

ORIGINAL  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of the	)	Docket No. 920260-TL
Revenue Requirements and Rate	)	
Stabilization Plan of Southern Bell	)	Filed: 8-14-96
<u>Telephone and Telegraph Company</u>	)	

PALM BEACH NEWSPAPERS, INC.'S AND FLORIDA TODAY'S

DIRECT TESTIMONY OF

JAMES W. FREEMAN

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FPSC-RECORDS/REPORTING

1 Q. Please state your name, address, occupation, and employer.  
2 A. My name is James W. Freeman, College of Business and  
3 Economics, University of Kentucky, Lexington, Kentucky  
4 40506. I am an Associate Professor. A copy of my resume  
5 is attached.  
6 Q. Have you previously testified before this Commission?  
7 A. Yes. Since about 1984 I have testified in several  
8 electric, water and sewer, and telephone cases before this  
9 Commission.  
10 Q. What do you consider your area of expertise?  
11 A. Generally, I have testified before this Commission in such  
12 areas as rate of return and cost of service. I have also  
13 been involved in the public policy issues inherent in the  
14 regulatory process, especially in the process and problems  
15 of deregulation. Cogeneration and telecommunications are  
16 two areas in which I have testified before this Commission  
17 concerning public policy issues.  
18 Q. Typically, what types of clients do you represent before  
19 Public Service Commissions?  
20 A. For approximately seven years I was the main expert witness  
21 for the Consumer Affairs Division, Office of the Attorney  
22 General, Commonwealth of Kentucky, which intervened on  
23 behalf of the public interest in significant cases before  
24 the Kentucky Public Service Commission. While I have  
25 represented a few major utilities, most of my PSC work

1 tends to be for utility customers, smaller companies in  
2 emerging markets, or those offering new or innovative  
3 services.

4 Q. What is the purpose of your testimony in this proceeding?

5 A. I have two purposes. One is to discuss the policy  
6 considerations involving how to price services such as N11  
7 in the current regulatory environment. The other is to  
8 look at cost of service issues involving N11 service. At  
9 the outset, let me state that although my cost of service  
10 analysis is directed toward N11 service proper, my policy  
11 analysis considers N11 service as a forerunner to more  
12 broadly available, abbreviated dialing services ("ADS")  
13 such as #XXX.

14 Q. Please discuss the policy issues involved in abbreviated  
15 dialing services such as N11.

16 A. As the Commission is aware, the concept of deregulation is  
17 that movement toward market based pricing and ease of exit  
18 and entry will bring about greater efficiency and will  
19 promote innovative and improved services. The process of  
20 deregulation assumes that any existing cross-subsidies in  
21 pricing will be squeezed out and that market based pricing  
22 will prevail for those services and areas in which  
23 competition exists. For some areas or services,  
24 competitive service options may not be available. Thus,  
25 the unregulated competitive pricing model may not be

1 economically viable in the short run, or perhaps even in  
2 the long run. For these areas or services, some sort of  
3 regulatory oversight may be necessary to 1) promote long  
4 run competitive markets; 2) prevent price gouging; and/or  
5 3) minimize new cross subsidy situations in which current  
6 captive customers are forced to pay unduly high charges so  
7 that the utility can reduce prices in competitive markets.

8 The process of opening local telephone service to  
9 competitive market forces and allowing local service  
10 providers to enter long distance markets are good examples  
11 of the above mentioned problems and regulatory  
12 considerations. Likewise, this Commission's interconnect  
13 service pricing policy appears to be an example of the push  
14 under a deregulated environment to eliminate cross-  
15 subsidies caused by the absence of competitive  
16 alternatives.

17 When competition exists, the only regulation that may  
18 be necessary is some sort of transitional rules to make  
19 sure that an entrenched former monopoly does not take  
20 advantage of its position to stifle new or innovative  
21 services or to keep competitive alternatives from reaching  
22 long term economic and financial viability. When  
23 competition does not exist, then the regulatory role should  
24 be to formulate a policy that will nourish any competitive  
25 alternatives which may exist in the future. In the

1           meantime, the continuing, proper regulatory role should be  
2           to assure fair pricing to captive customers and to promote  
3           the introduction of new and innovative services into the  
4           existing non-competitive regulatory environment.

5    Q.    What type of pricing model should the commission adopt for  
6           those non-competitive areas and services?

7    A.    I believe the Commission needs to promote and encourage  
8           cost based pricing and to minimize or eliminate any pricing  
9           cross- subsidies that it finds so that even non-competitive  
10          markets can have reasonable price signals which promote the  
11          growth and introduction of new products and services into  
12          those non-competitive markets.  As I understand it, the  
13          above seems to be the Commission's policy.

