

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Express Phone Service, Inc.	Docket No. 110087-TP Filed: March 1, 2012
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**TESTIMONY AND EXHIBITS OF
DON J. WOOD**

**ON BEHALF OF
EXPRESS PHONE SERVICE, INC.**

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1 **I. 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 914 Stream Valley
5 Trail, Alpharetta, Georgia 30022. I provide economic and regulatory analysis of
6 telecommunications and related convergence industries with an emphasis on
7 economic and regulatory policy, competitive market development, and cost-of-service
8 issues.

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

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

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

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

1 **Q. HAVE YOU PREVIOUSLY PRESENTED TESTIMONY BEFORE STATE**
2 **REGULATORS?**

3 A. Yes. I have testified on telecommunications issues before the regulatory
4 commissions of forty-three states, Puerto Rico, and the District of Columbia. I have
5 also presented testimony regarding telecommunications issues in state, federal, and
6 overseas courts, before alternative dispute resolution tribunals, and at the FCC. A
7 description of my qualifications and a list of my previous testimony are attached as
8 Exhibit No. DJW-1.

9 **Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY REGARDING**
10 **INTERCONNECTION AGREEMENTS BETWEEN INCUMBENT LOCAL**
11 **EXCHANGE CARRIERS (“ILECS”) AND COMPETITIVE LOCAL**
12 **EXCHANGE CARRIERS (“CLECS”)?**

13 A. Yes. I have presented testimony regarding the rates, terms, and conditions of
14 Interconnection Agreements (“ICAs”) in Alabama, California, Colorado, Georgia,
15 Kansas, Kentucky, Louisiana, Maryland, Mississippi, Montana, Nebraska, North
16 Carolina, Oregon, South Carolina, Tennessee, Texas, Washington, Wyoming, the
17 District of Columbia, Puerto Rico, and at the FCC. Here in Florida, I testified in
18 Docket Nos. 960846-TP, 960833-TP, 960847-TP, 960980-TP, 961230-TP, 971140-
19 TP, 990750-TP, 991605-TP, and 030137-TP concerning the rates, terms, and
20 conditions of ICAs between ILECs – including but not limited to AT&T – and
21 CLECs.

22 **II. Purpose and Summary of Testimony**

23 **Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?**

1 A. The purpose of my testimony is to describe the actions of Express Phone Service, Inc.
2 (“Express Phone”) and BellSouth Telecommunications, Inc. d/b/a AT&T Florida
3 (“AT&T”), and to compare those actions with the applicable sections of the
4 Telecommunications Act of 1996 (“the Act”) and the applicable rules of the FCC.

5 It is my understanding that Express Phone attempted, on multiple occasions,
6 to adopt the ICA in effect between AT&T and Image Access d/b/a New Phone (“New
7 Phone”), but that AT&T has refused to honor that adoption.

8 I have been asked by Express Phone to review the circumstances of the
9 matter, to describe the sections of the Act and FCC rules related to the adoption of
10 ICAs by a CLEC, and to describe how the statute and FCC rules are applicable in this
11 situation.

12 **Q. IS EXPRESS PHONE PRESENTING THE DIRECT TESTIMONY OF ANY**
13 **OTHER WITNESSES IN THIS PROCEEDING?**

14 A. Yes. Express Phone is also presenting the Direct Testimony of Mr. Thomas
15 Armstrong. Mr. Armstrong will describe the services offered by Express Phone,
16 Express Phone’s attempts to adopt an ICA in effect between AT&T and another
17 CLEC pursuant to §252(i) and 47 CFR §51.809, and AT&T’s refusal to permit what,
18 in my experience, should have been a routine administrative change.

19 **Q. WHAT CONCLUSIONS HAVE YOU REACHED REGARDING THIS**
20 **MATTER?**

21 A. For the reasons set forth in the next section of my testimony, this is straight-forward
22 ICA adoption case based on actions that should never have generated any dispute
23 between the parties. Express Phone has, pursuant to the requirements of §252(i) and
24 47 CFR §51.809, adopted the New Phone ICA and has made the proper notification

1 of the adoption to AT&T. AT&T's refusal to honor this adoption notification is
2 unprecedented in my experience and appears to be directly at odds with the
3 requirements of the Act and FCC rules.

4 **Q. BASED ON YOUR REVIEW OF THE REQUIREMENTS AND FACTS OF**
5 **THE CASE, WHAT IS YOUR RECOMMENDATION TO THE**
6 **COMMISSION?**

7 A. It is my recommendation that the Commission enter an order finding Express Phone's
8 adoption of the New Phone ICA valid and effective on October 10, 2010 (the date on
9 which Express Phone notified AT&T of its intent to adopt this ICA).

