

1 correct. So, 12,000 feet; is that right?  
 2 A. That's a number that I find -- that is a  
 3 conservative number but I'm more comfortable with that. I  
 4 know others use different numbers.  
 5 Q. Isn't it true though an ADSL asynchronous  
 6 digital subscriber line can actually reach to within  
 7 18,000 feet of the central office?  
 8 A. Sometimes.  
 9 Q. Why do you say sometimes?  
 10 A. The 18,000 feet number is based on the  
 11 existence of new cable plant that's in good shape, it's  
 12 been installed properly and very carefully. If it's not  
 13 new, then the system -- we need to be careful when we say  
 14 does it work. It may work but it will not work at the  
 15 data speeds advertised. It auto bauds down because as  
 16 your home phone that you buy, if your PC is designed to  
 17 work 56 kilobits per second but if you sign on frequently,  
 18 it will, say, connect to the network at 38.8 or 42.2 or,  
 19 you know, some other speed like that because the line  
 20 you're on just won't support the speeds. And that's  
 21 called auto bauding. It runs at a lower speed if it  
 22 cannot run at its maximum speed. A DSL is designed to run  
 23 in that way. It auto bauds down to the best it can do.  
 24 Q. Isn't it true, Mr. Brown, that that's also the  
 25 case with cable modem service, that the system based on --

1 depending on the number of users at any particular moment  
 2 might run at speeds slower than what are ultimately  
 3 capable?  
 4 A. Well, it's only true in one way. The --  
 5 the underlying mechanism is different in the cable modem  
 6 than the DSL.  
 7 Q. But the end result to the consumer is the  
 8 same. They might sign on and they are not going to be  
 9 necessarily getting download speeds at 3 megabytes per  
 10 second, depending on if they are signed on at a  
 11 particularly busy time on the network; isn't that right?  
 12 A. That's true.  
 13 Q. And continuing with the distance limitations,  
 14 isn't it in fact true that DL -- so-called DSL light or G  
 15 light will reach up to 25,000 feet from the central  
 16 office?  
 17 A. I'm not sure of the exact distance range. I  
 18 would have to look it up.  
 19 Q. Actually, I have -- if you were to take a look  
 20 -- and I think we can grab a copy for you of Adelphia's  
 21 previously introduced Exhibit 35, which is a copy of --  
 22 and I can just show you my copy for ease, it's a copy of  
 23 FCC reports done in October of this year. On page 21  
 24 there is a table that lists the maximum distances and on  
 25 the final column you'll see the -- what they call G light

1 or DSL light will reach 22 to 25 thousand feet from the  
 2 central office; isn't that right?  
 3 A. That's listed, yes, as maximum distance.  
 4 Q. Now, Mr. Brown, isn't it true that these  
 5 distance limitations on DSL, they are going to be overcome  
 6 in the near future; isn't that true?  
 7 A. If the cable plant's replaced by the telephone  
 8 company.  
 9 Q. So, you don't contend that they can't overcome  
 10 these problems?  
 11 A. No. I think they can overcome them, yes.  
 12 MR. THOMPSON: Could you read that back?  
 13 I'm sorry. I sort of missed what he said  
 14 there at the end.  
 15 (The record was read as requested.)  
 16 BY MR. THOMPSON:  
 17 Q. So, you assert that Bell Atlantic isn't doing  
 18 DSL in Vermont; is that correct?  
 19 A. It was my understanding that was true. Yes.  
 20 Q. Okay. Do you have a different understanding  
 21 at this point than --  
 22 A. I've since heard that they maybe are going to  
 23 be offering it here.  
 24 Q. And isn't it also true that the, for example,  
 25 Vermont Telecommunications Plan recognizes that V-Tel is

1 about to introduce DSL in Vermont as well, isn't it?  
 2 A. I'm not familiar.  
 3 Q. Are you aware of the fact that there's been a  
 4 300 percent increase in DSL deployment between the fourth  
 5 quarter of 1998 and the second quarter of 1999?  
 6 A. No, I'm not.  
 7 Q. And a 100 percent increase of DSL deployment  
 8 between the first and second quarters of '99?  
 9 A. No, I'm not.  
 10 MR. THOMPSON: Sorry for that delay.  
 11 Q. Now, isn't it true, though, that DSL operators  
 12 have immediately followed the introduction of cable modem  
 13 service with the introduction of DSL into the market?  
 14 A. There seems to be a trend in that direction,  
 15 yes.  
 16 Q. Indeed, hasn't the FCC in the same October  
 17 1999 order concluded that ILECs', which stands for  
 18 incumbent local exchange carriers, aggressive deployment  
 19 of DSL can be attributed in large part to the deployment  
 20 of cable modem service? Are you familiar with that  
 21 conclusion?  
 22 A. I'm not familiar with that conclusion.  
 23 Q. In fact, here on page 27 of that, what I  
 24 mentioned previously, Adelphia 35, is where we will find  
 25 that the FCC has found, based on its studies, that -- in

1 the first paragraph -- that it represents a 300 percent  
2 increase. And then the 100 percent increase is also  
3 referenced.

4 THE CHAIRMAN: I think you made a  
5 statement but not asked a question.

6 MR. THOMPSON: I was going to give him a  
7 chance to read it.

8 BY MR. THOMPSON:

9 Q. Do you see where that point is made?

10 A. Yes.

11 Q. And then I believe it's in the next paragraph  
12 where they draw their conclusion that it's -- the  
13 aggressive role-out of DSL has been a response to cable  
14 operators' introduction of cable modem service; isn't that  
15 right?

16 A. Yes. I see that.

17 Q. In fact, isn't it true that the roll-out of  
18 cable modem service has spurred and created incentives for  
19 LECs to introduce DSL service?

20 A. I would say it probably has, yes.

21 Q. So, wouldn't you agree that anything that  
22 slows the deployment of cable modem service actually would  
23 create a disincentive to the advancement of the much  
24 sought after facilities-based competition that DSL  
25 providers bring?

1 A. Could you repeat the question, please?

2 Q. Sure. Wouldn't you agree that anything that  
3 would slow down the deployment of cable modem service  
4 would actually create a disincentive to the rollout of the  
5 facilities-based competition that DSL offers?

6 A. I'm having -- I'm sorry, I'm having trouble  
7 following the question. I apologize.

8 Q. You've agreed that DSL service has been rolled  
9 out aggressively in response to cable modem introduction;  
10 isn't that right?

11 A. Yeah. There seems to be a heightened DSL  
12 activity -- there seems to be heightened DSL activity  
13 whenever cable modem service is offered, yes.

14 Q. And are you aware that in fact telephone  
15 companies have had DSL service available for introduction  
16 since the 1980s?

17 A. I'm not -- I don't want to commit to the date  
18 of 1980s but I know the technology certainly has been  
19 around. I have been familiar with the technology since --  
20 and how to do it as an engineer from possibly the 1970s.

21 Q. Right. And isn't until recently when cable  
22 modem service was suddenly introduced that DSL service  
23 -- the telephone companies decided it was suddenly time to  
24 roll out DSL service instead of the more expensive T-1  
25 service that they had been advancing otherwise; isn't that

1 right?

2 A. Yes.

3 Q. So, wouldn't you agree that something that  
4 slowed the deployment of cable modem service would have  
5 the unintended but -- and pernicious effect of creating a  
6 disincentive? The telephone companies would no longer  
7 have an incentive to introduce the DSL service at that  
8 point, would they?

9 A. Something that slowed cable modem service  
10 would be a disincentive to the telephone companies?

11 Q. Right. If the cable modem service for some  
12 reason weren't being rolled out as quickly, the DSL  
13 providers wouldn't have as much incentive to roll out the  
14 DSL.

15 A. I think the chain has been broken. I don't  
16 think we can change that.

17 Q. So, in fact, you recognize that DSL service is  
18 going to be an aggressive competitor to cable modem  
19 service because, let's face it, Bell Atlantic is not going  
20 to sit back and let Power Link take all the customers in  
21 Burlington, is it?

22 A. I don't believe it will be an aggressive  
23 competitor.

24 Q. Now, I take it that you believe that Power  
25 Link's superior speed is what's going to allow it to

1 exercise this market power; is that right?

2 A. I think that's one of the things, yes.

3 Q. Have you done any -- in fact, earlier you were  
4 referring to the Exhibit DPS-39 that was -- is it 139?  
5 I'm sorry. I wrote it down wrong -- that Ms. Cadwell  
6 showed you and the monthly bit per buck chart. You  
7 haven't done any research of what consumers are willing or  
8 able to pay, though, for Internet access service, have  
9 you? In Vermont specifically, obviously.

10 A. I've done no research in Vermont specifically.

11 Q. Are you aware that the average yearly income  
12 in Vermont is relatively low, approximately \$26,000 per  
13 year?

14 A. I am aware of that.

15 Q. So, you've never asked people whether they are  
16 willing to pay \$40 per month for cable service, cable  
17 modem service versus the \$10 to \$15 per month that dial-up  
18 access service is available at?

19 A. I'm sorry. Could you restate the question,  
20 please?

21 Q. So, you've never asked people whether they are  
22 willing or able to pay \$40 for cable modem service versus  
23 the \$10 or \$15 per month that dial-up access is available  
24 at, have you?

25 A. That's correct.



October 13, 1999

STATE OF VERMONT  
PUBLIC SERVICE BOARD  
DOCKET NUMBER 6101

ADELPHIA COMMUNICATIONS CORPORATION REGARDING  
MOUNTAIN CABLE COMPANY'S REQUESTS FOR RENEWAL  
OF ITS VARIOUS FRANCHISE AGREEMENTS, PURSUANT  
TO SECTION 626 OF THE 1984 CABLE ACT  
(47 U.S.C.) SECTION 546.

and

DOCKET NUMBER 6223

MOTION OF VERMONT DEPARTMENT OF PUBLIC SERVICE  
FOR A SHOW CAUSE HEARING RE: NONCOMPLIANCE BY  
MOUNTAIN CABLE COMPANY D/B/A ADELPHIA CABLE  
COMMUNICATIONS OF STIPULATION AND BOARD ORDER.

112 State Street  
Montpelier, Vermont

October 13, 1999  
9:00 o'clock A.M.

Technical hearing held before the Public  
Service Board at the Hearing Room of the Public Service  
Board, Third Floor, Chittenden Bank Building, 112 State  
Street, Montpelier, Vermont, on October 13, 1999,  
beginning at 9:00 o'clock A.M.

P R E S E N T :

Board Members: Michael M. Dworkin, Chairman  
Suzanne D. Rude  
David C. Coen

Staff Members: John P. Bentley, Esq.  
George Young, Esq.