14   Q.    Generally speaking, what is your reaction to the SBTT  
15          proposal in this proceeding?

16   A.    Without attempting a detailed analysis of the proposal,  
17          which is beyond the scope of my testimony, my general  
18          reaction is that the SBTT proposal is just what one would  
19          expect from an entrenched, partial monopolist.  Naturally,  
20          SBTT wants to cut prices where it faces competition, which  
21          is to be expected and which is one of the touted benefits  
22          of deregulation; similarly SBTT wants no reductions or only  
23          token reductions in areas where it faces no competition.

24                 While the role of the Commission with respect to  
25          pricing should be relatively small when it comes to pricing

1 decisions by SBTT in competitive markets, the Commission  
2 should maintain some oversight even over competitive  
3 markets to make sure that the proposed reductions in rates  
4 do not have anticompetitive side effects. An example of  
5 potentially anticompetitive side effects might be in the  
6 PBX area if it turns out that SBTT's rate reductions and  
7 long term contract proposals reflect a preemptive strike  
8 through which SBTT hopes to lock up the existing PBX  
9 business and foreclose future competitors from even bidding  
10 on it for several years. The purpose of my testimony is  
11 not to take a position on this issue, but simply to use it  
12 as an example of an instance in which a rate reduction in  
13 a potentially competitive market may not promote  
14 competition.

15 Just as the Commission should make sure that the SBTT  
16 proposal is not anticompetitive in its impact on various  
17 markets, it should also attempt to use this proceeding to  
18 continue its policy of eliminating cross-subsidies so that  
19 captive customers can receive some of the benefits of the  
20 increased efficiencies that result from deregulation. If  
21 the Commission believes that services such as N11 are  
22 cross-subsidizing other services, then this proceeding  
23 would be a good opportunity to allow those captive  
24 customers to receive some of the benefits of deregulation.

25 Q. You have mentioned the Commission's policy of eliminating

1 cross-subsidies as a possible reason for lowering N11  
2 charges. Are there other non-cost based reasons that  
3 reductions in N11 rates might be in the public interest?

4 A. Yes. Abbreviated dialing service is an example of the  
5 innovative services that are supposed to flourish under the  
6 current minimized regulatory regime. Abbreviated dialing  
7 services such as N11 will provide customers with a  
8 convenient local access to various information services  
9 that is cheaper than other pay per call options. ADS is  
10 likely to bring about increased competition for information  
11 services generally, which should spur more options for  
12 consumers a growing abbreviated dialing service industry  
13 will also benefit non-ADS users by increasing revenues  
14 received by SBTT without a significant increase in system  
15 costs. Effectively, ADS through N11 is currently available  
16 to the system, but is under-utilized. If the ADS service  
17 becomes available statewide and becomes popular with  
18 information providers and consumer users, the increased  
19 revenues could be a substantial benefit to the body of  
20 ratepayers.

21 While it is true that some market exists for N11  
22 service at current pricing levels, no one is sure what the  
23 magnitude of the ADS market would be if proper pricing  
24 signals were put into place (i.e., cost based rates).  
25 Without proper pricing signals, the N11 market will never

1           be able to reach its full potential.

2    Q.    You mention "the full potential" of N11. What makes you  
3           believe that N11 could ever be anything more than a niche  
4           service for SBTT?

5    A.    I believe that N11 has the ability to offer significant  
6           benefits to consumers and significant benefits to the  
7           common body of ratepayers simply because it is a cheap and  
8           efficient way to provide local information services.  
9           Because of the local nature of the N11 service, local  
10          providers throughout the country will eventually set up  
11          their own local, and often quirky, information services and  
12          offerings. Many may fail and will be replaced by other  
13          local services. Some will succeed and others will hit a  
14          home run with consumers. The success stories will spread  
15          throughout the country in response to their success. N11  
16          will the prosper, consumers will benefit, and SBTT revenues  
17          will grow.

18                 Just like the current policy of welfare reform in this  
19                 country, which proposes to give states more leeway to  
20                 innovate, some innovations will fail, but others will  
21                 succeed and eventually be adopted nationwide. I see the  
22                 local nature of N11, which allows small services to attempt  
23                 to meet consumer demand as a small, almost cost free  
24                 laboratory in which information services of the future can  
25                 be developed.

1 Q. Isn't your view of N11 overstated given its limited  
2 presence in today's market?

3 A. No, I don't think so. While it is true that there are a  
4 fairly limited number of N11 numbers available in a given  
5 local market and thus only a few N11 vendors, it is  
6 important to recognize the almost unlimited number of local  
7 markets that are available for experimentation in the  
8 United States. It is also important to recognize that N11  
9 is envisioned as an intermediate step toward developing  
10 other abbreviated dialing platforms for local markets. The  
11 proper pricing signals now could give the market the  
12 impetus it needs. The wrong signals could keep this market  
13 a very small one, which appeals only to a limited number of  
14 large companies who are willing to accept losses to keep  
15 N11 available on an experimental basis. In any event, if  
16 SBTT's rate for N11 and other abbreviated dialing services  
17 are cost based, then such services will be given an  
18 appropriate opportunity to flourish or fail, while SBTT  
19 will be given a fair return. Cost-based pricing for ADS  
20 such as N11 service is the optimum path.

