

## CURRICULUM VITAE

**Dr. Jerry Ellig**  
**Senior Research Fellow**  
**Mercatus Center, George Mason University**  
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### **CURRENT RESEARCH INTERESTS**

Regulatory process and the role of regulatory impact analysis.

Regulation of electronic commerce, telecommunications, broadband, wireless, and other network industries.

Government performance management – outcome measurement, evaluation, and performance reporting.

### **UNIVERSITY EDUCATION**

Doctor of Philosophy, Economics, George Mason University, January 1988. Dissertation title: Law, Economics, and Organized Baseball: Analysis of a Cooperative Venture.

Master of Arts, Economics, George Mason University, May 1986.

Bachelor of Arts, Economics, Xavier University, May 1984, *magna cum laude*.

### **CURRENT POSITION**

Senior Research Fellow, Mercatus Center at George Mason University, 2004-present.

Member of the graduate faculty, College of Humanities and Social Sciences, George Mason University, 2007-present.

## **PREVIOUS EMPLOYMENT**

Adjunct Professor, George Mason University School of Law, 2005-2007.

Deputy Director, Office of Policy Planning, Federal Trade Commission, Aug. 2001-July 2003. Served as Acting Director, Feb.-May 2003.

Senior Research Fellow, Mercatus Center at George Mason University, July 1996-July 2001.

Senior Economist, U.S. Congress Joint Economic Committee, Sept. 1995-June 1996.

Assistant Professor of Economics, George Mason University, Aug. 1989-July 1996.  
*Program on Social & Organizational Learning, 1992-1996*  
*Department of Economics, 1989-1992*

Management Consultant, Koch Management Center, Feb. 1992-June 1993.

Associate Director, Center for Market Processes, Aug. 1989-July 1995.

Research Director, CSE Foundation, Washington, DC, Dec. 1987-Aug. 1989.

Research Economist, CSE Foundation, Aug. 1985-Dec. 1987.

Instructor, Department of Economics, George Mason University, June-Aug. 1985.

## **PUBLIC SERVICE**

Member, Virginia Attorney General's Government and Regulatory Reform Task Force, June 2008-09.

Member, Finance Advisory Committee, Corpus Christi School, Falls Church, VA, 2004-present.

## **SCHOLARLY PUBLICATIONS**

### ***Books***

*Government Performance Reports: Lessons and Best Practices from Ten Years of GPRA Reporting.* New York: Taylor & Francis, forthcoming 2011. Volume published as part of the American Society for Public Administration Series in Public Administration and Public Policy. (With M. McTigue and H. Wray.)

*Dynamic Competition and Public Policy: Technology, Innovation, and Antitrust Issues*, a book of essays edited with an introduction. New York: Cambridge University Press, 2001.

*New Horizons in Natural Gas Deregulation*, a book of essays edited with an introduction. Norwich, CT: Praeger, 1996. (Co-edited with J. Kalt.)

*Municipal Entrepreneurship and Energy Policy: A Five-Nation Study of Politics, Innovation, and Social Change*. London: Gordon and Breach, 1994. (Co-authored with A. Woodward and T. Burns.)

### ***Law Journal Symposium***

Organized symposium on regulation of electronic commerce jointly sponsored by the George Mason University School of Law and the Mercatus Center, published in the *Journal of Law, Economics, and Policy* 3:2, Spring 2007.

### ***Articles***

“Talking the Talk, or Walking the Walk? Outcome-Based Regulation of Transnational Investment,” *New York University Journal of International Law and Politics*, 41:2, Winter 2009. (With H. Shadab.)

“Toward a More Perfect Union: Regulatory Analysis and Performance Management,” *Florida State University Business Review* 8:1, Spring/Summer 2009. (With G. Brito.)

“Homeland Security and Regulatory Analysis: Are We Safe Yet?,” *Rutgers Law Journal* 40:1, Fall 2008. (With J. Belcore.)

“A Tale of Two Commissions: Net Neutrality and Regulatory Analysis,” *CommLaw Conspectus: Journal of Communications Law and Policy* 16:1, 2007. (With G. Brito.)

“Outcomes and Alternatives for Universal Telecommunications Service: A Case Study of Texas,” *Texas Review of Law & Politics*, Fall 2007. (With J. Rotondi.)

