

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern District)**

**VERIZON MARYLAND INC.
Plaintiff**

vs.

**MONTGOMERY COUNTY,
MARYLAND,**

Defendant

Civil No. 06-01663-MJG

DECLARATION OF MARK COOPER

1. My name is Mark Cooper. I am Director of Research at the Consumer Federation of America. I am also President of Citizens Research, a consulting firm that provides expert testimony and does research for public interest groups. Over the past twenty-five years I have represented consumer, low income, and public interest groups, as well as People's Counsels and Attorneys General, in hundreds of legislative, judicial and regulatory proceedings at the federal, state and local levels. My resume is attached. The analysis and opinions I express in this document represent my own opinion and not those of the Consumer Federation of America.

2. I have been asked by Montgomery County to respond to the consumer welfare claims of Verizon's experts in their attempt to overturn the Montgomery County cable franchise ordinances.¹ I will make three basic points.

3. First, Verizon's experts take an extremely narrow view of the function of the County Executive and the County Council that misrepresents the obligation of the Council to protect and promote the interest of the public – the residents of the county. Verizon thinks only about consumers, but the County government must consider the interests and needs of people and citizens much more broadly.

4. Second, local franchising authorities represent diverse districts with diverse needs. Montgomery County is a larger, more diverse county than many other communities in Maryland in which Verizon is seeking to provide cable service.

5. Third, consumer benefits of competition claimed by Verizon are vastly over-estimated. They are much smaller and less certain than Verizon has claimed.

**The People of Montgomery County are More than Consumers,
Local Governments Must Meet the Broader Needs of their Residents**

6. There is no doubt that competition is good for consumers. However, unlike Verizon, which is a purely economic enterprise concerned overwhelmingly with profits, the local franchising authority in Montgomery County, which happens to be the County Council, must protect a much broader range of its residents' interests. The inhabitants of Montgomery County

¹ Declaration of Thomas W. Hazlett (hereafter Hazlett) and Declaration of Marilyn O'Connell (hereafter O'Connell).

are much more than consumers. They are people who thrive on social relations. They are citizens who participate in their local government. Montgomery County has primary responsibility for a wide range of services that define the quality of life of its residents, such as education, safety, libraries, roads – all of which require resources and facilities. Because the services provided are local and the needs of the people vary from place to place, the franchising process has been local.

7. The cable systems of the county have long been required to help support this complete vision for the residents of the county. A social contract – a franchise agreement – has existed between the cable companies and the people of the county in which the use of the streets and the opportunity to do business in the county are matched by fees paid, facilities provided, and other considerations.

8. In some respects, the franchise fee based on gross revenues paid by Verizon indirectly supports all of the services provided by the county to its residents. In other respects, cable systems contribute directly to meeting the needs of people and citizens by providing the facilities and services that are used to communicate, educate and inform the residents of the county. In the new broadband era, this nexus between the cable system and the life of the citizens has grown stronger and more important. As the information age becomes a digital broadband age, the amount of communications and its importance in daily life increases. Local governments must be able to advance their infrastructure to meet the increasing communications needs of their residents.

9. This may take the form of institutional networks that link county buildings together or broadband services that link local government to residents. It may take the form of additional public access channels or capacity to make information more widely available to an increasingly diverse population. As technology evolves and the population changes, local governments must also be able to evolve the services they provide.

10. Verizon's attack on the local franchising authority of the county is an attack on the core fabric of local government, its ability to fund and implement necessary services for residents. Managing and charging for the use of the right of way has been a core function of local government for centuries. The principle of granting franchises to private companies to provide and maintain the public thoroughfares goes back to the earliest days of capitalism, when boroughs granted franchises to turnpikes to provide for roads. As the means of transportation and communications and the provision of services have changed over the centuries, local governments have striven to keep up, improving the facilities used and evolving the funding and provisioning mechanisms. The basic concept of a franchise linked to the use of local facilities by private entities has been a tried and true mechanism for ensuring that local governments can progress and keep up with the times.

11. There is no doubt that critical functions of local government are what Verizon is targeting for extinction. The economic experts complain about the gross revenue charge, which helps to fund local government.² They complain about the public, educational and governmental access channels and support facilities, on which local governments and citizens rely for

² Hazlett, para. 4.

information about community activities and local culture. They complain about institutional networks, which local governments use for internal and external communications.

12. For some time now, Verizon and AT&T have been attacking the ability of local governments to function in legislatures across the country. Their assault on the franchise, if successful, will ultimately undermine the ability of local government to meet the needs of its residents. The effort of these new entrants to avoid the social responsibility of cable operators will set up a race to the bottom. If new entrants avoid their social responsibilities, the incumbent cable operators will, willy-nilly, declare that they have been placed at a disadvantage and demand that their obligations also be reduced or eliminated. In Montgomery County, Verizon has taken this assault on local government one step farther. By challenging the underlying statute, it calls into question the very authority of local government. Should this effort prevail, it would unravel the social contract that exists between local governments and cable franchisees.