21 Q. Much of your testimony seems to be predicated on the idea  
22 that N11 is not properly priced. What is the basis for  
23 your belief?

24 A. Unfortunately, we have not yet received SBTT responses to  
25 our discovery requests in this proceeding. Thus, I have

1 very little information of record in Florida on which to  
2 base my opinion. I plan to supplement my testimony after  
3 discovery is complete. There is, however, information  
4 which was developed for a similar proceeding in Georgia.  
5 In Georgia, however, there was unresolved confusion about  
6 proper costing techniques for N11 service.

7 Q. Is there any area of agreement within this confusion?

8 A. Yes, there are two basic themes for which there is  
9 underlying agreement. One is that when the tariffs were  
10 originally established, no one had any reliable estimates  
11 of what demand for the N11 service would be or how rapidly  
12 it would grow. The other is that N11 is a relatively cheap  
13 service, a high proportion of which represents fixed costs  
14 and a very low proportion of which is variable. Obviously,  
15 in this type of costing situation, an increase in expected  
16 call volume generates a much steeper decrease in per call  
17 total costs.

18 Q. What is the basic structure of the N11 tariff?

19 A. The tariff for N11 has three basic parts. The first part  
20 is a nonrecurring set up charge ("NRC"), which more than  
21 covers the actual cost of set up (with a 30% contribution).  
22 No one is proposing a change in the current NRCs. The  
23 second part of the N11 tariff sets a minimum monthly  
24 charge. The third part of the tariff is a minimum per call  
25 charge of \$.10 or \$.02 per minute, whichever is greater.

1           This last charge kicks in only to the extent that per call  
2           charges exceed the minimum monthly charge.

3    Q.    What is your current analysis of the cost of providing N11  
4           service?

5    A.    While there is controversy about the fixed, non-recurring  
6           set up costs associated with providing N11 service, there  
7           is almost no controversy about the variable component of  
8           N11. The variable cost of N11 is primarily associated with  
9           the rating and recording of each revenue producing call.  
10          Billing and collection costs, which would also be somewhat  
11          variable in nature, are not discussed here because they are  
12          included under a separate tariff. Interpolated from data  
13          that SBTT submitted to the Georgia PSC in January 1993, the  
14          marginal cost of an N11 call to the system is approximately  
15          \$.002 per call. In more recent filings SBTT has used a  
16          variable component of \$.005 per N11 call. In any event,  
17          the variable component of N11 is well under \$.01 per call.  
18          With per call N11 revenues of at least \$.10, the percentage  
19          contribution that N11 makes toward SBTT's revenue needs is  
20          enormous. With an average call length of slightly under  
21          two minutes, the variable component of N11 is almost  
22          certainly somewhere between \$.001 and \$.003 per minute. As  
23          the service becomes more valuable and N11 calls increase in  
24          frequency and duration, the variable cost per minute is  
25          almost certain to fall. Unless the current rate structure,

1 the cross-subsidy paid by N11 subscribers would ever be  
2 increasing.

3 With respect to the fixed component of N11 service,  
4 the main dispute revolves around what costs should be  
5 allocated to the Billing and Collection tariff and what  
6 costs should be allocated to N11. It appears to me that  
7 SBTT is trying to include Billing and Collection upgrade  
8 costs and operating costs which should be recouped, if at  
9 all, through the Billing and Collection tariff, the  
10 revenues of which go up substantially as N11 services ask  
11 SBTT to serve as their B&C agent. In other words, SBTT is  
12 proposing a mismatch in revenues and expenses, by which  
13 Billing and Collection expenditures are allocated to N11  
14 costs, but increased Billing and Collection revenues  
15 resulting from N11 calls are not used to offset the  
16 expenditures.

17 If these Billing and Collection costs are not  
18 allocable to N11, I believe everyone would be in agreement  
19 that the minimum monthly charge, as currently being  
20 received by SBTT, covers all relevant costs. While the  
21 SBTT witness is on record as stating that the current  
22 minimum monthly charge covers costs plus anticipated  
23 return, I believe that under this scenario, SBTT would  
24 actually receive revenues equal to 20-30 times its costs.  
25 Obviously, this represents a significant cross-subsidy to

1 the body of ratepayers. Under the current rate structure,  
2 with its five minute minimum charge, \$.02 per minute, and  
3 monthly minimum charge, the current contribution is even  
4 greater than the above estimate.

