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Florida Cable Telecommunications Association

Steve Wilkerson, President

RECORDS AND REPORTING

VIA HAND DELIVERY

August 11, 1999

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 990649-TP

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of the Direct Testimony and Exhibit of William J. Barta and Exhibit No. WJB-1 on behalf of the Florida Cable Telecommunications Association. Copies have been served on the parties of record pursuant to the attached certificate of service.

Please acknowledge receipt of filing of the above by stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in processing this filing. Please contact me with any questions.

Sincerely,

Michael A. Gross
Vice President, Regulatory Affairs &
Regulatory Counsel

MAG/mj

Enclosure

cc: All Parties of Record
Steven E. Wilkerson
William J. Barta

RECEIVED & FILED

FPSC BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Direct Testimony of William J. Barta and Exhibit No. WJB-1 on behalf of the Florida Cable Telecommunications Association in Docket 990649-TP has been served upon the following parties by U.S. Mail this ~~11-11~~ day of August, 1999:

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Michael A. Gross

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into)
pricing of unbundled network) **Docket No. 990649-TP**
elements)

**DIRECT TESTIMONY
AND EXHIBIT
OF
WILLIAM J. BARTA**

**ON BEHALF OF
THE FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION
HENDERSON RIDGE CONSULTING, INC.
CUMMING, GEORGIA
AUGUST 11, 1999**

DOCUMENT NUMBER-DATE
09551 AUG 11 99
FPSC-RECORDS/REPORTING

DIRECT TESTIMONY OF WILLIAM J. BARTA
BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 990649-TP

1
2
3
4 **Q. Please state your name and business address.**

5 A. My name is William Barta, and my business address is 7170 Meadow Brook
6 Court, Cumming, Georgia 30040.

7 **Q. What is your occupation?**

8 A. I am the founder of Henderson Ridge Consulting, Inc., a regulatory consulting
9 firm. The firm's practice focuses on the technical and policy issues confronting
10 the telecommunications, electric, and water utility industries.

11 **Q. Please provide a summary of your education and professional experience.**

12 A. From 1975 through 1978, I attended The Lindenwood Colleges where I received
13 a Bachelor of Arts degree, cum laude, with a study emphasis in accounting.
14 Upon graduation, I held accounting staff positions with a privately-held
15 corporation and with a division of a large, public corporation.

16
17 The primary responsibilities of these positions were to perform financial ratio
18 analysis, cost accounting functions, and to supervise the monthly book close and
19 preparation of the financial statements. In 1980, I enrolled in the graduate
20 business program at Emory University and received my Masters of Business
21 Administration with concentrations in finance and marketing.

22
23 After graduating from Emory University in 1982, I joined the Bell System as an
24 Account Executive where I was responsible for the sale/lease of regulated
25 products and services to large business customers. In late 1983, I transferred to

1 AT&T Communications where I provided a broad range of accounting
2 regulatory support functions to the nine state Southern Region.

3
4 From 1986 through 1988, I held various positions in the regulatory departments
5 of Contel Corporation, an independent local exchange carrier. My
6 responsibilities ranged from tariff support to ratemaking and rate design issues
7 to line of business feasibility studies.

8
9 In April 1988, I joined the firm of J. Kennedy and Associates, Inc., a regulatory
10 and economic consulting firm. As a Manager at Kennedy and Associates, I
11 directed or supported the ratemaking investigations of major
12 telecommunications and electric utilities. My work covered rate design, revenue
13 requirements analysis, and the determination of the appropriate cost of capital
14 and other issues associated with traditional rate base/rate of return regulation.

15
16 I have conducted management and compliance audits of regulated
17 telecommunications and electric utilities. I have examined utilities' filings
18 regarding other matters such as merger proposals, alternative regulation
19 requests, affiliate relationships, network modernization proposals, and emerging
20 competition.

21
22 **Q. Do you hold any professional certifications?**

23 A. Yes. I am a Certified Fraud Examiner and a Certified Public Accountant with
24 an active license to practice in the State of Georgia.

25 **Q. Please provide a brief overview of your experience that is germane to this**

1 **proceeding.**

2 A. I have been involved and/or testified in numerous State regulatory proceedings
3 that have been initiated to examine local competition and universal service in
4 response to the requirements of the Telecommunications Act of 1996 ("the 1996
5 Act"). With respect to local competition rulemakings, I have testified in
6 proceedings undertaken to determine the appropriate wholesale percentage
7 discount that should be made available for resale, including Contract Service
8 Arrangements. In addition, I have examined the costs of unbundled access and
9 testified in unbundled network element proceedings. I have participated and
10 testified in other dockets initiated to estimate the required level of universal
11 service support and the mechanism to fund such support, if necessary. In these
12 engagements, I have addressed policy and technical issues, including the
13 analysis of the forward-looking economic cost ("FLEC") models, Total Service
14 Long Run Incremental Cost ("TSLRIC") studies, and Total Element Long Run
15 Incremental Cost ("TELRIC") studies submitted by the incumbent local
16 exchange carriers and interexchange carriers.

17
18 Additional detail with respect to my qualifications can be found in
19 Exhibit__(WJB-1).

20 **Q. On whose behalf are you testifying in this proceeding?**

21 A. I am testifying on behalf of the Florida Cable Telecommunications Association
22 ("FCTA").

23 **Q. What is the purpose of your testimony?**

24 A. I have been requested to address the tentative list of issues that are attached as
25 Appendix A to the Florida Public Service Commission's ("FPSC" or "the

1 Commission") Order No. PSC-99-1397-PCO-TP dated July 20, 1999. In this
2 docket, the Commission plans to address UNE rate deaveraging, UNE
3 combinations, and UNE costs studies from a policy, rather than a technical,
4 perspective.

5 **ISSUE 1: The Deaveraging of Unbundled Network Elements**

6 **Q. What unbundled network elements are the incumbent local exchange**
7 **carriers ("ILECs") required to make available to a requesting carrier?**

8 A. The Federal Communications Commission ("the FCC") is currently examining
9 the issue of a minimum national list of UNE requirements in the Second Further
10 Notice of Proposed Rulemaking in CC Docket No. 96-98 (April 16, 1999). As
11 a result of the January 25, 1999 decision of the United States Supreme Court, the
12 FCC must revisit its initial ruling with respect to the seven unbundled network
13 elements that it required incumbent local exchange carriers to make available to
14 requesting carriers. In the First Report and Order in CC Docket No. 96-98
15 (August 8, 1996), the FCC ordered that the minimum list of unbundled network
16 elements should include: (1) the local loop, (2) the network interface device, (3)
17 switching capability, (4) interoffice transmission facilities, (5) signaling
18 networks and call-related databases, (6) operations support systems functions,
19 and (7) operations services and directory assistance.

20
21 The FCC is expected to issue a final order on minimum national unbundling
22 requirements in the near future. As the FCC has repeatedly acknowledged, the
23 states will retain their authority to impose additional unbundling requirements
24 per Section 251(d) of the Telecommunications Act of 1996.

25 **Q. Which UNEs, excluding combinations, should be deaveraged (Issue 1(a))?**

1 A. Absent a final rulemaking from the FCC, my response is based upon the
2 assumption that the seven unbundled network elements which the incumbent
3 local exchange carriers were initially ordered to make available will remain as
4 the core unbundling requirements. This Commission, however, should consider
5 expansion of the list of unbundled network elements that should be made
6 available. For example, the Commission may conclude that the unbundling of
7 extended links and/or the unbundling of data transmission and interconnection
8 facilities at forward-looking economic cost-based rates should be required in
9 order to spur local exchange competition.

10
11 A debate over the UNEs that should be made available to requesting carriers,
12 although germane, appears to fall outside the scope of this proceeding.
13 Notwithstanding what specific UNEs will eventually be required to be made
14 available, the rates for an unbundled network element should be deaveraged
15 where significant cost variations are present. For instance, it is widely held that
16 the cost of a loop is affected by geography. In highly concentrated urban areas,
17 loop lengths tend to be shorter than in the more sparsely populated rural areas.
18 Since loop length is considered to be a major cost driver in the provision of a
19 loop, it is reasonable for the Commission to geographically deaverage the rates
20 for an unbundled loop.