13. Local governments must not only consider the diverse interests of the residents within their jurisdiction, they must also consider the interests of all their residents. One of the central points of conflict in the ongoing effort of these new entrants to undermine local government is the issue of build-out – the obligation of a cable franchisee to serve all of the residents of the county. Verizon proclaims its intention to serve approximately half of the county by the end of 2006. It then plans to reach about 60 percent of the county by 2007. But only the County can judge whether this extent of service is sufficient to meet the County's needs and interests. The County Council serves all of the people in the county and must retain the power to insist that

those who use the streets to conduct their business also serve as widely as possible. It cannot allow cable operators to cherry pick neighborhoods and create a digital divide within its borders.

14. Verizon's claim in this proceeding is that the Council has asked for too much, and in so doing has denied the consumers of the County the benefits of competition.³ Unhappy with the bargaining position of the County, Verizon seeks to reduce or eliminate its bargaining power – to literally take away the county's right to ask for things that the elected representatives believe are in the public interest. So, at one level, this comes down to a bargaining tactic. Having stripped away the county's bargaining power, Verizon then proposes to negotiate.

15. Corporations and their economic experts frequently blanch when local governments demand “non-economic” considerations or refuse to let pure economic efficiency dictate all aspects of life, but that is precisely the purpose of government. The elected representatives of the county are charged with providing for the needs of the residents in all of their aspects. Bargaining for fees or services is what they are elected to do. If Verizon believes that the County Council is driving too hard a bargain, it should take that complaint to the people in the upcoming elections or the legislature.

16. Verizon certainly has not been shy about attacking the ability of local governments to function in state legislatures across the country. Verizon has pressed for a law to eliminate local franchising in New Jersey. It pressed for a law severely restricting the ability of local governments to build community wireless networks in Pennsylvania.

³ Hazlett, para. 4.

The diversity of local areas is an important consideration in the local franchising process.

17. The many different functions of local government that are affected directly and indirectly by the local cable operator, particularly as we move into the broadband era, reinforce the importance of allowing local bodies, who are responsible for providing these services, to negotiate for them.

18. Exhibit A shows key demographic characteristics of all of the counties in Maryland where Verizon has sought a franchise,⁴ although as I understand it, it has not filed an official application in Montgomery County, unlike the other communities mentioned. I have included three characteristics that are likely to significantly affect the communications needs and preferences of households – race/ethnicity, use of second language in the home, and age of members of the household.

19. Montgomery County is both very large and quite diverse. Hispanics, Asians and Other/multiracial households account for almost a third of the households in the County. This is two to three times the percentages in other counties. The percentage of households where a second language is spoken at home is two to four times greater in Montgomery County than the other counties mentioned. The percentage of households with a member over 65 is higher than the other areas, while the percentage of households with a member younger than 18 is about average.

⁴ Complaint for Declaratory and Injunctive Relief, at para. 5.

20. It is interesting to note that the larger the county, the less likely Verizon is to have a franchise. Verizon has received franchises in the three smallest jurisdictions identified. The fourth smallest area “is expected to grant a franchise next month.” For the second largest area, Verizon claims that negotiations “are proceeding well.” This rank order of the status of the negotiations is generally consistent with the proposition that the larger, more diverse jurisdictions take longer.

Verizon’s Claims of Consumer Benefits are Vastly Overstated

21. The County Council must make a judgment call about the relative value of the benefits increased competition would bring and the costs of reduced or foregone social obligations that Verizon is demanding. The Council has good reason to be skeptical of the benefits that Verizon claims it will deliver over the life of the franchise.

22. Verizon’s experts cite studies of the price reducing effect of competition in cable.⁵ I have frequently cited similar studies in advocating for increased competition in cable. However, there are several facts that the Verizon experts fail to point out.

23. First, the benefits of competition did not require the elimination of social obligations. Unlike Verizon, which demands special treatment, the cable operators that constitute the competitors in the econometric studies the experts cite were subject to the routine obligations of franchisees. In the past, the residents of the areas served by head-to-head competition did not have to give up their social values to get the benefits of competition.

⁵ Hazlett, para. 5

24. Second, those past studies of competition were based largely on situations in which the focal point of competition was not the “triple play” of cable service, high-speed Internet and voice. In the past, competitors delivered cable competition and met their social obligations while competing for a narrower base of services. One would think that the broader base would make it easier to compete and meet the social obligations.

25. The back of the envelope calculations provided by Verizon’s experts are dubious because they make assumptions that do not fit the contemporary situation in the cable video industry. First, Verizon does not compete for analog cable service.⁶ It competes for digital cable services, which are a high-end product. In fact, that is the service that the Verizon experts point to in their price comparisons: the prices quoted are for digital service.⁷ In projecting consumer welfare gains, Verizon experts appear to have assumed all cable subscribers in Montgomery County are digital subscribers and that all non-cable subscribers will be the target of the increased competition. This is not the case for several reasons. Industry statistics show less than half of all cable subscribers are digital. Comcast claims only 46 percent of its cable subscribers are digital.⁸

26. Second, the analysis appears to ignore satellite service, which is also a digital offering. To the extent that the non-cable subscribers are currently satellite subscribers, Verizon has overestimated the increase in total subscribers that would result from competitive entry. Satellite packages have been priced lower than cable digital packages for some time, yet analog

⁶ I have shown the difference between analog and digital subscribers in Mark Cooper, *Cable Mergers and Monopolies* (Washington, D.C.: Economic Policy Institute, 2002), Chapter 2.

