

Exhibit No.:

Issue(s): FCC issues; number portability

Witness: Harold W. Furchtgott-Roth

Type of Exhibit: Rebuttal Testimony

Sponsoring Party: CenturyTel of Missouri,
LLC and Spectra Communications Group,
LLC d/b/a CenturyTel

Case No.: TC-2007-0341

REBUTTAL TESTIMONY

OF

HAROLD W. FURCHTGOTT-ROTH

ON BEHALF OF

**CENTURYTEL OF MISSOURI, LLC AND SPECTRA
COMMUNICATIONS GROUP, LLC d/b/a CENTURYTEL**

CASE NO. TC-2007-0341

CenturyTel Exhibit No. 6
Case No(s) TC-2007-0341
Date 7-11-07 Rptr mr



BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Socket Telecom, LLC,

Complainant,

v.

CenturyTel of Missouri, LLC dba
CenturyTel and Spectra Communications
Group, LLC dba CenturyTel,

Respondents.

Case No. TC-2007-0341

AFFIDAVIT OF HAROLD W. FURCHTGOTT-ROTH

I, Harold W. Furchtgott-Roth, of lawful age and being duly sworn, state as follows:

1. My name is Harold W. Furchtgott-Roth. I am presently president of Furchtgott-Roth Economic Enterprises.
2. Attached hereto and made apart hereof for all purposes is my rebuttal testimony in the above-referenced case.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge, information, and belief.

Harold W. Furchtgott-Roth
Harold W. Furchtgott-Roth

Subscribed and sworn to before me this 22nd day of May, 2007.

Sandra Dallas Jeter
Notary Public

My Commission expires: 10/31/09
(SEAL)

Sandra Dallas Jeter
Notary Public District of Columbia
My Commission Expires 10/31/09

TABLE OF CONTENTS

| | |
|---|----|
| I.INTRODUCTION | 4 |
| II. SUMMARY | 6 |
| III.ISSUES OF FEDERAL TELECOMMUNICATIONS REGULATION | |
| PRESENTED BY ELIZABETH KISTNER..... | 7 |
| IV.ISSUES OF FEDERAL TELECOMMUNICATIONS REGULATION | |
| PRESENTED BY R. MATTHEW KOHLY | 16 |
| V.CONCLUSION | 18 |

1 **REBUTTAL TESTIMONY OF**
2 **HAROLD W. FURCHTGOTT-ROTH**

3 **ON BEHALF OF CENTURYTEL OF MISSOURI, LLC AND SPECTRA**
4 **COMMUNICATIONS GROUP, LLC d/b/a CENTURYTEL**

5 **I. INTRODUCTION**
6

7 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

8 A. My name is Harold W. Furchtgott-Roth. My business address is 1200 New
9 Hampshire Avenue, N.W., Suite 800, Washington, DC 20036. My resume is
10 attached as Schedule 1.

11 **Q. HOW ARE YOU PRINCIPALLY EMPLOYED?**

12 A. I am founder and president of Furchtgott-Roth Economic Enterprises, an
13 economic consulting firm.

14 **Q. DO YOU HAVE OTHER PROFESSIONAL RESPONSIBILITIES?**

15 A. I also am a Senior Fellow at the Hudson Institute, and I write a weekly column for
16 the *New York Sun*. I serve on the board of MRV Communications and chair the
17 board of Oneida Communications. I chair the board of the Telecommunications
18 Policy Research Conference. I serve on various other advisory boards.

19 **Q. ARE YOU FAMILIAR WITH FEDERAL TELECOMMUNICATIONS**
20 **STATUTES AND REGULATION?**

21 A. Yes. I was chief economist of the House Commerce Committee from 1995 -
22 1997, and I was one of the principal staff members working on the
23 Telecommunications Act of 1996. From 1997-2001, I was a commissioner of the

1 Federal Communications Commission. I authored a book on telecommunications
2 regulation under the 1996 Act entitled *A Tough Act to Follow*.

3 **Q. HAVE YOU TESTIFIED BEFORE STATE REGULATORY AGENCIES**
4 **ON TELECOMMUNICATIONS ISSUES?**

5 A. Yes. I have testified in writing or in person on telecommunications issues before
6 the state regulatory bodies in Alaska, Connecticut, and Puerto Rico.

7 **Q. HAVE YOU WORKED JOINTLY WITH STATE COMMISSIONERS?**

8 A. Yes. As an FCC commissioner, I served on the Joint Board on Universal Service
9 with several state commissioners. I met in Washington and around the country
10 with state regulatory commissioners. Since leaving the FCC, I continue to see and
11 work with state regulators at the biannual KMB Video Conference on
12 Telecommunications which hosts many state regulators.

13 **Q. PLEASE DESCRIBE YOUR BACKGROUND AND WORK-RELATED**
14 **EXPERIENCE.**

15 A. I grew up in Tennessee and South Carolina, and I attended classes at the
16 University of South Carolina. I received my undergraduate degree in economics
17 from the Massachusetts Institute of Technology, and I earned a Ph.D. in
18 economics from Stanford University. Subsequently, I was a research analyst at the
19 Center for Naval Analyses, a think tank for the Department of Navy where I
20 primarily worked on projects for the Marine Corps. I then went to an economic
21 consulting firm, Economists Incorporated, where I served as a senior economist. I
22 then entered government as mentioned above as chief economist for the House
23 Commerce Committee in 1995. I was a commissioner of the FCC from 1997-
24 2001. I left the FCC in 2001 to join the American Enterprise Institute as a Visiting

Exhibit No.:

Issue(s): FCC issues; number portability

Witness: Harold W. Furchtgott-Roth

Type of Exhibit: Rebuttal Testimony

Sponsoring Party: CenturyTel of Missouri,
LLC and Spectra Communications Group,
LLC d/b/a CenturyTel

Case No.: TC-2007-0341

REBUTTAL TESTIMONY

OF

HAROLD W. FURCHTGOTT-ROTH

ON BEHALF OF

**CENTURYTEL OF MISSOURI, LLC AND SPECTRA
COMMUNICATIONS GROUP, LLC d/b/a CENTURYTEL**

CASE NO. TC-2007-0341

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Socket Telecom, LLC,

Complainant,

v.

CenturyTel of Missouri, LLC dba
CenturyTel and Spectra Communications
Group, LLC dba CenturyTel,

Respondents.

Case No. TC-2007-0341

AFFIDAVIT OF HAROLD W. FURCHTGOTT-ROTH

I, Harold W. Furchtgott-Roth, of lawful age and being duly sworn, state as follows:

1. My name is Harold W. Furchtgott-Roth. I am presently president of Furchtgott-Roth Economic Enterprises.
2. Attached hereto and made apart hereof for all purposes is my rebuttal testimony in the above-referenced case.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge, information, and belief.

Harold W. Furchtgott-Roth
Harold W. Furchtgott-Roth

Subscribed and sworn to before me this 22nd day of May, 2007.

Sandra Dallas Jeter
Notary Public

My Commission expires: 10/31/09
(SEAL)

Sandra Dallas Jeter
Notary Public District of Columbia
My Commission Expires 10/31/09

TABLE OF CONTENTS

| | |
|--|----|
| I.INTRODUCTION | 4 |
| II. SUMMARY | 6 |
| III.ISSUES OF FEDERAL TELECOMMUNICATIONS REGULATION PRESENTED BY ELIZABETH KISTNER..... | 7 |
| IV.ISSUES OF FEDERAL TELECOMMUNICATIONS REGULATION PRESENTED BY R. MATTHEW KOHLY | 16 |
| V.CONCLUSION | 18 |

1 **REBUTTAL TESTIMONY OF**
2 **HAROLD W. FURCHTGOTT-ROTH**

3 **ON BEHALF OF CENTURYTEL OF MISSOURI, LLC AND SPECTRA**
4 **COMMUNICATIONS GROUP, LLC d/b/a CENTURYTEL**

5 **I. INTRODUCTION**
6

7 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

8 A. My name is Harold W. Furchtgott-Roth. My business address is 1200 New
9 Hampshire Avenue, N.W., Suite 800, Washington, DC 20036. My resume is
10 attached as Schedule 1.

11 **Q. HOW ARE YOU PRINCIPALLY EMPLOYED?**

12 A. I am founder and president of Furchtgott-Roth Economic Enterprises, an
13 economic consulting firm.

14 **Q. DO YOU HAVE OTHER PROFESSIONAL RESPONSIBILITIES?**

15 A. I also am a Senior Fellow at the Hudson Institute, and I write a weekly column for
16 the *New York Sun*. I serve on the board of MRV Communications and chair the
17 board of Oneida Communications. I chair the board of the Telecommunications
18 Policy Research Conference. I serve on various other advisory boards.

19 **Q. ARE YOU FAMILIAR WITH FEDERAL TELECOMMUNICATIONS**
20 **STATUTES AND REGULATION?**

21 A. Yes. I was chief economist of the House Commerce Committee from 1995 -
22 1997, and I was one of the principal staff members working on the
23 Telecommunications Act of 1996. From 1997-2001, I was a commissioner of the

1 Federal Communications Commission. I authored a book on telecommunications
2 regulation under the 1996 Act entitled *A Tough Act to Follow*.

3 **Q. HAVE YOU TESTIFIED BEFORE STATE REGULATORY AGENCIES**
4 **ON TELECOMMUNICATIONS ISSUES?**

5 A. Yes. I have testified in writing or in person on telecommunications issues before
6 the state regulatory bodies in Alaska, Connecticut, and Puerto Rico.

7 **Q. HAVE YOU WORKED JOINTLY WITH STATE COMMISSIONERS?**

8 A. Yes. As an FCC commissioner, I served on the Joint Board on Universal Service
9 with several state commissioners. I met in Washington and around the country
10 with state regulatory commissioners. Since leaving the FCC, I continue to see and
11 work with state regulators at the biannual KMB Video Conference on
12 Telecommunications which hosts many state regulators.

13 **Q. PLEASE DESCRIBE YOUR BACKGROUND AND WORK-RELATED**
14 **EXPERIENCE.**

15 A. I grew up in Tennessee and South Carolina, and I attended classes at the
16 University of South Carolina. I received my undergraduate degree in economics
17 from the Massachusetts Institute of Technology, and I earned a Ph.D. in
18 economics from Stanford University. Subsequently, I was a research analyst at the
19 Center for Naval Analyses, a think tank for the Department of Navy where I
20 primarily worked on projects for the Marine Corps. I then went to an economic
21 consulting firm, Economists Incorporated, where I served as a senior economist. I
22 then entered government as mentioned above as chief economist for the House
23 Commerce Committee in 1995. I was a commissioner of the FCC from 1997-
24 2001. I left the FCC in 2001 to join the American Enterprise Institute as a Visiting

1 Fellow. In 2003, I founded Furchtgott-Roth Economic Enterprises, an economic
2 consulting firm.

3 **Q. DID YOU FILE DIRECT TESTIMONY IN THIS PROCEEDING?**

4 A. No.

5
6 **Q. ON WHOSE BEHALF ARE YOU SUBMITTING REBUTTAL**
7 **TESTIMONY?**

8 A. I am submitting rebuttal testimony as an expert witness on behalf of CenturyTel of
9 Missouri, LLC and Spectra Communications Group, LLC, collectively referred to
10 herein as "CenturyTel."

