

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

USCOC of Illinois RSA #1, LLC.)	Docket No. 04-0653
USCOC of Illinois RSA #4, LLC.)	
USCOC of Illinois Rockford, LLC. and)	
USCOC of Central Illinois, LLC.)	
Petition for Designation as an Eligible)	
Telecommunications Carrier Under)	
47 U.S.C. Section 214(e)(2))	

REBUTTAL TESTIMONY

OF

DON J. WOOD

ON BEHALF OF U. S. CELLULAR CORPORATION

JUNE 9, 2005

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1 *Background and Qualifications*

2 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

3 A. My name is Don J. Wood. I am a principal in the firm of Wood & Wood, an economic
4 and financial consulting firm. My business address is 30,000 Mill Creek Avenue, Suite
5 395, Alpharetta, Georgia 30022. I provide to consulting clients economic and regulatory
6 analysis of the telecommunications, cable, and related convergence industries with an
7 emphasis on economic policy, competitive market development, and cost-of-service
8 issues.

9
10 Q. PLEASE DESCRIBE YOUR BACKGROUND AND EXPERIENCE.

11 A. I received a BBA in Finance with distinction from Emory University and an MBA with
12 concentrations in Finance and Microeconomics from the College of William and Mary.
13 My telecommunications experience includes employment at both a Regional Bell
14 Operating Company ("RBOC") and an Interexchange Carrier ("IXC").

15 Specifically, I was employed in the local exchange industry by BellSouth
16 Services, Inc. in its Pricing and Economics, Service Cost Division. My responsibilities
17 included performing cost analyses of new and existing services, preparing documentation
18 for filings with state regulatory commissions and the Federal Communications
19 Commission ("FCC"), developing methodology and computer models for use by other
20 analysts, and performing special assembly cost studies.

21 I was employed in the interexchange industry by MCI Telecommunications
22 Corporation, as Manager of Regulatory Analysis for the Southern Division. In this

23 capacity I was responsible for the development and implementation of regulatory policy
24 for operations in the southern U. S. I then served as a Manager in MCI's Economic
25 Analysis and Regulatory Affairs Organization, where I participated in the development of
26 regulatory policy for national issues.

27

28 Q. HAVE YOU PREVIOUSLY PRESENTED TESTIMONY BEFORE STATE
29 REGULATORY COMMISSIONS?

30 A. Yes. I have testified on telecommunications issues before the regulatory commissions of
31 thirty-nine states, Puerto Rico, and the District of Columbia. I have also presented
32 testimony regarding telecommunications issues in state, federal, and overseas courts,
33 before alternative dispute resolution tribunals, and at the FCC. A listing of my previous
34 testimony is attached to my testimony as Exhibit DJW-1.

35

36 Q. ARE YOU FAMILIAR WITH THE APPLICATION OF UNIVERSAL SERVICE
37 MECHANISMS AT THE STATE AND FEDERAL LEVELS?

38 A. Yes. In the course of my professional experience, I have addressed issues regarding the
39 design, implementation, and ongoing administration of universal service support
40 mechanisms. I have also performed extensive analyses of the costs of service, including
41 but not limited to network costs, incurred by telecommunications carriers to provide local
42 exchange services and have specifically addressed the issue of how costs may vary

43 among and between geographic areas. I was involved in the review and analysis of both
44 the Hatfield/HAI cost model and the Benchmark Cost Proxy Model (“BCPM”)
45 considered by the FCC in CC Docket No. 96-45, and have presented testimony regarding
46 the relative merits of both cost models on numerous occasions.

47 More recently, I have analyzed the applications of a number of carriers seeking
48 designation as an Eligible Telecommunications Carrier (“ETC”), including applications
49 to be granted ETC status in areas serviced by both non-rural and rural Incumbent Local
50 Exchange Companies (“ILECs”). To date, I have testified regarding such applications for
51 ETC designation in Alabama (decided by the FCC), Alaska, Colorado, Idaho, Indiana,
52 Kansas, Kentucky, Minnesota, Missouri,¹ Montana, Nevada, Oregon, South Dakota,
53 Texas, Vermont, West Virginia, and Wyoming, and here in Oklahoma.

54

55 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

56 A. The purpose of my rebuttal testimony is to respond to the prefiled direct testimony of
57 Robert C. Schoonmaker on behalf of the Illinois Independent Telephone Association and
58 certain member companies (“IITA” or “ILECs”)

59

¹ I have prefiled testimony in Case No. TO-2004-0527 before the Missouri Public Service Commission, but that testimony has not yet been subject to cross-examination.

60 ***The Standard to be Applied in this Proceeding***

61 Q. IN HIS TESTIMONY, MR. SCHOONMAKER DESCRIBES THE PURPOSE OF THE
62 FEDERAL UNIVERSAL SERVICE PROGRAM. DO YOU AGREE WITH HIS
63 DESCRIPTION?

64 A. No; he provides only a partial description that is overly narrow and, as a result,
65 misleading. He asserts (p. 78) that the 1996 Act, including its language regarding
66 universal service, “is not about promoting and advancing competition.” There are a
67 number of reasons why it is odd that someone purportedly familiar with the 1996 Act
68 would make such a statement.

69 First, Mr. Schoonmaker cites (p. 12) the provision in §254(b) that states, as a
70 principle of universal service, that “consumers in all regions of the Nation,” “including
71 those in rural, insular, and high-cost areas,” should have access to telecommunications
72 services that is “reasonably comparable to those services provided in urban areas.” Later
73 in his testimony, he questions the availability of quality wireless coverage in many of the
74 rural areas at issue in this proceeding – service that is certainly available in urban areas.
75 Mr. Schoonmaker does not then explain why the principle of “reasonable comparability”
76 does not apply in this case.

77 More fundamentally, Mr. Schoonmaker’s statement appears to be directly at odds
78 with the first paragraph of the Conference Report of the Act which states Congress’
79 overarching goal:

80 To provide for a *pro-competitive*, de-regulatory national policy
81 framework designed to accelerate rapidly private sector
82 deployment of *advanced telecommunications and information*
83 *technologies* and services to *all* Americans by opening *all*
84 telecommunications markets to competition (emphasis added).
85

86 This overarching language makes it clear that Congress intended all
87 telecommunications markets be open to competition, and that in some cases, federal
88 funding would be the catalyst for such competition.

89 It is both appropriate and in the public interest for federal USF to support a
90 CETC's build-out of networks in high-cost areas. Mr. Schoonmaker concludes (p. 6)
91 that, based on its petition and direct testimony, U. S. Cellular intends to use federal USF
92 to "finance [customer] choice" and to build out a network that could enable it to "replace
93 the incumbent LEC as the primary telecommunications carrier." He suggests that U. S.
94 Cellular's focus should be to "to provide phone service to those without such." In reality,
95 these goals are complementary and both are fully consistent with the purpose of the
96 federal USF program. As demonstrated in its Petition, U. S. Cellular plans to use any
97 USF support that it receives to achieve both objectives.

98

99 Q. WHAT QUESTIONS ARE BEFORE THE COMMISSION IN THIS PROCEEDING?

100 A. For the rural ILEC areas identified in U. S. Cellular's Petition, there are two relevant
101 questions: (1) Has U. S. Cellular committed to offer and advertise the nine supported
102 service functionalities throughout the proposed service area?, and (2) Is the designation

103 of U. S. Cellular as an ETC in the public interest?

104

105 Q. ARE THERE ANY ADDITIONAL QUESTIONS BEFORE THE COMMISSION IN
106 THIS CASE?

107 A. No. While Mr. Schoonmaker may wish otherwise, this proceeding is not an opportunity
108 to second guess Congressional policy as set forth in the 1996 Act or the FCC's
109 interpretation and implementation of that policy as set forth in the federal rules.

110

111 Q. THROUGHOUT HIS TESTIMONY, MR. SCHOONMAKER ARGUES THAT THE
112 COMMISSION SHOULD APPLY THE REQUIREMENTS RECENTLY SET FORTH
113 BY THE FCC. DO YOU AGREE WITH HIS TESTIMONY ON THIS ISSUE?

114 A. No. Mr. Schoonmaker is correct that the FCC issued such an order,² but I disagree both
115 with his characterization of that order and with his recommendations regarding its
116 application. To be clear, the *2005 USF Order* contains a set filing requirements that the
117 FCC intends to phase-in for ETC applicants in those cases in which the FCC evaluates
118 and rules on the petition.

119 As an initial matter, U. S. Cellular's petition was filed prior to the time that the
120 FCC issued the order in question. Mr. Schoonmaker seeks to take U. S. Cellular to task
121 for failing to comply with requirements that it could not have known about at the time its

² *Report and Order*, FCC 05-46 released March 17, 2005 ("hereafter *2005 USF Order*").

122 petition was filed. It would be reasonable for the Commission to evaluate U. S.
123 Cellular's petition based on the requirements in place at the time the petition was filed.
124 Such an approach is fully consistent with the approach taken by the FCC itself in its
125 recent order.³

126 I also disagree with Mr. Schoonmaker's suggestion that the FCC's *2005 USF*
127 *Order* made fundamental changes to the standards to be met by a carrier seeking
128 designation as an ETC (what Mr. Schoonmaker refers to as "the new FCC criteria"). In
129 reality, as the list at p. 15 of Mr. Schoonmaker's testimony illustrates, what the FCC
130 created in this order is best described as additional filing requirements. In other words,
131 the FCC did not fundamentally change the ETC designation "criteria," as Mr.
132 Schoonmaker suggests, but rather changed the way that it plans to require carriers to
133 document their compliance with the existing criteria.

134 Like the *Virginia Cellular Order*⁴ and *Highland Cellular Order* before it, the
135 FCC's *2005 USF Order* reiterates and applies longstanding policy; other than the
136 addition of some new filing requirements, there is nothing that is substantively new or

³ In the *2005 USF Order*, the FCC granted several pending requests for service area redefinition associated with ETC designations. In doing so, it explicitly applied the standard in place at the time the petitions were filed: "because the states complied with applicable federal rules and guidelines at the time the redefinition petitions were filed, we decline to upset those determinations. We therefore find that granting these redefinition petitions would serve the public interest" (§79).

⁴ *Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In the Commonwealth of Virginia*, CC Docket 96-45, Released January 22, 2004.

137 different from the way the FCC has previously addressed these same issues.

138 Finally, any new requirements should not be implemented on an *ad hoc* basis in
139 the context of a given carrier's petition for designation as an ETC, but should instead be
140 addressed through a general rulemaking. Such an approach would permit all interested
141 parties to comment on the proposed requirements prior to their implementation, and
142 would avoid any bias in the application of those requirements.

143

144 Q. HAS U. S. CELLULAR AGREED TO COMPLY WITH THE FCC'S NEW FILING
145 GUIDELINES IF THIS COMMISSION REQUIRES THAT IT DO SO?

146 A. Yes. As Mr. Hunter states in his rebuttal testimony, U. S. Cellular is willing to provide
147 this additional information to the Commission if requested.

148

149 Q. WHAT REQUIREMENTS ARE CURRENTLY IN PLACE REGARDING THE
150 DESIGNATION OF A CARRIER AS AN ELIGIBLE TELECOMMUNICATIONS
151 CARRIER, OR ETC?

152 A. The language of the 1996 telecommunications Act, the Code of Federal Regulations, and
153 the FCC's implementation orders combine to form the applicable standard.

154 U. S. Cellular must demonstrate to this Commission that it will offer the "services

155 or functionalities” that are “supported by federal universal support mechanisms”⁵ and
156 must do so “either using its own facilities or a combination of its own facilities and resale
157 of another carrier’s services” (47 CFR 54.201(d)(1)) and “advertise the availability of
158 such services and the charges therefore using media of general distribution” (47 CFR
159 54.201(d)(2)). U. S. Cellular must also provide this Commission with the information
160 necessary for it to conclude that the designation of U. S. Cellular as an ETC in the
161 requested areas is in the public interest.

162 Any carrier that is designated as an ETC and receives federal universal service
163 support must “use that support only for the provision, maintenance, and upgrading of
164 facilities and services for which the support is intended” (47 CFR 54.7). Compliance
165 with this requirement is impossible to demonstrate up front (i.e. before carrier receives an
166 ETC designation for a given area and before any investments are made), but should be
167 part of the ongoing enforcement process for all ETCs.

168

169 ***Universal Service Support Will Be Used Only For the Provision, Maintenance, and Upgrading***
170 ***of Facilities and Services for which the Support Is Intended***

171 Q. WHAT MECHANISM IS IN PLACE TO ENSURE THAT FEDERAL UNIVERSAL
172 SERVICE SUPPORT IS USED “ONLY FOR THE PROVISION, MAINTENANCE,
173 AND UPGRADING OF FACILITIES AND SERVICES FOR WHICH THE SUPPORT

⁵ More specifically, the carrier must offer services that contain each of the nine supported service functionalities.

174 IS INTENDED”?

175 A. To ensure that the use of support funds by any ETC (incumbent or competitor) complies
176 with this requirement, a system of checks and balances are in place. The Commission
177 has both the ability and responsibility (pursuant to 47 C.F.R. §54.314(a)) to ensure that
178 any funds received by U. S. Cellular or any other ETC (including the ILECs) are being
179 used appropriately. Through the annual recertification process, the Commission has an
180 ongoing role in ensuring that funds are being properly used. Annual recertification is
181 necessary for an ETC to continue receiving federal USF support. State regulators are
182 required to file annual certifications with the FCC and USAC stating that the rural ILECs,
183 and any CETC providing service in the service areas of rural ILECS, are using federal
184 USF support only for the provision, maintenance and upgrading of facilities for which the
185 support is intended. If an ETC does not make such a demonstration to the Commission’s
186 satisfaction, the Commission may opt to not certify that carrier as an ETC for the
187 upcoming year. USAC also has the authority to conduct audits and does so on a regular
188 basis. Finally, wireless carriers, including U. S. Cellular, are licensed by the FCC, which
189 has the authority to investigate the operation of wireless companies and institute punitive
190 measures if it deems them necessary.

191 This Commission should, through the annual recertification process, ensure that
192 these funds are being used “for the services for which support is intended.” The
193 Commission should insist that *all* ETCs (both ILECs and CETCs) provide an accounting

194 of the amount of federal universal service funds received, and a description of how the
195 funds were used “for the provision, maintenance, and upgrading of facilities” used to
196 provide voice-grade services within that carrier’s Illinois ETC service area.

197 Such oversight should (and must, pursuant to 47 CFR 54.201(h)) be competitively
198 neutral. Each year, the Commission should carefully review the amount of support
199 received by the rural ILECs and require the ILECs to demonstrate that all support has
200 been used “for the provision, maintenance, and upgrading of facilities and services for
201 which the support is intended.” In my experience, many other states have simply
202 accepted a self-certification by the ILECs that all such funds have been used
203 appropriately. Given both the high proportion and sheer magnitude of federal high-cost
204 support that goes to rural ILECs, prudent stewardship of the federal USF must include
205 this more detailed analysis.

206

207 ***The Benefits to End-Users of Competition in Rural Markets Should Not be Short-Changed***

208 Q. MR. SCHOONMAKER ASSERTS THAT THE INTRODUCTION OF COMPETITIVE
209 ALTERNATIVES INTO NEW RURAL OR HIGH-COST AREAS IS NOT
210 SUFFICIENT TO ESTABLISH THAT AN ETC DESIGNATION IS IN THE PUBLIC
211 INTEREST. DO YOU AGREE?

212 A. Only in part. Mr. Schoonmaker argues (p. 11) that the FCC has concluded that
213 “competition, by itself, is insufficient to satisfy the public interest test” and suggests that

214 such a statement represents a significant departure from previous FCC policy. I disagree.
215 My review of previous FCC orders suggests that the FCC has consistently (1) been aware
216 of the benefits to end-users of competitive entry, (2) been aware of the stated objectives
217 of the 1996 Act to provide for a “pro-competitive,” “national policy framework” to open
218 “all telecommunications markets to competition,” including those in rural, insular, and
219 high-cost areas, and (3) that factors specific to the carrier petitioning for ETC
220 designation, or specific to the area for which designation is being sought, can and should
221 be a part of the public interest analysis.

222

223 Q. BASED ON YOUR EXPERIENCE, DO YOU BELIEVE THAT THE DESIGNATION
224 OF U. S. CELLULAR AS AN ETC, AND THE COMPETITIVE ENTRY MADE
225 POSSIBLE BY SUCH A DESIGNATION, WILL PROVIDE BENEFITS TO END
226 USERS?

227 A. Yes. These competitive benefits have both a short term and long term component.

228 End users will benefit in the short term from a choice of suppliers that represents
229 different technologies, and from choosing the technology that best meets their needs.
230 They can also select from a much broader array of service and pricing plans, and again
231 can choose the plan that best meets their individual needs. Over the longer term,
232 consumers will benefit as competitive market forces act to make all providers, including
233 the ILECs, more efficient and responsive to customer needs.

234 I fully support the FCC's conclusion that the entry of an additional ETC into a
235 rural area can be expected to create the following benefits: "[to] provide incentives to the
236 incumbent to implement new operating efficiencies, lower prices, and offer better service
237 to its customers." Conversely, the FCC has found "no merit" in arguments that the
238 designation of an additional ETC in a rural area will reduce investment incentives,
239 increase prices, or reduce the service quality of the ILEC.⁶

240 The short-term benefits of competitive entry, including lower prices, new service
241 offerings, the availability of different technology, and the ability to diversify among
242 suppliers, are important; but while they are important components of any public interest
243 determination, they do not tell the whole story. In my experience, the long-term
244 economic benefits of competition represent an equally important source of potential gain
245 for consumers of telecommunications services in rural areas and for rural economic
246 development. When the FCC ruled on a request for ETC designation in Wyoming by
247 Western Wireless, its order referred specifically to "customer choice, innovative services,
248 and new technologies" as benefits of competitive ETC designation in a rural area, and
249 also explicitly noted that "competition will result not only in the deployment of new
250 facilities and technologies, but will also *provide an incentive to the incumbent rural*
251 *telephone companies to improve their existing network to remain competitive*" (emphasis

⁶ *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Released December 26, 2000, ¶ 22.

