

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

Filed Electronically in Docket Office on 06/05/06

IN RE:

JOINT FILING OF AT&T, INC.,
BELLSOUTH CORPORATION, and
BELLSOUTH'S CERTIFIED TENNESSEE
SUBSIDIARIES REGARDING CHANGE OF
CONTROL

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DOCKET NO. 06-00093

DIRECT TESTIMONY OF JOSEPH GILLAN
ON BEHALF OF
NUVOX COMMUNICATIONS, INC.,
XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, LLC,
XSPEDIUS MANAGEMENT CO. OF CHATTANOOGA, LLC, AND
ITC^DELTACOM COMMUNICATIONS INC. D/B/A ITC^DELTACOM

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

In Re:)	
)	
Joint Application of)	
)	
AT&T Inc.)	Docket No. 06-0093
)	
and)	
)	
BELLSOUTH CORPORATION,)	
TOGETHER WITH ITS CERTIFICATED)	
OPERATING SUBSIDIARIES)	
)	
Regarding Change of Control of the)	
Operating Authority of BellSouth)	
Corporation's Tennessee Subsidiaries)	

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ON BEHALF OF
NUVOX COMMUNICATIONS, INC; XSPEDIUS MANAGEMENT CO.
SWITCHED SERVICES, LLC; XSPEDIUS MANAGEMENT CO. OF
CHATTANOOGA, LLC; AND ITC^DELTACOM COMMUNICATIONS, INC.
D/B/A ITC^DELTACOM.
("CLEC Coalition")

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I. Introduction

Q. Please state your name, business address and occupation.

A. My name is Joseph Gillan. My business address is P. O. Box 541038, Orlando, Florida 32854. I am an economist with a consulting practice specializing in telecommunications.

Q. Please briefly outline your educational background and related experience.

A. I am a graduate of the University of Wyoming where I received B.A. and M.A. degrees in economics. From 1980 to 1985, I was on the staff of the Illinois Commerce Commission where I had responsibility for the policy analysis of issues created by the emergence of competition in regulated markets, in particular the telecommunications industry. While at the Commission, I served on the staff subcommittee for the NARUC Communications Committee and was appointed to the Research Advisory Council overseeing the National Regulatory Research Institute.

In 1985, I left the Commission to join U.S. Switch, a venture firm organized to develop interexchange access networks in partnership with independent local telephone companies. At the end of 1986, I resigned my position of Vice President-Marketing/Strategic Planning to begin a consulting practice.

1
2 Over the past twenty-five years, I have provided testimony before more than 35
3 state commissions (including, on numerous occasions, Tennessee), six state
4 legislatures, the Commerce Committee of the United States Senate, and the
5 Federal/State Joint Board on Separations Reform. I have also been called to
6 provide expert testimony before federal and state civil courts by clients as diverse
7 as the trustees of a small competitive carrier in the Southeast to Qwest
8 Communications. In addition, I have filed expert analysis with the Finance
9 Ministry of the Cayman Islands and before the Canadian Radio-
10 Telecommunications Commission.

11
12 I serve on the Advisory Council to New Mexico State University's Center for
13 Regulation (since 1985) and serve as an instructor in their Principles of
14 Regulation program taught twice annually in Albuquerque. In addition, I lecture
15 at Michigan State University's Regulatory Studies Program. I have also been
16 invited to lecture at the School of Laws at the University of London (England) on
17 telecommunications policy and cost analysis in the United States. A complete
18 listing of my qualifications, testimony and publications is provided in Exhibit
19 JPG-1 (attached).

20
21 **Q. On whose behalf are you testifying?**
22

1 A. I am testifying on behalf of NuVox Communications, Inc; Xspedius Management
2 Co. Switched Services, LLC; Xspedius Management Co. of Chattanooga, LLC;
3 and ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom (collectively,
4 "CLEC Coalition").

5
6 **Q. What is the purpose of your testimony?**

7
8 A. My purpose of my direct testimony is to directly challenge the claims of the Joint
9 Applicants¹ that the virtual recreation of the Bell System -- of which the
10 BellSouth acquisition represents a near-final step² -- furthers the public interest, as
11 required by Tennessee statute.³ AT&T's proposed acquisition of BellSouth will
12 extend to the Southeast (including Tennessee) the cumulative competitive harm of
13 four prior mergers, including SBC's acquisition of Pacific Telesis, Southern New
14 England Telephone, and, most especially, Ameritech and AT&T. The post-
15 acquisition AT&T will enjoy annual revenues exceeding \$100 *billion* dollars,

¹ See Joint Filing of AT&T Inc., BellSouth Corporation, and BellSouth's Certificated Tennessee Subsidiaries Regarding Change of Control, March 31, 2006 ("Joint Application")

² I recognize that, even after this acquisition, there will remain some components of the former Bell System that AT&T will not control, most importantly those components consolidated by Verizon. The former Bell System, with its 22 local operating companies, however, was arguably less concentrated (in practice) than the centralized management structure of the "new AT&T" (formerly known as SBC).

³ 65-4-113(b). See also letter of the Tennessee Regulatory Authority (TRA) to the Tennessee General Assembly (March 9, 2006) stating: "The standard of evaluation we (TRA) will employ in our review, according to state law, is whether the merger is in the public interest of our state".

1 derived from a broad array of wireline (4 RBOCs plus SNET), wireless (Cingular)
2 and interexchange (AT&T) assets.

3
4 Significantly, AT&T's acquisition of BellSouth directly contradicts the public
5 interest analysis that AT&T (then SBC) put forward when it acquired Ameritech.
6 In that proceeding, SBC fully understood the importance of establishing the
7 largest possible footprint in order to leverage its competitive position in the
8 market of multi-location business customers. The BellSouth acquisition furthers
9 SBC's "national-local" ambitions – not by *competing* out of region, but by
10 becoming the *incumbent* and transforming the Southeast into another of its in-
11 region markets. This acquisition will further entrench AT&T's position in the
12 multi-location business market, effectively blocking any other carrier from
13 achieving similar scale.

14
15 Finally, this acquisition will extend to the Southeast a critical resource imbalance
16 between competitors and the incumbent that will make it even more difficult for
17 the Authority to ensure that Tennessee's local markets become competitive.

18 AT&T's decision that it would prefer to be the incumbent (rather than to offer
19 service in Tennessee as a CLEC), underscores just how difficult it is to compete
20 in local markets. Significantly, the federal Act, with its reliance on arbitration and
21 the private enforcement of wholesale obligations and contracts, requires some
22 semblance of parity between the entrant and the incumbent. This acquisition will
23 dramatically increase the resources available to BellSouth, to a point far beyond

1 that of any competitor (either acting alone or through a coalition). Consequently,
2 I have tried to identify conditions that address the concerns presented by the
3 merger, but do so in ways that will lessen the Joint Applicants growing litigation
4 advantage.

5
6 **II. Lessons from Ameritech Acquisition**

7
8 **Q. In reviewing the proposed acquisition of BellSouth by AT&T, should the**
9 **Authority seek to learn from prior acquisitions that have brought AT&T to**
10 **this point?**

11
12 **A.** Yes. Specifically, I believe this acquisition is similar to SBC's acquisition of
13 other RBOCs, in particular its acquisition of Ameritech. Like the Ameritech
14 acquisition, the BellSouth acquisition will expand SBC's footprint and incumbent
15 advantages into another territory, thereby promoting its "national-local" ambitions
16 in the multi-location business market. The competitive implications of this
17 acquisition, however, are compounded by the additional advantages that SBC now
18 enjoys after acquiring "old AT&T," which includes not only its long distance
19 network, but its base of national businesses and local facilities.
20

1 **Q. Why is it useful to consider the explanations that AT&T (then SBC)⁴ offered**
2 **when it acquired Ameritech?**

3
4 A. There are several reasons why the Authority should review SBC's prior claims
5 when it acquired Ameritech. The first is that comparing the company's
6 explanations as to why prior mergers were in the public interest helps provide the
7 Authority a benchmark to judge their credibility (and sincerity) in this proceeding.
8 Second, it is useful to contrast SBC's characterization of what it takes to
9 successfully compete in the enterprise market when it acquired Ameritech, to how
10 it describes conditions in that market here.⁵ Finally, it is worthwhile to consider
11 the effectiveness of SBC's prior commitments, to determine whether vigorous
12 Authority oversight will be needed as BellSouth is absorbed into this massive
13 incumbent.

14
15 **Q. What was the theory used by SBC to claim that its last RBOC acquisition**
16 **was in the public interest?**

17
18 A. When it last expanded its incumbent footprint through the purchase of Ameritech,
19 SBC explained that the acquisition would spur competition in the Ameritech

⁴ It is important to refer to these prior positions as belonging to SBC (and not AT&T) because AT&T was opposed to SBC's acquisition of Ameritech, noting presciently that it would likely be a pivotal step towards a two-RBOC future.

⁵ The Joint Applicants offer no analysis of market conditions for enterprise customers in Tennessee, omitting any analysis which focuses on the loss of (either) AT&T as a competitor to BellSouth (or vice versa). See Application at 58.

