

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

The Irregularators, New Networks Institute,
Bruce A. Kushnick, Mark N. Cooper, Tom
Allibone, Kenneth Levy, Fred Goldstein,
and Charles W. Sherwood, Jr.,
Petitioners

Case No. 19-1085

Petition for Review of Order by the Federal
Communications Commission

v.

Federal Communications Commission and
United States of America,
Respondents

AFFIDAVIT OF MARK COOPER IN SUPPORT OF STANDING

1. My name is Mark Neal Cooper. I am one of the named Petitioners in the above captioned proceeding. My home address is 504 Highgate Terrace, Silver Spring Maryland.

2. I provide basic facts in this Affidavit but also express certain opinions that underlie the questions this Affidavit is presented to resolve. I consider myself an expert by training and education for purposes of Fed. R. Ev. 702. I have written several books and articles in this field, and accepted as an expert qualified to express opinions bearing on similar topics in both federal and state courts. My bio is attached hereto.

3. The purpose of this Affidavit is to provide evidence of standing to pursue the matter. I will provide some of the basic facts particular to my individual circumstances, but also rely on the presentations contained in the Affidavits of Bruce A. Kushnick and Fred Goldstein to explain why the basic facts I present below demonstrate that I have suffered (1) injury-in-fact (2) traceable to the Freeze Order (3) that could be redressed by an order from this Court holding unlawful, vacating, enjoining, and/or setting aside the Freeze Order and remanding the matter to the FCC for further consideration and action.

4. The Incumbent Local Exchange Carrier serving my residence and area is Verizon.

5. I currently receive the following communications services:

A. I receive wireline basic local telephone exchange and exchange access service from Verizon. This company is an incumbent local exchange carrier.

B. The presubscribed telephone toll provider (the IXC that handles all intrastate and interstate outbound non toll-free telephone toll calls) associated with my wireline basic local telephone exchange and exchange access service is also Verizon. When I make or receive toll calls using my basic wireline service the general rules would appear to require that "Verizon the IXC" be assessed access charges from my LEC (Verizon the ILEC). They would also require that my IXC also pay access charges to the LEC associated with the other side of the call. I question, however, whether "Verizon the IXC" is in fact paying the same access charges to "Verizon the ILEC" that "Verizon the LEC"

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would impose on calls to and from my local line if I presubscribed to a different IXC. There is some evidence that given their familial relationship Verizon the IXC and Verizon the ILEC have implemented different and potentially discriminatory prices in comparison to what unaffiliated IXCs are charged. This may be the case for both switched and special access (Business Data Service) and in both the intrastate and interstate jurisdictions. To the extent Verizon the IXC uses fiber-based services that are not classified as BDS I believe Verizon the ILEC and Verizon the IXC are engaging in similar discriminatory and anti-competitive behavior. The Affidavit of Bruce Kushnick provides more detail on these points.

C. I obtain broadband service from Comcast. This service is provided over hybrid fiber coaxial cable. The underlying transmission is obtained from Comcast and sometimes Verizon the ILEC and my broadband provider pays fees to Verizon the ILEC to use this line. Cable companies, like IXCs and CMRS providers, extensively use ILEC-provided Business Data Services and sometimes higher capacity fiber-based services for “backhaul” and for other purposes.

D. I obtain commercial mobile radio service (also known as “mobile wireless” or “cellular”) from Verizon. As part of my service package I also receive commercial mobile data service for Internet access and other data services such as texting (SMS, MMS). My mobile wireless provider, like most others, often obtains dedicated transmission service over fiber or copper to support communications between the provider’s towers and its core network, and pays the rates associated with that service to a LEC in the area. When I make or receive interMTA toll calls using my wireless service the general rules would appear to require that “Verizon the CMRS” be assessed access charges from my LEC (Verizon the ILEC). They would also require that my CMRS provider also pay access charges to the LEC associated with the other side of the interMTA toll call. I question, however, whether “Verizon the CMRS” is in fact paying the same access charges to “Verizon the ILEC” that “Verizon the LEC” would impose on calls to and from my wireless service if I used a different CMRS provider such as Sprint or T-Mobile. There is some evidence that given their familial relationship Verizon the CMRS and Verizon the ILEC have implemented different and potentially discriminatory prices in comparison to what unaffiliated IXCs are charged. This may be the case for both switched and special access (Business Data Service) and in both the intrastate and interstate jurisdictions. To the extent Verizon the CMRS uses fiber-based services that are not classified as BDS I believe Verizon the ILEC and Verizon the CMRS are engaging in similar discriminatory and anti-competitive behavior. The Affidavit of Bruce Kushnick provides more detail on these points.

