

Exhibit No:
Issue: Policies Supporting ETC
Designation; "Redefinition" of
Service Areas
Witness: Don J. Wood
Type of Exhibit: Direct Testimony
Sponsoring Party: U.S. Cellular
Case No: TO-2005-0384

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO: TO-2005-0384

DIRECT TESTIMONY

OF

DON J. WOOD

ON BEHALF OF

USCOC OF GREATER MISSOURI, LLC d/b/a U.S. CELLULAR

July 12, 2005

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of USCOC of)
Greater Missouri, LLC for Designation as an)
Eligible Telecommunications Carrier)
Pursuant To The Telecommunications Act Of)
1996)

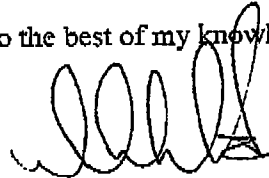
Case No. TO-2005-0384

AFFIDAVIT OF DON J. WOOD

STATE OF ~~OKLAHOMA~~
COUNTY OF ~~OKLAHOMA~~

Don J. Wood, appearing before me, affirms and states:

1. My name is Don J. Wood. I am a principal in the economic and financial consulting firm of Wood & Wood, 30,000 Mill Creek Avenue, Alpharetta, Georgia.
2. Attached hereto and made a part hereof for all purposes is my Direct Testimony on behalf of USCOC of Greater Missouri, LLC d/b/a U.S. Cellular, having been prepared in written form for introduction into evidence in the above-captioned docket.
3. I have knowledge of the matters set forth therein. I hereby affirm that my answers contained in the attached testimony to the questions propounded, including any attachment thereto, are true and accurate to the best of my knowledge, information and belief.



DON J. WOOD

Subscribed and sworn to before me this 12th day of July, 2005.

Penelope R. Bodine

Notary Public

Commission Expires:

2-16-07

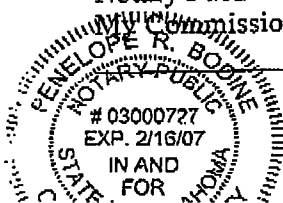


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1 **DIRECT TESTIMONY OF DON J. WOOD**

2 **Introduction**

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

4 A. My name is Don J. Wood. I am a principal in the firm of Wood & Wood, an economic
5 and financial consulting firm. My business address is 30,000 Mill Creek Avenue, Suite
6 395, Alpharetta, Georgia 30022. I provide economic and regulatory analysis of the
7 telecommunications, cable, and related convergence industries with an emphasis on
8 economic policy, competitive market development, and cost-of-service issues.

9 **Q. PLEASE DESCRIBE YOUR BACKGROUND AND EXPERIENCE.**

10 A. I received a BBA in Finance with distinction from Emory University and an MBA with
11 concentrations in Finance and Microeconomics from the College of William and Mary.
12 My telecommunications experience includes employment at both a Regional Bell
13 Operating Company ("RBOC") and an Interexchange Carrier ("IXC").

14 Specifically, I was employed in the local exchange industry by BellSouth
15 Services, Inc. in its Pricing and Economics Service Cost Division. My responsibilities
16 included performing cost analyses of new and existing services, preparing documentation
17 for filings with state regulatory commissions and the Federal Communications
18 Commission ("FCC"), developing methodology and computer models for use by other
19 analysts, and performing special assembly cost studies.

20 I was employed in the interexchange industry by MCI Telecommunications
21 Corporation, as Manager of Regulatory Analysis for the Southern Division. In this
22 capacity I was responsible for the development and implementation of regulatory policy
23 for operations in the southern U.S. I then served as a Manager in MCI's Economic

1 Analysis and Regulatory Affairs Organization, where I participated in the development of
2 regulatory policy for national issues.

3 **Q. HAVE YOU PREVIOUSLY PRESENTED TESTIMONY BEFORE STATE**
4 **REGULATORY COMMISSIONS?**

5 A. Yes. I have testified on telecommunications issues before the regulatory commissions of
6 thirty-nine states, Puerto Rico, and the District of Columbia. I have also presented
7 testimony regarding telecommunications issues in state, federal, and overseas courts,
8 before alternative dispute resolution tribunals, and at the FCC. A listing of my previous
9 testimony is attached to my testimony as **Schedule DJW-1**.

10 **Q. ARE YOU FAMILIAR WITH THE APPLICATION OF UNIVERSAL SERVICE**
11 **MECHANISMS AT THE STATE AND FEDERAL LEVELS?**

12 A. Yes. In the course of my professional experience, I have addressed issues regarding the
13 design, implementation, and ongoing administration of universal service support
14 mechanisms. I have also performed extensive analyses of the costs of service, including
15 but not limited to network costs, incurred by telecommunications carriers to provide local
16 exchange services and have specifically addressed the issue of how costs may vary
17 among and between geographic areas. I was involved in the review and analysis of both
18 the Hatfield/HAI cost model and the Benchmark Cost Proxy Model (“BCPM”)
19 considered by the FCC in CC Docket No. 96-45, and have presented testimony regarding
20 the relative merits of both cost models on numerous occasions.

21 More recently, I have analyzed the applications of a number of carriers seeking
22 designation as an Eligible Telecommunications Carrier (“ETC”), including applications
23 to be granted ETC status in areas serviced by both non-rural and rural Incumbent Local

1 Exchange Companies (“ILECs”). To date, I have testified regarding such applications for
2 ETC designation in Alabama (decided by the FCC), Alaska, Colorado, Idaho, Illinois,
3 Indiana, Kansas, Kentucky, Minnesota, Montana, Nevada, Oklahoma, Oregon, South
4 Dakota, Texas, Vermont, West Virginia, and Wyoming.

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

6 A. I have been asked by USCOC of Greater Missouri, LLC, d/b/a U.S. Cellular (“U.S.
7 Cellular”) to address the public interest aspect of its Application for designation as a
8 federal ETC in Missouri within the areas set forth in Exhibits C and D to U.S. Cellular’s
9 Application. I have also been asked to discuss U.S. Cellular’s request for “redefinition”
10 of the service areas for purposes of facilitating the Company’s designation in areas served
11 by certain rural telephone companies, as identified in Exhibit F to the Application.

12 **Policies Supporting ETC Designation**

13 **Q. WHAT QUESTIONS ARE BEFORE THE COMMISSION IN THIS**
14 **PROCEEDING?**

15 A. For the wire centers identified in the Application’s Exhibit C served by CenturyTel
16 (Central), CenturyTel (Southwest) and SBC Missouri (non-rural LECs), the relevant
17 question before the Commission is simply: *Has U.S. Cellular committed to offer and*
18 *advertise the nine supported services throughout the proposed service areas?*¹

¹ The reference to “supported services” has become a standard shorthand in the industry, and I am following that convention in my prefiled testimony. To be clear, 47 CFR §54.101 refers to a list of nine service “functionalities,” all of which must be provided by an ETC in its various service offerings. Eligibility for federal universal service support to both ILECs and CETCs is not limited to service offerings that provide *only* these functionalities, though; it is simply necessary for a service offering to contain, *at a minimum*, these nine functionalities. Because carriers, and not service offerings, are qualified as an ETC, there is no such thing as a “universal

1 For the study areas identified in Application Exhibit D served by CenturyTel (Belle
2 Herman), CenturyTel (Southern), Choctaw Telephone Co., Ellington Telephone Co.,
3 Farber Telephone Co., Fidelity Telephone Co., Granby Telephone Co., Holoway
4 Telephone Co., Kingdom Telephone Co., Lamo Telephone Co., Mark Twain Rural
5 Telephone Co., Miller Telephone Co., New Florence Telephone Co., New London Tel.
6 Co./TDS Telecom., Northeast Missouri Rural Telephone Co., Orchard Farm Tel Co./TDS
7 Telecom, Oregon Farmers Mutual Telephone Co., Peace Valley Telephone Co., Rock
8 Port Telephone Co., Seneca Telephone Co., Steelville Telephone Exchange, Inc., and
9 Stoutland Telephone Co./TDS Telecom, the question is two-fold: *Has U.S. Cellular*
10 *committed to offer and advertise the nine supported services throughout the proposed*
11 *service areas?*, and *Is the designation of U.S. Cellular as an ETC in the public interest?*

12 Finally, for the wire centers identified in Exhibit F served by ALLTEL Communications,
13 Inc. ("Alltel"), BPS Telephone Co., Chariton Valley Telephone Corp., Craw-Kan
14 Telephone Coop., Goodman Telephone Co., Grand River Mutual Tel Corp., Le-Ru
15 Telephone Co., Mid-Missouri Telephone Co., Spectra Communications Group LLC., and
16 Sprint, the Commission must determine whether U.S. Cellular should be conditionally
17 designated as an ETC and whether the service areas should be "redefined" so that U.S.
18 Cellular can be designated as an ETC in those areas.

19 **Q. HAVE THESE QUESTIONS BEEN THE FOCUS OF THE PROCEEDINGS**
20 **BEFORE OTHER STATE REGULATORS IN WHICH YOU PARTICIPATED?**

21 A. Yes. Because the criteria for designation of federal ETCs are set forth in Section 214 of
22 the Federal Telecommunications Act of 1996 (the "Act"), these questions have been, as

service offering." This has been a source of confusion in previous state proceedings.

1 they must be, the focus of the review made by the regulators in each case (state
2 regulatory bodies where they exercised jurisdiction, the FCC where they did not). The
3 state regulatory commissions, as well as the FCC, must apply federal law to determine
4 the eligibility of the petitioners.

5 However, the rural ILECs in these proceedings typically have sought to broaden
6 the scope of review and have attempted to put competition on trial. While such attempts
7 have rarely been successful, they have often consumed valuable Commission time and
8 resources. The purpose of this proceeding is not whether the introduction of competition
9 for basic telecommunications services in rural areas is in the public interest. That
10 question has already been answered in the affirmative. The policy direction has been set
11 on the federal level by both Congress and the FCC. The questions to be addressed here
12 concern the facts of U.S. Cellular's Application.

13 **Q. THE FCC RECENTLY ISSUED AN ORDER REGARDING ETC**
14 **DESIGNATIONS. DO YOU HAVE AN OPINION ON HOW THAT ORDER**
15 **SHOULD BE CONSIDERED IN THIS PROCEEDING?**

16 A. Yes. The *2005 USF Order*² contains a set of filing requirements that the FCC intends to
17 phase-in for ETC applicants in those cases in which the FCC evaluates and rules on the
18 petition.

