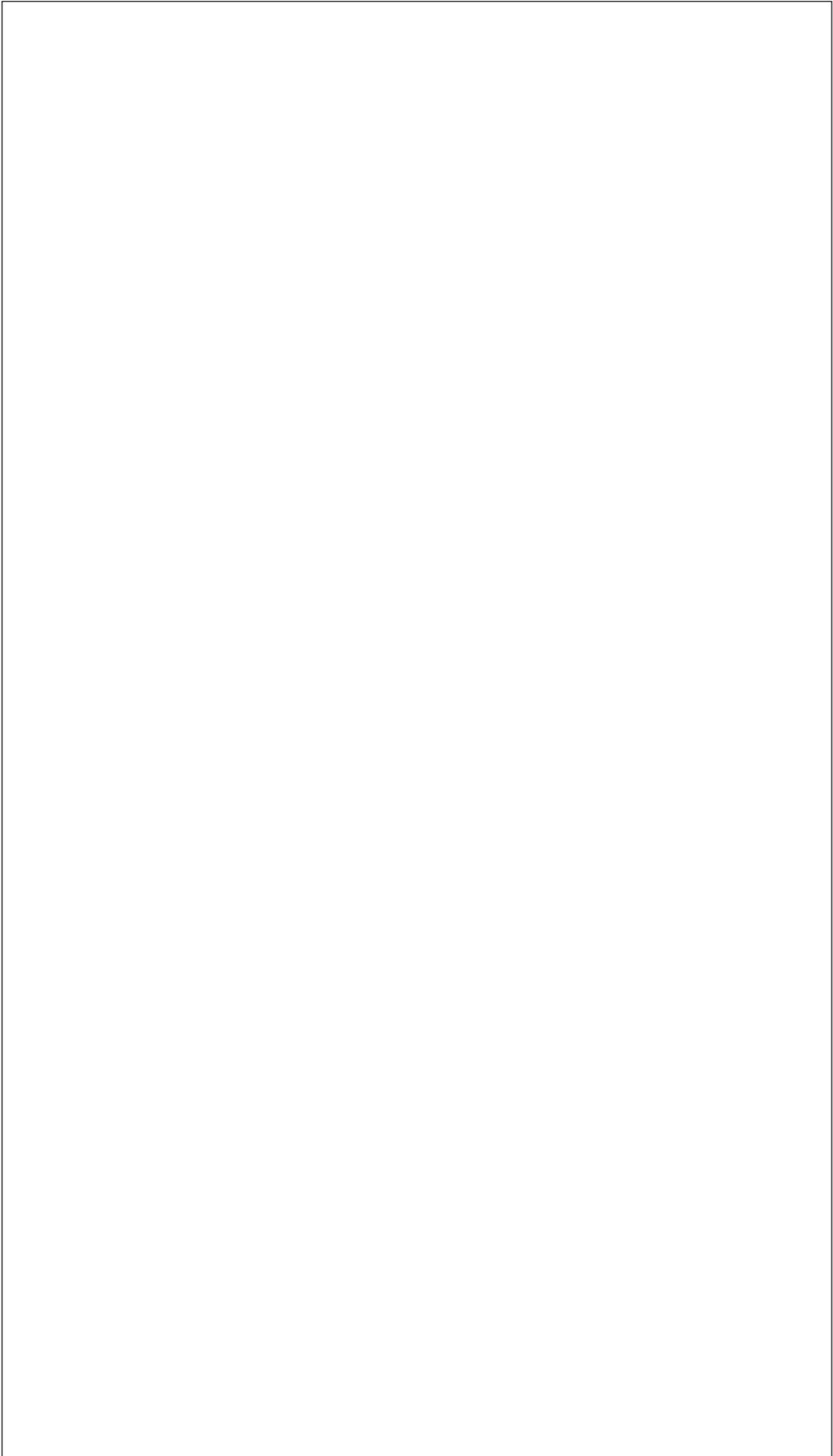
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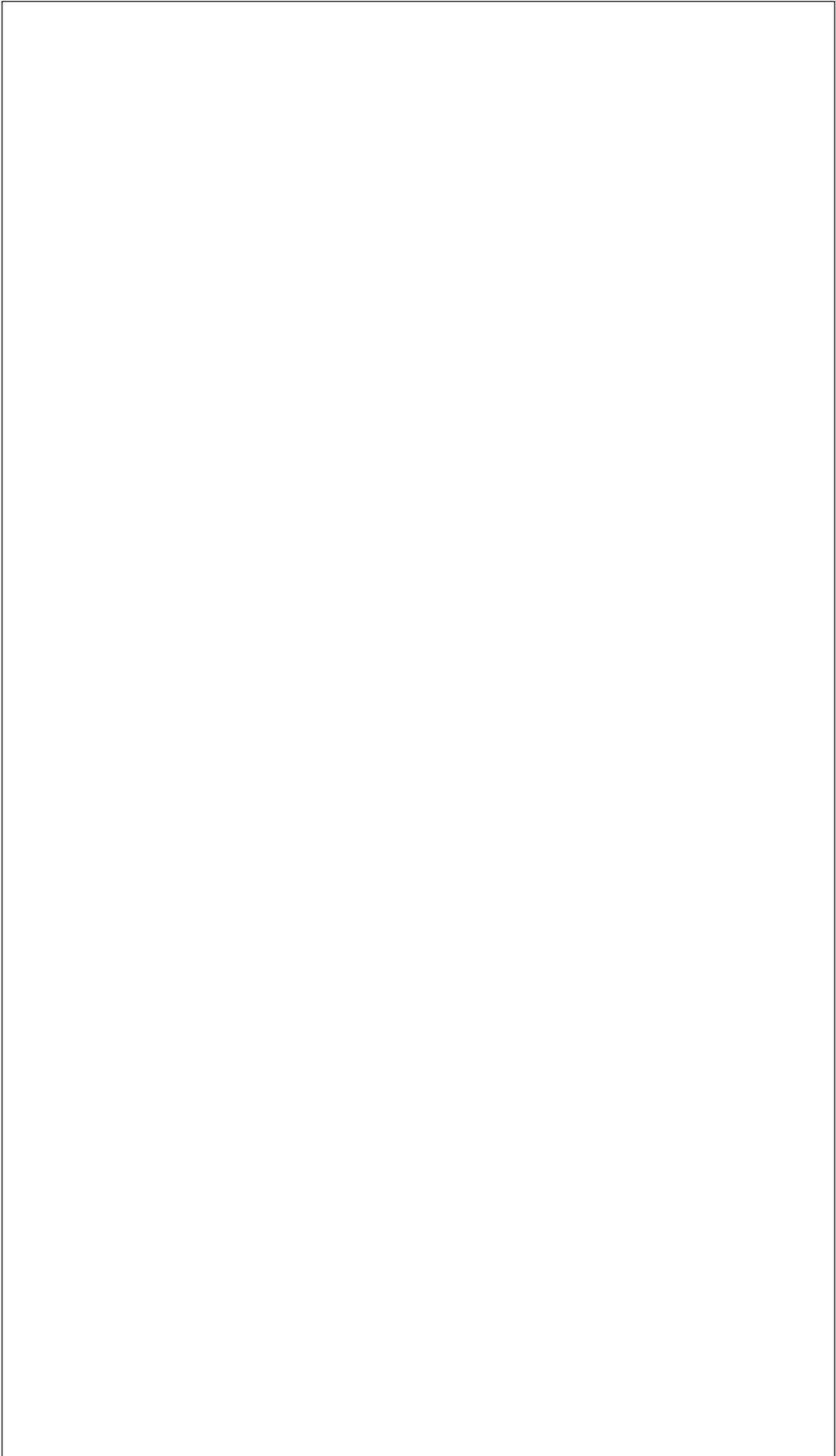
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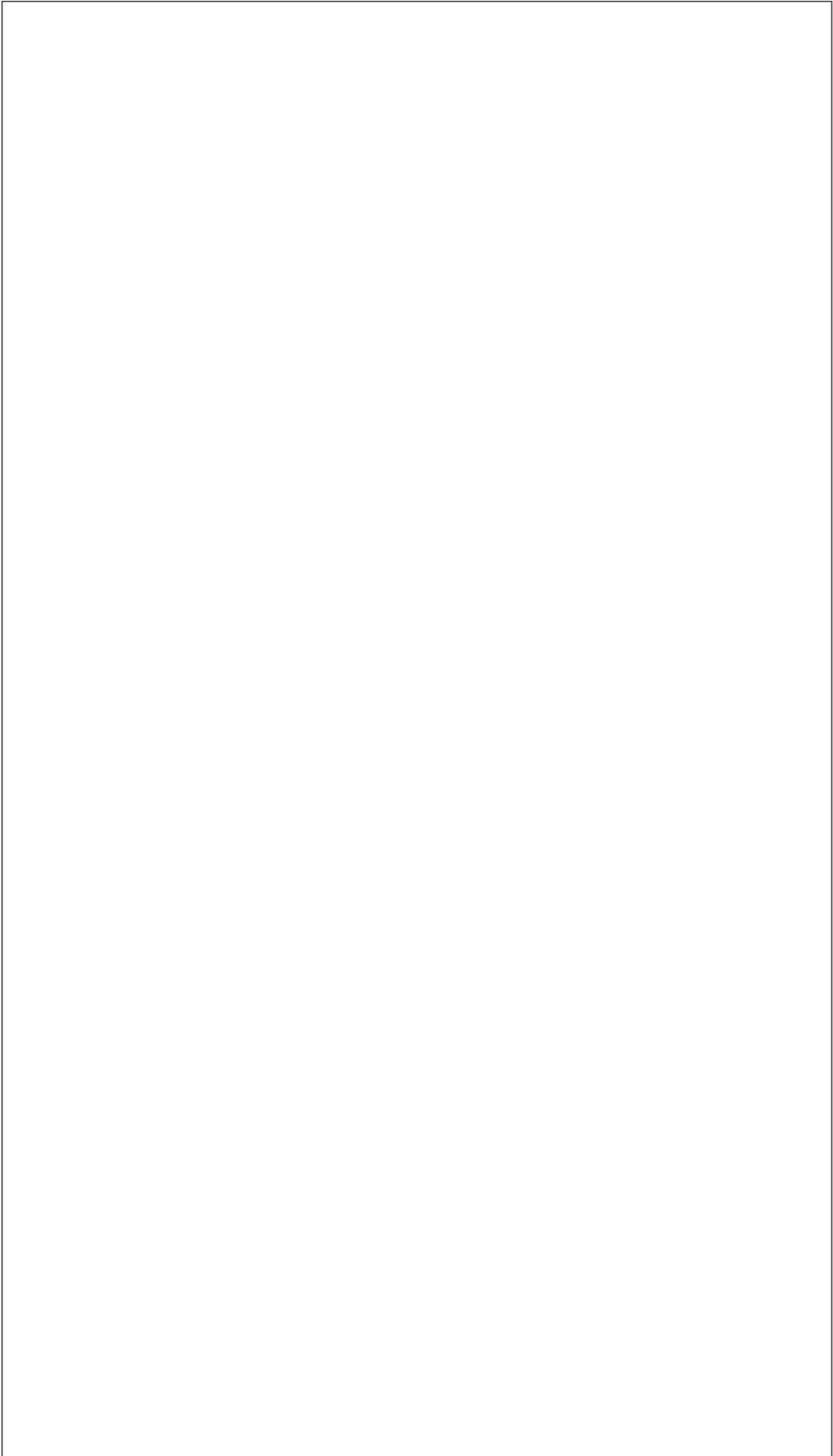
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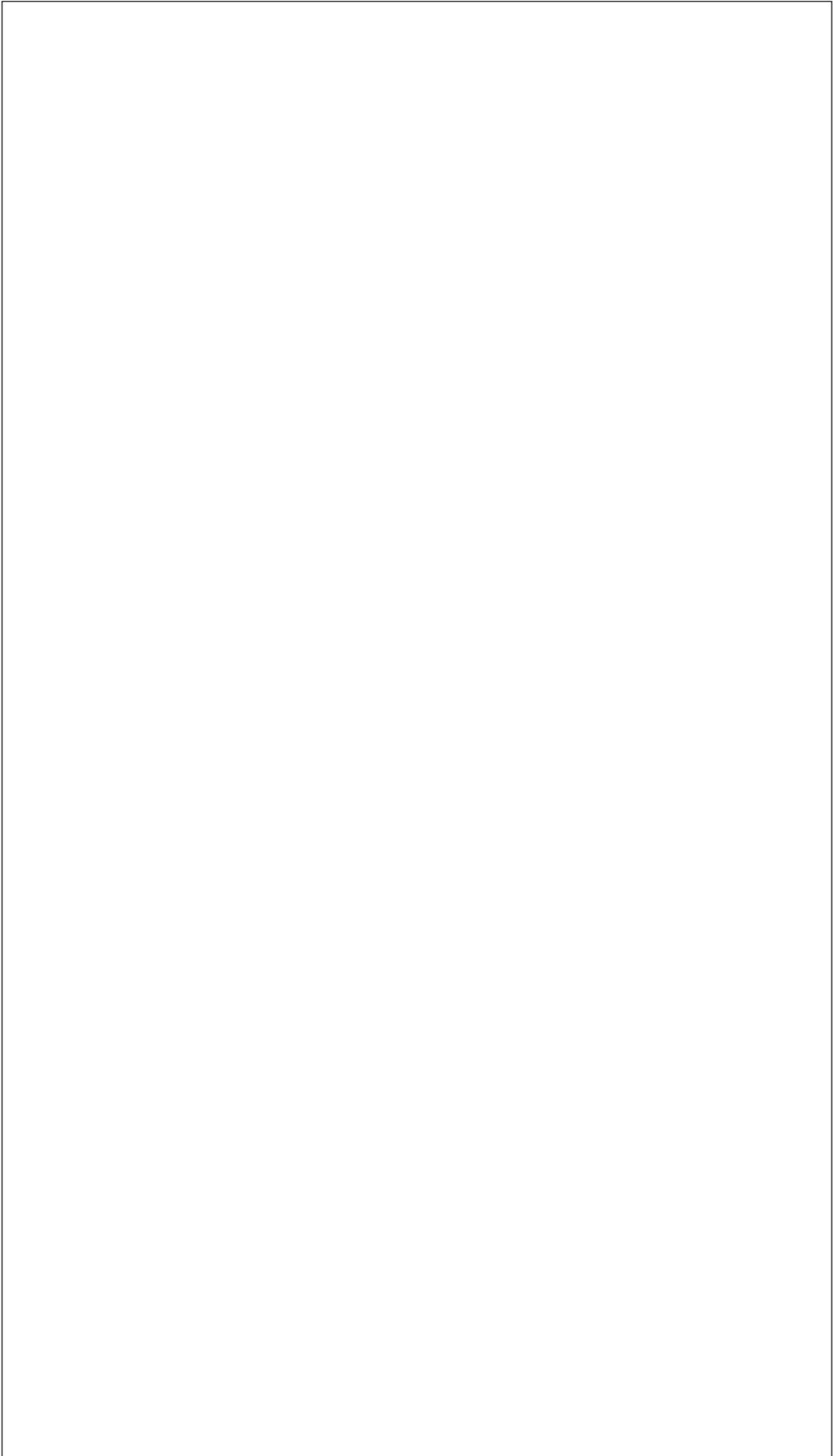
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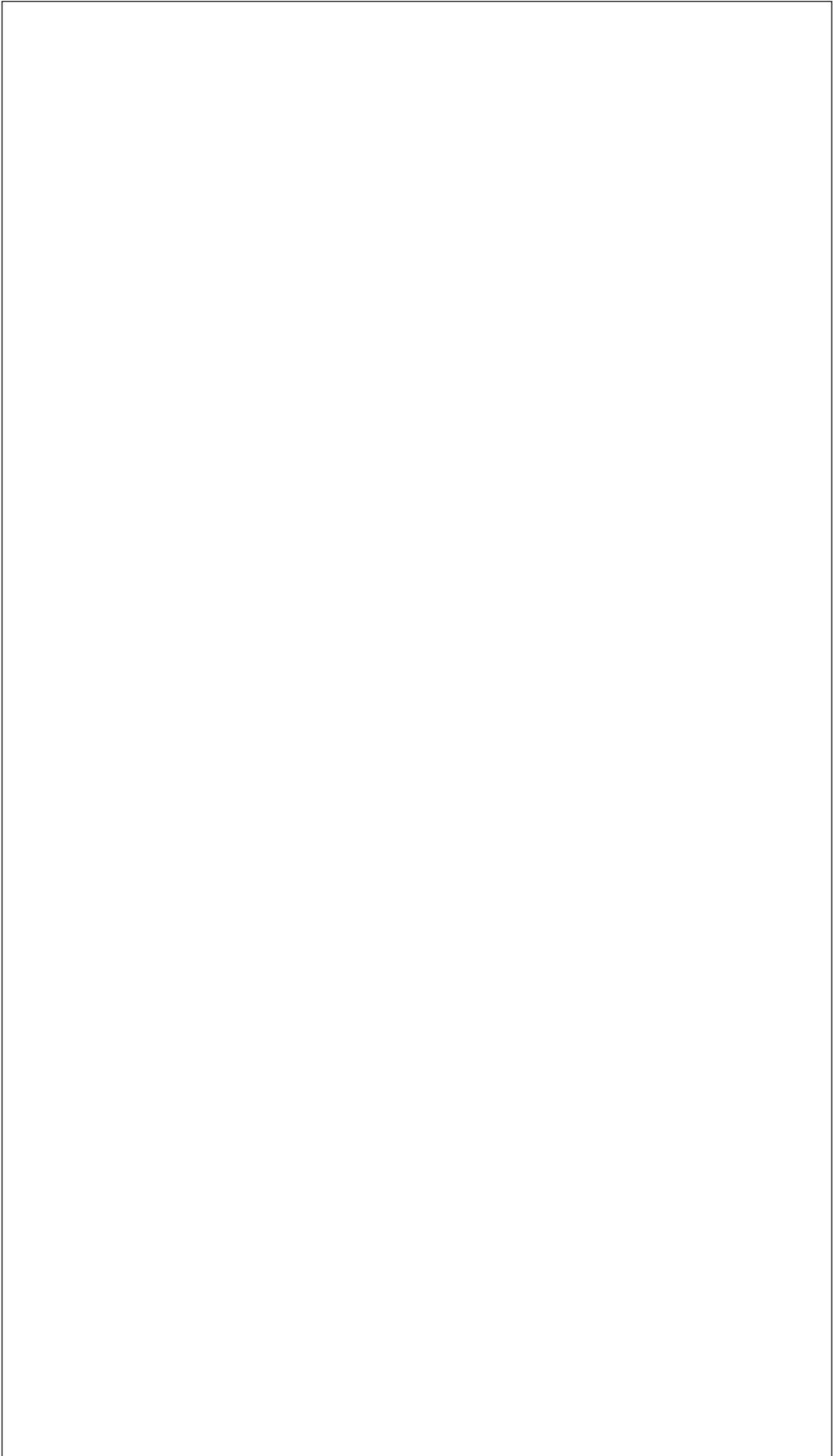
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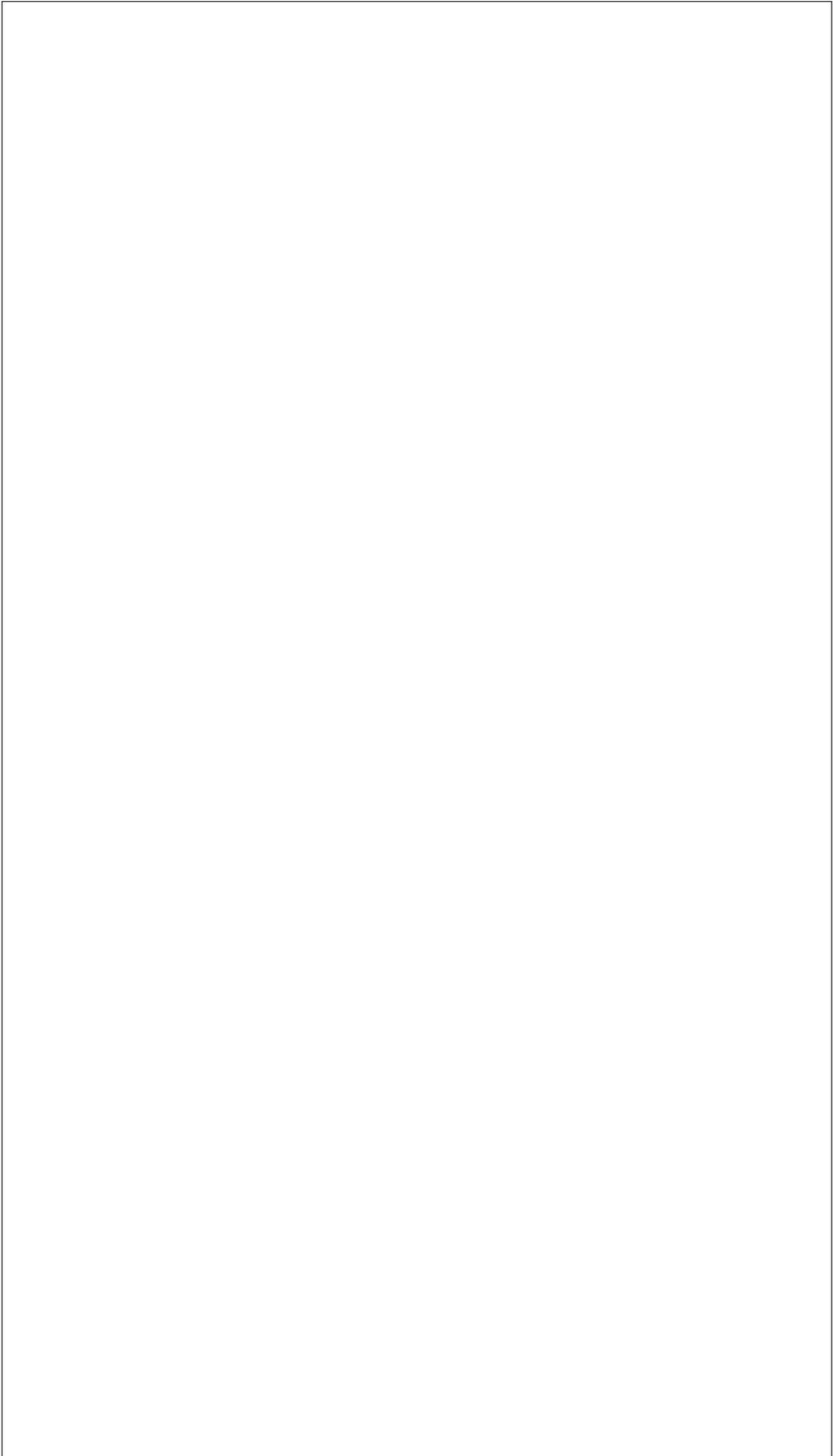
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(End sealed material.)

