

ATTACHMENT C

BellSouth Telecommunications, Inc.
FPSC Docket No. 010740-TP
Request for Confidential Classification
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9/18/01

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF SUPPLEMENTAL
REBUTTAL EXHIBIT OF JOHN A. RUSCILLI, JAR-5 AS FILED ON SEPTEMBER 17,
2001 IN FLORIDA PUBLIC SERVICE COMMISSION DOCKET 010740-TP

One Highlighted Copy

MAH 3.21.03
DECLASSIFIED
CONFIDENTIAL

This confidentiality request was filed by or
for a "telco" for DN 11653-01. No ruling
is required unless the material is subject to a
request per 119.07, FS, or is admitted in the
record per Rule 25-22.006(8)(b), FAC.

DOCUMENT NUMBER-DATE

11653 SEP 18 01

FPSC-COMMISSION CLERK

AFFIDAVIT OF SYLVIA A. KRAININ

County of Dade
State of Florida

Before me, the undersigned authority, personally appeared SYLVIA A. KRAININ, who being first duly sworn, deposes and says and states as follows:

1. I am over the age of twenty-one and make this affidavit upon my own personal knowledge and/or a review of the file in this matter.
2. I have knowledge of all of the matters testified to in this affidavit.
3. On or about April 11, 1997 the undersigned joined the firm of Adorno & Zeder, P.A.
4. I am a Partner with Adorno & Zeder, P.A. Our physical address is 2601 S. Bayshore Dr., Suite 1600, Miami, FL 33133. My business telephone number is 305-858-5555.
5. Adorno & Zeder, P.A. is outside counsel to BellSouth Telecommunications in the State of Florida.
6. On August 30, 2001, the undersigned executed the Protective Agreement in Florida Public Service Commission Docket No. 010740-TP as a reviewing representative designated by BellSouth to review Confidential Information under Paragraph 3(a)(1) of the Protective Agreement.
7. On August 30, 2001, the undersigned was requested by BellSouth to interview various individuals whose names had been provided to BellSouth by IDS Telecom, L.L.C. (IDS) in their Supplemental Response to BellSouth's Interrogatory No. 18.
8. On or about August 30, 2001, the undersigned received IDS's Supplemental Response to BellSouth's Interrogatory No. 18 which was identified as Proprietary & Confidential.
9. Upon receipt of IDS's Supplemental Response to BellSouth's Interrogatory No. 18, the undersigned was requested by BellSouth to contact the End Users whose names and phone numbers were provided by IDS and interview them.

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10. On September 7, 2001, I was able to reach and interview eight (8) of the EndUsers and On September 14, 2001 I was able to reach and interview one (1) additional End User of the thirteen (13) End User's phone numbers that were provided to BellSouth from IDS in their Supplemental Response to Interrogatory No. 18.

11. The undersigned was unable to reach four (4) of the End User's. Out of those four (4) End User's two (2) advised that the individuals that I needed to speak with were either on vacation or not available until the following week. Of the remaining two (2) End Users, one provided a recording indicating that they were closed, and the other was a phone number that continuously rang with no answer or recording.

12. Of the nine (9) End Users that I interviewed eight (8) of them confirmed that no BellSouth Service Technician or Repair Person ever told or informed them that IDS instructed BellSouth to disconnect their service. Two (2) End Users said they did not recall a BellSouth Service Technician or Repair Person ever telling or informing them that IDS instructed BellSouth to disconnect their service. One (1) End User said that she was not sure whether a BellSouth Service Technician or Repair Person ever advised her that IDS had instructed BellSouth to disconnect her service.

13. On September 7, 2001 I interviewed Wanda Chance with Burke Haven Chapel at 706-554-2823. Ms. Chance informed me that on or about February 21, 2001 she contacted BellSouth with a repair problem. Ms. Chance advised that a BellSouth service technician came for a scheduled appointment but at no time advised her that IDS had instructed BellSouth to disconnect their service. Ms. Chance advised that Burke Haven Chapel was still a BellSouth Customer and very happy with their phone service.

