Brandon Burgess
Chief Executive Officer

June 14, 2006

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Filing
CS Docket No. 98-120

Dear Ms. Dortch:

As the Commission approaches the date for deciding the issue of full digital must carry for the television broadcast industry in the United States, it is important to remember the nearly boundless potential that would be created by the implementation of full digital must carry and the severe, adverse impact on the broadcast industry from the denial of such carriage rights for multicast signals.

The Programming Potential of Full Digital Multicast Must Carry

Full digital multicast must-carry would provide broadcasters with an unprecedented opportunity to present new and diverse free over-the-air programming to serve community interests that often have been left underserved due to limited broadcast air time.

The following uses for multicast broadcast channels either have been proposed by ION Media and others or already are being implemented by local broadcasters around the country;

- 24-hour local news and public affairs programming;
- Local traffic and public safety programming;\
- Sports programming, such as high school sporting events;
- Arts and entertainment programming;
- Weather programming;
- Foreign language and other ethnic-themed programming;
- Educational and instructional programming through affiliation with local educational institutions;
- Faith-based programming;
- A national children's programming network;
- A national over-the-air broadcast network devoted to programming for the African-American community;

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DECLARATION OF STEPHEN E. SIWEK

I, Stephen E. Siwek, do declare under penalty of perjury as follows.

1. I am a Principal with Economists Incorporated, a private research and consulting firm located at 1200 New Hampshire Avenue, NW, Washington, D.C. 20036. The firm specializes in the economic analysis of antitrust, regulatory and damage issues. I have been asked to undertake this project by ION Media Networks, Inc. ("ION"), formerly known as Paxson Communications Corporation.

2. In my position, I specialize in the assessment and/or measurement of lost profit damages, the economic performance of US industries (including the television industry) that depend on copyright protection and in the economic and financial analysis of regulated industries such as the communications industry. I have also studied principles and methods of business valuation and was a member of the Institute of Business Appraisers ("IBA") for approximately seven years.

3. I received a B.A. degree in economics from Boston College in 1973 and an M.B.A. degree from George Washington University in 1975.

4. I have been continuously involved in consulting since 1975. I have been with Economists Incorporated since 1983. Prior to that, I was employed at the Washington DC-based consulting firm of Snavely, King and Associates, Inc. While employed at these firms, I have testified as an expert witness on more than 60 occasions before regulatory bodies and courts.

5. I am coauthor of two books, various published articles and numerous studies of the US copyright industries and their impact on the US economy. A full list of

my publications and experience is contained in my curriculum vitae, which is attached hereto.

6. I am also experienced in a variety of economic and financial areas, and I have reviewed and analyzed corporate financial filings and Securities and Exchange Commission reports on numerous occasions in the past. In addition, I have testified as an expert damage witness in cases involving contract breach, antitrust, patent infringement and other categories of civil claims. My testifying experience is also set forth in my CV.

Television Broadcasting Companies

7. In this matter, I have been asked to review financial statements and related information that have recently been disclosed in public filings by a number of companies that own and operate multiple television broadcast stations.

8. The list of companies that I have analyzed in this exercise was not intended to represent the entire spectrum of publicly traded broadcast entities. Indeed, the companies that I have studied *exclude* the largest station owners including News Corp. (Fox), CBS, General Electric (NBC) and Walt Disney Co. (ABC).

9. In this report, I analyze public financials for the following five smaller broadcasting groups: Acme Communications, Granite Broadcasting Corporation, ION Media Networks, LIN Television, and Young Broadcasting, Inc. As a general matter, these firms own multiple broadcast stations but do not rank among the top ten television groups in terms of audience size.[1] Together, these companies own 122 television

[1] In terms of sign-on to sign-off audience size, the largest of these groups is LIN Television, which ranks 14th based on May 2005 sweeps data. *See* Bear Sterns, "Local TV: It's All About Leverage," May 26, 2006, page 21.

broadcast stations and represent almost one-tenth of the licensed full-power commercial television stations in the country.[2] Moreover, the stations owned by many of these firms tend to be among the lower rated stations in the markets in which they operate. In addition, many of the stations owned by several of these firms were the local affiliates of the UPN and WB Networks that have announced that they will no longer provide programming after September 20, 2006.[3]

10. The financial analysis of public companies generally involves, among other things, the review of management statements, audited financials and notes to those financials. In this Declaration, I have also chosen to present certain summary financial data for each of the firms in Exhibit 1. In addition, I have chosen to highlight specific issues of particular interest by extracting and in some cases highlighting direct quotations from each firm's public filings. *See* Exhibit 2.

Conclusions

11. As shown in Exhibit 1, all of these companies sustained large losses over the last three calendar years. Indeed, the five companies reported combined losses of over $997 million for the period 2003-2005.

12. In addition, the five broadcast firms are generally burdened with high debt loads, low or negative cash flows from operations and restrictive loan covenants. These adverse results generally reflect the federally mandated construction of DTV facilities,

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[2] Review of FCC CDBS database; FCC News, "Broadcast Station Totals as of March 31, 2006," May 26, 2006.

[3] *See, e.g.,* LIN Television Corp., 10-K YE 12/31/05, p. 24.

loss of network benefits and increased competition from a variety of video providers, most of which, even if subscriber supported, also offer advertising-supported programming.

Executed this 14th day of June, 2006.

By: _____
Stephen E. Siwek

Acme Communications, Inc.
Summary of Key Financial Information
(Thousands of Dollars)

	2005	2004	2003	Cumulative 3-Year Results: 2003-2005
Net Revenue	40,934	39,257	35,722	115,913
Operating Expenses	52,286	49,906	45,891	148,083
Operating (Loss) Income	(11,352)	(10,649)	(10,169)	(32,170)
Loss from Continuing Operations	(13,543)	(12,504)	(32,867)	(58,914)
Net Income	(15,945)	(17,547)	(74,968)	(108,460)

Source: Acme Communications, Inc. 10-K YE 12/31/05, p. 22.

Granite Broadcasting Corporation
Summary of Key Financial Information
(Thousands of Dollars)

	2005	2004	2003	Cumulative 3-Year Results: 2003-2005
Net Revenue	86,160	80,500	73,333	239,993
Operating Expenses	(80,492)	(82,731)	(73,327)	(236,550)
Operating (Loss) Income	5,668	(2,231)	6	3,443
Loss from Continuing Operations	(66,028)	(71,003)	(51,286)	(188,317)
Net Income	(99,382)	(83,292)	(46,948)	(229,622)

Source: Granite Broadcasting Corporation 10-K YE 12/31/05, p. 50.

ION Media Networks, Inc.
Summary of Key Financial Information
(Thousands of Dollars)

	2005	2004	2003	Cumulative 3-Year Results: 2003-2005
Net Revenue	254,176	276,630	270,939	801,745
Operating Expenses	274,761	293,885	278,333	846,979
Operating (Loss) Income	(22,150)	(12,419)	44,195	9,626
Loss from Continuing Operations	-	-	-	-
Net Income	(235,670)	(187,972)	(76,213)	(499,855)

Source: Paxson Comunications Corporation 10-K YE 12/31/05, p. 106.

LIN Television Corp.
Summary of Key Financial Information
(Thousands of Dollars)

	2005	2004	2003	Cumulative 3-Year Results: 2003-2005
Net Revenue	380,384	376,719	344,239	1,101,342
Operating Expenses	338,014	275,712	314,532	928,258
Operating (Loss) Income	42,370	101,007	29,707	173,084
Loss from Continuing Operations	11,376	71,957	(81,356)	1,977
Net Income	(26,141)	93,038	(90,390)	(23,493)

Source: LIN Television Corp. 10-K YE 12/31/05, p. F-5.

Young Broadcasting Inc.
Summary of Key Financial Information
(Thousands of Dollars)

	2005	2004	2003	Cumulative 3-Year Results: 2003-2005
Net Revenue	197,477	225,523	202,169	423,000
Operating Expenses	73,083	74,350	73,164	147,433
Operating (Loss) Income	(1,773)	22,309	12,222	20,536
Loss from Continuing Operations	(84,755)	(47,935)	(55,227)	(132,690)
Net Income	(91,346)	(44,276)	(49,117)	(135,622)

Source: Young Broadcasting Inc. 10-K YE 12/31/05, p. 60.

Total for All Five Companies
Summary of Key Financial Information
(Thousands of Dollars)

	2005	2004	2003	Cumulative 3-Year Results: 2003-2005
Net Revenue	959,131	998,629	926,402	2,681,993
Operating Expenses	657,652	611,122	638,593	1,834,203
Operating (Loss) Income	12,763	98,017	75,961	174,519
Net Income	(468,484)	(240,049)	(337,636)	(997,052)

EXHIBIT 2

Acme Communications, Inc.

Analog – Digital Conversion Risks

Our industry is subject to a government-mandated analog-digital conversion process which may ultimately lead to reduced viewership and advertising revenues.

Federal legislation now requires us to *cease all analog transmissions by February 17, 2009*. According to industry reports, television sets with digital receivers are only present in approximately 12% of U.S. television households. Although the federal government has created a subsidy for households with analog over-the-air receivers to receive free digital converters, the subsidy may not be large enough to cover all households with over-the-air receivers and a significant percentage of such households may not learn of or choose to take advantage of the subsidy. Furthermore, we are unable to predict the extent of consumer demand for digital television or when that demand will arise.

If we are required to cease analog operations before viewers have converted to digital television, our revenues and operating results will be adversely affected. (Emphasis Supplied) (Acme Communications, Inc. 10-K YE 12/31/05, p. 19.)

History of Negative Cash Flow from Operations

All of our continuing television stations are relatively new in their markets and are still developing. Several of them have never generated positive cash flow from operations and *the group has never generated positive cash flow from operations*. (Emphasis Supplied) (Acme Communications, Inc. 10-K YE 12/31/05, p. 16.)

Restrictive Covenants in Credit Facilities

Our senior credit facility contains restrictive covenants that may *limit our ability to: incur additional debt, pay dividends, merge, consolidate or sell assets*; make acquisitions or investments; and change the nature of our business. (Emphasis Supplied) (Acme Communications, Inc. 10-K YE 12/31/05, p. 17.)

As of December 31, 2005, the balances due under our revolving credit facility and SLTL were approximately $33.0 million and $20.0 million respectively, and *we were not in compliance with the minimum EBITDA covenants contained in both credit agreements.* (Emphasis Supplied) (Acme Communications, Inc. 10-K YE 12/31/05, p. 27.)

On March 29, 2006, we amended our senior credit facility. Our amended senior credit facility contains a provision that upon the occurrence or an event or condition that has a

material adverse change on our business (a "MAC") the lenders can refuse to make additional advances under the facility. Accordingly, if a MAC occurs in the future, we might not have access to funds under our senior credit facility, which may be necessary to meet our obligations, including cash interest payable to the lenders, as they become due. *If we fail to meet such obligations as they become due, the lenders could claim a default and accelerate all amounts due under the Senior Credit Facility*. (Emphasis Supplied) (Acme Communications, Inc. 10-K YE 12/31/05, p. 27.)

Accumulated Deficits

[Author's Note: As of December 31, 2005, the accumulated deficits reported for ACME Communications were $67,999,000.] (*See* Acme Communications, Inc. 10-K YE 12/31/05, p. 34.)

Loss of UPN and WB Network Programming

Eight of these [Acme owned] stations are *network affiliates of The WB Television Network and one station is a network affiliate of UPN.* (Emphasis Supplied) (Acme Communications, Inc. 10-K YE 12/31/05, p. 1.)

Low Ranking Stations

[Author's Note: Station rankings for ACME Stations in their markets based on ratings; one ranks fourth, six rank fifth, one ranks sixth.] (*See* Acme Communications, Inc. 10-K YE 12/31/05, p. 4.)

[Author's Note: Station rankings for ACME Stations in their markets based on share; one ranks second, two rank fourth, two rank fifth, two rank sixth and one ranks eighth.] (*See* Acme Communications, Inc. 10-K YE 12/31/05, p. 4.)

Granite Broadcasting Corporation

Going Concern Qualification

As discussed in Note 1 to the consolidated financial statements, *Granite Broadcasting Corporation's recurring losses from operations and net capital deficiency raise substantial doubt about its ability to continue as a going concern*. (Emphasis Supplied) (Granite Broadcasting Corporation 10-K YE 12/31/05, p. 49.)

[Author's Note: Absent significant information to the contrary, it is assumed in financial reporting that the entity will continue as a going concern. However, information may become available to the auditors that may significantly contradict the going concern assumption. Typically, this information might relate to the entity's inability to meet its obligations without substantial disposition of assets or other extraordinary actions. In these circumstance, the auditor is obliged to consider taking the unusual step of including an explanatory paragraph in his opinion letter that discloses this concern.]

Liquidity Risk

Absent changes to its capital structure and station ownership mix, the *Company will not have enough liquidity to make the June 1, 2006 interest payment on its Notes*. (Emphasis Supplied) (Granite Broadcasting Corporation 10-K YE 12/31/05, p. 55.)

Assuming the Company is successful in selling the KBWB-TV and WDWB-TV, selling additional assets and/or restructuring the Company, management believes that the available proceeds together with the cash and cash equivalents on hand and internally generated funds from operations may be sufficient to satisfy our cash requirements for our existing operations and debt service for the next twelve months. However, *a lack of liquidity would have a material adverse effect on the Company's business strategy and therefore affect its ability to continue as a going concern* and make our June 1, 2006 interest payment on our notes. (Emphasis Supplied) (Granite Broadcasting Corporation 10-K YE 12/31/05, p. 55.)