BY MR. ROSVALL:

Q So, Mr. Villarreal, this is sort of related to broadband imputation. It's a -- the report that you're suggesting the company would have to submit annually, this is on your page 2-21. You can use the Foresthill version of your testimony just for convenience.

So are you on that page?

A I'm here.

Q Okay. So first question is this: You're out here suggesting that there would be an annual report on broadband imputation. You're not suggesting the Commission would actually change the broadband imputation number every year, are you?

A No.

Q Okay. So this would be a purely informational exercise?

1 A That's what I proposed, but it's up to the
2 Commission to decide what they want to do.

3 Q And I'm not going to have you go back to the
4 decision. But if you know, isn't it true the Commission
5 already decided it would not change the imputation
6 amount between rate cases?

7 A Yes. I can't speak for what the Commission
8 will do in the future.

9 Q Okay. So just a few other logistical questions
10 about this proposal. When would it be due?

11 A I'll leave that up to the Commission to decide.

12 Q Okay. So you don't have a proposal right now?

13 A No.

14 Q Would it be a (indecipherable) filing, an
15 advice letter, a data request response? What are you
16 proposing?

17 A Again, I'm only proposing that the annual
18 reports are sent to the Commission. I don't offer a
19 proposal on the vehicle or how it should be sent or a
20 date.

21 Q And it wouldn't be something that could be
22 protested; right? It wouldn't be an advice letter
23 that's protesting?

24 A That's up to the Commission to decide.

25 Q Okay. And what would a reconciliation mean?

1 You suggested a reconciliation would be included. What
2 does that mean?

3 A Can you point to my testimony where I say that.

4 Q Yeah. It's on page 2-21 at line 18.

5 A It means that the company would have to file
6 the data in the CD templet and also financial statement
7 data that matches the information in that CD templet.

8 Q And do you have a cost estimate as to what
9 doing this additional thing every year would cost?

10 MS. CHEN: Objection. Beyond the scope.

11 ALJ VAN DYKEN: Sustained.

12 BY MR. ROSVALL:

13 Q Let's say there is a significant cost to the
14 process. Would you support raising the corporate
15 expense cap and the operating expense cap to accommodate
16 the initial expense?

17 A I don't know.

18 MR. ROSVALL: Okay. Your Honor, I think those
19 are my questions at this time for Mr. Villarreal subject
20 to any recross.

21 ALJ VAN DYKEN: All right. Thank you very
22 much, Mr. Rosvall.

23 Ms. Chen, do you wish to redirect?

24 MS. CHEN: I'd like to check in with my client
25 first to see if we have redirect.

1 ALJ VAN DYKEN: Okay.

2 MS. CHEN: Could we have maybe five to
3 six minutes? I'll just say six minutes just to play it
4 safe, but if we can come back sooner.

5 ALJ VAN DYKEN: Okay. Okay. Sounds good.
6 Let's convene, say, at 2 o'clock.

7 MS. CHEN: Thank you very much.

8 (Off the record.)

9 ALJ VAN DYKEN: All right. Let's go back on
10 the record, please.

11 Ms. Chen, do you have any redirect?

12 MS. CHEN: No, your Honor. Cal Advocates
13 doesn't have any redirect.

14 ALJ VAN DYKEN: Okay. And then, Mr. Rosvall, I
15 assume you're done with your questioning then.

16 MR. ROSVALL: I am, sir.

17 ALJ VAN DYKEN: Okay. Mr. Villarreal, I want
18 to thank you very much for your testimony here over the
19 past two days. And you are now excused.

20 THE WITNESS: Thank you, your Honor.

21 ALJ VAN DYKEN: Okay. It is currently 2:00
22 o'clock. And to be respectful of the court reporters'
23 time, we do want to try to finish up by 4:00.

24 This morning we had talked about calling
25 Mr. Corona next. I would think counsel would still like

1 to take the witnesses in that order.

2 MS. CHEN: We are not opposed to that.
3 Unfortunately, Mr. Corona has a meeting at 2 o'clock and
4 will be out at 3:00 p.m. So I suggest that we move on
5 to Ms. Ye, but I'll let opposing counsel give his
6 comments.

7 MR. ROSVALL: My suggestion would be that we
8 start with Ms. Ye but that we try to insert Mr. Corona
9 toward the end of the day. So perhaps we could do an
10 hour and a half with Ms. Ye, stop at 3:30 and get Mr. --
11 if Mr. Corona is available then, try to get him on the
12 stand. And then we could talk about exhibits, and it
13 would be 4 o'clock. And then Mr. Clark -- we discussed
14 this offline. Mr. Clark would prefer to go tomorrow.
15 And I believe that's our preference as well.

16 So that is how I would suggest we proceed, but
17 I'm open to other ideas.

18 ALJ VAN DYKEN: Okay. And actually, I'm sorry.
19 This can be off the record.

20 (Off the record.)

21 ALJ VAN DYKEN: All right. All right.
22 Ms. Chen, please call up your -- the next witness.

23 MS. CHEN: All right. Cal Advocates calls
24 Bixia Ye.

25 THE WITNESS: Yes, I'm here.

1 ALJ VAN DYKEN: Okay. Thank you very much,
2 Ms. Ye. I'm going to go ahead and swear you in.
3 Can you please raise your right hand.

4 BIXIA YE,
5 called as a witness by Cal Advocates, having
6 been sworn, testified as follows:

7 ALJ VAN DYKEN: Thank you very much.
8 And would you please state and spell your name
9 for the record.

10 THE WITNESS: Yes. My name is Bixia Ye. First
11 name B-i-x-i-a. Last name Y-e.

12 ALJ VAN DYKEN: All right. Thank you very
13 much, Ms. Ye.

14 Ms. Chen, your witness.

15 MS. CHEN: Thank you, your Honor.

16 DIRECT EXAMINATION

17 BY MS. CHEN:

18 Q Good afternoon, Ms. Ye.

19 A Good afternoon.

20 Q Do you have with you today the documents that
21 have been marked for identification as Exhibit CA-F-07
22 and CA-F-07-C?

23 A Yes, I have.

24 Q Are these the public and confidential versions
25 of your opening testimony regarding Foresthill Telephone

1 Company's operating expenses, tax liabilities, and
2 result of operations dated April 26th, 2023?

3 A Yes, they are.

4 Q Do you have with you today those documents and
5 attachments that have been marked for identification
6 collectively as CA-F-08 and CA-F-09-C?

7 A Yes, I have.

8 Q Are these the public and confidential exhibits
9 to the Public Advocates Office opening testimony
10 regarding Foresthill Telephone Company's operating
11 expenses, tax liabilities, and results of operations
12 dated April 7, 2023?

13 A Yes.

14 Q Do you have with you today the documents that
15 have been marked for identification as Exhibit CA-K-07
16 and CA-K-07-C?

17 A Yes.

18 Q Are these the public and confidential versions
19 of your opening testimony regarding Kerman Telephone
20 Company's operating expenses, tax liabilities, and
21 results of operations dated April 7th, 2023?

22 A Yes, they are.

23 Q Do you have with you today the documents and
24 attachments that have been marked for identification
25 collectively as CA-K-08 and CA-K-09-C?

1 A Yes.

2 Q Are these the public and confidential exhibits
3 to the Public Advocates Office opening testimony
4 regarding Kerman Telephone Company's operating expenses,
5 tax liabilities, and results of operations dated
6 April 7th, 2023, and April 26th, 2023?

7 A Yes.

8 Q Are all of these documents we identified
9 testimony or documents supporting testimony of the
10 Public Advocates Office in this proceeding?

11 A Yes.

12 Q Are these documents familiar to you?

13 A Yes.

14 Q Do you sponsor these documents in their
15 entirety?

16 A Yes.

17 Q Do you have any changes or corrections to any
18 of the exhibits?

19 A Yes. I have updates to my testimonies and
20 exhibits for Foresthill and Kerman resulting from the
21 joint stipulations made by the parties present in Joint
22 Exhibit 1.

23 Q Are these updates enumerated in Attachment A to
24 Joint Exhibit 1 and in your Errata marked as Exhibits
25 CA-03-C, CA-04-C, and CA-05-C?

1 company it is or which version it is, just let me know.

2 So in looking at the materials in your exhibits
3 that you marked, I'm going to start with your Foresthill
4 testimony, which I believe is CA -- sorry, I'm going to
5 start with your Kerman testimony, which I believe is
6 CA-K-5, 5-K; is that right?

7 A No, CA-K-07.

8 Q Oh, 07. Okay, sorry, I'm off by a couple
9 numbers. Okay, so that's Kerman, all right.

10 So just in looking at your testimony, and I
11 guess this applies to both, all volumes, did anyone else
12 contribute to writing your testimony?

13 A No.

14 Q Did anyone else contribute to the analysis
15 performed to reach the conclusions in your testimony?

16 A No.

17 Q And just so I understand the scope of what
18 you're testifying about, I'd like you to take a look at
19 the "Results of Operations" table that appears in
20 Chapter 3 of your -- you can use your Kerman testimony,
21 this is starting on page 3-2 of your testimony. Do you
22 see that?

23 A Yes.

24 Q So I just want to make sure I understand which
25 numbers you are responsible for. So in looking at the

1 table, you didn't analyze any of the numbers that go on
2 lines 1.a through 1.c; is that right? Those are
3 revenues.

4 A 1.c is I calculate, but for 1.a through 1.b I
5 did not analyze those data.

6 Q So you took all the numbers from 1.a and all of
7 its subparts, and 1.b from Mr. Villarreal?

8 A Correct.

9 Q Okay.

10 ALJ VAN DYKEN: Real quick, I just want to be
11 sure that we don't need to go into a confidential
12 session for this.

13 MR. ROSVALL: No, your Honor, not quite yet.

14 ALJ VAN DYKEN: Okay, okay. Sorry. Please
15 continue.

16 MR. ROSVALL: No problem.

17 Q So similarly, Ms. Ye, you're not testifying to
18 the accuracy of the numbers on lines 2.e, 6.a, or 6.e;
19 is that correct?

20 A Correct.

21 Q Okay. Those numbers came from Mr. Bartulo?

22 A Yes.

23 Q So are there any other numbers depicted in this
24 Result of Operations table that you are not sponsoring?

25 A Line 7, Authorized Rate of Return.

1 Q Okay, thanks for that clarification. That's
2 based on the Cost of Capital Decision?

3 A Yes.

4 Q And just for clarity, did you participate in
5 any of the Group A rate cases?

6 A Yes.

7 Q And that was Volcano, Siskiyou, and Sierra?

8 A Yes.

9 Q And in the Sierra case you were a witness, but
10 you did not sponsor the Results of Operations table;
11 correct?

12 A Correct.

13 Q Mr. Allstead was, I believe, the witness for
14 that topic at the time?

15 A Yes.

16 Q Okay. Did you consult with him before
17 preparing the Results of Operations table in this case?

18 A No.

19 Q Okay. All right, just a little bit about your
20 experience. You're being offered as an expert in this
21 case; correct?

22 A Yes.

23 Q Okay. And on what subjects are you being
24 offered as an expert?

25 A Foresthill and Kerman Telephone Companies

1 operating expense tax liability and results of
2 operations.

3 Q Okay. Just following up on that, you're not a
4 lawyer; correct?

5 A I'm not.

6 Q Okay. And no legal training specifically?

7 A No.

8 Q Okay. And I do see from your Statement of
9 Qualifications you have accounting background and a
10 business degree. Do you have any formal tax
11 certifications?

12 A What do you mean?

13 Q Do you have any degrees or certifications that
14 pertain to the field of tax?

15 A No.

16 Q Okay. Have you ever prepared a corporate tax
17 return?

18 A No.

19 Q Okay. Have you ever worked for a company in
20 any capacity?

21 A No.

22 Q And have you worked for a taxation entity of
23 any kind, such as the IRS or the FTB, in California?

24 A No.

25 Q Okay. Have you ever been responsible for

1 establishing expense budgets for any kind of
2 organization?

3 A No.

4 Q Okay. So were you involved in any Commission
5 proceedings in which the -- let me back up, actually.

6 So you say you're an expert on results of
7 operations. You stated that was part of your expertise.
8 So what does it mean to be an expert on results of
9 operations?

10 A Results of operations, that means the company's
11 financial statement for (indecipherable) GRC, it shows
12 the overall result of revenues and revenue requirement.

13 Q Okay. And just staying on the same page I
14 think we were at a moment ago, page 3-2 and 3-3 of your
15 Kerman testimony, there's a format on those payments for
16 results of operations. I'm curious, were you involved
17 in any of the proceedings where that format for results
18 of operations was developed?

19 MS. CHEN: Objection. Vague as to "involved."

20 ALJ VAN DYKEN: Mr. Rosvall, can you specify
21 what you mean by "involved."

22 MR. ROSVALL: Sure.

23 Q Did you participate in any way in a proceeding
24 in which the format, as it's displayed in your testimony
25 for results of operations, was developed?

1 A What do you mean by the format?

2 Q I think maybe I can explain that. So the
3 Results of Operations table in your testimony begins on
4 page 3-2, so it's sort of organized by different
5 financial categories. So one is Revenue, one is
6 Operating Expense, one is Tax, there's a sub -- there's
7 a category for Income Tax, Rate Base, then there's a
8 Revenue Requirement number, various other things, and
9 there's -- all of it is within a grid in a certain
10 sequence. I'm trying to understand if you participated
11 in figuring out how to display the financial results in
12 that way?

13 A I did not participate any proceeding related to
14 the list. I create this table based on the formula
15 determined by the P.U. Code statute and also the
16 Commission's decision.

17 Q Okay. Do you know when the Results of
18 Operations tables were developed for small telephone
19 companies like Kerman and Foresthill?

20 A I don't understand this question.

21 Q I'll move on actually.

22 So I think you just said that -- your last
23 answer said that you created this table yourself based
24 on looking at the statute and Commission decisions; was
25 that your answer?

1 A Yes.

2 Q Okay. But this is the same Results of
3 Operations table that was used in the Sierra case where
4 Mr. Allstead was a witness; right, same exact table?

5 A Yes.

6 Q Okay. And so just -- on the page here that
7 we're looking at they're in a formula shown, but in the
8 actual spreadsheet there are formulas in many of these
9 cells that derive the numbers that appear in many of the
10 cells; is that true?

11 A Are you referring my Attachment C?

12 Q We could look at that, yeah. So maybe that's a
13 different way of looking at it.

14 So in Exhibit C-53, to I believe your Kerman
15 testimony, you provide an Excel file that has all the
16 formulas that tells the reader how to derive the numbers
17 in your Results of Operations table; is that true?

18 A Yes.

19 Q Okay. So how did you know to use those
20 formulas? Where did the formulas come from?

21 A They're shown on my testimony, page 3-1, from
22 line 17 to 24. This formula come from P.U. Code Section
23 275.6, and also Decision 21-04-005.

24 Q But -- and we can look at the document -- we
25 can look at those things you just mentioned, but none of

1 the -- none of the statutes, nor the Commission's
2 decisions, actually have prescribed formulas in them; do
3 they?

4 A They provide the contents for the formula. And
5 based -- it would be better to go to Attachment C.

6 Q That would be fine. Let's turn to Attachment
7 C.

8 MS. CHEN: If I just may interject. Cal
9 Advocates submitted an updated C-53 with Ms. Ye's
10 errata, so there's a newer one than the one that was
11 submitted previously.

12 MR. ROSVALL: Thank you for that reminder. I
13 will use that when we get there.

14 Q But I think Ms. Ye's actually saying we could
15 look at Attachment C, which is a narrative formula
16 depiction of the formulas, if I understand correctly.
17 Is that what you're saying, Ms. Ye?

18 A Yes.

19 Q Yeah. So just looking at Attachment C, there's
20 two pages worth on pages C-1 and C-2 of the attachment
21 where there are some lengthy formulas, you know, that,
22 for example, derive things like revenue requirement and
23 CHCF-A draw; is that right?

24 A Yes.

25 Q So I understand your testimony to be that you

1 derived these formulas yourself, but these formulas were
2 the same ones in Mr. Allstead's testimony when he
3 addressed results of operations; right?

4 MS. CHEN: Objection. Beyond --

5 ALJ VAN DYKEN: Ms. Chen, do you have an
6 objection or should we let Ms. Ye --

7 MS. CHEN: Ms. Ye -- she already answered.

8 MR. ROSVALL: I didn't hear the answer.

9 ALJ VAN DYKEN: Ms. Ye, can you repeat your
10 answer, please.

11 THE WITNESS: Yes.

12 BY MR. ROSVALL:

13 Q Okay. So I guess I'm just trying to clarify,
14 these formulas don't actually -- they're not listed.
15 There's no page like this in any Commission decision;
16 right?

17 A Not right. For example, go from my first
18 formula, Total Revenue equals Regulated Revenue plus
19 Imputed Broadband Revenue plus CHCF-A Subsidy. This
20 formula is based on the P.U. Code Section and also
21 Commission's decision. Then continue with the Revenue
22 Requirement equals Operating Expense plus Property Tax
23 plus Amortized UEDTB plus Income Tax plus Return on Rate
24 Base. These are also described in the P.U. Code
25 Section.

1 Q Oh in, sorry, the Public Utilities Code
2 Section; is that what you said?

3 A Can you say that again?

4 Q I think you said the P.U. Code Section; is that
5 what you said?

6 A Yes.

7 Q Okay. So I guess just another question.

8 Did you participate in the CHCF-A proceeding;
9 I'm referring to Rulemaking 11-11-007?

10 A No.

11 Q Okay. But you would agree that the decision
12 that was rendered in 2021 that I believe is numbered
13 D.21-06-004, that's the most recent ratemaking decision
14 governing the ratemaking treatment for small telephone
15 companies; correct?

16 A Correct.

17 Q Okay. And if we go to that decision, and I'm
18 happy to do it if you want, but if we go to that
19 decision, we're not going to find any of these formulas
20 in there; right?

21 MS. CHEN: Objection. Asked and answered.

22 MR. ROSVALL: It seems important to be specific
23 since she's clarified that that's the latest decision on
24 ratemaking.

25 ALJ VAN DYKEN: Objection overruled.

1 THE WITNESS: Could you please repeat your
2 question.

3 BY MR. ROSVALL:

4 Q Sure. And again, I'm happy to open up the
5 decision and look at it, but Decision 21-06-004, if we
6 open that up, it's the most recent ratemaking decision,
7 as you testified. We're not going to find any of these
8 formulas in there; right?

9 A I didn't say this formula came from the most
10 recent decision.

11 Q Okay, but we won't find them in there; right?

12 A We cannot find this formula from Decision
13 21-06-004. However, for the Total Revenue = Regulated
14 Revenue + Imputed Broadband Revenue + CHCF-A Subsidy is
15 a formula, we can get it from Decision 21-04-005.

16 Q I'm sorry, which formula comes from 21-04-005?

17 A The first formula in my Attachment C, which I
18 include Impute Broadband Revenue into the Total Revenue
19 calculation. This come from the Commission's Broadband
20 Imputation Decision.

21 Q From ordering paragraph one; is that what
22 you're referring to?

23 A I need to double check if it is from ordering
24 paragraph one.

25 Yes.

1 Q Okay. And ordering paragraph one is a
2 narrative; right, it's not a formula like the ones on
3 this page, right, it's just a narrative describing the
4 requirements of broadband imputation.

5 A Yes.

6 Q Okay. All right, so actually flip back one
7 page to Attachment B. There's some other formulas there
8 that I think describe the -- Attachment B is the
9 Operating Expense Cap.

10 And my question for you is going to be, that
11 formula was pulled from federal regulations; is that
12 right?

13 Where did you get the formula from, I guess,
14 would be a better way to ask it?

15 A I (indecipherable) the formula from FCC's
16 order. FCC stand for Federal Communications Commission.

17 Q Okay. And would that be FCC Decision 1633?

18 A Sounds correct.

19 Q Okay. And would you agree that the current
20 version of the corporate expense cap formula comes from
21 FCC 11-161?

22 A I don't know.

23 Q Okay. But it also comes from an FCC decision,
24 you just can't remember the number; right?

25 A Corporate expense cap based on formula, it come

1 from FCC's section. And I don't know about the FCC's
2 order regarding the corporate expense cap.

3 Q Okay. So let's just stick with the operating
4 expense formula.

5 So did you participate in the FCC proceeding
6 that lead to the adoption of the op ex limitation as it
7 exists today?

8 A No.

9 Q Okay. And same question as to the corporate
10 expense cap. You didn't participate in the FCC
11 proceeding where that was last adjusted; did you?

12 A No.

13 Q Okay. All right, so I'm going to start by
14 talking about your overall proposal for operating
15 expenses, but I want to clarify what standard your
16 applying to expenses.

17 So if you could turn to page 3-1 of your
18 testimony for Kerman. On page 3-1, you have an equation
19 that you call "Intrastate Revenue Requirement." Do you
20 see that?

21 A Yes.

22 Q And so that's the equation you're recommending
23 the Commission apply in determining Kerman and
24 Foresthill's regulated intrastate expenses; correct?

25 A Are you talking about lines 19 to 21?

1 Q I was just trying to find it so I could confirm
2 that for you. Yes.

3 A On line 19 to 21, it is the formula of
4 Interstate Revenue Requirement, and this formula comes
5 from the P.U. Code Section.

6 Q The one that you cite in Footnote 138?

7 A Yes.

8 Q Okay. So based on the equations on that page,
9 the formulas on page 3-1, even though the term "Revenue
10 Requirement" has the word "revenue" in it, it's a
11 measurement of cost; right?

