

REDACTED

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A. My name is Don J. Wood. I am a principal in the firm of Wood & Wood, an  
3 economic and financial consulting firm. My business address is 30000 Mill  
4 Creek Avenue, Suite 395, Alpharetta, Georgia 30022. I provide economic and  
5 regulatory analysis of the telecommunications, cable, and related convergence  
6 industries with an emphasis on economic policy, competitive market  
7 development, and cost-of-service issues.

8  
9 Q. PLEASE DESCRIBE YOUR BACKGROUND AND EXPERIENCE.

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

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

1 I was employed in the interexchange industry by MCI  
2 Telecommunications Corporation, as Manager of Regulatory Analysis for the  
3 Southern Division. In this capacity I was responsible for the development and  
4 implementation of regulatory policy for operations in the southern U. S. I then  
5 served as a Manager in MCI's Economic Analysis and Regulatory Affairs  
6 Organization, where I participated in the development of regulatory policy for  
7 national issues.

8

9 Q. HAVE YOU PREVIOUSLY PRESENTED TESTIMONY BEFORE STATE  
10 AND FEDERAL REGULATORS?

11 A. Yes. I have testified on telecommunications issues before the regulatory  
12 commissions of thirty-nine states, Puerto Rico, and the District of Columbia. I  
13 have also presented testimony regarding telecommunications issues in state,  
14 federal, and overseas courts, before alternative dispute resolution tribunals, and at  
15 the FCC. A listing of my previous testimony is attached as Exhibit DJW-1.

16

17 Q. HAVE YOU PREVIOUSLY PRESENTED TESTIMONY BEFORE  
18 THIS COMMISSION?

19 A. Yes. I have presented testimony before this Commission on approximately  
20 twenty occasions, most recently in Docket No. 030851-TP.

21

1 Q. PLEASE DESCRIBE YOUR EXPERIENCE REVIEWING COST  
2 STUDIES, MODELS, AND METHODOLOGIES.

3 A. While employed in the BellSouth Service Cost Division, I had the  
4 opportunity to work with a number of cost models, and to analyze and  
5 review the manner in which these models were used in the cost  
6 development process. Since that time, I have reviewed cost studies  
7 performed by each of the seven (now four) RBOCs, and a number of other  
8 incumbent local exchange carriers (“ILECs”), including both Tier 1  
9 companies and smaller carriers. In each case, my review of these cost  
10 studies has included an extensive evaluation of the methodologies,  
11 computer models and spreadsheets, and inputs/assumptions employed by  
12 the particular ILEC.

13 I have also been asked by regulators to develop detailed rules for ILECs’  
14 performance of cost studies. My proposed costing rules have been adopted and  
15 implemented in both Delaware and Wyoming.

16

17 Q. DO YOU HAVE EXPERIENCE WITH THE DEVELOPMENT AND  
18 APPLICATION OF RULES DESIGNED TO PREVENT OR LIMIT PRICING  
19 THAT IS UNFAIR, ANTI-COMPETITIVE, OR DISCRIMINATORY?

20 A. Yes. The potential for anti-competitive pricing, particularly in cases in which one  
21 supplier of a service also provides an essential monopoly component to other

1 (competing) suppliers of that service, is not new and certainly is not new to the  
2 telecommunications industry. I have spent the past seventeen years working on  
3 variations of this problem, beginning with the imputation of access charges in  
4 intraLATA toll rates and extending through promotional offerings for local  
5 exchange services, including so-called “win-back” offerings.

6

7 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

8 A. I have been asked by Supra Telecommunications and Information Systems, Inc.  
9 (“Supra”) to review three promotional offerings by BellSouth for its  
10 PreferredPack service. In my testimony I will describe how such offerings should  
11 be analyzed and, based on the information available at this time, provide a  
12 quantitative analysis of those offerings.

13

14 Q. IN THEIR RESPECTIVE PLEADINGS, BOTH BELLSOUTH AND SUPRA  
15 HAVE EXCHANGED RHETORIC REGARDING WHICH CARRIER IS  
16 SEEKING TO PROMOTE COMPETITION AND WHICH CARRIER IS  
17 SEEKING TO LIMIT COMPETITION. WHY IS A CAREFUL REVIEW OF  
18 THESE BELLSOUTH PROMOTIONS SO IMPORTANT WHEN  
19 CONSIDERING THE AVAILABILITY OF COMPETITIVE ALTERNATIVES  
20 FOR LOCAL SERVICE OFFERINGS?

1 A. These BellSouth promotions (and similar offerings) are extremely important when  
2 considering both the present availability of competitive offerings and the  
3 likelihood of the future availability of such offerings.

4 Of course, when evaluating the impact of such offerings regulators must  
5 be careful not to err too far in either direction. An overly restrictive approach  
6 may unnecessarily limit the offerings available to consumers, at least in the short  
7 term. On the other hand, an approach that is too permissive may result in lower  
8 rates over the short term but in doing so may create a future in which end users  
9 have fewer alternatives, and potentially no alternative but the former monopoly  
10 provider.

