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Sent: Monday, September 17, 2007 3:19 PM
To: Filings@psc.state.fl.us
Subject: 050863-TP AT&T's Motion to Compel (with attachments)
Importance: High
Attachments: 050863-T.pdf

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- B. Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.
on behalf of Manuel A. Gurdian and J. Phillip Carver
- D. 33 pages total (includes letter, certificate of service, pleading and Exhibits A and B)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Motion to Compel
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9/17/2007

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September 17, 2007

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
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**Re: Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth
Telecommunications, Inc.**

Dear Ms. Cole:

Enclosed is an original of BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Motion to Compel, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All parties of record
Jerry Hendrix
E. Earl Edenfield, Jr.
James Meza III


**CERTIFICATE OF SERVICE
DOCKET NO. 050863-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U. S. Mail this 17th day of September, 2007 to the following:

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Manuel A. Gurdian

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: dPi Teleconnect, L.L.C. v.)	Docket No. 050863-TP
BellSouth Telecommunications, Inc.)	
<hr style="border: 0.5px solid black;"/>		Filed: September 17, 2007

AT&T FLORIDA’S MOTION TO COMPEL

BellSouth Telecommunications, Inc. d/b/a AT&T Florida (“AT&T Florida”), submits this Motion to Compel dPi Teleconnect, LLC (“dPi”) to respond to AT&T Florida’s First Set of Interrogatories Nos. 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 23, 24, 33, 34, 35, 36, 37, 38, 39, and 41 and First Request for Admissions Nos. 9, 10, 11, 12, 13, 14, 15, and 17. For the following reasons, the Florida Public Service Commission (“Commission”) should compel dPi to respond to AT&T Florida’s discovery.

I. Factual Background

On November 10, 2005, dPi filed this action before the Commission against AT&T Florida alleging that AT&T Florida failed to make available three certain retail promotions to dPi.¹ To the contrary, AT&T Florida makes its retail promotions available to reseller CLECs, such as dPi, by giving them a credit for the value of the promotion, *if* the CLEC’s end user customer meets the same criteria an AT&T Florida customer must meet in order to qualify for the promotion. For example, one promotion at issue in this docket is the Line Connection Charge Waiver (“LCCW”) which gives an AT&T customer a credit for the line connection charge if the customer, among other requirements, purchases at least basic service and two features, such as caller ID or call waiting. Likewise, in addition to other criteria, if a CLEC end user purchases basic

¹ dPi is a resale CLEC that buys services at wholesale from AT&T Florida at a legally-mandated discount price and resells these services at a marked up price to end user customers.

service plus two features, AT&T Florida will provide the CLEC a credit under the promotion for the line connection charge.

Examples of the features that qualify for this promotion are call return and repeat dialing. An AT&T Florida customer that purchases two of these services on a subscription basis qualifies for the Line Connection Waiver promotion. These features are also available to customers on a per usage basis. Customers also have the ability to order “blocks” of these features, so that they cannot be activated on a “per usage” basis. The blocks are available to customers at no charge.

dPi places on the line of each of its end users that orders basic service, blocks that prevent the end user from using certain features, such as call return and repeat dialing. dPi does so without the customer requesting the block, or consenting to it, and dPi does not inform the end user of the presence of these blocks. These line usage blocks are provided by AT&T Florida to dPi and its customers free of charge. However, dPi claims in this docket that it is entitled to a credit under the LCCW promotion when it places these two blocks on a customer’s basic service, even though these blocks are not “features” as that term is commonly understood and these services are not “purchased” by the end user (or by dPi).

II. Argument

dPi objects to responding to AT&T Florida’s First Set of Interrogatories Nos. 1, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 23, 24, 25, 26, 31, 33, 34, 35, 36, 37, 38, 39, and 41 and First Request for Admissions Nos. 1, 2, 7, 9, 10, 11, 12, 13, 14, 15, and 17. *See* dPi’s Response to AT&T Florida’s Request for Admissions and dPi’s Response to AT&T Florida’s First Set of Interrogatories attached hereto as Exhibits “A” and “B”.

