

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Joint Application of)	DOCKET UT-090842
)	
FRONTIER COMMUNICATIONS)	
CORPORATION AND VERIZON)	
COMMUNICATIONS, INC.)	
)	
For Approval of Indirect Transfer of)	
Control of Verizon Northwest, Inc.)	

**REBUTTAL TESTIMONY OF
BILLY JACK GREGG**

ON BEHALF OF

FRONTIER COMMUNICATIONS CORPORATION

November 19, 2009

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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 Corporation (“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 (“NRRI”). 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. I have
2 submitted testimony or appeared before the Federal Communications Commission;
3 regulatory bodies in the states of West Virginia, Georgia, Alaska, Ohio and Illinois;
4 legislative committees in the states of West Virginia, Virginia, Pennsylvania and
5 Tennessee; and committees of both houses of Congress. I hold a B.A. from Austin
6 College in Sherman, Texas, and J.D. from the University of Texas School of Law. My
7 complete education and job experience are set out in Appendix A.

8
9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10 A. I have been asked by Frontier to respond to the testimony of Kristen Russell on behalf of
11 Staff, Barbara Alexander and Dr. Trevor Roycroft on behalf of the Washington Public
12 Counsel, and Charles King on behalf of the United States Department of Defense
13 concerning quality of service and broadband issues potentially arising from the proposed
14 transaction between Frontier and Verizon Communications, Inc. (“Verizon”).

15
16 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

17 A. Witnesses Alexander, Russell and King engage in various comparisons of service quality
18 drawn primarily from WUTC and FCC ARMIS data. In my testimony I point out
19 shortcomings in relying solely on ARMIS data and conclude that ARMIS data should be
20 the starting point of a quality of service inquiry, not the basis of final conclusions. I also
21 address how other states with jurisdiction over recent Frontier acquisitions have
22 evaluated actual on-the-ground service quality data related to Frontier. I also respond to

1 service quality assurance programs proposed by Ms. Russell and Ms. Alexander. Finally,
2 I respond to certain assertions about Frontier's broadband service made by Dr. Roycroft.
3 Based upon my review of the transaction and my previous history with both providers, I
4 believe the transfer of assets to Frontier can provide a benefit to consumers in
5 Washington and is in the public interest. The bases for my conclusions are set forth
6 below.

7
8 **II. EXPERIENCE WITH VERIZON AND FRONTIER**

9 **Q. PLEASE DESCRIBE YOUR EXPERIENCE WITH VERIZON AND FRONTIER.**

10 A. As stated above, I was Director of the West Virginia Consumer Advocate Division from
11 1981 to 2007. During that time, I dealt with Verizon and Frontier and their predecessors
12 in West Virginia on an on-going basis. Frontier (then known as Citizens Utilities)
13 entered the state of West Virginia in 1993 when it purchased the West Virginia
14 operations of GTE. Frontier expanded its presence in West Virginia two years later when
15 it purchased the West Virginia properties of ALLTEL. For the last 15 years Verizon has
16 been the largest telephone company in West Virginia and Frontier has been the second
17 largest. While both companies serve large rural areas within West Virginia, Frontier's
18 service territory is more rural, covering 35% of the geographical area of West Virginia
19 but containing less than 20% of the access lines in the state. Verizon's service territory
20 contains most of the major urban areas in West Virginia and approximately 80% of total
21 access lines.

22

1 **Q. BASED ON YOUR EXPERIENCE WITH BOTH COMPANIES, HOW DID THE**
2 **QUALITY OF SERVICE PROVIDED BY VERIZON AND FRONTIER IN WEST**
3 **VIRGINIA COMPARE?**

4 A. When Frontier entered the West Virginia market in 1993, it acquired the former service
5 territory of GTE. At that time, my office and other parties were negotiating an initial
6 incentive rate plan (IRP) with GTE which would initiate uniform rates and calling areas
7 and address quality of service problems in the GTE territory. Frontier assumed all of
8 GTE's obligations required by the IRP and assured the parties that facilities would be
9 upgraded and service quality improved as a result of the purchase. Similar commitments
10 were made when Frontier expanded its West Virginia presence in 1995 with the purchase
11 of the ALLTEL properties. Frontier fulfilled its commitments and subsequent IRP's
12 were negotiated with Frontier in 1999 and 2005. Even though Frontier's West Virginia
13 service territory is more rural with difficult terrain and sparse population, Frontier has
14 succeeded in making broadband available to over 90% of its customers in West Virginia.
15 On the other hand, broadband is only available to 60% of Verizon's West Virginia
16 customers. In 2008 in connection with its investigation into Verizon's service quality
17 issues, the West Virginia Public Service Commission approved a service quality
18 improvement plan for Verizon.¹ Verizon continues to operate under this plan. Frontier's
19 service quality in West Virginia has generally been good and the company is not subject
20 to any PSC investigations concerning quality of service.

21

¹ *Verizon West Virginia Inc.*, WVPSC Case No. 08-0761-T-PC, "Commission Order" (June 30, 2008).

1 **III. GENERAL DISCUSSION OF ARMIS DATA**

2 **Q. WHAT IS ARMIS DATA?**

3 A. The FCC established the “Automated Reporting Management Information System”
4 (ARMIS) in the late 1980’s to provide information on the financial and operational
5 characteristics of regulated telecommunications carriers. ARMIS filing requirements
6 initially applied only to the largest carriers, but were gradually extended to all price cap
7 carriers. ARMIS filing requirements were reduced in 2008 as a result of FCC
8 forbearance orders.²

9
10 **Q. DOES ARMIS PROVIDE A RESOURCE FOR TRACKING QUALITY OF**
11 **SERVICE METRICS?**

12 A. Yes. ARMIS data allows the tracking of service quality trends over time, and allows
13 comparison of metrics between companies and regions.

14
15 **Q. ARE ALL ARMIS DATA REPORTED IN THE SAME WAY?**

16 A. While the ARMIS system strives for consistency, individual companies have the option
17 of including more than the minimum required information in their ARMIS submissions.
18 For example, carriers are not required to report on metrics related to unregulated or “non-

² “[W]e recognize that the current partial and uneven data collection hinder their usefulness as a federal consumer protection tool as the data collections are structured today. As an initial matter, the Commission does not use the data to enforce federal service quality rules, declining to ‘impinge upon state efforts in that area.’ Nor do the data enable comparison among competitors or allow evaluation of the industry as a whole.” *In the Matter of Service Quality, Customer Satisfaction, Infrastructure, and Operating Data Gathering*, WC Docket No. 08-190, Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 08-203 (Sept. 6, 2008), at ¶11.

1 network” activities.³ Nevertheless, some carriers include data on these activities out of
2 convenience or because of limitations in reporting systems. It is also unclear to what
3 extent some carriers exclude certain data from their reports for such items as “customer
4 negotiated appointments.”