⁷ Hazlett, para. 6; O’Connell, para. 14.

⁸ Comcast, 2005 Annual Report, p. 11.

cable and households that do not subscribe to either cable or satellite have not been attracted to the satellite offering. Moreover, the principal document that Verizon witnesses cite for their price comparisons (“Battle for the Bundle”)⁹ is actually focused on bundle competition. Bundle competition is about migrating subscribers who already have service from one carrier to another through a bundle. These are the upscale customers. Moreover, in the documents cited by the Verizon experts there was no claim of increased subscribership. This could be a major source of overestimation of potential consumer benefits in the back of the envelope calculations of the Verizon experts.

27. Third, Verizon has focused attention on the very short term, initial jostling that it claims has taken place after its entry into the cable business in other franchise areas. However, the life of the franchise is not just a few months, it is many years, and the County Council must look to the long term. This undercuts the claim of harm imposed by delaying competition in several ways. While delay costs consumers, this is a one-time cost. When Verizon enters, it will win customers. The claim that the short delay will permanently alter the trajectory of Verizon’s market penetration is overstated. The costs that Verizon seeks to extract from the county in terms of reduced social obligations, on the other hand, will be permanent.

28. Fourth, while two firms offering service are certainly better than one, a duopoly, which will be the condition for about half the county, does not constitute a vigorously competitive market. The Department of Justice defines a market with fewer than the equivalent

⁹ O’Connell, para. 14, Bank of America Equity Research, *Battle for the Bundle: Consumer Wireline Service Pricing* (Jan 23, 2006).

of roughly six firms as highly concentrated.¹⁰ In a market with only two or three firms, the players can quickly figure out that it is not in their mutual interest to compete prices down. Moreover, with an elasticity of demand of -1.5, assumed by Verizon's experts, the threat of the exercise of market power is substantial and the possibility of conscious parallelism is large. This low elasticity of demand underlies the excessive charges imposed on the public by the cable industry.¹¹

29. Unfortunately, after an initial period of jostling, the new entrants may well discover that it is in their interest to reduce price competition. This is particularly true if Verizon is allowed to choose which parts of the county it enters, as the market will become divided geographically. We are already seeing the reduction in price competition, with increases in some telephone company pricing for the "triple play," and very mixed reactions of cable operators. Comcast, in particular, has exhibited "a more moderate response than the aggressive discounting which characterized Verizon's earliest market launches."¹²

30. Indications of this muted competition can already be seen in the actual pricing behavior of the cable and telephone companies in the market.¹³ While the Verizon experts tout the price reductions of the incumbents in response to entry, they fail to point out that "cable

¹⁰ Cooper, *Cable Mergers*, Chapter 1 describes these guidelines.

¹¹ Cooper, *Cable Mergers*, p. 22, discusses the low elasticity of demand.

¹² Bank of America Equity Research, *Battle for the Bundle: Consumer Wireline Services Pricing*, April 18, 2006, p. 1.

¹³ *Battle for the Bundle*, April 18, 2006, p. 1. "We are seeing moderating rates of price decline for telecom-related services... The "all-in" Bell/cable price gap, including 1x costs, narrowed sharply. In 1Q06, a \$2 increase in the average Bell company price and a \$4 decrease in the cable company average price narrowed the price gap... Verizon FIOS launches are engendering mixed cable operator responses... Comcast has been the least aggressive (a 9% discount is available via a standard bundle, but no special pricing offered). See also Kagan, "Cable Modem Vs. DSL: Rivals Side-Step Big Price Wars so Far," July 2, 2006.

companies are not advertising these prices at all.”¹⁴ In fact, they are selectively offered. The price offers by the incumbents to which the Verizon experts point appear to be available for a short time. The Verizon experts also fail to note that Comcast, the incumbent in Montgomery County, has had the most muted response in other areas where FiOS has entered.¹⁵

31. The claims of improvements in quality occasioned by competition are muddled in the cable industry by the pervasive practice of anti-competitive bundling, a practice that Verizon appears to have adopted. The average household views about 17 channels. The average package offered by Verizon will have hundreds of channels. Because Verizon bundles its programming, consumers are forced to pay for hundreds of channels that they do not want. This bundling is a means of extracting consumer benefit, while producer surplus is maximized.

32. The value of adding channels in terms of increasing subscribership has been declining for years because the number of channels is so large compared to the number that are watched.¹⁶ The Federal Communications Commission (FCC) recently concluded that bundling is raising consumer cost, a proposition I had pressed at the FCC in its cable a la carte proceeding.¹⁷

33. The effects of bundling will be compounded by the focus on the “triple play.” For years Verizon tied voice and DSL service, and only recently did it abandon that practice during

¹⁴ *Battle for the Bundle*, Jan. 23, 2006, p. 1.

¹⁵ *Battle for the Bundle*, April 18, 2006, p. 1. The slowing of competition is already evident in the VOIP market as “Comcast appears to have rolled back promotional bundle pricing in more established VOIP markets,” *Battle for the Bundle*, January 23, 2006, p. 9.

