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May 1, 2008

HAND DELIVERY

Ms. Elizabeth O'Donnell
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: *dPi Teleconnect v. BellSouth Telecommunications*
Case No. 2005-00455

Dear Ms. O'Donnell:

Enclosed please find an original and ten copies of dPi Teleconnect's pre-filed direct testimony of Steve Watson and Brian Bollinger. A list of exhibits is included.

Please note that Exhibit 4 to Mr. Bollinger's testimony is a copy of BellSouth's confidential response to dPi Teleconnect's data request No. 1-18. BellSouth sought confidential treatment for this information, and the request was granted via letter dated March 14, 2008. Accordingly, we are filing one original, with confidential information highlighted in yellow.

Please indicate receipt of this filing by your office by placing a file stamp on the extra copy and returning to me via our runner.

Sincerely yours,

Douglas F. Brent

cc: J. Philip Carver, Sr.
Mary K. Keyer

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DPI TELECONNECT, LLC v.)	
BELLSOUTH TELECOMMUNICATIONS,)	Case No. 2005-00455
INC.)	

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**DIRECT TESTIMONY OF STEVE WATSON ON BEHALF OF dPi
TELECONNECT**

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

A. My name is Steve Watson. I operate a CLEC consulting/billing agent company called Lost Key Telecom Inc. We are a billing agent for dPi Teleconnect; we handle their promotion credit billing, along with that of numerous other CLECs in the BellSouth areas. We have managed dPi's account since July of 2004. I am the one who worked on dPi's account and interacted on dPi's behalf with BellSouth on the promotions that are the subject of this dispute, especially the dispute relating to the Line Connection Charge Waiver promotion.

Q. Please give us a little background on what you do and what this case is about generally.

A. Well, as you probably know, this dispute relates to dPi's resale operations, in which dPi buys BellSouth's retail services at a wholesale discount and resells those services to its own customers. Under the law, any promotion that Bellsouth makes available to its customers for an extended period of time, it must allow dPi to also purchase. Otherwise, the whole system of competition based on

1 wholesale/resale would be undercut, because Bellsouth could offer pricing to its
2 retail customers below the “wholesale” price it extends to its competitors.

3 This dispute involves certain promotional credits which BellSouth failed to credit
4 dPi.

5 **Q. Please tell us about the process for claiming credits.**

6 A. To understand the dispute, one must understand its origins – namely, BellSouth’s
7 “promotion process” which, at the time relevant to this case, operated in practice
8 if not by design to enrich BellSouth as the expense of its small competitors.

9 At the times relevant to this complaint, BellSouth was unable to bill resellers the
10 correct amount (including promotional discounts) for the services they ordered
11 when the order was submitted. By comparison, SBC’s systems allow one to
12 apply for a promotional credit as a part of the provisioning order, and reject the
13 order if it does not qualify for the promotion. The credit is applied to the price
14 immediately and the discount reflected on the same bill; the CLEC pays no more
15 than what it actually owes for the service from the beginning.

16 In contrast, the practical effect of BellSouth’s “inability” or refusal to bill these
17 charges correctly on the front end means that BellSouth automatically
18 overcharges every reseller for every service the reseller orders that is subject to a
19 promotional discount. Then BellSouth shifts the burden on to the reseller to (1)
20 figure out how much BellSouth has overcharged the reseller, and (2) dispute
21 BellSouth’s bills accordingly. If a CLEC is not aware that this is how the system
22 is supposed to work and does not know to apply for these promotions, BellSouth
23 retains their money.

1 For those CLECs who generally understand that they must apply for these credits,
2 BellSouth's system makes it as difficult as possible for the reseller to dispute the
3 bills to BellSouth's satisfaction. First, the credit request must be meticulously
4 documented, listing details of every order for which credit is requested. But
5 getting the data to populate these forms is a Herculean task in itself: it must come
6 from BellSouth's billing and ordering data, which BellSouth has traditionally
7 provided to resellers only on either a paper bill, or electronically in a "DAB" file,
8 which has data locks built into it, making downloading of the raw data
9 exceptionally difficult. To make matters worse, in my experience next to no one
10 at BellSouth can explain how to get the data out of the "DAB" files, because
11 BellSouth does not maintain its own data in such files, and its employees simply
12 are not equipped with the knowledge to answer questions about how to unlock its
13 secrets. Figuring out how, as a practical matter, to apply for these credits takes a
14 large amount of resources in time and money. Some CLECs appear to have
15 simply thrown their hands in the air and given up.