12 A No. Authorized Return on Rate Base. This item
13 I will not say this is a cost.

14 Q You would not say Rate Base is a cost?

15 A No.

16 MS. CHEN: I'm sorry, I believe she said
17 "Return on Rate Base."

18 BY MR. ROSVALL:

19 Q Is that what you said, Ms. Ye?

20 A Yeah. The last item in the formula, Authorized
21 Return on Rate Base, this item is not a cost.

22 Q Okay, I think I understand that statement.

23 The combination of Return on Rate Base and Rate
24 Base though, that is a cost; right?

25 A The Rate Base is not a cost.

1 Q Okay, could you open up Cross Exhibit 43, and I
2 believe this is the right number, this is the Sierra
3 rate case decision, Decision 23-01-004. And apologies
4 if that's not the number. I know we grappled with this
5 earlier, but do you have that document?

6 A Yes, I have.

7 Q Okay. You worked on this rate case; right? I
8 think we talked about that.

9 A Yes.

10 Q So could you turn to page 8 of the decision.
11 There's a -- the last paragraph on the page -- page 8.
12 Could you just read the sentence that begins "As Sierra
13 correctly notes."

14 A "As Sierra correctly notes, revenue requirement
15 is a measurement of cost reflecting the amount that a
16 telephone corporation requires in order to recover its
17 reasonable expenses and tax and liabilities and earn a
18 reasonable rate of return on its rate base."

19 Q Okay. So you agree with that statement; right?

20 A Can you say that again.

21 Q I'm just wondering if you agree with what you
22 just read?

23 A I don't believe a reasonable rate of return on
24 a rate base is the cost.

25 Q Okay. But the sentence still says what it says

1 in the Commission decision; right, you just read that
2 from the Commission decision?

3 A Yeah, in the Commission's decision you have
4 Footnote 13, it says "See Public Utilities Code Section
5 275/6(b)(5)." If you go to that section, when you see
6 the revenue requirement definition, it did not say that
7 this is a cost.

8 Q It uses the term "return on rate base"; right?

9 A Yeah.

10 Q Okay. And that's part of the definition of
11 revenue requirement?

12 A Yes, that is a component of the revenue
13 requirement.

14 Q Okay, all right.

15 So back to page 3-1 of your testimony, you
16 agree that the Total Intrastate Revenue must equal the
17 Total Intrastate Revenue Requirement when the Commission
18 sets rates; correct? I think you say that on that page,
19 but I want to make sure.

20 A Sorry, can you repeat, please.

21 Q Yeah. So you agree, based on what's on this
22 page, that Total Intrastate Revenue needs to equal Total
23 Intrastate Revenue Requirement when the Commission sets
24 rates?

25 A Yes.

1 Q Okay. And just so we understand the scope of
2 what we're adopting here, so the Commission's going to
3 reach a decision in the rate case, and it's using a test
4 year of 2024; right?

5 A Yes.

6 Q Okay. But the revenue requirement established
7 in this case will be in place at least until 2029;
8 right?

9 A It should be 2028. The next test year is 2029,
10 if I remember correctly.

11 Q 2029?

12 A 2029 is next -- Kerman and Foresthill's next
13 GRC test year.

14 Q Right. So the rates that are adopted here, and
15 the revenue requirement that's adopted here, they'd be
16 in place until 2029; right?

17 A No, 2028.

18 Q If the test year is 2029, doesn't that mean
19 that the results of the next rate case would take effect
20 in 2029?

21 A Yeah. So that means that today we determine
22 the test year 2024. It would last until 2028, not '29.

23 Q You mean until the end of 2028; is that what
24 you mean?

25 A Yes.

1 Q Okay, got it. December 31st, 2028?

2 A Correct.

3 Q All right. So let's say the Commission
4 estimates an operating expense figure for the test year
5 in this case, and by the time the test year comes
6 around, so it turns out to be 2024, the company must
7 incur additional expenses because maybe there's a
8 pandemic, a harsh winter, a fire. If that occurs,
9 there's no mechanism to fix the expense component of
10 revenue requirement; is there?

11 A I don't know.

12 Q Does the revenue requirement change between
13 rate cases?

14 MS. CHEN: Objection. Overbroad.

15 BY MR. ROSVALL:

16 Q Do you know whether the revenue requirement
17 changes between rate cases?

18 A Normally, no.

19 Q Okay. So would you agree that if a company
20 turns out to have more expense recovery than its actual
21 costs -- actually, let me back up for a second.

22 So I just asked what happens if expenses are
23 higher. Let's say expenses are lower. There's, you
24 know, some miraculous situation and the cost goes down
25 in between rate cases. In that situation, the expense

1 component of revenue requirement would be higher than
2 necessary and the company would have more revenue than
3 it needs to cover the expense; right?]

4 A Yes.

5 Q Okay. So, the question is, if that happens,
6 the second scenario that I just outlined, isn't it true
7 that the Commission will reduce CHCF-A dollar for dollar
8 if the company earns more than its rate of return in
9 between rate cases?

10 A No.

11 Q Okay. Let's take a look at an exhibit. This
12 is Exhibit KTC-FTC-44. These are the CHCF-A rules. The
13 Commission's decision has been around for a long time;
14 it's D.91-09-042.

15 So, do you have that in front of you, Ms. Ye?

16 A Which -- which exhibit?

17 Q I think it's KTC-FTC-44. It's written on a
18 primitive DOS-type computer format from the 1990s?

19 A Yes, I have.

20 Q Okay. So, just want to direct you in that
21 decision to the exhibit. While you do that, I will just
22 state that this is a formal copy of the Commission
23 decision subject to official notice pursuant to
24 Rule 3.10.

25 So, if you can turn to the exhibit, or it's

1 actually called an appendix, I guess, this decision.

2 Let me know when you're there. I think page 2 is where

3 I am going to point you, so if you just go there.

4 A Appendix page 2?

5 Q Yes.

6 A Yes.

7 Q Okay. So, there's a sentence there that I
8 want -- I would like you to look at that is actually
9 highlighted -- underlined I should say; and it's -- I
10 don't -- I don't know that you have to read the whole
11 paragraph, it goes back -- it goes to the next page, but
12 just read the part that is on that page. It's like two
13 sentences, three sentences. The underlined sentence.

14 A Beginning with "utilities"?

15 Q Yes.

16 A (Reading from document):

17 Utilities shall be eligible for support
18 from the fund limited to the amount which
19 are forecasted to result in earnings not to
20 exceed authorized intrastate rates of
21 return or to the current funding level
22 amount for the year for which HTC is being
23 requested, whichever amount is lower.

24 Do you want me to continue?

25 Q Just the next two sentences after that, please.

1 A (Reading from document):

2 The forecasted intrastate rate of return
3 shall be developed using annualized
4 earnings based on at least seven months of
5 recorded financial data for the year in
6 which the advice letter is filed.

7 Q Okay. And -- and so, just for context here, if
8 you can back up to the -- the heading right under the
9 page 1 of the appendix.

10 Would you agree that it says Implementation of
11 California Intrastate High Cost Fund?

12 A Yes.

13 Q Okay. So, this is the predecessor's name --
14 the old name for the CHCF-A, right?

15 A Yes.

16 Q Okay. So then, back to the paragraph you just
17 read. So, what this means is that a company submits, I
18 will call it a means test. I think that's the term.

19 A company submits a means test with financial
20 results for seven months, and if it shows that the
21 company is exceeding its rate of return, CHCF-A will be
22 reduced in the next year by exactly that amount.

23 Is that what it means?

24 A Yes.

25 Q Okay. And -- and all things being equal, if

1 expenses turn out to be lower than expected, the rate of
2 return would go up, right?

3 A Rate of return is not (indecipherable). This
4 is determined in the cost of capital proceeding except
5 by the Commission.

6 Q Thank you. I actually appreciate -- I
7 appreciate that clarification.

8 So, you're talking about the percentage that
9 the Commission applies in ratemaking, I believe. I am
10 actually asking about the -- the return that the company
11 realizes. So, if the company realizes a higher return
12 than necessary under -- under the cost of capital
13 decision, their CHCF-A will be reduced?

14 A Yes.

15 Q Yeah. And all things being equal, a company's
16 realization of returns is going to be higher as expenses
17 are lower, right?

18 A Can you say that again?

19 Q Yeah. So, those revenues and expenses, if
20 expenses are lower than expected then your return is
21 going to be higher, right?

22 A Return, it depends on the revenue and expense
23 together. So, if we only mention about expense, I don't
24 know how to answer it.

25 Q If the revenue is constant, and the expense is

1 at this level, and then it drops to this level, the
2 return is higher, right?

3 A Yes.

4 Q Okay. And so, if that happens, then there is a
5 reduction to CHCF-A. If the opposite happens, that
6 doesn't occur, right? There is no additional CHCF-A if
7 the expenses turn out to be higher than normal?

8 A Yes.

9 Q Okay. All right. So, let's talk a little bit
10 about operating expense specifically. Would you agree
11 that under the FCC's Part 32 accounting system,
12 operating expenses other than depreciation include the
13 category of corporate expense, customer operations
14 expense, plant nonspecific and plant-specific expense?

15 A Yes.

16 Q And the FCC's rules define how the companies
17 record their expenses into those categories, correct?

18 A Correct.

19 Q And sticking with your testimony for Kerman,
20 let's look at page 1-15, there's a table on that page, I
21 believe.

22 A I am there.

23 Q And -- and so -- and speaking specifically
24 about Kerman here.

25 So, your recommendation for plant-specific,

1 plant nonspecific and customer operations expense are
2 displayed in bold on that page, correct?

3 A Correct.

4 Q Okay. And the fourth category for Kerman,
5 corporate expense, that is not depicted on the page
6 because it's subject to a path that the FCC and the
7 Commission have adopted, right?

8 A Yes.

9 Q Okay. So, the corporate expense number is
10 determined according to a formula, not actual expenses?

11 A Yes.

12 Q Okay. And that formula is shown just for
13 reference on page 1-4 of your testimony, right? You
14 actually have a box that has a formula in it?

15 A Yes.

16 Q Okay. And none of the variables in that box
17 include any actual expense inputs for Kerman, right?

18 A Correct.

19 Q It -- it's just based on working lines, in
20 essence, plus inflationary adjustment?

21 A Yes.

22 Q Okay. Turning back to Table 1-4, this is where
23 the four categories of expense are depicted other than
24 corporate expense, I guess.

25 So, the overall expense number for all four

1 categories is also subject to a cap that we refer to as
2 the operating expense limitation, right?

3 A Yes.

4 Q And -- and that uses a different formula in the
5 corporate expense that you also have in your testimony.
6 I believe it's at line -- or starts at page 1-20. Is
7 that where you depict that formula in Figure 1-3?

8 A Yes.

9 Q Okay. And I am not going to ask you what a
10 natural log is like we did that last time, but there are
11 a lot of Greek letters in here. Basically, this formula
12 just refers -- it -- it is measuring expense according
13 to density figures, correct?

14 A Correct.

15 Q Okay. And, again, this formula doesn't include
16 any input for actual expenses for the company, correct?

17 A Correct.

18 Q Okay. So, this applies to both the corporate
19 expense and operating expense, but if you feel like you
20 want to parse them apart, feel free. Basically, the
21 Commission runs the formulas for each of those
22 categories then figures out what the company numbers are
23 and compares them to the results of the formulas; is
24 that right?

25 A Would you please repeat your question?

1 Q Sure. It was kind of a -- a lot in there.

2 So, just taking one at a time. So, the
3 corporate expense formula that we talked about a -- a
4 moment ago. The way that the Commission implements that
5 cap is that it computes the results of the formula
6 included inflation, and then it compares that result to
7 the actual company expenses in that category; and it
8 adopts whichever is lower; is that right?

9 A Yes.

10 Q Okay. And same with operating expense, right?
11 There's a different formula that the Commission compares
12 the overall operating expense output from the formula to
13 the actual company expense overall, and then whichever
14 is lower is adopted?

15 A Yes.

16 Q Okay. And just for reference, the -- both of
17 these, I think you testified earlier, both of these caps
18 come from the federal regulatory environment. There's
19 no federal decision that you know of that mandates that
20 these caps be used in intrastate ratemaking, is there?

21 A The CPUC decision is mandatory to use the FCC
22 created formula for the small ILEC operating expense and
23 corporate expense.

24 Q Okay. You anticipated my next question, but I
25 want to make sure there's an answer to the first one.

1 So, there's no FCC decision saying that it has
2 to be used to compute intrastate ratemaking results.
3 It's the Commission here in California that decided to
4 use it, right?

5 A Yes.

6 Q Okay. And the -- the principal decision that
7 we would look at are D.14-12-084 and D.21-06-004,
8 correct?

9 A Correct.

10 Q Okay. So, let's talk about how the corporate
11 expense cap and operating expense cap limitations apply
12 to Foresthill and Kerman.

13 So, for Foresthill, its 2024 corporate expenses
14 are above the corporate expense cap in both your
15 calculations and Mr. Clark's; is that right?

16 A Corporate expense? Yes.

17 Q Okay. And, again, focusing this time on
18 Foresthill. Foresthill's operating expenses are over
19 the operating expense cap in both the companies
20 calculations and yours, correct?

21 A Correct.

22 Q Okay. So, as to those items, the three we have
23 just talked about, meaning the corporate and op ex for
24 Foresthill and the corporate expense for Kerman, the
25 only difference between the company and your proposal is

1 the calculation of working lines and the inflation
2 factor to be applied; is that true?

3 A With cap calculation, yes.

4 Q Okay. So, turning back to Kerman, both you and
5 Mr. Clark compute that the Kerman operating expenses are
6 below the operating expense limitation, correct?

7 A Correct.

8 Q Okay. And, again, you have different numbers.
9 The differences based on two variables really, the
10 inflation factor that you both apply and the working
11 line calculation, correct?

12 A Correct.

13 Q Okay. So, isn't it true that when a company's
14 actual projected expenses for the test year fall below
15 the applicable expense cap that they're deemed
16 reasonable?

17 A No.

18 Q No? Okay. Let's take a look at D.14-12-084.
19 I think it's been identified several times here. I
20 don't have the reference but I will find it.

21 A Which exhibit do you want me to look.

22 Q Yeah, it's -- it's phase 1 CHCF-A decision.
23 That is what I am trying to ask about. All I need is a
24 second here, and I will find it.

25 MR. ROSVALL: And, your Honor, if you want to

1 have the court reporter rest her hands, I am happy to
2 look for it for 30 seconds.

3 ALJ VAN DYKEN: We will go off the record.

4 (Off the record.)

5 ALJ VAN DYKEN: Let's go back on the record,
6 please.

7 BY MR. ROSVALL:

8 Q Great. So, Ms. Ye, do you have D.14-12-084 in
9 front of you?

10 A Yes, I have.

11 Q Okay. So, I want to direct you to page 29 of
12 the decision. I -- I guess maybe I should just confirm.
13 This is the phase 1 decision drafting ratemaking issues
14 in this CHCF-A proceeding; is that right?

15 A Yes.

16 Q Okay. So, page 29, there's something I would
17 like you to read there, but I guess for context, could
18 we go back up, and just -- just maybe you can read the
19 heading in which this appears. There is the --
20 something on page 24 that says, it's -- it's enumerated
21 2.1.2.

22 Can you just read that?

23 A Right now it is on page 24?

24 Q Right.

25 A Yeah, "Comments on the rulemaking."

1 Q Oh, I meant what was above that, I'm sorry.

2 A 2.1.2, is that where you want me to read?

3 Q Yes, if you could.

4 A "Can and should the Commission standardize
5 costs in in consider" -- "in considering the small
6 ILEC's revenue requirements."

7 Q Okay. So, page 29 appears in that section of
8 the decision, right?

9 A Yes.

10 Q Okay. So, there's a sentence that we can see,
11 it's on page 29. The first full paragraph, the
12 corporate cap will be applied. Could you read that,
13 please, just that sentence?

14 A (Reading from document):

15 The corporate cap will be applied as a
16 rebuttable presumption in the context of
17 establishing revenue requirement in the
18 GRCs.

19 Q And then skip down one sentence, there's a
20 section that says, "Expenses that fall below," would you
21 read that?

22 A (Reading from document):

23 Expenses that fall below the cap would be
24 presumed reasonable subject to an
25 opportunity by other parties to rebut that

1 conclusion in the GRC.

2 Q Okay. So, if an expense falls below any caps,
3 it's presumed reasonable unless someone shows otherwise,
4 right?

5 A I believe this question is only limited to
6 corporate expense and not a total operating expense.
7 So, the operating expense, I don't see the Commission
8 have any language saying that any expense below the cap
9 has determined to reasonable.

10 Q So, I thought you might say that. So, the --
11 the operating expense cap was applied in 20 --
12 D.21-06-004, right?

13 A Yes.

14 Q And in that decision, the Commission said that
15 both the corporate operating expense and the operating
16 expense limitation would be nonrebuttable, right?

17 A Yes.

18 Q But it didn't say anything about what happens
19 if you're below the cap, did it? Is there anything in
20 there that talks about that?

21 A Yes, it have.

22 Q Okay. Can we -- can we look at it, or do you
23 have it in front of you?

24 A Yeah, I have use it in my testimony.

25 Q Could you point me to where you're looking?

1 A I am looking in my testimony. Let me find the
2 page number. On page 1-1. That's Foresthill or Kerman
3 testimony. It should be (indecipherable).

4 I have code of Commission states:

5 A Small ILEC's annual operating expense for
6 a 12-month period would be compared to the
7 maximum (cap) allowable set by the FCC. If
8 a Small ILEC's operating expense exceeds
9 the cap, then it should reduce operating
10 expense proportionately to meet the cap. If
11 a Small ILEC's annual operating expense for
12 a 12-month period is lower than the cap,
13 then the Small ILEC is not impacted.

14 (indecipherable) while the Commission isn't
15 saying -- did not say less, the expense under the cap is
16 reasonable.

17 Q Okay.

18 A Small -- okay.

19 Q It didn't overrule the earlier decision,
20 though, about expenses below the cap. It just doesn't
21 address it in that quote that you gave, right?

22 A Yes, it doesn't address; however, the previous
23 decision is only limit to corporate expense. Here, the
24 decision -- not -- the adjusted rate is all of operating
25 expense.

1 Q Okay. So, just -- just to be clear, so your
2 position is -- I just want to make sure that I
3 understand. Your position is that there still is
4 rebuttable presumption as to corporate -- sorry, I
5 should say that different.

6 Expenses below the corporate expense cap are
7 still presumed reasonable, but operating expenses below
8 the operating expense cap are not.

9 Is that what you're saying?

10 A Yes.

11 Q Okay. So, in the quote that you have on
12 page 1-1, that ends in, "the small ILEC is not
13 impacted."

14 Doesn't that mean that the small ILEC is not
15 impacted by the cap?

16 A Yeah, if the company's reasonable expense is
17 not over the cap, then that means it's still not
18 impact -- it would not need to reduce.

19 Q Okay. Is there any other language in the
20 decision that supports your interpretation, or is it
21 just that?

22 MS. CHEN: Objection.

23 THE WITNESS: I don't have --

24 MS. CHEN: I think that's overreaching.

25 MR. ROSVALL: Not -- not sure what objection

1 that is, but okay. I think she answered, didn't she?

2 MS. CHEN: I believe --

3 ALJ VAN DYKEN: I'm sorry, Ms. Chen, did you
4 have an objection?

5 MS. CHEN: I said believe the witness answered.

6 ALJ VAN DYKEN: Okay. Thank you.

7 MR. ROSVALL: Okay.

8 Q So, let's talk about the computation of the
9 operating expenses for Kerman.

10 Do you agree that the most recent financial
11 results for Kerman are for calendar year 2022, correct?

12 A Could you please repeat the question?

13 Q Sure. The most recent financial results for
14 Kerman are for calendar year 2022, correct?

15 A Yes.

16 Q And prior to that, I guess, this is obvious,
17 the most recent year is 2021?

18 A Yes.

19 Q So, let's look at Table 1-4 of your Kerman
20 testimony. Looking at the bottom right corner of that
21 chart, there's the Table 1-4. Sorry, I should let you
22 get there.

23 A Table 1-4?

24 Q Yes. The reference for others is on page 1-13.

25 A Yes, I am there.

1 Q So, looking at the bottom right-hand corner of
2 that chart, do you agree that Kerman's 2022 operating
3 expenses, according to your numbers in these -- in these
4 categories, increased by 7.02 percent from 2021 to 2022.
5 That's what this shows, right?

6 A Yes.

7 Q Okay. But your proposal is to use a six-year
8 historical average to measure the cost, is that -- I
9 should say the expenses.

10 A What is your question?

11 Q Sorry, the question was, but you used the
12 six-year historical average to measure these expenses,
13 correct?

14 A I use a six-year average growth rate to assess
15 the future.

16 Q I missed what you said. You said a six-year
17 average, and then you said two words. I am not sure
18 what they were?

19 A Growth rate.

20 Q Gross rate?

21 A Yes.

22 Q What does that mean, gross rate?

23 A Yeah, let me answer it. You can see my
24 percentage change in the last log of my table. All I
25 use is by using the average of at least five percentage

1 to obtain the growth rate to project Kerman and
2 Foresthill's operating expense.

3 Q Okay. Now -- I understand you now, the growth
4 rate. Got it.

5 So -- so, yeah, you use a six-year historical
6 average to figure out the growth rate that would be
7 applied in 2023 and 2024, correct?

8 A Correct.

9 Q Okay. So, just to be specific, that's a -- the
10 six years we are talking about are 2017 through 2022 on
11 -- that are on this page?

12 A Yes.

13 Q And so, you -- you basically take the -- the
14 six-year average that we see here, grow the 2022 data by
15 that percentage to get to 2023; and then grow the 2023
16 data to get to 2024.

17 Is that what you did?

18 A Yes.

19 Q Okay. We will come back to some of the details
20 of that in a minute, but just to be clear, Mr. Clark's
21 proposal is to use inflation to measure the growth rate
22 over that -- of those same years from 2022 to 2023 and
23 from 2023 to 2024. He wants to use an inflationary
24 number, correct?

25 A Yes, and that is what he did.

1 Q Okay. So, isn't it true that in the Volcano
2 rate case, when you were a witness, you testified that
3 Volcano should use inflation in exactly the way that
4 Mr. Clark is?

5 MS. CHEN: Objection. Unclear as to "the way
6 Mr. Clark is." Is it Mr. Clark presently, or is this --
7 was he a witness in the previous case?