11 **II.**

12 **SUMMARY**
13
14

15 **Q. WHAT ISSUES DO YOU ADDRESS IN YOUR TESTIMONY?**

16 A. I am addressing issues related to federal telecommunications regulation as
17 presented in the direct testimony of Elizabeth Kistner and R. Matthew Kohly.

18 **Q. DO YOU HOLD THE OPINIONS THAT YOU EXPRESS IN THIS**
19 **TESTIMONY TO A REASONABLE DEGREE OF CERTAINTY?**

20 A. Yes.

III.

ISSUES OF FEDERAL TELECOMMUNICATIONS REGULATION
PRESENTED BY ELIZABETH KISTNER

Q. HAVE YOU REVIEWED MS. KISTNER'S DIRECT TESTIMONY?

A. Yes.

Q. IS MS. KISTNER'S DESCRIPTION OF SERVICE PROVIDER PORTABILITY, NUMBER PORTABILITY, AND LOCATION PORTABILITY ACCURATE?

A. Ms. Kistner discusses service provider portability, number portability, and location portability in her direct testimony.¹ The specific definitions she cites from the *Code of Federal Regulations* are accurate.² These definitions related to number portability and location portability have not changed in the past ten years when the FCC defined various aspects of number portability and location portability by regulation.

Below I list the four regulatory definitions of portability under Part 52 Rules for number portability:³

(j) The term *location portability* means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another.

(l) The term *number portability* means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

(p) The term *service portability* means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications service to another, without switching from one

¹ Kistner Direct Testimony at 3-4.

² 47 CFR 52.21.

³ 47 CFR 52.21.

1 telecommunications carrier to another.

2 (q) The term *service provider portability* means the ability of users of
3 telecommunications services to retain, at the same location, existing
4 telecommunications numbers without impairment of quality, reliability, or
5 convenience when switching from one telecommunications carrier to another.
6

7 [Emphasis in bold added]

8
9 Note that in three of the four definitions of portability under Part 52 Rules, and all
10 three of the definitions at issue in this proceeding, the word "location" is central to
11 the definition. There can be no location portability, number portability, or service
12 provider portability, without a concept of "location." The dictionary definition
13 conforms with the common usage of the word, and "location" is bounded or
14 limited in scope.⁴ Ms. Kistner, however, inaccurately suggests that "location" can
15 have more elastic and ambiguous meaning in the FCC rules.⁵

16 **Q. IS THE WORD "LOCATION" COMMONLY FOUND IN RELATED**
17 **STATUTES AND COMMISSION RULES?**

18 A. Yes, the word "location" appears dozens of times in the Communications Act.
19 Related terms such as "local," "locality," and "localities" are also common.⁶

20 **Q. CAN YOU DESCRIBE IN MORE DETAIL HOW MS. KISTNER'S**
21 **INTERPRETION OF "LOCATION" WITH RESPECT TO NUMBER**
22 **PORTABILITY IS INACCURATE?**

23 A. Yes. Ms. Kistner suggests that because the FCC has "not expressly in a rule"⁷
24 defined "same location" or "physical location" differently from their standard

⁴ See, e.g., <http://dictionary.reference.com/browse/location>, where the first three, and most relevant, definitions, of location are:

1. a place of settlement, activity, or residence: *This town is a good location for a young doctor.*
2. a place or situation occupied: *a house in a fine location.*
3. a tract of land of designated situation or limits: *a mining location.*

⁵ Kistner Direct Testimony at 4-6.

⁶ I count 243 instances of these terms.

⁷ Kistner Direct Testimony at 4.

1 dictionary definition, "an implicit definition has evolved"⁸ with respect to their
2 definitions in the context of number portability. The simpler, more
3 straightforward, and correct interpretation is that, where the FCC has not provided
4 an alternative definition, dictionary or commonly understood definitions apply to
5 words in FCC rules.

6 **Q. DO YOU AGREE WITH MS. KISTNER'S STATEMENT: "IN**
7 **ESTABLISHING REQUIREMENTS FOR NUMBER PORTABILITY,**
8 **CONGRESS AND THE FCC RECOGNIZED THAT, AS A PRACTICAL**
9 **MATTER, THE BENEFITS OF COMPETITION WOULD NOT BE**
10 **REALIZED IF NEW ENTRANT LOCAL EXCHANGE SERVICE**
11 **PROVIDERS WERE UNABLE TO WIN CUSTOMERS FROM**
12 **INCUMBENT PROVIDERS DUE TO ECONOMIC OR OPERATIONAL**
13 **BARRIERS."**⁹
14

15 **A.** The statement is correct to the extent that the statutory requirement for number
16 portability is intended to enable competition for a customer in a specific location.
17 Ms. Kistner's statement could easily be misread to authorize FCC rules beyond
18 statutory language. Thus, neither Congress nor statute nor the FCC authorizes any
19 and all forms of portability to include location portability. Nor does statutory
20 language permit the FCC to write rules to permit competitive providers to win
21 customers from incumbent providers merely to overcome "economic or
22 operational barriers." The FCC has authority to write rules as required by statute,
23 not for specific market outcomes.

24 **Q. IS MS. KISTNER'S CHARACTERIZATION ACCURATE THAT**
25 **CUSTOMERS HAVE BEEN ABLE TO RETAIN THEIR TELEPHONE**
26 **NUMBERS IN SOME CIRCUMSTANCES WHEN THEY MOVE FROM**
27 **ONE HOUSE OR COMMERCIAL BUILDING TO ANOTHER?**¹⁰

⁸ Ibid.

⁹ Ibid.

¹⁰ See Kistner Direct Testimony at 4-5.

1

2 A. This form of number porting is location porting for which the FCC has
3 consistently refused to create a regulatory mandate. The important qualifying
4 phrase in Ms. Kistner's testimony is "in some circumstances." Ms. Kistner does
5 not distinguish between instances when customers changing locations retain their
6 numbers as a matter of legal obligation on a carrier (of which there appear to be
7 none)¹¹ versus instances when a customer retains a number as the result of a
8 contractual arrangement with one or more carriers¹² versus instances when
9 customers simply have no option to retain a number.

10 The last option, no retention of number when moving, is the normal situation.
11 Indeed, the FCC even has a set of questions and answers for consumers on its web
12 site with the following discussion:¹³

13 **Does long-term telephone number portability mean that I can keep**
14 **the same telephone number if I move across town or to another state?**

15 No. The type of telephone number portability that local telephone companies must
16 provide as a result of Congress' mandate is called "service provider portability." Service
17 provider portability allows a customer to change his or her local telephone company
18 without changing telephone numbers. It does not allow customers to take their telephone
19 numbers with them when they move.

20 **Q. IS IT POSSIBLE THAT THE FCC WEB SITE IS INACCURATE IN ITS**
21 **DESCRIPTION OF CUSTOMER RETENTION OF NUMBERS WHEN**
22 **THEY MOVE?**

23 A. No. The FCC is aware of the differences between location portability and service
24 portability, and to date, the FCC has declined to adopt regulations with respect to
25 location portability, even within the same exchange area.

¹¹ This is purely location porting.

¹² Foreign exchange and remote call forwarding are contractual private line arrangements.

¹³ See Local Number Portability, available at:

http://www.fcc.gov/Bureaus/Common_Carrier/Factsheets/portable.html.

1 Consider the following discussion from FCC RM 8535.¹⁴

2
3 B. Location Portability

4
5 1. Pleadings

6
7 28. SBC argues that the Commission should not address location portability
8 at this time because the Act did not contemplate implementation of such
9 portability.

10
11 2. Discussion

12
13 29. We decline to adopt SBC's proposal that the Commission decide now
14 that we will not consider location portability until service provider number
15 portability is successfully deployed in the 100 largest MSAs. The Commission
16 concluded in the First Report and Order that the requirement that all LECs
17 provide local number portability (i.e., service provider portability) pursuant to
18 section 251(b)(2) does not include location portability because the Act's number
19 portability mandate is limited to situations when users remain "at the same
20 location" when switching from one telecommunications carrier to another.
21 Although we did not require LECs to provide location portability when the First
22 Report and Order was issued, we nevertheless concluded that nothing in the Act
23 would preclude us from mandating location portability if, in the future, we
24 determine that location portability is in the public interest.

25
26 30. The Commission has no current plans to address location portability at
27 this time. We need not and do not address the issue of whether it may be in the
28 public interest to require the implementation of location portability at some point
29 in the future.

30
31 Particularly note that the FCC decides that location portability is not under
32 251(b)(2). The FCC reserves the prerogative in the future to mandate it under
33 different sections of the Act, but not 251(b)(2). It has never exercised that
34 prerogative.

¹⁴ FCC, RM 8535, Second Memorandum Opinion and Order on Reconsideration, Released October 20, 1998.

1 Q. AS MS. KISTNER DESCRIBES IT, ARE FOREIGN EXCHANGE AND
2 REMOTE CALL FORWARDING FORMS OF NUMBER
3 PORTABILITY?¹⁵

4 A. No. These are forms of private line contracts among agreeing parties but not
5 obligations under 251(b)(2). Under FCC rules, foreign exchange is a form of
6 private line interexchange service, not a local exchange number portability
7 service.¹⁶ The party arranging either the foreign exchange or the remote call
8 forwarding would be responsible for all costs associated with the service
9 including private line leasing and toll services.

10 FCC rules for number portability including those for 251(b)(2) are included in
11 Subpart C of Part 52 of its rules. Those rules make no mention of foreign
12 exchange (FX). Remote call forwarding (RCF) is one form of "transitional
13 number portability measure,"¹⁷ that would not comply with commission rules for
14 long-term number portability requirements.¹⁸ Moreover, a party arranging RCF
15 would ordinarily be responsible for toll fees.

16 Q. IS MS. KISTNER'S DISCUSSION OF THE DISTINCTION BETWEEN
17 SERVICE PROVIDER PORTABILITY AND LOCATION PORTABILITY
18 ACCURATE?¹⁹

19 A. No. Ms. Kistner confuses the technical possibility of location portability with the
20 absence of statutory authority under 251(b)(2) and, as discussed above, with an

¹⁵ "Also, with foreign exchange ("FX") or Remote Call Forwarding ("RCF") services, which have been available for decades, a customer can physically move long distances away and retain the same telephone number." See Kistner Direct Testimony at 5.

¹⁶ 47 CFR 69.2. "(dd) *Private line* means a line that is used exclusively for an interexchange service other than MTS, WATS or an MTS-WATS equivalent service, including a line that is used at the closed end of an FX WATS or CCSA service or any service that is substantially equivalent to a CCSA service."