Specifically, dPi has stated the following objection in response to each of the above-referenced discovery requests:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

The central issue in this case is whether dPi end users meet the *same* promotion criteria that AT&T Florida end users must meet in order to receive the benefits of a promotion. The parties' Interconnection Agreement ("Agreement") states: "Where available for resale, promotions will be made available only to End Users who would have qualified for the promotion had it been provided by BellSouth directly." See Agreement, Attachment 1, Exhibit A attached to Pam Tipton's direct testimony as Exhibit PAT-1. Under the clear language in the Agreement, dPi is entitled to promotional credits only for dPi end users that meet the *same* promotion criteria that AT&T Florida end users must meet in order to receive the benefits of a promotion.

Judged by this criteria, dPi fails to qualify for this promotion for at least three reasons: First, blocks are not features. If dPi has submitted only blocks, rather than features, it is not entitled to the promotional discount. Second, the promotion requires the purchase of features. Because blocks are available at no charge, there is no purchase. Third, and perhaps most importantly, the contractual requirement in the Interconnection Agreement is to treat the dPi customer the same as an AT&T Florida customer, i.e., if the order by a dPi customer would qualify her for a discount if she were an AT&T retail customer, then the dPi customer must be given the discount. In this case, AT&T Florida

believes that there was no customer involvement in these orders. Instead, dPi simply added blocks to customer lines to attempt to generate discounts, which dPi kept (when it was successful), rather than passing the discounts on to its customers. The subject discovery is designed to address these facts.

AT&T Florida's First Set of Interrogatories Nos. 1, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 23, 24, 33, 34, 35, 36, 37, 38, 39 and 41 and Request for Admissions No. 7, 9, 10, 11, 12, 13, 14, 15 and 17 are designed to elicit information on: (1) dPi's customers; (2) whether dPi's customers decide to have blocks placed on their service; (3) how dPi places blocks on its customers' lines; (4) how much dPi charges its customers for placing the blocks on their service; (5) how much dPi charges its end users for service and (6) how dPi's customers are similarly situated to AT&T Florida's customers. These areas of inquiry are directly relevant to the issue of whether dPi end users meet the *same* promotion criteria that AT&T Florida end users must meet in order to receive the benefits of the promotions.

Specifically, Request for Admissions Numbers 9 and 11 request dPi to admit that dPi places blocks on all customers lines (#11), and that dPi's customers do not request this (#9). If dPi places blocks without a customer request, Request for Admissions numbers 10 and 11 ask dPi to admit that it does not obtain the customer's consent (#10) or inform the customer (#11). Request Numbers 13, 14, 15 and 17 are simply more specific requests for admission on the same topic, e.g., Does dPi only block certain features when a customer does not subscribe to them.

Interrogatory Numbers 33, 34, 35, 36, 37, 38, 39 and 41 merely seek an explanation if dPi denies the above-referenced Requests for Admission. Interrogatory

Nos. 5 and 6 inquire whether any of the requests at issue in this case were actually made by a customer, or whether all were imposed by dPi. Interrogatory Numbers 7 and 8 inquire whether, when dPi places blocks without a customer's knowledge, it informs him of this or tries to obtain his consent.

dPi answered Interrogatory Number 10 (without objection) by stating that some of the requests at issue in this proceeding are for services such as call return or call blocking. dPi then objected to Interrogatory Numbers 11-15, which follow up on Interrogatory No. 10 and request more specific information. Since dPi has answered Number 10 by stating that requests for credit were based on features, and not just blocks, these questions regarding features are obviously relevant. Interrogatory No. 16 goes to the question of whether the dPi customer is truly similarly situated to an AT&T Florida end user, and inquires whether dPi passes on to its customers any promotional discounts it obtains. Moreover, each of the above-referenced Requests for Admissions and Interrogatories relate specifically to matters raised in dPi's pre-filed testimony. *See*, Direct Testimony of Brian Bolinger, p. 3, fn. 1 (which addresses dPi's service offerings); Rebuttal Testimony of Brian Bolinger, pages 2-3.