11 It is extremely important to note that the consequences of these errors are  
12 not the same. While any regulator should certainly seek to constrain such  
13 offerings only to the exact penny necessary, limitations in the available  
14 information inevitably mean that some judgment calls must be made. It may  
15 sometimes be necessary to limit a short term price reduction in order to preserve  
16 the ability of consumers to have competitive choice and lower prices over the  
17 long term. If this were not the case, there would be no rationale for any  
18 constraints on predatory pricing.

19

1 Q. ARE PROMOTIONS OFFERED BY THE FORMER MONOPOLY  
2 PROVIDER, INCLUDING WIN-BACK PROMOTIONS, IN THE LONG-  
3 TERM BEST INTEREST OF THE END USERS OF A SERVICE?

4 A. The answer is a resounding “it depends.” In its pleadings, BellSouth has naturally  
5 touted the short-term benefits of such promotions (while failing to mention that  
6 the benefits may indeed be only short-term) and has suggested that the industry,  
7 this Commission, and the FCC have all given unqualified endorsements of  
8 promotional offerings, particularly win-back offerings.

9 BellSouth has significantly overstated its case here. A win-back  
10 promotion by BellSouth *may* be in the short- and long-term public interest *if, but*  
11 *only if*, the effective price to the consumer is not “unfair, anti-competitive, or  
12 discriminatory,” enabling BellSouth to leverage its former monopoly power – and  
13 existing market power – in a way that will enable it to enjoy market dominance in  
14 the future.

15 My reading of the Commission’s Order No. PSC-03-0726-FOF-TP is  
16 consistent with this characterization. In its May 17, 2004 Answer to Supra’s  
17 Motion (pp. 3-4), BellSouth asserts that this Commission has concluded “that  
18 win-back efforts benefit Florida consumers,” but that’s not really what the order  
19 says. The language at the page cited by BellSouth (p. 40) states “[w]e believe a  
20 win-back promotion such as the Key Customer offering is *not, in and of itself,*  
21 *detrimental*” (emphasis added). The Commission goes on to state that “in fact,

1 win-back promotions *can* be very beneficial to Florida consumers” (emphasis  
2 added). In order to conclude that a given win-back promotion *is* beneficial to  
3 Florida consumers, though, it is first necessary to make a “determination of  
4 whether the post-discounted rates offered ... remain ‘compensatory’ for  
5 BellSouth” (p. 21). The Commission went on to conclude (pp. 21-22), in  
6 language not cited by BellSouth, that “if a determination revealed that such rates  
7 were ‘non-compensatory’, such a finding would sway us to conclude that the  
8 tariff offerings are unfair, anticompetitive, or discriminatory.”

9 The FCC language cited by BellSouth (and previously relied upon by the  
10 Commission) likewise does not provide a broad endorsement of all win-back  
11 promotions, but instead simply refuses to create a blanket prohibition of all such  
12 offerings. The FCC made this decision because of its observation that *some* win-  
13 back offerings *may* “promote competition and result in lower prices.” The FCC  
14 order explicitly includes an acknowledgement that not all such offerings are in the  
15 best interest of customers.

16  
17 Q. IS IT YOUR UNDERSTANDING THAT THE QUESTION BEING DEBATED  
18 IS WHETHER WIN-BACK PROMOTIONS IN GENERAL SHOULD BE  
19 PERMITTED?

20 A. No. The focus here should be on the specific characteristics of the three  
21 promotions referenced in Supra’s Petition and subsequent Motion. BellSouth’s

1 pleadings improperly focus on the wrong question (i.e. Should BellSouth be  
2 permitted to offer win-back promotions?) and suggest that the promotions at issue  
3 fall under some previous blanket endorsement so that they should either not be  
4 subject to further review or at least presumed to be valid. In contrast, both this  
5 Commission and the FCC have previously – and correctly – noted that such  
6 offerings are not inherently in the public interest and may in fact be detrimental.

7           Depending on its specific terms, a given win-back promotion may, as the  
8 FCC states, “promote competition and lower prices.” Of course, such a  
9 promotion may provide for lower prices in the short-term but not “promote  
10 competition,” and in fact may significantly limit the competitive alternatives  
11 available in the future (thereby leading to an end to those previously-enjoyed  
12 lower prices).

13

14 Q. DO SAFEGUARDS EXIST THAT HELP TO ELIMINATE AN INCUMBENT  
15 LEC’S INCENTIVE TO ENGAGE IN ANTI-COMPETITIVE PRICING IN  
16 WIN-BACK PROMOTIONS?

