

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

REGULATORY REFORM REVIEW COMMISSION

Wednesday, October 7, 1998
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Mick Grosz, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Mick Grosz, Eliot Glassheim; Senators John M. Andrist, Joel C. Heitkamp; Public Service Commissioner Bruce Hagen

Others present: See attached appendix

It was moved by Representative Glassheim, seconded by Commissioner Hagen, and carried that the minutes of the previous meeting be amended to change the answer of Mr. Jan Sebbly to the question from Senator Andrist on page 3 on universal service through present access rates from "the federal universal service fund for rurals will not take effect for three years" to "the federal universal service support that exists for rurals will be changed in three years, in 2001" and that the minutes of the previous meeting be approved as amended and distributed.

REGULATORY REFORM REVIEW COMMISSION

At the request of Chairman Grosz, commission counsel presented a bill draft to extend the duration of the Regulatory Reform Review Commission to the year 2003.

It was moved by Senator Heitkamp, seconded by Senator Andrist, and carried on a roll call vote that the bill draft relating to the duration of the Regulatory Reform Review Commission be approved and recommended to the Legislative Council. Representatives Grosz and Glassheim; Senators Andrist and Heitkamp; and Commissioner Hagen voted "aye." No negative votes were cast.

EXTENDED AREA SERVICE

Chairman Grosz said no action had been taken by the commission on Senate Concurrent Resolution No. 4055 on extended area service. He said the commission would not present any bill drafts on extended area service.

UNIVERSAL SERVICE AND COMPETITION - WESTERN WIRELESS

At the request of Chairman Grosz, Mr. Gene Dejordy, Executive Director, Regulatory and Legislative Affairs, Western Wireless, presented testimony on wireless local loop and wireless universal service. He said it is two and one-half years after the passage of the federal Telecommunications Act of 1996 and there is no competition. He said wireless service could provide competition in rural portions of this state as an eligible telecommunications carrier. He said wireless service can reduce the subsidies needed for universal service because wireless service has a lower cost of service in some areas of the state. He said universal service subsidies should be based on the most cost-effective provider. A copy of his presentation is on file in the Legislative Council office.

In response to a question from Senator Heitkamp, Mr. Dejordy said security is an issue with analog wireless service. He said security becomes a nonissue with digital service. He said in Nevada, in which wireless universal service is a reality, his company provides analog service.

In response to a question from Commissioner Hagen, Mr. Dejordy said his presentation provides examples on how wireless may be a subsidized universal service provider and examples on how wireless may be a nonsubsidized local service provider. He said there has been a migration of minutes from wire line to wireless.

In response to a question from Commissioner Hagen, Mr. Dejordy said his company receives funding from a state rural improvement fund in Nevada.

In response to a question from Representative Grosz, Mr. Dejordy said the service provided in Nevada is not measured, but a flat rate. He said there is access to the Internet and facsimile transmissions. He said there is an expanded local calling area. He said the typical calling area for wireless is statewide.

In response to a question from Representative Grosz, Mr. Dejordy said his company is capable of providing service throughout this state.

In response to a question from Representative Grosz, Mr. Dejordy said a service area needs to be defined for his company to become an eligible telecommunications carrier. He said the issue in

designating a service area is whether the service area should mirror that of the competitors or be competitively neutral.

Representative Grosz said there are a lot of dead spots for wireless in this state. He said people living in rural communities would not be satisfied with wireless as the only option. Mr. Dejordy said his company would be required to serve the dead spots and everyone in the service area if designated an eligible telecommunications carrier.

In response to a question from Senator Heitkamp, Mr. Dejordy said the primary focus of wireless is on voice transmission. He said the wireless industry is developing the capability to provide high speed data service. He said wire line transmission is not that fast in many portions of the United States.

In response to a question from Senator Andrist, Mr. Dejordy said wireless can transmit data at 9.6 baud. He said wireless may go as fast as 56 baud with the proper equipment and design. He said wireless is designed for mobile application, not high speed. He said high speed data transmission would require a new system, and spectrum would become an issue if there were heavy use.

In response to a question from Senator Andrist, Mr. Dejordy said there is enough spectrum to provide data and voice transmission to every American. He said a digital voice channel does not need as much spectrum as an analog.