The frivolousness of dPi's objections is illustrated by two facts. One, dPi claims that answering would be burdensome, even though it is obvious that the subject discovery can mostly be answered with a "yes" or a "no" and a brief explanation. Two, when the Commission Staff propounded similar, but more general, questions concerning dPi's practices of imposing blocks of its customers' lines, dPi responded. *See* Responses to Staff's Interrogatory Number 7(e) and (f). When AT&T Florida asks more detailed

questions on the exact same subject, dPi stonewalls. In reality, the reason for dPi's objections is clear.

By objecting to the afore-mentioned discovery, dPi, attempts to keep this Commission from learning of the facts that the North Carolina Utilities Commission ("NCUC") found relevant, and which were referenced in its Order Dismissing dPi's Complaint. *See* NCUC Order Dismissing Complaint, Docket No. P-55, Sub 1577, issued June 7, 2006, p. 7, attached to Pam Tipton's direct testimony as PAT-4. dPi is fully aware that its already tenuous interpretation of the Interconnection Agreement and of the tariff will be weakened further if the facts of dPi's practices come to light in this proceeding. dPi is, in essence, attempting to play "keep away" with the facts by refusing to answer AT&T Florida's First Set of Interrogatories Nos. 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 23, 24, 33, 34, 35, 36, 37, 38, 39, and 41 and First Request for Admissions Nos. 9, 10, 11, 12, 13, 14, 15, and 17. This discovery is relevant, is reasonably calculated to lead to the discovery of admissible evidence and is not burdensome and harassing.


III. Conclusion

AT&T Florida is in need of the information requested in the above-referenced discovery to properly prepare its case for hearing and respectfully requests that the Commission grant its Motion to Compel

WHEREFORE, for the foregoing reasons, AT&T Florida respectfully requests that the Commission grant its Motion to Compel.

Respectfully submitted this 17th day of September 2007.

AT&T FLORIDA



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

dPi TELECONNECT, LLC'S RESPONSE TO AT&T'S REQUESTS FOR ADMISSION

You are being served with dPi Teleconnect, LLC's Response to AT&T's Requests for Admission.

Respectfully Submitted,

FOSTER MALISH BLAIR & COWAN, LLP

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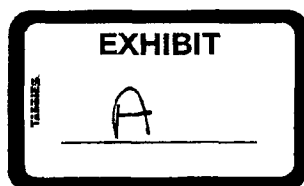
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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing document has been served upon Defendant BellSouth through its below-listed attorneys on this 13th day of September, 2007.

/s/ Chris Malish
Christopher Malish

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REQUESTS FOR ADMISSION

1. Admit that dPi does not own any telecommunications facilities in the state of Florida

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

2. Admit that dPi does not own any telecommunications facilities anywhere.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

3. Admit that dPi serves only residential customers in the state of Florida.

RESPONSE:

Admit

4. Admit that in the State of Florida, dPi provides only pre-paid telecommunications services.

RESPONSE:

Deny

5. Admit that dPi resells AT&T services pursuant to the Resale provisions of the Interconnection Agreement between the parties.

RESPONSE:

Admit

6. Admit that the Resale Provisions of the Interconnection Agreement between AT&T and dPi (Exhibit A to Attachment 1) contain the following language, "where available for resale,

promotions will be made available only to End Users who would have qualified for the promotion has it been provided by BellSouth directly.”

RESPONSE:

Admit

7. Admit that dPi charges its end users for basic local service more than 300% the amount it pays to AT&T for the purchase of these services on a discounted, wholesale basis?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

8. Admit that when a dPi end user orders basic local service, dPi has a routine practice of placing on the end user's line blocks on call return, repeat dialing and/or call tracing (hereinafter "call blocks").