E. Each of my communications service providers are required to pay into the state and/or federal Universal Service Fund(s), based on a percentage of the revenue they receive from me for assessable communications services. They pass this amount through to me each month (along with all other service charges, fees, assessments and taxes) as part of my bill. The service charges and, potentially, some of the separately stated fees, assessments and taxes, are mandatory parts of the bill that I pay each month.

F. The FCC is charged with regulating the jurisdictionally interstate communications services I receive. The Maryland Public Service Commission regulates the

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jurisdictionally intrastate communications services I receive, although the state commission is statutorily pre-empted from price regulation over my CMRS service, even to the extent it is jurisdictionally intrastate.

6. As part of my business I have prepared testimony and research and made presentation of the results in and visited for personal reasons every state in the United States except New Mexico and Alaska.¹In the course of conducting that business I have consumed local telecommunications services, the price of which has been distorted by the cost accounting practices at issue in this proceeding. While I cannot identify every individual transaction that constitutes this harm, there is no doubt that I have engaged in these transactions hundreds, if not thousands of times, and I continue to do so. Moreover, to the extent that my clients are harmed by the accounting practices at issue, they must pass that injury (recover the costs) in some fashion, which undoubtedly harms me indirectly.

7. There is a second and extremely important way the accounting practices at issue harm me. They allow incumbent communications companies to distort or undermine competition, and this has denied me the benefit of a much more competitive environment at home and throughout the United States. These practices have directly contributed to higher prices and fewer choices than would otherwise obtain. To appreciate this important harm to consumers we must step back and view the overall distortion and harm that has resulted from these practices in general and how they are dealt with in the Freeze Order in particular. This requires an appreciation of the central issues in this case and proceeding.

A. Two defining aspects of communications networks are that a large proportion of total costs are fixed in nature and many costs – both fixed and variable – are common and joint. Fixed costs are those that stay relatively constant without regard to demand or consumption of the asset that gives rise to them. Fixed costs are also often “common” to several different services and used to jointly provide both intrastate and interstate services. There are also “joint” costs – those that relate to activities used by both the intrastate and interstate jurisdictions. There are some costs that are both joint and common, there are some that are common but not joint and some that are joint but not common. The classic example of a fixed cost that is fixed but also joint and common is the local loop. Most loop costs do not vary with usage, but loops support many different intrastate and interstate services. There are also variable or usage related costs (costs that vary depending on volume) and they too can be common or joint. An example would be a central office switch, which supports several intrastate services and several interstate services. Some central office costs are fixed and some are variable but most are joint and common.

B. It has long been recognized that competition is socially beneficial largely because it drives prices for goods and services toward cost.² Economic regulation was deemed

¹ Attachment A presents my resume, which documents the extensive geographic scope of my testimony and analysis, much of which requires travel to the location being analyzed.

² Adam Smith, *An Inquiry into the Nature and Causes of The Wealth of Nations*,” Edwin Cannan (Ed.) (University of Chicago Press, 1976), Book 1, Chapter VII. “When the price of any commodity is neither more nor less than what is sufficient to pay the rent of the land, the wages of the labour, and the profits of the stock [of] bringing it to

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necessary because some markets are not competitive. Thus, regulation was instituted to act as a substitute for competition. This is well-recognized in the scholarly literature and some regulatory statutes expressly so state. The FCC's "cost accounting" rules (Part 32), the "separations" rules (Part 36) and then ultimately the rules that assign costs to individual jurisdictional services (Parts 51, 61, 64 and 69) are important because a principal measure of whether a rate is fair, just and reasonable is the extent to which the price of the service recovers the costs incurred to provide that service and thus matches as closely as possible what would obtain in a fully competitive marketplace. One therefore cannot persuasively claim that a rate is "reasonable" where there is a significant mismatch between the cost incurred to provide a service and the revenue from that service, unless there has been an express public policy determination that the service should substantially subsidize other services or activity, or be subsidized by some other service or activity.

