

2005 The MICHIGAN FORUM

ON TELECOMMUNICATIONS AND ENERGY REGULATORY POLICY
STATE, REGIONAL, AND FEDERAL POLICY DEVELOPMENTS AND LEGISLATIVE IMPLICATIONS
JANUARY 21, 2005
KELLOGG CENTER, MSU

ABOUT THE FORUM

The 2005 Michigan Forum on telecommunications and energy regulatory policy will be held this year on January 21, 2005 at the Kellogg Center on the campus of Michigan State University. The Forum is a one-day conference designed specifically by the Institute of Public Utilities for the Michigan Public Service Commission, the Michigan State Legislature, the Offices of the Governor and Attorney General, consumer advocates, utility industry representatives, and other stakeholders interested in Michigan regulatory policy. The program is developed in collaboration with the Commissioners and staff of the Michigan PSC.



This year's Forum will focus on recent policy developments in both the energy and telecommunications sectors, particularly with respect to implications for state legislation. We will consider how federal and state regulatory policy are changing along with changing industry structures and technologies. We will also look at the future of wholesale and retail markets and competition, as well as new rules and institutions for governing them.

Forum attendees will hear presentations by knowledgeable and objective sector experts, followed by roundtable discussions that include Michigan stakeholders from various regulatory, consumer, and industry perspectives.

REGISTRATION

Registration for the Forum is complimentary for the public sector and \$35 for the private sector; breaks and lunch are included with the registration fee. Space is limited, so please register early. To register, please contact IPU at 517.355.1876 or carpen16@msu.edu.

ABOUT THE INSTITUTE

The Institute of Public Utilities supports informed, effective, and efficient utility regulation by providing integrative, interdisciplinary, and balanced educational programs and applied research to the regulatory policy community. The Institute is an independent, nonprofit educational and research unit of Michigan State University and affiliated with several academic colleges.

CONTACT INFORMATION

Visit the [Kellogg Center](#) for location information.

To register and for more information, contact the Institute:

517.355.1876 phone ☎ 517.355.1854 fax ☎ ipu.msu.edu ☎ beecher@msu.edu

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PROGRAM AGENDA

- 8:30 to 9:00 am **Registration and Coffee**
- 9:00 to 9:10 am **Introduction and Welcome**
Perspectives on Regulatory Federalism
Dr. Janice A. Beecher, Director IPU
The Hon. Peter Lark, Chairman, MI PSC
- 9:15 to 10:15 am **Developments in Telecommunications Policy**
Prof. Johannes Bauer, Quello Center, MSU, "Frameworks"
Prof. Adam Candeub, MSU College of Law, "Federal Policy Developments"
- 10:45 to 12:15 pm **Telecommunications Roundtable**
The Hon. Robert Nelson, Moderator
Mr. Orjiakor Isiogu, Telecommunications Division Director, MI PSC
Ms. Vickie Norris, Century Tel
Mr. Kevin Schoen, President, ACD.net
Mr. Richard Wolfe, Director of Regulatory Affairs, Comcast Cable
Mr. Paul Fuglie, Verizon
Ms. Dorothy Atwood, Senior VP, SBC
- 12:15 to 1:15 pm **Lunch at the Kellogg Center**
- 1:15 to 2:15 pm **Developments in Energy Policy**
Dr. Kenneth Rose, IPU, "Electricity Market Developments and State Policy"
- 2:30 to 4:30 pm **Energy Roundtable**
Dr. Mick Hiser, Director of Competitive Energy, Michigan PSC, Moderator
Ms. Susan Devon, Director of Regulated Energy, Michigan PSC
Mr. Eric Schneidewind, Attorney, Varnum
Mr. William Malcolm, Midwest ISO
Mr. Daniel Oginsky, General Counsel, ITC
Mr. Tim Hoffman, Consumers Energy
Mr. Terry Harvill, DTE
- 4:30 to 4:45 pm **Discussion and Closing Remarks**
Dr. Janice Beecher, IPU

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SPEAKER BIOGRAPHIES

DOROTHY ATWOOD joined SBC in November 2002, and is the Senior Vice President-Regulatory Planning and Policy for SBC Telecommunications, Inc. Attwood previously worked for the Federal Communications Commission where she served most recently as Chief of the FCC's Wireline Competition Bureau for two years until August 2002. During her six-year tenure at the FCC, Attwood provided strategic and policy counsel to two FCC Chairmen--Michael Powell and William Kennard. She served as Senior Legal Advisor to Chairman Kennard on all common carrier, enforcement and consumer matters and as Chief of the Enforcement Division of the Common Carrier Bureau.

JOHANNES M. BAUER, Professor, Department of Telecommunication, Information Studies and Media, Michigan State University; and Executive Director, James H. and Mary B. Quello Center for Telecommunications Management and Law, MSU. Dr. Bauer is a former director of the Institute of Public Utilities. His research interests include the economics and regulation of public utility and infrastructure industries, the design of regulatory incentives and institutions, the globalization of network-based industries in the energy and telecommunications sectors, the economics of public enterprise, and the processes of regional economic integration in North America, Europe, and Asia. He has published more than 40 journal articles and book contributions and is the co-author of five books, including Telecommunications Politics: Ownership and Control of the Information Highway in Developing Countries. He is currently working on a book on infrastructure policy and is a frequent speaker at national and international conferences and professional meetings. Dr. Bauer has served in various positions as an advisor to foreign governments and the European Community, has consulted for several public enterprises while working in Europe, and testified for North American regulatory agencies. Dr. Bauer holds an M.A. and Ph.D. (economics), Vienna University of Economics and Business Administration, Vienna, Austria.

JANICE BEECHER, Director, Institute of Public Utilities and Adjunct, Department of Political Science, College of Law, MSU. She brings twenty years of experience in public utility regulation to the IPU and is responsible for Institute development, program management, and interdisciplinary research in support of the IPU's mission of service to the regulatory policy community. She also conducts comparative cross-sector research on public utilities and has particular expertise in the structure and regulation of the water industry. She has testified before the U.S. Congress on water infrastructure needs. She is a frequent lecturer and the author of several research reports and other publications. Dr. Beecher's areas of interest and expertise include regulatory theory, decision-making, and policy and comparative utility industry analysis. Her recent research focuses on structural and institutional change, regulatory federalism, innovative regulatory techniques, utility infrastructure needs, privatization and globalization, impacts of deregulation, performance benchmarking, goal-oriented pricing, equity and affordability, and integrated and strategic planning. Dr. Beecher previously was an independent policy consultant and held senior research and adjunct faculty positions at the Ohio State University and Indiana University. She also worked on staff as a policy advisor to the chairman of the Illinois Commerce Commission. She has a B.A. in economics, political science, and history from Elmhurst College and a M.A. and Ph. D. in Political Science from Northwestern University.

ADAM CANDEUB joined the MSU Law faculty in fall 2004. He is also a Fellow at MSU's Institute for Public Utilities. Prior to arriving at MSU, he was an attorney-advisor for the Federal Communications Commission (FCC) in the Media Bureau and previously in the Common Carrier Bureau, Competitive Pricing Division. His work at the FCC involved him in critical decisions in communications law. From 1998 to 2000, Professor Candeub was a litigation associate for the Washington D.C. firm of Jones, Day, Reavis & Pogue, in the issues and appeals practice. He also has served as a corporate associate with Cleary, Gottlieb, Steen & Hamilton, also in Washington, D.C. Immediately following law school, he clerked for Chief Judge J. Clifford Wallace, U.S. Court of Appeals for the Ninth Circuit. While in law school, Professor Candeub was an articles editor for the University of Pennsylvania Law Review. In addition to his scholarship and interest in criminal law and philosophy, Professor Candeub has developed an impressive expertise in communications,

administrative and antitrust law as well as an extensive background in economics. He teaches courses in the Intellectual Property & Communications Law Program.

SUSAN DEVON (scdevon@michigan.gov), Michigan Public Service Commission, Director, Regulated Energy Division has been involved in the rate regulation of energy utilities for the past 25 years. From 1978-1982, she served as a Compliance Auditor, conducting field examinations of natural gas, electric, and telephone utilities. From 1982-1984 she served as a Rate Auditor in the Gas Division, conducting rate case audits, investigations, and testifying on accounting and ratemaking issues in gas utility rate cases. From 1984-2001, Ms. Devon served first as the manager of the Gas Division's Auditing Section and then as manager of the combined Auditing & Rates and Tariff Section. In 2001 she was named manager of the Rate Section of the Energy Operations Division where her responsibilities included rate setting for both electric and gas utilities. She has served on numerous federal and state panels and committees. She currently serves on the Research Advisory Committee for the National Regulatory Research Institute. In 2003 she was appointed as Executive Assistant to the MPSC Chairman, J. Peter Lark, advising the Chairman on pending legislative initiatives, commission policy, orders and key utility issues. She assumed her current position as Director of the Regulated Energy Division in May of 2004. She has a Bachelor's Degree in Business with a major in Accounting from Western Michigan University, and has been a registered Certified Public Accountant in the State of Michigan for more than two decades.

