

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for waiver of carrier)
of last resort obligations for)
multitenant property in Collier)
County known as Treviso Bay,)
by Embarq Florida, Inc.)
_____)

Docket No. 060763-TL

Filed: January 24, 2009

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DIRECT TESTIMONY OF DON J. WOOD

ON BEHALF OF

TREVISO BAY DEVELOPMENT, LLC

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1 **Introduction and Qualifications**

2 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

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

9

10 Q. PLEASE DESCRIBE YOUR BACKGROUND AND EXPERIENCE.

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

16 Specifically, I was employed in the local exchange industry by
17 BellSouth Services, Inc. in its Pricing and Economics, Service Cost Division.
18 My responsibilities included performing cost analyses of new and existing
19 services, preparing documentation for filings with state regulatory
20 commissions and the Federal Communications Commission ("FCC"),
21 developing methodology and computer models for use by other analysts, and
22 performing special assembly cost 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
5 then served as a Manager in MCI's Economic Analysis and Regulatory
6 Affairs Organization, where I participated in the development of regulatory
7 policy for national issues.

8

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

11 A. Yes. I have testified on telecommunications issues before the regulatory
12 commissions of forty-one 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,
15 and at the FCC. A listing of my previous testimony is attached as Exhibit
16 DJW-1.

17

18 **Purpose of Testimony**

19 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

20 A. I have been asked by Treviso Bay Development, LLC ("Treviso Bay") to
21 evaluate and provide my professional opinions regarding the policy and
22 economic issues raised by the Petition of Embarq Florida, Inc. ("Embarq") to

1 be relieved of its carrier of last resort (“COLR”) obligations with respect to
2 the Treviso Bay development area.

3

4 Q. HAVE YOU REVIEWED EMBARQ’S PETITION AND SUPPORTING
5 INFORMATION?

6 A. Yes. I have reviewed Embarq’s original November 20, 2006 Petition and its
7 December 13, 2006 Amended Petition, the attached direct testimony of
8 Michael J. DeChellis and Kent W. Dickerson, and Embarq’s responses to data
9 requests and discovery propounded by Commission Staff and by Treviso Bay.
10 I have also examined the CD ROM produced in response to Staff Data
11 Request No. 10(a) that contains the Excel spreadsheet described in Mr.
12 Dickerson’s testimony. I have also reviewed various documents furnished by
13 VK Development Corporation and Treviso Bay in response to data requests
14 and discovery propounded by the Commission Staff.

15

16 Q. ARE YOU SPONSORING ANY EXHIBITS TO YOUR TESTIMONY?

17 A. Yes. My testimony includes the following exhibits:

18 DJW-1: Curriculum Vitae of Don J. Wood

19

20 Exhibit DJW-2: Sprint/Embarq letters to Treviso Bay committing to
21 provide telephone service to Treviso Bay and subdivisions

22

23 Exhibit DJW-3: Embarq Press Release

24

25 Exhibit DJW-4: *CONFIDENTIAL* Embarq financial analyses with
26 alternative assumptions

27

1 Q. IN YOUR OPINION, WHAT ARE THE IMPORTANT FACTS FOR THE
2 COMMISSION TO CONSIDER WHEN EVALUATING THE MERITS OF
3 EMBARQ'S PETITION.

4 A. There are several facts that are both important and, to the best of my
5 knowledge, undisputed:

6 1. Embarq is an Incumbent Local Exchange Carrier ("ILEC") that has
7 carrier-of-last-resort ("COLR") responsibilities and obligations under Florida's
8 telecommunications laws.

9 2. Treviso Bay is a developer that has requested that Embarq provide
10 telecommunications service to its development, known as Treviso Bay, and to
11 specific subdivisions to be located within Treviso Bay.

12 3. Embarq has responded in writing that it would provide the requested
13 services pursuant to its tariffs.

14 4. Treviso Bay has done nothing to restrict Embarq's ability to install its
15 telecommunications facilities in the Treviso Bay development for the
16 provision of telecommunications services.

17 5. Embarq has, in each of the past two years, sought and obtained the
18 Commission's approval for recovery of storm restoration costs, based on its
19 status as an ILEC with COLR obligations.

20 I understand it to be a fact that Treviso Bay has entered into an
21 exclusive bulk service agreement with Comcast for the provision of video and
22 data services to Treviso Bay, but that Treviso Bay has not entered into any

1 agreement with Comcast or any other provider for the provision of
2 telecommunications service to Treviso Bay.

3

4 **Existing COLR Requirements**

5 Q. WHAT IS YOUR UNDERSTANDING OF THE CURRENT COLR
6 REQUIREMENTS FOR ILECS, INCLUDING EMBARQ, OPERATING IN
7 FLORIDA?

8 A. My understanding of the current requirements is that Florida ILECs are
9 required to provide basic local exchange telecommunications service, within a
10 reasonable time frame, upon the request of any person requesting service.

11 Specifically, §364.025(1), Florida Statutes, states this requirement as follows:

12 It is the intent of the Legislature that universal service
13 objectives be maintained after the local exchange
14 market is opened to competitively provided services. It
15 is also the intent of the Legislature that during this
16 transition period the ubiquitous nature of the local
17 exchange telecommunications companies be used to
18 satisfy these objectives. *Until January 1, 2009, each*
19 *local exchange telecommunications company shall be*
20 *required to furnish basic local exchange*
21 *telecommunications service within a reasonable time*
22 *period to any person requesting such service within the*
23 *company's service territory (emphasis added).*
24

25 Q. DO THE FLORIDA STATUTES DESCRIBE SPECIFIC
26 CIRCUMSTANCES IN WHICH AN ILEC NO LONGER HAS COLR
27 RESPONSIBILITIES IN A GIVEN GEOGRAPHIC AREA?

28 A. Yes. §364.025(6)(b) states

1 A local exchange telecommunications company
2 obligated by this section to serve as the carrier of last
3 resort is not obligated by this section to provide basic
4 local telecommunications service to any customers in a
5 multitenant business or residential property, including,
6 but not limited to, apartments, condominiums,
7 subdivisions, office buildings, or office parks, when the
8 owner or developer thereof:

9
10 1. Permits only one communications service provider to
11 install its communications service-related facilities or
12 equipment, to the exclusion of the local exchange
13 telecommunications company, during the construction
14 phase of the property;

15
16 2. Accepts or agrees to accept incentives or rewards
17 from a communications service provider that is
18 contingent upon the provision of any or all
19 communications services by one or more
20 communications service providers to the exclusion of
21 the local exchange telecommunications company;

22
23 3. Collects from the occupants or residents of the
24 property charges for the provision of any
25 communications service, provided by a
26 communications service provider other than the local
27 exchange telecommunications company, to the
28 occupants or residents in any manner, including, but not
29 limited to, collection through rent, fees, or dues; or

30
31 4. Enters into any agreement with the communications
32 service provider which grants incentives or rewards to
33 such owner or developer contingent upon restriction or
34 limitation of the local exchange telecommunications
35 company's access to the property.

36

37

38 Q. IS IT YOUR OPINION THAT THE POLICIES DESCRIBED ABOVE, AND
39 THE LEGISLATION THAT THEY IMPLEMENT, REPRESENT SOUND
40 PUBLIC POLICY?

1 A. Yes.

2

3 Q. PLEASE EXPLAIN.

4 A. It is certainly true that, even before the enactment of the 1996 Act, the
5 telecommunications industry in Florida was in the process of changing from
6 the historic, regulated monopoly framework to a competitive market model.
7 While this fundamental change did not occur overnight and continues to be a
8 rather slow evolutionary process (rather than the more rapid revolutionary
9 change that some in the industry envisioned or predicted), end user customers
10 will ultimately benefit from the ability to choose service from multiple
11 suppliers.

12 As these changes take place over time, the universal availability of
13 basic telecommunications service continues to be properly regarded as an
14 important public policy goal at both the state and federal levels. As a result,
15 many legislatures, including Florida's, have decided to maintain the COLR
16 requirement as a duty of the ILECs until viable and sustainable competition
17 has developed for basic telecommunications service across all geographic
18 areas. While progress has been made in many markets, customers in many
19 areas of the state today do not have viable competitive choices for their basic
20 telecommunications service. The development of new technologies, including
21 but not limited to Voice over Internet Protocol ("VoIP") service, is beginning
22 to make it economic for competing providers to provide service alternatives in

1 new markets and new geographic areas. It would be decidedly premature,
2 however, to conclude that services based on these new technologies have
3 universally become viable substitutes for ILEC-provided basic
4 telecommunications services in terms of quality and customer acceptance, or
5 that the facilities required to provide these services are available in all areas.

6

7 Q. IT APPEARS THAT THE FLORIDA LEGISLATURE HAS BEEN VERY
8 SPECIFIC IN PRESCRIBING THE CONDITIONS THAT WILL ALLOW
9 AN ILEC TO AVOID ITS COLR OBLIGATIONS. IS THIS RELEVANT
10 TO THE POLICY PURPOSES OF COLR OBLIGATIONS AND THE
11 OBLIGATION TO SERVE?

12 A. Yes. As I described above, I believe that a competitive market model will
13 ultimately be the most beneficial for customers, but during the still-ongoing
14 transition to competitive markets, consumer protection remains an essential
15 component of this overall public policy. The Legislature has decided to
16 ensure that all customers continue to have access to basic telecommunications
17 services by continuing – subject to only a few very specific exceptions – the
18 ILECs' COLR obligations. While I believe that the record of this proceeding
19 fully supports the denial of Embarq's Petition, as a matter of public policy the
20 Commission should err on the side consumer protection when evaluating any
21 ILEC request to be relieved of its COLR obligations in any area.

