

General

Mr. Brevitz is an independent regulatory consultant, a Chartered Financial Analyst and has more than thirty years of experience in national regulation of public utilities, state regulation of public utilities, regulatory policy at the state commission level, determination of just, reasonable and non-discriminatory rates, and determination of revenue requirements in regulatory proceedings. Mr. Brevitz has significant experience in a wide variety of telecommunications matters including wholesale and retail service quality metrics and measurements, competition policy, broadband internet access, telecommunications cost allocations and revenue requirements, and telecommunications regulation/de-regulation. Mr. Brevitz's consulting practice focuses on technical assistance to state utility commissions, consumer advocate offices and organizations, state attorneys general offices, and national telecommunications regulatory bodies.

Professional Designation and Community Service

Mr. Brevitz has achieved designation as Chartered Financial Analyst from the CFA Institute (formerly the Institute of Chartered Financial Analysts) in 1984. The CFA Institute is the organization which has defined and organized a body of knowledge important for all investment professionals. The general areas of knowledge are ethical and professional standards, accounting, statistics and analysis, economics, fixed income securities, equity securities, and portfolio management.

Mr. Brevitz is past President and previous Treasurer (2007 to 2010) of the Kiwanis Club of Topeka. He has served numerous terms on the Board of Directors of the Club, has been recognized by Kiwanis International as a George F. Hixson Fellow, and has his name inscribed on the Kiwanis International Foundation Tablet of Honor.

Mr. Brevitz has been designated as a Senior Fellow by the Public Utility Research Center at the University of Florida. This designation is reserved for knowledgeable and experienced professionals who foster strong ties to academia, industry, and government, who embody PURC's values of respect, integrity, effectiveness and expertise, and who support PURC's mission to contribute to the development and availability of efficient utility services through research, education, and service. Mr. Brevitz is a regular lecturer at PURC's semi-annual Utility Regulation and Strategy Training Programs at the University of Florida. These programs are a collaboration between PURC and the World Bank to provide comprehensive training in utility practices for commissioners and staff of national utility regulatory agencies across the world.

Work History and Recent Relevant Experience

Brevitz Consulting Services

- **March - April 2015, Communications Coursework Delivered to Uganda Communications Commission for PURC:** Mr. Brevitz developed and delivered course content for the Uganda Communications Commission as part of a training program delivered by the University of Florida's Public Utility Research Center. The coursework addressed Interconnection Strategies

and Pricing (Economics of interconnection pricing, interconnection laws, and methods of managing disputes); Service Quality in Telecommunications (quality parameters, relative importance of quality measurements, and enforcement strategies); Regulations for Content (models for content regulation and enforcement, industry and customer strategies, content and net neutrality, must carry and other access issues); Competition on Postal Services (forms of competition, economics, and downstream access); and Common Carrier Obligations for Postal Services (service quality assurance, frequency of collection and delivery, coverage requirements, access points, and enforcement).

- **March 2012 to Present, Rural Local Exchange Company Revenue Requirement Issues, Utah Office of Consumer Services:** Mr. Brevitz assisted the OCS in examination of RLEC revenue requirement issues to ensure prudent use of Utah Universal Service Funds, and that by extension the UUSF statewide assessment is appropriate and cost based. Mr. Brevitz reviewed and analyzed issues such as employee and officer compensation issues; allocations between regulated and non-regulated operations; affiliate and related party transactions; implications and impacts of the FCC's Mega-Order on intercarrier compensation and the Federal Universal Service Fund; and appropriate state regulatory treatment of expenditures for Fiber to the Home programs.
- **December 2013 to August 2014 – FairPoint Communications Request for MUSF Support, Maine Office of Public Advocate:** Mr. Brevitz led the project team to assess on behalf of the Public Advocate FairPoint's proposal to obtain \$67 million in new, original funding from the Maine Universal Service Fund. Mr. Brevitz provided extensive testimony on the subjects of the transition of the network to Internet Protocol, FairPoint's network technology, FairPoint's business segment and revenue strategies, FairPoint's organization and history in Northern New England, FairPoint's development of and cutover to back office support systems, FairPoint's financial history and current financial structure as well as certain revenue requirement adjustments.
- **September 2013 – February 2014, Big Rivers Electric Corporation Alcan Rate Case, Kentucky Office of Attorney General:** On behalf of the Kentucky Attorney General's Office of Rate Intervention, Mr. Brevitz provided direct testimony before the Kentucky Public Service Commission addressing the regulatory issues and difficult transition period caused by departure of two aluminum smelters comprising 70% of BREC's load. Mr. Brevitz addressed BREC's debt leverage, BREC's Corrective Plan with the RUS, BREC's Load Concentration and Mitigation Plan, BREC's financial projections, and BREC's mission. Mr. Brevitz assisted in the presentation of a Member Benefit Analysis based on Net Present Value techniques, and provided recommendation that costs of excess capacity be disallowed based on the nexus of "used and useful" regulatory requirements and the Commission's duty to set fair, just and reasonable rates.
- **January – August, 2013, Big Rivers Electric Corporation Century Aluminum Rate Case, Kentucky Office of Attorney General:** On behalf of the Kentucky Attorney General's Office of Rate Intervention, Mr. Brevitz provided direct testimony before the Kentucky Public Service Commission addressing the regulatory issues and difficult transition period caused by departure

OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614

of two aluminum smelters comprising 70% of BREC's load. Mr. Brevitz addressed BREC's debt leverage, BREC's Corrective Plan with the RUS, BREC's Load Concentration and Mitigation Plan, BREC's financial projections, and BREC's mission. Mr. Brevitz provided recommendation that costs of excess capacity be disallowed based on the nexus of "used and useful" regulatory requirements and the Commission's duty to set fair, just and reasonable rates.

