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Testimony before the Utility Diversification Committee of the Legislature of the State of New Mexico, September 2, 1982.

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Testimony before Motor Carrier Ratemaking Study Commission, Orlando, Florida, April 2, 1982.

Testimony before the State of Connecticut Department of Public Utility Control on methods of regulating rates for basic television cable service, March 9, 1982.

Testimony before the Committee of Energy and Public Utilities, The General Assembly of the State of Connecticut on regulation of cable television, March 1, 1982.

Testimony before the Public Utilities Commission of the State of California, for Pacific Power & Light Company on methods of allocating aggregate revenue requirements, September 24, 1981.

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OFFICE OF THE SECRETARY**

ATTACHMENT 2

**USTA Comments
CCB/CPD 98-12
March 18, 1998**

ATTACHMENT 3

**AFFIDAVIT OF
J. GREGORY SIDAK AND DANIEL F. SPULBER**

**USTA COMMENTS
CC DOCKET NO. 96-262
JANUARY 29, 1997**

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of)	
)	
Access Charge Reform)	CC Docket No. 96-262
)	
Price Cap Performance Review for Local Exchange Carriers)	CC Docket No. 94-1
)	
Transport Rate Structure and Pricing)	CC Docket No. 91-213
)	
Usage of the Public Switched Network by Information Service and Internet Access Providers)	CC Docket No. 96-263
)	

**AFFIDAVIT OF
J. GREGORY SIDAK AND DANIEL F. SPULBER**

J. Gregory Sidak and Daniel F. Spulber, being duly sworn, depose and say:

1. My name is J. Gregory Sidak. I am the F. K. Weyerhaeuser Fellow in Law and Economics at the American Enterprise Institute for Public Policy Research (AEI), where I direct AEI's Studies in Telecommunications Deregulation. I am also a senior lecturer at the Yale School of Management, where I teach a course on telecommunications regulation with Professor Paul W. MacAvoy. I served as Deputy General Counsel of the Federal Communications Commission from 1987 to 1989, and as Senior Counsel and Economist to the Council of Economic Advisers in the Executive Office of the President from 1986 to 1987.

2. My academic research concerns telecommunications regulation, antitrust policy, and constitutional law issues concerning economic regulation. I have written four books concerning pricing, costing, competition, and investment in regulated network industries: *Deregulatory Takings and the Regulatory Contract: The Competitive Transformation of Network Industries in the United States* (Cambridge University Press, forthcoming 1997), co-authored with Daniel F. Spulber; *Toward Competition in Local Telephony* (MIT Press & AEI Press 1994), co-authored with William J. Baumol;

Transmission Pricing and Stranded Costs in the Electric Power Industry (AEI Press 1995), also co-authored with William J. Baumol; and *Protecting Competition from the Postal Monopoly* (AEI Press 1996), also co-authored with Professor Spulber. I am also the author of a fifth book, *Foreign Investment in American Telecommunications* (University of Chicago Press, forthcoming 1997), and of more than twenty-five scholarly articles in the *Journal of Political Economy*, *California Law Review*, *Columbia Law Review*, *Cornell Law Review*, *Duke Law Journal*, *Georgetown Law Journal*, *Harvard Journal on Law & Public Policy*, *New York University Law Review*, *Northwestern University Law Review*, *Southern California Law Review*, *Yale Journal on Regulation*, and elsewhere. I am the editor of *Governing the Postal Service* (AEI Press 1994). I have testified before the U.S. Senate and House of Representatives, and my writings have been cited by the Supreme Court, by the lower federal courts, by state and federal regulatory commissions, and by the Judicial Committee of the Privy Council of the House of Lords. I have been a consultant on regulatory and antitrust matters to the Antitrust Division of the U.S. Department of Justice, to the Canadian Competition Bureau, and to more than thirty companies in the telecommunications, electric power, natural gas, mail delivery, and computer software industries in North America, Europe, Asia, and Australia.

3. I received A.B. and A.M. degrees in economics and a J.D. from Stanford University, where I was a member of the *Stanford Law Review*, and I served as a law clerk to Chief Judge Richard A. Posner during his first term on the U.S. Court of Appeals for the Seventh Circuit.

4. My name is Daniel F. Spulber. I am the Thomas G. Ayers Professor of Energy Resource Management and Professor of Management Strategy at the J. L. Kellogg Graduate School of Management, Northwestern University. I was previously Professor of Economics and Professor of Economics and Law at the University of Southern California. I have also taught economics at Brown University and the California Institute of Technology. I have conducted extensive research over the last nineteen years in the areas of regulation, management strategy, industrial organization, microeconomic

theory, and energy economics.

5. I am the author of the textbook *Regulation and Markets* (MIT Press 1989). I have written two other books on the regulation of network industries, *Deregulatory Takings and the Regulatory Contract: The Competitive Transformation of Network Industries in the United States* (Cambridge University Press, forthcoming 1997) and *Protecting Competition from the Postal Monopoly* (AEI Press, 1996), both co-authored with J. Gregory Sidak. I have published more than fifty articles on regulation, pricing, management strategy, and related topics in numerous academic journals, including the *American Economic Review*, the *Columbia Law Review*, the *Journal of Economic Perspectives*, the *Journal of Economic Theory*, the *Journal of Law and Economics*, the *New York University Law Review*, the *Quarterly Journal of Economics*, the *RAND Journal of Economics*, and the *Yale Journal on Regulation*. I am the founding editor of the *Journal of Economics & Management Strategy*, published by the MIT Press. A recent survey ranked me sixth among the most prolific economists publishing in the leading academic journals.

6. I hold a B.A. degree in economics from the University of Michigan, and an M.A. and a Ph.D. in economics from Northwestern University.

7. We have been asked by the United States Telephone Association to evaluate whether the public interest would be served by the Commission's proposed changes in the determination of charges for interstate access. This affidavit draws upon and extends the analysis contained in our articles, "Deregulatory Takings and Breach of the Regulatory Contract," 71 *New York University Law Review* 851 (1996), and "The Tragedy of the Telecommons: Government Pricing of Unbundled Network Elements Under the Telecommunications Act of 1996," 97 *Columbia Law Review* (forthcoming 1997). We present this affidavit in our individual capacities, and not on behalf of the American Enterprise Institute, the Kellogg Graduate School of Management, or the Yale School of Management.