“The Politics of Wine: Trade Barriers, Interest Groups, and the Commerce Clause,” *Journal of Politics* 69:3, August 2007. (With A. Wiseman.)

“The Economics of Direct Wine Shipping,” *Journal of Law, Economics, & Policy* 3:2, Spring 2007. (With A. Wiseman.)

“Video Killed the Franchise Star: The Consumer Cost of Cable Franchising and Proposed Policy Alternatives,” *Journal of Telecommunications and High Technology Law* 5, 2006. (With G. Brito.)

“Regulatory Status of VoIP in the Post-Brand X World,” *Santa Clara Computer and High Technology Law Journal* 23, 2006. (With A. Walling.)

“The Irony of Transparency: Unintended Consequences of Wireless Truth-in-Billing,” *Loyola Consumer Law Review* 19, 2006. (With J.N. Taylor.)

“Buried Online: State Laws that Limit E-Commerce in Caskets,” *The Elder Law Journal* 14:2, 2006. (With A. Agarwal.)

“Costs and Consequences of Federal Telecommunications Regulations,” *Federal Communications Law Journal* 58:1, 2006.

“Intercarrier Compensation and Consumer Welfare,” *University of Illinois Journal of Law, Technology, & Policy* 2005:1, 2005.

“What Did the Unbundled Network Element Platform Cost?,” *CommLaw Conspectus: Journal of Communications Law and Policy* 14:1, 2005. (With J.N. Taylor.)

“Market and Nonmarket Barriers to Internet Wine Sales: The Case of Virginia,” *Business and Politics* 6:2, 2004. (With A. Wiseman.)

“Interstate Trade Barriers and Potential Regulatory Competition: The Case of Direct Wine Shipping,” *Journal of Private Enterprise*, Spring 2004. (With A. Wiseman.)

“Competition and Quality in Deregulated Industries: Lessons for the Education Debate,” *Texas Review of Law & Politics* 6, Spring 2002. (With K. Kelly.)

“Telecommunications Mergers, Managerial Expectations, and Theories of the Firm,” in Peter Klein and Nikolai Foss (eds.), *Entrepreneurship and the Firm*. Aldershot, UK: Edward Elgar, 2002.

“Railroad Deregulation and Consumer Welfare,” *Journal of Regulatory Economics* 21:2, 2002.

“Internal Markets and the Theory of the Firm,” *Managerial and Decision Economics* 22:4-5, June-Aug. 2001.

“Dynamic Competition and Monopoly Regulation,” in Michael Crew (ed.), *Expanding Competition in Regulated Industries*. Boston: Kluwer Academic Publishers, 2000. (With D. Lin.)

“Organizational Economics and the Market Based Management Framework: Toward a Common Research Agenda,” *Journal of Private Enterprise* 12:1, Fall 1996.

"Subjectivism, Discovery, and Boundaryless Careers," in Michael Arthur and Denise Rousseau (eds.), *Boundaryless Careers: Work, Mobility, and Learning in the New Organizational Era*, Oxford University Press, 1996. (With T. Thachankery.)

"Intrastate Pipeline Regulation: Lessons from the Texas Experience," in Jerry Ellig and Joseph Kalt (eds.), *New Horizons in Natural Gas Deregulation*. Westport, CT: Praeger, 1996.

"Market-Based Management at Koch Industries: Discovery, Dissemination, and Integration of Knowledge," *Competitive Intelligence Review* 6:4, Winter 1996. (With T. Cowen.)

"From Austrian Economics to Market-Based Management," *Journal of Private Enterprise* 11:1, Fall 1995. Spanish translation published in *Libertas* 13, May 1996. Article reprinted in *Journal of Private Enterprise* Special Issue 1997, "The Best from the Journal, 1985-97."

"Governments, Firms, and the Impossibility of Central Planning," in Pal Foss (ed.), *Economic Approaches to Organizations and Institutions*. London: Dartmouth, 1995. (With D. Lavoie.)

"The Economics of Regulatory Takings," *South Carolina Law Review* 46:6, Summer 1995.

"Why Do Regulators Regulate? The Case of the Southern California Gas Market," *Journal of Regulatory Economics*, May 1995.