¹⁶ Mark Cooper and Gene Kimmelman, “Reply Comments of Consumers Union and the Consumer Federation of America, *In the Matter of Comments Requested on a La Carte and Themed Tier Programming and Pricing Options for Programming Distribution on Cable Television and Direct Broadcast Satellite Systems*, MB Docket No. 04-207, August 13, 2004, Exhibit 9.

¹⁷ Media Bureau, *Further Report on the Packaging and Sale of Video Programming Services to the Public* (Washington, D.C.: Federal Communications Commission), February 9, 2006.

the antitrust review of its acquisition of MCI. Virtual ties (i.e., ties accomplished by predatory pricing) can have the same anticompetitive effect.

34. The contemporary document on which Verizon experts rely for their pricing discussion, which is the key to their claim of consumer benefits, focuses almost entirely on bundles, not individual items. Because the bundles are expensive, requiring high speed Internet to get VOIP voice, the impact of the competition is restricted to the upscale segment of the market. The only people who will save on the discount for bundled services are those who can afford to buy the whole package – cable service, high-speed Internet, and VOIP.

35. When we expose the Verizon experts' back of the envelope estimates to these real world facts, the claims of consumer benefits are undercut dramatically. Consider the following shortcomings in the analysis:

- About 40 percent of the households without cable have satellite, which means there is a much smaller gain in new subscribers.¹⁸
- More than one half of Comcast cable subscribers are not digital subscribers and there is no reason to assume that analog subscribers will be affected by digital competition.
- Comcast has responded with much smaller price decreases than other cable operators. In fact, it has not chosen to respond directly, but has offered a bundle with a price

¹⁸ This assumes that approximately 14 percent of households without cable have satellite. While the national average is higher, satellite has a higher penetration in rural areas (see Cooper, *Cable Mergers*, Chapter 2..

discount that is only 60 percent as large as that used by Verizon's expert in his back of the envelope calculation.¹⁹

- The delay in entry is a short term issue.

36. Exhibit B shows graphically how the consumer welfare calculation is distorted by overestimating the market segment affected by at least 50 percent and the price response by at least 40 percent. Exhibit C shows how alternative and more realistic assumptions would dramatically lower the estimate of consumer benefits. Combining these factors, alone, the Verizon experts have overestimated the consumer gains by a factor of 3 or 4 times.

Conclusion

37. Even more stunning is the overall, long term bottom line in terms of the social obligations that the county is seeking to preserve compared to the competitive benefit that is likely to flow from Verizon's accelerated entry. If Verizon is successful in undermining the ability of the county to secure social obligations, Verizon would take from the residents of Montgomery County at least five times and perhaps ten times as much in the value of social obligations as the introduction of competition will return to consumers in the county. In short, it is a really bad deal. Eliminating the franchise fee and PEG capital grants alone would take away about a million dollars a month.²⁰ This is five times the consumer benefit estimated in Exhibit C. Moreover, once the initial jostling of a duopoly recedes, the consumer benefits will recede as

¹⁹ Id. p. 1.

²⁰ Verizon claims the County is seeking a total of 8% of gross revenues. If successful in the challenge, it could eliminate those fees. Using Verizon expert witness estimates of Comcast gross receipts, the loss to the County would be \$1 million per month ($.08 * .669 * 347,000 * \$53.10 = \$986,143$).

well. If the benefits of competition last for only half the life of the franchise, the loss to County residents in social obligations would be ten times the gain from competition. This does not account for the other social benefits of a cable franchise beyond the franchise fees and PEG capital grants.

38. It is certainly the case that Verizon and the incumbent cable operators will seek to recover from consumers some of the costs of the social obligations they are required to meet. But even that reality requires careful analysis. First, we must consider whether Verizon is seeking a competitive advantage based solely on avoiding the costs of social obligations. If that is the case, then its program is simply an anticompetitive wealth transfer scheme (reducing the county revenues and capacity to serve its residents, while taking advantage of the fact that the cable operators are saddled with the social obligations).

39. Second, the legitimate claim of competition driving down prices must rest on the fact that there are excess profits that can be squeezed out of the industry or efficiencies that can be achieved. Under these circumstances, some, but not all of the costs of meeting social obligations will be passed through to consumers, but the county will have upheld its social obligation standard.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Mark Cooper

Mark Cooper

EXHIBITS

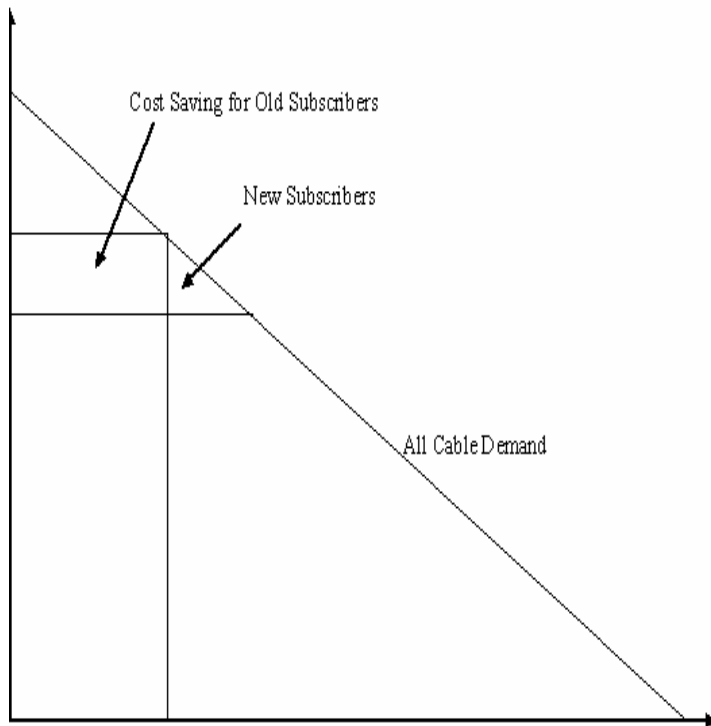
Exhibit A: Demographic Characteristics of Local Franchise Areas in Maryland where Verizon is Seeking to Offer Cable Service