19 It should be noted that the FCC's *2005 USF Order* made no fundamental changes
20 to the standards to be met by a carrier seeking designation as an ETC. In reality, what the
21 FCC created in this order were additional filing requirements. The FCC did not
22 fundamentally change the ETC designation "criteria," but rather changed the way that it

² *Report and Order*, FCC 05-46 released March 17, 2005 (hereafter "*2005 USF Order*").

1 plans to require carriers to document their compliance with the existing criteria.

2 Like the *Virginia Cellular Order*,³ the FCC's *2005 USF Order* reiterates and
3 applies longstanding policy. Other than the addition of some new filing requirements,
4 there is nothing that is substantively new or different from the way the FCC has
5 previously addressed these same issues.

6 Finally, any new requirements should not be implemented on an *ad hoc* basis in
7 the context of a given carrier's petition for designation as an ETC, but should instead be
8 addressed through a general rulemaking. Such an approach would permit all interested
9 parties to comment on the proposed requirements prior to their implementation, and
10 would avoid any bias in the application of those requirements.

11 **Q. HAS U.S. CELLULAR AGREED TO COMPLY WITH THE FCC'S NEW FILING**
12 **GUIDELINES IF THIS COMMISSION REQUIRES THAT IT DO SO?**

13 A. Yes. As Mr. Wright states in his testimony, U.S. Cellular is willing to provide this
14 additional information to the Commission if requested.

15 **Q. WHAT REQUIREMENTS ARE CURRENTLY IN PLACE REGARDING THE**
16 **DESIGNATION OF A CARRIER AS AN ELIGIBLE TELECOMMUNICATIONS**
17 **CARRIER, OR ETC?**

18 A. The language of the 1996 telecommunications Act, the Code of Federal Regulations, and
19 the FCC's implementation orders combine to form the applicable standard.

20 U.S. Cellular must demonstrate to this Commission that it will offer the "services

³ *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket 96-45, Memorandum Opinion and Order, FCC 03-338, ¶ 32 (rel. Jan. 22, 2004 ("*Virginia Cellular*").

1 or functionalities” that are “supported by federal universal support mechanisms”⁴ and
2 must do so “either using its own facilities or a combination of its own facilities and resale
3 of another carrier’s services” (47 CFR 54.201(d)(1)) and “advertise the availability of
4 such services and the charges therefore using media of general distribution” (47 CFR
5 54.201(d)(2)). U.S. Cellular must also provide this Commission with the information
6 necessary for it to conclude that the designation of U.S. Cellular as an ETC in the
7 requested areas is in the public interest.

8 Any carrier that is designated as an ETC and receives federal universal service
9 support must “use that support only for the provision, maintenance, and upgrading of
10 facilities and services for which the support is intended” (47 CFR 54.7). Compliance
11 with this requirement is impossible to demonstrate up front (i.e., before the carrier
12 receives an ETC designation for a given area and before any investments are made), but
13 should be part of the ongoing enforcement process for all ETCs.

14 **Q. BASED UPON YOUR REVIEW OF THE COMPANY AND ITS APPLICATION,**
15 **DO YOU BELIEVE THAT THE DESIGNATION OF U.S. CELLULAR AS AN**
16 **ETC, AND THE COMPETITIVE ENTRY MADE POSSIBLE BY SUCH A**
17 **DESIGNATION, WILL PROVIDE BENEFITS TO END USER CONSUMERS?**

18 A. Yes. These competitive benefits have both a short-term and long-term component.

19 End user consumers will benefit in the short term from a choice of suppliers that
20 present different technologies, and also from choosing the technology that best meets
21 their needs. They can also select from a much broader array of service and pricing plans,

⁴ More specifically, the carrier must offer services that contain each of the nine supported service functionalities.

1 and again can choose the plan that best meets their individual needs. Over the longer
2 term, consumers will benefit as competitive market forces act to make all providers,
3 including the ILECs, more efficient and responsive to customer needs.

4 I fully support the FCC's conclusion that the entry of an additional ETC into a
5 rural area can be expected to create the following benefits: "[to] provide incentives to the
6 incumbent to implement new operating efficiencies, lower prices, and offer better service
7 to its customers."⁵ Conversely, the FCC has found "no merit" in arguments that the
8 designation of an additional ETC in a rural area will reduce investment incentives,
9 increase prices, or reduce the service quality of the ILEC.

10 The short-term benefits of competitive entry, including lower prices, new service
11 offerings, the availability of different technology, and the ability to diversify among
12 suppliers, are important. They are important components of any public interest
13 determination, but they do not tell the whole story. In my experience, the long-term
14 economic benefits of competition represent an equally important source of potential gain
15 for consumers of telecommunications services in rural areas and for rural economic
16 development. The FCC refers to the provision of "customer choice, innovative services,
17 and new technologies" as benefits of a competitive ETC designation in a rural area, and
18 also explicitly notes that "competition will result not only in the deployment of new
19 facilities and technologies, but will also *provide an incentive to the incumbent rural*
20 *telephone companies to improve their existing network to remain competitive.*"⁶ The

⁵ *In the Matter of Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, DA 00-2896, ¶ 2 (rel. Dec. 26, 2000).

⁶ *Id.*, ¶ 17 (emphasis added).

1 FCC went on to conclude that “*competition may provide incentives to the incumbent to*
2 *implement new operating efficiencies, lower prices, and offer better service to its*
3 *customers.*”⁷

4 **Q. DO YOU HAVE ANY DIRECT EXPERIENCE WITH THE IMPACT OF**
5 **COMPETITIVE ENTRY IN RURAL AREAS?**

6 A. Yes. While competitive entry is important in urban and suburban areas, in my experience
7 the existence of competitive alternatives in rural areas is even more important for at least
8 two reasons:

9 **1. The existence of competitive options for telecommunications services,**
10 **particularly the availability of wireless service, is important for rural**
11 **economic development.**

12 When making investment and relocation decisions, companies consider the
13 availability of telecommunications services in an area. Reliable voice services, data
14 services, and wireless services with sufficient coverage all play a role in this process. In
15 order to compete with their urban and suburban counterparts to attract investment and
16 jobs, rural areas need for these services to be available.

17 **2. The availability of affordable and high-quality wireless service is extremely**
18 **important in rural areas for health and safety reasons.**

19 Reliable mobile communications have a level of importance for people who live
20 and work in rural areas that people living in urban areas often fail to appreciate. The
21 availability of even the highest quality wireline service is no substitute for a mobile
22 service with broad geographic coverage, simply because the wireline service is often
23 physically not there when needed. In an area where fields being worked are far from the

⁷ *Id.*, ¶ 22 (emphasis added).

1 road, and where wireline phones along the roadway are few and far between, the
2 availability of wireless communication can literally save a life.

3 **Q. HAS U.S. CELLULAR COMMITTED TO OFFER AND ADVERTISE THE NINE**
4 **SUPPORTED SERVICE FUNCTIONALITIES THROUGHOUT THE**
5 **PROPOSED SERVICE AREAS?**

6 A. Yes. U.S. Cellular made that commitment in its Application. As described in more detail
7 in the testimony of Mr. Nick Wright, U.S. Cellular stands ready and willing to meet this
8 commitment.

9 **Q. WILL U.S. CELLULAR OFFER SERVICES THAT PROVIDE BENEFITS TO**
10 **CONSUMERS?**

11 A. Yes. As described in its Application and the testimony of Mr. Wright, U.S. Cellular will
12 provide the residents and businesses in the specified areas with important options. End
13 users will be able to choose the technology – wireline or wireless – that best meets their
14 individual needs. End users will also be able to choose calling plans that will allow them
15 to more closely match the service that they receive (and pay for) with their calling
16 patterns and frequency. Finally, end users will have greater access to the personal and
17 public safety benefits of wireless service.

18 **Q. IS THERE SOME FACT OR ISSUE THAT IS SPECIFIC TO U.S. CELLULAR,**
19 **OR THE SERVICE AREAS WITHIN WHICH IT SEEKS ETC STATUS IN**
20 **MISSOURI, THAT WOULD OUTWEIGH THOSE BENEFITS?**

21 A. No. U.S. Cellular's desire to serve – and its commitment to do so – fully complies with
22 the service obligations set forth in the Act and is consistent with that of other carriers that
23 have been designated as an ETC in areas served by rural ILECs.

1 In my experience, U.S. Cellular’s qualifications to serve as an ETC exceed those
2 of many other carriers. The company has a proven track record of operation as an ETC in
3 other states, and has used the funds that it has received in order to expand the coverage
4 and quality of its services to customers in those states. It is also important to note that
5 U.S. Cellular has a very low customer “churn” rate. In my experience, customers who do
6 not receive quality service or who are not satisfied with the responsiveness of their
7 wireless provider do not hesitate to change providers. U.S. Cellular’s customers do this
8 far less often than the industry average, supporting the conclusion that U.S. Cellular treats
9 its customers well.

10 **Q. YOU STATED THAT IN THE OTHER STATE PROCEEDINGS IN WHICH**
11 **YOU HAVE PARTICIPATED, THE LECS HAVE SOUGHT TO IMPROPERLY**
12 **BROADEN THE SCOPE OF THE PROCEEDING. PLEASE EXPLAIN.**

13 A. In other state proceedings, ILECs have asked state regulators to weigh the benefits and
14 costs of permitting competitive entry into rural areas (specifically areas of low line
15 density) and the benefits and costs of granting ETC status to more than one carrier in
16 such an area. These general policy questions are simply not relevant to the designation of
17 a competitive ETC. To the contrary, the relevant questions here are specific to U.S.
18 Cellular’s showings in its Application.

19 As far as the public interest issue is concerned, it is the interest of the public – the
20 consumers of telecommunications services – that must be considered. The interests of
21 individual carriers, or categories of carriers, are not a significant element of the public
22 interest determination. This is consistent with the FCC’s stated principle of “competitive
23 neutrality” in the operation of any universal service mechanism. The FCC and Fifth

1 Circuit Court of Appeals have been clear that the purpose of the federal universal service
2 mechanism is to benefit rural consumers of telecommunications services, not to protect
3 incumbent LECs:

4 The Act does *not* guarantee all local telephone service providers a
5 sufficient return on investment; quite the contrary, it is intended to
6 introduce competition into the market. Competition necessarily
7 brings the risk that some telephone service providers will be unable
8 to compete. The Act only promises universal service, and that is a
9 goal that requires sufficient funding of *customers*, not *providers*.
10 So long as there is sufficient and competitively neutral funding to
11 enable all customers to receive basic telecommunications services,
12 the FCC has satisfied the Act and is not further required to ensure
13 sufficient funding of every local telephone provider as well.⁸

14 This Commission should be wary of efforts to re-litigate the FCC's decisions regarding
15 the operation of the federal universal service mechanism in rural areas. The LECs
16 typically ask state regulators to effectively set aside certain portions – but not others – of
17 the FCC's Orders, and to engage in a process of second guessing both Congress and the
18 FCC regarding (1) the benefits of competitive entry, and (2) the most effective means of
19 ensuring that consumers in rural areas have access to basic telecommunications services
20 at reasonable rates.