"Industrial Organization," entry in Peter Boettke (ed.), *The Elgar Companion to Austrian Economics*. Aldershot, U.K.: Edward Elgar, 1994.

"An Economic View of the Effectiveness of Public and Private Schools," in Gary Bowman, Simon Hakim, and Paul Seidenstat (eds.), *Privatizing Education and Educational Choice*. Westport, CT: Praeger, 1994. (With D. Beers.)

"Airline Deregulation and Consumer Welfare," *Transportation Practitioners Journal*, Summer 1994. (With W. Winegarden.)

"The Consumer Impact of Federal Natural Gas Regulation," *Transportation Practitioners Journal*, Spring 1993.

"Scale, Scope, and Regulation in the Texas Gas Transmission Industry," *Journal of Regulatory Economics*, March 1993. (With M. Giberson.)

"The Environmental Impact of Public Utility Regulation: Kern County and the Case of the Missing Gas Pipelines," in Michael Crew (ed.), *Economic Innovations in Public Utility Regulation*. Boston: Kluwer, 1992.

"Downzoning and Development in a Dynamic Economy: The Case of Fairfax County, Virginia," in Richard C. Collins (ed.), *Development, Expectations, and the Zoning Power: the Concept of Vested Rights*. Charlottesville, Virginia: Institute for Environmental Negotiation, 1992.

"Untwisting the Strands of Chicago Antitrust," *Antitrust Bulletin*, Winter 1992.

"Beneficent Bias: The Case Against Regulating Computerized Reservation Systems," *Journal of Air Law and Commerce* 57, Spring 1992. (With D. Boudreaux.)

"Social Contracts and Pipe Dreams," *Contemporary Policy Issues* 10:1, Jan. 1992. (With J. High.)

"The Baseball Anomaly and Congressional Intent," in J. High (ed.), *Regulation: Economic Theory and History*. University of Michigan Press, 1991.

"Endogenous Change and the Economic Theory of Regulation," *Journal of Regulatory Economics* 3, Summer 1991. Reprinted in R. Ekelund, Jr., *The Foundations of Regulatory Economics*. Cheltenham, UK: Edward Elgar Publishing, 1999.

"Computer Reservation Systems, Creative Destruction, and Consumer Welfare," *Transportation Law Journal* 19:2, Summer 1991.

"The Private Supply of Education: Some Historical Evidence," in T. Cowen (ed.), *The Theory of Market Failure*. Fairfax: George Mason University Press, 1988. (With J. High.)

"Do We Walk With Walras?," *Atlantic Economic Journal* 14:2, July 1986.

### **Book Reviews**

Review of Paul Stephen Dempsey and Andrew Goetz, *Airline Deregulation and Laissez-Faire Mythology*, *Transportation Practitioners Journal*, Fall 1992.

Review of Robert Crandall, *After the Breakup: U.S. Telecommunications in a More Competitive Era*, *Reason*, May 1991.

"A Business Historian's History," review of Thomas McCraw (ed.), *The Essential Alfred Chandler*, *Market Process* 8, 1990.

Review of Israel Kirzner, *Discovery and the Capitalist Process*, *Market Process* 5:2, Fall 1987.

### ***Working Papers***

“Competitive Exclusion with Heterogeneous Sellers: The Case of State Wine Shipping Laws,” Mercatus Center Working Paper 11-03, January 2011. (With A. Wiseman), [http://mercatus.org/sites/default/files/publication/wp1103-competitive-exclusion-with-heterogeneous-sellers\\_0.pdf](http://mercatus.org/sites/default/files/publication/wp1103-competitive-exclusion-with-heterogeneous-sellers_0.pdf).

“Assessing the Quality of Regulatory Analysis: A New Evaluation and Data Set for Policy Research,” Mercatus Center Working Paper 10-75, November 2010. (With J. Morrall.), <http://mercatus.org/sites/default/files/publication/wp1075-assessing-the-quality-of-regulatory-analysis.pdf>.

“Does Haste Make Waste in Regulatory Analysis?,” Mercatus Center Working Paper 10-57, November 2010. (With P. McLaughlin), <http://mercatus.org/sites/default/files/publication/wp1057-does-haste-make-waste-in-federal-regulations.pdf>.