21
22 On the other hand, one would not expect switching costs to differ materially
23 between similarly configured switches whether they are deployed in an urban
24 market or a rural wire center. The cost characteristics of each unbundled
25 network element should be examined in order to identify any factors that

1 introduce variances into the provision of that element.

2 **Q. Which UNE combinations, if any, should be deaveraged (Issue 1(b))?**

3 A. Much like the issue of individual UNE availability, the requirements for UNE
4 combinations have not been finalized. As a general principle, the deaveraging
5 of rates for UNE combinations should be based upon the cost characteristics
6 of the underlying network components. For example, the rate for a UNE
7 combination that depends upon a loop (e.g. an unbundled loop and transport)
8 should reflect the deaveraged rate for an unbundled loop.

9 **Q. What is the appropriate basis for deaveraging UNEs (Issue 1(c))?**

10 A. The greatest benefits to be derived from deaveraging UNE rates appear to
11 reside with the local loop. The loop most readily lends itself to a deaveraged
12 rate structure because its costs have been found to bear a direct relationship to
13 the population density in a geographic area. In the First Report and Order (CC
14 Docket No. 96-98), the FCC concluded that three zones were sufficient to
15 reflect geographic cost differences. Unless the service territories of the ILECs
16 exhibit several discrete and meaningful cost differences, deaveraged unbundled
17 loop rates should be based upon three geographic zones.

18 **Q. Should the degree of deaveraging be uniform for all UNEs (Issue 1(d))?**

19 A. No. Deaveraged rates for unbundled network elements should reflect the cost
20 characteristics of that element. Limited geographic rate deaveraging appears
21 reasonable for an unbundled loop but it does not follow that switching costs
22 should be geographically deaveraged.

23 **Q. Should the degree of deaveraging be uniform for all affected ILECs for
24 which deaveraged rates are appropriate (Issue 1(e))?**

25 A. Yes. At this time, rate deaveraging is most likely limited to an unbundled loop

1 in three geographic zones. Thus, one would not expect that a deaveraged rate
2 structure for one UNE would pose undue administrative hardship upon any of
3 the ILECs. Such uniformity would facilitate regulatory oversight as well as the
4 business planning of competitive carriers.

5 **Q. What other factors or policy considerations, if any, should be considered in**
6 **determining deaveraged UNE rates (Issue 1(f))?**

7 A. The Commission should strive to identify the benefits that may result from
8 imposing a deaveraging requirement relative to the costs of implementing such
9 an order. Such an evaluation may first consider whether the deaveraging of a
10 specific UNE rate will noticeably stimulate usage of the unbundled element, and
11 presumably, local competition. Another concern is whether rate deaveraging
12 based upon several layers of disaggregation provides the ILECs excessive
13 pricing flexibility and the ability to shift costs from competitive markets to less
14 competitive markets. Exceedingly granular deaveraged rates may also pose
15 significant administrative costs upon the ILECs.

16 **Q. What supporting data or documentation should an ILEC provide with its**
17 **deaveraging filing (Issue 1(g))?**

18 A. Each affected ILEC should fully document its proposed deaveraged UNE rates
19 based upon a Total Element Long Run Incremental Cost ("TELRIC") study for
20 each increment of deaveraging. A TELRIC study should be submitted in
21 support of the recurring and nonrecurring rates that the ILEC proposes to charge
22 for the deaveraged UNE.

