**BEFORE THE**

**WASHINGTON UTLITIES AND TRANSPORTATION COMMISSION**

In the Matter of Frontier Communications )
Northwest Inc.’s Petition to be Regulated )
as a Competitive Telecommunications ) Docket No. UT-121994
Company Pursuant to RCW 80.26.320 )

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**DIRECT TESTIMONY**

**OF**

**BILLY JACK GREGG**

**FRONTIER COMMUNICATIONS NORTHWEST INC.**

**FEBRUARY 28, 2013**

**I. INTRODUCTION**

**Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?**

A. My name is Billy Jack Gregg. I am an independent consultant and the principal in the firm Billy Jack Gregg Universal Consulting. My business address is P.O. Box 107, Hurricane, West Virginia.

**Q. FOR WHOM ARE YOU TESTIFYING IN THIS HEARING?**

A. I am testifying on behalf of the Frontier Communications Northwest Inc. (“Frontier”).

**Q. PLEASE DESCRIBE YOUR BACKGROUND IN THE AREA OF TELECOMMUNICATIONS.**

A. Billy Jack Gregg Universal Consulting provides consulting services on issues involving energy and telecommunications. In telecommunications my areas of specialization are universal service, intercarrier compensation and broadband deployment, among other matters. I began Billy Jack Gregg Universal Consulting following my retirement as Director of the Consumer Advocate Division of the Public Service Commission of West Virginia (“WVCAD”) in October 2007. I served as Director of the WVCAD for 26 years. In that position I was actively involved in local and national telecommunications issues. Nationally, I served as a member of the Rural Task Force, the Federal-State Joint Board on Universal Service, NARUC’s Intercarrier Compensation Task Force, the Board of Directors of the Universal Service Administrative Company (“USAC”), and the Board of Directors of the National Regulatory Research Institute (“NRRI”). Locally, I served as Chair of the West Virginia Advanced Services Task Force, Chair of the West Virginia Payphone Task Force, and Chair of the West Virginia 271 Workshop Process which reviewed the provision of wholesale telecommunications services in West Virginia. I have submitted testimony or appeared before the Federal Communications Commission; regulatory bodies in the states of West Virginia, Washington, Georgia, Alaska, Ohio and Illinois; legislative committees in the states of West Virginia, Virginia, Pennsylvania and Tennessee; and committees of both houses of Congress. I hold a B.A. from Austin College in Sherman, Texas, and J.D. from the University of Texas School of Law. My complete education and job experience are set out in Appendix A.

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

A. Frontier has petitioned the Commission to be reclassified under Washington law as a competitive telecommunications company. I have been asked by Frontier to discuss the impacts on wholesale services provided by Frontier that will result if Frontier’s petition is granted. I will also discuss the impacts of reclassification on Frontier’s obligations as an eligible telecommunications carrier (“ETC”) and as a provider of telecommunications services to low-income customers under Washington Telephone Assistance Program (“WTAP”) and the federal Lifeline program. Impacts on retail services and other obligations under State law are covered by Frontier witness Jack Phillips.

**Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

A. The wholesale services currently provided by Frontier should not be affected by Frontier’s reclassification as a competitive telecommunications company. Federal law already requires Frontier to interconnect with other carriers and delegates to the Commission the authority to arbitrate any disputes that may arise concerning the provision of wholesale services. There are other providers of wholesale services in Frontier’s Washington service territory and Frontier has every incentive to keep wholesale customers on its network. Likewise, Frontier’s ETC obligations should not be affected by its change in classification to a competitive telecommunications company, nor should its obligation to provide service to low-income customers under the WTAP and Lifeline programs. The bases for my conclusions are set forth below.