ION Media Networks, Inc. (formerly Paxson Communications Corporation)

High Debt Levels

We are highly leveraged. As of December 31, 2005 we had total indebtedness of $1.1 billion, all of which is senior secured indebtedness, and redeemable preferred stock with an aggregate redemption value of approximately $1.3 billion. (Emphasis Supplied) (Paxson Communications Corporation 10-K, YE 12/31/05, p. 37.)

The level of our indebtedness and redeemable preferred stock has important consequences to us, including that our cash flow from operations must be dedicated to debt service and will not be available for other purposes. (Paxson Communications Corporation 10-K, YE 12/31/05, p. 37.)

History of Losses

We have incurred losses from continuing operations in each fiscal year since our inception. For the years ended December 31, 2005, 2004, and 2003, our earnings were insufficient to cover our combined fixed charges and preferred stock dividend requirements by approximately $289.7 million, $220.7 million and $139.8 million, respectively. We expect to continue to experience net losses in the foreseeable future, principally due to interest charges on our outstanding debt. (Emphasis Supplied) (Paxson Communications Corporation 10-K, YE 12/31/05, p. 37.)

LIN Television

High Debt Levels

We have a substantial amount of debt, which could adversely affect our financial condition, liquidity and results of operations, reduce our operating flexibility and put us at greater risk for default and acceleration of our debt. (Emphasis Supplied) (LIN Television Corp. 10-K YE 12/31/05, p. 20.)

History of Losses

We have a history of net losses and a substantial accumulated deficit. We had net losses of $26.1 million and $90.4 million for year ended December 31, 2005 and 2003, respectively, primarily as a result of amortization and impairment of goodwill and intangible expense and interest expense. In addition, as of December 31, 2005, we had an accumulated deficit of $227.9 million. (Emphasis Supplied) (LIN Television Corp. 10-K YE 12/31/05, p 21.)

Loss of UPN and WB Network Programming

In addition, the UPN and WB Networks announced they would cease operating as a network and would no longer provide programming after September 20, 2006. *Seven of our stations are either UPN or WB affiliates*, and some or all of these stations may cease to be affiliated with a network after September 20, 2006. (Emphasis Supplied) (LIN Television Corp. 10-K YE 12/31/05, p 24.)

Young Broadcasting Inc.

High Debt Levels

The Company has substantial debt and has significant interest payment requirements. *Total Debt was $782.9 million as of December 31, 2005. At that same time, Stockholders' deficit was $101.3 million*. (Emphasis Supplied) (Young Broadcasting Inc. 10-K, YE 12/31/05, p. 27.)

[Author's Note: In both 2004 and 2005, Young Broadcasting's Total Liabilities were greater than its Total Assets. In 2004, Total Assets were $804,267,395. Total Liabilities were $817,430,472. The Accumulated Deficit was $391,686,589, and the Total Stockholder's Deficit was $13,163,077. In 2005, Total Assets were $787,547,366. Total Liabilities were $888,867,729. The Accumulated Deficit was $483,033,115, and the Total Stockholder's Deficit was $101,320,363.] (*See* Young Broadcasting Inc. 10-K, YE 12/31/05, p. 59.)

Net Cash Used in Operating Activities

Net cash used in operating activities for the years ended December 31, 2005 and 2004 was $59.4 million and $17.6 million, respectively. (Emphasis Supplied) (Young Broadcasting Inc. 10-K, YE 12/31/05, p. 49.)

CURRICULUM VITÆ

Stephen E. Siwek

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Date of Birth	October 11, 1951
Education	B.A. (Economics) Boston College, 1973 M.B.A. George Washington University, 1975
Present Position	Principal Economists Incorporated
Previous Employment	Senior Consultant Snavely, King & Associates Inc. (1975-1983)
Consulting Specialties	Development and provision of expert witness testimony in connection with economic, financial and accounting issues for regulated industries including communications, energy and postal concerns. Economic and financial consulting and expert witness testimony in antitrust, contract and bankruptcy litigation. Particular emphasis on the estimation of lost profit damages. Economic analysis of international trade issues relating to media and copyright industries.
Books	*International Trade in Computer Software*, Stephen E. Siwek and Harold W. Furchtgott-Roth, Quorum Books, Westport, Connecticut, London, 1993, ISBN: 0-89930-711-6. *International Trade in Films and Television Programs,* Steven S. Wildman and Stephen E. Siwek, American Enterprise Institute/Ballinger Publishing Company, Cambridge, Massachusetts, 1988, ISBN: 0-88730-240-8.