5
6 **Q. IS IT GENERALLY SUFFICIENT TO RELY ON ARMIS DATA ALONE IN**
7 **MAKING AN INVESTIGATION OF A COMPANY’S SERVICE QUALITY?**

8 A. No. ARMIS data are a useful starting point of any investigation into service quality.
9 However, the basis of the data presented should be examined, customer complaint
10 information should be included, and most importantly, actions of the regulatory body in
11 the state with jurisdiction over the carrier should also be considered. In other words,
12 telecommunications service quality represents the totality of the service provided to the
13 customer and consists of more than statistics on a few selected measures. This was
14 pointed out nicely by the National Association of State Utility Consumer Advocates in its
15 comments submitted to the FCC on proposed changes to ARMIS reporting requirements:
16 “[T]he [ARMIS] outage reports are limited in scope, addressing only service outages as
17 required by the Commission’s rules. ‘Service quality’ for consumers extends well beyond
18 the situation where the service is simply not available, as in an outage.”⁴

19

³ “Non-network” activities would include troubles reported and service provided at the customer’s premise, that is, on the customer’s side of the network interface device.

⁴ “Comments of the National Association of State Utility Consumer Advocates,” *In the Matter of AT&T Inc. for Forbearance under 47 U.S.C. §160(c) from Enforcement of Certain of the Commission’s ARMIS Reporting Requirements*, FCC Docket No. WC 07-139 (Aug. 20, 2007), p. 6.

1 **Q. DO YOU HAVE AN EXAMPLE OF HOW ARMIS DATA CAN BE**
2 **MISLEADING?**

3 A. Yes. As previously mentioned, in West Virginia Verizon has experienced quality of
4 service problems and is currently implementing a Commission-approved service quality
5 improvement plan, while Frontier is not. However, if one examined only ARMIS
6 statistics for measures such as reported outages, it would appear that Verizon provided
7 better quality of service in West Virginia than Frontier. For example, Verizon's reported
8 outage rate in 2008 in West Virginia was 22.99 outages per 100 lines, while Frontier's
9 reported outage rate was 31.71 per 100 lines.⁵ However, these statistics are misleading.
10 The number of service quality complaints filed against Verizon was substantially higher
11 than filed against Frontier,⁶ and Verizon is operating under a Commission-approved
12 service quality improvement plan in West Virginia. All of this goes to the point that
13 while ARMIS data may provide a useful initial screen, it is important for any
14 investigation of service quality to look behind the numbers.

15

16 **IV. RESPONSE TO TESTIMONY CONCERNING SERVICE QUALITY**
17 **COMPARISONS**

18

19 **Q. DID ANY WITNESSES IN THIS PROCEEDING PRESENT DATA COMPARING**
20 **SERVICE QUALITY METRICS OF THE COMPANIES INVOLVED IN THIS**
21 **TRANSACTION?**

⁵ FCC, ARMIS Report 43-05, ARMIS Service Quality Report, Table II, Installation and Repair Intervals (Local Service), Rows 140, 144 & 148.

⁶ During 2008 Verizon's residential complaint rate in West Virginia was 5,149 complaints per million lines, while Frontier's complaint rate was 120 complaints per million. FCC, ARMIS Report 43-05, ARMIS Service Quality Report, Table V, Quality of Service Complaints.

1 A. Yes. Kristen Russell on behalf of Staff presented testimony reviewing ARMIS and
2 Washington state service quality metrics for Verizon in Washington and service quality
3 data for Frontier nationwide. Ms. Russell also reviewed service quality information for
4 Rochester Telephone, which was recently acquired by Frontier, and compared service
5 quality metrics for Verizon GTE and Frontier nationally. She proposed modifications to
6 Verizon's current Service Performance Guarantee plan and proposed a benchmark-based
7 system of customer credits. Barbara Alexander presented testimony comparing service
8 quality metrics of Verizon in Washington, and examined Frontier ARMIS and internal
9 data from other states and regions. She also compared certain service quality metrics of
10 Verizon and Frontier based on ARMIS data. Ms. Alexander proposed a Service Quality
11 Index as a benchmark against which to judge Frontier's service quality after the closing
12 of the transaction, and which includes a predetermined system of credits to be paid for
13 failure to attain the benchmarks. Charles King on behalf of DOD also presented service
14 quality data for Frontier and Verizon at the holding company level. In this section I will
15 discuss the service quality metrics cited by the various witnesses, and point out problems
16 with the comparability of some of the data. In the next section I will discuss service
17 quality in several of Frontier's recent acquisitions in other states.

18 **Q. PLEASE SUMMARIZE THE TESTIMONY OF KRISTEN RUSSELL**
19 **CONCERNING QUALITY OF SERVICE ISSUES.**

20 A. At pages 8 to 11 of her testimony, Ms. Russell reviews the quality of service metrics
21 submitted by Verizon WA to the WUTC . Ms. Russell concluded that Verizon WA was
22 able to meet a majority of WUTC standards, but that metrics for installation and out of

1 service intervals had deteriorated. (Russell Testimony, p. 8). She also reviewed the
2 number of service quality complaints received by the WUTC and concludes that
3 complaints have declined. (*Id.*,p. 10). Ms. Russell then reviewed national ARMIS data
4 for Frontier for installations, commitments met, initial trouble reports, and restoration
5 intervals. Ms. Russell concluded that service restoral intervals and installation intervals
6 had increased. (*Id.*, pp. 12-14). Finally, Ms. Russell compared the national ARMIS data
7 for Verizon (GTE) to the Frontier and Citizens' components of Frontier. Ms. Russell
8 noted Frontier appeared to have lower metrics in the areas of percentage of commitments
9 met, average installation intervals, initial trouble reports, out of service trouble reports
10 and out of service trouble reports (*Id.*, pp. 16-18), but that Frontier had better metrics for
11 restoration intervals. (*Id.*, pp. 18-19). Ms. Russell concludes that "Verizon Northwest
12 has mediocre service quality in recent years based on its service quality reporting," but
13 that "Frontier is by no means superior to Verizon on service quality measures... ." (*Id.*,
14 p. 20) Based on this examination of service quality metrics, she recommends various
15 conditions related to service quality which I will discuss later in my testimony.

16
17 **Q. DO YOU QUESTION THE BASES OF THE CONCLUSION REACHED BY MS.**
18 **RUSSELL?**

19 **A.** Yes. I have concerns that the data presented by Ms. Russell in her testimony do not
20 support the broad conclusions she reaches.