¹⁷ 47 CFR 52.21.r.

¹⁸ These requirements are stated at 47 CFR 52.23.

¹⁹ Kistner Direct Testimony at 5-6.

1 absence of an FCC decision to authorize location portability under a different
2 section of the Act.

3 **Q. IS MS. KISTNER'S DISCUSSION OF THE FACTORS AFFECTING LNP**
4 **ARCHITECTURE AND RULES ACCURATE?**²⁰

5 A. Only partly. As Ms. Kistner observes, rating and routing information clearly had
6 some influence on each of the hundreds of specific LNP architectures plans
7 around the country. Details of those plans were largely left to local exchange
8 carriers and state commissions. Other factors also influenced those plans
9 including available equipment, location of points of interconnection, and, as Ms.
10 Kistner observes, other LEC obligations such as CALEA. Actual FCC rules,
11 however, were based on many factors including statutory language that dominate
12 the details of rating and routing information. Most importantly, nothing in FCC
13 rules would lead to a conclusion that "location" for purposes of 251(b)(2) or any
14 other statutory or regulatory provision is equivalent to rating or routing
15 information.

16 **Q. IS MS. KISTNER'S DISCUSSION ABOUT NUMBER PORTING**
17 **BETWEEN WIRELINE AND WIRELESS CARRIERS RELEVANT FOR**
18 **NUMBER PORTING BETWEEN WIRELINE AND WIRELINE**
19 **CARRIERS?**²¹

20 A. No. FCC rules on number portability are clear. They make a distinction between
21 local exchange carriers and commercial mobile radio service (CMRS) providers.²²
22 CMRS customers are inherently mobile without a fixed location for most
23 purposes including number portability. The FCC issued a separate order

²⁰ Kistner Direct Testimony at 7-8.

²¹ Kistner Direct Testimony at 8-9.

²² See, e.g., 47 CFR 52.21.h.

1 specifically on porting numbers from wireline to CMRS carriers.²³ Rules
2 governing porting numbers to CMRS carriers do not create location porting for
3 wireline to wireline customers.

4 **Q. DO YOU AGREE WITH MS. KISTNER THAT THE PORT REQUESTS**
5 **AT ISSUE IN THIS PROCEEDING ARE NOT REQUESTS FOR**
6 **LOCATION PORTING?**²⁴

7 **A.** No. As I understand the facts in this proceeding, the customer for Socket has
8 moved. That fact alone, if the move is merely to a different location within the
9 Willow Springs exchange, leads to location porting, a service not mandated either
10 for federal statute or rule. Moreover, as I understand the facts, the Socket
11 customer has moved from Willow Springs to St. Louis. There is no plausible
12 service porting interpretation; it is purely location porting.

13 **Q. DO YOU AGREE WITH MS. KISTNER THAT THE SOCKET**
14 **REQUESTS ARE "IN ACCORDANCE WITH REQUIREMENTS**
15 **PRESCRIBED" BY THE FCC?**²⁵

16 **A.** No. As I explained above, FCC service portability rules do not cover change of
17 location, and the FCC has no location portability rules.

18 **Q. DO YOU AGREE WITH MS. KISTNER THAT THE PROVISION OF THE**
19 **SOCKET PORT REQUESTS IS ESSENTIAL TO PROMOTING**
20 **COMPETITION AS ENVISIONED BY THE TELECOMMUNICATIONS**
21 **ACT OF 1996?**²⁶

22 **A.** No. The Telecommunications Act of 1996 was carefully crafted to promote
23 competition in many ways including local number portability. The Socket port
24 requests are not local number portability but rather location portability--neither an

²³ See FCC, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket 95-116, released November 10, 2003.

²⁴ Kistner Direct Testimony at 9-10.

²⁵ Kistner Direct Testimony at 11.

²⁶ *Ibid.*

1 inherent element of competition, nor part of the Telecommunications Act, nor
2 required by FCC rule. As I have explained elsewhere, unpredictable and unlawful
3 interpretations of the Telecommunications Act have undermined it as well as
4 business and consumer confidence in a competitive industry.²⁷ Granting the
5 Socket request for location portability under the guise of Section 251(b)(2) would
6 undermine the Act.

²⁷ See H. Furchtgott-Roth, *A Tough Act To Follow? The Telecommunications Act of 1996 and the Separation of Powers*, (Washington, DC: AEI Press, 2006).

1

2

3

4

5

6

7

Q. HAVE YOU REVIEWED MR. KOHLY'S DIRECT TESTIMONY?

8

A. Yes.

9

10

Q. DO YOU AGREE WITH MR. KOHLY'S DESCRIPTION OF NUMBER PORTABILITY?²⁸

11

A. No. Mr. Kohly's description of number portability ignores location restrictions.

12

13

14

15

Q. DO YOU AGREE WITH MR. KOHLY'S DESCRIPTION OF NUMBER PORTABILITY WHERE "AT THE SAME LOCATION" MEANS ASSIGNED TO THE SAME RATE CENTER?²⁹

16

A. No. "Same location" means same "same location" independent of rates. If rates to

17

China were the same as in Missouri, it still would not follow that China is in the

18

same location as Missouri.

19

20

21

22

Q. DO YOU AGREE WITH MR. KOHLY THAT "CONTRARY TO FCC AND INDUSTRY STANDARDS, CENTURYTEL ASSERTS THAT IT DOES NOT HAVE TO PORT NUMBERS IF THE CUSTOMER MOVES ITS SERVICE FROM ONE SITE TO ANOTHER."³⁰

²⁸ Kohly Direct Testimony at 6-7.

²⁹ Kohly Direct Testimony at 8.

³⁰ Ibid.

1

2 A. No

3 Q. HAVE YOU REVIEWED MR. KOHLY'S DIAGRAMS LABELLED AS
4 SCHEDULE MK-17?³¹

5 A. Yes.

6 Q. DO YOU AGREE WITH MR. KOHLY THAT DIAGRAM 5 DESCRIBES
7 FCC-MANDATED LOCAL NUMBER PORTABILITY?
8

9 A. No

10 Q. WHY NOT?

11 A. In Scenario 5, the customer is outside the exchange boundary, and number
12 portability from within the exchange to outside the exchange clearly does not
13 apply. That scenario is unambiguously location portability regardless of the rate
14 plan. Even a variation of Scenario 5 in which the customer moves but remains
15 within the Willow Springs Exchange Boundary might not qualify for number
16 portability.

17 Q. MR. KOHLY DESCRIBES HOW SOCKET COMMUNICATIONS
18 APPROACHED THE LOCAL NUMBER PORTABILITY
19 ADMINISTRATION WORKING GROUP (LNPA-WG) TO "HELP
20 RESOLVE THIS ISSUE."³² IS IT YOUR UNDERSTANDING THAT
21 LNPA-WG TYPICALLY HANDLES SUCH DISPUTE RESOLUTIONS?
22

23 A. No. The LNPA-WG was established by the North American Numbering Council.

24 It is a useful body and advises various groups including the FCC on number
25 portability issues, particularly technical aspects of porting. It currently has four

³¹ Kohly Direct Testimony, MK - 17.

³² Kohly Direct Testimony, at 28.

1 active subcommittees: Wireless Wireline Integration Subcommittee; Number
2 Pooling Subcommittee; Wireless Number Portability Subcommittee; and Slow
3 Horse Subcommittee.³³ It does not have a dispute resolution subcommittee, nor
4 does its website have any references to any past dispute resolutions.

5
6 V.
7

8 CONCLUSION

9 Q. WHAT IS YOUR CONCLUSION?

10 A. I have reviewed issues related to federal telecommunications regulation as
11 presented in the direct testimony of Elizabeth Kistner and R. Matthew
12 Kohly. I find many misinterpretations of federal telecommunications
13 regulations in their direct testimony. Conclusions reached by these
14 witnesses based on their understanding of federal telecommunications
15 regulations are not reliable.
16

³³ See Number Portability Administration Center (NPAC) Frequently Asked Questions, available at: <http://www.npac.com/cmas/faq.shtml>.

SCHEDULE 1

RESUME OF HAROLD W. FURCHTGOTT-ROTH

SCHEDULE HFR#1

Harold W. Furchtgott-Roth

Office Address

Furchtgott-Roth Economic Enterprises
Suite 800
1200 New Hampshire Ave., N.W.
Washington, DC 20036
(202) 776-2032
hfr@furchtgott-roth.com

Home Address

2705 Daniel Road
Chevy Chase, MD 20815
(301) 229-3593

Experience

Furchtgott-Roth Economic Enterprises, President
(2003-present).

Economic consultant.
Business columnist, *New York Sun*, May 2004 – present.
Senior Fellow, Hudson Institute, 2007 – present.

American Enterprise Institute, Visiting Fellow
(2001-2003).

Federal Communications Commission, Commissioner
(1997-2001).

One of five commissioners responsible for U.S. communications policy, rulemaking, enforcement, and adjudication. Among other responsibilities, reviewed all major mergers in communications sector. For statements, speeches, and other information, see
<http://www.fcc.gov/commissioners/previouscommish.html>

Committee on Commerce, U.S. House of Representatives, Chief Economist, (1995-1997).

One of the principal staff for the Telecommunications Act of 1996, Balanced Budget Act of 1995, and electricity deregulation legislation for the 105th Congress.

Economists Incorporated, Senior Economist (1988-1995).

Center for Naval Analyses, Research Analyst, (1984-1988).

**Experience
(continued)**

Stanford University, Research Assistant, and Teaching Assistant for public finance, (1980-1983).

U.S. Department of Energy, Conservation and Renewable Energy Program, Research Assistantship, (1981-1982).

Office of Management and Budget, Intern, (Summer 1980).

Congressional Budget Office, Assistant Analyst, (1978-1979).

U.S. Department of Labor, Pension and Welfare Benefits Program, Intern, (Summer 1977).

MIT, Center for Transportation Studies, Research Assistant, (1976-1978).

U.S. Senate Committee on Appropriations, Internship sponsored by MIT Political Science Department, (Summer 1976).

Education

Ph.D., Stanford University, Economics, 1986

S.B., Massachusetts Institute of Technology, Economics, 1978.

University of South Carolina, 1973-1974.

Honors

Awards for FCC achievements from various civic and business groups

Visiting Fellow, University of Warwick, (Summer 1984).

Research Fellow, Brookings Institution, (1983-1984).

National Merit Scholar, MIT, (1974).

Professional Societies

American Economics Association
Econometrics Society
Federalist Society

Boards**Corporate**

MRV Communications
Oneida Communications

Other

Washington Legal Foundation
Legal Policy Advisory Board
Telecommunications Policy Research Conference,
Chairman
University of Richmond School of Law
Intellectual Property Institute Advisory Board
KMB Video Journal Advisory Board
Member of panel to support National Security Agency
study, "Protecting the U.S. Telecommunications
Infrastructure—The Way Forward," (2003 – 2004).