**II. IMPACT OF RECLASSIFICATION ON WHOLESALE SERVICES**

 **A. Interconnection and Arbitration**

**Q. PLEASE DESCRIBE WHAT IMPACT, IF ANY, FRONTIER’S RECLASSIFICATION AS A COMPETITIVE TELECOMMUNICATIONS COMPANY WOULD HAVE WITH RESPECT TO WHOLESALE SERVICES CURRENTLY PROVIDED BY FRONTIER TO OTHER COMPETITIVE LOCAL EXCHANGE CARRIERS?**

A. Because federal law, specifically the 1996 Telecommunications Act (“the Act”),[[1]](#footnote-1) imposes federal requirements on Frontier that the Washington Commission cannot eliminate, reduce or change by classifying Frontier as a competitive carrier, its classification as a competitive carrier will not have any adverse impact on competitive carriers in Washington.

**Q. PLEASE DESCRIBE THE FEDERAL OBLIGATIONS THAT WOULD CONTINUE TO APPLY WITH RESPECT TO FRONTIER PROVIDING SERVICE TO COMPETITIVE CARRIERS IN WASHINGTON?**

A. Under Sections 251(h) and 252(j) of the Act, Frontier is defined as an “incumbent local exchange carrier” (“incumbent LEC”). No action of the Washington Commission can change that fact. Section 251 of the Act imposes on incumbent LECs three key and separate duties. Incumbent LECs like Frontier must make available to competitors in local telecommunications markets interconnection services and unbundled network elements, and offer for resale at wholesale rates any telecommunications service that the incumbent LEC provides at retail to subscribers. Under Section 252 of the Act, incumbent LECs and competitive local exchange carriers (“CLECs”) may agree on the terms under which incumbent LEC facilities and services are made available to the CLEC. If an incumbent LEC and CLEC are unable to reach a negotiated agreement, Section 252(c) of the Act authorizes a state commission to resolve disputed issues by arbitration and requires the state commission to "ensure that such resolution and conditions meet the requirements of section 251, including the regulations prescribed by the Commission pursuant to section 251."

**Q. WOULD RECLASSIFYINGING FRONTIER AS A COMPETITIVE TELECOMMUNICATIONS COMPANY UNDER WASHINGTON LAW IMPACT ANY OF ITS SECTION 251 OR 252 OBLIGATIONS UNDER THE 1996 TELECOMMUNICATIONS ACT?**

A. No. Granting Frontier reclassification as a competitive telecommunications company does not in any way impact its interconnection obligations under federal law. These obligations would remain irrespective of Frontier’s classification under state law.

**B. Interconnection Agreements**

**Q. WILL THE INTERCONNECTION AGREEMENTS, WHICH CONTAIN FRONTIER RATES, TERMS AND CONDITIONS ASSOCIATED WITH WHOLESALE SERVICES, CONTINUE TO APPLY?**

A. Yes. Frontier would continue to honor all existing and effective interconnection agreements with competitive carriers in Washington.

**Q. WILL FRONTIER CONTINUE TO FILE NEW INTERCONNECTION AGREEMENTS WITH THE COMMISSION?**

A. Yes. Just as it does today, Frontier will continue to file new interconnection agreements with the Commission.

**Q. WILL NEW ENTRANTS BE ABLE TO NEGOTIATE AND ENTER INTO NEW INTERCONNECTION AGREEMENTS OR ADOPT EXISTING INTERCONNECTION AGREEMENTS ON FILE WITH THE COMMISSION?**

A.Yes. Frontier would continue to be subject to and comply with the obligations that require it to negotiate and enter into new interconnection agreements and to allow carriers to opt into existing effective interconnection agreements, all under the supervision of the Commission.