21

1 **Q. WHAT ARE THOSE CONCERNS?**

2 A. First, I am concerned about the comparability of the data she reviews. Frontier's average
3 installation interval reports include data for customer chosen appointments, even though
4 reporting companies have the option of excluding these appointments. Inclusion of these
5 customer chosen appointments tends to lengthen reported installation intervals.
6 Likewise, Frontier's initial and repeat out of service intervals include customer negotiated
7 appointments, and Saturdays, Sundays and holidays. Frontier also includes non-regulated
8 high-speed Internet outages which require access to a customer's premise. All of these
9 factors also tend to increase reported service intervals. Second, the Washington data
10 presented for Verizon WA shows that it is currently meeting most of Washington's
11 service quality standards, and that customer complaints are declining. Third, even
12 though the Frontier data are nationwide in scope, none of the data presented appear to
13 indicate a violation of any Washington service quality standards. Fourth, Frontier is not
14 currently under order by any state commission to remedy any service quality deficiencies.
15 In short, I do not believe the data presented by Ms. Russell for either Verizon WA or
16 Frontier indicates a need for a special service quality assurance plan as proposed by Ms.
17 Russell. I discuss her conclusions concerning Rochester Telephone data in more detail in
18 the next section.

19

20 **Q. PLEASE SUMMARIZE THE TESTIMONY OF BARBARA ALEXANDER**
21 **CONCERNING SERVICE QUALITY COMPARISONS.**

1 A. At pages 16 to 21 of her testimony, Ms. Alexander reviews service quality data for
2 Verizon WA and at pages 21 to 26 she reviews service metrics for Frontier. For
3 Verizon WA Ms. Alexander reviewed the same Washington state service quality reports
4 used by Ms. Russell. Ms. Alexander concludes that "... Verizon WA routinely installs
5 basic service in a timely manner and experiences a very low rate of Trouble Reports."
6 (Alexander Testimony, p. 17). She stated that Verizon WA missed a high level of its field
7 service appointments, but noted that there is no WUTC standard for missed
8 appointments.⁷ (*Id.*, p. 18). Finally, Ms. Alexander found that Verizon WA's business
9 office answer times had deteriorated. (*Id.*) Ms. Alexander then reviewed ARMIS data
10 for Verizon WA for installation intervals, installation commitments met, repair intervals,
11 complaints per million lines, and trouble reports per 100 lines. (*Id.*, pp. 19-20). She
12 concluded that Verizon WA's performance was worse than that of Qwest, the largest
13 carrier in Washington. (*Id.*).

14 Ms. Alexander then turned to Frontier, reviewing internal company service
15 quality reports for states and regions. Ms. Alexander stated that Frontier failed to meet
16 its internal targets for business office answer times and mean repair intervals during
17 2008. (*Id.*, pp. 22-24). She then compared ARMIS data for Frontier to service quality
18 metrics for Verizon WA reported to Washington, and concluded that repair intervals had
19 deteriorated in several Frontier states. (*Id.*, pp. 25-26). Ms. Alexander ultimately
20 concludes that Frontier's quality of service performance is "not up to par" in the areas of
21 call center performance, repair intervals, and appointments kept. (*Id.*, p. 26). Based on

⁷ Missed appointments are, however, covered by Verizon WA's Service Performance Guarantee plan, discussed below. Customers are provided specified bill credits if Verizon WA misses a commitment.

1 her analysis of the data presented, Ms. Alexander concludes that there is a risk that
2 customers could face deteriorating service as a result of the transaction. (*Id.*, pp. 26-29).
3

4 **Q. DO YOU AGREE WITH MS. ALEXANDER'S CONCLUSIONS?**

5 A. No. As with Ms. Russell, I have concerns about the comparability of the data that Ms.
6 Alexander relies on. As previously mentioned, Frontier reported data includes customer-
7 negotiated appointments and troubles involving high-speed Internet services. More
8 importantly, Ms. Alexander can point to no state proceeding which questions Frontier's
9 quality of service. The broad conclusions that she draws certainly do not necessarily
10 flow from the data she presents.
11

12 **Q. DO YOU HAVE ANY RESPONSE TO MS. ALEXANDER'S COMMENTS ON**
13 **CALL CENTER ANSWER TIME?**

14 A. Yes. Frontier did indeed have a problem with deteriorating call center performance
15 during 2008, and took actions to address the situation. Subsequent equipment, training
16 and process changes have resulted in dramatic improvements since early 2009. Frontier's
17 recent call center performance evidences its efforts to make improvements to provide
18 quality service to its customers.
19

20 **Q. PLEASE SUMMARIZE THE TESTIMONY OF CHARLES KING**
21 **CONCERNING QUALITY OF SERVICE ISSUES.**

1 A. At pages 16 to 19 of his testimony, Mr. King presents holding company data for Verizon
2 and Frontier that are very similar to those presented by Ms. Alexander and Ms. Russell.
3 After reviewing this data, Mr. King concludes: "... it is important for the Washington
4 Commission to monitor Frontier's service performance. To be a deterrent against service
5 degradation, the Commission should be prepared to impose sanctions if service
6 performance deteriorates."

7

8 **Q. DO YOU TAKE ISSUE WITH MR. KING'S MONITORING**
9 **RECOMMENDATIONS?**

10 A. No. While my experience with monitoring Frontier's service performance in West
11 Virginia and my review of Frontier's service performance following its other recent
12 acquisitions and operations system conversions suggest that the service quality in
13 Verizon's Washington operations is unlikely to decline following the transfer to Frontier,
14 Mr. King's recommendation sounds very similar to what the Washington Commission
15 already does to monitor service quality.

16

17 **V. RESPONSE TO TESTIMONY CONCERNING SERVICE QUALITY IN OTHER**
18 **STATES SERVED BY FRONTIER**

19

20 **Q. PLEASE SUMMARIZE THE TESTIMONY OF KRISTEN RUSSELL FOR**
21 **STAFF AND BARBARA ALEXANDER FOR PUBLIC COUNSEL**
22 **CONCERNING QUALITY OF SERVICE ISSUES IN FRONTIER'S**
23 **ROCHESTER, NEW YORK, SERVICE TERRITORY.**

1 A. At pages 14 and 15 of her testimony Ms. Russell states that initial trouble reports per 100
2 lines and out of service restoration intervals for Rochester have increased. At page 20
3 she states that the trends show deteriorating service after Frontier acquired Rochester. At
4 pages 33 and 34 of her testimony Ms. Alexander asserts that Frontier's integration of
5 recently acquired properties "created service quality problems and customer
6 disruptions... ." At pages 24 to 26 of her testimony Ms. Alexander also examines certain
7 service quality metrics associated with Rochester Telephone, and states "service quality
8 [at Rochester] has recently been publicly identified as deteriorating." Ms. Alexander also
9 raises the possibility that Rochester's integration into Frontier's billing and customer
10 support platform in 2008 contributed to this deterioration. (Alexander Direct, p. 25).

11

12 **Q. DO YOU AGREE WITH MS. RUSSELL AND MS. ALEXANDER'S**
13 **CONCLUSIONS?**

14 A. No. The data the two witnesses examine does not provide an adequate basis for the
15 conclusions they reach. Moreover, both witnesses have ignored contrary conclusions
16 reached by New York, the state with direct authority over the service quality provided by
17 Rochester Telephone.