252 added).⁷ The FCC went on to conclude that “*competition may provide incentives to the*
253 *incumbent to implement new operating efficiencies*, lower prices, and offer better service
254 to its customers “ (emphasis added).⁸

255

256 Q. DO YOU HAVE ANY DIRECT EXPERIENCE WITH THE IMPACT OF
257 COMPETITIVE ENTRY IN RURAL AREAS?

258 A. Yes. While competitive entry is important in urban and suburban areas, in my experience
259 the existence of competitive alternatives in rural areas is even more important for at least
260 two reasons:

261 **1. The existence of competitive options for telecommunications services,**
262 **particularly the availability of wireless service, is important for rural**
263 **economic development.**

264

265 When making investment and relocation decisions, companies consider the
266 availability of telecommunications services in an area. Reliable voice services, data
267 services, and wireless services with sufficient coverage all play a role in this process. In
268 order to compete with their urban and suburban counterparts to attract investment and
269 jobs, rural areas need for these services to be available.

270 **2. The availability of affordable and high-quality wireless service is**
271 **extremely important in rural areas for health and safety reasons.**

272

273 Reliable mobile communications have a level of importance for people who live

⁷ Id., ¶ 17.

⁸ Id. ¶ 22.

274 and work in rural areas that people living in urban areas often fail to appreciate. The
275 availability of even the highest quality wireline service is no substitute for a mobile
276 service with broad geographic coverage, simply because the wireline service is often
277 physically not there when needed. In an area where fields being worked are far from the
278 road, and where wireline phones along the roadway are few and far between, the
279 availability of wireless communication can literally save a life. This is not the trivial
280 benefit that Mr. Schoonmaker suggests.

281

282 Q. IN WHAT CONTEXT SHOULD THE COMMISSION EVALUATE THE MERITS OF
283 U. S. CELLULAR'S PETITION?

284 A. The Commission should consider the details of U. S. Cellular's petition within the
285 context of these customer benefits. In other words, the questions before the Commission
286 are *not* "Is the introduction of competition in rural areas in the public interest?" or "Is it
287 an appropriate use of federal USF to make entry into – and the expansion of service
288 throughout – these areas feasible?" These questions have been answered and the policy
289 direction has been set by both Congress and the FCC. The questions to be addressed here
290 concern the facts of U. S. Cellular's Petition.

291 Mr. Schoonmaker asks the Commission to weigh the benefits and costs of
292 permitting competitive entry into rural areas and the benefits and costs of granting ETC
293 status to more than one carrier in such an area. These questions are not before the

294 Commission in this proceeding. To the contrary, the relevant questions here are specific
295 to U. S. Cellular: *Will U. S. Cellular offer services that provide benefits to consumers?*,
296 and *Is there some fact or issue that is specific to U. S. Cellular, or to the service areas*
297 *within which it seeks an ETC designation in Illinois, that would outweigh those benefits?*

298 As an overarching principle, it is the interests of the public – the consumers of
299 telecommunications services – that must be considered. The interests of individual
300 carriers, or categories of carriers, is a secondary consideration if it is to be considered at
301 all. Mr. Schoonmaker endorses the idea of “competitive neutrality” at a conceptual level,
302 but then goes on to insist on a series of restrictions and requirements that are anything but
303 competitively neutral. The FCC and Fifth Circuit Court have been clear that the purpose
304 of the federal universal service mechanism is to provide benefits to rural consumers of
305 telecommunications services; its purpose is not to protect incumbent LECs: “The Act
306 does *not* guarantee all local telephone service providers a sufficient return on investment;
307 quite the contrary, it is intended to introduce competition into the market. Competition
308 necessarily brings the risk that some telephone service providers will be unable to
309 compete. The Act only promises universal service, and that is a goal that requires
310 sufficient funding of *customers*, not *providers*. So long as there is sufficient and
311 competitively neutral funding to enable all customers to receive basic
312 telecommunications services, the FCC has satisfied the Act and is not further required to
313 ensure sufficient funding of every local telephone provider as well” (emphasis in

314 original).⁹

315

316 Q. IN ADDITION TO THE BENEFITS TO END USERS OF COMPETITIVE ENTRY
317 AND THE EXPANSION OF SERVICE AVAILABILITY, WHAT ADDITIONAL
318 FACTORS HAS THE FCC CONSIDERED?

319 A. In its *Virginia Cellular Order* the FCC states that: “in determining whether designation of
320 a competitive ETC in a rural telephone company’s service area is in the public interest,
321 we weigh numerous factors, including the benefits of competitive choice, the impact of
322 multiple designations on the universal service fund, the unique advantages and
323 disadvantages of the competitor’s service offering, any commitments made regarding
324 quality of telephone service provided by competing providers, and the competitive ETC’s
325 ability to provide the supported services throughout the designated service area within a
326 reasonable time frame.”

327 While the details are set forth later in my testimony and in the testimony of U. S.
328 Cellular witness Conrad Hunter, the following is a summary of how the facts surrounding
329 U. S. Cellular’s petition apply to the FCC criteria:

330 **The benefits of competitive choice.** The FCC has previously described these
331 benefits, including the opportunity for end users to have competitive alternatives, new

⁹ *Alenco Communications, Inc. v. FCC*, 201 F.3d at 620, cited in *Fourteenth Report and Order*, paragraph 27.

332 services, and lower prices. The FCC has also concluded that an important benefit of
333 competitive entry is the creation of incentives for the rural ILEC to improve efficiency
334 and reduce its network and operating costs. The operation of U. S. Cellular as an ETC
335 can be expected to have this effect in the areas for which it seeks designation.

336 **The impact of multiple designations on the universal service fund.** The
337 IITA's reliance on this issue as a reason for rejecting U. S. Cellular's petition is
338 misplaced for two reasons. First, it ignores the fact that the rural wireline ILECs continue
339 to receive the vast majority of high cost universal service funds and that the size of the
340 fund has increased significantly because the rural ILECs requested (and were granted) a
341 higher level of funding from the FCC. The additional funding received by rural ILECs
342 through the "modified embedded cost" funding mechanism far outweighs any impact on
343 the fund caused by CETCs generally or wireless CETCs specifically. Second, the ILECs'
344 analysis is limited by a short run view; the best means of managing the size of the fund
345 over the long term is to designate one or more CETCs in these areas. The long run
346 impact on the federal fund of designating U. S. Cellular as an ETC may be a reduction,
347 not an increase, in the size of the fund.

348 **The unique advantages and disadvantages of the competitor's service**
349 **offering.** U. S. Cellular is proposing to offer a wide range of service plans as an ETC.
350 The best judges of whether these offerings provide benefits to end users are the customers
351 themselves: if they do not perceive a benefit, they will not subscribe to U. S. Cellular's

352 service and U. S. Cellular will not receive any universal service funding. It should be
353 noted that in its *Virginia Cellular Order*, the FCC concluded (paragraph 29) that the
354 extended coverage, mobility, and larger calling areas offered by Virginia Cellular
355 represented a benefit to customers that was a factor in its analysis.

356 **Any commitments made regarding quality of telephone service provided by**
357 **competing providers.** Like pricing and other components of customer benefit, service
358 quality is best judged by end user customers: if customers do not perceive that U. S.
359 Cellular's offering is of sufficient quality, they will not subscribe to the U. S. Cellular
360 service and U. S. Cellular will not receive any universal service funding. It should be
361 noted that U. S. Cellular has committed to comply with the CTIA *Consumer Code for*
362 *Wireless Service* in order to ensure consumer protection. This is the same commitment
363 made by Virginia Cellular and relied upon by the FCC.¹⁰

364 **The competitive ETC's ability to provide the supported services throughout**
365 **the designated service area within a reasonable time frame.** U. S. Cellular has
366 committed, as it must, to use as universal service funding received only for the intended
367 uses and will use these funds to increase the quality and coverage area of its services. U.
368 S. Cellular has also committed to meet all reasonable requests for service and to do so
369 using a process previously adopted by the FCC. It is important to note that the FCC has
370 explicitly recognized that it is unlikely that a CETC will be able to offer geographically

¹⁰ *Virginia Cellular Order* ¶46.

371 ubiquitous service prior to receiving USF: “to require a carrier to actually provide the
372 supported services before it is designated as ETC has the effect of prohibiting the ability
373 of prospective entrants from providing telecommunications services.”¹¹

374 In summary, U. S. Cellular’s petition is fully consistent with the FCC’s
375 application of the public interest standard in the *Virginia Cellular Order*. There is no
376 evidence that some element of U. S. Cellular’s commitments, or some unique
377 characteristics of the area for which designation is being sought, that would somehow
378 outweigh the benefits to end-user customers.

379

380 ***The Commission Should Designate U. S. Cellular as an ETC in the Requested Areas***

381 Q. YOU STATED THAT U. S. CELLULAR HAS MET THE 47 CFR 54.201(d)(1)
382 REQUIREMENT TO OFFER THE REQUIRED SERVICE FUNCTIONALITIES
383 LISTED IN 47 CFR 54.101(a). IS THIS FACT IN DISPUTE?

384 A. It does not appear so. Mr. Schoonmaker states (p. 18) that “the IITA does not, at least at
385 this time, question that U. S. Cellular is providing these nine services.”¹²

386

387 Q. HAS U. S. CELLULAR MET THE 47 CFR 54.201(d)(2) REQUIREMENT TO

¹¹ *Virginia Cellular Order*, ¶17, citing Declaratory Ruling, 15 FCC Rcd at 15173-74. In its 2005 *USF Order* (¶24), the FCC specifically rejected a proposal to require a specific timeline for network buildout.

¹² Mr. Schoonmaker does go on that take issue with the geographic scope of U. S. Cellular’s service offerings. I will address this issue separately.

388 ADVERTISE ITS SERVICE OFFERINGS?

389 A. Yes. U. S. Cellular's advertising plans are described in its Petition and in the testimony
390 of Mr. Hunter. Mr. Schoonmaker and the IITA do not appear to dispute that these plans
391 are in compliance.

392

393 Q. AT PP. 20-21, MR. SCHOONMAKER SUGGESTS THAT A POTENTIAL ISSUE
394 ARISES FROM THE FACT THAT U. S. CELLULAR INTENDS "ALL OF [ITS]
395 SERVICE OFFERINGS TO BE ELIGIBLE FOR UNIVERSAL SERVICE." DOES
396 MR. SCHOONMAKER'S STATEMENT MAKE SENSE?

397 A. No. As Mr. Schoonmaker should be aware, it is carriers, not services, that are designated
398 as ETCs and as qualifying for federal USF support.

399

400 Q. IS THE DESIGNATION OF U. S. CELLULAR AS AN ETC IN THE REQUESTED
401 AREAS IN THE PUBLIC INTEREST?

402 A. Yes. As I will address in detail below, Mr. Schoonmaker makes a number of claims
403 regarding the public interest of U. S. Cellular's petition. Some of these claims are
404 specific to U. S. Cellular, while others are much more general and relate generally to the
405 designation of ETCs in rural areas rather than to any facts related to U. S. Cellular's
406 petition. In the end, none of Mr. Schoonmaker's claims represent a valid reason why U.
407 S. Cellular should not be designated as an ETC.

408

409 ***Mr. Schoonmaker's Reasons for Denying U. S. Cellular's Petition are Without Merit***

410 Q. AT PAGES 19-21 OF HIS TESTIMONY, MR. SCHOONMAKER CLAIMS THAT U.
411 S. CELLULAR SHOULD NOT BE DESIGNATED AS AN ETC BECAUSE ITS
412 SERVICES ARE NOT AFFORDABLE. DO YOU AGREE?

413 A. No, for several reasons. As an initial matter, there is a very practical reason why U. S.
414 Cellular's rates - however characterized - should not preclude ETC designation: if end
415 user customers do not consider U. S. Cellular's service offerings to be affordable and a
416 good value (considering price, quality, mobility, and features), they will not subscribe to
417 them. Federal high-cost support is available on a per-line basis for customers actually
418 served. If customers do not subscribe to its services, U. S. Cellular will not receive
419 support.

420 Second, Mr. Schoonmaker compares (p. 20) "local rates" for IITA members and
421 what he characterizes as "local rates" for U. S. Cellular. Such an analysis is meaningless:
422 Mr. Schoonmaker is comparing service offerings with different calling scopes and with
423 very different bundles of features and capabilities. Mr. Schoonmaker goes on (p. 28) to
424 urge the Commission to "carefully consider" the "substantially lower rates charged by
425 IITA ILECs" with U. S. Cellular's rate plans. I agree that such a careful consideration is
426 in order: if the Commission carefully reviews what is included in the services offered by
427 the ILECs and in the services offered by U. S. Cellular, it will be abundantly clear that

428 Mr. Schoonmaker's simplistic approach of comparing nominal prices provides no useful
429 information. If the service offerings are compared on an apples-to-apples basis, it is
430 likely that U. S. Cellular's prices are competitive and can provide a competitive
431 alternative to end users, *if* U. S. Cellular has the opportunity build out its network so that
432 its offerings are a viable substitute service.

433 Third, Mr. Schoonmaker's argument that it would not be in the public interest to
434 support these "considerably higher" rates seems to suggest a mistaken belief that higher
435 priced services will be eligible for a higher level of support. This is not the case: the per-
436 line support amount that would be available to U. S. Cellular is a fixed amount that is in
437 no way related to U. S. Cellular's retail rate. High-cost funds would not be "supporting"
438 U. S. Cellular's services (whether affordably priced or "high priced"), they would be
439 supporting investment in network infrastructure in rural areas. Of course, there would be
440 no funding available to U. S. Cellular at all if customers conclude that U. S. Cellular's
441 service is not affordable.

442 Fourth, Mr. Schoonmaker's suggestion that the designation of U. S. Cellular as an
443 ETC would not be in the public interest because U. S. Cellular "has given no indication...
444 that it would reduce rates if it is designated an ETC" accounts for only short run
445 considerations.¹³ As the FCC has pointed out, perhaps the primary public benefit over

¹³ It is also unclear that funds that may only be used for the provisioning, maintenance, and upgrading of facilities could instead be used to reduce retail rates. Mr. Schoonmaker may be

446 the long run of designating a CETC is the creation of incentives for both the incumbent
447 carrier and new entrants to become more efficient. Increased efficiency in a competitive
448 market is likely to lead to lower prices over time. A decision by U. S. Cellular or any
449 other ETC to invest support funds in infrastructure rather than to use the funds to offset a
450 short term rate reduction supports this long term objective.

451 Fifth, Mr. Schoonmaker's conclusion is inconsistent with his testimony taken as a
452 whole in two respects. First, to put a rather fine point on it, if Mr. Schoonmaker truly
453 believed that U. S. Cellular's prices are so high that it poses no competitive threat to IITA
454 members, the ILECs' financial stake in this proceeding would be effectively zero, and
455 they would have no real basis for opposing U. S. Cellular's petition (nor would IITA be
456 likely to expend the resources necessary to do so). Of course, *by definition* what an IITA
457 company sees as a competitive threat is seen by the customer as an opportunity to
458 purchase a more desirable service. Additionally, as I address later in my testimony, Mr.
459 Schoonmaker asserts that U. S. Cellular's geographic coverage is insufficient for
460 designation as an ETC. While I disagree with that conclusion, it shows that Mr.
461 Schoonmaker is again internally inconsistent: he does not explain how a carrier that seeks
462 to properly use federal USF to expand its network coverage can do so if it has devoted
463 those funds to rate reductions.

464 Finally, to the extent that Mr. Schoonmaker is suggesting that the Commission

attempting to criticize U. S. Cellular for complying with federal law.

465 should be in the role of determining whether U. S. Cellular's rates are affordable, then I
466 must respectfully disagree: the level at which rates are considered to be affordable is an
467 issue for *customers* to decide. Customers are in the best position to determine whether a
468 particular service offering a given price will be beneficial to them. The Commission
469 must determine if U. S. Cellular has committed to offer and advertise the nine supported
470 service elements. If this commitment has properly been made, it is then up to end users
471 to decide whether to purchase U. S. Cellular's service at a given price (so that U. S.
472 Cellular receives federal USF support) or not to purchase U. S. Cellular's service at that
473 price (so that U. S. Cellular receives no federal USF support).

474

475 Q. MR. SCHOONMAKER SUGGESTS THAT U. S. CELLULAR'S RATES ARE NOT
476 AFFORDABLE IN PART BECAUSE U. S. CELLULAR REQUIRES SOME
477 CUSTOMERS TO SIGN UP FOR A MINIMUM CONTRACT PERIOD WITH AN
478 EARLY TERMINATION FEE. DO YOU AGREE?

479 A. No. Wireless providers, including U. S. Cellular, make customer equipment (telephones)
480 available to their customers at steeply discounted prices (sometimes for no additional
481 charge). As Mr. Schoonmaker is surely aware, the contract period required by wireless
482 carriers for many service plans is in place in order to ensure that the cost of this
483 equipment can be recovered. In effect, the customer is permitted to pay for a handset
484 with the features that they want over time rather than having to make a large up-front

485 investment. There is nothing pernicious or misleading about such a pricing structure, and
486 the price actually being paid for the underlying service does not change. I am not aware
487 of any case, whether at the FCC or before a state regulator, in which a request for ETC
488 designation was denied because a wireless carrier required a contract period when
489 discounted equipment was being provided.