8 ALJ VAN DYKEN: Sustained.

9 Mr. Rosvall, can you clarify the question?

10 MR. ROSVALL: Sure. Yeah. But I wasn't
11 suggesting Mr. Clark was a witness in the Volcano case.

12 Q My question is, in the Volcano rate case,
13 didn't you use inflation to grow the most recent
14 historical year into the year in which the rate case was
15 taking place, and then grow it further into the test
16 year?

17 A Yes.

18 Q Okay.

19 THE WITNESS: Your Honor, can I explain?

20 ALJ VAN DYKEN: Yes, please do.

21 THE WITNESS: Well, for group A company, I grow
22 the -- most recent data to the test year, because when I
23 prepare the testimony for group A company, that is
24 involving 2022, and the data I have from company is as
25 of 2021. And we know that, you ask me how our country

1 is impact by the pandemic still in 2020 and 2021, so
2 having the company's 2021 data, which it was under the
3 pandemic situation -- well, I did not know when the
4 company would go back to normal business in 2022 or test
5 year 2023, so I used the inflation to grow their events
6 in my proposal.

7 And for a group B company, the situation is
8 different. I have company's data in 2022. I cannot say
9 that the pandemic impact has shrunk, but we know that
10 company January back to normal business and based on the
11 review of companies' six-year data and average growth
12 rate is a reasonable projection. Authority.

13 BY MR. ROSVALL:

14 Q So, just -- just so we're clear -- that went
15 quite a bit beyond my question, but just so we're clear,
16 in the Volcano case, your proposal is the same as
17 Mr. Clark is proposing now, and Volcano is proposing the
18 thing that you are proposing now; isn't that true?

19 A I know Volcano and Mr. Clark also used
20 inflation, but I know that they -- when they use the
21 inflation, they did not use the same number as the one I
22 used when I do the Volcano proceeding.

23 Q Okay. That's -- that's certainly a fair
24 clarification, so -- so you used a different inflation
25 number than they -- they used, but you nevertheless used

1 inflation in the same way that Mr. Clark is now using?

2 A Yes.

3 Q Okay. And when you did that in the Volcano
4 case, it resulted in -- by -- by using your methodology
5 in that case, which involved inflation, you advocated
6 for a lower rate in that instance by using inflation,
7 right? I should say a lower expense number, right?

8 A Are you asking me about Volcano's numbers?

9 Q I am asking you whether by using inflation in
10 that case you were able to advocate for a lower expense
11 number than the company?

12 A I'm sorry, I do not quite understand your
13 question.

14 Q I'm -- was your expense projection using
15 inflationary growth rates in Volcano's case lower than
16 the company's expense proposal?

17 A I don't remember.

18 Q Okay. Here, I guess, to be clear, you're --
19 you're using a historical average, it produces a lower
20 expense for operating pensions that be Mr. Clark, right?

21 A So, right now you go back to Kerman?

22 Q Correct.

23 A Yes.

24 MR. ROSVALL: Okay. I would just like a
25 second, your Honor, off the record to see -- I want to

1 look at that exhibit to see if I have one more question.
2 This is only going to take like a minute, but...

3 ALJ VAN DYKEN: Okay. Let's go off the record,
4 and let's just take a two-minute break. We will be back
5 at 3:16.

6 (Off the record.)]

7 ALJ VAN DYKEN: Let's go back on the record.

8 Mr. Rosvall, do you have any further questions
9 for this witness?

10 MR. ROSVALL: I do. And I didn't mean to
11 suggest that I was finishing up here. I was just trying
12 to see if there was a document I needed to introduce.

13 Q And I would like to look at a document.

14 Ms. Ye, this is your testimony in the Volcano case, the
15 public version. So we don't need to mark it as
16 confidential or anything. This has been identified as
17 FTC-KTC Exhibit 61. Do you have that?

18 A Yes, I have.

19 Q Okay. And so just to confirm what we've been
20 discussing, on page 2-2 there's a sentence -- the second
21 sentence under the heading "A." Could you just read
22 that sentence.

23 A 2-2?

24 Q Yeah.

25 A Yes. Where do you want me to read?

1 Q Just the second sentence under the heading
2 where it says "The Commission should use --"

3 A (Reading from document):

4 The Commission should use Volcano's actual
5 2021 data in its updated workpaper and the
6 NECA's inflation figure of 1.013 to address
7 the 2021 amount to the 2022 level and 1.042
8 to adjust the 2022 amount to the 2023
9 level.

10 Q Okay. And then just to confirm the results of
11 that, if you could go to the Results of Operations
12 Table. This is Chapter 5 of your testimony, page 5-2.
13 And I just want to confirm that the number on line 2
14 that describes the difference between Volcano's and Cal
15 Advocates' proposal. The Cal Advocates' proposal is
16 about \$100,000 lower. Do you agree?

17 A Which line?

18 Q Looking at line 2 as "Operating Expense."

19 A Yes.

20 Q Okay. And I guess line 2a, which is "Operating
21 Expenses (excluding depreciation)," that's about the
22 same difference; correct?

23 A Yes.

24 Q Okay. All right. So we can set aside that
25 document for now.

1 So building on your testimony from a moment
2 ago, you mentioned that COVID had an impact on the way
3 that you analyze expenses. And so the pandemic isn't
4 the only thing that could have -- could mean that a
5 historical trend is an accurate way to predict the next
6 year, isn't it? There are other things that could be in
7 play that would make the trends inaccurate; right?

8 MS. CHEN: Objection. It seems like we're
9 still on Volcano, and I have an objection of relevance.
10 I don't see how what was done in Volcano has -- it's not
11 really within the scope of testimony.

12 ALJ VAN DYKEN: Mr. Rosvall, can you clarify if
13 you're talking about Volcano or something different.

14 MR. ROSVALL: Yeah. I'm not talking about
15 Volcano. I'm talking about this case. I'm -- Ms. Ye
16 testified a moment ago that the reason she used
17 inflation in the Volcano case related to certain factors
18 was surrounding COVID.

19 Q So I'm now returning to the case at hand. I'm
20 asking isn't it true that in this case or any case that
21 there would be other things that would make the
22 historical trend inaccurate?

23 A Yes. There are many factors that can affect
24 operating expense. But as I mentioned just now, in the
25 Group A in Volcano I use inflation center to gross the

1 company's expand because historical what I have in data
2 is 2021, which is during the pandemic. And at that time
3 we don't know if the company can go back to normal
4 business.

5 Q But you've nevertheless used 2020 and 2021 data
6 in your historical average; right?

7 A So you are talking about Kerman?

8 Q Yeah. Sorry. We're not talking about Volcano
9 anymore.

10 A Yeah. As I mentioned just now, I say I analyze
11 historical data. Then you can see even though we have
12 pandemic in 2020 and 2021, you can see Kerman percentage
13 change negative 3.3 and negative 6.56 compared with the
14 year 2018 and 2019. No big difference. So I conclude
15 that the revenue of historical data use an average gross
16 rate would be more reasonable way to project company's
17 expense.

18 Q So let me ask you this question. Why did you
19 pick six years?

20 A Normally, we use five number as an average for
21 projection. So if I want to use a five average number,
22 then I should use six years to get a five average -- to
23 get a five percentage. And a company's cycle normally
24 is five years.

25 Q Okay. So you based it on the length of the

1 rate case cycle?

2 A Yes.

3 Q Okay. So isn't it true that if a company were
4 to make a significant change in its operational
5 platform -- significant change that impacts expenses
6 within a six-year period, wouldn't it mean that you
7 should only include the years after the significant
8 change to get an accurate picture of the next year?

9 MS. CHEN: Objection. Calls for speculation.

10 MR. ROSVALL: Your Honor, she's an -- I mean,
11 she's offered as an expert. She does have background in
12 this area. So it seems like you could ask a
13 hypothetical of an expert.

14 ALJ VAN DYKEN: I will overrule the objection.

15 THE WITNESS: Could you please repeat your
16 question?

17 BY MR. ROSVALL:

18 Q Sure. The question is this: Did you look at a
19 six-year trend and somewhere in the six-year trend the
20 company makes a significant operational change that
21 impacts expenses. Wouldn't that mean that you should
22 use the years after the change to project the next year
23 instead of the whole period?

24 A I don't think so because of the increase -- the
25 increase in 2022 just a one-time only according to

1 analysis of the six-year time. So how do I know it will
2 continue to increase after 2022?

3 Q So do you know what year the Commission adopted
4 the operating expense limitation?

5 A The decision number is issued in 2021.

6 Q Right. So and this is the decision we just
7 talked about. And the corporate expense cap became
8 non-rebuttable in that same year; right?

9 A Yes.

10 Q Okay. And so for Foresthill the first time --
11 and Kerman, the first time that they'll be facing the
12 full extent of the cap is in this rate case; right? A
13 non-rebuttal cap in this rate case. Is that true?

14 A Could you please repeat your question.

15 Q Sure. During Kerman's last rate case the
16 corporate expense cap was considered rebuttable; right?

17 A Yes.

18 Q And the operating expense limitation hadn't yet
19 been adopted?

20 A Yes.

21 Q And so this rate case for both companies is the
22 first time that they're having to experience a
23 non-rebuttal corporate expense cap and a non-rebuttal
24 operating expense cap; right?

25 A Yes.

1 Q Okay. So isn't it possible that the companies
2 have anticipated that and reduced their expenses in
3 significant ways in anticipation of the Commission
4 applying those caps in this rate case?

5 MS. CHEN: Objection. Outside scope of her
6 testimony.

7 ALJ VAN DYKEN: Sustained.

8 BY MR. ROSVALL:

9 Q Do you have any idea what -- I'm just looking
10 at the timeframe. You are applying 2017 through 2021
11 for your historical average. Do you have any idea what
12 inflation was in 2017 at the beginning of that year?
13 The beginning of that period?

14 A In the US in general.

15 MR. ROSVALL: I think it would be easier if we
16 looked at a document. And I guess I'm also mindful of
17 the hour. I'm just going to pause here before I dive
18 into a document that might take ten minutes.

19 Do you folks want to stop here and have
20 Mr. Corona testify? I could continue tomorrow.

21 ALJ VAN DYKEN: How much longer do you think
22 that your cross may take, Mr. Rosvall? Actually, hold
23 on.

24 Before we do that, let's go off the record,
25 please.

1 (Off the record.)

2 ALJ VAN DYKEN: Let's go back on the record.

3 Ms. Ye, thank you very much for joining us
4 today. We will have you back at 9:30 in the morning
5 tomorrow. As a reminder, you will remain under oath.
6 So have a good afternoon.

7 THE WITNESS: Thank you, your Honor.

8 ALJ VAN DYKEN: Okay. Let's see here.
9 Ms. Chen, I believe the next witness you were going to
10 call Mr. Corona.

11 MS. CHEN: Yes, your Honor. Mr. Corona is
12 present, but I think he needs to be made a panelist in
13 order to speak.

14 ALJ VAN DYKEN: Okay. We'll go ahead and go
15 off the record until that happens.

16 (Off the record.)

17 ALJ VAN DYKEN: Let's go back on the record.
18 Let's see here.

19 Mr. Corona, can you raise your right hand,
20 please. I'm going to swear you in.

21 BENNY CORONA,
22 called as a witness by Public Advocates
23 Office, having been sworn, testified as
24 follows:

25 ALJ VAN DYKEN: Thank you. And would you

1 please state and spell your name for the record.

2 THE WITNESS: My name is Benny Corona spelled
3 B-e-n-n-y, Corona spelled C-o-r-o-n-a.

4 ALJ VAN DYKEN: All right. Thank you,
5 Mr. Corona.

6 Ms. Chen, your witness.

7 MS. CHEN: Thank you, your Honor.

8 DIRECT EXAMINATION

9 BY MS. CHEN:

10 Q Good afternoon, Mr. Corona.

11 A Hey, good afternoon.

12 Q Do you have with you today the documents that
13 have been marked for identification as Exhibits CA-F-10
14 and CA-F-10-C?

15 A Yes.

16 Q Are these the public and confidential versions
17 of your opening testimony regarding Foresthill Telephone
18 Company service, quality, and reliability dated
19 April 7th --

20 A Yes.

21 Q Oh, yeah. Thank you. And they are dated
22 April 7th, 2023, and May 18th, 2023, respectively?

23 A Yes.

24 Q Thank you.

25 Do you have with you today the documents and

1 attachments that had been marked for identification
2 collectively as CA-F-11 and CA-F-12-C?

3 A Yes.

4 Q Are these the public and confidential exhibits
5 to the Public Advocates Office opening testimony
6 regarding Foresthill Telephone Company's service,
7 quality, and reliability dated April 7th, 2023?

8 A Yes.

9 Q Do you have with you today the documents that
10 have been marked for identification as Exhibit CA-K-10?

11 A Yes.

12 Q Is this the public version of your opening
13 testimony regarding Kerman Telephone Company's survey,
14 quality, and reliability dated April 7th, 2023?

15 A Yes.

16 Q Do you have with you today the documents and
17 attachments that have been marked for identification
18 collectively as CA-K-08 and CA-K-09-C dated April 7th,
19 2023?

20 A No, but I have CA-K-11 and CA-K-12-C.

21 Q My apologies. I believe you have the correct
22 numbers. I'm just going to check my list.

23 You said you had CA-K-11 and CA-K-12-C?

24 A Correct, for Kerman.

25 Q Okay. So are these the public and confidential

1 exhibits to the Public Advocates Office including
2 testimony regarding Kerman Telephone Company's service,
3 quality, and reliability dated April 7th, 2023?

4 A Yes.

5 Q Are all of these documents we identified
6 testimony or documents supporting testimony of the
7 Public Advocates Office in this proceeding?

8 A Yes, they are my testimony.

9 Q Are these documents familiar to you?

10 A Yes.

11 Q Do you sponsor these documents in their
12 entirety?

13 A Yes.

14 Q Do you have any changes or corrections to any
15 of the exhibits?

16 A The title page for CA-K-12-C should say
17 "regarding Kerman Telephone Company's service, quality,
18 and reliability." We missed the quality -- the word
19 "quality" in the title page.

20 Q Thank you.

21 Are there any other changes or corrections to
22 any of the exhibits?

23 A I see the same thing for the public version of
24 the exhibit which is CA-K-11.

25 Q Thank you.

1 A Yeah. That's also missing "quality."

2 Q Do you have any other changes or corrections?

3 A No.

4 Q To the best of your knowledge, are the
5 statements and information presented in the exhibits we
6 have -- we have discussed aside from the corrections
7 that you had note, true and correct?

8 A Yes.

9 Q To the extent that you made statements in the
10 nature of judgments in these documents, do those
11 represent your best professional judgment?

12 A Yes.

13 MS. CHEN: Your Honor, the witness is available
14 for questions from your Honors or cross-examination.

15 ALJ VAN DYKEN: All right. Thank you very
16 much, Ms. Chen.

17 Mr. Rosvall, you indicated before that you do
18 not have any cross-examination questions for this
19 witness. Is that still true or would you like to ask
20 this witness any questions?

21 MR. ROSVALL: I do not have questions, your
22 Honor.

23 ALJ VAN DYKEN: All right. Thank you,
24 Mr. Rosvall.

25 Ms. Chen, do you have any further questions for

1 the witness?

2 MS. CHEN: Thank you, your Honor. I do not.

3 ALJ VAN DYKEN: Okay. Judge Miles, do you have
4 any questions for the witness?

5 ALJ MILES: I don't. Thank you.

6 ALJ VAN DYKEN: All right then. Mr. Corona,
7 thank you for being here today, and you are excused.

8 THE WITNESS: Thank you, Judge.

9 Okay. So I believe that we are done with
10 witnesses for today. So the next part of business will
11 be to talk about exhibits, but let's take a -- let's
12 take a ten-minute break.

13 MR. ROSVALL: Your Honor.

14 ALJ VAN DYKEN: Yes.

15 MR. ROSVALL: I have a suggestion that could
16 significantly speed this up before we break.

17 ALJ VAN DYKEN: Okay.

18 MR. ROSVALL: I thought I would just tell
19 Ms. Chen and you which exhibits I think we would want to
20 move from Mr. Villarreal. I could just say them and
21 then we could all think about it. And it might make it
22 easier because it's not all of them. Would that help?
23 I think it might save us some time.

24 ALJ VAN DYKEN: Okay. Would you like to do
25 that before the break?

1 MR. ROSVALL: I was thinking it would allow
2 Ms. Chen to think about it.

3 ALJ VAN DYKEN: Okay. Which documents would
4 you like to move?

5 MR. ROSVALL: So from what I've looked at just
6 in the last couple minutes, what I believe is -- it
7 would be -- they're all KTC-FTC, but they're 14, 16, 19,
8 21, 22, 23, 24, 25, 28, and 30.

9 ALJ VAN DYKEN: I'm sorry. Can you repeat
10 those?

11 MR. ROSVALL: Sure. It's 14, 16, 19, 21, 22,
12 23, 24, 25, 28, and 30.

13 ALJ VAN DYKEN: Okay.

14 MS. CHEN: Thank you, Mr. Rosvall.

15 On Cal Advocates end there is one exhibit I
16 would like to move into the record. It's the errata
17 sheet where Mr. Chrystian -- Mr. Villarreal, that was
18 discussed. And we completed his examination today. So
19 I think today would be appropriate.

20 ALJ VAN DYKEN: Okay.

21 MS. CHEN: And the exhibit number -- and it's a
22 confidential document so there's no link. I believe
23 it's CA-02 -- or no. I think it's CA -- let me confirm.
24 I think it's CA-03-C.

25 MR. ROSVALL: The revised version from

1 yesterday; right?

2 MS. CHEN: Yes, the revised, yeah.

3 MR. ROSVALL: Got it.

4 MS. CHEN: And that's all I have.

5 ALJ VAN DYKEN: All right. So let's take a
6 break. We will think on these. And let's resume at
7 3:50.

8 MR. ROSVALL: Thank you.

9 ALJ VAN DYKEN: Off the record.

10 (Off the record.)

11 ALJ VAN DYKEN: Let's go back on the record,
12 please.

13 So before our break, we -- or counsel -- or the
14 counsels had identified several exhibits that they
15 said -- they said would like to be moved into the
16 record.

17 Is there any objection from the opposing
18 counsel on moving any of these items into the record?

19 MR. ROSVALL: I certainly don't object to the
20 errata.

21 ALJ VAN DYKEN: Okay.

22 MS. CHEN: For Cal Advocates we don't oppose
23 any of the listed exhibits. I believe they were said on
24 record, but I don't know if we need to go over each one.

25 ALJ VAN DYKEN: All right. I'll read each one

1 just so that it's on the record.

2 So we are going to admit into evidence the
3 following exhibits: KTC-FTC-14, Public Utilities Code
4 Section 275.6.

5 (Exhibit KTC-FTC-14 was received into
6 evidence.)

7 ALJ VAN DYKEN: KTC-FTC-16, Federal Health and
8 Human Services 2023 Poverty Levels.

9 (Exhibit KTC-FTC-16 was received into
10 evidence.)

11 ALJ VAN DYKEN: KTC-FTC-19, CPUC Webpage
12 Showing Surcharges and Fees accessed June 5th, 2023.

13 (Exhibit KTC-FTC-19 was received into
14 evidence.)

15 ALJ VAN DYKEN: KTC-FTC-21, Public Utilities
16 Code Sections 451-453.

17 (Exhibit KTC-FTC-21 was received into
18 evidence.)

19 ALJ VAN DYKEN: KTC-FTC-22, Assembly Bill 988
20 (22 Bauer-Kahan). That's spelled B-a-u-e-r, dash,
21 K-a-h-a-n.

22 (Exhibit KTC-FTC-22 was received into
23 evidence.)

24 ALJ VAN DYKEN: KTC-FTC-23, 2021 Second Quarter
25 Contribution Factor.

1 (Exhibit KTC-FTC-23 was received into
2 evidence.)

3 ALJ VAN DYKEN: KTC-FTC-24, CPUC General Order
4 153 from D.21-09-023, September 23, 2021.

5 (Exhibit KTC-FTC-24 was received into
6 evidence.)

7 ALJ VAN DYKEN: KTC-FTC-25, Foresthill Proposed
8 Intrastate Tariff Schedules.

9 (Exhibit KTC-FTC-25 was received into
10 evidence.)

11 ALJ VAN DYKEN: KTC-FTC-28, Foresthill Exhibit
12 C to Application.

13 (Exhibit KTC-FTC-28 was received into
14 evidence.)

15 ALJ VAN DYKEN: KTC-FTC-30, Foresthill Response
16 to Data Request 2.6.

17 MR. ROSVALL: I do have a clarification on that
18 last item, your Honor. And it's something -- a problem
19 that we caused by being unclear, but -- and I did say it
20 on the record earlier, but KTC-FTC-30 is actually Cal
21 Advocates' Response to Data Request 2.36. That's what I
22 discussed with the witness.

23 ALJ VAN DYKEN: Okay. So according to the
24 description for KTC-FTC-30 it's Cal Advocates' Response
25 to Data Request 2.6.

1 (Exhibit KTC-FTC-30 was received into
2 evidence.)

3 ALJ VAN DYKEN: Okay. And there's one more
4 item that I have to scroll down for. CA-03-C.

5 MS. CHEN: Oh, your Honor, I'm sorry. I gave
6 you the wrong exhibit number.

7 ALJ VAN DYKEN: Okay.

8 MS. CHEN: It's CA-02-C.

9 ALJ VAN DYKEN: Okay. All right.]

10 MR. ROSVALL: I now see that there's two items,
11 just at the very end there, that we may want to include
12 as exhibits. I did want to ask the witness about them.
13 So they are KTC-FTC-38 and 39. These are just
14 Commission decisions that we've all kind of all talked
15 about, but I think we should include them, given that I
16 asked about them.

17 ALJ VAN DYKEN: All right. Just a moment.

18 Let's address the one that we just corrected.
19 So the correct exhibit we'll enter into the record is
20 CA-02-0 -- excuse me, CA-02-C, Amended Errata Sheet for
21 Chrystian Villarreal's Testimony and Exhibit Regarding
22 Foresthill Telephone Company and Kerman Telephone
23 Company, Confidential. And then the two that
24 Mr. Rosvall just mentioned --

25 And, Ms. Chen, I suppose that you don't have an

1 objection to these two?

2 MS. CHEN: I have no objection.

3 ALJ VAN DYKEN: Okay. We'll also add Exhibit
4 No. KTC-FTC-38, that's for D.21-07-005, and for Exhibit
5 KTC-FTC-39 for D. 21-08-042, okay.

