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June 11, 2004

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HAND DELIVERY

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket 031047-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC ("KMC III"), KMC Telecom V, Inc. ("KMC V") and KMC Data LLC ("KMC Data") (collectively, "KMC") are the following documents:

- 06533-04 1. An original and fifteen copies of the Direct Testimony of Timothy J. Gates; and
- 06534-04 2. An original and fifteen copies of the Direct Testimony of Robert E. Collins, Jr.

CMP Please acknowledge receipt of these documents by stamping the extra copy of this letter
COM 5 "filed" and returning the same to me in the enclosed self-addressed stamped envelope.

CTR *orig* Thank you for your assistance with this filing.

ECR _____

GCL _____

OPC _____

MMS _____

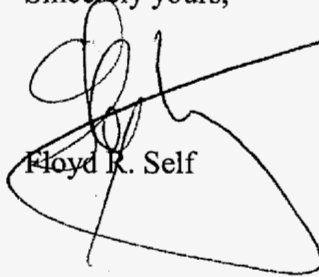
RCA _____

SCR FRS/amb
Enclosures

SEC 1 cc: Parties of Record

OTH +cover Hr.

Sincerely yours,



Floyd R. Self

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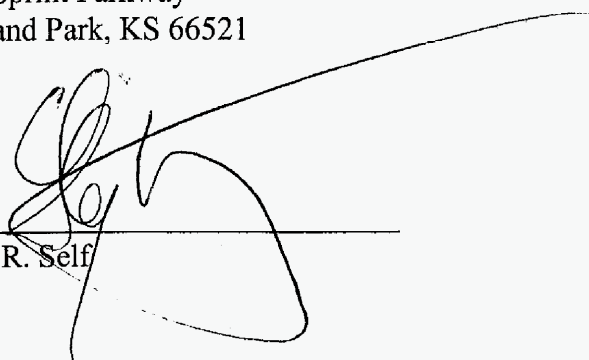
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by Hand Delivery (*) and/or U.S. Mail this 11th day of June, 2004.

Lee Fordham, Esq.*
General Counsel's Office, Room 370
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Tallahassee, FL 32399-0850

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Overland Park, KS 66521



Floyd R. Self

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of

Petition of KMC Telecom III LLC,
KMC Telecom V, Inc., and KMC Data, LLC
for Arbitration of an Interconnection
Agreement with Sprint Communications,
LP, and Sprint-Florida, Incorporated,
Pursuant to Section 252(b) of the
Communications Act of 1934, as Amended.

)
)
)
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) Docket No. 031047-TP
)
)
)

DIRECT TESTIMONY OF TIMOTHY J GATES

ON BEHALF OF

**KMC TELECOM III LLC, KMC TELECOM V, INC., AND KMC DATA,
LLC**

June 11, 2004

DOCUMENT NUMBER-DATE
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1 **Q. PLEASE STATE YOUR NAME, OCCUPATION AND BUSINESS**
2 **ADDRESS.**

3 **A.** My name is Timothy J Gates. My business address is QSI Consulting, 819
4 Huntington Drive, Highlands Ranch, Colorado 80126.

5 **Q. WHAT IS QSI CONSULTING, INC. AND WHAT IS YOUR POSITION**
6 **WITH THE FIRM?**

7 **A.** QSI Consulting, Inc. ("QSI") is a consulting firm specializing in traditional and
8 non-traditional utility industries, econometric analysis and computer aided
9 modeling. I currently serve as Senior Vice President.

10 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**
11 **WORK EXPERIENCE.**

12 **A.** I received a Bachelor of Science degree from Oregon State University and a
13 Master of Management degree in Finance and Quantitative Methods from
14 Willamette University's Atkinson Graduate School of Management. Since I
15 received my Masters, I have taken additional graduate-level courses in statistics
16 and econometrics. I have also attended numerous courses and seminars specific
17 to the telecommunications industry, including both the NARUC Annual and
18 NARUC Advanced Regulatory Studies Programs.

19 Prior to joining QSI, I was a Senior Executive Staff Member at MCI
20 WorldCom, Inc. ("MWCOM"). I was employed by MCI and/or MWCOM for 15
21 years in various public policy positions. While at MWCOM I managed various
22 functions, including tariffing, economic and financial analysis, competitive
23 analysis, witness training and MWCOM's use of external consultants. Prior to

1 joining MWCOR, I was employed as a Telephone Rate Analyst in the
2 Engineering Division at the Texas Public Utility Commission and earlier as an
3 Economic Analyst at the Oregon Public Utility Commission. I also worked at the
4 Bonneville Power Administration (United States Department of Energy) as a
5 Financial Analyst doing total electric use forecasts while I attended graduate
6 school. Prior to doing my graduate work, I worked for ten years as a reforestation
7 forester in the Pacific Northwest for multinational and government organizations.
8 Exhibit ____ (TJG-1) to this testimony is a summary of my work experience and
9 education.

10 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE FLORIDA**
11 **PUBLIC SERVICE COMMISSION (COMMISSION)?**

12 **A.** Yes. I have testified in Florida in three different proceedings – the Commission’s
13 investigation into intraLATA equal access (Docket No. 930330-TP); a Level
14 3/BellSouth Arbitration (Docket No. 000907-TP), and a US LEC/BellSouth
15 arbitration (Docket No. 000084-TP). As noted above, a list of all proceedings in
16 which I have filed testimony or provided comments is attached as Exhibit ____
17 (TJG-1).

18 **Q. ON WHOSE BEHALF ARE YOU FILING THIS TESTIMONY?**

19 **A.** I am filing this testimony on behalf of KMC Telecom III, L.L.C., KMC Telecom
20 V, Inc., and KMC Data, L.L.C. (“KMC”).

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

22 **A.** I address the following issues in my testimony:

1 Issue 2: How should the parties identify, exchange and compensate traffic
2 transported in whole or in part over internet protocol (“IP”)?

3 Issue 13: What are the appropriate rates, terms and conditions for the
4 performance of routine network modifications by Sprint:

- 5 a. for loops?
6 b. for dedicated transport?

7 Issue 14: Under what conditions, if any, may Sprint establish its own transport
8 facilities for the delivery of Sprint-originated traffic?

9 Issue 15: What are the requirements for interconnection and compensation for the
10 transport of Sprint end user originated ISP-bound traffic between Sprint’s
11 originating local calling area and a POI outside Sprint’s local calling area?

12 **Q. PLEASE PROVIDE SOME BACKGROUND FOR THIS PROCEEDING.**

13 **A.** KMC has an interconnection agreement with Sprint and has been operating under
14 that agreement since its approval by this Commission. Specifically, on September
15 18, 2000, Sprint and KMC (“the Parties”) entered into an interconnection
16 agreement (“Interconnection Agreement”), which was subsequently approved by
17 the Commission. The Interconnection Agreement was based on the terms of the
18 Sprint/MCI agreement that was adopted by KMC. By agreement between Sprint
19 and KMC, the Parties agreed to continue to operate pursuant to the terms of the
20 Interconnection Agreement following the stated expiration date, until such time as
21 a new interconnection agreement was approved.

22 As discussed in the Petition for Arbitration filed by KMC, the Parties have
23 been in discussions and negotiations regarding numerous disputes since early

1 2002. In July, 2003, KMC personnel met with Sprint representatives in Overland
2 Park, Kansas in yet another attempt to settle disputes. Despite good faith efforts
3 on the part of both Parties, negotiations failed to reach a mutually acceptable
4 agreement. Nevertheless, as a result of their negotiations, KMC and Sprint have
5 resolved numerous interconnection issues. However, some issues remain
6 unresolved. My testimony will address certain of the unresolved issues between
7 the Parties. Mr. Robert Collins, on behalf of KMC, will also address some of
8 these and other issues that impact KMC's operations and its ability to meet
9 customer demand.

10
11
12 *Issue No. 2: How should the parties identify, exchange*
13 *and compensate traffic transported in whole or in part*
14 *over Internet protocol?*
15

16
17 **Q WHAT IS KMC'S POSITION ON THIS ISSUE?**

18
19 **A.** Because of the uncertainty surrounding the regulatory treatment of voice over IP
20 ("VoIP") traffic, KMC asks the Commission continue to defer consideration of
21 questions related to VoIP traffic. In the interim, exchange of VoIP traffic should
22 remain on a bill-and-keep basis.

23 **Q. WHAT IS SPRINT'S POSITION ON THIS ISSUE?**

24 **A.** Sprint urges the Commission to regulate VoIP traffic, and suggests that other
25 providers' use of VoIP technology is simply an attempt to avoid access charges.

26 **Q. WHAT IS VOICE OVER INTERNET PROTOCOL OR "VOIP"**
27 **TRAFFIC?**

1 **A.** The universe of IP-based or IP-enabled services that include a voice capability are
2 frequently referred to using the short-hand moniker of VoIP. VoIP technology
3 allows voice communications over the same network that carries Internet traffic
4 and permits the voice communications to become integrated with numerous other
5 capabilities and functionalities. Indeed, VoIP is a good example of the
6 convergence of computers, telephones and television into a single integrated
7 information environment.

8 **Q. PLEASE DESCRIBE THE FUNDAMENTAL DIFFERENCES BETWEEN**
9 **VOIP CALLS AND TYPICAL PUBLIC SWITCHED TELEPHONE**
10 **NETWORK (“PSTN”) CALLS.**

11 **A.** In the simplest of terms, VoIP is an information service application that uses the
12 Internet backbone and discrete data packets to deliver real-time voice
13 communications.¹ It should be noted, however, that there is no single or standard
14 VoIP service. Rather than voice information being transmitted across the
15 traditional circuits of the PSTN, VoIP calls are made using Internet protocol, and
16 the Internet backbone, or some other private IP network. This transmission of
17 discrete data packets over the Internet rather than the transmission of normal
18 analog or digital signals over the PSTN is one difference between VoIP and

¹ According to the recent *Pulver.com Order* issued by the FCC, information service is defined as “the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” *In the Matter of Petition for Declaratory Ruling that pulver.com’s Free World Dialup is Neither Telecommunications Nor a Telecommunications Service*; WC Docket No. 03-45, Memorandum Opinion and Order, ¶ 3 (rel. Feb. 19, 2004) (*Pulver.com Order*).

1 telecommunications services, but focusing on this difference in transmission
2 would be an over simplification. VoIP calling, being IP-enabled, facilitates the
3 introduction and integration all sorts of potential capabilities not present with
4 PSTN circuit switched calls.² The IP-based capabilities distinguish VoIP – an
5 information service -- from basic telecommunications services from a regulatory
6 perspective.