10 **III. Provisions of the Act and FCC Rules**

11 **Q. ARE YOU FAMILIAR WITH THE REQUIREMENTS AND PROVISIONS OF**
12 **§§251 AND 252 OF THE ACT?**

13 A. Yes. §251 and §252 of the Act set forth the interconnection requirements for
14 different categories of carriers, the mechanisms by which rates, terms, and conditions
15 may be determined and memorialized in an ICA, and the ways in which a CLEC,
16 such as Express Phone, can establish an ICA with an ILEC, such as AT&T.

17 **Q. PLEASE DESCRIBE HOW A CLEC CAN ENTER INTO AN ICA WITH AN**
18 **ILEC.**

19 A. There are four ways in which a CLEC can enter into an ICA with an ILEC: (1) the
20 CLEC can negotiate an agreement with the ILEC, (2) if an agreement on all issues
21 cannot be reached through negotiation, the CLEC may arbitrate the disputed issues in
22 order to reach an agreement (in Florida, the Commission has the role of arbitrating
23 these issues), (3) the CLEC can adopt an ICA in effect between the ILEC and another

1 CLEC, or (4) an existing ICA between the CLEC and ILEC can be extended by
2 mutual agreement.

3 In my experience, direct negotiations between larger CLECs and ILECs have
4 been successful in resolving, some, but rarely all, of the issues in dispute between
5 carriers. For this reason, it is typical for a number of disputed issues between larger
6 carriers to proceed to arbitration before a final ICA can be put into place. This
7 arbitration process typically results in an extended period of discovery, voluminous
8 testimony, and a comprehensive evidentiary hearing. As a result, both the CLEC and
9 the ILEC devote significant time and resources to the process.

10 **Q. YOU STATED THAT IN YOUR EXPERIENCE, LARGER CLECS AND**
11 **ILECS OFTEN NEGOTIATE AND ARBITRATE ICAS. IS THIS ALSO THE**
12 **USUAL PROCESS FOR SMALLER CARRIERS?**

13 **A.** No. The negotiation and arbitration process is both time-consuming and resource-
14 intensive. Smaller CLECs, like Express Phone, rarely have the resources to engage in
15 this process, particularly if their opponent is a large and well-funded ILEC, such as
16 AT&T. It has been much more typical, particularly in the period of time after the
17 AT&T arbitrations with the larger CLECs were completed, for AT&T to present
18 smaller CLECs with a template agreement for their acceptance or rejection. While
19 more efficient, this abbreviated process makes the anti-discrimination provisions of
20 the Act and FCC rules even more important. The ability of a CLEC to adopt an
21 agreement between AT&T and another CLEC therefore becomes a critical safeguard
22 against discrimination among CLECs by AT&T.

23 The process of adopting an existing ICA is sometimes referred to in the
24 industry as "opting in" to an agreement. As explained in more detail later in my

1 testimony, the "opt in" provisions of the Act and FCC rules are an important
2 mechanism for preventing discrimination by an ILEC that may offer more favorable
3 terms to some CLECs than to others. In order to prevent disparate treatment that
4 would have adverse impact on competition among CLECs, CLECs have the
5 opportunity to "opt in" to a different ICA at any time. They may do so (1) as a means
6 of initiating an initial ICA with the ILEC, (2) while an ICA is in effect (in order to
7 receive rates, terms, or conditions being offered to a different CLEC), or (3) near the
8 time of the expiration of the existing agreement, in order to establish a new ICA with
9 the ILEC.

10 The dispute in this case is directly related to an attempt by a CLEC (Express
11 Phone) to adopt, pursuant to §252(i) of the Act, an existing ICA in effect between
12 AT&T and another CLEC (NewPhone).

13 **Q. ARE YOU FAMILIAR WITH THE RULES THAT THE FCC ADOPTED TO**
14 **IMPLEMENT THE PROVISIONS OF §§251 AND 252?**

15 A. Yes. 47 CFR §51 contains the FCC's implementing regulations. Specifically,
16 §51.809 addresses the ability of a CLEC to adopt an ICA currently in effect between
17 an ILEC and another CLEC pursuant to §252(i). CLECs, especially smaller CLECs
18 like Express Phone, frequently use this process of adopting an existing agreement as
19 an efficient means of (1) contracting with an ILEC and (2) avoiding discrimination by
20 the ILEC that would result in a CLEC being placed at a competitive disadvantage *vis-*
21 *a-vis* other CLECs.

22 **Q. PLEASE PROVIDE AN OVERVIEW OF THE PURPOSE OF §§251 AND 252**
23 **OF THE ACT.**

1 A. §251 and §252 set forth the requirements for interconnection among
2 telecommunications carriers, and describe options for how ICAs can be developed
3 and implemented.

4 In addition to creating requirements for different classifications of carriers,
5 these sections create specific roles and responsibilities for the FCC and state
6 regulators. For example, §252 gives state regulators the authority and responsibility
7 to arbitrate and approve ICAs, but the rates, terms, and conditions of those
8 agreements must be consistent with the requirements of both the Act and the rules
9 adopted by the FCC in order to implement the requirements of the Act.