490

491 Q. MR. SCHOONMAKER SUGGESTS THAT AS A CONDITION OF BEING
492 DESIGNATED AS AN ETC, U. S. CELLULAR SHOULD BE REQUIRED TO OFFER
493 “UNLIMITED LOCAL USAGE FOR A FLAT FEE.” DO YOU AGREE?

494 A. No, for two reasons. First, there is no requirement that an ETC provide “unlimited local
495 usage,” and the FCC has consistently refused to create such a requirement. In its 2005
496 *USF Order*, the FCC explicit declined (§32) to create this requirement and instead stated
497 (§33) that a potential CETC’s calling plans should be evaluated by considering the details
498 of the CETC’s offering, including, for example, the scope of the “local” calling area (in
499 this case, the area within which the customer can make a call without incurring toll
500 charges).

501 Second, such a requirement is not consistent with the best interest of end user
502 customers. Any suggestion that unlimited local usage means that local usage is being
503 provided “for free” to the customers is a mistaken one; in reality, a flat-rated service
504 offering simply means that customers are buying – and paying for – a fixed bundle of

505 usage that corresponds to average customer usage. Some customers will use fewer
506 minutes but still pay for the average amount, while others will use more minutes and
507 benefit by paying for only the average. In contrast, U. S. Cellular's service plans allow
508 the customer to make a choice regarding the amount of usage that he or she wishes to pay
509 for. This choice can be based on a consideration of total calling volume and with the
510 scope of the geographic area that the customer wishes to include.

511

512 Q. MR. SCHOONMAKER ARGUES (PP. 38-42) THAT THE COMMISSION SHOULD
513 IMPOSE SERVICE QUALITY STANDARDS ON U. S. CELLULAR IN ORDER TO
514 PROTECT CONSUMERS. IS THIS ACTION NECESSARY?

515 A. No. Ultimately, the service quality issue is moot for the same reason that the
516 affordability issue is moot; not because affordability and service quality aren't important
517 to end user customers, but because they are. Assuming an alternative is available,
518 customers will not subscribe to services if they consider the price too high or the quality
519 too low. If U. S. Cellular fails to meet customers' expectations regarding affordability
520 and service quality, it will not receive federal high cost support.

521 By basing support on a per-line basis and making it available (at least to CETCs)
522 only when a customer is actually served, the FCC created a dynamic in which the
523 marketplace can sort out these issues. In the final analysis, it doesn't matter what either

524 Mr. Schoonmaker thinks of U. S. Cellular's pricing or service quality,¹⁴ it matters what
525 the customers and potential customers of U. S. Cellular's service think. If anything, the
526 designation of U. S. Cellular as a CETC will provide it with an even greater incentive to
527 ensure that customers see its services as affordable and high quality because federal
528 support dollars will be at stake. Either way, the program mechanism is such that market
529 forces can be relied upon to provide the proper incentives to CETCs, including U. S.
530 Cellular.

531 In addition to being duplicative of market forces (and therefore providing no
532 incremental benefit), the additional requirements proposed by Mr. Schoonmaker would
533 create no public benefit because they would act as effective barriers to entry to a wireless
534 carrier requesting ETC designation.

535 It is also important to remember the history of carrier regulation when making
536 public interest determinations. The regulatory constraints currently imposed on ILECs
537 are not there because the ILEC is an ETC; they are there because of the ILEC's position
538 in the marketplace as a former monopoly provider. The ILECs' unique position makes it
539 appropriate for regulators to enact standards for service quality and customer service
540 operations.

¹⁴ To the extent that Mr. Schoonmaker is a customer or a potential customer of U. S. Cellular's service, there opinions are important because they will determine whether U. S. Cellular receives monthly support for the lines they decide to purchase or not to purchase. From this perspective, it is possible to place a dollar value on the witnesses' opinions on these issues.

541

542 Q. MR. SCHOONMAKER SUGGESTS (PP. 41-42) THAT THE IMPOSITION OF
543 SERVICE QUALITY STANDARDS ON U. S. CELLULAR IS NECESSARY IN
544 ORDER TO ENSURE “COMPETITIVE NEUTRALITY.” IS HE RIGHT?

545 A. No. The FCC's principle of competitive neutrality requires that all universal service
546 rules, including those governing the process of qualifying for and receiving universal
547 service support, must be competitively neutral; it does not anticipate that the IETC and
548 CETC should be treated identically. The concept of regulatory parity means regulating
549 carriers in a competitive market in a similar fashion. The amount of USF support
550 previously received and the existing level of market power exercised by ILECs justifies
551 some disparity in regulatory treatment that is independent of the administration of the
552 universal service mechanism. The FCC has made clear that a CETC need not be an ILEC
553 (1997 First Report & Order), nor need it be regulated as a monopoly carrier as a
554 condition of ETC status (2005 USF Order).

555

556 Q. YOU STATED THAT REQUIRING U.S. CELLULAR TO MEET MR.
557 SCHOONMAKER'S SUGGESTED ADDITIONAL REQUIREMENTS WOULD
558 SERVE AS A BARRIER TO ENTRY. PLEASE EXPLAIN.

559 A. If competitive carriers were required, before ETC designation (and on a yearly basis
560 thereafter), to meet the service area and quality standards that as ILEC is required to

561 meet, any sort of competitive entry would be impossible and the main purpose of
562 universal service funding would be thwarted, namely the *buildout* of quality competitive
563 services in rural and high-cost areas. As noted by the Regulatory Commission of Alaska:

564 The FCC has previously rejected rural incumbent carriers'
565 suggestions to adopt eligibility criteria beyond those set forth in
566 Section 214(e) to prevent competitive carriers from attracting only
567 the most profitable customers, providing substandard service, or
568 subsidizing unsupported services with universal service funds.
569 The FCC concluded that the statutory requirements limiting ETCs,
570 and requiring them to offer services throughout the area and to use
571 the support only for the intended services, were sufficient.
572 Similarly, we find little evidence that further protections are
573 needed to protect MTA's place in the market.¹⁵

574 More importantly, customers will dictate U. S. Cellular's service quality
575 standards. Customers will decide whether or not to choose U. S. Cellular's services; if
576 they are of sufficient quality, U. S. Cellular will gain both customers and support. If U.
577 S. Cellular's services are not of sufficient quality, it will not gain customers and will not
578 receive USF support.

579

580 Q. WHAT SPECIFIC COMMITMENTS HAS U. S. CELLULAR MADE REGARDING
581 SERVICE QUALITY AND CUSTOMER SERVICE?

582 A. As set forth in its petition, U. S. Cellular has committed to adhere to the CTIA Code of
583 Conduct.

¹⁵*Order No. 10 in Docket No. U-02-39*, Regulatory Commission of Alaska, August 28, 2003, approving the application of Alaska DigiTel, LLC for ETC designation.

584

585 Q. MR. SCHOONMAKER SUGGESTS (P. 42) THAT THE CTIA CODE OF CONDUCT
586 DOES NOT PROVIDE ADEQUATE CONSUMER PROTECTIONS. DO YOU
587 AGREE?

588 A. No, and neither does the FCC. In its *Virginia Cellular Order*, the FCC (§30) noted that
589 “as evidence of its commitment to service quality, Virginia Cellular has also committed
590 to comply with the Cellular Telecommunications Industry Association Consumer Code
591 for Wireless Service, which sets out certain principles, disclosures, and practices for the
592 provision of wireless service.” The FCC concluded that Virginia Cellular’s commitments
593 “adequately address any concerns about the quality of its wireless service.”

594

595 Q. MR. SCHOONMAKER DEVOTES A SIGNIFICANT PORTION OF HIS
596 TESTIMONY TO THE ISSUE OF GEOGRAPHIC AVAILABILITY OF U. S.
597 CELLULAR’S SERVICES. IS HIS ANALYSIS ON TARGET?

598 A. No. Both Mr. Schoonmaker’s fundamental premise and data collection methods are
599 flawed.

600 As his initial premise, Mr. Schoonmaker asserts (p. 55) that “U. S. Cellular’s
601 burden is to demonstrate that it will provide the supported services throughout the service
602 areas for each separate ILEC study area.” This, of course, is not actually the standard and
603 the FCC has never interpreted a CETC’s service obligation in this manner. Instead, the

604 FCC has consistently referred to a potential ETC's commitment to meet "all reasonable
605 requests for service."¹⁶ As set forth in U. S. Cellular's petition, the company has agreed
606 to adopt the same checklist that was approved by the FCC in the *Virginia Cellular Order*.
607 This checklist provides a step-by-step means of providing service to customers who do
608 not currently receive coverage at their home or business location.

609 Mr. Schoonmaker goes on to conclude that "to the extent that [U. S. Cellular's]
610 signal coverage is not adequate, that would clearly be a negative factor in the public
611 interest test for receiving that [ETC] designation." I suggest that Mr. Schoonmaker has it
612 exactly backwards: limitations in signal coverage underscore the need for high cost USF
613 support in order to build out network facilities into these areas. Mr. Schoonmaker
614 assumes that the areas in which U. S. Cellular does not currently have complete signal
615 coverage are in are the remote and sparsely populated areas of its proposed ETC service
616 area. If his assumption is correct, further investment by U. S. Cellular in these areas as
617 an ETC is clearly in the public interest: these are the areas for which federal high-cost
618 funding was designed.

619 Mr. Schoonmaker suggests that U. S. Cellular invested in the more densely

¹⁶ Mr. Schoonmaker is a bit schizophrenic on this issue. At p. 30, he correctly notes that an ETC's obligation is to provide service "upon reasonable request." At p. 6, footnote 1, however, Mr. Schoonmaker notes that U. S. Cellular has made such a commitment to provide service to customers "upon reasonable request," and suggests that U. S. Cellular has somehow improperly limited its commitment. In reality, U. S. Cellular's commitment is directly in line with the federal standard (as Mr. Schoonmaker later admits). This kind of "argument by innuendo" adds little to the record in this proceeding.

620 populated areas (or areas of more dense potential usage) of its license area first, before
621 building out into less dense areas. He may be right; any other entry strategy would be
622 irrational and financially irresponsible. Of course, the ILECs built out their networks,
623 over time, in exactly the same way: they began with construction where the most people
624 were, and expanded outward from that point. The key distinction between ILEC network
625 expansion and U. S. Cellular's buildout to date is that the ILECs made their investments
626 while receiving USF support (either implicitly or explicitly).

627 U. S. Cellular now seeks to expand its geographic coverage and reinforce its
628 service quality to bring people in rural areas service that is comparable to that which is
629 available in urban areas. This is the investment that is made possible, whether the carrier
630 is an ILEC or CETC, through USF support.

631 Mr. Schoonmaker also raises the issue (p. 58) of areas of "weak or no signal
632 strength" (so-called "dead spots") in U. S. Cellular's existing network coverage. As will
633 be explained below, I do not agree that the propagation analysis that Mr. Schoonmaker
634 has relied upon is accurate, but the focus on these areas is misplaced. Mr. Schoonmaker
635 fails to mention in his testimony that the existence of such "dead spots" did not preclude
636 the FCC from designating Virginia Cellular as an ETC; in fact, the FCC explicitly
637 recognized that CETC's may have such areas and that USF support is needed for further

638 network buildout.¹⁷ As the ILECs did, U. S. Cellular will address the issue of service for
639 customers living within any coverage gaps on an ongoing basis as it strives to provide
640 quality service to existing customers and to meet all requests for service from potential
641 new customers.

642

643 Q. DOES A REQUIREMENT TO LITERALLY “SERVE THROUGHOUT A GIVEN
644 AREA,” RATHER THAN A REQUIREMENT “TO MEET REASONABLE
645 REQUESTS FOR SERVICE,” MAKE TECHNICAL SENSE?

646 A. No. In the case of an application by a wireless carrier for ETC designation, the
647 application of this requirement must reflect the important distinctions in how wireless and
648 wireline carriers provide service to customers. Wireline carriers, due to the technical
649 constraints of their networks, offer service not to a *customer*, but to a fixed *customer*
650 *location*. The wireline carrier’s customer can only utilize the service at the designated
651 location, because that is where the ILEC’s wires end. In direct contrast, a wireless carrier
652 offers service not to a *customer location*, but to a *customer*. That customer can use the
653 service at multiple locations throughout the service area.

654 In order to apply the kind of requirement Mr. Schoonmaker suggests, it is
655 necessary to determine what is meant by the idea of “serving” the area. If “serve” is
656 defined as the ability to provide telecommunications service to a customer with minimal

¹⁷ *Virginia Cellular Order*, paragraph 23.

657 buildout of network facilities, then the area actually being “served” by the ILECs
658 includes only the portions of the total service area over which service is actually available
659 at the end of a wire. A wireline network offers actual service to only a small percentage
660 of the area in question. If “serve” is more narrowly defined as the ability to provide
661 telecommunications service to a customer without the construction of any new network
662 facilities, i.e. those locations over which over which wires have been strung and at which
663 a drop wire has been installed so that the customer can physically attach his or her
664 telephone to the network, then the area of ILEC “service” is truly miniscule in
665 comparison to the service area of U. S. Cellular. In my experience, rural ILECs likely
666 “serve” between 1% and 5% of their actual study area based on this definition. The
667 potential for a wireless carrier to serve the entire ILEC study area far exceeds that of the
668 wireline ILEC. This broader coverage potential by a wireless carrier has a number of
669 public benefits, including convenience and health and safety benefits.

670 In the hypothetical case of an application by a wireless carrier that has signal
671 coverage throughout most, but not all, of the service area in question, there are two
672 possible interpretations of this requirement. If the requirement is for an ETC to provide
673 the supported services to *any customer*, then both the wireline and wireless carriers
674 comply: both carriers can and will provide service to any customer that requests it. If the
675 requirement is for the ETC to provide the supported services at *any customer location*,
676 then both carriers fail (though by varying degrees): the wireless carrier can provide

677 service to most of, but less than 100% of, the service area (due to gaps in coverage and/or
678 so-called dead spots), while the wireline carrier can offer service to only a very small
679 fraction – almost always less than 5% - of the service area.¹⁸ Clearly, the potential for a
680 wireless carrier such as U. S. Cellular to “offer service throughout its designated ETC
681 service area” far exceeds that of any wireline ILEC.

682 Recognition of this key distinction between how wireline and wireless carriers
683 provide service is important. A customer who subscribes to a wireline carrier’s service
684 presumably does so because he can use the service at the location most important to him:
685 his home or business. In contrast, a customer who subscribes to a wireless carrier’s
686 service presumably does so because she can use the service at the locations most
687 important to her: locations that may include a home or business but may also include
688 isolated areas and country roads. It is fully consistent with a “public interest”
689 determination to allow a CETC to construct new infrastructure to enable customers to
690 make this choice based on their own needs and preferences.

691 The Commission should also take note that Mr. Schoonmaker’s proposed
692 requirement, if adopted, would disqualify the rural ILECs as ETCs. As explained above,
693 no ILEC can “serve throughout the entirety of [its] ETC designation area;” it can provide
694 service only to a very small percentage of this area (the area at the end of a transmission

¹⁸ In this case, the area where the ILEC can actually offer service is represented by the locations of Network Interface Devices, or NIDs, at the end of wires.

695 wire). Service coverage by wireline carriers can *never* meet Mr. Schoonmaker's
696 standard, and it would be unreasonable for the Commission to require the ILECs to
697 provide a specific timeframe within which they would be able to extend their networks to
698 provide service throughout the entirety of their service area.

699

700 Q. YOU STATED THAT MR. SCHOONMAKER'S DATA COLLECTION METHODS
701 ARE ALSO FLAWED. PLEASE EXPLAIN.

702 A. As he states at p. 56, Mr. Schoonmaker has relied on a propagation analysis conducted by
703 Mr. Glenn Brown. In every proceeding in which it has been presented, a number of
704 significant shortcomings in Mr. Brown's analysis have been identified, and his results
705 have been thoroughly discredited. Mr. Schoonmaker's reliance on this flawed analysis is
706 unfortunate.

707

708 Q. YOU HAVE SUGGESTED THAT IT IS IMPORTANT TO RECOGNIZE THE FACT
709 THAT WIRELESS SERVICE CAN BE USED AT MULTIPLE LOCATIONS WITHIN
710 A SERVICE AREA, WHILE WIRELINE SERVICE CANNOT. IS IT YOUR
711 UNDERSTANDING THAT MOBILITY IS A SUPPORTED SERVICE
712 FUNCTIONALITY?

713 A. No, but it is an extremely important part of any public interest analysis. Wireless service
714 has public health and safety benefits (benefits that wireline service can never provide)

715 that should not be ignored. The FCC explicitly considered mobility in its public interest

716 findings in both the *Virginia Cellular Order* and *Highland Cellular Order*:

717 We find that the designation of Virginia Cellular as an ETC in
718 certain areas served by rural telephone companies serves the public
719 interest and furthers the goal of universal service by providing
720 greater mobility...to consumers in rural and high cost areas.¹⁹

721
722 The mobility of Highland Cellular's wireless service will provide
723 other benefits to consumers. For example, the mobility of
724 telecommunications assists consumers in rural areas who often
725 must drive significant distances to places of employment, stores,
726 schools, and other critical community locations. In addition, the
727 availability of a wireless universal service offering provides access
728 to emergency services that can mitigate the unique risks of
729 geographic isolation associated with living in rural communities.²⁰

730

731 Based on these important factors, it doesn't make sense to deny ETC designation

732 to a wireless carrier that will provide the supported services to any requesting customer

733 and to nearly all possible customer locations, while granting ETC designation to a

734 wireline carrier that while providing service to any customer, can do so only at a small

735 fraction of potential customer locations.