5 Q. Are there other problems with this tariff?

6 A. Yes. The cost per call is a per minute charge, but the  
7 expenses to SBTT of rating and recording are per call, not  
8 per minute in nature. Just like in operator services  
9 situations, a tariff format of this type should be avoided  
10 so that the cost-causer pays a fair share of the cost  
11 imposed on the system.

12 Q. What do you think would be an appropriate tariff structure  
13 for N11?

14 A. A good argument could be made that the existing monthly  
15 minimum charge standing alone would adequately compensate  
16 SBTT and would make a reasonable contribution to its  
17 revenue needs. As the number of N11 services grows, SBTT'S  
18 revenues would also grow, with no significant increase in  
19 costs. On the other hand, SBTT participated in creating  
20 this new service and should be allowed to participate in  
21 its growth, as should the common body of rate payers. A  
22 totally flat rate would not allow for significant revenue  
23 growth per customer should N11 service explode in  
24 popularity.

25 Thus, I propose that the minimum monthly charge be

1 left unchanged from the existing tariff, which allows SBTT  
2 to totally cover its costs. Thus, the service would have  
3 no risk of requiring a cross-subsidy or not making a  
4 reasonable contribution to SBTT's revenue needs. I would  
5 also propose that a flat charge of \$.01 per minute be  
6 instituted, so that N11 customers would pay the monthly  
7 minimum or \$.01 per minute, whichever was greater. This  
8 proposal is essentially risk free for SBTT and allows the  
9 company to have a contribution of at least 100% on the  
10 revenues generated by the service, plus the additional  
11 revenue contribution generated through the Billing and  
12 Collection services offered to N11 users.

13 Q. Would you please summarize your recommendation and your  
14 justification for the lower rate.

15 A. I propose that the SBTT N11 service tariff be changed so  
16 that the N11 customers pay a flat charge of \$0.01 per  
17 minute or the current monthly minimum, whichever is  
18 greater. At this time I recommend no other change to  
19 SBTT's tariff. My proposed change would make N11 service  
20 more cost-based, which would eliminate the cross-subsidy  
21 being provided by N11 service customers to other ratepayers  
22 while guaranteeing SBTT a fair return. Additionally, this  
23 lower rate will create an appropriate environment for a  
24 unique, local-based information services to either flourish  
25 or fail based on their value to the market. From a policy

1 perspective, making N11 service more cost-based as I  
2 propose is a low cost, no-risk, and potentially high gain  
3 proposal.

4 Q. Does this conclude your testimony?

5 A. Yes, it does.

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## VITA

James Walter Freeman  
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### DATE OF BIRTH

July 16, 1950

### EDUCATION

- L.L.M. Harvard Law School, 1978
- J.D. University of South Carolina, 1976
- M.A. University of South Carolina, 1982 (Economics)
- B.S.E. Wharton School, University of Pennsylvania, 1971

### PRINCIPAL AREAS OF INTEREST

Transportation, Telecommunications, Water and Sewer, Electric, and Natural Gas Regulation and Policy, Coal Economics, Health Care

Primarily involved with public policy issues of how to move from a regulated to a deregulated environment. Specific projects have involved:

- 1) Impacts of transportation deregulation on small or isolated users;
- 2) The promotion of telecommunications competition involving radio common carriers, operator services, coin operated telephones, resellers, and other common carriers.

- 3) Appropriate regulatory schemes for cable television;
- 4) Legal issues involving access to satellite facilities;
- 5) The relationship between state and federal regulation of telecommunications
- 6) Issues of Rate Structure and Economic Efficiency

#### AREAS OF RESEARCH INTEREST AND TEACHING COMPETENCE

Regulated Industries

Business and Commercial Law

Employment Discrimination

Business Ethics

Business and Government Relations

Securities and Finance

Real Estate

Coal Industry Economics

#### ACADEMIC APPOINTMENTS AND OTHER RELEVANT EMPLOYMENT

Associate Professor, Department of Management and Department of Finance,  
College of Business and Economics, University of Kentucky, July 1984 to  
present

Assistant Professor, Department of Management, College of Business and  
Economics, University of Kentucky, August 1980 - June 1984

Faculty, Transportation Law Institute, University of Denver College of Law,  
Summer 1981, 1982

Attorney, Troutman, Sanders, Lockerman and Ashmore, Atlanta, Georgia,  
May 1978 to August 1980

Director of Research, Columbia (SC) Economic Development Commission,

March 1972 to December 1972

#### BAR ADMISSIONS

South Carolina, 1976

Georgia, 1978

Interstate Commerce Commission, 1978

United States Supreme Court and various Federal Circuit Courts, 1979

#### CONSULTANCIES

Texas Industrial Traffic League, 1981 to present

Research for and implementation of program designed to encourage transportation deregulation in Texas