⁸ *Alenco Communications, Inc. v. FCC*, 201 F.3d 608, 620 (5th Cir. 2000) (emphasis in original) cited in *In the Matter of Federal-State Joint Board on Universal Service Multi-Association Group (MAG) Plan for Regulations of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket Nos. 96-45 and 00-256, *Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256*, FCC 01-157, ¶ 27 (rel. May 23, 2001).

1 **Q. FOR WHAT GEOGRAPHIC AREAS IN MISSOURI IS U.S. CELLULAR**
2 **SEEKING ETC DESIGNATION?**

3 A. As set forth in its Application and the Direct Testimony of Mr. Wright, U.S. Cellular is
4 seeking designation as an ETC throughout the wire centers listed in Exhibits C and D.
5 For certain wire centers identified in Exhibit F, U.S. Cellular is requesting conditional
6 ETC designation subject to service area “redefinition” throughout the area covered by
7 those wire centers.

8 **“Redefinition” of Service Areas**

9 **Q. PLEASE EXPLAIN WHY REDEFINITION IS NECESSARY.**

10 A. An ETC applicant must commit to offer services, and to meet all reasonable requests for
11 service, within the service area for which it seeks designation. For an area currently
12 served by a rural telephone company, Section 214(e)(5) and 47 CFR 54.207(b) provide
13 that the term “service area” means the rural telephone company’s “study area,” unless the
14 FCC and the State commission establish a different definition pursuant to FCC Rule
15 54.207(c)-(d). In most cases, a “study area” consists of all of a rural ILEC’s existing
16 certificated service area in a given state. *In the Matter of Federal-State Joint Board on*
17 *Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157, ¶ 172, n.434
18 (rel. May 8, 1997) (“*Universal Service Order*”). Redefinition is necessary here because
19 U.S. Cellular’s licensed cellular boundaries, and therefore the area in which it is
20 authorized and provides service in Missouri, are not contiguous with the study area
21 boundaries of ten of the ILECs in this case.

1 **Q. WILL REDEFINITION AFFECT THE BENEFITS OF COMPETITION THAT**
2 **YOU PREVIOUSLY DISCUSSED?**

3 A. Yes. It will make them available in areas where they otherwise might not be. Absent
4 redefinition, U.S. Cellular will not be able to be designated as a competitive ETC in the
5 areas served by the ten ILECs. Redefinition of the service area for the requested ILEC
6 service territories will allow U.S. Cellular to be designated as an ETC in those areas.
7 Consequently, the competitive benefits that will result from the Company's ETC
8 designation will be made available to a wider cross-section of Missouri consumers. The
9 FCC has in fact found that redefinition of the rural telephone company service area
10 facilitates competition and thus serves the universal service policy objectives of the Act.⁹

11 **Q. WILL THERE BE ANY IMPACT ON THE ILECS IF THE PROPOSED**
12 **SERVICE AREA REDEFINITION IS GRANTED?**

13 A. No. The redefinition term is a misnomer that has led to confusion in similar proceedings,
14 and warrants some explanation. In reality, no ILEC "study area" is actually being
15 changed. If U.S. Cellular's request is granted, the process will be transparent to the
16 ILECs and their operations. The ILECs will not be required to operate in a different
17 manner and their receipt of federal USF support will not change in any way.

18 The impact of a service area redefinition process is quite different for a
19 competitive ETC (or "CETC") such as U.S. Cellular. Without the ability to qualify as an
20 ETC for the more refined service area, a CETC cannot compete on equal footing with the
21 ILEC and may not be able to provide the supported services in a given area at all. Of

⁹ Universal Service Order, ¶ 190.

1 course, for a CETC such as U.S. Cellular, the redefinition is actually the creation of, not a
2 change to, its ETC service area.

3 In summary, U.S. Cellular is asking that it be permitted to define a service area in
4 Missouri that it can serve as an ETC. The requested area includes some, but not all, of
5 the Missouri study areas served by Alltel, BPS Telephone Co., Chariton Valley
6 Telephone Corp., Craw-Kan Telephone Coop., Goodman Telephone Co., Grand River
7 Mutual Tel Corp., Le-Ru Telephone Co., Mid-Missouri Telephone Co., Spectra
8 Communications Group LLC., and Sprint. If this request is granted, U.S. Cellular will be
9 able to serve these areas as a competitive ETC, public benefits will be realized, and the
10 ILECs will be unaffected. If the request is not granted, U.S. Cellular will not be able to
11 serve these areas as an ETC, public benefits will not be realized, and the ILECs will still
12 be unaffected.

13 **Q. SHOULD THE COMMISSION GRANT U.S. CELLULAR'S REQUEST FOR**
14 **REDEFINITION OF THE SERVICE AREA?**

15 A. Yes. The study areas of the ten rural telephone companies in which U.S. Cellular is
16 seeking redefinition contain multiple wire centers that are either wholly or partially
17 outside of U.S. Cellular's FCC-licensed service area. The most logical and appropriate
18 method of redefining these service areas is by individual wire centers. In addition,
19 redefinition at the wire center level is fully consistent with the FCC's previous decisions
20 granting redefinition in instances where it is necessary to permit competitive entry by a
21 wireless carrier.

1 **Q. WHAT ARE THE FEDERAL REQUIREMENTS REGARDING THE**
2 **REDEFINITION OF THE SERVICE AREA IN AN AREA SERVED BY A**
3 **RURAL ILEC?**

4 A. 47 CFR §54.207 (b) states that “In the case of a service area served by a rural telephone
5 company, service area means such company’s ‘study area’ unless and until the
6 Commission and the states, after taking into account recommendations of a Federal-State
7 Joint Board instituted under section 410(c) of the Act, establish a different definition of
8 service area for such company.”¹⁰ The Act and the FCC's regulations authorize the FCC
9 and the Commission to act in concert to develop an alternative service area for a rural
10 telephone company in accordance with 47 CFR § 54.207(c)-(d). When doing so, the FCC
11 and Commission must each give full consideration to the Joint Board's recommendations
12 and explain their rationale for reaching a different conclusion.¹¹

13 There are two important elements of this rule: (1) the CETC’s service area is the
14 same as the ILEC study area, but only until the state regulator and FCC decide differently
15 (with no presumption that such a change should or should not be made), and (2) the
16 recommendations of the Joint Board are something that must be “taken into account” by
17 the state regulator and FCC, but do not represent anything more than that. Of course, it is
18 the FCC and state regulator that must review each request for redefinition; the Joint
19 Board has no role in this process.

¹⁰ This language is consistent with Section 214(e) of the Act.

¹¹ 47 USC § 214(e)(5); 47 CFR § 54.207(b); *Universal Service Order*, ¶ 187.

1 **Q. YOU STATED THAT THE COMMISSION MUST TAKE INTO ACCOUNT THE**
2 **RECOMMENDATIONS OF THE FEDERAL-STATE JOINT BOARD. WHAT**
3 **DID THE JOINT BOARD RECOMMEND TO THE FCC IN 1996?**

4 A. The Joint Board recommended that the FCC not change the service area definitions of the
5 rural ILECs *en masse* but instead that it leave rural ILEC study area boundaries as study
6 area boundaries at that time. The FCC accepted this recommendation and did not make a
7 global change in this regard.

8 The Joint Board also raised three areas of concern that the FCC and state
9 regulators typically consider when reviewing a specific redefinition request: (1) the
10 potential for the requested redefinition to increase the likelihood of creamskimming by
11 the CETC, (2) the potential for the requested redefinition to impact the ILEC's status as a
12 rural carrier, and (3) the potential for the requested redefinition to create administrative
13 costs for the rural ILEC. I will address each of these considerations in turn below.

14 **Q. IS U.S. CELLULAR SEEKING ETC DESIGNATION IN ALL OF THE WIRE**
15 **CENTERS WITHIN ITS FCC-LICENSED BOUNDARIES?**

16 A. Yes. U.S. Cellular is seeking ETC designation in all of the Missouri wire centers that are
17 located entirely its FCC-licensed boundaries. In other words, it has not engaged in an
18 intentional process of picking-and-choosing the wire centers where it is seeking
19 designation.

20 **Q. WHY IS THIS IMPORTANT?**

21 A. The FCC has previously concluded that a wireless carrier seeking ETC designation in all
22 of the wire centers within its FCC-licensed boundaries is not attempting to

1 “creamskim.”¹² Any creamskimming concerns, to the extent any legitimately exist (and
2 as I will explain below, there is no legitimate basis for such a concern) are effectively
3 eliminated because U.S. Cellular has not specifically picked the areas in which it will
4 serve, but instead seeks to serve all possible areas within its FCC-licensed service
5 territory. U.S. Cellular’s choice of wire centers in which it seeks designation was based
6 entirely on its licensed area, signal coverage, and ability to meet reasonable requests for
7 service, not on the basis of where it could become eligible for the most universal service
8 funding.

9 **Q. IS THERE ANY REASON TO EXPECT U.S. CELLULAR TO HAVE THE**
10 **ABILITY TO CREAMSKIM?**

11 A. No. 47 CFR § 54.315 allows ILECs to disaggregate and target universal service support
12 in order to reflect geographic cost differences. ILECs had the opportunity to choose one
13 of three paths for disaggregation and the rules permit ILECS to change paths as events
14 warrant. To the extent that creamskimming opportunities exist, this mechanism provides
15 a very effective method to prevent it.

16 As a practical matter, even a carrier that diverts considerable resources away from
17 its business operation to attempt to exploit opportunities for geographic creamskimming
18 would find it almost impossible to accomplish its objective. In order to be successful, the
19 new entrant would need to incur costs in the same way as the ILEC. Practically speaking,
20 this does not occur because wireless carriers have a cost structure that is different from
21 that of wireline carriers. An additional practical problem is that – when examined closely
22 – network costs do not vary in a predictable way. My review of hundreds of network

¹² *Virginia Cellular*, ¶ 32.

1 costs studies reveals an inescapable truth: it is impossible to conclude that network costs
2 vary based on any set of broad criteria. Costs vary on a very discrete geographic scale,
3 making it difficult, if not impossible, to identify individual customers that are “low cost”
4 and thereby represent a creamskimming opportunity.