- **March 2012 to June 2013, Kansas Statewide Broadband Initiatives, Department of Commerce:** Mr. Brevitz assisted the Kansas Department of Commerce's Kansas Statewide Broadband Initiative's Broadband Mapping effort under NTIA auspices. Mr. Brevitz worked with the University of Kansas's Data Access and Support Center, and provided expertise and assistance in the areas of broadband research and analysis, service provider relations, data collection, data validation and verification, best practices, and overcoming challenges and barriers.
- **August 2011 to June 2013, Utilities Division Staff, Kansas Corporation Commission:** Mr. Brevitz assisted KCC staff and the Commission in assessing policy and financial impacts on Kansas rural Local Exchange Carriers, larger Price Cap carriers and Kansas consumers of the FCC's actions regarding the Federal Universal Service Fund and Intercarrier Compensation, which culminated in the FCC's November 18, 2011 Report and Order. Mr. Brevitz also evaluated revenue requirement and policy issues pertaining to rural Local Exchange Carriers of management compensation, use of RUS loan funds for Fiber to the Home, how Kansas Universal Service Funds are expended, and questions regarding RLEC affiliates and subsidiary relationships. Mr. Brevitz also analyzed broadband deployment in Kansas through the FCC Form 477 data filed by each service provider in the state twice a year.
- **October 2011 to December 2011, Vermont E911 Board:** Mr. Brevitz performed an analysis of Vermont rural local exchange carrier and FairPoint Communications tariffs and charges for E911 service elements to the Vermont E911 Board, as compared to tariffs and charges for the same elements in the remaining 49 states. The analysis was provided in a Report which identified "best practices" in E911 tariffing and charges, and estimated the cost savings to the Vermont E911 Board and Vermont citizens from adopting these best practices.
- **July 2010 to February 2011, Project Leader, Florida Statewide Strategic Broadband Planning:** Mr. Brevitz led the Public Utility Research Center project team to study government use of broadband capabilities, study assets and services used by government in Florida for broadband capability, and recommend options for the State of Florida to optimize use of government fiber optic and other assets, from a State of Florida enterprise perspective, for current and future broadband capabilities needed by governmental entities. The project culminated in the report on "Strategic Planning for Florida Governmental Broadband Capabilities" containing analysis and options provided to Florida policymakers, available at:

http://bear.warrington.ufl.edu/centers/purc/docs/papers/1111_Brevitz_Strategic_Planning_for.pdf
- **February 2010 to December 2012, Statewide Toll Free Calling Plan Proposal:** Mr. Brevitz assisted AARP in review of the proposed Statewide Toll Free Calling Plan rules before the

OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614

Oklahoma Corporation Commission to draft and provide comments on the proposed rules on behalf of AARP. The proposed rules would significantly change intrastate intercarrier compensation (including elimination of access charges), eliminate long distance charges on consumers' bills (including Wide Area Calling Plans), revise facilities and signaling arrangements, and implement a telephone number based assessment methodology.

- **March, 2008 to January 2011, FairPoint Communications Financial Monitoring docket:** Mr. Brevitz assisted the Maine Office of Public Advocate before the Maine Public Utilities Commission in Docket No. 2008-108 in monitoring compliance by FairPoint with financial and other commitments required by the PUC's conditional approval of the Verizon/FairPoint transaction. Mr. Brevitz also assisted OPA in other matters that arise from time to time pertaining to FairPoint, such as request for waiver of provisions of FairPoint's Performance Assurance Plan, and particularly operational and service quality problems caused by lack of proper performance of FairPoint's new Operational Support Systems (OSS), other back office systems and supporting business practices.
- **September 2006 to February 2013, Nevada Office of Attorney General, Bureau of Consumer Protection, Various Telecommunications Regulatory and Cost Recovery Plans:** Mr. Brevitz is providing assistance to the Bureau of Consumer Protection regarding telecommunications matters generally, which include legislative proposals, merger and acquisition proposals, requests to increase rates for basic services, performance measurement and incentive plans, proposals to reclassify individual services as discretionary or competitive, proposals to introduce new services, requests to be designated as an Eligible Telecommunications Carrier (ETC), and other matters.
- **October 2009 to January 2011, FairPoint Communications Bankruptcy Proceeding:** Mr. Brevitz assisted the Maine Office of Public Advocate regarding the bankruptcy filing by FairPoint Communications in the US Bankruptcy Court (NY, NY). Mr. Brevitz reviewed filings by the company and parties to the proceeding, as well as financial and operational information pertaining to FairPoint's proposed reorganization.
- **January 1999 to June 2015, Kansas Corporation Commission Advisory Staff:** Mr. Brevitz is serving as advisor to the Commissioners on a variety of telecommunications technical and policy matters. Mr. Brevitz also served as advisor on electric industry matters, including cases involving structure/restructure of Westar Energy and Aquila.
- **March 2009 to June 2009, Nevada Office of Attorney General, Bureau of Consumer Protection:** Mr. Brevitz assisted the BCP in its review and assessment of AT&T Nevada's Performance Measurement Plan and related Performance Incentives Plan, and changes proposed by AT&T to the Plans. The Plans are designed by the Commission to be self-executing and to encourage competition and discourage discriminatory conduct.
- **February 2009 to June 2009, USAID Capacity Assessment and Development for the Department of Public Services Regulatory Commission of Armenia:** Mr. Brevitz was team leader for the project to conduct a telecom sector strategic analysis, legal and regulatory assessment, and human and institutional capacity assessment for the PSRC in Armenia, under the auspices of USAID and the Academy for Educational Development. The team consisted of three experts from

**OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614**

the US, and local experts in Armenia. The team delivered a comprehensive Final Report to AED and USAID on May 31, 2009, which addressed government's plan for IT sector development, market structure and technological potential, the current telecommunications law and regulatory environment, current regulatory performance and priorities, overlapping responsibilities, performance gaps, and human and institutional capacity assessment regarding areas including independence, accountability, transparency, institutional characteristics, organizational structure, and financing and budget.

- **February 2009, Presentation to 36th PURC Annual Conference:** Mr. Brevitz presented on the subject of "Telecommunications Competition: Where is it and Where is it Going?" The presentation at the Public Utility Research Center, University of Florida, assessed market structure and the competitiveness of telecommunications markets from a consumer perspective.
- **December 2008 to June 2009, Kansas Corporation Commission Staff:** Mr. Brevitz assisted the Kansas Corporation Commission Utilities Division staff in Docket No. 08-GIMT-1023-GIT in its assessment of Sprint Nextel's petition to the Commission to bring Embarq's intrastate switched access charges into parity with interstate rates. Mr. Brevitz filed testimony to assess Embarq's cost study in support of its intrastate switched access charges.
- **December 2008 to February 2010, Public Utilities Regulatory Authority of The Gambia:** Mr. Brevitz assisted the Public Utilities Regulatory Authority in The Gambia, under the auspices of the ITU, in the review of international wholesale and retail tariffs charged by the incumbent telecommunications company (GAMTEL) to mobile operators and retail customers to ensure that proposed rates are set at levels that are fair and not anticompetitive. Extensive individual consultations were held with stakeholders that culminated in further industry-wide consultations. In the course of this review, cost information for international wholesale and retail tariffs was reviewed and considered, retail rate benchmarking information was considered, the arrangement between GAMTEL and its affiliated mobile operator (GAMCEL) was reviewed vis-à-vis comparable arrangements with other mobile operators, and the results were provided in a consultative reports to PURA. Policy considerations based on enactment of the Information and Communications Act of 2008 were also addressed, especially including cost accounting and liberalization of the international gateway.
- **November 2008 to March 2009, Nevada Office of Attorney General, Bureau of Consumer Protection, Merger Application of Embarq and CenturyTel :** Mr. Brevitz provided assistance and testimony to the Bureau of Consumer Protection in the Embarq/CenturyTel merger case, addressing in filed testimony the subjects of financial viability, financial projections, debt leverage, synergies and customer benefits asserted to be associated with the proposed transaction. This case was resolved by stipulation among the parties.
- **November 2008, Presentation to NASUCA 2008 Annual Meeting:** Mr. Brevitz presented "Deregulation and Price Increases: the Hallmarks of a Competitive Market?" at the Annual Meeting in New Orleans, Louisiana, which addressed telecommunications market structure and the pattern of price increases following service deregulation.

- **May 2008 to September 2008, Unitil Corporation Acquisition of Northern Utilities:** Mr. Brevitz is working on behalf of the Maine Office of Public Advocate to address the financial, structural and transactional aspects of Unitil Corporation’s proposed acquisition of NiSource’s Northern Utilities gas distribution operations in Maine and New Hampshire, and also the Granite State Pipeline operation. Mr. Brevitz filed direct testimony containing recommendations and conditions designed to bring the proposed transaction to a level which would meet the “no net harm” standard for Commission approval of such transactions.

- **April – November, 2008, Maryland Office of People’s Counsel, Verizon Alternative Regulation Plan:** Mr. Brevitz addressed the subjects of measurement and evaluation of telecommunications competition, how the level of competition has changed over the term of Verizon-Maryland’s previous Alternative Regulation Plan, and the extent to which competition acts as an effective regulator in three rounds of prefiled expert testimony on behalf of the Maryland OPC in Case No. 9133 before the Maryland Public Service Commission. Mr. Brevitz used Verizon – MD data to construct a Herfindahl-Hirschman Index (HHI) which showed a highly concentrated duopolistic market structure, and an absence of effective competition. Mr. Brevitz evaluated the structure and impact on competition of Verizon’s “Wholesale Advantage” program pertaining to CLECs subsequent to the demise of Unbundled Network Elements. Mr. Brevitz addressed many competition related subjects such as substitutability of services including VoIP, wireless and cable services; ILEC migration strategies; marketplace behavior under duopoly in contrast to “perfect competition” constructs; and ILEC claims regarding line losses and competition.

