

## **JOHN C. DONOVAN**

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### **Executive Summary**

*Expert witness in telecommunications for a number of major companies, including AT&T, Verizon, BellSouth, MCI, Covad Communications, Chubb Insurance, Audubon Insurance and other clients involving telecommunications arbitration and litigation, including extensive experience in xDSL technologies for Internet access, unbundling and leasing of local loop facilities, fiber optic cable and copper cable damage claims, equipment damage claims, patent infringement law suits, class action law suits against major regional telephone companies, and cost estimation efforts to assist in due diligence efforts for other consulting companies. Corporate experience included setting major corporate strategy, imaginative and innovative problem solving, in-depth analysis, large scale project management involving engineering, physical construction and Information Services systems development. Expert in fiber optics and electronics. Extensive leadership and technical telecommunications background, especially in outside plant Right of Way acquisition, outside plant design, construction, maintenance, xDSL systems, project implementation, cost estimating, network modeling theory, procurement, and logistics. Experienced lecturer and producer of material for presentations to customers and senior management, and in writing strategic position papers.*

### **Professional Experience**

#### **Telecom Visions, Inc.**

**1996 - Present**

*Garden City, New York  
President*

- *Nationally known expert witness before the FCC and state public utility commissions. Appeared before the FCC and 24 state jurisdictions<sup>1</sup> on behalf of AT&T, MCI WorldCom, Covad Communications, and other Competitive Local Exchange Carriers as a technical witness for implementation of the Telecommunications Act. Providing outside plant local loop expert advice and modeling theory for the HAI Model, a key economic model referenced by the FCC and various state jurisdictions to determine compliance with the Telecommunications Act, to set Unbundled Network Element Prices, and to determine the level of the multi-billion dollar Universal Service Fund.*
- *Expert witness in many arbitration and litigation efforts regarding xDSL Internet access for industry-leading carriers.*
- *Expert witness for several U S Patent Infringement law suits, several fiber optic cable and copper cable damage and telecommunications equipment damage cases, service related class action law suits against major regional telephone companies, and others.*
- *Expert witness and consultant for a number of large damage cases involving telecommunications cables and equipment.*

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<sup>1</sup> *Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Washington, and Washington DC; in addition, advised witnesses and/or helped prepare testimony for Alaska, Delaware, Illinois, Iowa, Kentucky, Mississippi, Montana, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin.*

- *Telecommunications consulting services involving various organizations and individuals, including telecommunications and data services management in the northeast for a major financial management firm, strategic advice on the effect of local loop competition to an equipment manufacturer, valuation studies for due diligence, claims settlements, and other purposes.*
- *Provided Marketing Strategy for a large fiber optic multiplexer manufacturer introducing a new line of SONET based products, and worked with a major management consulting firm to provide advice to a western European government agency.*
- *Worked as a manufacturer's representative for automated electronic cross connection devices.*

### **NYNEX (currently part of Verizon)**

**1994 - 1996**

*New York City, New York*

*General Manager, Plug-In Management.*

- *Led a group of 350 people in managing all NYNEX logistics functions for NYNEX's \$10 billion investment in electronic printed circuit boards for switching systems and digital carrier systems.*
- *Responsibilities included purchasing, billing verification, warehousing, and repairing all NYNEX printed circuit boards.*
- *Scope of operation included average capital purchases of \$1 million in new plug-ins per work day, and managing an expense budget of \$30 million per year.*
- *Personally responsible for setting NYNEX's strategic direction in this area through major process re-engineering design. This effort included examining business plans, evaluating goals and objectives, and measuring effectiveness of achieving business plan goals. Efforts determined that major realignment was necessary.*
- *Results included consolidating 3 warehouses into one, 50% expense savings, improving repair intervals from 45 days to 5 days, and developing a multi-million dollar, "state-of-the-art" plug-in tracking system. The plug-in tracking system was a major Information Services development effort requiring large scale project management, definition of requirements, detailed design, and supervision of coding by contract programming companies.*

### **NYNEX**

**1991 to 1994**

*New York City, New York*

*Managing Director, Engineering & Construction Methods & Systems.*

- *Led a group of 115 managers and 45 contractors in maintaining existing computerized design and support systems for Central Office Engineers, Outside Plant Engineers, and Construction Managers that design and constructed NYNEX's \$2.4 billion annual capital construction program.*
- *Personally devised new innovative methods for converting paper outside plant records to digital mapping formats, which reduced conversion costs from \$150 million to \$30 million. This innovative breakthrough has been the cornerstone of records conversion methods by successful companies such as Lucent and IGS (Information & Graphics Systems, Inc.).*
- *Devised a new Construction Work Management System (ECRIS – Engineering Construction Records Information System) that mechanized the scheduling and reporting of work (profitability of 41% Rate of Return with a 2 year payback). Project managed a large scale IS development effort involving IS personnel recruited into the organization plus 35 contract IS development personnel from the Oracle Corporation. This multimillion dollar project was successfully completed, and upon completion comprised the second largest distributed platform developed in North America involving mini-computers and PCs at that time.*

- *Supervised the development of all new Methods & Procedures for planning, obtaining Rights of Way, designing, and constructing existing technologies and emerging technologies such as Fiber To The Curb, and for Open Network Architectures including Signaling System 7 and Co-Location of Competitive Access Providers in telco switching centers.*

## **NYNEX**

**1989 - 1991**

*Albany, New York*

*Director of Operations, Engineering & Construction, Northeastern Region, New York*

- *Directed the overall operations of 600 employees and contract personnel to plan, obtain Rights of Way, engineer and construct pole line, conduit, fiber cable, copper cable, fiber optic multiplexers, and pair gain equipment to provide service throughout the Northeast region of New York State (\$75 million annual budget supporting 86 central office switching center areas).*
- *Developed the NYNEX strategy of using a "business case" method for substantiating outside plant infrastructure improvements that then became the corporate standard.*
- *Helped create the "All Fiber Feeder" strategy implemented by NYNEX.*
- *Devised and implemented rapid fiber optic deployment to 225 sites in 16 months.*
- *Served as the Outside Plant Expert Witness for New York Telephone Company's 1990 Rate Case, providing the successful rebuttal case for the largest New York Public Service Commission Staff recommended disallowance of \$110 million.*
- *Headed the Core Support Team handling the Public Service Commission Operational Audit of Outside Plant throughout New York Telephone.*