Texas Association to Improve Distribution, 1982 to present

Research concerning motor carrier policy in Texas

Railroad Commission of Texas, 1981

Research concerning transportation deregulation in Florida and Arizona

Richmond (KY) Utilities Board, 1983

Legal analysis of natural gas supply contract

Berwind Corporation

Legal analysis of railroad unit train dispute

Warner Cable Television, 1976

Feasibility studies in Louisiana and South Carolina

Several Kentucky Counties, 1983

Economic analysis of proposed telephone rate increases

Various Law Firms

Jury selection in major litigation

State of Utah, 1983 - 1984

Study of trucking regulation

State of Arizona, 1982

Pre-deregulation survey of attitudes concerning motor carrier deregulation

State of Arizona, 1983

Study of the effects of a new weight-and-distance tax on Arizona business

State of Arizona, 1983

Study of the effects of transportation deregulation on Arizona business  
Ohio Radio Common Carriers, 1983

Analysis of effects of ATT antitrust action on their business

Various Law Firms, 1984

Analysis of competition in coin telephone market

Kentucky Attorney - General, 1985 to present

Consumer intervention in public utility rate cases

Central Corporation

Analysis of alternative operator services in various states

Various Hospitals, 1984-85

Developing methods for improving profitability based on changes in telecommunications regulatory policy

U.S. Equal Employment Opportunity Commission and others, 1983-present

Analysis of possible sex, race, and age discrimination complaints and estimate of lost earnings resulting from disparate treatment or impact

## GRANTS AND CONTRACTS

University of Kentucky Graduate School, 1981

\$3,000 to begin development of research program in transportation regulation

University of Kentucky Research Foundation, 1981

\$2,200 to study trucking in Florida

University of Kentucky Research Foundation, 1982

\$1,200 to study trucking in Arizona

U.S. Department of Transportation, 1982 - 84

\$55,000 to study trucking deregulation in Florida and Arizona

U.S. Department of Transportation, 1983 - 85

\$140,000 to conduct a study of the effects of motor carrier deregulation on rate levels in Florida and Arizona

U.S. Department of Agriculture and other agencies, 1988 - 93

Funding level is still under discussion for S-182, Transportation of Southern Perishables, a study involving nine universities and authorized for five years, with a five year renewal probable

IBM Summer Grant Program, 1985

\$3000 to study the interstate bus industry

University of Kentucky Research Foundation, 1987

\$1,800 to study long-term contracting

Small Business Administration, 1988 - 89

\$70,000 to study impacts of economic deregulation on small business

#### EXPERT TESTIMONY

Before Federal Motor Carrier Ratemaking Study Commission and U.S. Congress concerning Motor Carrier Act of 1980 (April 1982)

Before the Nevada legislature concerning motor carrier deregulation (1983)

Before the Council of Economic Advisers (Washington, D.C.) concerning motor carrier deregulation (1983)

Before Kentucky Public Service Commission concerning coin telephones (1984)

Before the United States Department of Transportation concerning motor carrier deregulation (1983)

Before Arizona Department of Transportation concerning motor carrier deregulation (1983)

Before Kentucky Alcoholic Beverage Control Board concerning economic growth in Marion County (1984 and 1985)

Before Texas Legislature and Texas Sunset Review Commission concerning Texas Railroad Commission (1982 and 1983)

Before Kentucky Public Service Commission concerning Cincinnati Bell, Inc. (1983)

Before Utah legislature concerning motor carriage (1984)

Before Kentucky Public Service Commission concerning General Telephone (1983)

Before Florida Public Service Commission concerning coin telephones (1984)

Before Kentucky Public Service Commission concerning South Central Bell (1983)

Before Texas Association of Business concerning changes in Texas law with respect to motor carriers (1983)

Before Kansas Corporation Commission concerning coin telephones (1984)

Before South Carolina Public Service Commission concerning telecommunications policy (1985)

Before Kentucky Public Service Commission in Administrative Case No. 297, which concerns regulation of natural gas activities (1986 and 1987)

Before Kentucky Public Service Commission in Columbia Gas rate case (1986)

Before Kentucky Public Service Commission in Western Kentucky Gas rate cases (1986)

Before Florida Public Service Commission in Withlacoochee REC CIAC case (1986)

Before the Mississippi Public Service Commission for Central Corporation (alternative operator services)

Before the North Carolina Public Service Commission for Central Corporation

Before the Public Service Commission of Nevada for Central Corporation

Before the Public Service Commission of Indiana for Central Corporation

Before the Florida Public Service Commission and Florida Division of Administrative Hearings for Central Corporation