C. The FCC generally believes that it can rely on market forces as a short-cut mechanism and substitute for traditional cost of service ratemaking. It has increasingly eschewed cost of service ratemaking in favor of alternative regulation techniques such as price caps, forbearance and outright deregulation based on the view that competition will sufficiently constrain prices. But these "light regulation" tools only work if there is some correlation between costs and rates at the onset of the relaxed regulatory measures and the product actually succeeds in reasonably matching up with what would obtain in a competitive market. The Freeze Order so recognized in ¶¶30-31 by allowing some "rate of return" ILECs to "unfreeze" and "update" their "category relationships." Paragraph 30 states, in pertinent part that "some, if not all, carriers with frozen category relationships are unable to recover their business data services costs from business data services customers or from NECA traffic sensitive pool settlements." A translation into plain English is that the FCC is fully aware that the long-standing "freeze" to separations has led to the situation where costs that are clearly jurisdictionally *interstate* have been stranded on the intrastate side, and even on the interstate side costs properly attributable to business data services are being recovered from other interstate services. In other words, intrastate ratepayers are subsidizing interstate services and some interstate services are cross-subsidizing other interstate services, including BDS. Paragraph 43 "agree[s] with NARUC that the existing separations rules, which presume circuit-switched, primarily voice networks, require updating to reflect today's network configurations and mix of broadband, video, and voice services" and "share[s] NARUC's and the Irregulators' concern that those rules necessarily misallocate network costs." Some of the comments in the proceeding below prove this is so. The ITTA's August 27, 2018 comments contended on page 4 that "it is plausible that a rate-of-return carrier that elected to freeze its categories in 2001 would see business data services rates more than double what they are today if it now was to unfreeze its categories." WTA's August 27, 2018 filing asserted on page 6 that "unfreezing of 2001 category relationships will result in a shifting of costs in most affected study areas from intrastate to interstate, and from

market, accruing to their natural rates... the commodity is then sold precisely for what it is worth, or for what it really costs the person who brings it to market (62)"

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common line to special access.” What these carriers are clearly saying is that the longstanding “freeze” to separations has led to a huge cost misalignment between jurisdictions and among various services.

D. What the Freeze Order fails to recognize is that the same cost misalignment it agreed exists for rate of return carriers also exists for price cap carriers. This disconnect has affected interstate services but is even more impactful and prejudicial to intrastate ratepayers. Freeze Order ¶28 baldly asserts that “the separations rules are irrelevant to price cap carriers” but this is legally and factually incorrect, at least insofar as intrastate costs and rates are concerned. The Kushnick affidavit so demonstrates.

E. 47 U.S.C. §§201 and 202 require that rates for interstate telecommunications services be just, reasonable and nondiscriminatory. The “interstate” portion of services that rely on a local loop and FCC-regulated special access – now known as Business Data Services or “BDS” – have always been regulated utility services under Title II of the Act. They are still regulated utility services, and still subject to §§201 and 202. The FCC merely replaced the then-applicable *ex ante* cost-based reasonableness mechanisms with new *ex post* mechanisms to review for reasonableness, and decided that §§201 and 202 “do not explicitly require rates to correspond to costs – only that such rates be just and reasonable and not unreasonably discriminatory.” *See, Business Data Services in an Internet Protocol Environment*, 32 FCC Rcd 3459, 3565, 3567, ¶¶260-261, 265 (2017). The Commission recognized that “when considering whether rates are just and reasonable” costs remain “a factor.” 32 FCC Rcd at 3567 n. 651. So, to this day, and despite its deregulatory zeal, even the FCC acknowledges that costs remain an important factor towards assessing reasonableness, even though they are no longer the primary ratemaking tool in the interstate jurisdiction. In the forbearance context the Commission has admitted that “We cannot rule out all ‘possible future need for cost data’ even under price cap regulation. And there are several instances in which we have a specific need for some data related to costs for price cap carriers in order to ensure just and reasonable rates, protect consumers and serve the public interest.” *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, 28 FCC Rcd 7627, 7650, ¶38 (2013), *pet. for rev. denied sub nom. Verizon v. FCC*, 770 F.3d 961 (D.C. Cir. 2014).