RESPONSE:

Admit

9. Admit that dPi places the above-described call blocks on the lines of its end users without a request from the end user to do so.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

10. Admit that when dPi places the above-described call blocks on an end user's line, dPi does not obtain the end user's consent to do so.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

11. Admit that after dPi places call blocks on an end user's line, dPi does not inform the end user that dPi has done so.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

12. Admit that dPi places call blocks on the lines of all of its end users.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

13. Admit that dPi places call return blocking on the line of every end user that does not subscribe to call return.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

14. Admit that dPi places repeat dialing blocking on the line of every end user that does not subscribe to repeat dialing.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

15. Admit that dPi places call tracing blocking on the line of every end user that does not subscribe to call tracing.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

16. Admit that when providing resold services, dPi does not pay AT&T any amount for call blocking on the lines of its end users.

RESPONSE:

Deny

17. Admit that when providing resold services, dPi does not charge its end users for call blocking.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

18. Admit that dPi has a contract with Lost Key under which Lost Key submits promotional credit requests on behalf of dPi.

RESPONSE:

Admit

19. Admit that all credit requests that are at issue on this proceeding were submitted on behalf of dPi by Lost Key.

RESPONSE:

Deny.

20. Admit that under the terms of the contract between Lost Key and dPi, Lost Key receives a commission for every promotional credit that dPi receives from AT&T.

RESPONSE:

Admit

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

dPi TELECONNECT, LLC'S RESPONSE TO AT&T'S INTERROGATORIES

You are being served with dPi Teleconnect, LLC's Response to AT&T's Interrogatories.

Respectfully Submitted,

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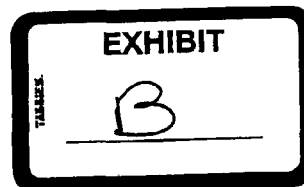
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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing document has been served upon Defendant BellSouth through its below-listed attorneys on this 13th day of September, 2007.

/s/ Chris Malish
Christopher Malish

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INTERROGATORIES

1. What rate(s) does dPi charge its residential end users in Florida for basic service?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

2. Describe the processes that dPi, Lost Key or any third party acting on behalf of dPi utilizes to ensure that its requests for promotional credit comply with the requirements of the respective promotions?

RESPONSE:

dPi, together with Lost Key Telecom, used an automated system for evaluating data for all credit requests it submitted to BellSouth. The evaluation begins with the service order and all of its features which may be relevant to deciding whether or not it satisfied the requirements of the promotions: including date of service order, location of prior service, company of prior service, and added call features.

The service order is evaluated by an automated system. The evaluation process takes each service request and compares it to the promotions. The request is reviewed to see if it was made at a time a promotional credit was available, and if so, it is reviewed to determine if it meets the other qualifying criteria; e.g., for the LCCW promotion, including number of Touchstar features, and whether it was a win-over account or a new service.

The results of the automated system are visually inspected each time to see if, as a whole, they trend as they have in the past and there are no gross discrepancies. Should such a discrepancy manifest itself, the data (orders) would be sampled and inspected/verified manually to check for potential errors. If there were any errors found, Lost Key Telecom examined the programming code and ran through orders one at a time to determine the source of the error. Once errors were found and corrected, the credits were re-run before submission to AT&T.

Once the orders are determined to qualify for the promotion, they are submitted to AT&T to be credited.

- a. Does dPi have any role in this process?

RESPONSE:

See above response to Interrogatory 2. dPi is a client of Lost Key Telecom. Lost Key has developed a proprietary automated system to generate credit requests. dPi's is involved only in a higher up level of identifying available promotions, ensuring data is transmitted to Lost Key Telecom from AT&T, requesting Lost Key make the credit requests, and seeking audits when credit refunds are substantially below what is expected.

- b. Is this process performed entirely by Lost Key?

RESPONSE:

See above response to Interrogatory 2. Lost Key performs essentially all of the analysis and credit requests.