10 These sections of the Act also focus squarely on the need to promote the
11 development of competitive markets by limiting (and attempting to prevent)
12 discrimination among carriers that would prevent the operation of competitive market
13 forces (thereby harming the end user customers who benefit from the operation of
14 competitive markets). The Act addresses two possible forms of discrimination. First,
15 it seeks to limit the ability of ILECs to leverage their position as the incumbent
16 provider to gain a competitive advantage over CLECs generally. Second, and equally
17 importantly, it seeks to prevent actions by the ILEC that might provide a given CLEC
18 (or subset of CLECs) an artificial competitive advantage over other CLECs. It is this
19 second form of discrimination that is illustrated by the dispute in this case.

20 **Q. CAN YOU PROVIDE AN EXAMPLE OF HOW THE ACT SEEKS TO**
21 **PREVENT DISCRIMINATION BY THE ILEC AMONG DIFFERENT**
22 **CLECS?**

23 A. Yes. If a given CLEC is offered more favorable ICA terms by an ILEC than that
24 ILEC offers to other CLECs, the favored CLEC will have an advantage over the other

1 CLECs with which it competes. This artificial (and potentially significant) advantage
2 would accrue to the favored CLEC regardless of the intent of the ILEC; in other
3 words, an ILEC offering different ICA terms to different CLECs would cause
4 competitive harm (and therefore consumer harm) even if it did not intend to do so.

5 **Q. HOW DOES THE ACT ADDRESS THE ISSUE OF THE POTENTIAL FOR**
6 **DISCRIMINATION AMONG CLECS BY AN ILEC?**

7 A. §252(i) squarely addresses this issue by allowing CLECs to adopt the rates, terms,
8 and conditions of any ICA that an ILEC has reached with another CLEC:

9 (i) Availability to Other Telecommunications
10 Carriers.—A local exchange carrier shall make available any
11 interconnection, service, or network element provided under an
12 agreement approved under this section to which it is a party to any
13 other requesting telecommunications carrier upon the same terms
14 and conditions as those provided in the agreement.

15
16 The “opt in” provision described in this language is both clear and broadly-defined:
17 an ILEC must make *any* interconnection agreement available to *any* requesting
18 telecommunications carrier. The language of §252(i), set forth in its entirety above, is
19 notable for at least two reasons. First, it contains no exceptions to the requirement
20 that any telecommunications carrier be allowed to opt in to any existing ICA, and
21 provides no restrictions on a carrier’s ability to engage in this adoption process. The
22 Act does not limit a CLEC’s ability to “opt in” to an ICA to any period of time (either
23 before, during, or subsequent to operation under a different ICA, for example), and
24 does not require that the CLEC and ILEC have a history of undisputed operation
25 pursuant to previous or existing ICAs.

26 Second, the language of the Act does not provide an opportunity for either an
27 ILEC or a state regulator to place conditions on the ability of a CLEC to adopt an

1 existing ICA. There is no provision that would permit an ILEC to limit the ability of
2 a CLEC to adopt an existing ICA for any reason. The reason is clear: the purpose of
3 the “opt in” provision is to prevent an ILEC from discriminating among CLECs by
4 requiring the ILEC to recognize a CLEC’s right to adopt the language of an ICA
5 entered into by the ILEC and another CLEC. Any ability to limit a given CLEC’s
6 “opt in” rights would permit the ILEC to engage in exactly the kind of discrimination
7 that the Act explicitly seeks to prevent. Similarly, while the language of the Act sets
8 forth a number of specific responsibilities for state regulators, its language does not
9 provide an opportunity for state regulators to impose restrictions on the ability of a
10 CLEC to adopt an existing ICA.

11 **Q. HOW DID THE FCC IMPLEMENT §252(i) OF THE ACT?**

12 A. The FCC implemented §252(i) in a way that would provide the most protection
13 against discrimination. It initially adopted a rule (sometimes referred to in the
14 industry as the “pick and choose” rule) that would have allowed CLECs to adopt
15 individual provisions of one or more existing ICAs, and to combine those provisions
16 to form a new agreement. Subsequent to a court challenge and remand, the FCC
17 adopted the existing “opt in” rule, which allows CLECs to adopt existing ICAs but
18 requires them to adopt an agreement in its entirety.