18

19 **Q. PLEASE DISCUSS MS. ALEXANDER'S EXAMINATION OF ROCHESTER**
20 **TELEPHONE.**

21 A. Rochester serves approximately 500,000 access lines in New York. As detailed by Ms.
22 Alexander on page 25 of her testimony, Frontier acquired Rochester Telephone in 2001

1 and transitioned Rochester to its billing and support platform in September 2008. Ms.
2 Alexander examines certain service quality metrics she derives from ARMIS data and
3 from reports to the New York Public Service Commission (PSC) and states that
4 Rochester's services "has recently been publicly identified as deteriorating." (Alexander
5 Direct, p. 24). She concludes by speculating that the recent deterioration in service
6 quality that she discerns is linked to Rochester's integration into Frontier's billing and
7 support system, although she does not identify any evidence to that effect. (*Id.*, p. 26).

8
9 **Q. DID MS. RUSSELL REACH SIMILAR CONCLUSIONS?**

10 A. Yes. Ms. Russell also looked at ARMIS data and concluded that: "The company's
11 [Rochester's] service quality has deteriorated." (Russell Direct, p. 14).

12
13 **Q. WHAT ARMIS DATA DID MS. RUSSELL AND MS. ALEXANDER PRESENT
14 CONCERNING ROCHESTER?**

15 A. Mr. Russell and Ms. Alexander both noted that out of service repair intervals were
16 increasing. (Russell Direct, p. 14; Alexander Direct, p. 25). Ms. Russell also noted an
17 increase in trouble reports per 100 lines.

18
19 **Q. DID YOU INQUIRE INTO THE BASIS OF THE OUT OF SERVICE INTERVAL
20 DATA USED BY MS. RUSSELL AND MS. ALEXANDER?**

21 A. Yes. As discussed previously, out of service interval information includes customer
22 negotiated appointments, Saturdays, Sundays and holidays, and non-regulated high-speed

1 Internet outages. These factors tend to increase reported service intervals. The trouble
2 reports include not only telecommunications network troubles, but also high-speed
3 Internet trouble reports. As the number of broadband customers has grown, so has the
4 number of high-speed Internet trouble reports. All of these factors would tend to increase
5 the number of reported troubles.
6

7 **Q. WHAT NEW YORK PSC DATA DID MS. ALEXANDER PRESENT?**

8 A. Ms. Alexander quotes from a report of the New York Commission Staff concerning
9 Rochester's quality of service during the fourth quarter of 2008. (Alexander Direct, p.
10 25). She states that Rochester's answer time performance and timeliness of repairs
11 deteriorated.
12

13 **Q. DOES THE NEW YORK PSC REVIEW THE SAME DATA CITED BY MS.
14 RUSSELL AND MS. ALEXANDER?**

15 A. Yes. However, the New York PSC calls trouble reports per 100 access lines "Customer
16 Trouble Report Rates" or "CTRR."⁸
17

18 **Q. HAS THE NEW YORK PSC FOUND FRONTIER'S SERVICE QUALITY TO BE
19 SATISFACTORY THROUGHOUT THE PERIOD EXAMINED BY MS.
20 RUSSELL AND MS. ALEXANDER?**

⁸ CTRR are calculated on a monthly basis, while Ms. Russell has presented trouble report data on an annual basis. New York's CTRR standard for Rochester is no more than 3.3 CTRR per 100 access lines per month, which would equate to approximately 39.6 troubles per 100 access lines per year.

1 A. Yes. As a result of an incentive regulation agreement with the New York PSC in 2001,
2 Frontier has filed quarterly quality of service data with the New York PSC. If the service
3 quality metrics fall below certain benchmarks, then Frontier must pay customer rebates
4 and face other sanctions. Over the last three years, Frontier has received quarterly
5 commendations from the New York PSC for exceeding the required benchmarks. As an
6 example, I have attached the New York PSC's reports on Frontier's compliance for the
7 fourth quarters of 2006, 2007 and 2008 as Exhibits BJG-11, BJG-12 and BJG-13. These
8 reports conclude that Rochester has met all applicable standards.

9

10 **Q. MS. ALEXANDER QUOTES THE NEW YORK REPORT IN PRESENTING HER**
11 **TESTIMONY AND REACHING HER CONCLUSIONS CONCERNING**
12 **SERVICE QUALITY. DOES MS. ALEXANDER MAKE ANY REFERENCE TO**
13 **THE CONCLUSIONS OF THE NEW YORK PSC THAT FRONTIER'S SERVICE**
14 **QUALITY EXCEEDED ALL SERVICE STANDARDS?**

15 A. No. Ms. Alexander did not mention the New York Public Service Commission's
16 ultimate findings contained in the reports.

17

18 **Q. MS. ALEXANDER SPECULATES THAT SERVICE QUALITY HAS**
19 **DETERIORATED IN ROCHESTER'S SERVICE TERRITORY AND THAT**
20 **SERVICE QUALITY PROBLEMS HAVE BEEN ASSOCIATED WITH THE**
21 **CONVERSION TO FRONTIER'S BILLING AND SUPPORT PLATFORM. DO**
22 **YOU AGREE?**

1 A. No. Ms. Alexander's assertions that service quality has declined in the Rochester service
2 territory are belied by the reports of the state regulators with jurisdiction over Frontier
3 which find that service quality is good. Moreover, none of the data presented by Ms.
4 Alexander show any connection between the conversion of the acquired companies to
5 Frontier's support platform and service quality problems.
6

7 **Q. AT PAGES 14 AND 20 OF HER TESTIMONY MS. RUSSELL ALSO SUGGESTS**
8 **THAT THE SERVICE QUALITY OF ROCHESTER DETERIORATED AFTER**
9 **THE COMPANY WAS ACQUIRED BY FRONTIER. DO YOU AGREE?**

10 A. No. As pointed out above, the data presented by Ms. Russell and Ms. Alexander do not
11 show that service quality has deteriorated in the Rochester Telephone territory. Nor do
12 the data show any nexus between the transition to Frontier's billing and support system
13 and any alleged deterioration in service quality. In fact, actions of the regulatory
14 commission with jurisdiction over Rochester shows that it is satisfied with Frontier's
15 performance since the acquisition and with the transition of Rochester to the new billing
16 and support platform.
17

18 **Q. HAS FRONTIER MADE ANY OTHER MAJOR ACQUISITIONS THAT WERE**
19 **NOT REVIEWED BY MS. RUSSELL AND MS. ALEXANDER?**

20 A. Yes. In March 2007, Frontier acquired Commonwealth Telephone in Pennsylvania
21 which serves approximately 316,000 access lines as an incumbent LEC. Commonwealth
22 was successfully converted to Frontier's billing and support platform in October 2007.

1 Frontier also acquired Global Valley Telephone in California in November 2007. Neither
2 of these recent acquisitions was reviewed by Ms. Russell or Ms. Alexander.