23 **ISSUE 2: The Determination of UNE Combinations**

24 **Q. How can one determine which UNEs an ILEC "currently combines"**
25 **(51.315(b)), versus those which are "not ordinarily combined in the**

1 **incumbent ILEC's network" (51.315(c))?**

2 A. In its January 25, 1999 decision, the Supreme Court upheld Rule 51.315(b)
3 promulgated by the FCC in its First Report and Order. In the Second Further
4 Notice of Proposed Rulemaking, the FCC is seeking comments on whether
5 ILECs should be required to combine unbundled network elements that they do
6 not already combine (Rule 51.315(c)). The FCC's final rulemaking should
7 further clarify the distinction between UNEs that are routinely combined versus
8 those that are not ordinarily combined in the ILECs' networks. The initiatives
9 prescribed by the FPSC with respect to combined UNEs will have to be
10 consistent with the rules adopted by the FCC.

11
12 In its evaluation of whether to expand the FCC's minimum unbundling
13 requirements for combined UNEs, the Commission should keep in mind that
14 competitive local exchange carriers cannot replicate the legacy economies of
15 scale and scope and the network ubiquity of the ILECs. Contrary to the shared
16 belief among ILECs, access to unbundled network elements should accelerate,
17 not retard, the development of competition. A competitive carrier has strong
18 incentives to acquire network elements to fulfill its business plan from sources
19 other than an ILEC. The competitive carrier will only seek to use the facilities
20 of its dominant rival in those instances where the combinations cannot be
21 procured as efficiently from alternate sources or where alternate sources simply
22 do not exist. The refusal of an ILEC to combine UNE elements should be
23 viewed skeptically by the Commission in light of the incumbent carrier's ability
24 to recover the economic costs of provisioning the combined UNE. Any undue
25 restrictions on the availability of combined UNEs could stifle the service

1 innovations of competitive carriers.

2 **ISSUE 3: Cost Studies**

3 **Q. What guidelines and specific requirements should be imposed on recurring**
4 **and nonrecurring cost studies, if any, required to be filed in this proceeding**
5 **(Issue 3(a))?**

6 A. Each affected ILEC should submit TELRIC studies in support of the proposed
7 rates for individual UNEs and UNE combinations. The cost studies should
8 clearly document the source data on which the forward-looking estimates for
9 investment, expenses, and UNE demand are based. A detailed explanation
10 should support all assumptions made to recast historical investment and expense
11 data. Nonrecurring cost studies should reflect forward-looking conditions and
12 full implementation of more efficient ordering processes.

13 **Q. For which UNEs should the ILECs submit cost studies sufficient to**
14 **deaverage those UNEs identified in Issues 1(a) and 1(b) (Issue 3(b))?**

15 A. The ILECs should be required to submit TELRIC studies in support of the
16 deaveraged unbundled loop for three geographic zones. There should be
17 sufficient documentation for interested parties to readily determine not only the
18 cost differences between geographic zones but the basis for the variances.
19 Depending upon the FCC's and the Commission's requirements for UNE
20 combinations, TELRIC studies should be conducted for those combinations that
21 rely upon a deaveraged unbundled loop.

22 **Q. To the extent not included in Issue 3(b), should the ILECs be required to**
23 **file recurring cost studies for any remaining UNEs, and combinations**
24 **thereof, identified by the FCC in its forthcoming order on the Rule 51.319**
25 **remand (Issue 3(c))?**

1 A. Yes. The recurring rates for any required UNEs and UNE combinations should
2 be fully supported by TELRIC studies.

3 **Q. To the extent not included in Issue 3(b), should the ILECs be required to**
4 **file nonrecurring cost studies for any remaining UNEs, and combinations**
5 **thereof, identified by the FCC in its forthcoming order on the Rule 51.319**
6 **remand (Issue 3(d))?**

7 A. Yes. Since nonrecurring charges can pose a formidable cost to requesting
8 carriers, the nonrecurring charges proposed by the ILECs for any required UNE
9 or UNE combination should be fully supported by a TELRIC study.

10 **Q. When should the cost studies identified in Issues 3(b), (c), and (d) be filed**
11 **(Issue 3(e))?**

12 A. The filing of TELRIC studies in support of UNE rates should await the outcome
13 of the FCC's Rule 51.319 remand. Once a decision has been reached at the
14 federal level, the Commission should initiate a separate proceeding in order to
15 determine whether to adopt the minimum national unbundling requirements of
16 the FCC or to impose additional unbundling requirements upon the ILECs
17 under its jurisdiction.