1 region through the process of retaliatory competition. This unusual theory, in
2 which competition is *enhanced* by the incumbent becoming stronger and more
3 dominant, was based on two, seemingly contradictory, claims. The first was that
4 local entry against an incumbent RBOC required enormous financial strength and
5 scale – strength and scale that neither Ameritech nor SBC individually enjoyed,
6 but if joined together, would permit SBC to compete out-of-region. As then
7 explained by SBC witness James Kahan:⁶

8 One of the primary reasons for this change [the ability to pursue
9 the National-Local Strategy] is that neither company [Ameritech or
10 SBC] on its own has a sufficiently large customer base to follow
11 outside of its region.⁷

12 ***

13
14
15 Neither SBC nor Ameritech currently has the scale, scope,
16 resources, management and technical ability to implement the
17 proposed national and global strategy on its own.⁸
18

19 The second part of SBC's "public interest" theory was once SBC entered out-of-
20 region, the remaining large carriers would have no choice but to retaliate by
21 competing with SBC within the (expanded) SBC territory:

22 ... the success of our National-Local strategy will, in our
23 judgment, compel other carriers to compete even more
24 aggressively with Ameritech and SBC in all of our states.
25

⁶ Mr. Kahan is reprising his role as the Joint Applicant witness that explains the public interest justification for the acquisition.

⁷ Direct Testimony of James Kahan, SBC-Ameritech Exhibit 1.0, Illinois Commerce Commission Docket No. 98-0555 ("Kahan Illinois Direct") at 6-7.

⁸ Description of Transaction, Public Interest Showing and Related Demonstrations, Federal Communications Commission Docket CC Docket No. 98-141 at 51.

1 As SBC successfully competes for these large business
2 customers, as we will be able to do as a result of our strategy,
3 carriers such as BellSouth, Bell Atlantic and U S WEST will be
4 faced with a decision: do they simply lose these customers to a
5 company that is better able to provide service to customers with
6 multiple locations or do they compete for all those customers?⁹
7

8 **Q. What are the critical conclusions to be drawn from SBC's prior testimony?**

9
10 A. There are two aspects of Mr. Kahan's prior testimony that have immediate
11 relevance to this proceeding. The first is that Mr. Kahan recognizes (or at least
12 did) that there are large business customers that desire service across multiple
13 locations.¹⁰ This fact means that the larger the footprint served by a carrier – that
14 is, the larger number of customer locations a carrier can package into a plan – the
15 greater the advantage enjoyed by that carrier.

16
17 Secondly, the statements recognize that the only carriers remotely sized to
18 compete with SBC (even *before* it acquired AT&T), were the *other* RBOCs,

⁹ Direct Testimony of James Kahan, SBC-Ameritech Exhibit JSK, Indiana Utilities
Regulatory Commission Cause No. 41255 ("Kahan Indiana Direct") at 40.

¹⁰ The FCC summarized the importance of the multi-location customer to SBC in its Order
approving (with substantial conditions) its acquisition of Ameritech as follows:

The Applicants' rationale behind the National-Local Strategy is to follow large
and mid-size in-region multi-location business customers of the combined firm
out-of-region into markets around the country and globe where those businesses
have satellite offices or plant facilities.... In this fashion, the Applicants hope to
become an end-to-end provider of a full range of telecommunications services to
large business customers with multiple locations. These customers would
function as "anchor tenants," justifying the Applicants' entry into markets and
facilitating the eventual deployment of voice and data services to small
businesses and residential customers within those markets.

1 including BellSouth. This is a sufficiently important point that I must emphasize
2 it: To the extent that footprint matters – and I believe that it does, just as Mr.
3 Kahan once testified that it did¹¹ – then the BellSouth acquisition will further
4 *reduce* competition for large business customers in Tennessee by eliminating one
5 of a very few carriers with a footprint remotely close to that of SBC (AT&T).
6

7 **Q. Is it reasonable to assume that AT&T could stand idle in the Southeast, even**
8 **if did not acquire BellSouth?**
9

10 A. No, at least not if Mr. Kahan's *prior* testimony is to be believed:

11 SBC and Ameritech recognized that they needed to be in a position
12 to compete more effectively for large business customers around
13 the country and to be able to withstand the competitive onslaught
14 each faces in-region.¹²
15

16 ***

17 If SBC and Ameritech were simply to cede these [large business]
18 customers to our integrated interexchange and CLEC competitors,
19 we would quickly find ourselves operating with a shrinking base of
20 large business customers which would result in very heavy upward
21 pressure on the cost of the network being borne by our remaining
22 small business and residential customers.¹³
23

24 ***

¹¹ SBC further emphasized this very point, arguing in the Ameritech acquisition that it was a virtual requirement in the multi-location business customer market to provide "near national" coverage (equating to 70-80% of customers' telecom needs). SBC/Ameritech Nov. 16 Reply Comments CC Docket No. 98-141 at 21.

¹² Kahan Indiana Direct, at 17.

¹³ Kahan Rebuttal Testimony, SBC-Ameritech Exhibit 1.1, Illinois Commerce Commission Docket No. 98-0555 at 17-18.

1 ... SBC must develop the capability to compete for the business of
2 large national and global customers both in-region and out-of-
3 region. We cannot remain idle while our competitors capture the
4 huge traffic volumes generated by a relatively small number of
5 larger customers.¹⁴

6
7 **Q. Has SBC followed through on its “National-Local” Strategy?**

8
9 A. No, at least not in the way that it claimed that it would.¹⁵ According to SBC (at
10 the time of the Ameritech merger):

11 ... the National-Local Strategy is far more intensive and
12 comprehensive than the standard CLEC business model. Whereas
13 those companies tend to target a small and specific number of
14 markets to enter, first through resale directed solely at large
15 business, and then establishing facilities to serve those businesses
16 only after building some market share, the National-Local Strategy
17 will be a broadscale facilities-based strategy providing both
18 business and residential service.¹⁶

19 ***

20
21
22 “We believe our movement into residential will be the thing that
23 bursts the dam on residential competition. Right now, all our
24 competitors say nobody can do it, we can’t do it, we can’t do it,
25 we’re not big enough, not enough discount, this isn’t right, this
26 isn’t right. Well, we’re saying we can do it.”¹⁷

¹⁴ Affidavit of James Kahan, filed with the Federal Communications Authority CC Docket No. 98-141 (“Kahan Affidavit”) ¶ 13.

¹⁵ The FCC went so far as to actually require that SBC “enter” at least 30 markets, although it generally permitted SBC to choose which cities would satisfy the obligation. The FCC’s definition of “entry” initially required that SBC install a switch, collocate in 10 offices, and serve three customers. Included among the candidate markets were Louisville, and the areas in Tennessee that are part of the Cincinnati Primary Metropolitan Statistical Area.

¹⁶ Kahan Rebuttal SBC-Ameritech Exhibit 1.1, Illinois Commerce Authority Docket No. 98-0555 (Kahn Illinois Testimony) at 48.

¹⁷ Testimony of James Kahan, SBC Senior Vice President, Ohio Merger Proceeding, Case No. 98-108-TP-AMT, Transcript 173.

The fact is that it is far simpler to buy incumbents than enter and compete. The BellSouth acquisition furthers SBC's "National-Local" ambitions, but not in the way that it told the FCC and the affected state commissions that it would. Rather than "burst the dam" through a vibrant SBC-CLEC, the BellSouth acquisition expands AT&T's incumbent footprint to 9 more states, which encompass 17 additional major cities,¹⁸ without having any need to learn the difficult skills of a CLEC.

Q. Will the BellSouth acquisition further advantage AT&T in the multi-location business market?

A. Yes. The BellSouth acquisition will provide AT&T a national footprint unmatched by any other carrier. The number of business lines served by each incumbent provides a useful measure of the relative proportion of the business market that resides within the in-region footprint of the various incumbents.¹⁹ As Table 1 indicates, AT&T

Table 1: Distribution of Business Lines

Service Territory	Share
BellSouth	13.1%
AT&T	35.1%
Verizon	31.7%
Qwest	8.6%
Other ILECs	11.6%

¹⁸ As part of its Merger Commitments to the FCC, SBC committed to entering 30 out-of-region cities out of 50 specifically identified by the FCC, including Louisville and Cincinnati (which would include parts of Northern Tennessee). The BellSouth acquisition covers 17 of those 50 listed markets.

¹⁹ Source: ARMIS 43-08 (2005).

1 already enjoys a scale advantage against the other RBOCs (less so in comparison
2 to Verizon), and an even greater advantage in comparison to its much smaller
3 competitive rivals. Post merger, AT&T's incumbent footprint will include nearly
4 50% of the nation's business market – a much broader geographic footprint than
5 any other carrier can hope to achieve.
6

7 **Q. If AT&T can offer multi-location customers packages that include nearly**
8 **50% of the customer's locations "on-net," how will other carriers be able to**
9 **compete?**
10

11 A. There is no question that the incumbent's network is far vaster than any
12 competitive entrant can hope to construct. The only way that meaningful
13 competition can succeed against a carrier (such as the post-acquisition AT&T)
14 with a ubiquitous local network is if the entrant is able to use that network to
15 provision service to its customers as well. This, in effect, was the hope of the
16 federal Act – that by requiring the incumbent to grant its entrants
17 nondiscriminatory access to the local network, the inherited advantages of
18 incumbency would no longer present an insurmountable barrier to entry. I
19 address the importance of protecting this basic promise of the federal Act in the
20 following section of my testimony.
21

22 **Q. Please summarize the lessons this Authority should draw from SBC's prior**
23 **testimony regarding the Ameritech acquisition.**

1
2 A. I think there are three conclusions that it should draw. The first is that an
3 important segment of the business market is comprised of customers with
4 multiple locations. Although this feature of the market was (at least once) readily
5 *admitted* by AT&T, the Joint Applicants never explain the implication for multi-
6 location business customers from the acquisition greatly expanding its incumbent
7 footprint.

8
9 Second, the fact that SBC never meaningfully pursued its National-Local Strategy
10 is compelling evidence that barriers to entry in local markets are high and
11 persistent, whether or not its regulatory witnesses believe that to be true. Even
12 after SBC *committed* to entering and competing against BellSouth as a condition
13 of its acquisition of Ameritech, it still chooses to be the incumbent rather than the
14 entrant.