736 It is also important to note at this point that the existence of service functionalities

737 beyond the nine minimum functionality requirements in no way disqualifies the carrier's

738 service from the federal universal service program. In the examples above, the FCC

739 found that services offered by a wireless ETC that include an additional functionality – in

¹⁹ *Virginia Cellular Order*, paragraph 12.

²⁰ *Highland Cellular Order*, paragraph 23.

740 this case mobility – represents an important customer benefit and is fully consistent with
741 both the letter and spirit of the federal requirements.

742

743 Q. MR. SCHOONMAKER TAKES ISSUE WITH WHAT HE REFERS TO AS U. S.
744 CELLULAR’S “TENTATIVE PLANS TO IMPROVE SERVICE,” AND
745 RECOMMENDS THAT THE COMMISSION ADOPT THE FCC’S FILING
746 REQUIREMENT OF A FIVE-YEAR BUILDOUT PLAN. DO YOU AGREE THAT
747 HIS RECOMMENDATION HAS MERIT?

748 A. No. In my experience, long range CETC buildout plans are not the panacea that Mr.
749 Schoonmaker makes them out to be for several reasons. First, the capital planning cycles
750 of most carriers do not extend to a five-year horizon. In many cases, changes in the
751 availability of capital, market conditions, and customer demands can make even an
752 annual planning cycle difficult and subject to frequent revision. This level of uncertainty
753 is a fact of life in competitive markets and largely reflects carriers’ ongoing efforts to be
754 as responsive as possible to customers and potential customers.

755 Second, it is important to note that the plans that have been required by the FCC
756 to date are not binding and are explicitly subject to revision based on changes in customer
757 needs.

758 Third, this kind of long-range projection, that after the first twelve months often
759 represents little more than an educated guess, is not the most effective means available

760 for the Commission to ensure that a carrier maintains the “capability and commitment” to
761 “respond to reasonable requests for service,” and that federal USF support is being used
762 for the intended purposes. Instead, it would be much more effective for the Commission
763 to require all ETC (both CETCs and ILECs) to provide one-year plans and to carefully
764 review the ETC’s progress toward reaching the stated objectives in the context of the
765 annual recertification process. At that point, the Commission would have the opportunity
766 to both review the carrier’s progress and evaluate the carrier’s plan for the upcoming
767 year. Such a process would represent a much more meaningful method for monitoring
768 the use of federal USF than an up-front five year plan.

769 Fourth, the FCC’s filing requirement adopted in the *2005 USF Order* should be
770 considered in its proper context. The FCC adopted the requirement in response to a
771 recommendation of the Joint Board that the FCC “adopt a guideline encouraging state
772 commissions” to require demonstrations of a carrier’s “capability and commitment” to
773 meet “reasonable requests for service.”²¹ The Joint Board went on to describe a recent
774 decision by the Regulatory Commission of Alaska. In that case, the Alaska Commission
775 concluded that “the provider need not prove its ability to build facilities throughout every
776 portion of the incumbent LEC’s service area,” and instead focused on the potential ETC’s
777 action plan for meeting reasonable requests for service.²² I participated in that

²¹ Joint Board Recommended Decision, ¶ 23

²² *Id.*, ¶ 24. The FCC accepted as reasonable an essentially identical action plan in its *Virginia*

778 proceeding and at no time did the Alaska Commission express *any expectation or desire*
779 that the potential ETC would serve throughout 100% of the geographic area served by the
780 ILEC, either before or after ETC designation. Instead, the Alaska Commission focused
781 on the ETC applicant's plan for meeting customer requests for service. In this case, U. S.
782 Cellular is proposing to following the same plan previously accepted by the FCC.

783 Nevertheless, as Mr. Hunter points out in his testimony, U. S. Cellular is willing
784 to provide a five year buildout plan if required by the Commission.

785
786 Q. AFTER ASSERTING THAT U. S. CELLULAR SHOULD NOT BE DESIGNATED AS
787 AN ETC BECAUSE IT IS *NOT* CURRENTLY PROVIDING SERVICE
788 THROUGHOUT THE ENTIRE AREA, MR. SCHOONMAKER ARGUES THAT U.S.
789 CELLULAR SHOULD NOT BE DESIGNATED BECAUSE IT *IS* ALREADY DOING
790 SO. HAVE YOU BEEN ABLE TO RECONCILE THESE CONFLICTING
791 POSITIONS?

792 A. No. After making much ado about U. S. Cellular's current geographic coverage and
793 "weak or no signal strength," Mr. Schoonmaker argues (pp. 50-51) that the designation of
794 U.S. Cellular as an ETC will not be in the public interest because *U. S. Cellular already*
795 *provides service in the rural LEC areas of Illinois in which it seeks ETC status.* Mr.
796 Schoonmaker can't have it both ways; U. S. Cellular can either be damned if they do or

Cellular Order (§15), and U. S. Cellular has made the same commitment in this proceeding.

797 damned if they don't, but not both.

798 In reality, Mr. Schoonmaker got it partially right – but only partially right – each
799 time. There is no dispute that U. S. Cellular is currently providing some services in many
800 of the areas served by rural ILECs in Illinois, but that fact ultimately has no bearing on
801 this proceeding. U. S. Cellular is making a commitment (or more accurately, seeking the
802 ability to make a commitment) to provide services (that include each of the supported
803 service functionalities) throughout these service areas in direct competition with the rural
804 ILECs; something that, without USF support, it could not do.

805 An understanding of why Mr. Schoonmaker's observation does not support his
806 conclusion requires a more substantive look at how the rural ILECs originally entered
807 these markets and how competitive carriers seek to do so now. Rural ILECs did not
808 begin by providing service with a network whose reach extended throughout their current
809 service areas; they began by constructing facilities where it was most feasible and then
810 expanding those facilities over time – *while receiving implicit or explicit universal*
811 *service support*. At no time was that support withheld because the rural ILEC was
812 “already providing” wireline service in some part of these areas. Mr. Schoonmaker acts
813 as if the existing rural ILEC networks sprang forth from the head of Zeus in their current
814 form and with their current geographic coverage. This did not happen: rural ILECs
815 expanded and upgraded their wireline networks over time while receiving universal
816 service support.

817 The entry and expansion of a wireless carrier such as U. S. Cellular is not
818 fundamentally different. There is no dispute that U. S. Cellular can and does provide
819 services throughout some of the area for which it seeks ETC designation. ETC
820 designation will enable U. S. Cellular to expand its coverage and service quality.

821

822 Q. MR. SCHOONMAKER SUGGESTS THAT U. S. CELLULAR CAN PROVIDE THE
823 SAME SERVICES ACROSS THE SAME GEOGRAPHIC AREA, AND WOULD
824 MAKE THE SAME NETWORK INVESTMENTS, WITH OR WITHOUT USF
825 SUPPORT. DO YOU AGREE?

826 A. No. As described in its petition and direct testimony, U. S. Cellular will use any federal
827 USF that it receives to make important investments within these service areas. Mr.
828 Schoonmaker questions U. S. Cellular's "need" for funding and the incremental benefits
829 to be derived from the resulting additional investment. I disagree with Mr.
830 Schoonmaker's conclusions, but if he is right, his testimony compels a more fundamental
831 question: *if a carrier such as U. S. Cellular can provide quality service to customers in*
832 *the area without USF support today, why is it in the public interest to continue to support*
833 *the incumbent LEC, when it is a demonstrably less efficient provider?* Mr. Schoonmaker
834 offers no answer to this important question.

835

836 Q. MR. SCHOONMAKER SUGGESTS THAT IN ORDER TO CONTROL THE

837 GROWTH OF THE FEDERAL UNIVERSAL SERVICE FUND, THE COMMISSION
838 SHOULD NOT DESIGNATE U. S. CELLULAR AS AN ETC IN. DO YOU AGREE
839 WITH HIS FACTS OR REASONING?

840 A. No. First of all, Mr. Schoonmaker provides a reference that may be misleading unless
841 completed. He states (p. 44) that “the FCC is, undoubtedly, concerned about the national
842 implications of individual state commissions’ ETC decisions and their collective effects
843 on the federal USF.” In reality, the FCC has not limited its concerns to the designation of
844 CETCs at all, but has also consistently expressed concern regarding growth in support to
845 rural ILECs: “we recognize that high-cost support to incumbent ETCs has grown
846 significantly in real and percentage terms over the same period.”²³

847 While significant growth in the federal high-cost fund has occurred, it would be
848 extremely misleading (and intellectually dishonest) to characterize this growth as being
849 due primarily to wireless competitive entry in high cost areas. In reality, federal fund
850 growth has been a function of - in this order - (1) the transition from implicit to explicit
851 subsidies, (2) the decision by the FCC to provide funding to the rural ILECs on the
852 “modified embedded cost” mechanism described below, and – as a distant number (3) -
853 the designation of CETCs, including but limited to wireless ETCs.

854

²³ *Virginia Cellular Order*, ¶31.

855 Q. DO YOU AGREE THAT THE FEDERAL HIGH-COST FUND MUST BE
856 PRUDENTLY MANAGED?

857 A. I do, but I strenuously disagree with the strictly short-term perspective of the ILECs. By
858 limiting entry by carriers as an ETC, the size of the fund will be kept small over the short
859 run but will be larger than necessary over the long run. As the FCC has consistently
860 concluded, the entry of a competitive ETC can be expected to provide incentives for the
861 ILECs to improve both efficiency and service quality. The way to minimize the size of
862 the federal USF over the long run is to ensure that only the most efficient network is
863 ultimately funded. The efficient network for a given high cost area may be wireline or
864 wireless, and may be provided by the ILEC or a CETC. The only way to identify the
865 efficient network configuration is to permit CETCs to serve an area on an equal footing
866 with the ILEC.

867 It is possible that the ILECs are, or have the capability to become, the low-cost
868 network solution for serving high cost areas. Of course, it is quite possible that another
869 carrier can serve the area more efficiently. Because wireless and wireline costs vary in
870 different ways, it is possible that wireless represents a lower cost solution to serve many
871 areas that are high cost for the wireline ILEC. The only way to reach this efficient
872 solution is to make ETC designations on a technology neutral basis.

873 Consistent with the conclusions of the FCC and the Fifth Circuit Court of
874 Appeals, the fund should be managed on a long-term basis in a way that focuses on

875 benefits to consumers, not carriers. Mr. Schoonmaker's suggestion that additional ETC
876 designations simply mean an increase in demand on the fund is an example of such a
877 short-run, static perspective. Prudent management of the high-cost fund, including an
878 effort to minimize the size of the fund over the long-run, is not inconsistent with a
879 mechanism that results in a short-run increase. To the contrary, an attempt to minimize
880 the size of the fund on a quarter-by-quarter basis will almost certainly result in a larger
881 than necessary fund over the long run (while simultaneously reducing competitive
882 alternatives available to consumers in rural areas).

883 Currently, an observation that support to competitive ETCs has grown over the
884 past two years simply means that the process of ETC qualification and provisioning of
885 qualified lines by CETCs is working exactly as intended. As competitors enter rural
886 markets, support to carriers other than the incumbent LECs will inevitably grow. This
887 should not be viewed as an adverse or unintended consequence. In the long run, growth
888 in support to CETCs vs. growth in support to ILECs is useful only as a barometer of how
889 well the process is working. In an environment of truly portable support, the relative
890 amount of support going to CETCs and ILECs would have no impact on the overall size
891 of the fund. Under such a mechanism, the relative amount of support going to each type
892 of ETC would be viewed as exactly what it is: a measure of the success (or lack of
893 success) of competitive entry.

894 Under the current mechanism, growth in the support to CETCs is a measure of

895 growth in new investment in rural areas. Support to ILECs may or may not represent
896 new investment, and most likely represents costs associated with the operation of a
897 network whose efficiency has not been tested by competitive market forces. By making
898 it possible for a competitor to build out sufficient network infrastructure to meet the
899 needs of customers in these rural areas, options of the future are expanded. If U. S.
900 Cellular's network costs are indeed lower, the carrier that is the more efficient provider
901 will be encouraged to continue to build out and improve its network on an accelerated
902 basis. If this is accomplished on a going-forward basis, support can be based on this
903 more efficient network (and ultimately limited to this single efficient carrier) thereby
904 minimizing the size of the fund over the long run.

905

906 Q. YOU STATED THAT AN FCC DECISION REGARDING ILEC COST RECOVERY
907 HAS CONTRIBUTED MORE TO THE GROWTH IN THE FEDERAL USF THAN
908 THE DESIGNATION OF COMPETITIVE ETCS. PLEASE EXPLAIN.

909 A. The largest contributors to the size of the federal fund are the compromise elements that
910 were included by the FCC *for the benefit of rural ILECs*. What Mr. Schoonmaker
911 neglects to mention in his testimony is that the size of the high-cost loop fund is in large
912 part a direct function of the FCC's decision to give the rural carriers, including his clients
913 in this case, an extended transition period in which to improve their efficiency, reduce
914 their costs, and better prepare themselves to operate in a competitive market. These

915 elements of the mechanism, implemented at the request of and for the exclusive benefit
916 of rural ILECs, represent a far greater impact on the size of the fund than any of concerns
917 cited in this case.

918 For the current interim mechanism, the FCC set aside its consistent (and
919 economically valid) position that universal service funds should be sufficient to permit
920 the recovery of a carrier's forward-looking economic costs, but not necessarily its
921 embedded costs. In fact, the FCC did the rural ILECs one better, and adopted a modified
922 embedded cost mechanism that is projected to increase the size of the high-cost fund by
923 *\$1.26 billion dollars* over the amount that would have been required by the existing
924 embedded cost mechanism.²⁴ To my knowledge, no estimate of the impact on the fund
925 size caused by the decision to permit rural ILECs to recover embedded, rather than
926 economic, costs has been published.

927 In economic terms, the decision to permit rural ILECs to recover embedded costs
928 represents a dead weight loss. It is an inefficiency that is being institutionalized into the
929 existing cost structure for the duration of the interim mechanism. Rural ILECs are the
930 sole beneficiaries of this element. Not surprisingly, the FCC has put the rural ILECs on
931 notice that this windfall exists only for the duration of the interim mechanism:

932 Although we agree with the Rural Task Force that a distinct rural

²⁴*Id.*, paragraph 28. It should be noted that this estimate was provided by the Joint Board and Rural Task Force, and not by some party opposing the adoption of the modified embedded cost mechanism.

933 mechanism is appropriate at this time, we believe that there may be
934 significant problems inherent in indefinitely maintaining separate
935 mechanisms based on different economic principles. The
936 Commission previously determined that support based on forward-
937 looking cost is sufficient for the provision of the supported services
938 and sends the correct signals for entry, investment, and innovation.
939 Many commenters representing the interests of rural telephone
940 companies argue that the Rural Task Force’s analysis conclusively
941 demonstrates that the forward-looking cost mechanism should not
942 be used to determine rural company support and that only an
943 embedded cost mechanism will provide sufficient support for rural
944 carriers. We disagree. While the Rural Task Force demonstrated
945 the inappropriateness of using input values designed for non-rural
946 carriers to determine support for rural carriers, we do not find that
947 its analysis justifies a reversal of the Commission’s position with
948 respect to the use of forward-looking costs as a general matter.”²⁵
949

950 The FCC also noted its agreement with the Joint Board that “to the extent that it
951 differs from forward-looking economic cost, embedded cost provides the wrong signals
952 to potential entrants and existing carriers.”²⁶ I agree. More important in the current
953 context, to the extent they differ from forward-looking economic costs, embedded costs
954 inflate the size of the high-cost fund to a level well above that which would otherwise be
955 necessary. For these reasons, the FCC has initiated a proceeding to examine how support
956 is calculated for both rural ILECs and CETCs.

957 A second element of the interim federal universal service mechanism for rural
958 areas, again included for the sole purpose of benefiting rural ILECs, is the modification

²⁵ *Fourteenth Report and Order*, paragraphs 173-174 (footnotes and paragraph numbering omitted).

²⁶ *Id.*, paragraph 174 and footnote 406.

959 of the concept of “portability.” The FCC’s decisions regarding the portability of these
960 funds in rural areas are responsible for a portion of the increase in fund size. In its
961 recommendation, the Joint Board set forth several options for limiting support to a
962 customer’s “primary line.” Limiting support in this way would have reduced the size of
963 the federal fund and would have enabled regulators to better manage the size of the fund
964 in the future. Because the adoption of a “primary line” proposal could have resulted in a
965 reduction in the USF support that they receive, the rural ILECs pushed for – and were
966 able to get passed – a provision in the *2005 Consolidated Appropriations Act* that, in the
967 FCC’s words, “prohibits the Commission from utilizing appropriated funds to ‘modify,
968 amend, or change its rules or regulations for Universal Service support payments to
969 implement the February 27, 2004 recommendation of the Federal-State Joint Board on
970 Universal Service regarding single connection or primary line restrictions on universal
971 service payments.”²⁷

972 In this light, Mr. Schoonmaker’s suggestion that the Commission should deny U.
973 S. Cellular’s petition as a method of limiting growth of the fund is disingenuous at best.
974 In the simplest terms, the facts are as follows: (1) rural ILECs have asked for and
975 received various protections from the impact of competition as a part of the interim
976 mechanism, (2) these protections cause the size of the high-cost fund to increase, and (3)
977 the rural ILECs are now using the fact that the fund is growing to support an argument

²⁷ *2005 USF Order*, ¶11.

978 that actual competitive entry should be limited. Rural ILECs completely ignore the fact
979 that these assurances of cost recovery in rural areas are a gift from the FCC; they would
980 not exist in a competitive marketplace. The transition mechanism adopted by the FCC
981 may be costly in the short term, but it can serve to gradually wean the incumbent rural
982 LECs over the period of time that it is in effect. However, such weaning will only take
983 place if competitors are permitted to enter the market with ETC status.

984 If the interim universal service mechanism is implemented fully, the long-term
985 result will be the maximum benefit to the consumers of telecommunications services in
986 rural areas and to rural economic development. Rural ILECs can use this transition
987 period, and the “windfall” generated by the guarantee of embedded cost recovery and the
988 receipt of universal funds for customers not currently served, to update their networks,
989 streamline their operations, and prepare for competition. The piecemeal implementation
990 of this policy favored by the rural ILECs would inevitably harm rural consumers.
991 Permitting multiple ETCs to operate in an area prior to incumbent rural LECs being given
992 the time to wean themselves could, the FCC concluded, cause financial distress to the
993 rural ILECs and disruptions in service. Equally important, permitting the guarantee of
994 embedded cost recovery and the receipt of a constant amount of universal funds
995 (regardless of the number of retail customers actually being served), but refusing the
996 certification of multiple ETCs, such as U.S. Cellular, gives the rural ILECs no incentive
997 to act during this interim period to increase their efficiency and prepare for the day that

998 they will actually be subject to competitive market forces.

999

1000 Q. MR. SCHOONMAKER ARGUES THAT THE COMMISSION SHOULD NOT
1001 DESIGNATE MORE THAN ONE ETC IN SOME HIGH-COST AREAS. DO YOU
1002 AGREE?

1003 A. No. As described earlier in my testimony, the FCC has concluded that “*competition may*
1004 *provide incentives to the incumbent to implement new operating efficiencies, lower*
1005 *prices, and offer better service to its customers*” (emphasis added).²⁸ In direct contrast,
1006 Mr. Schoonmaker asserts (p. 52) that “the introduction of a competitor into a rural
1007 environment does not necessarily lead to lower costs or higher quality service for
1008 customers. A high-cost market, by definition, is still a high-cost market even after the
1009 introduction of competition.” I fundamentally disagree. A high cost area may be “high
1010 cost” in a rate of return context but may not be, given time, “high cost” if competitive
1011 market forces are permitted to operate.

1012 Mr. Schoonmaker also ignores the different cost characteristics of wireline and
1013 wireless networks. He poses (p. 52) a rhetorical question: if “it is not economical to
1014 provide wireline telephone service to many rural areas – one needs to ask ... why we
1015 should invite another subsidized competitor into these same areas.” In fact, Mr.
1016 Schoonmaker’s question need not be rhetorical at all, and has a two part answer. First, as

²⁸ Id. ¶ 22.

1017 the FCC has consistently observed, the introduction of competitive market forces will
1018 create incentives for all providers to increase network and operational efficiency and to
1019 be more responsive to customer needs. Over the long run, it may be possible to support
1020 only one carrier in that area (and potentially not to provide support at all), but without
1021 competitive entry by a second ETC it will be impossible to identify the more efficient
1022 carrier. Second, Mr. Schoonmaker focuses on whether it is economical for a wireline
1023 network to serve an area. It is possible that a given area may be economically served by
1024 a wireless carrier but not by a wireline carrier, or *vice versa*. If competitive entry is not
1025 made possible through the use of federal high-cost support, we will never know the
1026 answer.

1027

1028 Q. MR. SCHOONMAKER ARGUES (PP. 54, 71) THAT THE EXISTING MECHANISM
1029 OF BASING A CETC'S USF SUPPORT ON ILEC COSTS WILL PROVIDE AN
1030 UNDESERVED BENEFIT TO CETCS AND IS NOT COMPETITIVELY NEUTRAL.
1031 DO YOU AGREE?

1032 A. No. In each of the ETC designation proceedings in which I have participated, ILEC
1033 witnesses have argued that wireless providers, due to differences in network design and
1034 operations, have a lower per-line cost to serve customers in rural areas. Basing the
1035 wireless CETC's support on the higher ILEC costs, the ILECs argue, provides a
1036 "windfall" to the wireless CETCs.

1037 There are two equally important points to be made about the “windfall”
1038 hypothesis. Even if U. S. Cellular’s per-line costs prove to be lower than those of the
1039 rural ILECs,²⁹ no “windfall” can occur: the rules specifically limit U. S. Cellular’s use of
1040 these funds to the “provision, maintenance, and upgrading” of network facilities in its
1041 ETC service area. On the other hand, if one assumes the possibility of a “windfall” and
1042 then realizes that such a “windfall” will only occur if U. S. Cellular’s per-line costs are
1043 indeed lower, the worst outcome that can be realized is that the carrier that all parties
1044 agree is a more efficient provider will be encouraged to build out its network on an
1045 accelerated basis. Once this buildout is complete, support can be based on this more
1046 efficient network (and ultimately limited to this single efficient carrier) thereby
1047 minimizing the size of the fund over the long run. Mr. Schoonmaker has provided the
1048 answer to his own question: “why should we invite another subsidized competitor into
1049 these same areas?” Because by doing so a more efficient provider can build out its
1050 network to serve customers. U. S. Cellular has committed, as it must, to use all support
1051 funds to build out and operate network infrastructure in these rural areas; a result that is
1052 fully consistent with the stated purposes of the Act and the interests of Illinois consumers.

1053

1054 Q. MR. SCHOONMAKER ARGUES THAT THE DESIGNATION OF U. S. CELLULAR

²⁹ Mr. Schoonmaker offers no explanation why a mechanism that encourages investment by a lower cost/more efficient provider is not in the public interest (or conversely, why a decision to fund the higher cost/less efficient provider into perpetuity represents sound public policy).

1055 AS AN ETC WILL CAUSE AN INCREASE IN THE ILEC'S COST TO PROVIDE
1056 SERVICE. IS THERE A FACTUAL BASIS FOR THIS THEORY?

1057 A. No. Mr. Schoonmaker claims (p. 53) that if more than one ETC is designated in an area,
1058 "this will cause the cost of service to increase for both [carriers]," but he provides no
1059 factual basis whatsoever for this conclusion.

1060 While he does not say so explicitly, the language that he uses and the household
1061 density information that he presents strongly suggest that Mr. Schoonmaker has again
1062 relied on an analysis by Glenn Brown that has been thoroughly discredited and
1063 universally rejected.

1064 There are at least three reasons why Mr. Schoonmaker's limited statements, and
1065 Mr. Brown's underlying analysis, regarding network inefficiencies should be dismissed.
1066 First, Mr. Schoonmaker provides no supporting analysis whatsoever, and this lack of
1067 documentation, coupled with his imprecision with the terms he uses, makes a meaningful
1068 review of his claims impossible. In order to properly analyze the behavior of network
1069 costs, it is essential to define and consider each of the variables in a consistent manner.
1070 Without more specificity, the variables "fixed costs" and "rural market" have no real
1071 meaning and require further definition. Second, Mr. Schoonmaker's exhibits suggest that
1072 he makes an assumption, as Mr. Brown does, that household density, measured at the
1073 level of the ILEC wire center or entire ILEC service area, can accurately predict network
1074 costs. This assumption is not supported by the facts. Third, Mr. Schoonmaker provides

1075 no basis for his claims of increased cost. To the extent he is relying on Mr. Brown's
1076 analysis, it is important to note that his analysis relies on flawed output from the
1077 Benchmark Cost Proxy Model, version 3.0, as the sole factual support for his arguments.

1078

1079 Q. PLEASE EXPLAIN THE PROBLEMS CREATED BY A FAILURE TO DEFINE
1080 VARIABLES WITH THE NECESSARY DEGREE OF PRECISION.

1081 A. Mr. Schoonmaker bases his conclusions on the unsupported observation (p. 53) that
1082 network costs "are relatively fixed," and therefore if more than one carrier serves a given
1083 "rural market" this will "generally cause the cost of service to increase." Mr.
1084 Schoonmaker fails to state a geographic or time dimension for his "relatively fixed cost"
1085 assumption. This is important. There are essentially no costs that are fixed at the level of
1086 the entire network. In other words, apart from some high-level administrative functions,
1087 there are no costs that are avoidable only if the entire network is eliminated. Fixed costs
1088 do exist at the level of discrete network facilities (the common cards in a digital loop
1089 carrier remote terminal, for example), and scale economies do exist at this level of
1090 disaggregation. Mr. Schoonmaker offers no support, and the analysis of Mr. Brown that
1091 he has apparently relied upon focuses on network costs and line density at a relatively
1092 high level (the level of an entire wire center or very high level of the ILEC service area).
1093 This simply doesn't work; insight into how costs differ among different geographic areas
1094 can only be gained if the analysis is conducted at a much more discrete level.

1095

1096 Q. PLEASE DESCRIBE THE PROBLEMS CAUSED BY MR. SCHOONMAKER'S
1097 ASSUMPTION THAT THERE IS A RELATIONSHIP BETWEEN HOUSEHOLD
1098 DENSITY AT THESE HIGH LEVELS AND PER-LINE NETWORK COSTS.

1099 A. Mr. Schoonmaker presents (p. 60) "population density statistics" consisting of solely of
1100 households per square mile as measured at the census block level, and bases his
1101 conclusions on an unstated assumption that the density of households, measured at the
1102 level of a census block, can be used to accurately predict per-line network costs in rural
1103 areas. This is an unsupported yet critical assumption that has not historically been shared
1104 by the Rural Task Force, the Joint Board, or the FCC. By extension, Mr. Schoonmaker is
1105 implicitly arguing that fixed network costs exist at these levels of geographic
1106 aggregation, and that scale economies will be lost if the incumbent rural LEC fails to
1107 serve all of the customers within that geographic area. This assumption is also not
1108 supported.

1109 In reality, there is no basis for an assumption that the number of households per
1110 square mile, as averaged at the level of the census block, is a reliable predictor of network
1111 costs in that geographic area. This assumption is essential to his conclusions and
1112 warrants a closer examination.

1113 To be clear, I am not suggesting that line density is not a driver of network costs;
1114 this is the case in almost all geographic areas. The problem relates to the level of

1115 geographic aggregation of the density data. The average density over a given geographic
1116 area has almost no bearing on network costs if that geographic area is too large or too
1117 small to capture the characteristics that constrain network design. Within the geographic
1118 area being studied, both the overall density and the distribution of customers are
1119 important to an understanding of network costs. For example, consider two hypothetical
1120 areas, both 10 square miles in size containing 50 customer locations. In scenario A, the
1121 customer locations are evenly distributed throughout the entire area. In scenario B, 90%
1122 of the customers are clustered together in a relatively small portion of the area, while the
1123 remaining 10% are evenly distributed. All else equal, scenario A will require more
1124 investment to serve than scenario B; but in both scenarios the overall customer density is
1125 5 customers per square mile. Mr. Schoonmaker completely ignores this fact when
1126 reaching his conclusions.

1127 This problem is particularly acute in lower density areas. Customers are far more
1128 likely to be uniformly distributed throughout non-rural area, and far more likely to be
1129 clustered in lower density areas. High-density areas are characterized by city blocks, and
1130 moderately high-density areas may encompass small towns, subdivisions, and similar
1131 planned suburban developments. Households are roughly evenly distributed in many of
1132 these kinds of examples. In contrast, rural areas (whether wire centers or entire ILEC
1133 study areas) may encompass crossroads, small unincorporated townships, and significant

1134 unpopulated areas within their borders.³⁰ Households are not evenly distributed in these
1135 examples, but tend to be clustered. As the area being studied becomes larger in size and
1136 as population density decreases (as is typical in rural areas), it becomes significantly *less*
1137 likely that the average number of households per square mile for the entire area will be a
1138 meaningful approximation of the average number of households per square mile *in the*
1139 *area in which telephone plant must be built*. Mr. Schoonmaker has incorrectly assumed
1140 the existence of a correlation between population density *as measured at the level of the*
1141 *census block* and the average per-line investment that must be made to provide telephone
1142 service to the people living in that area.

1143 A key fact that is unaddressed in Mr. Schoonmaker's testimony is that the area
1144 that must be served via telephone plant is determined not by the size of a given wire
1145 center (and certainly not by a census block), but by the distribution of customers within
1146 that area. In those areas within which customers are evenly distributed (primarily urban
1147 and suburban areas), the area to be served may be as large as the entire area being
1148 studied. In areas in which customers are more clustered, the area to be served is smaller
1149 than the total area being studied, and often significantly smaller.

1150 Mr. Schoonmaker asserts (p. 61) that his presentation of households per square
1151 mile as measured at the level of the census block is significant because "the cost of

³⁰ An area in which most customers are located in the town, with the remaining customers widely spread out, for example.

1152 providing telephone service is highly dependent on the density of the subscribers being
1153 served.” The subscriber density he provides is meaningful if, *but only if*, there is a
1154 demonstrable correlation between population density *as measured at the level of the*
1155 *census block area* and ILEC average per-line investment. As described above, no such
1156 correlation exists.

1157 Mr. Schoonmaker’s assumption of a direct relationship between household
1158 density at the level of the census block and per-line costs to serve the area has also been
1159 heard and rejected by the FCC. The Rural Task Force argued to the FCC that the cost
1160 proxy models being considered understate the relevant geographic area to be studied.
1161 The FCC rejected this argument, noting that these models properly focused on the smaller
1162 areas in which customers are actually located, and not the larger areas that are both
1163 “served and unserved, where the unserved can be lakes, mountains, deserts...the Rural
1164 Task Force’s area will always be greater than the model reported area.”³¹ This distinction
1165 is important. Mr. Schoonmaker considers the household density of this larger area in his
1166 analysis, but the area of the smaller “served” area is the relevant variable for the
1167 determination of network costs. By definition, the density of the served area will always
1168 be, as the FCC correctly recognized, higher than the area of the “served” and “unserved”
1169 areas combined.

1170

³¹ *Fourteenth Report and Order*, paragraph 175 and footnote 412.

1171 Q. MR. SCHOONMAKER SUGGESTS THAT DESIGNATING U.S. CELLULAR AS AN
1172 ETC WILL CREATE A DISINCENTIVE FOR ILECS TO MAKE NETWORK
1173 INVESTMENTS. DO YOU AGREE?

1174 A. Not at all. Mr. Schoonmaker suggests that ILECs will not invest because of the increased
1175 risk associated with cost recovery. Such a concern would be unfounded. The designation
1176 of U. S. Cellular as an ETC will not change the amount of USF available to the ILECs,
1177 and will not change their existing cost recovery mechanism. Mr. Schoonmaker's logic
1178 appears to rely on an assumption that the FCC will ultimately adopt some form of
1179 "primary line" mechanism. As addressed previously in my testimony, such a concern is
1180 now moot; the rural ILECs were able to have legislation passed that prevents the FCC
1181 from even considering such a proposal.

1182 A more likely scenario is that the rural ILECs will invest their own capital in
1183 network infrastructure in order to respond to the entry of an additional ETC. This is
1184 consistent with the FCC's conclusion when it found "no merit" in the arguments that the
1185 designation of an additional ETC in a rural area will reduce investment incentives,
1186 increase prices, or reduce the service quality of the incumbent LEC.

1187

1188 ***Allowing U.S. Cellular's Study Area To Be Defined As Something Other Than The ILEC***
1189 ***Study Areas Will Provide Benefits To Illinois Consumers***

1190 Q. WHAT IS U.S. CELLULAR REQUESTING REGARDING THE DEFINITION OF ITS
1191 ETC SERVICE AREA?

1192 A. U. S. Cellular is requesting that the rural ILEC service areas listed in Exhibit D to its
1193 petition – solely for the purpose of U. S. Cellular’s operation as an ETC – be “redefined”
1194 so that each wire center is a separate service area. This will allow U. S. Cellular to
1195 operate as an ETC in the broadest geographic area possible consistent with its CMRS
1196 license.

1197

1198 Q. WHY IS SERVICE AREA REDEFINITION NECESSARY?

1199 A. U. S. Cellular’s existing CMRS license does not permit it to serve some of the geographic
1200 area that comprises ILEC wire centers. A “redefinition” of ILEC service areas will
1201 permit U. S. Cellular to establish an ETC service area in Illinois within which it can
1202 respond to reasonable requests for service. Without such a service area definition, U. S.
1203 Cellular would not be able to operate as an ETC in any of the geographic area currently
1204 licensed to a given ILEC. The requested “redefinition,” while having no impact
1205 whatsoever on the ILECs, would permit U. S. Cellular to serve customers wherever its
1206 CMRS license permits. A denial of an application for ETC designation based on a
1207 decision not to adopt such a service area redefinition is a case of throwing out the baby
1208 with the bathwater: it would not make sense to deny a competitive alternative to the
1209 customers that U. S. Cellular can serve (consistent with its CMRS license) simply
1210 because U. S. Cellular cannot serve all of the customers within the boundary of a given
1211 ILEC’s service area.

1212 When arguing against redefinition (pp. 73-75) Mr. Schoonmaker fails to
1213 accurately portray how the ILECs will actually be impacted by redefinition. The
1214 “redefinition” that U. S. Cellular seeks will determine whether U. S. Cellular will be
1215 eligible for USF funding for services it provides in high-cost areas. The requested
1216 redefinition will *not* impact the eligibility of the ILECs to receive USF, nor will it impact
1217 in any way the amount of USF funding that the ILECs receive. Although the ILECs
1218 would have the Commission think otherwise, the requested redefinition will apply
1219 specifically to the administration of USF funds to U. S. Cellular. It will in no way impact
1220 the operation of the ILECs, their networks, or the costs they incur to provide service. In
1221 short, the requested redefinition will have significant consequences for U. S. Cellular as a
1222 CETC³², but will have no direct impact at all on the ILECs. They will continue to
1223 operate as they do today and continue to receive the current number of USF dollars
1224 regardless of how this Commission or the FCC rules on U. S. Cellular’s request.