18
19 In the event that the FCC decides to contract its current minimum unbundling
20 requirements, the Commission should immediately require the ILECs to submit
21 cost studies for the the affected UNEs in order to determine whether the FCC's
22 decision is in the best interests of Florida subscribers. For instance, a FCC
23 decision to eliminate directory assistance services from its national minimum
24 unbundling requirements may not be appropriate in Florida if reliable, cost-
25 effective third-party sources are not readily available and/or self-provisioned

1 platforms prove to be financially infeasible.

2
3 Once the Florida-specific unbundling requirements have been ordered, the
4 ILECs should prepare and submit TELRIC studies in support of the proposed
5 UNE rates.

6 **Q. Does this conclude your testimony?**

7 **A. Yes.**

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into)
pricing of unbundled network) **Docket No. 990649-TP**
elements)

**EXHIBIT
OF
WILLIAM J. BARTA**

**ON BEHALF OF
THE FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION
HENDERSON RIDGE CONSULTING, INC.
CUMMING, GEORGIA
AUGUST 11, 1999**

WILLIAM J. BARTA
President, Henderson Ridge Consulting, Inc.

EDUCATION

Emory University	M.B.A. (1982)
Marketing and Finance	
The Lindenwood Colleges	B.A. with Honors (1978)
Business Administration and Accounting	

PROFESSIONAL CERTIFICATION

Certified Public Accountant
Certified Fraud Examiner

PROFESSIONAL AFFILIATIONS

American Institute of Certified Public Accountants
Georgia Society of Certified Public Accountants
Association of Certified Fraud Examiners

EMPLOYMENT HISTORY

1996 - present	Henderson Ridge Consulting	President and Founder
1988 - 1995:	J. Kennedy and Associates	Manager
1986 - 1988:	Contel Corporation	Financial Planning Coordinator
1982 - 1986:	AT&T	Financial Analyst and Account Executive
1981	Simmons, U.S.A.	Special Projects Staff (summer internship)
1979 - 1980:	Gould, Inc.	Senior Accountant
1978 - 1979:	SCNO Barge Lines, Inc.	Staff Accountant

REPRESENTATIVE EXPERIENCE

Management Audits:

Conducted comprehensive and focused management audits of a major electric investor owned utility, a generation and transmission electric cooperative, distribution electric cooperatives, a Bell Operating Company, and independent local exchange carriers.

Alternative Regulation Assessments:

Assessed the ratemaking and competitive impact of the incentive regulation proposals advanced by an electric investor owned utility, AT&T, and a Bell Operating Company and assisted in the development of a state public commission staff's response to the state legislature's proposed local exchange competition plan.

Merger Evaluations:

Evaluated the administrative and operational synergies projected in a merger between two electric investor owned utilities and the level of savings and operational efficiency to be achieved from the combination of separate subsidiaries within a Bell Regional Holding Company.

Demand Side Management Program Analyses:

Performed a comprehensive review of the assumptions used in the development of proposed Demand Side Management ("DSM") programs and the benefit/cost ratios of implementing proposed DSM programs as determined by standard regulatory tests. Of particular interest was the nonregulated revenue potential resulting from a load management program designed to achieve spinning reserve status by providing real time communications between the residential customer and the operating dispatch center.

Affiliate Transactions Reviews:

Conducted extensive cost allocation studies and transaction audits of a Bell Regional Holding Company's on-going affiliate transactions, the sale of an electric utility's generating facilities to (and subsequent participation in) a joint venture between the utility and three of its largest industrial customers, the integrated sale of an electric utility's mining operation and long-term coal purchase agreement, and the provisions under which a nonregulated subsidiary of an electric utility would market the excess telecommunications capacity of a Demand Side Management program.

Accounting and Finance Investigations:

Performed comprehensive earnings investigations and revenue requirements studies of AT&T, a Bell Operating Company, independent local exchange carriers, electric investor owned utilities, a generation and transmission electric cooperative, and electric distribution cooperatives.