Before the Massachusetts Department of Public Utilities for Central Corporation

Before the Kentucky Public Service Commission for Central Corporation

Before the Tennessee Public Service Commission for Central Corporation

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Before the Kentucky Public Service Commission in a Columbia Gas of Kentucky rate case (1988)

Before the Florida Public Service Commission concerning water rates and rate structure involving Marco Island Water Company (1988)

Before the Florida Public Service Commission in Withlacoochee REC CIAC and rate structure (1988)

Before U. S. District Court (E.D. KY) concerning an age discrimination case against U.S. Steel (1989)

Before the Kentucky Public Service Commission concerning the rate structure of Kentucky-American Water Company (1989)

Before the Kentucky Public Service Commission concerning the rates of Goshen Utilities, Inc. (1990)

Before the Kentucky Public Service Commission concerning Columbia Gas of Kentucky (1991)

#### SCHOLARLY JOURNAL ARTICLES

"Excess Demand and Cost Relationships Among Kentucky Nursing Homes," Health Care Financing Review (with M. Davis), 15 (3), 1-15 (1994)

"A Comparison of the Performance of Large and Small U.S. Motor Carriers Before and After Regulatory Reform," JOURNAL OF TRANSPORTATION MANAGEMENT (with R. Beilock and J. Jones), V, 1, 1-18 (1994)

"Broadening Participation in Regulated Freight," TRANSPORTATION JOURNAL (with R. Beilock), 20, 4, 23-35 (1991)

"Backhaul Movements of Produce Haulers in the 1980s" JOURNAL OF TRANSPORTATION RESEARCH (with R. Beilock), 41, 2, 425-432 (1992)

"Easing Rules Aid Truck Efficiency" JOURNAL OF COMMERCE, March 15, 1990, p. 8. (op/ed piece)

"Natural Gas Rate Structure Determination in a Mandatory Carriage Environment: An Application of Option Pricing Theory" (with J. Born), National Regulatory Research Institute, Vol. 1, pp. 285-302 (1988).

"The Effect of Motor Carrier Deregulation on Rate Levels and Rate Structures" (with R. Beilock), accepted by Journal of Transport Economics and Policy, Vol. 27, pp. 167-188 (May 1987)

"The Ties That Bind: Railroads, Coal, Utilities, the ICC and the Public Interest," Transportation Law Journal, Vol. 14, No. 1, pp. 1-38 (1985) (lead article) (reprinted in Public Utilities Law Anthology, Vol. VIII and honored as one of the ten best administrative law review articles for 1985)

"A Survey of Motor Carrier Deregulation in Florida," Vol. 50, No. 1, Interstate Commerce Commission Practitioners Journal, pp. 51-83 (November/December, 1982)

"Carrier and Shipper Perceptions of Deregulation in Florida," Transportation Research Forum, Vol. 23, No. 1, pp. 250-257 (1982) (with R. Beilock)

"Florida Motor Carrier Deregulation: Urban and Rural Perspectives," American Journal of Agricultural Economics, Vol. 66, No. 1, 91-98 (February 1984) (with R. Beilock)

"Motor Carrier Service to Rural and Agricultural Shipper/Receivers in Regulated and Unregulated Environments," American Journal of Agricultural Economics, Vol. 66, No. 5, pp. 657-662, (December 1984) (with S. Fuller and R. Beilock)

"Coal Transportation Policy and the ICC," Transportation Research Forum", Vol. 26, No. 1, pp. 96-99 (1985)

"State Regulatory Responses to Federal Transportation Regulation," University of Florida Law Review, Vol. 35, No. 1, pp. 56-79 (Winter 1983) (with R. Beilock)

"The Effects of Motor Carrier Regulatory Reform on the Use of Private Carriage," Defense Transportation Journal, 39, 2 (April 1983): 25-27 (with R. Beilock)

"Motor Carrier Deregulation in Florida: Shipper/Receiver and Carrier Perspectives," Growth and Change, Vol. 14, No. 2 (April 1983), pp. 30-41 (with R. Beilock)

"Motor Carrier Operating Rights Applications: How Do I Lose Thee?",

Transportation Law Journal, Vol. 11, No. 1, pp. 1-64, (1980) (with R. Gerson) (lead article)

"State Response to Federal Motor Carrier Regulatory Reforms: Efficiency and Effectiveness Implications," Defense Transportation Journal, 39, 4(August 1983), 15-19 (with R. Beilock)

"Motor Carrier Deregulation: Implications of Florida's Experience for Northeast Agriculture and Rural Communities," Journal of Northeast Agricultural Economics Council, Vol. 12, No. 1 (Spring 1983), pp. 13-20 (with R. Beilock)