7 **Q. HAS SPRINT TOUTED THE ADVANTAGES OF IP-ENABLED**
8 **OFFERINGS?**

9 A. Yes. In a press release from last year, Sprint discussed the benefits of the
10 communications upgrade it was installing for Pitt County Schools:

11 “Sprint TekNet IP makes it easy for building administrators to
12 automate bells, clocks, public address and energy management
13 functions,” said Lisa Flanagan, Sprint education account manager.
14 “By implementing this along with a VoIP network, Pitt County
15 Schools has given its students, faculty and administrators a
16 communications system that dramatically enhances their ability to
17 communicate quickly and effectively.”³

18 In another Sprint press release it noted that “VoIP allows schools to have
19 telephones with messaging capability in every classroom, giving teachers
20 increased security and the ability to leave important information such as
21 homework assignments for students. By converging their voice and data onto one
22 network, schools also reduce operating costs.”⁴

² For instance, when you have a missed call on Vonage service, you get an email detailing the call information (time, calling number, etc.). The features and capabilities of VoIP services are many and expanding.

³ See “Pitt County Schools Signs Deal with Sprint for Communications Upgrade,” Sprint Press Release (Aug. 1, 2003).

⁴ See “Sprint and Cisco Team to Deliver Education Solutions,” Sprint Press Release (Nov. 13, 2002).

1 **Q. HAS THIS COMMISSION ADDRESSED TREATMENT OF VOIP**
2 **TRAFFIC?**

3 **A.** Yes, several times. Moreover, the Florida Legislature has also addressed this
4 issue in the recent TeleCompetition Improvement and Infrastructure Enhancement
5 Act (“TICA”). In that legislation, it states,

6 The Legislature finds that the provision of voice-over-internet
7 protocol (VOIP) free of unnecessary regulation, regardless of the
8 provider, is in the public interest.⁵

9
10 The legislative mandate seems clear in its intent to avoid regulation of VoIP
11 services. Further KMC’s suggestion that the Commission adopt a “hands-off”
12 approach with respect to IP-enabled services is manifestly consistent with the
13 language and spirit of TICA.

14 The Commission has also participated in the Federal Communications
15 Commission’s (“FCC”) *VoIP NPRM*⁶ proceeding. That proceeding should have a
16 significant impact on the going forward treatment of IP-enabled services.

17 **Q. YOU MENTIONED THE FCC NPRM ON THIS ISSUE. SHOULD THIS**
18 **COMMISSION TAKE INTO ACCOUNT THE STATUS OF THAT**
19 **PROCEEDING?**

20 **A.** Yes. In March of this year, the FCC released a notice of proposed rulemaking in
21 its *VoIP NPRM* proceeding in which it seeks to examine issues relating to services
22 and applications using Internet Protocol, including VoIP. Among other things,
23 the FCC has sought comment on the impact of jurisdictional considerations, the

⁵ Section 364.01(3), Fla. Stat.

⁶ *In the Matter of IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking (rel. Mar. 10, 2004) (*VoIP NPRM*).

1 appropriate regulatory framework and intercarrier compensation issues raised by
2 VoIP.⁷ Initial comments have been filed and reply comments are expected soon
3 after this testimony is prefiled. From remarks by FCC Chairman Michael K.
4 Powell, there is every indication that the FCC will decide the regulatory status of
5 VoIP traffic by the end of this year.

6 While the FCC recently issued two declaratory rulings, it took care to note
7 that its decisions apply only to the specify type of traffic involved and specifically
8 described, in detail, the characteristics of such traffic.⁸ The FCC specifically
9 noted, in the latter of the two rulings, that it “in no way intend[s] to preclude the
10 Commission from adopting a different approach when it resolved the IP-Enabled
11 Services rulemaking or the Intercarrier Compensation rulemaking proceeding.”⁹
12 A federal District Court in Minnesota has already concluded that a state
13 commission could not rely on state law to regulate VoIP services in any manner
14 because federal regulation completely pre-empted the field.¹⁰ Accordingly, the
15 regulatory treatment of VoIP is anything but settled.

⁷ *VoIP NPRM.*

⁸ *See Petition for Declaratory Ruling that pulver.com’s Free World Dialup is Neither Telecommunications Nor a Telecommunications Service*, WC Docket No. 04-45, Memorandum Opinion and Order (rel. Feb. 19, 2004); *Petition for Declaratory Ruling that A&T’s Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket No. 02-361, Order (rel. Apr. 21, 2004) (*AT&T VoIP Declaratory Ruling*).

⁹ *AT&T VoIP Declaratory Ruling* at 2.

¹⁰ *See Vonage Holdings Corp. v. Minnesota Public Utilities Commission*, Civil File No. 03-5287, Memorandum and Order of October 16, 2003 (D. Minn.).

1 **Q. AT PAGE 10 OF ITS RESPONSE, SPRINT CLAIMS THAT CARRIERS**
2 **ARE USING VOIP TO AVOID ACCESS CHARGES.¹¹ PLEASE**
3 **COMMENT.**

4 **A.** This is not a surprising position for Sprint. Nevertheless, it is not in the public
5 interest to impose access charges on information services. Imposing this outdated
6 subsidy-laden regime on new technology will serve two purposes: provide
7 inappropriate compensation to Sprint, and harm the development of one of the
8 most promising technologies.

9 **Q. PLEASE EXPLAIN.**

10 **A.** FCC Chairman Powell recently maintained this support for leaving IP-enabled
11 services unregulated at the FCC Forum on Voice over Internet Protocol in
12 Washington, where he was quoted as saying, “As one who believes unflinchingly
13 in maintaining an Internet free from government regulation, I believe that IP-
14 based services such as VoIP should evolve in a regulation-free zone.” Chairman
15 Powell went on to caution regulators with respect to regulating IP-enabled
16 services, saying “No regulator, either federal or state, should tread into this area
17 without an absolutely compelling justification for doing so.”¹² Chairman
18 Powell’s statements were part of a daylong forum to address business, technical,
19 service feature and policy issues. More recently, Chairman Powell stated:

¹¹ See Response of Sprint-Florida, Incorporated to the Petition for Arbitration of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (Dec. 8, 2003) (“Sprint Response”).

¹² Opening Remarks of FCC Chairman Michael K. Powell at the FCC Forum on Voice over Internet Protocol (Dec. 1, 2003).

1 The burden should be placed squarely on government to
2 demonstrate why regulation is needed, rather than on innovators to
3 explain why it is not.”¹³
4

5 Sprint has failed to show that the public interest requires the imposition of access
6 charges on VoIP services.

7 **Q. CAN YOU DISCUSS FURTHER WHY THE “HANDS-OFF” APPROACH**
8 **BY THE FCC HAS BEEN SO SUCCESSFUL?**

9 **A.** Yes. By refraining from regulating technology, the FCC has eliminated the
10 uncertainty that regulation sometimes imposes on the industry. This has allowed
11 the capital markets and industry players to develop business plans and to invest
12 capital to meet consumer demand.

13 It is very difficult for companies to develop products and technology when
14 faced with a patchwork of regulatory requirements. The Balkanization of the
15 regulatory landscape increases not only the costs of compliance—if what
16 constitutes compliance can even be determined—but also embeds an unacceptable
17 level of inefficiency resulting from an inability to achieve economies of scale—
18 economies of scale that the ILECs have enjoyed throughout their life cycle by
19 virtue of their monopoly hold on the market. In other words, there should be one
20 unified regulatory approach to VoIP services and technology.

21 The Federal approach has been very successful, so the states should
22 seriously consider what benefits would derive from imposing diverging regulatory
23 paradigms of their own. The impact of multiple regulatory paradigms can be
24 serious. For instance, providers seek environments where there is some certainty

¹³ See “Courting Calls – Telecom and Cable Firms Scramble to Offer
Internet Calls,” US News & World Report (Feb. 2, 2004).

1 as to the operations of their business. The Commission should maintain its
2 current policy of not applying access charges or other non-cost-based fees on IP-
3 enabled traffic until the FCC has completed its proposed NPRMs on intercarrier
4 compensation and VoIP issues.

5 **Q. IS IP-ENABLED TRAFFIC A SIGNIFICANT PART OF THE TOTAL**
6 **TRAFFIC IN THE UNITED STATES?**

7 **A.** No. The chart attached to my testimony as Exhibit _____ (TJG-2) provides a
8 forecast of various traffic types over the next few years, and as you can see, IP-
9 enabled voice traffic is not a significant portion of the total. Today, traffic routed
10 in that manner represents less than 5 percent of the combined total of
11 interexchange telecommunications traffic and VoIP traffic.

12 So, while IP-enabled traffic is getting significant attention today, the
13 volumes of traffic are not yet significant. IP enabled technologies and offerings
14 are in their infancy from a market-penetration standpoint, and although they hold
15 much promise, their market impact will be negligible in the foreseeable future.

16 **Q. WON'T SPRINT BE HARMED BY NOT RECEIVING ACCESS**
17 **CHARGES ON IP-ENABLED TRAFFIC?**

18 **A.** No. Neither the incumbent local exchange carriers' ("ILECs") dire predictions of
19 reduced local revenue (as market share shifts to VoIP providers), nor their dire
20 predictions of all long distance traffic moving to VoIP to avoid access charges,
21 even if they were correct, would justify common carrier regulation of IP-enabled
22 services. Moreover, as Verizon's Chief Executive Officer Ivan Seidenberg has

1 stated, "Our view is to let cannibalization occur."¹⁴ Mr. Seidenberg has also said
2 that while VoIP probably would reduce Verizon's local phone market share from
3 90% to 60%, Verizon plans to participate in VoIP both as a backbone provider
4 and as an ISP, "meaning more revenue per customer."¹⁵

5 One ILEC, Qwest, supported the FCC's position against regulation of
6 voice communications over the Internet. In an article dated December 5, 2003,
7 Qwest's CEO said, "[I]t would be inconsistent for the commission to regulate
8 what's known as "voice over Internet protocol" (VoIP) service when similar
9 services, such as telephone via cable connection and wireless phones, are not
10 regulated." He went on to note that Qwest was launching its VoIP service in
11 Minnesota and that VoIP could be more profitable to the company than traditional
12 phone service, because it does not have the added costs of regulation.¹⁶

13 **Q. HAVE ILECS ARGUED IN THE PAST THAT IN THE ABSENCE OF**
14 **ACCESS CHARGE REVENUES WOULD NEGATIVELY IMPACT**
15 **RATEPAYERS?**

16 **A.** Yes. The faulty premise of the previous Regional Bell Operating Company
17 ("RBOC") argument has been that the impact of VoIP would negatively impact
18 RBOC margins, resulting in the need for RBOCs to increase local rates. Today,
19 however, the RBOCs are rapidly deploying VoIP services and embracing the new
20 technology. Indeed, the RBOCs are supporting the FCC decision to not regulate

¹⁴ Communications Daily (June 20, 2001).

¹⁵ *Id.*

¹⁶ "Qwest Chief Backs Up FCC on Voice Over Internet," Denver Post (Dec. 5, 2003).

1 these services, in part because of their offerings. Qwest and Verizon have
2 announced development of a new network using VoIP. AT&T has rolled out an
3 aggressive VoIP initiative. Time Warner Cable has said that it is teaming with
4 MCI and Sprint to offer VoIP services nationally. As such, this is not just a niche
5 market, but one that all providers—ILECs, CLECs, cable providers, etc.—are
6 rushing to participate in. As the U. S. News and World Report article concluded,
7 “The bottom line: Consumers and businesses stand to benefit from lower prices
8 and a wide range of sophisticated features.”¹⁷ What is really occurring is the
9 ILEC’s attempt at maintaining its sinecure of unwarranted access revenue as a
10 prop as it migrates itself to the IP platforms—the end result being a continuation
11 of its predominant market position and the lack of competition.