 **C. Switched and Special Access**

**Q. WHAT TYPES OF INTRASTATE ACCESS SERVICES DOES FRONTIER PROVIDE TO WHOLESALE CUSTOMERS IN WASHINGTON?**

A.Frontier provides both switched access and special access services on an intrastate basis. Switched access services provide general network access and are usually used to originate or terminate long distance calls over a standard telephone line. Special access consists of a dedicated line and other facilities which provide access between two or more specified points on Frontier’s network for the customer’s exclusive use. Intrastate switched access rates apply on long distance calls that originate and terminate within the State of Washington. Intrastate special access rates apply to dedicated access that begins and ends within the State of Washington, although under FCC rules, interstate special access rates may apply if more than 10% of the traffic on the dedicated facility is interstate in nature. As a practical matter, the choice of jurisdiction of special access facilities is left to the customer, and the vast majority of special access services are classified as interstate.

**Q. WHAT IMPACT WOULD THE COMMISSION’S RECLASSIFICATION OF FRONTIER AS A COMPETITIVE CARRIER HAVE ON INTRASTATE SWITCHED ACCESS RATES IN WASHINGTON?**

A There would be no impact. The FCC’s Connect America Fund Order (“CAF Order”)[[2]](#footnote-2) addressed, among other things, intrastate switched access rates.[[3]](#footnote-3) The CAF Order became effective December 29, 2011, and the requirements in the Order regarding caps on, and reductions of, intrastate access rates remain in effect despite multiple pending challenges. Frontier is classified by the FCC as a price cap carrier. Under the CAF Order, all intrastate switched access charges of price cap carriers were capped as of December 29, 2011, and terminating access rates are being transitioned toward bill & keep (*i.e.*, zero) over a nine-year period.[[4]](#footnote-4) In other words, Frontier, as a price cap carrier, cannot increase either its intrastate terminating switched access or its intrastate originating switched access rates, and Frontier’s terminating access rates are being reduced to zero over a transition period established by the FCC.

**Q. WOULD THE COMMISSION’S RECLASSIFICATION OF FRONTIER AS A COMPETITIVE CARRIER LIMIT OR IMPACT THE COMMISSION’S AUTHORITY TO MONITOR FRONTIER’S IMPLEMENTATION OF THE REDUCTION IN INTRASTATE SWITCHED ACCESS RATES IN WASHINGTON?**

A. No. The CAF Order makes clear that States can review intrastate switched access reductions through the transition to ensure compliance with the FCC rules for default intrastate switched access charges.[[5]](#footnote-5) Accordingly, the Commission would still retain oversight to monitor Frontier implementation of the FCC-mandated intrastate access reductions.

**Q. WHAT EFFECT WILL RECLASSIFICATION OF FRONTIER AS A COMPETITIVE TELECOMMUNICATIONS COMPANY HAVE ON SPECIAL ACCESS RATES?**

A. Reclassifying Frontier would give it flexibility to offer special access services tailored to the needs of individual customers, just as its competitors do today.

**Q. WHY DOES FRONTIER NEED FLEXIBILITY WITH RESPECT TO SPECIAL ACCESS SERVICES?**

A. At the present time, Frontier can only offer special access services to its retail customers at its tariffed rates. It does not have the ability to offer different rates to different customers to respond to competition. In other words, Frontier has no ability to change special access rates without going through the tariff change process, and it has no ability to reduce its rates to respond to competition in certain highly competitive markets where competitive providers are either using their own facilities to provide these high capacity circuits or purchasing UNEs from Frontier and selling access services below the rate specified in Frontier’s tariff. Eliminating the requirement to tariff special access services will allow Frontier to tailor its special access offerings to the needs of individual customers just as its competitors do now. This should enhance competitive pressures within the special access market to the benefit of customers.

 **D. Detariffing**

**Q. WOULD FRONTIER RETAIN, ON FILE, THE TARIFFS CONTAINING UNES, COLLOCATION AND RESALE SERVICES?**

A. No. Frontier will detariff and move the wholesale services in the following four tariffs into a Service Catalog that Frontier will maintain on its website:

(i) Tariff No. 18 – Network Interconnection Access Service;

(ii) Tariff No. 20- Collocation Services;

(iii) Tariff No. 21- Unbundled Network Elements; and

(iv) Tariff No. 22- Resale Local Exchange Service.