14. On September 7, 2001 I interviewed Diane Reich with Access Agency at 336-768-2107. Ms. Reich advised me that on or about June 20, 2001 she contacted IDS with a repair problem. A service appointment was made and a BellSouth service technician came out whom was very thorough and helpful. According to Ms. Reich, BellSouth did not miss any service appointments and nothing stuck out in her head that would lead her to believe that a BellSouth service technician ever advised her that IDS had instructed BellSouth to disconnect her service.

15. On September 7, 2001 I interviewed Denise with USA Grocers at 561-392-9450. Denise advised me that on or about June 12, 2001 her service was

changed between telephone service providers. According to Denise, a BellSouth service technician had come out to USA Grocers on numerous occasions but she was not sure whether they ever advised her that IDS had instructed BellSouth to disconnect her service.

16. On September 7, 2001, I interviewed Jerry Kranz with J&J Jewelry Repair at 305-743-0912. Mr. Kranz advised me that he could not recall calling BellSouth with a repair problem requiring a service appointment. Mr. Kranz advised that he did switch his telephone service to IDS however it was done over the telephone.

17. On September 7, 2001 I interviewed Myrtle Webb with Big K LP Gas Co. at 910-895-0832. Mrs. Webb informed me that she was the Owner of this company. On or about June 28, 2001 Mrs. Webb advised me that a BellSouth service technician came to her place of business to switch her telephone service to IDS based upon her purported request that they do so. Mrs. Webb informed me that she had never switched providers, nor had her son, Tim Webb who was the only other authorized person at Big K LP Gas Co. to authorize such a change. Mrs. Webb advised me that IDS told her they had a tape recording of her authorizing the switch but when she requested they play it, she was informed it was "misplaced". Mrs. Webb advised me that at no time did a BellSouth service technician ever inform her that IDS instructed BellSouth to disconnect her service.

18. On September 7, 2001 I interviewed Pamela Slaydon, financial secretary at Lively Stories Church, 336-939-7950. Ms. Slaydon informed me that earlier this year she had received a phone call from IDS offering competitive phone rates and so she changed from BellSouth to IDS. Shortly after switching service to IDS, Ms. Slaydon received a promotional call from New South and requested IDS switch the service. Ms. Slaydon advised me that because she was under the impression that the Church's phone service was with New South, she contacted New South on or about June 21, 2001 to add a new phone line. She was advised that her service was still with IDS and had not been changed. Ms. Slaydon therefore informed me she contacted IDS and that a BellSouth service technician immediately came out for service. Ms. Slaydon advised that she encountered no problems with BellSouth, that there were no missed appointments by BellSouth and that at no time did the BellSouth technician ever inform her that IDS instructed BellSouth to disconnect her telephone service.

19. On September 7, 2001 I interviewed Kenneth Ladner, President of K.E.L's Construction at 228-832-7451. According to Mr. Ladner on or about June

15, 2001, an IDS representative contacted him at his residence and advised him that IDS could save him money on his business telephone lines. Mr. Ladner advised me that he told the IDS representative that he was not interested unless it involved BellSouth directly and was some type of a promotion that BellSouth was offering to its customers. According to Mr. Ladner, the IDS representative assured him that IDS was an affiliate or subsidiary of BellSouth and that BellSouth would still be providing the telephone service. Mr. Ladner informed me that based upon these assurances, and the understanding that IDS was somehow affiliated with BellSouth, that he authorized IDS to change his phone service on his business line of 228-832-7451. However, Mr. Ladner advised me that not only did IDS change service to this one telephone line, but also to his main residential phone line and all other phone lines affiliated with faxes, computers, and/or the Internet at both his personal residence and business. Mr. Ladner stated he only authorized the change on one business line and that he authorized that change only because he had been led to believe that IDS was somehow affiliated with BellSouth. Mr. Ladner advised me that at no time did a BellSouth service or repair person ever come out to his premises. Mr. Ladner was unaware of BellSouth or a BellSouth service or repair person ever missing a service appointment. Finally, Mr. Ladner inform me that at no time did BellSouth or a BellSouth service or repair person ever inform him that IDS instructed BellSouth to disconnect his phone service.