6 (Exhibit CA-02-C was received into evidence.)

7 (Exhibit KTC-FTC-38 was received into
8 evidence.)

9 (Exhibit KTC-FTC-39 was received into
10 evidence.)

11 ALJ VAN DYKEN: Anything else that we need to
12 enter into the record today? And if not, I have an
13 additional question about an exhibit.

14 ALJ MILES: I have a question, but not about
15 the exhibits, about how we're going to handle Mr. Clark
16 tomorrow.

17 ALJ VAN DYKEN: Okay. So let me just ask one
18 question. Let me go back to my notes here just a
19 moment.

20 In Ms. -- in Ms. Ye's testimony there was
21 reference to an exhibit called KTC-FTC-61, but I do not
22 seem to have access to that exhibit anywhere.

23 MR. ROSVALL: And yeah, I appreciate you
24 raising that. I think I overlooked that in my list
25 here. Well, no, sorry, that's not -- I'll have our

1 folks send that along again. I believe it was sent last
2 night, but I will send it again just in case.

3 ALJ VAN DYKEN: All right, thank you.

4 All right, Judge Miles --

5 And do we need to still be on the record or?

6 Judge Miles, you're on mute.

7 ALJ MILES: I'm sorry. I don't think we need
8 to be on the record for the questions I have.

9 ALJ VAN DYKEN: Okay.

10 Counsels, do you think we need to discuss
11 anything else today that needs to be on the record?

12 MR. ROSVALL: Not for me, your Honor.

13 MS. CHEN: None from Cal Advocates. Thank you.

14 ALJ VAN DYKEN: All right, so let's go off the
15 record.

16 (At the hour of 3:59 p.m., this matter having
17 been continued to 9:30 a.m. June 9, 2023, the
18 Commission then adjourned.)]

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

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CSR NO. 14013

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CSR NO. 10928

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TAMARA DAWSON
CSR NO. 11497

<u>\$</u>	<u>(</u>	<u>11:00</u>	<u>2-2</u>
\$0.30 603:23 604:6,15 606:4	(b) 602:7	617:23	576:11 619:6 631:5 635:25 725:20,23
\$0.35 615:13,14	(b)(2) 602:8,13 603:13	12 598:19 599:10 600:3	2-2-2022 595:4,8,14
\$1.11 591:15,16 592:3, 5 595:18 596:22 597:2	(b)(3) 602:7 603:18,23	12-1-2016 595:13	2-21 677:14 679:4
\$1.50 615:7	<u>0</u>	12-month 717:6,12	2-3 624:20 639:3
\$10 653:10	07 686:8	12:12 655:5	2-4 584:2,9 591:9 592:4 597:22 604:9,22 618:15 628:1
\$100,000 726:16	<u>1</u>	13 701:4	2-5 590:3,18 647:19,20 648:6
\$15 653:10		13.10 578:16	2-6 575:16,18 576:22 577:19 581:23 644:11 645:10
\$17.90 615:10 616:3	1 614:12 623:20,24 624:5 684:22,24 685:5 706:9 713:22 714:13	133 608:11,13	2-7 631:5
\$2 627:7,14	1-1 717:2 718:12	138 699:6	2-8 638:13
\$2.50 648:9,12	1-13 719:24	13th 644:15	2-9 639:4,16
\$22.58 574:15 638:5	1-15 708:20	14 583:10,13 625:1 631:21,23 632:1,14 633:3,4,17 738:7,11	2.1.2 714:21 715:2
\$23 623:23 624:7	1-20 710:6	16 578:17 738:7,11	2.e 687:18
\$25 574:17 586:4 587:12	1-3 710:7	16.23 614:8 616:7	20 615:5 641:21 651:4 716:11
\$25.50 615:15	1-4 709:13,22 719:19, 21,23	1633 697:17	20,000 634:19 635:11
\$26 587:11 614:12,24 648:16	1.013 726:6	17 602:13 603:2 692:22	2009 646:12
\$27.15 615:12	1.042 726:7	17.90 616:8,16,17	2010 594:9
\$27.50 574:12 588:10 625:16	1.11 593:10,12 595:23	18 603:9 679:4	2013 622:19
\$30 606:1,8	1.11's 596:1	18th 733:22	2016 574:23 584:23 586:18,22 596:5 639:25
\$30,000 579:6 580:3	1.4 609:21	19 658:10 698:25 699:3 738:7,11	2017 574:21 721:10 731:10,12
\$34.50 622:6 623:14 638:7	1.50 616:23	1990s 704:18	2018 728:14
\$35 641:13	1.a 687:2,4,6	1:15 655:2,4	2019 584:23 728:14
\$4.95 590:22	1.b 687:4,7	1:16 655:6 656:1	2020 723:1 728:5,12
\$40 588:8 596:12 597:2, 6 606:1,9	1.c 687:2,4	<u>2</u>	2021 598:13,19 599:1, 10 600:3 695:12 719:17 720:4 722:25 723:1,2 726:5,7 728:2,5,12 730:5 731:10
\$42 641:13	10 583:12,13 648:7	2 634:4 635:1 680:6 681:3 705:2,4 726:13, 18	
\$5 574:19 649:7	100 579:2	2-1 618:16 619:9,13 623:12	
\$7.02 615:1,6	100,000 583:6	2-11 600:7 606:18	
\$755 646:3,15	11 575:20 576:22 626:21,23 647:18,19 648:3,4,7 649:11	2-12 590:4	
\$9.25 615:11	11-1 595:13	2-13 572:16,24	
	11-11-007 695:9	2-14 573:14	
	11-161 697:21	2-15 641:12 644:12,17 650:4,8	
			2023 571:2,7 578:20 593:8 597:24 603:14

605:2 630:9 683:2,12, 21 684:6 721:7,15,22, 23 723:5 726:8 733:22 734:7,14,19 735:3	28 738:8,12	41 584:12,14 628:2	72 619:2 623:13
2024 590:19 603:14,21 605:2,17 702:4,22 703:6 712:13 721:7,16, 23	28.44 619:22	41030 602:12	74 646:2
2025 590:20 591:16 604:7 605:2	29 602:4 702:22 714:11, 16 715:7,11	41030(b)(2) 602:14	755 645:16
2028 702:9,17,22,23 703:1	2:00 680:21	43 700:1	7th 571:6 683:21 684:6 733:19,22 734:7,14,18 735:3
2029 596:8,13 702:7,9, 11,12,16,18,20	2:12 655:2	45 647:20	<hr/>
21 651:4 698:25 699:3 738:8,11	2a 726:20	451 651:10	<hr/> 8 <hr/>
21-04-005 692:23 696:15,16	<hr/> 3 <hr/>	453 651:10,18	<hr/>
21-06-004 696:5,13	3 634:23 636:23 686:20	453(c) 650:25 652:1,4, 12,25	8 571:2,7 633:3 700:10, 11
22 641:17 651:4 738:8, 11	3-1 692:21 698:17,18 699:9 701:15	48 578:21	8.52 615:7
22.50 619:22 624:2,6	3-2 686:21 690:14 691:4	4:00 680:23	8.6.2 612:4,11
22.58 585:25 587:1 597:7	3-3 690:14	<hr/> 5 <hr/>	<hr/> 9 <hr/>
23 659:11 738:8,12	3.10 704:24	5 634:23 636:23 726:12	9,469 635:13 637:21
23-01-004 630:10 700:3	3.3 728:13	5-2 726:12	9,496 635:12
24 586:4 609:6 659:11, 22 661:1 692:22 714:20,23 738:8,12	30 588:8 654:17 714:2 738:8,12	5-K 686:6	9.25 614:8 616:3
24,000 633:8,9 637:8	31 613:17,23	50 581:25 606:3	988 601:19 603:14
24,764 576:24 577:4 631:17 632:8	31st 703:1	500 642:8	9:30 732:4
240 584:8	32 708:11	53,000 578:9	9:35 571:2
25 612:25 738:8,12	32.50 627:4,5	56 610:22	<hr/> A <hr/>
26 612:7,8 615:6	32.6 597:23 598:3,14 600:15	<hr/> 6 <hr/>	A-1 611:6,11,12
26th 683:2 684:6	33 651:9	6-1-2015 595:4,7	A-12 613:13,14
27.50 587:6,9,14 597:11,15 606:8 611:23 615:6 619:7 625:14 626:9,12 627:1 638:18 648:15	33.4 600:12	6.50 615:17	A-20 613:1,18,21
275.6 649:5 692:23	34.50 619:23	6.56 728:13	A.22-11-001 571:9
275/6(b)(5) 701:5	35 600:17 606:4	6.a 687:18	A.22-11-002 571:10
	39 611:14	6.e 687:18	A.M. 571:2
	3:00 681:4	61 600:6 725:17	a1 614:12
	3:16 725:5	63,000 576:3 577:18 633:9,13 637:9 638:1	a3 614:5,6
	3:30 681:10	63,063 575:22 632:23, 25	a5 614:5,6
	<hr/> 4 <hr/>	<hr/> 7 <hr/>	AB 601:19
	4 634:4 635:1 681:13	7 683:12 687:25	accepted 621:13,19 624:22 625:2,4,14,20
	4-1-2023 593:11	7.02 720:4	accepts 622:3
	4.95 590:19	70,000 583:11,12	access 603:15
	40 600:18		accommodate 679:15
			account 589:21 601:6

606:10 607:5	advocate 724:10	654:10,24 656:6 657:23	answers 600:22
accounted 605:9	advocated 724:5	658:5,7 661:24 662:3,8	621:24
accounting 616:15	Advocates 573:5	679:11,21 680:1,5,9,14,	anticipated 711:24
689:9 708:11	622:12,19 623:6 654:22	17,21 681:18,21 682:1,	731:2
accuracy 687:18	680:12 681:23 682:5	7,12 685:14 687:10,14	anticipation 731:3
accurate 727:5 729:8	683:9 684:3,10 693:9	690:20 694:5,9 695:25	anymore 728:9
acknowledge 645:16	732:22 734:5 735:1,7	714:3,5 719:3,6 722:8,	apologies 609:5 700:3
Act 609:14	738:15	20 725:3,7 727:12	734:21
actual 657:24 692:8	Advocates' 586:24	729:14 731:7,21 732:2,	apologize 607:11
703:20 709:10,17	590:23 615:23 616:9	8,14,17,25 733:4	appears 580:5 600:6
710:16 711:7,13 713:14	622:17 623:7 644:13	736:15,23 737:3,5,6,14,	603:13 609:17 618:1
726:4	726:15	17,24 738:3,9,13,20	631:5 686:19 714:19
add 594:14	affect 727:23	all-inclusive 596:23	715:7
adding 590:11 634:25	affected 577:5 607:5	597:1,5	appendix 610:21
addition 604:16	affirmatively 621:25	alleged 588:18	611:6,11,17 705:1,4
additional 591:1 604:7,	afford 588:6	allowable 717:7	706:9
8 605:9 645:6 679:9	affordable 587:20,22	allowed 629:19	apples 615:22
703:7 708:6	588:1	Allstead 688:13 692:4	applicable 713:15
address 717:21,22	afternoon 617:16	Allstead's 694:2	application 614:18,19
726:6	656:1,11,12 682:18,19	alternative 660:12	658:20 661:3,14,19
addressed 694:3	732:6 733:10,11	alternatives 624:13,17	applications 571:8
adds 614:24	agree 574:2 575:4	646:20	applied 604:12 610:17
adjourned 655:3	582:2 586:24 587:19	American 577:11	713:2 715:12,15 716:11
adjust 571:11 637:5	588:3,12 594:19 595:3,	Amortized 694:23	721:7
726:8	15 600:13 603:21	amount 590:25 591:1,	applies 601:13 686:11
adjusted 698:11	607:7,13 631:21 635:22	15 610:1 615:25 616:8,	707:9 710:18
717:24	639:12 642:1 658:15	16 678:6 700:15	apply 625:24 653:24
adjustment 709:20	695:11 697:19 700:19,	705:18,22,23 706:22	698:23 712:11 713:10
administrative 571:4,	21 701:16,21 703:19	726:7,8	applying 698:16 731:4,
14 609:13	706:10 708:10 719:10	amounts 593:21	10
adopt 621:25 648:12	720:2 726:16	analysis 582:17 585:18	approach 636:6
adopted 587:8 601:13,	agreed 573:5	589:17 606:7 620:16	approval 621:12
18 602:11 607:17	ahead 595:20 617:22	631:2 635:7 638:4	approve 621:21
626:25 648:14 649:10	648:19 682:2 732:14	641:8 648:14 686:14	approved 602:4 646:8
702:14,15 709:7 711:14	Alaska 580:10	730:1	approximate 634:16
730:3,19	ALJ 572:1 575:11 578:3	analyze 606:25 607:1	April 593:8 683:2,12,21
adopting 622:6 702:2	579:23 581:15 585:8	648:25 687:1,5 727:3	684:6 733:19,22 734:7,
adoption 698:6	586:10 587:24 589:3,23	728:10	14,18 735:3
adopts 711:8	591:4,23 594:3 596:19	analyzed 583:21	area 575:4,9,10 577:6
advance 578:16	597:17 598:7 599:15,18	607:21	581:4 583:15,16,23
advice 678:15,22 706:6	600:23 603:8 604:3,18	Angeles 631:12	586:19 588:13,16,18
	605:11 606:15 607:24	annual 580:3 677:19	589:9,20 631:16 632:10
	608:19,23 609:3,7	678:17 717:5,11	642:20 729:12
	617:8,13,21 618:1	annualized 706:3	areas 577:23 584:1
	622:1,21 628:12 629:1,	annually 677:13	
	21 630:19,22 636:3,17		
	637:1,15 640:13 642:23		
	643:2,5 644:3 651:11,		
	15 652:8 653:14		

588:4 620:4 631:3,10, 11 632:5 635:3,6 637:6 638:6	723:11 724:19 728:6, 15,20,21,22 731:11	basic 573:11 574:12 584:21 587:6,16 590:12 611:22 613:12 616:18 619:7 620:17 621:4 628:6 638:12,17 644:14,18 648:9	broadband 611:7 657:12 658:11,16 659:2,17,22,23 660:2, 17,25 677:12,20,21 694:19 696:14,18,19 697:4
argument 619:9 623:7	averages 618:22 625:19	basically 619:21 710:11,20 721:13	budgets 690:1
Argumentative 636:1	averaging 582:3	basis 611:6	building 578:6 727:1
arguments 618:11	avoid 650:9	Bauer-kahan 601:19	bunch 591:10 601:5
Armstrong's 607:9	aware 587:13 597:15 601:12,15 622:5,8 646:7 658:18	begin 685:16	burdening 650:10
arrive 615:1		beginning 593:7 705:14 731:12,13	business 641:11,13 642:3,7,9,12 643:9,16, 17,18 644:14,18 645:20 646:3,12,15,19 647:6,8 650:8,13,18 651:24 652:2,5,12,18,23 653:2, 8,10,20,25 654:1,14 689:10 723:4,10 728:4 737:10
art 587:22		begins 625:1 691:3 700:12	businesses 641:23 642:1,19 643:11,12,21 644:8
articles 602:22	<hr/> B <hr/>	benefits 573:16,17,20	Button 599:16
assess 638:16 720:14	B-1 582:1,10	Benny 732:21 733:2	
assigned 571:14,15	B-16 646:4	big 634:6 649:22 728:14	<hr/> C <hr/>
Association 639:6	B-E-N-N-Y 733:3	bigger 634:4,13	C-1 693:20
assume 604:6 636:19 643:10 680:15	B-I-X-I-A 682:11	bill 601:17,18 605:19 612:19	C-2 693:20
assured 606:8	back 571:18 574:7 587:3,16 590:3 594:25 595:22 596:4 599:18 608:23 612:4 614:11 618:2,7,13 619:5 623:11 624:11,19 627:24 630:22,24 643:5 647:13 650:4 651:15 655:2 678:3 680:4,9 690:5 697:6 701:15 703:21 705:11 706:8,16 709:22 713:4 714:5,18 721:19 723:4,10 724:21 725:4,7 728:3 732:2,4, 17	bills 601:14 605:2,20 612:17	C-53 692:14 693:9
AT&T 619:1,13,23 620:14 621:6,10 622:6, 20 623:15,16,22 624:5, 10,12 627:16 638:7 645:16,19 646:3,6,11, 21	background 689:9 729:11	bit 617:16 637:17 650:6 657:11 688:19 708:9 723:15	C-O-R-O-N-A 733:3
AT&T's 621:1 622:13 623:8,14 624:16 627:4 646:3	backing 641:23	Bixia 681:24 682:4,10	CA 686:4 738:23
attached 584:12 646:4	Bartulo 687:21	block 575:21 576:25 577:3,7,14 631:15 632:9,14,17,25 634:10	CA-02 738:23
attaches 623:5	base 577:10 607:18 691:7 694:24 699:12, 14,17,21,23,24,25 700:18,24 701:8	blocks 575:25 631:22 634:8	CA-03-C 684:25 738:24
attachment 684:23 692:11 693:5,6,15,19, 20 696:17 697:7,8	based 588:4 589:17 593:25 594:22,24 597:23 604:25 605:16 607:16 610:7 611:21 617:16 636:20 659:21 688:2 691:14,23 693:5 694:20 697:25 699:8 701:21 706:4 709:19 713:9 723:10 728:25	bold 593:7 709:2	CA-04-C 684:25
attachments 683:5,24 734:1,17		bottom 583:1 588:14 602:21 719:20 720:1	CA-05-C 684:25
authorities 652:16,21		box 632:14 709:14,16	CA-3-C 685:6
authority 653:5 723:12		break 617:6,22,23 654:23 655:1 725:4 737:12,16,25	CA-4-C 685:6
authorized 687:25 699:12,20 705:20		breaking 654:25	CA-5-C 685:6
average 575:21 576:8, 14,17 577:18 582:25 583:1,2 585:18 618:19 619:2,4,20 623:15,16, 22 624:7,23 625:4,10, 14,15,21 626:10,12 633:14 635:23,24 636:7 647:9 648:18,24 720:8, 12,14,17,25 721:6,14		bring 579:12 587:6	CA-F-05 657:16 658:2
		broad 622:25	CA-F-07 682:21
			CA-F-07-C 682:22
			CA-F-08 683:6
			CA-F-09-C 683:6

CA-F-10 733:13	616:3 619:25 620:20	category 633:4 691:7	696:14 704:7,12
CA-F-10-C 733:14	647:4 653:21 689:23	708:13 709:4 711:7	706:14,21 707:13
CA-F-11 734:2	706:11 712:3	CBG 582:17 632:4,8,23	708:5,6 713:22 714:14
CA-F-12-C 734:2	call 573:16 574:1	633:9	check 679:24 696:23
CA-F-5-C 658:4	614:25 655:2 681:22	CBGS 583:5,10 632:5	734:22
CA-K-04 572:18	698:19 706:18 732:10	633:4,10,15,18 634:25	Chen 571:20,23 575:5
CA-K-07 683:15 686:7	called 582:16 606:19	636:9,13	578:2 579:8,12 581:11
CA-K-07-C 683:16	610:18 682:5 705:1	CD 679:6,7	582:9,12 584:24 586:5
CA-K-08 683:25 734:18	732:22	ceiling 596:12	587:21 588:15,22
CA-K-09-C 683:25	caller 573:19,20,21,23	cells 692:9,10	591:3,17 594:1 596:14
734:18	calling 572:19 573:2,	census 575:21,25	597:12 598:4 599:4,12,
CA-K-10 734:10	11,23 581:11 603:24	576:25 577:3,7,12,14	14,21,22 600:19 602:18
CA-K-11 734:20,23	605:3 680:24	631:15,22 632:9,14,17,	603:24 604:10 605:3
735:24	calls 588:15 591:3,17	25 634:8,10	606:13 607:23 608:9,
CA-K-12-C 734:20,23	596:14 598:4 653:12	center 727:25	11,14 621:22 636:1,16,
735:16	654:2 681:23 729:9	cents 603:15	25 637:10 640:6,8
CA-K-4 618:14	cap 597:2 679:15 697:9,	certifications 689:11,	642:14,24 643:20
CA-K-5 648:1 686:6	20,25 698:2,10 710:1	13	648:20 651:5 652:6
CA-X-05 657:16	711:5 712:11,14,19	challenges 649:17	653:12 654:2,22 656:24
cable 620:7 647:2	713:3,15 715:12,15,23	chance 658:13	657:2 679:10,23,24
Cal 573:4 586:24	716:8,11,19 717:7,9,10,	change 591:16 594:23	680:2,7,11,12 681:2,22,
590:23 615:22 616:9	12,15,20 718:6,8,15,17	596:5 622:10 629:10	23 682:14,15,17
622:12,17,19 623:6,7	730:7,12,13,16,23,24	677:21 678:5 703:12	685:12,15 690:19 693:8
644:13 654:22 680:12	capacity 689:20	720:24 728:13 729:4,5,	694:4,5,7 695:21
681:23 682:5 693:8	capital 688:2 707:4,12	8,20,22	699:16 703:14 718:22,
726:14,15 738:15	caps 711:17,20 716:2	changed 593:24	24 719:2,3,5 722:5
Cal-ore 584:5 628:10	731:4	639:23 640:1	727:8 729:9 731:5
Calaveras 584:5	Carolyn 654:22	Chapter 686:20 726:12	732:9,11 733:6,7,9
628:10	carrier 618:19 639:5	character 586:19	736:13,16,25 737:2,19
calculate 687:4	carriers 583:17 584:22	588:12 589:8,20 621:13	738:2,14,21
calculating 616:14	619:12 653:21	642:19	chose 633:7
calculation 591:21	case 573:22 574:23	charge 572:19 597:21	Chrystian 572:6 656:3
616:22 624:23 625:5,14	586:18,23 587:4 596:7	606:4 615:17 644:25	738:17
633:13 696:19 713:1,3,	622:18 625:12 627:20	645:2,4	circuit 620:23 624:11
11	628:7 648:11,13 656:19	charges 604:13 613:19	circulated 656:14
calculations 712:15,	688:9,17,21 692:3	614:1	citation 597:23
20	700:3,7 702:3,7,19	chart 576:10 590:8,17	cite 576:12 585:17
calendar 603:14 661:2	703:5 722:2,7,11,12,14	591:8 593:11,20,25	622:23 627:24 628:1
719:11,14	723:16 724:4,5,10,15	594:7,9 595:22 597:22	630:9 699:6
California 580:6,13,16,	725:14 727:15,17,19,20	598:15 601:4 621:3	cited 577:19 585:20
19 583:17 609:11,13,	729:1 730:12,13,15,21	631:4 634:5 635:25	587:5 629:15,16
14,23,24 610:13 611:3,	731:4	637:14 646:25 719:21	cities 634:6
5,19 612:13,16 615:9	cases 584:23 586:2	720:2	citing 650:25 658:11
	648:8 678:6 688:5	chase 605:23	Citizens/frontier
	703:13,17,25 704:9	CHCF-A 660:16,20	645:12
	categories 634:10	693:23 694:19 695:8	clarification 688:1
	637:9 691:5 708:17		707:7 723:24
	709:23 710:1,22 720:4		clarified 597:14 609:6
			695:23