17 A. Yes. Both the 1996 Act (§251(c)(4)) and FCC rules (47 C. F. R. §51.601 through  
18 51.620) require that promotional offerings be available for resale. This resale  
19 requirement represents an extremely important safeguard: if an incumbent LEC  
20 knows that it will have to permit the resale of a promotion, it will have less of an  
21 incentive to establish a price (or an effective price) that is non-compensatory.

1                   §51.613 provides for a specific exception to this requirement (cross-class  
2                   selling), but that restriction does not apply in this case. Beyond that limited  
3                   exception, the FCC is clear that LECs must make *all* offerings, including  
4                   promotional offerings, available for resale. Any restrictions on resale, other than  
5                   the cross-class restriction, can be imposed *only* if the incumbent LEC “proves to  
6                   the state commission that the restriction is reasonable and nondiscriminatory.”  
7                   BellSouth has offered no such proof in this case, and to my knowledge has not  
8                   previously offered any such proof related to the promotional offerings at issue in  
9                   this case.

10  
11    Q.    WHY IS THE RESALE REQUIREMENT SO IMPORTANT IN THIS  
12           CONTEXT?

13    A.    If an incumbent LEC does not make a promotion available for resale, it has the  
14           opportunity to create a price squeeze for a facilities-based competitor (including a  
15           competitor that relies at least in part on UNEs). The competitor faces a “bottom-  
16           up” cost structure, and will be unable to match BellSouth’s price for very long if  
17           BellSouth establishes an effective rate to the customer that is non-compensatory.  
18           Such activity would allow BellSouth to effectively limit the scope of its  
19           competitors or to eliminate them completely. Without a resale requirement,  
20           BellSouth can gain and retain market share over the long term by offering non-  
21           compensatory prices that an equally-efficient competitor cannot match.

1           In contrast, the imposition of a resale requirement significantly reduces the  
2           likelihood that such a strategy would be successful. A competitor could resell a  
3           non-compensatory promotion in competition with BellSouth, thereby eliminating  
4           the price squeeze and eliminating BellSouth's ability to retain market share on  
5           this basis. In the end, BellSouth would lose money on the promotion and would  
6           be unsuccessful in any long term efforts to constrain or eliminate competitors.

7

8    Q.    HAS THE COMMISSION RECOGNIZED THE IMPORTANT ROLE THAT  
9           RESALE PLAYS IN CREATING SUCH A SAFEGUARD?

10   A.    Yes. In its Order No. PSC-03-0726-FOF-TP (pp. 37-39), the Commission  
11           reviewed the applicable requirements:

12                   BellSouth's promotional tariff offerings should be, and are,  
13                   made available for ALEC resale in accordance with the  
14                   terms and conditions required by federal law. Pursuant to  
15                   law, incumbent LECs must offer for resale at wholesale  
16                   rates any telecommunications service that the carrier  
17                   provides at retail to non-carrier subscribers. Also,  
18                   promotions of more than 90 days must be available for  
19                   resale at the promotional rate minus the wholesale discount.  
20                   Further, the incumbent LECs must not prohibit or impose  
21                   unreasonable or discriminatory conditions or limitations on  
22                   the resale of such telecommunications service.

23

24                   The Commission went on to conclude (p. 39) that the availability of resale  
25                   was a factor in its decision, in part because "the resale price the competitor pays  
26                   BellSouth for any service will always be less than the price BellSouth charges its

1 retail customers for the same service, and as such, competitors suffer no  
2 disadvantage.”

3 While the resale requirements do not represent a perfect solution or  
4 completely effective safeguards (some restrictions contained in promotional  
5 offerings or contracts can render resale less effective), resale does remain an  
6 important consideration. If a given promotion is subject to resale at the effective  
7 rate charged by BellSouth to the customer, minus the wholesale discount,  
8 BellSouth has a diminished incentive to establish a non-compensatory price. In  
9 contrast, if BellSouth seeks to restrict the resale of a given promotion, the  
10 potential opportunity for BellSouth to gain from a non-compensatory price is  
11 significantly enhanced, and any such promotion (assuming that BellSouth has met  
12 its burden of demonstrating to the Commission that such a restriction is  
13 reasonable, so that the restriction is allowed) must be subjected to a greater degree  
14 of scrutiny.

15  
16 Q. HAS BELLSOUTH AGREED TO MAKE THE PREFERREDPACK  
17 PROMOTIONS AT ISSUE IN THIS PROCEEDING AVAILABLE FOR  
18 RESALE?

19 A. Based on the information available, it appears that the answer is no. In response  
20 to Supra Interrogatory No. 13, BellSouth responded that the Installation Fee

1 Waiver promotion would be subject to resale, but the \$100 Cash Back Offer and  
2 \$25 Gift Card promotions would not be.

3 This refusal should generate serious concern about these offerings. By  
4 creating an effective price that is not subject to resale for certain customers of  
5 these telecommunications services, BellSouth has created an opportunity to gain  
6 from non-compensatory pricing. For this reason, these promotions should be  
7 subject to the highest possible level of scrutiny.

