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EDUCATION:

Ph.D., Economics, Auburn University, 1994.

B.S., Economics (magna cum laude), Auburn University, 1990.

EXPERIENCE:

- 2000 - Present **PHOENIX CENTER FOR ADVANCED LEGAL AND
ECONOMIC PUBLIC POLICY STUDIES (501(c)(3))
Washington, DC**
Chief Economist
- 2006 - Present **SAMFORD UNIVERSITY, Birmingham, Alabama**
Adjunct Professor
- 2004 - Present **APPLIED ECONOMIC STUDIES, Birmingham, Alabama**
President
- 2004-2006 **UNIVERSITY OF SOUTH FLORIDA, DEPT. OF
ECONOMICS**
Adjunct Professor
- 2000 - 2004 **Z-TEL COMMUNICATIONS**
Tampa, FL
Chief Economist, Strategic Policy and Planning
- 1996 - 2000 **MCI WORLDCOM CORPORATION**
Washington, D.C.
Senior Economist, Office of Policy and Strategic Planning
- 1994 - 1996 **FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C.
Economist, Office of the General Counsel & Cable Bureau,
Competition Division

PUBLISHED RESEARCH:

"The Competitive Effects of Quantity Discounts," with T. R. Beard and D. L. Kaserman (Forthcoming in *Antitrust Bulletin*).

"Network Neutrality and Industry Structure," with T. R. Beard, Thomas M. Koutsky and Lawrence J. Spiwak (Forthcoming in *Hastings Communications and Entertainment (Comm/Ent) Law Journal*).

"A La Carte and 'Family Tiers' as a Response to a Market Defect in the Multichannel Video Programming Market," with T. R. Beard and Thomas M. Koutsky. *CommLaw Conspectus*, Vol. 15, 2006.

"The Impact of Video Service Regulation on the Construction of Broadband Networks to Low-Income Households," with Thomas M. Koutsky and Lawrence J. Spiwak (Forthcoming in *I/S: A Journal of Law and Policy for the Information Society*).

"Competition After Unbundling: Entry, Industry Structure and Convergence," with Thomas M. Koutsky and Lawrence J. Spiwak. *The Federal Communications Law Journal*, Vol. 59, 2007.

"Does Municipal Supply of Communications Crowd-Out Private Communications Investment? An Empirical Study" (Forthcoming in *Energy Economics*).

"Broadband and Economic Development: A Municipal Case Study from Florida," with T. M. Koutsky. *Review of Urban and Regional Development Studies*, Vol. 17, 2006.

"The Economics of Build-out Rules in Cable Television," with T. M. Koutsky and L. W. Spiwak. *Hastings Communications and Entertainment (Comm/Ent) Law Journal*, Vol. 28 (2006).

"Issues in Empirical Merger Analysis," with T. Randolph Beard
Introductory article by the Guest Editors in a Special Issue of the *International Journal of the Economics of Business*, Vol. 13, 2006.

"Empirical Simulation of Mergers: The Cingular and AT&T Wireless Merger," with T. Randolph Beard and Richard P. Saba. *International Journal of the Economics of Business*, Vol. 13, 2006.

"Event Studies for Merger Analysis: An Evaluation of the Effects of Non-Normality on Hypothesis Testing," with Audrey D. Kline. In *Antitrust Policy Issues*, Nova Publishers, 2006.

“Are Unbundled and Self-supplied Telecommunications Switching Substitutes? An Empirical Study,” with T. Randolph Beard. *International Journal of the Economics of Business*, Vol. 12, 2005.

“Misleading Inferences from Panel Unit-Root Tests: A Comment,” with John Jackson and Audrey Kline. *Review of International Economics*, Vol. 14, 2006.

“Splitting the Baby: An Empirical Test of Rules of Thumb in Regulatory Price Setting,” with T. Randolph Beard. *Kyklos*, Vol. 58, 2005.

“Mandated Access and the Make-or-Buy Decision: The Case of Local Telecommunications Competition,” with T. Randolph Beard and Thomas W. Koutsky. *Quarterly Review of Economics and Finance*, Vol. 45, 2005. Presented at *The Drivers and Significance of Local Telecommunications Competition*, United States Department of Justice, July 23, 2002 as “Facilities-based Entry in Local Telecommunications: An Empirical Investigation”).

“On the Relationship between Telecommunications Investment and Economic Growth: Three Empirical Studies,” with R. Beil and J. Jackson. In *Economic Growth Issues*, Nova Publishers, 2005.