clarify 572:14 573:9 580:24 599:4 621:24 637:2,16 648:17,22 694:13 698:15 722:9 727:12	Commission 571:5 580:18 584:15 588:9,22 589:14 590:16 592:7,8 595:20 596:2 599:25 605:25 609:11,12 610:2 621:11,14,20,21,24 622:2,5,8,15 625:1,4,9 626:25 627:12,15,18,20 628:1 629:23 641:5,6 646:7,8 648:12,23 649:10 650:12,17 652:15,16,21,23 658:16 659:16 677:21 678:2,4, 7,11,18,24 690:4 691:24 694:15 697:16 698:23 701:1,2,17,23 703:3 704:7,22 707:5,9 709:7 710:21 711:4,11 712:3 715:4 716:7,14 717:4,14 726:2,4 730:3 731:3	company's 660:8 661:13 683:1,10,20 684:4 690:10 707:15 713:13 718:16 723:2,8 724:16 728:1,16,23 734:6,13 735:2,17	concerns 649:16
clarifying 602:18	Commission's 578:15 589:10 592:17 608:7 691:16 693:1 694:21 696:19 701:3 702:2 704:13	comparability 626:7 638:14 649:1	conclude 728:14
clarity 585:13 592:16 600:5 688:4	commissioner 571:15	comparable 578:8 619:8 625:17,24 626:11 627:11,17 649:4	conclusion 629:24 716:1
Clark 681:13,14 713:5 722:4,6,11 723:17,19 724:1,20	commonly 592:18	compare 577:20 621:4	conclusions 626:6 627:9 686:15
Clark's 712:15 721:20	Communications 599:25 619:13 661:6 697:16	compared 577:22 583:25 631:2 635:8 636:11 637:22 717:6 728:13	conclusive 591:21
class 650:10	community 577:11 649:17	compares 577:20 579:20 583:24 710:23 711:6,11	confidential 657:18, 24,25 658:1 661:21,23, 25 662:4 682:24 683:8, 18 684:2 687:11 725:16 733:16 734:4,25 738:22
classes 652:17,22 653:1,3	companies 574:11 584:6,16 585:6 586:1 616:1,22 620:7,17 621:6,17 647:1,3 653:9 658:19 661:7 688:25 691:19 695:15 708:16 712:19 730:21 731:1	comparison 620:19 644:13	confirm 606:18 608:16, 17,20 612:25 614:4 699:1 714:12 725:19 726:10,13 738:23
clear 574:22 579:17 585:9 590:10 601:23 614:17 615:21 628:17 629:12,21 633:7 634:21 648:12 685:24 718:1 721:20 723:14,15 724:18	companies' 616:10, 18,24 723:11	comparing 595:3 615:22 624:14 632:5 636:8,9 645:22 646:23	confused 656:20
clearer 616:13	company 571:9,10 573:4 582:21 619:17 622:9 625:8 677:13 679:5 686:1 689:19 703:6,19 704:2,8 706:17,19,21 707:10,11 710:16,22 711:7,13 712:25 722:21,23,24 723:4,7,10 724:11 728:3 729:3,20 733:18	comparison 620:19 644:13	confusing 613:6
CLECS 620:2,4	community 577:11 649:17	comparisons 618:23	consideration 648:16
click 592:12 659:7	companies 574:11 584:6,16 585:6 586:1 616:1,22 620:7,17 621:6,17 647:1,3 653:9 658:19 661:7 688:25 691:19 695:15 708:16 712:19 730:21 731:1	complaint 622:18	considered 578:7 579:9,19 606:14 646:20 730:16
client 679:24	community 577:11 649:17	complete 571:19	considers 614:23
closed 571:17	community 577:11 649:17	completed 738:18	consistency 636:5
code 602:14 649:5 650:20,22,25 651:18 691:15 692:22 694:20, 24 695:1,4 699:5 701:4 717:4	community 577:11 649:17	completely 632:18	Consolidate 621:11
codes 589:12	community 577:11 649:17	comply 652:2	consolidated 571:8 619:13,23 620:14 621:7 623:20,24 624:4 645:11 646:21
collectively 683:6,25 734:2,18	community 577:11 649:17	component 701:12 703:9 704:1	Consolidated's 621:1
column 578:25 579:1 582:21 583:3 594:12 595:3 631:9,10,15 632:1,3,7,21,24 635:12 636:23 637:21,25	community 577:11 649:17	comprised 595:23	constant 707:25
columns 634:4,9,23 635:1	community 577:11 649:17	compromise 649:10	consult 688:16
combination 699:23	community 577:11 649:17	compromised 648:16	contention 650:12
combined 615:11,15	community 577:11 649:17	computation 719:8	contents 693:4
comments 681:6 714:25	community 577:11 649:17	compute 618:18 712:2 713:5	context 619:5 642:22 649:6 706:7 714:17 715:16

contribution 598:13 599:2 600:12 606:4	count 583:9 615:17 659:21 660:3,13	cycle 728:23 729:1	688:2 691:16 692:23 694:15,21 695:11,13, 17,19,23 696:5,6,10,12, 15,20 697:17,23 700:3, 10 701:1,2,3 702:3 704:13,21,23 705:1 707:13 711:19,21 712:1,6 713:22 714:12, 13 715:8 716:14 717:19,23,24 718:20 730:5,6
convene 680:6	counted 583:12	D	decisions 584:15,18, 21,25 586:2,3,6 589:13 628:1,2,5,14,19,24 629:1,6,15 652:15 691:24 693:2
convenience 677:15	counting 632:9 633:1	D.14-12-084 712:7 714:8	decrease 639:13
conversation 657:17	country 722:25	D.14-12-084. 713:18	deemed 588:9 713:15
copy 599:11 704:22	couple 592:20 686:8 738:6	D.21-04-005. 658:12	define 708:16
corner 583:1 719:20 720:1	court 680:22 714:1	D.21-06-004 695:13 712:7 716:12	defined 646:25 659:16
Corona 617:17 680:25 681:3,8,11 731:20 732:10,11,19,21 733:2, 3,5,10 737:6	cover 651:6 704:3	D.21-06-004. 601:11	definition 575:6 587:22,25 638:22,23,24 701:6,10
corporate 679:14 689:16 697:20,25 698:2,9 708:13 709:5,9, 24 710:5,18 711:3,23 712:10,13,14,16,23,24 715:12,15 716:6,15 717:23 718:4,6 730:7, 16,23	COVID 727:2,18	D.21-08-042. 658:23	degree 689:10
corporation 700:16	CPUC 711:21	D.91-09-042. 704:14	degrees 689:13
correct 574:12 579:7 583:3,7 589:25 593:25 594:9 618:20 639:15 644:23 645:8 647:3,11 651:21 660:9 661:3,4 685:6 687:8,19,20 688:11,12,21 689:4 695:15,16 697:18 698:24 701:18 703:2 708:17,18 709:2,3,18 710:13,14,16,17 712:8, 9,20,21 713:6,7,11,12 719:11,14 720:13 721:7,8,24 724:22 726:22 734:21,24 736:7	create 691:14	Darcie 571:16	demonstrates 629:3
corrections 684:17 735:14,21 736:2,6	created 601:7 691:23 711:22	data 576:17 577:5,11 588:4 645:14 656:17 660:24 678:15 679:6,7 687:5 706:5 721:14,16 722:22,24 723:2,8,11 726:5 728:1,5,11,15	demographics 649:16,25
correctly 693:16 700:13,14 702:10	credit 611:22 615:1	date 593:11 598:20 600:2,8 646:13 678:20	density 710:13
cost 580:13 645:7 654:13,14 679:8,9,13 688:2 699:11,13,14,21, 24,25 700:15,24 701:7 703:24 706:11 707:4,12 720:8	credits 612:15,16 614:8	dated 683:2,12,21 684:5 733:18,21 734:7, 14,18 735:3	department 573:25 579:16
costs 703:21 715:5	cross 578:13 585:3 592:9 601:17 608:5 612:24 617:10,12 626:16 651:1 700:1 731:22	David 571:13	depending 645:7
counsel 656:14 680:25 681:5	cross-examination 571:25 572:9 656:8 685:13,17,18 736:14,18	Dawson 643:5	depends 591:22 707:22
	Crosstalk 595:19	day 571:7,17 681:9	depict 710:7
	curious 690:16	days 680:19	depicted 687:23 709:5, 23
	current 574:15 585:25 590:5,24 597:6 601:10 606:9 616:8 627:10,16 644:14 697:19 705:21	de-tariff 646:14	depiction 693:16
	custom 572:19 573:1, 10	de-tariffed 646:11,15	depreciation 708:12 726:21
	customer 607:18 708:13 709:1	December 703:1	derive 692:9,16 693:22
	customers 572:20 580:19 588:5 605:1,16 607:8,14 615:13 620:21 624:10,12 635:4,8,9 636:10,11,12 638:4,5 642:4,7,9,12 643:14 645:19 646:24,25 649:16 650:10	decide 589:14 596:3 622:16 627:19,21 678:2,11,24	derived 660:7,20 694:1
	cut 605:23	decided 626:9 678:5 712:3	describe 697:8
		decision 585:2,16 586:9,18 605:22 622:5, 22 625:6,22 626:5,17 627:10 628:15 629:3,9 630:9,17,25 641:5 646:8 647:14,21,22 648:3 649:2,10 658:11, 15,20 659:2,3 678:4	describes 610:16 726:14

describing 582:4 634:11 697:3	display 634:23 635:2 691:11	581:15 585:8 586:10 587:24 589:3,23 591:4, 23 594:3 596:19 597:17 598:7 599:15,18 600:23 603:8 604:3,18 605:11 606:15 607:24 608:19, 23 609:3,7 617:8,13,21 618:1 622:1 630:5,19, 22 636:3,17 637:1,15 640:13 642:23 643:2,5 644:3 651:11,15 652:8 653:14 654:10,24 656:6 657:23 658:5,7 661:24 662:3,8 679:11,21 680:1,5,9,14,17,21 681:18,21 682:1,7,12 685:14 687:10,14 690:20 694:5,9 695:25 714:3,5 719:3,6 722:8, 20 725:3,7 727:12 729:14 731:7,21 732:2, 8,14,17,25 733:4 736:15,23 737:3,6,14, 17,24 738:3,9,13,20	enacted 658:16
design 571:11 596:17	displayed 592:19 647:7,9 690:24 709:2		end 603:20 677:9 681:9 702:23 738:15
details 628:20 721:19	displaying 590:5 661:7		endorsed 625:10,13 648:18,21
determination 588:23 622:8 625:18	displays 613:12 614:22		ends 718:12
determine 589:9 624:23 625:5 627:12,15 629:7 702:21	disproportionately 650:10		entire 606:22
determined 607:16 691:15 707:4 709:10 716:9	dive 654:16 731:17		entirety 684:15 735:12
determining 588:13,20 698:23	Division 661:6		entities 619:14,16
developed 690:18,25 691:18 706:3	document 575:18 579:22 580:4,8 592:10, 17 598:18 599:5,23 600:6,7 603:7,25 604:2 608:20 609:22 610:22 611:2,13 613:8 614:17 616:6 624:21 626:15,16 630:13 642:15 647:18 656:16,20 657:16 661:21 692:24 700:5 705:16 706:1 715:14,22 725:12,13 726:3,25 731:16,18 738:22		entity 689:22
Diego 631:12,18 633:25 634:12	documents 682:20 683:4,14,23 684:8,9,12, 14 685:9 733:12,25 734:9,16 735:5,6,9,11 736:10 738:3		enumerated 684:23 714:20
difference 590:5,23 595:9 616:21 653:1 654:1 712:25 726:14,22 728:14	dollar 590:23 616:24,25 640:1 704:7		environment 711:18
differences 713:9	dollars 616:1		equal 615:24 701:16,22 706:25 707:15
differently 644:23	Domestic 639:10		equals 694:18,22
digital 621:2	Donovan 662:3		equation 698:18,22
direct 571:24 576:11 581:23 661:18 682:16 704:20 714:11 733:8	DOS-TYPE 704:18		equations 699:8
direction 662:7	double 696:23		errata 684:24 693:10 738:16
directly 588:17	doubled 595:5		essence 709:20
directs 581:25	downloaded 656:20		established 579:9 585:25 604:11 605:6 623:12 633:17 702:6
discernible 612:17	drafting 714:13		establishing 690:1 715:17
discontinue 610:17	draw 693:23		estimate 679:8
discount 615:10,11,12	drops 708:1		estimates 703:4
discounts 615:16 616:2	Ducor 584:5		EUCL 614:25 615:17
discuss 618:16 638:10	due 649:18 678:10		events 723:5
discussed 681:13 685:4 736:6 738:18	Dyken 571:4,13 572:1 575:11 578:3 579:23		evidence 640:10
discussing 725:20			evidentiary 571:7
discussion 619:10 630:25 638:13 650:5 657:13,14			exact 581:3 633:22 634:17 635:20 638:22 646:13 692:4
		<hr/> E <hr/>	examination 571:24 682:16 733:8 738:18
			exceed 705:20
			exceeding 706:21
			exceeds 717:8

Excel 692:15	expenses 659:17,20 660:1,20 683:1,11,20 684:4 698:15,16,24 700:17 703:7,22,23 707:1,16,19,20 708:7, 12,17 709:10 710:16 711:7 712:13,18 713:5, 14 715:20,23 717:20 718:6,7 719:9 720:3,9, 12 726:21 727:3 729:5, 21 731:2	familiar 579:21 601:22 626:5 628:4 643:25 656:17 684:12 735:9	717:1
excessive 648:10	experience 580:12 688:20 730:22	family 579:5 580:2,25 581:1	finding 628:15
exchange 583:17 639:5 660:9,12	expert 575:8 579:18 580:21 581:13,14 586:17 587:18 588:19 589:1,2 591:20 596:16 605:8,25 688:20,24 690:6,8 729:11,13	FCC 600:11,17 601:2 697:16,17,21,23 698:5, 10 709:6 711:21 712:1 717:7	finds 627:15
excluding 726:21	expertise 588:16,18 690:7	FCC's 697:15 698:1 708:11,16	fine 657:7 693:6
Excuse 628:12	explain 624:1 691:2 722:19	FCC.17. 603:5	finish 617:17,19 680:23
excused 680:19 737:7	explained 637:13	fear 574:1	finishing 725:11
exercise 677:25	explicitly 625:13,20 649:3 652:14	features 573:2,11	fire 573:25 649:21,22 703:8
exhibit 572:17 578:13, 17,20 581:24 582:1,7,9, 10,16 585:3 592:9,11 598:12,15 601:17 608:5,9 609:4 612:22, 24 618:14 623:6 626:4, 16 630:11,18 646:4 647:16 648:1 650:24 651:1 658:4 661:18 682:21 683:15 684:22, 24 685:4,5,6,25 692:14 700:1 704:11,12,16,21, 25 713:21 725:1,17 734:10 735:24 738:15, 21	extent 685:8 730:12 736:9	federal 577:21 578:11 579:9 580:7 597:20,21 599:25 606:4 610:5,8, 11 611:8 612:15 614:6, 7,23,24,25 615:10 616:3,20 697:11,16 711:18,19	fires 649:18
exhibits 681:12 683:8 684:2,18,20,24 685:3 686:2 733:13 734:4 735:1,15,22 736:5 737:11,19	eyeballing 641:20	feel 588:6 617:21 710:19,20	fit 606:8
exist 646:21		fees 590:11,14,25 604:12	five-year 595:16
exists 698:7		fell 634:10	fix 703:9
expand 728:1		field 689:14	fixed 620:10
expanded 572:20		figure 577:20 579:18 628:20 629:16 630:17 651:12 703:4 710:7 721:6 726:6	flat 591:14 592:4 593:7, 10,15,22 595:18 596:22 597:2 644:19,23 645:8, 11 646:16
expected 707:1,20		figures 582:3,22 583:18 587:4 633:8 634:22,23 710:13,22	flexibility 621:17
expense 679:15,16 689:1 690:1 691:6 694:22 697:9,20,25 698:2,4,10 703:4,9,20, 25 704:3 707:22,23,25 708:10,13,14 709:1,5,9, 17,23,24,25 710:2,5,12, 19 711:3,10,12,13,22, 23 712:11,14,16,19,24 713:6,15 716:2,6,7,8, 11,15,16 717:5,8,10,11, 15,23,25 718:6,8,16 721:2 724:7,10,14,16, 20 726:18 727:24 728:17 730:4,7,16,18, 23,24	facilities 660:9,12,15, 19,21	file 679:5 692:15	follow 637:17
	facing 730:11	filed 658:19 706:6	footnote 581:25 584:11,14 600:6 628:2 630:9 646:2 647:20 658:10 659:2 699:6 701:4
	fact 616:15 629:11,25 630:6	figuring 589:21 615:17 691:11	forecasted 705:19 706:2
	factor 598:13 599:2 600:12 713:2,10	file 679:5 692:15	Foresthill 571:9 574:9, 17 612:21,23,24 613:1 614:11 647:25 648:7 649:20,21 657:15 661:10 677:14 682:25 683:10 684:20 686:3 688:25 691:19 712:12, 13,18,24 717:2 730:10 733:17 734:6
	factors 586:21 648:16 727:17,23	filing 678:14	Foresthill's 614:13 615:23 698:24 702:12 712:18 721:2
	fair 585:1 586:8 629:9 723:23	financial 649:17 679:6 690:11 691:5,11 706:5, 19 719:10,13	formal 689:10 704:22
	fall 589:11 606:1 633:4 636:22 637:8 713:14 715:20,23	financials 661:7	
	falls 588:14,20 589:21 716:2	find 603:6 630:15 647:13 695:19 696:7, 11,12 699:1 713:20,24	

format 690:15,17,24 691:1 704:18		growth 639:10 720:14, 19 721:1,3,6,21 723:11 724:15	617:1 627:16 636:24 637:7,25 653:9,11,20 703:23 704:1 707:11, 16,21 708:2,7
formula 691:14 692:7, 22 693:4,15 694:18,20 696:9,12,15,16,17 697:2,11,13,15,20,25 698:4 699:3,4,20 709:10,12,14 710:4,7, 11,15 711:3,5,11,12,22	<hr/> G <hr/>	guess 577:2 585:13 587:16 595:11 597:23 603:1 605:23 614:11, 16,21 615:4 618:14 623:19 639:2 648:6 662:1 686:11 694:13 695:7 697:13 705:1 709:24 714:12,17 719:16 724:18 726:20 731:16	highest 587:7,10 highlighted 578:25 705:9 historical 593:20 720:8,12 721:5 722:14 724:19 727:5,22 728:1, 6,11,15 731:11 historically 597:8 598:3 history 592:10 594:22, 24 hold 731:22 Honor 571:23 572:5 579:11,13 581:12 585:4 588:17,22 589:18 591:18 592:16 597:14 598:6 599:14 600:21 604:14 605:7 628:18 629:14 637:12 640:8 642:14 643:23 654:5 656:10 662:2 679:18 680:12,20 682:15 685:12 687:13 713:25 722:19 724:25 729:10 732:7,11 733:7 736:13, 22 737:2,13 Honors 642:24 736:14 hoping 603:1 628:22 hotline 601:13 603:22 604:12,23 606:3 Houck 571:16 hour 655:5 681:10 731:17 household 575:21 576:9,12,24 577:22 578:9 580:3,15,20,22 581:6,20 582:3 583:6, 11 587:5 631:16 632:2, 4 633:8,14 634:21 635:4 636:10 638:1,6 640:25 641:1 households 575:24 577:3 581:5,6,9,19 HTC 705:22
formulas 692:8,16,20 693:2,16,21 694:1,14 695:19 696:8 697:7 699:9 710:21,23	gave 717:21 GDP-CPI 639:7 641:3 gears 618:10 641:10 general 581:5 608:6, 11,25 609:15 610:10,14 612:4 639:13 731:14 generally 653:10,22 give 612:5 658:13 681:5 good 571:23 572:11,12 617:5,22 635:23 654:24,25 656:11,12 680:5 682:18,19 732:6 733:10,11 goods 639:14 640:25 641:1 governing 695:14 government 578:14 579:15 Governor 602:4 grappled 700:4 gray 599:11 GRC 625:6 639:24 661:2 690:11 702:13 716:1 GRCS 584:4 587:11 715:18 great 572:1,5 579:14 592:14 609:7 714:8 greater 641:21 654:13 Greek 710:11 grid 691:9 gross 720:20,22 727:25 728:15 group 575:21 576:25 634:10 688:5 722:21,23 723:7 727:25 groups 577:7,14 631:15 632:9,15,18,25 grow 721:14,15 722:13, 15,21 723:5	<hr/> H <hr/>	guidebook 646:6,9 guidelines 577:21 578:21 579:3,10 half 575:24 576:5 577:3 635:15 681:10 hand 682:3 727:19 732:19 hands 714:1 happen 606:2,5 happened 586:3 happy 617:7 626:3 638:24 695:18 696:4 714:1 harsh 703:8 Hawaii 580:10 heading 572:18 573:1 578:20 590:23 613:25 614:5 619:6 706:8 714:19 725:21 726:1 Health 579:16 hear 659:24 694:8 heard 589:23 hearing 571:8 helpful 610:23 helps 599:6 641:8 Hey 733:11 high 603:23 706:11 higher 580:14,16 585:6 587:14 598:2 616:23
forwarded 656:24 forwarding 573:16 found 603:10 foundation 637:12 fourth 571:7 632:21 709:4 Framework 621:8 Francisco 631:12,18 634:1,11 free 710:20 front 582:14 592:15 609:1 634:17 704:15 714:9 716:23 Frontier 619:14,16,22 620:14 621:7,10 624:2 646:21 Frontier's 621:2 624:6 FTB 689:23 FTC-KTC 725:17 FTC-KTC-28 661:20 FTC-KTC-36 626:16 full 715:11 730:12 function 637:22 fund 705:18 706:11 funding 705:21 funds 601:5,6 FUSC 597:20 future 592:5 606:11 678:8 720:15			