- c. If you answer Interrogatory 2(a) affirmatively, describe dPi's role in this process.

RESPONSE:

See above response to Interrogatory 2 and 2(a).

3. When a dPi customer orders basic local service, does dPi place blocks on call return, repeat dialing and/or call tracing:
- a. in all cases?

RESPONSE:

Generally, yes. It is dPi's normal procedure to place the necessary universal service order codes that limit a customer from experiencing usage charges such as call return, repeat dialing and/or call tracing unless the end users chooses a level of service that would entitle him or her to one or another of those features that would otherwise be blocked.

- b. in some cases?

RESPONSE:

See above response to Interrogatory 3(a).

4. If you answered Interrogatory No. 3 by stating that dPi places blocks on end users lines in some cases, explain how dPi decides to place blocks on end user lines (or not).

RESPONSE:

Not applicable.

5. Of the 4,968 LCCW promotional requests at issue in this proceeding, did dPi submit any requests that included call blocking placed at the end user's request?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

6. If you answered Interrogatory No. 5 affirmatively, how many credit requests were based on dPi end user lines/accounts that had blocks which were placed at the customer's request?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

7. When dPi places call blocks on an end user's line without a request from the end user to do so, does dPi make any effort to obtain the customer's consent?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

dPi further objects because this request is compound, confusing, and assumes facts not in evidence.

8. If you answer Interrogatory No. 7 affirmatively, please describe all such efforts.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence;

burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

9. Describe all efforts that dPi makes, after placing call blocks on end user lines to inform the end user that these blocks have been placed.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

10. Of the approximately 4,968 requests for credit under the line connection charge waiver promotion ("LCCW") that dPi submitted to AT&T in Florida, and which AT&T denied, did any have added to the end users service, anything other than call blocking (e.g., call return, call tracing)?

RESPONSE:

Yes.

11. If you answered Interrogatory No. 10 in the affirmative, were these features added at:

- a. The end users request in any instances?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

- b. The end users request in all instances?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

12. If you responded to Interrogatory No. 11 by stating that these features were added at customer's requests in some, but not all instances, then
- a. in how many instances did the end user request these features?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

- b. In how many instances did dPi add these features without a request to do so from the end user?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

13. Does dPi offer its users the ability to subscribe to call return?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and

CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

a. If yes, at what rate?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

14. Does dPi offer its end users the ability to subscribe to call tracing?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

a. If yes, at what rate?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

15. Does dPi offer its end users the ability to subscribe to repeat dialing?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

a. If yes, at what rate?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

16. If a dPi customer qualifies for the Line Connection Charge Waiver promotion, and dPi receives a promotional discount, does dPi pass any portion of the waiver on to its end users?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

a. If you answered "yes," what is the amount passed on to the dPi end user?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

17. As to the document attached to the Rebuttal testimony of Steve Watson as dPi Exhibit 1:

a. How was that document obtained?

RESPONSE:

From the BellSouth public website

b. When was it obtained?

RESPONSE:

On or about July 25, 2005.

c. Do you contend that this document related to AT&T's service offering in Florida?

RESPONSE:

Yes. BellSouth did not distinguish where the promotion was available on a state-by-state basis. It only stated that the terms of the screenshot were the qualifying terms of the promotion.

18. If you answered Interrogatory No. 17(c) in the affirmative, explain the basis of your answer.

RESPONSE:

BellSouth did not distinguish where the promotion was available on a state-by-state basis. It only stated that the terms of the screenshot were the qualifying terms of the promotion.

19. Has dPi submitted requests for promotional credit under the line connection charge waiver in which the customers line has only one block, and no other additional blocks or features?

RESPONSE:

No; dPi places at least two Touchstar features on each order submitted for LCCW credit. If such a thing has ever happened, it would have been an idiosyncratic "glitch."

20. If you answered Interrogatory No. 19 in the affirmative, when were these requests submitted?

RESPONSE:

N/A

21. If you answered Interrogatory No. 19 in the affirmative, how many of the LCCW credit requests that are at issue in this proceeding have only one block or feature?

