

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint by 511, Inc. )  
against BellSouth )  
Telecommunications, Inc. and )  
request for emergency relief )  
\_\_\_\_\_ )

Docket No. 020272-TL

**INTERNATIONAL MANAGEMENT GROUP, L.L.C.'S**  
**ANSWER TO COUNTERCLAIM**

International Management Group, L.L.C. ("IMG"), by and through its undersigned counsel, as and for its Answer to Defendant BellSouth Telecommunications, Inc.'s ("BellSouth") Counterclaim, generally denies each and every allegation not specifically addressed herein and admits, avers, and denies as follows:

**JURISDICTION**

1. IMG admits that the Florida Public Service Commission ("Commission") has the authority to interpret and enforce the terms contained in BellSouth's General Subscriber Service Tariff ("GSST"). IMG avers that the remainder of the allegations contained in paragraph 1 of the Counterclaim call for a legal conclusion to which no response is required. To the extent that a response is required, IMG denies same.

**GENERAL FACTUAL ALLEGATIONS**

2. IMG denies knowledge or information sufficient to form a belief as to the veracity of the allegations contained in paragraph 2 of the Counterclaim.

3. IMG denies the allegations contained in paragraph 3 of the Counterclaim, except to admit that 511, Inc. is an inactive Florida domestic corporation.

### Alleged Invalid Sale of 511

4. IMG admits the allegations contained in paragraph 4 of the Counterclaim, except to deny that Dial 511, Inc. was the record subscriber for 511 in the Miami Basic Local Calling Area and that Dial 511, Inc. is not affiliated with 511, Inc. 511, Inc. was the company that was the correct record subscriber for the 511 exchange. BellSouth was notified that the 511 exchange should have been issued to 511, Inc. not Dial 511, Inc. via correspondence dated May 17, 2000. (See May 17, 2000 correspondence attached hereto as Exhibit 1.) Thereafter, BellSouth addressed all future correspondence to the correct party in interest, 511, Inc. (Representative samples of such letters are attached hereto as Exhibit 2.)

5. IMG admits the allegations contained in the first sentence of paragraph 5 of the Counterclaim to the extent that IMG obtained the license along with all of the stock and assets of 511, Inc. which was the proper record subscriber for the 511 exchange. Prior to the purchase of 511, Inc. by IMG, 511, Inc. was formed and owned by Ellen Gache, the individual who originally purchased the rights and license via the lottery system from BellSouth. IMG denies that it has admitted in its complaint that 511, Inc. purchased the 511 exchange from Dial 511, Inc. As previously stated, the difference in name was simply a miscommunication between Ms. Gache and BellSouth of which BellSouth was notified via correspondence dated May 17, 2000. (See May 17, 2000 correspondence attached hereto as Exhibit 1.)

6. IMG denies the allegation contained in paragraph 6 of the Counterclaim insofar as the section cited by BellSouth in their allegation is actually located at A139.1 (R) of the GSST. Had BellSouth cited to the GSST correctly, the restriction set forth in the subparagraph would still not apply to the transfer IMG. At the time that the 511 exchange was transferred to IMG, the owner of the 511 exchange, namely 511, Inc., was a wholly owned

subsidiary of IMG and, therefore, not an unrelated entity to which transfers of N11 codes are proscribed by the GSST. IMG denies, as aforementioned, that the 511 exchange was sold or transferred between Dial 511, Inc. and 511, Inc.

7. IMG denies the allegations contained in paragraph 7 of the Counterclaim and specifically denies that the acquisition of the 511 exchange by 511, Inc. or IMG was improper in any way. In addition, BellSouth had sufficient notice that 511, Inc. was the proper owner in interest of the exchange and acknowledged same by consistently addressing all subsequent communications to 511, Inc. This acquiescence constitutes a waiver of any such claim or objection to 511, Inc., or its successors in interest, that BellSouth might have had under the provisions of the GSST.

8. In response to paragraph 8 of the Counterclaim, IMG respectfully refers the Commission to Exhibit A of the Counterclaim for the terms thereof.

9. IMG denies the allegations contained in paragraph 9 of the Counterclaim and specifically denies that 511, Inc. ever purchased the 511 exchange from Dial 511, Inc.

10. In response to paragraph 10 of the Counterclaim, IMG respectfully refers the Commission to Exhibit A of the Counterclaim for the terms thereof. Please note that § A.2.2.10(A)(2)(e) of the GSST, which is referenced in the third sentence of paragraph 10, is not included in Exhibit A. Due to this, IMG is unable to deny or admit same.