3
4 **Q. FRONTIER HAS PREVIOUSLY SUBMITTED TESTIMONY IN THIS**
5 **PROCEEDING CONCERNING ITS ACQUISITION AND SUCCESSFUL**
6 **CONVERSION OF COMMONWEALTH. HAVE YOU MADE ANY INQUIRY**
7 **INTO COMMONWEALTH'S SERVICE QUALITY SINCE ITS ACQUISITION?**

8 A. Yes. Since Commonwealth is not a price cap company, it is not required to file ARMIS
9 data. However, as part of the Order approving the acquisition of Commonwealth,
10 Frontier was required to file Service Quality Reports with the Pennsylvania Public
11 Utilities Commission (PaPUC). I have reviewed the PaPUC reports for 2007 and 2008
12 and to date for 2009. I have also reviewed Commonwealth's customer complaints from
13 2007 through September 2009. During this time period, both total complaints and
14 network-related complaints have declined. I also contacted the Pennsylvania Office of
15 Consumer Advocate and asked if there had been any problems related the acquisition of
16 Commonwealth by Frontier and the conversion to Frontier's billing and support platform.
17 I was informed that they were not aware of any problems and had received few, if any,
18 complaints concerning Commonwealth.

19
20 **Q. PLEASE DISCUSS THE RECENT ACQUISITION BY FRONTIER INVOLVING**
21 **GLOBAL VALLEY IN CALIFORNIA.**

1 A. Global Valley is a small telephone company in California serving only 13,000 access
2 lines, which was acquired by Frontier in November 2007. Global Valley was converted
3 to Frontier's billing and support platform in February 2008. For 2008, there were no
4 service quality complaints filed against Global Valley, and to my knowledge the
5 California PUC has raised no service quality issues involving Global Valley since the
6 Frontier acquisition. After having experience with Frontier's operation of Global Valley,
7 as well as with Frontier's other California properties, the California PUC unanimously
8 approved the current transaction on October 29, 2009.

9

10 **Q. HAVE COMMISSION STAFF IN NEIGHBORING STATES LOOKED AT**
11 **FRONTIER'S RECORD OF SERVICE QUALITY?**

12 A. Yes. In the on-going Oregon proceeding on the Frontier/Verizon transaction,⁹ Staff
13 witness Wolodymyr Birko concluded: "[Frontier] is capable of providing adequate
14 service as a large telecommunications utility."¹⁰ Mr. Birko based his conclusions on the
15 fact that Frontier already serves a number of large markets, which he stated "...assuaged
16 my concern that Frontier is too small to take over the Verizon customer base, especially
17 in the economically sensitive areas surrounding the Portland/Beaverton metro area." (*Id.*)
18 Mr. Birko also based his conclusions on discussions with regulatory commissions in
19 states where Frontier already has a presence, such as New York and Minnesota.

⁹ *In the Matter of Verizon Communications Inc., Frontier Communications Corporation*, Oregon PUC Docket No. UM-1431.

¹⁰ Oregon PUC Docket No. UM-1431, Direct Testimony of Wolodymyr Birko, p. 4.

1 According to Mr. Birko, these regulatory commissions “made favorable comments
2 regarding Frontier’s service.” (*Id.*)

3
4 **Q. BASED ON FRONTIER’S PAST TRACK RECORD OF INTEGRATING
5 ACQUISITIONS, DO YOU ANTICIPATE ANY SERVICE QUALITY
6 PROBLEMS AS A RESULT OF THE FRONTIER/VERIZON TRANSACTION?**

7 A. While all integrations present challenges and require careful planning, Frontier’s
8 experience in integrating diverse properties and transitioning those properties to
9 Frontier’s billing and support platform gives me confidence that the same results will be
10 achieved with the Frontier/Verizon transaction. Moreover, Frontier will be able to
11 transition the Washington service area to the Frontier billing and support system at
12 Frontier’s discretion over the next few years following closing. While Ms. Alexander
13 sees this as a risk (Alexander Testimony, p. 28), in my opinion this extra time to prepare
14 and execute the platform transition is a positive benefit which should help ensure a
15 smooth change-over.

16
17 **VI. RESPONSE TO QUALITY ASSURANCE PLAN PROPOSALS**

18 **Q. FOLLOWING THEIR REVIEW OF THE SERVICE QUALITY METRICS
19 DISCUSSED ABOVE, BOTH MS. RUSSELL AND MS. ALEXANDER
20 RECOMMEND SERVICE QUALITY ASSURANCE PLANS FOR FRONTIER.
21 PLEASE DESCRIBE MS. RUSSELL’S RECOMMENDATIONS.**

1 A. On page 9 of her testimony, Ms. Russell notes that Verizon WA currently has a Service
2 Performance Guarantee (SPG) in its tariff. Under the SPG Verizon provides customers
3 bill adjustments for outages longer than 24 hours and provides credits to customers for
4 missed repair and installation commitments. On page 10, Ms. Russell notes that Frontier
5 has already agreed to maintain Verizon WA's SPG program as it currently exists.
6 Nevertheless, Ms. Russell recommends the following changes to the SPG program:

- 7 1. Doubling the residential customer bill credit for missed repair and installation
8 commitments from \$25 to \$50;
- 9 2. Providing delayed basic service alternatives;
- 10 3. Providing a flat \$5 bill credit for each out of service condition; and
- 11 4. Providing a \$0.25 bill credit for each customer in an exchange that reports
12 more than 4 troubles in a month. (Russell Testimony, p. 24).

13 Ms. Russell also recommends that Frontier report on the payouts under the SPG monthly
14 when it submits its service quality reports. In addition to modifying the SPG
15 requirements, Ms. Russell recommends establishment of a series of service quality
16 benchmarks similar to that established for Qwest Communications in 2001 in WUTC
17 Docket No. UT-991358.¹¹ Under the benchmark system, attainment of the benchmarks
18 would be determined monthly, and customer credits paid out annually for failure to meet
19 the benchmarks. The total revenue at risk under Ms. Russell's proposal for Frontier
20 would amount to 2% of annual revenues, or approximately \$5.1 million. (*Id.*, pp. 25-27).

¹¹ Ms. Russell recommended benchmarks for (1) out of service intervals, (2) other trouble report intervals, (3) initial trouble reports per 100 lines, (4) out of service trouble reports per 100 lines, (5) answer time performance for repair calls and (6) answer time performance for customer service.

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Q. WHAT IS FRONTIER’S REACTION TO MS. RUSSELL’S RECOMMENDATION?

A. As previously stated, Frontier will be required to make monthly service quality reports to the Staff, and Frontier has already committed to continue Verizon WA’s existing SPG which provides customer credits for certain service quality related occurrences. In addition, Frontier has no objections to reporting the monthly pay-outs under the SPG as part of its monthly service quality reporting. However, Frontier does not agree with the modifications to the SPG credit structure suggested by Ms. Russell and does not agree that a benchmark-based system of customer credits is necessary.