## **NYNEX**

**1989**

*Albany, New York*

*Director, Customer Services Staff, Upstate New York*

- *Directed the Upstate Vice President-Customer Services Staff in support of all 3 Upstate New York regions. Disciplines included Personnel & Training, Capital & Expense Budgets, Installation & Repair Operations, Business Offices, Outside Plant Construction & Engineering, Facilities Assignment Centers, and managing the New York Telephone Annoyance Call Bureau.*

## **NYNEX**

**1987 - 1989**

*New York City, New York*

*Director of Operations, Engineering & Facilities Assignment Centers, Midtown Manhattan*

- *Directed a force of 150 personnel in obtaining Rights of Way, and for engineering and assigning the rapid expansion of all local loop facilities in Midtown Manhattan (Approximately \$40 Million Annual Budget).*
- *Worked to create NYNEX's strategy for the aggressive deployment of high technology to customer locations to meet competitor initiatives.*
- *In an area responsible for 25% of New York Telephone's revenues, rapid deployment of fiber optics to 450 buildings was achieved in less than 2-1/2 years.*
- *Worked with Lucent Technologies to invent the AUA-45 Private Line card used in their SLC-Series 5 Digital Loop Carrier system, saving New York Telephone \$10 million.*
- *Made active sales calls to major customers to design private line networks and disaster recovery systems, resulting in \$8 - \$10 million in new sales revenue.*
- *Number 1 rated district manager in New York City.*

**NYNEX Service Company (Corporate Staff)****1986 - 1987***New York City, New York**Staff Director, Engineering & Construction Methods*

- *Formed the first combined New York/New England corporate staff group supporting engineering and construction after divestiture.*
- *Provided directives to field engineering and construction organizations for methods to plan, estimate costs, obtain Rights of Way, evaluate alternative designs, and construct all central office and outside plant assets.*
- *Hosted the first national Right of Way methods symposium for all Bell Operating Companies formed after divestiture of the AT&T Bell System.*
- *Developed strategies and directed the development of Central Office Engineering, Outside Plant Engineering, and Construction for New York and New England Telephone Companies.*
- *Efforts included start-up activities for the new organization, implementation of new Central Office Engineering design systems, trials on Digitized/Mechanized Outside Plant Records in Burlington Vermont, initiating a mechanized planning system for New England Telephone, and expanding the introduction of high technology into the local loop.*

**New York Telephone Company****1982 - 1985***New York City, New York**Staff Manager, Corporate Staff, Outside Plant Engineering Methods*

- *Corporate lightguide expert for Outside Plant.*
- *Authored the Manhattan Overlay Strategy for fiber optic deployment to over 650 commercial buildings.*
- *Conceived, supervised and implemented innovative rapid deployment plan for 13,500 fiber mile interoffice trunk project, completed in 5 months.*
- *Corporate Divestiture expert for Outside Plant.*
- *Wrote the post-divestiture Outside Plant Marketing Business Plan.*
- *Assigned all Outside Plant assets, and negotiated all Outside Plant contracts with AT&T Communications.*
- *Corporate evaluator for employee innovative suggestions.*
- *Corporate evaluator for major projects.*

*New York Telephone Company 1980 - 1982**Garden City, New York**Staff Manager, Long Island Area Staff.*

- *Directed a staff group of 17 personnel to track, analyze, evaluate, and make recommendations to upper management concerning operational results for an 800 person Engineering, Construction and Facilities Assignment Center organization.*

**New York Telephone Company****1974 - 1980***Garden City, New York**Engineering Manager, Nassau County*

- *Directed an operations center of 55 personnel responsible for cable TV attachment licensing, conduit design, pole engineering, highway improvement coordination, securing Rights of Way, claims adjustments, drafting blue prints, and posting outside plant records.*

- Supervised a Long Range & Current Planning group of 35 engineering personnel responsible for planning, design, project evaluation, and implementation of major feeder and trunk cable.
- Prepared and administered a \$20 million per year construction program.
- Worked as a Long Range and Current Planner, Feeder Cable Design Engineer, Estimate Case Evaluator and Preparer, and Capital Program Administrator.
- Developed new budgeting methods, including writing 30-40 computer programs.
- Developed the Cost Estimating Program used by NYNEX and incorporated in the former Bell System JMOS Cost Estimating Model.

### **New York Telephone Company**

**1972 - 1974**

*Long Island, New York*

*Field Manager, Cable Maintenance and Construction, Nassau & Suffolk Counties*

- “Hands-on” craft through second level management experience in placing, splicing, and repairing outside plant cable, including analysis, locating, repair, dispatch, and cable trouble trend tracking.
- Developed several computer programming systems to track and analyze cable troubles.

### **United States Army Signal Corps**

**1966 – 1970**

*Germany; Viet Nam; Fayetteville, North Carolina*

*Captain*

- Completed Airborne & Ranger training, Decorated Viet Nam Veteran (Bronze Star Medal + others), Top Secret Clearance.
- Germany: Platoon Leader, Company Executive Officer, Battalion Operations Officer, Battalion Executive Officer
- Vietnam: Chief of the Communications Branch - Saigon Support Command
- Ft. Bragg, North Carolina: Battalion Communications Officer-82nd Airborne Division

### **Education**

#### **Penn State Graduate School of Business**

**1988**

*University Park, Pennsylvania*

*Executive Development Program*

#### **Purdue University Graduate School of Business**

**1970 - 1971**

*West Lafayette, Indiana*

*MBA, Marketing & Finance*

#### **United States Military Academy**

**1962 - 1966**

*West Point, New York*

*BS Electrical & Mechanical Engineering*

### **Organizations**

#### **New York City Technical College**

**1987 - 1993**

*Brooklyn, New York*

*Adjunct Professor of Telecommunications, Chairman of the Transmission Laboratory, Member of the Telecommunications Executive Committee, Member of the Board*