11. IMG avers that the allegations contained in paragraph 11 of the Counterclaim call for legal conclusions to which no response is required. To the extent that a response is required, IMG denies same.

**Allegations that 511, Inc. is Violating Florida Law**

12. IMG admits that 511, Inc. lawfully subscribed for and received 511 exchanges in BCLAs including: Boca Raton, Delray, Sanford, Melbourne, Port St. Lucie, Belle Glade, Marathon, Miami and DeBerry.

13. As previously stated in the response to paragraph 3 of the Counterclaim, IMG admits that 511, Inc. is currently an inactive Florida domestic corporation, which was allowed to administratively dissolve after it was acquired by IMG.

14. In response to paragraph 14 of the Counterclaim, IMG respectfully refers the Commission to the terms of the statute referenced therein.

15. IMG admits the allegations contained in the first and second sentences of paragraph 15 of the Counterclaim. However, filed with this Answer to Counterclaims is an Amended Complaint in which it is clearly explained that IMG is currently the “provider of paid telecommunications services in Florida” and that IMG is the real party in interest to bring this action, not 511, Inc. As such, IMG may continue to provide “paid telecommunications” to the citizens of Florida. IMG denies that 511, Inc. is carrying on business in the State of Florida. IMG avers that the allegations contained in the fourth sentence of paragraph 15 of the Counterclaim calls for legal conclusions to which no response is required. To the extent that a response is required, IMG denies same.

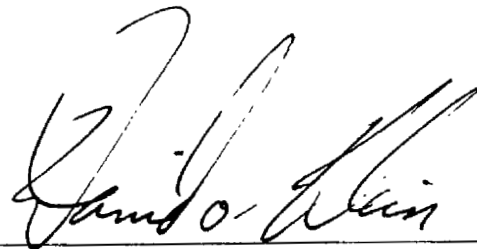
16. IMG avers that the allegations contained in paragraph 16 of the Counterclaim call for legal conclusions to which no response is required. To the extent that a response is required, IMG denies same. As previously provided, IMG denies that the 511 exchange is being used for any unlawful purpose.

17. IMG avers that the allegations contained in paragraph 17 of the Counterclaim call for legal conclusions to which no response is required. To the extent that a response is required, IMG denies same. As previously provided, IMG denies that the 511 exchange is being used for any unlawful purpose.

**WHEREFORE**, IMG respectfully requests that judgment be entered in its favor and against BellSouth whereby:

- (a) The relief sought by BellSouth is denied in its entirety; and
- (b) IMG is granted the relief sought in its Amended Complaint, together with its attorneys' fees and costs associated with this proceeding, and for such other and further relief and protections as the Commission deems just and proper.

Dated: New York, New York  
May 8, 2002



David O. Klein  
Klein, Zelman, Rothermel & Dichter, L.L.P.  
485 Madison Avenue  
New York, New York 10022  
(212) 935-6020  
Attorneys for Complainant International  
Management Group, L.L.C.



Ellen Gache  
3501 Keyser Avenue  
Hollywood Fl. 33021  
(954) 962-9626

May 17, 2000

Re: 511 Reservations  
Bell South  
Danny Flynn

Dear Mr. Flynn:

Enclosed is a copy of the award letters regarding my reservation of the telephone numbers 511 in Miami, Ft. Lauderdale, West Pam Beach, Jacksonville, Gainesville, Orlando, Pensacola and Panama City. Please be advised that the name of our corporation is 511 Inc. not Dial or Call 511 Inc. as previously indicated. Please make the necessary changes. Please fax copies of all the contracts to me at (954) 962-1628. In addition, if you have any questions regarding the same, I can be contacted at (954) 962-9626 or (954)980-0239.

Respectfully

Ellen Gache

Cc: Paul Larson, Price Waterhouse Coopers  
Debbie Loftis, Bell South Telecommunications  
Eric McCall< Bell South Telecommunications  
Stuart Mirmelli, Esq.



PricewaterhouseCoopers LLP  
1155 Peachtree Street  
Atlanta GA 30309  
Telephone (678) 419 1000  
Direct phone (678) 419-1267  
Direct fax (678) 419-1262

November 15, 2001

511, Inc.  
Mr. Gregory S. Wynn  
Suite 105  
1625 E. Northern Avenue  
Phoenix, AZ 85020

Dear Mr. Wynn:

This letter is an official notification regarding your use of the 511 abbreviated dialing code in the Miami basic local calling areas (BLCA) in the State of Florida. As you are aware, the Federal Communications Commission issued order 00-256 (the Order) adopted July 21, 2000 regarding the use of 511 as a national abbreviated dialing code for access to traveler information services. In accordance with the Order, the following traveler information service agency has requested the assignment of the 511 abbreviated dialing code: Florida Department of Transportation. Pursuant to their request and in accordance with the Order, you are hereby notified that the 511 abbreviated dialing code in the State of Florida BLCA of Miami is officially assigned to the Florida Department of Transportation.

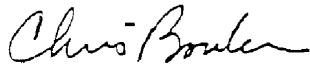
In accordance with Section A39 of BellSouth's General Subscriber Service Tariff (GSST) for the State of Florida, your organization will have six months from the date of this letter to vacate the use of this code. If you desire to move the service to a different abbreviated dialing code(s), if available, you must follow the established guidelines for formally requesting assignment of the abbreviated dialing code(s) for each specific BLCA (please note that each request for assignment of an abbreviated dialing code must be accompanied by an earnest money deposit in the form of a cashiers check or certified check). If there is not another abbreviated dialing code available, BellSouth will work with 511, Inc. to transfer the service to a different dialing arrangement, if technically and economically feasible. Please contact your account manager to assist you in the transition of your dialing arrangement.



Mr. Gregory S. Wynn  
S11, Inc.  
November 15, 2001  
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If you have any questions or concerns regarding this notification or the process forward, please feel free to contact either your local BellSouth account manager or myself at (678) 419-1267.

Respectfully,



Chris Bowler  
Assurance and Business Advisory Services

cc: Mr. Stan Greer - BellSouth Telecommunications, Inc.  
Ms. Sherry Bircheat - BellSouth Telecommunications, Inc.  
Mr. Danny Flynn - BellSouth Telecommunications, Inc.  
Mr. Robert Lattimore - PricewaterhouseCoopers LLP

PricewaterhouseCoopers LLP  
1155 Peachtree Street  
Atlanta GA 30309  
Telephone (404) 870 1100  
Facsimile (404) 870 1239  
Direct phone (404) 870-1123  
Direct fax (404) 870-1262

511, Inc.  
Mr. Gregory S. Wynn  
Suite 105  
1625 E. Northern Avenue  
Phoenix, AZ 85020

31 January 2001

Dear Greg:

This letter is to confirm our receipt of your request and official check (check # 936658128) in the amount of \$43,900 on behalf of 511, Inc. for abbreviated dialling (N11) service in the following basic local calling areas (BLCA) in the State of Florida:

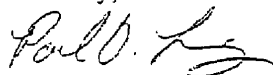
Code	BLCA
511	Boca Raton
	Delray Beach
	Sanford
	Melbourne
	Port St. Lucie
	Belle Glade
	Titusville
	Marathon
	DeBary

Your request for N11 service has resulted in the allocation of the 511 code in the BLCA indicated in the table above.


Please contact your BellSouth Account Representative to initiate the service request order to begin the process of establishing the service. The cashier's check will be submitted to Mr. Eric McCall of BellSouth Telecommunications, Inc. and will be applied to the charges associated with establishing the service.

If you have any questions regarding this confirmation and allocation or the process forward, please do not hesitate to contact me at (678) 419-1123 or Eric at (404) 927-8077.

Sincerely,



Paul D. Larson, Jr.  
Assurance Business Advisory Services

PRICewaterhouseCOOPERS 

cc: Mr. Eric McCall, BellSouth Telecommunications, Inc.  
Mr. Robert Lattimore, PricewaterhouseCoopers – Atlanta

**511, Inc.**  
1625 E. Northern Avenue  
Suite #105  
Phoenix, Arizona 85020  
(602) 944-1210

January 22, 2001

Mr. Paul Larson, Jr.  
Assurance Buisness Advisory Services  
Price Waterhouse Coopers LLP  
1100 Campanile Building  
1155 Peachtree Street  
Atlanta, GA 30309

Dear Paul:

Please find our cashier's check enclosed for the amount of \$43,900.00 to Bell South along with our N11 Service Code Preference Form. Per Section A39 of BellSouth's General Subscriber Service Tariff, we are requesting the following areas:

Boca Raton	\$6,300
Delray Beach	\$6,300
Sanford	\$6,300
Melbourne	\$6,300
Port St. Lucie	\$6,300
Belle Glade	\$3,100
Titusville	\$3,100
Marathon	\$3,100
DeBary	\$3,100
<b>Total Amount</b>	<b>\$43,900</b>

If you need any additional information from us at this time, please do not hesitate to contact us. Thank you for your help and cooperation in this matter.

Sincerely,

511, Inc.

*Russell A. Stamm*  
*Gregory S. Wynn*

Russell A. Stamm  
Gregory S. Wynn  
Principles