20. On September 7, 2001 I interviewed William Smith, President and owner of Oak Island Hardware at 910-278-3832. Mr. Smith advised me that on or about June 18, 2001 he was having a problem with the phone line from which he operated his facsimile (fax) machine. Mr. Smith therefore advised me that he contacted IDS, his phone service provider, about the problem. Mr. Smith informed me that an appointment was made with IDS to have a service technician come out to his store and that a BellSouth service technician came to his business immediately to take a look at the problem he had encountered. Mr. Smith advised that he was present when the BellSouth technician came to his business and he spoke with the technician. According to Mr. Smith, at no time did the BellSouth technician ever inform him that IDS instructed BellSouth to disconnect his phone service. Mr. Smith advised me that he encountered no problems with BellSouth or the technician who was sent out to his store. Additionally, there were no missed service appointments by BellSouth in response to his request for service repair.

21. On September 13, 2001 I once again contacted Myrtle Webb, Mitchell Webb, Kenneth Ladner, William Smith and Pamela Slaydon and spoke with all five (5) of these individuals. I asked each individual whether I could prepare an affidavit for their review based upon my interview with them. Each of the five (5) individuals

authorized the undersigned to prepare an affidavit. I therefore prepared five (5) separate affidavits which were sent via facsimile on September 14, 2001 with a cover letter requesting the affiant's to review the proposed affidavit and advise if there were any changes they wanted made. Both Mr. and Mrs. Webb made some changes to their affidavits to reflect the proper name of Mrs. Webb's company and Mr. Webb's residential phone number. These were faxed to me by the Webb's and upon receipt I made the requested changes and faxed them back to the Webb's.

22. The undersigned advised all affiants that their affidavits needed to be notarized and I requested that a copy of the notarized affidavit be faxed back to me that same day and the original sent via mail. As of 1:30 p.m. Eastern time on the date this affidavit is executed, however, I have not yet received any signed or notarized affidavits from those persons.


23. On September 14, 2001 I was able to reach Crystal Yates, President and Robert Michael Yates, Secretary of C&M Renovations at 336-766-0859. The Yates' advised me that on or about June 21, 2001 they received a phone call from IDS saying they were offering a 20% discount to try their "billing service". IDS informed Mrs. Yates, that the only thing that would change was their billing and that if they had a problem they should call IDS instead of BellSouth directly but that their telephone service would remain with BellSouth. Mrs. Yates informed me she never received any type of confirmation from IDS of the change and that one day she picked up the phone and her line was dead. Mrs. Yates called BellSouth and had been told her service was disconnected but they could not tell who had disconnected it. Mrs. Yates advised BellSouth she needed this fixed right away, but was informed that BellSouth no longer owned her phone number and that another company had disconnected her phone line and taken over her phone number. After about five (5) days BellSouth was finally able to straighten out the problem. Mrs. Yates advised that there were no missed service appointments by BellSouth as they did everything over the phone. Mrs. Yates also informed me that at no time did a BellSouth service representative ever inform her that IDS instructed BellSouth to Disconnect her service. Both Mr. and Mrs. Yates indicated that they would agree to review and sign an affidavit if prepared based upon my interview. I was only able to reach the Yates' at approximately 5:00 p.m. on Friday September 14, 2001, however, and I was advised by the Yates' that they did not have access to a notary. They advised me however that if arrangements could be made to have affidavits notarized that they would be happy to sign same. Due to the lateness in the day on Friday however it was impossible to make any arrangements for a notary.

FURTHER AFFIANT SAYETH NOT.



SYLVIA A. KRAININ, ESQ.

The foregoing instrument was acknowledged before me this
September 17th, 2001, by SYLVIA A. KRAININ, who is personally known to me or
who has produced _____ as identification and who did (did not) take an
oath.



Signature



Print (Notary's Name)
Notary Public, State of Florida
Notary Stamp: