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February 28, 2008

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COMMISSION  
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**Via Hand Delivery**

Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 000475-TP  
Complaint by Bellsouth Telecommunications, Inc., against Thrifty Call, Inc.  
regarding practices in the reporting of percent interstate usage for compensation  
for jurisdictional access services

Dear Ms. Cole:

Enclosed for filing on behalf of Thrifty Call, Inc. ("Thrifty Call"), please find an original and fifteen copies of Thrifty Call, Inc.'s Withdrawal of Its Notice of Intent to Request Specified Confidential Classification.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for assistance with this filing.

Sincerely,

*Martin P. McDonnell*  
Martin P. McDonnell

- CMP \_\_\_\_\_
  - COM 3 \_\_\_\_\_
  - CTR 1 \_\_\_\_\_
  - ECR \_\_\_\_\_
  - GCL 2 \_\_\_\_\_
  - OPC \_\_\_\_\_
  - RCA 1 \_\_\_\_\_
  - SCR \_\_\_\_\_
  - SGA \_\_\_\_\_
  - SEC \_\_\_\_\_
  - OTH \_\_\_\_\_
- MPM/vp  
Enclosures

DOCUMENT NUMBER-DATE  
01482 FEB 28 08  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: )  
 ) Docket No. 000475-TP  
Complaint by BellSouth Telecommunications, Inc. )  
against Thrifty Call, Inc. regarding practices in the ) Filed: February 28, 2008  
reporting of percent interstate usage for compensa- )  
tion for jurisdictional access services )

**THRIFTY CALL, INC.'S WITHDRAWAL OF ITS NOTICE OF INTENT  
TO REQUEST SPECIFIED CONFIDENTIAL CLASSIFICATION**

Thrifty Call, Inc. ("Thrifty Call"), by and through undersigned counsel, hereby files its withdrawal of its previously filed Notice of Intent to Request Specified Confidential Classification of portions of the direct testimony of witness Timothy J. Gates, and as grounds therefor states as follows:

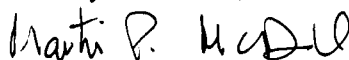
1. On February 7, 2008, Thrifty Call filed the direct testimony of witness Timothy J. Gates.
2. On that same date, Thrifty Call filed a notice of intent to request specified confidential classification of certain portions of Mr. Gates' testimony. Those portions of Mr. Gates' testimony contained calculations based upon materials supplied to Thrifty Call by the Public Service Commission staff relating to its audit.
3. The PSC staff audit and related work papers were declassified in Order Nos. PSC-07-0679-CFO-TP and PSC-07-0993-PCO-TP. As a result of the staff audit and related work papers being declassified, Mr. Gates' direct testimony contains no confidential information. Therefore, Thrifty Call hereby withdraws its previously filed notice of intent to request specified confidential classification, and files herewith Mr. Gates' direct testimony in full.

DOCUMENT NUMBER-DATE

01482 FEB 28 08

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Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to the following this 28 day of February, 2008:

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MARTIN P. MCDONNELL, ESQ.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: )  
Complaint by BellSouth )  
Telecommunications, Inc. against )  
Thrifty Call, Inc. regarding practices )  
in the reporting of percent interstate )  
usage for compensation for )  
jurisdictional access services )

Case No 000475-TP

**DECLASSIFIED**

**CONFIDENTIAL**

Direct Testimony

Of

Timothy J Gates

On Behalf of Thrifty Call, Inc.

February 7, 2008

DOCUMENT NUMBER-DATE

01482 FEB 28 08

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## **Introduction**

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

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

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

A. QSI Consulting, Inc. ("QSI") is a consulting firm specializing in traditional and non-traditional utility industries, econometric analysis and computer aided modeling. QSI provides consulting services for regulated utilities, competitive providers, various types of government agencies (including public utility commissions) and industry organizations. I currently serve as Senior Vice President.

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

A. I received a Bachelor of Science degree from Oregon State University and a Master of Management degree with an emphasis in Finance and Quantitative Methods from Willamette University's Atkinson Graduate School of Management. Since I received my Masters, I have taken additional graduate-level courses in statistics and econometrics. I have also attended numerous courses and seminars specific to the telecommunications industry, including both the NARUC

1 Annual and NARUC Advanced Regulatory Studies Programs.

2  
3 Prior to joining QSI, I was a Senior Executive Staff Member at MCI WorldCom,  
4 Inc. ("MWCOR"). I was employed by MCI and/or MWCOR for 15 years in  
5 various public policy positions. While at MWCOR I managed various functions,  
6 including tariffing, economic and financial analysis, competitive analysis, witness  
7 training and MWCOR's use of external consultants. Prior to joining MWCOR, I  
8 was employed as a Telephone Rate Analyst in the Engineering Division at the  
9 Texas Public Utility Commission and earlier as an Economic Analyst at the  
10 Oregon Public Utility Commission. I also worked at the Bonneville Power  
11 Administration (United States Department of Energy) as a Financial Analyst  
12 doing total electric use forecasts while I attended graduate school. Prior to doing  
13 my graduate work, I worked for ten years as a reforestation forester in the Pacific  
14 Northwest for multinational corporate and government organizations. Exhibit  
15 TJG-1, attached hereto to this testimony, is a summary of my work experience  
16 and education.

17  
18 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE FLORIDA**  
19 **PUBLIC SERVICE COMMISSION ("COMMISSION")?**

20 A. Yes. I have testified in a number of Florida proceedings, including Docket Nos.  
21 930330-TP<sup>1</sup>, 031047-TP,<sup>2</sup> 000084-TP,<sup>3</sup> 000907-TP<sup>4</sup> and 050119-TP/050125-TP.<sup>5</sup>

<sup>1</sup> *Investigation into IntraLATA Presubscription.* On Behalf of MCI.

<sup>2</sup> *Petition of KMC Telecom for Arbitration with Sprint Communications.* On Behalf of KMC Telecom III, L.L.C, KMC Telecom V, Inc., and KMC Data, L.L.C.

1 I have testified more than 200 times in 44 states and Puerto Rico and filed  
2 comments with the FCC on various public policy issues ranging from costing,  
3 pricing, local entry and universal service to strategic planning, merger and  
4 network issues.

5  
6 **Q. ON WHOSE BEHALF IS THIS TESTIMONY FILED?**

7 A. This testimony is filed on behalf of Thrifty Call Communications, Inc., (“Thrifty  
8 Call” or “TCI”).

9  
10 **Q. ARE ANY OTHER WITNESSES FILING TESTIMONY ON BEHALF OF**  
11 **THRIFTY CALL?**

12 A. Yes. Mr. Harold Lovelady, who was the President of Thrifty Call between 1991  
13 and 2000, is filing direct testimony at this time. His testimony addresses: (1)  
14 Thrifty Call’s PIU reporting procedures; (2) BellSouth’s tariff as it pertains to PIU  
15 related disputes; (3) BellSouth’s request for an audit pursuant to the tariff; and (4)  
16 the status of Thrifty Call’s Petition for Declaratory Ruling from the FCC seeking  
17 clarification of the meaning and application of certain provisions of BellSouth’s  
18 tariffs.