16 Next, if a CLEC spends the time and resources to figure out a way to get at their
17 data, and create systems for electronically scouring it to identify those orders that
18 ought to qualify for promotional credits, and write and re-write programs that will
19 populate BellSouth's forms (which it changes from time to time as it sees fit),
20 BellSouth will examine the requests for credit to see if it will honor them. There
21 is no deadline for BellSouth to act on these credit requests. When it finally
22 approves or denies credits – which can take months – it makes no explanation for
23 what credits it accepts, and what credits it rejects, and why. If the credit is

1 rejected, the CLEC has no way of auditing the rejection to see if it is merited or
2 not. If the credit is accepted, BellSouth has kept the CLEC's money for months,
3 without interest, before returning it.

4 The system is backwards, failure prone, and grossly inefficient. And at every step
5 of the way, whether consciously designed to that end or not, the system works to
6 enrich BellSouth at the CLEC's expense.

7 **Q. What is your company's role in this case?**

8 A. At any given time, BellSouth has a number of promotions going at once. My
9 business is hired by CLECs to apply for promotional credits from BellSouth. As
10 dPi's agent in this process, we review the data BellSouth provides dPi regarding
11 the services BellSouth has sold dPi, and calculate which promotions dPi is
12 entitled to under the promotions then in effect. We then submit requests for
13 promotional credits on dPi's behalf, and BellSouth evaluates or audits those
14 requests and issues or denies credit as it sees fit.

15 **Q. How has this process evolved?**

16 A. When I first got involved in trying to claim credits on behalf of CLECs, back in
17 2003, BellSouth's "promotional credit processing department" appeared to consist
18 of one person: Stanley Messinger. He was later replaced by Kristy Seagle, who
19 was in turn superseded by Keith Deason in the second half of 2005. These were
20 the people tasked with helping CLECs navigate the promotional credit filing
21 process – that is, verifying what promotions CLECs were in fact eligible for, and
22 how to apply for and secure those credits. I don't know how this "department" fit
23 into BellSouth's organizational structure, but they were not part of BellSouth's

1 billing and collections department, nor were they part of BellSouth's wholesale
2 operations. It was obvious when I first started calling that they simply didn't get
3 many promotional credit requests, nor any questions about how to qualify and
4 apply for such credits. Frequently they did not know the answers to questions on
5 these subjects, and sometimes a decision by one person would be reversed by his
6 or her successor. Oftentimes, it seems that policies were made on the spot, on an
7 *ad hoc* basis. In essence, we were feeling our way through "the system" together,
8 and I relied on what they told me about what was creditable and how to apply for
9 those credits.

10 **Q. What are the promotions involved in this case?**

11 A. In Kentucky, dPi was denied credit for the Line Connection Charge Waiver
12 promotion, Two Features for Free promotion, and Secondary Service Charge
13 Waiver promotion. However, about ninety seven percent (97%) of the money
14 involved was tied to a single dispute about dPi's eligibility for a single kind of
15 promotion: the Line Connection Charge Waiver ("LCCW"). Therefore, my
16 testimony will mainly focus on that one promotion.

17 **Q. Tell us about the LCCW promotion.**

18 A. For the past few years, BellSouth has put out a promotion that it calls the Line
19 Connection Charge Waiver. Generally, it provides that BellSouth will waive the
20 line connection charge for customers who switch to BellSouth and take at least
21 basic service and two TouchStar features.

22 **Q. What does it take to qualify for the LCCW promotion?**

1 A. All – *ALL* – a CLEC like dPi has to do to qualify for the line connection charge
2 waiver is purchase Basic Service with one or more TouchStar features.¹ Using the
3 words from BellSouth’s own promotion, dPi is entitled to the promotion because
4 it has “purchase[d] ... Bellsouth Basic Service with at least one feature” and thus
5 has “qualif[ied] for a waiver of the local service connection fee.” This is because
6 in every situation in which dPi applied for the promotional credit, it ordered at
7 least Basic Service plus two or more TouchStar features, including TouchStar
8 Blocking Features, such as Block Call Return (known by its USOC “BCR”),
9 Block Repeat Dialing (known by its USOC “BRD”), and Block Call Trace
10 (known by its USOC “HBG”).² These three TouchStar features – BCR, BRD, and
11 HBG – will be collectively referred to as TouchStar Blocking Features.