12 **Q. WHAT IS KMC REQUESTING OF THIS COMMISSION?**

13 A. KMC requests that the Commission follow its own precedent from prior
14 proceedings and defer addressing the treatment of VoIP traffic until the FCC
15 issues an Order in its *VoIP NPRM* later this year. Bill-and-keep should apply to
16 VoIP calls, to the extent they can be identified, until the proper regulatory
17 classification of VoIP is determined. Any change in the current “hands-off”
18 approach by this Commission should follow the FCC’s in depth review of IP-
19 based communications and related intercarrier compensation matters in pending
20 rulemakings. Exchange of VoIP traffic should continue to be done on a bill-and-
21 keep basis.

22
¹⁷ See “Courting Calls – Telecom and Cable Firms Scramble to Offer Internet Calls,” US News & World Report (Feb. 2, 2004).

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Issue No. 13: What are the appropriate rates, terms and conditions for the performance of routine network modifications by Sprint for (a) loops and (b) transport?

Q. WHAT IS KMC'S POSITION ON THIS ISSUE?

A. Sprint should not be permitted double recovery or any excessive recovery on its network modification costs. FCC rule 51.507(e) specifically states “Nonrecurring charges shall be allocated efficiently among requesting telecommunications carriers, and shall not permit an incumbent LEC to recover more than the total forward-looking economic cost of providing the applicable element.” The *Triennial Review Order* also specifically prohibits ILECs from over recovering costs that are already recovered in either recurring or nonrecurring rates.

The Commission’s pricing rules provide incumbent LECs with the opportunity to recover the cost of the routine network modifications we require here. State commissions have discretion as to whether these costs should be recovered through non-recurring charges or recurring charges. **We note that the costs associated with these modifications often are reflected in the recurring rates that competitive LECs pay for loops.** Specifically, equipment costs associated with modifications may be reflected in the carrier’s investment in the network element, and labor costs associated with modifications may be recovered as part of the expense associated with that investment (e.g., through application of annual charge factors (ACFs)). **The Commission’s rules make clear that there may not be any double recovery of these costs (i.e., if costs are recovered through recurring charges, the incumbent LEC may not also recover these costs through a NRC).**¹⁸

¹⁸ See *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, ¶ 640 (rel. Aug. 21, 2003) (*Triennial Review Order*).

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The costs of routine network modifications are already included in, and recovered by, the recurring rates Sprint charges to KMC. Any additional charges for these network modifications will result in over recovery by Sprint at the expense of its dependent competitors and the development of effective competition in Florida.

Q. HAVE YOU REVIEWED SPRINT’S COST SUPPORT FOR ROUTINE NETWORK MODIFICATIONS?

A. KMC has recently received some cost and rate information from Sprint. Initial reviews indicate that the cost support is insufficient to reach a conclusion as to whether the rates are just and reasonable. Further, the cost support does not permit KMC to determine whether the costs identified are already recovered in Sprint’s existing rate structure. From a theoretical perspective, routine network modifications should be included in a forward looking network and associated rates.

Q. HAVE THERE BEEN DECISIONS ON THIS ISSUE THAT MAY GUIDE THIS COMMISSION IN ITS REVIEW?

A. Yes. *The Triennial Review Order* specifically addresses the issue of routine network modifications as follows:

We require incumbent LECs to make routine network modifications to unbundled transmission facilities used by requesting carriers where the requested transmission facility has already been constructed. By “routine network modifications” we mean that incumbent LECs must perform those activities that incumbent LECs regularly undertake for their own customers.¹⁹

Other states have also addressed this point. For instance, a Maine Public Utilities

¹⁹ *Triennial Review Order* at ¶ 632.

1 Commission advisory recommendation required that “Verizon must perform
2 routine network modifications on behalf of CLECs in conformance with the
3 FCC’s rules.”²⁰ The Rhode Island Public Utilities Commission also referred to
4 the ILECs’ historical and ongoing responsibility to perform routine network
5 modifications:

6 The FCC did not impose a new obligation on VZ-RI to undertake routine
7 network modifications for CLECs. It merely resolved the controversy as
8 to whether VZ-RI had to perform routine network modifications for
9 CLECs and then adopted rules to clarify exactly what constituted a
10 routine network modification and associated obligations. If the TRO
11 really did constitute a change of law and created a completely new legal
12 obligation for VZ-RI, the question must be asked as to why, for so many
13 years, did VZ-RI make routine network modifications at TELRIC
14 rates?²¹

15
16 KMC will continue its investigation into Sprint’s costs in an effort to determine whether
17 the proposed rates would allow Sprint to over-recover its costs.

18
19 *Issue No. 14: Under what conditions, if any, may*
20 *Sprint establish its own transport facilities for the*
21 *delivery of Sprint-originated traffic?*

22 **Q. WHAT IS KMC’S POSITION ON THIS ISSUE?**

23 **A.** Consistent with prior decisions of this Commission, KMC maintains that it has
24 sole discretion under the Act and the FCC’s rules to designate the point of
25 interconnection (“POI”) between KMC and Sprint, an ILEC, and that KMC is

²⁰ *Verizon Maine Petition for Consolidated Arbitration*, Docket No. 2004-135, Examiner’s Report, 12-13 (rel. May 6, 2004).

²¹ *See Petition for Arbitration to Amend ICAs between Verizon RI and Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Rhode Island*, Docket No. 3588, Procedural Arbitration Decision, 10, 11 (Apr. 9, 2004).

1 required to establish only one POI per LATA. Sprint wants the ability to
2 interconnect at multiple points on KMC's network.

3 **Q. DOES SPRINT RECOGNIZE THAT THIS COMMISSION HAS FOUND**
4 **THAT CLECS HAVE THE EXCLUSIVE RIGHT TO UNILATERALLY**
5 **DESIGNATE POIS?**

6 **A.** Yes. In Sprint's Response, it states:

7 This Commission concluded, on page 26 of the Generic Reciprocal
8 Compensation Order, that "CLECs have the exclusive right to
9 unilaterally designate single POIs for the mutual exchange of
10 telecommunications traffic at any technically feasible location on
11 an incumbent's network within the LATA."²²

12
13 Sprint's attempt to quibble with the Commission's wording is disingenuous at
14 best.

15 **Q. PLEASE DEFINE A POI.**

16 **A.** The POI is the physical interconnection of the trunk groups provided by each
17 party for the exchange of calls between their respective networks.

18 **Q. WHAT IS THE BASIS FOR KMC'S POSITION?**

19 **A.** Section 251(c)(2) of the Communications Act of 1934, as amended (the
20 "Communications Act") provides that an incumbent must allow a competitive
21 local exchange carrier ("CLEC") to select any POI within the ILEC's network
22 that is technically feasible.

23 **Q. WHY DOES KMC WANT TO ESTABLISH ONLY A SINGLE POI PER**
24 **LATA?**

²² Sprint Response at 15.

1 **A.** The location and number of POIs have both financial and operational impacts,
2 because each carrier needs to install transmission facilities and equipment to
3 deliver its originating traffic to each POI, and to receive terminating traffic there.
4 Of course, Sprint already has a ubiquitous network throughout many areas of
5 Florida and can use its existing facilities for these purposes. On the other hand,
6 KMC, as a relatively new company, must construct (or lease or acquire) new
7 facilities to interconnect with each POI. If Sprint were allowed to identify POIs
8 for originating traffic, it would be able to impose additional and unwarranted
9 costs on KMC. Specifically, Sprint could force KMC to build or lease facilities
10 (or even switches) to reach into every local calling area regardless of how many
11 customers KMC might actually have in a given local calling area. If Sprint were
12 allowed such discretion, it would force KMC to essentially duplicate the Sprint's
13 network, an unwarranted and uneconomic result.

14 **Q. DO ILECS SUCH AS SPRINT HAVE THE RIGHT TO SELECT POIs?**

15 **A.** No. That right is limited to new entrants and does not extend to ILECs. The FCC
16 explained, in part, why this right is provided to the CLECs and not to the ILECs
17 in its *Local Competition Order* wherein it states, "Given that the incumbent LEC
18 will be providing interconnection to its competitors pursuant to the purpose of the
19 1996 Act, the LEC has the incentive to discriminate against its competitors by
20 providing them less favorable terms and conditions of interconnection than it
21 provides itself."²³ More recently, the FCC reinforced this point in its *Virginia*
22 *Arbitration Order* involving Verizon.²⁴

²³ *In the Matter of Implementation of the Local Competition Provisions in
 the Telecommunications Act of 1996; Interconnection between Local*

1 Q. HAS THIS COMMISSION ALSO RULED THAT CLECS HAVE THE
2 RIGHT TO DESIGNATE THEIR OWN POI?

3 A. Yes. Like other state commissions, this Commission has ruled that CLECs may
4 designate the POI location and that only one POI is required per LATA. In the
5 *US LEC Order*, the Commission found as follows:

6 We find that US LEC is permitted to select a single
7 interconnection point (IP) per local access and transport area
8 (LATA), to select the interconnection method, and to require
9 Verizon to bear the financial responsibility to deliver its
10 originating traffic to the IP chosen by US LEC, as long as that IP is
11 within Verizon's network.²⁵

12
13 In the *Global NAPS Order* issued soon thereafter, the Commission reached a
14 similar conclusion:

15 We agree with Verizon's contention that the POI must be
16 placed on Verizon's network. While GNAPs has not consistently
17 referred to a location on Verizon's network, it has done so in
18 several places. We believe that GNAPs has sufficiently
19 acknowledged that it must choose a point of interconnection on
20 Verizon's network within any given LATA. Therefore, it appears
21 that the parties are in agreement on this point.

Exchange Carriers and Commercial Mobile Radio Services Providers; CC Docket Nos. 96-98 and 95-185, First Report and Order, ¶ 218 (rel. Aug. 8, 1996), (*Local Competition Order*).

²⁴ See, e.g., 47 U.S.C. §251(c)(2); 47 C.F.R. §51.305; *Consolidated Petitions of WorldCom, Inc., Cox Virginia Telecom, Inc., and AT&T Communications of Virginia, Inc., Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia Corporation Commission Regarding Interconnection Disputes with Verizon Virginia, Inc., and for Arbitration*, CC Docket Nos. 00-219, 00-249 and 00-251, Memorandum Opinion and Order, ¶ 52 (rel. July 17, 2002) (*Virginia Arbitration Order*).

²⁵ See *Petition for Arbitration of Unresolved Issues in Negotiation of Interconnection Agreement with Verizon Florida Inc. by US LEC of Florida Inc.*, Docket No. 020412-TP, Order No. PSC-03-0762-FOF-TP, Final Order on Petition for Arbitration, 12 (rel. June 25, 2003) (*US LEC Order*).