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E-Mail: Reporter@Together.Net

1 MR. ELLIS: That's all I have. Thank  
2 you.

3 THE CHAIRMAN: Thank you.

4 MR. YOUNG: Good afternoon, Mr.  
5 Sullivan.

6 Mr. Ellis asked you a question earlier  
7 about some proceedings in Florida and I  
8 believe your answer was you weren't aware of  
9 them; is that correct? A finding in Florida  
10 to the effect that the cost per consumer of  
11 open access was a certain dollar figure.

12 THE WITNESS: Correct.

13 MR. YOUNG: Do you have any reason to  
14 believe, based upon cost estimates that  
15 Adelphia has done, whether the cost of open  
16 access and overcoming the issues you have  
17 raised here would be less than or greater than  
18 a dollar per consumer?

19 THE WITNESS: No. I have not done a  
20 cost definition.

21 MR. YOUNG: As far as you know, it may  
22 be more, it may be less?

23 THE WITNESS: Yes. I mean, I don't  
24 know. I don't know the answer to that.

25 MR. YOUNG: Has anyone at Adelphia done

1 on the Board's order that the only part of Mr.  
2 Sullivan's testimony that was struck was  
3 regarding his reading of other testimony and,  
4 therefore, his assertion regarding what  
5 proposals may or may not have been made. They  
6 have obviously asked him a number of questions  
7 regarding CISCO routers, routing in general.  
8 I don't -- my understanding was not that he  
9 was not permitted to address any of those  
10 issues, they certainly asked him about them in  
11 his deposition. They have asked him about  
12 them today. It seems he's not allowed to  
13 address routing except as she asked the  
14 question.

15 THE CHAIRMAN: The phrase that the Board  
16 used in its order of October 6th was responses  
17 that could not be given at deposition. The  
18 test to apply is whether the response could  
19 have been given at the time of the deposition.

20 MR. THOMPSON: Okay.

21 THE CHAIRMAN: Now, would you please  
22 re-ask your question? And in answering it,  
23 limit yourself to the knowledge you had at the  
24 deposition.

25 BY MR. THOMPSON:

1 that study to your knowledge?

2 THE WITNESS: Not that I know of.

3 MR. YOUNG: Thank you.

4 THE CHAIRMAN: Do you have any redirect?

5 MR. THOMPSON: Yes.

6 REDIRECT EXAMINATION BY MR. THOMPSON  
7 BY MR. THOMPSON:

8 Q. Mr. Sullivan, the issues that you've  
9 identified in your testimony and in response to questions  
10 today, are those issues that would have to be addressed  
11 under any open access proposal regardless of the  
12 specification?

13 A. Yes. I firmly believe so.

14 Q. And can a CISCO router make open access work  
15 with just a flick of the switch?

16 A. No. No.

17 MS. HOFMANN: I guess I would object.  
18 I'm not sure if he's going back to the  
19 testimony that he wrote -- the testimony or  
20 not or if this is additional information he's  
21 learned since he wrote his testimony. I guess  
22 if Scott could lay that foundation, I would be  
23 comfortable.

24 MR. THOMPSON: I guess I'm not clear on  
25 her objection. It was my understanding based

1 Q. Based on what you knew at the deposition,  
2 could open access have been enabled with a flick of the  
3 switch by CISCO routers?

4 A. No. Routing is one small piece for open  
5 access. There are a host of other issues that I outlined  
6 in my prefiled testimony. Routing, again, is just a small  
7 piece. There is the IP addressing and usage, the network  
8 management side, there's a scalability, there's many  
9 issues that need to be reviewed, a technical plan needs to  
10 be implemented and actually tested before we get to the  
11 point where we can just flick a switch and have open  
12 access work.

13 Q. Are you aware of any proposal that would solve  
14 the issues that you identified regarding open access that  
15 need to be resolved?

16 A. No. I'm not aware of any as of today.

17 MS. HOFMANN: I would have to object to  
18 the answer again because he said "as of today."  
19 And he is held to the time of what he knew in  
20 his deposition.

21 MR. THOMPSON: Mr. Chairman, one  
22 question that I have and one thing that  
23 concerns me is subsequent to Mr. Sullivan's  
24 deposition, the Department submitted testimony  
25 regarding their open access proposal, Mr.

1 Shapiro's surrebuttal testimony. Any argument  
2 that they might have that they couldn't have  
3 asked him about at the time of the deposition  
4 -- well, they couldn't have asked him because  
5 they filed it later.

6 Is it now the position that Mr. Sullivan  
7 could not have read -- I mean, he's  
8 subsequently -- I think would testify that  
9 he's read that. They at the time of the  
10 deposition would not have had a chance to ask  
11 him about that anyway. To try to freeze him  
12 in time, given that they subsequently added to  
13 the record regarding this issue seems, unfair  
14 towards us.

15 THE CHAIRMAN: In regard to this  
16 particular question, I have to say I viewed  
17 the question, the answer and the objection as  
18 cumulatively of almost no probative weight.  
19 It's a very tiny item in this pond. If we  
20 want to go beyond it, I want to say that I do  
21 view the fundamental issue that's at stake  
22 here, though, is this; we don't want a  
23 situation which any party can benefit from  
24 having a witness who is unprepared at the time  
25 of the deposition and gain advantage from that

1 need some explanation?

2 A. Adelphia applies for its public and private IP  
3 addressing with the American Registry for Internet  
4 numbers. And based on the IP numbers that we are  
5 provided, that's how we use -- that's what we use in our  
6 routes, what we advertise to the world.

7 The issue is; if open access were to happen,  
8 who gains -- who applies for those addresses and how are  
9 they advertised so that -- to the world. That's the --  
10 our concern.

11 Q. Perhaps it's even -- now I'm unclear. Can  
12 you --

13 A. What would help is a white board to draw the  
14 network, to draw a picture. It would be very useful.

15 MR. BENTLEY: We have an easel out in  
16 the hall.

17 MR. THOMPSON: Could we get that? I  
18 think that might help him. This is a rather  
19 technical issue involving where these things  
20 are located.

21 MR. BENTLEY: It's behind the right  
22 door -- all right, it's the left tour. The  
23 door on your right.

24 THE CHAIRMAN: You realize the process  
25 we will use is that anything he draws will be

1 later in the proceedings. And that's the  
2 fundamental principle.

3 MR. THOMPSON: I understand that. I  
4 didn't understand that there was any issue in  
5 their motion to strike that he was unprepared  
6 at the time of his deposition to discuss all  
7 of the technical issues other than the issue  
8 of whether he had read certain testimony  
9 beforehand.

10 THE CHAIRMAN: We have to take this  
11 question by question but I want to caution you  
12 that we had direct --

13 MR. THOMPSON: All right.

14 THE CHAIRMAN: -- testimony. He had an  
15 opportunity in that context. We had at the  
16 time of the deposition, at which he had had  
17 the opportunity that he didn't avail himself  
18 of to review the filings that the other  
19 parties had made. And I don't want to go  
20 beyond those advantages.

21 BY MR. THOMPSON:

22 Q. Mr. Sullivan, in response to questioning here  
23 today, you've mentioned that IP addressing would have to  
24 be addressed. Could you explain to the Board what you  
25 meant by that in case that's a technical issue that may

1 labeled an exhibit and put in.

2 MR. THOMPSON: That's fine.

3 THE CHAIRMAN: I also want to make clear  
4 to you I'm viewing this as directly linked to  
5 his direct prefiled in which on page 3 he on  
6 line 6 talks about Internet address  
7 allocation.

8 MR. THOMPSON: Right.

9 THE CHAIRMAN: So, basically you're  
10 asking him to elucidate on his prefiled?

11 MR. THOMPSON: I believe they were  
12 asking him direct questions as well. So, I  
13 simply want him -- unless you would rather not  
14 -- he have that chance. I think these are  
15 very -- some of these terms are very  
16 technical, as they were to Meabh, and I think  
17 they might be useful to the Board to explain  
18 what an IP address allocation involves since  
19 it was something that was bandied about in  
20 response to their questions and is an  
21 important issue.

22 MS. HOFMANN: I'm sorry. I don't  
23 believe, though, anyone in their cross -- and  
24 maybe Mr. Ellis can correct me if I am wrong  
25 -- went into the issue of Internet address

1 allocation. He had an opportunity to do that  
2 in his direct testimony, and I really would  
3 object to seeing more direct testimony that's  
4 not tied to some sort of cross examination  
5 questions.

6 THE CHAIRMAN: Frankly, I have to say I  
7 think on pure technicalities you may well be  
8 right. But I also think that if it's limited  
9 to straightforward elucidation of what the  
10 terms mean that it may be useful for the  
11 record. And I'm willing to let it in at this  
12 point. If you think it gets into policy  
13 issues or, you know, result oriented things that  
14 are not fair to you, we can see whether you  
15 need another round of cross.

16 MS. HOFMANN: Thank you, Mr. Chairman.

17 THE WITNESS: Okay. This is a headend.  
18 And we have a router in that headend. This  
19 router is actually connected to a hub site  
20 through a second router, which has a switch.  
21 In that switch is a CMTS, a cable modem  
22 termination service, and off of that is your  
23 cable modem.

24 Sorry. Am I drawing too low? I'm  
25 trying to get the whole view here. Cable

1 The question is; how does the traffic  
2 get back if the advertising is only done  
3 through our side? How is all of that going to  
4 work for the return traffic? So, ISP A can  
5 get through his ISP and the Power Link user  
6 can get through our upstream provider.

7 THE CHAIRMAN: Is it fair to say these  
8 are exactly the kind of issues being addressed  
9 in the GTE trials that Mr. Ellis referred to  
10 in his examination?

11 THE WITNESS: I would assume so. But  
12 I'm not 100 percent certain of that.

13 THE CHAIRMAN: Is there any further  
14 questions?

15 BY MR. THOMPSON:

16 Q. Ms. -- the Department asked you about  
17 provisioning of cable modem installs on page 3. Could you  
18 explain what you meant by a provisioning of cable modem  
19 installations? You mentioned like MAC addresses done at  
20 the headend before installs in response to her question.  
21 Could you explain what that means?

22 A. Sure.

23 Q. And why it's an issue?

24 A. We have our DACP server in our headend, DACP  
25 is a dynamic host control protocol, used to supply the IP

1 modem. And off of that is our user. And, of  
2 course, here is the RF plant. And off of this  
3 router there is a link to the upstream  
4 provider. And it is in this case where I  
5 refer to the actual addresses that would be  
6 advertised to the world that would allow the  
7 world to know that this user is out there and  
8 on our network. Okay?