5 For the rural ILECs at issue in this proceeding, there are two possible scenarios:
6 (1) the ILEC has determined that costs do not vary across its service area in a way that
7 justifies disaggregation, and therefore creamskimming is not even a theoretical possibility
8 (one state commission has concluded that a rural telephone company’s choice not to
9 target support indicates that the company did not perceive any risk of creamskimming to
10 be of concern within its study area¹³), or (2) the ILEC has elected to disaggregate support,
11 making any creamskimming strategy, to the extent one is possible to construct as a
12 theoretical exercise, impossible to implement as a practical matter.

13 **Q. HAS THE FCC USED ANY PARTICULAR METHOD FOR ANALYZING THE**
14 **POTENTIAL FOR RISK CREAMSKIMMING?**

15 A. Yes. In *Virginia Cellular*, the FCC examined and compared the population densities
16 (measured in terms of persons per square mile) of the wire centers where designation was
17 sought with that of the wire centers where designation was not sought.¹⁴ If the wire
18 centers where ETC designation is sought have a significantly higher (approximately an
19 8:1 ratio, in the FCC’s example) population density than the rest of the study area, the

¹³ *In The Matter of the Application of N.E. Colorado Cellular, Inc. to Re-Define the Service Area of Eastern Slope Rural Telephone Association, Inc., Great Plains Communications, Inc., Plains Coop Telephone Association, Inc. and Sunflower Telephone Co., Inc.*, Docket No. 02A-444T, Decision Denying Exceptions and Motion to Reopen Record, Decision No. C03-1122, ¶ 38 (Colo. P.U.C., Aug. 27, 2003) (decision of rural carriers not to target support “is probative evidence of the carriers’ lack of concern with ‘creamskimming’.”)

¹⁴ *Virginia Cellular*, ¶¶ 34-35.

1 FCC reasoned, it is likely that costs are lower in the requested area, and it is possible that
2 the CETC may receive some financial benefit, however inadvertent.¹⁵ For several
3 reasons, this method represents a “rough justice” approach, at best. A measure of persons
4 per square mile, while readily available, is a poor proxy for telephone lines per square
5 mile and therefore is a poor predictor of the costs of serving an area. More importantly,
6 measuring density at the level of the total wire center area, rather than the subset of this
7 area within which telephone plant is actually built, understates density – thereby
8 overstating cost – and does so most significantly in low density areas. For these reasons,
9 the limitations inherent in the FCC’s approach should be recognized, and this kind of
10 analysis should be used only as a way of identifying areas for which a more detailed
11 analysis should be undertaken.

12 **Q. RECOGNIZING THESE LIMITATIONS, WHAT DOES THE FCC’S**
13 **POPULATION DENSITY ANALYSIS INDICATE REGARDING THE**
14 **POTENTIAL FOR CREAMSKIMMING IN THE RURAL TELEPHONE**
15 **COMPANY STUDY AREAS WHERE U.S. CELLULAR SEEKS REDEFINITION**
16 **OF THE SERVICE AREA?**

17 A. I have reviewed the population density data attached as Exhibit G to the Application.
18 The population density in three of the ten rural telephone company study areas in
19 question (BPS Telephone Co., Goodman Telephone Co., and Spectra Communications
20 Group, LLC.) is *lower* than the population density in the areas in which U.S. Cellular is
21 not seeking designation. Based on the FCC’s reasoning, one must conclude that U.S.
22 Cellular is seeking to serve an area of higher than average cost, and no creamskimming

¹⁵ *Id.*

1 can occur as a result of U.S. Cellular's designation in any of these areas.

2 In the seven remaining study areas the population density in the areas in which
3 U.S. Cellular is seeking ETC designation is approximately equal to, or only slightly
4 higher than, the population density in the areas in which U.S. Cellular is not seeking
5 designation. There is no situation in which the "great disparity" in population density,
6 relied upon by the FCC in *Virginia Cellular*, is even approached.

7 Even the theoretical possibility of creamskimming has been eliminated for three
8 of these remaining companies (Alltel, Chariton Valley Telephone Corp., and Grand River
9 Mutual Tel. Corp.), because they have already elected to disaggregate support within
10 their study areas. As discussed above, disaggregation matches costs and support: higher
11 cost areas receive a higher amount of per-line support, and lower cost areas receive a
12 correspondingly lower amount of support. A CETC, such as U.S. Cellular, would also
13 receive the level of support that correlates to the area being served, making it impossible
14 to serve a low-cost area and receive anything other than low-cost levels of support
15 available to the incumbent. This makes the results of the population density analysis in
16 these three areas of little importance, because the companies have already targeted
17 support among the wire centers within their respective study areas.

1 **Q. DO THE RURAL TELEPHONE COMPANIES STILL HAVE THE OPTION TO**
2 **DISAGGREGATE SUPPORT IN THEIR STUDY AREAS?**

3 A. Yes. To the extent they are concerned about any potential for creamskimming, the rural
4 telephone companies still have the ability to disaggregate federal universal service
5 support.¹⁶ To the extent it has concerns not shared by the rural ILECs themselves, the
6 Commission also has the ability to initiate such a disaggregation proceeding.¹⁷

7 **Q. THE SECOND JOINT BOARD FACTOR IS THE EFFECT, IF ANY, THAT**
8 **REDEFINITION MAY HAVE ON THE RURAL TELEPHONE COMPANY'S**
9 **UNIQUE REGULATORY STATUS. WILL REDEFINITION HAVE ANY**
10 **EFFECT ON THE STATUS OF THE RURAL TELEPHONE COMPANIES IN**
11 **WHICH U.S. CELLULAR SEEKS REDEFINITION IN THIS PROCEEDING?**

12 A. No. Redefinition of the service area to an individual wire center level will not
13 compromise or impair the unique treatment of these companies as rural telephone
14 companies under Section 251(f) of the Act. The companies will still retain the statutory
15 exemptions from interconnection, unbundling and resale requirements provided in
16 Section 251(c) even if the service area standard is redefined for purposes of U.S.
17 Cellular's ETC designation.

18 The FCC has repeatedly stated that the redefinition process does not affect the
19 way in which the rural telephone companies calculate their costs or the amount of per-
20 line support they receive:

21 (1) the high-cost universal service mechanisms support all lines
22 served by ETCs in rural areas; (2) receipt of high-cost support by

¹⁶ See *Virginia Cellular*, ¶ 35 n.112; 47 CFR § 54.315.

¹⁷ *Id.*

1 [the applicant] will not affect the total amount of high-cost support
2 that the incumbent rural telephone company receives; (3) to the
3 extent that [the applicant] or any future competitive ETC captures
4 incumbent rural telephone company lines to existing wireline
5 subscribers, it will have no impact on the amount of universal
6 service support available to the incumbent rural telephone
7 companies for those lines they continue to serve; and (4) redefining
8 the service areas of the affected rural telephone companies will not
9 change the amount of universal service support that is available to
10 these incumbents.

11
12 Under the Commission's rules, receipt of high-cost support by [a
13 competitive ETC] will not affect the total amount of high-cost
14 support that the incumbent rural telephone company receives.
15 Rather, the redefinition process only modifies the service area
16 requirement for purposes of designating a competitive ETC. Thus,
17 the incumbent carriers will retain their unique regulatory status as
18 rural telephone companies under the Act consistent with the Joint
19 Board's recommendations.¹⁸

20
21 **Q. DOES THIS MEAN THAT THE INCUMBENT CARRIERS WILL RETAIN**
22 **THEIR UNIQUE REGULATORY STATUS AS RURAL TELEPHONE**
23 **COMPANIES UNDER THE ACT IF THE COMMISSION DESIGNATES U.S.**
24 **CELLULAR AS AN ETC IN THE REQUESTED AREAS?**

25 A. Yes.

26 **Q. THE JOINT BOARD'S THIRD FACTOR CONSIDERS WHETHER THE**
27 **REQUESTED REDEFINITION WILL RESULT IN ANY ADDITIONAL**
28 **ADMINISTRATIVE BURDENS FOR THE ILECS. ARE YOU AWARE OF ANY**
29 **SUCH BURDENS?**

30 A. No. I have been involved in several ETC designation proceedings in which redefinition
31 was an issue. To date, no rural ILEC has presented any evidence of any increase in

¹⁸*Virginia Cellular*, ¶¶ 41, 43. See also *In the Matter of Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, *Memorandum Opinion and Order*, FCC 04-37, ¶ 40 (rel. Apr. 12, 2004).

1 administrative burdens. Because ILEC operations are in no way affected by a
2 redefinition, there is no reason to expect any such burden.

3 **Q. IS THE REDEFINITION OF THE REQUESTED SERVICE AREAS IN THE**
4 **PUBLIC INTEREST?**

5 A. Yes. Unless the service areas are redefined, U.S. Cellular will be precluded from being
6 designated as an ETC in any of the areas served by the ten rural telephone companies
7 identified on Exhibit F. Redefinition is in the public interest because it will enable U.S.
8 Cellular to bring new services and new technologies to customers in these areas.

9 **Q. WHAT IS THE PROCESS FOR SERVICE AREA REDEFINITION?**

10 A. Assuming this Commission grants U.S. Cellular's request for conditional ETC
11 designation and redefinition of the service areas, U.S. Cellular will then petition the FCC
12 for its concurrence.

13 **Q. IS THE DESIGNATION OF U.S. CELLULAR AS AN ETC IN THE STUDY**
14 **AREAS IDENTIFIED IN APPLICATION EXHIBITS C AND D IN THE PUBLIC**
15 **INTEREST?**

16 A. Yes. U.S. Cellular will provide customer alternatives in terms of pricing and technology.
17 The operation of U.S. Cellular as an ETC can be expected to benefit consumers directly
18 (through pricing, convenience, and public safety opportunities) and indirectly (as an
19 important part of rural economic development).

20 **Q. IS THE CONDITIONAL DESIGNATION OF U.S. CELLULAR AS AN ETC IN**
21 **THE LISTED WIRE CENTERS IDENTIFIED IN APPLICATION'S EXHIBIT F,**
22 **PENDING SERVICE AREA REDEFINITION, IN THE PUBLIC INTEREST?**

1 A. Yes. Redefinition at the wire center level will permit U.S. Cellular to serve as an ETC in
2 these areas, while having no impact on the operation of the ILECs or the USF support
3 they receive. Thus, designating the U.S. Cellular as an ETC in these areas will allow
4 those Missouri consumers to benefit by way of pricing, choice, convenience, public
5 safety opportunities, and overall rural economic development.