---

<sup>3</sup> *Petition of BellSouth for Arbitration with US LEC of Florida, Inc. On Behalf of US LEC.*

<sup>4</sup> *Petition of Level 3 for Arbitration with BellSouth. On Behalf of Level 3.*

<sup>5</sup> *Joint Petition by TDS Telecom d/b/a TDS Telecom/Quincy Telephone, et al objecting to and requesting suspension and cancellation of proposed transit tariff filed by BellSouth Telecommunications, Inc./Petition and complaint for suspension and cancellation of Transit Traffic Service Tariff no. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T Communications of the Southern States, LLC. On Behalf of the Competitive Carriers of the South, Inc.*



1 Q. PLEASE PROVIDE A BRIEF HISTORICAL BACKGROUND TO THIS  
2 CASE.

3 A. I understand that Thrifty Call operated in the state of Florida from 1998 until early  
4 2000. During that time it exchanged traffic with BellSouth<sup>6</sup> and, when doing so,  
5 reported its Percentage Interstate Use ("PIU") at 98% (i.e. that 98% of the traffic  
6 it terminated to BellSouth was interstate in nature while only 2% was intrastate in  
7 nature). Hence, BellSouth's billing and Thrifty Call's payments reflected that  
8 most Minutes of Use ("MOUs") were billed at the Company's interstate switched  
9 access rates, which are considerably lower than its intrastate rates.

10

11 Following what AT&T describes as a sudden increase in usage during the middle  
12 part of 1999, the Company apparently became concerned that the 98% PIU it had  
13 used for billing purposes up to that point may be inaccurate. Mr. Lovelady  
14 testifies that the Company sought an audit pursuant to its tariff on January 18,  
15 2000. He also testifies that Thrifty Call was a willing participant and that it went  
16 so far as to name an independent auditor, Ernst & Young. I further understand  
17 that AT&T refused Thrifty Call's choice of auditors, stopped the audit and shortly  
18 thereafter filed the complaint<sup>7</sup> which initiated this proceeding.

19

---

<sup>6</sup> BellSouth Telecommunications, Inc. is currently doing business as AT&T Florida. I will refer to BellSouth Telecommunications, Inc. and AT&T Florida as "AT&T Florida," "AT&T", or "Company" throughout the remainder of this testimony.

<sup>7</sup> See complaint filed April 21, 2000.

1 Several years have passed since the initial filing in this proceeding. To the best of  
2 my knowledge AT&T never conducted the audit contemplated by its tariff. The  
3 Commission's Staff, however, conducted an audit of Thrifty Call's usage records  
4 in 2004 and has reported its results within the context of this proceeding.<sup>8</sup> That  
5 audit was conducted pursuant to the Commission's authority under Florida  
6 Statutes and the Florida Administrative Code to audit the financial records of the  
7 companies it regulates. Thrifty Call was notified by letter dated October 22, 2001  
8 from the PSC Auditing Staff that the audit would be conducted.

9  
10 AT&T now seeks more than \$2.44M in principal amounts from the 1998-2000  
11 time period in addition to more that \$9.8M in penalties that its tariff would not  
12 have allowed for if the PIU audit procedures were followed back in January of  
13 2000 when Thrifty Call agreed to an audit with AT&T and when it identified an  
14 independent auditor for such purposes.

15  
16 Order No. PSC-07-1027-PCO-TP, dated December 28, 2007, directed the Parties  
17 to file direct testimony which addresses, among other issues, the following  
18 questions:

- 19 1. What are the terms and conditions of the tariff associated with  
20 correcting and backbilling misreported PIU?

---

<sup>8</sup> See *Thrifty Call, Inc. Actual Percentage Interstate Usage: Audit Twelve Month Period Ending March 31, 2000*. Florida Public Service Commission, Division of Regulatory Compliance and Consumer Assistance, Bureau of Auditing, Tallahassee District Office. August 4, 2004. Despite the time period identified in the title of the audit report, the Staff's conclusions go to PIU for the months July 1999 through December 1999.

- 1 2. Has AT&T complied with its tariff provisions?  
2 3. Has Thrifty Call misreported its PIU to AT&T?  
3 4. If Thrifty Call misreported its PIU to AT&T, what amount, if any,  
4 does Thrifty Call owe AT&T and when should this amount be  
5 paid?

6  
7  
8 **Purpose Of The Testimony**

9  
10 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

11  
12 A. The purpose of my testimony is to address issues No. 1 and No. 4 of the Tentative  
13 Issues List attached to Order No. PSC-07-1027-PCO-TP. I address these issues  
14 within the context of allegations included in the June 4, 2007 affidavit of AT&T  
15 Florida witness Mr. Marc W. Potteiger and the November 21, 2001 direct  
16 testimony of BellSouth witness Mr. Harper. Specifically, my testimony  
17 addresses: (1) AT&T of Florida's claim that pursuant to the tariff Thrifty Call  
18 owes it more than \$2.4 million in unpaid intrastate access charges and (2) that  
19 pursuant to the tariff AT&T is entitled to penalties on the unpaid principal amount  
20 in excess of \$9.8M.<sup>9</sup>

21  
22  

---

<sup>9</sup> As of May 2007.

1 Q. PLEASE SUMMARIZE YOUR CONCLUSIONS AND  
2 RECOMMENDATIONS.

3 A. Despite that AT&T's tariff provides for PIU audits and billing adjustments  
4 consistent with such audits, the Company never performed an audit and now  
5 seeks back-billing for a time period which is substantially longer that would be  
6 provided for pursuant to the tariff. Moreover, although the tariff does not appear  
7 to contemplate interest and/or penalties in association with a PIU audit which  
8 ultimately requires billing adjustments in the Company's favor, it has requested  
9 penalties in excess of \$9.8M in this case.

10

11 My recommendation is that if the Commission finds any amounts are due AT&T  
12 that those amounts be calculated with the following in mind: (1) any calculations  
13 should be based on actual usage during the July 1999 through June 2000 time  
14 period; (2) any billing adjustments should be based on actual PIU for the period  
15 July 1999 through December 1999; and, (3) actual PIU should be calculated  
16 consistent with the FCC's Entry-Exist Surrogate methodology.

17

18

19

20 **AT&T Florida's Request For Unpaid Principal Amounts Is Not**  
21 **Supported By The Company's Tariffed Jurisdictional**  
22 **Reporting Requirements**

23

24

1       **Q.   PLEASE SUMMARIZE YOUR UNDERSTANDING OF AT&T'S**  
2       **DEMAND AS TO UNPAID PRINCIPAL AMOUNTS.**

3       A.   AT&T's tariff contains procedures for dealing with billing disputes. Specifically,  
4       there are procedures identified to address interexchange carrier's Percent  
5       Interstate Use ("PIU") filings in cases where the Company believes them to be  
6       inaccurate. Unfortunately, it appears that AT&T is not using that procedure here.  
7       Instead, AT&T seeks the right to back-bill Thrifty Call for certain PIU reporting  
8       errors it believes took place during the entirety of the carriers' 28 month  
9       relationship.

10

11       **Q.   HOW MUCH DOES AT&T SEEK FROM THRIFTY CALL?**

12       A.   AT&T has put multiple numbers into the record on this point. Most recently,  
13       however, AT&T claimed it was due a principal sum of \$2,443,940 and that it was  
14       also entitled to at least \$9.8M in penalties. The Company's affidavit, testimony  
15       and briefs, however, do not contain any supporting documentation as to these  
16       estimates, nor do they include the mathematics behind the \$2.44 million demand  
17       or the \$9.8M in penalties. Hence, as of the writing of this testimony, I have not  
18       been able to review AT&T's calculations or supporting workpapers in any  
19       detail.<sup>10</sup>

20

21       **Q.   TO THE BEST OF YOUR KNOWLEDGE, HOW WERE AT&T'S**  
22       **FIGURES CALCULATED?**

---

<sup>10</sup> My understanding is that Thrifty Call has sought discovery pertaining to AT&T's estimates and supporting workpapers but the relevant responses have not yet been available for my review.

1 A. Footnote No. 2 to Mr. Potteiger's affidavit states that the principal sum of  
2 \$2,443,940 was "calculated by multiplying minutes of actual intra-state usage  
3 times the Florida intrastate access rate in effect during the relevant period, and  
4 subtracting the amount Thrifty Call paid BellSouth during that same period of  
5 time." Mr. Harper's direct testimony clarifies that the "number of minutes from  
6 Thrifty Call that were billed at the interstate terminating access rate, were  
7 recalculated using the intrastate terminating access rate."<sup>11</sup> Hence, it appears that  
8 whereas 98% of the minutes had previously been rated, billed and paid for at the  
9 interstate rate, the Company now seeks to have all of those minutes back-billed at  
10 the higher intrastate rate. Indeed, the Company seeks intrastate payment on all  
11 minutes that came from Thrifty Call over the 28 month period from January 1998  
12 through April 2000.<sup>12</sup> Again, AT&T has not yet provided its calculations or the  
13 documents it relied upon in order to determine the amount of its demand.

14  
15 **Q. DO YOU AGREE THAT 28 MONTHS OF BACK-BILLING WOULD BE**  
16 **APPROPRIATE UNDER THE COMPANY'S TARIFF PROVISIONS?**

17 A. No, not under any circumstance that I'm aware of. I discuss billing adjustments  
18 that may happen in accordance with a PIU audit later in this testimony.  
19 Ultimately, the Company's tariff allows for two quarter's worth of adjustments in  
20 such cases.

21  

---

<sup>11</sup> See direct testimony of Mike Harper at p.18. Note that Mr. Harper initially sought a lesser amount,  
\$2,201,515.00 for January 1998 through April 2000, whereas Mr. Potteiger now seeks \$2.4M for that same  
time period.

<sup>12</sup> See direct testimony of Mike Harper at p.18.

1       **Q. HAS AT&T PROVIDED ANY DESCRIPTION, EVIDENCE OR**  
2       **DOCUMENTATION DEMONSTRATING THAT THRIFTY CALL'S PIU**  
3       **WAS INACCURATE 28 STRAIGHT MONTHS?**

4       A. No, it has not. In fact, Mr. Harper's testimony indicates that Thrifty Call  
5       suddenly began terminating nearly 22 million minutes of use ("MOUs") in June  
6       1999 and that it was "unlikely that such a sudden increase in minutes would not  
7       exhibit a different interstate percentage."<sup>13</sup> Hence, the implication is that the PIU  
8       prior to that point was likely accurate. Despite these statements, however, Mr.  
9       Harper testified that AT&T adjusted all MOUs from January 1998 through April  
10      2000 as if they were all inaccurately reported and billed.

11  
12      **Q. IF AT&T CAN SHOW THAT THRIFTY CALL'S INVOICES WERE**  
13      **BILLED AT THE INCORRECT RATES, WOULD YOU OPPOSE A**  
14      **CORRECTION TO WHAT IS OWED BY THRIFTY CALL?**

15      A. No. This testimony is meant to support an accurate accounting, not to oppose any  
16      adjustment whatsoever. It does appear that there was some incorrect reporting  
17      and those inaccuracies should be corrected consistent with the tariff.

18  
19      **Q. HAS AT&T PROVIDED ANY EVIDENCE THAT 100% OF THE**  
20      **MINUTES OF USE FROM THRIFTY CALL WERE INTRASTATE IN**  
21      **NATURE?**

---

<sup>13</sup> See Mr. Harper's direct testimony at P.10.

1 A. No, it has not. Mr. Harper initially stated that a majority<sup>14</sup> of traffic from Thrifty  
2 Call, at least for a certain period of time, appeared to be intrastate in nature. Mr.  
3 Potteiger later indicated that about 20% of the traffic was interstate.<sup>15</sup> It is unclear  
4 why AT&T's back-billing proposal recommends re-rating 100% of the traffic  
5 despite these opinions. Similarly, it's unclear why AT&T has proposed to apply  
6 adjustments to all time periods of the relationship between the companies rather  
7 than limiting its adjustments to the period of time it analyzed certain sampled data  
8 or that time period addressed by the Commission Staff audit. Indeed, there is no  
9 evidence in this record to suggest that the PIU for a specific number of days or  
10 months would be equal across all months, particularly when that figure is 0% as is  
11 now proposed by AT&T. In this regard, the Company's proposal is wholly  
12 unsupported.

13  
14 **Q. PLEASE DESCRIBE THE PIU DISPUTE PROCEDURES IN THE**  
15 **COMPANY'S TARIFF AND, IN DOING SO, PLEASE ALSO DISCUSS**  
16 **THE TARIFF'S PARAMETERS ON HOW MANY MONTHS' BILLING**  
17 **COULD BE IMPACTED BY A PIU AUDIT.**

18 A. As has been noted in prior filings made by AT&T Florida, the Company's  
19 intrastate access services tariff speaks to jurisdictional reports and their use within  
20 Section E 2.3.14. ("Jurisdictional Report Requirements").