19 The current language of 47 CFR §51.809, adopted in 2004, is as follows:

20 **§ 51.809 Availability of agreements to other**
21 **telecommunications carriers under section 252(i) of the Act.**

22 (a) An incumbent LEC shall make available without unreasonable
23 delay to any requesting telecommunications carrier any agreement
24 in its entirety to which the incumbent LEC is a party that is
25 approved by a state commission pursuant to section 252 of the Act,
26 upon the same rates, terms, and conditions as those provided in the
27 agreement. An incumbent LEC may not limit the availability of
28 any agreement only to those requesting carriers serving a

1 comparable class of subscribers or providing the same service (*i.e.*,
2 local, access, or interexchange) as the original party to the
3 agreement.
4

5 (b) The obligations of paragraph (a) of this section shall not apply
6 where the incumbent LEC proves to the state commission that:
7

8 (1) The costs of providing a particular agreement to the requesting
9 telecommunications carrier are greater than the costs of providing
10 it to the telecommunications carrier that originally negotiated the
11 agreement, or
12

13 (2) The provision of a particular agreement to the requesting
14 carrier is not technically feasible.
15

16 (c) Individual agreements shall remain available for use by
17 telecommunications carriers pursuant to this section for a
18 reasonable period of time after the approved agreement is available
19 for public inspection under section 252(h) of the Act. [69 FR
20 43771, July 22, 2004]
21

22 **Q. DOES THE LANGUAGE OF THE FCC RULE CREATE A CLEAR**
23 **OBLIGATION FOR AN ILEC TO RECOGNIZE A CLEC'S RIGHT TO**
24 **ADOPT AN EXISTING ICA?**

25 A. Yes. The language of §51.809(a), like the language of §252(i) of the Act, creates a
26 requirement that is both clear and broadly-defined. The rule contains several key
27 elements: an ILEC (1) "*shall* make available," (2) "to *any* requesting
28 telecommunications carrier," (3) "*any* agreement in its entirety to which the
29 incumbent LEC is a party that is approved by a state commission pursuant to section
30 252 of the Act." Consistent with the language of §252(i), §51.809 does not limit a
31 CLEC's ability to "opt in" to an ICA to any period of time (either before, during, or
32 subsequent to operation under a different ICA), and does not require that the CLEC
33 and ILEC have a history of undisputed operation pursuant to previous or existing
34 ICAs.

1 Also consistent with the language of §252(i), the language of §51.809 does
2 not provide an opportunity for either an ILEC or a state regulator to place conditions
3 on the ability of a CLEC to adopt an existing ICA.

4 **Q. DOES THE FCC PLACE ANY RESTRICTIONS ON THE ABILITY OF A**
5 **CLEC TO ADOPT AN EXISTING ICA?**

6 A. Yes. In §51.809(b), the FCC sets forth two, and only two, exceptions to the
7 requirement an ILEC must make available for adoption “any agreement” to “any
8 requesting telecommunications carrier,” and must do so without unreasonable delay.
9 Specifically, in order for the obligations set forth in §51.809(a) to *not* apply, an ILEC
10 must successfully prove to a state regulator that “the costs of providing a particular
11 agreement to the requesting telecommunications carrier are greater than the costs of
12 providing it to the telecommunications carrier that originally negotiated the
13 agreement,” or that “the provision of a particular agreement to the requesting carrier
14 is not technically feasible.”

15 **Q. IS IT POSSIBLE FOR EITHER OF THE FCC’S TWO EXCEPTIONS TO**
16 **APPLY IN THIS CASE?**

17 A. No. As Mr. Armstrong explains in his testimony, Express Phone is a reseller of
18 AT&T services. The wholesale service that was provided to Express Phone has
19 exactly the same cost (except for the avoided retail costs that AT&T need not incur
20 when selling at wholesale) and exactly the same technical characteristics as AT&T’s
21 corresponding retail service. As a result, the service *cannot* cost more to provide (it
22 costs AT&T the same amount as when sold to any reseller, and less than the cost
23 incurred by AT&T to sell the service at retail) and *cannot* be technically infeasible (as
24 the wholesale service is technically the same service that AT&T sells at retail). In the

1 end, there are no exceptions in the language of the Act and only two exceptions set
2 forth in the FCC rules, and neither of those exceptions applies in this case.

3 **Q. YOU STATED THAT A PRIMARY PURPOSE OF THE “OPT IN”**
4 **PROVISIONS OF THE ACT AND FCC RULES IS TO PREVENT**
5 **DISCRIMINATION. HAS THE FCC BEEN CLEAR ABOUT THIS INTENT?**

6 A. Yes. When adopting the current version of 47 CFR §51.809, the FCC concluded that
7 under its new rule,

8 *...requesting carriers will be protected from discrimination, as*
9 *intended by section 252(i).* Specifically, an incumbent LEC will
10 not be able to reach a discriminatory agreement for
11 interconnection, services, or network elements with a particular
12 carrier without making that agreement in its entirety available to
13 other requesting carriers. *If the agreement includes terms that*
14 *materially benefit the preferred carrier, other requesting carriers*
15 *will likely have an incentive to adopt that agreement to gain the*
16 *benefit of the incumbent LEC's discriminatory bargain.* Because
17 these agreements will be available on the same terms and
18 conditions to requesting carriers, the all-or-nothing rule should
19 effectively deter incumbent LECs from engaging in such
20 discrimination (emphasis added).¹
21

22 **Q. DOES THE LANGUAGE OF THE ACT ALSO SUPPORT A CONCLUSION**
23 **THAT CONGRESS SOUGHT TO PREVENT THIS SAME KIND OF**
24 **DISCRIMINATION?**

25 A. Yes. For example, §252(e) requires that “any interconnection agreement adopted by
26 negotiation or arbitration” must be submitted for approval to the state regulator.
27 §252(e)(2) then sets forth only three grounds for the rejection of an ICA by a state
28 regulator. The first of these grounds is a determination that “the agreement (or
29 portion thereof) discriminates against a telecommunications carrier not a party to the

¹ *Second Report and Order*, In the Matter of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, FCC 04-164, ¶19.