1225 Because U. S. Cellular’s requested service area redefinition will have no direct
1226 impact, in and of itself, on the ILECs, two conclusions can be reached. First, the ILEC’s
1227 opposition to U. S. Cellular’s request is an attempt to use this process to achieve anti-
1228 competitive goals by limiting competitive entry in certain rural areas. Second, the ILECs
1229 apparently believe that the existing service area definitions represent barriers to

³² Of course, to the extent that the requested redefinition will remove existing barriers to entry (and I believe it will), consumers of telecommunications services in the rural areas in question will also be directly and favorably impacted.

1230 competitive entry that would be eliminated (or reduced) if U. S. Cellular's requested is
1231 granted. Otherwise, the ILECs and Mr. Schoonmaker would simply be indifferent to U.
1232 S. Cellular's request.

1233

1234 Q. MR. SCHOONMAKER REFERS TO THREE ISSUES IDENTIFIED BY THE JOINT
1235 BOARD THAT REGULATORS SHOULD CONSIDER WHEN EVALUATING A
1236 REQUEST FOR "REDEFINITION." IS HIS CHARACTERIZATION ACCURATE?

1237 A. No. The issues listed by Mr. Schoonmaker at p. 74 of his testimony appear nowhere in
1238 the Joint Board Recommendation.

1239

1240 Q. PLEASE EXPLAIN THE ROLE OF THE 1996 RECOMMENDATION OF THE JOINT
1241 BOARD TO THE FCC REGARDING REDEFINITION.

1242 A. 47 C.F.R. §54.207 (b) states that "In the case of a service area served by a rural telephone
1243 company, service area means such company's 'study area' unless and until the
1244 Commission and the states, after taking into account recommendations of a Federal-State
1245 Joint Board instituted under section 410(c) of the Act, establish a different definition of
1246 service area for such company."³³

1247 There are two important elements of this rule: (1) the CETC's service area is the
1248 same as the ILEC study area, but only until the state regulator and FCC decide differently

³³ This language is consistent with § 214 (e) of the Act.

1249 (with no presumption that such a change should or should not be made), and (2) the
1250 recommendation of the Joint Board is something that must be “taken into account” by the
1251 state regulator and FCC, but does not represent anything more than that. Of course, it is
1252 the FCC and state regulator that must review each request for “redefinition”; the Joint
1253 Board has no role in this process.

1254 The ILECs would like to Commission to believe that the Joint Board has
1255 recommended against “redefinition” of study areas of the rural ILECs, but this is clearly
1256 not the case. There seems to be confusion about the role of the Joint Board here; it has
1257 not recommended “redefinition” for any individual rural ILEC because the Joint Board
1258 has neither the responsibility nor the authority to make such recommendations. The FCC
1259 and state regulator have this role, and the FCC and various state regulators have
1260 consistently approved requests by CETCs for service area “redefinitions.”

1261
1262 Q. WHAT EXACTLY DID THE JOINT BOARD RECOMMEND TO THE FCC IN 1996?

1263 A. The Joint Board recommended that the FCC not change the service area definitions of the
1264 rural ILECs *en masse*, but instead decided to leave rural ILEC study area boundaries as
1265 study area boundaries at that time. The FCC accepted this recommendation and did not
1266 make a global change in this regard.

1267 The Joint Board also raised three areas of concern, and it is reasonable for the
1268 FCC and state regulators to consider three areas when reviewing a specific “redefinition”

1269 request: (1) the potential for the requested “redefinition” to increase the likelihood of
1270 “creamskimming” by the CETC, (2) the potential for the requested “redefinition” to
1271 create administrative costs for the rural ILEC, and (3) the potential for the requested
1272 “redefinition” to impact the ILEC’s status as a rural carrier. These issues are not the ones
1273 listed in Mr. Schoonmaker’s testimony.

1274

1275 Q. HAVE ANY IMPORTANT EVENTS TAKEN PLACE SINCE 1996 THAT PUT THE
1276 JOINT BOARD RECOMMENDATION INTO PROPER PERSPECTIVE?

1277 A. Yes. With regard to any “creamskimming” concern, the FCC has adopted § 54.315
1278 which allows ILECs to disaggregate universal service support in order to better reflect
1279 geographic cost differences. A better understanding has also developed in the industry
1280 (though this understanding is by all appearances not universal) that the “redefinition” of
1281 an ILEC’s service area actually has no real implications for the ILEC’s operations, and is
1282 therefore not likely to create administrative costs and cannot change the ILEC’s status as
1283 a rural carrier.

1284 Of course, it is reasonable for this Commission to consider each of the Joint
1285 Board’s three areas of inquiry when evaluating the facts related to U. S. Cellular ’s
1286 request in this proceeding, in order to determine if there is any reason to expect any of the
1287 Joint Board’s three concerns to come to fruition in this case.

1288

1289 Q. MR. SCHOONMAKER EXPRESSES CONCERNS REGARDING THE POSSIBILITY
1290 OF “CREAMSKIMMING” IF U. S. CELLULAR’S REQUEST FOR SERVICE AREA
1291 “REDEFINITION” IS GRANTED. ARE HIS CONCERNS WELL FOUNDED?

1292 A. Not at all. As an initial matter, an effective mechanism is available to prevent any
1293 possibility of “creamskimming.” 47 C.F.R. 54.315 permits ILECs to disaggregate their
1294 universal service support to reflect any geographic cost differences. ILECs had the
1295 opportunity to choose one of three paths for disaggregation and the rules permit ILECs to
1296 change paths as events warrant. To the extent that “creamskimming” opportunities exist,
1297 this mechanism provides a very effective method to prevent it.

1298 Equally important is that any attempt to engage in so-called “creamskimming”
1299 would represent a very poor business plan for any carrier. As a practical matter, even a
1300 carrier that diverts considerable resources away from its business operation in order to
1301 attempt to exploit opportunities for geographic “creamskimming” would find it almost
1302 impossible to successfully accomplish its objective. In order to be successful, the new
1303 entrant would need to incur costs in the same way as the ILEC; it is only if the “high
1304 cost” and “low cost” areas of the ILEC and new entrant match that “creamskimming” is
1305 even theoretically possible. Because wireline and wireless carriers have fundamentally
1306 different cost structures, they simply do not experience “high cost” and “low cost” areas
1307 in the same way or in the same locations. An additional practical problem is that – when
1308 examined closely – network costs do not vary in a geographically predictable way. My

1309 review of hundreds of network costs studies reveals an inescapable truth: it is impossible
1310 to conclude that network costs vary based on any set of broad criteria. Costs vary on a
1311 very discrete geographic scale, making it difficult (if not impossible) to identify
1312 individual customers that are “low cost” and thereby represent a “creamskimming”
1313 opportunity. A carrier seeking to somehow “creamskim” would be unable to accurately
1314 identify the location of these “low cost” customers, and utterly unable to limit its service
1315 offerings to them.

1316

1317 Q. DOES THE POPULATION DENSITY ANALYSIS PERFORMED BY MR.
1318 SCHOONMAKER CHANGE YOUR RECOMMENDATION REGARDING U. S.
1319 CELLULAR’S REQUEST FOR “REDEFINITION”?

1320 A. No. Mr. Schoonmaker addresses the potential for “creamskimming” in the Odin and
1321 Wabash exchanges. With regards to Odin, Mr. Schoonmaker admits (p. 76) that “the
1322 Odin exchanges that U.S. Cellular is asking to be defined as a separate service area have
1323 a lower density than the remaining exchanges so there does not appear to be a concern
1324 about creamskiimming in Odin’s case.” In the case of Wabash, based on his calculations,
1325 the population density of the Wabash wire centers that U. S. Cellular seeks to serve is
1326 19.15 persons per square mile and the population density for the areas that cannot be
1327 served by U. S. Cellular is 18.48. While I am not endorsing his math, it is clear that Mr.
1328 Schoonmaker’s analysis clearly shows that “creamskiimming” is not a concern in this

1329 case.

1330 In its *Virginia Cellular Order*, the FCC concluded³⁴ that if there is “a great
1331 disparity” in population density (and presumably costs), it is possible that “granting a
1332 carrier ETC designation for only its licensed portion of the rural study area may have the
1333 same effect on the ILEC as rural creamskimming.” In that case, the great disparity
1334 observed by the FCC was between an area with a population density of 273 persons per
1335 square mile and an area with a density of 33 persons per square mile – a ratio of more
1336 than 8:1. In this case, the alleged “great disparity” is between areas with densities of
1337 19.15 and 18.48 – a ratio of 1.04:1. It is hard to believe that Mr. Schoonmaker would
1338 seriously argue that areas with essentially identical densities represent a scenario in which
1339 some form of “creamskimming” might exist.

1340

1341 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

1342 A. Yes.

³⁴ ¶¶ 33-35

Vita of Don J. Wood

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CURRENT EMPLOYMENT

Don J. Wood is a principal in the firm of Wood & Wood. He provides economic, financial, and regulatory analysis services in telecommunications and related convergence industries, specializing in economic policy related to the development of competitive markets, inter-carrier compensation, and cost of service issues. In addition, Mr. Wood advises industry associations on regulatory and economic policy and assists investors in their evaluation of investment opportunities in the telecommunications industry. The scope of his work has included landline and wireless communications, data services, and emerging technologies.

As a consultant, Mr. Wood has assisted his clients in responding to the challenges and business opportunities of the industry both before and subsequent to the Telecommunications Act of 1996. Prior to his work as a consultant, Mr. Wood was employed in a management capacity at a major Local Exchange Company and an Interexchange Carrier. He has been directly involved in both the development and implementation of regulatory policy and business strategy.

In the area of administrative law, Mr. Wood has presented testimony before the regulatory bodies of thirty-nine states, the District of Columbia, and Puerto Rico, and has prepared comments and testimony for filing with the Federal Communications Commission. The subject matter of his testimony has ranged from broad policy issues to detailed cost and rate analysis.

Mr. Wood has also presented testimony in state, federal, and overseas courts regarding business plans and strategies, competition policy, inter-carrier compensation, and cost of service issues. He has presented studies of the damages incurred by plaintiffs and has provided rebuttal testimony to damage calculations performed by others. Mr. Wood has also testified in alternative dispute resolution proceedings conducted pursuant to both AAA and CPR rules.

Mr. Wood is an experienced commercial mediator and is registered as a neutral with the Georgia Office of Dispute Resolution.

PREVIOUS INDUSTRY EMPLOYMENT

Klick, Kent & Allen/FTI Consulting, Inc.

Regional Director.

GDS Associates, Inc.

Senior Project Manager.

MCI Telecommunications Corporation

Manager of Regulatory Analysis, Southeast Division.

Manager, Corporate Economic Analysis and Regulatory Affairs.

BellSouth Services, Inc.

Staff Manager.

EDUCATION

Emory University, Atlanta, Ga.

BBA in Finance, with Distinction.

College of William and Mary, Williamsburg, Va.

MBA, with concentrations in Finance and Microeconomics.

TESTIMONY - STATE REGULATORY COMMISSIONS:

Alabama Public Service Commission

Docket No. 19356, Phase III: Alabama Public Service Commission vs. All Telephone Companies Operating in Alabama, and Docket 21455: AT&T Communications of the South Central States, Inc., Applicant, Application for a Certificate of Public Convenience and Necessity to Provide Limited IntraLATA Telecommunications Service in the State of Alabama.

Docket No. 20895: In Re: Petition for Approval to Introduce Business Line Termination for MCI's 800 Service.

Docket No. 21071: In Re: Petition by South Central Bell for Introduction of Bidirectional Measured Service.

Docket No. 21067: In Re: Petition by South Central Bell to Offer Dial Back-Up Service and 2400 BPS Central Office Data Set for Use with PulseLink Public Packet Switching Network Service.

Docket No. 21378: In Re: Petition by South Central Bell for Approval of Tariff Revisions to Restructure ESSX and Digital ESSX Service.

Docket No. 21865: In Re: Petition by South Central Bell for Approval of Tariff Revisions to Introduce Network Services to be Offered as a Part of Open Network Architecture.

Docket No. 25703: In Re: In the Matter of the Interconnection Agreement Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 25704: In Re: Petition by AT&T Communications of the South Central States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE South Incorporated and CONTEL of the South, Inc. Concerning Interconnection and Resale under the Telecommunications Act of 1996.

Docket No. 25835: In Re: Petition for Approval of a Statement of Generally Available Terms and Conditions Pursuant to §252(f) of the Telecommunications Act of 1996 and Notification of Intention to File a §271 Petition for In-Region InterLATA Authority with the Federal Communications Commission Pursuant to the Telecommunications Act of 1996.

Docket No. 26029: In Re: Generic Proceeding - Consideration of TELRIC Studies.

Docket No. 25980: Implementation of the Universal Support Requirements of Section 254 of the Telecommunications Act of 1996.

Docket No. 27091: Petition for Arbitration by ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 27821: Generic Proceeding to Establish Prices for Interconnection Services and Unbundled Network Elements.

Docket Nos. 27989 and 15957: BellSouth "Full Circle" Promotion and Generic Proceeding Considering the Promulgation of Telephone Rules Governing Promotions.

Docket No. 28841: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 29075: Petition of CenturyTel to Establish Wholesale Avoidable Cost Discount Rates for Resale of Local Exchange Service.

Docket No. 29054: IN RE: Implementation of the Federal Communications Commission's Triennial Review Order (Phase II – Local Switching for Mass Market Customers).

Docket No. 29172: Southern Public Communication Association, Complainant, and BellSouth Telecommunications, Inc., Defendant.

The Regulatory Commission of Alaska

Case No. U-02-039: In the Matter of Request by Alaska Digitel, LLC for Designation as a Carrier Eligible To Receive Federal Universal Service Support Under the Telecommunications Act of 1996.

Arkansas Public Service Commission

Docket No. 92-337-R: In the Matter of the Application for a Rule Limiting Collocation for Special Access to Virtual or Physical Collocation at the Option of the Local Exchange Carrier.

Public Utilities Commission of the State of California

Rulemaking 00-02-005: Order Instituting Rulemaking on the Commission's Own Motion into Reciprocal Compensation for Telephone Traffic Transmitted to Internet Service Provider Modems.

Application Nos. 01-02-024, 01-02-035, 02-02-031, 02-02-032, 02-02-034, 02-03-002: Applications for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Public Utilities Commission of the State of Colorado

Docket No. 96A-345T: In the Matter of the Interconnection Contract Negotiations Between AT&T Communications of the Mountain States, Inc., and US West Communications, Inc., Pursuant to 47 U.S.C. Section 252. Docket No. 96A-366T: In the Matter of the Petition of MCIMetro Access Transmission Services, Inc., for Arbitration Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with US West Communications, Inc. (consolidated).

Docket No. 96S-257T: In Re: The Investigation and Suspension of Tariff Sheets Filed by US West Communications, Inc., with Advice Letter No. 2608 Regarding Proposed Rate Changes.

Docket No. 98F-146T: Colorado Payphone Association, Complainant, v. US West Communications, Inc., Respondent.

Docket No. 02A-276T: In the Matter of the Application of Wiggins Telephone Association for Approval of its Disaggregation Plan

Docket No. 02A-444T: In the Matter of NECC's Application to Redefine the Service Area of Eastern Slope Rural Telephone Association, Inc., Great Plains Communications, Inc., Plains Coop Telephone Association, Inc., and Sunflower Telephone Co., Inc.

State of Connecticut, Department of Utility Control

Docket 91-12-19: DPUC Review of Intrastate Telecommunications Services Open to Competition (Comments).

Docket No. 94-07-02: Development of the Assumptions, Tests, Analysis, and Review to Govern Telecommunications Service Reclassifications in Light of the Eight Criteria Set Forth in Section 6 of Public Act 94-83 (Comments).

Docket No. 03-11-16: Petition of Tel Comm Technologies, et. al., for Review and Amendment of Southern New England Telephone Company's Charges for Pay Telephone Access Services.

Delaware Public Service Commission

Docket No. 93-31T: In the Matter of the Application of The Diamond State Telephone Company for Establishment of Rules and Rates for the Provision of IntelliLinQ-PRI and IntelliLinQ-BRI.

Docket No. 41: In the Matter of the Development of Regulations for the Implementation of the Telecommunications Technology Investment Act.

Docket No. 96-324: In the Matter of the Application of Bell Atlantic-Delaware, Inc. for Approval of its Statement of Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996 (Phase II).

Docket No. 02-001: In the Matter of the Inquiry into Verizon Delaware Inc.'s Compliance with the Conditions Set Forth in 47 U.S.C. § 271(c).

Florida Public Service Commission

Docket No. 881257-TL: In Re: Proposed Tariff by Southern Bell to Introduce New Features for Digital ESSX Service, and to Provide Structural Changes for both ESSX Service and Digital ESSX Service.

Docket No. 880812-TP: In Re: Investigation into Equal Access Exchange Areas (EAEAs), Toll Monopoly Areas (TMAs), 1+ Restriction to the Local Exchange Companies (LECs), and Elimination of the Access Discount.

Docket No. 890183-TL: In Re: Generic Investigation into the Operations of Alternate Access Vendors.

Docket No. 870347-TI: In Re: Petition of AT&T Communications of the Southern States for Commission Forbearance from Earnings Regulation and Waiver of Rule 25-4.495(1) and 25-24.480 (1) (b), F.A.C., for a trial period.

Docket No. 900708-TL: In Re: Investigation of Methodology to Account for Access Charges in Local Exchange Company (LEC) Toll Pricing.

Docket No. 900633-TL: In Re: Development of Local Exchange Company Cost of Service Study Methodology.

Docket No. 910757-TP: In Re: Investigation into the Regulatory Safeguards Required to Prevent Cross-Subsidization by Telephone Companies.

Exhibit DJW-1

Docket No. 920260-TL: In Re: Petition of Southern Bell Telephone and Telegraph Company for Rate Stabilization, Implementation Orders, and Other Relief.