15
16 Third, the Ameritech acquisition proves that that conditions need to be as self-
17 effectuating as possible to be useful. Companies change their plans and their
18 priorities, but the regulatory priority needs to endure to be effective. The public
19 interest protections adopted as conditions to the Ameritech acquisition were
20 intended to ensure that competition could succeed *despite* the presence of a larger
21 incumbent. Unfortunately, the reality has been that SBC became a much stronger
22 incumbent, and it will become stronger still through its acquisition of BellSouth.
23 If the Tennessee Authority hopes to preserve competition, it must adopt

1 conditions that will last – particularly conditions that will ensure CLEC access to
2 BellSouth’s network facilities.

3
4 **III. The Competitive Harm of the Accelerating Resource Imbalance**

5
6 **Q. Does the proposed acquisition of BellSouth by AT&T threaten the federal**
7 **Act’s mandate that local network facilities be available to competitors?**

8
9 A. Yes. A basic goal of the federal Act (as noted by the Supreme Court) was “to
10 reorganize markets by rendering ... monopolies vulnerable to interlopers,” giving
11 “aspiring competitors every possible incentive to enter local retail telephone
12 markets.”²⁰ The federal Act did more than attempt to reorganize the local market,
13 however, it also effected a subtle shift in the regulatory role of government. For
14 all practical purposes, the Act *privatized* responsibility for the regulation of the
15 RBOCs’ wholesale services with their competitive customers, relying on the
16 competitive entrants to arbitrate and enforce their rights. The concentration of
17 incumbent resources into a single firm, as well as the elimination of AT&T as a
18 competitor (a condition that this acquisition would extend to the Southeast),
19 challenges the prerequisite condition for the “privatization of wholesale
20 regulation” to work – specifically, that a reasonable resource balance exist

²⁰ *Verizon Communications, Inc. v. FCC*, 535 U.S. 467, 152 L. Ed. 2d 701, 122 S. Ct. 1646 (2002).

1 between entrants and incumbents so that the of negotiation and arbitration process
2 could produce just and reasonable wholesale arrangements.

3
4 **Q. What do you mean by the idea that the Act “privatized” the wholesale**
5 **regulation of incumbents, including BellSouth?**

6
7 A. Prior to passage of the federal Act, state regulation was focused at the *retail* level,
8 with an emphasis on retail prices and quality of service. The principal resources
9 used to police RBOC behavior were publicly funded, through agencies such as the
10 TRA. As regulation moved from traditional rate-base/rate-of-return approaches to
11 more flexible forms of price regulation, these publicly-funded resources continued
12 to monitor earnings, service quality and other issues important to retail regulation.

13
14 The federal Act, however, shifted the focus of regulation from the *retail* level,
15 where competition was expected to take root, to the *wholesale* level beneath it.²¹

16 The wholesale tools adopted by Congress were comprehensive – resale of the
17 incumbent’s services,²² access to network elements at cost based rates,²³ and, for

²¹ The Supreme Court recognized that the goal of the federal Act was competition at the retail level, noting in *Verizon* that the Act had been “...designed to give aspiring competitors every possible incentive to enter local retail telephone markets, short of confiscating the incumbent’s property.” (emphasis added). The path to retail competition chosen by the Act was regulation at the wholesale level, requiring incumbents to open their network under legal mandate and regulatory supervision.

²² See §251(c)(4).

²³ See §251(c)(3).

1 RBOCs wanting to offer long distance services in-region, the added insurance of
2 the competitive checklist.

3
4 In addition to its shifting of regulatory emphasis from the retail to wholesale
5 levels, however, the Act also shifted the principal responsibility for regulatory
6 effort from the public sector to the private sector. In the wholesale scheme
7 created by the Act, the primary activities of wholesale regulation – i.e., the
8 creation of open cost models, the development of performance penalty plans, the
9 litigation needed to establish and enforce access rights, as well as the monitoring
10 of wholesale offerings – are substantively managed by competitors.²⁴ Certainly,
11 the Authority must expend considerable effort *evaluating* the respective claims of
12 BellSouth and its entrant-competitors, but the adjudicatory role so central to the
13 Act's implementation depends, in the first instance, upon the creative tension
14 between entrant and incumbent, and the private resources committed to the
15 regulatory process by both.

16
17 **Q. When the Act was enacted in 1996, did Congress have reason to believe that**
18 **both sides had the requisite resources needed for the negotiation and**
19 **arbitration process between entrant and incumbent to produce just and**
20 **reasonable outcomes?**

²⁴ There is no question that the Authority devotes substantial resources to fulfilling its duties under the federal Act. My point is that the Authority's role adjudicating disputes between entrants and BellSouth is much different than its prior role as direct regulator of BellSouth's retail activities.

A. Yes. When Congress decided to rely on the negotiation/arbitration process as the mechanism to create viable wholesale offerings, a reasonable resource balance existed between the monopoly and competitive sectors of the industry.

**Table 2: Incumbent-Competitor Resource Balance
When Act Passed²⁵ (1995 \$ millions)**

Incumbent LEC Sector		Competitive Sector²⁶	
Company	Revenues	Company	Revenues
GTE	\$19,957	AT&T	\$79,609
BellSouth	\$17,886	MCI	\$15,265
Bell Atlantic	\$13,430	WorldCom	\$3,639
Ameritech	\$13,427		
NYNEX	\$13,407		
SBC	\$12,670		
US West	\$9,284		
Pacific Telesis	\$9,042		
Total	\$109,103	Total	\$98,699

As the above table shows, at the time Congress was crafting the federal Act, resources were roughly balanced between the monopoly and competitive sectors. The largest expected local entrants were established interexchange carriers,²⁷ well financed and (at least presumably) positioned to become effective local competitors. The single largest carrier was AT&T, which at the time included the resources of NCR and (what would ultimately become) Lucent. The regulatory

²⁵ Source: 1995 10K Reports.

²⁶ In addition to these large competitors, there were a handful of much smaller entrants with comparatively modest revenues and numbers of employees.

²⁷ A fourth interexchange carrier (Sprint) was also an incumbent LEC and has not been included in the above table as either a member of the competitive or monopoly sectors of the industry.

model adopted by Congress, with its heavy reliance on bilateral negotiation and arbitration, reflected the relative resource balance that existed at the time.

Q. What will the resource imbalance look like if AT&T is permitted to acquire BellSouth?

A. There is no question that BellSouth is already larger than its (much smaller) regional competitors. The AT&T acquisition not only creates a massively larger incumbent, but it also ends any hope that AT&T will again champion pro-entry policies. Collectively, the acquisition will further accelerate the resource imbalance between ILECs and CLECs, threatening the very core of the federal Act. AT&T's national resource advantage will swamp the limited resources needed to arbitrate reasonable wholesale arrangements on plausibly equal terms.

**Table 3: Incumbent-Competitor Resource Balance
Post-BellSouth Acquisition²⁸ (2004 \$ millions)**

Incumbent LEC Sector		Competitive Sector	
Company	Revenues	Company	Revenues
AT&T	\$118,095	Level 3	\$3,712
Verizon	\$91,973	XO	\$1,300
Qwest	\$13,809	McLeod	\$716
		Broadwing	\$672
		Time Warner	\$653
		ITC^DeltaCom	\$583
		Talk	\$471
		Covad	\$429
		US LEC	\$356
		NuVox	\$314
		Trinsic	\$251
		Xspedius	\$215

²⁸ Source: 2004 10K Reports.

**Table 3: Incumbent-Competitor Resource Balance
Post-BellSouth Acquisition²⁸ (2004 \$ millions)**

Incumbent LEC Sector		Competitive Sector	
Company	Revenues	Company	Revenues
		Eschelon	\$158
		PacWest	\$124
Total	\$223,877	Total	\$9,955

As the above table shows, the “newest AT&T” created by the acquisition of BellSouth will be two orders of magnitude larger than the largest national CLEC (XO), and nearly three orders of magnitude larger than its largest regional competitor (ITC DeltaCom). The creation of a resource imbalance on this scale cannot be ignored. Before the Authority approves this acquisition, it must adopt parallel reforms that ensure that competitors will maintain stable and predictable access to the BellSouth network under reasonable terms and prices, and which eliminate as many points of leverage (*i.e.*, points where AT&T can exploit its resource advantage) as possible.

IV. Proposed Mitigating Conditions

Q. What are the principal objectives of the conditions that you are proposing?

A. As I indicated above, the proposed acquisition of BellSouth by AT&T creates two general areas of concern. The first is that the acquisition will entrench AT&T with a market presence and network footprint that no other entrant can hope to match. The only viable path to ensuring that competition in the business market

1 can continue is for the Authority to make sure that CLECs retain stable and
2 predictable access to existing network, so that other carriers can (at least to some
3 extent) offer service across a comparable footprint.²⁹
4

5 The need to assure stable access to the local network, however, directly brings me
6 to the second general concern I identify above, specifically the dramatic resource
7 imbalance that threatens to undermine the negotiation/arbitration process
8 presently relied upon to establish the terms of wholesale arrangements. What is
9 needed is a more *efficient* system that relies less on litigation, but can still be
10 expected to produce reasonable and stable prices. One reform I propose involves
11 the application of a proven idea to a new area – namely that the prices for
12 BellSouth’s wholesale offerings be governed under an incentive framework (i.e.,
13 price caps), much in the same way that its retail and access offerings have been
14 regulated in the past.
15

16 The application of price caps in this context makes logical sense. In addition to
17 greatly simplifying the wholesale regulation of BellSouth, price caps are a
18 recognized transitional path to a competitive market. As alternatives to
19 BellSouth’s network slowly emerge, the price cap mechanism balances flexibility

²⁹ The Authority should be aware that other policies are vital for CLECs to be able to commercially offer service across as broad a footprint as possible. Such policies specifically include the establishment of just and reasonable §271 rates for network elements, and holding BellSouth to its commingling obligation so that EELs and other combinations of §271 and §251 network elements are available. Because these issues are being addressed by the Authority in other proceedings, I will not address them further here.

1 with non-intrusive oversight and is well-suited to markets in transition. As the
2 FCC has explained, "...price caps act as a transitional regulatory scheme until the
3 advent of actual competition makes price cap regulation unnecessary."³⁰

4
5 In addition, I propose strengthening BellSouth's §271 performance plan,
6 eliminating the overhang of intrusive audits associated with EEL-availability rules
7 that have long been eliminated (and which, when adopted, were intended to
8 protect BellSouth from long distance carriers like its soon-to-be parent, AT&T),
9 and recommend that a fresh-look window be provided to customers of
10 BellSouth/AT&T. Finally, I will discuss why the Authority should require that
11 BellSouth agree to permit the Authority to enforce the terms of any additional
12 conditions that the FCC may adopt.

13
14 **A. Applying Price Caps to UNEs**

15
16 **Q. What are the two basic areas that the Authority must address in order to**
17 **establish a price-regulation plan to govern BellSouth's UNE rates?**³¹

18
19 **A.** The advantage of a price cap system is that it can be used to avoid protracted
20 litigation over cost studies. The two basic steps to establishing a price cap plan

³⁰ *Special Access NPRM*, Federal Communications Authority, WC Docket No. 05-25, January 31, 2005, ¶11.

³¹ Although I have focused this section of my testimony on standard UNE rates, a price cap system could also be used to regulate §271 prices for delisted UNEs (once the initial just and reasonable rates are established).

1 are: (1) deciding the initial rates that should be used to initialize the plan, and (2)
2 adopting the price-adjusting parameters that would limit BellSouth's UNE prices
3 in the future. Because existing UNE rates would (most likely) be used to
4 initialize the plan, I focus most of my analysis on how future rate changes should
5 be governed.

6
7 **Q. What basic parameters govern the level of future prices under a price cap**
8 **plan?**

9
10 A. The basic parameters that govern future prices are the applicable inflation rate
11 (which permits gradually increasing price levels to compensate for inflation) and
12 the productivity factor (that reduces prices based on expected productivity
13 improvements). Together these factors ensure that the nexus between initial
14 prices and costs is maintained. In addition, the Authority must determine how to
15 apply these indices to prices themselves, and whether to group certain services
16 together in baskets to provide some degree of flexibility.

17
18 **Q. What general approach do you recommend that the Authority use to**
19 **establish measures of inflation and productivity?**

20
21 A. As a general matter, I recommend that the Authority adopt the basic parameters
22 that the FCC has adopted with respect to access services. These are the Gross
23 Domestic Product Price Index (GDP-PI) for inflation and a productivity factor of

1 5.3%. The facilities used to provide access services – *i.e.*, local loops, switching
2 and transport – are the same facilities that BellSouth uses to provide wholesale
3 network elements. Consequently, the same rationale that supports applying these
4 factors to BellSouth’s access services can be used to govern changes in network
5 elements prices.

6
7 Adopting the appropriate productivity factor (sometimes called the X-factor) is
8 somewhat more complicated. This is because the FCC, in 2000, temporarily
9 supplanted its formal price regulation system with an “industry-negotiated” plan
10 sponsored by the CALLS Coalition.³² In that negotiated plan, there was no
11 productivity factor *per se*, but rather a negotiated schedule of reductions to move
12 rates lower.³³

13
14 The CALLS plan is expiring and, as a result, the FCC has begun a review as to
15 how to structure a replacement. Because of the increasing importance of special
16 access services, the FCC is focusing on the post-CALLS regulation of that
17 service.³⁴ In the Special Access NPRM, the FCC must confront the same issue as

³² *CALLS Order*, 15 FCC Rcd 12962. Although the CALLS plan was supported by a number of carriers, support for the plan was not universal.

³³ *Id.*, 15 FCC Rcd at 13028, para. 160.

³⁴ The second broad category of interstate access services is “switched access.” The FCC is separately reviewing those policies as part of a comprehensive review of intercarrier compensation. *See Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Notice of Proposed Rulemaking, 16 FCC Rcd 9610 (2001) (*Intercarrier Compensation NPRM*).

1 is being raised here – how to efficiently adopt a productivity factor without the
2 need for protracted proceedings.

3 Given the complexities of the proceeding we initiate in this
4 NPRM, there is a strong likelihood this proceeding will not be
5 completed prior to July 1, 2005. This record contains substantial
6 evidence suggesting that productivity has increased and continues
7 to increase Under the CALLS plan, however, there is currently
8 no productivity factor in place to require price cap LECs to share
9 any of their productivity gains with end users.... One interim
10 option would be to impose the last productivity factor, 5.3 percent,
11 that was adopted by the Authority and judicially upheld.³⁵
12

13 Based on this discussion, I recommend that the Authority adopt an initial
14 productivity factor of 5.3% and revisit the productivity issue at the conclusion of
15 the FCC's investigation. This appears to be the most reasonable middle-ground
16 between adopting a plan with no productivity factor (which would ensure inflated
17 wholesale rates) or the alternative of this Authority conducting an extensive
18 investigation into productivity that would parallel the FCC addressing the same
19 issue. By adopting the 5.3% productivity factor on an interim basis (which was
20 the productivity factor used by the FCC until it agreed to implement, on a
21 temporary basis, the negotiated CALLS plan), the Authority could wait until the
22 FCC adopts a final order in the Special Access proceeding.
23

24 **Q. Do you believe that a price-cap plan can be used to ensure that UNE rates**
25 **remain complaint with the FCC's TELRIC rules?**
26

³⁵ *Special Access NRPM*, Federal Communications Authority, WC Docket No. 05-25, January 31, 2005. ¶131.

1 A. Yes. It is important to note that while the FCC's rules require that prices satisfy
2 the TELRIC standard, the rules do not detail any particular approach to
3 maintaining that relationship over time. The FCC has consistently held that a
4 price cap system can assure that rates maintain the appropriate nexus to cost. For
5 instance, when the FCC first embraced price regulation as a regulatory system,³⁶ it
6 confronted this very question, concluding unequivocally that a price cap system
7 can be designed to ensure cost-based price changes:

8 We proposed to adjust price caps each year according to a
9 predetermined formula that is designed to ensure a continuing
10 nexus between tariffed rates and the underlying cost of providing
11 service.³⁷

12 ***

13 A carrier's services are grouped together in accordance with
14 common characteristics, and the weighted prices in each group are
15 adjusted annually pursuant to formulas designed to ensure that
16 rates are based on cost ...³⁸

17 ***

18 ... the foundation of the price cap regulatory approach is to ensure
19 that rates follow costs, while creating incentives to reduce
20 costs...³⁹

21
22
23
24 The FCC's conclusion with respect to the ongoing nexus between rates and costs
25 is particularly important because it means that TELRIC-based rate relationships
26 may be maintained by a price cap plan similar to the federal plan.

27

³⁶ *Report and Order and Second Further Notice of Proposed Rulemaking*, Federal Communications Authority, CC Docket No. 87-313, April 17, 1989 ("First Price Cap Order").

³⁷ *First Price Cap Order*, ¶ 8.

³⁸ *First Price Cap Order*, ¶ 38.

³⁹ *First Price Cap Order*, ¶ 865.

1 **Q. Why do you say that TELRIC-based rates could be maintained by adopting**
2 **a price cap plan that is similar to the federal price cap plan?**

3
4 A. The basic role of the price regulation formula (i.e., an inflation rate reduced by
5 expected productivity) is to act as a proxy for changes in current costs. Because
6 the formula is intended to proxy for changes in current costs, it should closely
7 track the results of TELRIC studies changed to consider new input prices. If a
8 price regulation plan reasonably tracks gains in the productivity of current
9 technology, then the formula would maintain a reasonable nexus between prices
10 and TELRIC, which is based on the current cost of the most efficient technology.

11
12 **Q. Is there anything in existing federal rules that would prohibit the Authority**
13 **from designing a price cap framework to govern future changes in §251**
14 **rates?**

15
16 A. No, there is not. First, federal rules are silent as to how changes in TELRIC-
17 based rates should be reviewed. There are no rules concerning how frequently
18 such rates should be adjusted, or whether an automatic formula may apply.⁴⁰ To
19 the contrary, the FCC recognizes that the timing of full UNE cost proceedings is
20 within the state's discretion, and has requested comment on whether the FCC

⁴⁰ The FCC requested comment on whether the FCC itself should adopt a price-regulation framework in 1996 (in the context of its original Interconnection Order) and concluded that no such rules were needed at the federal level. *First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, Federal Communications Authority, CC Docket 96-98, August 8, 1996, ("Local Interconnection Order"), ¶ 838.

1 itself should mandate a price-cap system. In the Special Access NRPM, the FCC
2 specifically asked:

3 If the use of productivity factors to adjust rates periodically is
4 feasible, should it be mandatory? Or should states retain the ability
5 to conduct a full UNE-pricing proceeding at their discretion?⁴¹
6

7 Given the FCC's extensive history finding that price-regulation formulas *maintain*
8 the appropriate nexus between costs and prices, it would be counter to precedent
9 to expect it would suddenly reverse course and conclude that such formulas
10 cannot be used. Moreover, as the above indicates, to the extent the FCC has
11 expressed interest in a price-regulation framework, it has been to query whether
12 such a system should be made *mandatory*, not to suggest that a state-developed
13 system would run afoul of federal rules. As the above citation makes clear, the
14 FCC recognizes that under its existing rules, states have complete discretion as to
15 when to conduct a full UNE-pricing proceeding.

16
17 **Q. How do you recommend the annual change in the price cap index be applied**
18 **to specific rates?**

19
20 A. I recommend that any change in the price cap index (PCI) be applied uniformly
21 across all rate elements.⁴² This approach would ensure a very tight nexus between
22 costs and the rates for §251 network elements, consistent with federal rules.

⁴¹ *Notice of Proposed Rulemaking*, Federal Communications Authority, WC Docket
No. 03-173, September 15, 2003, ("TELRIC NPRM"), ¶ 140, emphasis added.

1
2 **Q. Should the PCI be applied to each rate element within each basket?**

3
4 A. No. In keeping with the view that price cap regulation provides a transitional path
5 to a less regulated environment, I recommend that some flexibility be provided to
6 BellSouth. Specifically, while the overall price level of each sub-basket would be
7 limited by the PCI, I do recommend that BellSouth be granted some flexibility to
8 change individual rate elements. Because this is the initial application of a price
9 cap framework to wholesale services, I recommend that no individual rate
10 element should be permitted to increase more than 10% per year.
11

12 **Q. How frequently should BellSouth be permitted to adjust prices in compliance**
13 **with the price cap plan?**
14

15 A. I recommend that an annual filing procedure be established that is keyed to
16 BellSouth's filing of ARMIS business line data. Whether high-capacity loops
17 and/or transport are offered under §251 or §271 of the Act is determined by a wire
18 center's "tier assignment" as detailed in the TRRO. Thus, in order to determine
19 the split of annual network element demand between §251 and §271 arrangements
20 requires that any potential change in tier assignment be made a part of the price
21 cap filing process. Because one of the parameters used to assign wire centers to

⁴² That is, if the PCI requires a reduction of 2%, then each rate element should be reduced by 2%.

1 their various tiers are the number of business lines reported in ARMIS 43-08,⁴³ I
2 recommend that BellSouth's annual price cap filing occur at that time (April 1st of
3 each year).

4
5 ***B. Strengthening the §271 Performance Plan***

6
7 **Q. Are there other changes that the Authority should make to the UNE regime**
8 **as a condition of this acquisition?**

9
10 A. Yes. The price cap plan described above is intended to replace cost studies with a
11 formula that avoids case-by-case litigation. A similar concept underlies the §271
12 performance/penalty plans that are intended to provide a deterministic set of
13 penalties to assure compliance with certain minimum standards. To ensure that
14 this plan operates as intended, I recommend that:

15
16 * All penalty payments be increased in proportion to the
17 increase in Tennessee revenue (i.e., revenues earned in
18 Tennessee) by the combined BellSouth/AT&T. As
19 BellSouth grows larger, the incentive provided by these
20 penalties diminish in relation to its greater revenues. This
21 adjustment would assure that the existing penalties remain
22 proportional.

23
24 * AT&T/BellSouth should be required to have the
25 performance plan independently audited by an auditor
26 selected by the Authority every three years. "Privatizing"

⁴³ The other parameters used to assign wire centers to the tiers adopted by the TRRO are UNE Loop volumes and the number of fiber based collocators.

1 this function in the much smaller CLEC community is no
2 longer appropriate, given the dramatic resource imbalance
3 discussed above. As such, the more traditional regulatory
4 method of periodic audit should be instituted to ensure that
5 BellSouth operates the plan correctly.
6

7 * The Authority should make clear that the Tennessee §271
8 performance plan is a stand-alone obligation, unrelated to
9 performance plans in other states. I have been informed
10 that BellSouth has, in the past, used “overpayments” in
11 some states to reduce its obligations in others. The
12 Authority should make clear that underperformance in
13 Tennessee cannot be offset by BellSouth’s obligations in
14 another state – when BellSouth violates its performance
15 requirements in Tennessee, it should appropriately pay
16 under the terms of the Tennessee plan.
17

18 **C. The Pre-TRO EELs Standards Should Be Permanently Retired**

19
20 **Q. Are there other actions the Authority can take to diminish the litigation-**
21 **advantage enjoyed by BellSouth?**

22
23 A. Yes. As the FCC implemented the UNE regime, it recognized the possibility that
24 interexchange carriers (such as the old AT&T) could use high capacity loop and
25 transport UNE combinations (EELs) in place of the special access services that
26 had been used to connect to large users. Because the FCC was concerned that
27 these interexchange carriers could engage in “regulatory arbitrage” by obtaining
28 UNEs to provide long distance services (instead of the local services for which
29 they were intended), the FCC adopted rules to ensure that EELs were not used in
30 this manner.

1
2 The FCC's initial attempt to "wall off" the use of UNEs by interexchange carriers
3 like AT&T was through a requirement that the carrier may only use UNEs if they
4 provided "a significant amount of local exchange service" to the customer. The
5 FCC attempted to provide guidance by adopting certain "safe harbors" that
6 carriers could use to demonstrate sufficient local usage.⁴⁴ In the *TRO* (adopted
7 over 3 years ago), however, the FCC abandoned this approach, recognizing that
8 CLECs had submitted "evidence that that the safe harbors and auditing
9 procedures have proved to be unworkable and susceptible to abuse by the
10 incumbent LECs."⁴⁵

11
12 **Q. If the FCC eliminated the "safe harbor" approach 3 years ago, why is it**
13 **relevant to this proceeding?**

14
15 A. The reason is that BellSouth is continuing to press for audits under the pre-TRO
16 regime, which is giving rise (and will give rise) to continuing litigation. I
17 recommend that the Authority put an end to this dispute for three simple reasons.

18
19 First, the entire "EEL qualification" regime was adopted to protect BellSouth
20 from an interexchange carrier using "the incumbent's network without paying

⁴⁴ *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Supplemental Order Clarification*, 15 FCC Rcd. 9587 (2000), ("SOC"), *pet. for review denied*, *CompTel v. FCC*, 309 F.3d 8 (2002).

⁴⁵ *TRO* ¶ 5.

1 their assigned share of the incumbent's costs normally recovered through access
2 charges."⁴⁶ It is fundamentally anachronistic for BellSouth to try and hold onto a
3 system designed to protect BellSouth from AT&T, even as AT&T is buying
4 BellSouth.

5
6 Second, the EELs provisions that BellSouth is seeking to apply were abandoned
7 by the FCC (and rightly so) in February 2003, more than three years ago. The
8 pervasive theme of the Joint Applicant's testimony is that the Authority should
9 recreate the Bell System because "things have changed." While I would disagree
10 that markets have changed as fundamentally as the Joint Applicants assert, if this
11 acquisition is approved, they have certainly changed enough for BellSouth to start
12 afresh under the new architectural safeguards of the *TRO* and move on from
13 there.⁴⁷

14
15 Third, it is my understanding that AT&T (formerly SBC) has not attempted to
16 conduct audits under the safe harbor provisions reported by any CLECs operating
17 in its region. If BellSouth's own soon-to-be parent has not engaged in this
18 behavior, then shouldn't BellSouth conform its practice to this standard as well?

⁴⁶ Supplemental Order Clarification, Federal Communications Authority CC Docket 96-98, June 2, 2000, ¶ 2.

⁴⁷ It is useful to note that the FCC continues to protect RBOC special access revenues from interexchange carriers, even as the interexchange carriers themselves are absorbed into RBOCs.

1 In summary, the safe harbor EEL requirements have outlived their usefulness (to
2 the extent the requirements were useful to begin with); the *TRO* abandoned the
3 approach more than four years ago because it was unworkable; and BellSouth's
4 approach is apparently inconsistent with that of its proposed owner. There is
5 nothing to be gained by allowing this source of disagreement to continue.
6 BellSouth should terminate all efforts to audit the abandoned safe-harbor
7 provisions and simply move forward with the architectural safeguards adopted in
8 the *TRO*.

9
10 ***D. Fresh Look***

11
12 **Q. What "fresh look" requirement is appropriate as a condition on this**
13 **acquisition?**

14
15 A. A number of customers in Tennessee may have chosen BellSouth or AT&T
16 because they were simply uninterested in obtaining service from the other. This
17 acquisition effectively reverses that choice, causing customers that have left
18 BellSouth for AT&T (or the reverse) to be repatriated without choice. While
19 some (perhaps many) of these customers may, when given the opportunity, decide
20 to stay with the post-acquisition provider, they should at least be given the
21 opportunity to vote again with their feet. Accordingly, the Authority should give
22 all such customers relief from tariffed or contractual termination penalties and a
23 one-year window to choose a new provider.

E. The State-Enforcement of Federal Conditions

Q. What is the final condition that you recommend be placed on any approval of the proposed acquisition?


A. The past decade experience under the federal Act has shown that the States are best positioned to oversee and implement the detail requirements of even federally-adopted policies. To the extent that the FCC ultimately approves this acquisition with conditions that protect and advance competition, it is important that CLECs have access to an efficient forum to address any disputes that arise under those conditions. Because state commissions are better positioned for dispute resolution -- particularly the resolution of any dispute that raises factual issues -- I recommend that this Authority require the Joint Applicants to agree that the Authority may enforce conditions adopted by the FCC.⁴⁸

Q. Does this conclude your testimony?

A. Yes.

⁴⁸ Of course, some conditions may not be amenable to state resolution. But the Authority would be better served by a process whereby BellSouth raised such an argument as a defense against Authority action on a particular condition, rather than using the question of state authority as a shield against its oversight.