Only carriers certified as a long distance or telecommunications provider with the Commission would be allowed to order services included in this newly established Service Catalog.  To the extent that an existing Interconnection Agreement currently references these tariffs, Frontier will agree to enter into a standard amendment to any Interconnection Agreement to incorporate or cross reference the rates, terms and conditions in the Service Catalog.

**Q. IF THESE SERVICES ARE NO LONGER INCLUDED IN THE EXISTING TARIFFS, WILL FRONTIER BE ABLE TO UNILATERALLY CHANGE THE RATES, TERMS AND CONDITIONS ASSOCIATED WITH PROVIDING THESE SERVICES?**

A. No. Federal law, specifically Sections 251 and 252 of the Act, requires Frontier to offer UNEs, collocation and resale with rates, terms, and conditions that are "just, reasonable, and nondiscriminatory." Section 252(d) provides that state commissions will make the determination of whether rates for the interconnection of facilities, network elements and resale are just and reasonable.

**Q. WOULD THIS DETARIFFING OF UNES, RESALE AND COLLOCATION SERVICES ADVERSELY IMPACT COMPETITIVE CARRIERS?**

A. No. There is no requirement under federal law that the terms, conditions and prices of UNEs, resale, collocation or other wholesale services be maintained in tariffs on file with state commissions. Frontier’s affiliate companies operate in 26 other states besides Washington, and Frontier’s affiliates only file and maintain wholesale tariffs for UNE rates in three other states (New York, Oregon and Illinois), and stand-alone tariffs for collocation in one other state (Illinois). The lack of tariffs in the remaining states has apparently not adversely affected CLECs in those states, who continue to order wholesale services from Frontier and conduct other wholesale business on a daily basis. As stated above, all of the terms, conditions and prices for UNEs, resale, collocation and other wholesale services will continue to be available to CLECs in Frontier’s on-line Service Catalog.

**Q. WOULD FRONTIER RETAIN, ON FILE, THE TARIFFS CONTAINING INTRASTATE SWITCHED AND SPECIAL ACCESS SERVICES?**

1. No. Frontier would propose to detariff and include in the Service Catalog the switched and special access rates, terms and conditions which are currently included in Tariff No. 16 - Facilities for Intrastate Access.  As discussed above, subject to and in accordance with the FCC’s CAF Order, Frontier will cap and continue to maintain the existing service rates for intrastate originating switched access, and transition terminating switched access services as provided in the CAF Order.  To the extent the FCC or a court allows companies to restructure or increase certain intrastate switched access rate elements as part of the CAF Order or further proceedings associated with that Order, Frontier will implement rate element increases or restructuring consistent with the FCC or court order in its Service Catalog. With respect to special access services, as noted above, wholesale providers, like other customers, will have the option to purchase interstate special access services from Frontier’s FCC tariff or to purchase intrastate special access services from the newly established Service Catalog. Frontier has every incentive to continue to provide these services at competitive rates to ensure the ongoing utilization of Frontier’s network.

 **E. Other Wholesale Service Providers**

**Q. UP UNTIL NOW YOU HAVE BEEN DISCUSSING HOW THE CHANGE IN CLASSIFICATION WOULD AFFECT FRONTIER’S OFFERING OF WHOLESALE SERVICES TO ITS WHOLESALE CUSTOMERS. IS FRONTIER THE ONLY CARRIER THAT OFFERS WHOLESALE SERVICES WITHIN FRONTIER’S WASHINGTON SERVICE AREA?**

A. No. Just as there are other providers of retail services within Frontier’s Washington service area, there are also other providers of wholesale facilities and services, such as transport. These wholesale providers are discussed by Frontier witness Phillips and include companies such as Comcast, Integra and Level 3. In addition, wholesale telecommunications services are provided by Public Utility Districts (PUDs) throughout Washington. Like all wholesale carriers, these companies make their money by maximizing the use of their facilities. In other words, these wholesale carriers provide competitive alternatives to Frontier today and will continue to have every incentive to compete with Frontier for wholesale business in the future, regardless of what regulatory classification is applied to Frontier.