Docket No. 950985-TP: In Re: Resolution of Petitions to establish 1995 rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes.

Docket No. 960846-TP: In Re: Petition by MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. for Arbitration of Certain Terms and Conditions of a proposed agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 and Docket No. 960833-TP: In Re: Petition by AT&T Communications of the Southern States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 960847-TP and 960980-TP: In Re: Petition by AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation, MCI Metro Access Transmission Service, Inc., for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE Florida Incorporated Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 961230-TP: In Re: Petition by MCI Telecommunications Corporation for Arbitration with United Telephone Company of Florida and Central Telephone Company of Florida Concerning Interconnection Rates, Terms, and Conditions, Pursuant to the Federal Telecommunications Act of 1996.

Docket No. 960786-TL: In Re: Consideration of BellSouth Telecommunications, Inc.'s Entry Into InterLATA Services Pursuant to Section 271 of the Federal Telecommunications Act of 1996.

Docket Nos. 960833-TP, 960846-TP, 960757-TP, and 971140-TP: Investigation to develop permanent rates for certain unbundled network elements.

Docket No. 980696-TP: In Re: Determination of the cost of basic local telecommunications service, pursuant to Section 364.025 Florida Statutes.

Docket No. 990750-TP: Petition by ITC^DeltaCom Communications, Inc., d/b/a/ ITC^DeltaCom, for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

Docket No. 991605-TP: Petition of BellSouth Telecommunications, Inc. for Arbitration of the Interconnection Agreement Between Time Warner Telecom of Florida, L.P., pursuant to Section 252 (b) of the Telecommunications Act of 1996.

Docket No. 030137-TP: In re: Petition for Arbitration of Unresolved Issues in Negotiation of Interconnection Agreement with BellSouth Telecommunications, Inc. by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.

Docket No. 030300-TP: In re: Petition for expedited review of BellSouth Telecommunications, Inc.'s intrastate tariffs for pay telephone access services (PTAS) rate with respect to rates for payphone line access, usage, and features, by Florida Public Telecommunications Association.

Docket No. 030851-TP: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Docket No. 040353-TP: In Re: Petition of Supra Telecommunications and Information Systems, Inc. to Review and Cancel BellSouth's Promotional Offering Tariffs Offered In Conjunction with its New Flat

Rate Service Known as PreferredPack.

Docket No. 040604-TL: In Re: Adoption of the National School Lunch Program and an Income-based Criterion at or Below 135% of the Federal Poverty Guidelines as Eligibility Criteria for the Lifeline and Linkup Programs.

Georgia Public Service Commission

Docket No. 3882-U: In Re: Investigation into Incentive Telephone Regulation in Georgia.

Docket No. 3883-U: In Re: Investigation into the Level and Structure of Intrastate Access Charges.

Docket No. 3921-U: In Re: Compliance and Implementation of Senate Bill 524.

Docket No. 3905-U: In Re: Southern Bell Rule Nisi.

Docket No. 3995-U: In Re: IntraLATA Toll Competition.

Docket No. 4018-U: In Re: Review of Open Network Architecture (ONA) (Comments).

Docket No. 5258-U: In Re: Petition of BellSouth Telecommunications for Consideration and Approval of its "Georgians FIRST" (Price Caps) Proposal.

Docket No. 5825-U: In Re: The Creation of a Universal Access Fund as Required by the Telecommunications Competition and Development Act of 1995.

Docket No. 6801-U: In Re: Interconnection Negotiations Between BellSouth Telecommunications, Inc. and AT&T Communications of the Southern States, Inc., Pursuant to Sections 251-252 and 271 of the Telecommunications Act of 1996.

Docket No. 6865-U: In Re: Petition by MCI for Arbitration of Certain Terms and Conditions of Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Docket No. 7253-U: In Re: BellSouth Telecommunications, Inc.'s Statement of Generally Available Terms and Conditions Under Section 252 (f) of the Telecommunications Act of 1996.

Docket No. 7061-U: In Re: Review of Cost Studies and Methodologies for Interconnection and Unbundling of BellSouth Telecommunications Services.

Docket No. 10692-U: In Re: Generic Proceeding to Establish Long-Term Pricing Policies for Unbundled Network Elements.

Docket No. 10854-U: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 16583-U: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 17749-U: Re: FCC's Triennial Review Order Regarding the Impairment of Local Switching for Mass Market Customers.

Public Utilities Commission of Hawaii

Docket No. 7702: In the Matter of Instituting a Proceeding on Communications, Including an Investigation of the Communications Infrastructure of the State of Hawaii.

Idaho Public Utilities Commission

Case No. GNR-T-03-08: In the Matter of the Petition of IAT Communications, Inc., d/b/a NTCIdaho, Inc., or ClearTalk, for Designation as an Eligible Telecommunications Carrier, and Case No. GNR-T-03-16: In the Matter of the Application of NCPR, Inc., d/b/a Nextel Partners, seeking designation as an Eligible Telecommunications Carrier.

Indiana Utility Regulatory Commission

Cause No. 42303: In the Matter of the Complaint of the Indiana Payphone Association for a Commission Determination of Just and Reasonable Rates and Charges and Compliance with Federal Regulations.

Cause No. 41052-ETC-43: In the Matter of the Designation of Eligible Telecommunications Carriers by the Indiana Utility Regulatory Commission Pursuant to the Telecommunications Act of 1996 and Related FCC Orders. In Particular, the Application of NPCR, Inc. d/b/a Nextel Partners to be Designated.

Cause No. 42530: In the Matter of the Indiana Utility Regulatory Commission's Investigation of Matters Related to Competition in the State of Indiana Pursuant to Ind. Code 8-1-2 *et seq.*

Iowa Utilities Board

Docket No. RPU-95-10.

Docket No. RPU-95-11.

State Corporation Commission of the State of Kansas

Docket No. 00-GIMT-1054-GIT: In the Matter of a General Investigation to Determine Whether Reciprocal Compensation Should Be Paid for Traffic to an Internet Service Provider.

Docket No. 04-RCCT-338-ETC: In the Matter of Petition of RCC Minnesota, Inc. for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

Kentucky Public Service Commission

Administrative Case No. 10321: In the Matter of the Tariff Filing of South Central Bell Telephone Company to Establish and Offer Pulselink Service.

Administrative Case No. 323: In the Matter of An Inquiry into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

- Phase IA: Determination of whether intraLATA toll competition is in the public interest.

- Phase IB: Determination of a method of implementing intraLATA competition.
- Rehearing on issue of Imputation.

Administrative Case No. 90-256, Phase II: In the Matter of A Review of the Rates and Charges and Incentive Regulation Plan of South Central Bell Telephone Company.

Administrative Case No. 336: In the Matter of an Investigation into the Elimination of Switched Access Service Discounts and Adoption of Time of Day Switch Access Service Rates.

Administrative Case No. 91-250: In the Matter of South Central Bell Telephone Company's Proposed Area Calling Service Tariff.

Administrative Case No. 96-431: In Re: Petition by MCI for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Administrative Case No. 96-478: In Re: The Petition by AT&T Communications of the South Central States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE South Incorporated Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Administrative Case No. 96-482: In Re: The Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Administrative Case No. 360: In the Matter of: An Inquiry into Universal Service and Funding Issues.

Administrative Case No. 96-608: In the Matter of: Investigation Concerning the Provision of InterLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Administrative Case No. 382: An Inquiry into the Development of Deaveraged Rates for Unbundled Network Elements.

Case No. 2003-00143: In the matter of: Petition of NCPR, Inc., d/b/a Nextel Partners for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky.

Case No. 2003-00397: Review of Federal Communications Commission's Triennial Review Order Regarding Unbundling Requirements for Individual Network Elements.

Louisiana Public Service Commission

Docket No. 17970: In Re: Investigation of the Revenue Requirements, Rate Structures, Charges, Services, Rate of Return, and Construction Program of AT&T Communications of the South Central States, Inc., in its Louisiana Operations.

Docket No. U-17949: In the Matter of an Investigation of the Revenue Requirements, Rate Structures, Charges, Services, Rate of Return, and Construction Program of South Central Bell Telephone Company, Its Louisiana Intrastate Operations, The Appropriate Level of Access Charges, and All Matters Relevant to the Rates and Service Rendered by the Company.

- Subdocket A (SCB Earnings Phase)

- Subdocket B (Generic Competition Phase)

Docket No. 18913-U: In Re: South Central Bell's Request for Approval of Tariff Revisions to Restructure ESSX and Digital ESSX Service.

Docket No. U-18851: In Re: Petition for Elimination of Disparity in Access Tariff Rates.

Docket No. U-22022: In Re: Review and Consideration of BellSouth Telecommunications, Inc.'s TSLRIC and LRIC Cost Studies Submitted Pursuant to Sections 901(C) and 1001(E) of the Regulations for Competition in the Local Telecommunications Market as Adopted by General Order Dated March 15, 1996 in Order to Determine the Cost of Interconnection Services and Unbundled Network Components to Establish Reasonable, Non-Discriminatory, Cost Based Tariffed Rates and Docket No. U-22093: In Re: Review and Consideration of BellSouth Telecommunications, Inc.'s Tariff Filing of April 1, 1996, Filed Pursuant to Section 901 and 1001 of the Regulations for Competition in the Local Telecommunications Market Which Tariff Introduces Interconnection and Unbundled Services and Establishes the Rates, Terms and Conditions for Such Service Offerings (consolidated).

Docket No. U-22145: In the Matter of Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. U-22252: In Re: Consideration and Review of BST's Preapplication Compliance with Section 271 of the Telecommunications Act of 1996, including but not limited to the fourteen requirements set forth in Section 271 (c) (2) (b) in order to verify compliance with section 271 and provide a recommendation to the FCC regarding BST's application to provide interLATA services originating in-region.

Docket No. U-20883 Subdocket A: In Re: Submission of the Louisiana Public Service Commission's Forward Looking Cost Study to the FCC for Purposes of Calculating Federal Universal Service Support.

Docket No. U-24206: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. U-22632: In Re: BellSouth Telecommunications, Inc. Filing of New Cost Studies for Providing Access Line Service for Customer Provided Public Telephones and Smartline Service for Public Telephone Access.

Docket No. Docket No. U-24714-A: In Re: Final Deaveraging of BellSouth Telecommunications, Inc. UNE Rates Pursuant to FCC 96-45 Ninth Report and Order and Order on Eighteenth Order on Reconsideration Released November 2, 1999.

Docket No. U-27571: In Re: Louisiana Public Service Commission Implementation of the Requirements Arising from The Federal Communications Commission's Triennial Review Order, Order 03-36: Unbundled Local Circuit Switching for Mass Market Customers and Establishment of a Batch Cut Migration Process.

Public Service Commission of Maryland

Case 8584, Phase II: In the Matter of the Application of MFS Intelenet of Maryland, Inc. for Authority to Provide and Resell Local Exchange and Intrastate Telecommunications Services in Areas Served by C&P Telephone Company of Maryland.

Case 8715: In the Matter of the Inquiry into Alternative Forms of Regulating Telephone Companies.

Case 8731: In the Matter of the Petitions for Approval of Agreements and Arbitration of Unresolved Issues Arising Under Section 252 of the Telecommunications Act of 1996.

Massachusetts Department of Telecommunications and Energy

D.P.U./D.T.E. 97088/97-18 (Phase II): Investigation by the Department of Telecommunications & Energy on its own motion regarding (1) implementation of section 276 of the Telecommunications Act of 1996 relative to public interest payphones, (2) Entry and Exit Barriers for the Payphone Marketplace, (3) New England Telephone and Telegraph Company d/b/a NYNEX's Public Access Smart-Pay Service, and (4) the rate policy for operator service providers.

Minnesota Public Utilities Commission

PUC Docket No. PT6153/AM-02-686, OAH Docket No. 3-2500-14980-2: In the Matter of Petition of Midwest Wireless Communications, LLC for Designation as an Eligible Communications carrier under 47 U.S.C. § 214(e)(2).

PUC Docket No. PT-6182, 6181/M-02-1503: In the Matter of RCC Minnesota, Inc. and Wireless Alliance, LLC for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

Mississippi Public Service Commission

Docket No. U-5086: In Re: MCI Telecommunications Corporation's Metered Use Service Option D (Prism I) and Option E (Prism II).

Docket No. U-5112: In Re: MCI Telecommunications Corporation's Metered Use Option H (800 Service).

Docket No. U-5318: In Re: Petition of MCI for Approval of MCI's Provision of Service to a Specific Commercial Banking Customers for Intrastate Interexchange Telecommunications Service.

Docket 89-UN-5453: In Re: Notice and Application of South Central Bell Telephone Company for Adoption and Implementation of a Rate Stabilization Plan for its Mississippi Operations.

Docket No. 90-UA-0280: In Re: Order of the Mississippi Public Service Commission Initiating Hearings Concerning (1) IntraLATA Competition in the Telecommunications Industry and (2) Payment of Compensation by Interexchange Carriers and Resellers to Local Exchange Companies in Addition to Access Charges.

Docket No. 92-UA-0227: In Re: Order Implementing IntraLATA Competition.

Docket No. 96-AD-0559: In Re: In the Matter of the Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 98-AD-035: Universal Service.

Docket No. 97-AD-544: In Re: Generic Proceeding to Establish Permanent Prices for BellSouth Interconnection and Unbundled Network Elements.

Docket No. 2003-AD-714: Generic Proceeding to Review the Federal Communications Commission's Triennial Review Order.

Public Service Commission of the State of Missouri

Case No. TO-2004-0527: In the Matter of the Application of WWC License, LLC, d/b/a CellularOne, for Designation as an Eligible Telecommunications Carrier, and Petition for Redefinition of Rural Telephone Company Areas.

Public Service Commission of the State of Montana

Docket No. D2000.8.124: In the Matter of Touch America, Inc.'s Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 of the Terms and Conditions of Interconnection with Qwest Corporation, f/k/a US West Communications, Inc.

Docket No. D2000.6.89: In the Matter of Qwest Corporation's Application to Establish Rates for Interconnection, Unbundled Network Elements, Transport and Termination, and Resale Services.

Docket No. D2003.1.14: In the Matter of WWC Holding Co. Application for Designation as an Eligible Telecommunications Carrier in Montana Areas Served by Qwest Corporation.

Nebraska Public Service Commission

Docket No. C-1385: In the Matter of a Petition for Arbitration of an Interconnection Agreement Between AT&T Communications of the Midwest, Inc., and US West Communications, Inc.

Public Utilities Commission of Nevada

Docket No. 04-3030: In re: Application of WWD License LLC, d/b/a CellularOne, for redefinition of its service area as a designated Eligible Telecommunications Carrier.

New York Public Service Commission

Case No. 28425: Proceeding on Motion of the Commission as to the Impact of the Modification of Final Judgement and the Federal Communications Commission's Docket 78-72 on the Provision of Toll Service in New York State.

North Carolina Public Utilities Commission

Docket No. P-100, Sub 72: In the Matter of the Petition of AT&T to Amend Commission Rules Governing Regulation of Interexchange Carriers (Comments).

Docket No. P-141, Sub 19: In the Matter of the Application of MCI Telecommunications Corporation to Provide InterLATA Facilities-Based Telecommunications Services (Comments).

Docket No. P-55, Sub 1013: In the Matter of Application of BellSouth Telecommunications, Inc. for, and Election of, Price Regulation.

Docket Nos. P-7, Sub 825 and P-10, Sub 479: In the Matter of Petition of Carolina Telephone and Telegraph and Central Telephone Company for Approval of a Price Regulation Plan Pursuant to G.S. 62-

133.5.

Docket No. P-19, Sub 277: In the Matter of Application of GTE South Incorporated for and Election of, Price Regulation.

Docket No. P-141, Sub 29: In the Matter of: Petition of MCI Telecommunications Corporation for Arbitration of Interconnection with BellSouth Telecommunications, Inc., Petition of AT&T Communications of the Southern States, Inc. for Arbitration of Interconnection with BellSouth Telecommunications, Inc. (consolidated).

Docket No. P-141, Sub 30: In the Matter of: Petition of MCI Telecommunications Corporation for Arbitration of Interconnection with General Telephone Company of North Carolina, Inc., Petition of AT&T Communications of the Southern States, Inc. for Arbitration of Interconnection with General Telephone Company of North Carolina, Inc. (consolidated).

Docket No. P-100, Sub 133b: Re: In the Matter of Establishment of Universal Support Mechanisms Pursuant to Section 254 of the Telecommunications Act of 1996.

Docket No. P-100, Sub 133d: Re: Proceeding to Determine Permanent Pricing for Unbundled Network Elements.

Docket No. P-100, Sub 84b: Re: In the Matter of Petition of North Carolina Payphone Association for Review of Local Exchange Company Tariffs for Basic Payphone Services (Comments).

Docket No. P-561, Sub 10: BellSouth Telecommunications, Inc., Complainant, v. US LEC of North Carolina, LLC, and Metacomm, LLC, Respondents.

Docket No. P-472, Sub 15: In the Matter of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Time Warner Telecom of North Carolina, L.P. Pursuant to Section 252(b) of the Telecommunications Act of 1996.

Docket Nos. P-7, Sub 995; P-10, Sub 633: ALEC., Inc. v. Carolina Telephone and Telegraph Company and Central Telephone Company.

Docket No. P-500, Sub 18: In the Matter of: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. P-118, Sub 30: In the matter of: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Pursuant to Section 252 of the Telecommunications Act of 1996.

Docket No. P-100, Sub 133q: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Public Utilities Commission of Ohio

Case No. 93-487-TP-ALT: In the Matter of the Application of The Ohio Bell Telephone Company for Approval of an Alternative Form of Regulation.