Q. WHY DOES FRONTIER OPPOSE MODIFICATION OF THE SPG CREDIT STRUCTURE AND THE ESTABLISHMENT OF A BENCHMARK-BASED SYSTEM OF CUSTOMER CREDITS?

A. Primarily because there is no evidence that there are problems with Verizon WA’s performance under the SPG or that the current SPG is not effective in incenting good service. Nor is there evidence that any of Frontier’s other acquisitions have resulted in service quality problems in other states. The benchmark-based system of customer credits established by this Commission for Qwest in Docket No. UT-991358 resulted from concerns that the Commission had about service quality performance in the territory to be acquired, and was the result of a voluntary merger commitment made by Qwest in Washington. Imposing the same stringent requirements on Frontier simply for taking

1 over control of Verizon WA will needlessly divert finite energy and resources away from
2 providing service and into modifying and monitoring the tracking and reporting system to
3 meet the requirements of the benchmarks.

4
5 **Q. DOES FRONTIER OPPOSE CLOSE SCRUTINY OF ITS SERVICE QUALITY?**

6 A. Not at all. Frontier expects such scrutiny. Frontier will work with Staff to ensure that
7 Frontier is reporting service quality metrics in the manner desired by Staff, and will
8 report on service quality and payouts under the SPG on a monthly basis. If any service
9 quality problems arise, Frontier will expeditiously work with Staff to resolve them.
10 Based on Frontier's service quality history, there is no reason to believe that this type of
11 dialog and engagement would not rectify any problem that might arise. However, if these
12 monitoring activities are not sufficient to ensure the continued provision of high quality
13 service in Washington, then at that time it may be appropriate to consider a system such
14 as the one proposed by Ms. Russell. However, at this time, it is premature.

15
16 **Q. PLEASE DESCRIBE MS. ALEXANDER'S SQI PLAN.**

17 A. Ms. Alexander states that her Service Quality Index (SQI) plan is intended "for the
18 maintenance of the minimum level of service quality protection for customers who
19 receive basic local exchange service from Verizon WA." (Alexander Testimony, p. 4).
20 In reality, Ms. Alexander's SQI plan imposes a bevy of new, more stringent service
21 standards than required under Verizon's current SPG, under the benchmark-based plan
22 proposed by Ms. Russell, or under current WUTC rules. For example, on page 31 of her

1 testimony, Ms. Alexander states that “current WUTC standards are not adequate.” She
2 then goes on to establish new standards for installation and repair appointments (*Id.*, pp.
3 36-37), mean residential out of service interval (*Id.*, p. 38), and complaint ratio (*Id.*). She
4 also proposes to make the standard for network trouble report rates applicable to Frontier
5 more than four times as stringent as WUTC’s existing standard (*Id.*, p. 38). Moreover,
6 her SQI plan would almost double the amount of revenue at risk under Ms. Russell’s
7 proposal - \$9.5 million at risk vs. \$5.1 million. (*Id.*, p. 41).

8
9 **Q. AT PAGE 7 OF HER TESTIMONY, MS. ALEXANDER STATES THAT**
10 **FRONTIER HAS MADE “VAGUE AND UNSUPPORTED PROMISES TO**
11 **ASSURE SERVICE QUALITY” AND THAT THE COMMISSION SHOULD**
12 **ESTABLISH “CONCRETE AND ENFORCEABLE SERVICE QUALITY**
13 **MEASUREMENTS” AND “DELINEATE SPECIFIC CONSEQUENCES” FOR**
14 **FAILURE TO COMPLY. WHAT IS YOUR REACTION?**

15 A. I don’t understand how Frontier’s assurances are “vague and unsupported.” The existing
16 WUTC service quality standards which apply to Verizon WA, will continue to apply to
17 Frontier WA. In addition, Frontier has already committed to being bound by the terms of
18 Verizon WA’s SPG and to monthly reporting of service quality metrics and SPG payouts.
19 Contrary to Ms. Alexander’s statement, the SPG contains “concrete and enforceable
20 service quality measurements” and delineates “specific consequences” for failure to
21 comply. As recommended by DOD witness King, Frontier will be subject to monitoring
22 of service quality by WUTC and to the imposition of sanctions by WUTC for service

1 quality deterioration. The harsh additional requirements suggested by Ms. Alexander are
2 unwarranted and should be rejected by the Commission.
3

4 **VII. RESPONSE TO TESTIMONY CONCERNING BROADBAND**

5 **Q. AT PAGES 67-69 OF HIS TESTIMONY PUBLIC COUNSEL WITNESS DR.**
6 **ROYCROFT REVIEWS VERIZON FIBER-TO-THE-HOME (FTTH)**
7 **DEPLOYMENT IN WASHINGTON, AND STATES THAT FRONTIER DOES**
8 **NOT OFFER ADVANCED BROADBAND? DO YOU AGREE?**

9 A. No. While copper-based DSL obviously does not achieve the speeds of FTTH service,
10 Frontier currently provides a range of broadband products with a standard residential
11 broadband service of 3 Mbps. As mentioned by Dr. Roycroft, Frontier makes faster
12 speeds available in some areas, such as Rochester and my home state of West Virginia.
13 On the other end of the spectrum, Frontier also offers High Speed Internet (HSI) "Lite"
14 which provides download speeds of 768 kbps. HSI "Lite" is simply an option available
15 to customers which is cheaper than higher tier services. Although HSI "Lite" is slower
16 than Frontier's standard 3 Mbps service, it is substantially faster than dial-up service and
17 represents a significant improvement for customers currently without broadband service.
18

19 **Q. DOES HSI "LITE" QUALIFY AS BROADBAND SERVICE?**

20 A. Yes. 768 kbps service meets NTIA's definition of broadband.
21

1 **Q. AT PAGE 69 OF HIS TESTIMONY PUBLIC COUNSEL WITNESS DR.**
2 **ROYCROFT SUGGESTS THAT FRONTIER’S BROADBAND SERVICES ARE**
3 **“COMPARABLY SLOW.” DOES THIS RAISE A CONCERN?**

4 A. Frontier’s existing service territory contains more low density areas than the Verizon
5 properties that are part of this transaction. The distances to reach customers is often
6 much greater in rural areas, making it more difficult to provide higher speed broadband
7 service on a reliable and consistent basis. Nevertheless, Frontier has a history of
8 deploying facilities so that consumers in all parts of its service territory, including rural
9 areas, can have access to broadband services. In my opinion, access to any type of
10 broadband service from the local incumbent telephone provider is better than no
11 broadband service at all. Moreover, available speeds are not static. At the same time that
12 broadband is being deployed into currently unserved areas, available speeds are
13 increasing as network infrastructure is upgraded.