9 Now, if we add ISP A through N, and  
10 assuming that that connection happens somehow  
11 -- I'll just draw a router here, or a line  
12 into our router, okay -- the question is; are  
13 the IP's use that are advertised by ISP A --  
14 the question is the whole issue. How are  
15 these IP addresses advertised? And where does  
16 -- does the traffic go? This assumes that ISP  
17 A also has a link to its own upstream  
18 provider. Okay. In fact, when user A is a  
19 Power Link user, and also we have a user who  
20 is ISP A, the traffic comes to this router,  
21 this router makes a decision, at least we  
22 assume that it does, and ISP A's traffic goes  
23 out that way. Power Link user follows the  
24 same network, hits that router and goes out  
25 this link.

1 address to the cable modem and the actual PC at the user  
2 site. Okay. We actually pre-provisioned the hardware  
3 address of the cable modem that's installed in the field,  
4 in our server.

5 Q. What do you mean by "pre-provision"?

6 A. You manually store the user's name and the MAC  
7 address in our server for management purposes. Later, in  
8 the event we have to trouble shoot this user, we will know  
9 exactly where that -- the cable modem is. Again, the  
10 issue is -- the open issue is; is this for open access?  
11 Is -- do we use our server or do we use ISPA through N,  
12 DACP server? And how would that entire process work?

13 Q. Do you think that's insurmountable?

14 A. It gets back to the fact that we need to  
15 review a technical plan, come up with -- we need to test  
16 it. We need to make sure it works. And, you know, we are  
17 going to need resources and time.

18 Q. Mr. Ellis asked you whether this was just an  
19 issue of cost. Is there any other -- would going through  
20 this process have any other impact on Adelphia other than  
21 the actual dollar cost?

22 A. Sure. In terms of resources, we have a finite  
23 set of resources that we are using for our DOCSIS rollout  
24 right now. If we are spending time on the open access  
25 question, we are not spending time in our DOCSIS rollouts.

1 Q. One last question. Mr. Ellis asked you about  
2 the technical limitations of DSL. Do you have any reason  
3 to believe that the technical limitations of DSL, to the  
4 extent that there are any, can't be overcome?

5 A. No, I do not.

6 MR. THOMPSON: I don't have any more  
7 questions.

8 THE CHAIRMAN: What's the number of the  
9 most recent exhibit for Adelphia?

10 MS. TARPEY: I believe 6 is the last  
11 one.

12 THE CHAIRMAN: In this case, the sketch  
13 on the chart should be labeled Adelphia  
14 Exhibit 7.

15 MR. THOMPSON: Yes, Mr. Chairman.

16 THE CHAIRMAN: Is there any objection to  
17 its admission?

18 MR. ELLIS: No objection.

19 MS. HOFMANN: No.

20 MR. ELLIS: But I would like to ask some  
21 questions regarding it.

22 MS. HOFMANN: No objection but, of  
23 course, we would want a copy too.

24 THE CHAIRMAN: Please, Mr. Sullivan,  
25 mark it Adelphia Exhibit 7 with your initials

1 A. No. Not in the case of the vendor that we are  
2 using, no.

3 Q. What if America on Line said; we want to  
4 increase the amount of capacity from the CMTS to the  
5 Internet backbone. Couldn't that -- in that case,  
6 wouldn't AOL only be using the last mile transport service  
7 from Adelphia?

8 A. I'm sorry, I didn't follow that. Your first  
9 part of the question.

10 Q. Well, I guess that headend and beyond,  
11 upstream.

12 A. Upstream.

13 Q. Upstream provider, is that where you get to  
14 the Internet backbone? I'll call it that.

15 A. Yes.

16 Q. Where the Internet is.

17 A. Yes. This direction, or in case of ISP A  
18 through N, it would be out this route and out their  
19 upstream, assuming that ISP A doesn't use our upstream.  
20 I don't know the answer to that.

21 Q. Wouldn't an access by an ISP to the last mile  
22 transport service encourage them to invest in facilities  
23 right from the CMTS to the Internet backbone, thereby  
24 creating -- stimulating or creating greater pipeline of  
25 information to the Internet?

1 next to it somewhere nice and clear on a blank  
2 spot.

3 (A document was marked Adelphia Exhibit  
4 Number 7 for identification and  
5 admitted in evidence.)

6 THE CHAIRMAN: Thank you. Mr. Ellis,  
7 you wanted some redirect?

8 MR. ELLIS: Recross.

9 THE CHAIRMAN: I'm sorry.

10 RECROSS EXAMINATION

11 BY MR. ELLIS:

12 Q. Mr. Sullivan, now that you have it up there,  
13 is -- the box CMTS, the lines from there go to the end  
14 user; is that correct?

15 A. That is the RF plant. Yes.

16 Q. Those lines that would go from the CMTS to the  
17 user are what would be referred to as the last mile  
18 transport service; is that correct?

19 A. I suppose you could call it the last mile,  
20 yeah.

21 Q. Okay. Now, wouldn't it be possible for an ISP  
22 to take -- to instead of running that line to the headend  
23 in the router up there from the ISP A, couldn't that line  
24 just as well be right to the CMTS from the I -- the  
25 Internet service provider?

1 MR. THOMPSON: I'm going to object to  
2 the question on two counts. One, that Mr.  
3 Sullivan's already testified that they can't  
4 connect to the CMTS. That was one or two  
5 questions earlier. And also, to the point the  
6 question's rhetorical and it's just testimony  
7 on Mr. Ellis' part.

8 MR. ELLIS: I think he said they  
9 couldn't connect to the CMTS under some  
10 provider's proposal. That's what his answer  
11 was. And I'm not talking about any specific  
12 provider's proposal. I want to know if it's  
13 possible that an Internet service provider  
14 could take service from the CMTS and do  
15 whatever it wants from that point on to the  
16 Internet, separate and apart from Adelphia's  
17 system, and would only be using that last mile  
18 transport service of Adelphia's.

19 THE CHAIRMAN: I'm going to overrule the  
20 objection. The question can stand. In  
21 particular, the question -- Mr. Sullivan's  
22 statement as to CMTS was it was not possible  
23 to their provider of choice. The question was  
24 still open as to whether it might be possible  
25 to other providers. That's what Mr. Ellis is

1 asking you.  
 2 THE WITNESS: Is it fair to say that you  
 3 said the highest would not -- use of this  
 4 structure come right into the CMTS? I'm -- I  
 5 only have the knowledge of the CMTS that we  
 6 are using, that is all. I'm not 100 percent  
 7 sure. I know with the CMTS that we are using,  
 8 you can't do that. There may be other CMTSs  
 9 out there that would support that. I'm not  
 10 sure how an option like that would scale in  
 11 terms of open access and ISP A through N  
 12 coming into a single CMTS.

13 BY MR. ELLIS:

14 Q. If there is a technology -- obviously, if  
 15 Adelphia's able to get from the CMTS to the Internet  
 16 backbone, technology exists for another Internet provider  
 17 to get from that CMTS to the backbone; correct?

18 A. Sure. Through this router or duplicate all of  
 19 this effort -- all of this structure.

20 Q. That's my point. The ISP could duplicate that  
 21 structure, right, and all they would be wanting to use  
 22 from Adelphia would be that last mile transport service?

23 A. Sure. That could be done.

24 MR. ELLIS: That's all I have.

25 THE CHAIRMAN: I see you're on your

1 with a router right here. That's why that's there, so we  
 2 can manage just this piece.

3 Q. Okay. There will be other broadcast domains  
 4 also running off this headend?

5 A. Yes. The virtual LANs, VLANs; correct.

6 Q. Okay. Now, using your diagram and trying to  
 7 do this as much as you can, in layman terms what's the  
 8 difference between the IP addressing needs over -- if  
 9 there is no open system, in other words, there is no open  
 10 access, and if there is open access?

11 A. The return path.

12 Q. The return paths. Can you explain to me what  
 13 you mean?

14 A. Yes. I don't know -- the issue is if ISP A is  
 15 advertising their space, how is a packet sent from ISP A's  
 16 user which is in our network and in our space, how is that  
 17 packet -- how does that packet get back?

18 Q. And the routers would make that decision? The  
 19 routers would make that decision?

20 A. The routers make a decision on IP's but that's  
 21 -- the issue is that traffic coming over here, which is  
 22 our link, or is it coming over ISP A's and who actually  
 23 manages that link? In other words, ISP A's traffic could  
 24 go out that way, but ISP A through N could all come  
 25 through this link. It all depends on the IP addressing.

1 feet. Is it to observe or to ask?

2 MS. HOFMANN: I was just seeing but I  
 3 also have a couple of questions, if I might.

4 THE CHAIRMAN: Okay. Although I really  
 5 do want you to be tightly focused at this  
 6 stage.

7 MS. HOFMANN: On the diagram, correct.  
 8 The learning experience we are having.

9 THE CHAIRMAN: Please go.

10 BY MS. HOFMANN:

11 Q. You had the headend with the router and then  
 12 you have a hub out there with a router and a switch in it.

13 A. This is a hub site.

14 Q. So, why do you have that second box with the  
 15 second router?

16 A. This right here?

17 Q. Yes.

18 A. We have this because we keep the broadcast  
 19 domain down to a single CMTS. So -- we only have black?  
 20 I only have black. The area within -- the area in the red  
 21 circle is a broadcast domain and it's running on one  
 22 virtual LAN. So, in other words, this is only one hub  
 23 site and a single headend. Most networks there's multiple  
 24 headends. So, we want to limit the broadcast traffic that  
 25 goes through the whole network. All right. We do that

1 It's an issue -- keep in mind, it is an issue that needs  
 2 to be reviewed with ISP A through N.

3 Q. If you had open access, it is possible that  
 4 the routers would be able to move these differently  
 5 addressed packets?

6 A. Depending on the advertising upstream;  
 7 correct.

8 Q. Okay. Now, would this diagram be the same if  
 9 the access provided was leased access as opposed to open  
 10 access?

11 A. Could you define, I guess, leased access for  
 12 me, exactly what you're --

13 Q. Well, what would you take by the term -- how  
 14 would you define "leased access"?

15 A. My understanding of leased access is Adelphia  
 16 as a whole has to provide a certain number of channels for  
 17 access, for lease.

18 Q. So, would this diagram be the same whether it  
 19 was leased or open access or would there be a different  
 20 diagram if it were leased access?