“On the Relationship between Telecommunications Investment and Economic Growth in the United States,” with R. Beil and J. Jackson. *International Economic Journal*, Vol. 19, 2005.

“Access Charge Reductions and Long Distance Rates: A Bootstrap Analysis,” with T. Randolph Beard, R. Carter Hill, and Richard P. Saba. *Empirical Economics*, Vol. 30, 2005.

“Fragmented Duopoly: A Conceptual and Empirical Investigation,” with T. Randolph Beard, R. Carter Hill, and R. Saba. *Journal of Business*, Vol. 78, 2005.

“Competition and Investment in Telecommunications,” with John D. Jackson. *Atlantic Economic Journal*, Vol. 32, 2004.

“Pursuing Competition in Local Telephony: The Law and Economics of Unbundling and Impairment,” with T. R. Beard and R. B. Ekelund Jr., *Journal of Law, Technology and Policy*, Vol. 2003, Fall 2003.

The Financial Implications of the UNE-Platform: A Review of the Evidence,” with T. Randolph Beard and Christopher C. Klein *CommLaw Conspectus: Journal of Communications Law and Policy*, Vol. 12, No. 1, 2004. Also published in the handbook for the 21st Annual Institute on

Telecommunications Policy & Regulation, Practising Law Institute, New York (2003).

"Innovation, Investment, and Unbundling: An Empirical Update," with Robert B. Ekelund Jr., *Yale Journal on Regulation*, Vol. 20, 2003.

"Discrimination and Minority Ownership in Radio Broadcasting," with Audrey B. Davidson and Barry Hayworth, *International Journal of the Economics of Business*, Vol. 10, 2003.

"Preliminary Evidence on the Demand for Unbundled Elements in Telephony," with Robert B. Ekelund, Jr., *Atlantic Economic Journal*, Vol. 30, 2002.

"Demand Elasticities for International Message Telephone Service," with John D. Jackson, *Applied Economics*, Vol. 36, 2004.

"Competition and Market Structure in Local Exchange and Long Distance Telecommunications Markets," with T. Randolph Beard. *International Handbook on Telecommunications Economics*, Vol. I, Ch. 6, Gary Madden ed., Edward Elgar: 2002.

"Why Adco? Why Now? An Economic Exploration into the Future of Industry Structure in Local Telecommunications Markets," with T. Randolph Beard and Lawrence Spiwak. *Federal Communications Law Journal*, Vol. 54, 2002.

"Price, Quality, and Consumer Welfare in the Cable Television Industry," with T. Randolph Beard, Robert B. Ekelund, Jr., and Richard P. Saba. *Journal of Regulatory Economics*, Vol. 20, 2001

"The Fallacy of Regulatory Symmetry: An Economic Analysis of the "Level Playing Field" in Cable TV Franchising Statutes," with Thomas W. Hazlett. *Business & Politics*, Vol. 3, 2001.

"The Measurement of Merger Delay in Regulated and Restructuring Industries," with Robert B. Ekelund Jr. and Mark Thornton. *Applied Economics Letters*, Vol. 8, 2001.

"Changing Industry Structure: The Economics of Entry and Price Competition" with Jerry B. Duvall. *Telecommunications and Space Journal*, Vol. 7, 2000.

"Market Power in Radio Markets: An Empirical Analysis of Local and National Concentration," with Robert B. Ekelund, Jr. and Thomas Koutsky. *Journal of Law and Economics*, Vol. XLIII, 2000.

"TV Advertising, Local Markets and Merger Guidelines: An Empirical Study," with Robert B. Ekelund, Jr. and John D. Jackson. *International Journal of the Economics of Business*, Vol. 7, 2000.

"Preserving Free Television? Some Empirical Evidence on the Efficacy of Must Carry," with John D. Jackson. *Journal of Media Economics*, Vol. 13, 2000.

"Is Radio Advertising a Distinct Local Market: An Empirical Analysis," with R. B. Ekelund, Jr. and John D. Jackson. *Review of Industrial Organization*, Vol. 14, 1999.

"On the Interpretation of Policy Effects from the Estimates of Simultaneous Systems of Equations," with John D. Jackson. *Applied Economics*, Vol. 30, 1998.

"Information Costs and Nirvana Revisited: Edwin Chadwick on Nineteenth Century Urban Funeral Markets," with Robert B. Ekelund, Jr. *Journal of Regulatory Economics*, Vol. 12, 1997. Reprinted in the *The Foundations Of Regulatory Economics*, Ed. R. B. Ekelund, Jr., Edward Elgar Publishing.