**Shenendehowa School Board**

**1991**

*Clifton Park, New York*

*Served on the Technology Planning Committee for the local school board*

**AM/FM International**

**1993 - 1994**

*Boulder, Colorado*

*Member of Executive Management Board, representing the telecommunications industry for the world's largest organization of digitized mapping and facilities management professionals.*

**Member of Various Other Organizations:**

*MENSA High IQ Society, IEEE, Amateur Radio Emergency Services group.*

**American Legion**

**1998 - Present**

*Garden City, New York*

*Commander -- William Bradford Turner Post No. 265 (2001 – Present).*

**Published Articles**

*“The Multi-Billion Dollar Outside-Plant Estimate Case”, OSP Engineering & Construction Magazine, February 1999 issue, pp. 14-15.*

## **Testimony**

**1.** Property Damage Case: Case No.: 2007 CA 005553B; Case No.: 2007CA005553B; Verizon Washington, D.C., Inc., Plaintiff v. District of Columbia Water and Sewer Authority, Defendant, and District of Columbia Water and Sewer Authority, Third-Party Plaintiff v. Utilquest, LLC, Third-Party Defendant; On behalf of District of Columbia Water and Sewer Authority and Utilquest, LLC;

Case Is Ongoing	
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**2.** Property Damage Case: Case No.: 2007 CA 005798B; Verizon Washington, D.C., Inc., Plaintiff v. District of Columbia Water and Sewer Authority, Defendant, and District of Columbia Water and Sewer Authority, Third-Party Plaintiff v. Utilquest, LLC, Third-Party Defendant; On behalf of District of Columbia Water and Sewer Authority and Utilquest, LLC;

Case Is Ongoing	
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**3.** Property Damage Case: Claim No. NHPR070335; FairPoint Communications, Plaintiff v. Merrimack Building Supply, Defendant; On behalf of Merrimack Building Supply;

Export Report:	Pending	Case Is Ongoing
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**4.** Property Damage Case: Claim No. NHPR070594 / 603MP09040508; FairPoint Communications, Plaintiff v. Merrimack Building Supply, Defendant; On behalf of Merrimack Building Supply;

Export Report:	July 25, 2008	Case Is Ongoing
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**5.** Property Damage Case: Claim No. 20073708 / 699921; Verizon New England, Inc., Plaintiff, v. James Piscopo General Contracting, Defendant; On behalf of James Piscopo General Contracting;

Export Report:	May 15, 2008	Case Is Ongoing
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**6.** Property Damage Case: Hillsborough, SS Superior Court, Northern District, New Hampshire; Docket No. 06-C-437; Verizon New England, Inc., Plaintiff v. Town of Bedford, New Hampshire, Defendant; On behalf of Town of Bedford;

Export Report:	March 13, 2008	Case Settled:	May 2008
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**7.** Property Damage Case: Court of Common Pleas of Allegheny County, Pennsylvania; Verizon Pennsylvania, Inc., Plaintiff v. Pittsburgh Allegheny County Thermal, Ltd., Defendant, v. Wright Industries, Inc., Additional Defendant; On behalf of Pittsburgh Allegheny County Thermal;

Export Report:	Pending	Case Settled:	July 2008
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**8.** Patent Case: United Kingdom High Court of Justice, Chancery Division, Patents Court; Civil Action No. HC06 C00280; Aerotel Limited (Claimant/Part 20 Defendant) v. Wavecrest Group Enterprises Ltd., First National Telecom Services Ltd., FNT Holdings Ltd., Wavecrest Enterprises PLC, Wavecrest (UK) Ltd., and Wavecrest Communications, Ltd. (Defendants/Part 20 Claimants); and Civil Action No. HC06 C00360; Aerotel Limited (Claimant/Part 20 Defendant) v. Telco Holdings Ltd., Telco Global Distribution Ltd., and Telco Global Ltd. (Defendants/Part 20 Claimants); On behalf of Aerotel;

Export Report:	Pending	Case Is Ongoing
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**9.** Patent Case: Before the United States District Court, Southern District of New York; Civil Action No. 03 CV 6496 (RJH); Re. Aerotel, Ltd., Aerotel U.S.A., Inc. and Aerotel U.S.A., LLC, Plaintiffs, v. IDT Corporation and Union Telecard Alliance LLC Defendants; On behalf of Aerotel;

Export Report:	Pending	Case Is Ongoing
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**10. Personal Damages Case:** Before the United States District Court, Eastern District of New York; Civil Action No. 05 5056; Re. Carla Virola and Lisa Edwards (Plaintiffs) v. XO Communications, Inc.; Jerome Mowery; Paul Cruz; Jake Martin; Gina Rea; John Does 1-10, fictitiously named defendants, and Jane Does 1-10, fictitiously named defendants (Defendants); On behalf of Plaintiffs;

Expert Report:	June 26, 2007	Case Settled:	June 2008
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**11. Property Damage Case:** Supreme Court of the State of New York, County of Dutchess; Verizon New York, Inc., Plaintiff v. Yonkers Excavating Corp., Defendant; On behalf of Defendant;

Expert Report Filed:	June 2007	Case Is Ongoing
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**12. Property Damage Case:** Verizon Damage Claim No. NYPR062265; Verizon New York, Inc., Plaintiff v. Welsbach Electric Corp., Defendant; On behalf of Defendant;

Expert Report Filed:	April 26, 2007	Case Is Ongoing
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**13. Personal Injury Case:** Supreme Court of the United States, County of Orange, New York; Index No. 353/03; David Bender (Plaintiff) v. Time Warner Cable, Orange and Rockland Utilities, Inc., Highland Telephone Company and Frontier Communications of New York, Inc. (Defendants), and Time Warner Cable (Third-Party Plaintiff) v. DaMAN (Third-Party Defendant); On behalf of DaMAN (Third-Party Defendant);

Declaration Filed:	February 15, 2007	Case Is Ongoing
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**14. Patent Case:** Before the United States District Court, Southern District of New York; Civil Action No. 05 CV 0120 (TPG); Re. Aerotel, Ltd. v. Verizon Communications Inc., Cellco Partnership a/k/a and d/b/a Verizon Wireless, Verizon Select Services Inc., and Codetel International Communications Incorporated Defendants; On behalf of Aerotel;

Expert Report:	May 24, 2006	Deposition:	August 28, 2006
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**15. Criminal Case:** New York City Criminal Court, Richmond County; People vs. Robert Mustari (Defendant); On behalf of Defendant;

Jury Trial	June 23, 2006
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**16. Patent Case:** United States District Court for the Eastern District of Virginia, Norfolk Division; Civil Action No. 2:05CV205 HCM; Inline Connection Corporation, Plaintiff, v. Verizon Internet Services, Inc., et al., Defendants; On behalf of Inline (Plaintiff);

Declaration Filed:	June 13, 2005	Case Is Ongoing
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**17. Property Damage Case:** United States District Court, Southern District of Florida; Case No. 04-CV-20532; In The Matter of The Hartford Insurance Company, as Subrogee of Fragrance's Mart, Inc., Plaintiff, v. BellSouth Telecommunications, Inc., Defendant; On behalf of BellSouth (Defendant);

Expert Report Filed:	March 21, 2005	Jury Trial	September 12 – 14, 2005
		Case won by defendant on directed verdict	

**18. Income Tax Case:** United States Tax Court, Denver, Colorado; United States Tax Court Docket No. 6169-03; In the Matter of Anschutz Company & Subsidiaries (Petitioners) vs. Commissioner of Internal Revenue (Respondent); on behalf of the Commissioner of Internal Revenue;

Expert Report Filed:	December 21, 2004	Testimony & Cross Examination:	January 26, 2005
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**19. Bankruptcy Case:** United States Bankruptcy Court, Southern District of Florida – Miami Division; Case Nos. 02-16987-BKC-RAMT through 02-17003-BKC-RAM (Jointly Administered Under Case No. 02-16997-BKC-RAM); In re: Chapter 11, LINC.NET, INC., et. al., Debtors; Affidavit in Support of Communicor's Objection to Minnesota Escrow Fund Claim by Sanchez/CRF;

Expert Report Filed:	May 14, 2004	Case Settled:	June 2004
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**20. Property Damage Case:** Circuit Court of Greene County, State of Missouri; Cause No. 1000C3350; Southwestern Bell Telephone Company, Plaintiffs, v. Gas Distribution Contractors, Inc. and Management Services, Inc., Defendants; On behalf of Defendants;

Export Report Provided:	April 6, 2004	Case Settled:	on or about March 2005
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**21. Regulatory Case:** Before the California Public Utilities Commission; Rulemaking 95-04-043, 95-04-044 Re: Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service (Impairment); On behalf of AT&T Communications of California, Inc. vs. SBC-California & Verizon-California;

Opening Testimony:	December 12, 2003	Testimony & Cross Examination	February 19, 2004
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**22. Regulatory Case:** Before the California Public Utilities Commission; Rulemaking 93-04-003 Re: Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Networks; and & Investigation 93-04-002 Re: Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks; On behalf of AT&T Communications of California, Inc. and WorldCom, Inc. vs. Verizon-California;

Opening Declaration:	November 3, 2003	Transcribed Workshop Testimony:	January 13-15, 2004
Reply Declaration:	August 6, 2004		

**23. Regulatory Case:** Before the Washington Utilities and Transportation Commission; Docket No. UT-023003; Re: Unbundled Loop and Switching Rates; the Deaveraged Zone Rate Structure; and Unbundled Network Elements, Transport, and Termination; On behalf of AT&T Communications of the Pacific Northwest, Inc., MCI, Inc., and XO Washington, Inc.;

Prefiled Direct Testimony:	June 26, 2003		
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**24. Patent Case:** Before the United States District Court, Southern District of New York; Case No. 99-Civ. 11091 (SAS); Re. Aerotel, Ltd., and Aerotel U.S.A., Inc., Plaintiffs, v. Sprint Corporation, Sprint Communications, L.P., Sprint Spectrum L.P., and Tandy Corporation, Defendants; On behalf of Aerotel, Inc.;

Expert Report:	April 11, 2003	Rebuttal Expert Report:	April 18, 2003
Deposition:	April 30, 2003 & May 9, 2003	Case Settled Between Parties:	May 2003

**25. General Liability Case:** Before the District Court of Stearns County, Minnesota, 7th Judicial District; Court File Nos. C3-99-2293, C9-99-2766, C2-99-3211, C3-99-2746, C3-99-2424, C0-99-4177, C2-99-4102, C4-99-4103, C4-99-4179, C2-99-4178, C8-00-126, C9-00-135, C1-00-2879, CX-00-659, C0-00-4705, C3-00-4911, C7-00-4913, C8-00-5360, C1-00-5359, C5-01-403, C9-01-405, C8-00-5357, C5-01-4094, C1-01-5758; Re. St. Cloud Gas Explosion Cases; On behalf of Defendant Sirti;

Expert Witness Disclosure:	March 31, 2003	Deposition:	August 26, 2003
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**26. Financial Liability Case:** Before the District Court of Dallas County, Texas, 191<sup>st</sup> Judicial District; Cause No. 02-031632; Re. Southwestern Bell Video Services, Inc., Plaintiff, v. Times Fiber Communications, Inc., Defendant; On behalf of the Times Fiber Communications, Inc.;

Deposition:	February 3, 2003	Case Settled Between Parties	April 2003
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**27. Regulatory Case:** Before the Superior Court of the State of Washington; Docket No. 99-2-00430-4; Re. Washington Independent Telephone Association, Plaintiff, v. Pacific County Public Utility District No. 2, Defendant; On behalf of the Washington Independent Telephone Association;

Deposition:	January 7, 2003	Summary Judgment Awarded to Plaintiff on All Issues:	March 24, 2003
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**28. Financial Liability Case:** Before the United States District Court, District of Rhode Island; Case No. CA 02-201 ML; Re. Verizon Connected Solutions, Inc., Plaintiffs, v. Starlight Communications Holding Inc., d/b/a Starlight Communications, John G. Picerne, Annette F. Picerne, Raymond M. Uritescu, and Donna M. Uritescu, Defendants; On behalf of Verizon Connected Solutions, Inc.;

Export Report:	January 2, 2003	Deposition:	April 4, 2003 & June 17, 2004
Testimony & Cross Examination at Jury Trial:	July 28, 2004	Jury verdict rendered in favor of Plaintiffs:	August 6, 2004

**29. Regulatory Case:** Before the California Public Utilities Commission; Docket Nos. 01-02-024, 035, et. al. Re: Reexamination of Recurring Costs and Prices of Various Unbundled Network Elements Pursuant to Ordering Paragraph 11 of D.99-11-050; On behalf of AT&T Communications of California, Inc. and WorldCom, Inc.;

Participated in Transcribed Workshop Session	December 3 – 5, 2002		
Filed Opening Declaration:	October 18, 2002	Deposition:	November 13, 2002
Filed Reply Declaration:	February 7, 2003	Filed Rebuttal Declaration:	March 12, 2003

**30. Regulatory Case:** Before the Minnesota Office of Administrative Hearings; PUC Docket No. P421/CI-01-1375 & OAH Docket No. 12-2500-14490-2: Re: The Review and Investigation of Qwest's Unbundled Network Element (UNE) Prices; On behalf of Covad Communications Company;

Prefiled Reply Testimony:	March 18, 2002	Testimony & Cross Examination:	May 23, 2002
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**31. Regulatory Case:** Before the Washington Utilities and Transportation Commission; Docket No. UT-003013 Part D: Re: The Continued Costing and Pricing of Unbundled Network Elements; On behalf of Covad Communications Company;

Prefiled Reply Testimony:	January 11, 2002	Testimony & Cross Examination:	May 9, 2002
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**32. Regulatory Case:** Before the Georgia Public Service Commission; Docket No. 14361-U: Re: Generic Proceeding to Review Cost Studies, Methodologies, Pricing Policies and Cost-Based Rates for Interconnection and Unbundling of BellSouth Telecommunications, Inc.'s Network; On behalf of AT&T Communications of the Southern States, L.L.C. and WorldCom, Inc.;

Prefiled Rebuttal Testimony:	April 5, 2002	Deposition:	April 30, 2002
Testimony & Cross Examination:	May 8, 2002		

**33. Financial Liability Case:** Williams Communications vs. Sierra Touch America: Billing dispute litigation; provided expert advice and analysis on behalf of Williams Communications;

Expert Consulting:	January - April, 2002	Case settled out of court:	April 25, 2002
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**34. Regulatory Case:** Before the Florida Public Service Commission; Docket No. 990649A-TP: Re: Investigation into pricing of Unbundled Network Elements (Phase III); On behalf of AT&T Communications of the Southern States, Inc. and MCI WorldCom, Inc.;

Prefiled Rebuttal Testimony:	December 10, 2001	Deposition:	January 18, 2002
Prefiled Surrebuttal Testimony:	February 11, 2002	Testimony & Cross Examination:	March 12, 2002

**35. Property Damage Case:** New England Motor Freight vs. Remeo Products Corporation; Case No. NY-45-0926; Provided expert assistance in negotiating a claim settlement involving alleged damage to fiber optic cable, on behalf of Robert M Blakeman & Associates for New England Motor Freight's insurance carrier;

Expert Consulting:	September - October, 2002	Case settled out of court:	October 11, 2002
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**36. Regulatory Case:** Before the District of Columbia Public Service Commission, Washington, DC;

Case No. TAC-12: For Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Verizon – Washington, DC Inc.; On behalf of Yipes Transmission Inc.;

Prefiled Affidavit:	August 24, 2001	Testimony & Cross Examination: August 27-30, 2001
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**37. Regulatory Case:** Before the Public Utilities Commission of California, San Francisco, California;

Applications 01-02-024 & 01-02-035: Joint application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Switching and of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050; On behalf of AT&T and WorldCom;

Prefiled Direct Testimony:	August 20, 2001	
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**38. Property Damage Case:** State of Nevada:

Airport Authority of Washoe County claim against airport's insurance carrier Chubb & Son – Division of Federal Insurance Company, Inc., for alleged damage to conduit system; Expert Report on behalf of Insurance Carrier, Chubb & Son;

Expert Report:	August 6, 2001	Case settled out of court.
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**39. Regulatory Case:** Before the Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania;

Docket No. A- 310964: For Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Verizon – Pennsylvania, Inc.; On behalf of Yipes Transmission Inc.;

Prefiled Affidavit:	July 24, 2001	Testimony & Cross Examination: July 27, 2001
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**40. Regulatory Case:** Before the Department of Telecommunications and Energy, Boston, Massachusetts;

Case No. D.T.E. 01-20: Investigation by the Department of Telecommunications and Energy on its own Motion into the Appropriate Pricing, based upon Total Element Long-Run Incremental Costs, for Unbundled Network Elements and Combinations of Unbundled Network Elements, and the Appropriate Avoided Cost Discount for Verizon New England, Inc. d/b/a Verizon Massachusetts' Resale Services in the Commonwealth of Massachusetts;

Prefiled Direct Testimony:	May 1, 2001	Ex Parte Presentation to Commission June 5, 2001
Prefiled Rebuttal Testimony:	July 18, 2001	Prefiled Surrebuttal Testimony: December 17, 2001
Testimony & Cross Examination:	February 4-5, 2002	

**41. Regulatory Case:** Before the California Public Service Commission;

Case No. A.01-02: Application of AT&T Communications of California, Inc. (U 5002 C) for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050; On behalf of AT&T;

Filed Declaration:	February 28, 2001	Ex Parte Presentation to Commission: March 29, 2001
Appearance at Commission Workshop:	August 9, 2001	

**42. Regulatory Case:** Before the State Office of Administrative Hearings for the Public Utility Commission of Texas, Austin, Texas;  
 Docket No. 23537: Complaint of Covad Communications Company Against Verizon Southwest, Inc. for Post-Interconnection Agreement Dispute Resolution and Arbitration under the Telecommunications Act of 1996 Regarding Rates, Terms, Conditions and Related Arrangements for Line-Sharing; On behalf of Covad Communications Company;