14
15 **Q. AT PAGE 69 OF HIS TESTIMONY DR. ROYCROFT POINTS OUT THAT**
16 **EVEN THOUGH FRONTIER MAKES BROADBAND AVAILABLE TO OVER**
17 **90% OF ITS CUSTOMERS NATIONWIDE, THERE ARE FIVE FRONTIER**
18 **STATES WHERE IT HAS NOT YET ACHIEVED 90% AVAILABILITY. HE**
19 **CONCLUDES THAT THE FACT THAT FRONTIER SERVES A STATE DOES**
20 **NOT GUARANTEE THAT CONSUMERS WILL SEE 90% BROADBAND**
21 **AVAILABILITY. DO YOU AGREE?**

1 A. No. Averages by their very nature mean that some states will be above 90% broadband
2 availability and some below. Frontier currently serves 24 states. Fifteen of those states
3 have broadband availability of 90% or more. Four more have availability between 80%
4 and 90%. Five additional states cited by Dr. Roycroft have availability below 80%.
5 However, there are only approximately 18,000 Frontier households in those five states
6 that do not have broadband available.¹² In comparison, Frontier makes broadband
7 available to 90% of the households in its largest current state, New York. However, there
8 are 61,000 households in Frontier's service territory in New York that do not yet have
9 broadband available. In short, percentages do not tell the whole story. Broadband
10 deployment is a continuing enterprise and availability is not static. Frontier strives to
11 make broadband available to all its customers throughout all of the states it serves.

12
13 **Q. AT PAGE 83 OF HIS TESTIMONY DR. ROYCROFT TAKES A DIFFERENT**
14 **TACK AND STATES THAT HE IS CONCERNED THAT BECAUSE**
15 **WASHINGTON HAS A HIGHER LEVEL OF BROADBAND DEPLOYMENT**
16 **AMONG SPINCO STATES, "WASHINGTON WILL TAKE A BACK SEAT**
17 **WHEN IT COMES TO BROADBAND DEPLOYMENT." DO YOU AGREE?**

18 A. No. As Dr. Roycroft points out in his testimony, even though Washington ranks high
19 among Spinco states in broadband availability, it is still far below Frontier's level of
20 deployment. In fact, there are approximately 160,000 households in Verizon's
21 Washington service territory that still do not have broadband available from Verizon

¹² These five states contain only 10.75% of the total number of households in all of Frontier's service territories that do not yet have broadband available.

1 WA, only slightly less than the total number of households currently without broadband
2 within Frontier's entire current service footprint. The opportunity to bring broadband to
3 the large unserved population in states like Washington is one of the primary factors that
4 drives this transaction for Frontier.

5
6 **Q. WHY HAS FRONTIER BEEN ABLE TO ACHIEVE HIGHER BROADBAND**
7 **AVAILABILITY RATES THAN VERIZON?**

8 A. I have personally asked this question of Frontier many times over the years, both before
9 and after I retired as Director of the Consumer Advocate Division. Based on my
10 experience with Frontier in West Virginia, it appears that there are several factors leading
11 to high availability. First, the focus of Frontier is on serving suburban and rural markets.
12 In other words, serving customers in these areas is Frontier's primary business. Second,
13 expanding broadband access throughout its service territory is an explicit Frontier policy.
14 Third, Frontier views lower concentrations of customers as economic to serve. For
15 example, Frontier will upgrade to broadband a remote terminal serving as few as 35
16 customers. Fourth, Frontier uses AdrenaLine™ xDSL conditioner technology which
17 expands the effective reach of DSL broadband on a copper wire pair from 18,000 feet to
18 24,000 - 35,000 feet depending on the gauge of the wire and other factors. This
19 technology improves the economics of serving low density areas and makes it possible to
20 reach customers that otherwise would have no land-based broadband options.

21

1 **Q. AT PAGE 71 OF HIS TESTIMONY DR. ROYCROFT STATES: “THE LACK OF**
2 **SPECIFIC COMMITMENTS, OR DETAILS REGARDING FRONTIER’S PLANS**
3 **FOR BROADBAND DEPLOYMENT IN WASHINGTON LEAVES THE**
4 **COMMISSION WITH NO BASIS FOR DETERMINING WHETHER**
5 **BROADBAND BENEFITS CAN BE COUNTED IN THE EVALUATION OF**
6 **BENEFITS AND COSTS ASSOCIATED WITH THIS MERGER.” DO YOU**
7 **AGREE?**

8 A. No. This statement is hard for me to understand since the undisputed facts are that
9 Frontier has already deployed broadband to over 90% of its customers nationwide, while
10 Verizon has made broadband available to only slightly more than 60% of its customers in
11 the Spinco territories. Frontier has demonstrated that it can and will deploy broadband
12 aggressively and successfully even in extremely rural areas, such as West Virginia. The
13 acceleration in the deployment of broadband will be one of the primary benefits flowing
14 from approval of this transaction.

15
16 **Q. AT PAGE 87 OF HIS TESTIMONY DR. ROYCROFT ENDORSES THE**
17 **TESTIMONY OF MS. ALEXANDER AND STATES: “IT IS MORE**
18 **REASONABLE TO CONCLUDE THAT FRONTIER’S SERVICE QUALITY**
19 **RECORD INTRODUCES A RISK FOR WASHINGTON RATEPAYERS, AS**
20 **OPPOSED TO THE BENEFIT THAT FRONTIER ALLEGES.” DO YOU**
21 **AGREE?**

1 A. No. Based on my review of service quality data and my experience with both companies,
2 I believe Frontier will be able to deliver high quality service to Washington
3 telecommunications customers, including those in rural areas. Moreover, Frontier's
4 business model should enable broadband to be deployed to unserved and underserved
5 areas of Washington faster than is the case under the status quo. The deployment of
6 broadband will enhance the network and will definitely provide a service quality benefit
7 to Washington ratepayers.

8

9 **VIII. CONCLUSION**

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

11 A. Yes, it does.

12

13

1 **APPENDIX A**

2 **BACKGROUND AND QUALIFICATIONS OF**

3 **BILLY JACK GREGG**
4

5 Q. WHAT IS YOUR EDUCATION BACKGROUND?

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

11
12 Q. WHAT IS YOUR JOB EXPERIENCE?

13 A. From 1974 to 1977 I was employed as an assistant attorney general assigned to the West
14 Virginia Human Rights Commission. From 1977 to 1978 I was in private practice in
15 Hurricane, West Virginia. From 1978 to 1981 I was senior staff attorney for the U.S.
16 Department of Interior Field Solicitor's Office in Charleston, West Virginia, assigned the
17 primary duty of enforcing the Surface Mining Control and Reclamation Act of 1977. In
18 such capacity I became familiar with the coal mining practices and regulations in the
19 states of West Virginia, Virginia, Maryland and Pennsylvania, as well as acquiring
20 working knowledge of national and international coal markets. In 1981 I was appointed
21 first director of the Consumer Advocate Division, charged with the responsibility of
22 representing residential utility ratepayers in West Virginia. In this capacity I became
23 familiar with virtually every aspect of electric, gas, telephone and water service in the
24 State, as well as with Federal actions which affect State regulation of utility service. In
25 2007 I retired from the Consumer Advocate Division and became an independent

1 consultant and principal in the firm Billy Jack Gregg Universal Consulting. I offer
2 consulting services in the areas of energy and telecommunications, with emphasis in the
3 areas of universal service, intercarrier compensation and broadband.
4

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

6 A. Yes. I served as the Treasurer of the National Association of State Utility Consumer
7 Advocates from 1996 to 2000, and served on the Executive Committee of that
8 organization from 1992 to 2000. In 1998 I was appointed to the Rural Task Force of the
9 Federal-State Joint Board on Universal Service, and served on that body until its work
10 was completed in 2001. I served on the Board of Directors of the Universal Service
11 Administrative Company in 2001 and 2002. From March 2002 until my retirement in
12 2007 I served as a member of the Federal-State Joint Board on Universal Service. Since
13 2000 I have served on the Board of Directors of the National Regulatory Research
14 Institute (NRRI).
15

16 Q. HAVE YOU EVER TESTIFIED BEFORE LEGISLATIVE BODIES?

17 A. Yes. I have testified numerous times over the years before the West Virginia Legislature,
18 and before committees of both houses of Congress. In addition, I have testified before
19 committees of the legislatures of Virginia, Pennsylvania and Tennessee.
20

21 Q. HAVE YOU EVER TESTIFIED BEFORE UTILITY REGULATORY AGENCIES?

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

23 **Public Service Commission of West Virginia**

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

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

1 Wheeling Electric Company, Case No. 84-191-E-42T; (Rate Case Settlement)
2 C&P Telephone Company of W. Va., Case No. 84-755-T-T; (Party-line Elimination)
3 Monongahela Power Co., Case No. 87-072-E-GI et al. (Fuel Review);
4 Hope Gas, Inc., Case No. 87-434-G-30C (Purchased Gas Adjustment);
5 MCI Telecommunications Co., Case No. 83-259-T-SC *et al.* (Flexible Regulation Plan);
6 Monongahela Power Co., Case No. 88-082-E-GI, *et al.* (Fuel Review);
7 C&P Telephone Co. of W.Va., Case No. 88-589-T-A (Winfield Plan);
8 C&P Telephone Co. of W.Va., Case No. 89-041-T-PC (Exemption Petition);
9 U.S. Sprint Communications Company LP, Case No. 89-596-T-P *et al.* (Annual Reports);
10 In the Matter of Certification of Competitive Telecommunications Services,
11 Case No. 90-477-T-GI;
12 C&P Telephone Co. of W. Va., Case No. 90-424-T-PC; (Cost Allocation Manual)
13 C&P Telephone Co. of W.Va., Case No. 90-613-T-PC, (Incentive Regulation Plan);
14 West Virginia Cellular Telephone Co., Case No. 90-659-C-PC (Deregulation Petition);
15 Monongahela Power Co., Case No. 91-213-E-GI *et al.* (Fuel Review);
16 GTE South, Inc. and Contel of West Virginia, Case No. 93-0425-T-PC (Incentive Plan);
17 C&P Telephone Company of W.Va., Case No. 93-0957-T-GI (Seven Digit Dialing Plan);
18 Bell Atlantic-West Virginia, Inc., Case No. 94-0725-T-PC (Incentive Regulation Plan);
19 General Investigation into IntraLATA Competition in West Virginia,
20 Case No. 94-1103-T-GI;
21 West Virginia-American Water, Case No. 95-1202-W-CN (Plant Certificate
22 Application);
23 Monongahela Power Company, Case No. 97-0183-E-GI *et al.* (Fuel Review);
24 Bell Atlantic-West Virginia, Inc., Case No. 97-1461-T-PC (Incentive Regulation Plan);
25 Monongahela Power Company, Case No. 98-0101-E-GI *et al.* (Fuel Review);

1 West Virginia Power Gas Company, Case No. 98-0448-G-PC (Safety Related
2 Surcharge);
3 Bell Atlantic-West Virginia, Inc. Case No. 98-1091-T-T (National Directory Assistance);
4 General Investigation, Case No. 98-1531-T-GI (Cross-LATA Local Calling);
5 Monongahela Power Company, Case No. 99-0261-E-GI *et al.* (Fuel Review);
6 Citizens Telecommunications, Case No. 99-1530-T-PC, (Incentive Regulation Plan);
7 Bell Atlantic-West Virginia, Case No. 99-1620-T-GI, (Disposition of Additional
8 Universal Service Funds);
9 Bell Atlantic-West Virginia, Case No. 99-1633-T-PC, (Cross-LATA Local Calling);
10 Verizon-West Virginia, Inc., Case No. 00-0705-T-PC, (Incentive Regulation Plan);
11 Easterbrooke Cellular Corp., Case No. 03-0935-T-PC (Eligible Telecommunications
12 Carrier);
13 Verizon-West Virginia, Inc., Case No. 04-0292-T-PC (Petition to Cease Regulation);
14 MCI Communications Services, Inc., Case No. 05-1233-T-GI (Billing Line Items);
15 Verizon-West Virginia, Inc., Case No. 06-0481-T-PC (Petition to Cease Regulation);
16 General Investigation, Case No. 06-0708-E-GI (Electric Net Metering and
17 Interconnection Standards);
18 Appalachian Power Company and Wheeling Power Company, 08-0278-E-GI (ENEC);
19 Monongahela Power Company and The Potomac Edison Company, 08-1511-E-GI
20 (ENEC);
21 Appalachian Power Company and Wheeling Power Company, 09-0177-E-GI (ENEC);
22 Frontier Communications Corporation, New Communications Holding Company, Inc.,
23 and Verizon Communications, Inc., *et al.*, 09-0871-T-PC (Transfer of Control).
24 Monongahela Power Company and The Potomac Edison Company, 09-1485-E-GI
25 (ENEC)

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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).

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).

Ohio Public Utilities Commission

Frontier Communications Corporation, New Communications Holding Company, Inc., and Verizon Communications, Inc., et al, Docket No. 09-454-TP-ACO (Transfer of Control).

Illinois Commerce Commission

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

1 09-0268 (Transfer of Control).

2

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

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

8

9 Q. DO YOU HAVE ANY PUBLICATIONS?

10 A. Yes. From April 2001 to March 2006 I published semi-annually through the National
11 Regulatory Research Institute *A Survey of Unbundled Network Element Prices in the*
12 *United States.*¹³ In 1996 I co-authored *The Telecommunications Act of 1996: A Guide for*
13 *Educators*, through Appalachia Education Laboratory, Inc.

14

15 Q. HAVE YOU RECEIVED ANY AWARDS?

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

18

¹³ The UNE Surveys are available on-line through the University of Florida's Public Utility Research Center at <http://www.cba.ufl.edu/purc/research/UNEdata.asp>