1 The COLR responsibilities of the ILECs, including Embarq, serve the
2 important public policy purpose over the short run of ensuring that all
3 customers have access to basic telecommunications services. COLR
4 obligations, and requests to be relieved of them, have long run public policy
5 implications as well. As competitive markets develop, it is important to
6 permit the ILECs to broaden their service offerings, change their prices, or
7 respond in other ways to the presence of competitors. It is essential, however,
8 that ILECs not be permitted to leverage their former monopoly power (and
9 ongoing market power) in order to gain a competitive advantage.¹

10 As I understand it, Embarq is taking the position that if it cannot
11 provide a bundle of voice, data, and video products to the customers of a
12 given area, then it will withhold its voice service (basic telecommunications
13 service) from the area. This strategy – if the Commission were to grant the
14 COLR exemption necessary for an ILEC to implement it – puts the ILEC (1)
15 in the position to dictate the terms of any agreement between a developer and
16 any other provider of data and/or video services, and (2) in the position to
17 dictate how, when, and at what cost to the developer Embarq will agree to
18 provide basic telecommunications services to the area.

¹ While the ILECs typically deny the existence of any such advantage, it is undeniable that when local markets were opened, ILECs began with a ubiquitous network, existing customer relationships, high brand awareness, and essentially 100% market share. This is an enviable starting position for any competitor.

1 This same issue is presently before the Commission in another
2 proceeding involving another ILEC, BellSouth. In its January 10, 2007
3 recommendation in Docket No. 060732-TL, the Staff describes (p. 5) such a
4 scenario involving BellSouth and concluded that

5 While at first glance the letter appears to be a
6 contractual issue between the developer and BellSouth,
7 some of the concessions requested by BellSouth seem
8 inconsistent with 364.025, Florida Statutes ...
9 BellSouth requires that the developer represent that it
10 has not entered into, and does not plan to enter into an
11 exclusive marketing agreement, exclusive service
12 agreement, or a bulk service agreement with another
13 provider for communications services, including any
14 voice, data, or video service. *These requirements*
15 *impair the developer's ability to enter into exclusive*
16 *contracts with video/broadband providers and is not a*
17 *condition upon which BellSouth is relieved of its COLR*
18 *obligation (emphasis added).*

19 No carrier – other than an ILEC – can engage in such a strategy. Such
20 an attempted leveraging of an ILEC's market power into markets for other
21 services, such as data and video services, is not in the best interest of
22 customers and at odds with the requirements of §364.025(1). As Staff
23 concluded in the case cited above, "BellSouth impermissibly conditions its
24 compliance with its COLR obligation with restrictions on the developer's
25 ability to contract for data and/or video services. Any letter of engagement
26 provided by BellSouth in connection with its COLR obligation should only
27 deal with the provision of basic local telecommunications service."² Staff's
28

² January 10, 2007 recommendation of Staff in Docket No. 060732-TL, p. 7.

1 position represents sound public policy with regard to the COLR obligations
2 of any ILEC.

3

4 Q. HAS EMBARQ SIMILARLY ATTEMPTED TO “IMPERMISSIBLY
5 CONDITION ITS COMPLIANCE WITH ITS COLR OBLIGATION WITH
6 RESTRICTIONS ON [TREVISO BAY’S] ABILITY TO CONTRACT FOR
7 DATA AND/OR VIDEO SERVICES?”

8 A. Yes. Exhibit MJD-2 attached to Mr. DeChellis’ testimony is a copy of a
9 September 6, 2006 letter to Treviso Bay from Embarq. The letter states that
10 before Emabarq will begin to construct facilities, and even before Embarq will
11 begin “the planning and engineering activities necessary” to do so, Treviso
12 Bay must agree to a set of conditions. These conditions include the following:

13 Treviso Bay, any affiliated property owner or other affiliated party,
14 and any homeowner or condominium association have not entered
15 into, and do not plan to enter into, and exclusive marketing agreement,
16 or a bulk service agreement (i.e. charges for services provided to
17 residents are collected through rent, fees, dues, or other similar
18 mechanism), with another service provider for any voice *or data*
19 *service*.³
20

21 Like BellSouth, Embarq is attempting to take advantage of its historic
22 and current position in the markets for voice services in order to gain a
23 competitive advantage for its other services. Any agreement that Treviso Bay

³ Some of the language in Embarq’s September 1, 2006 letter appears to have been taken verbatim from the BellSouth letter at issue in Docket No. 060732-TL.

1 may or may not have with a provider of *data* services is unrelated to Embarq's
2 obligations as a COLR for basic *telephone* service pursuant to §364.025.

3

4 **Embarq's Stated Basis for Relief from its COLR Obligations**

5 Q. DOES EMBARQ CLAIM THAT ONE OF THE CIRCUMSTANCES
6 DESCRIBED IN §364.025(6)(b)(1) THROUGH (4) IS PRESENT IN THIS
7 CASE?

8 A. No. In its Petition⁴ (pp. 5-7), Embarq describes what it presumably believes
9 to be the actions of "some developers" or "some owners and developers," but
10 does not identify these unnamed entities and makes no claim that Treviso Bay
11 has engaged in any of the actions described.

12 Embarq goes on to explain that it is the alleged actions of these
13 unnamed entities that have formed the basis for provisions set forth in
14 §364.025(6)(b): "the competitive environment and the actions by owners and
15 developers to profit from their control over access to their property by
16 entering into exclusive agreements with alternative providers formed the
17 backdrop for the 2006 amendments to section 364.025, Florida Statutes, that
18 automatically relieve ILECs of their carrier of last resort obligations under
19 certain circumstances." Embarq goes on to assert that "clearly, it is exactly
20 for the types of situations and reasons described above that the Florida

⁴ Unless otherwise indicated, I will refer to Embarq's December 13, 2006 *Amended Petition for Waiver* and exhibits.

1 Legislature included the opportunity for ILECs to be relieved automatically of
2 the outmoded COLR obligation.”

3 It is noteworthy that at no time in its Petition or supporting testimony
4 does Embarq claim that V K Development Corporation or Treviso Bay have
5 engaged in any of the actions or created any of the circumstances that would
6 “automatically relieve” Embarq of its carrier of last resort obligations”
7 pursuant to §364.025(6)(b). There has been no claim, and – and based on all
8 evidence of which I am aware, no claim can factually be made - that the
9 “situations and reasons” that Embarq claims “form the backdrop for the 2006
10 amendments to section 364.025” exist in the area for which Embarq seeks to
11 be relieved of its COLR obligations.

12
13 Q. IS THERE ANY FACTUAL DISPUTE REGARDING TREVISO BAY’S
14 WILLINGNESS TO PERMIT EMBARQ TO PROVIDE
15 TELECOMMUNICATIONS SERVICES IN THE AREA AT ISSUE (OR
16 TREVISO BAY’S DESIRE FOR EMBARQ TO DO SO)?

17 A. No. As Mr. DeChellis acknowledges at pp. 3-4 of his testimony, the Treviso
18 Bay has consistently indicated that they are “interested in Embarq providing
19 telephone services to Treviso Bay.”

20 On multiple occasions of the past two years, Treviso Bay has
21 requested that Embarq provide basic telecommunications service to Treviso
22 Bay and to specific subdivisions within the Treviso Bay development. In

1 response to each request, Embarq has replied that it had reviewed the
2 proposed plat submitted by Treviso Bay, that Embarq was in concurrence with
3 the dedication set forth for Treviso Bay and for specific subdivisions, and that
4 "Telephone service will be provided based on the rules and regulations
5 covered in our [Embarq's] Local and General Exchange Tariff, approved and
6 on file with the Florida Public Service Commission."⁵

7

8 Q. HAS TREVISO BAY OR ANY TREVISO BAY AFFILIATE DONE
9 ANYTHING TO RESTRICT OR PREVENT OR EXCLUDE EMBARQ
10 FROM PROVIDING, OR FROM INSTALLING THE EMBARQ
11 FACILITIES THAT WOULD BE NECESSARY TO PROVIDE, BASIC
12 TELECOMMUNICATIONS SERVICE TO CUSTOMERS IN THE
13 TREVISO BAY DEVELOPMENT?

14 A. No.

15

16 Q. DO ANY CIRCUMSTANCES EXIST THAT WOULD PERMIT EMBARQ
17 TO CLAIM RELIEF FROM ITS COLR OBLIGATIONS PURSUANT TO
18 §364.025(6)(b)?

⁵ Exhibit DJW-2 contains the letters from Embarq (both in the name of Embarq and under its former name, Sprint) dated June 29, 2004 (for Treviso Bay), June 20, 2006 (for the Italia subdivision), June 20, 2006 (for the Piacere and Pavia subdivisions), June 27, 2006 (for the Via Veneto subdivision), July 19, 2006 (for the Lipari Ponziane subdivision), and also on July 19, 2006 (for the Vercelli subdivision).

1 A. No; none of the circumstances described in 364.025(6)(b) is present, and
2 Embarq has made no claim that any of these conditions or "situations" is
3 present: Treviso Bay has not excluded Embarq or prevented it from installing
4 its facilities during the construction phase of the property (§364.025(6)(b)(1));
5 Treviso Bay has not accepted incentives that are contingent on
6 communications services being offered by other communications service
7 providers to the exclusion of Embarq (§364.025(6)(b)(2)); Treviso Bay has
8 not collected from the occupants or residents of the property charges for the
9 provision of a voice or voice-replacement service (§364.025(6)(b)(3)); and
10 Treviso Bay has not entered into an agreement with another communications
11 service provider contingent on the restriction or limitation of Embarq's access
12 to the property (§364.025(6)(b)(4)).

13 In reality, Treviso Bay has continuously demonstrated its desire that
14 Embarq provide basic telecommunications service to Treviso Bay's residents
15 by asking for such service and by furnishing plats showing Treviso Bay's
16 dedications for the location of Embarq's facilities.

17
18 Q. IF NONE OF THE SITUATIONS AND REASONS THAT, ACCORDING
19 TO EMBARQ, CLEARLY FORM THE BASIS FOR THE FLORIDA
20 LEGISLATURE'S DECISION TO PROVIDE AN OPPORTUNITY FOR
21 ILECS TO BE RELIEVED OF THEIR "OUTMODED COLR

1 OBLIGATION” ACTUALLY EXIST, ON WHAT BASIS IS EMBARQ
2 NOW SEEKING TO BE RELIEVED OF ITS COLR RESPONSIBILITIES?

3 A. §364.025(6)(d), Florida Statutes, states in part that “a local exchange
4 telecommunications company that is not automatically relieved of its carrier-
5 of-last-resort obligation pursuant to subparagraphs (b)1.-4. may seek a waiver
6 of its carrier-of-last-resort obligation from the Commission for good cause
7 shown based on the facts and circumstances of provision of service to the
8 multitenant business or residential property.”

9 The statute does not provide any further guidance regarding what
10 might constitute “good cause,” though from a public policy standpoint it is
11 clear that a relatively high hurdle ought to be set (particularly since Embarq
12 agrees that none of the specific circumstances that the Legislature was trying
13 to address is present in this case). This should be considered clear as a matter
14 of policy because the specific circumstances articulated in the statute already
15 form a high hurdle, and because the COLR obligation to serve is critically
16 important to individuals and business who need telephone service. In essence,
17 the Commission will be addressing the question

18 *In addition to the specific circumstances set forth in*
19 *§364.025(6)(b)(1) through (4), for what reasons should an*
20 *ILEC be permitted to abdicate its COLR responsibilities in a*
21 *given geographic area?*
22

23 Q. HAS EMBARQ PROPOSED AN ANSWER TO THIS QUESTION?

1 A. Yes. At p. 9 its Petition, Embarq argues that “the existence of the exclusive
2 data and video arrangements and the availability of an alternative voice
3 product from the exclusive data and video provider, which reduce the
4 likelihood that Embarq will be able to obtain a sufficient number of voice
5 customers to recoup the investment costs that it would incur to place the
6 facilities necessary to serve Treviso Bay, constitute ‘good cause’ to relieve
7 Embarq of its carrier of last resort obligations for the development under
8 section §364.025(6)(d).”

9 There are two noteworthy elements of Embarq’s proposed definition
10 of “good cause.” First, Embarq suggests that the mere existence of an
11 “exclusive data and video arrangement” would not constitute good cause, but
12 that the combination of (a) an “exclusive data and video arrangement” *and* (b)
13 “the availability of an alternative voice product from the exclusive data and
14 video provider” *and* (c) a demonstration that the combination of these two
15 circumstances would reduce the likelihood that it would be uneconomic for
16 the ILEC to provide basic telecommunications service, would meet the
17 standard. In this case, Embarq is proceeding from a premise that may be
18 factually incorrect, as it is at least unclear whether the provider of data and
19 video services chosen by Treviso Bay to serve its residents will initially be
20 able to offer a voice or voice replacement service to these customers.

21 Second, and perhaps more importantly, Embarq asserts that good
22 cause will be shown if the presence of a data and video provider in an area

1 will *reduce* “the likelihood that Embarq will be able to obtain a sufficient
2 number of voice customers to recoup the investment costs that it would
3 incur.” If this is indeed Embarq’s position, then the NPV analysis described
4 in Mr. Dickerson’s testimony, a copy of which was produced in response to
5 Staff Data Request No. 10(a) is irrelevant; according to Embarq, an ILEC
6 need not demonstrate that it will be unable to recoup its investment, but
7 simply must point out the existence of a data and video provider that will
8 *reduce* its likelihood of doing so.

9 When the implications of Embarq’s position are fully considered, it
10 becomes clear that whether or not another provider has an “exclusive”
11 arrangement to provide data and/or video services is also irrelevant; while it is
12 possible that the existence of a provider with some form of arrangement
13 would reduce Embarq’s likelihood of recouping its costs more than the
14 existence of a competitor with no arrangement, the existence of *any*
15 competing provider will *reduce* – to some degree – “the likelihood that
16 Embarq will be able to obtain a sufficient number of voice customers to
17 recoup the investment costs that it would incur.” Based on the “good cause”
18 test that Embarq has proposed, an ILEC would be able to avoid its COLR
19 obligations any time it faced competition for any service (voice, data, or
20 video), because the existence of such a competitor would arguably *reduce* the
21 likelihood that the ILEC would recover its investment.

22

1 Q. IS EMBARQ'S POSITION CONSISTENT WITH SOUND PUBLIC
2 POLICY AND WITH THE POLICY GOALS ARTICULATED BY THE
3 FLORIDA LEGISLATURE IN §364.025(1)?

4 A. No. Embarq's position is inconsistent with good public policy and with the
5 Florida Legislature's policy goals. §364.025(1) states in part that

6 It is the intent of the Legislature that universal service
7 objectives be maintained after the local exchange
8 market is opened to competitively provided services. It
9 is also the intent of the Legislature that during this
10 transition period the ubiquitous nature of the local
11 exchange telecommunications companies be used to
12 satisfy these objectives. Until January 1, 2009, each
13 local exchange telecommunications company shall be
14 required to furnish basic local exchange
15 telecommunications service within a reasonable time
16 period to any person requesting such service within the
17 company's service territory.
18

19 Taken to its logical conclusion, Embarq's argument supports a
20 conclusion that since the provisions of the 1996 Act are intended to open local
21 markets to competition, its passage was sufficient to reduce the likelihood that
22 an ILEC would recover future investments and therefore sufficient to make
23 the concept of a COLR obsolete. The language of Embarq's Petition (p. 5)
24 supports such a conclusion: "the COLR obligations made sense in a monopoly
25 environment where rates were regulated and where customers received local
26 service from one provider or not at all." Further, Embarq plainly describes the

1 COLR obligation as “outmoded.”⁶ While Embarq may mourn the loss of the
2 good old days of “from one provider or not at all,” that does not change the
3 fact that it began the era of local service competition in a uniquely
4 advantageous position and that the Legislature has concluded that this unique
5 position continues to create certain obligations, including serving as a COLR
6 (at least until January 1, 2009).

7
8 Q. GIVEN ITS POSITION THAT THE CONCEPT OF A COLR IS AN
9 ARTIFACT OF A MONOPOLY ENVIRONMENT, IS EMBARQ
10 SEEKING TO NO LONGER BE CONSIDERED A COLR THROUGHOUT
11 ITS FLORIDA OPERATING TERRITORY?

12 A. No. This is somewhat surprising, given the strenuousness with which Embarq
13 argues in its Petition that the concept of a COLR makes sense only in a
14 monopoly environment.

15 The “Embarq – Florida Market Share Analysis Summer 2006”
16 document and the additional market share analysis produced by Embarq in
17 response to Treviso Bay’s POD No. 7 certainly show that Embarq is facing
18 competition in other geographic areas and is no longer operating “in a
19 monopoly environment” in which “customers received local service from one
20 provider or not at all.” Embarq’s definition of “good cause” would seem to

⁶ Embarq Petition, P. 7.

1 permit it to no longer serve as a COLR in these areas. In addition, given the
2 experience in many of these markets in which no “exclusive data and video
3 arrangements” exist, Embarq should certainly be able to insist that it not be
4 required to construct network facilities in *any* area – including those in which
5 no “exclusive” arrangement exists or is contemplated or those in which no
6 competing provider is operating at the time that Embarq begins to provide
7 service – because experience from these other markets shows that the
8 likelihood that Embarq will be able to recoup its investments going forward is
9 *reduced* (if not by an existing competitor then by the possibility of a future
10 competitor).⁷

11

12 Q. GIVEN ITS POSITION THAT THE CONCEPT OF A COLR IS AN
13 ARTIFACT OF A MONOPOLY ENVIRONMENT, IS EMBARQ
14 SEEKING TO NO LONGER BE CONSIDERED A COLR WITH RESPECT
15 TO OTHER PARTS OF §364?

16 A. No, though this is certainly less of a surprise. The designation of a carrier as a
17 COLR creates responsibilities (including the §364.025(1) requirement that
18 “each local exchange telecommunications company shall be required to

⁷ Ultimately, Embarq could, consistent with the position that it is advocating here, take the position that it should be relieved of its COLR obligations altogether because of the presence of competition from wireless telecommunications providers. The availability of wireless service *reduces* the likelihood that Embarq could recover its investment to provide any COLR service anywhere that wireless service is available.

1 furnish basic local exchange telecommunications service within a reasonable
2 time period to any person requesting such service within the company's
3 service territory"), but also a COLR designation also confers significant
4 benefits. For example, because it is an ILEC with COLR obligations, Embarq
5 has been able to petition the Commission for the recovery of costs associated
6 with damage from tropical storm systems. §364.051(4)(b) states in part that
7 "evidence of damage occurring to the lines, plant, or facilities of a local
8 exchange telecommunications company that is subject to carrier-of-last-resort
9 obligations" constitutes a "compelling showing of changed circumstances"
10 that will permit the ILEC to impose a per-line surcharge on its customers.

11 In this context, Embarq apparently doesn't find being a COLR to be
12 such a burden. Even before the 2005 revisions to §364.051 took effect,
13 Embarq's predecessor (Sprint-Florida, Incorporated) sought – and received –
14 the recovery of over \$30 million in costs associated with storm recovery in
15 2004.⁸ In Docket No. 060644-TL, Embarq is again before the Commission
16 seeking the recovery of storm-related costs that are available to it *only* because
17 it is designated as a COLR. In his testimony in that case, Mr. Dickerson
18 explained (pp. 7-8) that because Embarq is "subject to carrier of last resort
19 obligations," it is entitled to seek an additional \$15 million to recover costs
20 incurred in 2005.

⁸ Order No. PSC-05-0946-FOF-TL, October 3, 2005, p. 5.

1 Embarq is now seeking to pick and choose from the provisions of §364
2 based on the financial implications of being a COLR with respect to a given
3 section of the statute. To paraphrase from Embarq's Petition, such situations
4 have multiple negative potential outcomes for everyone but the ILEC. The
5 ILECs, though not their competitors, would be able to impose a per-line
6 surcharge in order to recover storm-related expenses, the number of
7 competing providers for telecommunications services will be reduced, and
8 residents in certain areas may find themselves with no access to telephone
9 service.

10

11 **Embarq's List of Likely Disputed Facts**

12 Q. AT P. 10 OF ITS PETITION, EMBARQ PROVIDES A LIST OF "ISSUES
13 OF THE MATERIAL FACTS" ASSOCIATED WITH THE PETITION
14 THAT ARE, OR MAY BE, DISPUTED. IS THIS LIST ACCURATE?

15 A. Yes and no. The facts listed by Embarq are certainly in dispute, but it is not
16 clear that any of the disputed facts are material. Pursuant to §364.025(1),
17 Embarq has an obligation to "furnish basic local exchange
18 telecommunications service within a reasonable time period to any person
19 requesting such service within the company's service territory." The parties
20 agree that none of the circumstances set forth in §364.025(6)(b), which would
21 relieve Embarq of its COLR obligation, are present.

1 In addition, if the Commission were to adopt Embarq's interpretation
2 of §364.025(6)(d) in which "good cause" can be shown by any set of
3 circumstances that "reduce the likelihood that Embarq will be able to obtain a
4 sufficient number of voice customers to recoup the investment costs that it
5 would incur to place the facilities necessary to serve" a given area, then no
6 further analysis is necessary: the competitive entry that has occurred across
7 Embarq's Florida service territory – whether significant, minimal, or even
8 merely potential in a given area – arguably *reduce* the likelihood that Embarq
9 will be able to recoup its investment, thereby meeting Embarq's definition of
10 "good cause."

11 Even if "good cause" is interpreted to mean a showing by the ILEC
12 that it would be uneconomic to provide basic telecommunications services in
13 a given area – an interpretation that I urge the Commission not to accept for
14 the public policy reasons set forth above – Embarq's demonstration clearly
15 fails in several key areas. I will use the issues on Embarq's list to structure
16 my description of these important shortcomings.

17

18 Q. IS "THE PROJECTED PENETRATION RATE FOR EMBARQ'S VOICE
19 SERVICES UNDER THE FACTS AND CIRCUMSTANCES OF
20 PROVIDING SUCH SERVICES IN TREVISO BAY" A DISPUTED
21 ISSUE?

1 A. Yes. This assumption is critical to Embarq's claims of "good cause," if "good
2 cause" is interpreted to mean "uneconomic to provide voice service." In his
3 testimony, Mr. Dickerson describes the assumed penetration rate as "key to
4 the analysis" that he is sponsoring. In his testimony, Mr. DeChellis explains
5 that the assumption of a penetration rate of only [REDACTED] is based on the fact
6 that Comcast will be providing data and video services to many of the
7 residents of the development.

8 Mr. DeChellis' projection of a penetration rate of [REDACTED] (a market
9 share that he expects to apply immediately beginning in year one and to
10 remain constant over a twenty year period) is based on two implicit, but very
11 important, assumptions. First, he assumes that among the very wide range of
12 market share percentages shown on the "Embarq – Florida Market Share
13 Analysis Summer 2006" table, only those that are approximately equal to
14 [REDACTED] are meaningful. Unfortunately, he provides no basis for this
15 assumption. In reality, Embarq's reported market share among the eighteen
16 identified locations ranges from [REDACTED] to [REDACTED], with a mean of
17 [REDACTED] and a standard deviation of [REDACTED]. Based on the data
18 provided, there is certainly no clear path to a conclusion that the "right"
19 answer for the Treviso Bay area will be [REDACTED].

20 I have also tested the possibility that Embarq's market share in these
21 eighteen areas might be driven by the length of time that a competing provider
22 has offered service. Unfortunately, I have not been able to find any

1 correlation between Embarq's reported market share in these areas and either
2 the length of time that "cable internet phone service" has been offered or the
3 interval of time between when Embarq placed its facilities and began to
4 provide service and the time that the competing provider began to offer an
5 alternative service. Embarq reports some relatively high market shares in
6 areas where "cable internet phone service" has been available for the longest
7 period of time or where the competing service was introduced at
8 approximately the same time that Embarq began providing service, and some
9 relatively low market shares where the competing service was introduced
10 more recently or after a longer interval of time. These results are not
11 consistent with a conclusion that the presence of "cable internet phone
12 service" in a given area represents an accurate predictor of Embarq's market
13 share in any area, existing or planned.

14

15 Q. HAS ADDITIONAL EVIDENCE BEEN PRESENTED THAT SUPPORTS
16 YOUR CONCLUSION?

17 A. Yes. In response to Treviso Bay's Data Request and POD No. 7, Embarq
18 responded that market share data from additional markets had been collected,
19 and provided a chart showing Embarq's market share in twenty additional
20 markets. Embarq's reported share in these additional markets ranges from a
21 high of [REDACTED] to a low of [REDACTED]. In six of these additional twenty
22 locations Embarq reports that "cable internet phone service" is available,

1 while in the remaining fourteen it is not. Oddly enough, in some of the areas
2 in which the competing service is offered (and has been offered for some
3 time), Embarq reports some of its highest market shares, while in some of the
4 areas in which “cable internet phone service” is not available Embarq reports
5 a market share as low as [REDACTED].

6 Embarq asserts in its response to Treviso Bay Data Request No. 7 that
7 “the market share information for these [additional] developments is not
8 instructive to the conditions faced in Treviso Bay.” I agree, but it is also clear
9 that the market share information contained in the “Embarq – Florida Market
10 Share Analysis Summer 2006” table is likewise “not instructive” when
11 attempting to predict Embarq’s market share for voice services at Treviso
12 Bay. Both sets of market share data provided by Embarq demonstrate that
13 factors other than the existence of a provider of “cable internet phone service”
14 play a significant role the determining what percentage of the customers in an
15 area will choose to subscribe to Embarq’s voice services.

16
17 Q. ARE YOU AWARE OF ANY ADDITIONAL INFORMATION THAT
18 SUGGESTS THAT EMBARQ’S PAST EXPERIENCE MAY BE A POOR
19 PREDICTOR OF FUTURE MARKET SHARE?

20 A. Yes. In a January 11, 2007 press release that I downloaded from www.
21 Embarq.com, Embarq Chairman and CEO Dan Hesse explains that Embarq’s
22 line losses slowed in 2006 when compared to previous years because the

1 company has “introduced practical, innovative new products and services,
2 simplified our offers, and taken many other steps to better serve our
3 customers.” Mr. Hesse goes on to say that “those efforts are clearly having an
4 impact on our access line metrics.”

5

6 Q. WHAT CONCLUSIONS DO YOU DRAW FROM ALL OF THIS
7 INFORMATION?

8 A. Based on the information that Embarq has provided, there is simply no
9 reliable way to predict the market share that it would receive when providing
10 voice services to customers in Treviso Bay, though if Embarq continues to
11 implement the many steps to better serve its customers described by Mr.
12 Hesse, it is reasonable to expect that its share may be higher than in other
13 areas.

14

15 Q. EMBARQ’S SECOND IDENTIFIED DISPUTED ISSUE IS WHETHER
16 ALTERNATIVE VOICE SERVICES WILL BE AVAILABLE TO
17 RESIDENTS OF TREVISO BAY. IS THIS FACT IN DISPUTE?

18 A. There should certainly be no dispute about the fact that alternative (wireline)
19 voice services are not available *today* in the Treviso Bay development.
20 Competing services from one or more providers may be available at some
21 point in the future, but the date of that availability is unknown.

1 The fact that an alternative to Embarq's voice service may be available
2 in the future does not change the public policy adopted by the Legislature in
3 §364.025(1): "it is the intent of the Legislature that universal service
4 objectives be maintained after the local exchange market is opened to
5 competitively provided services. It is also the intent of the Legislature that
6 during this transition period the ubiquitous nature of the local exchange
7 telecommunications companies be used to satisfy these objectives." This
8 approach ensures the availability of basic telecommunications service during
9 the transition to fully competitive markets. The Legislature did *not* conclude
10 that the existence of a current competitor (or, more to the point in this case, a
11 potential competitor) for basic telecommunications service in a given area is
12 sufficient to ensure that universal service objectives are maintained, and did
13 not conclude that there is no need for the ILEC to serve as a COLR under
14 these circumstances. Given the Legislature's clear policy objectives and its
15 conclusions regarding how those objectives should be met (at least until
16 January 1, 2009), the question of whether Treviso Bay residents will have an
17 alternative provider for voice services in the future is moot.

18

19 Q. EMBARQ'S SECOND IDENTIFIED DISPUTED ISSUE RELATES TO
20 THE COMPANY'S PROJECTED COSTS TO PROVIDE VOICE
21 SERVICES IN THE RESIDENTS OF TREVISO BAY. ARE THESE
22 COSTS IN FACT IN DISPUTE?

1 A. Yes, for several reasons.

2 First, important costs used in Embarq's analysis⁹ are not fully
3 developed or explained. Although the investment associated with copper
4 distribution facilities represent ██████████ or almost ██████████ percent of
5 Embarq's projected capital investment of ██████████, Embarq has not
6 explained the basis for this assumption. In response to Staff's Data Request
7 No. 4(h), Embarq replied that it had not expended the resources and costs
8 necessary to perform this analysis. Because the investment in these facilities
9 represents such a large percentage of the total, even minor adjustments to
10 Embarq's estimate have a significant impact on the results.

11 Second, Embarq has applied inconsistent assumptions about revenues
12 and costs in its analysis. While insisting that the only potential revenues will
13 be from the sale of voice services, Embarq has used network design
14 constraints associated with the need to provision data services.¹⁰ Embarq
15 cannot have it both ways: it can built a more expensive, data-capable network,
16 in which case it must include in its analysis a reasonable projection of the
17 revenues derived from those services, or it can consider only the revenues

⁹ My references to Embarq's analysis are to the CD ROM produced in response to Staff Data Request No. 10(a) that contains the Excel spreadsheet described in Mr. Dickerson's testimony.

¹⁰ The "engineering standards" described by Mr. Dickerson at p. 3 of his testimony apply to digital data capability, for example, and it appears from the investment values that Embarq has used a larger gauge of copper cable than is necessary to provide voice services.

1 associated with voice services, but when doing so must consider a lower cost
2 network design.

3 Third, while it is necessary to derive estimates based on Embarq's
4 limited documentation, several of the assumptions regarding material prices
5 and expenses appear to higher than those previously approved by the
6 Commission. Projected maintenance expenses for circuit equipment appear to
7 be particularly excessive.

8 Fourth, the Embarq analysis assumes that facilities will be built to
9 provide services (and presumably will include the capacity for multiple lines)
10 to all possible customer locations. Mr. Dickerson states (p. 3) that "under
11 COLR obligations, Embarq would be required to place enough facilities
12 within Treviso Bay to provide service to every subscriber regardless of what
13 the realistic expected penetration rates are for Embarq's services." Embarq
14 does not say how many pairs are being placed for every subscriber, but the
15 process he describes appears to be excessive given the actual requirement of
16 Section 364.025(1) for Embarq to "furnish basic local exchange
17 telecommunications service" to a customer "within a reasonable time period."
18

19 Q. HAS YOUR REVIEW OF THE EMBARQ ANALYSIS REVEALED
20 OTHER REASONS WHY THE RESULTS SHOULD BE CONSIDERED
21 SUSPECT?

1 A. Yes. While Mr. Dickerson and Mr. DeChellis describe at some length the
2 importance of the market share assumption, they do not explain that – based
3 on Embarq’s assumptions regarding the costs that it would incur to construct
4 an efficient network for serving the residents of Treviso Bay – *no* market
5 share would be sufficient for Embarq to recoup its costs over the life of the
6 equipment placed at the beginning of the project. Confidential Exhibit DJW-4
7 shows the reported cumulative NPV in year ten for market shares starting at
8 10% and progressing at 10% intervals up to 100%. According to Embarq, if it
9 achieved 100% market share in the area it would nevertheless experience a
10 cumulative NPV of [REDACTED] after ten years.

11
12 Q. THESE RESULTS OF EMBARQ’S ANALYSIS SUGGEST THAT THE
13 AREA OF TREVISO BAY IS A PARTICULARLY COSTLY AREA TO
14 SERVE. DO THE CHARACTERISTICS OF THE AREA SUPPORT SUCH
15 A CONCLUSION?

16 A. Not at all. To get some perspective on Embarq’s claims, I calculated the line
17 density of the area within the Treviso Bay development that will be developed
18 and to which telephone plant will need to be built. This calculation (1200
19 lines spread over about .6 square miles) yields a line density of about 2000
20 lines per square mile.¹¹ I can say with confidence that no cost model that has

¹¹ For purposes of this analysis, I assumed that each customer location would represent only one loop, even though it appears that Embarq has calculated its costs

1 been brought before this Commission since the 1996 Act treats an area with a
2 density of 2000 lines/square mile as a high cost area. Yet Embarq claims that
3 in such an area and with 100% market share, it would be losing money for at
4 least [REDACTED] years. Such a claim strains credibility.

5 It has not been so long ago that bundled services offerings were a thing
6 of the future, and ILECs such as Embarq operated successfully by selling only
7 telephone voice services. Now, with the availability of new technology and in
8 an area whose characteristics suggest lower-than-average network costs,
9 Embarq's analysis suggests that it would be unable to survive as simply a
10 "telephone company."

11
12 Q. EMBARQ'S FOURTH AREA OF DISPUTE IS WHETHER THE FACTS
13 AND CIRCUMSTANCES IN TREVISO BAY CONSTITUTE "GOOD
14 CAUSE" FOR A WAIVER OF EMBARQ'S COLR OBLIGATIONS
15 UNDER §364.025(6)(d). HAS EMBARQ DEMONSTRATED "GOOD
16 CAUSE" FOR A WAIVER OF ITS COLR OBLIGATION?

17 A. No. As explained previously in my testimony, Embarq's definition of "good
18 cause" would excuse it from operating as a COLR in most, if not all, of its
19 Florida territory. In addition, the analysis supporting Embarq's claim that it

based on more than a single pair per household. The actual experienced line density
would therefore probably be higher than 2000 lines/square mile.

1 would be “uneconomic” for it to meet its COLR obligations in the area of the
2 Treviso Bay development has little factual foundation.

3 It does appear, however, that Embarq is seeking to leverage its still-
4 considerable market power in the same way that Staff has concluded (in
5 Docket No. 060732-TL) that BellSouth is attempting to do. Embarq has
6 issued a letter that, like BellSouth’s letter, “impermissibly conditions its
7 compliance with its COLR obligation with restrictions on the developer’s
8 ability to contract for data and/or video services.”

9

10 **Summary and Recommendations**

11 Q. PLEASE SUMMARIZE YOUR TESTIMONY.

12 A. Embarq's petition to be excused from its COLR obligations in Treviso Bay is
13 contrary to sound public policy, and specifically contrary to the stated policy
14 goals of universal service upon which the Legislature has concluded that the
15 ILECs' COLR obligations should continue. ILECs must provide basic
16 telecommunications service within a reasonable amount of time to anyone
17 who requests it. Over the long run, Embarq's efforts are specifically contrary
18 to the sound pro-competition goals that the Florida Legislature has articulated
19 for Florida's telecommunications industry.

20 Embarq's arguments that it should be relieved from its COLR
21 obligations where providing service may prove to be uneconomic, or where
22 any form of alternative voice service may be available, are misplaced and

1 contrary to good public policy. Even if this alleged fact were relevant to the
2 question before the Commission in this case, it is doubtful (and certainly has
3 not been demonstrated) that Embarq's provision of the requested basic
4 telecommunications service would in fact be uneconomic to Embarq.

5 For all of these reasons, the Commission should deny Embarq's
6 petition.

7

8 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

9 A. Yes.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for waiver of carrier)
of last resort obligations for)
multitenant property in Collier)
County known as Treviso Bay,)
by Embarq Florida, Inc.)

Docket No. 060763-TL

Filed: January 24, 2007

EXHIBITS TO THE TESTIMONY

OF DON J. WOOD

ON BEHALF OF

TREVISO BAY DEVELOPMENT, LLC

Vita of Don J. Wood

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

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 wireline 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 forty-two 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 an experienced commercial mediator and 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.

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

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

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

The Regulatory Commission of Alaska

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

Case No. U-04-62: In the Matter of the Request by Alaska Wireless Communications, 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.

Application No. 05-02-027: In the Matter of the Joint Application of SBC Communications Inc. ("SBC") and AT&T Corp. ("AT&T") for Authorization to Transfer Control of AT&T Communications of California (U-5002), TCG Los Angeles, Inc. (U-5462), TCG San Diego (U-5389), and TCG San Francisco (U-5454) to SBC, Which Will Occur Indirectly as a Result of AT&T's Merger With a Wholly-Owned Subsidiary of SBC, Tau Merger Sub Corporation.

Application No. 05-04-020: In the Matter of the Joint Application of Verizon Communications Inc. ("Verizon") and MCI, Inc. ("MCI") to Transfer Control of MCI's California Utility Subsidiaries to Verizon, Which Will Occur Indirectly as a Result of Verizon's Acquisition of MCI.

Public Utilities Commission of the State of Colorado

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

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

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

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

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

State of Connecticut, Department of Utility Control

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

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

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

Delaware Public Service Commission

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

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

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

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

Florida Public Service Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Docket No. 030851-TP: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

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

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

Docket No. 050119-TP: Joint Petition of TDS Telecom d/b/a TDS Telecom/Quincy Telephone, ALLTEL Florida, Inc., Northeast Florida Telephone Company d/b/a NEFCOM, GTC, Inc. d/b/a GT Com, Smart City Telecommunications, LLC d/b/a Smart City Telecom, ITS Telecommunications Systems, Inc., and Frontier Communications of the South, LLC ("Joint Petitioners") objecting to and requesting suspension of Proposed Transit Traffic Service Tariff filed by BellSouth Telecommunications, Inc. and Docket No. 050125-TP: Petition and complaint for suspension and cancellation of Transit Tariff Service No. FL 2004-284 filed by BellSouth Telecommunications, Inc. by AT&T Communications of the Southern States, LLC (consolidated).

Docket No. 060598-TL: In Re: Petition by BellSouth Telecommunications, Inc., Pursuant to Florida Statutes §364.051(4) to Recover 2005 Tropical System Related Costs and Expenses.

Docket No. 060644-TL: Petition by Embarq Florida, Inc., Pursuant to Florida Statutes §364.051(4) to Recover 2005 Tropical System Related Costs and Expenses.

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: In Re: FCC's Triennial Review Order Regarding the Impairment of Local Switching for Mass Market Customers.
- Docket No. 22682-U: In Re: Notice of Merger of AT&T, Inc. and BellSouth Corporation together with its Certificated Georgia Subsidiaries.

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.

Illinois Commerce Commission

Docket No. 04-0653: USCOC of Illinois RSA #1, LLC., USCOC of Illinois RSA #4 LLC., USCOC of Illinois Rockford, LLC., and USCOC of Central Illinois, LLC. Petition for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. Section 214(e)(2).

Docket Nos. 05-0644, 05-0649, and 05-0657: Petition of Hamilton County Telephone Co-Op et. al. for Arbitration under the Telecommunications Act to Establish Terms and Conditions for Reciprocal Compensation with Verizon Wireless and its Constituent Companies.

Indiana Utility Regulatory Commission

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

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

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

Iowa Utilities Board

Docket No. RPU-95-10.

Docket No. RPU-95-11.

State Corporation Commission of the State of Kansas

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

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

Kentucky Public Service Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Nos. 2006-00215: Petition of Ballard Rural Telephone Cooperative Corporation, Inc. for Arbitration of Certain Terms and Conditions of Proposed Interconnection Agreement with American Cellular f/k/a ACC Kentucky License LLC, Pursuant to the Communications Act of 1934, as Amended by the Telecommunications Act of 1996, and consolidated Case Nos. 2006-00217, 2006-00218, 2006-00220, 2006-00252, 2006-00255, 2006-00288, 2006-00292, 2006-00294, 2006-00296, 2006-00298, and 2006-00300.

Louisiana Public Service Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Service Commission of Maryland

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

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

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

Massachusetts Department of Telecommunications and Energy

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

Michigan Public Service Commission

Case No. U-14781: In the matter on the Commission's Own Motion to examine the total service long run incremental costs of the Michigan Exchange Carriers Association Companies, including Ace Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Kaleva Telephone Company, Lennon telephone Company, Ogden telephone Company, Pigeon Telephone Company, Upper Peninsula Telephone Company, and Waldron Telephone Company.

Minnesota Public Utilities Commission

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

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

Mississippi Public Service Commission

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

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

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

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

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

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

Docket No. 96-AD-0559: In Re: In the Matter of the Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

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

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

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

Public Service Commission of the State of Missouri

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

Case No. to-2005-0384: Application of USCOC of Greater Missouri, LLC For Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.

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.

Application No. C-3324: In the Matter of the Petition of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless for designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

Docket No. 3725: In the Matter of Application of United States Cellular Corporation for Designation as an Eligible Telecommunications Carrier Pursuant To Section 214(e)(2) of the Communications Act of 1934.

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 Jersey Board of Public Utilities

Docket No. TM0530189: In the Matter of the Joint Petition of Verizon Communications Inc., and MCI, Inc. for Approval of Merger.

New York Public Service Commission

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

North Carolina Public Utilities Commission

Docket No. P-100, Sub 72: In the Matter of the Petition of AT&T to Amend Commission Rules Governing Regulation of Interexchange Carriers (Comments).

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

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

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

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

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

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

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

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

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

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

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

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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.

Case No. 05-0269-TP-ACO: In the matter of the Joint Application of SBC Communications, Inc. and AT&T Corp. for Consent and Approval of a Change of Control.

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.

Cause No. PUD 200500122: In the matter of Dobson Cellular Systems, Inc., and American Cellular Corporation application for designation as a competitive eligible telecommunications carrier and redefinition of the service area requirement pursuant to Section 214(e) of 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,

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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.

Docket No. UM 1217: Staff Investigation to Establish Requirements for Initial Designation and Recertification of Telecommunications Carriers Eligible to Receive Federal Universal Service Support.

Pennsylvania Public Utilities Commission

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

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

Docket No. R-00943008: In Re: Pennsylvania Public Utility Commission v. Bell Atlantic-Pennsylvania, Inc. (Investigation of Proposed Promotional Offerings Tariff).

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

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

Docket Nos. A-310580F9, A-310401F6, A-310407F3, A-312025F5, A-310752F6, A-310364F3: Joint Application of Verizon Communications Inc. and MCI, Inc. For Approval of Agreement and Plan of Merger.

South Carolina Public Service Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

South Dakota Public Utilities Commission

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

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

Tennessee Public Service Commission

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

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

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

Tennessee Regulatory Authority

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

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

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

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

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

Docket No. 97-00409: In Re: All Telephone Companies Tariff Filings Regarding Reclassification of Pay Telephone Service as Required by Federal Communications Commission Docket No. 96-128.

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

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

Docket No. 06-00093: In Re: Joint Filing of AT&T, Inc., BellSouth Corporation, and BellSouth's Certified Tennessee Subsidiaries Regarding Change of Control.

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.

Case No. PUC-200540051: Application of Verizon Communications Inc. and MCI, Inc. for approval of Agreement and Plan of Merger resulting in the indirect transfer of control of MCImetro Access Transmission Services of Virginia, Inc., to Verizon Communications Inc.

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.

Docket No. UT-050814: In the Matter of the Joint Petition of Verizon Communications Inc., and MCI, Inc. for a Declaratory Order Disclaiming Jurisdiction Over or, in the Alternative a Joint Application for Approval of, Agreement and Plan of Merger.

Public Service Commission of West Virginia

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

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

Public Service Commission of Wyoming

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

Docket No. 060763-TL
CV of Don J Wood
Exhibit DJW-1, Page 22 of 26

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

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

Docket No. 70000-TR-99-480: In the Matter of the Application of US West Communications, Inc. for authority to implement price ceilings in conjunction with its proposed Wyoming Price Regulation Plan for essential and noncompetitive telecommunications services (Phase IV).

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

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

Public Service Commission of the District of Columbia

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

Puerto Rico Telecommunications Regulatory Board

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

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

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

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

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

COMMENTS/DECLARATIONS - FEDERAL COMMUNICATIONS COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REPRESENTATIVE TESTIMONY – STATE, FEDERAL, AND OVERSEAS COURTS

Court of Common Pleas, Philadelphia County, Pennsylvania

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

Texas State Office of Administrative Hearings

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

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

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

Superior Court for the State of Alaska, First Judicial District

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

Superior Court for the State of Alaska, Third Judicial District

Dobson Cellular Systems, Inc., Plaintiff, v. Frontline Hospital, LLC, Defendant.

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, Defendant.

United States District Court for the District of Oregon

Time Warner Telecom of Oregon, LLC, and Qwest Communications Corporation, Plaintiffs, v.
The City of Portland, Defendant.

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.



P.O. Box 2469
Naples, Florida 34106-2469

June 29, 2004

Mr. Vernon Wheeler
Quality Engineering Consultants, Inc.
410 14th Ave NW
Naples, Florida 34120

RE: Availability of Service, Plat & Utility Easement Approval / Treviso Bay

Dear Mr. Wheeler:

In response to your letter dated June 26, 2004, Sprint-Florida, Inc. have reviewed the proposed plat as submitted by your firm and are in concurrence with the dedication set forth for Treviso Bay, located in Naples, Florida. Also, Sprint-Florida, Inc. will provide telephone service, upon request, to Treviso Bay.

Telephone service will be provided based on the rules and regulations covered in our Local and General Exchange Tariff, approved and on file with the Florida Public Service Commission.

In order for us to meet your service expectations and provide for the timely installation of access facilities, we need your cooperation on the following items:

1. Sufficient utility easements, as agreed to by Sprint-Florida, Inc., for construction of communication facilities must be recorded either through incorporation with the recorded plat of the Treviso Bay development, or in a manner as may be recorded in the Public Records of Collier County, Florida. A minimum 10' wide utility easement along the cable route to be provided by developer and a 40' X 40' easement may be required for switching equipment.
2. Provide a full set of construction plans and diskette (**DGN format or AUTOCAD**) furnished to us at the same time as plans are sent to Florida Power & Light Company.
3. All utility easements, rights-of-way, roadways, etc., over which communications construction is necessary must be within six inches of final grade, clear of debris and lot lines properly staked and identified prior to communication facility construction. **NOTE:** Staking to include grade elevation.
4. Clearing, grading and staking is to be maintained by the developer during Sprint's construction activity.
5. Deviations to our standard construction procedures from the above, resulting in additional expense to Sprint-Florida, Inc., either during or after communication facility construction, will be appropriately billed to and borne by the developer.
6. Road crossings provided and placed by developer at locations indicated by a Sprint-Florida, Inc.'s representative. Sprint-Florida, Inc. will provide markers.
7. Sprint-Florida, Inc. shall not be responsible for seeding/mulching disturbed areas of the utility easements.
8. Notify Sprint engineering a minimum of 90 days in advance when telephone service will be required within this area.

June 29, 2004

Page 2

RE: Availability of Service, Plat & Utility Easement Approval / Treviso Bay

The following criteria must also be met for any multi-family or commercial building:

1. A 4' X 8' X 3/4" plywood terminal board must be securely attached for mounting of telephone hardware.
2. Entrance conduit to be run from the property corner or utility easement into the mechanical room with no more than one 90-degree sweeps. Size and location to be determined by a Sprint-Florida, Inc.'s representative.
3. Access to the power ground (MGN) within five feet of our terminal or placement of a No. 6 Insulated copper ground wire.
4. A single run conduit (3/4 inch suggested) or access route from each unit to the location of the telephone termination point.
5. Conduit and equipment room to be completed 30 days prior to Certificate of Occupancy date.

These requirements are necessary due to the tremendous growth within our serving area and Sprint/Florida's use of advance technology. Failure to comply with the above mentioned could result in service delays to this development.

Please sign and date the acknowledgments provided below and return it in the self addressed stamped envelope included. If you should require additional information, please contact me at (239) 263-6293.

Sincerely,



Luis C. Negron
Network Engineer I - E&C

LCN:ns

c: Chron File

I hereby acknowledge receipt of this letter and agree with the provisions contained herein.

Date

Title



EMBARQ

Embarq Corporation
P.O. Box 2469
Naples, FL 34106-2469
EMBARQ.com

Voice | Data | Internet | Wireless | Entertainment

June 20, 2006

Barry E. Syren, P.S.M.
Johnson Engineering
2350 Stanford Court
Naples, Florida 34112

RE: Utility Easement Approval / Italia

Dear Mr. Syren,

In response to your letter dated May 12, 2006, Embarq Corporation has reviewed the proposed plat as submitted by your firm and are in concurrence with the dedication set forth for Italia located on the southwest side of Tamiami Trail East (US 41) approximately one and one quarter miles southeast of the intersection of Tamiami Trail East and Rattlesnake Hammock Rd. (CR 864) in Naples, Florida.

Telephone service will be provided based on the rules and regulations covered in our Local and General Exchange Tariff, approved and on file with the Florida Public Service Commission.

In order for us to meet your service expectations and provide for the timely installation of access facilities, we need your cooperation on the following items:

1. Sufficient utility easements, as agreed to by Embarq, for construction of communication facilities must be recorded either through incorporation with the recorded plat of the Italia development, or in a manner as may be recorded in the Public Records of Collier County, Florida. A minimum 10' wide utility easement along the cable route to be provided by developer and a 40' X 40' easement may be required for switching equipment.
2. Provide a full set of construction plans and diskette (DGN format or AUTOCAD) furnished to us at the same time as plans are sent to Florida Power & Light Company.
3. All utility easements, rights of way, roadways, etc., over which communications construction is necessary must be within six inches of final grade, clear of debris, and lot lines properly staked and identified prior to communication facility construction. **NOTE:** Staking to include grade elevation.
4. Clearing, grading, and staking is to be maintained by the developer during Embarq's construction activity.
5. Deviations to our standard construction procedures from the above, resulting in additional expense to Embarq, either during or after communication facility construction, will be appropriately billed to and borne by the developer.
6. Road crossings provided and placed by developer at locations indicated by an Embarq representative. Embarq will provide markers.
7. Embarq Corporation shall not be responsible for seeding/mulching disturbed areas of the utility easements.
8. Notify Embarq engineering a minimum of 90 days in advance when telephone service will be required within this area.

June 20 2006
Page 2
RE Utility Easement Approval / Italia

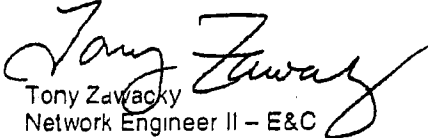
The following criteria must also be met for any multi family or commercial building

- 1 A 4 X 8 X 1/2 plywood terminal board must be securely attached for mounting of telephone hardware
- 2 Entrance conduit to be run from the property corner or utility easement into the mechanical room with no more than one 90 degree sweeps Size and location to be determined by an Embarq s representative
- 3 Access to the power ground (MGN) within five feet of our terminal or placement of a No 6 Insulated copper ground wire
- 4 A single run conduit (3/4 inch suggested) or access route from each unit to the location of the telephone termination point
- 5 Conduit and equipment room to be completed 30 days prior to Certificate of Occupancy date

These requirements are necessary due to the tremendous growth within our serving area and Embarq s use of advance technology Failure to comply with the above mentioned could result in service delays to this development

Please sign and date the acknowledgments provided below and return it in the self addressed stamped envelope included If you should require additional information please contact me at (239) 263 6216

Sincerely


Tony Zawacky
Network Engineer II - E&C

AHZ ns

c Chron File

I hereby acknowledge receipt of this letter and agree with the provisions contained herein

Date _____

Title

Voice | Data | Internet | Wireless | Entertainment

June 20 2006



Embarq Corporation
P O Box 2469
Naples FL 34106 2469
EMBARQ.com

Barry E Syren P S M
Johnson Engineering
2350 Stanford Court
Naples Florida 34112

RE Utility Easement Approval / Piacere and Pavia

Dear Mr Syren

In response to your letter dated May 30 2006 Embarq Corporation has reviewed the proposed plat as submitted by your firm and are in concurrence with the dedication set forth for Piacere and Pavia located on the southwest side of Tamiami Trail East (US 41) approximately one and one quarter miles southeast of the intersection of Tamiami Trail East and Rattlesnake Hammock Rd (CR 864) in Naples Florida

Telephone service will be provided based on the rules and regulations covered in our Local and General Exchange Tariff approved and on file with the Florida Public Service Commission

In order for us to meet your service expectations and provide for the timely installation of access facilities we need your cooperation on the following items

- 1 Sufficient utility easements as agreed to by Embarq for construction of communication facilities must be recorded either through incorporation with the recorded plat of the Piacere and Pavia development or in a manner as may be recorded in the Public Records of Collier County Florida A minimum 10 wide utility easement along the cable route to be provided by developer and a 40 X 40 easement may be required for switching equipment
- 2 Provide a full set of construction plans and diskette (DGN format or AUTOCAD) furnished to us at the same time as plans are sent to Florida Power & Light Company
- 3 All utility easements rights of way roadways etc over which communications construction is necessary must be within six inches of final grade clear of debris and lot lines properly staked and identified prior to communication facility construction NOTE Staking to include grade elevation
- 4 Clearing grading and staking is to be maintained by the developer during Embarq's construction activity
- 5 Deviations to our standard construction procedures from the above resulting in additional expense to Embarq either during or after communication facility construction will be appropriately billed to and borne by the developer
- 6 Road crossings provided and placed by developer at locations indicated by an Embarq representative Embarq will provide markers
- 7 Embarq Corporation shall not be responsible for seeding/mulching disturbed areas of the utility easements
- 8 Notify Embarq engineering a minimum of 90 days in advance when telephone service will be required within the area

Docket No. 060763-TL
Sprint/Embarq Service Letters
Exhibit DJW-2, Page 6 of 12

June 20 2006
Page 2
RE Utility Easement Approval / Piacere and Pavia

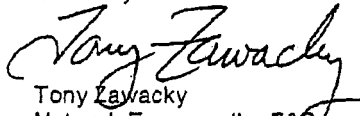
The following criteria must also be met for any multi family or commercial building

- 1 A 4 X 8 X 3/4 plywood terminal board must be securely attached for mounting of telephone hardware
- 2 Entrance conduit to be run from the property corner or utility easement into the mechanical room with no more than one 90 degree sweeps Size and location to be determined by an Embarq s representative
- 3 Access to the power ground (MGN) within five feet of our terminal or placement of a No 6 Insulated copper ground wire
- 4 A single run conduit (3/4 inch suggested) or access route from each unit to the location of the telephone termination point
- 5 Conduit and equipment room to be completed 30 days prior to Certificate of Occupancy date

These requirements are necessary due to the tremendous growth within our serving area and Embarq s use of advance technology Failure to comply with the above mentioned could result in service delays to this development

Please sign and date the acknowledgments provided below and return it in the self addressed stamped envelope included If you should require additional information please contact me at (239) 263 6216

Sincerely


Tony Zawacky
Network Engineer II - E&C

AHZ ns

c Chron File

I hereby acknowledge receipt of this letter and agree with the provisions contained herein

Date

Title



EMBARQ

Embarq Corporation
P O Box 2469
Naples FL 34106 2469
EMBARQ.com

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June 27 2006

Barry E Syren P S M
Johnson Engineering
2350 Stanford Court
Naples Florida 34112

RE Utility Easement Approval / Via Veneto

Dear Mr Syren

In response to your letter dated May 4 2006 Embarq Corporation has reviewed the proposed plat as submitted by your firm and are in concurrence with the dedication set forth for Via Veneto located on the southwest side of Tamiami Trail East (US 41) approximately one and one quarter miles southeast of the intersection of Tamiami Trail East and Rattlesnake Hammock Rd (CR 864) in Naples Florida

Telephone service will be provided based on the rules and regulations covered in our Local and General Exchange Tariff approved and on file with the Florida Public Service Commission

In order for us to meet your service expectations and provide for the timely installation of access facilities we need your cooperation on the following items

- 1 Sufficient utility easements as agreed to by Embarq for construction of communication facilities must be recorded either through incorporation with the recorded plat of the Via Veneto development or in a manner as may be recorded in the Public Records of Collier County Florida A minimum 10 wide utility easement along the cable route to be provided by developer and a 40 X 40 easement may be required for switching equipment
- 2 Provide a full set of construction plans and diskette (DGN format or AUTOCAD) furnished to us at the same time as plans are sent to Florida Power & Light Company
- 3 All utility easements rights of way roadways etc over which communications construction is necessary must be within six inches of final grade clear of debris and lot lines properly staked and identified prior to communication facility construction **NOTE** Staking to include grade elevation
- 4 Clearing grading and staking is to be maintained by the developer during Embarq's construction activity
- 5 Deviations to our standard construction procedures from the above resulting in additional expense to Embarq either during or after communication facility construction will be appropriately billed to and borne by the developer
- 6 Road crossings provided and placed by developer at locations indicated by an Embarq representative Embarq will provide markers
- 7 Embarq Corporation shall not be responsible for seeding/mulching disturbed areas of the utility easements
- 8 Notify Embarq engineering a minimum of 90 days in advance when telephone service will be required within this area

June 27 2006
Page 2
RE Utility Easement Approval / Via Veneto

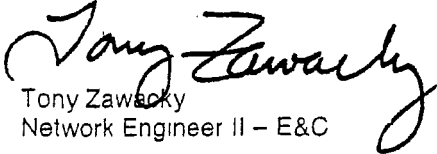
The following criteria must also be met for any multi family or commercial building

- 1 A 4 X 8 X 3/4 plywood terminal board must be securely attached for mounting of telephone hardware
- 2 Entrance conduit to be run from the property corner or utility easement into the mechanical room with no more than one 90 degree sweeps Size and location to be determined by an Embarq s representative
- 3 Access to the power ground (MGN) within five feet of our terminal or placement of a No 6 Insulated copper ground wire
- 4 A single run conduit (3/4 inch suggested) or access route from each unit to the location of the telephone termination point
- 5 Conduit and equipment room to be completed 30 days prior to Certificate of Occupancy date

These requirements are necessary due to the tremendous growth within our serving area and Embarq s use of advance technology Failure to comply with the above mentioned could result in service delays to this development

Please sign and date the acknowledgments provided below and return it in the self addressed stamped envelope included If you should require additional information please contact me at (239) 263 6216

Sincerely


Tony Zawacky
Network Engineer II - E&C

AHZ ns

c Chron File

I hereby acknowledge receipt of this letter and agree with the provisions contained herein

Date

Title



EMBARQ™

Embarq Corporation
P O Box 2469
Naples FL 34106 2469
EMBARQ.com

Voice | Data | Internet | Wireless | Entertainment

July 19 2006

Barry E Syren P S M
Johnson Engineering
2350 Stanford Court
Naples Florida 34112

RE Utility Easement Approval / Lipari Ponziane

Dear Mr Syren

In response to your letter dated July 10 2006 Embarq Corporation has reviewed the proposed plat as submitted by your firm and are in concurrence with the dedication set forth for **Lipari Ponziane** located on the southwest side of Tamiami Trail East (US 41) approximately one and one quarter miles southeast of the intersection of Tamiami Trail East and Rattlesnake Hammock Rd (CR 864) in Naples Florida

Telephone service will be provided based on the rules and regulations covered in our Local and General Exchange Tariff approved and on file with the Florida Public Service Commission

In order for us to meet your service expectations and provide for the timely installation of access facilities we need your cooperation on the following items

- 1 Sufficient utility easements as agreed to by Embarq for construction of communication facilities must be recorded either through incorporation with the recorded plat of the **Lipari Ponziane** development or in a manner as may be recorded in the Public Records of Collier County Florida. A minimum 10' wide utility easement along the cable route to be provided by developer and a 40' X 40' easement may be required for switching equipment
- 2 Provide a full set of construction plans and diskette (DGN format or AUTOCAD) furnished to us at the same time as plans are sent to Florida Power & Light Company
- 3 All utility easements rights of way roadways etc over which communications construction is necessary must be within six inches of final grade clear of debris and lot lines properly staked and identified prior to communication facility construction. **NOTE** Staking to include grade elevation
- 4 Clearing grading and staking is to be maintained by the developer during Embarq's construction activity
- 5 Deviations to our standard construction procedures from the above resulting in additional expense to Embarq either during or after communication facility construction will be appropriately billed to and borne by the developer
- 6 Road crossings provided and placed by developer at locations indicated by an Embarq representative. Embarq will provide markers
- 7 Embarq Corporation shall not be responsible for seeding/mulching disturbed areas of the utility easements
- 8 Notify Embarq engineering a minimum of 90 days in advance when telephone service will be required within this area

July 19 2006
Page 2
RE Utility Easement Approval / Lipari-Ponziane

The following criteria must also be met for any multi family or commercial building

- 1 A 4 X 8 X 3/4 plywood terminal board must be securely attached for mounting of telephone hardware
- 2 Entrance conduit to be run from the property corner or utility easement into the mechanical room with no more than one 90 degree sweeps Size and location to be determined by an Embarq s representative
- 3 Access to the power ground (MGN) within five feet of our terminal or placement of a No 6 Insulated copper ground wire
- 4 A single run conduit (3/4 inch suggested) or access route from each unit to the location of the telephone termination point
- 5 Conduit and equipment room to be completed 30 days prior to Certificate of Occupancy date

These requirements are necessary due to the tremendous growth within our serving area and Embarq s use of advance technology Failure to comply with the above mentioned could result in service delays to this development

Please sign and date the acknowledgments provided below and return it in the self addressed stamped envelope included If you should require additional information please contact me at (239) 263 6216

Sincerely



Tony Zawacky
Network Engineer II - E&C

AHZ ns

c Chron File

I hereby acknowledge receipt of this letter and agree with the provisions contained herein

Date

Title



EMBARQ™

Embarq Corporation
P O Box 2469
Naples FL 34106 2469
EMBARQ.com

Voice | Data | Internet | Wireless | Entertainment

July 19 2006

Barry E Syren P S M
Johnson Engineering
2350 Stanford Court
Naples Florida 34112

RE Utility Easement Approval / Vercelli

Dear Mr Syren

In response to your letter dated May 4 2006 (arriving in our office July 19 2006) Embarq Corporation has reviewed the proposed plat as submitted by your firm and are in concurrence with the dedication set forth for Vercelli located on the southwest side of Tamiami Trail East (US 41) approximately one and one quarter miles southeast of the intersection of Tamiami Trail East and Rattlesnake Hammock Rd (CR 864) in Naples Florida

Telephone service will be provided based on the rules and regulations covered in our Local and General Exchange Tariff approved and on file with the Florida Public Service Commission

In order for us to meet your service expectations and provide for the timely installation of access facilities we need your cooperation on the following items

- 1 Sufficient utility easements as agreed to by Embarq for construction of communication facilities must be recorded either through incorporation with the recorded plat of the Vercelli development or in a manner as may be recorded in the Public Records of Collier County Florida A minimum 10 wide utility easement along the cable route to be provided by developer and a 40 X 40 easement may be required for switching equipment
- 2 Provide a full set of construction plans and diskette (DGN format or AUTOCAD) furnished to us at the same time as plans are sent to Florida Power & Light Company
- 3 All utility easements rights of way roadways etc over which communications construction is necessary must be within six inches of final grade clear of debris and lot lines properly staked and identified prior to communication facility construction NOTE Staking to include grade elevation
- 4 Clearing grading and staking is to be maintained by the developer during Embarq's construction activity
- 5 Deviations to our standard construction procedures from the above resulting in additional expense to Embarq either during or after communication facility construction will be appropriately billed to and borne by the developer
- 6 Road crossings provided and placed by developer at locations indicated by an Embarq representative Embarq will provide markers
- 7 Embarq Corporation shall not be responsible for seeding/mulching disturbed areas of the utility easements
- 8 Notify Embarq engineering a minimum of 90 days in advance when telephone service will be required within this area

July 19 2006
Page 2
RE Utility Easement Approval / Vercell

The following criteria must also be met for any multi family or commercial building

- 1 A 4 X 8 X ¾ plywood terminal board must be securely attached for mounting of telephone hardware
- 2 Entrance conduit to be run from the property corner or utility easement into the mechanical room with no more than one 90 degree sweeps Size and location to be determined by an Embarq s representative
- 3 Access to the power ground (MGN) within five feet of our terminal or placement of a No 6 Insulated copper ground wire
- 4 A single run conduit (¾ inch suggested) or access route from each unit to the location of the telephone termination point
- 5 Conduit and equipment room to be completed 30 days prior to Certificate of Occupancy date

These requirements are necessary due to the tremendous growth within our serving area and Embarq s use of advance technology Failure to comply with the above mentioned could result in service delays to this development

Please sign and date the acknowledgments provided below and return it in the self addressed stamped envelope included If you should require additional information please contact me at (239) 263 6216

Sincerely



Tony Zawacky
Network Engineer II - E&C

AHZ ns

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I hereby acknowledge receipt of this letter and agree with the provisions contained herein

Date

Title

EMBARQ Access Line Results Better Than Expectations

OVERLAND PARK, Kan., Jan 11, 2007 /PRNewswire-FirstCall via COMTEX News Network/ -- EMBARQ (NYSE: EQ) announced today that it ended 2006 with just over 6.9 million access lines. Compared to year-end 2005, this represents a decline of 6.1 percent, which is better than the company's expectation of a mid to upper 6 percent rate of decline.

In the fourth quarter, EMBARQ lost 85,000 access lines due to competition and product substitution, and an additional 5,000 lines due to an exchange sale. A year ago the company reported a fourth quarter decline of 89,000 access lines, none of which were due to line sales.

"While we would prefer not to lose a single access line, given that we faced more competition in the fourth quarter of 2006 than we did in 2005, to lose fewer access lines than we did a year ago is encouraging," said Dan Hesse, Chairman and CEO of EMBARQ. "Since the launch of our company less than a year ago, we have introduced practical, innovative new products and services, simplified our offers, and taken many other steps to better serve our customers. Those efforts are clearly having an impact on our access line metrics."

EMBARQ will release its fourth quarter and full year 2006 financial results on Thursday, Feb. 8, 2007, followed by a conference call beginning at 4:30 p.m. EST. Additional information about the call is as follows:

Live Call

Date: February 8, 2007

Time: 4:30 p.m. EST

Dial-In Number (U.S. and Canada): (866) 245-2310

Dial-In Number (International): (706) 679-0843

Conference ID: 5586452

Audio Webcast and Presentation: embarq.com/investors

Replay

Dates: February 9 - March 8, 2007

Dial-In Number (U.S. and Canada): (800) 642-1687

Dial-In Number (International): (706) 645-9291

Conference ID: 5586452

Audio Webcast and Presentation: embarq.com/investors

About EMBARQ

Embarq Corporation (NYSE: EQ), headquartered in Overland Park, Kansas, offers a complete suite of common sense communications services. The company has approximately 20,000 employees and operates in 18 states. EMBARQ, which is expected to rank among the Fortune 500, is included in the S&P 500.

For consumers, EMBARQ offers an innovative portfolio of services that includes reliable local and long distance home phone service, high-speed Internet, wireless, and satellite TV from DISH Network(R) -- all on one monthly bill.

For businesses, EMBARQ has a comprehensive range of flexible and integrated services designed to help businesses of all sizes be more productive and communicate with their customers. This service portfolio includes local voice and data services, long distance, Business Class DSL, wireless, enhanced data network services, voice and data communication equipment and managed network services.

EMBARQ believes that by focusing on the communities the company serves and by employing common sense and practical ingenuity, it is able to provide customers with a committed partner, dedicated customer service and innovative products for work and home. For more information, visit embarq.com.

SOURCE Embarq Corporation

Docket No. 060763-TL
Embarq Press Release
Exhibit DJW-3, Page 2 of 2

Investor Relations Contact, Trevor Erleben, +1-866-591-1964, or investorrelations@embarq.com , or Media Contact, Keith Mitchell, +1-913-345-6661, or keith.j.mitchell@embarq.com , both of Embarq Corporation

<http://www.embarq.com>

Embarq - Florida
Treviso Bay NPV Cash Flow Analysis
Impact of Assumed Market Shares on Reported NPV at Ten Years

Assumed
Market Share

Reported NPV
at Year 10

Redacted