Human 579:16	20,22 678:5 696:20	individual 595:25	issued 661:6 730:5
hypothetical 604:14	697:4	596:24,25	issues 592:23 714:13
729:13	Impute 696:18	inflation 638:11,14,16,	item 699:12,20,21
<hr/>	imputed 660:6 694:19	21 639:4,13,18,21,23	items 604:17 614:5
I	696:14	640:5,23 641:7 650:5	712:22
<hr/>	inaccurate 727:7,22	654:9 711:6 713:1,10	<hr/>
ID 573:19,20,21,23	inaudible 641:13	721:21 722:3,13 723:5,	J
idea 580:17 641:1	include 604:22 612:18	20,21,24 724:1,5,6,9	January 602:16 723:10
731:9,11	644:25 645:4 696:18	726:6 727:17,25 731:12	joining 732:3
ideas 681:17	708:12 709:17 710:15	inflationary 639:16	joint 684:21,24 685:4,5
identification 682:21	729:7	709:20 721:23 724:15	joint 684:21,24 685:4,5
683:5,15,24 733:13	included 573:11	information 586:12	Judge 571:4,13 622:21
734:1,10,17	605:20 625:15,21	657:25 679:7 685:3	628:12 630:5 737:3,8
identified 578:13	626:10 660:16,21 679:1	736:5	judges 571:14
630:14 684:8 713:19	711:6	informational 677:24	judgment 736:11
725:16 735:5	includes 580:9 651:18	initial 679:16	judgments 685:9,10
ILEC 587:14 644:13	including 591:20	input 710:16	736:10
711:22 717:13 718:12,	647:10 735:1	inputs 618:24 709:17	jumbo 602:3
14	inclusive 590:6,7,10,	inputted 619:21	jumping 632:21
ILEC's 715:6	24 596:12	insert 681:8	June 571:2,6,7
ILECS 587:11 597:10,	income 575:6,21,25	instance 724:6	justified 586:19
11,15 619:24 620:20	576:3,9,12,24 577:18,	interject 642:25 693:8	<hr/>
625:7 628:2 647:4	25 579:20 580:3,15,20,	internal 612:7	K
ILEC'S 717:5,8,11	22 581:1 583:6,11,16,	internet 620:13 621:2	<hr/>
illustrate 595:1	22,25 587:5 588:20	660:8	Kerman 571:9 572:16,
immediately 649:12	589:8 631:16 632:3,4,6	interpretation 603:25	24 574:9,10,14,19
661:2	633:8,14 634:22 635:4	605:4 718:20	575:1,8,18,22 576:25
impact 607:2,21 718:18	636:10 638:2,6 649:16,	interpreted 652:17,23	579:20 581:5,23
723:1,9 727:2	25 691:7 694:23	interruption 630:5	582:17,23 583:21
impacted 717:13	incomes 577:23	intersect 633:18	584:21 585:7 586:16,17
718:13,15	587:18 631:3	Interstate 699:4	587:1,6,18 596:7 597:9
impacts 729:5,21	increase 574:20	intrastate 571:10	607:8,14 612:20 615:23
implement 661:5	595:12 616:25 627:14	698:19,24 701:16,17,	618:13 619:6 624:20
Implementation	639:13 641:13,18	22,23 705:20 706:2,11	625:25 626:8,11 631:3,
706:10	648:9,13 649:6,7 650:9,	711:20 712:2	4,11,16,22 632:4,19
implemented 612:21	18 654:8 729:24,25	introduce 725:12	633:3,10,18 634:5,16
implements 711:4	730:2	involve 657:18	635:11,16 636:21 637:8
important 574:3 588:5,	increased 595:9 606:3	involved 690:4,16,19,	638:4,13 639:24 640:4,
20 589:8 695:22	640:1,5,22 650:13,18	21 724:5	22 641:2,11,23 642:4,7,
impression 575:9	720:4	involving 584:15	8,12 643:9,11,17
improper 653:25	increases 607:2	722:24	644:12,14 645:8 649:6,
imputation 657:12	643:13 650:14	IRS 689:23	24,25 650:4 683:19
658:11,16 659:2,18,21	incur 703:7	issue 635:22 638:9	684:4,20 686:5,9,20
660:17,22,25 677:12,	indecipherable 647:2		688:25 690:15 691:19
	678:14 690:11 697:15		692:14 698:18,23
	707:3 717:3,14		702:12 708:19,24
	indicating 622:24		709:4,17 712:12,24
			713:4,5 717:2 719:9,11,

14,19 721:1 724:21 728:7,12 730:11 734:13,24 735:2,17	larger 618:24	615:1,9,10,25 616:3,4, 14	597:2 622:19 703:23 705:23 707:1,17,20 711:8,14 717:12 724:6, 7,10,15,19 726:16
Kerman's 572:20 574:22 583:15,22,25 585:25 586:18 588:4 620:19 621:5 632:14 633:14 635:4,8 636:11, 12 637:22 638:1 639:17 720:2 730:15	largest 619:24 620:20 647:4,5	likewise 660:6	lowest 576:24 583:16, 23 632:4 633:9
kind 590:7 600:7 603:19 607:11 617:3 622:9 632:24 645:1,4 689:23 690:1 711:1	late 654:19	limit 717:23	lunch 654:19 655:1
knew 604:12	latest 695:23	limitation 698:6 710:2 713:6 716:16 730:4,18	<hr/> M <hr/>
knowledge 600:20 643:21 685:2 736:4	law 571:4,14	limitations 610:9 712:11	made 625:18 684:21 685:8 732:12 736:9
KTC-FTC 738:7	lawyer 689:4	limited 612:19 705:18 716:5	magnitude 634:4,12
KTC-FTC-16 578:14	lead 698:6	lines 642:10 647:6,8,9, 10,11 648:7 687:2,18 698:25 709:19 713:1	majority 620:21
KTC-FTC-19 592:11	leads 584:14	link 738:22	make 573:10 601:23 608:17 609:19 613:6 631:8 636:6 654:18 656:13 686:24 701:19 711:25 718:2 727:7,21 729:4 737:21
KTC-FTC-21 651:1,6	leave 678:11	list 597:20 601:6,8 606:18 608:10 620:18 691:14 734:22	makes 729:20
KTC-FTC-22 601:17	LEC 587:8	listed 582:25 583:1,3,5, 10 584:16 590:22 591:13,15 601:5 604:9, 17 606:2 619:12 621:6 694:14	making 574:6
KTC-FTC-23 598:15, 19 599:1	LECS 583:24 584:4	listening 571:18	mandates 711:19
KTC-FTC-24 608:15	left 603:3,4 631:10	live 636:10 643:14	mandatory 711:21
KTC-FTC-25 613:2,7	legal 602:3 604:1 654:2,7 689:6	living 580:13 635:3	manner 612:17
KTC-FTC-27 608:6,10	legislature 601:7,12, 19	local 583:16 660:8,12	March 598:19 599:10 600:3
KTC-FTC-30 656:16	legitimate 596:17	locate 593:22	mark 725:15
KTC-FTC-33 651:7	Lehman 643:24	log 710:10 720:24	marked 572:17 598:15 631:4 647:16 657:16 659:4 661:19 682:21 683:5,15,24 684:24 686:3 733:13 734:1,10, 17
KTC-FTC-38 659:5	Lehman's 623:3 636:14,20	logistical 678:9	material 662:6 677:9
KTC-FTC-43 647:16	length 728:25	long 603:19 704:13	materials 686:2
KTC-FTC-44 704:12, 17	lengthy 693:21	longer 617:9 731:21	math 615:4
<hr/> L <hr/>	lesser 635:4	looked 583:25 596:5 624:16 628:5 731:16 738:5	matter 571:8 579:21
L.A. 631:17 633:19 634:11	letter 678:15,22 706:6	Lorre 586:25	matters 595:17
LA 635:18 636:24	letters 710:11	Los 631:12	maximum 611:9 631:25 632:12,13 634:3,8 717:7
laid 637:13	level 575:25 577:25 578:11 579:3 580:23 581:1 583:23 584:22 588:20 632:6 638:14 705:21 708:1 726:7,9	lot 657:17 710:11 711:1	meaning 712:23
language 626:2,5 716:8 718:19	levels 579:20 583:25 585:7 635:6 639:18	low 575:5 577:6 649:25	
large 607:7,13 631:11 642:3	liabilities 683:1,11,20 684:5 700:17	low-income 575:4,10 581:6,9,19 586:19 588:4 636:22 643:13	
	liability 689:1	lower 584:22 585:7 586:20 587:1,18 596:23	
	Lifeline 580:18,21 581:2 595:4 606:19,22 607:2,5,8,14,16,18,22 608:3 609:14,16,23,25 610:3,6,11,13,16 611:3, 5,8,19,22 612:13,16 613:13 614:6,7,23		

means 575:24 576:1,4, 5,8,12,17 577:3 579:2 621:24 653:6 654:8 679:5 690:10 702:21 706:17,18,19,23 718:17	MHI 576:12,24 632:8,23	629:20 630:7 642:18 681:4 691:21 737:20 738:4,16	notice 578:15 598:25 599:24 601:18 608:7 704:23
meant 635:2 648:21 715:1	middle 613:18,25	moving 631:14 657:12	noticed 573:14 626:18
measure 638:12 720:8, 12 721:21	midpoint 576:17	multi-line 642:3,6	November 616:7
measured 580:19 583:17 644:20,22 645:3,6,16	Miles 571:14 622:21 628:12 629:1,21 737:3, 5	multiple 584:24 586:6	number 573:23,24 576:5,21,23 577:13 590:18,21,22 592:4 594:18,19 597:20 598:14 602:20,21 607:8,13 608:9 609:4 612:5 615:7 616:10 630:18 631:15 632:9 633:22 634:8,9,17 635:11,20 636:8 637:21,22 640:9 642:16 657:21 677:22 691:8 697:24 700:2,4 709:9, 25 717:2 721:24 723:21,25 724:7,11 726:13 728:20,21 730:5 738:21
measurement 699:11 700:15	mind 619:3 627:14	mumbo 602:3	numbered 695:12
measures 639:13	mindful 731:16	muted 599:20,21	numbers 577:8,17 581:3 593:19 602:19,25 606:11 623:12 634:3,11 635:24 636:7,9 637:5, 24 641:21 657:18 661:22 686:9,25 687:1, 6,18,21,23 692:9,16 710:22 713:8 720:3 724:8 734:22
measuring 710:12	minimum 611:8 612:14	<hr/> N <hr/>	<hr/> O <hr/>
mechanism 591:19 659:21 703:9	minute 657:2 721:20 725:2	narrative 693:15 697:2, 3	oath 572:3 732:5
median 575:21 576:1, 2,4,5,12,14,16,23 580:15 583:6 587:5 632:2,3 633:9,14 638:1	minutes 654:18 657:19 680:3 731:18 738:6	National 639:5	objection 575:5 578:2 579:8 581:11,13,14,15 584:24 585:9 586:5,11 587:21 588:15 589:1,3 591:3,5,17,23 594:1 596:14,19 597:12,17 598:4,7 600:19,23 603:24 604:3,10,18 605:3,11 606:13,15 607:23 621:22 636:1, 16,25 637:1,10,15 640:6 642:14,23 643:20 644:4 648:20 652:6 653:12 654:2,10 679:10 690:19 694:4,6 695:21, 25 703:14 718:22,25
median-household 577:18	miraculous 703:24	nature 629:8 685:9 736:10	
medians 583:2	Mischaracterizing 597:12	NECA 639:5	
medium 582:3 583:11 631:16	Misleading 597:13	NECA's 726:6	
meet 611:8 717:10	missed 720:16 735:18	necessarily 576:7 592:5	
meeting 681:3	missing 736:1	needed 603:7 725:12	
members 581:6,10,20	misspeak 638:23	negative 728:13	
mention 573:17 648:18 652:12 707:23	misspoke 658:4	newer 693:10	
mentioned 649:9 692:25 727:2,24 728:10	misstate 638:23	Nice 685:20	
mentions 611:11 647:18	misstating 624:24	non-lifeline 612:14	
message 612:19	misunderstanding 661:17	non-precedential 629:18	
method 626:12	mitigation 649:19	non-rebuttable 730:8	
methodology 624:23 625:5,11,15,21 626:9, 13 648:14,15,19,24 724:4	Modify 571:10	non-rebuttal 730:13, 23	
metrics 639:16	mom 641:25	nonetheless 578:12 601:16 604:25	
metropolitan 631:11	moment 574:14 585:15 594:25 595:1 608:17 630:17 657:6 690:14 711:4 727:1,16	nonrebuttable 716:16	
	month 574:20 603:16	nonspecific 708:14 709:1	
	monthly 574:12 619:7	normal 708:7 723:4,10 728:3	
	months 706:4,20	note 656:19 736:7	
	Moore 609:13	noted 685:4,5	
	morning 571:21,23 572:11,12 617:20 680:24 732:4	notes 700:13,14	
	move 574:5 589:2 590:2 604:5 606:17		

719:4 722:5 727:8,9 729:9,14 731:5	18,19 713:5,6 716:6,7, 11,15 717:5,8,9,11,24 718:7,8 719:9 720:2 721:2 724:20 726:18,20 727:24 730:4,18,24	<hr/> P <hr/>	passing 643:12
obtain 721:1		p.m. 655:5,6 656:1 681:4	past 622:14,18 629:11, 23 639:18,19,24 680:19
obvious 719:16		P.U. 589:12 650:20,22 691:15 692:22 694:20, 24 695:4 699:5	path 709:6
Ocampo 662:4	operational 729:4,20	pace 617:17	Patricia 571:13
occur 708:6	operations 683:2,11, 21 684:5 686:19 687:24 688:10,17 689:2 690:7, 9,10,16,18,25 691:3,18 692:3,17 694:3 708:13 709:1 726:11	package 573:21 645:5	pause 731:17
occurred 606:6 629:11		pages 574:8 599:11 611:12 613:11 659:11 693:20	pay 615:13 646:24
occurs 604:8 703:8	opinion 654:3,6,7	pagination 612:7	paying 605:1,17 635:8 636:11,12 638:4,7
offer 620:14 654:20 678:18	opportunity 715:25	pandemic 649:18 703:8 723:1,3,9 727:3 728:2,12	payments 690:15
offered 575:7 579:18 581:13 586:17 587:17 588:18,24 589:1 591:20 596:16 605:8,24 620:17 645:11 654:5 688:20,24 729:11	opposed 681:2	panelist 732:12	pdf 610:23 611:14 612:6,8 613:15,17,23
offering 611:4 617:6 620:23 644:19,20	opposing 681:5	paragraph 602:2 610:18 659:12,16,22 660:25 661:5 696:21,24 697:1 700:11 705:11 706:16 715:11	pensions 724:20
offerings 621:3	opposite 708:5	paragraphs 659:11	people 577:13 635:3,5 636:22 637:8 641:1 647:6
offers 645:8	order 571:5 608:6,11 609:1,15 610:10,15 612:4 652:2 659:11 660:2 681:1 697:16 698:2 700:16 732:13	parallel 600:5 632:24	per-minute 644:25 645:4
Office 683:9 684:3,10 732:23 734:5 735:1,7	ordering 659:12,15 660:25 661:5 696:21,23 697:1	paralleling 598:13	percent 579:2 597:23 598:3,14 600:12,15,18 606:3,5 619:2 623:13, 20,24 624:5 641:17,21 720:4
official 578:15 601:18 608:7 704:23	organization 690:2	pardon 630:5	percentage 594:14 596:24,25 597:22 636:24 637:7,23,25 650:9,14,18 652:4 707:8 720:24,25 721:15 728:12,23
officially 626:18	organized 691:4	parent 619:17	perform 618:23 635:24 636:7
offline 681:14	orient 602:19	parse 710:20	performed 582:2 631:2 686:15
one-by-one 628:6	outcome 630:3	part 573:5,21 611:1 619:9 633:18 639:11 643:15 645:4 646:3 650:4 657:14 659:21 660:16 690:7 701:10 705:12 708:11 737:10	period 594:8 595:16 596:18 717:6,12 729:6, 23 731:13
one-hour 655:1	outlined 704:6	partial 631:23 632:19	person 573:22 578:9
one-time 729:25	output 711:12	participate 688:4 690:23 691:13 695:8 698:5,10	persuaded 649:15
ongoing 649:17	Overbroad 703:14	participated 691:10	pertain 689:14
op 698:6 712:23	overlap 632:18	participating 609:24 627:21 658:19	phase 713:22 714:13
open 613:8 647:16 651:2,5,9 659:3,7,9 681:17 696:4,6 700:1	overlapping 718:24	particulars 629:6	pick 728:19
opened 647:22	overrule 589:3 591:23 598:7 644:3 653:14 717:19 729:14	parties 684:21 715:25	picked 633:10
opening 682:25 683:9, 19 684:3 733:17 734:5, 12	overruled 575:11 579:23 600:23 640:13 695:25		picture 729:8
operating 679:15 683:1,10,20 684:4 689:1 691:6 694:22 697:9 698:3,14 703:4 708:10,12 710:2,19 711:10,12,22 712:11,	owned 619:16		

piece 641:8	predict 727:5	690:23 691:13 695:8	628:18 647:24 692:15
place 596:6,7,18 613:12 615:18 702:7,16 722:15	prefer 681:14	698:5,11 707:4 714:14 723:22 735:7	693:4
planning 628:19	preference 681:15	proceedings 571:15	provided 578:16 588:5, 7 592:10 598:12 610:13
plant 708:14 709:1	prepare 722:23	622:18 629:3,7,11,23	612:22 618:11 620:7,9
plant-specific 708:14, 25	prepared 590:18 647:1 689:16	630:3 656:7 690:5,17	626:4 630:11 649:12 650:23 659:5 660:11
platform 660:12 729:5	preparing 688:17	process 630:11 679:14	provider 660:8
play 588:13 680:3 727:7	prescribed 610:1 693:2	produces 724:19	providers 609:25 611:4 612:13 620:10 644:18,19
point 584:2 595:1,11,13 602:1 615:5 616:5 629:2,12,14 654:25 657:18 658:9 659:10 661:22,23 679:3 705:3 716:25	present 629:9 684:21 732:12	Product 639:10	providing 654:13,14
pointed 585:3	presented 630:10 685:3 736:5	professional 685:10 736:11	provisions 611:21
policy 588:23,24 591:11 601:5,6	presently 722:6	program 596:25 597:1 603:22 609:15,23 610:6	public 573:16,19 574:3 591:11 593:17 596:24 597:1 598:25 599:24 601:5,6,9 609:10,12 612:18 649:5 650:25 651:18 682:24 683:8,9, 18 684:2,3,10 695:1 701:4 725:15 732:22 733:16 734:4,5,12,25 735:1,7,23
policymaking 654:3	presents 623:7	programs 591:11 593:16,17,21 594:8 595:23,25 601:9	PUC 608:6,25
Ponderosa 584:5 628:10	presumed 715:24 716:3 718:7	project 721:1 728:16 729:22	pull 582:6,7 598:16 602:25
pop 641:25	presumption 715:16 718:4	projected 622:9 713:14	pulled 614:17 697:11
population 577:6,8 634:16,22,24 635:15,18 636:9,13 637:6,23 638:1	pretty 583:10 585:5	projection 723:12 724:14 728:21	purchase 588:6 641:2
populations 634:25 637:24	previous 591:9 717:22 722:7	Property 694:22	purchased 610:3 645:20
portal 656:15	previously 630:14 656:15 693:11	proportionately 717:10	purchases 645:24
pose 643:10	price 640:25	proposal 574:6 587:4,5 590:7 615:23 616:1 641:11,12 657:12 678:10,12,19 698:14 712:25 720:7 721:21 723:6,16 724:16 726:15	purchasing 624:10
position 573:10 622:17 650:17 718:2,3	prices 620:13 624:16 643:18	proposals 615:24 616:10,18,24	purely 677:24
possibilities 606:11	pricing 621:17	propose 641:12	purpose 619:19
poverty 577:21 578:1, 10,21 579:2,3,7,10,20 580:4,7	primitive 704:18	proposed 574:11 590:24 611:24 614:14 618:12 644:14 678:1	pursuant 704:23
PPP 591:14 592:4	principles 587:17	proposing 642:21 678:16,17 723:17,18	put 596:6 616:8,9
precipice 657:21	prior 595:25 719:16	proposition 622:24	<hr/> Q <hr/>
predecessor 586:24 623:6	probability 636:6	protested 678:22	Qualifications 689:9
predecessor's 706:13	problem 638:3 687:16	protesting 678:23	qualify 581:1 610:5,14
	procedural 643:1	Protocol 620:13 621:2	quality 733:18 734:7,14 735:3,17,18,19 736:1
	Procedures 609:13	provide 572:20 573:20 587:25 597:24 602:20	quarter 597:24 598:13 599:1
	proceed 656:13 657:10 658:6 681:16		
	proceeding 571:1 573:6 614:20 629:22 658:19 661:2 684:10		