Books

*A Tough Act To Follow? The Telecommunications Act of 1996 and
the Separation of Powers*, (Washington, DC: AEI Press), 2006.

Cable TV: Regulation or Competition, with R.W. Crandall,
(Washington, DC: The Brookings Institution), 1996.

Economics of A Disaster: The Exxon Valdez Oil Spill, with B.M.
Owen, D.A. Argue, G.J. Hurdle, and G.R. Mosteller, (Westport,
Connecticut: Quorum books), 1995.

International Trade in Computer Software, with S.E. Siwek,
(Westport, Connecticut: Quorum Books), 1993.

New York Sun columns

- "Bad Medicine: Federal Regulation of Doctors," *New York Sun*, May 21, 2007.
- "Punishing the Success of Corporate America," *New York Sun*, May 14, 2007.
- "Supreme Court Alters the Patent Landscape," *New York Sun*, May 7, 2007.
- "Don't Believe All of the Economic Pessimism," *New York Sun*, April 30, 2007.
- "Dismembering Clear Channel," *New York Sun*, April 24, 2007.
- "A First Step in Protecting Intellectual Property," *New York Sun*, April 16, 2007.
- "Invasion of the Internet Snatchers," *New York Sun*, April 9, 2007.
- "National Policy Would Be Bad for Broadband," *New York Sun*, April 2, 2007.
- "The Wrong Way to Manage A Merger," *New York Sun*, March 26, 2007.
- "'Real Action' Doubtful for Gore," *New York Sun*, March 19, 2007.
- "Patriot Act Mistakes Harming Businesses," *New York Sun*, March 12, 2007.
- "EU To Litigate of Telecom Regulations," *New York Sun*, March 5, 2007.
- "Executive Pay Under Microscope," *New York Sun*, February 20, 2007.
- "Long Home to Piracy, China Increases International Patents," *New York Sun*, February 12, 2007.)
- "Regulation and Journalism," *New York Sun*, February 5, 2007.
- "Tragedy of the Space Commons," *New York Sun*, January 29, 2007.
- "No Phoenix, AT&T Will Not Dominate," *New York Sun*, January 22, 2007.
- "Whose Network Neutrality?" *New York Sun*, January 15, 2007.
- "Government Has No Place in Drug Prices," *New York Sun*, January 8, 2007.
- "The Bane of New York," *New York Sun*, December 18, 2006.
- "The Drawbacks of Broadcast Regulation," *New York Sun*, December 11, 2006.
- "How Global Warming Threatens U.S. Businesses," *New York Sun*, December 4, 2006.
- "American Shopping Online Exceeds All Estimates," *New York Sun*, November 27, 2006.
- "An American Home Should Be Your Castle," *New York Sun*, November 20, 2006.

"Don't Import Bad Broadband Policies," *New York Sun*, November 13, 2006.

"Stop Taxing Our Children for Our Retirement," *New York Sun*, November 7, 2006.

"E.U. Considers Regulating Content on Internet," *New York Sun*, October 30, 2006.

"M&A Judicial Review In Dire Need of Repair," *New York Sun*, October 23, 2006.

"Puzzling Telecom Merger System Needs Overhaul," *New York Sun*, October 16, 2006.

"On Telecommunications, A Healthy Failure," *New York Sun*, October 9, 2006.

"Keep the United Nations' Hands Off the Internet," *New York Sun*, October 2, 2006.

"Fed Should Hold Its Rate Increases," *New York Sun*, September 25, 2006.

"Unintended Consequences of Sarbanes-Oxley," *New York Sun*, September 18, 2006.

"Broadcasters Must Not Buckle Under Government Pressure," *New York Sun*, September 12, 2006.

"Regulatory Overkill at the FAA," *New York Sun*, August 28, 2006.

"A Successful Private College Ratings System," *New York Sun*, August 21, 2006.

"Business's Role in the War on Terrorism," *New York Sun*, August 14, 2006.

"For Fed, Unemployment is Only Part of Picture," *New York Sun*, August 7, 2006.

"Time to Respond to the First Responders," *New York Sun*, August 1, 2006.

"Is a Satellite Merger in the Stars?" *New York Sun*, July 24, 2006.

"In the Stem Cell Debate, Count Investors Out," *New York Sun*, July 17, 2006.

"An E-Mail Postage System May Stop Spam," *New York Sun*, July 11, 2006.

"A Defeat for Government Meddling," *New York Sun*, June 26, 2006.

"Mishandling Electricity Regulation," *New York Sun*, June 19, 2006.

"The 'Network Neutrality' Battle," *New York Sun*, June 12, 2006.

"Spectrum Is Too Valuable to Give Away," *New York Sun*, May 22, 2006.

"Government Offers Companies and Catch-22," *New York Sun*, May 15, 2006.

"Nothing Rises Forever, Not Even Commodity Prices," *New York Sun*, May 8, 2006.

"When Litigation Goes Too Far," *New York Sun*, May 1, 2006.

"A Tax We Can Live Without," *New York Sun*, April 24, 2006.

"M&A Reviews Must Be More Predictable," *New York Sun*, April 17, 2006.

"Every Day Is Tax Day," *New York Sun*, April 10, 2006.

"The Smoke Signals of Telecom Legislation," *New York Sun*, April 4, 2006.

"The United Nations Tries to Woo Corporate America," *New York Sun*, March 28, 2006.

"FCC Prepares to Auction Large Block of Spectrum," *New York Sun*, March 21, 2006.

"Spitzer's Case Against Entercom," *New York Sun*, March 14, 2006.

"AT&T or Another Telecom Takeover," *New York Sun*, March 7, 2006.

"Follow the British on Energy," *New York Sun*, February 21, 2006.

"Anything But Fair," *New York Sun*, February 14, 2006.

"Policy-Makers Reflect As Telecom Act Turns 10," *New York Sun*, February 7, 2006.

"The Federal Blackberry Problem," *New York Sun*, January 31, 2006.

"Case Study in Bad Policy," *New York Sun*, January 17, 2006.

"America's Real Challenge is Finding 6% Growth," *New York Sun*, January 10, 2006.

"How the White House Defended the Internet," *New York Sun*, January 3, 2006.

"How the Census Bureau Underestimates E-Commerce," *New York Sun*, December 20, 2005.

"In Wireless, South Korea Extends Its Lead," *New York Sun*, December 13, 2005.

"Why A La Carte Is a Good Idea," *New York Sun*, December 6, 2005.

"Broadcast Interference Hurts the Industry," *New York Sun*, November 29, 2005.

"Cisco's Envious Position," *New York Sun*, November 22, 2005.

"The Budget Quagmire," *New York Sun*, November 15, 2005.

"An Attack on Free Trade," *New York Sun*, November 8, 2005.

"China Makes U.S. Appear the Laggard," *New York Sun*, November 1, 2005.

"FCC's Bold Move on Mergers," *New York Sun*, October 27, 2005.

"Keep the United Nations Away from the Internet," *New York Sun*, October 11, 2005.

"Wireless Industry Elbows Its Way Into Top Five," *New York Sun*, October 4, 2005.

"Public Broadcasting Board Removes Chairman," *New York Sun*, September 27, 2005.

"An Unnecessary Burden on American Taxpayers," *New York Sun*, September 20, 2005.

"Federal Rule Book Threatens Gulf Rebuilding," *New York Sun*, September 13, 2005.

"Lessons From New Orleans," *New York Sun*, September 6, 2005.

"Vioxx Verdict Harms More than Merck," *New York Sun*, August 30, 2005.

"An Inherent Conflict," *New York Sun*, August 23, 2005.

"The Antidote to Regulation: A Code of Conduct," *New York Sun*, August 16, 2005.

"FCC Chairman Gets Credit for DSL Vote," *New York Sun*, August 9, 2005.

"Good For Satellite Radio, Bad for Broadcast," *New York Sun*, August 2, 2005.

"Coddling Our Adversaries, Persecuting Our Friends," *New York Sun*, July 26, 2005.

"The United Nations Strives to Run the Internet," *New York Sun*, July 19, 2005.

"Telecom Mergers Receiving Busy Signal," *New York Sun*, July 12, 2005.

"Brand X Loses Out in Court to Federal Brand of Uniformity," *New York Sun*, June 28, 2005.

"Thrown Back to the '70s on Broadcast Ownership Rules," *New York Sun*, June 21, 2005.

"The Business Campaign Against States Rights," *New York Sun*, June 14, 2005.

"Ignore the Gloom and Doom, the Economy Is Doing Fine," *New York Sun*, June 7, 2005.

"Oui or Non, It's Business As Usual in Europe," *New York Sun*, May 31, 2005.

"Fighting Over Forex Rates Wrong Trade War With China," *New York Sun*, May 24, 2005.

"Get the Government Out of the Programming Business," *New York Sun*, May 17, 2005.

"FCC's 'Broadcast Flag' Won't Faze Digital Pirates," *New York Sun*, May 10, 2005.

"Battle Brews Over Analog," *New York Sun*, May 3, 2005.

"Policing the Budget Busters," *New York Sun*, April 26, 2005.

"Italian Broadband Lesson," *New York Sun*, April 19, 2005.

"Cell-Phone Use in Flight: Science versus Opinion," *New York Sun*, April 12, 2005.

"The Nine Lives of MCI," *New York Sun*, April 5, 2005.

"Intellectual-Property Law Deserves More Respect," *New York Sun*, March 29, 2005.

"FCC Needs New Path to 'Deregulation,'" *New York Sun*, March 22, 2005.

"New Chairman to Bring Needed Legal Clarity," *New York Sun*, March 17, 2005.

"Our National Economic Insecurity," *New York Sun*, March 15, 2005.

"The FCC Regulates Truth," *New York Sun*, March 8, 2005.

"The War of Telephone and Cable," *New York Sun*, March 2, 2005.

"The Times Learns About.com," *New York Sun*, February 23, 2005.

"AT&T, MCI: The Spoils of War," *New York Sun*, February 16, 2005.

"Corporate Racketeering In Requiem," *New York Sun*, February 9, 2005.

"Broadcast Ownership Rules Need Review," *New York Sun*, February 2, 2005.

"After Michael Powell, What?" *New York Sun*, January 25, 2005

"FCC's Political Structure Begs for Abuse of Power," *New York Sun*, January 18, 2005.

"Spectrum Licenses' Value Will Increase," *New York Sun*, January 11, 2005.

"Will Wireless Resale Work," *New York Sun*, January 4, 2005.

"Fannie Mae Isn't The Only Target Ripe for Privatization," *New York Sun*, December 28, 2004.

"A Test of Bush's Economic Leadership," *New York Sun*, December 21, 2004.

"Telecom M&A Activity Likely to Increase," *New York Sun*, December 14, 2004.

"Wireless Folly in Philly," *New York Sun*, December 7, 2004.