21 A. I think it would be the same.

22 Q. You mentioned that you would have it advertise  
 23 the upstream address. What do you mean by that?

24 A. We have to advertise the routes that are in  
 25 our network with an upstream provider so that any packet

1 going out that link has a way back in regards to the  
 2 Worldwide Web, the Internet as whole.  
 3 Q. You indicated in response to Mr. Thompson's  
 4 last question that these -- some of these problems, I  
 5 think you said, could be overcome in DSL type situations.  
 6 A. DSL situations?  
 7 Q. You indicated that -- you said something at  
 8 the end that I didn't understand in response to one of Mr.  
 9 Thompson's questions about DSL and you stated that  
 10 problems with DSL could be overcome.  
 11 A. Sure.  
 12 Q. But didn't you testify earlier you didn't know  
 13 much about DSL?  
 14 A. That's correct.  
 15 Q. Thank you.  
 16 THE CHAIRMAN: Anything else?  
 17 MR. THOMPSON: I only have one question.  
 18 RE-REDIRECT EXAMINATION  
 19 BY MR. THOMPSON:  
 20 Q. Mr. -- based on the hypothetical that Mr.  
 21 Ellis asked you about ISP, showing on that diagram ISP N  
 22 going into the CMTS, even if that did occur, would that  
 23 address all of the issues that you've identified in your  
 24 testimony, both the prefiled and here today, that would  
 25 need to be addressed? Would that resolve all of those or

1 would? They still remain?  
 2 A. We would still need to review the technical  
 3 plant test, the entire -- the entire process, whether an  
 4 ISP A through N connects here or here or wherever they  
 5 would connect.  
 6 MR. THOMPSON: That's all I have.  
 7 THE CHAIRMAN: Thank you, sir. I'm  
 8 anticipating taking a break from 3:30 to 4:00,  
 9 consistent with our usual schedule. So, why  
 10 don't we bring the next witness on.  
 11 MR. THOMPSON: Okay. Adelphia next  
 12 calls John Judkins.  
 13 \* \* \*  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
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 22  
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 24  
 25

1 JOHN JUDKINS  
 2 having first been duly sworn, was examined and  
 3 testified as follows:  
 4 THE CHAIRMAN: Let's go back on the  
 5 record now. I just want to indicate one thing  
 6 on the record, which is originally I had  
 7 talked about scheduling routine breaks from  
 8 3:30 to 4:00. We will continue that through  
 9 today based on the commitments people may have  
 10 made. Tomorrow we will play it by ear for the  
 11 interactive portion. After tomorrow, for the  
 12 rest of the proceedings we will anticipate a  
 13 routine break from 3 o'clock to 3:30. Not on  
 14 break now. Starting the day after tomorrow,  
 15 we will begin breaks at 3:00.  
 16 MR. THOMPSON: I've handed the witness  
 17 and the court reporter the prefiled rebuttal  
 18 testimony of John Judkins.  
 19 DIRECT EXAMINATION  
 20 BY MR. THOMPSON:  
 21 Q. Can you state your name and title for the  
 22 record, please?  
 23 A. My name is John Judkins. I am the regional  
 24 manager marketing and sales for Adelphia.  
 25 Q. And what's your business address?

1 A. 106 Kimball Avenue, South Burlington.  
 2 Q. Mr. Judkins, can you confirm that this is the  
 3 prefiled rebuttal testimony that you filed in Docket  
 4 Number 6101 in this proceeding?  
 5 A. Yes, it is.  
 6 Q. Was this testimony prepared by you or under  
 7 your direction or control?  
 8 A. That's correct.  
 9 Q. And if I were you were to ask you the same  
 10 questions today, would your answers be substantially the  
 11 same?  
 12 A. Yes.  
 13 Q. Do you adopt at this time your prefiled  
 14 testimony and your sworn testimony in this case?  
 15 A. Yes, I do.  
 16 MR. THOMPSON: At this time I would  
 17 request that the Board admit Mr. Judkins'  
 18 testimony into evidence.  
 19 THE CHAIRMAN: Any comments from any  
 20 party?  
 21 MS. HOFMANN: No objections.  
 22 THE CHAIRMAN: The prefiled is admitted.  
 23 (The prefiled rebuttal testimony of John  
 24 Judkins was incorporated into original  
 25 transcript as pages 233A-233F.)

1 MS. HOFMANN: Although I would note the  
2 last witness did have a correction that came  
3 up during the course of it. I don't know if  
4 he had any corrections.

5 MR. THOMPSON: Do you have any  
6 corrections to your --

7 THE WITNESS: I did have one correction.

8 MR. THOMPSON: Oh, okay.

9 THE CHAIRMAN: Why don't we address it  
10 right now.

11 THE WITNESS: I'm sorry. Not in this.  
12 No. It was in the actual deposition.

13 THE CHAIRMAN: We will address that if  
14 the deposition comes up. I do want to just  
15 note in this context that the Board's order of  
16 October 6th addressed page 5, line 2 of the  
17 prefiled testimony and sustained an objection  
18 to the comments about outside investment.

19 MR. THOMPSON: The witness is available  
20 for cross examination.

21 THE CHAIRMAN: Have you discussed an  
22 order of examination?

23 MS. HOFMANN: We did very briefly but  
24 I'm not sure if we came to resolution.

25 MR. ELLIS: I'll go ahead. I guess I'll

1 Q. Good afternoon, Mr. Judkins. My name is Bill  
2 Ellis. I'm attorney with the law firm of McNeil, Leddy &  
3 Sheahan. We represent the City of Burlington in this  
4 matter. Could you tell me by whom are you employed?

5 A. I'm employed by Adelpia Cable.

6 Q. What's the full name. Business?

7 A. I believe it's Adelpia Communications, if  
8 that's what you're getting at. I'm not exactly sure what  
9 you're getting at.

10 Q. It's not Mountain Cable Company?

11 A. No, it's not.

12 Q. It's not Hyperion Telecommunications of  
13 Vermont?

14 A. No, it's not.

15 Q. You presently hold the position of Regional  
16 Manager, Marketing and Sales for New England; is that  
17 correct?

18 A. That's correct.

19 Q. Is it fair to say, Mr. Judkins, that your  
20 responsibilities include the marketing and sale of  
21 products that Adelpia offers?

22 A. That's correct.

23 Q. What are these products and services?

24 A. Currently we offer high speed Internet access  
25 in certain areas. We also offer Adelpia Page Time, which

1 go first.

2 THE CHAIRMAN: Why don't you go first.

3 MR. ELLIS: Could I ask the Board a  
4 clarifying question regarding the motion to  
5 strike that was ruled upon? It specifies page  
6 five, line 2 regarding external investment.  
7 But the remainder of that paragraph deals with  
8 economics of recovering investment also. Am I  
9 to understand that that testimony is not in --  
10 has also been stricken?

11 THE CHAIRMAN: I think we can go back to  
12 the Department's specific motion here, but my  
13 memory is it addressed lines 1 and 2 and the  
14 words, quote, "would severely hamper  
15 Adelpia's ability to attract external  
16 investment and," end quote. And that's what  
17 the Board's order addressed.

18 Frankly, I will tell you that as to the  
19 rest, rather than strike it, you may or may  
20 not want to rely on its probative weight based  
21 upon what evidence there is or isn't of his  
22 financial expertise.

23 MR. ELLIS: Very good. Thank you.

24 CROSS EXAMINATION

25 BY MR. ELLIS:

1 is our paging product, Adelpia Long Distance, and cable  
2 service, as well as we also offer a product -- a dial-up  
3 ISP service.

4 Q. Is that all the services and products that  
5 Adelpia presently offers?

6 A. I believe so.

7 Q. Okay. What were your responsibilities when  
8 you were employed at MCI Worldcom?

9 A. Do you want me to go over the whole 7  
10 and-a-half years? I'm just --

11 Q. Were you in marketing and sales there too or  
12 were you in a different area?

13 A. It was in marketing and sales. Yes.

14 Q. Is it fair to say that's what your background  
15 is, marketing and sales?

16 A. A little bit more on the sales emphasis than  
17 marketing.

18 Q. Do you have any formal education other than  
19 the Bachelor's degree in communications you received from  
20 Norwich?

21 A. No, I do not.

22 Q. Have you had any training or involvement in  
23 the administration of cable -- of Adelpia's cable modem  
24 service?

25 A. Could you repeat that?

1 Q. Have you had any training concerning or  
 2 involvement in the administration of Adelphia's cable  
 3 modem service?  
 4 A. I don't know that I understand the question.  
 5 Q. Well, aside from marketing and sale of that  
 6 service, I'm talking about the administration of it,  
 7 either up -- how about in the --  
 8 A. On the technical side?  
 9 Q. On the technical side.  
 10 A. No, I do not.  
 11 Q. How about on the billing side, customer --  
 12 A. That's outside of my area.  
 13 Q. Customer service is outside?  
 14 A. That's outside as well.  
 15 Q. How about any other company's cable modem  
 16 service, do you have any involvement with the  
 17 administration or operations of any other cable modem  
 18 service aside from Adelphia?  
 19 A. Other than Adelphia, on a personal level.  
 20 Q. Well, I'm talking professionally.  
 21 A. No.  
 22 Q. Is it fair to say, Mr. Judkins, that you don't  
 23 have an engineering background?  
 24 A. That's correct.  
 25 Q. It's also true that you personally do not have

1 any expertise to opine on any technical issues allegedly  
 2 involved with open broad band access; is that correct?  
 3 A. On the technical side, no.  
 4 Q. Any statements in your prefiled testimony  
 5 would have been based upon your conversations with Mr.  
 6 Sullivan and Mr. Hryckiewicz; is that correct?  
 7 A. Those are the two that I can recall, yes.  
 8 Q. Is it also fair to say, Mr. Judkins, that you  
 9 do not have any background in economics?  
 10 A. No, I don't.  
 11 Q. How about finances; do you have any background  
 12 in financings, attracting external investments?  
 13 A. No, sir.  
 14 Q. And you personally do not have the expertise  
 15 to opine on market power issues, do you, Mr. Judkins?  
 16 A. I'm sorry.  
 17 Q. Do you have -- you don't personally have the  
 18 expertise to opine on market power issues, do you?  
 19 A. Market power issues?  
 20 MR. THOMPSON: I'm going to object and  
 21 ask that the take -- the term "market power" in  
 22 that question is vague. I don't know that  
 23 it's necessarily clear what he's asking about  
 24 there.  
 25 THE CHAIRMAN: The summary of the

1 prefiled testimony says Adelphia does not now  
 2 nor is it poised to pursue market power. So,  
 3 I'm afraid that having used the phrase,  
 4 Adelphia has to answer questions what it  
 5 means.  
 6 MR. THOMPSON: But the summary is a part  
 7 of Mr. Judkins' testimony, so I'm not clear  
 8 that it's clear to him what it's going to  
 9 mean.  
 10 THE CHAIRMAN: Then he can tell us that.  
 11 BY MR. ELLIS:  
 12 Q. Do you know what I mean when I refer to  
 13 market power?  
 14 A. No, I do not.  
 15 Q. Adelphia presently offers an Internet access  
 16 known as Power Link in the City of Burlington; is that  
 17 correct?  
 18 A. That is correct.  
 19 Q. And presently a standard phone line is needed  
 20 for the upstream delivery of information from the customer  
 21 to the Internet; is that correct?  
 22 A. That's correct.  
 23 Q. So presently, upstream access through Power  
 24 Link is no better than any other ISP service that has to  
 25 go through a standard phone line; is that correct?