Respectfully submitted,



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The undersigned hereby certifies that on this the 5th day of June, 2006, a true and correct copy of the foregoing has been forwarded

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Qualifications of Joseph Gillan

Education

B.A. Economics, University of Wyoming, 1978.
M.A. Economics, University of Wyoming, 1979.

Professional History

Gillan Associates, Economic Consulting (1987-Present)

In 1987, Mr. Gillan established a private consulting practice specializing in the economic evaluation of regulatory policies and business opportunities in the telecommunications industry. Since forming his consulting practice in 1987, Mr. Gillan has advised business clients as diverse as AT&T and TDS Telecom (a small entrant seeking the authority to compete in a rural area).

Vice President, US Switch, Inc. (1985-1987)

Responsible for crafting the US Switch business plan to gain political acceptance and government approval. US Switch pioneered the concept of "centralized equal access," which positioned independent local telephone companies for a competitive long distance market. While with US Switch, Mr. Gillan was responsible for contract negotiation/marketing with independent telephone companies and project management for the company's pilot project in Indiana.

Policy Director/Market Structure - Illinois Commerce Commission (1980-1985)

Primary staff responsibility for the policy analysis of issues created by the emergence of competition in regulated markets, in particular the telecommunications industry. Mr. Gillan served on the staff subcommittee for the NARUC Communications Committee and was appointed to the Research Advisory Council overseeing NARUC's research arm, the National Regulatory Research Institute.

Mountain States Telephone Company - Demand Analyst (1979)

Performed statistical analysis of the demand for access by residential subscribers.

Professional Appointments

Guest Lecturer	School of Laws, University of London, 2002
Advisory Council	New Mexico State University, Center for Regulation, 1985 – Present
Faculty	Summer Program, Public Utility Research and Training Institute, University of Wyoming, 1989-1992

Professional Appointments (Continued)

Contributing Editor	<u>Telematics: The National Journal of Communications Business and Regulation</u> , 1985 - 1989
Chairman	Policy Subcommittee, NARUC Staff Subcommittee on Communications, 1984-1985
Advisory Committee	National Regulatory Research Institute, 1985
Distinguished Alumni	University of Wyoming, 1984

Selected Publications

"The Local Exchange: Regulatory Responses to Advance Diversity", with Peter Rohrbach, Public Utilities Fortnightly, July 15, 1994.

"Reconcentration: A Consequence of Local Exchange Competition?", with Peter Rohrbach, Public Utilities Fortnightly, July 1, 1994.

"Diversity or Reconcentration?: Competition's Latent Effect", with Peter Rohrbach, Public Utilities Fortnightly, June 15, 1994.

"Consumer Sovereignty: An Proposed Approach to IntraLATA Competition", Public Utilities Fortnightly, August 16, 1990.

"Reforming State Regulation of Exchange Carriers: An Economic Framework", Third Place, University of Georgia Annual Awards Competition, 1988, Telematics: The National Journal of Communications, Business and Regulation, May, 1989.

"Regulating the Small Telephone Business: Lessons from a Paradox", Telematics: The National Journal of Communications, Business and Regulation, October, 1987.

"Market Structure Consequences of IntraLATA Compensation Plans", Telematics: The National Journal of Communications, Business and Regulation, June, 1986.

"Universal Telephone Service and Competition on the Rural Scene", Public Utilities Fortnightly, May 15, 1986.

"Strategies for Deregulation: Federal and State Policies", with Sanford Levin, Proceedings, Rutgers University Advanced Workshop in Public Utility Economics, May 1985.

"Charting the Course to Competition: A Blueprint for State Telecommunications Policy", Telematics: The National Journal of Communications Business, and Regulation, with David Rudd, March, 1985.

"Detariffing and Competition: Options for State Commissions", Proceedings of the Sixteenth Annual Conference of Institute of Public Utilities, Michigan State University, December 1984.

Listing of Expert Testimony – Court Proceedings

United States of America v. SBC Communications Inc. and AT&T Corp. (Civil Action No. 1:05CV02102 District Court for the District of Columbia) (Inadequacy of Proposed Final Judgment Settling SBC Merger with AT&T)

United States of America v. Verizon Communications Inc. and MCI Inc. (Civil Action No. 1:05CV02103 District Court for the District of Columbia) (Inadequacy of Proposed Final Judgment Settling Verizon Merger with MCI)

T & S Distributors, LLC, ACD Telecom, Inc, Telnet Worldwide, Inc et al. v. Michigan Bell Telephone Company (Civil Action No. 04-689-CK Ingham Circuit Court, State of Michigan) (Enforcement of contract; Industry definitions of local exchange service and end user)

Dwayne P. Smith, Trustee v. Lucent Technologies (Civil Action No. 02-0481 Eastern District of Louisiana)(Entry and CLEC Performance)

BellSouth Intellectual Property v. eXpeTel Communications (Civil Action No. 3:02CV134WS Southern District of Miss.)(Service definition, industry structure and Telecom Act of 1996)

CSX Transportation Inc. v. Qwest International, Inc. (Case No. 99-412-Civ-J-21C Middle District of Florida) (industry structure and wholesale contract arrangements).

Winn v. Simon (No. 95-18101 Hennepin Cty. Dist. Ct.)(risk factors affecting small long distance companies)

American Sharecom, Inc. v. LDB Int'l Corp. (No. 92-17922, Hennepin County District Court) (risk factors affecting small long distance companies)

World Com, Inc. et al. v. Automated Communications, Inc. et al. (No. 3:93-CV-463WS, S.D. Miss.) (damages)

International Assignments

Recovering Contribution: Lessons from the United States' Experience, Report submitted to the Canadian Radio-television and Telecommunications Commission on behalf of CallNet.

Forcing a Square Peg into a Round Hole: Applying the Universal Service Cost Model in the Cayman Islands, Analysis Presented to the Government of the Cayman Islands on behalf of Cable and Wireless.

Summary of Expert Testimony and Affidavits -- Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Kentucky	Case No. 2006-00136	AT&T-BellSouth Acquisition	NuVox/Xspedius
Indiana	Cause No. 42986	Wire Center Impairment List	COVAD/NuVox
Ohio	05-1393-TP-UNC	Wire Center Impairment List	CLEC Coalition

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Illinois	Docket 06-0029	Wire Center Impairment List	CLEC Coalition
Illinois	Docket 06-0027	AT&T Illinois Deregulation	Data Net Systems
Oklahoma	Cause PUD 20060034	Wire Center Impairment List	CLEC Coalition
Kansas	06-SWBT-743-COM	Wire Center Impairment List	CLEC Coalition
Arkansas	Docket 05-140-C	Wire Center Impairment List	CLEC Coalition
Georgia	Docket 19341-U (II)	Establishing Section 271 Rates	CompSouth
Texas	Docket 31303	Wire Center Impairment List	CLEC Coalition
Washington	Docket UT-050814	Verizon-MCI Merger	Covad
California	Application 05-04-020	Verizon-MCI Merger	Cox
California	Application 05-04-020	Verizon-MCI Merger	Covad/CalTel
Oklahoma	Cause 200400695	Supersedes Bond	Cox
Florida	Docket 041269-TP	TRRO Implementation	CompSouth
Mississippi	Docket 2005-AD-139	TRRO Implementation	CompSouth
South Carolina	Docket 2004-316-C	TRRO Implementation	CompSouth
Kentucky	Case No. 2004-00427	TRRO Implementation	CompSouth
Alabama	Docket No. 29543	TRRO Implementation	CompSouth
Louisiana	Docket No. U-28356	TRRO Implementation	CompSouth
North Carolina	Docket P-55, Sub 1549	TRRO Implementation	CompSouth
Tennessee	Docket No. 04-00381	TRRO Implementation	CompSouth
Georgia	Docket No. 19341-U	TRRO Implementation	CompSouth
California	Application 05-02-027	SBC-AT&T Merger	Cox
California	Application 05-02-027	SBC-AT&T Merger	CalTel
Oklahoma	Cause 200400695	SBC Deregulation	Cox
Kansas	05-SWBT-907-PDR	SBC Deregulation	Cox-WorldNet
Wisconsin	6720-TI-196	SBC Deregulation	CUB
Oklahoma	Cause 200400042	Status of Local Competition	Cox
Michigan	Case U-14323	SBC Deregulation	Talk America
Oklahoma	Cause RM 200400014	Regulatory Flexibility for SBC	CLEC Coalition
New Mexico	Case No. 3567	Regulation of Wireless Carriers	Wireless Coalition
North Carolina	Docket P-19 Sub 277	Alternative Regulation	CompSouth