"Overhaul USF Phone Tax," *New York Sun*, November 30, 2004.

"President Bush Needs Resolve on FCC Policy," *New York Sun*, November 23, 2004.

"Gambling Just the Beginning," *New York Sun*, November 16, 2004.

"Vonage Casts Its Lot with the FCC," *New York Sun*, November 9, 2004.

"Election Day Technology Is Vintage 19th Century," *New York Sun*, November 2, 2004.

"Kerry Has It Wrong on Women's Pay Gap," *New York Sun*, October 26, 2004.

"Just When It Seemed the Fairness Doctrine Was Dead," *New York Sun*, October 19, 2004.

"Archaic Law Hobbles Broadcasters," *New York Sun*, October 12, 2004.

"America's Jobs Picture is Bright," *New York Sun*, October 5, 2004.

"Viacom's Disorganized Retreat," *New York Sun*, September 28, 2004.

"Prescription Drug Re-Importation: No Cure for American Health Care," *New York Sun*, September 21, 2004.

"Refuting the Myth of U.S. Broadband Weakness," *New York Sun*, September 14, 2004.

"Protecting U.S. Liberties After September 11," *New York Sun*, September 7, 2004.

"Communications Policy for a Second Bush Term," *New York Sun*, August 31, 2004.

"Industry's Inter-carrier Proposal Doomed to Failure," *New York Sun*, August 24, 2004.

"Kerry's Economic Policy Off Target," *New York Sun*, August 17, 2004.

"With Oil Nearing \$50 a Barrel, Where Are Kerry and Bush?," *New York Sun*, August 10, 2004.

"Cable-Modem Service and the War on Terror," *New York Sun*, August 3, 2004.

"The FCC Tries Again on Wholesale Telecommunications," *New York Sun*, July 27, 2004.

"What Would a John Kerry FCC Look Like?," *New York Sun*, July 20, 2004.

"Verizon's Mr. Seidenberg Has a Dilemma," *New York Sun*, July 13, 2004.

"Look Out: Your Phone Bill May Be a Taxing Problem," *New York Sun*, July 6, 2004.

"Broadcast Ownership Rules Need a Serious Review," *New York Sun*, June 29, 2004.

"People Meter Invasion," *New York Sun*, June 22, 2004.

"Victory for Incumbents in the Telecom War," *New York Sun*, June 15, 2004.

"The Communications Sector Misses Reagan's Clarity," *New York Sun*, June 8, 2004.

"Global Crossing Rebounds," *New York Sun*, June 1, 2004.

"The Death of Facilities-Based Competition," *New York Sun*, May 25, 2004.

"Bradley Smith Goes to Washington," *New York Sun*, May 18, 2004.

"Nextel's 'Consensus Plan' Is Anything But," *New York Sun*, May 11, 2004.

"Can This Merger Be Saved?" *New York Sun*, May 4, 2004.

Other Publications

"The War of Network Neutrality," *Bridges*, Vol. 13, April 16, 2007, at <http://www.ostina.org/content/view/1981/680/>.

"The Law and Economics of Regulating Ratings Firms," with Robert W. Hahn, and Anne Layne-Farrar, *Journal of Competition, Law, and Economics*, November 23, 2006.

"Corporate Welfare Woes," *Forbes*, November 14, 2005, p. 36.

"Wrong Path," *Forbes*, May 9, 2005, p. 28.

"ICANN's Upcoming Registry Decision: High Stakes for the Internet's Future," October 2004, study prepared for Verisign.

"Telecom Troubles," prepared for *National Review Online*, March 18, 2004.

"Whither MCI," prepared for *National Review Online*, August 25, 2003.

"Eroding Property Rights: The Pseudo-economics of Copyright in Justice Breyer's *Eldred* Dissent," Prepared for the Media Institute Copyright Forum, April 2003.

"Wire Wars," letter to the editor, *Commentary*, Vol. 115, Number 4, April 2003, p.4.

"Comments on the FCC's New Rules on Unbundled Network Elements," in *UNE Wars* of KMB Telecom Management Forum, www.kmbvideojournal.com, March 2003.

"Putting on Airs," *Forbes*, January 6, 2003, p. 32.

"The Failure of FCC Merger Reviews: Communications Law Does Not Necessarily Perform Better than Antitrust Law," prepared for the Manhattan Institute, December 9, 2002, pending for *The Columbia Science and Technology Law Review*.

"Revising Principles," *Telephony*, p. 52, September 23, 2002.

"No Broadband Cure for Ailing Telecoms," *Baltimore Sun*, August 5, 2002.

Other Publications
(continued)

"Global Crossing's Bankruptcy Is a Success Story, *Wall Street Journal*, February 5, 2002, p. A18.

"Another Big Merger, Another Chance for a Shakedown," *Wall Street Journal*, October 30, 2001.

"A Retrospective on Five Years of Universal Service," *Organization for the Promotion and Advancement of Small Telephone Companies (OPASTCO) Advocate*, September 2001.

"The Price of FCC Integrity: \$15 Billion," *Wall Street Journal*, August 8, 2001, p. A12.

"The Art of Writing Good Regulations," *Federal Communications Law Journal*, Volume 53, Number 1, December 2000, pp. 1-4.

"The Only Solution Is Evolution," *RCR Wireless News*, October 30, 2000, p. 14.

"Commission on the Verge of a Jurisdictional Breakdown: The FCC and Its Quest to Regulate Advertising," *CommLaw Conspectus, Journal of Law and Public Policy*, Volume 8, Number 2, Summer 2000, pp. 219-234. With B. Tramont.

"The FCC's Promotion and Protection of Speech Through Restrained Regulation," *The Law Review of Michigan State University, Detroit College of Law*, Volume 2000, Spring, Issue 1, pp. 47-49.

"Telecom Competition Can't be Managed," *Wall Street Journal*, December 27, 1999.

"The FCC Racket," *Wall Street Journal*, November 5, 1999.

"A Birthday Present the FCC Doesn't Need," *Investor's Business Daily*, February 16, 1999, p. A6.

"No Such Thing As a Free Ad," *Wall Street Journal*, April 10, 1998, p. A10.

Copyright Industries in the U.S. Economy: 1977-1993, report prepared for the International Intellectual Property Alliance, January 1995, with S.E. Siwek.

**Other Publications
(continued)**

Copyright Industries in the U.S. Economy: 1993 Perspective, report prepared for the International Intellectual Property Alliance, October 1993, with S.E. Siwek.

"Competing with Pirates: Economic Implications for the Entertainment Strategist," *Ernst & Young Entertainment Business Journal*, Volume 3, 1992, with S.E. Siwek.

Copyright Industries in the U.S. Economy: 1977-1990, report prepared for the International Intellectual Property Alliance, September 1992, with S.W. Siwek.

"Comments on 'Merger Policy in a Declining Defense Industry,'" *The Antitrust Bulletin*, Vol. 36, No. 3, Fall 1991, pp. 593-97.

"Why the National Economy is Growing Faster than the Federal Government Says," in *the National Economists Club Reader*, ed. by R.T. Gill, Mountain View, CA: Mayfield Publishing Co., 1991.

Copyright Industries in the U.S. Economy, report prepared for the International Intellectual Property Alliance, November 1990, with S.E. Siwek.

"Operational Effectiveness and Cost Analysis for the Advanced Assault Amphibious Vehicle," CNA CRM, 1989, with L.J. Kusek and M.E. LeVan.

"Marine Air-Ground Task Force Engineering Support for Airbase Survivability during Amphibious Operations," CNA CRM 88-41, June 1988.

"Final Report of HIGH PORT 87," CNA CRM 88-9, April 1988, with G.W. Akst and M.D. Tierney.

"Microminiature Circuit, Repair Strategies for the Marine Corps," CNA CRM 87-250, April 1988.

"Fifth Echelon Maintenance Policy and the Sustainability of Marine Amphibious forces," CNA CRM 87-223, January 1988.

"The Design and Interpretation of Tests on Instrumented Test Ranges: Lessons for LAV FOT&E Phase III," *Proceedings of the Twenty-Sixth Annual U.S. Army Operations Research Symposium*, Vol. I, Army Material Systems Analysis Activity, October 1987.

"The Material Throughput Requirements and Capabilities of Marine Corps Bases and Stations to Support Deploying MAGTFs," CNA CRM 87-123, July 1987, with M.D. Tierney.

"A Review of the Queuing Theory for the Initial Spares Optimization Model," CNA CRM 87-65, May 1987.

"Analysis of Marine Corps combat Service Support Structure," CNA Report 127, April 1987, with M.T. Lewellyn, D.G. Burwell, H.D. Lyons, and M.D. Tierney.

**Other Publications
(continued)**

"Report of the Phase I Seminar of HIGH PORT 87," CNA CRM 87-41, March 1987, with G. Akst, R.R. Odell, and M.D. Tierney.

"LAV FOT&E Phase III: A Review of the Engagement Data During the Air Trials," CNA CRM 87-18, February 1987, with S.W. Klein.

"Precedented Budget Growth and the Affordability of the 600-Ship Navy," CNA CRM 86-270, February 1987.

"Review of the Light Armored Vehicle Follow-On Test and Evaluation - Phase III," CNA CRM 86-222, December 1986, with S.W. Klein and D.J. Jenkins.

"Light Armored Vehicle Follow-On Operational Test and Evaluation, Phase III: Recommended Changes to the Test Plan," CNA CRM 86-132, May 1986.

"A Test of the M85 .50-Caliber Machine gun in the LVTP7A1 Assault Amphibian: Results and Conclusions," CNA CRM 86-31, April 1986, with G.L. Richardson, S.C. Giese, and B.S. Gubser.

"Evaluation of the Marine Corps Spare Parts Policy and the Initial Spares Optimization Model," CNA CRM 86-35, March 1986, with B.H. Measell.

"Analysis of Marine Corps Combat Service Support Structure," CNA CRM 85-112, November 1985, with M. T. Lewellyn, D.G. Burwell, H.D. Lyons, and M.D. Tierney.

"Improving the Efficiency of the Marine Corps Logistics System," CNA CRM 85-118, November 1985.

"Costs of Future U.S. Sea-Based Strategic Forces: The Trident Submarine and Missile Programs and Alternatives," Background Paper, Congressional Budget Office, 1980, with B. Bloomfield and R. Davison.

Congressional Testimony

Testimony Before the U.S. House of Representatives, Committee on Commerce, Subcommittee on Telecommunications, Trade, and Consumer Protection. Hearing on H.R. 3525, the Religious Broadcasting Freedom Act and H.R. 4201, the Noncommercial Broadcasting Freedom of Expression Act of 2000. April 13, 2000.

Testimony Before the U.S. House of Representatives, Committee on Commerce, the Subcommittee on Telecommunications, Trade and Consumer Protection. Hearing on the FCC's Low-Power FM: A Review of the FCC's Spectrum Management Responsibilities and H.R. 3439, the Radio Broadcasting Preservation Act. February 17, 2000.