quarters 634:4,12	rate 571:11 573:12 574:6,15,21 578:8 584:23 585:25 586:18, 20,21 587:1,8,19 588:8, 11,14 589:10,12,14,17, 21 590:6,7,10,12 591:14 592:4 593:7,10, 15,22 595:5,18 596:5,7, 11,12,17,22,23 597:1,3, 5,6,16 600:17 606:7,8 607:2,6,17,19,22 610:2 612:15 613:12,13 614:12,14,24 615:1,6, 15,25 616:14,18 619:7 621:4 622:6,9,19 623:8 624:6 625:12,16 626:10,12,17 627:1,4, 10,16 628:6 635:7,22 636:6 638:5,7,17 641:9, 11 642:22 643:13 644:19,20,22 645:6,8, 16,17,20,24 646:3,15, 16 648:8,9,15,25 649:7 678:6 687:25 688:5 691:7 694:23 699:12, 14,17,21,23,25 700:3,7, 18,23,24 701:8 702:3, 19 703:13,17,25 704:8, 9 706:2,21 707:1,3 717:24 720:14,19,20,22 721:1,4,6,21 722:2,12, 14 723:12 724:6 728:16 729:1 730:12,13,15,21 731:4	705:20 724:15	reach 627:9 686:15 702:3	recess 655:5
question 572:14 575:12 576:18 577:2 578:4 579:24 580:2 581:4,16,18 585:5,11, 24 586:12 589:4,7,9,19, 24 591:5,24 592:24,25 593:23 594:4 596:20 598:8 600:24 602:18 604:5,19 605:6,12,24 614:21 622:1,25 625:23 626:14 627:13,14 628:16,25 629:10,19 630:2 634:7 636:5 637:2,10,11,16,20 640:3,15,18,21 642:5, 16 643:1,10,15,16 644:6 646:4,18 648:11 650:16 651:25 652:9 653:13,15,17,19 654:12 677:18 691:20 695:7 696:2 697:10 698:9 704:5 710:25 711:24 716:5 719:12 720:10,11 722:9,12 723:15 724:13 725:1 728:18 729:16,18 730:14	ratemaking 695:13,14, 24 696:6 707:9 711:20 712:2 714:13	reader 692:16	recognizable 573:24	
question's 648:23	rates 571:12 574:11 584:21 585:6 586:2,4 588:7,19 591:13,21 592:18 593:4 596:6 597:11 607:3,16 610:7 613:19 614:1 615:5 618:12,19 619:8,20,21 620:2,7,9,19 621:11,17, 21,25 622:3,13 624:2, 13,15 625:5,17 636:9 638:12 639:21,25 641:6,13 643:9,19 644:14,18,23 645:11,22 646:8,23 647:7 649:4 650:9,13,14,18,19 652:3,5,13,18,24 653:8, 10,20,21 657:13 701:18,24 702:14	reading 609:22 611:2 652:1 653:4 705:16 706:1 715:14,22 726:3	recollection 608:4	
questioning 617:4 629:13 647:14 680:15		ready 571:25 618:2	recommend 589:12, 13,17	
questions 592:20 607:12 640:9 678:9 679:19 685:23 725:8 736:14,18,20,21,25 737:4		real 609:3 687:10	recommendation 708:25	
quick 608:2 609:3 687:10		realization 707:16	recommended 588:8, 10 606:7 607:6	
quizzing 629:5		realizes 707:11	recommending 698:22	
quote 648:8 649:12 717:21 718:11		reason 600:16 605:15 640:4,10,22 727:16	reconciliation 678:25 679:1	
<hr/> R <hr/>				
raise 623:14 682:3 732:19		reasonable 588:10 618:23 622:13 623:8 625:11,24 626:7 627:11,17 645:17 700:17,18,23 713:16 715:24 716:3,9 717:16 718:7,16 723:12 728:16	reconvene 617:23	
raised 643:24 650:21		reasonableness 588:9 589:10 606:9 626:7 638:12,17 641:9	record 571:5 599:12, 15,17,18 608:19,22,23 617:24,25 618:2 622:12 628:16 629:4 630:19, 21,22 642:25 643:2,4,6 651:12,14,15 655:3 656:6 680:8,10 681:19, 20 682:9 708:17 714:3, 4,5 724:25 725:3,6,7 731:24 732:1,2,15,16, 17 733:1 738:16	
raising 643:18 679:14		rebut 715:25	recorded 706:5	
range 588:9,14,21 589:10,22 606:1,9 651:10,17		rebuttable 715:16 718:4 730:16	recover 611:9 700:16	
		recall 577:15 585:1 586:8,14,23 587:1,2 621:19 623:8 628:8 634:18 639:10	recovery 703:20	
		receive 610:12	recross 679:20	
		recent 584:4 595:12,14 625:6 630:16 649:18 695:13 696:6,10 719:10,13,17 722:13,22	redirect 679:23,25 680:11,13	

referenced 581:24 586:3	696:1 701:20 710:25 719:12 729:15 730:14 738:9	respective 637:24	rise 643:18
references 652:21		response 596:15 643:18 678:15	risen 639:24
referred 592:18 611:18	rephrase 578:4 581:16 594:4 604:19 636:2,3 652:9	responsible 686:25 689:25	robo 574:1
referring 587:23 602:8, 10 626:3,20,24 630:16 692:11 695:9 696:22	report 677:12,19	rest 714:1	rolled 593:22
refers 599:24 710:12	reporter 714:1	restate 585:11 640:17	Rosvall 572:4,5,10 575:7,14 578:4,5 579:11,13 580:1 581:12,16,17 582:10,13 585:4,12,13 586:15 587:25 588:2,17,25 589:5,6,18 590:2 591:6, 7,18 592:1 594:5,6 596:15 597:4,14,18 598:5,11 599:7,13,19, 21,22 600:21 601:3 602:23 603:11 604:4, 14,19,21 605:7,13,14 606:16 608:1,10,12,16, 24 609:5,8 617:3,8,11, 14 618:3,6 621:23 622:4,22 623:1 628:13, 18 629:14 630:6,12,23 636:2,4,18 637:3,4,12, 16,19 640:8,17,20 642:17 643:7,23 644:10 648:22 651:13,16 652:9,10 653:13,18 654:5,11,16 656:9 657:4 658:3,6,8 661:16 662:1 677:10 679:12, 18,22 680:14,16 681:7 685:16,19 687:13,16 690:20,22 693:12 694:8,12 695:22 696:3 699:18 703:15 713:25 714:7 718:25 719:7 722:9,10 723:13 724:24 725:8,10 727:12,14 729:10,17 731:8,15,22 736:17,21,24 737:13, 15,18 738:1,5,11,14,25
reflecting 700:15	reports 678:18	restricting 643:17	
reflects 590:25	represent 685:10 736:11	restriction 643:12	
refresh 608:4	representing 605:25 648:25	result 683:2 687:24 690:12 705:19 711:6	
regular 612:14	represents 619:1 624:4	resulted 724:4	
regulated 694:18 696:13 698:24	request 645:15 656:17 678:15	resulting 684:20	
regulations 697:11	requested 705:23	results 683:11,21 684:5 686:19 688:10,17, 689:1 690:6,8,10,16,17, 25 691:3,11,17 692:2, 17 694:3 702:19 706:20 710:23 711:5 712:2 719:11,13 726:10,11	
regulatory 621:8 711:18	required 601:10 605:21 649:5	resume 618:2	
rehearing 658:20,21	requirement 571:11 612:21 690:12 691:8 693:22 694:22 698:19 699:4,10 700:14 701:6, 11,13,17,23 702:6,15 703:10,12,16 704:1 715:17	resumed 572:7,9 656:4,8	
rejects 622:3	requirements 614:18 697:4 715:6	return 687:25 689:17 694:23 699:12,17,21,23 700:18,23 701:8 704:8 705:21 706:2,21 707:2, 3,10,11,20,22 708:2	
related 630:3 659:22, 23 660:2 677:11 691:13 727:17	requires 700:16	returning 727:19	
relative 573:25	residential 574:7,12 584:21 586:20 587:6 590:6 607:17 619:7 620:2,6,10,17,22 621:4 624:10 638:17 646:19 647:11 648:9 650:8,14, 19 652:3,18,24 653:2, 21,24 654:1,13	returns 707:16	
released 598:22 599:10 600:3	residents 643:13	revenue 571:11 602:14 690:12 691:5,8 693:22 694:18,19,21 696:13, 14,18 698:19 699:4,9, 10 700:14 701:6,11,12, 16,17,22,23 702:6,15 703:10,12,16 704:1,2 707:22,25 715:6,17 728:15	
relevance 629:22 727:9	resolved 628:11,24 629:17	revenues 659:17,20 660:2,7,20 687:3 690:12 707:19	round 584:23
relevant 587:19	resources 645:3	review 661:13 723:11	row 594:14 595:4,7,8, 14 635:11
reliability 733:18 734:7,14 735:3,18	respectful 617:5 680:22	revised 656:15 738:25	Rule 578:16 704:24
relying 653:5		right-hand 583:1 635:12 637:21 720:1	rulemaking 695:9 714:25
remain 732:5			rules 578:15 608:2,7 609:16 611:25 704:12 708:16
remaining 586:2 624:6			
remember 697:24 702:10 724:17			
remind 572:3 647:17			
reminder 693:12 732:5			
rendered 695:12			
repeat 582:9 589:4 591:24 592:23 595:6 608:9 626:1 641:16 642:5 653:17 694:9			

runs 710:21	705:7,13 715:10,13,19 725:20,21,22 726:1	706:20 716:3 720:5	sort 677:11 691:4
rural 583:16	sentences 609:20 705:13,25	shrunk 723:9	sound 631:19 634:19 641:17
S	September 602:4	shy 574:19	sounds 626:4 639:1,15 654:24 658:25 680:5 697:18
safe 680:4	sequence 691:10	sic 655:2	source 639:3
safety 574:3	sequential 612:6	side 603:4	speak 592:8 601:1 629:1 678:7 732:13
salaries 640:4,22	series 584:15 650:24	Sierra 584:4 628:10 630:9,16,25 647:14 648:2,8,11,13 649:1,10, 22 650:1 688:7,9 692:3 700:2,12,14	speaking 708:23
San 631:12,18 633:25 634:11,12	serve 620:4,20	Sierra's 649:15	specific 583:23 588:12 589:8,20 602:1,9 610:1 616:8,16 622:22 625:10 628:15 629:9 630:3 639:17 642:11 645:3 647:24 648:2 695:22 721:9
save 737:23	service 572:21 573:18 574:2,7,12 587:6 588:6 597:21 606:20 609:14, 25 611:3,4,7,18,22,23, 24 612:13 620:7,10,13, 17 639:17 644:20,21 645:6,17,20 652:17,22 653:2,3 660:8 733:18 734:6 735:2,17	sign 632:8,23	specifically 591:14 648:24 689:6 708:10,23
scam 574:1	services 572:19 579:17 610:3,18 639:14 644:22 646:12 651:24 652:24 653:25	significant 617:12 679:13 729:4,5,7,20 731:3	speculate 586:13 596:21 598:9 600:25 640:16 644:7 653:16
scenario 704:6	session 656:1 657:24 661:25 662:4 687:12	significantly 593:24 594:2 737:16	speculation 581:11,14 588:15 591:3,17 596:14 598:4 653:12 729:9
Schedule 613:13,14, 18,22	set 574:21 584:22 585:6 586:4,22 598:14 603:15 610:9 611:5 621:11,17 641:6 717:7 726:24	similar 577:22	speed 737:16
scope 600:19 640:6 643:20 654:3 659:16 679:10 686:17 702:1 727:11 731:5	sets 701:18,23	similarly 620:12 687:17	spell 682:8 733:1
scroll 601:25 602:7 603:4,17 609:18,19 611:11 612:4 613:10,14 626:21	setting 600:17	simple 585:5 590:8 615:4	spelled 733:2,3
scrolling 593:6,19 594:18	settled 629:4,8,24	single 586:8 594:19 634:10	spoke 635:21
seal 662:7	settlement 628:11,24 629:17	sir 680:16	sponsor 684:14 688:10 735:11
sealed 677:9	settlements 630:7	Siskiyou 688:7	sponsoring 687:24
Sebastian-foresthill 582:22	share 638:6	site 575:2 641:24	spot 617:22
seconds 714:2	sheet 738:17	sitting 623:19	spreadsheet 583:2 692:8
section 602:7,13 603:2,18 609:21 612:4 638:14 650:22 651:20 652:1,2,12 692:22 694:20,25 695:2,4 698:1 699:5 701:4,5 715:7,20	shift 618:10 641:10 657:15	situation 703:24,25 723:3,7	SSA 611:9
Selected 571:11	shorter 656:16	six-year 720:7,12,14, 16 721:5,14 723:11 729:6,19 730:1	stand 572:7 656:4 681:12 697:16
sense 612:2 636:7 654:18	show 612:14 639:23,25 641:9 642:15	skip 715:19	stand-alone 611:6
sentence 573:15 584:12,16 600:11 603:13,23 610:25 611:10 612:10 624:25 649:11 650:7 700:12,25	shown 593:10 594:8,9 692:7,21 709:12	slightly 595:15	standard 580:18 698:15
	shows 592:10 593:15, 20 615:18 631:9 690:11	slow 628:22	standardize 715:4
		small 583:24 584:4 587:8 625:7 628:2 641:25 643:11,12,16,21 691:18 695:14 711:22 715:5 717:5,8,11,13,18 718:12,14	standards 579:6 611:8
		sooner 680:4	

stands 629:25 639:9	subject 578:15 601:17 608:7 610:8 611:24 621:7 645:15 658:21 679:19 704:23 709:6 710:1 715:24	surcharge 592:18 593:4,20 595:18 596:5, 23 597:3 598:2 601:13, 24 603:15,22 604:23 605:9,17 606:20	talked 577:13 650:5 680:24 700:8 711:3 712:23 730:7
start 571:20,21 572:13 574:9 617:18 638:12 641:11 652:11 659:1,12 681:8 686:3,5 698:13	subjects 688:23	surcharges 590:11,14, 25 591:10,15,19 592:4, 11 593:7 594:14,23 596:11 604:8 605:21 606:2	talking 573:15 577:17 597:6,8 611:23 642:10 643:9 661:17 698:14,25 707:8 721:10 727:13, 14,15 728:7,8
starting 574:6 602:16 615:5 649:20 686:21	submit 677:13	surrounding 727:18	talks 611:18 716:20
starts 614:24 625:1 649:13 710:6	submits 706:17,19	survey 577:11 734:13	tariff 590:12 613:1 621:15 646:3,5
state 575:20 576:2 577:23 587:8 609:11,12 610:8 614:7 615:1 618:19 624:22 625:13 638:15 644:17 652:19 682:8 704:22 733:1	submitted 573:6 616:6 661:14 693:9,11	sustain 585:8 586:10 591:4 596:19 597:17 604:18 605:11 637:15 642:23 654:10	tariffs-to-tariff 624:14
stated 604:16 616:15 625:16 641:25 690:7	subparts 687:7	sustained 578:3 581:15 587:24 594:3 604:3 606:15 607:24 636:17 637:1 652:8 679:11 722:8 731:7	tax 683:1,11,20 684:5 689:1,10,14,16 691:6,7 694:22,23 700:17
statement 584:3 593:6 679:6 689:8 690:11 699:22 700:19	Subscribers 610:4,6, 10,12	swear 682:2 732:20	taxation 602:14 689:22
statements 685:3,8 736:5,9	Subscriber's 612:17	switch 620:23 624:11	telephone 571:9,10 584:5 601:14 605:2 606:19 609:14 625:7 682:25 683:10,19 684:4 688:25 691:18 695:14 700:16 733:17 734:6,13 735:2,17
states 578:21 580:5,9, 14 631:3 652:25 717:4	Subsidy 694:19 696:14	sworn 682:6 732:23	tells 692:16
static 591:22	substitute 616:7	system 708:11	template 661:6,11
stating 600:11 622:13 624:13	subtracting 616:17	<hr/> T <hr/>	templet 679:6,7
statute 602:11 604:1, 16 605:16 653:5,24 654:8 691:15,24	subtracts 614:25	tab 582:16,19	ten 731:18
statutes 650:24 651:10,18 693:1	suggest 606:22 626:6 652:16 681:4,16 725:11	table 576:11 590:3,18 591:9 592:4 593:15 597:22 604:9,22 618:16,18 619:9,12 623:12 631:5 635:25 639:3 644:11,13 645:10,21 646:23 647:9 686:19 687:1,24 688:10,17 691:3,14,23 692:3,4,17 708:20 709:22 719:19,21,23 720:24 726:12	ten-minute 617:23 737:12
stay 606:17	suggested 679:1	tables 691:18	tend 581:20
staying 624:20 690:13	suggesting 577:7 625:9 677:13,19,20 722:11	tabulates 631:15	term 587:22 652:17,22 699:9 701:8 706:18
stick 698:3	suggestion 681:7 737:15	taking 578:19 711:2 722:15	territory 639:17
sticking 708:19	suggests 625:23 652:22	talk 618:10 641:10 657:5,11 681:12 708:9 712:10 719:8 737:11	test 574:23 592:6 605:17 639:24 640:2 654:9 702:3,9,13,18,22 703:4,5 706:18,19 713:14 722:15,22 723:4
stipulation 573:6	suicide 601:13 603:22 604:23 606:3		testified 572:7 604:11 646:2 656:4 682:6 696:7 711:17 722:2 727:16 732:23
stipulations 684:21	summarize 639:1,12		testify 605:5 731:20
stop 654:19,20 681:10 731:19	supplied 642:17		testifying 686:18 687:17
stopping 600:16	support 585:17 596:1 609:24 610:1,5,8,11,13, 14,17 612:15,16 616:8, 16 618:11 628:15 679:14 705:17		
strictly 620:16	supported 586:25 660:15,19		
structured 644:22	supporting 684:9 735:6		
studying 637:6	supports 593:16 718:20		

testimonies 684:19	timeframe 596:4 649:21 731:10	713:2,13 722:1 723:18 727:20 729:3 730:13 736:7,19	unreasonable 622:20 645:24 648:10 653:1
testimony 571:19,22 572:15,17,23,24 574:8 575:17 576:2 581:23 582:1,11 583:21 584:3 590:4 597:13 604:17 605:22 606:22 607:1,4, 9 618:14 619:6 623:3,7 624:20 631:4 636:14,20 638:13,19 640:7 643:21 644:1,12 646:5 647:25 648:7 650:4 651:21 652:1 654:4,6 657:15 677:15 679:3 680:18 682:25 683:9,19 684:3, 9 685:24 686:4,5,10,12, 15,20,21 690:15,24 691:3 692:15,21 693:25 694:2 698:18 701:15 708:19 709:13 710:5 716:24 717:1,3 719:20 722:23 725:14 726:12 727:1,11 731:6 733:17 734:5,13 735:2,6,8	times 713:19	turn 575:17,18 581:22 590:3,19 631:1,5 648:4 650:3 693:6 698:17 700:10 704:25 707:1 708:7	unsure 685:25
testing 596:16	timing 617:19	turning 649:24 709:22 713:4	updated 656:23 693:9 726:5
thing 586:9 598:25 608:18 611:17 614:22 640:12 679:9 723:18 727:4 735:23	tipped 597:2,6	turns 632:12 703:6,20	updates 684:19,23 685:4,5
things 579:14 615:24 628:22 640:11 654:8 691:8 692:25 693:22 706:25 707:15 727:6,21	title 580:9 593:3 598:21 609:10 735:16,19	two-minute 725:4	uploaded 656:14
thinking 738:1	titled 638:14 644:13	two-part 628:7	urban 577:23 584:1 618:19 619:8,24 620:4, 20,21 625:17 631:3 632:5 635:3,8 636:10 637:23 638:5 644:13 646:24,25 649:4
thought 608:3 657:18 716:10 737:18	today 571:6,19 682:20 683:4,14,23 698:7 702:21 732:4 733:12,25 734:9,16 737:7,10 738:18,19	type 641:25	URF 621:8,10,16 622:9
thousands 633:23 634:1	tomorrow 681:14 731:20 732:5	typo 582:24 608:13	usage 645:7
Thursday 571:6	top 578:20 584:2,9 588:14 595:22 598:25 599:24 602:2,19,21 609:10 612:8 626:23 627:3	<hr/> U <hr/>	utilities 609:10,12 649:5 650:25 651:18 695:1 701:4 705:14,17
time 586:25 590:15 593:24 594:8 595:5 604:1 605:12 606:9 616:12 617:6,17 623:25 626:1 627:4 639:14 646:19 650:15 652:19 654:23 655:1 659:25 660:18 679:19 680:23 688:14 703:5 704:13 710:10 711:2 712:17 728:2 730:1,10,11,22 737:23	topic 654:17 688:14	UEDTB 694:23	<hr/> V <hr/>
timeframe 596:4 649:21 731:10	total 594:12,13,18 615:14 619:21 631:21 633:20 642:9 694:18 696:13,18 701:16,17,22 716:6	UIP 646:20	Vague 575:5 594:1 636:25 690:19
timeframe 596:4 649:21 731:10	totally 657:7	ULTS 595:2,3	Vagueness 587:21
timeframe 596:4 649:21 731:10	touched 627:25	unauthenticated 579:15	valid 581:12,14 588:25
timeframe 596:4 649:21 731:10	track 639:18	unclear 604:10 636:25 637:10,11 648:20 652:6 722:5	valuable 629:4
timeframe 596:4 649:21 731:10	tracking 614:16	underlined 705:9,13	Van 571:4,13 572:1 575:11 578:3 579:23 581:15 585:8 586:10 587:24 589:3,23 591:4, 23 594:3 596:19 597:17 598:7 599:15,18 600:23 603:8 604:3,18 605:11 606:15 607:24 608:19, 23 609:3,7 617:8,13,21 618:1 622:1 630:5,19, 22 636:3,17 637:1,15 640:13 642:23 643:2,5 644:3 651:11,15 652:8 653:14 654:10,24 656:6 657:23 658:5,7 661:24 662:3,8 679:11,21 680:1,5,9,14,17,21 681:18,21 682:1,7,12 685:14 687:10,14 690:20 694:5,9 695:25 714:3,5 719:3,6 722:8, 20 725:3,7 727:12
timeframe 596:4 649:21 731:10	traditionally 653:9,20	underneath 602:13	
timeframe 596:4 649:21 731:10	training 689:6	understand 579:1 590:24 594:13 614:13 616:5 628:13 631:8 632:22 651:25 686:17, 24 691:10,20 693:16,25 699:22 702:1 718:3 721:3 724:12	
timeframe 596:4 649:21 731:10	traits 621:13	understanding 573:20 574:24 587:17 615:2 658:24 660:4	
timeframe 596:4 649:21 731:10	traunches 636:23	understands 629:7	
timeframe 596:4 649:21 731:10	treatment 695:14	undisputed 628:7	
timeframe 596:4 649:21 731:10	trend 727:5,22 729:19	Uniform 621:8	
timeframe 596:4 649:21 731:10	trends 727:7	universal 597:21 606:19 609:14	
timeframe 596:4 649:21 731:10	true 583:15 584:20 586:1,4,18 587:7 604:15 621:16 626:8 636:21,24 637:7,25 646:11 653:8 678:4 685:6 692:10,17 704:6	unjust 645:24	

