

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

**WUTC v. Qwest Corp. d/b/a CenturyLink QC**

**Docket UT-140597**

**RESPONSE OF PUBLIC COUNSEL TO CENTURYLINK DATA REQUEST NO. 18**

Request No: 18  
Directed to: Public Counsel  
Date Received: August 31, 2015  
Date Produced: September 21, 2015  
Prepared by: David C. Bergmann

**CENTURYLINK DATA REQUEST NO. 18 TO PUBLIC COUNSEL:**

Please list the specific areas in which Mr. Bergmann will testify as an expert, and provide a full description of his qualifications to do so.

**RESPONSE:**

Mr. Bergmann is testifying on behalf of the Public Counsel Unit of the Washington Attorney General's Office ("Public Counsel"). He has been retained by Public Counsel to analyze penalties for the 2014 statewide 911 outage that should be imposed on Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") by the Washington Utilities and Transportation Commission ("Commission" or "UTC"), and to present Public Counsel's recommendations for an appropriate penalty.

Mr. Bergmann obtained his law degree from the University of Michigan in 1975. In 1982, he was employed by the Ohio Office of the Consumers' Counsel (OCC), the Ohio state government agency that represents the interests of residential utility consumers. He began at OCC as the Consumer Services Attorney, handling consumer complaints and issues. He later did

rate regulation, and was OCC Legal Director for 6 years (during which time he earned an MBA from Ohio State). In 1992, Mr. Bergmann stepped down as Legal Director and moved to specialize in telecommunications. He continued that specialization until his retirement from OCC in 2011. From 2002 to 2011, he was chair of the telecommunications committee of the National Association of State Utility Consumer Advocates (“NASUCA”).<sup>1</sup> In 2011, after his retirement from OCC, Mr. Bergmann began doing business as Telecom Policy Consulting for Consumers. He operates a website at [www.tpc4c.net](http://www.tpc4c.net), where a more detailed CV can be accessed. Please also see Public Counsel’s Response to CenturyLink’s Data Request No. 14.

Mr. Bergmann has extensive experience in a wide variety of regulatory proceedings at both the federal and state levels. This ranges from the consumer complaint cases he litigated in his first years at OCC, to a GTE rate case in the late 80s where service quality was a major issue, to the development and implementation of alternative regulation at the Public Utility Commission of Ohio (including rulemakings, cases, and appeals that followed those rules). Mr. Bergmann has also been involved with the unbundling of network elements and extended area service. His federal experience includes universal service, consumer protection, intercarrier compensation, unbundled network elements, and network neutrality, in rulemaking and other proceedings.

Mr. Bergmann is admitted to the practice of law in Ohio (active) and Michigan (inactive), and he is admitted to the U.S. Courts of Appeal for the District of Columbia and Tenth Circuits.

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<sup>1</sup> NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., offices such as Public Counsel, which is a NASUCA member and is a division within the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.