8  
9 Q. BELLSOUTH ASSERTS THAT THE \$100 CASH BACK AND \$25 GIFT  
10 CARD PROMOTIONS ARE NOT SUBJECT TO RESALE REQUIREMENTS  
11 BECAUSE A \$100 CHECK OR A \$25 GIFT CARD IS NOT A  
12 TELECOMMUNICATIONS SERVICE. IS THEIR REASONING VALID?

13 A. Not at all. There can be no argument regarding the fact that PreferredPack service  
14 is a telecommunications service subject to resale. The promotions related to  
15 PreferredPack are also subject to resale, and because the offerings are for greater  
16 than 90 days, subject to resale at the applicable wholesale discount. BellSouth  
17 cannot seriously argue that a \$100 check or \$25 gift card do not impact what the  
18 customer ultimately pays for this telecommunications service. To the contrary,  
19 the \$100 check and \$25 gift card are integral components of the pricing of the  
20 telecommunications service to the end user customer.

1           By way of example, I recently found myself shopping for a television set.  
2           The store where I made the purchase offered a rebate coupon generated at the  
3           time of the purchase. I paid (rounding the numbers a bit) the store \$500 (by  
4           authorizing a credit card charge), and received a mail-in coupon for a \$50 check.  
5           In every meaningful way, I “paid” \$450, not \$500, for that television set (and I  
6           certainly explained it to my wife that way). It would be nonsense to suggest that I  
7           paid \$500 for the television, and that the manufacturer, in a completely unrelated  
8           transaction, decided to pay me \$50 for no apparent reason at all. It would also be  
9           nonsense to suggest that the availability of the \$50 rebate played no part in my  
10          purchasing decision; in reality, it was an important factor.

11          By attempting to excuse itself from its resale obligations by describing the  
12          \$100 check and \$25 gift card as “not a telecommunications service,” BellSouth is  
13          implicitly asking the Commission to assume that a subscriber to one of the  
14          PreferredPack promotions is paying full price for the service, and that BellSouth -  
15          in an unrelated transaction - is sending that customer a check for \$100 (perhaps  
16          that customer has a secret admirer after all) and that the expectation of the \$100  
17          check played no part in the customer’s purchasing decision. If the \$100 plays no  
18          part in the customer’s decision, why is BellSouth giving money away? If the  
19          \$100 does play a part in the customer’s decision to purchase a  
20          telecommunications service, then it must be part of the resale equation.

21

1 Q. IF BELLSOUTH IS PERMITTED TO RESTRICT THE RESALE OF THE \$100  
2 CASH BACK AND \$25 GIFT CARD PROMOTIONS, DOES THIS CHANGE  
3 YOUR CONCERN ABOUT THE PROMOTIONS?

4 A. Yes; my concern is significantly heightened, as the Commission's should be. If  
5 BellSouth's refusal to make these key elements of its promotion available for  
6 resale is found to be reasonable, it becomes that much more important to properly  
7 consider them in an evaluation of the promotion. If (1) BellSouth can change the  
8 effective price to a customer of a telecommunications service, and do so outside  
9 of the resale requirements, by reducing the price in the form of a rebate, and (2)  
10 its promotions, particularly win-back promotions, are not very carefully examined  
11 and constrained, BellSouth will have an unfettered ability to engage in predatory  
12 pricing. By varying the amount of the rebate, BellSouth can establish an effective  
13 price (i.e. the price that the customer uses to make its purchasing decision) that is  
14 below the cost of an equally efficient competitor, enabling BellSouth to control  
15 the competitor's market share and to eliminate the competitor if it chooses to do  
16 so. By fine-tuning the rebate amount, BellSouth can establish an effective price  
17 that is just low enough to capture market share, while being no more non-  
18 compensatory than necessary to do the job.

19  
20 Q. CAN THE FACTS OF THIS CASE BE APPLIED TO §364.051(5)(c) OF THE  
21 FLORIDA STATUTES?

1 A. Yes. The requirement that the price charged to a customer cover both the direct  
2 costs of non-monopoly components, and an imputed price for the monopoly  
3 components, can and should be applied in order to evaluate BellSouth's  
4 promotions in this proceeding. Because the monopoly component of the  
5 PreferredPack offering – the local loop – is presumably priced at a cost-based  
6 level (when UNE prices are used), the distinction between the cost considerations  
7 for monopoly and non-monopoly elements is less critical (though still important  
8 in one respect as explained below).

9

10 Q. WHAT ARE THE KEY INPUTS TO A MEANINGFUL ANALYSIS OF A  
11 PROMOTIONAL OFFERING?

12 A. Any such analysis must (1) include a valid consideration of the price charged to  
13 the customer, (2) include all direct costs incurred by BellSouth to provide the  
14 service pursuant to the promotional offering, and (3) must properly consider the  
15 timing of these revenues and costs.