21  
22 **Q. WHAT DOES SECTION E.2.3.14(A) REQUIRE?**

---

<sup>14</sup> A majority does not comprise all MOUs.

<sup>15</sup> Again, for a sub-set of the 28 month period.



1 A. Section E.2.3.14 (B) 1 provides that when a dispute arises between the Company  
2 and the carrier customer -- in this case Thrifty Call -- pertaining to the PIU, the  
3 Company may require the customer "to provide the data the IC or End User used  
4 to determine the projected interstate percentage." At Section E.2.3.14 (B) 2, the  
5 tariff indicates that such audits will be required no more than once per year.

6 Section E.2.3.14(D) 1 provides in pertinent part that

7 The Company will adjust the IC or End User's PIU based upon the  
8 audit results. The PIU resulting from the audit shall be applied to  
9 the usage for the quarter the audit was completed, the usage for the  
10 quarter prior to completion of the audit, and to the usage for two  
11 (2) quarters following the completion of the audit.  
12

13 The tariff also requires customers to maintain relevant data for the most recent six  
14 month period.<sup>16</sup> Hence, in April of 2000, when this complaint was filed, Thrifty  
15 Call's usage data for the fourth quarter of 1999 and the first quarter of 2000  
16 would have been available for purposes of an audit pursuant to the tariff.

17  
18 My understanding is that AT&T Florida requested an audit on January 18, 2000  
19 and, as a result, I would expect that data for the third and fourth quarters of 1999  
20 would have been available and utilized for an audit should one have been  
21 performed per the tariff at that time. Moreover, to the extent that the results of  
22 such an audit were to have been used to update AT&T's invoices to Thrifty Call,  
23 the tariff dictates that the invoices for the third and fourth quarters of 1999 would  
24 have been potentially impacted.<sup>17</sup> Similarly, the tariff provides that the revised

---

<sup>16</sup> See AT&T's intrastate access services tariff at Section E.2. 3.14(C) 1.

<sup>17</sup> See AT&T's intrastate access services tariff at Section E.2. 3.14(D) 1.

1 PIU would be used for the two quarters following the audit.<sup>18</sup> Indeed, all invoices  
2 pertaining to usage from July 1999 through June 2000 would have been  
3 potentially impacted by the audit results. This twelve month period is clearly  
4 much shorter than the 28 month period seemingly contemplated within AT&T's  
5 demand for \$2.44 million in unpaid principal amounts.<sup>19</sup>

6  
7 **Q. DOES THE AT&T TARIFF SUPPORT AT&T'S POSITION ON BACK-**  
8 **BILLING?**

9 A. No. AT&T's tariff does not allow for back-billing as the Company has proposed.  
10 Rather, the tariff contemplates billing adjustments that span a much shorter period  
11 of time in addition to adjusting the PIU on a going-forward basis. The bulk of  
12 the 28 month time period contemplated in AT&T's demand is outside the tariff  
13 parameters.

14  
15 **Amount Due Pursuant to the Tariff**

16  
17 **Q. USING AT&T'S DEMAND FOR \$2.44 MILLION AS A STARTING**  
18 **POINT, WHAT AMOUNTS, IF ANY, WOULD THRIFTY CALL HAVE**  
19 **BEEN REQUIRED TO PAY AT&T FLORIDA EITHER THROUGH**  
20 **BILLING ADJUSTMENTS AND/OR GOING FORWARD PIU CHANGES**

---

<sup>18</sup> See AT&T's intrastate access services tariff at Section E.2. 3.14(D) 1.

<sup>19</sup> See Potteiger affidavit at para.9.

1 HAD AN AUDIT BEEN CONDUCTED IN JANUARY OF 2000 WHEN IT  
2 WAS ORIGINALLY SOUGHT?

3 A. Based upon what little AT&T has provided in terms of explanation, calculations  
4 and supporting documentation, it would appear that, if an audit had been  
5 conducted under the tariff, AT&T would have been entitled to a billing  
6 adjustment of, at most, approximately \$711,253.<sup>20</sup> To remain consistent with the  
7 Company's tariff, its back-billing proposal should have been limited to that  
8 amount.

9 **DECLASSIFIED**

10 Q. HOW DID YOU CALCULATE THE \$711,253 AMOUNT?

11 A. Table 1.0 below includes AT&T's proposed back-billed amounts in addition to  
12 three adjustments which are necessary to adjust the Company's proposal to  
13 comport with its tariff. Specifically, I adjusted the Company's calculation such  
14 that it: (1) is based upon Staff's estimated PIU for the period July 1999 through  
15 December 1999<sup>21</sup>; (2) is based upon 12 – rather than 28 – months; and, (3)  
16 contemplates adjustments only to the traffic which is known to be intrastate.

---

<sup>20</sup> I say "at most" here because it remains a legal question as to whether the Company is required to conduct an audit before filing the complaint in this proceeding. My analysis assumes, for the sake of argument, that no such requirement exists and proceeds as if the Staff's audit can be used for purposes contemplated within the tariff. The legal question is not addressed within my testimony.

<sup>21</sup> See *Thrifty Call, Inc. Actual Percentage Interstate Usage: Audit Twelve Month Period Ending March 31, 2000*. Florida Public Service Commission, Division of Regulatory Compliance and Consumer Assistance, Bureau of Auditing, Tallahassee District Office. August 4, 2004. Despite the time period identified in the title of the audit report, the Staff's conclusions go to PIU for the months July 1999 through December 1999.

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**Table 1.0**

| <u>Line No.</u>    | <u>Category</u>                       | <u>Cumulative Impact</u> |
|--------------------|---------------------------------------|--------------------------|
| 1                  | Amount Alleged to have been Underpaid | \$ 2,443,904.00          |
| 2                  | PIU Adjustment                        | \$ (436,660.81)          |
| 3                  | Timing Adjustment                     | \$ (860,247.08)          |
| 4                  | Unidentified Traffic Adjustment       | \$ (435,743.82)          |
| <b>Maximum Due</b> |                                       | <b>711,252.29</b>        |

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These figures are subject to change upon inspection of the analyses and supporting data to be provided by AT&T in response to discovery.

**Q. PLEASE DESCRIBE THE PIU ADJUSTMENT IN GREATER DETAIL.**

A. A review of the Company's filings to date make clear that its estimates simply assume 100% of the traffic having been exchanged between the carriers was intrastate rather than relying upon the results of an audit conducted pursuant to the tariff or, for that matter, the percent which the Commission Staff determined to be intrastate when it audited some of the relevant data. I used the Staff percentage in order to adjust the Company's calculations in this regard.<sup>22</sup> That adjustment comprises a decrease in back-billed amounts of nearly \$437,000.