Prefiled Direct Testimony: February 23, 2001	Prefiled Rebuttal Testimony: March 23, 2001
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**43. Regulatory Case:** Before the Connecticut Department of Public Utility Control;  
 Docket No. 00-08-14: In the Matter of the Application of Southern New England Telecommunications Corporation and SNET Personal Vision, Inc. to Relinquish SNET Personal Vision, Inc.'s Certificate of Public Convenience and Necessity;

Prefiled Direct Testimony: November 18, 2000	Testimony & Cross Examination: November 21, 2000 & December 8, 2000
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**44. Regulatory Case:** Before the Michigan Public Service Commission, Lansing, Michigan;  
 Case No. U-12540: In the Matter of the Application of Ameritech Michigan for Approval of Cost Studies and Resolution of Disputed Issues Related to Certain UNE Offerings; On behalf of Rhythms Links, Inc. and Covad Communications Company;

Prefiled Direct Testimony: September 15, 2000	Testimony & Cross Examination: October 27, 2000
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**45. Regulatory Case:** Before the State Office of Administrative Hearings for the Public Utility Commission of Texas, Austin, Texas;  
 Docket Nos. 22168 & 22469 Phase 2: Complaint of Covad Communications Company and Rhythms Links, Inc. Against Southwestern Bell Telephone Company and GTE Southwest Inc. for Post-Interconnection Agreement Dispute Resolution and Arbitration under the Telecommunications Act of 1996 Regarding Rates, Terms, Conditions and Related Arrangements for Line-Sharing; On behalf of Covad Communications Company and Rhythms Links, Inc.;

Prefiled Direct Testimony: September 5, 2000	Revised Prefiled Direct Testimony: October 6, 2000
Prefiled Reply Testimony: October 20, 2000	Deposition: November 7, 2000
Testimony & Cross Examination: November 28, 2000 – December 1, 2000	

**46. Regulatory Case:** Before the Georgia Public Service Commission, Atlanta, Georgia;  
 Docket No. 5825-U: Complaint of Covad Communications Company and Rhythms Links, Inc. Against BellSouth Communications re: Universal Access Fund Transition to Phase II Pursuant to O.C.G.A. § 46-5-167; On behalf of AT&T Communications and WorldCom;

Prefiled Direct Testimony: August 1, 2000	Prefiled Rebuttal Testimony: September 8, 2000
Prefiled Reply to Rebuttal Testimony: October 2, 2000	Testimony & Cross Examination: October 18, 2000

**47. Regulatory Case:** Before the State Office of Administrative Hearings for the Public Utility Commission of Texas, Austin, Texas;  
 Docket No. 22168 and 22469, Phase 2: Complaint of Covad Communications Company and Rhythms Links, Inc. Against Southwestern Bell Telephone Company and GTE Southwest Inc. for Post-Interconnection Agreement Dispute Resolution and Arbitration under the Telecommunications Act of 1996 Regarding Rates, Terms, Conditions and Related Arrangements for Line-Sharing; On behalf of Covad Communications Company and Rhythms Links, Inc.;

Prefiled Direct Testimony: September 17, 2000	
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**48. Regulatory Case:** Before the Florida Public Service Commission;  
Docket No. 990649-TP: Re: Investigation into pricing of Unbundled Network Elements; On behalf of AT&T Communications of the Southern States, Inc. and MCI WorldCom, Inc.;

Prefiled Rebuttal Testimony: July 31, 2000	Prefiled Supplemental Rebuttal Testimony: August 28, 2000
Deposition: September 8, 2000	Testimony & Cross Examination: September 21, 2000

**49. Regulatory Case:** Before the Kansas Corporation Commission;  
Docket No. 00-DCIT-997-ARB: Re: In the Matter of the Petition of Covad Communications Company for Arbitration of Interconnection Rates, Terms, Conditions and Related Arrangements for Line-Sharing with Southwestern Bell Telephone Company; On behalf of Covad Communications Company;

Prefiled Direct Testimony: June 12, 2000	Testimony & Cross Examination: June 15, 2000
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**50. Regulatory Case:** Before the Public Utilities Commission of the State of Hawaii;  
Docket No. 7702: In the Matter of the Public Utilities Commission Instituting a Proceeding on Communications, Including an Investigation of the Communications Infrastructure of the State of Hawaii; On behalf of AT&T Communications of Hawaii Inc.;

Prefiled Direct Testimony: June 2, 2000	Partial settlement reached among parties.
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**51. Regulatory Case:** Before the State Office of Administrative Hearings for the Public Utility Commission of Texas, Austin, Texas;  
Docket No. 22469: Complaint of Covad Communications Company and Rhythms Links, Inc. Against Southwestern Bell Telephone Company and GTE Southwest Inc. for Post-Interconnection Agreement Dispute Resolution and Arbitration under the Telecommunications Act of 1996 Regarding Rates, Terms, Conditions and Related Arrangements for Line-Sharing; On behalf of Covad Communications Company and Rhythms Links, Inc.;

Prefiled Direct Testimony: May 17, 2000	Testimony & Cross Examination: May 23, 2000
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**52. Patent Case:** United States District Court for the District of Minnesota;  
Case No. 98-CV-2055 DWF: Re: U.S. Patent No. Re. 34,955; ADC Telecommunications, Inc. Plaintiff, vs. Thomas & Betts Corporation and Augat Communications Products, Inc. Defendants; On behalf of Defendants Thomas & Betts Corporation and Augat Communications Products, Inc.;

Expert Report: March 26, 2000	Case settled among litigants
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**53. Patent Case:** United States District Court for the Eastern District of New York;  
Case No. 98 Civ. 5020 (DHR)(ETB)<sup>2</sup>: Re: U.S. Patent No. 4,600,814; Davox Corporation, Plaintiff vs. Manufacturing Administration & Management Systems, Inc., Defendants; On behalf of Davox Corporation, which is being accused of infringing U.S. Patent No. 4,600,814 by Manufacturing Administration & Management Systems, Inc.;