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This position is also consistent with our previous decisions. In Docket No. 000075-TP we found that:
. . . ALECs have the exclusive right to unilaterally designate single POIs for the mutual exchange of telecommunications traffic at any technically feasible location on an incumbent’s network within a LATA.

The basis for this decision is that interconnection obligations are asymmetrical. Nothing in the Telecommunications Act of 1996 requires an ALEC to interconnect at multiple locations in a LATA.²⁶

In light of the Commission’s consistent rulings on this issue, Sprint may not require multiple POIs per LATA.

Q. COULD SPRINT USE THE ABILITY TO ESTABLISH MULTIPLE POIS AT SPRINT-DESIGNATED LOCATIONS TO IMPEDE COMPETITION?

A. Yes, it could. The FCC recognized that one of the pro-competitive goals of the 1996 Act was to eliminate this ILEC capability. In the *Local Competition Order*, the FCC states:

Competition in local exchange and exchange access markets is desirable, not only because of the social and economic benefits competition will bring to consumers of local services, but also because competition eventually will eliminate the ability of an incumbent local exchange carrier to use its control of bottleneck local facilities to impede free market competition.²⁷

As the FCC stated, “Under section 251, incumbent local exchange carriers (ILECs), including the Bell Operating Companies (BOCs), are mandated to take several steps to open their networks to competition, including providing

²⁶ See *Petition by Global NAPs, Inc. for Arbitration Pursuant to 47 U.S.C. 252(b) of Interconnection Rates, Terms, and Conditions with Verizon Florida, Inc.*, Docket No. 011666-TP, Order No. PSC-0805-FOF-TP, Final Order on Arbitration, 7-8 (rel. July 9, 2003) (*GNAPs Order*).

²⁷ *Local Competition Order* at ¶ 4.

1 interconnection, offering access to unbundled elements of their networks, and
2 making their retail services available at wholesale rates so that they can be

3

4 **Q. WHY IS SPRINT'S POSITION UNREASONABLE?**

5 **A.** Sprint's position is unreasonable because, if accepted, it would completely
6 eliminate the benefits associated with the FCC's "single POI per LATA" rule. It
7 is not surprising that Sprint would have facilities close to some KMC central
8 offices. ILECs have had 100 years of sanctioned monopoly privilege to build out
9 ubiquitous local and interexchange networks. KMC, however, has not had that
10 luxury, and seeks to adopt a more efficient network model commensurate with its
11 much smaller market share and scope of service. Sprint's suggestion would force
12 KMC to establish POIs in many locations as opposed to the single POI per LATA
13 currently required by the FCC rules (47 CFR 51.305(a)). Such a requirement will
14 undermine the development of competition, as the FCC has recognized.

15 **Q. WHAT DOES KMC REQUEST OF THE COMMISSION ON THE POI**
16 **ISSUE?**

17 **A.** The Commission should apply its prior decisions and deny Sprint's request to
18 interconnect with KMC at multiple points. The effect of Sprint's request would
19 be to eliminate the benefits of the single POI per LATA rule that Sprint readily
20 acknowledges. KMC should be allowed to designate the POI location and be
21 permitted to establish only one POI per LATA.

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²⁸ *See id.*

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Issue No. 15: What are the requirements for interconnection and compensation for the transport of Sprint end user originated ISP-bound traffic between Sprint's originating local calling area and a POI outside Sprint's local calling area?

Q. WHAT IS KMC'S POSITION ON THIS ISSUE?

A. Sprint should pay the cost of transporting Sprint-originated calls to the KMC designated POI. KMC should pay all transport costs on its side of the POI.

Q. WHAT IS THE DISPUTE BETWEEN KMC AND SPRINT?

A. Sprint refuses to accept its responsibility for transport to the POI when the Sprint customer is dialing an ISP. Sprint is drawing a distinction between ISP-bound traffic and telecommunications traffic for which there is no basis in law.

Q. WHAT IS THE LAW ON THIS ISSUE?

A. While I am not a lawyer, this Commission has consistently held that CLECs are entitled to designate a single POI per LATA.²⁹ FCC Rule 51.703(b) supports that position and provides as follows:

A LEC may not assess charges on any other telecommunications carrier for telecommunications traffic that originates on the LEC network.³⁰

This Commission also found repeatedly that an originating carrier may not charge a terminating carrier for the cost of transport, or for the facilities used to transport that traffic to the POI.³¹

²⁹ See GNAPs Order; see also US LEC Order.
³⁰ 47 C.F.R. § 51.703(b).
³¹ See, e.g., US LEC Order at 12, 13; GNAPs Order at 10.

1 **Q. WHY IS SPRINT’S REASONING FLAWED?**

2 **A.** The FCC, in its *ISP Remand Order*, did carve out the authority to set intercarrier
3 compensation rates for ISP-bound traffic, under one particular subsection of
4 Section 251. But the FCC was crystal clear in stating that it was *not* changing the
5 scope of how ISP-bound traffic is exchanged between carriers under the other
6 subsections of Section 251, or to limit the state commissions’ jurisdiction beyond
7 the issue of setting intercarrier compensation rates. Specifically, in its *ISP*
8 *Remand Order*, the FCC emphasized that its establishment of the interim regime
9 “affects only the intercarrier *compensation* (*i.e.*, the rates) applicable to the
10 delivery of ISP-bound traffic. It does not alter carriers’ other obligations under
11 our Part 51 rules, 47 C.F.R. Part 51, or existing interconnection agreements, such
12 as obligations to transport traffic to points of interconnection.”³² Thus, the *ISP*
13 *Remand Order* does not relieve Sprint of its obligations under rule 703(b).

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

15 **A.** Yes, it does.

³² *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 and Intercarrier Compensation for ISP-Bound Traffic*, CC Docket Nos. 96-98, 99-68, Order on Remand and Report and Order, 16 FCC Rcd 9151, ¶ 149 (2001), *remanded sub nom. WorldCom, Inc. v. F.C.C.*, 288 F.3d 429 (D.C. Cir. 2002) (*ISP Remand Order*).

4

Q. PLEASE DESCRIBE YOUR PROFESSIONAL EXPERIENCE.

A. Prior to my current position with QSI Consulting, I was a Senior Executive Staff Member in MCI WorldCom's ("MCIW") National Public Policy Group. In this position, I was responsible for providing public policy expertise in key cases across the country and for managing external consultants for MCIW's state public policy organization. In certain situations, I also provided testimony in regulatory and legislative proceedings.

Prior to my position with MCIW in Denver, I was an Executive Staff Member II at MCI Telecommunications ("MCI") World Headquarters in Washington D.C.. In that position I managed economists, external consultants, and provided training and policy support for regional regulatory staffs. Prior to that position I was a Senior Manager in MCI's Regulatory Analysis Department, which provided support in state regulatory and legislative matters to the various operating regions of MCI. In that position I was given responsibility for assigning resources from our group for state regulatory proceedings throughout the United States. At the same time, I prepared and presented testimony on various telecommunications issues before state regulatory and legislative bodies. I was also responsible for managing federal tariff reviews and presenting MCI's position on regulatory matters to the Federal Communications Commission. Prior to my assignment in the Regulatory Analysis Department, I was the Senior Manager of Economic Analysis and Regulatory Policy in the Legal, Regulatory and Legislative Affairs Department for the Midwest Division of MCI. In that position I developed and promoted regulatory policy within what was then a five-state operating division of MCI. I promoted MCI policy positions through negotiations, testimony and participation in industry forums.

Prior to my positions in the Midwest, I was employed as Manager of Tariffs and Economic Analysis with MCI's West Division in Denver, Colorado. In that position I was responsible for managing the development and application of MCI's tariffs in the fifteen MCI West states. I was also responsible for managing regulatory dockets and for providing economic and financial expertise in the areas of discovery and issue analysis. Prior to joining the West Division, I was a Financial Analyst III and then a Senior Staff Specialist with MCI's Southwest Division in Austin, Texas. In those positions, I was responsible for the

management of regulatory dockets and liaison with outside counsel. I was also responsible for discovery, issue analysis, and for the development of working relationships with consumer and business groups. Just prior to joining MCI, I was employed by the Texas Public Utility Commission as a Telephone Rate Analyst in the Engineering Division responsible for examining telecommunications cost studies and rate structures.

I was employed as an Economic Analyst with the Public Utility Commissioner of Oregon from July, 1983 to December, 1984. In that position, I examined and analyzed cost studies and rate structures in telecommunications rate cases and investigations. I also testified in rate cases and in private and public hearings regarding telecommunications services. Before joining the Oregon Commissioner's Staff, I was employed by the Bonneville Power Administration (United States Department of Energy) as a Financial Analyst, where I made total regional electric use forecasts and automated the Average System Cost Review Methodology. Prior to joining the Bonneville Power Administration, I held numerous positions of increasing responsibility in areas of forest management for both public and private forestry concerns.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL CREDENTIALS.

A. I received a Bachelor of Science degree from Oregon State University and a Master of Management degree in Finance and Quantitative Methods from Willamette University's Atkinson Graduate School of Management. I have also attended numerous courses and seminars specific to the telecommunications industry, including the NARUC Annual and Advanced Regulatory Studies Program.

Q. WHAT ARE YOUR CURRENT RESPONSIBILITIES?

A. Effective April 1, 2000, I joined QSI Consulting as Senior Vice President and Partner. In this position I provide analysis and testimony for QSI's many clients. The deliverables include written and oral testimony, analysis of rates, cost studies and policy positions, position papers, presentations on industry issues and training.

Q. PLEASE IDENTIFY THE JURISDICTIONS IN WHICH YOU HAVE TESTIFIED.

A. I have filed testimony or comments on telecommunications issues in the following

43 states: Alabama, Arizona, California, Colorado, Delaware, Georgia, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin and Wyoming. I have also filed comments with the FCC and made presentations to the Department of Justice.

I have testified or presented formal comments in the following proceedings and forums:

Alabama:

October 18, 2000; Docket No. 27867; Adelphia Business Solutions Arbitration with BellSouth Telecommunications; Direct Testimony on Behalf of Adelphia.

January 31, 2001; Docket No. 27867; Adelphia Business Solutions Arbitration with BellSouth Telecommunications; Rebuttal Testimony on Behalf of Adelphia.

Arizona:

September 23, 1987; Arizona Corporation Commission Workshop on Special Access Services; Comments on Behalf of MCI.

August 21, 1996; Affidavit in Opposition to USWC Motion for Partial Summary Judgment; No. CV 95-14284, No. CV-96-03355, No. CV-96-03356, (consolidated); On Behalf of MCI.

October 24, 1997; Comments to the Universal Service Fund Working Group; Docket No. R-0000-97-137; On Behalf of MCI.

May 8, 1998; Comments to the Universal Service Fund Working Group; Docket No. R-0000-97-137; On Behalf of MCI.

November 9, 1998; Docket No. T-03175A-97-0251; Application of MCI metro Access Transmission Services, Inc. to Expand It's CCN to Provide IntraLATA Services and to Determine that Its IntraLATA Services are Competitive; Direct Testimony on Behalf of MCI WorldCom, Inc.