1 agreement.” The interest of Congress in preventing this kind of discrimination is
2 clear.

3 Of course, it may not be readily apparent that the language of a given ICA is
4 discriminatory at the time it is entered into, or the discrimination may not arise until a
5 subsequent ICA is entered into by the ILEC with language that would be more
6 favorable to the subsequent CLEC. In each of these cases, the primary safeguard is
7 the adoption or “opt in” provision contained in §252(i).

8 **Q. PLEASE SUMMARIZE YOUR UNDERSTANDING OF THE SECTIONS OF**
9 **THE ACT AND FCC RULES RELATED TO THE ADOPTION OF**
10 **INTERCONNECTION AGREEMENTS.**

11 A. §252(i) of the Act states that an ILEC, such as AT&T, must make any existing ICA
12 available for adoption by any requesting telecommunications carrier. The Act
13 contains no exceptions to this requirement, and contains no provision that would
14 allow AT&T to place conditions on the ability of a requesting carrier to opt into an
15 existing agreement. While the Act creates specific roles and responsibilities for state
16 regulators, it does not contain any provisions that would permit a state regulator to
17 place conditions on the adoption of ICAs.

18 47 CFR §51.809 likewise sets forth an unambiguous requirement, stating that
19 an ILEC, such as AT&T (1) “*shall* make available,” (2) “to *any* requesting
20 telecommunications carrier,” (3) “*any* agreement in its entirety to which the
21 incumbent LEC is a party that is approved by a state commission pursuant to section
22 252 of the Act.”

23 The FCC goes on in §51.809 to establish two explicit and limited exceptions
24 to this requirement, neither of which apply in this case. Like the language of the Act,

1 the language of the FCC rule contains no provision that would permit AT&T to
2 impose conditions on the ability of any telecommunications carrier to opt into an
3 existing agreement, and does not provide an option for a state regulator to place such
4 conditions.

5 The ability of a CLEC to adopt an existing ICA is a necessary safeguard that
6 limits the ability of an ILEC to discriminate among CLECs in a way that would
7 distort competitive markets and ultimately harm consumers. In order for this
8 safeguard to be effective, it must be applied in the unrestricted way described in both
9 the Act and FCC rules. A CLEC must be able to adopt an existing agreement without
10 conditions, and it must be able to do so at any time.

11 **Q. CAN YOU PROVIDE EXAMPLES OF HOW THE ADOPTION PROCESS**
12 **SET FORTH IN §252(i) OF THE ACT AND IN §51.809 OF THE FCC RULES**
13 **IS NECESSARY TO PREVENT DISCRIMINATION?**

14 A. Yes. As a simple example, assume that an ILEC enters into an ICA with CLEC A,
15 and that ICA sets a price for an essential network element at \$5.00 per month. The
16 same ILEC also enters into an ICA with CLEC B, but this ICA sets the price of the
17 same network element at \$4.00 per month. This scenario puts CLEC A at a
18 competitive disadvantage compared to CLEC B, even though CLEC A may be
19 operated just as efficiently and effectively as CLEC B. In order to prevent this kind
20 of discrimination from adversely impacting the marketplace (and therefore adversely
21 impacting consumers), §252(i) of the Act and §51.809 of the FCC rules permit CLEC
22 A to adopt the ICA reached between the ILEC and CLEC B, thereby allowing CLEC
23 A to avail itself of the lower rate for the network element. In the words of the FCC,
24 “If the agreement includes terms that materially benefit the preferred carrier, other

1 requesting carriers will likely have an incentive to adopt that agreement to gain the
2 benefit of the incumbent LEC's discriminatory bargain.”

3 It is important to recognize several aspects of this simple example. First,
4 while the discrimination may involve prices, other forms of discrimination can have
5 an equally important impact on the ability of a carrier to compete, and the Act and
6 FCC rules do not limit the kinds of discrimination addressed by the “opt in”
7 provisions. The more favorable terms offered to CLEC B by the ILEC could take
8 many forms: a more efficient service ordering mechanism, shorter provisioning
9 intervals, or more favorable dispute resolution mechanisms, for example. The ability
10 of CLEC A to adopt the ICA between the ILEC and CLEC B will result in
11 implementation of the FCC’s requirement so that “requesting carriers will be
12 protected from discrimination, as intended by section 252(i),” and will do so
13 regardless of the type of discrimination introduced by the ICA between the ILEC and
14 CLEC B.

15 Second, the ability of the “opt in” provision to prevent discrimination and to
16 avoid anticompetitive outcomes depends on the ability of a requesting carrier to adopt
17 an existing agreement “without unreasonable delay.” Most ICAs are executed with a
18 three to five year term. To continue the previous example, assume that the ICA
19 between the ILEC and CLEC A has a five year term. Without the ability to adopt the
20 CLEC B agreement without delay, CLEC A would have to endure a period of price
21 discrimination. If not permitted to opt into the CLEC B agreement until its own ICA
22 has expired (a restriction that appears nowhere in the Act or FCC rules, and in fact is
23 directly at odds with the FCC’s “without unreasonable delay” requirement), CLEC A
24 would be forced to endure fifty-nine months of price discrimination before receiving

1 the same price as CLEC B. Such delay is directly at odds with the stated objective of
2 protecting carriers from discrimination.²

3 Third, allowing the ILEC to impose conditions on a requesting carrier's ability
4 to adopt an existing ICA would be directly at odds with the anti-discrimination
5 objectives of the Act and would create perverse incentives for an ILEC to engage in
6 discriminatory behavior. For example, assume that the ILEC's ICA with CLEC A
7 contains a provision that requires CLEC A to pay all amounts billed to it by the ILEC,
8 even if CLEC A believes that it has been over-charged (and has notified the ILEC of
9 this fact). In contrast, the ICA between the ILEC and CLEC B permits CLEC B to
10 withhold payment for disputed charges. Allowing CLEC A to adopt, without
11 unreasonable delay, the ICA of CLEC B accomplishes two objectives: First, it places
12 CLEC A and CLEC B on an equal competitive footing. Without the ability of CLEC
13 A to adopt the CLEC B agreement, CLEC A will be at a distinct competitive
14 disadvantage because it will be paying the ILEC for any overcharges until the dispute
15 is resolved, while CLEC B will not.

16 Second, such an adoption would provide an important incentive for the ILEC
17 to bill only the correct amounts and to work to resolve any outstanding disputes. If
18 CLEC A were required to operate under its initial ICA (containing the more onerous
19 dispute provisions) for a full five years, the ILEC would have little incentive to
20 address the dispute and would actually have an incentive to intentionally overbill
21 CLEC A for the essential network element.

² In this case, it is my understanding that Express Phone notified AT&T of its adoption of the New Phone ICA on October 20, 2010, but that AT&T has not implemented the adoption. This is exactly the kind of delay prohibited by the Act and FCC rules, and the result has been exactly the kind of discrimination that the Act and FCC rules are

1 To be clear, even if applied as intended by Congress and the FCC, the “opt in”
2 provision would not prevent this kind of discrimination from occurring: the ILEC
3 would be able to enter into an ICA with CLEC B that contains more favorable rates,
4 terms, or condition than an ICA entered into by the ILEC and CLEC A. What §252(i)
5 of the Act and §51.809 of the FCC rules can do is prevent the discrimination from
6 continuing, by permitting CLEC A to adopt the ICA of CLEC B without delay.
7 Doing so, according to the FCC’s reasoning, addresses any unintentional
8 discrimination and removes the incentive for intentional discrimination: “because
9 these agreements will be available on the same terms and conditions to requesting
10 carriers, [§51.809] should effectively deter incumbent LECs from engaging in such
11 discrimination.”

12 **Q. YOU STATED THAT THE ACT AND FCC RULES PERMIT EXPRESS**
13 **PHONE TO ADOPT THE ICA BETWEEN AT&T AND NEW PHONE. ARE**
14 **THERE ANY PROVISIONS IN EXPRESS PHONE’S ICA WITH AT&T**
15 **THAT ADDRESS THE ADOPTION REQUIREMENT?**

16 **A.** Yes. The pre-October 20, 2010 Express Phone ICA with AT&T contains a provision
17 that directly addresses this point. Specifically, Paragraph 11 of the “General Terms
18 and Conditions” section of the ICA provides as follows:

19 **Adoption of Agreements**

20 Pursuant to 47 U.S.C. §252(i) and 47 C.F.R. § 51.809, BellSouth
21 shall make available to Express Phone any entire resale agreement
22 filed and approved pursuant to 47 U.S.C. §252. The adopted
23 agreement shall apply to the same states as the agreement that was
24 adopted, and the term of the adopted agreement shall expire on the
25 same date as set forth in the agreement that was adopted.
26

1 To be clear, Express Phone’s right to adopt the AT&T/NewPhone ICA arises
2 from §252(i) of the Act and 47 CFR §51.809, and is not dependent on this language.
3 To the extent there is any doubt, however, the ICA in effect prior to October 20, 2010
4 – the date on which Express Phone adopted the AT&T/NewPhone ICA – explicitly
5 states that AT&T *shall* make available to Express Phone *any* entire resale agreement,
6 subject *only* to the adopted ICA having been filed with, and approved by, the state
7 commission. There is no dispute that on the date of adoption, the NewPhone
8 agreement (the ICA that Express Phone sought to adopt) was an ICA that fully met
9 this “filed and approved” condition.

10 **Q. WHAT IS THE EFFECTIVE DATE OF EXPRESS PHONE’S ADOPTION OF**
11 **THE AT&T/NEW PHONE ICA?**

12 A. Express Phone’s adoption of the AT&T/NewPhone ICA is effective October 20,
13 2010, the date on which Express Phone notified AT&T of the adoption.

14 **Q. WHAT IS THE BASIS FOR YOUR OPINION THAT THE ADOPTION DATE**
15 **IS OCTOBER 20, 2010?**

16 A. The Commission addressed the issue of the effective date of an ICA adoption in a
17 recent case,³ which was affirmed by the federal court. In that case, AT&T argued that
18 the adoption at issue should not become effective until 30 days after the final party
19 executed the adoption contract. The Commission rejected AT&T’s position and held:

³ *In re: Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by NPCR, Inc. d/b/a Nextel Partners*, Docket No. 070368-TP and *In re: Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by Nextel South Corp. and Nextel West Corp.*, Docket No. 070369-TP, Order No. PSC-08-0584-FOF-TP at 11, affirmed, *BellSouth Telecommunications, Inc. v. Florida Public Service Commission*, Case No. 4:09-cv-102/RS/WCS (April 19, 2010) (*Nextel Adoption Order*).

1 When an interconnection agreement is available for adoption under
2 47 C.F.R. 51.809(a), the adoption is considered presumptively
3 valid and effective upon receipt of the notice by the adoption
4 party.⁴
5

6 Consistent with this language, the adoption is effective upon AT&T's receipt
7 of Express Phone's notice on October 20, 2010. The Commission also commented
8 that "[t]he effective date should not be affected by the passage of time during
9 litigation of this issue...."⁵ That is, AT&T's continued refusal to recognize the
10 adoption does not delay the effective date.

11 **Q. DID AT&T APPEAL THE COMMISSION'S RULING TO FEDERAL**
12 **COURT?**

13 A. Yes. The federal court then affirmed the Commission's order, finding that:

14 ...FPSC's determination that backdating is allowed because "the
15 adoption is considered presumptively valid and effective upon
16 receipt of the notice by the adoption party" and that effective dates
17 are not affected by any filed objections is not contrary to federal
18 law.⁶
19

20 There can be no serious dispute that the adoption of the AT&T/New Phone
21 ICA by Express Phone was effective on October 20, 2010.

22 **Q. ONCE AN ILEC IS NOTIFIED OF AN ICA ADOPTION, IS ANY ACTION BY**
23 **THE STATE REGULATOR REQUIRED BEFORE THE ADOPTED**
24 **AGREEMENT BECOMES EFFECTIVE?**

25 A. No. As the Commission corrected noted, "the adoption is considered presumptively
26 valid and effective upon receipt of the notice" by the ILEC. No delay beyond the
27 date of "notice" is either necessary or appropriate.

⁴ *Id.* at 11.

⁵ *Id.*

⁶ *BellSouth Telecommunications, Inc. v. Florida Public Service Commission*, Case No. 4:09-cv-102/RS/WCS (April 19, 2010).

1 Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

2 A. Yes.

3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Testimony and Exhibits of Don J. Wood has been furnished by hand delivery* and U.S. Mail this 1st day of March, 2012, to the following:

*Lee Eng Tan
Florida Public Service Commission
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Tallahassee, FL 32399
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s/ Vicki Gordon Kaufman_____

Vicki Gordon Kaufman

Curriculum Vitae of Don J. Wood
914 Stream Valley Trail, Alpharetta, Georgia 30022
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CURRENT EMPLOYMENT

Don J. Wood is a principal in the firm of Wood & Wood. He provides economic, financial, and regulatory analysis services in technology-driven industries, specializing in economic policy related to the development of competitive markets, cost of service issues, and the calculation of financial damages. In addition, Mr. Wood advises industry associations on regulatory and economic policy and assists investors in their evaluation of investment opportunities.

In the area of administrative law, Mr. Wood has presented testimony before the regulatory bodies of forty-three 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, intercarrier compensation disputes, 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 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.

Georgia Power Company/Southern Company Services, Inc.

Generating Plant Construction cost analyst and scheduler.

EDUCATION

Emory University, Atlanta, Ga.

BBA in Finance, with Distinction (1985).

College of William and Mary, Williamsburg, Va.

MBA, with concentrations in Finance and Microeconomics (1987).

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.

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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.

Docket No. 31176: Deltacom, Inc. v. KMC Data, LLC, Hypercube, LLC, and Hypercube Telecom LLC.

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

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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.