PAUL FUGLIE, Vice President Regulatory and Governmental Affairs for Verizon North Inc. Paul has worked in the telecommunications industry for 28 years. He started with Southern Pacific Communications, which ultimately became Sprint. He worked in numerous positions for them for 17 years including Network Planning, Operations, Provisioning and Regulatory. Paul came to GTE in 1996 to support the Regulatory needs for GTE's entry into the long distance business. He has worked for GTE, now Verizon, in long distance and the regulatory requirements for various business units. In 2002 he became responsible for State Regulatory and Legislative Affairs with Verizon in Michigan. Paul added the responsibility for the Regulatory and Legislative Affairs department for Wisconsin in 2004.

TERRY S. HARVILL, Commissioner, Illinois Commerce Commission. Mr. Harvill was appointed in May 1998 by Illinois Governor Jim Edgar to the Illinois Commerce Commission. Prior to assuming his current position, Commissioner Harvill served as Illinois Governor Jim Edgar's Assistant for Business and Economic Development. In this capacity, Commissioner Harvill was responsible for the development of the Governor's overall economic development strategy and issue development in the following areas: business development, regulatory operations, governmental operations, financial affairs, and Chicago-related policy matters. He oversaw 18 state boards, commissions, and agencies. He was also responsible for the research, development, and management of all gubernatorial trade missions. In addition, Mr. Harvill provided legislative analysis and guidance to the Governor on a wide variety of issues associated with business and economic development and regulatory operations. Commissioner Harvill is formerly: Senior Policy Advisor to the Chairman of the Illinois Commerce Commission and Senior Economist, Rate Design Department of the Public Utilities Division, Illinois Commerce Commission. Mr Harvil has a B.S. (economics) and M.S. (economics) from Illinois State University.

MICK HISER, Director, Competitive Energy Division, Michigan Public Service Commission. Mr. Hiser is responsible for managing the States retail choice programs for energy and natural gas. His responsibilities also include: assisting the Commission with federal energy intervention strategies; development of renewable energy and energy efficiency programs; and administration of the State's \$45 million "Low Income and Energy Efficiency Fund". In recent years, Mick has been extensively engaged in efforts to restructure the state's electric industry. As a 25-year member of the Commission Staff, Mick's regulatory responsibilities have embraced policy, planning, and operational issues for all industries regulated by the Commission (electric, gas, telephone, and trucking). Mick has also participated as a speaker at many professional conferences and workshops. Mick's energy and regulatory expertise has been called upon for national energy committee assignments including service as: a member of the U. S. Department of Energy Commercialization Ventures Advisory Committee for Renewable Energy and Energy Efficiency Technologies; a participant on the National Air Quality and Electric Restructuring Dialogue sponsored by the Center for Clean Air Policy; Chairman of the National Regulatory Research Institute's Research Advisory Committee; and delegate to the Republic of Georgia to assist with energy restructuring efforts. Mick has edited a book on Wood Energy and written numerous articles and professional papers. He received his B.A. and M.S. degrees from Michigan State University and earned his Ph.D. in economics from Cornell University.

TIMOTHY A. HOFFMAN joined Consumers Energy as Director of Regulatory Affairs on March 16, 1998. Consumers Energy Company, the principal subsidiary of CMS Energy Corporation, is Michigan's largest natural gas and electric utility serving six million of the state's nine and one-half million residents in all 68 Lower Peninsula counties. Prior to joining Consumers, Tim was President of the Telecommunications Association of Michigan. The Telecommunications Association of Michigan is a trade association consisting of 37 telephone companies that provide local telephone service throughout the state of Michigan. He also was an attorney with the law firm of Dykema Gossett of Lansing, Michigan from 1986 thru 1992. He specialized in legislative, regulatory and trade association matters. Tim received a Bachelor of Arts degree in Political Economy, summa cum laude, from Hillsdale College and graduated from the University of Toledo Law School, cum laude, in May 1986. He is a member of the American Bar Association, the State Bar of Michigan and the Ingham County Bar Association. Tim has served on the Board of Directors of Ele's Place and the Michigan Information Network. He currently serves on the boards of the Michigan Public Educational Facilities Authority, the Springbrook Homeowners Association and the DeWitt Swim Club.

ORJIAKOR N. ISIOGU, Director of the Telecommunications Division, Michigan Public Service Commission. He assumed current position in June of 2003. Mr. Isiogu was appointed Assistant Attorney General for the State of Michigan in 1989. He served under three Attorneys General – Frank J. Kelley, Jennifer M. Grahalm and Michael A. Cox. He received a B.A. Degree and J.D. (Law Degree) from Wayne State University.