In response to a question from Representative Grosz, Mr. Dejordy said the flat rate minutes of use offered by his company if it were a universal service provider would be dictated by the customers. He said his company would have to provide an attractive package to attract customers.

Senator Andrist said he comes from a rural area of the state and is a proponent of open markets. He said if there is a choice given to go with wireless or wire line and one-third of the customers go to wireless, the local telephone cooperative may not remain viable.

In response to a question from Senator Andrist, Mr. Dejordy said U S West is viable even though there is competition from McLeod USA.

In response to a question from Senator Andrist, Mr. Dejordy said the Public Service Commission would need to make a decision whether to allow Western Wireless to be an eligible telecommunications carrier. He said this decision would take into account whether the market can handle two competitors and if consumers will benefit from the competition.

In response to a question from Representative Glassheim, Mr. Dejordy said wireless technology can distinguish between local or nonlocal calls. He said wireless has the capability of tiered pricing similar to that used by local exchange carriers. He said wireless can provide consumers with larger local calling areas.

In response to a question from Commissioner Hagen, Mr. Dejordy said the hearing for Western Wireless to become an eligible telecommunications carrier will be on October 29, 1998, and may be the first hearing of its kind in the nation.

In response to a question from Representative Grosz, Mr. Dejordy said the cost comparisons in his presentation are based on a fixed wireless unit at the home of the customer.

In response to a question from Representative Glassheim, Mr. Dejordy said the cost figures in his presentation are forward-looking costs. He said a forward-looking cost model does not recognize what is in the ground.

Representative Grosz said if there were no telephone service in North Dakota, it would appear that wireless would be a more cost-effective provider than wire line; however, there has been a lot of investment in wire line in this state in the last five years. He said the Legislative Assembly has encouraged companies to improve service by building facilities.

In response to a question from Representative Grosz, Mr. Dejordy said the use of a forward-looking cost model is only an issue if wire line companies have not recovered the cost of their facilities.

Representative Grosz said the recovery for stranded investment is more of an issue with the rural cooperatives than it is for U S West.

In response to a question from Representative Grosz, Mr. Dejordy said the proper cost model to use in rural areas is being considered by a rural task force that will report to the joint board.

Commissioner Hagen said the last place in North Dakota to receive telephone service was Squaw Gap in 1975.

In response to a question from Senator Andrist, Mr. Dejordy said the models in his presentation assume the cheapest provider would be the carrier.

In response to a question from Representative Grosz, Mr. Dejordy said rural consumers should have a choice between wire line and wireless. He said competition may provide duplication and a loss of income for the incumbent rural provider; however, this is the nature of competition. He said his company has faced competition from personal communication service carriers. He said his company has responded competitively and is surviving.

In response to a question from Representative Grosz, Mr. Dejordy said if there are two eligible telecommunications carriers in an area, both will receive subsidies but only for the customers they have. He said the overall subsidy would remain the same.

In response to a question from Senator Andrist, Mr. Dejordy said the wireless industry does not have to provide unbundled network elements but has to provide resale. He said an eligible telecommunications carrier cannot provide service completely through a resale.

In response to a question from Representative Glassheim, Mr. Dejordy said generally the telecommunications industry is taxed at a higher rate than other businesses. Representative Grosz said the Legislative Assembly addressed the inequities in telecommunications taxation in the 1997 legislative session by adopting a gross receipts tax.

COMPETITION - McLEOD USA

At the request of Chairman Grosz, Mr. Bill Courter, McLeod USA, presented testimony to the commission. His testimony reviewed the services, facilities, goals, local employees, and the move to facilities-based competition by or of McLeod USA. He said the goal of McLeod USA is to be the new local telephone company in Bismarck, Mandan, Fargo, and West Fargo. He said McLeod USA offers local service, long-distance service, and is working on enhanced services and cable television. He said McLeod USA focuses on small businesses. He said resale is the first wave of competition. He said the second wave of competition comes through the unbundling of the network elements of the incumbent. He said the third wave of competition is facilities based. He said resale is not effective competition. He said resale is not sustainable as a long-term goal. He said McLeod USA is the largest customer of U S West. A copy of his presentation is on file in the Legislative Council office.

In response to a question from Representative Grosz, Mr. Courter said McLeod USA will provide service to any residential or business customer in Bismarck.