"Horizontal Concentration and Vertical Integration in the Cable Television Industry" with John D. Jackson. *Review of Industrial Organization*, Vol. 12, 1997.

CURRENT RESEARCH PROJECTS FOR PUBLICATION:

"Constituency Size and Government Spending," with M. Thornton and M. Ulrich.

"An Economic Analysis of Late Fees," with T. R. Beard.

"An Investigation into the Influence of Retail Gas Prices on Oil Company Profits."

"The Generalized Lambda Distribution and Sample Size," with J. D. Jackson.

"An Analysis of RESET for Conditional Mean Models."

"Selecting Members for Panel Unit Root Tests," with J. Jackson.

EXAMPLES OF LITIGATION, REGULATORY DOCUMENTS and TESTIMONY:

Carter Estate v. CSXT, Louisville, Kentucky (2006).

Ken Hecht v. Comcast of Indiana, Inc., et al, Indianapolis, Indiana (2005/6).

"Crummy Duopoly" or Vigorous Inter-Modal Competition? The Impact of Cable Franchise Requirements on New Fiber Builds. Phoenix Center Congressional Briefing (July 21, 2005).

Florida Bill HB 1325 and SB 1322 (Municipal Broadband). Testimony before numerous Committees of the Florida House of Representatives (Spring 2005).

Z-Tel Communications, Inc. v. SBC Communications, Inc., Texarkana, Texas (2003).

"A Response to Olbeter and Robinson's 'Breaking the Backbone'," released by MCI Worldcom (August 1999).

"An Economic Analysis of the FCC's Notice of Inquiry on Flat Rate Charges in the Long Distance Industry," filed in CC Docket No. 99-249 (September 1999).

"Further Thoughts on Payphone Compensation," filed in CC Docket No. 96-128 (November 1998).

"Effective Enforcement of Non-Discriminatory Performance by Incumbent Local Exchange Carriers," with John D. Jackson (filed with New York Public Service Commission, October 1999).

"A Review of the Texas Performance Plan," with John D. Jackson filed with the Federal Communications Commission (2000).

Investigation into Pricing of Unbundled Network Elements, Testimony filed before the State of Florida Public Service Commission, Docket No. 990649-TP (2000).

Investigation into Pricing of Unbundled Network Elements, Testimony filed before the State of Florida Public Service Commission, Docket No. 990649-TP (2000).

Investigation into Pricing of Unbundled Network Elements, Testimony filed before the State of New York Public Service Commission, Docket No. 98-C-1357 (2000).

In the Matter of US West Communications, Inc.'s Compliance with Sec 271 of the Telecommunications Act of 1996, Statement before the Arizona Corporation Commission, Docket No. T-00000B-97-0238 (2000).

Performance Measurements for Telecommunications Interconnection, Unbundling and Resale, Testimony before the Georgia Public Service Commission, Docket No. 7892-U (2000).

Investigation and Generic Proceeding on Ameritech Indiana's rates for Interconnection, Service, Unbundled Elements, and Transport and Termination, Declaration and Reply before the Indiana Public Service Commission, Cause No. 40611 (2000 2000).

Inquiry by the Department of Telecommunications and Energy Pursuant to Section 271 of the Telecommunications Act of 1996, Comments filed before the Massachusetts Department of Telecommunications and Energy, Docket No. DTE 99-271 (2000).

Commission Review of Various Submissions of Ameritech Indiana to Show Compliance with Section 271(C) of the Telecommunications Act of 1996, Multiple filings before the Indiana Utility Regulatory Commission (2000).

In the Matter of US West Communications, Inc.'s, Compliance with §271 of the Telecommunications Act of 1996, Comments and studies filed before the Arizona Corporation Commission (2000).

In the Matter of Investigation into US West Communications, Inc.'s Compliance with Certain Wholesale Pricing Requirements for Unbundled Network Elements and Resale Discounts, Docket No.T-00000A-00-0194 (2001).

In the Matter of the Commission Investigation and Generic Proceeding on Ameritech Indiana's Rates for Interconnection, Service, Unbundled Elements, and Transport and Termination Under the Telecommunications Act of 1996 and Related Indiana Statutes, Cause No. 40611-S1 (2001).