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
North Carolina	Docket P-55 Sub 1013	Alternative Regulation	CompSouth
Mississippi	Docket 2003-AD-714	Switching Impairment	CompSouth
Kentucky	Case No. 2003-00379	Switching Impairment	CompSouth
Texas	Docket 28607	Switching Impairment	CLEC Coalition
Massachusetts	D.T.E 03-60	Switching Impairment	CLEC Coalition
Louisiana	Docket U-27571	Switching Impairment	CompSouth
New Jersey	Docket TO03090705	Switching Impairment	CLEC Coalition
Kansas	03-GIMT-1063-GIT	Switching Impairment	CLEC Coalition
South Carolina	Docket 2003-326-C	Switching Impairment	CompSouth
Alabama	Docket 29054	Switching Impairment	CompSouth
Illinois	Docket No. 03-0595	Switching Impairment	AT&T
Indiana	Cause No. 42500	Switching Impairment	AT&T
Pennsylvania	Case I-00030099	Switching Impairment	CLEC Coalition
Tennessee	Docket No. 03-00491	Switching Impairment	CompSouth
North Carolina	P-100, Sub 133Q	Switching Impairment	CompSouth
Georgia	Docket No. 17749-U	Switching Impairment	CompSouth
Missouri	Case TW-2004-0149	Switching Impairment	CLEC Coalition
Michigan	Case No. U-13796	Switching Impairment	CLEC Coalition
Florida	Docket No. 030851-TP	Switching Impairment	FCCA
Ohio	Case 03-2040-TP-COI	Switching Impairment	AT&T/ATX
Wisconsin	05-TI-908	Switching Impairment	AT&T
Washington	UT-023003	Local Switching Rate Structure	AT&T/MCI
Arizona	T-00000A-00-0194	UNE Cost Proceeding	AT&T/WCOM
Illinois	Docket 02-0864	UNE Cost Proceeding	AT&T
North Carolina	P-55, Sub 1013 P-7, Sub 825 P-19, Sub 277	Price Cap Proceedings	CLEC Coalition
Kansas	02-GIMT-555-GIT	Price Deregulation	Birch/AT&T
Texas	Docket No. 24542	Cost Case	AT&T
North Carolina	Docket P-100, Sub 133d	UNE Cost Proceeding	CLEC Coalition
Georgia	Docket No. 11901-U	DSL Tying Arrangement	WorldCom

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Tennessee	Docket No. 02-00207	UNE Availability/Unbundling	CLEC Coalition
Utah	Docket No. 01-049-85	Local Switching Costs/Price	AT&T
Tennessee	Docket No. 97-00309	Section 271 Compliance	CLEC Coalition
Illinois	Docket No. 01-0662	Section 271 Compliance	AT&T
Georgia	Docket No. 14361-U	UNE Availability/Unbundling	CLEC Coalition
Florida	Docket 020507-TL	Unlawful DSL Bundling	CLEC Coalition
Tennessee	Docket No. 02-00207	UNE Availability/Unbundling	CLEC Coalition
Georgia	Docket No. 14361-U	UNE Costs and Economics	AT&T/WorldCom
Florida	Docket 990649-TP	UNE Cost and Price Squeeze	AT&T/WorldCom
Minnesota	P-421/CI-01-1375	Local Switching Costs/Price	AT&T
Florida	Docket 000075-TP	Intercarrier Compensation	WorldCom
Texas	Docket No. 24542	Unbundling and Competition	CLEC Coalition
Illinois	Docket 00-0732	Certification	Talk America
Indiana	Cause No. 41998	Structural Separation	CLEC Coalition
Illinois	Docket 01-0614	State Law Implementation	CLEC Coalition
Florida	Docket 96-0768	Section 271 Application	SECCA
Kentucky	Docket 2001-105	Section 271 Application	SECCA
FCC	CC Docket 01-277	Section 271 for GA and LA	AT&T
Illinois	Docket 00-0700	Shared Transport/UNE-P	CLEC Coalition
North Carolina	Docket P-55 Sub 1022	Section 271 Application	SECCA
Georgia	Docket 6863-U	Section 271 Application	SECCA
Alabama	Docket 25835	Section 271 Application	SECCA
Michigan	Case No. U-12622	Shared Transport/UNEs	AT&T
Ohio	Case 00-942-TP-COI	Section 271 Application	AT&T
Alabama	Docket No. 25835	Structural Separation	SECCA
Alabama	Docket No. 27821	UNE Cost Proceeding	ITC^Deltacom
Louisiana	Docket U-22252	Section 271 Application	SECCA
Mississippi	Docket 97-AD-321	Section 271 Application	SECCA
South Carolina	Docket 2001-209-C	Section 271 Application	SECCA
Colorado	Docket 99A-577T	UNE Cost Proceeding	AT&T

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State	Docket/Case	Topic	Sponsor(s)
Arizona	Case T-00000A-00-0194	UNE Cost Proceeding	AT&T
Washington	Docket UT-003013	Line Splitting and Combinations	AT&T
Ohio	Case 00-1368-TP-ATA Case 96-922-TP-UNE	Shared Transport	AT&T/PACE
North Carolina	P-100 Sub 133j	Standard Collocation Offering	CLEC Coalition
Florida	Docket 990649-TP	UNE Cost Proceeding	CLEC Coalition
Michigan	Case No. U-12320	UNE Combinations/Section 271	AT&T
Florida	Docket 00-00731	Section 251 Arbitration	AT&T
Georgia	Docket 5825-U	Universal Service Fund	CLEC Coalition
South Carolina	97-239-C	Universal Service Fund	CLEC Coalition
Texas	PUC Docket 22289/95	ETC Designation	Western Wireless
Washington	Docket UT-003013	UNE Costs and Local Competition	AT&T
New York	Docket 98-C-1357	UNE Cost Proceeding	Z-Tel
Colorado	Docket 00K-255T	ETC Designation	Western Wireless
Kansas	99-GCCZ-156-ETC	ETC Designation	Western Wireless
New Mexico	98-484-TC	ETC Designation	Western Wireless
Illinois	Docket 99-0535	Cost of Service Rules	AT&T/MCI
Colorado	Docket 00-B-103T	U S WEST Arbitration	ICG Comm.
North Dakota	PU-1564-98-428	ETC Designation	Western Wireless
Illinois	Docket 98-0396	Shared Transport Pricing	AT&T/Z-Tel
Florida	Docket 981834-TP	Collocation Reform	CLEC Coalition
Pennsylvania	M-00001353	Structural Separation of Verizon	CompTel/ATX
Illinois	Docket 98-0860	Competitive Classification of Ameritech's Business Services	CompTel/ AT&T
Georgia	Docket 6865-U	Complaint re: Combinations	MCIWorldcom
Virginia	Case No. PUC 990100	GTE/Bell Atlantic Merger	AT&T
Florida	Docket 990649-TP	UNE Cost and Pricing	CLEC Coalition
Nebraska	Application C-1960/PI-25	IP Telephony and Access Charges	ICG Communications
Georgia	Docket 10692-U	Pricing of UNE Combinations	CLEC Coalition

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Colorado	Docket 99F-141T	IP Telephony and Access	Qwest
California	Case A. 98-12-005	GTE/Bell Atlantic Merger	AT&T/MCI
Indiana	Case No. 41255	SBC/Ameritech Merger	AT&T
Illinois	Docket 98-0866	GTE/Bell Atlantic Merger	AT&T
Ohio	Case 98-1398-TP-AMT	GTE/Bell Atlantic Merger	AT&T
Tennessee	Docket 98-00879	BellSouth BSE	SECCA
Missouri	Case TO-99-227	§ 271 Review: SBC	AT&T
Colorado	Docket 97A-540T	Stipulated Price Cap Plan/USF	CLEC Coalition
Illinois	ICC Docket 98-0555	SBC/Ameritech Merger	AT&T
Ohio	Case 98-1082-TP-AMT	SBC/Ameritech Merger	AT&T
Florida	Docket 98-1121-TP	UNE Combinations	MCI WorldCom
Georgia	6801-U	§ 251 Arbitration: BellSouth	AT&T
Florida	92-0260-TL	Rate Stabilization Plan	FIXCA
South Carolina	Docket 96-375	§ 251 Arbitration: BellSouth	AT&T
Kentucky	Docket 96-482	§ 251 Arbitration: BellSouth	AT&T
Wisconsin	05-TI-172/5845-NC-101	Rural Exemption	TDS Metro
Louisiana	U-22145	§ 251 Arbitration: BellSouth	AT&T
Mississippi	96-AD-0559	§ 251 Arbitration: BellSouth	AT&T
North Carolina	P-140-S-050	§ 251 Arbitration: BellSouth	AT&T
Tennessee	96-01152	§ 251 Arbitration: BellSouth	AT&T
Arizona		§ 251 Arbitration: US West	AT&T Wireless
Florida	96-0883-TP	§ 251 Arbitration: BellSouth	AT&T
Montana	D96.11.200	§ 251 Arbitration: US West	AT&T
North Dakota	PU-453-96-497	§ 251 Arbitration: US West	AT&T
Texas	Docket 16226	§ 251 Arbitration: SBC	AT&T/MCI
Alabama	Docket 25703	§ 251 Arbitration: BellSouth	AT&T
Alabama	Docket 25704	§ 251 Arbitration: GTE	AT&T
Florida	96-0847-TP	§ 251 Arbitration: GTE	AT&T
Kentucky	Docket 96-478	§ 251 Arbitration: GTE	AT&T
North Carolina	P-140-S-51	§ 251 Arbitration: GTE	AT&T

