

1 STATE OF ALASKA  
2 REGULATORY COMMISSION OF ALASKA  
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4  
5 Before Commissioners: Stephen McAlpine, Chairman  
6 Rebecca Pauli  
7 Robert M. Pickett  
8 Norman Rokeberg  
9 Janis W. Wilson

10 In the Matter of the Tariff )  
11 Revision Designated as TA150-117 )  
12 Filed by ACS of Fairbanks, LLC, )  
13 d/b/a Alaska Communication ) U-17-080  
14 Systems, Alaska Communications, )  
15 ACS Local Service, and ASC for )  
16 Carrier of Last Resort Support )  
17 and )  
18 )  
19 In the Matter of the Tariff )  
20 Revision Designated as TA192-359 )  
21 Filed by ACS of the Northland, )  
22 LLC, d/b/a Alaska Communication ) U-17-081  
23 Systems, Alaska Communications, )  
24 ACS Local Service, and ASC for )  
25 Carrier of Last Resort Support )  
in the Glacier State Study Area )  
\_\_\_\_\_)

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19 REGULATORY COMMISSION OF ALASKA  
20 701 West Eighth Avenue, Suite 300  
21 Anchorage, Alaska 99501  
22 PREHEARING CONFERENCE  
23 September 25, 2017  
24 2:00 p.m.  
25 BEFORE JOHN P. WOOD  
Administrative Law Judge

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

## 1 APPEARANCES:

## 2 For Alaska Communications:

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BY: ELISABETH ROSS

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## For the Attorney General:

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ATTORNEY GENERAL'S OFFICE  
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Anchorage, Alaska 99501  
8 BY: JEFFREY WALLER

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## Also Present:

10 Lisa Phillips  
Lew Craig

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## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

## 1 P R O C E E D I N G S

2 ALJ WOOD: Good afternoon. It's  
3 approximately 2:00, September 25th, 2017 in the  
4 Commission's hearing room in Anchorage, Alaska.  
5 This is the time and place set for the joint  
6 prehearing conference In the Matter of the Tariff  
7 Revision Designated as TA150-117. It's filed by  
8 ACS of Fairbanks, LLC, d/b/a Alaska Communication  
9 Systems, Alaska Communications, ACS Local Service,  
10 and ASC for Carrier of Last Resort Support.  
11 That's given Docket No. U-17-080.

12 Also, In the Matter of the Tariff Revision  
13 Designated as TA192-359 Filed by ACS of the  
14 Northland, LLC, d/b/a Alaska Communication  
15 Systems, Alaska Communications, ACS Local Service,  
16 and ACS for Carrier of Last Resort Support in the  
17 Glacier State Study Area. That docket is given  
18 No. U-17-081.

19 This is John P. Wood, administrative law  
20 judge for the Commission presiding. This  
21 prehearing conference was scheduled by Order No. 3  
22 issued in Docket U-17-080 on September 11th, 2017  
23 and by Order No. 3 issued in Docket U-17-081 on  
24 September 11th, 2017.

25 I'll take appearances on behalf of the

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 parties. For ACS Fairbanks?

2 MS. ROSS: My name is Elisabeth  
3 Ross from Birch Horton Bittner & Cherot  
4 representing Alaska Communications, both ACS of  
5 Fairbanks and also ACS of the Northland Glacier  
6 State. And I have with me today Ms. Lisa  
7 Phillips, who is the manager -- senior manager of  
8 regulatory affairs and risk management for Alaska  
9 Communications.

10 ALJ WOOD: Thank you, Ms. Ross.  
11 And on behalf of the attorney general?

12 MR. WALLER: Good morning, Your  
13 Honor. Jeff Waller and Lew Craig.

14 ALJ WOOD: Thank you, Mr. Waller.  
15 All right. So we're here to set a procedural  
16 schedule. The parties filed one -- filed two, one  
17 for each docket, leading up to a joint hearing.  
18 Do the parties have anything they wish to add?  
19 Address? Discuss?

20 MS. ROSS: If I may?

21 ALJ WOOD: Please.

22 MS. ROSS: We went through a lot of  
23 effort to develop this procedural schedule. There  
24 was a real tension, I would say, between wanting  
25 to make sure we had a very clear record for the

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 Commission in each case because the service areas  
2 of the two companies are so incredibly different.