Demographic Characteristic	Montgomery County	Prince George County	Anne Arundel County	Howard County	Bowie City	Laurel City
Population (000)	873	802	490	248	50	20
Race/Ethnicity						
White	65%	27%	81%	74%	63%	52%
Black	15	63	14	14	31	35
Hispanic	12	7	3	3	6	3
Asian	11	4	2	8	3	7
Other	8	6	3	3	6	3
Second Language Spoken at Home	32%	16%	20%	14%	9%	18%
One or more Household Members						
Over 65	21%	16%	20%	14%	18%	11%
Under 18	37	41	38	42	41	30

Source: U.S. Census Bureau, *Census 2000*, Table DP-1: Profile of General Demographic Characteristics: 2000. Race/ethnicity may sum to more than 100 as there is overlap between Hispanic origin and race.

Exhibit B: Alternative Views of Consumer Welfare Effects of Competitive Entry

CHANGES IN CONSUMER WELFARE:
HAZLET BACK OF THE ENVELOPE ASSUMES TOO LARGE PRICE RESPONSE
FROM COMCAST, 100 DIGITAL, AND NO SATELLITE



CHANGES IN CONSUMER WELFARE: REALISTIC ASSUMPTIONS
(ASSUME 50% ANALOG CABLE AND 14% SATELLITE, WITH SMALL PRICE
RESPONSE FROM CABLE)

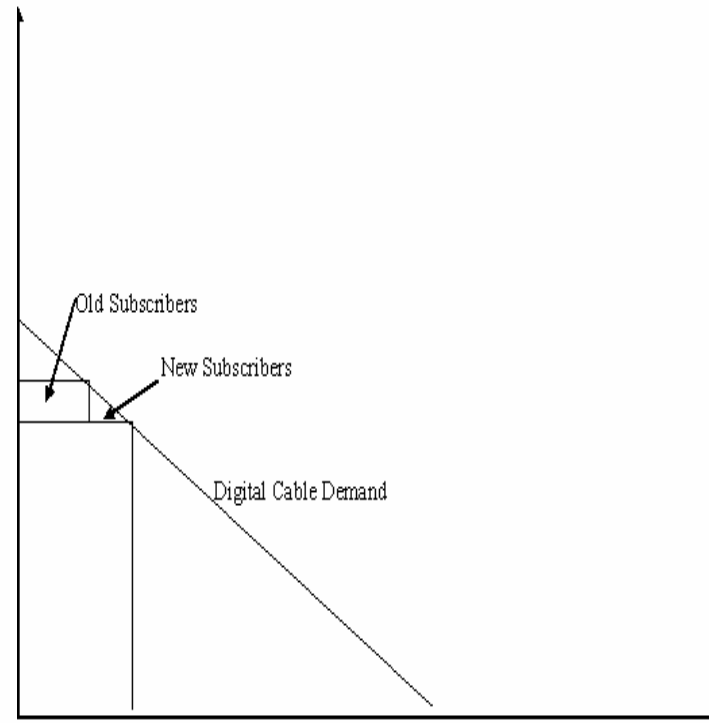


Exhibit C: Alternative Assumptions for the Consumer Benefit Analysis

	Number of Existing Subscribers Who Benefit	Number of New Subscribers Who Benefit	Price Reduction	Consumer Benefit
Verizon baseline				
Price Discount (15%)			\$7.97	
All Subscribers	82,287		\$7.97	\$655,174
All Non-cable		18,508	\$7.97	\$73,707*
Total				\$728,881
Alternative Assumptions				
Price Discount (9%)			\$4.78	
Digital Subscribers (46% of total)	37,852		\$4.78	\$180,894
Non-Satellite, Non-Cable (60% of non cable)		11,105	\$4.78	\$26,535*
Total				\$207,429

* Consumer Benefits of new subscribers are divided by 2 to take account of the downward sloping demand curve as in the Verizon analysis.