- **January, 2008 to January, 2009, Big Rivers Electric Corporation “Unwind” Transaction:** Mr. Brevitz worked for the Kentucky Attorney General (Office of Rate Intervention) to assess the Big Rivers and E.ON joint application to “unwind” a previous lease transaction. The 1998 transactions were part of Big Rivers’ implementation of its bankruptcy reorganization, and included leasing Big Rivers’ generating facilities to E.ON’s predecessor for it to manage, operate and maintain; transferring responsibility to manage, operate and maintain two additional generating units owned by the City of Henderson (through Henderson Municipal Power & Light, or “HMPL”); purchasing by Big Rivers of a set amount of power at substantially fixed prices through a Power Purchase Agreement that it uses to serve the loads of its three member retail cooperatives; payment by LG&E Energy Marketing (“LEM”) to the US Rural Utilities Service (“RUS”) of monthly margin payments; and, providing a portion of two aluminum Smelters’ power needs at substantially fixed rates through power supply contracts between LEM and predecessors of Kenergy. Various other proposed agreements and approvals are also to be addressed in this matter. Direct testimony was filed in this matter on behalf of the Attorney General of Kentucky’s Office of Rate Intervention.

- **September 2007 - February 2008, Cable & Wireless/Barbados Price Caps:** Mr. Brevitz assisted the Fair Trading Commission and its staff in assessing the results of the first price cap plan for Cable & Wireless/Barbados, and in assessing the desirability of continuing a price cap for Cable & Wireless/Barbados, and related structural changes to better fit the revised price cap plan to current policies and conditions in Barbados. The assessment included consideration of actual financial results and future expected financial results and competitive conditions.

- **2007 to March, 2008, FairPoint/Verizon Merger/Acquisition of New England State Operations:** Mr. Brevitz worked on behalf of the Maine Office of Public Advocate to assess the proposed spin-off of Verizon operations in Maine, New Hampshire and Vermont and subsequent merger with and into FairPoint Communications, in a reverse Morris trust transaction. The assessment included evaluating financial projections of the company in support of financial viability of the proposed transaction; financial analyses associated with the proposed transaction performed by the company and investment advisors; and implications of resulting debt leverage and structure of the company as “high debt/high dividend”. The testimony also included assessment of risk factors associated with the proposed transaction and FairPoint’s operational execution risks. The Hearing Examiner’s Report and the Commission’s Final Order adopted Mr. Brevitz’s financial recommendations including substantial debt and dividend reduction.
- **2007 to March, 2008, FairPoint/Verizon Merger/Acquisition of New England State Operations:** Mr. Brevitz worked on behalf of the New Hampshire Office of Consumer Advocate to assess the proposed spin-off of Verizon operations in Maine, New Hampshire and Vermont and subsequent merger with and into FairPoint Communications, in a reverse Morris trust transaction. The assessment included evaluating financial projections of the company in support of financial viability of the proposed transaction; financial analyses associated with the proposed transaction performed by the company and investment advisors; and implications of resulting debt leverage and structure of the company as “high debt/high dividend”. The testimony also included assessment of risk factors associated with the proposed transaction and FairPoint’s operational execution risks. The Commission made preliminary determinations in favor of Mr. Brevitz’s financial recommendations, which were then reflected in the Commission’s Final Order.
- **April 2007, PURC Advanced Training Course on Regulatory Economics and Process: Interconnection, Pricing and Competition:** Mr. Brevitz developed and presented three courses to members of the National Telecommunications Commission from Thailand. The courses covered accounting separation, case study on a rate proposal, and principles and practices for rate rebalancing.
- **January, 2007, 21st International Training Program on Utility Regulation:** Mr. Brevitz developed and presented training sessions on accounting separation, rate rebalancing (case study), and universal service obligations to the semi-annual training program for regulatory agency staff and commissioners worldwide. The training program is provided by the Public Utilities Research Center at the University of Florida in Gainesville.
- **2006-2008, Telecommunications Training for Regulatory Agency for Telecommunications (RATEL) in Serbia:** Mr. Brevitz assisted RATEL in implementation of new policies designed to open telecommunications markets in Serbia to competition. Issues being addressed include cost orientation of prices (rate rebalancing), universal service funds, interconnection, administrative procedures, internet telephony, and spectrum management.