3 You have Fairbanks on the one hand, and then  
4 you have on the other Northland, which has four  
5 distinct and separate pieces, service areas, that  
6 are -- one is an island, Kodiak. They're at  
7 different parts of the state, everything from  
8 Nenana and Fairbanks down to Kenai. So we wanted  
9 to make sure that the record was clear for both  
10 companies. But at the same time, we really strove  
11 to try to figure out something that was efficient  
12 for us and the Commission to keep costs down.

13 So we did go back and forth. We didn't want  
14 to bring witnesses up twice, but we decided that  
15 it would be good to have some level of procedural  
16 consolidation in the schedule while also trying to  
17 preserve the intrinsic different nature of the two  
18 service areas. So that was the balance we were  
19 trying to achieve in the way we proposed the  
20 schedule.

21 ALJ WOOD: Yes. Thank you,  
22 Ms. Ross.

23 And, Mr. Waller?

24 MR. WALLER: Yes. I just wanted to  
25 comment on what Ms. Ross said. And, Your Honor,

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 so you understand where we're coming from, we did  
2 not want to have to fly our expert up twice  
3 because it's expensive. But we also understand  
4 that there could be possibilities where you might  
5 have a witness presenting policy arguments or  
6 testimony, and we didn't want to have that person  
7 do that twice in some kind of artificial thing.

8 So the idea was kind of like Your Honor did  
9 with this kind of joint prehearing conference for  
10 these two. Maybe not necessarily up to the level  
11 of consolidation -- even though RAPA doesn't  
12 oppose consolidation. We sort of leave that up to  
13 ACS on how they feel -- but the idea of having  
14 procedurally a joint hearing so that we cover some  
15 information that only needs to be covered once,  
16 once and then we get into discussing each  
17 different study area and make sure we keep that so  
18 there's no bleed over.

19 And the reason, Your Honor, that RAPA was a  
20 little worried about it, I will draw your  
21 attention to Docket U-13-203 and 204 where there  
22 was two different things going on involving the  
23 same utility. And one was a final order and one  
24 wasn't. And now we have this odd appeal that is  
25 kind of perplexing in some ways. So we didn't

1 want to get into that kind of problem either.

2 But we did want to leave the flexibility so  
3 that we wouldn't have to have the Commission sit  
4 and listen to ACS's witness one time and say, Here  
5 is all the policy arguments; and then two days  
6 later say, Here are all the exact same policy  
7 arguments again.

8 Does that make sense, Your Honor?

9 ALJ WOOD: It does. And I have no  
10 idea what you're talking about on those other  
11 dockets. But, yes, when I received your  
12 procedural schedule and trying to work through a  
13 good way to approach the hearing, at least as of  
14 right now I agree it should be some sort of a  
15 joint hearing. But I don't know that  
16 consolidation of the two dockets is necessarily a  
17 good idea.

18 So I'm sure that you guys might have some  
19 better ideas. But right now I'm envisioning maybe  
20 opening -- call it concurrent opening statement,  
21 whatever you want to call it, that address --  
22 well, let's start with the pre-filed testimony.  
23 Sorry.

24 The pre-filed testimony, I imagine, would  
25 come in in both dockets with the totality of the

1 testimony. So that's going to be your policy  
2 stuff as well as the study area and exchange area,  
3 specific factual information. So you're probably  
4 going to have a lot of overlap, I would imagine,  
5 on the policy things in the pre-filed testimony.  
6 But let's get that all in, separate in each  
7 docket.

8 Then when we get to hearing, maybe like a  
9 consolidated joint opening statement, especially  
10 when you're addressing, you know, the policy  
11 issues. You know, clearly segregate your factual  
12 discussions into separate portions. So even  
13 though you're running in one long stretch, you  
14 know, it's easy to point to in the record where,  
15 All right, we're talking about Northland here,  
16 Fairbanks here.

17 When we get to putting the witnesses up on  
18 the stand, maybe a similar approach where the  
19 witness will start off with the policy issues that  
20 cover both dockets and then have -- it doesn't  
21 seem very efficient to put the witnesses up, you  
22 know, for one docket, take them down, put them up  
23 for a second docket.