Testimony Before the U.S. House of Representatives Committee on the Judiciary, Subcommittee on Commercial and Administrative Law Oversight Hearing, Novel Procedures in FCC License Transfer Proceedings. May 25, 1999.

Testimony on the E-rate program at Hearing before the Subcommittee on Oversight of the House Ways and Means Committee. August 4, 1998.

Hearing on FCC Reauthorization before the Subcommittee on Communications of the Senate Committee on Commerce, Science, and Transportation. June 10, 1998.

Hearing on FCC Nomination before the Senate Committee on Commerce, Science, and Transportation. October, 1997.

Other Government Testimony

Hearing on Application of Cablevision of Southern Connecticut, L.P. for Franchise Renewal, before the Connecticut Department of Public Utility Control, August 14, 2006.

Hearing on Regulated Industries, Antitrust Modernization Commission, December 5, 2005.

Hearing on the Early Reauthorization of the Regulatory Commission of Alaska, before the Senate Judiciary Committee of the Alaska State Legislature, June 12, 2002.

Filed comments at the FCC

Declaration in the matter of CTIA's Petition for Expedited Declaratory Ruling on Early Termination Fees, WT Docket No. 05-194, May 23, 2006.

Declaration in the Matter of Federal-State Joint Board on Universal Service High Cost Universal Service Support, CC Docket No. 96-45 and WC Docket No. 05-337, March 27, 2006.

Reply Declaration in the Matter of Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers, WT Docket No. 05-265, January 26, 2006.

Declaration (with Jerry Hausman) in the matter of Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25, June 10, 2005.
Reply Declaration (with Jerry Hausman), July 29, 2005.

Declaration in Core Communications, Inc., *et al.*, v. Verizon Maryland, *et al.*, File No. EB-01-MD-007, July 2003.

| | |
|--|---|
| Filed comments at Connecticut DPUC | Statement in DPUC Investigation of the Terms and Conditions Under Which Video Products May Be Offered By Connecticut's Incumbent Local Exchange Carriers, Docket NO. 05-06-12, April 21, 2006. |
| Filed comments at Telecommunications Regulatory Board of Puerto Rico | Declaration in WorldNet Telecommunications, Inc., Petitioner, v. Puerto Rico Telephone Company, Inc., Defendant, Case Number : JRT-2003-Q-0143, November 8, 2004. Supplementary Declaration, December 21, 2004. |
| Filed comments at National Association of Securities Dealers | Expert Report in the Matter of Thomas Weisel Partners, LCC, Case No. EAF 010031. June 6, 2003. |

FCC Statements

Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 and Inter-Carrier Compensation for ISP-Bound Traffic, Order on Remand and Report and Order, CC Docket Nos. 96-98, 99-68. April 27, 2001.

Applications of Voicestream Wireless Corporation, Powertel Inc. Transferors and Deutsche Telekom AG, Transferee, et al, IB Docket No. 00-187. April 27, 2001.

Furchtgott-Roth Reacts to Ness Announcement. April 26, 2001.

Press Statement on the Commission's Reciprocal Compensation Order. April 19, 2001.

Application of Verizon New England Inc., et al For Authorization to Provide In-Region, InterLATA Services in Massachusetts, CC Docket No. 01-9. April 16, 2001.

Discussion of Telecom Issues with Washington, D.C. Seniors' Group AARP Chapter "Man of the Month" Award. April 13, 2001.

Reaction to Viacom Stay. April 9, 2001.

Beynon Takes OMB Post; Feder Joins Furchtgott-Roth Team. April 9, 2001.

Commissioner Furchtgott-Roth Praises New FCC Nominees. April 6, 2001.

Guidance on the Commission's Case Law Interpreting 18 U.S.C. Section 1464 and Enforcement Policies Regarding Broadcast Indecency. April 6, 2001.

The Spectrum Study of the 2500-2690 MHz Band, Final Staff Report. March 30, 2001.

Policy and Rules Concerning the International, Interexchange Marketplace, 2000 Biennial Regulatory Review. March 16, 2001.

Time Warner Cable Emergency Petition of ABC, Inc. for Declaratory Ruling and Enforcement Order for Violation of Section 76.58 of the Commission's Rules, or in the Alternative For Immediate Injunctive Relief: Consent Decree Order. March 12, 2001.

Mass Media Bureau Approval of Various Radio License Transfer Applications. March 12, 2001.

In the Matter of EZ Sacramento, Inc. Licensee of Station KHTK (AM) Sacramento, California, Infinity Broadcasting Corporation of Washington, D.C. Licensee of Station WJFK-FM Manassas, Virginia, Memorandum Opinion and Order, FCC 01-53. February 20, 2001.

General Communications, Inc. Application for a License to Land and Operate in the United States a Digital Submarine Cable System Extending Between the

**FCC Statements
(continued)**

Pacific Northwest United States and Alaska, Order on Review, File No. SCL-LIC-19980602-00008. February 2, 2001.

Promotes Beynon and Tramont to New Posts. February 1, 2001.

Auction of Licenses for the 747-762 and 777-792 MHz Bands Postponed Until September 12, 2001. January 31, 2001.

Declines to Seek Reappointment; Will Serve Until Date Mutually Agreed to with Administration. January 31, 2001.

Amendment of Part 2 of the Commission's Rules to Allocate the Band 33-36 GHz to the Fixed-Satellite Service for Federal Government Use, Memorandum Opinion and Order. January 24, 2001.

Praises Powell Selection. January 22, 2001.

2000 Biennial Regulatory Review Spectrum Aggregation Limits for Commercial Mobile Radio Services, Notice of Proposed Rulemaking, WT Docket No. 01-14. January 22, 2001.

Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television. January 19, 2001.

Nondiscrimination in the Distribution of Interactive Television Services Over Cable. January 18, 2001.

2000 Biennial Regulatory Review. January 17, 2001.

Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations by Time Warner and America Online, Inc., Transferors, to AOL Time Warner, Inc. - Supports Merger, but Decries Review Process as Broken. January 11, 2001.

Reaction to DC Circuit Decision Vacating SBC-Ameritech Merger. January 10, 2001.

Federal-State Joint Board on Universal Service referral of the Rural Task Force Report, CC Docket No. 96-45. December 22, 2000.

Southern Communications Systems, Inc. Request for Limited Waiver. December 12, 2000.

Definition of Radio Markets, Notice of Proposed Rulemaking. December 7, 2000.

Business Discount Plan, Inc., Apparent Liability for Forfeiture, Order on Reconsideration, File No. ENF 98-02, NAL/Acct. No. 916EF0004. December 7, 2000.

Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; et al, ET Docket No. 98-206. November 29, 2000.

**FCC Statements
(continued)**

Principles for Encouraging the Development of Secondary Markets for Spectrum, Policy Statement; Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, WT/ET Docket No. 00-230. November 27, 2000.

BellSouth Corporation, Order, EB Docket No. EB-00-IH-0134, Acct. No. X32080035. November 2, 2000.

Commission on the Verge of a Jurisdictional Breakdown: The FCC and its Quest to Regulate Advertising. November 1, 2000.

FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service that Share Terrestrial Spectrum, IB Docket No. 00-203, RM-9649, et al. October 24, 2000.

Call for C Block Delay. October 23, 2000.

Vista Services Corporation, Apparent Liability for Forfeiture, File No. ENF 99-10. October 23, 2000.

2000 Biennial Regulatory Review; Policy and Rules Concerning the International, Interexchange Marketplace, IB Docket No. 00-202, Notice of Proposed Rulemaking. October 18, 2000.

Clarify and Separate Big Government Interest from the Public Interest in the Debate over the Debates. October 12, 2000.

Promotion of Competitive Networks in Local Communications Markets. October 12, 2000.

Amendment of Section 19.735-203 of the Commission's Rules Concerning Nonpublic Information. October 12, 2000.

Repeal or Modification of the Personal Attack and Political Editorial Rules, MM Docket No. 83-484. October 4, 2000.

Creation of Low Power Radio Service, MM Docket No. 99-25. September 22, 2000.

Public Notice, Commission Seeks Comment on Biennial Review 2000, Staff Report and Rule Appendix. September 19, 2000.

Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations. September 14, 2000.

Children's Television Obligations of Digital Television Broadcasters, Notice of Proposed Rulemaking, MM Docket No. 99-360. September 14, 2000.

Extension of the Filing Requirement for Children's Television Programming Reports (FCC Form 398), MM Docket No. 00-44. September 14, 2000.

Cellular Telecommunications Industry Association et al's Request for Delay of the Auction of Licenses in the 747-762 and 777-792 MHz Bands Scheduled for September 6, 2000 (Auction No. 31). September 12, 2000.

**FCC Statements
(continued)**

Public Notice DA 00-49, Auction of C and F Block Broadband PCS Licenses, Nextwave Petition for Reconsideration, Order on Reconsideration. September 6, 2000.

AMFM Inc./Clear Channel Inc. Transfer of Control. September 1, 2000.

Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices, FCC 00-312. August 31, 2000.

The Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, FCC 00-302, IB Docket No. 99-81, Report and Order. August 25, 2000.

Applications of Intelsat LLC for Authority to Operate and to Further Construct, Launch and Operate C-band and Ku-band Satellites that Form a Global Communications System in Geostationary Orbit, File Nos. SAT-A/O-20000119-00002 to SAT-A/O-20000119-00018; et al. August 8, 2000.

Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, Second Report, CC Docket No. 98-146.

Auction of Licenses for the 747-762 and 777-792 MHz Bands Postponed Until March 6, 2001, Public Notice. July 31, 2000.

Lockheed Martin Corporation, COMSAT Government Systems, LLC, and COMSAT Corporation, Applications for Transfer of Control of COMSAT Corporation and Its Subsidiaries, Licensees of Various Satellite, Earth Station Private Land Mobile Radio and Experimental Licenses, and Holders of International Section 214 Authorizations. July 31, 2000.

In the Matter of Amendments to Parts 1, 2, 87, and 101 of the Commission's Rules to License Fixed Services at 24 GHz, WT Docket No. 99-327. July 31, 2000.

En Banc Hearing on AOL/Time Warner Merger. July 27, 2000.

Video Description of Video Programming, MM Docket No. 99-339. July 26, 2000.

Definition of Radio Markets, Notice of Proposed Rulemaking. July 26, 2000.

Qwest Communications International, Inc., Apparent Liability for Forfeiture, Consent Decree and Order, File No. ENF-99-11, NAL/ACCT. No. 916EF008. July 21, 2000.

Closed Captioning Requirements for Digital Television Receivers, Report and Order, ET Docket No. 99-254. July 21, 2000.

U.S. GPS Industry Council, American Airlines and United Airlines, Consolidated Petition for Reconsideration of Waivers Issued under Deregulated Authority by the Chief, Office of Engineering and Technology, Order. July 14, 2000.