1 A. For the up link, from the person's computer to  
 2 the Internet, there is no difference. Where the  
 3 difference is is on the down link.  
 4 Q. Is Power Link presently offered at half price  
 5 since it uses telephones for half of its service?  
 6 A. Half price from what?  
 7 Q. Well, what is the price of Power Link right  
 8 now?  
 9 A. For the Power Link that we deploy right now,  
 10 the price is, I believe, 34.95.  
 11 Q. And the Power Link you deploy right now, can  
 12 we agree that -- I'll call it the hybrid Power Link, which  
 13 is downstream cable, upstream telephone. I'll refer to  
 14 that as hybrid Power Link, and that's 39.95?  
 15 A. 34.95.  
 16 Q. 34.95. Thank you.  
 17 Will the price change once it goes to two-way  
 18 cable modem?  
 19 A. It's my understanding that when we deploy  
 20 two-way cable modem service that the price will change,  
 21 yes.  
 22 Q. And do you know how much it's anticipated to  
 23 change?  
 24 A. I believe it's anticipated for existing cable  
 25 customers, it's 39.95.

1 Q. Is Adelphia still on schedule for a fourth  
2 quarter rollout of the two-way cable modem service in  
3 Burlington?

4 A. Yes.

5 Q. Does anyone in Burlington have two-way cable  
6 modem service presently?

7 A. It's my understanding that we have placed a  
8 few two-way DOCSIS cable modems for the testing purposes  
9 only.

10 Q. In the city?

11 A. In the rebuilt part of the city, yes. That's  
12 my understanding.

13 Q. When you -- are these just residential  
14 customers that --

15 A. I'm not sure where -- the operations group is  
16 actually handling that side of it. I don't know who they  
17 have selected.

18 Q. When you roll out the two-way service here and  
19 make it fully available, do you believe that the cable  
20 modem deployment by Adelphia in Burlington will increase?

21 A. When we roll out the two-way DOCSIS modems --  
22 the other thing you need to keep in mind is that it's only  
23 going to be in the rebuilt part of Burlington. It's not  
24 going to be the tie area where we currently offer the  
25 hybrid service as well. Yes, I do anticipate the early

1 A. I'm considering the City of Burlington, South  
2 Burlington and the areas that we do deploy Power Link.

3 Q. Okay. So -- there are 272 subscribers in the  
4 greater Burlington area, Chittenden County?

5 A. As of July, yes.

6 Q. Now, would you agree with me, Mr. Judkins,  
7 that your statement in your prefiled concerning Bell  
8 Atlantic's rollout of DSL in Vermont sometime in the year  
9 2000 is based upon your personal direct inquiries of Bell  
10 Atlantic?

11 A. That's correct. That's through my own  
12 personal investigation to find out when DSL would be  
13 available in Vermont.

14 Q. Okay. And is it fair to say that you actually  
15 asked several different persons at Bell Atlantic this  
16 question and that one group of those that you questioned  
17 said that they were considering or looking at possibly  
18 deploying DSL in Vermont in 2000?

19 A. I had asked several groups through Bell  
20 Atlantic. I don't know where they were located. And  
21 different departments. And one department told me that  
22 they were looking to deploy DSL service in Vermont  
23 sometime in 2000. I believe they actually said early  
24 2000.

25 Q. Did they say where?

1 adaptors to pick up Power Link.

2 Q. Do you know how many potential customers there  
3 are in Burlington or what Adelphia's understanding --  
4 projecting as potential customers in Burlington?

5 A. I don't know that off the top of my head.

6 Q. Do have your prefiled testimony in front of  
7 you there, Mr. Judkins?

8 A. Yes, I do.

9 Q. Could you turn to page two, line 6. You  
10 indicate there that Power Link has only .71 percent  
11 penetration rate in the City of Burlington as of July of  
12 1999; is that correct?

13 A. That's correct.

14 Q. What is the basis for your statement that  
15 there are 38,000 homes in the City of Burlington?

16 A. The 38,000 represents the approximate number  
17 of homes that we pass with our Power Link product.

18 Q. In the City of Burlington?

19 A. No. That's -- I believe that includes the  
20 City of Burlington as well as South Burlington and the  
21 surrounding areas.

22 Q. I'm confused here. You have 272 subscribers  
23 to Power Link in the City of Burlington. Page 2 line 5.  
24 Are you referring to the City of Burlington there meaning  
25 more than Burlington and the surrounding communities?

1 A. No, they did not.

2 Q. Did they say on what scale?

3 A. I'm sorry?

4 Q. Did they say on what scale?

5 A. No, they did not.

6 Q. So, on page two, line 13 of your testimony  
7 when you state that Bell Atlantic expects to launch it in  
8 early 2000, is that an overstatement in light of what you  
9 were told that they were actually considering or looking  
10 at possibly deploying it?

11 A. Could you repeat that?

12 Q. Your testimony says they expect to. But then  
13 when -- the question further in your deposition and  
14 information responses, you said that they were considering  
15 or looking at possibly -- possibly deploying DSL in 2000.

16 A. Based upon my investigation, I was told that  
17 they were expecting to launch DSL in early 2000.

18 Q. In any event, presently DSL's not available  
19 anywhere in the State of Vermont, is that --

20 A. It's my understanding that there are two  
21 companies that have a product that they are calling DSL.  
22 One of those is the Waitsfield Champlain Valley Telecom,  
23 which actually has a product they are calling DSL to a  
24 school that they are in the process of testing. I don't  
25 know that they have a commercial offer, but I believe

1 that's what they are calling it.  
 2 Q. But there is no DSL available to the general  
 3 public at present?  
 4 A. Not to my knowledge.  
 5 Q. And is it fair to say that you personally are  
 6 not familiar with DSL technology?  
 7 A. Not extensively, no.  
 8 Q. So, do you know of any technical limitations  
 9 on the technology, DSL technology?  
 10 A. It's my understanding that there are distance  
 11 restrictions to the technology as far as deploying DSL.  
 12 Those restrictions are not specific to Vermont. It's my  
 13 understanding that they are specific to all of DSL.  
 14 Q. Do you know whether Vermont, being such a  
 15 rural state, poses any particular problems with respect to  
 16 DSL technology?  
 17 A. I don't know that Vermont poses any specific  
 18 restrictions. I know that these restrictions are issues  
 19 everywhere that they are looking in deploying, yes.  
 20 Q. What is ISDN service?  
 21 A. ISDN service is a -- as I stated, it's an  
 22 integrated service digital network that is actually a  
 23 direct connection to the Internet.  
 24 Q. Do you know how much that costs?  
 25 A. I do not know.

1 Q. Do you have any idea in magnitude? Is it  
 2 comparable to what you charge for -- or planning to charge  
 3 for your two-way Power Link?  
 4 A. It's my understanding that it is -- costs  
 5 more. However, I don't have an idea exactly what those  
 6 costs are. It's my understanding that it's also based  
 7 upon distance. There are distance rates involved.  
 8 Q. Do you know if it's as fast as what you're  
 9 going to be able to --  
 10 A. It's my understanding that the speed of ISDN  
 11 is 128 kilobits per second -- 128 kilobits per second up  
 12 and down.  
 13 Q. So, it will be the same speed as your Power  
 14 Link going upstream, 128 KBPS?  
 15 A. That's correct. That's my understanding.  
 16 Q. What about the speed downstream?  
 17 A. I believe the ISDN service is 128 down as  
 18 well.  
 19 Q. And how much will the Power Link be?  
 20 A. It's my understanding that Power Link will be  
 21 one megabit.  
 22 Q. Isn't it true that you know of no wireless  
 23 providers currently offering Internet access services in  
 24 Vermont?  
 25 A. I do not know of any wireless services, no.

1 Q. Is it also fair to say that you know of no  
 2 wireless provider's plans to offer Internet access  
 3 services in the future?  
 4 A. I'm sorry.  
 5 Q. Is it fair to say that you know of no wireless  
 6 provider's plans to offer Internet access in the future in  
 7 Vermont?  
 8 A. I'm not aware of any.  
 9 Q. Are you familiar with the phrase "broad band  
 10 Internet access," "broad band access"?  
 11 A. Yes.  
 12 Q. And what's your understanding of that phrase?  
 13 A. Broad band, from what I understand, has many  
 14 different definitions. I actually used the term to  
 15 understand high speed data, and I generally -- my personal  
 16 rule of thumb is higher than the 128 kilobits per second.  
 17 THE CHAIRMAN: Let me just break in. Do  
 18 you mean higher than or do you mean at least  
 19 128?  
 20 THE WITNESS: At least and higher.  
 21 THE CHAIRMAN: Thank you.  
 22 BY MR. ELLIS:  
 23 Q. So, is it fair to say, Mr. Judkins, that you  
 24 know of no broad band Internet access providers actually  
 25 offering services to the general public in Vermont?

1 A. Under those guidelines, I believe the only --  
 2 I believe that Bell Atlantic is offering a frame relay  
 3 product in the State of Vermont.  
 4 Q. Okay. Leaving aside the frame relay --  
 5 THE CHAIRMAN: Mr. Ellis, it's 3:30 now.  
 6 Let's break until 4:00 o'clock.  
 7 MR. ELLIS: Very good.  
 8 (At this time a recess was taken.)  
 9 THE CHAIRMAN: Are we ready to resume?  
 10 Let's go forward.  
 11 BY MR. ELLIS:  
 12 Q. Mr. Judkins, I believe where we left off, I  
 13 was asking you about broad band Internet access in  
 14 Vermont. When you roll out Power Link, the two-way,  
 15 leaving aside frame relay, Adelphia will be the only broad  
 16 band Internet access provider actually offering services  
 17 to -- in the State of Vermont to the general public; is  
 18 that correct?  
 19 A. No. I believe there is a product called  
 20 Direct PC, which is a product from satellite providers.  
 21 Q. And it's your testimony that Direct PC is  
 22 available in Vermont presently?  
 23 A. I don't have any reason to believe that it's  
 24 not. It's my understanding that it's available throughout  
 25 their footprint.

1 Q. What's the basis for your understanding?  
2 A. Through -- from some articles that I've read  
3 that Direct PC is offered by the satellite providers to  
4 the footprint that they offer service.  
5 Q. And Vermont is in that footprint?  
6 A. If they can receive DBS satellite, I'm  
7 assuming that it is.  
8 Q. Do you have a copy of your deposition  
9 available?  
10 A. No, I don't.  
11 MS. HOFMANN: I actually have a clean  
12 copy if you want to use it.  
13 MR. ELLIS: That would be great.  
14 MS. HOFMANN: You can just keep it up  
15 there, Mr. Judkins, because I'll probably ask  
16 you some questions as well.  
17 THE WITNESS: Thank you.  
18 BY MR. ELLIS:  
19 Q. Direct your attention to page 17, line 17. Do  
20 you see that answer? Page 17, line 17, Mr. Judkins.  
21 A. Yes.  
22 Q. Just before that, the question was, "How many  
23 other broad band Internet providers are there in Vermont?"  
24 Your answer, "Actually offering services in  
25 Vermont?"

1 Question, "That's correct."  
2 What's your answer starting on line 17, the  
3 first sentence? Just read that answer.  
4 A. What was the line that you wanted me to start  
5 reading at?  
6 Q. Line 17.  
7 A. Line 17.  
8 Q. The first sentence.  
9 A. "I don't know of any that are actually  
10 offering them to the general public."  
11 Q. Thank you.  
12 On page three of your testimony, not your  
13 deposition now, back to your testimony, page 3, lines 2  
14 and 3, you state; every time a new customer requests  
15 service, it takes Adelphia -- I'm paraphrasing here now --  
16 one to four hours to install cable modem equipment at a  
17 customer's house. Do you see that testimony?  
18 A. I believe I was saying that, depending upon  
19 the installation, it can take --  
20 Q. One to two?  
21 A. And if there is some complications, it could  
22 take longer, like three to four.  
23 Q. So, the span is one to four hours; that's what  
24 your testimony is?  
25 A. Depending upon the circumstances, yes.

1 Q. And that time would need to be spent  
2 regardless of whether there is open access or not;  
3 correct?  
4 A. It's my understanding that it would, yes.  
5 Q. Would you agree with me that each additional  
6 ISP gaining access does not mean that new home connections  
7 would be needed?  
8 A. I'm sorry, can you repeat that?  
9 Q. Okay. I'm going to ask if you can agree with  
10 this statement; each additional ISP gaining access does  
11 not mean that new home connections would be needed. You  
12 only need to hook up the home once; right?  
13 A. Hook up the -- are you talking about hooking  
14 up for Internet access or for cable access?  
15 Q. For Internet access.  
16 A. If the person -- individual who wanted the  
17 Internet service, if they weren't an existing cable  
18 customer, we would require to -- have to run an extension  
19 to their house.  
20 Q. My question, though, is whether there is one  
21 additional unaffiliated ISP or 10 additional unaffiliated  
22 ISPs that have access -- open access regime, doesn't --  
23 the number of home connections that are needed don't  
24 depend upon the number of different ISPs that have access;  
25 is that correct?

1 A. I don't know that I fully understand the  
2 question.  
3 THE CHAIRMAN: Mr. Ellis, may I take a  
4 cut at it?  
5 MR. ELLIS: Sure. Please.  
6 THE CHAIRMAN: Let us assume, Mr.  
7 Judkins, that you have a customer who is  
8 currently a Power Link customer and that that  
9 customer and an unaffiliated Internet service  
10 provider decided that they wanted to build a  
11 commercial relationship with each other. And  
12 that unaffiliated interstate service provider  
13 wants to lease from you the ability to reach  
14 that customer. Do you need to send somebody  
15 out to the home again?  
16 THE WITNESS: I don't think I can answer  
17 that question. I don't know.  
18 BY MR. ELLIS:  
19 Q. Direct your attention to page 3, lines 4  
20 through five, where you state that cable modem service has  
21 a much higher rate of consumer calls for assistance. Do  
22 you see that? Am I correct in stating that this  
23 information is based upon anecdotal information you  
24 received from customer service representatives as opposed  
25 to any formal study or survey conducted by Adelphia?

1 A. That's correct. That's from speaking with  
 2 some of the customer service reps, yes.  
 3 Q. And this higher rate of consumer calls is  
 4 based upon Adelphia's experience with its hybrid Power  
 5 Link; correct?  
 6 A. That's correct.  
 7 Q. Would you agree with me that the -- this  
 8 higher rate of calls will not persist once Adelphia rolls  
 9 out its two-way cable modem service?  
 10 A. I don't know that -- I don't know that the  
 11 number of -- higher rate is in proportion to the amount of  
 12 customers that we have actually on the service. It's a  
 13 new service for us. And I don't know that necessarily  
 14 that the rates will go down initially. Over time, you  
 15 would think that the calls would go down. But I don't  
 16 have any experience with the rate of call backs after  
 17 deploying DOCSIS modems.  
 18 Q. With the introduction of the DOCSIS modems,  
 19 getting away from the hybrid Power Link, it's your view  
 20 that those DOCSIS modems are much more reliable modems  
 21 than what you presently have in the hybrid Power Link; is  
 22 that correct?  
 23 A. It's my understanding that those modems are  
 24 more reliable than the -- the prior two-way modems that we  
 25 were deploying in other parts of the -- of Adelphia.

1 Q. So, is it fair to assume that since you have  
 2 more reliable modems, you're going to have less customers  
 3 calling up complaining about their modem service at least?  
 4 A. I think that the -- there may be other issues  
 5 involved that may require a customer to call. It may not  
 6 necessarily be that the modem has a problem. It may be  
 7 that there is actually something wrong with the cable line  
 8 or something to that effect that the customer's not going  
 9 to know that just because their modem doesn't work. So,  
 10 that's going to generate a call.  
 11 Q. Is it your view that Adelphia's two-way  
 12 service will be superior to its present hybrid Power Link?  
 13 A. What do you mean by "superior"?  
 14 Q. How much faster is the cable modem service  
 15 than the standard phone line access that you have right  
 16 now going upstream?  
 17 A. It's my understanding that the upstream is  
 18 going to be 128 kilobits upstream -- the upstream that we  
 19 have now is 128 kilobits -- I'm sorry. The upstream on  
 20 the DOCSIS modems that we roll out upstream will be 128  
 21 kilobits.  
 22 Q. And what is it presently on an upstream line  
 23 using a standard phone line?  
 24 A. It's my understanding the highest that they  
 25 can get is a 56 kilobit.

1 Q. So, in terms of speed, it will be superior?  
 2 A. It will be faster.  
 3 Q. Okay. Doesn't the fact that Adelphia has this  
 4 two-way modem service on the horizon about to be rolled  
 5 out explain why the hybrid Power Link has as low a  
 6 penetration rate as you claim it has?  
 7 A. Could you repeat that?  
 8 Q. Sure. The fact that Adelphia has this two-way  
 9 cable modem service on the horizon that's about to roll  
 10 out, doesn't that help to explain at least in part why the  
 11 hybrid Power Link has as low a penetration rate as you  
 12 claim it has?  
 13 A. I think that's one of many factors.  
 14 Q. And another factor is that you haven't heavily  
 15 marketed it, have you?  
 16 A. That is an additional factor. There are also  
 17 a few others that I can think of.  
 18 Q. Why haven't you heavily marketed it?  
 19 A. There's -- and as far as heavily marketed, if  
 20 I could just revisit, we actually -- at the time that I  
 21 had given my deposition, we actually had just concluded a  
 22 marketing promotion, if you will, that concluded in  
 23 September. And we did do more marketing than we had in  
 24 the past and it didn't yield the results that we had  
 25 anticipated.

1 So, you know, to say that heavily -- not  
 2 heavily marketing is a contributing factor, I think that,  
 3 yes, that is a contributing factor. But I think there are  
 4 other contributing factors, such as cost, also technology.  
 5 I think that there is for some people -- technology isn't  
 6 always good to some people. There is certainly that  
 7 learning curve that takes place.  
 8 And from a price issue, I've talked -- I've  
 9 spoken to several customers that it is a price issue.  
 10 It's hard for them to justify spending what they are  
 11 currently paying now, which can range anywhere from, in  
 12 some cases, \$10 or \$15 a month up to -- I believe AOL is  
 13 over \$20 a month, to make that jump up to \$35 a month to  
 14 get the ISP high speed Internet access through Adelphia.  
 15 Q. You're planning to heavily -- you're going to  
 16 market your two-way cable modem service a lot more heavily  
 17 than you marketed your hybrid Power Link; is that correct?  
 18 A. Not particularly, no. The reason for that --  
 19 Q. Well, that's fine. That's a good answer. You  
 20 can just hold on a second.  
 21 Page 22 of your deposition, lines 1 through 4,  
 22 could you just review that?  
 23 A. Heavily marketed the product, two-way service,  
 24 which is on the horizon, is one that we know is on the  
 25 horizon. It's a product that we anticipate to market much

1 more heavily than we have the one-way service.  
 2 Q. So, you're not anticipating that anymore?  
 3 Since the deposition you've changed?  
 4 A. We are anticipating marketing the two-way  
 5 service more than we have in some areas. We cannot  
 6 heavily market this product across the state because it's  
 7 not going to be available across the state. Initially the  
 8 two-way service is only going to be available in  
 9 Burlington, the City of, greater -- the rebuilt areas.  
 10 It's difficult to heavily market that product initially  
 11 when it's not available to larger numbers.  
 12 Q. Are you familiar with the phrase "open access"?  
 13 A. Yes.  
 14 Q. And what's your understanding?  
 15 A. My understanding of open access is allowing  
 16 other Internet service providers access to our plant for  
 17 use of getting onto the Internet.  
 18 Q. If there wasn't -- if there is not open  
 19 access, will a Power Link customer be able to get to  
 20 America on line if they want to?  
 21 A. Absolutely.  
 22 Q. Will they have to pay twice to get there?  
 23 A. AOL does charge a fee if they want to have --  
 24 keep their screen name and access their content, there is  
 25 a charge that is charged by AOL.

1 Q. So, they have to pay twice, they have to pay  
 2 the Power Link charge as well as an AOL charge; correct?  
 3 A. They would pay us the Power Link charge and  
 4 they would pay AOL the AOL charge.  
 5 Q. On page three of your testimony, lines 13  
 6 through 16, you indicate one of your concerns with open  
 7 access is that it could lead to a massive influx of  
 8 requests for new cable modem service that would result in  
 9 an overwhelming burden on Adelpia. Do you recall that  
 10 statement or do you see that statement?  
 11 A. That was page -- I'm sorry.  
 12 Q. Page 3, lines 13 through 16. And I might have  
 13 paraphrased a bit.  
 14 A. I see it, yes.  
 15 Q. From that statement, is it fair for me to  
 16 understand that from your view the only thing standing  
 17 between Adelpia and huge success is open access?  
 18 A. That's not what I'm saying at all.  
 19 Q. Is it fair to say that if it's an overwhelming  
 20 burden for Adelpia to handle the influx of customers from  
 21 open access, that Adelpia cannot meet the community's  
 22 needs in this respect?  
 23 A. No. The statement that I made was actually  
 24 concerning issues where if there was an overwhelming  
 25 burden and a huge demand, there would be issues that would

1 arise that could conceivably -- may not necessarily be  
 2 Adelpia's fault, but would in light of that would still  
 3 make Adelpia look bad in the customers' eyes.  
 4 Q. Were you present when Mr. Sullivan just  
 5 testified about all the insurmountable technical issues  
 6 regarding open access?  
 7 A. I was here for part of it.  
 8 Q. If this Internet access is so much trouble,  
 9 why is Adelpia entering into the market?  
 10 A. We are providing a choice to the consumers out  
 11 there for access to the Internet.  
 12 Q. A choice of broad band access?  
 13 A. A choice of service. There's several choices  
 14 out there. One is Dial Up. Another would be Adelpia.  
 15 There is -- I have no reason to believe that DSL won't be  
 16 here soon. But it's just merely another choice for our --  
 17 for consumers in Vermont.  
 18 Q. Based upon your statement about the massive  
 19 influx and the overwhelming burden, is it fair to say that  
 20 open access could mean the introduction of services that  
 21 are very popular among Vermont consumers?  
 22 A. I'm sorry. Could you repeat that one more  
 23 time?  
 24 Q. Is it fair to say that based upon your  
 25 statement about the massive influx of customers creating

1 an overwhelming burden on Adelpia, that -- the  
 2 introduction of open access could be very -- could be  
 3 introducing a service that's very popular to Vermont  
 4 consumers?  
 5 A. The Power Link product?  
 6 Q. No.  
 7 A. Or just the open access.  
 8 Q. Open access.  
 9 A. Open access is merely going to give people  
 10 another choice. There are issues that I'm -- that I  
 11 understand as far as whether or not we can actually do  
 12 that or not. Will it bring overwhelming enthusiasm? I  
 13 don't know.  
 14 Q. Is it fair to say that the reason that  
 15 Adelpia opposes open access is so it can maintain its  
 16 monopoly on broad band Internet service?  
 17 A. Absolutely not. We are in no position to  
 18 monopolize the market. There is still an overwhelming and  
 19 the -- the choice -- the default right now is Dial Up. We  
 20 are merely giving a choice to the customers out there. We  
 21 are in no position now nor do I feel we will be in years  
 22 down the road to monopolize the market.  
 23 Q. Would you turn to page 25 of your deposition,  
 24 lines 21 through 24.  
 25 A. I'm sorry. What page number was that?

1 Q. Page 25.  
 2 A. Which lines?  
 3 Q. 21 through 24. You speak about technical  
 4 changes to the network. But that's beyond your expertise;  
 5 correct?  
 6 MR. THOMPSON: I'm sorry. Did you say  
 7 page 25?  
 8 MR. ELLIS: Page 25.  
 9 MR. THOMPSON: Lines?  
 10 MR. ELLIS: On line 18 he talks about  
 11 technical changes to the network but that's  
 12 beyond your expertise; right?  
 13 THE WITNESS: That's correct.  
 14 BY MR. ELLIS:  
 15 Q. Down below, after mentioning technical  
 16 changes, you say that if you had an influx of customers,  
 17 you would be required to help fulfill those customers  
 18 coming on, thus would not necessarily put us in the best  
 19 light in the competitive measure.  
 20 What did you mean by that statement?  
 21 A. There would be -- this statement was regarding  
 22 open access and if, for example, AOL or any other ISP were  
 23 to heavily market this product, and as I mentioned before,  
 24 if for whatever reason, either we -- there is still the  
 25 issue of fulfillment that needs to be addressed, but if

1 the customer can't be fulfilled or if it's an ISP who is  
 2 out there providing the service and there is -- the  
 3 service from the ISP or the ISP has a problem, it's still  
 4 going to look bad on Adelphia because it's Adelphia's  
 5 service that they are using. So, it would put us in a  
 6 negative light with the customer.  
 7 Q. Is -- does Adelphia intend to provide open  
 8 access once Power Link is fully deployed in the State of  
 9 Vermont?  
 10 A. I don't know that.  
 11 Q. Following up on that last -- on your  
 12 explanation of your answer on page 25 of the deposition.  
 13 So, you're concerned that open access could lead to people  
 14 developing negative opinions about Adelphia; is that a  
 15 fair statement?  
 16 A. That's one concern, yes.  
 17 Q. Assuming you're correct, that negative  
 18 opinions could be developed on Internet access, what  
 19 alternative to broad band access are people going to have  
 20 other than Power Link in Vermont?  
 21 A. I don't have any reason to believe that DSL  
 22 service is going to be available in the future. It's been  
 23 my experience, not in the State of Vermont but in other  
 24 areas where cable modems have been deployed, in response  
 25 to that, DSL service has come right on the heels of that

1 and has been heavily marketed. I don't think that, you  
 2 know, Adelphia's -- competitors of Adelphia in that market  
 3 are not going to let Adelphia gain all the customers.  
 4 It's -- there is also the Direct PC that I spoke of  
 5 before. That is an option to the customers. And quite  
 6 frankly, the Dial Up is still the main thrust of access to  
 7 the ISP.  
 8 Q. Back to your prefiled testimony. Page four,  
 9 starting at line 17, you express concerns about special  
 10 burdens being imposed on Power Link. And I would just ask  
 11 you; how do you define extensive government regulation as  
 12 you use it in your testimony?  
 13 A. I'm sorry. What page was that?  
 14 Q. Page four, starting at line 17.  
 15 A. And what was your question?  
 16 Q. How do you define extensive government  
 17 regulation? It's actually on line 19.  
 18 A. My definition of extensive is placing  
 19 regulations that hinder the ability to offer a product in  
 20 a competitive light.  
 21 Q. Could you turn to page five of your testimony.  
 22 And you just mentioned that from your view, cable modem  
 23 service will face significant competition from narrow band  
 24 Dial Up service; correct?  
 25 A. That's correct.

1 Q. What would happen to the narrow band market if  
 2 there was competition in the broad band market and the  
 3 prices of the broad band services dropped?  
 4 A. I'm sorry. Could you say that again?  
 5 Q. What would happen in the narrow band market or  
 6 -- what would happen to the narrow band market if there  
 7 was competition in the broad band market and as a result  
 8 of that competition, prices of broad band dropped?  
 9 A. I can't -- I don't have any idea what that  
 10 would do to it.  
 11 Q. That's beyond your area of expertise?  
 12 A. As far as the economics of it, yes.  
 13 Q. Page 6, lines 11 through 12 of your testimony,  
 14 you mention a deal between AOL and Hughes. Do you see  
 15 that? Does that deal have anything bearing on Vermont?  
 16 A. Again, it's my understanding that the  
 17 footprint -- as long as the signal can be received from  
 18 the satellite, they will have access to the service.  
 19 Q. Does a customer need to be able to able to  
 20 access that satellite service?  
 21 A. I don't know.  
 22 Q. Any idea what the cost of that would be?  
 23 A. I have no idea.  
 24 Q. Now, Adelphia has already rolled out a two-way  
 25 cable modem service in Buffalo, New York; is that correct?

1 A. Yes.  
 2 Q. Do you have any knowledge of what the increase  
 3 in subscribership levels are as a result of that rollout?  
 4 A. No, I do not.  
 5 Q. When was that rolled out?  
 6 A. My understanding was rolled out mid to late  
 7 August.  
 8 Q. Are there any other areas where Adelphia has  
 9 rolled out two-way cable modem service in the country?  
 10 A. DOCSIS two-way cable modem service.  
 11 Q. Okay. DOCSIS two-way cable modem service?  
 12 A. It's my understanding that we have also rolled  
 13 it out in Plymouth, Massachusetts.  
 14 Q. And when was that?  
 15 A. I believe that happened in the end of August  
 16 as well.  
 17 Q. Any information yet about increase in  
 18 subscribership from either -- from that --  
 19 A. Well, I can speak on Plymouth. We have seen a  
 20 spike, but that's the early adopters. We feel that the  
 21 early adopters are the ones that are bringing that  
 22 increase initially. What it will do once those early  
 23 adopters slow down, it's difficult to say.  
 24 THE CHAIRMAN: Let me just break in  
 25 here. I think of a spike as something which

1 believe it's under 2 percent penetration to the homes that  
 2 we currently pass.  
 3 THE CHAIRMAN: Do you know if Adelphia  
 4 has any statements to its investors about its  
 5 expected pace of deployment of interactive  
 6 cable modems?  
 7 THE WITNESS: I don't know that, sir.  
 8 BY MR. ELLIS:  
 9 Q. Is it your position, Mr. Judkins, that an open  
 10 access requirement would cause a disruption in Adelphia's  
 11 roll out of Power Link?  
 12 A. I think that it could.  
 13 Q. And that potential disruption, wouldn't that  
 14 be -- wouldn't the disruption be increased substantially  
 15 if there was an open access requirement imposed several  
 16 years down the road as opposed to when you're first  
 17 deploying Power Link?  
 18 A. What increase?  
 19 Q. The disruption that you're -- possible drugs  
 20 disruption that you just stated.  
 21 A. Would you repeat the question?  
 22 Q. Okay. I think you answered a previous  
 23 question that imposing an open access requirement could  
 24 possibly cause disruption to your role out of Power Link;  
 25 is that correct?

