

**CONSUMER****Ann Cole**


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**From:** Ann Cole  
**Sent:** Friday, May 23, 2008 12:25 PM  
**To:** Bridget Grimsley  
**Subject:** RE: EMERGENCY INTERVENTION NEEDED TO PREVENT UNNECESSARY MASS DISCONNECTION OF CONSUMERS

Will do. This will be placed in *Docket Correspondence-Consumers and their Representatives*, Docket No. 050863-TP.

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**From:** Bridget Grimsley  
**Sent:** Friday, May 23, 2008 11:34 AM  
**To:** Ann Cole  
**Subject:** FW: EMERGENCY INTERVENTION NEEDED TO PREVENT UNNECESSARY MASS DISCONNECTION OF CONSUMERS

Ann,

Can you please have this filed in the correspondence side of docket 050863—companies and their representatives? Thanks.

Bridget

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**From:** Chris Malish [mailto:cmalish@fostermalish.com]  
**Sent:** Tuesday, May 13, 2008 6:26 PM  
**To:** Office of Commissioner Argenziano; Office Of Commissioner Edgar; Office of the Chairman; Office of Commissioner McMurrin; Office of Commissioner Skop  
**Cc:** Chris Malish; Brian Bolinger; j.carver@bellsouth.com  
**Subject:** RE: EMERGENCY INTERVENTION NEEDED TO PREVENT UNNECESSARY MASS DISCONNECTION OF CONSUMERS

I represent dPi Teleconnect, LLC (“dPi”). dPi has just asked me to alert the Commission to the potential unwarranted disconnection of a large number of the state’s consumers, and a corresponding increase customer complaints. This situation results from AT&T’s failure to timely convert the customers from Vertex Communications, Inc. (“Vertex”) onto dPi’s platform, coupled with AT&T’s insistence that it will disconnect these end users rather than migrate them to dPi’s BANS.

As this Commission knows by virtue of earlier filings, in the summer of 2007 dPi acquired Vertex’s entire customer base since Vertex was leaving the communications industry. Upon approval of this plan from each state agency, dPi submitted conversion orders to AT&T to convert all of Vertex’s end users to dPi’s platform. The conversion orders for every state were submitted by the end of March, 2008.

dPi subsequently learned that AT&T had not completed hundreds, if not thousands, of these conversion orders.

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Now AT&T has threatened to disconnect these untransferred customers on May 15, 2008, unless *dPi* pays in full AT&T's bills for the *Vertex* end users – despite the fact that the bills were patently incorrect because (1) they had not been prorated for these users' partial month's service given the transfer to *dPi*'s BANS; (2) AT&T is as much as four months behind in crediting those accounts with promotional discounts to which they were entitled; and (3) that other disputes remained outstanding.

AT&T will not disclose to *dPi* which end users were not converted or even how many there are, so *dPi* cannot identify how many customers may be affected in this particular state. However, in Tennessee, a state in which the Commission has already intervened, approximately 150 consumers were threatened with disconnection. *dPi* has had to try to piece together from previous billings by AT&T those end users which AT&T had not converted to *dPi*'s platform as originally requested and which were thus still on the *Vertex* BANS.

*dPi* has re-submitted conversion orders a second time for customers *dPi* could find that were still on *Vertex* BANS. *dPi* has also informed AT&T that once final bills are received with the appropriate prorated credits, disputes, promotions, etc., *dPi* would pay to AT&T the remaining appropriate balances related to these *Vertex* lines.

*dPi* suggests that a call by this Commission to AT&T might prevent the unnecessary disconnection of these consumers, and requests the Commission's informal intervention to prevent this needless inconvenience to the people of this state, as well as to Commission staff, which may otherwise end up inundated with consumer complaints that could easily be avoided by AT&T's simply performing the conversions that it is in any event obligated by law and contract to perform.

This request is being sent by email direct to you instead of through more formal channels because time is of the essence.

Please call me or Brian Bolinger (*dPi*'s Vice President responsible for legal affairs) at 972.277.5080 if you have any questions or concerns.

Thank you for your attention to, and service in, this matter.

Very truly yours,

Chris Malish

5/23/2008

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1403 West Sixth Street  
Austin, Texas 78703  
(512)476-8591/voice  
(512)477-8657/fax

cc: Phil Carver, AT&T Legal, Atlanta, GA  
Brian Bolinger, V.P. Legal Affairs, dPi Teleconnect  
Chris Malish

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5/23/2008