"Impacts of the Arizona Motor Carrier Weight-Distance Tax," Transportation Research Forum, Vol. 25, No. 1, pp. 362-369 (1984) (with R. Beilock)

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"Interstate Motor Carrier Regulation, Regulators, and the Regulated," Interstate Commerce Commission Practitioners Journal, Vol. 51, No. 3 (March/April 1984), pp. 275-85 (with R. Beilock)

"Deregulated Motor Carrier Service to Small Communities," Transportation Journal, Vol. 23, No. 4, pp. 71-82 (1984) (with R. Beilock)

#### INVITED BOOK CHAPTERS

"Motor Carrier Deregulation in Florida: A Preliminary Analysis," 1981 Transportation Law Institute, A Practice Primer for the Eighties, pp. 133-166. Butterworth Legal Publishers (Seattle 1982)

"Business Organization and Securities Regulation," McAdams, Legal Environment of Business, Chapter 8, pp. 471-527 (BPI, 1986)

"An Analysis of Arizona and Florida Motor Carrier Deregulation and the Implications for Regulatory Change," 1982 Transportation Law Institute, pp. 12-44, Butterworth Legal Publishers (Seattle 1983) (with R. Beilock)

## PROCEEDINGS PAPERS AND GOVERNMENT PUBLICATIONS

"Variation in Producer Responses to Automobile Fuel Economy Mandates," Transportation Research Forum (1994) (with B. Shaffer)

"Trucking Deregulation's Impact on Agriculture," Transportation Research Forum, 1992.

"The Financial Impact of Deregulation on Trucking," Transportation Research Forum (1991) (with R. Bielock)

"Financial Impact of Deregulation on Small Motor Carriers," Symposium on Small Business Finance, Florida State University (1991) (with R. Bielock)

"Backhaul Produce Movements," Transportation Research Forum (1990) (with R. Bielock)

"Deregulation in the Motor Carrier Industry" - Transportation Research Board, Washington, D.C. (1990)

"Surface and Air Passenger Travel", PROCEEDINGS OF TRANSPORTATION RESEARCH FORUM, Vol. 4, pp. 58-59. (1990)

"Deregulation, Mergers, and Misrouting of Freight," Selected Papers of the American Business Law Association National Proceedings, 1986

"Coal Transportation and the ICC," ABLA National Proceedings, 1985

"The Impact of Motor Carrier Deregulation on Freight Rates in Florida and Arizona," DOT/OST/P-34/85/026, U.S. Department of Transportation, April 1985

"The Effects of Florida Motor Carrier Deregulation on Agricultural Transport: The Truck Broker's Perspective," American Journal of Agricultural Economics, 64, 5 [1982]: 1081 (abstract) (with R. Beilock)

"Federal Antitrust Policy: An Instrument for Change," Selected Papers of the American Business Law Association National Proceedings, 1982, pp. 135-155 (with Hotelling, et al.)

"Florida Motor Carrier Deregulation: Perspectives of Urban and Rural Shippers/Receivers," accepted by Southern Journal of Agricultural Economics (abstract) (with R. Beilock)

"A Comparative Analysis of the Effects of Motor Carrier Deregulation on Shippers and Receivers of Freight in Selected Countries." Anglo-American Law Conference, Edinburgh, 1984 (with R. Beilock)

"Findings of Pre-Deregulation Survey of Motor Carriers and Shippers in Arizona," Arizona Department of Transportation, January 1983

"A First Look at Arizona Motor Carrier Deregulation," United States Department of Transportation Research Conference on Regulatory Reform in Surface Transportation, Syracuse University, March 16-18, 1983, pp. 13-34 (published by U.S.D.O.T.) (with R. Beilock)

"Worm Grunting: The Need for an Expanded Federal Role," Selected Papers of the American Business Law Association National Proceedings, 1983

"Initial Impacts of Motor Deregulation in Arizona," Arizona Department of Transportation, 1983 (with R. Beilock)

"The Effects of Motor Carrier Deregulation in Florida and Arizona on Motor Carrier Service in Florida and Arizona, DOT/OST/P-30/85/006," United States Department of Transportation, May 1984, 128 pp. (with R. Beilock)

"Motor Carrier Deregulation and Tax Issues in Arizona," Arizona Department of Transportation, 1984 (with R. Beilock)

"Motor Carrier Deregulation and Rate Levels," American Economic Association Conference, New York, 1985 (with R. Beilock)

#### OTHER PUBLICATIONS

"Motor Carriers and Intrastate Motor Carrier Regulation," Staff Paper No. 212, Institute of Food and Agricultural Sciences, University of Florida, July 1982 (with R. Beilock)

An Analysis of Motor Carrier Regulation in Florida," The Florida Outlook 6, 2(1982): 89-100 (with R. Beilock)