F. One of the specific “needs” the FCC recognized in the various forbearance orders mentioned in Freeze Order note 45 was a way to ensure compliance with 47 U.S.C. §254(k), which prohibits a telecommunications carrier from using services that are not competitive to subsidize services that are subject to competition. In each of its sequential “cost rules” forbearance orders for AT&T, Verizon and Qwest and then all price cap ILECs the FCC required the benefiting ILECs to certify they were in compliance with §254(k). As the FCC observes in the last sentence of note 45 it terminated this and other conditions in 2017. *Comprehensive Review of the Part 32 Uniform System of Accounts; Jurisdictional Separations and Referral to the Federal-State Joint Board*, 32 FCC Rcd 1735, 1748-49, ¶44. Basically, the Commission decided it does not in fact “need” cost information after all, even though separated costs are still “necessary” to administer the purposes listed in Freeze Order ¶18. The FCC is purposefully blinding itself, thus obstructing enforcement of the duties Congress delegated it to perform.

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G. The Commission accomplishes this by way of a sub-delegation of its just and reasonableness oversight to the silent hand of competition, even where there is in fact no such competition or at least not enough competitive pressure to provide a sufficient incentive for the dominant ILECs to adjust and maintain prices that would obtain in a competitive market, *e.g.*, rates that trend toward marginal cost and result in a market price that equals marginal cost (MC) that in turn is the same as average total cost (ATC), since in the long-term, all costs including fixed or capital costs must be recovered, but they will earn only a normal rate of profit.³ I noted above that a significant portion of communications network costs are fixed, joint and common. This means it is very difficult to obtain a scenario where prices do ever equal both MR and ATC. That is why industries with high fixed costs are often a “natural monopoly”: only one firm (or sometimes two) can achieve the scale where the MR/ATC intersection occurs. This, in turn, explains why the communications industry has high barriers to entry for facilities-based local transmission, and those that try to enter often fail because they never reach the necessary scale.

H. The problem is therefore that without cost information it is simply impossible to identify and cure the very subsidization and competitive distortions the FCC *admits are endemic to the current separations regime* in the Freeze Order. And, even more important, while it may or may not be the case that federal regulators will want and use cost information the FCC has effectively prevented the states from using proper cost data to set intrastate rates even where the state law requires some reference to cost. The states have to obey and apply FCC-prescribed separations outcomes, but for price cap carriers that have received forbearance they cannot obtain the information they must have to do that very thing. For the rate of return carriers that choose to not “unfreeze” the states are stuck with the admitted costs that should and would be assigned to the interstate jurisdiction if separations better reflected relative use. In sum, intrastate ratepayers and in particular those receiving basic local exchange service from incumbent LECs are being forced to subsidize interstate rates and services and other nonregulated activities and there is nothing they can do about it for at least another 6 years.

I. Rates that do not at least roughly approximate costs can do great harm. In economic terms, unjust rates and cross subsidies create inefficiency (reducing total social welfare) and inequity (unjustly transferring wealth between classes of consumers, between consumers and producers and between groups of producers).

J. The 1996 Act reflected a hope and expectation the communications sector could rely more on competition and less on regulation, so it allowed the FCC to forebear from regulation where competition rendered regulation no longer necessary in the public interest. Deregulation was supposed to come after the competition arrived. Unfortunately, it never did, not with sufficient force to ensure rates would be just and reasonable. The in-

³ Id., notes that “The ... price, therefore, which leaves him this profit, is not always the lowest at which a dealer may sometimes sell his goods,; it is the lowest at which he is likely to sell them for any considerable time (63).” Smith describes fluctuation over short periods and also the long-term trend noting that “the market price of every particular commodity is in this manner continually gravitating... toward the natural price (67).”

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region market share of the companies that inherited their network from the monopoly period is still above 50%, almost a quarter of a century after the Act.⁴

K. When companies incur costs to supply competitive services but recover them from local services and in particular basic local telephone service, they do harm in a number of ways.

i) They make it appear that local services are losing money and rate increases are necessary. This makes basic (plain old) telephone service more costly than it should be. (This also is an independent violation of Section 254(k) of the Act).

ii) When incumbent companies provide other competitive services, such as enhanced/information service, they fail to recover the costs associated with those services through the price they charge for those service. These shifts provide artificial profits or a cushion that allows price squeeze against competitors that do not enjoy familial relationship with an incumbent that has local operations. They can also abuse the familial tie as a mechanism to charge non-integrated competitors more than they charge themselves for the competitive service. Regulators at the state and federal level have always been aware of these concerns and implemented long-standing affiliate transactions and cost-accounting rules to identify and prevent this abuse. The FCC is well down the road toward complete abandonment of these tools. Its failure to repair the broken separations process allowed it to rationalize this course because the dumping of costs on the states minimized the impact. But even worse, the same delay has effectively prevented any state that might want to retain these tools from using them to mitigate the harm on the intrastate side even though the burden has fallen on intrastate far more than on interstate.

iii) By not fixing and not constantly reviewing cost allocations, as the FCC has done in the allocation of costs between the federal and state jurisdiction and within the federal jurisdiction in setting price caps, the FCC has created an immense opportunity to earn excess profits, an opportunity that the communications network owners have exploited aggressively.

L. Since the subscriber line charge was fixed, the misallocated costs had to be recovered from plain old telephone (POTS) users. POTS charges are higher than they should be and suppress demand for lower income consumers, which reduces universal service. Moreover, this is likely to be true of all states, regardless of the current

⁴ The effects and harms of the misallocation and over recovery of costs discussed in the remainder of my affidavit have been demonstrated in an academic paper, a presentation to a state bar association, and in joint comments to the FCC as noted by Bruce Kushnick. See my attached resume. "Business Data Services after the 1996 Act: Structure, Conduct, Performance in the Core of the Digital Communications Network The Failure of Potential Competition to Prevent Abuse of Market Power," Telecommunications Policy Research Conference, September, 2016. Overcharged And Underserved: How A Tight Oligopoly On Steroids Undermines Competition And Harms Consumers In Digital Communications Markets, Pennsylvania Utility Law Conference, Pennsylvania Bar Institute, June 1, 2017.

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regulatory status of POTS. Since the misallocation occurred before state deregulation, the error was baked into the basic rates that provided the launch pad for deregulation (i.e. price caps started too high and/or the lack of competition allow incumbents to recover all those costs).

M. By misallocating costs and recovering them from the wrong people – not the cost causers – the allocation that the FCC seeks to freeze for another six years wrecks havoc on competition. The most effective first step in dealing with these problems is to cut them off at the source. Without the misallocation and over recovery of costs, the tasks of pursuing the goals of the Communications Act – universal services, just and reasonable rates, increased reliance on competition – will be much easier.

N. Petitioners hope to convince the court on the merits that the Freeze Order is illegal and there must be a timely and more realistic, 21st century separation of costs between the intrastate and interstate jurisdictions. The result would move costs from intrastate to interstate, and then ultimately costs should, would or perhaps might be reallocated between interstate services to better match how these higher interstate costs are incurred to provide each service. Then serious inquiry can be made at the state and federal level whether some of costs that are presently recovered from basic services are more properly attributed to competitive services or affiliated concerns.

O. Predicting how that will come out in the end is difficult, but one thing is certain: **any** separation reform will be far better and more favorable to consumers and competitors than is the case under the current “frozen” regime.

- i) The true rate to which basic local service and legacy copper plant will be revealed. Basic ratepayers may yet actually receive some benefit from the immense amounts they were forced to fund for fiber that either did not get deployed or actually used to provide services to the residential mass market.
- ii) States that still regulate local rates will be able to lower them to more just, reasonable and cost-based levels.
- iii) States that have shifted to some form of price cap will be in position have to adjust the caps in recognition of the dramatic reduction in costs.
- iv) States that have deregulated will be under immense pressure to lower rates so that consumers enjoy at least part of the benefit of correcting the misallocation error.
- v) At the federal level, the FCC will finally be confronted with the problem it created. The companies will want to raise interstate rates to cover the costs that have been illegally relegated to the intrastate jurisdiction. In the proceeding that follows reallocation of jurisdictional costs, the FCC will be forced to comply with the 1996 Act.
- vi) Timing is important, and a six-year delay will be fatal. Ratepayers will soon be called upon to fund another round of network upgrades to support

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wireless 5G. The required investment will rival or exceed the amounts dedicated to recent upgrades to digital and fiber plant. The FCC may be content with doubling down on the past misallocations and abuses, but the states are likely to disagree. From a ratepayer perspective a course correction after six years will be much more difficult, if not impossible.