**Q. HOW DOES THE TIMING ADJUSTMENT RELATE TO AT&T'S INTRASTATE ACCESS SERVICES TARIFF?**

A. As described above, the tariff would have only allowed for billing adjustments to

<sup>22</sup> See A:SS4 Percent of Grand Total . 123 of Thrifty Call, Inc. Actual Percentage Interstate Usage: Audit Twelve Month Period Ending March 31, 2000.,

1 impact the last two quarters of 1999. It would have also allowed for going  
2 forward PIU adjustments to impact the next two quarters (i.e., the first two  
3 quarters of 2000). Hence, this adjustment contemplates that only 12 of 28 months  
4 of the relationship could have been re-rated.<sup>23</sup> This interpretation of the tariff is  
5 consistent with the fact that audits are only allowed once in a 12 month period as  
6 discussed above.

7  
8 **Q. PLEASE DISCUSS THE UNIDENTIFIED TRAFFIC ADJUSTMENT IN  
9 GREATER DETAIL?**

10 A. Staff's audit report indicates that a certain percentage of Thrifty Call's traffic  
11 cannot be reconciled as either intrastate or interstate. All such traffic – about 38%  
12 - has been removed from AT&T's figures.<sup>24</sup>

**DECLASSIFIED**

13  
14 **Q. DOES THIS ADJUSTMENT RELY UPON THE FCC'S EES RULES<sup>25</sup>?**

15 A. In part, yes, it does. It also relies upon common sense and the approach an  
16 auditor might utilize under the Generally Accepted Auditing Standards. To the  
17 extent an adjustment is to be made which foists charges upon another carrier, it  
18 seems unreasonable to make such an adjustment without evidence supporting  
19 whether the adjustment is warranted and/or accurate.  
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<sup>23</sup> This figure will be updated upon review of AT&T's monthly calculations, which have not yet been provided to Thrifty Call.

<sup>24</sup> See A:SS4 Percent of Grand Total . 123 of *Thrifty Call, Inc. Actual Percentage Interstate Usage: Audit Twelve Month Period Ending March 31, 2000.*

<sup>25</sup> The issues pertaining to the FCC's EES rules are also addressed in Mr. Lovelady's direct testimony

1       **Q.    CAN THE CALCULATIONS ABOVE BE EMPLOYED SEPARATELY TO**  
2       **ADJUST AT&T'S PROPOSED BACK-BILLING?**

3       A.    Not without adjustment; no. Ultimately, the adjustments contemplated within  
4       Table 1.0 are built assuming all three are employed simultaneously. Hence, if  
5       taken separately, their effects would be different. For example, if the PIU  
6       adjustment was not employed prior to the timing adjustment, the impact of the  
7       timing adjustment would be substantially greater than it otherwise would be.  
8       Table 2.0 below includes each adjustment as if implemented separately.

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**Table 2.0**

| <b>Line No.</b> | <b>Category</b>                 | <b>Separate Amounts</b> |
|-----------------|---------------------------------|-------------------------|
| 1               | PIU Adjustment                  | \$ (436,660.81)         |
| 2               | Timing Adjustment               | \$ (1,047,387.43)       |
| 3               | Unidentified Traffic Adjustment | \$ (928,439.13)         |

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13       **AT&T's Request For \$9.8M In Penalties Is Unsupported And**  
14       **Inconsistent With The Tariff**

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16       **Q.    PLEASE SUMMARIZE YOUR UNDERSTANDING OF AT&T'S**  
17       **DEMAND AS TO PENALTIES.**

18  
19       A.    Thus far, AT&T has not provided its calculations, the documents supporting its  
20       calculations or the rationale used to support its claim for penalties. Indeed, Mr.  
21       Potteiger's affidavit simply refers to Section E8.2.3A(2) and states "pursuant to  
22       the Tariff, late payment penalties continue to accrue at a rate of 1.77% per

1 month.”<sup>26</sup> This section contemplates end user uncollectible amounts in  
2 circumstances wherein the Company and the customer<sup>27</sup> have entered into a  
3 billing and collections arrangement. Furthermore, it is my understanding that the  
4 principal amount upon which AT&T’s penalty calculations are based has not been  
5 billed and is not overdue. Hence, penalties of this type do not seem applicable per  
6 the tariff.

7  
8 While it is clear from the Staff Audit that the bills need some adjustment,  
9 AT&T’s proposed penalties remain undocumented and unsupported.

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11  
12 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

13 **A.** Yes, it does.

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<sup>26</sup> Affidavit at footnote No.3.

<sup>27</sup> In this case, Thrifty Call.



## Qualifications of Timothy J. Gates

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

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

Prior to my positions in the Midwest, I was employed as Manager of Tariffs and Economic Analysis with MCI's West Division in Denver, Colorado. In that position I was responsible for managing the development and application of MCI's tariffs in the fifteen MCI West states. I was also responsible for managing regulatory dockets and for providing economic and financial expertise in the areas of discovery and issue analysis. Prior to joining the West Division, I was a Financial Analyst III and then a Senior Staff Specialist with MCI's Southwest Division in Austin, Texas. In those positions, I was responsible for the management of regulatory dockets and liaison with outside counsel. I was also responsible for discovery, issue analysis, and for the development of working relationships with consumer and business groups. Just prior to joining MCI, I was employed by the Texas Public Utility Commission as a Telephone Rate Analyst in the Engineering Division responsible for examining telecommunications cost studies and rate structures.

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

### **Education**

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

### **Current Responsibilities**

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

### **The Jurisdictions In Which I Have Testified**

I have filed testimony or comments on telecommunications issues in the following 44 states: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, Wyoming and Puerto Rico. I have also filed comments with the FCC, made presentations to the Department of Justice and performed research for Canadian companies on wireless issues.



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

**Alabama:**

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

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

**Arkansas:**

September 7, 2004; Docket No. 04-0999-U; In the Matter of Level 3 Petition for Arbitration with Southwestern Bell Telephone, L.P. D/B/A SBC Arkansas; Direct Testimony on Behalf of Level 3.

**Arizona:**

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

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

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

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

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

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

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



February 20, 2001; Superior Court of Arizona; Count of Maricopa; ESI Ergonomic Solutions, LLC, Plaintiff, vs. United Artists Theatre Circuit; No. CV 99-20649; Affidavit on Behalf of United Artists Theatre Circuit.

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

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

November 18, 2004; Docket No. T-01051B-0454; In the Matter of Qwest Corporation's Amended Renewed Price Regulation Plan; Direct Testimony on Behalf of Time Warner Telecom, Inc.

July 15, 2005; Docket No. T-03654-05-0350, T-01051B-05-0350; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation, Direct Testimony on Behalf of Level 3.

August 15, 2005; Docket No. T-03654-05-0350, T-01051B-05-0350; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation, Rebuttal Testimony on Behalf of Level 3.