12 **Q. Does BellSouth agree with this interpretation of the promotional language?**

13 A. It did, at least initially. We know that BellSouth initially agreed with this
14 interpretation because when we were first getting set up and running test batches
15 together, it approved all orders configured this way. Remember, in the fall of
16 2003, I was working with BellSouth on ways to automate the crediting process,
17 which entailed agreeing on proposed processes, then sending small batches of
18 orders at a time to see if the processes worked. By December 2003 and January
19 2004, we were working on the LCCW promotion, and had our batches containing

¹ See dPi Exhibit 3, a screenshot taken from BellSouth’s website during the summer of 2005. In relevant part, the promotion provides: **Connection Fee Waived** Customers who switch their local service to Bellsouth from another provider and purchase Bellsouth® Complete Choice®, Bellsouth® Preferred Pack, or Bellsouth Basic Service with at least one feature can qualify for a waiver of the local service connection fee. Customers must not have had local service with Bellsouth 10 days prior to new service connection date. Offer ends December 26, 2005.

² dPi’s basic offering always includes the TouchStar blocks. There is no dispute that dPi has ordered TouchStar blocks – the dispute is solely whether the TouchStar block features that dPi orders “qualify” as TouchStar features under the promotion because they bear no additional charge.

1 credit requests for orders for basic service plus the TouchStar Blocking Features
2 approved. In fact, in January, February, March, and April 2004, regular batches
3 of such orders were approved for Teleconnex (on whose behalf I was working at
4 the time), before Teleconnex was taken by other owners and ceased doing
5 business. Then again, in the summer of 2004, BellSouth was crediting other
6 CLECs (such as Budget Phone) with millions for promotional rates for orders
7 essentially identical to dPi's.

8 **Q. So when did you begin submitting credit requests for the LCCW promotion**
9 **for dPi?**

10 A. In August 2004, we began submitting credit requests for dPi pursuant to
11 BellSouth's procedures, as well as for other clients. Our computer program
12 automatically scours the orders electronically reported by BellSouth for our
13 clients, and tallies those that contained new service plus two or more TouchStar
14 features. A request for credit was made pursuant to those tallies.

15 **Q. Did any of dPi's similarly situated competitors get paid the LCCW credits?**

16 A. Yes. For some of our clients, BellSouth paid essentially 100% of credit applied
17 for. For example, Budget Phone, who has a claim roughly double the size of
18 dPi's, was paid in full. Previously, BellSouth had similarly paid Teleconnex in
19 full for these promotions. These entities' product mix to their end users was also
20 essentially very similar to dPi's. However, BellSouth credited dPi only about a
21 small fraction of the amounts applied for.

22 **Q. Did BellSouth extend the LCCW promotion to its own customers taking**
23 **basic service plus the TouchStar Blocking Features?**
24

1 A. Actually, BellSouth did credit its own retail users who otherwise qualify for the
2 promotion and take only basic service plus the BCR, BRD, and HBG TouchStar
3 Blocking Features. Through discovery in Florida, dPi tried to determine what
4 non-recurring charges BellSouth charged its own end users who (1) ordered new
5 basic service and (2) any two of the BCR, BRD, and HBG TouchStar Blocking
6 Features (without any other TouchStar features). The response showed that from
7 2003 to the present, in any given month, for BellSouth end users ordering basic
8 service plus the TouchStar Blocking Features, BellSouth would award the end
9 user the LCCW promotion between 8.8% and 40.1% of the time. More
10 particularly, for the time period from May 2003 to January 2005, new Bellsouth
11 retail accounts created with basic service and 2 TouchStar Blocking Features
12 received the LCCW promotion between 40% and 22% of the time. Those new
13 orders not receiving the promotional pricing included orders that did not qualify
14 because they were not a “winover” or “reacquisition” (a requirement to qualify for
15 LCCW); because they were split-offs of existing accounts; or the orders were for
16 accounts that were reestablished after being disconnected – in other words, those
17 orders not granted LCC waivers were for reasons *other* than because BellSouth
18 was not counting BCR and BRD as TouchStar features. The frequency BellSouth
19 awarded its end users LCCW is shown on three graphs in dPi’s Exhibit 6.

20 Admittedly, the above information was taken from BellSouth’s operations in
21 Florida; an identical discovery request was made in Kentucky, but BellSouth has
22 objected and is not providing the relevant data. But because BellSouth is
23 generally consistent with its practices across the states it serves, the results in

1 Kentucky should be expected to match those from Florida. Indeed, AT&T
2 admitted that the results should be equally applicable everywhere in a pleading
3 filed in Alabama.