September 20, 1999; Docket No. T-00000B-97-238; USWC OSS Workshop; Comments on Behalf of MCI WorldCom, Inc.

January 8, 2001; Docket Nos. T-03654A-00-0882, T-01051B-00-0882; Petition of Level 3 Communications, LLC, for Arbitration with Qwest Corporation; Direct Testimony on Behalf of Level 3.

September 2, 2001; Docket No. T-00000A-00-0194 Phase II – A; Investigation into Qwest's Compliance with Wholesale Pricing Requirements for Unbundled Network Elements and Resale Discounts; Rebuttal Testimony on Behalf of WorldCom, Inc.

January 9, 2004; Docket No. T-00000A-03-0369; In the Matter of ILEC Unbundling Obligations as a Result of the Federal Triennial Review Order; Direct Testimony on Behalf of WorldCom, Inc. (MCI).

California:

August 30, 1996; Application No. 96-08-068; MCI Petition for Arbitration with Pacific Bell; Direct Testimony on Behalf of MCI.

September 10, 1996; Application No. 96-09-012; MCI Petition for Arbitration with GTE California, Inc.; Direct Testimony on Behalf of MCI.

June 5, 2000; Docket No. A0004037; Petition of Level 3 Communications for Arbitration of an Interconnection Agreement with Pacific Bell Telephone Company; Direct Testimony on Behalf of Level (3) Communications, LLC.

Colorado:

December 1, 1986; Investigation and Suspension Docket No. 1720; Rate Case of Mountain States Telephone and Telegraph Company; Direct Testimony on Behalf of MCI.

October 26, 1988; Investigation and Suspension Docket No. 1766; Mountain States Telephone and Telegraph Company's Local Calling Access Plan; Direct Testimony of Behalf of MCI.

September 6, 1996; MCImetro Petition for Arbitration with U S WEST Communications, Inc.; Docket No. 96A-366T (consolidated); Direct Testimony on Behalf of MCI.

September 17, 1996; MCImetro Petition for Arbitration with U S WEST Communications, Inc.; Docket No. 96A-366T (consolidated); Rebuttal Testimony on Behalf of MCI.

September 26, 1996; Application of U S WEST Communications, Inc. To Modify Its Rate and Service Regulation Plan; Docket No. Docket No. 90A-665T (consolidated); Direct Testimony on Behalf of MCI.

October 7, 1996; Application of U S WEST Communications, Inc. To Modify Its Rate and Service Regulation Plan; Docket No. Docket No. 90A-665T (consolidated); Rebuttal Testimony on Behalf of MCI.

July 18, 1997; Complaint of MCI to Reduce USWC Access Charges to Economic Cost; Docket Nos. 97K-237T, 97F-175T (consolidated) and 97F-212T (consolidated); Direct Testimony on Behalf of MCI.

August 15, 1997; Complaint of MCI to Reduce USWC Access Charges to Economic Cost; Docket Nos. 97K-237T, 97F-175T (consolidated) and 97F-212T (consolidated); Rebuttal Testimony on Behalf of MCI.

March 10, 1998; Application of WorldCom, Inc. for Approval to Transfer Control of MCI to WorldCom, Inc.; Docket No. 97A-494T; Supplemental Direct Testimony on Behalf of MCI.

March 26, 1998; Application of WorldCom, Inc. for Approval to Transfer Control of MCI to WorldCom, Inc.; Docket No. 97A-494T; Rebuttal Testimony on Behalf of MCI.

May 8, 1998; Application of WorldCom, Inc. for Approval to Transfer Control of MCI to WorldCom, Inc.; Docket No. 97A-494T; Affidavit in Response to GTE.

November 4, 1998; Proposed Amendments to the Rules Prescribing IntraLATA Equal Access; Docket No. 98R-426T; Comments to the Commission on Behalf of MCI WorldCom and AT&T Communications of the Mountain States, Inc.

May 13, 1999; Proposed Amendments to the Rules on Local Calling Area Standards; Docket No. 99R-128T; Oral Comments before the Commissioners on Behalf of MCIW.

January 4, 2001; Petition of Level 3 Communications, LLC for Arbitration with Qwest Corporation; Docket No. 00B-601T; Direct Testimony on Behalf of Level 3.

January 16, 2001; Petition of Level 3 Communications, LLC for Arbitration with Qwest Corporation; Docket No. 00B-601T; Rebuttal Testimony on Behalf of Level 3.

January 29, 2001; Qwest Corporation, Inc., Plaintiff, v. IP Telephony, Inc., Defendant. District Court, City and County of Denver, State of Colorado; Case No. 99CV8252; Direct Testimony on Behalf of IP Telephony.

June 27, 2001; US WEST Statement of Generally Available Terms and Conditions; Docket No. 991-577T; Direct Testimony on Behalf of Covad Communications Company, Rhythms Links, Inc., and New Edge Networks, Inc.

January 26, 2004; Regarding the Unbundling Obligations of ILECs Pursuant to the Triennial Review Order; Docket No. 03I-478T; Direct Testimony on Behalf of WorldCom, Inc. (MCI).

Delaware:

February 12, 1993; Diamond State Telephone Company's Application for a Rate Increase; Docket No. 92-47; Direct Testimony on Behalf of MCI.

Florida:

July 1, 1994; Investigation into IntraLATA Presubscription; Docket No. 930330-TP; Direct Testimony on Behalf of MCI.

October 5, 2000; Petition of Level 3 for Arbitration with BellSouth; Docket No. 000907-TP; Direct Testimony On Behalf of Level 3.

October 13, 2000; Petition of BellSouth for Arbitration with US LEC of Florida Inc.; Docket No. 000084-TP; Direct Testimony On Behalf of US LEC.

October 27, 2000; Petition of BellSouth for Arbitration with US LEC of Florida Inc.; Docket No. 000084-TP; Rebuttal Testimony On Behalf of US LEC.

November 1, 2000; Petition of Level 3 for Arbitration with BellSouth; Docket No. 000907-TP; Rebuttal Testimony On Behalf of Level 3.

Georgia:

December 6, 2000; Docket No. 12645-U; Petition of Level 3 for Arbitration with BellSouth; Direct Testimony on Behalf of Level 3.

December 20, 2000; Docket No. 12645-U; Petition of Level 3 for Arbitration with BellSouth; Rebuttal Testimony on Behalf of Level 3.

Idaho:

November 20, 1987; Case No. U_1150_1; Petition of MCI for a Certificate of Public Convenience and Necessity; Direct Testimony on Behalf of MCI.

March 17, 1988; Case No. U_1500_177; Investigation of the Universal Local Access Service Tariff; Direct Testimony on Behalf of MCI.

April 26, 1988; Case No. U_1500_177; Investigation of the Universal Local Access Service Tariff; Rebuttal Testimony on Behalf of MCI.

November 25, 2002; Case No. GNR-T-02-16; Petition of Potlatch, CenturyTel, the Idaho Telephone Association for Declaratory Order Prohibiting the Use of "Virtual" NXX Calling; Comments/Presentation on Behalf of Level 3, AT&T, WorldCom, and Time Warner Telecom.

Illinois:

January 16, 1989; Docket No. 83_0142; Appropriate Methodology for Intrastate Access Charges; Rebuttal Testimony Regarding Toll Access Denial on Behalf of MCI.

February 16, 1989; Docket No. 83_0142; Appropriate Methodology for Intrastate Access Charges; Testimony Regarding ICTC's Access Charge Proposal on Behalf of MCI.

May 3, 1989; Docket No. 89_0033; Illinois Bell Telephone Company's Rate Restructuring; Direct Testimony on Behalf of MCI.

July 14, 1989; Docket No. 89-0033; Illinois Bell Telephone Company's Rate Restructuring; Rebuttal Testimony on Behalf of MCI.

November 22, 1989; Docket No. 88-0091; IntraMSA Dialing Arrangements; Direct Testimony on Behalf of MCI.

February 9, 1990; Docket No. 88-0091; IntraMSA Dialing Arrangements; Rebuttal Testimony on Behalf of MCI.

November 19, 1990; Docket No. 83-0142; Industry presentation to the Commission re Docket No. 83-0142 and issues for next generic access docket; Comments re the Imputation Trial and Unitary Pricing/Building Blocks on Behalf of MCI.

July 29, 1991; Case No. 90-0425; Presentation to the Industry Regarding MCI's Position on Imputation.

November 18, 1993; Docket No. 93-0044; Complaint of MCI and LDDS re Illinois Bell Additional Aggregated Discount and Growth Incentive Discount Services; Direct Testimony on Behalf of MCI and LDDS.

January 10, 1994; Docket No. 93-0044; Complaint of MCI and LDDS re Illinois Bell Additional Aggregated Discount and Growth Incentive Discount Services; Rebuttal Testimony on Behalf of MCI and LDDS.

May 30, 2000; Docket No. 00-0332; Level 3 Petition for Arbitration to Establish and Interconnection Agreement with Illinois Bell Telephone Company; Direct Testimony on Behalf of Level (3) Communications, LLC.

July 11, 2000; Docket No. 00-0332; Level 3 Petition for Arbitration to Establish and Interconnection Agreement with Illinois Bell Telephone Company; Supplemental Verified Statement on Behalf of Level (3) Communications, LLC.

Indiana:

October 28, 1988; Cause No. 38561; Deregulation of Customer Specific Offerings of Indiana Telephone Companies; Direct Testimony on Behalf of MCI.

December 16, 1988; Cause No. 38561; Deregulation of Customer Specific Offerings of Indiana Telephone Companies; Direct Testimony on Behalf of MCI Regarding GTE.

April 14, 1989; Cause No. 38561; Deregulation of Customer Specific Offerings of Indiana Telephone Companies; Direct Testimony on Behalf of MCI Regarding Staff Reports.

June 21, 1989; Cause No. 37905; Intrastate Access Tariffs -- Parity with Federal Rates; Direct Testimony on Behalf of MCI.

June 29, 1989; Cause No. 38560; Reseller Complaint Regarding 1+ IntraLATA Calling; Direct Testimony on Behalf of MCI.

October 25, 1990; Cause No. 39032; MCI Request for IntraLATA Authority; Direct Testimony on Behalf of MCI.

April 4, 1991; Rebuttal Testimony in Cause No. 39032 re MCI's Request for IntraLATA Authority on Behalf of MCI.

Iowa:

September 1, 1988; Docket No. RPU 88_6; IntraLATA Competition in Iowa; Direct Testimony on Behalf of MCI.

September 20, 1988; Docket No. RPU_88_1; Regarding the Access Charges of Northwestern Bell Telephone Company; Direct Testimony on Behalf of MCI.

September 25, 1991; Docket No. RPU-91-4; Investigation of the Earnings of U S WEST Communications, Inc.; Direct Testimony on Behalf of MCI.

October 3, 1991; Docket No. NOI-90-1; Presentation on Imputation of Access Charges and the Other Costs of Providing Toll Services; On Behalf of MCI.

