

REGARD LAW GROUP, PLLC
ATTORNEYS AT LAW

269 WEST MAIN STREET
SUITE 600
LEXINGTON KY 40507-1759

859-281-1318
FAX 859-281-1319
www.regardlaw.com

July 7, 2012

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JUL 06 2012

PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: Bellsouth Telecommunications, LLC v. Halo Wireless, Inc., 2011-00283

Dear Mr. Derouen:

Please find enclosed the original and ten (10) copies of Halo Wireless's Objections to Direct Testimony of J. Scott McPhee and Objections to Direct Testimony of Mark Neinast.

Please let me know if you have any questions.

Sincerely,



Katherine W. Ross

Enclosures:

cc: All parties of record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUL 06 2012

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

BELLSOUTH
TELECOMMUNICATIONS, LLC
D/B/A AT&T KENTUCKY

COMPLAINANT

CASE NO. 2011-00283

V.

HALO WIRELESS, INC.

RESPONDENT

**HALO WIRELESS, INC.'S OBJECTIONS TO
DIRECT TESTIMONY OF J. SCOTT MCPHEE**

Halo Wireless, Inc. ("Halo") hereby objects to and moves to exclude or strike the proposed Direct Testimony of J. Scott McPhee as follows:

I. Legal Standards

When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon need only be stated briefly. 807 KAR 5:001.

II. Summary and General Objections

Halo objects to Mr. McPhee's testimony for the reason that most his testimony is self-serving, speculative in nature, and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value. Moreover, the bulk of Mr. McPhees testimony is neither fact nor expert testimony, but states conclusions of law. In addition, to the extent that Mr. McPhee purports to provide fact testimony, Halo objects to the entirety of such testimony on the grounds that BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T") has failed to lay a foundation for Mr. McPhee's personal knowledge or reliance on admissible hearsay that

would be relied on by a reasonably prudent person. To the extent Mr. McPhee provides expert testimony, Halo objects that AT&T has failed to establish its reliability. In particular, Halo objects to Mr. McPhee's expert testimony as to the rating and billing of traffic (which testimony purports to be based on the premise that telephone numbers are appropriate and reliable determinants for call rating and billing) in its entirety, as such testimony is not based on reliable principles and methods (*i.e.* it is methodologically unreliable) and is not based on a reliable reasoning process for connecting any such methodology to the traffic at issue. Likewise, because AT&T has failed to establish that Mr. McPhee's methodology is reliable, Halo also objects to any exhibits created by him or based on his work.

III. Reservation of Objections

Halo hereby requests any data or other information underlying Mr. McPhee's testimony (to the extent not previously provided). Halo reserves the right to make any additional objections that may be appropriate after review of such information.

IV. Specific Objections to Direct Testimony, Lines 3:3-18

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on

reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

V. Specific Objections to Direct Testimony, Lines 4:1-13

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

VI. Specific Objections to Direct Testimony, Lines 4:1-5:2

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a

foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

VII. Specific Objections to Direct Testimony, Lines 5:3-15

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

VIII. Specific Objections to Direct Testimony, Lines 5:18-10:8

Halo objects that Mr. McPhee has no personal knowledge of Halo's corporate identity and/or operations. As such, Halo objects for lack of personal knowledge, and that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent Mr. McPhee's testimony is based on written documents, Halo objects that such documents are the best evidence of their contents, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

IX. Specific Objections to Direct Testimony, Lines 10:9-20

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal

knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

X. Specific Objections to Direct Testimony, Lines 11:1-8

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the

foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XI. Specific Objections to Direct Testimony, Lines 11:11-16

Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XII. Specific Objections to Direct Testimony, Lines 11:17-12:3

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XIII. Specific Objections to Direct Testimony, Lines 12:4-11

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not

testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

XIV. Specific Objections to Direct Testimony, Lines 12:12-13

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XV. Specific Objections to Direct Testimony, Lines 12:14-29

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo

objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XVI. Specific Objections to Direct Testimony, Lines 13:2-10

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVII. Specific Objections to Direct Testimony, Lines 13:11-14:2

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his

statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVIII. Specific Objections to Direct Testimony, Lines 14:3-15:2

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XIX. Specific Objections to Direct Testimony, Lines 15:3-16

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on

by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his statements are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XX. Specific Objections to Direct Testimony, Lines 15:17-16:2

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXI. Specific Objections to Direct Testimony, Lines 16:3-17:24

This testimony provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXII. Specific Objections to Direct Testimony, Lines 17:26-18:18

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXIII. Specific Objections to Direct Testimony, Lines 18:21-19:6

To the extent that Mr. McPhee's statements are offered as substantive evidence that Halo is terminating interexchange landline traffic that is subject to Access rates, Halo objects that AT&T has failed to lay a foundation for such statements as either fact or reliable expert testimony. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field. In addition, such testimony states conclusion of law that are not helpful, that are not relevant, that Mr. McPhee is not qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

XXIV. Specific Objections to Direct Testimony, Lines 19:7-13

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXV. Specific Objections to Direct Testimony, Lines 19:14-18

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXVI. Specific Objections to Direct Testimony, Lines 19:22-20:14

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee.