4 **Q. Why did BellSouth refuse to issue these credits to dPi?**

5 A. From September 2004 to April 2005, BellSouth was unable to satisfactorily
6 explain why it was refusing to pay these credits. On numerous occasions over
7 this period, BellSouth's Kristy Seagle and/or other employees promised that these
8 payments would be forthcoming. Then it was suggested that the credits would not
9 be made because the requests were not for "winover" or "reacquisition
10 customers"; but this reason was quickly dropped. Next, BellSouth suggested that
11 it might not be paying the credits because the BCR, BRD, and HBG features were
12 not really "features;" this contention was initially dropped, but has been revived
13 in proceedings in sister states.

14 However, most importantly, in about April of 2005, BellSouth stated that it would
15 not be paying these credits applied for almost entirely on the grounds that dPi had
16 not qualified for the credits because, notwithstanding the fact that dPi had
17 purchased Bellsouth's basic service with two or more TouchStar features, the
18 TouchStar features that dPi had included in its orders (e.g., BCR and BRD blocks)
19 "did not count" because Bellsouth did not levy a separate charge for these
20 particular TouchStar features. In North Carolina, Florida, and Alabama, (97%,
21 98%, and 92% respectively) the overwhelming majority of the time credit
22 requests were denied, they were denied because Bellsouth decided the order did
23 not have the requisite number of TouchStar features apart from the TouchStar

1 Blocking Features. And here in Kentucky, dPi requested the reasons for each
2 rejection, but has not received responsive documents yet. However, there is no
3 reason to believe that the answers would be substantially different from the other
4 states.

5 **Q. Is there any merit to BellSouth's contention that the TouchStar Blocking**
6 **Features are not features?**

7
8 A. No. The TouchStar BCR, BRD, and HBG blocking features are described in the
9 TouchStar feature portion of Bellsouth's tariffs filed in various states, where they
10 are listed with other features, and are specifically referred to as features. *See*
11 dPi's Exhibit 1, an excerpt from a tariff. Furthermore, BellSouth employees
12 repeatedly referred to these features as features during communications between
13 the parties; *see* dPi Exhibit 5. Their website's USOC decoder also decodes these
14 USOCs as being TouchStar features. Finally, in the UNE arena, these USOCs are
15 listed and charged as "features."

16 **Q. Is there any merit to Bellsouth's contention that the LCCW can be awarded**
17 **only when additional features are purchased for additional cost?**

18
19 A. Again, essentially none. The fact of the matter is that all that is required to
20 qualify for these promotions is the purchase of basic service with two (or
21 sometimes one, if you use the promotion description from Bellsouth's website)
22 TouchStar features. In every case where BellSouth denied credit on the grounds
23 that dPi did not qualify because it had not purchased BellSouth's basic service
24 with two features, dPi *had* in fact taken BellSouth's basic service with at least two
25 additional TouchStar features, such as the BCR and BRD blocks, among others.
26 BellSouth simply chooses not to "count" these features. There is no dispute that

1 the blocks ordered are listed by BellSouth as TouchStar features in their tariff.
2 Moreover, BellSouth has paid credits to other carriers, such as Budget and
3 Teleconnex, with the same service orders (i.e., basic service plus TouchStar
4 Blocking Features) in the past. Finally, BellSouth issues credits to its own retail
5 customers taking basic service plus TouchStar Blocking Features, and decreased
6 the rate at which it did so only after it decided to “re-interpret” the language of the
7 promotion in 2005 so as to avoid paying these credits to CLECs. BellSouth has
8 simply been fabricating an excuse to avoid having to pay these credits to dPi.

9 **Q. Does Bellsouth owe dPi any amounts for wrongfully denying promotion**
10 **credits on the grounds that Basic Service plus two or more of the TouchStar**
11 **Blocking Features are not entitled to promotional pricing?**

12
13 A. Yes indeed. BellSouth has wrongly denied crediting dPi with \$44993.11 for Line
14 Connection Charge Waiver in Kentucky through January 2008. Additional
15 discovery may determine that BellSouth has wrongly denied more than that.

16 **Q. Does this conclude your testimony?**

17 A. For now.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DPI TELECONNECT, LLC v.)	
BELLSOUTH TELECOMMUNICATIONS,)	Case No. 2005-00455
INC.)	