16

17 Q. WHAT "PRICE CHARGED TO THE CUSTOMER" SHOULD BE  
18 CONSIDERED?

19 A. The relevant price is the effective price charged, or, put another way, the price  
20 that the customer uses to make its purchasing decision. If customers are being  
21 enticed with \$100 checks and \$25 gift cards, the effective price must reflect this.

1 Alternately, all such enticements can be treated as costs incurred by BellSouth.  
2 Under this method, the tariffed rate plus SLC is the price, while the costs are  
3 adjusted to reflect the costs of the various enticements as they occur.

4 When determining the wholesale rate for a promotion subject to resale, it  
5 is essential that the \$100 check and \$25 gift card be considered as adjustments to  
6 the price, because costs are not a part of the wholesale rate equation. When  
7 evaluating whether a given promotion is compensatory, these amount can be  
8 treated as either revenue adjustments or costs. For the purpose of my analysis of  
9 the promotions, I have treated the \$100 check and \$25 gift card as a cost at the  
10 time they are incurred.

11

12 Q. WHAT COSTS MUST BE CONSIDERED?

13 A. The costs must include all network functionality to provide the service (in the  
14 case of PreferredPack, the local loop, switch line port, switch usage, and vertical  
15 features), usage measurement, retail-related direct costs, and the costs incurred by  
16 BellSouth to develop and implement the promotions themselves.

17

18 Q. YOU STATED THAT THE TIMING OF THE REVENUES AND COSTS IS  
19 IMPORTANT. PLEASE EXPLAIN.

20 A. There are two important time dimensions to such an analysis. First, it is important  
21 to properly reflect the timing of the expected revenues and costs. Revenues are

1 not received and costs are not incurred all at once, but are spread across a number  
2 of months. The value of a customer subscribing to a given promotional offering  
3 is calculated by comparing the present value of the expected revenues and costs.

4 Second, it is important to consider how long it will take for BellSouth to  
5 recover its costs from the revenues (net of enticements) received from the  
6 customer. Typically, a net present value calculation is made in order to determine  
7 the minimum amount of time that the customer must subscribe to the service in  
8 order for costs to be fully recovered, and some restrictions are built into the  
9 promotion to ensure that this happens. A promotion may be part of a term  
10 contract with early termination liabilities, for example, or a promotion may  
11 require a customer's commitment to subscribe to the service for a minimum  
12 period of time before certain pricing incentives can be realized.

13

14 Q. WHY IS IT IMPORTANT TO HAVE A TERMINATION LIABILITY OR ITS  
15 EQUIVALENT WHEN OFFERING A DISCOUNTED PRICE PROMOTION?

16 A. BellSouth makes the case well at p. 25 in its Post-Hearing Brief In Docket Nos.  
17 021252-TP, 020119-TP and 020578-TP (Key Customer Promotions case): "the  
18 reason BellSouth has included termination liability provisions in its promotional  
19 tariff is simple – when a customer executes a volume and term agreement,  
20 BellSouth can neither predict the benefits that the customer will receive over the  
21 life of the agreement nor can BellSouth predict the damages it will incur if the

1 contract is ultimately breached. Accordingly, BellSouth developed a reasonable  
2 means to address termination.”

3 The same problem exists when designing any promotion that includes a  
4 significant price discount, including those at issue in this case. In order to ensure  
5 that BellSouth can recover its costs, it must either (1) include a term commitment  
6 with early termination liability, or (2) design the promotion so that the timing of  
7 the rebates or other enticements will ensure that any customer receiving the  
8 discounted price will remain with BellSouth long enough for costs to be  
9 recovered.

10

11 Q. DOES THE EARLY TERMINATION PROBLEM PLAY A ROLE IN HOW  
12 PROMOTIONS SHOULD BE EVALUATED?

13 A. Absolutely. When designing a promotion, it is important to consider these timing  
14 issues. At that time, the question is “How do I design the promotion, in terms of  
15 termination liability, the timing of rebates, or other similar constraints, in order to  
16 ensure that a customer stays long enough to ensure cost recovery?” When  
17 evaluating a promotion, the question just needs to be turned around: “Given the  
18 termination liability, timing of rebates, and similar constraints built into the  
19 promotion, will the customer remain long enough to ensure that the effective price  
20 he or she pays for the service is compensatory, and not “unfair, anticompetitive,  
21 or discriminatory”?

1

2 Q. HAS BELLSOUTH BUILT THESE KINDS OF CONSTRAINTS INTO ITS  
3 INSTALLATION FEE WAIVER, \$100 CASH BACK, AND \$25 GIFT CARD  
4 PROMOTIONS?

5 A. For the Installation Fee Waiver promotion, the answer appears to be no. For the  
6 \$100 Cash Back and \$25 Gift Card promotions, BellSouth has created a *de facto*  
7 commitment of approximately 90 days. A customer receives the necessary  
8 paperwork 4-6 weeks after service is initiated, and BellSouth requires another 4-6  
9 weeks to process it. BellSouth checks to make sure that the customer remains a  
10 subscriber to PreferredPack at the time the check is cut, thereby creating an  
11 implicit requirement that a customer remain a subscriber for up to 90 days before  
12 the enticement is received.

13

14 Q. PLEASE DESCRIBE YOUR ANALYSIS OF THE BELLSOUTH  
15 PROMOTIONS.

16 A. My analysis, attached as Exhibit DJW-2, considers the revenues and costs  
17 experienced by BellSouth each month, beginning with the time that a given  
18 customer subscribes to one or more of the three promotions.

19

20 Q. WHAT REVENUES DID YOU INCLUDE?

1 A. For each month that the customer subscribes to the service, I included both the  
2 tariffed rate (\$26.95) and Subscriber Line Charge (\$6.50), for a total of \$33.45.

3

4 Q. WHAT COSTS DID YOU INCLUDE?

5 A. For the local loop direct cost, I utilized the UNE loop rate (this is the same  
6 amount used by BellSouth in its analysis). For the local usage direct cost, I used  
7 the (presumably cost-based) UNE usage charge consistent with the usage patterns  
8 of the customers in question (i.e. those being won back by BellSouth). For the  
9 vertical features direct cost, I used BellSouth's reported cost.

10 Usage measurement direct costs are included based on the (presumably  
11 cost-based) BellSouth DUF rates applied to the characteristics of the customers in  
12 question (i.e., those being won back by BellSouth).

13 In order to add retail-related direct costs to these network costs, I applied  
14 BellSouth's Customer Operations Cost factor developed and used in Docket No.  
15 030869-TL to the network-related direct costs described above.

16 Finally, the cost to develop and implement the promotions themselves was  
17 estimated based on Supra's costs to perform similar marketing functions.

18

19 Q. YOU STATED THAT YOU INCLUDED CERTAIN COSTS BASED ON THE  
20 CHARACTERISTICS OF THE CUSTOMERS BEING TARGETED BY  
21 BELL SOUTH'S PROMOTIONS. WHY IS THIS IMPORTANT?

1 A. BellSouth has been clear that it is not making its PreferredPack Installation Fee  
2 Waiver, \$100 Cash Back, and \$25 Gift Card promotions generally available, but  
3 has limited their available to existing customers of CLECs, including Supra.  
4 BellSouth's tariffs state that in order to qualify, a customer "must either not  
5 currently have local service with BellSouth or not have service with BellSouth on  
6 one or more of their existing lines, including the line on which the service  
7 qualifying for this promotion will be provisioned," and that the "customer must  
8 not have had local service with BellSouth" for some minimum period of time  
9 prior to the new service connection date (10 days for the \$100 Cash Back offer,  
10 91 days for the \$25 Gift Card offer).

11 The costs to be incurred by BellSouth when providing PreferredPack  
12 service to the eligible customers of these promotions will be a function, at least in  
13 part, of the characteristics of these customers. In other words, customers who  
14 have previously elected to obtain their local telecommunications service from a  
15 provider other than BellSouth may consume different resources at different rates  
16 than customers who have never left BellSouth or at different rates from the  
17 average of all customers subscribing to the service. It is these customers (i.e.  
18 those who have previously elected to leave), and not its average customer base,  
19 that BellSouth will be winning back. An analysis of the expected cost to provide  
20 service to these customers should reflect these characteristics.

21

1 Q. BASED ON THE INFORMATION AVAILABLE, IS THERE A REASON TO  
2 BELIEVE THAT BELLSOUTH'S COSTS TO PROVIDE PREFERREDPACK  
3 SERVICE TO THE CUSTOMERS WHO SUBSCRIBE TO ONE OF THE  
4 PROMOTIONS AT ISSUE WILL BE SOMETHING OTHER THAN ITS  
5 COSTS TO PROVIDE SERVICE TO AN AVERAGE CUSTOMER?

6 A. Yes. BellSouth reports a monthly TSLRIC for the switch line port and "average"  
7 local usage of \$ [REDACTED] (See p. 19 and Exhibit 11 to BellSouth's Response to Supra's  
8 Motion). The amount of local usage consumed by the customers that BellSouth is  
9 potentially "winning back" is not average, however. The average monthly  
10 amount of local usage (billed at TELRIC rates) for Supra's customers – those  
11 people whom BellSouth is attempting to capture with these promotions – is  
12 higher. Based on Supra's billing records, this amount \$ [REDACTED] per month.

13  
14 Q. HAS BELLSOUTH PREVIOUSLY USED THESE KINDS OF CUSTOMER  
15 CHARACTERISTICS IN ITS COST STUDIES?

16 A. Yes. In Docket No. 030300-TP, BellSouth produced a study of its cost (TSLRIC)  
17 to provide Pay Telephone Access Service ("PTAS") in Florida. While BellSouth  
18 maintained that PTAS is functionally equivalent to its 1FB service, it did make its  
19 study of local usage costs specific to PTAS by considering "payphone specific  
20 call lengths" and the "typical number of payphone calls in a month." With this  
21 information, BellSouth calculated a monthly local usage cost that was based on

1 the typical number of local usage minutes used by the type of customer being  
2 analyzed (in that case a payphone service provider). Similarly, the local usage  
3 cost used to analyze BellSouth's promotion should be based on the local usage  
4 characteristics of the customers that qualify for the promotion (in this case,  
5 existing CLEC customers).

6

7 Q. YOU STATED THAT YOU INCLUDED RETIAL-RELATED COSTS BY  
8 APPLYING BELLSOUTH'S CUSTOMER OPERATIONS COST FACTOR.  
9 WHY DID YOU INCLUDE THESE COSTS?

10 A. The need to consider direct costs not included in BellSouth's TSLRIC study is  
11 best explained by Ms. Caldwell. In Docket No. 03089-TL (Direct Testimony of  
12 D. Daonne Caldwell, p. 11), she testified as follows:

13 Q. Are there any direct costs not reflected in  
14 BellSouth's cost study filed as Exhibit DDC-1?

15  
16 A. Yes. None of the direct costs required to  
17 promote and support retail services, e.g. billing, collections,  
18 marketing, sales, advertising, and product management  
19 have been considered in the costs displayed in Exhibit  
20 DDC-1. These additional costs are a direct result of having  
21 customers, including those subscribing to basic local  
22 service ... it is estimated that an additional [REDACTED] % is  
23 required to account for these costs.  
24

25 It is important to note that, when describing the components of  
26 BellSouth's Customer Operations Cost Factor, Ms. Caldwell is describing the

1           “direct costs required to promote and support retail services” generally, and not  
2           the costs of any specific promotion that represent an incremental additional (but  
3           very real) addition to BellSouth’s cost to provide service to the customers targeted  
4           by the promotion. These promotion-specific costs represent a separate line item.

5

6    Q.    YOU STATE THAT YOU APPROXIMATED BELLSOUTH’S COSTS TO  
7           DEVELOP AND IMPLEMENT THESE PROMOTIONS BASED ON SUPRA’S  
8           COSTS TO PERFORM SIMILAR FUNCTIONS. PLEASE EXPLAIN HOW  
9           YOU DID THIS.

10   A.   In order to be conservative, I assumed (pending BellSouth’s responses to specific  
11           data requests on this issue) that BellSouth’s cost to develop the promotions was  
12           included in its Customer Operations Cost Factor described above. For the  
13           purposes of this analysis, I focused only on the implementation costs.

14                 BellSouth has utilized both outbound calling from call centers and direct  
15           mail pieces to make customers aware of its PreferredPack promotions. I reviewed  
16           data for call centers utilized by Supra and Supra’s cost for direct mail campaigns.  
17           In each case, I used the least cost data point (most efficient call center month, for  
18           example) to develop a proxy for BellSouth’s cost per customer contact (either  
19           telephone call or direct mail piece). I then converted this amount to a “per  
20           customer reacquired” basis based on the number of CLEC-served customers and  
21           BellSouth’s reported number of subscribers to a PreferredPack promotion.

1

2 Q. WHAT ARE THE RESULTS OF YOUR ANALYSIS?

3 A. Exhibit DJW-2 sets out three scenarios: one in which the PreferredPack customer  
4 receives a waiver of the installation charge but no further incentives, one in which  
5 the customer receives both a waiver of the installation charge and a \$100 check,  
6 and one in which the customer receives a waiver of the installation charge, a \$100  
7 check, and a \$25 gift card.

8           When the relevant revenues and costs – and the timing of each – are  
9 reflected, the following conclusions can be reached. A customer that subscribes  
10 to PreferredPack and receives a waiver of the installation charge (but receives no  
11 other incentives) will need to remain with BellSouth for ■ months before  
12 BellSouth recovers the cost to re-acquire and to provide the service to that  
13 customer. If that customer leaves before subscribing for a full ■ months,  
14 BellSouth will not recover its costs.

15           A customer that subscribes to PreferredPack, receives a waiver of the  
16 installation charge, and also receives the \$100 cash back incentive will need to  
17 remain with BellSouth for ■ months before BellSouth recovers the cost to re-  
18 acquire and to provide the service to that customer. If that customer leaves before  
19 subscribing for a full ■ months, BellSouth will not recover its costs.