**FCC Statements
(continued)**

Assessment and Collection of Regulatory Fees for Fiscal Year 2000, MD Docket No. 00-58. July 10, 2000.

Order of Forfeiture, In the Matter of Business Discount Plan, Inc. Apparent Liability for Forfeiture. July 5, 2000.

Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service ET Docket No. 95-18; FCC 00-233. July 3, 2000.

Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. June 30, 2000.

Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, Third Report and Order and Memorandum Opinion and Order, CC Docket No. 92-297. June 26, 2000.

Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168. June 22, 2000.

Redesignation of the 17.7 – 19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 Frequency Bands, et al. IB Docket No. 98-172, RM-9005, RM-9118. June 22, 2000.

1998 Biennial Regulatory Review: Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Communications Act. June 20, 2000.

GTE Corporation and Bell Atlantic Corporation, Applications for Transfer of Control of Domestic and International Section 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License, Memorandum Opinion and Order. June 16, 2000.

Review of Commission Consideration of Applications under the Cable Landing License Act. June 8, 2000.

Big Brother is Programming. June 7, 2000.

Order Adopting a Consent Decree between the Commission and MCI WorldCom Communications, Inc. (MCI WorldCom) that Terminates a Commission Investigation into Unauthorized Conversion (Slamming) of Consumers' Preferred Carriers by MCI WorldCom. June 6, 2000.

Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Media One Group, Inc., Transferor, To AT&T Corp., Transferee, CS Docket No. 99-251. June 5, 2000.

**FCC Statements
(continued)**

Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service, Reepport and Order, CC Docket Nos. 96-262, 94-1, 99-249, 96-45. May 31, 2000.

FCC's Public Forum on Secondary Markets in Spectrum. May 31, 2000.

Applications of Shareholders of CBS Corporation (Transferor) and Viacom, Inc. (Transferee) For Transfer of Control of CBS Corporation and Certain Subsidiaries, Licensees of KCBS-TV, Los Angeles, CA et al. May 3, 2000.

Auction of Licenses for the 747-762, 777-792 MHz and 700 MHz Bands Postponed Until September 6, 2000. May 2, 2000.

CALEA Section 103 Compliance and Section 107(c) Petitions, CC Docket No. 97-213. April 25, 2000.

Reexamination of the Comparative Standards for Noncommercial Educational Applicants, MM Docket No. 95-31. April 14, 2000.

Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, First Order on Reconsideration, CC Docket No. 94-129. April 13, 2000.

Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas. April 6, 2000.

FCC Approval of Qwest / US West Merger. March 10, 2000.

Greater Flexibility in Guard Bands. March 9, 2000.

Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, Second Report and Order. March 9, 2000..

Joint FCC/FTC Policy Statement for the Advertising of Dial-Around and Other Long Distance Services to Consumers. March 1, 2000.

**FCC Statements
(continued)**

Voicestream Wireless Corporation or Omnipoint Corporation, and Voicestream Wireless Holding Company, Cook Inlet/VS GSM II PCS, LLC or Cook Inlet/VS GSM II PCS, LLC, and various subsidiaries and affiliates of Omnipoint Corporation, and Cook Inlet/VS GSM II PCS, LLC or Cook Inlet/VS GSM III PCS, LLC Application for Consent to Transfer of Control and Assignment of Licenses and Authorizations. February 15, 2000.

Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding, MM Dockets Nos. 98-24, 96-16. February 3, 2000.

Applications of WQED Pittsburgh and Cornerstone Television, Inc. January 28, 2000.

Press Statement on Review of Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding, MM Docket Nos. 98-24, 96-16. January 20, 2000.

Creation of Low Power Radio Service, MM Docket No. 99-25 Report & Order. January 20, 2000.

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, CS Docket No. 99-230. January 14, 2000.

Reaction to Nextwave Decision. January 12, 2000.

Service Rules for the 746-764 and 776-794 MHz Bands, and Revision to Part 27 of the Commission's Rules, WT Docket No. 99-168. January 6, 2000.

Applications of WQED Pittsburgh and Cornerstone Television, Inc. For Consent to the Assignment of License of Noncommercial Educational Station WQEX(TV), Channel *16, Pittsburgh, Pennsylvania. December 29, 1999.

Press Statement on Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York, CC Docket No. 99-295. December 22, 1999.

Concurring Statement on Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York, CC Docket No. 99-295. December 22, 1999.

1998 Biennial Regulatory Review: Review of Depreciation Requirements for Incumbent Local Exchange Carriers, United States Telephone Association's Petition for Forbearance from Depreciation Regulation of Price Cap Local Exchange Carriers, Report and Order in CC Docket 98-137, Memorandum Opinion and Order in ASD 98-91. December 17, 1999.

Public Interest Obligations of TV Broadcast Licensees, Notice of Inquiry. December 15, 1999.

Proposed First Quarter 2000 Universal Service Contribution Factor Announced in CC Docket 96-45. December 13, 1999.

**FCC Statements
(continued)**

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Supplemental Order, CC Docket 96-98. November 24, 1999.

Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147. November 18, 1999.

AT&T Corp., British Telecommunications, plc, VLT Co. L.L.C., Violet License Co. LLC, and TNV [Bahamas] Limited Applications for Grant of Section 214 Authority, Modification of Authorizations and Assignment of Licenses in Connection with the Proposed Joint Venture Between AT&T Corp. and British Telecommunications, plc, IB Docket No. 98-212. November 18, 1999.

Re: Request of Lockheed Martin Corporation and Warburg, Pincus & Co. November 17, 1999.

Applications of SatCom Systems Inc., TMI Communications and Company, L.P. and SatCom Systems Inc., File No. 647-DSE-P/L-98 et al. November 12, 1999.

Trinity Broadcasting of Florida, Inc., Miami, Florida, MM Docket No. 93-75. November 4, 1999.

Common Carrier Bureau's Suspension of AT&T's October 29 Tariff Filing. October 29, 1999.

FCC's October 21 Universal Service Orders. October 21, 1999.

Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Review of the Commission's Cable Attribution Rules, CS Docket No. 98-82. October 8, 1999.

Implementation of Section 11(c) of the Cable Television Consumer Protection and Competition Act of 1992, Horizontal Ownership Limits, MM No. 92-264. October 8, 1999.

Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95, and 101 of the Commission's Rules, CC Docket No. 98-141. October 6, 1999.

SBC-Ameritech License Transfer Proceeding - Press Statement. October 6, 1999.

1998 Biennial Regulatory Review - Spectrum Aggregation Limits for Wireless Telecommunications Carriers, WT Docket No. 98-205, GN Docket No. 93-252, Report and Order. September 22, 1999.

Direct Access to the INTELSAT System, IB Docket No. 89-182, File No. 60-SAT-ISP-97. September 17, 1999.

**FCC Statements
(continued)**

In Response to Inquiry from Rep. George W. Gekas, Chairman, House Judiciary Subcommittee on Commercial and Administrative Law, Commissioner Furchtgott-Roth Concludes that Schools and Libraries Program Likely Violates Recent D.C. Circuit Non-delegation Doctrine Decision, *American Trucking v. EPA*. September 16, 1999.

Implementation of the Telecommunications Act of 1996; Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended, CC Docket Nos. 96-115; 96-98; 99-**. September 9, 1999.

Petition for Reconsideration by People for the American Way and Media Access Project of Declaratory Ruling Regarding Section 312(a)(7) of the Communications Act. September 7, 1999.

Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, CC Docket No. 96-45. September 3, 1999.

Access Charge Reform, CC Docket No. 96-262, Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94-1, Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers, CCB/CPD File No. 98-63, Petition of U.S. West Communications, Inc. for Forbearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA, CC Docket No. 98-157. August 27, 1999.

Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Information; Implementation of the Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934, As Amended. CC Docket Nos. 96-45 and 96-149. August 16, 1999.

Oncor Communications, Inc., File No. ENF 95-04. August 6, 1999.

Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, MM Docket No. 97-234. August 5, 1999.

Review of the Commission's Regulations Governing Television Broadcasting, MM Docket No. 91-221; and in the Matter of Television Satellite Stations Review of Policy and Rules, MM Docket No. 87-8. August 5, 1999.

Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests, MM Docket No. 94-150; Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry, MM Docket No. 92-51; Reexamination of the Commission's Cross-Interest Policy, MM Docket No. 87-154. August 5, 1999.

Adoption of Full Funding of the E-Rate. August 5, 1999.

**FCC Statements
(continued)**

1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, CC Docket No. 98-171. July 28, 1999.

Opposes Re-Regulation of Long Distance Market. July 9, 1999.

Joint Application for a License to Land and Operate a Submarine Cable Network Between the United States and Japan. July 9, 1999.

Petition for Forbearance of the Independent Telephone & Telecommunications Alliance; Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area. July 1, 1999.

Application of ALLTEL Corporation Petition for Waiver of Section 64.41 of the Commission's Rules and Applications for Transfer of Control; CCB/CPD 99-1. June 30, 1999.

Proposed SBC-Ameritech Conditions (Joint Statement with Commissioner Tristani). June 30, 1999.

Proposed SBC/Ameritech Conditions. June 30, 1999.

Reduction in Access Charges. June 30, 1999.

Application of AirTouch Communications, Inc., Transferor and Vodafone Group, PLC, Transferee for consent to Transfer Control of Licenses and Authorizations. June 21, 1999.

Application of Great Empire Broadcasting, Inc. and Journal Broadcast Corp. for Transfer of Control of Omaha Great Empire Broadcasting, Inc., Licensee of WOW(AM) and WOW(FM), Omaha, Nebraska File Nos. BTC-980831GH, BTCH-980831GH. June 17, 1999.

Promotion of Competitive Networks in Local Telecommunications Markets. June 10, 1999.

Universal Service: FCC Votes to Raise E-Rate Tax by \$1 Billion: FCC Again Violates Statutory Mandate by Increasing E-Rate Tax While Delaying Implementation of High-Cost Program. May 27, 1999.

Increased Schools and Libraries Tax Will Harm Consumers. May 21, 1999.

Truth-in-Billing and Billing Format, CC Docket No. 98-170. May 11, 1999.

Trinity Broadcasting of Florida, Inc., Miami, Florida, MM Docket No. 93-75. April 15, 1999.

Letter From Commissioner Furchtgott-Roth to CEOs of SBC and Ameritech in Response to Chairman's Proposed Process, April 5, 1999. April 5, 1999.

Additional Information Regarding Broadband PCS Spectrum Included in the Auction Scheduled for March 23, 1999. April 5, 1999.

**FCC Statements
(continued)**

C-TEC Corporation, Final Resolution of Cable Programming Service Rate Complaints. April 1, 1999.

Implementation of Cable Act Reform Provisions of the Telecommunications Act, CS Docket No. 96-95. March 31, 1999.

With Gloria Tristani, Request for Extension of the Commission's Initial Non-Delinquency Period for C and F Block Payments. March 26, 1999.

Commonwealth of Virginia State Corporation Commission v. MCI Telecommunications Corporation, File No. E-99-01. March 22, 1999.

1998 Biennial Regulatory Review – Review of International Common Carrier Regulations. March 18, 1999.

Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services and 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements. March 8, 1999.

Proposed Second Quarter 1999 Universal Service Contribution Factors, CC Docket No. 96-45. March 4, 1999.

FCC Effectively Overturns State Decisions; Opens Door For Internet Access Charges; Furchtgott-Roth Denied Commissioner Rights. February 25, 1999.

Recommendation of Schools and Libraries Committee of USAC. February 18, 1999.

Applications for Consent to the Transfer and Control of Licenses and Section 214 Authorization from Tele-Communications, Inc., Transferor, To AT&T Corp., Transferee, CS Docket No. 98-178. February 17, 1999.

Letter to Cheryl Parrino, President, Universal Service Administrative Company. February 9, 1999.

Declaratory Ruling Regarding the Iowa Communications Network in Federal-State Joint Board on Universal Service, CC Docket No. 96-45. February 8, 1999.

Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act. February 2, 1999.

Creation of a Low Power Radio Service, MM Docket No. 99-25. January 28, 1999.

Report on the Deployment of Advanced Telecommunications Capability to All Americans. January 28, 1999.

Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94-1. January 22, 1999.

Business Discount Plan, Inc. Apparent Liability for Forfeiture Enf No. 98-02. January 14, 1999.

**FCC Statements
(continued)**

December 1998 Rate Integration Reconsideration Order. December 31, 1998.

Comprehensive Report on FCC's Biennial Review Including Suggestions for Year 2000 Review. December 21, 1998.

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, CS Docket No. 98-102. December 17, 1998.

Second Report and Order and Further Notice of Proposed Rulemaking, Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 and Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94-129. December 17, 1998.

Forward-Looking Mechanism for High Cost Support for Non-Rural LECs; CC Docket Nos. 96-45, 97-160. December 12, 1998.

Universal Service Contribution Factors and Proposed Action; CC Docket No. 96-45. December 4, 1998.

1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities; MM Docket Nos. 98-43, 91-140, 94-149. December 3, 1998.

Federal-State Joint Board on Universal Service, Second Recommended Decision. November 23, 1998.

Schools and Libraries Corporation's First Wave of Commitment Letters. November 23, 1998.

Review of the Commission's Broadcast and Cable EEO Rules and Policies and Termination of the EEO Streamlining Proceeding, MM Docket Nos. 98-204 and 96-16. November 19, 1998.

Implementation of Section 207 of the Telecommunications Act of 1996, Restrictions on Over-the-Air Reception Devices. November 19, 1998.

Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992, Direct Broadcast Satellite Public Interest Obligations, MM Docket No. 93-25. November 19, 1998.

1998 Biennial Regulatory Review – Spectrum Aggregation Limits for Wireless Telecommunications Carriers. November 19, 1998.

Changes to the Board of Directors of the National Exchange Carrier Association, Inc.; CC Docket Nos. 97-21, 96-45. November 19, 1998.

Second Report and Order and third Order on Reconsideration regarding Changes to the Board of Directors of the National Exchange Carrier Association, Inc.; CC Docket Nos. 97-21 and 96-45. November 16, 1998.

Application for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Southern New England Telecommunications Corporation to SBC Communications, Inc.; CC Docket No. 98-25. October 23, 1998.

**FCC Statements
(continued)**

Forward-Looking Mechanism for High Cost Support for Non-Rural LECs; CC Docket Nos. 96-45 and 97-160. October 22, 1998.

Federal-State Joint Board on Universal Service; CC Docket No. 96-45. October 22, 1998.

1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities; MM Docket Nos. 98-43, 91-140, 94-149. October 22, 1998.

Further Notice of Proposed Rulemaking, Communications Assistance for Law Enforcement Act. October 22, 1998.

Report and Order 1998 Biennial Regulatory Review -- Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services. October 21, 1998.

Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance Inc., for Provision of In-Region, InterLATA Services in Louisiana; CC Docket No. 98-121. October 13, 1998.

Prescribing the Authorized Rate of Return for Interstate Services for Local Exchange Carriers and Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 98-166. October 5, 1998.

Suspension of Requirement for Filing of Broadcast Station Annual Employment Reports and Program Reports. September 29, 1998.

Memorandum Opinion and Order, In the Matter of AT&T Corporation, et al. v. Ameritech Corp. et al., File Nos. E-98-41 et al. September 28, 1998.

1998 Biennial Regulatory Review -- Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms. September 17, 1998.

Truth-in-Billing and Billing Format. September 17, 1998.

Application of WorldCom, Inc. and MCI Communications Corporation for Transfer of Control of MCI Communications Corporation to WorldCom, Inc.; CC Docket No. 97-211. September 14, 1998.

Petition for the Extension of the Compliance Date under Section 107 of the Communications Assistance for Law Enforcement Act by AT&T Wireless Services, Inc., Lucent Technologies, and Ericsson, Inc. September 11, 1998.

Proposed Fourth Quarter 1998 Universal Service Contribution Factors Announced; CC Docket No. 96-45. August 18, 1998.

Implementation of Section 309(j) of the Communications Act, MM Docket No. 97-234, GC Docket No. 92-52, GEN Docket No. 90-264. August 18, 1998.

**FCC Statements
(continued)**

Notice of Proposed Rulemaking 1998 Biennial Regulatory Review – Reform of the International Settlements Policy and Associated Filing Requirements. August 6, 1998.

Petition for Rulemaking of Ameritech New Media, Inc., Regarding Development of Competition and Diversity in Video Programming Distribution and Carriage. August 6, 1998.

Applications of Radio Sun Group of Texas, Inc., For Renewal of Licenses of Stations. July 23, 1998.

Consent to Transfer Control of Teleport Communications Group Inc. to AT&T Corp., CC Docket No. 98-24. July 23, 1998.

Universal Service Support for Non-Rural Carriers that Serve High Cost Areas, CC Docket No. 96-45. July 16, 1998.

Proposal to Revise Administrative Structure for Federal Universal Service Support Mechanisms; CC Docket No. 96-45. July 15, 1998.

Amendment of Rules Governing Procedures to be Followed when Formal Complaints are Filed against Common Carriers, CC Docket No. 96-238. July 9, 1998.

Political Editorial and Personal Attack Rules, Gen. Docket No. 83-484. June 22, 1998.

Fifth Order on Reconsideration and Fourth Report and Order Regarding the Federal State Joint Board on Universal Service, CC Docket No. 96-45. June 22, 1998.

Universal Service. June 12, 1998.

Clarification/Reiteration of "Services" Eligible for Discounts to Schools and Libraries. June 11, 1998.

Notice of Proposed Rulemaking and Order 1998 Biennial Regulatory Review – Streamlining of Technical Rules in Parts 73 and 74 of the commission's Rules. June 11, 1998.

Notice of Inquiry 1998 Biennial Regulatory Review – Testing New Technology. June 11, 1998.

1998 Biennial Regulatory Review – Conducted Emissions Limits for Equipment Regulated Under Parts 15 and 18 of the Commission's Rules, FCC 98-102. June 8, 1998.

Saluting AT&T. June 1, 1998.

Endorsement of the Decision of USAC to Appoint Cheryl Parrino as its First Chief Executive Officer. May 21, 1998.

**FCC Statements
(continued)**

Application of Nationwide Wireless Network Corporation for a Nationwide Authorization in the Narrowband Personal Communications Service. May 14, 1998.

1998 Biennial Regulatory Review – Amendment of Parts 2, 25, and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency and Telephone Terminal Equipment and to Implement Mutual Recognition Agreements. May 14, 1998.

Proposed Third Quarter 1998 Universal Service Contribution Factors Announced; Common Carrier Bureau Seeks Comment on Proposed Revisions of 1998 Collection Amounts for Schools and Libraries and Rural Health Care Universal Service Support Mechanisms; CC Docket No. 96-45. May 13, 1998.

Universal Service Report to Congress in Response to Senate bill 1768 and Conference Report on HR 3579. May 8, 1998.

1998 Biennial Regulatory Review – "Annual Report of Cable Television System," Form 325, Filed Pursuant to Section 76.403 of the Commission's Rules. April 30, 1998.

Application of Comsat Corporation Petition Pursuant to Section 10(c) of the Communications Act of 1934, as amended, for Forbearance from Dominant Carrier Regulation and for Reclassification as a Non-Dominant Carrier. April 28, 1998.

1998 Biennial Regulatory Review – Part 76 Cable Television Service Pleading and Complaint Rules. April 22, 1998.

Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance, CC Docket No. 98-56. April 16, 1998.

Federal-State Joint Board on Universal Service, Report to Congress, CC Docket No. 96-45. April 10, 1998.

1998 Biennial Regulatory Review – Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices. April 2, 1998.

1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes. April 2, 1998.

Implementation of Section 255 of the Telecommunications Act of 1996 – Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons with Disabilities. April 2, 1998.

Toll Free Service Access Codes, CC Docket No. 95-155. March 31, 1998.

Second Quarter 1998 Universal Service Contribution Factors. March 20, 1998.

Southwestern Bell Telephone Company, Tariff F.C.C. No. 73. March 13, 1998.

**FCC Statements
(continued)**

1998 Biennial Regulatory Review: Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Communications Act. March 12, 1998.

Implementation of Section 551 of the Telecommunications Act of 1996: Video Programming Ratings, CS Docket No. 97-55. March 12, 1998.

Proposed Second Quarter 1998 Universal Service Contribution Factors Announced in CC Docket No. 96-45. February 27, 1998.

Broadcast Equal Employment Opportunity Enforcement Policy as to Religious Broadcasters. February 25, 1998.

Policies and Rules for the Direct Broadcast Service – Notice of Proposed Rulemaking. February 19, 1998.

Letter in Response to Representative John D. Dingell's Recent Inquiry Regarding Free Air Time. February 18, 1998.

Advanced Television Systems and their Impact upon the Existing Television Broadcast Service – Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order. February 18, 1998.

Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services. Petitions for Further Reconsideration of the Denial of Applications for Waiver of the Commission's Common Carrier Point-to-Point Microwave Radio Service Rules. February 2, 1998.

Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services and 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements. January 29, 1998.

Fourth Annual Report on Competition in Video Markets. January 13, 1998.

Federal-State Joint Board on Universal Service, Access Charge Reform, Price Cap Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge. December 29, 1997.

Application of BellSouth Corporation to Provide In-Region, InterLATA Services in South Carolina. December 24, 1997.

**FCC Statements
(continued)**

Streamlined Auction Rules. December 18, 1997.

Proposals to Improve Program Access Rules. December 18, 1997.

Revision of Universal Service Collection Amounts for 1998. December 16, 1997.

Southwestern Bell Telephone Company, Tariff F.C.C. No. 73. November 14, 1997.

Three Members of Permanent Staff Named. November 12, 1997.