“Has GPRA Increased the Availability and Use of Performance Information?,” Mercatus Center Working Paper 09-03, November 2010, <http://mercatus.org/sites/default/files/publication/wp0903-has-gpra-increased-performance-information.pdf>

“The Quality and Use of Regulatory Analysis in 2008,” Mercatus Center Working Paper 10-34, June 2010. (With P. McLaughlin), [http://mercatus.org/sites/default/files/publication/WP1034\\_The%20Quality%20and%20Use%20of%20Regulatory%20Analysis%202008\\_0.pdf](http://mercatus.org/sites/default/files/publication/WP1034_The%20Quality%20and%20Use%20of%20Regulatory%20Analysis%202008_0.pdf).

“Ten Years of Results from the Results Act,” Mercatus Center Working Paper 10-21, May 2010. [http://mercatus.org/sites/default/files/publication/WP1021\\_Ten%20Years%20of%20Results%20from%20the%20Results%20Act.pdf](http://mercatus.org/sites/default/files/publication/WP1021_Ten%20Years%20of%20Results%20from%20the%20Results%20Act.pdf)

### **SELECTED POLICY TESTIMONY, COMMENTS, AND PUBLICATIONS**

“Competition, Consumer Welfare and State Alcohol Regulation,” written testimony submitted to the Committee on the Judiciary, US House of Representatives, Sept. 29, 2010.

“Public Interest Comment on Lead Clearance and Clearance Testing Requirements,” submitted to the Environmental Protection Agency, July 1, 2010.

“Public Interest Comment on the Connect America Fund,” submitted to the Federal Communications Commission, July 9, 2010.

“Effects on Wine Sales, Tax Revenues, and Consumer Welfare,” testimony before the State of Tennessee Joint Study Committee on Wine in Grocery Stores, Dec. 8, 2009.

“Mobile Wireless Competition Notice of Inquiry,” submitted to the Federal Communications Commission, Oct. 7, 2009. (With G. Brito.)

“Public Interest Comment on the FCC’s National Broadband Plan Notice of Inquiry,” submitted to the Federal Communications Commission, June 9, 2009. (With C. Forsberg.)

“Recovery Act Oversight,” testimony before the House Committee on Science and Technology, Subcommittee on Investigations and Oversight, May 5, 2009.

“Performance Measures for the High Cost Universal Service Fund,” written testimony submitted to the U.S. House Committee on Energy and Commerce, Subcommittee on Communications, Technology, and the Internet, March 12, 2009.

“Public Interest Reply Comment on the FCC’s Comprehensive Review of the Universal Service Fund Management and Oversight,” submitted to the Federal Communications Commission, December 15, 2008. (With M. McTigue.)

“Public Interest Comment on the Department of Transportation’s Proposed Amendment to the Policy Regarding the Establishment of Airport Rates and Charges,” April 2, 2008. (With M. Adams).

“Consumer Wireless Issues,” testimony before the Senate Committee on Commerce, Science, and Transportation, Oct. 17, 2007.

“The Contribution of the Social Sciences to the Energy Challenge,” testimony before the House Committee on Science and Technology, Subcommittee on Research and Science Education, Sept. 25, 2007.

“Measure by Measure: Why Federal Budgeting is a Faith-Based Initiative,” *Opinion Journal*, April 11, 2007.

“Virginia’s Electric Power Play,” *Washington Times*, April 9, 2007.

“It’s a Bad Time to Abandon Choice,” *Richmond Times-Dispatch*, April 2, 2007.

“Politicians Shake Down the Net,” *Los Angeles Times*, June 27, 2006.

“Pine Box Politics,” *TCS Daily*, May 1, 2006.



“Competition and Convergence in Communications,” testimony before the Senate Committee on Commerce, Science, and Transportation, March 30, 2006.

“A Dynamic Perspective on Government Broadband Initiatives,” Reason Public Policy Institute Policy Study 349, Nov. 2006.

“Texas Telecommunications: Everything’s Dynamic Except the Pricing,” Texas Public Policy Foundation Research Report, Jan. 2005 (With R. Crandall).

“Wine Wars: Uncorking E-Commerce?,” *Regulation*, Winter 2004-05 (With A. Agarwal and T. Zywicki.)