Docket No. 07A-153T: In the Matter of the Combined Application of N.E. Colorado Cellular, Inc. for Designation as an Eligible Telecommunications Carrier and Eligible Provider in Additional Areas of Colorado.

Docket No. 09a-107t: In the Matter of the Application of N.E. Colorado Cellular, Inc. D/B/A Viaero Wireless for Initial Receipt of Support From Colorado High Cost Support Mechanism for New Territories.

Docket No. 10R-191T: In the Matter of Proposed Rules Relating to the Colorado High Cost Support Mechanism Regulations 723-2.

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.

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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).

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

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

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

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

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

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

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

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

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

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

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

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.

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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.

Docket No. 060763-TL: In Re: 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. 090327-TP: In re: Petition of DeltaCom, Inc. for order determining DeltaCom, Inc. not liable for access charges of KMC Data LLC and Hypercube Telecom, LLC.

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.

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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 NTCIdaho, 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. 110087-TP
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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).

Docket No. 07-GIMT-498-GIT: In the Matter of a Review of the Commission's Federal USF Certification Requirements to Remove All Expenses and Investments by Competitive Eligible Telecommunications Carriers in a Southwestern Bell Telephone, L.P., Study Area from the Competitive Eligible Telecommunications Carrier's Justification of Use of High Cost Federal USF Support.

Docket No. 06-GIMT-187-GIT: IN the Matter of the General Investigation into the Commission's Telecommunications Billing Practices Standards.

Docket No. 11-CELZ-176-ETC: In the Matter of the Application of Cellco Partnership and Affiliates to Amend Eligible Telecommunications Carrier Designation Docket No. 11-CELZ-176-ETC in the State of Kansas.

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.

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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.

Case No. 2008-00135: In the Matter of Complaint of Sprint Communications Company L.P. Against Brandenburg Telephone Company for the Unlawful Imposition of Access Charges.

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

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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

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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.

Docket No. D2007.7.86: In the Matter of the Filing of a Notice of the Making of a Bona Fide Request for Interconnection with Ronan Telephone Company by Gold Creek Cellular of Montana Limited Partnership and Verizon Wireless LLC Both d/b/a Verizon Wireless Pursuant to 47 U.S.C. §§251 and 252 and §69-3-834, MCA; and Docket No. D.2007.7.87: In the Matter of the Filing of a Notice of the Making of a Bona Fide Request for Interconnection with Hot Springs Telephone Company by Gold Creek Cellular of Montana Limited Partnership and Verizon Wireless LLC Both d/b/a Verizon Wireless Pursuant to 47 U.S.C. §§251 and 252 and §69-3-834, MCA (consolidated).

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.

Application No. C-4302: In the Matter of the Application of Cellco Partnership and its Subsidiaries and Affiliates to Amend Eligible Telecommunications Carrier Designation in the State of Nebraska.

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.

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Docket No. 08-12017: In the Matter of Commnet of Nevada, LLC, Application for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support.

Docket No. 10-09007: Application of Cellco Partnership and its Subsidiaries and Affiliates to Amend Eligible Telecommunications Carrier Designation in the State of Nevada.

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 Mexico Public Regulation Commission

Case No. 10-00315-UT: In the Matter of the Application of Sacred Wind Communications, Inc., for Approval of Initial Rates, Terms and Conditions of Service for Support from the New Mexico Rural Universal Service Fund and Petition for Variance from Commission Rules.

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).

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

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

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

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

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

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

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

Docket No. P-118, Sub 30: In the matter of: Petition of Celco 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

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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, 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.

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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.

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.

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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.

Docket No. 2003-227-C: Application of Hargray Wireless, LLC for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. 214(e)(2).

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).

Docket No. TC10-090: In the Matter of the Petition of Cellco Partnership and Its Subsidiaries and Affiliates to Amend and Consolidate Eligible Telecommunications Carrier Designations in the State of South Dakota and to Partially Relinquish ETC Designation.

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.

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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.

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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

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

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

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

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

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

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

Public Service Commission of the District of Columbia

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

Puerto Rico Telecommunications Regulatory Board

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

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

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

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

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

Case No. JRT-2010-AR-0001: In the Matter of WorldNet Telecommunications, Inc., Petition for arbitration pursuant to Section 47 U.S.C. 252(b) of the Federal Communications Act and Section 5(b), Chapter III, of the Puerto Rico Telecommunications Act, regarding interconnection rates, terms, and conditions with Puerto Rico Telephone Company.

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.

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

WC Docket No. 03-225: Request by the American Public Communications Council that the Commission Issue a Notice of Proposed Rulemaking to Update the Dial-Around Compensation Rate.

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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.

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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 Southern District of Iowa, Central Division

Iowa Network Services, Inc., Plaintiff, v. Sprint Communications Company, L.P., 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.

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

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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.

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REPRESENTATIVE TESTIMONY – PRIVATE COMMERCIAL ARBITRATION TRIBUNALS

American Arbitration Association

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