20           A customer that subscribes to PreferredPack, receives a waiver of the  
21 installation charge, and also receives both the \$100 cash back incentive and the

1 \$25 gift card incentive, will need to remain with BellSouth for ■ months before  
2 BellSouth recovers the cost to re-acquire and to provide the service to that  
3 customer. If that customer leaves before subscribing for a full ■ months,  
4 BellSouth will not recover its costs.

5  
6 Q. IS THERE ANYTHING IN BELLSOUTH'S TARIFFED DESCRIPTION OF  
7 THE PREFERREDPACK PROMOTIONS THAT WOULD PREVENT A  
8 CUSTOMER FROM LEAVING BEFORE ■, ■, OR ■ MONTHS, THEREBY  
9 LEAVING BELLSOUTH IN THE POSITION OF FAILING TO RECOVER ITS  
10 COSTS?

11 A. No. A customer that receives a waiver of the installation charge has no time  
12 commitment, and could leave at any time before the ■ months needed for  
13 BellSouth to recover its costs are up. A customer that receives the \$100 cash  
14 back, \$25 gift card, or both, will need to remain with BellSouth for approximately  
15 90 days before receiving their additional incentives. At any time between 3  
16 months and ■ or ■ months, these customers could also leave before BellSouth  
17 has recovered its costs.

18  
19 Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

20 A. Yes.

21

***Vita of Don J. Wood***

*30000 Mill Creek Avenue, Suite 395, Alpharetta, Georgia 30022  
Voice 770.475.9971, Facsimile 770.475.9972*

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**CURRENT EMPLOYMENT**

Don J. Wood is a principal in the firm of Wood & Wood. He provides economic, financial, and regulatory analysis services in telecommunications and related convergence industries, specializing in economic policy related to the development of competitive markets, inter-carrier compensation, and cost of service issues. In addition, Mr. Wood advises industry associations on regulatory and economic policy and assists investors in their evaluation of investment opportunities in the telecommunications industry. The scope of his work has included landline and wireless communications, data services, and emerging technologies.

As a consultant, Mr. Wood has assisted his clients in responding to the challenges and business opportunities of the industry both before and subsequent to the Telecommunications Act of 1996. Prior to his work as a consultant, Mr. Wood was employed in a management capacity at a major Local Exchange Company and an Interexchange Carrier. He has been directly involved in both the development and implementation of regulatory policy and business strategy.

In the area of administrative law, Mr. Wood has presented testimony before the regulatory bodies of thirty-nine states, the District of Columbia, and Puerto Rico, and has prepared comments and testimony for filing with the Federal Communications Commission. The subject matter of his testimony has ranged from broad policy issues to detailed cost and rate analysis.

Mr. Wood has also presented testimony in state, federal, and overseas courts regarding business plans and strategies, competition policy, inter-carrier compensation, and cost of service issues. He has presented studies of the damages incurred by plaintiffs and has provided rebuttal testimony to damage calculations performed by others. Mr. Wood has also testified in alternative dispute resolution proceedings conducted pursuant to both AAA and CPR rules.

Mr. Wood is registered as a neutral with the Georgia Office of Dispute Resolution.

**PREVIOUS INDUSTRY EMPLOYMENT**

**Klick, Kent & Allen/FTI Consulting, Inc.**

Regional Director.

**GDS Associates, Inc.**

Senior Project Manager.

**MCI Telecommunications Corporation**

Manager of Regulatory Analysis, Southeast Division.

Manager, Corporate Economic Analysis and Regulatory Affairs.

**BellSouth Services, Inc.**

Staff Manager.

**EDUCATION**

**Emory University, Atlanta, Ga.**

BBA in Finance, with Distinction.

**College of William and Mary, Williamsburg, Va.**

MBA, with concentrations in Finance and Microeconomics.

**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.

## **Exhibit DJW 1**

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)

### **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.

## Exhibit DJW 1

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.

### 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.

**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.

## Exhibit DJW 1

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

## **Exhibit DJW 1**

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**

## **Exhibit DJW 1**

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.

## **Exhibit DJW 1**

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 Celco 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.

## **Exhibit DJW 1**

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).

## **Exhibit DJW 1**

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.

### **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 (local calling areas).

**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.

**REPRESENTATIVE TESTIMONY – PRIVATE COMMERCIAL ARBITRATION TRIBUNALS**

**American Arbitration Association**

Southwestern Bell Telephone Company, Claimant vs. Time Warner Telecom, Respondent.

New Access Communications LLC, Choicetel LLC and Emergent Communications LLC, Claimants vs. Qwest Corporation, Respondent (Case No. 77 Y 1818 0031603).

**CPR Institute for Dispute Resolution**

Supra Telecommunications and Information Systems, Inc., Claimant vs. BellSouth Telecommunications, Inc., Respondent.

**Docket No. 040353-TP**  
**Don J. Wood**  
**EXHIBIT DJW 2**

*Analysis of Promotions*

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