Books (cont.)

The Audiovisual Services Sector in the GATS Negotiations, Patrick A. Messerlin, Stephen E. Siwek, and Emmanuel Cocq, AEI Press, 2004. Chapter only.

Papers and Articles

"Telecommunications and Entertainment: Trade in Films and Television Programming" (with Steven S. Wildman) presented at *Trade in Services and the Uruguay Round Negotiations*, the Civils, London, England, July 8, 1987 and Centre D'Etudes Pratiques De La Negociation Internationale, Geneva, Switzerland, July 10, 1987.

"The Privatization of European Television: Effects on International Markets for Programs" (with Steven S. Wildman), *Columbia Journal of World Business*, Vol. XXII, No. 3, Fall 1987.

"Europe 1992 and Beyond: Prospects for U.S. Film and Television Employment" presented at *EC 1992: Implications for U.S. Workers*, U.S. Department of Labor, Bureau of International Labor Affairs and The Center for Strategic and International Studies, Washington, D.C., March 19, 1990.

"The Dimensions of the Export of American Mass Culture" presented at *The New Global Popular Culture*, American Enterprise Institute for Public Policy Research, March 10, 1992. Broadcast on "C-Span," reported in AP Wire Service, *Business Week, The American Enterprise*, follow-up radio interview etc.

"Competing with Pirates: Economic Implications for the Entertainment Strategist," (with Harold W. Furchtgott-Roth) *The Ernst & Young Entertainment Business Journal*, Volume 3, 1992, P. 18.

"The Economics of Trade in Recorded Media Products in Multilingual World: Implications for National Media Policies," (with Steven S. Wildman) in *The International Market in Film and Television Programs*, Ablex Publishing Corporation, Norwood, New Jersey, 1993, ISBN: 0-89391-545-9.

"Changing Course: Meaningful Trade Liberalization for Entertainment Products in GATS" Presented at *World Services Congress* 1999, November 1, 1999.

"The Measurement of "Copyright" Industries: The US Experience," in *Review of Economic Research on Copyright Issues*, Volume 1, Number 1, June 2004, published by the Society for Economic Research on Copyright Issues.

Selected Studies

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy:* (released in November 1990)

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy:* 1977-1990 (released in September 1992)

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy:* 1993 *Perspective* (released in October 1993)

Siwek and Furchtgott-Roth, *Copyright Industries in the U.S. Economy: 1977-1993* (released in January 1995)

Siwek and Mosteller, *Copyright Industries in the U.S. Economy: The 1996 Report* (released in October 1996)

Siwek and Mosteller, *Copyright Industries in the U.S. Economy: The 1998 Report* (released in May 1998)

Siwek, *Copyright Industries in the U.S. Economy: The 1999 Report* (released in December 1999)

Siwek, *Copyright Industries in the U.S. Economy: The 2000 Report* (released in December 2000)

The U.S. Software Industry: Economic Contribution in the U.S. and World Markets, by Stephen E. Siwek and Harold W. Furchtgott-Roth, for the Business Software Alliance, March 1993.

Continuing Legal Education Programs

Billing and Collection for 900-Number Calls: A Competitive Analysis, by Stephen E. Siwek and Gale Mosteller for the Billing Reform Task Force, September 1999.

Panelist, *Basic Antitrust Law*, D.C. Bar/George Washington University National Law Center.

Panelist, *Monopolization Issues Affecting Computer Software*, D.C. Bar, Antitrust, Trade Regulation and Consumer Affairs Section, June 21, 1994.

Other

Panelist, *The Economics of Counterfeiting: A Supply and Demand Look into this Multi Billion Dollar Problem,* International Anti-Counterfeiting Coalition, Annual Conference, May 21, 1999.

Other (cont.)

Moderator, *Economic Loss Panel*, International AntiCounterfeiting Coalition, Fall Meetings, Washington, D.C. November 14, 1994.

Advisor to the Special Master, *Aggregate Products, Inc. v. Granite Construction Company*, U.S. District Court for Southern District of California, Civil No. 98-0900 E (AJB).

Invited Expert, WIPO Working Group of Experts on the Preparation of a WIPO Handbook on Survey Guidelines for Assessing the Economic Impact of Copyright and Related Rights, Helsinki, Finland, July 2-5, 2002.