- **2006-2007, Embarq UNE Loop Pricing Application:** Mr. Brevitz assisted the Bureau of Consumer Protection in the Nevada Attorney General's office in its assessment of Embarq's proposal to increase rates for the unbundled loop. This work included assessment of Embarq's proposed UNE loop cost model and its inputs, FCC orders which speak to TELRIC costing and UNE pricing, and use of the mapping program to support Embarq's proposed cost model.
- **"Assessing Pricing Behavior Under Deregulation":** Presentation at the NASUCA Mid-Year Meeting, June 14, 2006, Memphis Tennessee.
- **2006 Spin-off of Windstream from Alltel:** On behalf of the Kentucky Attorney General (Office of Rate Intervention), Mr. Brevitz formulated discovery, and analyzed and addressed information relevant to the proposed spin-off of the local telecommunications operations from Alltel Corporation and subsequent merger with Valor Communications. Prefiled testimony was provided before the Kentucky PSC addressing the excessive debt burden placed on "SpinCo" by Alltel; conflicting company claims regarding merger synergies; lack of basis for claimed increased buying power; and non-arms-length nature of decisions and transactions in the proposed spin-off.
- **2005 Rate and Revenue Requirement Review of Saco River and Pine Tree Telephone Companies:** On behalf of the Maine Public Advocate's Office, Mr. Brevitz addressed revenue requirement levels for both companies, including detailed review of expense levels and trends, expanded calling plan criteria and data, and detailed review of holding company organization and charges between affiliates.
- **2005 Price Deregulation of Basic Local Exchange Service:** On behalf of AARP, Mr. Brevitz provided comments before the Public Utilities Commission of Ohio regarding final rules to implement procedures for addressing price deregulation applications. The comments addressed the need for effective competition to be demonstrated before approving price deregulation of BLES; market segmentation between stand-alone BLES and service bundles; barriers to entry; current competitive market conditions and whether "many sellers" exist; functionally equivalent and substitute services; and other related matters.
- **2005 Spin off of "LTD Holding Company" from Sprint Nextel:** On behalf of the Nevada Bureau of Consumer Protection, Mr. Brevitz led a team to analyze the proposed spin-off from a technical and public interest perspective under Nevada statutes. Issues addressed included: asset transfers to LTD Holding Co.; levels of debt to be placed on LTD Holding Co.; "normal" levels of debt for Sprint's Local Telecommunications Division; financial and cost of capital implications of the spin off; impact on LTD's ability to compete and other competitive trends; and accounting issues such as division of pension assets and pension liabilities.
- **"Telecommunications Convergence: On Duopoly?":** Presentation at the NASUCA Mid-Year Meeting, June 15, 2005, New Orleans, Louisiana.
- **2005 Intrastate Deregulation Proposal of SBC Oklahoma:** On behalf of AARP, Mr. Brevitz filed testimony addressing SBC Oklahoma's proposal to deregulate pricing of almost all intrastate

OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614

services (E911 and access services were excepted). The testimony responded to SBC Oklahoma assertions regarding significant retail competition on a widespread basis, openness of markets, barriers to entry and exit, reasonable interchangeability of use of cellular and VoIP services for basic residential services, market share analysis, and competitive trends including CLEC responses to the elimination of UNE-P, access line losses. The testimony further analyzed the actions, opportunities, and competitive responses of SBC Oklahoma and its corporate affiliates, observed public safety deficiencies of cellular and VoIP services, and market trends converging on duopoly.

- **2004 to 2005: Alternative Regulation Plan Filing by Verizon Vermont:** Mr. Brevitz assisted the Vermont Department of Public Service in assessing matters included in the Vermont Public Service Board's assessment of proposed changes to the Alternative Regulation Plan applicable to Verizon Vermont. Prefiled testimony addresses matters including assessment of competition and modes of competition, VoIP/wireless substitution, continuation of direct assignment practices under the FCC's separations freeze, jurisdictional cost allocations, rate flexibility, and UNE availability and commercial agreements with CLECs.
- **2005 UNE Loop Cost Proceeding:** On behalf of the Arkansas Public Service Commission General Staff, Mr. Brevitz filed testimony which analyzed SBC Arkansas' proposed increased UNE loop rates, and UNE loop model and shared and common cost model inputs and outputs, including fill factors, defective pairs, IDLC, DSL expenses, and retail related costs.
- **2004 Mass Market Switching Reviews under the FCC Triennial Review Order:** Separately for the Arkansas Public Service Commission staff, and the New Mexico Attorney General's office, Mr. Brevitz provided analysis and two-step evaluation under the FCC's Triennial Review Order ("TRO") of impairment in access to local circuit switching for mass market customers. The evaluations were done on a granular, market-specific basis. The evaluations determined whether unbundled local circuit switching (and by extension, the UNE-Platform) must continue to be provided as an Unbundled Network Element by incumbent local exchange companies.
- **2004 OSIPTEL/Peru:** Worked with OSIPTEL (telecom regulator in Peru) to analyze barriers to competition in Peru. Presented workshop and training materials regarding the Economic Aspects of Competition Regulation for Public Utilities, which addressed concepts of market power, dominance, cross subsidies, essential facilities, ex ante versus ex post regulation, asymmetric regulation.
- **2003 to 2005: Cable & Wireless Rate Adjustment/Barbados Fair Trading Commission:** Mr. Brevitz advised the FTC and its staff regarding the application of C&W Barbados to increase domestic revenues and institute local measured service, and providing related analyses. The Company's filing was in part designed to enable Price Cap regulation, and opening the market to competitors. As such, Price Cap and competitive issues were necessarily considered along with revenue requirements and tariff/pricing issues.
- **2003 CenturyTel Rate Case/Arkansas PSC:** Mr. Brevitz led a team providing analysis and testimony on behalf of PSC staff in the CenturyTel of Northwest Arkansas rate case, in which the Company sought to treble local rates. Mr. Brevitz provided an analysis of CenturyTel of Northwest

OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614

Arkansas' ("CNA") modernization programs and provision of DSL services from the perspective of basic local service ratepayers, and also addressed the local competition claims of the Company.