Coauthor, *Possible Anticompetitive Barriers to E-Commerce: Wine*, Report from the Staff of the Federal Trade Commission, July 2003. (with lead author A. Agarwal and significant contributions from a team of FTC staff.)

“Financial Markets as Information Monopolies?,” *Regulation* 23:3, 2000. (With S. Brown-Hruska.)

“Issues Related to Market Fragmentation,” submitted to the Securities and Exchange Commission, May 10, 2000. (With S. Brown-Hruska).

“Regulation of Market Information, Fees and Revenues,” submitted to the Securities and Exchange Commission, March 31, 2000. (With S. Brown-Hruska).

“The Universal Tuition Tax Credit,” Virginia Institute for Public Policy, September 1999. (With C. Moody).

“Regulation of Short-Term and Long-Term Gas Transportation,” submitted to the Federal Energy Regulatory Commission, April 1999.

“Electricity: Price Spikes by Design?,” *Regulation* 22:2, 1999, pp. 20-22. (With R. Michaels.)

“Price Spike Redux: A Market Emerged, Remarkably Rational,” *Public Utilities Fortnightly*, Feb. 1, 1999. (With R. Michaels.)

*Electricity Passes the Market Test: Price Spikes in the Summer of 1998*, Mercatus Center monograph, November 1998. (With R. Michaels).

“Electricity Restructuring and Consumer Interests: Lessons from Other Industries,” *Electricity Journal*, Jan./Feb. 1998. (With R. Crandall). Reprinted in *Public Utilities Reports* (1999).

*Economic Deregulation and Customer Choice: Lessons for the Electric Industry*, Center for Market Processes monograph, January 1997. (With R. Crandall).

“Cybernomics in the 21<sup>st</sup> Century,” Joint Economic Committee Staff Report, January 1997.

“The \$7.7 Billion Mistake: Federal Barriers to State and Local Privatization,” Joint Economic Committee Staff Report, February 1996.

"The Economics of Regulatory Takings," in Roger Clegg (ed.), *Regulatory Takings*. Washington, DC: National Legal Center for the Public Interest, 1994.

*Public Utilities and the Market Process: Regulation or Competition?* Houston: Institute for Energy Research, 1992. Reprinted 1993.

*Set Fair: A Proposal for Privatising Weather Forecasting*. London: Social Affairs Unit, 1989.

"Amtrak," in *Privatization: Toward More Effective Government*, Report of the President's Commission on Privatization. Washington: USGPO, March 1988. (With C. Oliver and D. Witt.)

"Federal Asset Sales," in *Privatization: Toward More Effective Government*, Report of the President's Commission on Privatization. Washington: USGPO, March 1988. (With C. Oliver and D. Witt)

Numerous additional articles in newspapers and magazines nationwide, including the *Wall Street Journal*, *Barron's*, *New York Times*, *Washington Post*, *Los Angeles Times*, *Journal of Commerce*, *Reason*, and *Investor's Business Daily*.

Additional comments to regulatory agencies and other publications I have authored for the Mercatus Center at George Mason University are available at <http://www.mercatus.org/PeopleDetails.aspx?id=17058>.

## **PUBLICATIONS FOR BUSINESS AND GOVERNMENT EXECUTIVES**

“Agency Performance Impact from GPRA: A Look at Scorecards,” *Government ELearning* 2:1, Spring 2010.

“Federal Performance Reporting: What a Difference Ten Years Makes,” *The Public Manager* 38:2, Summer 2009.

“Fantasy Awards for Federal Performance Reporting,” *Federal Times*, Aug. 4, 2008.

“Measuring Performance Reporting Quality,” *The Public Manager* 37:2, Summer 2008. (With H. Wray.)

“Scoring Government Performance Reports,” *The Public Manager* 36:2, Summer 2007.

*Performance Report Scorecard: Which Federal Agencies Best Inform the Public?* Arlington, VA: Mercatus Center at George Mason University, 2004, 2005, 2006, 2007, 2008, 2009. (With M. McTigue and H. Wray.)

“Knee-Jerk Responses to FEMA’s Problems Will Help No One,” *The Hill*, Sept. 27, 2005.

*Performance Report Scorecard: Which Federal Agencies Inform the Public?* Arlington, VA: Mercatus Center at George Mason University, 2000 and 2001. (With M. McTigue and S. Richardson.)