DIRECT TESTIMONY OF dPi TELECONNECT'S BRIAN BOLINGER

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

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

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

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

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

1 Although dPi has a number of promotion related disputes, this suit will focus on the
2 dispute about dPi's eligibility for a single particular promotion – the Line Connection
3 Charge Waiver – as this argument encompassed the lion's share of the total dollars in
4 dispute in Kentucky, about 97% of the money at stake.

5 **Q. What's the Line Connection Charge Waiver promotion?**

6 A. Generally, the Line Connection Charge Waiver promotion provides that BellSouth will
7 waive the line connection charge for customers who switch to Bellsouth and take at least
8 basic service with two Touchstar features – at least, two features are required according
9 to BellSouth's documents. *See* dPi's Exhibit 2, BellSouth's documents establishing
10 qualifying criteria for the promotion.

11 This promotion has been around for a couple of years; dPi's claims go back to January of
12 2004.

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

16 Soon after BellSouth's initial refusal to credit the amounts requested, Steve Watson
17 notified me of the situation so that I could monitor it and participate in the dispute
18 resolution process. From September 2004 to April 2005, BellSouth was unable to
19 explain why it was refusing to pay these credits. On numerous occasions over this

1 period, BellSouth's employees promised me that these payments would be forthcoming.
2 See dPi's Exhibit 5, copies of email communications between the parties on this subject.
3 Over the period of September 2004 to April 2005, BellSouth seemed to be floating "test
4 balloons" about possible reasons for not paying the credits. For example, during the fall
5 of 2004, it was suggesting that it might deny dPi the credits requested because the orders
6 submitted would not qualify because they were not for "winover" or "reacquisition"
7 customers. However, because (unlike BellSouth) dPi sells primarily to the credit
8 challenged customer, essentially every single one of dPi's new customers is someone
9 who was formerly a customer of BellSouth or another provider and who left after getting
10 into trouble over their phone bill. Another reason initially advanced for not issuing the
11 credits was for the supposed reason that the TouchStar Blocking Features dPi used to
12 qualify for the LCCW were really not "features." This reason was withdrawn (though it
13 has now reappeared in sister states) after dPi pointed out that the TouchStar Blocking
14 Features appear in the various state tariffs where they are listed with other features, and
15 are specifically referred to as features. Furthermore, BellSouth employees repeatedly
16 referred to these features as features during communications between the parties; and
17 BellSouth characteristically referred to and charged for these things as features under the
18 UNE regime.
19 Finally, in about April of 2005, BellSouth stated that it would not be paying these credits
20 applied for almost entirely on the grounds that dPi had not qualified for the credits

1 because, notwithstanding the fact that dPi had purchased BellSouth's basic service with
2 two or more Touchstar features, the Touchstar features that dPi had included in its orders
3 (e.g., BCR and BRD blocks)¹ "did not count" because BellSouth did not have a separate
4 charge for these particular Touchstar features. We requested information from AT&T on
5 how frequently they deny credit based on this reason, but we have not received that yet.
6 However, in most other states about 95% of the time a Line Connection Charge Waiver
7 promotion was rejected, it was because BellSouth decided that dPi did not have the
8 requisite number of Touchstar features, since it refused to count the Touchstar blocks that
9 dPi had on the lines.

10 **Q. Is there any merit to BellSouth's position?**

11 A. Essentially none. The fact of the matter is that all that is required to qualify for these
12 promotion is the purchase of basic service with two (or sometimes one, if you use the
13 promotion description from BellSouth's website) Touchstar features. In every case
14 where BellSouth denied credit on the grounds that dPi did not qualify because it had not
15 purchased BellSouth's basic service with two features, dPi **had** in fact taken BellSouth's
16 basic service with at least two additional Touchstar features, such as the BCR and BRD
17 blocks, among others.² BellSouth simply chooses not to "count" these features. There is

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

² BellSouth has also contended that the Touchstar BCR, BRD, and HBG blocking features are not features at all. However, they are described in the Touchstar feature portion of the tariff, where they are listed with other features, and are specifically referred to as features. See dPi's Exhibit 1, an excerpt from a tariff. Furthermore, BellSouth employees repeatedly referred to these features as features during communications between the parties; see dPi's Exhibit 5.