Expert Report: March 8, 2000	Deposition: May 30, 2000
Case Settled During Trial: January 24, 2003	

**54. Property Damage Case:** State of Texas:  
Audubon Insurance Group Claim No. 316-53650-JJG, Charter Communications, Plaintiff vs. P. Penix Company, Defendant; Expert Report on behalf of Defendant's Insurance Carrier, Audubon Insurance Group;

Expert Report: February 1, 2000	Successfully negotiated the settlement between Plaintiff and Defendant.
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<sup>2</sup> Includes also 98 Civ. 6532 (DRH)(ETB) Manufacturing Administration & Management Systems, Inc., Plaintiff vs. ICT Group, Inc., Precision Response Corporation, RMH Teleservices, Inc. & Telespectrum Worldwide, Inc., Defendants; and also includes 98 Civ. 4687 (DHR)(ETB) EIS International, Inc., Plaintiff, vs. Manufacturing Administration & Management Systems, Inc., and William B. Cunniff, Defendants.

**55. Regulatory Case:** Before the New York Public Service Commission;  
Case No. 98-C-1357: Re: Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements; On behalf of AT&T and MCI WorldCom, Inc.; Additional testimony on behalf of Covad Communications and Rhythms Net Connections;

Prefiled Direct Testimony: February 7, 2000	Prefiled Direct Testimony: February 22, 2000
Prefiled Responsive Testimony: June 26, 2000	Prefiled Rebuttal Testimony: October 19, 2000
Testimony & Cross Examination: December 20, 2000	

**56. Regulatory Case:** Before the Kansas Corporation Commission;  
Docket No. 00-DCIT-389-ARB: Re: In the Matter of the Petition of DIECA Communications, Inc. d/b/a Covad Communications Company for Arbitration of Interconnection Rates, Terms, Conditions and Related Arrangements with Southwestern Bell Telephone Company; On behalf of Covad Communications Company;

Prefiled Direct Testimony: January 7, 2000	Prefiled Rebuttal Testimony: January 28, 2000
Prefiled Surrebuttal Testimony: February 21, 2000	Deposition: February 8, 2000
Testimony & Cross Examination: February 23, 2000	

**57. Regulatory Case:** Before the Missouri Public Service Commission;  
Docket No. TO-2000-322: Re: In the Matter of the Petition of DIECA Communications, Inc. d/b/a Covad Communications Company for Arbitration of Interconnection Rates, Terms, Conditions and Related Arrangements with Southwestern Bell Telephone Company; On behalf of Covad Communications Company;

Prefiled Direct Testimony: January 7, 2000	Prefiled Rebuttal Testimony: January 28, 2000
Prefiled Surrebuttal Testimony: February 10, 2000	Deposition: February 8, 2000
Testimony & Cross Examination: February 15, 2000	

**58. Regulatory Case:** Before the Kansas Corporation Commission;  
Docket No. 99-GIMT-326-GIT: Re: In the Matter of an Investigation into the Kansas Universal Service Fund (KUSF) Mechanism for the Purpose of Modifying the KUSF and Establishing a Cost-based Fund; On behalf of AT&T Communications of the Southwest, Inc.;

Prefiled Direct Testimony: November 16, 1999	Prefiled Rebuttal Testimony: November 22, 1999
Testimony & Cross Examination: November 30, 1999	

**59. Regulatory Case:** Before the New York Public Service Commission;  
Case No. 98-C-1357 (DSL Track): Re: Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements; On behalf of Covad Communications Company, Rhythms Links Inc., and MCI WorldCom, Inc.;

Prefiled Affidavit: September 23, 1999	Prefiled Initial Testimony: October 18, 1999
Prefiled Responsive Testimony: Oct. 22, 1999	Testimony & Cross Examination: November 19, 1999

**60. Property Damage Case:** State of New Jersey;  
Wausau Insurance Companies Claim No. 324-016435, Answer Tel, Plaintiff vs. Bell Atlantic-New Jersey, Defendant; Expert Report on behalf of Defendants;

Expert Report: July 29, 1999	Settlement in favor of Defendant based on Expert Report: August 1999
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**61. Regulatory Case:** Before the Georgia Public Service Commission;  
 Docket No. 10692-U: Re: Generic Proceeding to Establish Long-Term Pricing Policies for  
 Unbundled Network Elements; On behalf of AT&T Communications of the Southern States, Inc.;

Deposition:	June 17, 1999	Prefiled Testimony:	June 30, 1999
Prefiled Rebuttal Testimony:	July 9, 1999	Testimony & Cross Examination:	July 13 & 14, 1999

**62. Regulatory Case:** Before the Massachusetts Department of Telecommunications and  
 Energy;  
 Docket Nos. 96-73/74, 96-75, 96-80/81, 96-83, and 96-84: Re: Consolidated Petitions for  
 Arbitration of Interconnection Agreements – Dark Fiber; On behalf of AT&T Communications of  
 New England, Inc.;

Prefiled Direct Testimony:	September 25, 1998	Testimony & Cross Examination:	February 17 & 19, 1999
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**63. Regulatory Case:** Before the Maryland Public Service Commission:  
 Docket No. 8786: Re: Investigation of Non-Recurring Charges for Telecommunications  
 Interconnection Service; On behalf of AT&T Communications of Maryland, Inc. and MCI  
 Telecommunications, Inc.;

Prefiled Rebuttal Testimony:	November 16, 1998	Testimony & Cross Examination:	January 15, 1999
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**64. Property Damage Case:** 19<sup>th</sup> Judicial District Court, East Baton Rouge, LA:  
 Case No. 436582, Division J, Petition for Damages: TCI Cablevision of Georgia, Inc. DBA TCI of  
 Louisiana, Plaintiff vs. Barber Brothers Contracting, Inc., Defendant; Expert Report on behalf of  
 Defendant's Insurance carrier Audubon Insurance Group;