November 5, 1991; Docket No. RPU-91-4; Investigation of the Earnings of U S

WEST Communications, Inc.; Rebuttal Testimony on Behalf of MCI.

December 23, 1991; Docket No. RPU-91-4; Investigation of the Earnings of US WEST Communications; Inc.; Supplemental Testimony on Behalf of MCI.

January 10, 1992; Docket No. RPU-91-4; Investigation of the Earnings of U S WEST Communications, Inc.; Rebuttal Testimony on Behalf of MCI.

January 20, 1992; Docket No. RPU-91-4; Investigation of the Earnings of U S WEST Communications, Inc.; Surrebuttal Testimony on Behalf of MCI.

June 8, 1999; Docket NOI-99-1; Universal Service Workshop; Participated on numerous panels during two day workshop; Comments on Behalf of MCIW.

October 27, 1999; Docket NOI-99-1; Universal Service Workshop; Responded to questions posed by the Staff of the Board during one day workshop; Comments on Behalf of MCIW and AT&T.

November 14, 2003; Docket Nos. INU-03-4, WRU-03-61; In Re: Qwest Corporation; Sworn Statement of Position on Behalf of MCI.

December 15, 2003; Docket Nos. INU-03-4, WRU-03-61; In Re: Qwest Corporation; Sworn Counter Statement of Position on Behalf of MCI.

Kansas:

June 10, 1992; Docket No. 181,097-U; General Investigation into IntraLATA Competition within the State of Kansas; Direct Testimony on Behalf of MCI.

September 16, 1992; Docket No. 181,097-U; General Investigation into IntraLATA Competition within the State of Kansas; Rebuttal Testimony on Behalf of MCI.

Kentucky:

May 20, 1993; Administrative Case No. 323, Phase I; An Inquiry into IntraLATA Toll Competition, an Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality; Direct Testimony on Behalf of MCI.

December 21, 2000; Case No. 2000-404; Petition of Level 3 Communications, LLC for Arbitration with BellSouth; Direct Testimony on Behalf of Level 3.

January 12, 2001; Case No. 2000-477; Petition of Adelphia Business Solutions for Arbitration with BellSouth; Direct Testimony on Behalf of Adelphia.

Louisiana:

December 28, 2000; Docket No. U-25301; Petition of Adelphia Business Solutions for Arbitration with BellSouth; Direct Testimony on Behalf of Adelphia.

January 5, 2001; Docket No. U-25301; Petition of Adelphia Business Solutions for Arbitration with BellSouth; Rebuttal Testimony on Behalf of Adelphia.

Maryland:

November 12, 1993; Case No. 8585; Competitive Safeguards Required re C&P's Centrex Extend Service; Direct Testimony on Behalf of MCI.

January 14, 1994; Case No. 8585; Competitive Safeguards Required re C&P's Centrex Extend Service; Rebuttal Testimony on Behalf of MCI.

May 19, 1994; Case No. 8585; Re Bell Atlantic Maryland, Inc.'s Transmittal No. 878; Testimony on Behalf of MCI.

June 2, 1994; Case No. 8585; Competitive Safeguards Required re C&P's Centrex Extend Service; Rebuttal Testimony on Behalf of MCI.

September 5, 2001; Case No. 8879; Rates for Unbundled Network Elements Pursuant to the Telecommunications Act of 1996; Rebuttal Testimony on behalf of the Staff of the Public Service Commission of Maryland.

October 15, 2001; Case No. 8879; Rates for Unbundled Network Elements Pursuant to the Telecommunications Act of 1996; Surrebuttal Testimony on behalf of the Staff of the Public Service Commission of Maryland.

Massachusetts:

April 22, 1993; D.P.U. 93-45; New England Telephone Implementation of Interchangeable NPAs; Direct Testimony on Behalf of MCI.

May 10, 1993; D.P.U. 93-45; New England Telephone Implementation of Interchangeable NPAs; Rebuttal Testimony on Behalf of MCI.

Michigan:

September 29, 1988; Case Nos. U_9004, U_9006, U_9007 (Consolidated); Industry Framework for IntraLATA Toll Competition; Direct Testimony on Behalf of MCI.

November 30, 1988; Case Nos. U_9004, U_9006, U_9007 (Consolidated); Industry Framework for IntraLATA Toll Competition; Rebuttal Testimony on Behalf of MCI.

June 30, 1989; Case No. U-8987; Michigan Bell Telephone Company Incentive Regulation Plan; Direct Testimony on Behalf of MCI.

July 31, 1992; Case No. U-10138; MCI v Michigan Bell and GTE re IntraLATA Equal Access; Direct Testimony on Behalf of MCI.

November 17, 1992; Case No. U-10138; MCI v Michigan Bell and GTE re IntraLATA Equal Access; Rebuttal Testimony on Behalf of MCI.

July 22, 1993; Case No. U-10138 (Reopener); MCI v Michigan Bell and GTE re IntraLATA Equal Access; Direct Testimony on Behalf of MCI.

February 16, 2000; Case No. U-12321; AT&T Communications of Michigan, Inc. Complainant v. GTE North Inc. and Contel of the South, Inc., d/b/a GTE Systems of Michigan; Direct Testimony on Behalf of AT&T. (Adopted Testimony of Michael Starkey)

May 11, 2000; Case No. U-12321; AT&T Communications of Michigan, Inc. Complainant v. GTE North Inc. and Contel of the South, Inc., d/b/a GTE Systems of Michigan; Rebuttal Testimony on Behalf of AT&T.

June 8, 2000; Case No. U-12460; Petition of Level 3 Communications for

Arbitration to Establish an Interconnection Agreement with Ameritech Michigan; Direct Testimony on Behalf of Level (3) Communications, LLC.

September 27, 2000; Case No. U-12528; In the Matter of the Implementation of the Local Calling Area Provisions of the MTA; Rebuttal Testimony on Behalf of Focal Communications, Inc.

Minnesota:

January 30, 1987; Docket No. P_421/CI_86_88; Summary Investigation into Alternative Methods for Recovery of Non-traffic Sensitive Costs; Comments to the Commission on Behalf of MCI.

September 7, 1993; Docket No. P-999/CI-85-582, P-999/CI-87-697 and P-999/CI-87-695, In the Matter of an Investigation into IntraLATA Equal Access and Presubscription; Comments of MCI on the Report of the Equal Access and Presubscription Study Committee on Behalf of MCI.

September 20, 1996; Petition for Arbitration with U S WEST Communications, Inc.; Docket No. P-442, 421/M-96-855; P-5321, 421/M-96-909; and P-3167, 421/M-96-729 (consolidated); Direct Testimony on Behalf of MCI.

September 30, 1996; Petition for Arbitration with U S WEST Communications, Inc.; Docket No. P-442, 421/M-96-855; P-5321, 421/M-96-909; and P-3167, 421/M-96-729 (consolidated); Rebuttal Testimony on Behalf of MCI.

September 14-16, 1999; USWC OSS Workshop; Comments on Behalf of MCI WorldCom, Inc. re OSS Issues.

September 28, 1999; Docket No. P-999/R-97-609; Universal Service Group; Comments on Behalf of MCI WorldCom, Inc. and AT&T Communications.

April 18, 2002; Commission Investigation of Qwest's Pricing of Certain Unbundled Network Elements; Docket Nos. P-442, 421, 3012/M-01-1916; P-421/C1-01-1375; OAH Docket No. 12-2500-14490; Rebuttal Testimony on Behalf of McLeod USA Telecommunications Services, Inc., Eschelon Telecom of Minnesota, Inc., US Link, Inc., Northstar Access, LLC, Otter Tail Telecomm LLC, VAL-Ed Joint Venture, LLP, dba 702 Communications.

January 23, 2004; In the Matter of the Commission Investigation into ILEC Unbundling Obligations as a Result of the Federal Triennial Review Order; Docket No.: P-999/CI-03-961; Direct Testimony on Behalf of WorldCom, Inc. (MCI).

Mississippi:

February 2, 2001; Docket No. 2000-AD-846; Petition of Adelphia Business Solutions for Arbitration with BellSouth Telecommunications; Direct Testimony on Behalf of Adelphia.

February 16, 2001; Docket No. 2000-AD-846; Petition of Adelphia Business Solutions for Arbitration with BellSouth Telecommunications; Rebuttal Testimony on Behalf of Adelphia.

Montana:

May 1, 1987; Docket No. 86.12.67; Rate Case of AT&T Communications of the Mountain States, Inc.; Direct Testimony on Behalf of MCI.

September 12, 1988; Docket No. 88.1.2; Rate Case of Mountain States Telephone and Telegraph Company; Direct Testimony on Behalf of MCI.

May 12, 1998; Docket No. D97.10.191; Application of WorldCom, Inc. for Approval to Transfer Control of MCI Communications Corporation to WorldCom, Inc.; Rebuttal Testimony on Behalf of MCI.

June 1, 1998; Docket No. D97.10.191; Application of WorldCom, Inc. for Approval to Transfer Control of MCI Communications Corporation to WorldCom, Inc.; Amended Rebuttal Testimony on Behalf of MCI.

Nebraska:

November 6, 1986; Application No. C_627; Nebraska Telephone Association Access Charge Proceeding; Direct Testimony on Behalf of MCI.

March 31, 1988; Application No. C_749; Application of United Telephone Long Distance Company of the Midwest for a Certificate of Public Convenience and Necessity; Direct Testimony on Behalf of MCI.

New Hampshire:

April 30, 1993; Docket DE 93-003; Investigation into New England Telephone's Proposal to Implement Seven Digit Dialing for Intrastate Toll Calls; Direct

Testimony on Behalf of MCI.

January 12, 2001; Docket No. DT 00-223; Investigation Into Whether Certain Calls are Local; Direct Testimony on Behalf of BayRing Communications.

April 5, 2002; Docket No. DT 00-223; Investigation Into Whether Certain Calls are Local; Rebuttal Testimony on Behalf of BayRing Communications.

New Jersey:

September 15, 1993; Docket No. TX93060259; Notice of Pre-Proposal re IntraLATA Competition; Comments in Response to the Board of Regulatory Commissioners on Behalf of MCI.

October 1, 1993; Docket No. TX93060259; Notice of Pre-Proposal re IntraLATA Competition; Reply Comments in Response to the Board of Regulatory Commissioners on Behalf of MCI.

April 7, 1994; Docket Nos. TX90050349, TE92111047, and TE93060211; Petitions of MCI, Sprint and AT&T for Authorization of IntraLATA Competition and Elimination of Compensation; Direct Testimony on Behalf of MCI.

April 25, 1994; Docket Nos. TX90050349, TE92111047, and TE93060211; Petitions of MCI, Sprint and AT&T for Authorization of IntraLATA Competition and Elimination of Compensation; Rebuttal Testimony on Behalf of MCI.

New Mexico:

September 28, 1987; Docket No. 87_61_TC; Application of MCI for a Certificate of Public Convenience and Necessity; Direct Testimony on Behalf of MCI.