XXVII. Specific Objections to Direct Testimony, Lines 20:15-19

To the extent Mr. McPhee incorporates his direct testimony and the direct testimony of Mr. Neinast, such testimony is objectionable for reasons discussed in Halo's objections thereto. To the extent that this testimony is intended as additional fact testimony, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible

hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

XXVIII. Specific Objections to Direct Testimony, Lines 20:20-21:17

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXIX. Specific Objections to Direct Testimony, Lines 22:15-23:17

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and

statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXX. Specific Objections to Direct Testimony, Lines 23:18-28

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXXI. Specific Objections to Direct Testimony, Lines 24:1-8

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXXII. Specific Objections to Direct Testimony, Lines 24:9-20

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects because the written documents referred

to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXXIII. Specific Objections to Direct Testimony, Lines 24:21-25:9

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXXIV. Specific Objections to Direct Testimony, Lines 25:12-15

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to

the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXV. Specific Objections to Direct Testimony, Lines 25:16-26:10

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXXVI. Specific Objections to Direct Testimony, Lines 26:11-18

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects for the reason that his claims are self-serving, speculative in nature, and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXVII. Specific Objections to Direct Testimony, Lines 26:19-27:5

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal

knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

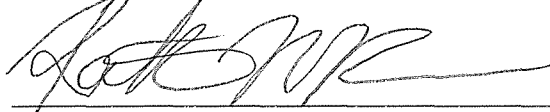
Halo further objects for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXVIII. Conclusion

For the reasons discussed above, Halo respectfully requests that the Commission enter an order sustaining Halo's objections and excluding or striking the portions of the direct testimony and exhibits of J. Scott McPhee discussed above.

Dated this 6th day of July, 2012.

Respectfully submitted,



ANDRE F. REGARD

Kentucky State Bar No. 88254

KATHERINE W. ROSS

Kentucky State Bar No. 93494

Regard Law Group, PLLC

269 W. Main Street, Ste. 600

Lexington, KY 40507

Phone: 859.281.1318

Fax: 859.281.1219

STEVEN H. THOMAS

Texas State Bar No. 19868890

TROY P. MAJOUÉ

Texas State Bar No. 24067738

JENNIFER M. LARSON

Texas State Bar No. 24071167

MCGUIRE, CRADDOCK & STROTHER, P.C.

2501 N. Harwood, Suite 1800

Dallas TX 75201

Phone: 214.954.6800

Fax: 214.954.6850

W. SCOTT MCCOLLOUGH

Texas State Bar No. 13434100

MCCOLLOUGH|HENRY PC

1250 S. Capital of Texas Hwy., Bldg. 2-235

West Lake Hills, TX 78746

Phone: 512.888.1112

Fax: 512.692.2522

Attorneys for Halo Wireless, Inc.

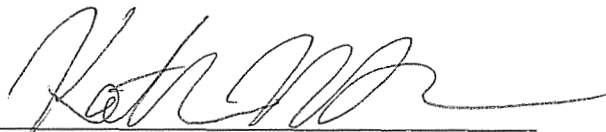
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing objections was served via certified mail, return receipt requested, on the following counsel of record on this the 6th day of July, 2012:

COUNSEL FOR COMPLAINANT:

Mary K. Keyer, Esq.
BELLSOUTH TELECOMMUNICATIONS, LLC
D/B/A AT&T KENTUCKY
601 W. Chestnut Street, Room 407
Louisville, KY 40202

Dennis G. Friedman, Esq.
J. Tyson Covey, Esq.
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606



Katherine W. Ross

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

**BELLSOUTH
TELECOMMUNICATIONS, LLC
D/B/A AT&T KENTUCKY**

COMPLAINANT

CASE NO. 2011-00283

V.

HALO WIRELESS, INC.

RESPONDENT

RECEIVED

JUL 06 2012

**PUBLIC SERVICE
COMMISSION**

**HALO WIRELESS, INC.'S OBJECTIONS TO
DIRECT TESTIMONY OF MARK NEINAST**

Halo Wireless, Inc. ("Halo") hereby objects to and moves to strike or exclude the proposed Direct Testimony of Mark Neinast as follows:

I. Legal Standards

When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon need only be stated briefly. 807 KAR 5:001.