**Q. DO COMPETITIVE TELECOMMUNICATIONS PROVIDERS WITHIN FRONTIER’S WASHINGTON SERVICE AREA UTILIZE NETWORK FACILITIES NOT OWNED OR CONTROLLED BY FRONTIER TO GAIN ACCESS TO RETAIL CUSTOMERS?**

A. Yes. Providers of cable telephony and wireless services have their own last-mile connections to customers, and as described by Frontier witness Phillips, compete directly with Frontier for retail customers. Because of the presence of this inter-modal retail competition, Frontier has every incentive to maintain wholesale customers on its network and encourage full use of its network. To the extent that Frontier loses a retail customer to a cable provider or wireless carrier, it loses all revenue from that customer. On the other hand, if Frontier loses a retail customer to a competitive telecommunications provider that uses Frontier’s wholesale services, Frontier will continue to receive a portion of the revenue associated with that customer.

**III. IMPACT OF RECLASSIFICATION ON FRONTIER’S ETC OBLIGATIONS**

**Q. WOULD FRONTIER’S OBLIGATIONS AS AN ETC UNDER FEDERAL LAW BE IMPACTED AS A RESULT OF THE COMPANY BEING RECLASSIFIED AS A COMPETITIVE CARRIER?**

A.No. Frontier’s obligations as an ETC under Section 214 of the Telecommunications Act of 1996 would be unaffected by its reclassification as a competitive telecommunications company. In order to continue to receive support from the federal Universal Service Fund for providing service in high-cost areas and to low-income customers, Frontier must be designated as an ETC by the Commission and must continue to meet its obligations as an ETC. Frontier and its predecessor incumbent LEC companies in Washington have been ETCs since the Telecommunications Act of 1996 was passed. In addition, the Commission has granted ETC status to numerous competitive carriers providing service within Frontier’s Washington service area. These competitive carriers have voluntarily accepted the ETC responsibility to offer and advertise supported services throughout the carrier’s designated service area within Washington in compliance with federal requirements. After reclassification as a competitive telecommunications company, Frontier must continue to meet all of these requirements in order to maintain its status as an ETC, just as other competitive ETCs in Washington do today. It should also be noted that as an ETC, Frontier’s extensive annual reporting and certification obligations under the FCC’s CAF Order[[6]](#footnote-6) will be unaffected by reclassification as a competitive telecommunications company.

**Q. WOULD FRONTIER’S OBLIGATIONS TO PROVIDE SERVICE TO LOW-INCOME CUSTOMERS UNDER THE FEDERAL LIFELINE PROGRAM AND WASHINGTON’S TELEPHONE ASSISTANCE PROGRAM (WTAP) BE AFFECTED BY RECLASSIFICATION OF FRONTIER AS A COMPETITIVE TELECOMMUNICATIONS COMPANY?**

A. No. As with Frontier’s other obligations as an ETC, the obligation to provide service to low-income customers under the Federal Lifeline program and the WTAP would be unaffected. Frontier will continue to offer subsidized service to designated low-income customers as required by State law and will continue to offer Native American Lifeline and Tribal Link-Up services to qualified customers on tribal lands within Washington. Frontier would also continue to collect and remit all universal service fees and WTAP excise taxes.

**IV. CONCLUSION**

**Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

A.Yes.

**APPENDIX A**

**BACKGROUND AND QUALIFICATIONS OF**

**BILLY JACK GREGG**

Q. WHAT IS YOUR EDUCATION BACKGROUND?

A. As an undergraduate I attended Austin College in Sherman, Texas, and the University of Glasgow, Scotland. I received my B.A. degree in history and government from Austin College in 1971. I attended the University of Texas School of Law in Austin, Texas and received a J.D. degree from that institution in 1974. I was admitted to the West Virginia Bar the same year.