August 30, 1996; Docket No. 95-572-TC; Petition of AT&T for IntraLATA Equal Access; Rebuttal Testimony on Behalf of MCI.

September 16, 2002; Utility Case No. 3495, Phase B; Consideration of Costing and Pricing Rules for OSS, Collocation, Shared Transport, Nonrecurring Charges, Spot Frames, Combination of Network Elements and Switching; Direct Testimony on Behalf of the Staff of the New Mexico Public Regulation Commission.

February 9, 2004; Triennial Review Proceedings (Batch Hot Cut and Local Circuit Switching); Case Nos. 03-00403-UT and 03-00404-UT; Testimony on Behalf of WorldCom, Inc. (MCI).

May 11, 2004; Regarding Unfiled Agreements between Qwest Corporation and Competitive Local Exchange Carriers; Case No. 00108-UT; Testimony on Behalf of Time Warner Telecom

New York:

April 30, 1992; Case 28425; Comments of MCI Telecommunications Corporation on IntraLATA Presubscription.

June 8, 1992; Case 28425; Reply Comments of MCI Telecommunications Corporation on IntraLATA Presubscription.

North Carolina:

August 4, 2000; Docket No. P779 SUB4; Petition of Level (3) Communications, LLC for Arbitration with Bell South; Direct Testimony on Behalf of Level (3) Communications, LLC.

September 18, 2000; Docket No. P779 SUB4; Petition of Level (3) Communications, LLC for Arbitration with Bell South; Rebuttal Testimony on Behalf of Level (3) Communications, LLC.

October 18, 2000; Docket No. P-886, SUB 1; Petition of Adelpia Business Solutions of North Carolina, LP for Arbitration with BellSouth; Direct Testimony on Behalf of Adelpia.

December 8, 2000; Docket No. P-886, SUB 1; Petition of Adelpia Business Solutions of North Carolina, LP for Arbitration with BellSouth; Rebuttal Testimony on Behalf of Adelpia.

North Dakota:

June 24, 1991; Case No. PU-2320-90-183 (Implementation of SB 2320 -- Subsidy Investigation); Direct Testimony on Behalf of MCI.

October 24, 1991; Case No. PU-2320-90-183 (Implementation of SB 2320 -- Subsidy Investigation); Rebuttal Testimony on Behalf of MCI.

December 4, 2002; Case No. PU-2065-02-465; Petition of Level 3 for Arbitration with SRT Communications Cooperative; Direct Testimony on Behalf of Level (3) Communications, LLC.

May 2, 2003; Case No. PU-2342-01-296; Qwest Corporation Price Investigation; Direct Testimony on Behalf of the CLEC Coalition (US Link, Inc., VAL-ED Joint Venture LLP d/b/a 702 Communications, McLeodUSA Telecommunications, Inc. and IdeaOne Telecom Group, LLC).

Ohio:

February 26, 2004; Case No. 04-35-TP-COI; In the Matter of the Implementation of the FCC's Triennial Review Regarding Local Circuit Switching in the Cincinnati Bell Telephone Company's Mass Market; Direct Testimony on Behalf of AT&T.

Oklahoma:

April 2, 1992; Cause No. 28713; Application of MCI for Additional CCN Authority to Provide IntraLATA Services; Direct Testimony on Behalf of MCI.

June 22, 1992; Cause No. 28713; Application of MCI for Additional CCN Authority to Provide IntraLATA Services; Rebuttal Testimony on Behalf of MCI.

Oregon:

October 27, 1983; Docket No. UT 9; Pacific Northwest Bell Telephone Company Business Measured Service; Direct Testimony on Behalf of the Public Utility Commissioner of Oregon.

April 23, 1984; Docket No. UT 17; Pacific Northwest Bell Telephone Company Business Measured Service; Direct Testimony on Behalf of the Public Utility Commissioner of Oregon.

May 7, 1984; Docket No. UT 17; Pacific Northwest Bell Telephone Company Business Measured Service; Rebuttal Testimony on Behalf of the Public Utility

Commissioner of Oregon.

October 31, 1986; Docket No. AR 154; Administrative Rules Relating to the Universal Service Protection Plan; Rebuttal Testimony on Behalf of MCI.

September 6, 1996; Docket ARB3/ARB6; Petition of MCI for Arbitration with U S WEST Communications, Inc.; Direct Testimony on Behalf of MCI.

October 11, 1996; Docket No. ARB 9; Interconnection Contract Negotiations Between MCI metro and GTE; Direct Testimony on Behalf of MCI.

November 5, 1996; Docket No. ARB 9; Interconnection Contract Negotiations Between MCI metro and GTE; Rebuttal Testimony on Behalf of MCI.

November 6, 2002; Docket No. UM 1058; Investigation into the Use of Virtual NPA/NXX Calling Patterns; Comments/Presentation on Behalf of Level (3) Communications, LLC.

Pennsylvania:

December 9, 1994; Docket No. I-00940034; Investigation Into IntraLATA Interconnection Arrangements (Presubscription); Direct Testimony on Behalf of MCI.

September 5, 2002; Docket No. C-20028114; Level 3 Communications, LLC v. Marianna & Scenery Hill Telephone Company; Direct Testimony on Behalf of Level (3) Communications, LLC.

Rhode Island:

April 30, 1993; Docket No. 2089; Dialing Pattern Proposal Made by the New England Telephone Company; Direct Testimony on Behalf of MCI.

South Carolina:

Oct. ??, 2000; Docket No. 2000-0446-C; US LEC of South Carolina Inc. Arbitration with BellSouth Telecommunications; Direct Testimony on Behalf of US LEC.

November 22, 2000; Docket No. 2000-516-C; Adelphia Business Solutions of

South Carolina, Inc. Arbitration with BellSouth Telecommunications; Direct Testimony on Behalf of Adelphia.

December 14, 2000; Docket No. 2000-516-C; Adelphia Business Solutions of South Carolina, Inc. Arbitration with BellSouth Telecommunications; Rebuttal Testimony on Behalf of Adelphia.

South Dakota:

November 11, 1987; Docket No. F_3652_12; Application of Northwestern Bell Telephone Company to Introduce Its Contract Toll Plan; Direct Testimony on Behalf of MCI.

May 27, 2003; Docket No. TC03-057; Application of Qwest to Reclassify Local Exchange Services as Fully Competitive; Direct Testimony on Behalf of WorldCom, Inc., Black Hills FiberCom and Midcontinent Communications.

Tennessee:

January 31, 2001; Petition of Adelphia Business Solutions for Arbitration with BellSouth Telecommunications; Direct Testimony on Behalf of Adelphia.

February 7, 2001; Petition of Adelphia Business Solutions for Arbitration with BellSouth Telecommunications; Rebuttal Testimony on Behalf of Adelphia.

Texas:

June 5, 2000; PUC Docket No. 22441; Petition of Level 3 for Arbitration with Southwestern Bell Telephone Company; Direct Testimony on Behalf of Level (3) Communications, LLC.

June 12, 2000; PUC Docket No. 22441; Petition of Level 3 for Arbitration with Southwestern Bell Telephone Company; Rebuttal Testimony on Behalf of Level (3) Communications, LLC.

October 10, 2002; PUC Docket No. 26431; Petition of Level 3 for Arbitration with CenturyTel of Lake Dallas, Inc. and CenturyTel of San Marcos, Inc.; Direct Testimony on Behalf of Level (3) Communications, LLC.

October 16, 2002; PUC Docket No. 26431; Petition of Level 3 for Arbitration with CenturyTel of Lake Dallas, Inc. and CenturyTel of San Marcos, Inc.; Reply Testimony on Behalf of Level (3) Communications, LLC.

Utah:

November 16, 1987; Case No. 87_049_05; Petition of the Mountain State Telephone and Telegraph Company for Exemption from Regulation of Various Transport Services; Direct Testimony on Behalf of MCI.

July 7, 1988; Case No. 83_999_11; Investigation of Access Charges for Intrastate InterLATA and IntraLATA Telephone Services; Direct Testimony on Behalf of MCI.

November 8, 1996; Docket No. 96-095-01; MCImetro Petition for Arbitration with USWC Pursuant to 47 U.S.C. Section 252; Direct Testimony on Behalf of MCI.

November 22, 1996; Docket No. 96-095-01; MCImetro Petition for Arbitration with USWC Pursuant to 47 U.S.C. Section 252; Rebuttal Testimony on Behalf of MCI.

September 3, 1997; Docket No. 97-049-08; USWC Rate Case; Surrebuttal Testimony on Behalf of MCI.

September 29, 1997; Docket No. 97-049-08; USWC Rate Case; Revised Direct Testimony on Behalf of MCI.

February 2, 2001; Docket No. 00-999-05; In the Matter of the Investigation of Inter-Carrier Compensation for Exchanged ESP Traffic; Direct Testimony on Behalf of Level 3 Communications, LLP.

January 13, 2004; Docket No. 03-999-04; In the Matter of a Proceeding to Address Actions Necessary to Respond to the FCC's Triennial Review Order; Direct Testimony on Behalf of WorldCom, Inc. (MCI).

Washington:

September 27, 1988; Docket No. U-88-2052-P; Petition of Pacific Northwest Bell Telephone Company for Classification of Services as Competitive; Direct

Testimony on Behalf of MCI.

October 11, 1996; Docket No. UT-96-0338; Petition of MCImetro for Arbitration with GTE Northwest, Inc., Pursuant to 47 U.S.C.252; Direct Testimony on Behalf of MCI.

November 20, 1996; Docket No. UT-96-0338; Petition of MCImetro for Arbitration with GTE Northwest, Inc., Pursuant to 47 U.S.C.252; Rebuttal Testimony on Behalf of MCI.

January 13, 1998; Docket No. UT-97-0325; Rulemaking Workshop re Access Charge Reform and the Cost of Universal Service; Comments and Presentation on Behalf of MCI.

December 21, 2001; Docket No. UT-003013, Part D; Continued Costing and Pricing of Unbundled Network Elements, Transport, and Termination; Direct Testimony on Behalf of WorldCom, Inc.

October 18, 2002; Docket No. UT-023043; Petition of Level 3 for Arbitration with CenturyTel of Washington, Inc.; Direct Testimony on Behalf of Level (3) Communications, LLC.

November 1, 2002; Docket No. UT-023043; Petition of Level 3 for Arbitration with CenturyTel of Washington, Inc.; Rebuttal Testimony on Behalf of Level (3) Communications, LLC.

January 31, 2003; Docket No. UT-021569; Developing an Interpretive or Policy Statement relating to the Use of Virtual NPA/NXX Calling Patterns; Comments on Behalf of WorldCom, Inc. and KMC Telecom.

May 1, 2003; Docket No. UT-021569; Developing an Interpretive or Policy Statement relating to the Use of Virtual NPA/NXX Calling Patterns; Workshop Participation on Behalf of MCI, KMC Telecom, and Level (3) Communications, LLC.

August 13, 2003; Docket No. UT-030614; In the Matter of the Petition of Qwest Corporation for Competitive Classification of Basic Exchange Telecommunications Services; Direct Testimony on Behalf of MCI, Inc.