**Arkansas:**

September 7, 2004; Docket No. 04-099-U; In the Matter of Level 3 Petition for Arbitration Pursuant to Section 252(b) with Southwestern Bell Telephone, L.P. D/B/A SBC Arkansas; Direct Testimony on Behalf of Level 3 Communications, LLC.

**California:**

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

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



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

June 1, 2004; Docket No. A.04-06-004; Petition of Level 3 Communications for Arbitration with SBC; Direct Testimony on Behalf of Level 3 Communications LLC.

May 7, 2007; Case No. C.07-03-008; Complaint of Neutral Tandem, Inc. v. Level 3 Communications, LLC; Declaration on Behalf of Level 3.

May 25, 2007; Case No. C.07-03-008; Complaint of Neutral Tandem, Inc. v. Level 3 Communications, LLC; Direct Testimony on Behalf of Level 3.

**Colorado:**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



February 18, 2005; Regarding Application of Qwest for Reclassification and Deregulation of Certain Products and Services; Docket No. 04A-411T; Direct Testimony on Behalf of Time Warner Telecom.

July 11, 2005; Petition of Level 3 Communications, LLC for Arbitration with Qwest Corporation; Docket No. 05B-210T; Direct Testimony on Behalf of Level 3.

December 19, 2005; Petition of Level 3 Communications, LLC for Arbitration with Qwest Corporation; Docket No. 05B-210T; Rebuttal Testimony on Behalf of Level 3.

October 24, 2007; Adams County E-911 Emergency Telephone Service Authority Complaint Against Qwest; Docket No. 06F-039T; Direct Testimony on Behalf of Adams County, Arapahoe County, Douglas County, El Paso County, Teller County, Jefferson County, Larimer County and the City of Aurora.

**Connecticut:**

November 2, 2004; Petition of Level 3 Communications, LLC for Arbitration Pursuant to Section 252(b) with Southern New England Telephone Company d/b/a/ SBC Connecticut; Level 3/SNET Arbitration; Direct Testimony on Behalf of Level 3 Communications, LLC.

May 1, 2007; Docket No. 07-02-29; Petition of Neutral Tandem, Inc., for Interconnection with Level 3 Communications and Request for Interim Order; Direct Testimony on Behalf of Level 3 Communications, LLC.

**Delaware:**

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

**Florida:**

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

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

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



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

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

June 11, 2004; Petition of KMC Telecom for Arbitration with Sprint Communications; Docket No. 031047-TP; Direct Testimony on Behalf of KMC Telecom III, L.L.C, KMC Telecom V, Inc., and KMC Data, L.L.C.

July 9, 2004; Petition of KMC Telecom for Arbitration with Sprint Communications; Docket No. 031047-TP; Rebuttal Testimony on Behalf of KMC Telecom III, L.L.C, KMC Telecom V, Inc., and KMC Data, L.L.C.

December 19, 2005; Petition and complaint for suspension and cancellation of Transit Traffic Service Tariff No. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T Communications of the Southern States, LLC.; Docket Nos. 050119-TP/050125-TP; Direct Testimony on Behalf of CompSouth.

January 30, 2005; Petition and complaint for suspension and cancellation of Transit Traffic Service Tariff No. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T Communications of the Southern States, LLC.; Docket Nos. 050119-TP/050125-TP; Rebuttal Testimony on Behalf of CompSouth.

**Georgia:**

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

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

April 13, 2007; Docket No. 24844; Petition of Neutral Tandem for the Establishment of Interconnection with Level 3; Direct Testimony on Behalf of Level 3.

April 24, 2007; Docket No. 24844; Petition of Neutral Tandem for the Establishment of Interconnection with Level 3; Rebuttal Testimony on Behalf of Level 3.



November 20, 1987; Case No. U-1150-1; Petition of MCI for a Certificate of Public Convenience and Necessity; Direct Testimony on Behalf of MCI.

March 17, 1988; Case No. U-1500-177; Investigation of the Universal Local Access Service Tariff; Direct Testimony on Behalf of MCI.

April 26, 1988; Case No. U-1500-177; Investigation of the Universal Local Access Service Tariff; Rebuttal Testimony on Behalf of MCI.

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

August 12, 2005; Case No. QWE-T-05-11; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation; Direct Testimony on Behalf of Level 3.

September 16, 2005; Case No. QWE-T-05-11; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation; Rebuttal Testimony on Behalf of Level 3.

**Illinois:**

January 16, 1989; Docket No. 83-0142; Appropriate Methodology for Intrastate Access Charges; Rebuttal Testimony Regarding Toll Access Denial on Behalf of MCI.

February 16, 1989; Docket No. 83-0142; Appropriate Methodology for Intrastate Access Charges; Testimony Regarding ICTC's Access Charge Proposal on Behalf of MCI.

May 3, 1989; Docket No. 89-0033; Illinois Bell Telephone Company's Rate Restructuring; Direct Testimony on Behalf of MCI.

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

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





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

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

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

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

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

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

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

June 22, 2004; Docket No. 04-0428; Level 3 Petition for Arbitration to Establish an Interconnection Agreement with Illinois Bell Telephone Company; Direct Testimony on Behalf of Level (3) Communications, LLC.

September 3, 2004; Docket No. 04-0428; Level 3 Petition for Arbitration to Establish an Interconnection Agreement with Illinois Bell Telephone Company; Direct Testimony on Behalf of Level (3) Communications, LLC.

May 15, 2007; Docket No. 07-0277; Complaint of Neutral Tandem, Inc. v. Level 3 Communications, LLC; Direct Testimony on Behalf of Level 3.

**Indiana:**

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



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

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

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

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

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

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

September 2, 2004; Cause No. 42663-INT-01; In the Matter of Level 3 Communications, LLC Petition for Arbitration with SBC Indiana; Direct Testimony on Behalf of Level 3 Communications, LLC.

October 5, 2004; Cause No. 42663-INT-01; In the Matter of Level 3 Communications, LLC Petition for Arbitration with SBC Indiana; Rebuttal Testimony on Behalf of Level 3 Communications, LLC.

July 23, 2007; Cause No. 43299; Complaint of Neutral Tandem, Inc. and Neutral Tandem – Indiana, LLC Against Level 3 Communications, LLC Concerning Interconnection with Level 3 Communications, LLC; Reply Testimony on Behalf of Level 3.

**Iowa:**

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

September 20, 1988; Docket No. RPU\_88\_1; Regarding the Access Charges of Northwestern Bell Telephone Company; Direct Testimony on Behalf of MCI.

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



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

November 5, 1991; Docket No. RPU-91-4; Investigation of the Earnings of U S WEST Communications, Inc.; Rebuttal Testimony on Behalf of MCI.

