

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Frontier Communications)
Northwest Inc.'s Petition to be Regulated)
as a Competitive Telecommunications)
Company Pursuant to RCW 80.26.320)
_____)

Docket No. UT-121994

**DIRECT TESTIMONY
OF
BILLY JACK GREGG**

FRONTIER COMMUNICATIONS NORTHWEST INC.

FEBRUARY 28, 2013

1 **I. INTRODUCTION**

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

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

6

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

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

9

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

12 A. Billy Jack Gregg Universal Consulting provides consulting services on issues involving
13 energy and telecommunications. In telecommunications my areas of specialization are
14 universal service, intercarrier compensation and broadband deployment, among other
15 matters. I began Billy Jack Gregg Universal Consulting following my retirement as
16 Director of the Consumer Advocate Division of the Public Service Commission of West
17 Virginia (“WVCAD”) in October 2007. I served as Director of the WVCAD for 26
18 years. In that position I was actively involved in local and national telecommunications
19 issues. Nationally, I served as a member of the Rural Task Force, the Federal-State Joint
20 Board on Universal Service, NARUC’s Intercarrier Compensation Task Force, the Board
21 of Directors of the Universal Service Administrative Company (“USAC”), and the Board
22 of Directors of the National Regulatory Research Institute (“NRRRI”). Locally, I served as
23 Chair of the West Virginia Advanced Services Task Force, Chair of the West Virginia

1 Payphone Task Force, and Chair of the West Virginia 271 Workshop Process which
2 reviewed the provision of wholesale telecommunications services in West Virginia. I
3 have submitted testimony or appeared before the Federal Communications Commission;
4 regulatory bodies in the states of West Virginia, Washington, Georgia, Alaska, Ohio and
5 Illinois; legislative committees in the states of West Virginia, Virginia, Pennsylvania and
6 Tennessee; and committees of both houses of Congress. I hold a B.A. from Austin
7 College in Sherman, Texas, and J.D. from the University of Texas School of Law. My
8 complete education and job experience are set out in Appendix A.

9
10 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

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

19
20 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

21 A. The wholesale services currently provided by Frontier should not be affected by
22 Frontier's reclassification as a competitive telecommunications company. Federal law
23 already requires Frontier to interconnect with other carriers and delegates to the

1 Commission the authority to arbitrate any disputes that may arise concerning the
2 provision of wholesale services. There are other providers of wholesale services in
3 Frontier’s Washington service territory and Frontier has every incentive to keep
4 wholesale customers on its network. Likewise, Frontier’s ETC obligations should not be
5 affected by its change in classification to a competitive telecommunications company,
6 nor should its obligation to provide service to low-income customers under the WTAP
7 and Lifeline programs. The bases for my conclusions are set forth below.

8
9 **II. IMPACT OF RECLASSIFICATION ON WHOLESALE SERVICES**

10 **A. Interconnection and Arbitration**

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

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

21

¹ P.L. 104-104; 47 U.S.C. 153 *et seq.*

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

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

18
19 **Q. WOULD RECLASSIFYING FRONTIER AS A COMPETITIVE**
20 **TELECOMMUNICATIONS COMPANY UNDER WASHINGTON LAW**
21 **IMPACT ANY OF ITS SECTION 251 OR 252 OBLIGATIONS UNDER THE 1996**
22 **TELECOMMUNICATIONS ACT?**

1 A. No. Granting Frontier reclassification as a competitive telecommunications company
2 does not in any way impact its interconnection obligations under federal law. These
3 obligations would remain irrespective of Frontier’s classification under state law.
4

5 **B. Interconnection Agreements**

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

9 A. Yes. Frontier would continue to honor all existing and effective interconnection
10 agreements with competitive carriers in Washington.
11

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

14 A. Yes. Just as it does today, Frontier will continue to file new interconnection agreements
15 with the Commission.
16

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

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

1 **C. Switched and Special Access**

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

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

16
17 **Q. WHAT IMPACT WOULD THE COMMISSION'S RECLASSIFICATION OF**
18 **FRONTIER AS A COMPETITIVE CARRIER HAVE ON INTRASTATE**
19 **SWITCHED ACCESS RATES IN WASHINGTON?**

20 A There would be no impact. The FCC's Connect America Fund Order ("CAF Order")²
21 addressed, among other things, intrastate switched access rates.³ The CAF Order became
22 effective December 29, 2011, and the requirements in the Order regarding caps on, and

² *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, (2011).

³ CAF Order, ¶¶798-805; 817-820.

1 reductions of, intrastate access rates remain in effect despite multiple pending challenges.
2 Frontier is classified by the FCC as a price cap carrier. Under the CAF Order, all
3 intrastate switched access charges of price cap carriers were capped as of December 29,
4 2011, and terminating access rates are being transitioned toward bill & keep (*i.e.*, zero)
5 over a nine-year period.⁴ In other words, Frontier, as a price cap carrier, cannot increase
6 either its intrastate terminating switched access or its intrastate originating switched
7 access rates, and Frontier's terminating access rates are being reduced to zero over a
8 transition period established by the FCC.