- **2002 Maryland Office of People's Counsel:** Maryland PSC's Case No. 8918 is to review Verizon's Price Cap regulatory plan, after Verizon had operated five or more years under it. Topics addressed included the proper productivity factor to use in the price Cap formula, and any necessary amendments to the structure of the price cap plan. Mr. Brevitz provided expert testimony on the proper formulation and terms for the price cap formula, competition, and other matters related to the extension of price cap regulation.
- **2001 Maine Office of Public Advocate–Verizon Maine 271 Review:** Review of Verizon's Section 271 filing before the Maine Public Service Commission, and Declaration filed on behalf of the Public Advocate which addresses Checklist Item #13 (Reciprocal Compensation), and Verizon's proposed performance measurement metrics and proposed Performance Assurance Plan.
- **2001 Vermont Department of Public Service–Verizon Vermont 271 Review:** Review of Verizon's Section 271 filing assertions of compliance with the "14 Point" competitive checklist and non-discrimination obligations of the Telecommunications Act of 1996, before the Vermont Public Service Board. Mr. Brevitz filed a Declaration on behalf of the DPS which addresses Checklist Item #13 (Reciprocal Compensation), and Verizon's proposed performance measurement metrics and proposed Performance Assurance Plan. Mr. Brevitz's work continued on behalf of the Department in Docket No. 6255, which worked through a series of workshops to evaluate appropriate carrier-to-carrier standards for use in Verizon-Vermont's territory, resulting in a stipulation approved by the Public Service Board.
- **2001 Public Utility Research Center (PURC)/University of Florida:** Presentation of two seminar modules and an interconnection case study as staff training for the Panamanian telecommunications regulatory body, ERSP. Mr. Brevitz developed course content and presentation materials for the seminar, under the auspices of PURC, on the topics of the "US Experience in Telecom Competition" and "Consumer Issues in Telecom Competition". These topics were presented by Mr. Brevitz in the seminar at Panama City, Panama on March 29-30, 2001.
- **2001-2002 Michigan Attorney General's Office–Federal District Court Litigation Support:** Mr. Brevitz supported the Attorney General's office in its defense of lawsuits by Ameritech and Verizon against the PSC and the Governor regarding recently passed state legislation. The state legislation eliminated the intrastate EUCL being charged by both companies, expanded local calling areas, and froze the application of the Price Cap Index for a period of time.
- **1999-2000 Delaware Public Service Commission Staff–Evaluation of Bell Atlantic-Delaware's Collocation Tariff Filing:** On behalf of the Staff, Mr. Brevitz reviewed BA-Delaware's Collocation tariff filing, and prefiled testimony on behalf of Delaware PSC staff. Issues addressed include non-discriminatory provisioning of collocation; collocation intervals; utilization of "best practices" for terms, conditions and pricing; and costing.

OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614

- **1999-2000 Vermont Department of Public Service–Evaluation of Carrier to Carrier Wholesale Quality of Service:** On behalf of the Vermont DPS, Mr. Brevitz was engaged in the review of quality of service standards related to Verizon’s wholesale activities of provisioning Unbundled Network Elements and resold services. The work effort was conducted within a workshop of the parties, and was drawn on the similar activity for BA-NY and a number of other states including Massachusetts and Virginia. Measures, standards and benchmarks were to be determined, along with an appropriate remedy plan in the event those items are not met by the incumbent carrier. This matter was resolved in the context of Verizon’s Section 271 case.
- **1999-2000 Vermont Department of Public Service–Investigation of Geographically Deaveraged Unbundled Network Prices:** On behalf of the Vermont DPS, Mr. Brevitz testified before the Vermont Public Service Board regarding the appropriateness and extent of geographic deaveraging of rates for Unbundled Network Elements (UNEs) in Vermont. In formulating these positions, it was necessary to consider FCC Orders, competitive policy implications, and related issues such as distribution of federal high cost support. The FCC had spotlighted the linkages between high cost support and geographic deaveraging determinations. Consequently the testimony also considered federal high cost support distribution implications and local rate impacts stemming from geographic deaveraging determinations to be made by the Board.
- **1999 Vermont Department of Public Service–Evaluation of Bell Atlantic Proposed Alternative Regulation Plan, Wholesale Quality of Service Standards, and Cost of Service:** Mr. Brevitz served as project manager and lead consultant in the DPS review of Bell Atlantic’s proposed Price Point Plan and proposed appropriate modifications. Those modifications included moving rate reductions forward to the inception of the plan, and aligning the plan more closely to the status of competition in Vermont by allowing streamlined regulation only for truly new services, not bundles of existing services. Mr. Brevitz also supported the immediate implementation of detailed wholesale quality of service standards along with a remedies structure. Mr. Brevitz addressed the cost of service issues of reciprocal compensation and local number portability, and proposed rate design changes to effect the return of \$16 million in excess revenues.
- **1998-99 Delaware Public Service Commission Geographic Deaveraging of Bell Atlantic UNE Loop Rates:** Mr. Brevitz worked for PSC staff to analyze cost and policy issues associated with geographic deaveraging of UNE loop rates. Methodology and policy to determine geographic zones was reviewed for BA-Del, and compared to all other Bell Atlantic states. BA-Del cost data was reviewed to assess closeness of fit between BA-Del’s proposed population of zones with existing exchanges to the loop costs of those exchanges. After review of comments of interested parties, Mr. Brevitz prepared and submitted a report and recommendation to the PSC regarding modification of BA-Del’s proposal to implement geographically deaveraged UNE loop rates. The PSC adopted the report and recommendation in its Order in the matter.
- **1998 Vermont Department of Public Service- Evaluation of Proposed Special Contracts for Toll and Centrex Services for Compliance with Imputation Requirements:** Mr. Brevitz worked for the DPS in this matter, which was an evaluation of four individual customer toll contracts, and two individual customer Centrex contracts, under the Vermont Public Service Board’s price floor