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

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

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

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

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

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

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

July 20, 2005; Docket No. ARB-05-4; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest; Direct Testimony on Behalf of Level 3.

August 12, 2005; Docket No. ARB-05-4; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest; Rebuttal Testimony on Behalf of Level 3.

August 24, 2005; Docket No. ARB-05-4; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest; Surrebuttal Testimony on Behalf of Level 3.

July 14, 2006; Docket No. FCU-06-42; In the Matter of Coon Creek Telecommunications Corp. Complaint Against Iowa Telecommunications Services; Direct Testimony on Behalf of CCTC.



August 21, 2006; Docket No. FCU-06-42; In the Matter of Coon Creek Telecommunications Corp. Complaint Against Iowa Telecommunications Services; Rebuttal Testimony on Behalf of CCTC.

**Kansas:**

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

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

August 31, 2004; Docket No. 04-L3CT-1046-ARB; In the Matter of Arbitration Between Level 3 Communications LLC and SBC Communications; Direct Testimony on Behalf of Level 3 Communications, LLC.

**Kentucky:**

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

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

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

**Louisiana:**

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

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

**Maryland:**

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



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

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

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

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

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

**Massachusetts:**

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

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

**Michigan:**

September 29, 1988; Case Nos. U-9004, U-9006, U-9007 (Consolidated); Industry Framework for IntraLATA Toll Competition; Direct Testimony on Behalf of MCI.

November 30, 1988; Case Nos. U-9004, U-9006, U-9007 (Consolidated); Industry Framework for IntraLATA Toll Competition; Rebuttal Testimony on Behalf of MCI.

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

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

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



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

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

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

June 8, 2000; Case No. U-12460; Petition of Level 3 Communications for Arbitration to Establish an Interconnection Agreement with Ameritech Michigan; Direct Testimony on Behalf of Level (3) Communications, LLC.

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

June 1, 2004; Case No. U-14152; Petition of Level 3 Communications LLC for Arbitration with SBC Michigan; Direct Testimony on Behalf of Level 3 Communications, LLC.

June 26, 2007; Case No. U-15230; Complaint and Application for Emergency Relief by Neutral Tandem Inc. for Interconnection with Level 3 Communications; Direct Testimony on Behalf of Level 3.

**Minnesota:**

January 30, 1987; Docket No. P-421/CI-86-88; Summary Investigation into Alternative Methods for Recovery of Non-traffic Sensitive Costs; Comments to the Commission on Behalf of MCI.

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

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



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

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

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

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

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

June 14, 2007; In the Matter of a Complaint and Request for Expedited Hearing of Neutral Tandem, Inc. Against Level 3 Communications, LLC, Docket no. P-5733/C-07-296; In the Matter of the Application of Level 3 Communications, LLC to Terminate Services to Neutral Tandem, Inc. (consolidated); Direct Testimony on Behalf of Level 3.

July 24, 2007; In the Matter of a Complaint and Request for Expedited Hearing of Neutral Tandem, Inc. Against Level 3 Communications, LLC, Docket no. P-5733/C-07-296; In the Matter of the Application of Level 3 Communications, LLC to Terminate Services to Neutral Tandem, Inc. (consolidated); Reply Testimony on Behalf of Level 3.

### **Mississippi:**

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

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



**Montana:**

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

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

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

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

**Nebraska:**

November 6, 1986; Application No. C-627; Nebraska Telephone Association Access Charge Proceeding; Direct Testimony on Behalf of MCI.

March 31, 1988; Application No. C-749; Application of United Telephone Long Distance Company of the Midwest for a Certificate of Public Convenience and Necessity; Direct Testimony on Behalf of MCI.

**New Hampshire:**

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

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

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

**New Jersey:**

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





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

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

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

**New Mexico:**

September 28, 1987; Docket No. 87-61-TC; Application of MCI for a Certificate of Public Convenience and Necessity; Direct Testimony on Behalf of MCI.

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

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

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

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

September 14, 2005; Case No. 05-00211-UT; In the Matter of a Notice of Inquiry to Develop a Rule to Implement House Bill 776, Relating to Access Charge Reform, Oral Comments on Behalf of MCI.

December 5, 2005; Case No. 05-00094-UT; In the Matter of the Implementation and Enforcement of Qwest Corporations' Amended Alternative Form of Regulation; Direct Testimony on Behalf of the New Mexico Attorney General.



December 15, 2005; Case No. 05-00484-UT; In the Matter of Level 3 Communications, LLC's Petition for Arbitration with Qwest Corporation; Direct Testimony on Behalf of Level 3.

February 24, 2006; Case No. 05-00466-UT; In the Matter of the Development of an Alternative Form of Regulation for Qwest Corporation; Direct Testimony on Behalf of the New Mexico Attorney General.

March 31, 2006; Case No. 05-00466-UT; In the Matter of the Development of an Alternative Form of Regulation for Qwest Corporation; Rebuttal Testimony on Behalf of the New Mexico Attorney General.

July 24, 2006; Case No. 05-00094-UT Phase II; In the Matter of the Implementation and Enforcement of Qwest Corporation's Amended Alternative Form of Regulation; Direct Testimony on Behalf of the New Mexico Attorney General.

September 25, 2006; Case No. 05-00094-UT; Phase II – Proposed Settlement Agreement; Direct Testimony on Behalf of the New Mexico Attorney General.

December 15, 2006; Case No. 06-00325-UT (Settlement Agreement); Direct Testimony on Behalf of the New Mexico Attorney General.

**New York:**

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

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

March 23, 2007; Case No. 07-C-0233; Petition of Neutral Tandem for Interconnection with Level 3 Communications, LLC and Request for Interim Order; Direct Testimony on Behalf of Level 3.

**North Carolina:**

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

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



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

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

**North Dakota:**

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

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

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

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

December 21, 2005; Case No. PU-05-451; Midcontinent Communications v. North Dakota Telephone Company; Direct Testimony on Behalf of Midcontinent.

January 16, 2006; Case No. PU-05-451; Midcontinent Communications v. North Dakota Telephone Company; Rebuttal Testimony on Behalf of Midcontinent.

**Ohio:**

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

**Oklahoma:**

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



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

**Oregon:**

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

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

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

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

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

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

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

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

August 12, 2005; Docket No. ARB 665; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation; Direct Testimony on Behalf of Level 3.

September 6, 2005; Docket No. ARB 665; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation; Rebuttal Testimony on Behalf of Level 3.



**Pennsylvania:**

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

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

April 27, 2007; Docket No. A-310922F7002; Petition of Core Communications, Inc. for Arbitration with the United Telephone Company of Pennsylvania d/b/a Embarq; Direct Testimony on Behalf of Core.

June 4, 2007; Docket No. A-310922F7002; Petition of Core Communications, Inc. for Arbitration with the United Telephone Company of Pennsylvania d/b/a Embarq; Rebuttal Testimony on Behalf of Core.