August 29, 2003; UT-030614; In the Matter of the Petition of Qwest Corporation for Competitive Classification of Basic Exchange Telecommunications Services; Rebuttal Testimony on Behalf of MCI, Inc.

West Virginia:

October 11, 1994; Case No. 94-0725-T-PC; Bell Atlantic - West Virginia Incentive Regulation Plan; Direct Testimony on Behalf of MCI.

June 18, 1998; Case No. 97-1338-T-PC; Petition of WorldCom, Inc. for Approval to Transfer Control of MCI Communications Corporation to WorldCom, Inc.; Rebuttal Testimony on Behalf of MCI.

Wisconsin:

October 31, 1988; Docket No. 05_TR_102; Investigation of Intrastate Access Costs, Settlements, and IntraLATA Access Charges; Direct Testimony on Behalf of MCI.

November 14, 1988; Docket No. 05_TR_102; Investigation of Intrastate Access Costs, Settlements, and IntraLATA Access Charges; Rebuttal Testimony on Behalf of MCI.

December 12, 1988; Docket No. 05_TI_116; In the Matter of Provision of Operator Services; Rebuttal Testimony on Behalf of MCI.

March 6, 1989; Docket No. 6720_TI_102; Review of Financial Data Filed by Wisconsin Bell, Inc.; Direct Testimony on Behalf of MCI.

May 1, 1989; Docket No. 05_NC_100; Amendment of MCI's CCN for Authority to Provide IntraLATA Dedicated Access Services; Direct Testimony on Behalf of MCI.

May 11, 1989; Docket No. 6720_TR_103; Investigation Into the Financial Data and Regulation of Wisconsin Bell, Inc.; Rebuttal Testimony on Behalf of MCI.

July 5, 1989; Docket No. 05-TI-112; Disconnection of Local and Toll Services for Nonpayment -- Part A; Direct Testimony on Behalf of MCI.

July 5, 1989; Docket No. 05-TI-112; Examination of Industry Wide Billing and Collection Practices -- Part B; Direct Testimony on Behalf of MCI.

July 12, 1989; Docket No. 05-TI-112; Rebuttal Testimony in Parts A and B on Behalf of MCI.

October 9, 1989; Docket No. 6720-TI-102; Review of the WBI Rate Moratorium; Direct Testimony on Behalf of MCI.

November 17, 1989; Docket No. 6720-TI-102; Review of the WBI Rate Moratorium; Rebuttal Testimony on Behalf of MCI.

December 1, 1989; Docket No. 05-TR-102; Investigation of Intrastate Access Costs, Settlements, and IntraLATA Access Charges; Direct Testimony on Behalf of MCI.

April 16, 1990; Docket No. 6720-TR-104; Wisconsin Bell Rate Case; Direct Testimony on Behalf of MCI.

October 1, 1990; Docket No. 2180-TR-102; GTE Rate Case and Request for Alternative Regulatory Plan; Direct Testimony on Behalf of MCI.

October 15, 1990; Docket No. 2180-TR-102; GTE Rate Case and Request for Alternative Regulatory Plan; Rebuttal Testimony on Behalf of MCI.

November 15, 1990; Docket No. 05-TR-103; Investigation of Intrastate Access Costs and Intrastate Access Charges; Direct Testimony on Behalf of MCI.

April 3, 1992; Docket No. 05-NC-102; Petition of MCI for IntraLATA 10XXX 1+ Authority; Direct Testimony on Behalf of MCI.

September 30, 2002; Docket No. 05-MA-130; Petition of Level 3 for Arbitration with CenturyTel; Direct Testimony on Behalf of Level (3) Communications, LLC.

October 9, 2002; Docket No. 05-MA-130; Petition of Level 3 for Arbitration with CenturyTel; Reply Testimony on Behalf of Level (3) Communications, LLC.

Wyoming:

June 17, 1987; Docket No. 9746 Sub 1; Application of MCI for a Certificate of Public Convenience and Necessity; Direct Testimony on Behalf of MCI.

May 19, 1997; Docket No. 72000-TC-97-99; In the Matter of Compliance with Federal Regulations of Payphones; Oral Testimony on Behalf of MCI.

Comments Submitted to the Federal Communications Commission and/or the Department of Justice

March 6, 1991; Ameritech Transmittal No. 518; Petition to Suspend and Investigate on Behalf of MCI re Proposed Rates for OPTINET 64 Kbps Service.

April 17, 1991; Ameritech Transmittal No. 526; Petition to Suspend and Investigate on Behalf of MCI re Proposed Flexible ANI Service.

August 30, 1991; Ameritech Transmittal No. 555; Petition to Suspend and Investigate on Behalf of MCI re Ameritech Directory Search Service.

September 30, 1991; Ameritech Transmittal No. 562; Petition to Suspend and Investigate on Behalf of MCI re Proposed Rates and Possible MFJ Violations Associated with Ameritech's OPTINET Reconfiguration Service (AORS).

October 15, 1991; CC Docket No. 91-215; Opposition to Direct Cases of Ameritech and United (Ameritech Transmittal No. 518; United Transmittal No. 273) on Behalf of MCI re the introduction of 64 Kbps Special Access Service.

November 27, 1991; Ameritech Transmittal No. 578; Petition to Suspend and Investigate on Behalf of MCI re Ameritech Directory Search Service.

September 4, 1992; Ameritech Transmittal No. 650; Petition to Suspend and Investigate on Behalf of MCI re Ameritech 64 Clear Channel Capability Service.

February 16, 1995; Presentation to FCC Staff on the Status of Intrastate Competition on Behalf of MCI.

November 9, 1999; Comments to FCC Staff of Common Carrier Bureau on the Status of OSS Testing in Arizona on Behalf of MCI WorldCom, Inc.

November 9, 1999; Comments to the Department of Justice (Task Force on Telecommunications) on the Status of OSS Testing in Arizona and the USWC Collaborative on Behalf of MCI WorldCom, Inc.

Presentations Before Legislative Bodies:

April 8, 1987; Minnesota; Senate File 677; Proposed Deregulation Legislation; Comments before the House Committee on Telecommunications.

October 30, 1989; Michigan; Presentation Before the Michigan House and Senate Staff Working Group on Telecommunications; "A First Look at Nebraska, Incentive Rates and Price Caps," Comments on Behalf of MCI.

May 16, 1990; Wisconsin; Comments Before the Wisconsin Assembly Utilities Committee Regarding the Wisconsin Bell Plan for Flexible Regulation, on Behalf of MCI.

March 20, 1991; Michigan; Presentation to the Michigan Senate Technology and Energy Committee re SB 124 on behalf of MCI.

May 15, 1991; Michigan; Presentation to the Michigan Senate Technology and Energy Commission and the House Public Utilities Committee re MCI's Building Blocks Proposal and SB 124/HB 4343.

March 8, 2000; Illinois; Presentation to the Environment & Energy Senate Committee re Emerging Technologies and Their Impact on Public Policy, on Behalf of MCI WorldCom, Inc.

February 19, 2004; Presentation to the Iowa Senate Committee Regarding House Study Bill 622/Senate Study Bill 3035; Comments on Behalf of MCI.

Presentations Before Industry Groups -- Seminars:

May 17, 1989; Wisconsin Public Utility Institute -- Telecommunications Utilities and Regulation; May 15-18, 1989; Panel Presentation -- Interexchange Service Pricing Practices Under Price Cap Regulation; Comments on Behalf of MCI.

July 24, 1989; National Association of Regulatory Utility Commissioners -- Summer Committee Meeting, San Francisco, California. Panel Presentation --

Specific IntraLATA Market Concerns of Interexchange Carriers; Comments on Behalf of MCI.

May 16, 1990; Wisconsin Public Utility Institute -- Telecommunications Utilities and Regulation; May 14-18, 1990; Presentation on Alternative Forms of Regulation.

October 29, 1990; Illinois Telecommunications Sunset Review Forum; Two Panel Presentations: Discussion of the Illinois Commerce Commission's Decision in Docket No. 88-0091 for the Technology Working Group; and, Discussion of the Treatment of Competitive Services for the Rate of Return Regulation Working Group; Comments on Behalf of MCI.

May 16, 1991; Wisconsin Public Utility Institute -- Telecommunications Utilities and Regulation Course; May 13-16, 1991; Participated in IntraLATA Toll Competition Debate on Behalf of MCI.

November 19, 1991; TeleStrategies Conference -- "Local Exchange Competition: The \$70 Billion Opportunity." Presentation as part of a panel on "IntraLATA 1+ Presubscription" on Behalf of MCI.

July 9, 1992; North Dakota Association of Telephone Cooperatives Summer Conference, July 8-10, 1992. Panel presentations on "Equal Access in North Dakota: Implementation of PSC Mandate" and "Open Network Access in North Dakota" on Behalf of MCI.

December 2-3, 1992; TeleStrategies Conference -- "IntraLATA Toll Competition - A Multi-Billion Dollar Market Opportunity." Presentations on the interexchange carriers' position on intraLATA dialing parity and presubscription and on technical considerations on behalf of MCI.

March 14-17, 1993; NARUC Introductory Regulatory Training Program; Panel Presentation on Competition in Telecommunications on Behalf of MCI.

May 13-14, 1993; TeleStrategies Conference -- "IntraLATA Toll Competition -- Gaining the Competitive Edge"; Presentation on Carriers and IntraLATA Toll Competition on Behalf of MCI.

May 23-26, 1994; The 12th Annual National Telecommunications Forecasting

Conference; Represented IXC's in Special Town Meeting Segment Regarding the Convergence of CATV and Telecommunications and other Local Competition Issues.

March 14-15, 1995; "The LEC-IXC Conference"; Sponsored by Telecommunications Reports and Telco Competition Report; Panel on Redefining the IntraLATA Service Market -- Toll Competition, Extended Area Calling and Local Resale.

August 28-30, 1995; "Phone+ Supershow '95"; Playing Fair: An Update on IntraLATA Equal Access; Panel Presentation.

August 29, 1995; "TDS Annual Regulatory Meeting"; Panel Presentation on Local Competition Issues.

December 13-14, 1995; "NECA/Century Access Conference"; Panel Presentation on Local Exchange Competition.

October 23, 1997; "Interpreting the FCC Rules of 1997"; The Annenberg School for Communication at the University of Southern California; Panel Presentation on Universal Service and Access Reform.

February 5-6, 2002; "Litigating Telecommunications Cost Cases and Other Sources of Enlightenment"; Educational Seminar for State Commission and Attorney General Employees on Litigating TELRIC Cases; Denver, Colorado.

February 19-20, 2003; Seminar for the New York State Department of Public Service entitled "Emerging Technologies and Convergence in the Telecommunications Network". Presented with Ken Wilson of Boulder Telecommunications Consultants, LLC.

July 25, 2003; National Association of Regulatory Utility Commissioners Summer Committee Meetings; Participated in Panel regarding "Wireless Substitution of Wireline – Policy Implications."