9
10 **Q. WOULD THE COMMISSION'S RECLASSIFICATION OF FRONTIER AS A**
11 **COMPETITIVE CARRIER LIMIT OR IMPACT THE COMMISSION'S**
12 **AUTHORITY TO MONITOR FRONTIER'S IMPLEMENTATION OF THE**
13 **REDUCTION IN INTRASTATE SWITCHED ACCESS RATES IN**
14 **WASHINGTON?**

15 A. No. The CAF Order makes clear that States can review intrastate switched access
16 reductions through the transition to ensure compliance with the FCC rules for default
17 intrastate switched access charges.⁵ Accordingly, the Commission would still retain
18 oversight to monitor Frontier implementation of the FCC-mandated intrastate access
19 reductions.

⁴ CAF Order, ¶¶801; 805.

⁵ CAF Order, ¶813.

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

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

6

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

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

20

21 **D. Detariffing**

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

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

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

4 (ii) Tariff No. 20- Collocation Services;

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

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

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

13

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

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

23

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

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

14
15 **Q. WOULD FRONTIER RETAIN, ON FILE, THE TARIFFS CONTAINING**
16 **INTRASTATE SWITCHED AND SPECIAL ACCESS SERVICES?**

17 A. No. Frontier would propose to detariff and include in the Service Catalog the switched
18 and special access rates, terms and conditions which are currently included in Tariff No.
19 16 - Facilities for Intrastate Access. As discussed above, subject to and in accordance
20 with the FCC's CAF Order, Frontier will cap and continue to maintain the existing
21 service rates for intrastate originating switched access, and transition terminating
22 switched access services as provided in the CAF Order. To the extent the FCC or a court
23 allows companies to restructure or increase certain intrastate switched access rate

1 elements as part of the CAF Order or further proceedings associated with that Order,
2 Frontier will implement rate element increases or restructuring consistent with the FCC
3 or court order in its Service Catalog. With respect to special access services, as noted
4 above, wholesale providers, like other customers, will have the option to purchase
5 interstate special access services from Frontier's FCC tariff or to purchase intrastate
6 special access services from the newly established Service Catalog. Frontier has every
7 incentive to continue to provide these services at competitive rates to ensure the ongoing
8 utilization of Frontier's network.

9
10 **E. Other Wholesale Service Providers**

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

16 **A.** No. Just as there are other providers of retail services within Frontier's Washington
17 service area, there are also other providers of wholesale facilities and services, such as
18 transport. These wholesale providers are discussed by Frontier witness Phillips and
19 include companies such as Comcast, Integra and Level 3. In addition, wholesale
20 telecommunications services are provided by Public Utility Districts (PUDs) throughout
21 Washington. Like all wholesale carriers, these companies make their money by
22 maximizing the use of their facilities. In other words, these wholesale carriers provide
23 competitive alternatives to Frontier today and will continue to have every incentive to

1 compete with Frontier for wholesale business in the future, regardless of what regulatory
2 classification is applied to Frontier.

3
4 **Q. DO COMPETITIVE TELECOMMUNICATIONS PROVIDERS WITHIN**
5 **FRONTIER’S WASHINGTON SERVICE AREA UTILIZE NETWORK**
6 **FACILITIES NOT OWNED OR CONTROLLED BY FRONTIER TO GAIN**
7 **ACCESS TO RETAIL CUSTOMERS?**

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

17
18 **III. IMPACT OF RECLASSIFICATION ON FRONTIER’S ETC OBLIGATIONS**

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

22 A. No. Frontier’s obligations as an ETC under Section 214 of the Telecommunications Act
23 of 1996 would be unaffected by its reclassification as a competitive telecommunications

1 company. In order to continue to receive support from the federal Universal Service
2 Fund for providing service in high-cost areas and to low-income customers, Frontier must
3 be designated as an ETC by the Commission and must continue to meet its obligations as
4 an ETC. Frontier and its predecessor incumbent LEC companies in Washington have
5 been ETCs since the Telecommunications Act of 1996 was passed. In addition, the
6 Commission has granted ETC status to numerous competitive carriers providing service
7 within Frontier's Washington service area. These competitive carriers have voluntarily
8 accepted the ETC responsibility to offer and advertise supported services throughout the
9 carrier's designated service area within Washington in compliance with federal
10 requirements. After reclassification as a competitive telecommunications company,
11 Frontier must continue to meet all of these requirements in order to maintain its status as
12 an ETC, just as other competitive ETCs in Washington do today. It should also be noted
13 that as an ETC, Frontier's extensive annual reporting and certification obligations under
14 the FCC's CAF Order⁶ will be unaffected by reclassification as a competitive
15 telecommunications company.