In the Matter of the Petition of Indiana Bell Telephone Company, Incorporated d/b/a Ameritech Indiana Pursuant to I.C. 8-1-2-61 For a Three Phase Process For Commission Review of Various Submissions of Ameritech Indiana to Show Compliance with Section 271(c) of The Telecommunications Act of 1996, Cause No. 41657 (2001).

Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, Federal Communications Commission, CC Docket No. 99-295 (1999).

Application by SBC Communications Inc., Southwestern Bell Telephone Company, And Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas, Federal Communications Commission, CC Docket No. 00-65 (2000)

Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma, Federal Communications Commission, CC Docket No. 00-217 (2000/2001).

Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services in Arkansas and Missouri, Federal Communications Commission, CC Docket No. 01-194 (2001).

Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., And BellSouth Long Distance, Inc for Provision of In-Region, InterLATA Services In Georgia and Louisiana, Federal Communications Commission, CC Docket No. 02-35 (2002).

Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Federal Communications Commission, CC Docket No. 01-338 (2003).

BOOK REVIEWS, EDITORIALS, REPORTS, and POLICY PAPERS:

“University of Florida Study Shows Only Winners from Network Neutrality Regulation to be Content Providers, Consumers Lose.”
PHOENIX CENTER POLICY PERSPECTIVE No. 07-01 (March 2007).

“Network Neutrality and Foreclosing Market Exchange: A Transaction Cost Analysis,” with Thomas M. Koutsy and Lawrence J. Spiwak,
PHOENIX CENTER POLICY PAPER No. 28 (March 2007).

“Tort Liability for Software Developers: A Law & Economics Perspective,” with Thomas M. Koutsy and Lawrence J. Spiwak,
PHOENIX CENTER POLICY PAPER No. 27 (January 2007).

“An Investigation into the Influence of Retail Gas Prices on Oil Company Profits,” PHOENIX CENTER POLICY PAPER No. 26 (August 2006).

"The Burden of Network Neutrality Mandates on Rural Broadband Deployment," with Thomas M. Koutsky and Lawrence J. Spiwak, PHOENIX CENTER POLICY PAPER No. 25 (July 2006).

"The Efficiency Risk of Network Neutrality Rules," with Thomas M. Koutsky and Lawrence J. Spiwak, PHOENIX CENTER POLICY BULLETIN No. 16 (May 2006).

"Network Neutrality and Industry Structure," with Thomas M. Koutsky and Lawrence J. Spiwak, PHOENIX CENTER POLICY PAPER No. 24 (April 2006).

"Unnecessary Regulations and the Value of Spectrum: An Economic Evaluation of Lease Term Limits for the Educational Broadband Service," with Thomas M. Koutsky, PHOENIX CENTER POLICY BULLETIN No. 15 (February 2006).

"A La Carte and 'Family Tiers' as a Response to a Market Defect in the Multichannel Video Programming Market," with Thomas M. Koutsky, PHOENIX CENTER POLICY BULLETIN No. 14 (February 2006).

"In Delay There Is No Plenty: The Consumer Welfare Cost of Franchise Reform Delay," with Thomas M. Koutsky, PHOENIX CENTER POLICY BULLETIN No. 13 (January 2006).

"Franchise Fee Revenues After Video Competition: The 'Competition Dividend' for Local Governments," with Thomas M. Koutsky, PHOENIX CENTER POLICY BULLETIN No. 12 (November 2005).

"Higher Prices Expected from the Cingular/AT&T Wireless Merger," PHOENIX CENTER POLICY BULLETIN No. 11 (26 May 2004).

"The Impact of Video Service Regulation on the Construction of Broadband Networks to Low-Income Households," with Thomas M. Koutsky and Lawrence J. Spiwak, PHOENIX CENTER POLICY PAPER No. 23 (September 2005).

"The Consumer Welfare Cost of Cable "Build-out" Rules," with Thomas M. Koutsky and Lawrence J. Spiwak, PHOENIX CENTER POLICY PAPER No. 22 (July 2005).

"Competition After Unbundling: Entry, Industry Structure and Convergence," with Thomas M. Koutsky and Lawrence J. Spiwak, PHOENIX CENTER POLICY PAPER No. 21 (July 2005).

"Quantity-Discount Contracts as a Barrier to Entry," with T. Randolph Beard and Lawrence J. Spiwak/ PHOENIX CENTER POLICY PAPER NO. 20 (November 2004).

"The Positive Effects of Unbundling on Broadband Deployment," with Lawrence W. Spiwak. PHOENIX CENTER POLICY PAPER NO. 19 (September 2004).