COURT TESTIMONY AND APPEARANCES

Jurisdiction	Case	Subject
U.S. District Court for Eastern District of Virginia, Alexandria Division	Eden Hannon & Co. v. Sumitomo Trust & Banking Co. (USA) Civil Action No. 89-0312A	Analysis of Financial Models, Cash Flow Analysis
Circuit Court for Pinella County, Florida	Home Shopping Network Inc. v. GTE, GTE FLA., Inc. and GTE Communications Corp. CT. Civ. 87-014199-7	Relevance of Planning & Budgeting Reports to the Analysis of Damages
U.S. District Court for Western District of Oklahoma	Banner Industries, Inc. v. Pepsico, Inc. CIV-85-449-R	Financial Plans Financial Viability (Deposition Testimony Only)
Circuit Court for Baltimore City	Pulse One Communications Inc. v. Bell Atlantic Mobile Systems Inc. Case No. 90108057/CC112199	Damages (Deposition Testimony Only)

COURT TESTIMONY AND APPEARANCES

Jurisdiction	Case	Subject
Supreme Court of the State of New York County of New York	Scandinavian Gourmet Provisions, d/b/a Fredricksen & Johannesen v. Jurgela, aka Al Jurgela, aka Constantine Jurgela, aka C.R. Jurgela, Valco Equities Ltd. Charles Earle, Valco Development Corp., Chase Manahattan Bank, Clinton Barrow, Franklin Investors and Harold L. Goerlich Index No. 22891/90	Damages
Chancery Court of Davidson County, Tennessee	MCI Telecommunications Corp. v. Dudley W. Taylor etc. et al. No. 88-1227-III	Tax Treatment of Telephone Access Charges
Superior Court of the District of Columbia Civil Division	Robert H. Kressin, General Partner, Cellular Phone Stores Limited Partnership v. Bell Atlantic Mobile Systems, Inc. Civil Action No. 02258-91	Damages, Cellular Telephone Industry
Court of Common Pleas First Judicial District of Pennsylvania	Shared Communications Service of 1800-80 JFK Boulevard Inc. v. Bell Atlantic Properties, Inc. et al. September Term 1900, No. 775	Damages, Telecommunications Industry
Superior Court of New Jersey, Law Division, Essex County	Bell Atlantic Network Services, Inc. v. P.M. Video Corp., Docket No. L-6602-91	Damages (Deposition Testimony Only)

COURT TESTIMONY AND APPEARANCES

Jurisdiction	Case	Subject
U.S. District Court for the District of Columbia	FreBon International Corp. v. Bell Atlantic Corp. et al. Civil Action No. 94-324	Damages (Deposition Testimony Only)
U.S. District Court for the Eastern District of New York	Universal Contact Communications Inc. v. PageMart Inc.	Damages (Deposition Testimony Only)
U.S. District Court for District of Maryland	Integrated Consulting Services, Inc. v. LDDS	Damages (Deposition Testimony Only)
U.S. District Court Eastern District of Virginia, Alexandria Division	Mexinox, S.A. et al. v. Acerinox	Antitrust Damages (Deposition Testimony Only)
U.S. District Court Eastern District of North Carolina	Broad Band Technologies, Inc. v. General Instrument Corp.	Patent Damages (Deposition Testimony Only)
International Chamber of Commerce International Court of Arbitration	WorldSpan L.P. v. Abacus Distribution Systems Pte Ltd. And Other Case No. 9833/FMS	Damages and License Valuation
U.S. District Court for Western District of Washington at Seattle Case No. C97-10732	Arbitration between Electric Lightwave, Inc., Plaintiff v. USWest Inc., Defendant	Damages

COURT TESTIMONY AND APPEARANCES

Jurisdiction	Case	Subject
U.S. District Court for the Western District of Oklahoma	Eateries, Inc. and Fiesta Restaurant, Inc. v. J.R. Simplot Company No. CIV-99-1330-C	Damages (Deposition Testimony Only)
American Arbitration Association	Arbitration Between Avecia Inc., Claimant v. Mareva Poscines Et Filtrations, S.A. Respondent	Allocation of FIFRA Data Costs
Commonwealth of Massachusetts, Middlesex Superior Court	Netrix, Inc and Proteon, Inc. v. Digital Equipment Corp. and Cabletron Systems, Inc. CIV No. MICX 98-01533	Valuation of Software License
Circuit Court for the City of Richmond, VA	Interactive Return Service, Inc. v. Virginia Polytechnic Institute and State University Case No LM 870-3	Damages (Deposition and Testimony before Judge Only)
State of Connecticut Superior Court Complex Litigation Docket	Alan M. Glazer et al. v. The Dress Barn, Inc. Case No. (X02) CV-01-0169075 S	Damages
Circuit Court of the County of St. Louis, State of Missouri	Biomedical Systems Corp. v. Mead Johnson & Company Cause No. 01CC-003428	Damages (Deposition Testimony only)