Q. WHAT IS YOUR JOB EXPERIENCE?

A. From 1974 to 1977 I was employed as an assistant attorney general assigned to the West Virginia Human Rights Commission. From 1977 to 1978 I was in private practice in Hurricane, West Virginia. From 1978 to 1981 I was senior staff attorney for the U.S. Department of Interior Field Solicitor's Office in Charleston, West Virginia, assigned the primary duty of enforcing the Surface Mining Control and Reclamation Act of 1977 in the states of West Virginia, Virginia, Maryland and Pennsylvania. In 1981 I was appointed first director of the Consumer Advocate Division, charged with the responsibility of representing residential utility ratepayers in West Virginia. In this capacity I became familiar with virtually every aspect of electric, gas, telephone and water service in the State, as well as with Federal actions which affect State regulation of utility service. In 2007 I retired from the Consumer Advocate Division and became an independent consultant and principal in the firm Billy Jack Gregg Universal Consulting. I offer consulting services in the areas of energy and telecommunications, with emphasis in the areas of universal service, intercarrier compensation and broadband.

Q. HAVE YOU HELD ANY POSITIONS IN NATIONAL ORGANIZATIONS?

A. Yes. I served as the Treasurer of the National Association of State Utility Consumer Advocates from 1996 to 2000, and served on the Executive Committee of that organization from 1992 to 2000. In 1998 I was appointed to the Rural Task Force of the Federal-State Joint Board on Universal Service, and served on that body until its work was completed in 2001. I served on the Board of Directors of the Universal Service Administrative Company in 2001 and 2002. From March 2002 until my retirement in 2007 I served as a member of the Federal-State Joint Board on Universal Service. From 2000 to 2009 I served on the Board of Directors of the National Regulatory Research Institute (NRRI), serving as Treasurer from 2006 until 2009.

Q. HAVE YOU EVER CHAIRED ANY REGULATORY COMMITTEES?

A. Yes. From 2000 to 2007 I served as Chair of the West Virginia Advanced Services Task Force. From 1997 to 2007 I served as Chair of the West Virginia Payphone Task Force. In 2002 I served as Chair of the West Virginia 271 Workshops which investigated Verizon West Virginia’s provision of wholesale services and compliance with the competitive checklist contained in Section 271 of the Telecommunications Act of 1996.

Q. HAVE YOU EVER TESTIFIED BEFORE LEGISLATIVE BODIES?

A. Yes. I have testified numerous times over the years before the West Virginia Legislature, and before committees of both houses of Congress. In addition, I have testified before committees of the legislatures of Virginia, Pennsylvania and Tennessee.

Q. HAVE YOU EVER TESTIFIED BEFORE UTILITY REGULATORY AGENCIES?

A. Yes, I have testified in the following cases:

 **Public Service Commission of West Virginia**

 General Telephone of the Southeast, Case No. 81-612­-T-42T; (Rate Case Settlement)

 C&P Telephone Co. of W.Va., Case No. 83-383-T-42T; (Rate Case Settlement)

 Wheeling Electric Company, Case No. 84-191-E-42T; (Rate Case Settlement)

 C&P Telephone Company of W. Va., Case No. 84-755-T-T; (Party-line Elimination)

 Monongahela Power Co., Case No. 87-072-E-GI et al. (ENEC);

 Hope Gas, Inc., Case No. 87­-434-G-30C (Purchased Gas Adjustment);

 MCI Telecommunications Co., Case No. 83-259-T-SC *et al*. (Flexible Regulation Plan);

 Monongahela Power Co.., Case No. 88-082-E-GI, *et al.* (ENEC);

 C&P Telephone Co. of W.Va., Case No. 88-589-T-A (Winfield Plan);

 C&P Telephone Co. of W.Va., Case No. 89-041-T-PC (Exemption Petition);