Oklahoma Corporation Commission

Cause No. PUD 01448: In the Matter of the Application for an Order Limiting Collocation for Special Access to Virtual or Physical Collocation at the Option of the Local Exchange Carrier.

Cause No. PUD 200300195: Application of United States Cellular Corporation for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.

Cause No. PUD 200300239: Application of Dobson Cellular Systems, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.

Public Utility Commission of Oregon

Docket No. UT 119: In the Matter of an Investigation into Tariffs Filed by US West Communications, Inc., United Telephone of the Northwest, Pacific Telecom, Inc., and GTE Northwest, Inc. in Accordance with ORS 759.185(4).

Docket No. ARB 3: In the Matter of the Petition of AT&T Communications of the Pacific Northwest, Inc., for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996. Docket No. ARB 6: In the Matter of the Petition of MCIMetro Access Transmission Services, Inc. for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 (consolidated).

Docket No. ARB 9: In the Matter of the Petition of an Interconnection Agreement Between MCIMetro Access Transportation Services, Inc. and GTE Northwest Incorporated, Pursuant to 47 U.S.C. Section 252.

Docket No. UT-125: In the Matter of the Application of US West Communications, Inc. for an Increase in Revenues.

Docket No. UM 1083: RCC Minnesota, Inc. Application for Designation as an Eligible Telecommunications Carrier, Pursuant to the Telecommunications Act of 1996.

Docket No. UM 1084: United States Cellular Corporation Application for Designation as an Eligible Telecommunications Carrier, Pursuant to the Telecommunications Act of 1996.

Pennsylvania Public Utilities Commission

Docket No. I-00910010: In Re: Generic Investigation into the Current Provision of InterLATA Toll Service.

Docket No. P-00930715: In Re: The Bell Telephone Company of Pennsylvania's Petition and Plan for Alternative Form of Regulation under Chapter 30.

Docket No. R-00943008: In Re: Pennsylvania Public Utility Commission v. Bell Atlantic-Pennsylvania, Inc. (Investigation of Proposed Promotional Offerings Tariff).

Docket No. M-00940587: In Re: Investigation pursuant to Section 3005 of the Public Utility Code, 66 Pa. C. S. §3005, and the Commission's Opinion and Order at Docket No. P-930715, to establish standards and safeguards for competitive services, with particular emphasis in the areas of cost allocations, cost studies, unbundling, and imputation, and to consider generic issues for future rulemaking.

Docket No. A-310489F7004: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Pursuant to Section 252 of the telecommunications Act of 1996.

South Carolina Public Service Commission

Docket No. 90-626-C: In Re: Generic Proceeding to Consider Intrastate Incentive Regulation.

Docket No. 90-321-C: In Re: Petition of Southern Bell Telephone and Telegraph Company for Revisions to its Access Service Tariff Nos. E2 and E16.

Docket No. 88-472-C: In Re: Petition of AT&T of the Southern States, Inc., Requesting the Commission to Initiate an Investigation Concerning the Level and Structure of Intrastate Carrier Common Line (CCL) Access Charges.

Docket No. 92-163-C: In Re: Position of Certain Participating South Carolina Local Exchange Companies for Approval of an Expanded Area Calling (EAC) Plan.

Docket No. 92-182-C: In Re: Application of MCI Telecommunications Corporation, AT&T Communications of the Southern States, Inc., and Sprint Communications Company, L.P., to Provide IntraLATA Telecommunications Services.

Docket No. 95-720-C: In Re: Application of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for Approval of an Alternative Regulation Plan.

Docket No. 96-358-C: In Re: Interconnection Agreement Negotiations Between AT&T Communications of the Southern States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 96-375-C: In Re: Interconnection Agreement Negotiations Between AT&T Communications of the Southern States, Inc. and GTE South Incorporated Pursuant to 47 U.S.C. § 252.

Docket No. 97-101-C: In Re: Entry of BellSouth Telecommunications, Inc. into the InterLATA Toll Market.

Docket No. 97-374-C: In Re: Proceeding to Review BellSouth Telecommunications, Inc. Cost for Unbundled Network Elements.

Docket No. 97-239-C: Intrastate Universal Service Fund.

Docket No. 97-124-C: BellSouth Telecommunications, Inc. Revisions to its General Subscriber Services Tariff and Access Service Tariff to Comply with the FCC's Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996.

Docket No. 1999-268-C: Petition of Myrtle Beach Telephone, LLC, for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Horry Telephone Cooperative, Inc.

Docket No. 1999-259-C: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 2001-65-C: Generic Proceeding to Establish Prices for BellSouth's Interconnection Services, Unbundled Network Elements and Other Related Elements and Services.

Docket No. 2003-326-C: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

South Dakota Public Utilities Commission

Docket No. TC03-191: In the Matter of the Filing by WWC License, LLC d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Other Rural Areas.

Docket No. TC03-193: In the Matter of the Petition of RCC Minnesota, Inc., and Wireless Alliance, L.L.C., for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. §214(e)(2).

Tennessee Public Service Commission

Docket No. 90-05953: In Re: Earnings Investigation of South Central Bell Telephone Company.

Docket Nos. 89-11065, 89-11735, 89-12677: AT&T Communications of the South Central States, MCI Telecommunications Corporation, US Sprint Communications Company -- Application for Limited IntraLATA Telecommunications Certificate of Public Convenience and Necessity.

Docket No. 91-07501: South Central Bell Telephone Company's Application to Reflect Changes in its Switched Access Service Tariff to Limit Use of the 700 Access Code.

Tennessee Regulatory Authority

Docket No. 96-01152: In Re: Petition by AT&T Communications of the South Central States, Inc. for Arbitration under the Telecommunications Act of 1996 and Docket No. 96-01271: In Re: Petition by MCI Telecommunications Corporation for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 96-01262: In Re: Interconnection Agreement Negotiations Between AT&T of the South Central States, Inc. and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252.

Docket No. 97-01262: Proceeding to Establish Permanent Prices for Interconnection and Unbundled Network Elements.

Docket No. 97-00888: Universal Service Generic Contested Case.

Docket No. 99-00430: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996.

Docket No. 97-00409: In Re: All Telephone Companies Tariff Filings Regarding Reclassification of Pay Telephone Service as Required by Federal Communications Commission Docket No. 96-128.

Docket No. 03-00119: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc.

Docket No. 03-00491: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Public Utility Commission of Texas

Docket No. 12879: Application of Southwestern Bell Telephone Company for Expanded Interconnection for Special Access Services and Switched Transport Services and Unbundling of Special Access DS1 and

DS3 Services Pursuant to P. U. C. Subst. R. 23.26.

Docket No. 18082: Complaint of Time Warner Communications against Southwestern Bell Telephone Company.

Docket No. 21982: Proceeding to Examine Reciprocal Compensation Pursuant to Section 252 of the Federal Telecommunications Act of 1996.

Docket No. 23396: Joint Petition of CoServ, LLC d/b/a CoServ Communications and Multitechnology Services, LP d/b/a CoServ Broadband Services for Arbitration of Interconnection Rates, Terms, Conditions, and Related Arrangements with Southwestern Bell Telephone Company.

Docket No. 24015: Consolidated Complaints and Requests of Post-Interconnection Dispute Resolution Regarding Inter-Carrier Compensation for FX-Type Traffic Against Southwestern Bell Telephone Company.

PUC Docket No. 27709: Application of NPCR, Inc., dba Nextel Partners for Eligible Telecommunications Carrier Designation (ETC).

PUC Docket No. 28744: Impairment Analysis for Dedicated Transport.

PUC Docket No. 28745: Impairment Analysis for Enterprise Loops.

PUC Docket No. 29144: Application of Dobson Cellular Systems, Inc., for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. 241 (e) and P.U. C. Subst. Rule 26.418.

State of Vermont Public Service Board

Docket No. 6533: Application of Verizon New England Inc. d/b/a Verizon Vermont for a Favorable Recommendation to Offer InterLATA Services Under 47 U.S.C. 271.

Docket No. 6882: Investigation into Public Access Line Rates of Verizon New England, Inc., d/b/a Verizon Vermont.

Docket No. 6934: Petition of RCC Atlantic Inc. for designation as an Eligible Telecommunications Carrier in areas served by rural telephone companies under the Telecommunications Act of 1996.

Virginia State Corporation Commission

Case No. PUC920043: Application of Virginia Metrotel, Inc. for a Certificate of Public Convenience and Necessity to Provide InterLATA Interexchange Telecommunications Services.

Case No. PUC920029: Ex Parte: In the Matter of Evaluating the Experimental Plan for Alternative Regulation of Virginia Telephone Companies.

Case No. PUC930035: Application of Contel of Virginia, Inc. d/b/a GTE Virginia to implement community calling plans in various GTE Virginia exchanges within the Richmond and Lynchburg LATAs.

Case No. PUC930036: Ex Parte: In the Matter of Investigating Telephone Regulatory Methods Pursuant to Virginia Code § 56-235.5, & Etc.

Washington Utilities and Transportation Commission

Docket Nos. UT-941464, UT-941465, UT-950146, and UT-950265 (Consolidated): Washington Utilities and Transportation Commission, Complainant, vs. US West Communications, Inc., Respondent; TCG Seattle and Digital Direct of Seattle, Inc., Complainant, vs. US West Communications, Inc., Respondent; TCG Seattle, Complainant, vs. GTE Northwest Inc., Respondent; Electric Lightwave, Inc., vs. GTE Northwest, Inc., Respondent.

Docket No. UT-950200: In the Matter of the Request of US West Communications, Inc. for an Increase in its Rates and Charges.

Docket No. UT-000883: In the Matter of the Petition of U S West Communications, Inc. for Competitive Classification.

Public Service Commission of West Virginia

Case No. 02-1453-T-PC: Highland Cellular, Inc. Petition for consent and approval to be designated as an eligible telecommunications carrier in the areas served by Citizens Telecommunications Company of West Virginia.

Case No. 03-0935-T-PC: Easterbrooke Cellular Corporation Petition for consent and approval to be designated as an eligible telecommunications carrier in the area served by Citizens Telecommunications Company of West Virginia d/b/a Frontier Communications of West Virginia.

Public Service Commission of Wyoming

Docket No. 70000-TR-95-238: In the Matter of the General Rate/Price Case Application of US West Communications, Inc. (Phase I).

Docket No. PSC-96-32: In the Matter of Proposed Rule Regarding Total Service Long Run Incremental Cost (TSLRIC) Studies.

Docket No. 70000-TR-98-420: In the Matter of the Application of US West Communications, Inc. for authority to implement price ceilings in conjunction with its proposed Wyoming Price Regulation Plan for essential and noncompetitive telecommunications services (Phase III).

Docket No. 70000-TR-99-480: In the Matter of the Application of US West Communications, Inc. for authority to implement price ceilings in conjunction with its proposed Wyoming Price Regulation Plan for essential and noncompetitive telecommunications services (Phase IV).

Docket No. 70000-TR-00-556: In the Matter of the Filing by US West Communications, Inc. for Authority to File its TSLRIC 2000 Annual Input Filing and Docket No. 70000-TR-00-570: In the Matter of the Application of US West Communications, Inc. for Authority to File its 2000 Annual TSLRIC Study Filing.

Docket No. 70042-AT-04-4: In the Matter of the Petition of WWC Holding Co., Inc., d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Areas Served by Qwest Corporation, and Docket No. 70042-AT-04-5: In the Matter of the Petition of WWC Holding Co., Inc., d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Clark, Basin, Frannie, Greybull, Lovell, Meeteetse, Burlington, Hyattville, and Tensleep (consolidated).

Public Service Commission of the District of Columbia

Formal Case No. 814, Phase IV: In the Matter of the Investigation into the Impact of the AT&T Divestiture and Decisions of the Federal Communications Commission on Bell Atlantic - Washington, D. C. Inc.'s Jurisdictional Rates.

Puerto Rico Telecommunications Regulatory Board

Case No. 98-Q-0001: In Re: Payphone Tariffs.

Case No. JRT-2001-AR-0002: In the Matter of Interconnection Rates, Terms and Conditions between WorldNet Telecommunications, Inc. and Puerto Rico Telephone Company.

Case No. JRT-2003-AR-0001: Re: Petition for Arbitration pursuant to Section 252(b) of the Federal Communications Act, and Section 5(b), Chapter II of the Puerto Rico Telecommunications Act, regarding interconnection rates, terms, and conditions.

Case No. JRT-2004-Q-0068: Telefónica Larga Distancia de Puerto Rico, Inc., Complainant, v. Puerto Rico Telephone Company, Defendant.

Case Nos. JRT-2005-Q-0121 and JRT-2005-Q-0218: Telefónica Larga Distancia de Puerto Rico, Inc., and WorldNet Telecommunications, Inc., Plaintiffs, v. Puerto Rico Telephone Company, Inc., Defendant.

COMMENTS/DECLARATIONS - FEDERAL COMMUNICATIONS COMMISSION

CC Docket No. 92-91: In the Matter of Open Network Architecture Tariffs of Bell Operating Companies.

CC Docket No. 93-162: Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection for Special Access.

CC Docket No. 91-141: Common Carrier Bureau Inquiry into Local Exchange Company Term and Volume Discount Plans for Special Access.

CC Docket No. 94-97: Review of Virtual Expanded Interconnection Service Tariffs.

CC Docket No. 94-128: Open Network Architecture Tariffs of US West Communications, Inc.

CC Docket No. 94-97, Phase II: Investigation of Cost Issues, Virtual Expanded Interconnection Service Tariffs.

CC Docket No. 96-98: In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996

CC Docket No. 97-231: Application by BellSouth to Provide In-Region InterLATA Services

CC Docket No. 98-121: Application by BellSouth to Provide In-Region InterLATA Services

CCB/CPD No. 99-27: In the Matter of Petition of North Carolina Payphone Association for Expedited Review of, and/or Declaratory Ruling Concerning, Local Exchange Company Tariffs for Basic Payphone Services.

CC Docket No. 96-128: In the Matter of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CCB/CPD No. 99-31: Oklahoma Independent Telephone Companies Petition for Declaratory Ruling (consolidated).

CCB/CPD No. 00-1: In the Matter of the Wisconsin Public Service Commission Order Directing Filings.

CC Docket No. 99-68: In the Matter of Inter-Carrier Compensation for ISP-Bound Traffic

File No. EB-01-MD-020: In the Matter of Sprint Communications Company, L.P., Complainant v. Time Warner Telecom, Inc. Defendant.

Request by the American Public Communications Council that the Commission Issue a Notice of Proposed Rulemaking to Update the Dial-Around Compensation Rate

File Nos. EB-02-MD-018-030: In the Matter of Communications Vending Corp. of Arizona, et. al., Complainants, v. Citizens Communications Co. f/k/a Citizens Utilities Co. and Citizens Telecommunications Co., et. al., Defendants.

CC Docket No. 96-45: In the Matter of Federal-State Joint Board on Universal Service, Cellular South License, Inc., RCC Holdings, Inc., Petitions for designation as an Eligible Telecommunications Carrier in the State of Alabama.

CC Docket No. 96-45: In the Matter of Federal-State Joint Board on Universal Service, Declaration in Support of the Comments to the Federal-State Joint Board of the Rural Cellular Association and the Alliance of Rural CMRS Carriers.

REPRESENTATIVE TESTIMONY – STATE, FEDERAL, AND OVERSEAS COURTS

Court of Common Pleas, Philadelphia County, Pennsylvania

Shared Communications Services of 1800-80 JFK Boulevard, Inc., Plaintiff, v. Bell Atlantic Properties, Inc., Defendant.

Texas State Office of Administrative Hearings

SOAH Docket No. 473-00-0731: Office of Customer Protection (OCP) Investigation of Axces, Inc. for Continuing Violations of PUC Substantive Rule §26.130, Selection of Telecommunications Utilities, Pursuant to Procedural Rules 22.246 Administrative Penalties.

SOAH Docket No. 473-03-3673: Application of NPCR, Inc., dba Nextel Partners for Eligible Telecommunications Carrier Designation (ETC).

SOAH Docket No. 473-04-4450: Application of Dobson Cellular Systems, Inc., for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. 241 (e) and P.U. C. Subst. Rule 26.418.

Superior Court for the State of Alaska, First Judicial District

Richard R. Watson, David K. Brown and Ketchikan Internet Services, a partnership of Richard R. Watson and David K. Brown, plaintiffs, v. Karl Amylon and the City of Ketchikan, Defendants.

United States District Court for the District of South Carolina, Columbia Division

Brian Wesley Jeffcoat, on behalf of himself and others similarly situated, Plaintiffs, v. Time Warner Entertainment - Advance/Newhouse Partnership, Defendant.

United States District Court for the Northern District of Texas, Fort Worth Division

Multitechnology Services, L. P. d/b/a CoServ Broadband Services, Plaintiffs, v. Southwestern Bell Telephone Company, Defendant.

Multitechnology Services, L. P. d/b/a CoServ Broadband Services, Plaintiffs, v. Verizon Southwest f/k/a GTE Southwest Incorporated.

High Court of the Hong Kong Special Administrative Region, Court of First Instance

Commercial List No. 229 of 1999: Cable and Wireless HKT International Limited, Plaintiff v. New World Telephone Limited, Defendant.

REPRESENTATIVE TESTIMONY – PRIVATE COMMERCIAL ARBITRATION TRIBUNALS

American Arbitration Association

Southwestern Bell Telephone Company, Claimant vs. Time Warner Telecom, Respondent.

New Access Communications LLC, Choicetel LLC and Emergent Communications LLC, Claimants vs. Qwest Corporation, Respondent (Case No. 77 Y 1818 0031603).

CPR Institute for Dispute Resolution

Supra Telecommunications and Information Systems, Inc., Claimant vs. BellSouth Telecommunications, Inc., Respondent.