COURT TESTIMONY AND APPEARANCES

Jurisdiction	Case	Subject
Private Arbitration	Dennis M. Donovan v. Raytheon Company	Valuation of Pension Benefits
World Trade Center, Victims Compensation Fund:	Raymond Murphy	(Oral Testimony and Report)
World Trade Center Victims Compensation Fund	Dennis McHugh	(Oral Testimony and Report)
World Trade Center Victims Compensation Fund	Robert Crawford	(Oral Testimony and Report)
World Trade Center Victims Compensation Fund	Thomas Farino	(Oral Testimony and Report)
World Trade Center Victims Compensation Fund	James Corrigan	(Report)
World Trade Center Victims Compensation Fund	John Moran	(Report)
World Trade Center Victims Compensation Fund	Nathaniel Webb	(Report)
U.S. District Court for the Northern District of Illinois, Eastern Division, No. 01-C 0067	ChoiceParts, LLC v. General Motors Corporation et al.	(Deposition and Report)
Commonwealth of Massachusetts, Middlesex, ss. Superior Court, Civil Action No. 01-2590	DataSafe, Inc. and David F. Muller .v. Federal Express Corporation et al.	(Deposition and Report)

REGULATORY COMMISSION TESTIMONY AND APPEARANCES

Commission	Docket No.	Subject
Arizona	U-3021-96-448 et al.	Cost of Local Service
Utah	94-999-01	Investigation into collocation and expanded interconnection
Connecticut	96-02-22	Cost of Local Service
Wyoming	70000-TR-96-323	US WEST Phase II Price Regulation Plan
Pennsylvania	1-00960066	Financial Analysis
Pennsylvania	A-310203 F0002 et al.	Cost of Local Service
West Virginia	96-1516-T-PC et al.	Cost of Local Service
Minnesota	P-442, 5321 et al.	Generic Investigation of US WEST's Communications Cost
Iowa	RPU-96-9	Generic Investigation of US WEST's Communications Costs
Illinois	80-0511	Rate Base, Expenses, Forecasting
Maryland	7222	Power Plant Certificate Issues
District of Columbia*	777	Telephone Advertising and Parent Company Transactions
Illinois	82-0082	Gas Rate Design
Pennsylvania	M-810294	Energy Costs and Rate Design
Pennsylvania	R-822169	Nuclear Plant Economics

* Prefiled but not sworn. Case Settled April, 1982.

REGULATORY COMMISSION TESTIMONY AND APPEARANCES

Commission	Docket No.	Subject
New Jersey	8011-827	Water and Sewerage Forecast
District of Columbia	798	Telephone Price Elasticity, Centralized Costs, Working Capital
California	83-06-65	Telephone Access Charges
Illinois	83-0142	Telephone Access Charges
U.S. International Trade Commission	731-TA-457	Handtools from People's Republic of China
U.S. Postal Rate Commission	R 83-1	Financial Viability for Electronic Mail Service
U.S. Postal Rate Commission	R 84-1	Class Revenue Requirement, Demand Projections
U.S. Postal Rate Commission	R 87-1	Pricing of Third Class Mail
U.S. Postal Rate Commission	R 90-1	Pricing of Third Class Mail
U.S. Postal Rate Commission	R2000-1	Pricing and Costing of Bound Printed Matter
Maryland	6807, Phase I	Utility Forecasting
New Jersey	762-194	Utility Forecasting
District of Columbia	685	Utility Forecasting
District of Columbia	827	Econometric Demand Modeling for Coin Telephone Service
Maryland	7149	Utility Forecasting & Promotional Activities

REGULATORY COMMISSION TESTIMONY AND APPEARANCES

Commission	Docket No.	Subject
Maryland	7300	Utility Forecasting
Maryland	7348	Utility Forecasting
Maryland	7427	Utility Forecasting
District of Columbia	737	Utility Forecasting
Maryland	7305	Telephone Advertising
Maryland	7163	Service Terminations
Maryland	7070	Utility Promotional Activities
District of Columbia	729	Telephone Advertising & Parent Company Transactions
Maryland	6807, Phase II	Utility Emergency Procedures
Maryland	7467	Telephone Advertising, Parent Company Transactions
Maryland	7466	Gas Utility Advertising
New Hampshire	79-18	Industrial Conservation
Maryland	7236	Utility Promotional Activities
District of Columbia	834	Electric Utility Load Management Evaluation
California	85-01-034	Telephone Rate Design, Cost of Service
Massachusetts	86-213	Paging Company; Financial Viability, Pricing Analysis

REGULATORY COMMISSION TESTIMONY AND APPEARANCES

Commission	Docket No.	Subject
District of Columbia	869	Fuel Price and Electric Demand Forecasts
Louisiana	U-17949 B	Customer Owned Coin Operated Telephones
New Jersey	TO92030358	Yellow Pages/Directory Services
Delaware	41	Development of Rules for the Implementation of Price Cap Regulation
Utah	94-999-01	Cost of Local Service
Connecticut	97-04-01	Cost of Local Service
New Mexico	97-35-TC	Cost of Local Service
Maine	97-505	Cost of Local Service
Vermont	5713	Cost of Local Service
New York	94-C-0095	Access Charges/Financial Analysis
New Jersey	TX95120631	Access Charges/Financial Analysis
New Hampshire	DE97-171	Cost of Local Service
Colorado	97F-175T	Access Charges/Financial Analysis
Utah	97-049-08	Access Charges/Financial Analysis
Connecticut	98-04-03	Joint and Common Costs

REGULATORY COMMISSION TESTIMONY AND APPEARANCES

Commission	Docket No.	Subject
Rhode Island	2681	Cost of Local Service
Arkansas	99-015-U	Arbitration of Interconnection Rates
Connecticut	00-01-02	Non-recurring and Recurring Costs

WRITTEN TESTIMONY ONLY

Jurisdiction	Case	Subject
U.S. District Court of Southern District of New York	In Re "Apollo" Air Passenger Computer Reservation System (CRS) MDL DKT. No. 760-M-21-49-MP	Liquidated Damages, Actual Damages
Supreme Court of the Republic of Palau	Orion Telecommunications, Ltd. v. Palau National Communications Corporations, Civil Action No. 835-88	Lost Profit Damages
U.S. District Court for the District of Columbia	A&S Council Oil Company, Inc. et al. v. Patricia Saiki, et al. Civil, Action No. 87-1969-OG	Damages
U.S. District Court for Eastern District of Texas	R & D Business Systems, et al. v. Xerox Corp. Civil Action No. 2: 92-CV-042	Valuation of Non-Monetary Provisions of Stipulation of Settlement
U.S. District Court Eastern District of Michigan, Southern Division	Little Caesar Enterprises, Inc. v. Gary G. Smith, et al. Civil No. 93-CV-73354-DT	Class Certification (Joint Declaration with Philip Nelson)

WRITTEN TESTIMONY ONLY

Jurisdiction	Case	Subject
FCC	Various	Cellular Radio Pricing: Critique of Competing Applications for Cellular in Seattle, Miami, Denver and Detroit
FCC Pricing	83-1145	Directory Data Base and Access
U.S. District Court for the District of Columbia	American Association of Cruise Passengers v. Host Marriott Corp. et al.	Damages
U.S. District Court for Eastern District of Texas	Jason R. Searcy et al. v. Philips Electronics North America Corp. et al. Consolidated Civil Action No. 1:95-CV 363, 364	Damages
U.S. District Court for Eastern District of Texas Beaumont Division	USA ex. rel. Lloyd Bortner v. Phillips Electronics	Penalties under False Claims Act
FCC	In Re: Applications of Motorola, Inc.; Motorola SMR, Inc.; and Motorola Communications and Electronics, Inc. and FCI 900, Inc. For Consent to Assignment of 900 MHz Specialized Mobile Radio Licenses DA 00-2352	Wireless Dispatch Services (with Michael Baumann)
FCC (Market Disputes Resolution)	McLeodUSA Publishing Company v. Wood County Telephone Company, Inc.	Subscriber Listing Information

WRITTEN TESTIMONY ONLY

Jurisdiction	Case	Subject
FCC (Market Disputes Resolution)	Yellow Book USA, Inc. v. Broadwing Inc. and Cincinnati Bell Telephone Company	Subscriber Listing Information (Written Report and Deposition Testimony)
United States of America v. United Kingdom of Great Britain and Northern Ireland	U.S. – U.K. Arbitration Concerning Heathrow Airport User Changes	Participating in Negotiations Leading to Settlement of Arbitration and Related Litigation
FCC	In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Exchange Carriers CC Docket No 01-338	Broadband Telecommunications Services.
FCC	Core Communications, Inc. v. Verizon Maryland Inc. File No. EB-01-MD-007. Report.	Damages