RESPONSE:

N/A

22. Does dPi contend that any of disputed LCCW promotional credit requests are based on an order of local service and 2 or more features (not including call blocking), which were ordered/added by the end user?

RESPONSE:

dPi has no way of answering this question; it is never notified of why credit requests are denied.

It is entirely possible that some promotional credit requests based on service orders with features other than call blocks were denied by AT&T. Of course, there is no way for dPi to know because it did not do the sampling; AT&T did. However, it appears that the majority of LCCW credits were denied by AT&T on the grounds that BCR, BRD, and/or HBG Touchstar features do not "count" under AT&T's revised interpretation of the promotion.

- a. If you answered in the affirmative, how many requests are based on such features added/ordered by the end user?

RESPONSE:

Unanswerable for the reasons given above.

23. Does dPi have any records, documents, or files, including electronically stored information, that identifies blocks and/or features that are ordered by dPi's end users, as opposed to blocks or features added by dPi without a request from the end user?

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

24. If you answered Interrogatory No. 23 in the affirmative, please identify all such documents.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

25. If you deny AT&T Florida's Request for Admission No. 1, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

26. If you deny AT&T Florida's Request for Admission No. 2, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

27. If you deny AT&T Florida's Request for Admission No. 3, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

Not applicable.

28. If you deny AT&T Florida's Request for Admission No. 4, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

dPi provides residential telecommunications services in Florida. All telephone service, regardless of provider, is prepaid but only after the first month. This is the personal knowledge of Brian Bolinger.

29. If you deny AT&T Florida's Request for Admission No. 5, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

Not applicable.

30. If you deny AT&T Florida's Request for Admission No. 6, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

Not applicable.

31. If you deny AT&T Florida's Request for Admission No. 7, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

32. If you deny AT&T Florida's Request for Admission No. 8, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

Not applicable.

33. If you deny AT&T Florida's Request for Admission No. 9, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

34. If you deny AT&T Florida's Request for Admission No. 10, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

35. If you deny AT&T Florida's Request for Admission No. 11, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

36. If you deny AT&T Florida's Request for Admission No. 12, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

37. If you deny AT&T Florida's Request for Admission No. 13, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

38. If you deny AT&T Florida's Request for Admission No. 14, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

39. If you deny AT&T Florida's Request for Admission No. 15, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

40. If you deny AT&T Florida's Request for Admission No. 16, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

In resale, BellSouth/AT&T charges a certain amount for POTS plus the blocks. While it is true that the BellSouth/AT&T does not itemize the blocks, dPi still pays for them. As a parallel, BellSouth/AT&T has a "vertical features" charge, which includes all TouchStar features including BCR & BRD for local wholesale (formerly UNEP). This amount is \$2.26. This is the personal knowledge of Brian Bolinger and Steve Watson.

41. If you deny AT&T Florida's Request for Admission No. 17, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

OBJECTION; irrelevant; not calculated to lead to the discovery of relevant evidence; burdensome and harassing.

The only issues in this case are the promotions and services BellSouth offers to its end users at retail and CLECs at wholesale, and the amount BellSouth charges its retail end users and CLECs for said offerings. The configuration and amounts dPi charges its end users at retail cannot be relevant to any of the issues in this case.

42. If you deny AT&T Florida's Request for Admission No. 18, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

N/A.

43. If you deny AT&T Florida's Request for Admission No. 19, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

Either Lost Key or CGM submits on behalf of dPi. These are two related companies: CGM does the auditing and determination of potential credits, Lost Key submits the requests to AT&T. This is the personal knowledge of Brian Bolinger.

44. If you deny AT&T Florida's Request for Admission No. 20, please state each reason and basis for this denial. In answering this interrogatory, please identify all sources of your knowledge and identify all documents that you reviewed and relied upon in order to deny the referenced Request for Admission.

RESPONSE:

Not applicable.