 U.S. Sprint Communications Company LP, Case No. 89-596-T-P *et al*.(Annual Reports);

 In the Matter of Certification of Competitive Telecommunications Services,

 Case No. 90-477-T-GI;

 C&P Telephone Co. of W. Va., Case No. 90-424-T-PC; (Cost Allocation Manual)

 C&P Telephone Co. of W.Va., Case No. 90-613-T-PC, (Incentive Regulation Plan);

 West Virginia Cellular Telephone Co., Case No. 90-659-C-PC (Deregulation Petition);

 Monongahela Power Co., Case No. 91-213-E-GI *et al.* (ENEC);

 GTE South, Inc. and Contel of West Virginia, Case No. 93-0425-T-PC (Incentive Plan);

 C&P Telephone Company of W.Va., Case No. 93-0957-T-GI (Seven Digit Dialing Plan);

 Bell Atlantic-West Virginia, Inc., Case No. 94-0725-T-PC (Incentive Regulation Plan);

 General Investigation into IntraLATA Competition in West Virginia,

 Case No. 94-1103-T-GI;

 West Virginia-American Water, Case No. 95-1202-W-CN (Plant Certificate Application);

 Monongahela Power Company, Case No. 97-0183-E-GI *et al*. (ENEC);

 Bell Atlantic-West Virginia, Inc., Case No. 97-1461-T-PC (Incentive Regulation Plan);

 Monongahela Power Company, Case No. 98-0101-E-GI *et al*. (ENEC);

 West Virginia Power Gas Company, Case No. 98-0448-G-PC (Safety Related Surcharge);

 Bell Atlantic-West Virginia, Inc. Case No. 98-1091-T-T (National Directory Assistance);

 General Investigation, Case No. 98-1531-T-GI (Cross-LATA Local Calling);

 Monongahela Power Company, Case No. 99-0261-E-GI *et al*. (ENEC);

 Citizens Telecommunications, Case No. 99-1530-T-PC, (Incentive Regulation Plan);

 Bell Atlantic-West Virginia, Case No. 99-1620-T-GI, (Disposition of Additional Universal Service Funds);

 Bell Atlantic-West Virginia, Case No. 99-1633-T-PC, (Cross-LATA Local Calling);

 Verizon-West Virginia, Inc., Case No. 00-0705-T-PC, (Incentive Regulation Plan);

 Easterbrooke Cellular Corp., Case No. 03-0935-T-PC (Eligible telecommunications

 Carrier);

 Verizon-West Virginia, Inc., Case No. 04-0292-T-PC (Petition to Cease Regulation);

 MCI Communications Services, Inc., Case No. 05-1233-T-GI (Line Items);

 Verizon-West Virginia, Inc., Case No. 06-0481-T-PC (Petition to Cease Regulation);

 General Investigation, Case No. 06-0708-E-GI (Electric net metering and interconnection standards);

 Appalachian Power Company and Wheeling Power Company, Case No. 08-0278-E-GI

 (ENEC);

Monongahela Power Company and The Potomac Edison Company, 08-1511-E-GI

 (ENEC);

 Appalachian Power Company and Wheeling Power Company, 09-0177-E-GI

 (ENEC); and

 Frontier Communications Corp., Verizon West Virginia Inc., *et al*, 09-0871-T-PC

 (Transfer of Assets).

 Monongahela Power Company and The Potomac Edison Company, Case No. 09-1485-E-GI (ENEC);

 Appalachian Power Company and Wheeling Power Company, Case No. 10-0261-E-P (ENEC);

 Emergency Operations Center of Kanawha County v. YMAX Communications Corp. and magicJack, LP, Case No. 10-0383-T-C (Complaint concerning failure to collect and remit 911 fees);

 Appalachian Power Company and Wheeling Power Company, Case No. 11-0274-E-GI (ENEC);

 Cebridge Acquisition, LLC, dba Suddenlink Communications v. FiberNet LLC & Ntelos Inc., Case No. 10-1886-T-C (Complaint concerning Early Termination Fees).