1 by definition goes up and then comes down.  
 2 Has the Plymouth data come down or you don't  
 3 know how long the up will last?  
 4 THE WITNESS: I don't know how long the  
 5 up will last.  
 6 THE CHAIRMAN: Go on, Mr. Ellis.  
 7 BY MR. ELLIS:  
 8 Q. Mr. Sullivan spoke about 10 percent  
 9 penetration for Power Link. What's that based upon? Do  
 10 you know?  
 11 A. From an engineering standpoint, I don't know.  
 12 Q. How about from a marketing -- I mean, is that  
 13 what -- is it your understanding that Adelphia's expecting  
 14 to achieve a 10 percent penetration level for its two-way  
 15 cable modem service?  
 16 A. In what time period?  
 17 Q. I don't know. Over the first two years.  
 18 A. I don't believe that they will get -- reach 10  
 19 percent penetration of their cable modems to homes passed  
 20 in two years. I don't believe, no.  
 21 Q. How about after two -- I mean, do you think --  
 22 A. It's very possible. You know, again, based  
 23 upon the experience of other areas where we have deployed  
 24 two-way modems, you know, some areas it's gone over  
 25 relatively well but the overall company is sitting at -- I

1 A. That's correct.  
 2 Q. Now, my question is; wouldn't that disruption  
 3 be substantially increased if open access was required  
 4 several years down the road as opposed to while you're  
 5 deploying Power Link?  
 6 A. I don't think I can speculate on that.  
 7 MR. ELLIS: With the Board's indulgence,  
 8 one moment, please.  
 9 THE CHAIRMAN: Yes.  
 10 BY MR. ELLIS:  
 11 Q. Your statement you could get a massive influx  
 12 of requests if open access was imposed, is it your belief  
 13 that demand could be stimulated by open access?  
 14 A. The question was; do I think that open access  
 15 would stimulate a demand? It could.  
 16 Q. Under a closed access system where a customer  
 17 has to pay Adelphia for Power Link and then pay AOL for  
 18 its service, they have to go through Adelphia's system as  
 19 a technical matter to get to AOL; correct?  
 20 A. Correct.  
 21 Q. So, in that situation, is Adelphia in a  
 22 position of controlling the quality of service that AOL is  
 23 able to provide?  
 24 A. I don't think so. I think there is no -- it's  
 25 not required for them to -- we are not limiting content.

1 They have all the access of every other ISP that --  
2 service out there. It's AOL who has chosen to -- if they  
3 want access to us, they need to pay this. It would be the  
4 same if somebody who subscribed to Together Net wanted to  
5 have access to AOL, they would still be required through a  
6 dial-up -- in a dial-up scenario, they would still be  
7 required to pay AOL that additional fee.

8 Q. How about the technical quality of the  
9 service, not content. Would Adelphia have control about  
10 how clear the signal comes through to the customer from  
11 AOL? Is it possible? I mean --

12 A. I don't understand what you're trying to get  
13 at.

14 THE CHAIRMAN: Let me phrase it  
15 differently. If I asked whether ping time or  
16 latency will be affected by the quality of  
17 your connection, can you answer the question  
18 posed that way?

19 THE WITNESS: That's outside of my area  
20 of responsibility.

21 MR. ELLIS: Nothing further. Thank you.  
22 Thank you, Mr. Judkins.

23 THE WITNESS: Thank you.

24 THE CHAIRMAN: Please go ahead.

25 MS. HOFMANN: Thank you.

1 the whole city at once or is it going to be more  
2 controlled and go node by node?

3 A. That would be a question that would be, I  
4 think, better answered by Mr. Hryckiewicz.

5 Q. Thank you.

6 And you indicated in Buffalo it was rolled out  
7 -- the two-way modem service was rolled out in August; is  
8 that correct?

9 A. Actually -- it may have been -- now that I'm  
10 thinking about it, it may have been in July at some point.  
11 Maybe end of July, early August. It was somewhere right  
12 around in at that time frame.

13 Q. And that is an Adelphia program?

14 A. That's correct.

15 Q. And you don't get any information from the  
16 corporate level about how that's going even though you're  
17 in marketing?

18 A. We do share marketing plans and information of  
19 the like. As far as sharing exact numbers, we haven't  
20 shared -- there is a report that goes out -- quite  
21 frankly, I haven't zeroed in on Buffalo. I have been more  
22 concerned about the areas that we are deploying, the  
23 Internet service.

24 Q. It seems if it's the same service you're going  
25 to roll out soon in Burlington; correct?

1 BY MS. HOFMANN:

2 Q. Hi, Mr. Judkins. I'm Sarah Hofmann. I'm one  
3 of the attorneys with the Department.

4 A. Good afternoon.

5 Q. You will be glad to know, Mr. Ellis asked a  
6 lot of questions that I also had. Looks like it will be  
7 shorter than you thought.

8 I want to go back to first a question Mr.  
9 Ellis asked you. He had talked about if Internet access  
10 is so much trouble, why does Adelphia do it? And I  
11 believe you gave an answer something that -- you're  
12 offering a choice to customers; is that correct?

13 A. That's correct.

14 Q. Okay. Forgive my cynicism a little bit but  
15 you're also doing it to make money; right?

16 A. Yes. I mean, we are in business to make  
17 money. Correct.

18 Q. And so you want to get as many customers as  
19 you can; is that correct?

20 A. I think that the overall objective is to  
21 again, yes, acquire as many customers as possible. But at  
22 the same time, also offering a fair market service at fair  
23 market prices.

24 Q. Okay. Can you tell me when Power Link is  
25 going to be rolled out in Burlington? Are you going to do

1 A. Yes.

2 Q. And as a marketer, I would think you would be  
3 interested in how things are going in Buffalo. That's, I  
4 guess, the nature of my question.

5 A. Well, I think that, again, it's a little  
6 different scenario. We're rolling out two-way DOCSIS  
7 Power Link to small -- smaller communities. It's my  
8 understanding that they were in front of more homes when  
9 they were initially launching this so that they are going  
10 to be able to do more of a mass market than we are going  
11 to be able to do here in Vermont. So, it's difficult to  
12 take their plan and see what results they received and lay  
13 it over in Vermont to find out what -- gee, are we going  
14 to get the same results?

15 Q. Okay. But you don't have any helpful hints  
16 from the Buffalo area? Those marketing people for  
17 Adelphia aren't giving you any information; this worked,  
18 this didn't?

19 A. I've spoken about what worked, what hasn't.  
20 It's a longer plan. When you're in front of -- and I  
21 don't know the exact amount, I know they are in front of a  
22 large number of homes. It's a program that's going to  
23 take several months to complete before you can actually  
24 gauge how successful it was. Again, because you're going  
25 to have the early adopters that come on and then at the



STATE OF VERMONT  
PUBLIC SERVICE BOARD

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PETITIONS FOR RENEWAL OF CERTIFICATES  
OF PUBLIC GOOD HELD BY MOUNTAIN CABLE  
COMPANY, D/B/A ADELPHIA CABLE  
COMMUNICATIONS, AND BETTER TV OF  
BENNINGTON, INC., D/B/A ADELPHIA CABLE  
COMMUNICATIONS

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DOCKET NO. 6101

PREFILED REBUTTAL TESTIMONY OF  
DAVID MARK SULLIVAN  
ON BEHALF OF  
ADELPHIA CABLE COMMUNICATIONS

AUGUST 2, 1999

Summary: The purpose of Mr. Sullivan's testimony is to summarize the technical issues that would be raised by a requirement that Adelphia provide "open access" to Internet Service Providers ("ISPs").

1 1.Q. Please state your name.

2 1.A. My name is David Mark Sullivan.

3

4 2.Q. By whom are you employed and in what capacity?

5 2.A. My present position is Senior Director of High Speed Data Operations for Adelphia.

6

7 3.Q. Please describe your educational background and previous work experience.

8 3.A. In 1982 I received a B.S. in Computer Science from the University of Pittsburg. In 1989,

9 I received a Masters degree in Computer Management from the University of Maryland. I

10 have been in my present position with Adelphia since January of 1999. Prior to that I was

11 employed by Hyperion for approximately 7 years, my final position with Hyperion being

12 Operation Systems Support Director.

13

14 4.Q. What is the purpose of your testimony?

15 4.A. My testimony is intended to identify and address technical issues raised by the proposal

16 that Adelphia be required to provide Internet access service or "open access" to all ISPs.

17 My ability to meaningfully address the issue is severely hampered, however, by the fact

18 that none of the proponents of this proposal in Vermont have identified or described in any

19 meaningful manner precisely what they want.

0

1 As a result, the following testimony will summarize in a broad sense, the technical issues  
2 that are raised by any proposal that Adelphia be required to provide Internet access  
3 service, or "open access" to all ISPs.

4  
5 In the event that specific proposals are made for Vermont, I am prepared to supplement  
6 my testimony to address the technical problems raised by such specific proposals.

7  
8 5.Q. What are the technical problems that would be raised if Adelphia were required to provide  
9 Internet access service to all ISPs?

10 5.A. The technical issues Adelphia would face if required to provide Internet access service to  
11 all ISPs include issues in at least the following areas: co-location, integration,  
12 provisioning, and network management.

13  
14 Co-location — First, the technical issue of interfacing the Adelphia equipment with the  
15 ISP equipment must be addressed. There are a number of possibilities currently being  
16 discussed in the marketplace, most of which require ISP equipment co-located within the  
17 Adelphia head-ends. Co-location of equipment presents physical security and access  
18 issues, environmental concerns, and space issues.

19  
20 Integration — The Adelphia/ISP integration of systems and equipment would have to be  
21 engineered. For example, equipment configuration, bandwidth capacity, varying service

1 level management in a shared environment, equipment access, security, access paths to the  
2 Internet, etc. would all need analysis, testing, and implementation.

3  
4 Provisioning — Cable system/modem provisioning procedures for ISPs would need to be  
5 drafted, mutually-agreed upon, and implemented. Specific issues, such as cable modem  
6 installation, Internet address allocation and usage, shared or individually owned Dynamic  
7 Host Configuration Protocol ("DHCP") or other provisioning systems, and Cable Modem  
8 Termination System ("CMTS") access and configuration would need to be addressed  
9 uniformly among all ISPs.

10  
11 Network Management — Currently, Adelphia manages a number of services, all sharing  
12 the same hybrid fiber-coax ("HFC") network. Additional ISP traffic opens potential traffic  
13 engineering and management issues, which again, would need to be addressed among all  
14 ISPs. In addition, dispatch and trouble-shooting, network fault isolation, network  
15 capacity expansion, and customer software updating and modification procedures would  
16 need to be reviewed and mutually agreed upon. Equipment ownership and demarcation  
17 points would also need definition.

18  
19 While the above is not, by any means, an exhaustive list, it does outline the major areas of  
20 concern raised by "open access" in general. Without a specific proposal and requirements,  
21 however, it is difficult to provide a complete and comprehensive technical response.