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July 20, 2007

Via UPS Next Day Air

Mrs. Blanca S. Bayo
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 050863-TP; *dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.*

Dear Mrs. Bayo:

Regarding the above-referenced docket, please find the original and eight (8) copies each of the direct testimonies of Brian Bolinger and Steve Watson. Please file these testimonies and return a file-marked copy of each to this office; a self-addressed, stamped envelope is enclosed. *(no envelope or file-marked copy provided.)*

Thank you for your courtesy in this matter. If you should have any questions, please do not hesitate to call. *R-V.N.*

- CMP
- COM 3
- CTR 1 - original
- ECR _____
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- OPC 1 Enclosures
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- OTH _____

Very truly yours,

Jennifer L. Washington
Jennifer L. Washington, CP
Paralegal

B. Bolinger
DOCUMENT NUMBER-DATE
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S. Watson
DOCUMENT NUMBER-DATE
06238 JUL 23 5
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Mrs. Blanca S. Bayo
July 20, 2007
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cc: Manuel A. Gurdian, Attorney
BellSouth Telecommunications, Inc.
150 South Monroe Street, Room 400
Tallahassee, Florida 32301

***Via C.M.R.R.R. 7006 3450 0003 3694 4202
and Via Facsimile: (305) 577-4491***

cc: Andrew Shore, Senior Regulatory Counsel
BellSouth Telecommunications, Inc.
675 West Peachtree Street, Suite 4300
Atlanta, Georgia 30375

***Via C.M.R.R.R. 7006 3450 0003 3694 4219
and Via Facsimile: (404) 614-4054***

In Re:) DOCKET NO. 050863-TP
)
dPi Teleconnect, L.L.C. v.)
BellSouth Telecommunications, Inc.)

DIRECT TESTIMONY OF dPi TELECONNECT'S BRIAN BOLINGER

Please tell us who you are and give a little background about yourself.

My name is Brian Bolinger. I am dPi's vice president legal and regulatory affairs. I am the one who has taken the lead in dealing with this dispute over promotion credits with BellSouth since its inception, along with Steve Watson of Lost Key Telecom Inc., which functions as dPi's billing and collections agent for promotions.

Please gives a little background on dPi Teleconnect and describe the history of dPi Teleconnect's dispute with BellSouth.

dPi Teleconnect is a competitive facilities-based telecommunications company authorized to provide intrastate local exchange and interexchange telecommunications services in Florida. dPi provides telecommunications services to residential and business customers. This case involves only dPi Teleconnect's resale operations and relationship with BellSouth.

As Steve Watson points out in his testimony, BellSouth is required by law to make available for resale any promotion that BellSouth makes available to its customers for an extended period of time. This case arises because of Bellsouth's refusal to extend its promotional pricing to dPi.

Although dPi has a number of promotion related disputes, this suit will likely focus on the dispute about dPi's eligibility for a single particular promotion – the Line Connection Charge Waiver – as this argument encompassed the lion's share of the total dollars in dispute in North Carolina and

likely will in Florida as well. We do not know this for sure because we do not have discovery responses yet, but for purposes of my testimony today, I will focus on LCCW.

What's the Line Connection Charge Waiver promotion?

Generally, the Line Connection Charge Waiver promotion provides that Bellsouth will waive the line connection charge for customers who switch to Bellsouth and take at least basic service with two Touchstar features – at least, two features are required according to Bellsouth's tariffs.

This promotion has been around for a couple of years; dPi's claims go back to January of 2004.

In August 2004, dPi began submitting credit requests through Lost Key pursuant to Bellsouth's procedures. For some reason, Bellsouth credited dPi only a small fraction of the amounts applied for.

Soon after Bellsouth's initial refusal to credit the amounts requested, Steve Watson notified me of the situation so that I could monitor it and participate in the dispute resolution process. From September 2004 to April 2005, Bellsouth was unable to explain why it was refusing to pay these credits. On numerous occasions over this period, Bellsouth's employees promised me that these payments would be forthcoming.

However, in about April of 2005, Bellsouth stated that it would not be paying these credits applied for almost entirely on the grounds that dPi had not qualified for the credits because, notwithstanding the fact that dPi had purchased Bellsouth's basic service with two or more Touchstar features, the Touchstar features that dPi had included in its orders (e.g., BCR and BRD

blocks)¹ “did not count” because Bellsouth did not have a separate charge for these particular Touchstar features. In North Carolina, the overwhelming majority of the time a credit request was denied, it was denied because Bellsouth decided that dPi did not have the requisite number of Touchstar features, since it refused to count the Touchstar blocks that dPi had on the lines. We are not sure if this is the basis for denial in Florida because we do not have responses to discovery, but for now we will assume that BellSouth is consistent with their denials.

Is there any merit to Bellsouth’s position?

Essentially none. The fact of the matter is that all that is required to qualify for these promotion is the purchase of basic service with two (or sometimes one, if you use the promotion description from Bellsouth’s website) Touchstar features. In every case where Bellsouth denied credit on the grounds that dPi did not qualify because it had not purchased Bellsouth’s basic service with two features, dPi *had* in fact taken Bellsouth’s basic service with at least two additional Touchstar features, such as the BCR and BRD blocks, among others. Bellsouth simply chooses not to “count” these features. There is no dispute that the blocks ordered are listed by Bellsouth as Touchstar features. There is no dispute that Bellsouth has paid credits of far higher amounts to other carriers (such as Budget) with the same service orders (i.e., basic service plus Touchstar blocks) in the past. Now Bellsouth is simply fabricating an excuse to avoid having to pay these credits to dPi.

Does Bellsouth owe dPi any amounts for wrongfully denying promotion credits for this reason?

¹ A large portion of dPi’s customers are pre-paid. dPi’s most basic offering generally includes basic service, plus a number Touchstar blocks, including (among others) the BCR and BRD Touchstar blocks. Other features can be added at the customer’s request.

Yes. Our billing agent (Lost Key) has calculated that Bellsouth has wrongfully denied tens of thousands of dollars in promotional credits just on the line connection charge waiver alone. There are also credits owed for other promotions, such as the Secondary Service Charge Waiver promotion and the Two Features For Free promotion which were improperly denied.

Did Bellsouth fail to credit dPi for any other reasons?

In North Carolina, yes. We are not sure in Florida yet because we do not have responses to discovery.

Does this conclude your testimony?

Yes – for now. But I reserve the right to supplement or amend it at hearing.

Respectfully Submitted,

FOSTER MALISH BLAIR & COWAN, LLP



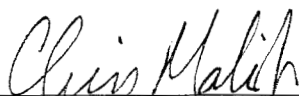
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CERTIFICATE OF SERVICE

The undersigned attorney for dPi Teleconnect, L.L.C. certifies that on this day the foregoing testimony was served upon the parties of record in this action by overnight mail postage prepaid, on the 23rd day of July, 2007.

Manuel A. Gurdian, Attorney
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