MARK N. COOPER
504 HIGHGATE TERRACE
SILVER SPRING, MD 20904
(301) 384-2204
markcooper@aol.com

EDUCATION:

Yale University, Ph.D., 1979, Sociology
University of Maryland, M.A., 1973, Sociology
City College of New York, B.A., 1968, English

PROFESSIONAL EXPERIENCE:

President, Citizens Research, 1983 - present
Research Director, Consumer Federation of America, 1983-present
Fellow, Stanford Center on Internet and Society, Present
Fellow, Donald McGannon Communications Research Center, Fordham University
Director, Digital Society Project, Consumer Federation of America, 1999-2003
Associated Fellow, Columbia Institute on Tele-Information, Present
Principle Investigator, Consumer Energy Council of America, Electricity Forum, 1985-1994
Director of Energy, Consumer Federation of America, 1984-1986
Director of Research, Consumer Energy Council of America, 1980-1983
Consultant, Office of Policy Planning and Evaluation, Food and Nutrition Service, United States Department of Agriculture, 1981-1984
Consultant, Advanced Technology, Inc., 1981
Technical Manager, Economic Analysis and Social Experimentation Division, Applied Management Sciences, 1979
Research Associate, American Research Center in Egypt, 1976-1977
Research Fellow, American University in Cairo, 1976
Staff Associate, Checchi and Company, Washington, D.C., 1974-1976
Consultant, Division of Architectural Research, National Bureau of Standards, 1974
Consultant, Voice of America, 1974
Research Assistant, University of Maryland, 1972-1974

TEACHING EXPERIENCE:

Lecturer, Washington College of Law, American University, Spring, 1984 - 1986, Seminar in Public Utility Regulation

Guest Lecturer, University of Maryland, 1981-82, Energy and the Consumer, American University, 1982, Energy Policy Analysis

Assistant Professor, Northeastern University, Department of Sociology, 1978-1979, Sociology of Business and Industry, Political Economy of Underdevelopment, Introductory Sociology, Contemporary Sociological Theory; College of Business Administration, 1979, Business and Society

Assistant Instructor, Yale University, Department of Sociology, 1977, Class, Status and Power

Teaching Assistant, Yale University, Department of Sociology, 1975-1976, Methods of Sociological Research, The Individual and Society

Instructor, University of Maryland, Department of Sociology, 1974, Social Change and Modernization, Ethnic Minorities

Instructor, U.S. Army Interrogator/Linguist Training School, Fort Hood, Texas, 1970-1971

PROFESSIONAL ACTIVITIES:

Member, Advisory Committee on Appliance Efficiency Standards, U.S. Department of Energy, 1996 - 1998

Member, Energy Conservation Advisory Panel, Office of Technology Assessment, 1990-1991

Fellow, Council on Economic Regulation, 1989-1990

Member, Increased Competition in the Electric Power Industry Advisory Panel, Office of Technology Assessment, 1989

Participant, National Regulatory Conference, The Duty to Serve in a Changing Regulatory Environment, William and Mary, May 26, 1988

Member, Subcommittee on Finance, Tennessee Valley Authority Advisory Panel of the Southern States Energy Board, 1986-1987

Member, Electric Utility Generation Technology Advisory Panel, Office of Technology Assessment, 1984 - 1985

Member, Natural Gas Availability Advisor Panel, Office of Technology Assessment, 1983-1984

Participant, Workshop on Energy and the Consumer, University of Virginia, November 1983

Participant, Workshop on Unconventional Natural Gas, Office of Technology Assessment, July 1983

Participant, Seminar on Alaskan Oil Exports, Congressional Research Service, June 1983

Member, Thermal Insulation Subcommittee, National Institute of Building Sciences, 1981-1982

Round Table Discussion Leader, The Energy Situation: An Open Field For Sociological Analysis, 51st Annual Meeting of the Eastern Sociological Society, New York, March, 1981

Member, Building Energy Performance Standards Project Committee, Implementation Regulations Subcommittee, National Institute of Building Sciences, 1980-1981

Participant, Summer Study on Energy Efficient Buildings, American Council for an Energy Efficient Economy, August 1980

Member, University Committee on International Student Policy, Northeastern University, 1978-1979

Chairman, Session on Dissent and Societal Reaction, 45th Annual Meeting of the Eastern Sociological Society, April, 1975

Member, Papers Committee, 45th Annual Meeting of the Eastern Sociological Society, 1975

Student Representative, Programs, Curricula and Courses Committee, Division of Behavioral and Social Sciences, University of Maryland, 1973-1974

President, Graduate Student Organization, Department of Sociology, University of Maryland, 1973-1974

HONORS AND AWARDS:

American Sociological Association, Travel Grant, Uppsala, Sweden, 1978

Fulbright-Hayes Doctoral Research Abroad Fellowship, Egypt, 1976-1977

Council on West European Studies Fellowship, University of Grenoble, France, 1975

Yale University Fellowship, 1974-1978

Alpha Kappa Delta, Sociological Honorary Society, 1973

Phi Delta Kappa, International Honorary Society, 1973

Graduate Student Paper Award, District of Columbia Sociological Society, 1973

Science Fiction Short Story Award, University of Maryland, 1973

Maxwell D. Taylor Award for Academic Excellence, Arabic, United States Defense Language Institute, 1971

Theodore Goodman Memorial Award for Creative Writing, City College of New York, 1968

New York State Regents Scholarship, 1963-1968

National Merit Scholarship, Honorable Mention, 1963

PUBLICATIONS:

BOOKS:

Open Architecture as Communications Policy (Stanford Law School, Center for Internet and Society: 2004)

Cable Mergers and Monopolies: Market Power In Digital Media and Communications Networks (Washington, D.C.: Economic Policy Institute, 2002)