In response to a question from Commissioner Hagen, Mr. Courter said the goal of McLeod USA is to become a facilities-based carrier in Bismarck as fast as possible. He said McLeod USA is working with some electric utility companies in different cities. He said agreements are needed with utilities to place fiber on their poles. He said McLeod USA does not lease any fiber system from a utility.

At the request of Chairman Grosz, Mr. Bill Haas, McLeod USA, answered questions of the commission.

In response to a question from Representative Grosz, Mr. Haas said everyone pays the same basic rate for local service from McLeod USA; however, a customer may receive other services for a fee.

In response to a question from Senator Heitkamp, Mr. Courter said overbuilding is difficult. He said the best thing the Legislative Assembly can do is to encourage overbuilding with fiber line.

In response to a question from Representative Grosz, Mr. Courter said McLeod USA will continue to build facilities as long as McLeod USA continues to gain customers.

COMPETITION - AT&T

At the request of Chairman Grosz, Mr. Gary B. Witt, Senior Attorney, AT&T Corporation, presented

information to the commission. He said there are three avenues for competition: resale, lease or purchase of network elements, or overbuilding. He said AT&T has tried resale. He said resale is successful in bringing in customers; however, AT&T lost money on resale. He said resale is not a viable choice in competition. He said for resale to work, the wholesale price needs to be set low enough so there is a large enough margin for profit. He said resale is not fair under the federal Telecommunications Act of 1996. He said under the consent decree, competition was imposed on AT&T with a required discount of 55 percent. He said under the Act, discounts have been as low as four to eight percent and around 20 percent in U S West territory. He said the pricing for unbundled network elements needs to be based on long-run incremental costs to allow for competition to develop over time. He said overbuilding requires a workable agreement. He said U S West has forced into arbitration and taken to court every interconnection agreement. He said these agreements will expire before they take effect. He said the regional bell operating companies have not been penalized for delaying the implementation of the federal Telecommunications Act of 1996. He said U S West hopes for deregulation because there is no competition, not because of competition. He said the Legislative Assembly could do things to deregulate U S West; however, these things are inappropriate until there is competition. He said two of the three avenues for competition have been blocked or hindered by U S West. He said all forms of competition need the cooperation of the incumbent local exchange carrier. He said this leaves overbuilding which requires the least amount of cooperation; however, it requires working with the incumbent local exchange carrier and requires the most time and money. He said if the purchase of TCI, Cable TV, Grand Forks, by AT&T is approved, it will benefit consumers. He said the merger would enhance competition. He said TCI provides cable television in Minot, Wahpeton, and Grand Forks. He said cable facilities allow for more services and service combinations.

Representative Grosz said AT&T does not include the resale of long distance in its percentage of market share.

In response to a question from Representative Grosz, Mr. Witt said although the setting of the price for resale involves the Public Service Commission, the resale prices are not close enough to cost.

Representative Grosz said it appears the only way there may be competition is by overbuilding. He said if U S West raised its rates, then there would be overbuilding competition.

In response to a question from Representative Grosz, Mr. Witt said the access charges of U S West are substantially above cost. He said if U S West is allowed to raise its prices for local service, then U S West will have a license to print money.

Representative Grosz said he agreed with Mr. Witt; however, price gouging by U S West would bring competition.

In response to a question from Senator Grosz, Mr. Witt said he would hope that the Legislative Assembly would act to prevent price gouging. He said a windfall to a monopoly provider is inappropriate at anytime.

Representative Grosz said a viable competitor needs to be better or cheaper. He said high prices by U S West would make competitors cheaper.

In response to a question from Senator Heitkamp, Mr. Witt said as a rule the equipment of U S West is not state of the art.

In response to a question from Senator Heitkamp, Mr. Witt said he does not know if the infrastructure built today is going to be sufficient five years down the road.

Commissioner Hagen said Congress intended the federal Telecommunications Act of 1996 to bring the benefits competition has brought to the long-distance consumer to the local exchange consumer. He said competition in the long-distance market took fourteen years.

In response to a question from Commissioner Hagen, Mr. Witt said McLeod USA said it is making a gross of 15 cents on the dollar. He said the 15 cents must cover other costs. He said he does not know if McLeod USA is making money.

Representative Grosz said telecommunications companies seem to be trying to find a statutory or regulatory advantage in competition, instead of competing. He said there should be unregulated competition in areas with a large enough consumer base.