II. Summary and General Objections

Halo objects to Mr. Neinast's testimony for the reason that most his testimony is self-serving, speculative in nature, and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value. In addition, to the extent that Mr. Neinast purports to provide fact testimony, Halo objects to the entirety of such testimony on the grounds that BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T") has failed to lay a foundation for Mr. Neinast's personal knowledge or reliance on admissible hearsay that would be relied on by a reasonably prudent person. To the extent Mr. Neinast provides expert

testimony, Halo objects that AT&T has failed to establish its reliability. In particular, objects to Mr. Neinast's expert testimony as to the rating and billing of traffic (which testimony purports to be based on the premise that telephone numbers are appropriate and reliable determinants for call rating and billing) in its entirety, as such testimony is not based on reliable principles and methods (*i.e.* it is methodologically unreliable) and is not based on a reliable reasoning process for connecting any such methodology to the traffic at issue. Likewise, because AT&T has failed to establish that Mr. Neinast's methodology is reliable, Halo also objects to any exhibits created by him or based on his work.

III. Reservation of Objections

Halo hereby requests any data or other information underlying Mr. Neinast's testimony (to the extent not previously provided). Halo reserves the right to make any additional objections that may be appropriate after review of such information.

IV. Specific Objections to Direct Testimony, Lines 3:10-4:2

Mr. Neinast's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational

assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

V. Specific Objections to Direct Testimony, Lines 4:3-13

Mr. Neinast's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

VI. Specific Objections to Direct Testimony, Lines 4:14-5:6

Mr. Neinast's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

VII. Specific Objections to Direct Testimony, Lines 5:8-11

Halo objects that Mr. Neinast's statements merely incorporate the testimony of Mr. McPhee, and are inadmissible for the reasons discussed in Halo's objections thereto. In addition, to the extent that Mr. Neinast's statement could be intended as his own substantive testimony, such statements are inadmissible hearsay, rely on inadmissible hearsay, and provide neither fact testimony nor expert testimony, but instead state conclusions of law. Halo further objects that the documents referenced are the best evidence of their contents.

VIII. Specific Objections to Direct Testimony, Lines 5:12-6:2

Mr. Neinast's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

IX. Specific Objections to Direct Testimony, Lines 6:3-9

Mr. Neinast's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an

expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

X. Specific Objections to Direct Testimony, Lines 6:10-7:5

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XI. Specific Objections to Direct Testimony, Lines 7:6-8:2

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements

are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XII. Specific Objections to Direct Testimony, Lines 8:3-9:4

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XIII. Specific Objections to Direct Testimony, Lines 9:6-9

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XIV. Specific Objections to Direct Testimony, Lines 9:10-10:6

Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person.

Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XV. Specific Objections to Direct Testimony, Lines 10:7-20

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVI. Specific Objections to Direct Testimony, Lines 11:1-14

Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVII. Specific Objections to Direct Testimony, Lines 11:15-19

Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person.

Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVIII. Specific Objections to Direct Testimony, Lines 12:8-17

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XIX. Specific Objections to Direct Testimony, Lines 12:18-13:4

Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

XX. Specific Objections to Direct Testimony, Lines 13:5-14:12

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXI. Specific Objections to Direct Testimony, Lines 14:14-22

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXII. Specific Objections to Direct Testimony, Lines 15:1-8

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements

are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXIII. Specific Objections to Direct Testimony, Lines 15:9-16:2

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field..

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXIV. Specific Objections to Direct Testimony, Lines 16:3-8

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are

not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXV. Specific Objections to Direct Testimony, Lines 16:9-22

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXVI. Specific Objections to Direct Testimony, Lines 17:1-4

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXVII. Specific Objections to Direct Testimony, Lines 17:5-12

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXVIII. Specific Objections to Direct Testimony, Lines 17:13-21

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXIX. Specific Objections to Direct Testimony, Lines 18:1-9

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXX. Specific Objections to Direct Testimony, Lines 18:10-20

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements

are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXI. Specific Objections to Direct Testimony, Lines 18:21-19:4

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXII. Specific Objections to Direct Testimony, Lines 19:5-16

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXIII. Specific Objections to Direct Testimony, Lines 20:1-21

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXXIV. Specific Objections to Direct Testimony, Lines 21:1-22:2

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXV. Specific Objections to 22:3-9

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXVI. Specific Objections to Direct Testimony, Lines 22:10-17