24 So maybe policy stuff, Here you go. We've  
25 got Northland here, then we've got Fairbanks here

1 with a very clean factual break in between the  
2 two. And then the same approach for the attorney  
3 general's witness or witnesses.

4 So that's kind of what I envisioned. I know  
5 that's what we're here to figure out today. I  
6 don't know if you had different ideas, similar  
7 ideas.

8 MR. WALLER: Actually, what you  
9 described is one of the things Lisa and I talked  
10 about, which I think is the right approach, which  
11 is when it's covering both, make sure it's clear  
12 you're talking about both. But when you want to  
13 talk about specific, have a little road sign in  
14 the, you know, oral testimony that says, Now I'm  
15 talking about this, Now I'm talking about that.  
16 We can do the same thing in our opening and  
17 closing.

18 And then presumably the Commission would  
19 issue two separate orders so we don't -- if we get  
20 results that differ between the study areas, we're  
21 not having to face maybe an appeal of two things  
22 that get stuck together when they could be  
23 separated out. So I think that makes sense to  
24 proceed that way. And we've got the stairstep or  
25 phased testimony here that also kind of works for

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 us.

2 But when we can take things together, it  
3 makes sense to kind of do them together and then  
4 just do the hearing as one thing. And I agree  
5 not -- you know, I don't want to have to make  
6 Mr. Lew get up, talk about one thing, sit down,  
7 and then right back up a day later. Just cover  
8 everything we can with each witness but just make  
9 sure we're clear enough in our questioning and  
10 testimony to separate them out.

11 ALJ WOOD: Ms. Ross, do you have  
12 anything to add?

13 MS. ROSS: I concur with what  
14 Mr. Waller has said. We tried to come up with  
15 some very specific recommendations for you to make  
16 it easier. But what you're talking about is along  
17 the lines of the concept that we discussed.

18 But we also said, you know, neither of us has  
19 really started into our pre-filed testimony  
20 drafting part yet. So it's hard to know whether,  
21 for example, our policy witness is going to feel  
22 the same about policy for both companies. So I  
23 think that as we get further into the case, we'll  
24 have a better sense of any other recommendations  
25 we can make to make it even more efficient than

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 what you're talking about.

2 ALJ WOOD: Okay. Thank you,

3 Ms. Ross.

4 All that being said, the schedule looks good  
5 for me. I can honestly say I'm really not excited  
6 about a hearing in the middle of July, but that's  
7 what works for the schedule. The one date that's  
8 on there that doesn't quite work is the statutory  
9 deadline that looks like you've got two months  
10 rather than three months from the end of the  
11 hearing. Unless my math is off.

12 MR. WALLER: You're correct, Your  
13 Honor. That was my mistake. I gave that to  
14 Ms. Ross. You're correct. It should be  
15 October 17th.

16 MS. ROSS: We have no objection to  
17 that.

18 MR. WALLER: And to make sure the  
19 record is clear, the AG also consents to extending  
20 the statutory deadline to October 17th. We better  
21 make sure that's not a weekend, though.

22 ALJ WOOD: Yeah. I'm looking at it  
23 right now. Why don't we just make it  
24 October 19th, which is a Friday?

25 MR. WALLER: That's fine with the

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 attorney general.

2 MS. ROSS: No objection.

3 ALJ WOOD: All right. So we'll go  
4 with the October 19th, 2018 statutory deadline. I  
5 will adopt the procedural schedule as proposed by  
6 the parties. We will go with a working plan to  
7 hold the joint hearing along the lines of what  
8 we've discussed at the prehearing conference  
9 today. If we need to reassess or readdress as the  
10 dockets proceed, we will do so.

11 Do the parties need a confidential discovery  
12 order issued?

13 MS. ROSS: Yes, please.

14 MR. WALLER: Just to be careful. I  
15 think you and I had talked about -- Ms. Ross, you  
16 and I had talked about using the last one that  
17 went through from one of the utility cases.