CHAPTERS:

“The Importance of Open Networks in Sustaining the Digital Revolution,” in Thomas M. Lenard and Randolph J. May, *Net Neutrality or Net Neutering: Should Broadband Internet Service Be Regulated* (New York: Springer, 2006)

“The Digital Divide Confronts the Telecommunications Act of 1996: Economic Reality versus Public Policy,” in Benjamin M. Compaine (Ed.), *The Digital Divide: Facing a Crisis or Creating a Myth?* (Cambridge: MIT Press, 2001)

ARTICLES:

“Inequality In The Digital Society: Why The Digital Divide Deserves All The Attention It Gets,” *Cardozo Arts and Entertainment Law Journal*, 2002, first presented at *Bridging The Digital Divide: Equality In The Information Age*, Cardozo School Of Law, November 15, 2000

“Antitrust As Consumer Protection In The New Economy: Lessons From The Microsoft Case,” *Hastings Law Journal*, 52: 4, April 2001, first presented at *Conference On Antitrust Law In The 21st Century* Hasting Law School, February 10, 2000

“Open Access To The Broadband Internet: Technical And Economic Discrimination In Closed, Proprietary Networks,” *University of Colorado Law Review*, Vol. 69, Fall 2000

"Delivering the Information Age Now," *Telecom Infrastructure: 1993*, Telecommunications Reports, 1993

"Divestiture Plus Four: Take the Money and Run," *Telematics*, January 1988

PAPERS:

“Information is a Public Good,” *Extending the Information Society to All: Enabling Environments, Investment and Innovation, World Summit on the Information Society*, Tunis, November 2005

“Dividing the Nation, Digitally: When a Policy Of Neglect is Not Benign,” *The Impact of the Digital Divide on Management and Policy: Determinants and Implications of Unequal Access to Information Technology*, Carlson School of Management, University of Minnesota, August 28, 2004.

- “Cable Market Power, Pricing And Bundling After The Telecommunications Act Of 1996: Explorations Of Anti-Consumer, Anticompetitive Practices,” Cable TV Rates: Has Deregulation Failed?, Manhattan Institute, November 2003
- “Ten Principles For Managing The Transition To Competition In Local Telecommunications Markets, Triennial Review Technical Workshop National Association of Regulatory Utility Commissioners, Denver CO, July 27, 2003
- “Universal Service: A Constantly Expanding Goal,” Consumer Perspectives on Universal Service: Do Americans Lose Under a Connection-based Approach? (Washington, D.C.: New Millennium Research Council, June 2003)
- “Open Communications in Open Economies and Open Societies: Public Interest Obligations are Vital in the Digital Information Age,” Convergence: Broadband Policy and Regulation Issues for New Media Businesses in the New Millennium Georgetown University Law Center, Advanced Computer and Internet Law Institute March 5, 2003.
- “What’s ‘New’ About Telecommunications in the 21st Century Economy: Not Enough to Abandon Traditional 20th century Public Interest Values” Models of Regulation For the New Economy, University of Colorado School of Law, February 1, 2003
- “Comments on *Broadband: Bringing Home the Bits*, Columbia Institute for Tele-Information, March 18, 2002
- “The Role Of Technology And Public Policy In Preserving An Open Broadband Internet,” The Policy Implications Of End-To-End, Stanford Law School, December 1, 2000
- “Picking Up The Public Policy Pieces Of Failed Business And Regulatory Models,” Setting The Telecommunications Agenda, Columbia Institute For Tele-Information November 3, 2000

TESTIMONY:

- “Competition and Convergence,” Senate Committee on Commerce, Science and Transportation, March 30. 2006
- “Comments and Reply Comments of the Consumer Federation Of America and Consumers Union In Opposition To The Transfer Of Licenses,” Applications of Adelphia Communications Corporation, Comcast Corporation and Time Warner Cable Inc., For Authority to Assign and/or Transfer Control of Various Licenses, Before the Federal Communications Commission, MM Docket No. 05-192
- “Petition to Deny of the Consumer Federation of America, Consumers Union, and USPIRG, In the Matter of Applications of SBC Communications Inc. and AT&T Corporation to Transfer Control of Section 214 and 308 Licenses and Authorizations and Cable Landing Licenses, WC Docket No. 05-65, April 25, 2005
- “Petition to Deny of the Consumer Federation of America, Consumers Union, and USPIRG, In the Matter of Applications of Verizon Communications Inc. and MCI Inc.