"Florida's Motor Carrier Deregulation: Performance and Implications for the State, Rural Areas, and Agricultural Transport," Florida Food and Resource Economics, No. 47, (July-August 1982) (with R. Beilock)

"Analysis of Motor Carrier Deregulation - What It Means to Shippers, Receivers, and Carriers," Thomas Registry, January 1983, pp. 15-16 (with R. Beilock)

#### WORK IN PROGRESS

Book on transportation deregulation

A law review article on federal pre-emption of state regulation of telecommunications

Study of the effects of transportation deregulation on coal shippers

Study of natural gas rate regulation

Study of long-term contracting procedures for major corporations

Study on nursing home cost issues

#### UNIVERSITY RELATED PUBLIC SERVICE ACTIVITIES

Member, University Senate, 1981-1983, 1986-1990

Chairman, J.D./M.B.A. Joint Degree Committee, 1981 to present

Member, Management Department Undergraduate Studies Committee, 1986 to present

Member, Management Board of Growth and Change, 1984 to present

Faculty Adviser, Phi Beta Lambda Business Honorary, 1982 to 1986

Member, Ad Hoc Committee on Future of Business and Society and Business Law Areas, 1983

Member, Ad Hoc Committee on Teacher Evaluations, 1982-1983

Member, Curriculum Committee, 1982

Member, Library Committee, 1985 to present

Member, Graduate Faculty

Member, Human Investigations and Study Committee, 1983  
Member, Planning Group for Ethics Seminar, 1983

Member, Eight Dissertation Committees in Accounting, three in  
Management, one in Education, one in Marketing, and one in Economics

Participant, U.K. Host Family Program

Member, Management Department Ad Hoc Planning Committee, 1984-85

Member, Business and Economics Scholarship Committee, 1986-Present

Management Center, performed fourteen seminars for General Electric on long  
term purchasing agreements, 1986 to present

Management Center, negotiating seminar for General Electric, 1990

Management Center, seminar on long term contracting for Chinese coal officials

Member, Law School Dean's Search Committee, 1988

Member, Committee Z, AAUP

Member, College Building Committee, 1988 to 1992

Member, Dean's Advisory Committee

Member, Ad Hoc Accounting Department Review Committee (1990-1991)

Member, AAUP Committee on Economic Welfare, 1989 to present

Member, Better Business Bureau Ethics and Education Committee, 1989 to  
present

Library Campaign, Fund Raiser (1991)

Kentucky Bar Association, Lecturer at Seminar on Employment Discrimination,  
1990

Chair, Education Committee, Association of Transportation Practitioners, 1990  
- present

Member, Strategic Planning Committee, ATP, 1992 - present

Management Center, Seminars on Employment Law (1990 to Present)

Participant, Kazakhstan Training Program (1992-1993) (training Kazakhstan Business School Professors in U.S. and in Almaty, Kazakhstan)

#### OTHER PROFESSIONAL ACTIVITIES AND HONORS

Member, American Bar Association

Member, State Bar of Georgia

Member, South Carolina Bar

Member, Interstate Commerce Commission Practitioners Association

Member, American Finance Association

Member, American Agricultural Economics Association

Member, American Economics Association

Member, American Business Law Association

Member, Transportation Research Forum

Member, Southern Regional Science Association

Member, Southeastern Business Law Association

Member, U.S.C. Law Review

Member, Omicron Delta Epsilon

Invited Speaker, Delta Nu Alpha (Phoenix, Arizona), January 1983

Invited Speaker, National Industrial Traffic League National Conference (Dallas, Texas), November 1988

Invited Speaker, Florida Bar Association, Administrative Law Conference (Tallahassee, Florida), January, 1987

Invited Speaker, ICC Practitioners Association (Phoenix, Arizona), November 1982

Invited Speaker, Transportation Law Institute (Salt Lake City, Utah), July

1981

Invited Speaker, Transportation Law Institute (Keystone, Colorado), July 1982

Interviewed, National Public Radio concerning motor carrier deregulation, August 1981

Interviewed, AP, concerning motor carrier deregulation, September 1981 and March 1984

Interviewed, Lexington, Kentucky, television stations, concerning business ethics, May 1983

Invited Speaker, Delta Nu Alpha (Phoenix, Arizona), November 1983

Invited Speaker, Southeastern Association of Regulatory Utility Commissioners (Orlando, Florida), June 7-9, 1985

Received two American Jurisprudence Awards, 1975

Invited Speaker, National Industrial Transportation League, (Dallas, Texas), November 13, 1988

Presidential Award, Association of Transportation Practitioners (1993)

CERTIFICATE OF SERVICE

Docket No. 920260-TL

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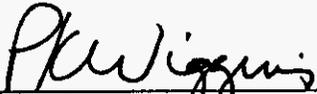
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