16
17 **Q. WOULD FRONTIER'S OBLIGATIONS TO PROVIDE SERVICE TO LOW-**
18 **INCOME CUSTOMERS UNDER THE FEDERAL LIFELINE PROGRAM AND**
19 **WASHINGTON'S TELEPHONE ASSISTANCE PROGRAM (WTAP) BE**
20 **AFFECTED BY RECLASSIFICATION OF FRONTIER AS A COMPETITIVE**
21 **TELECOMMUNICATIONS COMPANY?**

22 A. No. As with Frontier's other obligations as an ETC, the obligation to provide service to
23 low-income customers under the Federal Lifeline program and the WTAP would be

⁶ See, CAF Order, ¶¶568-621; 47 C.F.R. §54.313, 54.314, 54.318 & 54.320.

1 unaffected. Frontier will continue to offer subsidized service to designated low-income
2 customers as required by State law and will continue to offer Native American Lifeline
3 and Tribal Link-Up services to qualified customers on tribal lands within Washington.
4 Frontier would also continue to collect and remit all universal service fees and WTAP
5 excise taxes.

6

7 **IV. CONCLUSION**

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

9 A. Yes.

10

**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.

1 I offer consulting services in the areas of energy and telecommunications, with emphasis
2 in the areas of universal service, intercarrier compensation and broadband.

3

4 Q. HAVE YOU HELD ANY POSITIONS IN NATIONAL ORGANIZATIONS?

5 A. Yes. I served as the Treasurer of the National Association of State Utility Consumer
6 Advocates from 1996 to 2000, and served on the Executive Committee of that
7 organization from 1992 to 2000. In 1998 I was appointed to the Rural Task Force of the
8 Federal-State Joint Board on Universal Service, and served on that body until its work
9 was completed in 2001. I served on the Board of Directors of the Universal Service
10 Administrative Company in 2001 and 2002. From March 2002 until my retirement in
11 2007 I served as a member of the Federal-State Joint Board on Universal Service. From
12 2000 to 2009 I served on the Board of Directors of the National Regulatory Research
13 Institute (NRRI), serving as Treasurer from 2006 until 2009.

14

15 Q. HAVE YOU EVER CHAIRED ANY REGULATORY COMMITTEES?

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

21

22 Q. HAVE YOU EVER TESTIFIED BEFORE LEGISLATIVE BODIES?

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

4
5 Q. HAVE YOU EVER TESTIFIED BEFORE UTILITY REGULATORY AGENCIES?

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

7 **Public Service Commission of West Virginia**

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

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

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

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

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

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

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

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

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

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

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

19 In the Matter of Certification of Competitive Telecommunications Services,

1 Case No. 90-477-T-GI;

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

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

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

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

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

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

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

9 General Investigation into IntraLATA Competition in West Virginia,

10 Case No. 94-1103-T-GI;

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

12 Application);

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

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

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

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

17 Surcharge);

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

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

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

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

3 Bell Atlantic-West Virginia, Case No. 99-1620-T-GI, (Disposition of Additional

4 Universal Service Funds);

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

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

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

8 Carrier);

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

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

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

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

13 standards);

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

15 (ENEC);

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

17 (ENEC);

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

19 (ENEC); and

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

2 (Transfer of Assets).

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

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

7 Emergency Operations Center of Kanawha County v. YMAX Communications Corp. and
8 magicJack, LP, Case No. 10-0383-T-C (Complaint concerning failure to collect and remit
9 911 fees);

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

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

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

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

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

20 **Federal Communications Commission**

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

22 (1998 *en banc* panel of the Federal-State Joint Board on Universal Service on the issues

1 of affordability and consumer issues);

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

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

7 **Alaska Public Service Commission**

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

11 **Georgia Public Service Commission**

12 Universal Service Proceeding, Case No. 5825-U (2000 testimony on structure of state
13 universal service fund).

14 **Illinois Commerce Commission**

15 Frontier Communications Corporation, Verizon Communications, Inc., et al, Docket No.
16 09-0268 (2009 testimony on transfer of control).

17 **Ohio Public Utilities Commission**

18 Frontier Communications Corporation, New Communications Holding Company, Inc.,
19 and Verizon Communications, Inc., et al, Docket No. 09-454-TP-ACO (2009 testimony
20 on transfer of control).

21 **Washington Utilities and Transportation Commission**

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

4
5 Q. BESIDES CASES IN WHICH YOU HAVE TESTIFIED, HAVE YOU
6 PARTICIPATED IN REGULATORY CASES AS AN ATTORNEY?

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

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11 Q. HAVE YOU DONE UTILITY CONSULTING IN OTHER COUNTRIES?

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

18
19 Q. DO YOU HAVE ANY PUBLICATIONS?

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

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2 Q. HAVE YOU RECEIVED ANY AWARDS?

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