J. PETER LARK, Chairman, Michigan Public Service Commission. J. Peter Lark most recently served as Assistant Attorney General in charge of the Special Litigation Division of the Michigan Attorney General's office where he served since 1979. The Special Litigation Division advocated on behalf of the Attorney General before the Michigan Public Service Commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, and federal and state trial and appellate courts. Mr. Lark headed the Special Litigation Division under three Attorneys General. While at the Attorney General he has served on the Litigation Advisory Board and the Opinion Review Board. He has tried cases in the federal and Michigan courts, and has argued numerous cases in the state and federal appellate courts, including the Michigan Supreme Court and the U.S. Court of Appeals. In 2003, Mr. Lark was appointed by Governor Granholm to serve on both the Electric System Working Group and the Nuclear Working Group for the Joint United States - Canada Energy Task Force established by President George W. Bush and Prime Minister Jean Chrétien to investigate the causes of the August 2003 blackout. Lark also serves on the National Association of Regulatory Utility Commissioners Subcommittee on Nuclear Issues. Since 1985 he has been an adjunct professor at the Thomas M. Cooley Law School teaching advocacy, trial workshop, and advanced trial workshop. Before joining the Attorney General's Office, he served as an Assistant Prosecuting Attorney in Wayne County, Michigan. Lark received a law degree from Western New England College School of Law in 1976, and earned an undergraduate degree, with honors, from Boston College in 1973.

BILL MALCOLM is the Manager of State Regulatory Affairs for the Midwest Independent Transmission System Operator (MISO). In that position, Bill is the chief state regulatory liaison between MISO and several state regulatory commissions in the Midwest including the Michigan PSC. He also has attended hearings before the Michigan Senate Technology and Energy Committee. Bill and other MISO employees are currently active in the PSC's new task force looking at generation and transmission capacity issues. Bill spoke on RTO issues before MSU's Camp NARUC during the last three summers. Before joining MISO in 2000, Bill worked for six years as the manager of state regulatory relations for ANR Pipeline in Detroit where he also covered the Michigan PSC and was very active in his home of Royal Oak. Bill holds a Masters Degree in Economics from the University of Washington and Bachelors degree in economics from UC Santa Cruz.

ROBERT B. NELSON, Commissioner, Michigan Public Service Commission (MPSC). Commissioner Nelson was originally appointed by Governor John Engler on May 10, 1999. He was subsequently reappointed for a term ending July 2, 2005. Mr. Nelson served as President of the Michigan Electric and Gas Association from December 1987 until his appointment to the Commission in 1999. From 1979 to 1987, he was Director of the Commission's Office of Regulatory and Consumer Affairs, overseeing the legislative, legal, public affairs and consumer services functions of the Commission. From 1976 to 1979, he served as both Assistant and Deputy Director of Policy at the Commission. From 1974 to 1976, he was an Assistant and, later, Senior Assistant Prosecutor for Ingham County. From 1970 to 1974, he was a trial attorney for the Federal Communications Commission (FCC). Mr. Nelson is a member of the National Association of Regulatory Utility Commissioners' and serves as Chairman of the Telecommunications Committee, and also serves on the Consumer Affairs Committee. He serves on the Advisory Council for the Center for Public Utilities at

New Mexico State University. Mr. Nelson is a member of the North American Numbering Council, an advisory committee to the FCC on numbering issues, and is a member of the Federal-State Joint Board on Universal Services. He previously served as chairman of the Administrative Law Section of the Michigan Bar Association. He has also served as Chairman of the East Lansing Cable and Telecommunications Commission. Mr. Nelson received a B.A. in Political Science from Wayne State University (1968), and a J.D. from the University of Michigan Law School (1970).

VICKIE M. NORRIS, Director of Government Relations for CenturyTel's Great Lakes Region, with regulatory and legislative responsibilities for Michigan, Ohio and Indiana. CenturyTel has four local telephone companies in Michigan, with 55 exchanges and 113,000 lines. In addition, CenturyTel also offers Long Distance, High-Speed Internet (DSL), Local Dial-Up Internet and a whole host of other telecommunications services. Vickie has had extensive legislative and regulatory experience prior to joining the telephone industry. She worked in the Ohio House of Representatives and the Public Utilities Commission of Ohio for a combined total of 12 years prior to joining the Ohio Telephone Association. She left the OTA to work for Centel and has been representing CenturyTel since they purchased the Ohio Centel operations in 1992.

DANIEL OGINSKY is Vice President and General Counsel at International Transmission Company, the electric transmission company in Southeast Michigan, where he manages the company's legal affairs. Prior to joining the company, Mr. Oginsky served in private practice in Washington, D.C. and Lansing, Michigan. In private practice, while focusing on energy matters, he advised and advocated for International Transmission Company and other clients on regulatory, administrative litigation, legislative, transactional, property tax, and other matters. Mr. Oginsky earned his law degree from George Washington University in Washington, D.C. and his bachelor of arts degree from Michigan State University in East Lansing, Michigan. He is admitted to the State Bar of Michigan and the Washington, D.C. Bar, and is a licensed lobbyist in Michigan.

KENNETH ROSE, Consultant and Senior Fellow specializing in energy studies at the Institute of Public Utilities. Dr. Rose has been working on energy and regulatory issues for more than eighteen years. He has testified or presented at many legislative and public utility commission hearings, proceedings, conferences and workshops on electric industry issues and has testified before several committees of the U.S. House of Representatives on regulatory matters. Dr. Rose has worked primarily on studies concerning the electric industry and has directed or contributed to many reports, papers, articles and books. Topics include Clean Air Act implementation, environmental externalities of electricity production, competitive bidding for power supply, regulatory treatment of uneconomic costs, market power and market monitoring, and other industry restructuring issues. He is a frequent presenter at conferences and workshops, and is quoted often in The New York Times, The Washington Post, The Wall Street Journal, other newspapers and in trade publications. Dr. Rose lectures for the School of Public Policy and Management at The Ohio State University. Dr. Rose was a Senior Institute Economist at The National Regulatory Research Institute at The Ohio State University from 1989 until October 2002. Prior to NRRI, Dr. Rose worked on many energy related issues at Argonne National Laboratory from 1984 to 1989. Dr. Rose received his B.S. (1981), M.A. (1983), and Ph.D. (1988) in Economics from the University of Illinois at Chicago.

ERIC J. SCHNEIDEWIND is a partner with Varnum, Riddering, Schmidt and Howlett. He has extensive service in state government culminating with a six-year term as Commissioner, then Chairman, of the Michigan Public Service Commission from 1979-1985. He drafted and obtained passage of PA81 1987 and was instrumental in the passage of Electric Restructuring Act (PA 141 2000). Additionally, he serves as counsel to Energy Michigan, the trade group of Michigan businesses and end users advocating competition in the electric sector. Mr. Schneidewind is co-chair of the Energy and Telecommunications Practice Group. His specialties include electrical retail wheeling, non-utility electric power marketing and cogeneration projects. Eric's clients include large government and private entities and generation hosts who he assists in the purchase of natural gas, and with the negotiation of fuel, equipment, lease and purchase agreements relating to on-site electric generation projects. On behalf of his clients, he has secured the first licenses to market electricity in the Consumers Energy and Detroit Edison service territories. He has been listed in The Best Lawyers in America since 2003. He received his undergraduate degree from the University of California - Berkeley in 1967 and obtained his juris doctorate from the University of Michigan Law School in Ann Arbor, Michigan in 1970.

KEVIN SCHOEN founded ACD at age 15, and initially started selling floppy disks and supplies to the automotive companies in South East Michigan. ACD later evolved into a systems house of custom computers, and network servers, building ten thousand custom machines a year in the 90's. In 1996, ACD became an Internet Service provider, and 2000 ACD became a licensed CLEC providing DSL and other telecommunications services, operating networks in Lansing, Jackson, Grand Rapids, and St. Joe/Benton Harbor metropolitan areas. During his career, Kevin has provided consulting, started up, and raised early stage and late stage venture capital funding for several Internet Providers, Fiber optic concerns, communication and software firms. Kevin's has extensive knowledge in the technology industry, and sits on the technical advisory panels of three publicly traded technology firms, and is a board of director of several private companies.

RICHARD R. WOLFE, Director of Regulatory Affairs - Telephony, for the Midwest Division of Comcast Cable Communications, Inc. Mr. Wolfe acts as Comcast's primary regulatory interface for telecommunications policymakers and regulators in Michigan, Illinois, Indiana, and Minnesota (where Comcast has deployed local telecommunications services) as well as other midwest states where Comcast's presence is currently limited to long distance resale. Rick has worked in the telecommunications industry for more than 26 years, beginning as a central office technician with GTE in California. His 22 year tenure with GTE (and then Verizon) spanned network operations, cost separations, local and toll service pricing, product management, and regulatory policy and business support positions. He left Verizon in late 2000 to join Williams Communications, LLC, a fiber-based provider of wholesale long distance services to carriers, as their Regulatory Affairs Director, with a predominant focus on rights-of-way issues. Rick joined Comcast in January of last year, in the wake of the acquisition by Comcast of the former AT&T Broadband assets, inclusive of 1.4 million facilities-based telephony customers.