Applications for Approval of Transfer of Control of Section, WC Docket No. 05-75,
May 9, 2005

- “Comments Of Consumer Federation Of America and Consumers Union,” In The Matter Of IP-Enabled Services, Petition Of SBC Communications Inc. For Forbearance, Before The Federal Communications Commission, WC Docket No. 04-29, 04-36, July 14, 2004
- “Protecting the Public Interest Against Monopoly Abuse by Cable Companies: Strategies for Local Franchising Authorities in the AT&T Comcast License Transfer Process, Statement to the City of Boston,” May 14, 2002
- “Comments of the Consumer Federation of America, Consumers Union, Center for Digital Democracy, The Office of Communications of the United Church of Christ, Inc., National Association of Telecommunications Officers and Advisors, Association for Independent Video Filmmakers, National Alliance for Media Arts and Culture, and the Alliance for Community Media.” Federal Communications Commission, In the Matter of Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992 Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 The Commission’s Cable Horizontal and Vertical Ownership Limits and Attribution Rules Review of the Commission’s Regulations Governing Attribution Of Broadcast and Cable/MDS Interests Review of the Commission’s Regulations and Policies Affecting Investment In the Broadcast Industry Reexamination of the Commission’s Cross-Interest Policy, CS Docket No. 98-82, CS Docket No. 96-85, MM Docket No. 92-264, MM Docket No. 94-150, MM Docket No. 92-51, MM Docket No. 87-154
- “Reply Comments of the Consumer Federation of America, Consumers Union, Center for Digital Democracy, and Media Access Project,” in Federal Communications Commission, In the Matter of Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992 Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 The Commission’s Cable Horizontal and Vertical Ownership Limits and Attribution Rules Review of the Commission’s Regulations Governing Attribution Of Broadcast and Cable/MDS Interests Review of the Commission’s Regulations and Policies Affecting Investment In the Broadcast Industry Reexamination of the Commission’s Cross-Interest Policy, CS Docket No. 98-82, CS Docket No. 96-85, MM Docket No. 92-264, MM Docket No. 94-150, MM Docket No. 92-51, MM Docket No. 87-154.
- “Reply Comments Of Texas Office Of Public Utility Counsel, Consumer Federation Of America, Consumers Union,” Federal Communications Commission, In The Matter Of Inquiry Concerning High Speed Access To The Internet Over Cable And Other Facilities, GN Docket No. 00-185, January 11, 2001
- “Comments Of Texas Office Of Public Utility Counsel, Consumer Federation Of America, Consumers Union,” Federal Communications Commission, In The Matter Of Inquiry Concerning High Speed Access To The Internet Over Cable And Other Facilities, GN Docket No. 00-185, December 1, 2000

- “Statement before the *en banc* Hearing in the Matter of the Application of America Online, Inc. and Time Warner, Inc. for Transfer of Control,” Federal Communications Commission, July 27, 2000
- “Petition to Deny of Consumers Union, the Consumer Federation of America, Media Access Project and Center for Media Education,” In the Matter of Application of America Online, Inc. and Time Warner for Transfer of Control, CS 00-30, April 26, 2000
- “Antitrust Should Promote Competition on Top of Well Regulated Infrastructure Platforms,” Antitrust Modernization Commission, December 5, 2005
- “Video Competition in 2005 – More Competition or New Choices for Consumers,” Subcommittee on Antitrust, Competition Policy and Consumer Rights, United States Senate, October 19, 2005
- “”The Merger Tsunami is Drowning Competition in the Communications Marketplace,” House Energy and Commerce Committee, March 2, 2005
- “Testimony of Mark Cooper on Cable Market Power in Multichannel Video Program Distribution,” Subcommittee on Antitrust, Senate Judiciary Committee, February 11, 2004
- “Testimony Of Dr. Mark N. Cooper Director Of Research On Media Ownership,” Before The Senate Commerce Committee, Washington, D. C., October 2, 2003
- “Statement Of Dr. Mark Cooper on Digital Television,” Senate Commerce Committee, March 1, 2001

RESEARCH REPORTS

- Broken Promises and Strangled Competition: The Record of Baby Bell Merger and Market Opening Behavior (Consumer Federation of America, June 2005)
- Expanding the Digital Divide and Falling Behind in Broadband (Consumer Federation of America and Consumers Union, October 2004)
- Time to Give Consumers Real Cable Choices: After Two Decades of Anti-consumer Bundling and Anti-Competitive Gatekeeping (Consumer Federation of America and Consumers Union, July 2004)
- The Public Interest in Open Communications Networks (Consumer Federation of America, July 2004)
- Cable Market Power, Pricing And Bundling After The Telecommunications Act Of 1996: Explorations Of Anti-Consumer, Anticompetitive Practices (Consumer Federation of America and Consumers Union, November 2003)
- Cable Mergers, Monopoly Power and Price Increases (Consumer Federation of America and Consumers Union, January 2003)

Public Support for a Citizen-Friendly Media and Communications Industry in the Digital Age: A Review of Recent Survey Evidence (Consumer Federation of America, October 2002)

Does the Digital Divide Still Exist? Bush Administration Shrugs, But Evidence Says “Yes” (Consumer Federation of America, Consumers Union, Civil Rights Forum, May 30, 2002)

The Failure of ‘Intermodal Competition in Cable and Communications Markets (Consumer Federation of America and Consumers Union, April, 2002).

Lessons From 1996 Telecommunications Act: Deregulation Before Meaningful Competition Spells Consumer Disaster (Consumer Federation of America, February 2000)

Disconnected, Disadvantaged and Disenfranchised (Consumer Federation of America and Consumers Union, October 11, 2000)

Open Access Phase II (Consumer Federation of America, July 13, 2000)

Who Do You Trust? AOL And AT&T ... When They *Challenge* The Cable Monopoly Or AOL And AT&T. When They *Become* The Cable Monopoly?, (Consumer Federation of America, Consumers Union and Media Access Project, February 2000)