18 Did you get a chance to look at that?

19 MS. ROSS: I didn't. I'd be happy  
20 to do that, though. Do you know which one it was  
21 you wanted to use?

22 MR. WALLER: I believe -- didn't  
23 Your Honor just recently issue what we consider  
24 the latest -- the latest version? Was that in --  
25 no, you were not on GVEA. I don't remember which

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 one it was.

2 ALJ WOOD: I believe I've heard  
3 rumors that the order that was issued in the  
4 ENSTAR U-16-066 docket was represented in a  
5 subsequent docket to another ALJ as the latest.  
6 In quotes, latest.

7 MR. WALLER: It is. And I agree  
8 that's one of the ones that we have done. So we  
9 would have no problem with an order substantially  
10 like that.

11 Lisa, if you want to look it over.

12 ALJ WOOD: Yeah. I'd like to have  
13 Ms. Ross have the opportunity to go ahead and  
14 review the order.

15 MS. ROSS: Thank you.

16 ALJ WOOD: And then you can just  
17 file a short pleading requesting issuance of a  
18 confidentiality order identical to Order U-16...

19 MR. WALLER: I don't remember which  
20 number it is.

21 ALJ WOOD: I don't have it off the  
22 top of my head.

23 MS. ROSS: The discovery procedure?

24 MR. WALLER: Yeah. It's the one  
25 governing confidential discovery materials.

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 MS. ROSS: Okay. So it's all  
2 consolidated?

3 MR. WALLER: Yeah.

4 ALJ WOOD: Oh, and we don't have  
5 discovery orders anymore, Ms. Ross, if that's what  
6 you're asking.

7 MS. ROSS: I just wanted to make  
8 sure it's all one package. I'll take a look at  
9 that and submit a short pleading.

10 ALJ WOOD: Okay. Thank you,  
11 Ms. Ross.

12 That covers it for my notes today. Do the  
13 parties have anything that they wish to address?

14 MS. ROSS: We have nothing further.  
15 Thank you.

16 MR. WALLER: Nothing, Your Honor.

17 ALJ WOOD: And, actually, just to  
18 make it completely clear on the record since it  
19 might be a short amount of time before I'm able to  
20 turn a scheduling order around so I can get this  
21 on the calendar, we've got a statutory deadline of  
22 October 19th, 2018. And a joint hearing in the  
23 two dockets will be held July 9th, 2018 through  
24 July 18th, 2018, with a prehearing conference  
25 being held on the first day of the hearing, so

## REGULATORY COMMISSION OF ALASKA

Docket Nos. U-17-080 &amp; U-17-081 Prehearing Conference

September 25, 2017

1 July 9th.

2 You know what? Ms. Ross, when are you  
3 planning on being in state before the hearing? I  
4 know it's a ways out, but do you come in the week  
5 before or the weekend before?

6 MS. ROSS: I'll be in probably --  
7 if the hearing starts on a Monday, I'll probably  
8 come in the previous Thursday, I would think.

9 ALJ WOOD: Okay. Let's look at a  
10 prehearing conference on July 6th, so the Friday.  
11 That way we can deal -- in case the mechanics of  
12 the joint hearing are such that I need to make  
13 adjustments over the weekend.

14 MR. WALLER: That's fine with us,  
15 Your Honor.

16 ALJ WOOD: So we'll hold the  
17 prehearing conference on July 6th, 2018. And then  
18 the hearing itself will begin July 9th, 2018.

19 Anything further?

20 MS. ROSS: No, thank you.

21 ALJ WOOD: Hearing nothing, we're  
22 adjourned. Thank you.

23 (Adjourned 2:18 a.m.)

24

25

## 1 TRANSCRIBER'S CERTIFICATE

2 I, Adriane11 Poteet Sorrels, hereby  
3 certify that the foregoing pages numbered 1  
4 through 15 are a true, accurate, and complete  
5 transcript of the Prehearing Conference in Docket  
6 Nos. U-17-080 and U-17-081 held at the Regulatory  
7 Commission of Alaska on September 25, 2017,  
8 transcribed by me from a copy of the electronic  
9 sound recording to the best of my knowledge and  
10 ability.

11 \_\_\_\_\_  
12 Date Adriane11 Poteet Sorrels, Transcriber

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