 Monongahela Power Company and The Potomac Edison Company, Case No. 11-1274-E-P (ENEC);

 Appalachian Power Company and Wheeling Power Company, Case No. 12-0399-E-P (ENEC); and

Monongahela Power Company and The Potomac Edison Company, Case No. 12-1238-E-P (ENEC).

 **Federal Communications Commission**

 In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45,

 (1998 *en banc* panel of the Federal-State Joint Board on Universal Service on the issues

 of affordability and consumer issues);

 In the Matter of Implementation of Section 224 of the Act, WC Docket No. 07-245 (2008 declaration on the issue of pole attachment rates);

 In the Matter of the Connect America Fund, WC Docket No. 10-90 (2011 *en banc* panel of the Federal-State Joint Board on Universal Service on proposed reforms of intercarrier compensation and the federal universal service fund).

 **Alaska Public Service Commission**

 In the Matter of Investigation into the Impact on Alaska Consumers and Carriers of Intercarrier Compensation Reform by the Federal Communications Commission, Case No. R-06-6 (2006 testimony on Missoula Plan).

 **Georgia Public Service Commission**

 Universal Service Proceeding, Case No. 5825-U (2000 testimony on structure of state

 universal service fund).

 **Illinois Commerce Commission**

 Frontier Communications Corporation, Verizon Communications, Inc., *et al*, Docket No.

 09-0268 (2009 testimony on transfer of control).

 **Ohio Public Utilities Commission**

 Frontier Communications Corporation, New Communications Holding Company, Inc.,

and Verizon Communications, Inc., *et al*, Docket No. 09-454-TP-ACO (2009 testimony on transfer of control).

 **Washington Utilities and Transportation Commission**

 In the matter of the Joint Application of Verizon Communications Inc. and Frontier Communications Corporation, Docket No. UT-090842 (2009 testimony on transfer of control).

Q. BESIDES CASES IN WHICH YOU HAVE TESTIFIED, HAVE YOU PARTICIPATED IN REGULATORY CASES AS AN ATTORNEY?

 Yes, as Director of the West Virginia Consumer Advocate Division and as Senior Attorney in the Field Solicitor’s Office, I handled hundreds of regulatory cases as an attorney.

Q. HAVE YOU DONE UTILITY CONSULTING IN OTHER COUNTRIES?

A. Yes. In 2003 I participated in utility regulatory training in Abuja, Nigeria, for the West African Telecommunications Regulators Association (WATRA) as part of NetTel@Africa. In 2008 I completed a contract with the International Telecommunications Union (ITU) in Banjul, Gambia, to review and make recommendations concerning interconnection rates for telecommunications in the nation of Gambia.

Q. DO YOU HAVE ANY PUBLICATIONS?

A. Yes. From April 2001 to March 2006 I published semi-annually through the National Regulatory Research Institute *A Survey of Unbundled Network Element Prices in the United States*. In 1996 I co-authored *The Telecommunications Act of 1996: A Guide for Educators*, through Appalachia Education Laboratory, Inc.

Q. HAVE YOU RECEIVED ANY AWARDS?

A. Yes. In 2007 I received the *Robert F. Manifold Lifetime Service Award* from the National Association of State Utility Consumer Advocates.

1. P.L. 104-104; 47 U.S.C. 153 *et seq*. [↑](#footnote-ref-1)
2. *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, (2011). [↑](#footnote-ref-2)
3. CAF Order, ¶¶798-805; 817-820. [↑](#footnote-ref-3)
4. CAF Order, ¶¶801; 805. [↑](#footnote-ref-4)
5. CAF Order, ¶813. [↑](#footnote-ref-5)
6. See, CAF Order, ¶¶568-621; 47 C.F.R. §54.313, 54.314, 54.318 & 54.320. [↑](#footnote-ref-6)