8. I have been harmed, the other Petitioners have been harmed, intrastate ratepayers have been harmed, interstate ratepayers have been harmed and competition has been harmed. The Freeze Order continues and exacerbates the harm. An order from this Court holding unlawful, vacating, enjoining, and/or setting aside the Freeze Order and remanding the matter to the FCC for further consideration and action will redress the harm by requiring separations reform sooner than would otherwise occur.

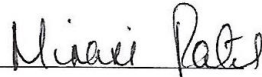
9. This concludes my Affidavit, but as noted above I am also relying on the Affidavits of Bruce A. Kushnick and Fred Goldstein for a further explication on why I and the other petitioners have standing.

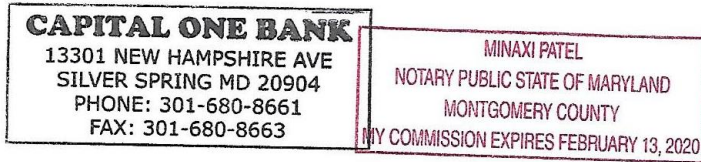

Mark Neal Cooper

SUBSCRIBED AND SWORN TO BEFORE ME this 18 day of May, 2019, to certify which witness my hand and official seal.

[Seal]

Notary Public in and for





**ATTACHMENT "A" TO AFFIDAVIT OF MARK COOPER IN SUPPORT OF
STANDING**

(COOPER BIO)

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
Senior Fellow for Economic Analysis, Institute for Energy and the Environment, Vermont Law School 2009-present
Associated Fellow, Columbia Institute on Tele-Information, 2003-2016
Fellow, DonaldMcGannon Communications Research Center, Fordham University, 2005-2015
Fellow, Silicon Flatirons, University of Colorado, 2009-2014
Fellow, Stanford Center on Internet and Society, 2000-2010
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

MARK N. COOPER- Bio

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:

Ester Peterson Award for Consumer Service, 2010
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

MARK N. COOPER- Bio

PUBLICATIONS:

ENERGY

Books and Chapters

- The Political Economy of Electricity: Progressive Capitalism and the Struggle to Build a Sustainable Power Sector* (Praeger, 2017)
- “Energy Justice in Theory and Practice: Building a Pragmatic, Progressive Road Map,” in Thijs de Graf, Benjamin K. Sovacool, Arunabha Gosh, Florian Kern, and Michael T. Klare (Eds.) *The Palgrave Handbook of the International Political Economy of Energy*, (PALGRAVE, Macmillan, 2016)
- “Recognizing the Limits of Markets, Rediscovering Public Interest in Utilities,” in Robert E. Willett (ed), *Electric and Natural Gas Business: Understanding It! (2003 and Beyond)* (Houston: Financial Communications: 2003)
- “Protecting the Public Interest in the Transition to Competition in Network Industries,” The Electric Utility Industry in Transition (Public Utilities Reports, Inc. & the New York State Energy Research and Development Authority, 1994)
- “The Seven Percent Solution: Energy Prices, Energy Policy and the Economic Collapse of the 1970s,” in *Energy Concerns and American Families in the 1980s* (Washington, D.C.: The American Association of University Women Educational Foundation, 1983)
- “Natural Gas Policy Analysis,” in Edward Mitchell (Ed.), Natural Gas Pricing Policy (Washington, D.C.: American Enterprise Institute, 1983)
- Equity and Energy: Rising Energy Prices and the Living Standard of Lower Income Americans* (Boulder, Colorado: Westview Press, 1983)

Articles and Papers:

- “Governing the Global Climate Commons: The Political Economy of State and Local Action, After the U.S. Flip-Flop on the Paris Agreement,” *Energy Policy*, 2018.
- “Renewable and distributed resources in a post-Paris low carbon future: The key role and political economy of sustainable electricity,” *Energy Research & Social Science*, 19 (2016) 66-93.
- “Energy Justice in Theory and Practice: Building a Pragmatic, Progressive Road Map,” in Thijs de Graf, Benjamin K. Sovacool, Arunabha Gosh, Florian Kern, and Michael T. Klare (Eds.) *The Palgrave Handbook of the International Political Economy of Energy*, (PALGRAVE, Macmillan, 2016)
- “The Unavoidable Economics of Nuclear Power.” *Corporate Knights*, January 22, 2014.
- Energy Efficiency Performance Standards: Driving Consumer and Energy Savings in California*. Presentation at the California Energy Commission’s Energy Academy, February 20, 2014.
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