Expert Report:	December 30, 1998	Settlement in favor of Defendant based on Expert Report:	February 5, 1999
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**65. Regulatory Case:** Before the Nevada Public Utilities Commission;  
 Docket No. 98-6005: Re: Filing of Central Telephone Company-Nevada d/b/a Sprint of Nevada's  
 Unbundled Network Element (Unbundled Network Element) Cost Study; On behalf of AT&T  
 Communications of Nevada, Inc.;

Prefiled Direct Testimony:	July 1, 1998	Testimony & Cross Examination:	August 12 & 13, 1998
Testimony & Cross Examination:	December 7, 1998		

**66. Regulatory Case:** Before the Nevada Public Utilities Commission;  
 Docket No. 98-6004: Re: Filing of Nevada Bell Unbundled Network Element (UNE) Cost Study;  
 On behalf of AT&T Communications of Nevada, Inc.;

Prefiled Direct Testimony:	July 1, 1998	Prefiled Supplemental Testimony:	September 3, 1998
Testimony & Cross Examination:	September 19, 1998	Testimony & Cross Examination:	December 3, 1998

**67. Patent Case:** United States District Court for the Southern District of New York;  
 Civil Action No. 95-CV-7052 (BSJ): Re: U.S. Patent No. 4,706,275; Aerotel, Ltd., and Aerotel  
 U.S.A., Inc., Plaintiffs, vs. National Applied Computer Technologies, Hello Card, Inc., GST  
 Telecommunications, Inc., GST USA, Inc., Thomas Sawyer, and Kyle Love, Defendants; On  
 behalf of Plaintiffs;

Expert Report:	June 26, 1998	Case settled in favor of plaintiffs in late 1998
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**68. Regulatory Case:** Before the Alabama Public Service Commission;  
 Docket No. 25980: Re: Implementation of Universal Service Requirements of Section 254 of the Telecommunications Act of 1996; On behalf of AT&T Communications of the South Central States, Inc.;

Prefiled Direct Testimony: February 3, 1998	Prefiled Rebuttal Testimony: February 13, 1998
Testimony & Cross Examination: February 26, 1998	

**69. Regulatory Case:** Before the Louisiana Public Service Commission;  
 Docket U-20883, Subdocket A: In re: Submission of the Louisiana Public Service Commission's Forward-Looking Cost Study to the FCC for Purposes of Calculating Federal Universal Service Support Pursuant to LPSC order No. U-20883 (Subdocket A), dated August 12, 1997; On behalf of AT&T Communications of the South Central States, Inc.;

Prefiled Direct Testimony: January 9, 1998	Prefiled Rebuttal Testimony: January 20, 1998
Deposition: January 21, 1998	Testimony & Cross Examination: January 30, 1998

**70. Regulatory Case:** Before the State of Maine Public Utilities Commission;  
 Docket No. 97-505: In re: Public Utilities Commission Investigation of Total Element Long-Run Incremental Cost (TELRIC) Studies and Pricing of Unbundled Network Elements; On behalf of AT&T Communications;

Testimony & Cross Examination: December 2, 1997	Prefiled Direct Testimony: December 22, 1997
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**71. Regulatory Case:** Before the State of New Jersey Board of Public Utilities;  
 Docket No. TX95120631: In the Matter of the Board's Investigation Regarding Local Exchange Competition for Telecommunications Services; On behalf of AT&T Communications of New Jersey, Inc. and MCI Telecommunications Corp.;

Deposition: October 27, 1997	
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**72. Regulatory Case:** Before the Pennsylvania Public Utility Commission;  
 Docket No. I-00940035: In re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth; On behalf of AT&T Communications of Pennsylvania, Inc. and MCI Telecommunications Corp.;

Testimony & Cross Examination: October 21 & 23, 1997	
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**73. Regulatory Case:** Before the Georgia Public Service Commission;  
 Docket No. 10692-U: Re: Generic Proceeding to Establish Long-Term Pricing Policies for Unbundled Network Elements; On behalf of AT&T Communications of the Southern States, Inc.;

Deposition: August 28, 1997	
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**74. Regulatory Case:** Before the Public Utilities Commission of the State of Colorado;  
 Re: The Investigation and Suspension of Tariff Sheets Filed by U S WEST Communications, Inc. with Advise Letter No. 2617, Regarding Tariffs for Interconnection Local Termination, Unbundling, and Resale of Services; On behalf of AT&T of the Mountain States and MCI Telecommunications Corporation;

Deposition: April 9, 1997	
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**75. Regulatory Case:** Before the Washington Utilities and Transportation Commission;  
 Docket Nos. UT-960369, -70 and -71: Re: In the Matter of the Pricing Proceeding for Interconnection, Unbundled Elements, Transport and Termination, and Resale for US West Communications, Inc.; for GTE Northwest Incorporated; On behalf of AT&T Communications and MCI Telecommunications Corporation;

Workshop: February 14, 1997	
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**76. Regulatory Case:** Before the Arizona Corporation Commission;  
 Docket No. U-2428-96-417: In the Matter of the Petition of AT&T Communications of the Mountain States, Inc. for Arbitration with U S WEST Communications, Inc. of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996; On behalf of AT&T Communications of the Mountain States;  
 Docket No. U-3175-96-479: In the Matter of the Petition of MCI Metro Access Transmission Services, Inc. for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996; On behalf of MCI Metro Access Transmission Services, Inc.

Prefiled Direct Testimony:	October 25, 1996	Testimony & Cross Examination: November 20, 1996
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**77. Regulatory Case:** Before the State Office of Administrative Hearings for the Public Utility Commission of Texas, Austin, Texas;  
 Docket No. 16226: Petition of AT&T Communications of the Southwest, Inc. for Compulsory Arbitration to Establish an Interconnection Agreement Between AT&T and Southwestern Bell Telephone Company; On behalf of AT&T of the Southwest;  
 Docket No. 16285: Petition of MCI Telecommunications Corporation and Its Affiliate MCIMetro Access Transmission Services, Inc. for Arbitration and Request for Mediation Under the Federal Telecommunications Act of 1996; On behalf of MCI Telecommunications Corporation;

Deposition:	August 30, 1996	Testimony & Cross Examination: October 2 & 3, 1996
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