*Learning from the Leaders: Results-Based Management at the Federal Emergency Management Agency.* Arlington, VA: Mercatus Center at George Mason University, March 2000.

"Internal Pricing for Corporate Services," Center for the Study of Market Processes Working Paper, Sept. 13, 1993. Spanish translation published in *Libertas*, October 1996.

*Introduction to Market-Based Management.* Fairfax, VA: Center for Market Processes, 1993. (With W. Gable.)

## **CONSULTING STUDIES**

*Study of Regulatory Responsibilities, Policies and Activities of the State Corporation Commission.* Fairfax, VA: School of Public Policy, George Mason University, Aug. 2001. (Author of section on gas and electricity.) Report prepared for the Virginia General Assembly Joint Subcommittee Studying the Regulatory Responsibilities of the State Corporation Commission.

*Testimony on Behalf of Southwestern Electric Power Company Regarding the Matter of a Progress Report to the General Assembly on the Development of Competition in Electric Markets and the Impact, if Any, on Retail Customers,* September 2000. Direct Testimony submitted to the Arkansas Public Service Commission, Docket No. 00-190-U.

*Economic Deregulation: The U.S. Experience,* Nov. 2000. Report prepared for Adam Fine Consulting. (With K. Costello.)

*Regulatory Reform in Electricity: Precedents from Other Industries*, Nov. 4, 1994.  
Report submitted in the Pennsylvania Public Utility Commission's electric restructuring proceeding.

## **TESTIMONY**

Testified before a variety of government bodies, including:

U.S. International Trade Commission  
 U.S. Senate, Committee on Commerce, Science, and Transportation  
 U.S. Senate, Judiciary Committee, Subcommittee on the Constitution  
 U.S. Senate, Energy and Natural Resources Committee, Subcommittee on Energy Regulation and Conservation  
 U.S. House, Committee on Science and Technology, Subcommittee on Investigations and Oversight  
 U.S. House, Committee on Science and Technology, Subcommittee on Research and Science Education  
 U.S. House, Committee on Financial Services  
 U.S. House, Government Operations Committee, Subcommittee on Transportation and Government Activities  
 U.S. House, Commerce Committee, Subcommittee on Energy and Power  
 U.S. House, Commerce Committee, Subcommittee on Telecommunications and Consumer Protection  
 Connecticut Board of Examiners for Opticians  
 Hawaii State Legislature, joint hearing of 6 House and Senate committees  
 New York State Senate Advisory Commission on Privatization  
 North Carolina State Bar  
 Tennessee Joint Study Committee on Wine in Grocery Stores  
 Oregon House, Electric Power Deregulation Committee  
 Oregon Senate, Committee on Business and Consumer Affairs  
 Virginia General Assembly, Senate Committee on Finance

## **TEACHING EXPERIENCE**

### *Undergraduate courses*

Microeconomic Principles (class size: 80-200)  
 Economics of Industrial Organization (class size: 15-45)  
 Economics of Transportation (class size: 40-85)

***Graduate economics courses***

Regulation and the Market Process (Regulatory Analysis)  
 Economics of Telecommunications Regulation  
 Industrial Organization and Public Policy  
 Managerial Economics  
 Austrian Theory of the Market Process  
 Workshop in Business History, Entrepreneurship, and the Market Process

***Law courses***

Clinic on writing public interest comments on federal regulations.

**HONORS/AWARDS**

Association for Private Enterprise Education award for best paper published in the *Journal of Private Enterprise* in 1995.

William Snavely Award for outstanding graduate student in economics, GMU, 1988.

H.B. Earhart Fellowship, 1986-87.

Claude R. Lambe Research Assistantship, 1985-86 and 1984-85.

Craig Menderson Memorial Economics Award, Xavier University, 1984.

**PROFESSIONAL AFFILIATIONS**

Member, Society for Risk Analysis, Society of Government Economists, Association of Private Enterprise Education.

Referee, *Journal of Law & Economics*, *Economic Inquiry*, *Telecommunications Policy*, *Journal of Regulatory Economics*, *Public Productivity and Management Review*, *Journal of Comparative Economics*, *Review of Austrian Economics*, Hong Kong Centre for Economic Research.