Commissioner Hagen said there was unregulated competition in the railroad industry. He said this resulted in a concentration of monopoly power. He said he would hate to see the same thing happen with the telephone. He said monopolies need regulation.

COMPETITION - CONSOLIDATED COMMUNICATIONS NETWORKS, INC.

At the request of Chairman Grosz, Mr. L. Dan Wilhelmson, General Manager and Chief Executive Officer, Consolidated Communications, presented information to the commission. He said Consolidated plans for facilities-based competition in Dickinson and Belfield. He said negotiations with U S West began on May 15, 1997. He said the Public Service Commission approval came in December 1997. He said Consolidated will begin full service on October 12, 1998. He said his company's major selling point is customer service. He said between now and the end of the year he expects to have approximately seven percent of the Dickinson market. He said U S West has been helpful; however, they need to improve their speed of service to Consolidated. He said Consolidated is an Internet service

provider. He said Consolidated will be a personal communication service provider.

In response to a question from Representative Grosz, Mr. Wilhelmson said most of his company's lines are for business. He said his company will take an order from anyone. He said the leasing of an unbundled loop is not the most competitive way to offer residential service.

In response to a question from Commissioner Hagen, Mr. Wilhelmson said his company will enter global digital cellular personal communication service next year. He said his company is not seeking to be a competitive local exchange carrier with eligible telecommunications carriers status.

In response to a question from Senator Heitkamp, Mr. Wilhelmson said his company's investment in Dickinson is for the long term.

In response to a question from Representative Glasheim, Mr. Wilhelmson said there is no specific issue that the Legislative Assembly could address that would have made competition for his company easier. He said the interconnection agreement is a function of business whereby each party will try to get the best price. He said there needs to be a universal service fund in North Dakota.

Senator Heitkamp says it is hard to create a universal service fund without knowing the portion the state must pay. He said the Federal Communications Commission has not determined what the federal government will pay.

In response to a question from Senator Heitkamp, Mr. Wilhelmson said when the Federal Communications Commission makes its decision, either the Legislative Assembly will need to come back into session or there will need to be enabling legislation.

Representative Grosz said some legislators may fear making enabling legislation for a fund that may have to be in excess of \$100 million.

THE PRODUCTIVITY FACTOR, IMPLICIT SUBSIDIES, AND COMPETITION - PUBLIC SERVICE COMMISSION

At the request of Chairman Grosz, Mr. Charles E. Johnson, Counsel, Public Service Commission, presented testimony on the implicit subsidies retained by U S West on the sale of local exchanges to rural cooperatives, on the price cap X factor, and on competition with U S West in North Dakota. Mr. Johnson said the price cap X factor is set at 2.75 percent by law and it, according to the Federal Communications Commission, may need to be raised to 6.5 percent. He said an error of 3.25 percent will cause an annual error of roughly \$1 million per year. He said after the sale of U S West exchanges, U S West average costs have dropped over 30 percent; however, local service rates have remained the same. A copy of his testimony is on file in the Legislative Council office. He provided a handout of comments made at the public hearing

before the Public Service Commission on the state universal service fund. A copy of his handout is on file in the Legislative Council office.

In response to a question from Representative Grosz, Mr. Johnson said the information on U S West costs is on regulated and unregulated services in all U S West territory. He said he could not find any information on purely regulated services. He said the only way to change the X factor is to do a study. He said the Federal Communications Commission did a study, and his testimony is based upon those figures.

In response to a question from Representative Glassheim, Mr. Johnson said the 2.75 percent X factor was a compromise between industry and the Public Service Commission. He said the number was set in 1993.

In response to a question from Representative Grosz, Mr. Johnson said the reason for his testimony on the X factor was to keep the commission apprised of the situation. He said the recent Federal Communications Commission study that reported the productivity factor is around 6.5 percent nationwide brought the issue to his attention.

Commissioner Hagen said to investigate the X factor properly, it would take an extensive review of U S West records. He said it would require funding for the Public Service Commission to do the job properly.

Representative Grosz said for the X factor to be raised, there will need to be solid numbers and reasoning.

In response to a question from Representative Glassheim, Mr. Johnson said to find numbers that are reasonably legitimate as they relate to nonregulated services in North Dakota the Public Service Commission could bootstrap onto the Federal Communications Commission hearings.