"Set It and Forget It? The Consequences of Market Power and Deregulation in Telecommunications Markets Services," with L. J. Spiwak. PHOENIX CENTER POLICY PAPER No. 18 (June 2003).

"What Determines Wholesale Prices for Network Elements in Telephony? An Econometric Evaluation," with T. Randolph Beard, PHOENIX CENTER POLICY PAPER NO. 16 (September 2002).

"Make or Buy? Unbundled Elements as Substitutes for Competitive Facilities in the Local Exchange Network," with Thomas R. Beard. PHOENIX CENTER POLICY PAPER NO. 14 (September 2002).

"Why Adco? Why Now? An Economic Exploration into the Future of Industry Structure in Local Telecommunications Markets," PHOENIX CENTER POLICY PAPER No. 12 (November, 2001).

"An Economic Analysis of the FCC's Notice of Inquiry on Flat Rate Charges in the Long Distance Industry," PHOENIX CENTER POLICY PAPER No. 11 (May, 2001).

"Changing Industry Structure: The Economics of Entry and Price Competition" with Jerry B. Duvall, PHOENIX CENTER POLICY PAPER No. 10 (April 2001) and *Telecommunications and Space Law*, 2001.

"Flow Through and Competition in the International Message Telephone Service Market," PHOENIX CENTER POLICY PAPER No. 7 (September, 2000).

"Higher Prices Expected from the Cingular/ AT&T Wireless Merger," PHOENIX CENTER POLICY BULLETIN NO. 11 (26 May 2004): with Lawrence W. Spiwak.

"Fixed-Mobile "Intermodal" Competition in Telecommunications: Fact or Fiction? "PHOENIX CENTER POLICY BULLETIN NO. 10 (30 March 2004): with Lawrence W. Spiwak.

"Federalism in Telecommunications Regulation: Effectiveness and Accuracy of State Commission Implementation of TELRIC in Local

Telecoms Markets," PHOENIX CENTER POLICY BULLETIN NO. 9 (9 March 2004): with Lawrence W. Spiwak.

"The \$10 Billion Benefit of Unbundling: Consumer Surplus Gains from Competitive Pricing Innovations," PHOENIX CENTER POLICY BULLETIN NO. 8 (27 January 2004): with Lawrence W. Spiwak and Thomas Koutsky.

"The Positive Effects of Competition on Employment in the Telecommunications Industry," PHOENIX CENTER POLICY BULLETIN NO. 7 (15 October 2003): with Lawrence W. Spiwak.

"UNE-P Drives Bell Investment - A Synthesis Model," PHOENIX CENTER POLICY BULLETIN NO. 6 (17 September 2003): with Lawrence W. Spiwak.

"Competition and Bell Company Investment in Telecommunications Plant: The Effects of UNE-P," PHOENIX CENTER POLICY BULLETIN NO. 5 (Originally released 9 July 2003 and updated 17 September 2003): with Lawrence W. Spiwak.

"The Truth About Telecommunications Investment after the Telecommunications Act of 1996," PHOENIX CENTER POLICY BULLETIN NO. 4 (24 June 2003) : with Lawrence W. Spiwak.

"Telecommunications Stocks and the FCC's Triennial Review," PHOENIX CENTER POLICY BULLETIN NO. 2 (11 March 2003).

"In Through the Back Door: Embedded Cost and the FLC." June 2002. (www.aestudies.com).

"How Many Days in a Year? Creative Cost Modeling and the Cost to Competition." June 2002. (www.aestudies.com).

"A Fox in the Hen House: An Evaluation of Bell Company Proposals to Eliminate Their Monopoly Positions in Local Telecommunications." June 2002. (www.aestudies.com).

"Opportunities for Local Exchange Competition Are Greatly Exaggerated." *Electric Light & Power*, April 1998.

Welfare Economics and Externalities in an Open Ended Universe: A Modern Austrian Perspective, by Roy E. Cordato. *Southern Economic Journal* (April, 1994).

Toward Competition in Local Telephony, by William J. Baumol and Gregory Sidak. *Southern Economic Journal* (April, 1996).

"Competition Will Decrease Cable Rates: On Curbing Cable Costs," with Audrey B. Davidson. *Business First*, September 6, 1993.

"TKR Cable Not Living Up To Promises To Cut Rates," with Audrey B. Davidson. *The Louisville Cardinal*, September 2, 1993.

"The Cable Television Industry: An Annotated Bibliography" Published and Funded by the *Auburn Utilities Research Center*, Summer 1994.