August 17, 2007; Docket No. A-310922F7004; Petition of Core Communications, Inc. for Arbitration of Interconnection Rates, Terms and Conditions Pursuant to 47 USC §252(b) with Windstream Pennsylvania, Inc. f/k/a Alltel; Direct Testimony on Behalf of Core.

September 6, 2007; Docket No. A-310922F7004; Petition of Core Communications, Inc. for Arbitration of Interconnection Rates, Terms and Conditions Pursuant to 47 USC §252(b) with Windstream Pennsylvania, Inc. f/k/a Alltel; Rebuttal Testimony on Behalf of Core.

December 7, 2007; Docket Nos. A-310922F7003 – A-310922F7038; Petition of Core Communications, Inc. for Arbitration of Interconnection Rates, Terms and Conditions with the RTCC, the PTA and the Frontier Companies; Direct Testimony of Behalf of Core.

February 5, 2008; Docket Nos. A-310922F7003 – A-310922F7038; Petition of Core Communications, Inc. for Arbitration of Interconnection Rates, Terms and Conditions with the RTCC, the PTA and the Frontier Companies; Rebuttal Testimony of Behalf of Core.



**Puerto Rico:**

January 19, 2006; Case Nos. JRT-2005-Q-0121, JRT-2005-Q-0128, JRT-2003-Q-0297, JRT-2004-Q-0068; TELEFÓNICA LARGA DISTANCIA DE PUERTO RICO, INC., WORLDNET TELECOMMUNICATIONS, INC., SPRINT COMMUNICATIONS COMPANY, LP, and AT&T OF PUERTO RICO, INC., v. PUERTO RICO TELEPHONE COMPANY, INC., Direct Testimony on Behalf of Centennial Puerto Rico License Corporation.

**Rhode Island:**

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

**South Carolina:**

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

November 22, 2000; Docket No. 2000-516-C; Adelphia Business Solutions of South Carolina, Inc. Arbitration with BellSouth Telecommunications; Direct Testimony on Behalf of Adelphia.

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

**South Dakota:**

November 11, 1987; Docket No. F-3652-12; Application of Northwestern Bell Telephone Company to Introduce Its Contract Toll Plan; Direct Testimony on Behalf of MCI.

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

**Tennessee:**

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



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

**Texas:**

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

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

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

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

July 19, 2004; PUC Docket No. 28821; Arbitration of Non-costing Issues for Successor Interconnection Agreement to the Texas 271 Agreement; Direct Testimony on Behalf of KMC Telecom III, L.L.C, KMC Telecom V, Inc. (d/b/a KMC Network Services, Inc.), and KMC Data, L.L.C.

August 23, 2004; PUC Docket No. 28821; Arbitration of Non-costing Issues for Successor Interconnection Agreement to the Texas 271 Agreement; Rebuttal Testimony on Behalf of KMC Telecom III, L.L.C, KMC Telecom V, Inc. (d/b/a KMC Network Services, Inc.), and KMC Data, L.L.C.

**Utah:**

November 16, 1987; Case No. 87-049-05; Petition of the Mountain State Telephone and Telegraph Company for Exemption from Regulation of Various Transport Services; Direct Testimony on Behalf of MCI.

July 7, 1988; Case No. 83-999-11; Investigation of Access Charges for Intrastate InterLATA and IntraLATA Telephone Services; Direct Testimony on Behalf of MCI.

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



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

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

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

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

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

**Washington:**

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

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

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

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

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

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





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

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

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

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

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

September 13, 2004; Docket No. UT-033011; In the Matter of Washington Utilities and Transportation Commission, Petitioners, v. Advanced Telecom Group, Inc., et al, Respondents; Direct Testimony on Behalf of Time Warner Telecom of Washington, LLC.

**West Virginia:**

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

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

**Wisconsin:**

October 31, 1988; Docket No. 05-TR-102; Investigation of Intrastate Access Costs, Settlements, and IntraLATA Access Charges; Direct Testimony on Behalf of MCI.

November 14, 1988; Docket No. 05-TR-102; Investigation of Intrastate Access Costs, Settlements, and IntraLATA Access Charges; Rebuttal Testimony on Behalf of MCI.



December 12, 1988; Docket No. 05-TI-116; In the Matter of Provision of Operator Services; Rebuttal Testimony on Behalf of MCI.

March 6, 1989; Docket No. 6720-TI-102; Review of Financial Data Filed by Wisconsin Bell, Inc.; Direct Testimony on Behalf of MCI.

May 1, 1989; Docket No. 05-NC-100; Amendment of MCI's CCN for Authority to Provide IntraLATA Dedicated Access Services; Direct Testimony on Behalf of MCI.

May 11, 1989; Docket No. 6720-TR-103; Investigation Into the Financial Data and Regulation of Wisconsin Bell, Inc.; Rebuttal Testimony on Behalf of MCI.

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

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

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

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

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

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

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

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

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

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



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

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

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

September 1, 2004; Docket No. 05-MA-135; Petition of Level 3 for Arbitration with Wisconsin Bell, Inc. d/b/a/ SBC Wisconsin; Direct Testimony on Behalf of Level (3) Communications, LLC.

### **Wyoming:**

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

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

September 8, 2005; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation; Direct Testimony on Behalf of Level 3.

November 18, 2005; In the Matter of Level 3 Communications, LLC Petition for Arbitration with Qwest Corporation; Rebuttal Testimony on Behalf of Level 3.

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

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

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

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

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



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

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

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

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

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

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

**Presentations Before Legislative Bodies:**

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

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

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

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

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

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



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

November 30, 2004; A Report to the Wyoming Legislature: The Wyoming Universal Service Fund – Basis and Qualification for Funding.

**Presentations Before Industry Groups -- Seminars:**

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

July 24, 1989; National Association of Regulatory Utility Commissioners -- Summer Committee Meeting, San Francisco, California. Panel Presentation -- Specific IntraLATA Market Concerns of Interexchange Carriers; Comments on Behalf of MCI.

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

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

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

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

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



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

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

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

May 23-26, 1994; The 12th Annual National Telecommunications Forecasting Conference; Represented IXC's in Special Town Meeting Segment Regarding the Convergence of CATV and Telecommunications and other Local Competition Issues.

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

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

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

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

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

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

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



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

December 8-9, 2005, CLE International 8<sup>th</sup> Annual Conference, "Telecommunications Law", "VoIP and Brand X – Legal and Regulatory Developments."

December 13-14, 2007, CLE International 10<sup>th</sup> Annual Conference, "Telecommunications Law", "Technology Update – The State of Wireless Technologies in Canada – A Comparison of Wireless Technologies in Canada and the United States of America."