In response to a question from Representative Glassheim, Mr. Johnson said a study would take approximately six months. He said it would require consultants.

At the request of Chairman Grosz, Ms. Illona Jeffcoat-Sacco, Director, Public Utilities Division, Public Service Commission, answered questions for the commission. She said the cost for a study of rates would depend on the type of study. She said the Public Service Commission does not do rate cases anymore. She said the last rate case was in 1989. She said a productivity study may cost approximately \$50,000 to \$70,000. She said an entire rate case would cost more. She said it would require an economist and auditors. She said U S West has to give the Public Service Commission information that is requested. She said the cost of the study is from the analysis of that information.

In response to a question from Representative Glassheim, Ms. Jeffcoat-Sacco said the valuation fund pays for hearings by billing the cost of the hearings back to the customers.

Commissioner Hagen said other states provide assessments against utilities to pay for the costs of the Public Service Commission.

Representative Grosz said the X factor is a replacement for competition in figuring the price cap. He said hopefully the X factor will not need to be adjusted because there will be competition in this state.

Commissioner Hagen said the price cap is not perfect; however, it is needed to regulate a monopoly. He said North Dakota is one of the first states to have a price cap instead of rate of return regulation.

In response to a question from Senator Andrist, Mr. Johnson said it appears that the subsidies that U S West was getting from urban areas for rural areas by statewide rate averaging did not follow the sale of exchanges.

In response to a question from Representative Grosz, Mr. Johnson said U S West intrastate access has not gone down in price.

In response to a question from Representative Glassheim, Mr. Johnson said the money from statewide averaging is paid to U S West.

Senator Andrist said it has been a long time since there has been a review of telephone costs. He said the Public Service Commission should do a thorough study, i.e., a full rate case.

Representative Glassheim said the Legislative Assembly needs to get information from the Public Service Commission so it can make a decision on the X factor and on the subsidies retained by U S West after the sale of the exchanges. He said he would like to know about the subsidies kept by U S West after the sale of the exchanges.

Commissioner Hagen said the Public Service Commission has \$100,000 to handle all cases. He said examining U S West would take that much money.

Representative Glassheim said if the commission asked for the Public Service Commission to do a full rate case, it would be support for the Public Service Commission to ask for more money.

REQUESTED LEGISLATIVE CHANGES - U S WEST

At the request of Chairman Grosz, Mr. Dan Kuntz, attorney representing U S West, presented testimony to the commission. He said computer- and data-related services need to be exempt from regulation. He said the Public Service Commission's jurisdiction should be consistent with the federal Telecommunications Act of 1996. He said there needs to be flexibility in raising prices to offset toll and switched access reductions. He said the 1+ dialing access law should be extended to the year 2001. He said there should be established the responsibilities of eligible telecommunications carriers. He said there should be regulatory parity. He said certain statutes should be

repealed. A copy of his testimony is on file in the Legislative Council office.

In response to a question from Representative Grosz, Mr. Kuntz said rurals may receive an exemption from competition. He said rurals should be open to in-kind competition if rurals compete in another area.

Senator Andrist said it did not appear fair to allow U S West to be a predator of small rural companies. In response to a question from Senator Andrist, Mr. Kuntz said U S West wants to compete with the competitors.

In response to a question from Senator Andrist, Mr. Kuntz said the extension of the 1+ dialing statute is not a question of technology. He said U S West can not compete in interLATA so it needs an advantage in intraLATA to support universal service.

In response to a question from Senator Andrist, Ms. Jeffcoat-Sacco said the law on 1+ says that 1+ cannot be required. She said a company can choose its 1+ carrier for intraLATA. She said some companies use U S West and some do not. Commissioner Hagen said U S West maintains that its rates are below costs, and it needs the 1+ advantage to make money.

In response to a question from Senator Andrist, Mr. Kuntz said the consent decree disallowed U S West from being in interLATA. He said the federal Telecommunications Act of 1996 allows U S West to get into interLATA after meeting a 14-point checklist.

Commissioner Hagen said by allowing U S West to keep the 1+ advantage, it would be a countervailing incentive to the purposes of U S West meeting the 14-point checklist.