and imputation requirements. This evaluation included analysis of whether Bell Atlantic had appropriately followed the Board's imputation requirements; whether the imputed costs had been appropriately calculated and included all relevant costs; and, whether undue price discrimination would result from approval of Bell Atlantic's proposed prices. Mr. Brevitz analyzed the Company's filed testimony and costing information provided in support of the contract pricing; drafted staff discovery and analyzed responses of other parties in the matter; and, supported pre-filed rebuttal and surrebuttal testimony before the Board under cross examination. Hearings in this matter were held in November and December of 1998 and January 1999.

- **1998 Delaware Public Service Commission- Re-classification of Residential ISDN as "Competitive":** Mr. Brevitz worked for Delaware Public Service Commission staff in this case (Docket 98-005T), which was a filing by Bell Atlantic to move Residential ISDN ("R-ISDN") from the basic service classification to the competitive service classification, pursuant to the Telecommunications Technology Investment Act and related Commission rules to implement the Act. Bell Atlantic filed an application before the PSC stating that R-ISDN met the statutory and rule conditions for moving the service to the competitive class of services, along with market information in support of that statement. Mr. Brevitz analyzed the company's filing and the comments of other parties in the matter from an economic and public policy perspective, analyzed the Company's compliance with applicable provisions of the TTIA and Commission rules, drafted staff discovery and analyzed discovery responses of other parties, and presented testimony under cross examination before the Commission. The hearing in this matter was held July 9, 1998.
- **1997 Delaware Public Service Commission - Costing and Pricing of Residential ISDN Service:** Mr. Brevitz assisted the Delaware PSC staff in this case (Docket 96-009T) by reviewing the prefiled testimony of all parties; reviewing the cost studies supporting Bell Atlantic's proposed R-ISDN pricing; comparing those costs to Bell Atlantic's UNE rates and costs; reviewing Bell Atlantic's contribution analyses and demand forecasts for the R-ISDN service; reviewing and comparing two Bell Atlantic local usage studies (the second of which more than tripled the costs of the earlier study); providing an analytic report on the usage cost studies to PSC staff and rate counsel; assisting in the preparation and conduct of cross-examination; and assisting staff rate counsel in preparation of the brief in this matter. The hearing in this matter concluded in January 1998.
- **1997 Georgia Public Service Commission - Unbundled Network Elements Cost Study Review:** Mr. Brevitz was a lead consultant in this engagement. The GPSC opened a cost study docket to determine the cost basis for BellSouth UNE rates, following arbitration hearings involving BellSouth and several competitors. Introduced for the first time by BellSouth, and considered in the hearing was BellSouth's "TELRIC Calculator". Also considered in the hearing, as sponsored by AT&T/MCI was Hatfield Model Versions 3 and 4. Mr. Brevitz prepared and provided to GPSC staff an "Issues Matrix" which listed the issues, party positions on the issues, and a suggested staff position. Also on behalf of GPSC staff, Mr. Brevitz analyzed cost inputs and outputs pertaining to both models. No testimony was provided in this matter as GPSC staff did not testify in the hearing. Hearings on the matter concluded in September 1997.

- **1995, 1996 and 1997 Wyoming Public Service Commission - Competition Rules:** Mr. Brevitz was the Project Manager and a lead consultant for this engagement. Mr. Brevitz is actively involved in writing and implementing comprehensive competition rules in Wyoming which consider the new 1995 Telecommunications Act in Wyoming and the 1996 Federal Telecommunications Act. These rules address interconnection/unbundling, universal service, service quality, price caps/alternative regulation, privacy, resale, intraLATA dialing parity, TSLRIC/cost study methods; access charge rate design; number portability, reciprocal compensation, rights-of-way and other matters.
- **1995 and 1996 Wyoming Public Service Commission - U S WEST Pricing Plan:** Mr. Brevitz was the Project Manager and a lead consultant for this engagement. Mr. Brevitz has evaluated and filed testimony regarding U S WEST's pricing plan, competition issues, universal service and U S WEST cost study issues.
- **1996 Oklahoma Corporation Commission - Seminar on 1996 Federal Telecom Act:** Mr. Brevitz presented a seminar on the 1996 Federal Telecom Act to the Oklahoma Corporation Commission Staff.
- **1995 and 1996 Georgia Public Service Commission - Local Number Portability and Competition Policy:** Mr. Brevitz was the Project Manager and a lead consultant for this engagement. Mr. Brevitz assisted the GPSC in implementing rules related to the new 1995 Telecommunications Act in Georgia and the 1996 Federal Telecom Act. Mr. Brevitz was primarily involved in initiating and coordinating the Number Portability Task Force and guiding the industry workshop on permanent number portability. The PSC has accepted the industry workshop recommendation. As a result, Georgia will be one of the first states to implement full number portability. Assistance was also provided on other competition issues.
- **1996 California Public Service Commission - Pricing of Unbundled Elements and Resale services:** Mr. Brevitz assisted Sprint in the pricing (second) phase of the California Commission's OANAD proceeding. Testimony was presented regarding proper pricing of unbundled network elements, given previous a PUC decision on UNE costs. The cost (first) phase involved the development of cost study principles, performance of TSLRIC cost studies of unbundled network elements by Pacific Bell and GTEC, and performance of avoided cost studies for retail services for resale.
- **1995 to 1996 Kansas Telecommunications Strategic Planning Committee - Kansas Corporation Commission:** Mr. Brevitz served as the Kansas Corporation Commission representative on this legislative committee, which was organized in mid-1994 to research and recommend any needed changes to the telecommunications statutes and state policies. The TSPC issued its final report to the Governor and the legislature in January 1996. Mr. Brevitz drafted the NTIA grant application for the Committee and worked with Legislative Research staff to draft the TSPC's Report to the Kansas Legislature. Mr. Brevitz also drafted subsequent reports to the Kansas Legislature regarding telecommunications on behalf of the KCC.

OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614

- **1995 Chairperson of Kansas Corporation Commission Working Groups:** Mr. Brevitz was appointed to the Cost Studies and Universal Service Working Groups for the KCC's general competition investigation, subsequent to the KCC's May 1995 Phase I competition order. He was also active in other Task Forces including Unbundling, Number Portability and Local Resale.
- **Kansas Corporation Commission - Infrastructure/Competition Report:** Produced a special report on Kansas telecommunications infrastructure/competition issues which was provided to the 1995 Kansas legislature.
- **1994 Kansas Corporation Commission - Alternative Regulation Legislation:** In 1994 the Kansas Legislature passed House Bill 3039, which extended SWBT's "TeleKansas" alternative regulation plan for two years. Mr. Brevitz provided substantial assistance in negotiating the detailed provisions for the KCC's implementation of the bill.
- **Kansas Corporation Commission - Southwestern Bell Telephone Infrastructure Analysis:** Investigated SWBT's infrastructure/modernization budget and addressed construction requirements, tariffs, rates, terms and conditions for SWBT's provision of interactive television ("ITV") to all Kansas schools at deep discount prices for the benefit of the Kansas infrastructure and schools.

Work History

Independent Telecommunications Consultant, Brevitz Consulting Services

Following a significant engagement with the Kansas Corporation Commission, extensive professional services have been provided to state public utility commissions, as indicated above under "Recent Relevant Experience".

A variety of duties and tasks have been performed for the Kansas Corporation Commission, including providing staff support for Statewide Strategic Telecommunications Planning Committee, composed of 17 members (legislators, state agency heads, private enterprise); assisting in KCC implementation of House Bill 3039 ("TeleKansas II", extension of alternative regulatory plan for Southwestern Bell Telephone); and providing analysis and testimony for communications general investigations into competition in the local exchange and other markets. Those general investigations included General Competition, Competitive Access Providers, Network Modernization, Universal Service, Quality of Service, and Access Charges.

Kansas Consolidated Professional Resources - Director of Regulatory Affairs

Duties included monitoring of and participating in state regulatory affairs on behalf of twenty independent local exchange companies in Kansas that compose the partnership of KCPR. Active participation in statewide industry committees in the areas of access charges, optional calling plans/EAS, educational interactive video, dual party relay systems and private line/special access merger.

**OCS Exhibit 2D-1
David Brevitz, C.F.A.
Brevitz Consulting Services
3623 SW Woodvalley Terrace
Topeka, Kansas 66614**

Kansas Corporation Commission - Chief of Telecommunications

Duties included supervising the formulation of staff testimony and policy recommendations on matters such as long distance competition, access charges, telephone company rate cases, and deregulation of CPE and Inside Wiring; analyzing Federal Communications Commission and Divestiture court decisions; supervising and performing tariff analysis; and testifying before the Commission as necessary. SWBT's \$120 million "Divestiture rate case" was completed in this time period, as were several other large rate cases. Active member of the National Association of Regulatory Utility Commissioners (NARUC) Staff Committee on Communications.

Arizona Corporation Commission - Chief Rate Analyst - Telecommunications

Duties included supervision of staff and formulation of policy recommendations on telecommunications cases, along with production of analyses and testimony as required.

Kansas Corporation Commission - Economist - Research and Energy Analysis Division

Duties included research, analysis and production of casework and testimony regarding gas/electric and telecommunications matters. Matters addressed included revision of jurisdictional separations, deregulation of CPE and inside wire, Wolf Creek Nuclear Generating Plant Task Force, and divestiture of the Bell Operating Companies from AT&T.

Education

Michigan State University - Graduate School of Business

East Lansing, Michigan

Master's Degree in Business Administration-Finance.

Michigan State University/James Madison College

East Lansing, Michigan

Bachelor of Arts Degree in Justice, Morality and Constitutional Democracy.