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Texas	Docket 16630	§ 251 Arbitration: SBC	LoneStar Net
South Carolina	Docket 96-358	§ 251 Arbitration: GTE	AT&T
Texas	Docket 16251	§ 271 Review: SBC	AT&T
Oklahoma	97-0000560	§ 271 Review: SBC	AT&T
Kansas	97-SWBT-411-GIT	§ 271 Review: SBC	AT&T
Alabama	Docket 25835	§ 271 Review: BellSouth	AT&T
Florida	96-0786-TL	§ 271 Review: BellSouth	FCCA
Georgia	Docket 6863-U	§ 271 Review: BellSouth	AT&T
Kentucky	Docket 96-608	§ 271 Review: BellSouth	AT&T
Louisiana	Docket 22252	§ 271 Review: BellSouth	AT&T
Texas	Docket 16226	UNE Cost	AT&T/MCI
Colorado	97K-237T	Access Charges	AT&T
Mississippi	97-AD-321	§ 271 Review: BellSouth	AT&T
North Carolina	P-55 Sub 1022	§ 271 Review: BellSouth	AT&T
South Carolina	97-101-C	§ 271 Review: BellSouth	AT&T
Tennessee	97-00309	§ 271 Review: BellSouth	AT&T
Tennessee	96-00067	Wholesale Discount	AT&T
Tennessee	97-00888	Universal Service	AT&T
Texas	Docket 15711	GTE Certification as CLEC	AT&T
Kentucky	97-147	BellSouth BSE Certification	SECCA
Florida	97-1056-TX	BellSouth BSE Certification	FCCA
North Carolina	P691 Sub O	BellSouth BSE Certification	SECCA
Florida	98-0696-TP	Universal Service	FCCA
New York	97-C-271	§ 271 Review: Bell Atlantic	CompTel
Montana	D97.5.87	§ 271 Review: US West	AT&T
New Mexico	97-106-TC	§ 271 Review: US West	AT&T/CompTel
Nebraska	C-1830	§ 271 Review: US West	AT&T
Alabama	Docket 25980	Universal Service	AT&T
Kentucky	Admin 360	Universal Service	AT&T
North Carolina	P100-S133B	Universal Service	AT&T

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
North Carolina	P100-S133G	Universal Service	AT&T
Illinois	95-0458/0531	Combined Network Elements	WorldCom
Illinois	96-0486/0569	Network Element Cost/Tariff	WorldCom
Illinois	96-0404	§ 271 Review: Ameritech	CompTel
Florida	97-1140-TP	Combining Network Elements	AT&T/MCI
Pennsylvania	A-310203-F0002	Local Competition	CompTel
Georgia	6415-U/6527-U	Local Competition	CompTel
Illinois	98-NOI-1	Structural Separation	CompTel/Qwest
New York	98-C-690	Combining Network Elements	CompTel
Texas	Docket 17579	§ 251 Arbitration: SBC (2nd)	AT&T/MCI
Texas	Docket 16300	§ 251 Arbitration: GTE	AT&T
Florida	Docket 920260-TL	Price Cap Plan	IXC Coalition
Louisiana	Docket U22020	Resale Cost Study	AT&T/LDDS
California	Docket R.93-04-003	Rulemaking on Open Network Architecture	LDDS/WorldCom
Tennessee	Docket 96-00067	Avoidable Cost/Resale Discount	AT&T
Georgia	Docket 6537-U	Unbundled Loop Pricing	CompTel
Georgia	Docket 6352	Rules for Network Unbundling	AT&T
Pennsylvania	Docket A-310203F0002	Introducing Local Competition	CompTel
Florida	Docket 95-0984-TP	Interconnection Terms and Prices	AT&T
Kentucky	Case No. 365	Local Competition/Universal Service	WorldCom
Mississippi	Docket 95-UA-358	Introducing Local Competition	AT&T/WorldCom
Florida	Docket 95-0984-TP	Interconnection Terms and Prices	AT&T
Illinois	Docket 95-0458	Wholesale Local Services	WorldCom
California	Dockets R.95-04-043/044	Local Competition	WorldCom
Florida	Docket 95-0696-TP	Universal Service and Carrier of Last Resort Obligations	IXC Coalition
Georgia	Docket 5755-U	Removing Subsidies from Access	AT&T

Summary of Expert Testimony and Affidavits -- Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
South Carolina	Docket 95-720-C	Price Regulation	ACSI
Michigan	Case No. U-10860	Interconnection Agreement	WorldCom
Mississippi	Docket 95-US-313	Price Regulation Plan	WorldCom/AT&T
Missouri	Case TR-95-241	Expanded Local Calling	MCI
Washington	Docket UT-941464	Interconnection Complaint	IXC Coalition
Maryland	Case No. 8584 – Phase II	Introducing Local Competition	WorldCom
Massachusetts	DPU 94-185	Introducing IntraLATA and Local Competition	WorldCom
Wisconsin	Docket 6720-TI-111	IntraLATA Equal Access	Schneider Com.
North Carolina	Docket P-100, Sub 126	Expanded Local Calling	LDDS
Georgia	Docket 5319-U	IntraLATA Equal Access	MCI/LDDS
Mississippi	Docket 94-UA-536	Price/Incentive Regulation	LDDS
Georgia	Docket 5258-U	Price Regulation Plan	LDDS
Florida	Docket 93-0330-TP	IntraLATA Equal Access	IXC Coalition
Alabama	Docket 23260	Access Transport Rate Structure	LDDS
New Mexico	Docket 94-204-TC	Access Transport Rate Structure	LDDS
Kentucky	Docket 91-121	Alternative Regulation Proposal	Sprint, AT&T and LDDS
Texas	Docket 12784	Access Transport Rate Structure	IXC Coalition
Illinois	Docket 94-0096	Customer's First Proposal	LDDS
Louisiana	Docket U-17949-D	Alternative Regulation	AT&T, Sprint and LDDS
New York	Case No. 93-C-0103	Rochester Plan-Wholesale/Retail	LDDS
Illinois	Dockets 94-0043/46	Access Transport Rate Structure	IXC Coalition
Florida	Docket 92-1074-TP	Expanded Interconnection	Intermedia
Louisiana	Docket U-20800	Access Transport Rate Structure	LDDS
Tennessee	Docket 93-008865	Access Transport Rate Structure	LDDS
Ohio	Docket 93-487-TP-ALT	Alternative Regulation	Allnet/LCI/LDDS
Mississippi	Docket 93-UN-0843	Access Transport Rate Structure	LDDS
South Carolina	Docket 93-756-C	Access Transport Rate Structure	IXC Coalition
Georgia	Docket 4817-U	Access Transport Rate Structure	IXC Coalition

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State	Docket/Case	Topic	Sponsor(s)
Louisiana	Docket U-20710	Pricing and Imputation Standards	LDDS
Ohio	Case 93-230-TP-ALT	Alternative Regulation	MCI/Allnet/LCI
New Mexico	Docket 93-218-TC	Expanded Local Calling	LDDS
Illinois	Docket 92-0048	Alternative Regulation	LDDS
Mississippi	Docket 93-UN-0038	Banded Rates for Toll Service	LDDS
Florida	Docket 92-1074-TP	Expanded Interconnection	Florida Coalition
Louisiana	Docket U-20237	Preferential Toll Pricing	LDDS, MCI and AT&T
South Carolina	Docket 93-176-C	Expanded Local Calling	LDDS & MCI
Mississippi	Case 89-UN-5453	Rate Stabilization Plan	LDDS & ATC
Illinois	Docket 92-0398	Local Interconnection	CLEC Coalition
Louisiana	Docket U-19993	Payphone Compensation	MCI
Maryland	Docket 8525	Payphone Compensation	MCI
South Carolina	Docket 92-572-C	Payphone Compensation	MCI
Georgia	Docket 4206-U	Payphone Compensation	MCI
Delaware	Docket 91-47	Application for Rate Increase	MCI
Florida	Docket 88-0069-TL	Comprehensive Price Review	Florida Coalition
Mississippi	Case 92-UA-100	Expanded Local Calling	LDDS & ATC
Florida	Docket 92-0188-TL	GTE Rate Case	MCI & FIXCA
Wisconsin	Docket 05-TI-119	IntraLATA Competition	MCI & Schneider
Florida	Docket 92-0399-TP	Payphone Compensation	MCI & FIXCA
California	Docket I,87-11-033	Alternative Regulation	Intellical
Florida	Docket 88-0068-TL	Rate Stabilization	Public Counsel and Large Users
New York	Case 28425, Phase III	Access Transport Rate Structure	Empire Altel
Wisconsin	Docket 05-TR-103	Intrastate Access Charges	MCI & CompTel
Mississippi	Docket 90-UA-0280	IntraLATA Competition	Intellicall
Louisiana	Docket U-17949	IntraLATA Competition	Cable & Wireless
Florida	Docket 88-0069-TL	Rate Stabilization	Florida Coalition
Wisconsin	Docket 05-TR-103	Intrastate Access Charges	Wisconsin IXC's

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State	Docket/Case	Topic	Sponsor(s)
Florida	Docket 89-0813-TP	Alternative Access Providers	Florida Coalition
Alaska	Docket R-90-1	Intrastate Toll Competition	Telephone Utilities of Alaska
Minnesota	Docket P-3007/NA-89-76	Centralized Equal Access	MCI & Telecom*USA
Florida	Docket 88-0812-TP	IntraLATA Toll Competition	Florida Coalition
Wisconsin	Docket 05-TR-102	Intrastate Access Charges	Wisconsin IXCs
Wisconsin	Docket 6655-NC-100	Centralized Equal Access	Wisconsin IXCs
Florida	Docket 88-0069-TL	Rate Stabilization	Florida Coalition
Wisconsin	Docket 05-NC-100	IntraLATA Toll Competition	Wisconsin IXCs
Florida	Docket 87-0347-TI	AT&T Regulatory Relief	Florida Coalition
Illinois	Docket 83-0142	Intrastate Access Charges	Illinois Consolidated
Texas	Docket 8218	WATS Prorate Credit	TEXALTEL
Iowa	Case RPU 88-2	Centralized Equal Access	MCI & Teleconnect
Florida	Docket 87-1254-TL	Regulatory Flexibility for LECs	Microtel
Wisconsin	Docket 05-TR-5, Part B	IntraLATA Competition and Access Charges	Wisconsin State Telephone Assc.
Florida	Docket 86-0984, Phase II	Intrastate Loop Cost Recovery	Florida Coalition