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXVII. Specific Objections to Direct Testimony, Lines 22:18-23:9

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are

not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXVIII. Specific Objections to Direct Testimony, Lines 23:10-18

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXXIX. Specific Objections to Direct Testimony, Lines 23:19-24:6

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XL. Specific Objections to Direct Testimony, Lines 24:7-25:18

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the

foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLI. Specific Objections to Direct Testimony, Lines 25:19-27:5

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLII. Specific Objections to Direct Testimony, Lines 27:6-18

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLIII. Specific Objections to Direct Testimony, Lines 28:1-29:4

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on

by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLIV. Specific Objections to Direct Testimony, Lines 29:5-18

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo

objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLV. Specific Objections to Direct Testimony, Lines 29:19-24

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLVI. Specific Objections to Direct Testimony, Lines 30:3-31:17

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony,

rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLVII. Specific Objections to Direct Testimony, Lines 31:18-32:16

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony;

and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLVIII. Specific Objections to Direct Testimony, Lines 32:17-33:2

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLIX. Specific Objections to Direct Testimony, Lines 33:10-13

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

L. Specific Objections to Direct Testimony, Lines 33:14-20

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LI. Specific Objections to Direct Testimony, Lines 33:21-34:2

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not

testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LII. Specific Objections to Direct Testimony, Lines 34:3-9

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

LIII. Specific Objections to Direct Testimony, Lines 34:10-34:4

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion;

that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LIV. Specific Objections to Direct Testimony, Lines 35:5-21

Mr. Neinast provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LV. Specific Objections to Direct Testimony, Lines 34:12-20

Mr. Neinast provides neither fact testimony based upon his personal knowledge, but instead offers inadmissible hearsay. As such, Halo objects that this is not testimony that Mr. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LVI. Specific Objections to Exhibits

Halo objects to Mr. Neinast's exhibits as hearsay, to the extent that they are offered to prove the truth of any matter asserted therein.

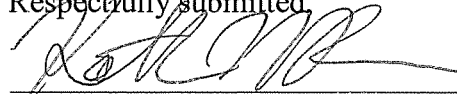
Halo further objects that Exhibits MN-3 through MN-8 are based on and summarize expert opinion, and AT&T has failed to lay a foundation showing their admissibility, including: the basis for opinion and the underlying data supporting his opinion; that the document is based on reliable principles and methodology; that the document is based on reliable foundational assumption and data; that the document is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

LVII. Conclusion

For the reasons discussed above, Halo respectfully requests that the Commission enter an order sustaining Halo’s objections and excluding or striking the portions of the direct testimony and exhibits of Mark Neinast discussed above.

Dated this 6th day of July, 2012.

Respectfully submitted



ANDRE F. REGARD
Kentucky State Bar No. 88254
KATHERINE W. ROSS
Kentucky State Bar No. 93494
Regard Law Group, PLLC
269 W. Main Street, Ste. 600
Lexington, KY 40507
Phone: 859.281.1318
Fax: 859.281.1219

STEVEN H. THOMAS
Texas State Bar No. 19868890
TROY P. MAJOUÉ
Texas State Bar No. 24067738
JENNIFER M. LARSON
Texas State Bar No. 24071167
MCGUIRE, CRADDOCK & STROTHER, P.C.
2501 N. Harwood, Suite 1800
Dallas TX 75201
Phone: 214.954.6800
Fax: 214.954.6850

W. SCOTT MCCOLLOUGH
Texas State Bar No. 13434100
MCCOLLOUGH|HENRY PC
1250 S. Capital of Texas Hwy., Bldg. 2-235
West Lake Hills, TX 78746
Phone: 512.888.1112
Fax: 512.692.2522

Attorneys for Halo Wireless, Inc.

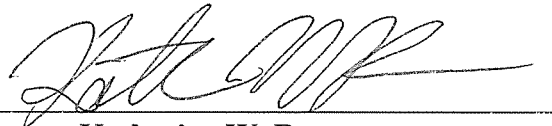
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing objections were served via certified mail, return receipt requested, on the following counsel of record on this the 6th day of July, 2012:

COUNSEL FOR COMPLAINANT:

Mary K. Keyer, Esq.
BELLSOUTH TELECOMMUNICATIONS, LLC
D/B/A AT&T KENTUCKY
601 W. Chestnut Street, Room 407
Louisville, KY 40202

Dennis G. Friedman, Esq.
J. Tyson Covey, Esq.
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606

A handwritten signature in black ink, appearing to read 'Katherine W. Ross', is written over a horizontal line.

Katherine W. Ross