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

7 A. Yes.

TESTIMONY - STATE REGULATORY COMMISSIONS:

Alabama Public Service Commission

Docket No. 19356, Phase III: Alabama Public Service Commission vs. All Telephone Companies Operating in Alabama, and Docket 21455: AT&T Communications of the South Central States, Inc., Applicant, Application for a Certificate of Public Convenience and Necessity to Provide Limited IntraLATA Telecommunications Service in the State of Alabama.

Docket No. 20895: In Re: Petition for Approval to Introduce Business Line Termination for MCI's 800 Service.

Docket No. 21071: In Re: Petition by South Central Bell for Introduction of Bidirectional Measured Service.

Docket No. 21067: In Re: Petition by South Central Bell to Offer Dial Back-Up Service and 2400 BPS Central Office Data Set for Use with PulseLink Public Packet Switching Network Service.

Docket No. 21378: In Re: Petition by South Central Bell for Approval of Tariff Revisions to Restructure ESSX and Digital ESSX Service.

Docket No. 21865: In Re: Petition by South Central Bell for Approval of Tariff Revisions to Introduce Network Services to be Offered as a Part of Open Network Architecture.

Docket No. 25703: In Re: In the Matter of the Interconnection Agreement Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 25704: In Re: Petition by AT&T Communications of the South Central States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE South Incorporated and CONTEL of the South, Inc. Concerning Interconnection and Resale under the Telecommunications Act of 1996.

Docket No. 25835: In Re: Petition for Approval of a Statement of Generally Available Terms and Conditions Pursuant to §252(f) of the Telecommunications Act of 1996 and Notification of Intention to File a §271 Petition for In-Region InterLATA Authority with the Federal Communications Commission Pursuant to the Telecommunications Act of 1996.

Docket No. 26029: In Re: Generic Proceeding - Consideration of TELRIC Studies.

Docket No. 25980: Implementation of the Universal Support Requirements of Section 254 of the Telecommunications Act of 1996.

Docket No. 27091: Petition for Arbitration by ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 27821: Generic Proceeding to Establish Prices for Interconnection Services and Unbundled Network Elements.

Docket Nos. 27989 and 15957: BellSouth "Full Circle" Promotion and Generic Proceeding Considering the Promulgation of Telephone Rules Governing Promotions.

Docket No. 28841: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth

Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 29075: Petition of CenturyTel to Establish Wholesale Avoidable Cost Discount Rates for Resale of Local Exchange Service.

Docket No. 29054: IN RE: Implementation of the Federal Communications Commission's Triennial Review Order (Phase II – Local Switching for Mass Market Customers).

Docket No. 29172: Southern Public Communication Association, Complainant, and BellSouth Telecommunications, Inc., Defendant.

The Regulatory Commission of Alaska

Case No. U-02-039: In the Matter of Request by Alaska Digitel, LLC for Designation as a Carrier Eligible To Receive Federal Universal Service Support Under the Telecommunications Act of 1996.

Arkansas Public Service Commission

Docket No. 92-337-R: In the Matter of the Application for a Rule Limiting Collocation for Special Access to Virtual or Physical Collocation at the Option of the Local Exchange Carrier.

Public Utilities Commission of the State of California

Rulemaking 00-02-005: Order Instituting Rulemaking on the Commission's Own Motion into Reciprocal Compensation for Telephone Traffic Transmitted to Internet Service Provider Modems.

Application Nos. 01-02-024, 01-02-035, 02-02-031, 02-02-032, 02-02-034, 02-03-002: Applications for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Public Utilities Commission of the State of Colorado

Docket No. 96A-345T: In the Matter of the Interconnection Contract Negotiations Between AT&T Communications of the Mountain States, Inc., and US West Communications, Inc., Pursuant to 47 U.S.C. Section 252. Docket No. 96A-366T: In the Matter of the Petition of MCIMetro Access Transmission Services, Inc., for Arbitration Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with US West Communications, Inc. (consolidated).

Docket No. 96S-257T: In Re: The Investigation and Suspension of Tariff Sheets Filed by US West Communications, Inc., with Advice Letter No. 2608 Regarding Proposed Rate Changes.

Docket No. 98F-146T: Colorado Payphone Association, Complainant, v. US West Communications, Inc., Respondent.

Docket No. 02A-276T: In the Matter of the Application of Wiggins Telephone Association for Approval of its Disaggregation Plan

Docket No. 02A-444T: In the Matter of NECC's Application to Redefine the Service Area of Eastern Slope Rural Telephone Association, Inc., Great Plains Communications, Inc., Plains Coop Telephone Association,

Inc., and Sunflower Telephone Co., Inc.

State of Connecticut, Department of Utility Control

Docket 91-12-19: DPUC Review of Intrastate Telecommunications Services Open to Competition (Comments).

Docket No. 94-07-02: Development of the Assumptions, Tests, Analysis, and Review to Govern Telecommunications Service Reclassifications in Light of the Eight Criteria Set Forth in Section 6 of Public Act 94-83 (Comments).

Docket No. 03-11-16: Petition of Tel Comm Technologies, et. al., for Review and Amendment of Southern New England Telephone Company's Charges for Pay Telephone Access Services.

Delaware Public Service Commission

Docket No. 93-31T: In the Matter of the Application of The Diamond State Telephone Company for Establishment of Rules and Rates for the Provision of IntelliLinQ-PRI and IntelliLinQ-BRI.

Docket No. 41: In the Matter of the Development of Regulations for the Implementation of the Telecommunications Technology Investment Act.

Docket No. 96-324: In the Matter of the Application of Bell Atlantic-Delaware, Inc. for Approval of its Statement of Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996 (Phase II).

Docket No. 02-001: In the Matter of the Inquiry into Verizon Delaware Inc.'s Compliance with the Conditions Set Forth in 47 U.S.C. § 271(c).

Florida Public Service Commission

Docket No. 881257-TL: In Re: Proposed Tariff by Southern Bell to Introduce New Features for Digital ESSX Service, and to Provide Structural Changes for both ESSX Service and Digital ESSX Service.

Docket No. 880812-TP: In Re: Investigation into Equal Access Exchange Areas (EAEAs), Toll Monopoly Areas (TMAs), 1+ Restriction to the Local Exchange Companies (LECs), and Elimination of the Access Discount.

Docket No. 890183-TL: In Re: Generic Investigation into the Operations of Alternate Access Vendors.

Docket No. 870347-TI: In Re: Petition of AT&T Communications of the Southern States for Commission Forbearance from Earnings Regulation and Waiver of Rule 25-4.495(1) and 25-24.480 (1) (b), F.A.C., for a trial period.

Docket No. 900708-TL: In Re: Investigation of Methodology to Account for Access Charges in Local Exchange Company (LEC) Toll Pricing.

Docket No. 900633-TL: In Re: Development of Local Exchange Company Cost of Service Study Methodology.

Docket No. 910757-TP: In Re: Investigation into the Regulatory Safeguards Required to Prevent Cross-Subsidization by Telephone Companies.

Docket No. 920260-TL: In Re: Petition of Southern Bell Telephone and Telegraph Company for Rate Stabilization, Implementation Orders, and Other Relief.

Docket No. 950985-TP: In Re: Resolution of Petitions to establish 1995 rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes.

Docket No. 960846-TP: In Re: Petition by MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. for Arbitration of Certain Terms and Conditions of a proposed agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 and Docket No. 960833-TP: In Re: Petition by AT&T Communications of the Southern States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 960847-TP and 960980-TP: In Re: Petition by AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation, MCI Metro Access Transmission Service, Inc., for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE Florida Incorporated Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 961230-TP: In Re: Petition by MCI Telecommunications Corporation for Arbitration with United Telephone Company of Florida and Central Telephone Company of Florida Concerning Interconnection Rates, Terms, and Conditions, Pursuant to the Federal Telecommunications Act of 1996.

Docket No. 960786-TL: In Re: Consideration of BellSouth Telecommunications, Inc.'s Entry Into InterLATA Services Pursuant to Section 271 of the Federal Telecommunications Act of 1996.

Docket Nos. 960833-TP, 960846-TP, 960757-TP, and 971140-TP: Investigation to develop permanent rates for certain unbundled network elements.

Docket No. 980696-TP: In Re: Determination of the cost of basic local telecommunications service, pursuant to Section 364.025 Florida Statutes.

Docket No. 990750-TP: Petition by ITC^DeltaCom Communications, Inc., d/b/a/ ITC^DeltaCom, for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

Docket No. 991605-TP: Petition of BellSouth Telecommunications, Inc. for Arbitration of the Interconnection Agreement Between Time Warner Telecom of Florida, L.P., pursuant to Section 252 (b) of the Telecommunications Act of 1996.

Docket No. 030137-TP: In re: Petition for Arbitration of Unresolved Issues in Negotiation of Interconnection Agreement with BellSouth Telecommunications, Inc. by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.

Docket No. 030300-TP: In re: Petition for expedited review of BellSouth Telecommunications, Inc.'s intrastate tariffs for pay telephone access services (PTAS) rate with respect to rates for payphone line access, usage, and features, by Florida Public Telecommunications Association.

Docket No. 030851-TP: In Re: Implementation of Requirements Arising from Federal Communications

Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Docket No. 040353-TP: In Re: Petition of Supra Telecommunications and Information Systems, Inc. to Review and Cancel BellSouth's Promotional Offering Tariffs Offered In Conjunction with its New Flat Rate Service Known as PreferredPack.

Docket No. 040604-TL: In Re: Adoption of the National School Lunch Program and an Income-based Criterion at or Below 135% of the Federal Poverty Guidelines as Eligibility Criteria for the Lifeline and Linkup Programs.

Georgia Public Service Commission

Docket No. 3882-U: In Re: Investigation into Incentive Telephone Regulation in Georgia.

Docket No. 3883-U: In Re: Investigation into the Level and Structure of Intrastate Access Charges.

Docket No. 3921-U: In Re: Compliance and Implementation of Senate Bill 524.

Docket No. 3905-U: In Re: Southern Bell Rule Nisi.

Docket No. 3995-U: In Re: IntraLATA Toll Competition.

Docket No. 4018-U: In Re: Review of Open Network Architecture (ONA) (Comments).

Docket No. 5258-U: In Re: Petition of BellSouth Telecommunications for Consideration and Approval of its "Georgians FIRST" (Price Caps) Proposal.

Docket No. 5825-U: In Re: The Creation of a Universal Access Fund as Required by the Telecommunications Competition and Development Act of 1995.

Docket No. 6801-U: In Re: Interconnection Negotiations Between BellSouth Telecommunications, Inc. and AT&T Communications of the Southern States, Inc., Pursuant to Sections 251-252 and 271 of the Telecommunications Act of 1996.

Docket No. 6865-U: In Re: Petition by MCI for Arbitration of Certain Terms and Conditions of Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Docket No. 7253-U: In Re: BellSouth Telecommunications, Inc.'s Statement of Generally Available Terms and Conditions Under Section 252 (f) of the Telecommunications Act of 1996.

Docket No. 7061-U: In Re: Review of Cost Studies and Methodologies for Interconnection and Unbundling of BellSouth Telecommunications Services.

Docket No. 10692-U: In Re: Generic Proceeding to Establish Long-Term Pricing Policies for Unbundled Network Elements.

Docket No. 10854-U: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 16583-U: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 17749-U: Re: FCC's Triennial Review Order Regarding the Impairment of Local Switching for Mass Market Customers.

Public Utilities Commission of Hawaii

Docket No. 7702: In the Matter of Instituting a Proceeding on Communications, Including an Investigation of the Communications Infrastructure of the State of Hawaii.

Idaho Public Utilities Commission

Case No. GNR-T-03-08: In the Matter of the Petition of IAT Communications, Inc., d/b/a NTCDIdaho, Inc., or ClearTalk, for Designation as an Eligible Telecommunications Carrier, and Case No. GNR-T-03-16: In the Matter of the Application of NCPR, Inc., d/b/a Nextel Partners, seeking designation as an Eligible Telecommunications Carrier.

Indiana Utility Regulatory Commission

Cause No. 42303: In the Matter of the Complaint of the Indiana Payphone Association for a Commission Determination of Just and Reasonable Rates and Charges and Compliance with Federal Regulations.

Cause No. 41052-ETC-43: In the Matter of the Designation of Eligible Telecommunications Carriers by the Indiana Utility Regulatory Commission Pursuant to the Telecommunications Act of 1996 and Related FCC Orders. In Particular, the Application of NPCR, Inc. d/b/a Nextel Partners to be Designated.

Cause No. 42530: In the Matter of the Indiana Utility Regulatory Commission's Investigation of Matters Related to Competition in the State of Indiana Pursuant to Ind. Code 8-1-2 *et seq.*

Iowa Utilities Board

Docket No. RPU-95-10.

Docket No. RPU-95-11.

State Corporation Commission of the State of Kansas

Docket No. 00-GIMT-1054-GIT: In the Matter of a General Investigation to Determine Whether Reciprocal Compensation Should Be Paid for Traffic to an Internet Service Provider.

Docket No. 04-RCCT-338-ETC: In the Matter of Petition of RCC Minnesota, Inc. for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

Kentucky Public Service Commission

Administrative Case No. 10321: In the Matter of the Tariff Filing of South Central Bell Telephone Company to Establish and Offer Pulselink Service.

Administrative Case No. 323: In the Matter of An Inquiry into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

- Phase IA: Determination of whether intraLATA toll competition is in the public interest.
- Phase IB: Determination of a method of implementing intraLATA competition.
- Rehearing on issue of Imputation.

Administrative Case No. 90-256, Phase II: In the Matter of A Review of the Rates and Charges and Incentive Regulation Plan of South Central Bell Telephone Company.

Administrative Case No. 336: In the Matter of an Investigation into the Elimination of Switched Access Service Discounts and Adoption of Time of Day Switch Access Service Rates.

Administrative Case No. 91-250: In the Matter of South Central Bell Telephone Company's Proposed Area Calling Service Tariff.

Administrative Case No. 96-431: In Re: Petition by MCI for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Administrative Case No. 96-478: In Re: The Petition by AT&T Communications of the South Central States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE South Incorporated Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Administrative Case No. 96-482: In Re: The Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Administrative Case No. 360: In the Matter of: An Inquiry into Universal Service and Funding Issues.

Administrative Case No. 96-608: In the Matter of: Investigation Concerning the Provision of InterLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Administrative Case No. 382: An Inquiry into the Development of Deaveraged Rates for Unbundled Network Elements.

Case No. 2003-00143: In the matter of: Petition of NCPR, Inc., d/b/a Nextel Partners for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky.

Case No. 2003-00397: Review of Federal Communications Commission's Triennial Review Order Regarding Unbundling Requirements for Individual Network Elements.

Louisiana Public Service Commission

Docket No. 17970: In Re: Investigation of the Revenue Requirements, Rate Structures, Charges, Services, Rate of Return, and Construction Program of AT&T Communications of the South Central States, Inc., in its Louisiana Operations.

Docket No. U-17949: In the Matter of an Investigation of the Revenue Requirements, Rate Structures, Charges, Services, Rate of Return, and Construction Program of South Central Bell Telephone Company, Its Louisiana Intrastate Operations, The Appropriate Level of Access Charges, and All Matters Relevant to the Rates and Service Rendered by the Company.

- Subdocket A (SCB Earnings Phase)
- Subdocket B (Generic Competition Phase)

Docket No. 18913-U: In Re: South Central Bell's Request for Approval of Tariff Revisions to Restructure ESSX and Digital ESSX Service.

Docket No. U-18851: In Re: Petition for Elimination of Disparity in Access Tariff Rates.

Docket No. U-22022: In Re: Review and Consideration of BellSouth Telecommunications, Inc.'s TSLRIC and LRIC Cost Studies Submitted Pursuant to Sections 901(C) and 1001(E) of the Regulations for Competition in the Local Telecommunications Market as Adopted by General Order Dated March 15, 1996 in Order to Determine the Cost of Interconnection Services and Unbundled Network Components to Establish Reasonable, Non-Discriminatory, Cost Based Tariffed Rates and Docket No. U-22093: In Re: Review and Consideration of BellSouth Telecommunications, Inc.'s Tariff Filing of April 1, 1996, Filed Pursuant to Section 901 and 1001 of the Regulations for Competition in the Local Telecommunications Market Which Tariff Introduces Interconnection and Unbundled Services and Establishes the Rates, Terms and Conditions for Such Service Offerings (consolidated).

Docket No. U-22145: In the Matter of Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. U-22252: In Re: Consideration and Review of BST's Preapplication Compliance with Section 271 of the Telecommunications Act of 1996, including but not limited to the fourteen requirements set forth in Section 271 (c) (2) (b) in order to verify compliance with section 271 and provide a recommendation to the FCC regarding BST's application to provide interLATA services originating in-region.

Docket No. U-20883 Subdocket A: In Re: Submission of the Louisiana Public Service Commission's Forward Looking Cost Study to the FCC for Purposes of Calculating Federal Universal Service Support.

Docket No. U-24206: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. U-22632: In Re: BellSouth Telecommunications, Inc. Filing of New Cost Studies for Providing Access Line Service for Customer Provided Public Telephones and Smartline Service for Public Telephone Access.

Docket No. Docket No. U-24714-A: In Re: Final Deaveraging of BellSouth Telecommunications, Inc. UNE Rates Pursuant to FCC 96-45 Ninth Report and Order and Order on Eighteenth Order on Reconsideration Released November 2, 1999.

Docket No. U-27571: In Re: Louisiana Public Service Commission Implementation of the Requirements Arising from The Federal Communications Commission's Triennial Review Order, Order 03-36: Unbundled Local Circuit Switching for Mass Market Customers and Establishment of a Batch Cut Migration Process.

Public Service Commission of Maryland

Case 8584, Phase II: In the Matter of the Application of MFS Intelenet of Maryland, Inc. for Authority to Provide and Resell Local Exchange and Intrastate Telecommunications Services in Areas Served by C&P Telephone Company of Maryland.

Case 8715: In the Matter of the Inquiry into Alternative Forms of Regulating Telephone Companies.

Case 8731: In the Matter of the Petitions for Approval of Agreements and Arbitration of Unresolved Issues Arising Under Section 252 of the Telecommunications Act of 1996.

Massachusetts Department of Telecommunications and Energy

D.P.U./D.T.E. 97088/97-18 (Phase II): Investigation by the Department of Telecommunications & Energy on its own motion regarding (1) implementation of section 276 of the Telecommunications Act of 1996 relative to public interest payphones, (2) Entry and Exit Barriers for the Payphone Marketplace, (3) New England Telephone and Telegraph Company d/b/a NYNEX's Public Access Smart-Pay Service, and (4) the rate policy for operator service providers.

Minnesota Public Utilities Commission

PUC Docket No. PT6153/AM-02-686, OAH Docket No. 3-2500-14980-2: In the Matter of Petition of Midwest Wireless Communications, LLC for Designation as an Eligible Communications carrier under 47 U.S.C. § 214(e)(2).

PUC Docket No. PT-6182, 6181/M-02-1503: In the Matter of RCC Minnesota, Inc. and Wireless Alliance, LLC for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

Mississippi Public Service Commission

Docket No. U-5086: In Re: MCI Telecommunications Corporation's Metered Use Service Option D (Prism I) and Option E (Prism II).

Docket No. U-5112: In Re: MCI Telecommunications Corporation's Metered Use Option H (800 Service).

Docket No. U-5318: In Re: Petition of MCI for Approval of MCI's Provision of Service to a Specific Commercial Banking Customers for Intrastate Interexchange Telecommunications Service.

Docket 89-UN-5453: In Re: Notice and Application of South Central Bell Telephone Company for Adoption and Implementation of a Rate Stabilization Plan for its Mississippi Operations.

Docket No. 90-UA-0280: In Re: Order of the Mississippi Public Service Commission Initiating Hearings Concerning (1) IntraLATA Competition in the Telecommunications Industry and (2) Payment of Compensation by Interexchange Carriers and Resellers to Local Exchange Companies in Addition to Access Charges.

Docket No. 92-UA-0227: In Re: Order Implementing IntraLATA Competition.

Docket No. 96-AD-0559: In Re: In the Matter of the Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant

to 47 U.S.C. § 252.

Docket No. 98-AD-035: Universal Service.

Docket No. 97-AD-544: In Re: Generic Proceeding to Establish Permanent Prices for BellSouth Interconnection and Unbundled Network Elements.

Docket No. 2003-AD-714: Generic Proceeding to Review the Federal Communications Commission's Triennial Review Order.

Public Service Commission of the State of Missouri

Case No. TO-2004-0527: In the Matter of the Application of WWC License, LLC, d/b/a CellularOne, for Designation as an Eligible Telecommunications Carrier, and Petition for Redefinition of Rural Telephone Company Areas.

Public Service Commission of the State of Montana

Docket No. D2000.8.124: In the Matter of Touch America, Inc.'s Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 of the Terms and Conditions of Interconnection with Qwest Corporation, f/k/a US West Communications, Inc.

Docket No. D2000.6.89: In the Matter of Qwest Corporation's Application to Establish Rates for Interconnection, Unbundled Network Elements, Transport and Termination, and Resale Services.

Docket No. D2003.1.14: In the Matter of WWC Holding Co. Application for Designation as an Eligible Telecommunications Carrier in Montana Areas Served by Qwest Corporation.

Nebraska Public Service Commission

Docket No. C-1385: In the Matter of a Petition for Arbitration of an Interconnection Agreement Between AT&T Communications of the Midwest, Inc., and US West Communications, Inc.

Public Utilities Commission of Nevada

Docket No. 04-3030: In re: Application of WWD License LLC, d/b/a CellularOne, for redefinition of its service area as a designated Eligible Telecommunications Carrier.

New York Public Service Commission

Case No. 28425: Proceeding on Motion of the Commission as to the Impact of the Modification of Final Judgement and the Federal Communications Commission's Docket 78-72 on the Provision of Toll Service in New York State.

North Carolina Public Utilities Commission

Docket No. P-100, Sub 72: In the Matter of the Petition of AT&T to Amend Commission Rules Governing

Regulation of Interexchange Carriers (Comments).

Docket No. P-141, Sub 19: In the Matter of the Application of MCI Telecommunications Corporation to Provide InterLATA Facilities-Based Telecommunications Services (Comments).

Docket No. P-55, Sub 1013: In the Matter of Application of BellSouth Telecommunications, Inc. for, and Election of, Price Regulation.

Docket Nos. P-7, Sub 825 and P-10, Sub 479: In the Matter of Petition of Carolina Telephone and Telegraph and Central Telephone Company for Approval of a Price Regulation Plan Pursuant to G.S. 62-133.5.

Docket No. P-19, Sub 277: In the Matter of Application of GTE South Incorporated for and Election of, Price Regulation.

Docket No. P-141, Sub 29: In the Matter of: Petition of MCI Telecommunications Corporation for Arbitration of Interconnection with BellSouth Telecommunications, Inc., Petition of AT&T Communications of the Southern States, Inc. for Arbitration of Interconnection with BellSouth Telecommunications, Inc. (consolidated).

Docket No. P-141, Sub 30: In the Matter of: Petition of MCI Telecommunications Corporation for Arbitration of Interconnection with General Telephone Company of North Carolina, Inc., Petition of AT&T Communications of the Southern States, Inc. for Arbitration of Interconnection with General Telephone Company of North Carolina, Inc. (consolidated).

Docket No. P-100, Sub 133b: Re: In the Matter of Establishment of Universal Support Mechanisms Pursuant to Section 254 of the Telecommunications Act of 1996.

Docket No. P-100, Sub 133d: Re: Proceeding to Determine Permanent Pricing for Unbundled Network Elements.

Docket No. P-100, Sub 84b: Re: In the Matter of Petition of North Carolina Payphone Association for Review of Local Exchange Company Tariffs for Basic Payphone Services (Comments).

Docket No. P-561, Sub 10: BellSouth Telecommunications, Inc., Complainant, v. US LEC of North Carolina, LLC, and Metacomm, LLC, Respondents.

Docket No. P-472, Sub 15: In the Matter of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Time Warner Telecom of North Carolina, L.P. Pursuant to Section 252(b) of the Telecommunications Act of 1996.

Docket Nos. P-7, Sub 995; P-10, Sub 633: ALEC., Inc. v. Carolina Telephone and Telegraph Company and Central Telephone Company.

Docket No. P-500, Sub 18: In the Matter of: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. P-118, Sub 30: In the matter of: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Pursuant to Section 252 of the Telecommunications Act of 1996.

Docket No. P-100, Sub 133q: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Public Utilities Commission of Ohio

Case No. 93-487-TP-ALT: In the Matter of the Application of The Ohio Bell Telephone Company for Approval of an Alternative Form of Regulation.

Oklahoma Corporation Commission

Cause No. PUD 01448: In the Matter of the Application for an Order Limiting Collocation for Special Access to Virtual or Physical Collocation at the Option of the Local Exchange Carrier.

Cause No. PUD 200300195: Application of United States Cellular Corporation for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.

Cause No. PUD 200300239: Application of Dobson Cellular Systems, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.

Public Utility Commission of Oregon

Docket No. UT 119: In the Matter of an Investigation into Tariffs Filed by US West Communications, Inc., United Telephone of the Northwest, Pacific Telecom, Inc., and GTE Northwest, Inc. in Accordance with ORS 759.185(4).

Docket No. ARB 3: In the Matter of the Petition of AT&T Communications of the Pacific Northwest, Inc., for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996. Docket No. ARB 6: In the Matter of the Petition of MCIMetro Access Transmission Services, Inc. for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 (consolidated).

Docket No. ARB 9: In the Matter of the Petition of an Interconnection Agreement Between MCIMetro Access Transportation Services, Inc. and GTE Northwest Incorporated, Pursuant to 47 U.S.C. Section 252.

Docket No. UT-125: In the Matter of the Application of US West Communications, Inc. for an Increase in Revenues.

Docket No. UM 1083: RCC Minnesota, Inc. Application for Designation as an Eligible Telecommunications Carrier, Pursuant to the Telecommunications Act of 1996.

Docket No. UM 1084: United States Cellular Corporation Application for Designation as an Eligible Telecommunications Carrier, Pursuant to the Telecommunications Act of 1996.

Pennsylvania Public Utilities Commission

Docket No. I-00910010: In Re: Generic Investigation into the Current Provision of InterLATA Toll Service.

Docket No. P-00930715: In Re: The Bell Telephone Company of Pennsylvania's Petition and Plan for Alternative Form of Regulation under Chapter 30.

Docket No. R-00943008: In Re: Pennsylvania Public Utility Commission v. Bell Atlantic-Pennsylvania,

Inc. (Investigation of Proposed Promotional Offerings Tariff).

Docket No. M-00940587: In Re: Investigation pursuant to Section 3005 of the Public Utility Code, 66 Pa. C. S. §3005, and the Commission's Opinion and Order at Docket No. P-930715, to establish standards and safeguards for competitive services, with particular emphasis in the areas of cost allocations, cost studies, unbundling, and imputation, and to consider generic issues for future rulemaking.

Docket No. A-310489F7004: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Pursuant to Section 252 of the telecommunications Act of 1996.

South Carolina Public Service Commission

Docket No. 90-626-C: In Re: Generic Proceeding to Consider Intrastate Incentive Regulation.

Docket No. 90-321-C: In Re: Petition of Southern Bell Telephone and Telegraph Company for Revisions to its Access Service Tariff Nos. E2 and E16.

Docket No. 88-472-C: In Re: Petition of AT&T of the Southern States, Inc., Requesting the Commission to Initiate an Investigation Concerning the Level and Structure of Intrastate Carrier Common Line (CCL) Access Charges.

Docket No. 92-163-C: In Re: Position of Certain Participating South Carolina Local Exchange Companies for Approval of an Expanded Area Calling (EAC) Plan.

Docket No. 92-182-C: In Re: Application of MCI Telecommunications Corporation, AT&T Communications of the Southern States, Inc., and Sprint Communications Company, L.P., to Provide IntraLATA Telecommunications Services.

Docket No. 95-720-C: In Re: Application of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for Approval of an Alternative Regulation Plan.

Docket No. 96-358-C: In Re: Interconnection Agreement Negotiations Between AT&T Communications of the Southern States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 96-375-C: In Re: Interconnection Agreement Negotiations Between AT&T Communications of the Southern States, Inc. and GTE South Incorporated Pursuant to 47 U.S.C. § 252.

Docket No. 97-101-C: In Re: Entry of BellSouth Telecommunications, Inc. into the InterLATA Toll Market.

Docket No. 97-374-C: In Re: Proceeding to Review BellSouth Telecommunications, Inc. Cost for Unbundled Network Elements.

Docket No. 97-239-C: Intrastate Universal Service Fund.

Docket No. 97-124-C: BellSouth Telecommunications, Inc. Revisions to its General Subscriber Services Tariff and Access Service Tariff to Comply with the FCC's Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996.

Docket No. 1999-268-C: Petition of Myrtle Beach Telephone, LLC, for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Horry

Telephone Cooperative, Inc.

Docket No. 1999-259-C: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 2001-65-C: Generic Proceeding to Establish Prices for BellSouth's Interconnection Services, Unbundled Network Elements and Other Related Elements and Services.

Docket No. 2003-326-C: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

South Dakota Public Utilities Commission

Docket No. TC03-191: In the Matter of the Filing by WWC License, LLC d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Other Rural Areas.

Docket No. TC03-193: In the Matter of the Petition of RCC Minnesota, Inc., and Wireless Alliance, L.L.C., for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. §214(e)(2).

Tennessee Public Service Commission

Docket No. 90-05953: In Re: Earnings Investigation of South Central Bell Telephone Company.

Docket Nos. 89-11065, 89-11735, 89-12677: AT&T Communications of the South Central States, MCI Telecommunications Corporation, US Sprint Communications Company -- Application for Limited IntraLATA Telecommunications Certificate of Public Convenience and Necessity.

Docket No. 91-07501: South Central Bell Telephone Company's Application to Reflect Changes in its Switched Access Service Tariff to Limit Use of the 700 Access Code.

Tennessee Regulatory Authority

Docket No. 96-01152: In Re: Petition by AT&T Communications of the South Central States, Inc. for Arbitration under the Telecommunications Act of 1996 and Docket No. 96-01271: In Re: Petition by MCI Telecommunications Corporation for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 96-01262: In Re: Interconnection Agreement Negotiations Between AT&T of the South Central States, Inc. and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252.

Docket No. 97-01262: Proceeding to Establish Permanent Prices for Interconnection and Unbundled Network Elements.

Docket No. 97-00888: Universal Service Generic Contested Case.

Docket No. 99-00430: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996.

Docket No. 97-00409: In Re: All Telephone Companies Tariff Filings Regarding Reclassification of Pay

Telephone Service as Required by Federal Communications Commission Docket No. 96-128.

Docket No. 03-00119: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc.

Docket No. 03-00491: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Public Utility Commission of Texas

Docket No. 12879: Application of Southwestern Bell Telephone Company for Expanded Interconnection for Special Access Services and Switched Transport Services and Unbundling of Special Access DS1 and DS3 Services Pursuant to P. U. C. Subst. R. 23.26.

Docket No. 18082: Complaint of Time Warner Communications against Southwestern Bell Telephone Company.

Docket No. 21982: Proceeding to Examine Reciprocal Compensation Pursuant to Section 252 of the Federal Telecommunications Act of 1996.

Docket No. 23396: Joint Petition of CoServ, LLC d/b/a CoServ Communications and Multitechnology Services, LP d/b/a CoServ Broadband Services for Arbitration of Interconnection Rates, Terms, Conditions, and Related Arrangements with Southwestern Bell Telephone Company.

Docket No. 24015: Consolidated Complaints and Requests of Post-Interconnection Dispute Resolution Regarding Inter-Carrier Compensation for FX-Type Traffic Against Southwestern Bell Telephone Company.

PUC Docket No. 27709: Application of NPCR, Inc., dba Nextel Partners for Eligible Telecommunications Carrier Designation (ETC).

PUC Docket No. 28744: Impairment Analysis for Dedicated Transport.

PUC Docket No. 28745: Impairment Analysis for Enterprise Loops.

PUC Docket No. 29144: Application of Dobson Cellular Systems, Inc., for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. 241 (e) and P.U. C. Subst. Rule 26.418.

State of Vermont Public Service Board

Docket No. 6533: Application of Verizon New England Inc. d/b/a Verizon Vermont for a Favorable Recommendation to Offer InterLATA Services Under 47 U.S.C. 271.

Docket No. 6882: Investigation into Public Access Line Rates of Verizon New England, Inc., d/b/a Verizon Vermont.

Docket No. 6934: Petition of RCC Atlantic Inc. for designation as an Eligible Telecommunications Carrier in areas served by rural telephone companies under the Telecommunications Act of 1996.

Virginia State Corporation Commission

Case No. PUC920043: Application of Virginia Metrotel, Inc. for a Certificate of Public Convenience and Necessity to Provide InterLATA Interexchange Telecommunications Services.

Case No. PUC920029: Ex Parte: In the Matter of Evaluating the Experimental Plan for Alternative Regulation of Virginia Telephone Companies.

Case No. PUC930035: Application of Contel of Virginia, Inc. d/b/a GTE Virginia to implement community calling plans in various GTE Virginia exchanges within the Richmond and Lynchburg LATAs.

Case No. PUC930036: Ex Parte: In the Matter of Investigating Telephone Regulatory Methods Pursuant to Virginia Code § 56-235.5, & Etc.

Washington Utilities and Transportation Commission

Docket Nos. UT-941464, UT-941465, UT-950146, and UT-950265 (Consolidated): Washington Utilities and Transportation Commission, Complainant, vs. US West Communications, Inc., Respondent; TCG Seattle and Digital Direct of Seattle, Inc., Complainant, vs. US West Communications, Inc., Respondent; TCG Seattle, Complainant, vs. GTE Northwest Inc., Respondent; Electric Lightwave, Inc., vs. GTE Northwest, Inc., Respondent.

Docket No. UT-950200: In the Matter of the Request of US West Communications, Inc. for an Increase in its Rates and Charges.

Docket No. UT-000883: In the Matter of the Petition of U S West Communications, Inc. for Competitive Classification.

Public Service Commission of West Virginia

Case No. 02-1453-T-PC: Highland Cellular, Inc. Petition for consent and approval to be designated as an eligible telecommunications carrier in the areas served by Citizens Telecommunications Company of West Virginia.

Case No. 03-0935-T-PC: Easterbrooke Cellular Corporation Petition for consent and approval to be designated as an eligible telecommunications carrier in the area served by Citizens Telecommunications Company of West Virginia d/b/a Frontier Communications of West Virginia.

Public Service Commission of Wyoming

Docket No. 70000-TR-95-238: In the Matter of the General Rate/Price Case Application of US West Communications, Inc. (Phase I).

Docket No. PSC-96-32: In the Matter of Proposed Rule Regarding Total Service Long Run Incremental Cost (TSLRIC) Studies.

Docket No. 70000-TR-98-420: In the Matter of the Application of US West Communications, Inc. for authority to implement price ceilings in conjunction with its proposed Wyoming Price Regulation Plan for essential and noncompetitive telecommunications services (Phase III).

Docket No. 70000-TR-99-480: In the Matter of the Application of US West Communications, Inc. for

authority to implement price ceilings in conjunction with its proposed Wyoming Price Regulation Plan for essential and noncompetitive telecommunications services (Phase IV).

Docket No. 70000-TR-00-556: In the Matter of the Filing by US West Communications, Inc. for Authority to File its TSLRIC 2000 Annual Input Filing and Docket No. 70000-TR-00-570: In the Matter of the Application of US West Communications, Inc. for Authority to File its 2000 Annual TSLRIC Study Filing.

Docket No. 70042-AT-04-4: In the Matter of the Petition of WWC Holding Co., Inc., d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Areas Served by Qwest Corporation, and Docket No. 70042-AT-04-5: In the Matter of the Petition of WWC Holding Co., Inc., d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Clark, Basin, Frannie, Greybull, Lovell, Meeteetse, Burlington, Hyattville, and Tensleep (consolidated).

Public Service Commission of the District of Columbia

Formal Case No. 814, Phase IV: In the Matter of the Investigation into the Impact of the AT&T Divestiture and Decisions of the Federal Communications Commission on Bell Atlantic - Washington, D. C. Inc.'s Jurisdictional Rates.

Puerto Rico Telecommunications Regulatory Board

Case No. 98-Q-0001: In Re: Payphone Tariffs.

Case No. JRT-2001-AR-0002: In the Matter of Interconnection Rates, Terms and Conditions between WorldNet Telecommunications, Inc. and Puerto Rico Telephone Company.

Case No. JRT-2003-AR-0001: Re: Petition for Arbitration pursuant to Section 252(b) of the Federal Communications Act, and Section 5(b), Chapter II of the Puerto Rico Telecommunications Act, regarding interconnection rates, terms, and conditions.

Case No. JRT-2004-Q-0068: Telefónica Larga Distancia de Puerto Rico, Inc., Complainant, v. Puerto Rico Telephone Company, Defendant.

Case Nos. JRT-2005-Q-0121 and JRT-2005-Q-0218: Telefónica Larga Distancia de Puerto Rico, Inc., and WorldNet Telecommunications, Inc., Plaintiffs, v. Puerto Rico Telephone Company, Inc., Defendant.

COMMENTS/DECLARATIONS - FEDERAL COMMUNICATIONS COMMISSION

CC Docket No. 92-91: In the Matter of Open Network Architecture Tariffs of Bell Operating Companies.

CC Docket No. 93-162: Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection for Special Access.

CC Docket No. 91-141: Common Carrier Bureau Inquiry into Local Exchange Company Term and Volume Discount Plans for Special Access.

CC Docket No. 94-97: Review of Virtual Expanded Interconnection Service Tariffs.

CC Docket No. 94-128: Open Network Architecture Tariffs of US West Communications, Inc.

CC Docket No. 94-97, Phase II: Investigation of Cost Issues, Virtual Expanded Interconnection Service Tariffs.

CC Docket No. 96-98: In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996

CC Docket No. 97-231: Application by BellSouth to Provide In-Region InterLATA Services

CC Docket No. 98-121: Application by BellSouth to Provide In-Region InterLATA Services

CCB/CPD No. 99-27: In the Matter of Petition of North Carolina Payphone Association for Expedited Review of, and/or Declaratory Ruling Concerning, Local Exchange Company Tariffs for Basic Payphone Services.

CC Docket No. 96-128: In the Matter of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CCB/CPD No. 99-31: Oklahoma Independent Telephone Companies Petition for Declaratory Ruling (consolidated).

CCB/CPD No. 00-1: In the Matter of the Wisconsin Public Service Commission Order Directing Filings.

CC Docket No. 99-68: In the Matter of Inter-Carrier Compensation for ISP-Bound Traffic

File No. EB-01-MD-020: In the Matter of Sprint Communications Company, L.P., Complainant v. Time Warner Telecom, Inc. Defendant.

Request by the American Public Communications Council that the Commission Issue a Notice of Proposed Rulemaking to Update the Dial-Around Compensation Rate

File Nos. EB-02-MD-018-030: In the Matter of Communications Vending Corp. of Arizona, et. al., Complainants, v. Citizens Communications Co. f/k/a Citizens Utilities Co. and Citizens Telecommunications Co., et. al., Defendants.

CC Docket No. 96-45: In the Matter of Federal-State Joint Board on Universal Service, Cellular South License, Inc., RCC Holdings, Inc., Petitions for designation as an Eligible Telecommunications Carrier in the State of Alabama.

CC Docket No. 96-45: In the Matter of Federal-State Joint Board on Universal Service, Declaration in Support of the Comments to the Federal-State Joint Board of the Rural Cellular Association and the Alliance of Rural CMRS Carriers.

REPRESENTATIVE TESTIMONY – STATE, FEDERAL, AND OVERSEAS COURTS

Court of Common Pleas, Philadelphia County, Pennsylvania

Shared Communications Services of 1800-80 JFK Boulevard, Inc., Plaintiff, v. Bell Atlantic Properties, Inc., Defendant.

Texas State Office of Administrative Hearings

SOAH Docket No. 473-00-0731: Office of Customer Protection (OCP) Investigation of Axces, Inc. for Continuing Violations of PUC Substantive Rule §26.130, Selection of Telecommunications Utilities, Pursuant to Procedural Rules 22.246 Administrative Penalties.

SOAH Docket No. 473-03-3673: Application of NPCR, Inc., dba Nextel Partners for Eligible Telecommunications Carrier Designation (ETC).

SOAH Docket No. 473-04-4450: Application of Dobson Cellular Systems, Inc., for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. 241 (e) and P.U. C. Subst. Rule 26.418.

Superior Court for the State of Alaska, First Judicial District

Richard R. Watson, David K. Brown and Ketchikan Internet Services, a partnership of Richard R. Watson and David K. Brown, plaintiffs, v. Karl Amylon and the City of Ketchikan, Defendants.

United States District Court for the District of South Carolina, Columbia Division

Brian Wesley Jeffcoat, on behalf of himself and others similarly situated, Plaintiffs, v. Time Warner Entertainment - Advance/Newhouse Partnership, Defendant.

United States District Court for the Northern District of Texas, Fort Worth Division

Multitechnology Services, L. P. d/b/a CoServ Broadband Services, Plaintiffs, v. Southwestern Bell Telephone Company, Defendant.

Multitechnology Services, L. P. d/b/a CoServ Broadband Services, Plaintiffs, v. Verizon Southwest f/k/a GTE Southwest Incorporated.

High Court of the Hong Kong Special Administrative Region, Court of First Instance

Commercial List No. 229 of 1999: Cable and Wireless HKT International Limited, Plaintiff v. New World Telephone Limited, Defendant.