Expert Testimony Appearances

<u>Date</u>	<u>Case No.</u>	<u>Jurisdiction</u>	<u>Company</u>	<u>Subject Matter</u>
July 1989	333-272	Louisiana	South Central Bell Telephone & Telegraph	Realized and projected rates of return.
August 1989	U-17970	Louisiana	AT&T Communications	Earnings investigation, network modernization, and alternative regulation.
October 1989	U-17282	Louisiana	Gulf States Utilities	Operating expense analysis and nonregulated venture joint evaluation.
January 1990	U-17282	Louisiana	Gulf State Utilities	Regulatory treatment of gain on sale of utility property.
July 1991	4004-U	Georgia	GTE Telephone	Network modernization and depreciation re prescription.
October 1991	U-17282	Louisiana	Gulf States Utilities	Results of comprehensive management audit.
Dec. 1992	U-17949 Subdocket A	Louisiana	South Central Bell Telephone and Telegraph	Network technology and modernization and construction program evaluation.
Dec. 1992	U-19904	Louisiana	Energy/Gulf States	Non-fuel O&M merger related synergies.

Expert Testimony Appearances - continued

March 1993	93-01-E1	Ohio EFC	Ohio Power Company	Accounting and regulatory treatment of the sale of an affiliate's investment.
March 1993	U-19994	Louisiana	Entergy/Gulf States synergies.	Merger related
August 1993	U-19972	Louisiana Company	Ringgold Telephone investigation, modernization,	Earnings network and construction program.
October 1993	U-17735	Louisiana investigation.	Cajun Electric Power	Earnings
May 1994	U-20178	Louisiana	Louisiana Power & Light Company Resource Plan programs.	Analysis of Least Cost Integrated and Demand Side Management
October 1994	5258-U	Georgia	Southern Bell Telephone & Telegraph	Price regulation and incentive rate plan review.
June 1995	3905-U alternative	Georgia	Southern Bell Telegraph	Rate design and Telephone & regulation.
June 1996	96-02-002	California	Pacific Bell Telephone & Telegraph	ISDN TSLRIC study evaluation
August 1996	U-22020 (Direct)	Louisiana	BellSouth Telecomm. Inc.	Avoided retail cost study

Expert Testimony Appearances - continued

Sep. 1996	U-22020 (Rebuttal)	Louisiana	BellSouth Telecomm. Inc.	Avoided retail cost study
Oct. 1997	97-01262 (Direct)	Tennessee	BellSouth Telecomm. Inc.	Permanent pricing for local interconnection and UNEs
Oct. 1997	97-01262 (Rebuttal)	Tennessee	BellSouth Telecomm. Inc.	Permanent pricing for local interconnection and UNEs
Nov. 1997	97-00888	Tennessee		Universal service policy issues
Dec. 1997	P-100, Sub 133b	North Carolina		Universal service FLEC models
Dec. 1997	P-100, Sub 133d	North Carolina		Permanent pricing for local interconnection and UNEs
Jan. 1998	P-100, Sub 133b (Rebuttal)	North Carolina		Universal service FLEC models
Mar. 1998	P-100, Sub 133d (Rebuttal)	North Carolina		Permanent pricing for local interconnection and UNEs
Mar. 1998	P-100, Sub 133g	North Carolina		Universal service policy issues
Mar. 1998	97-07488 (Direct)	Tennessee		Affiliate transactions
Aug. 1998	980696-TP (Direct)	Florida		Universal service FLEC models

Expert Testimony Appearances - continued

Sep. 1998	980696-TP (Rebuttal)	Florida		Universal service FLEC models
Sep. 1998	U-22252, Subdocket D (Initial)	Louisiana		Avoided retail cost study for CSAs/ SBAs
Sep. 1998	97-07488 (Rebuttal)	Tennessee		Affiliate transactions
Sep. 1998	U-22252 Subdocket D (Final)	Louisiana		Avoided retail cost study for CSAs SBAs
July 1999	10288-U	Georgia	Accucomm Telecomm, Inc.	Compliance audit results and affiliate transactions