In response to a question from Commissioner Hagen, Mr. Kuntz said U S West wants to get into the interLATA business.

In response to a question from Commissioner Hagen, Mr. Kuntz said U S West plans to petition the Public Service Commission for a determination on the 14-point checklist in the first quarter of 1999.

CUSTOMER BILL OF RIGHTS - PUBLIC SERVICE COMMISSIONER WEFALD

At the request of Chairman Grosz, Ms. Susan Wefald, Public Service Commissioner, presented testimony to the commission. She said she is in favor of a customer bill of rights that provides protections to consumers. A copy of her testimony is on file in the Legislative Council office.

In response to a question from Representative Grosz, Ms. Wefald said 77 percent of the complaints to the Public Service Commission have been on telephone-related matters. She said these concerns are separated into whether they are an inquiry or a complaint. She said most complaints are on billing, slamming and cramming, and quality of service.

In response to a question from Representative Glassheim, Ms. Wefald said the Public Service Commission and the Attorney General's office are working on proposed legislation that relates to slamming and cramming. She said she is investigating a practical approach to blocking calls from telemarketers.

Representative Grosz said it should not be too easy to block calls from telemarketers because it sends a conflicting message to the telemarketers this state is trying to attract as businesses.

Commissioner Hagen said Congress is still looking at passing a law on slamming and cramming.

NORTH DAKOTA ASSOCIATION OF RURAL TELEPHONE COOPERATIVES

At the request of Chairman Grosz, Mr. David Crothers, North Dakota Association of Rural Telephone Cooperatives, presented information to the commission. He said he encourages the Legislative Assembly to build a bridge to the year 2001 by ensuring a steady revenue stream to rural cooperatives so that customers have bills with no rapid increase in prices. He said most likely there will not be a decision made by the Federal Communications Commission before the legislative session is completed. He said the rural cooperatives want predictability.

In response to a question from Senator Andrist, Mr. Crothers said he does not have a comment on 1+ dialing. He said rural cooperatives receive access from all long-distance telephone calls.

Representative Grosz said he is waiting for a decision from the Federal Communications Commission on the universal service fund. He said all issues about competition are about cream skimming. He said it is impractical to overbuild everything, especially for small companies. He said any cream skimming from a small company would not leave much left for that company to survive.

Commissioner Hagen said the federal Telecommunications Act of 1996 provides for rural protections. He said a rural company may file for protections with the Public Service Commission if there is an application to compete with the rural company.

DISCUSSION

Representative Grosz said the purpose of the commission is to study the telecommunications laws of this state. He said as telecommunications moves into a competitive world there will need to be legislative changes. He said universal service needs to be preserved. He said competition needs to be promoted. He said cream skimming needs to be prevented where viable companies will not be left. He said the commission is not a failure because it did not recommend many bills. He said it appears there is not an urgency to do anything. He said the Federal Communications Commission has not done anything

urgently. He said it appears the commission agrees on preserving universal service.

Commissioner Hagen said he agreed with Chairman Grosz. He said there needs to be enabling legislation for a universal service fund. He said the Public Service Commission has the authority to do everything in the creation of a universal service fund except it does not have the authority to tax.

Senator Andrist said he has no recommendations. He said telecommunications issues are technical and require the expertise of the Public Service Commission. He said it should receive the funds it needs to do its job. He said there needs to be a study of the rates of U S West and on the X factor.

Representative Grosz said the major issue is whether to regulate competition or leave competition to market forces. Representative Grosz said the commission should support competition to bring costs down.

Representative Glassheim said the commission should decide how to transition to competition, decide how much competition is needed, and where competition is needed. He said there is a law on price caps, and the commission has a duty to monitor it. He said the Legislative Assembly should look at the X factor.

Commissioner Hagen said access, rate rebalancing, and costs are the major issues. He said if there is no industry support for a universal service bill, it is pointless to create one.

It was moved by Senator Andrist, seconded by Commissioner Hagen, and carried that the chairman and the staff of the Legislative Council be requested to prepare a report and the bill draft recommended by the commission and to present the report and recommended bill draft to the Legislative Council.

It was moved by Representative Glassheim, seconded by Senator Andrist, and carried that the meeting be adjourned. Chairman Grosz adjourned the meeting at four p.m.

Timothy J. Dawson
Counsel

ATTACH:1