1 no dispute that the blocks ordered are listed by BellSouth as Touchstar features. There is
2 no dispute that BellSouth has paid credits of far higher amounts to other carriers (such as
3 Teleconnex and Budget) with the same service orders (i.e., basic service plus Touchstar
4 Blocking Features) in the past. Now BellSouth is simply fabricating an excuse to avoid
5 having to pay these credits to dPi.

6 **Q. Did BellSouth ever extend LCCW credits to its own end users who ordered Basic**
7 **Service plus the TouchStar Blocking Features?**

8
9 **A.** Yes, they did. Although BellSouth testified in both North Carolina and Florida that it was
10 its policy to never extend the LCCW promotion to its own end users taking just Basic
11 Service plus the TouchStar Blocking Features, an examination of their provisioning data
12 revealed that in fact BellSouth HAD extended the LCCW to such customers. BellSouth's
13 provisioning data showed that from 2003 to the present, in any given month, if a
14 BellSouth end user ordered basic service plus of the TouchStar Blocking Features,
15 BellSouth would award the end user the LCCW promotion between 8.8% and 40.1% of
16 the time. More particularly, for the time period from May 2003 to January 2005, new
17 BellSouth retail accounts created with basic service and 2 TouchStar Blocking Features
18 received the LCCW promotion between 40% and 22% of the time. Those new orders not
19 receiving the promotional pricing included orders that did not qualify because they were
20 not a "winover" or "reacquisition" (a requirement to qualify for LCCW); because they
21 split off of existing accounts; or the orders were for accounts that were reestablished after
22 being disconnected – in other words, those orders not granted LCCW for reasons *other*

1 than because BellSouth was not counting BCR and BRD as TouchStar features. The
2 frequency BellSouth awarded its end users LCCW is shown on three graphs in dPi's
3 Exhibit 6.

4 **Q. Does BellSouth owe dPi any amounts for wrongfully denying promotion credits for**
5 **this reason?**

6
7 A. Yes. Our billing agent (Lost Key) has calculated that BellSouth has wrongfully denied
8 tens of thousands of dollars in promotional credits just on the line connection charge
9 waiver alone. There are also credits owed for other promotions, such as the Secondary
10 Service Charge Waiver promotion and the Two Features For Free promotion which were
11 improperly denied.

12 **Q. Are there any documents which disclose the amount dPi is owed for credits that**
13 **were denied by BellSouth in Kentucky?**

14
15 A. Yes. Exhibit 4 to my testimony is such a document, and it shows the amount. This is a
16 spreadsheet BellSouth produced in response to a dPi data request. BellSouth filed this
17 with a request for confidential treatment. The amount for credits denied by BellSouth is
18 shown as a "total" on the last page of the exhibit.

19 **Q. Did BellSouth fail to credit dPi for any other reasons?**

20 A. As stated before, we have not yet received from BellSouth a response to our request to
21 tell us the reasons for all of the denials of credits. However, in other states we saw that a
22 credit was denied because it was not a "reacquisition" or a "winover" account or because
23 dPi also inadvertently submitted duplicate requests. Again, however, the vast majority of

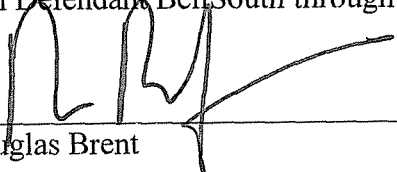
1 times a request was rejected – on the order of 95% – was because the Touchstar Blocking
2 features were not counted as qualifying features for the LCCW.

3 **Q. Does this conclude your testimony?**

4 A. Yes – for now.

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing documents have been filed with the Kentucky Public Service Commission and served upon Defendant BellSouth through its below-listed attorneys on this 1st day of May, 2008.



Douglas Brent

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BELLSOUTH
TELECOMMUNICATIONS, INC.
KENTUCKY
ISSUED: November 16, 2006
BY: E.C. Roberts, Jr., President - KY
Louisville, Kentucky

GENERAL SUBSCRIBER SERVICES TARIFF

PSC KY. TARIFF 2A
Fifth Revised Page 14.1
Cancels Fourth Revised Page 14.1
EFFECTIVE: December 1, 2006

A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2). (N)

A13.19 TouchStar Service (T)**A13.19.1 Applications**

- A. TouchStar service is a group of central office call management features offered in addition to basic telephone service. (T)

A13.19.2 Definitions Of Feature Offerings**A. Call Return**

This feature enables a customer to place a call to the telephone number associated with the most recent call received whether or not the call was answered or the number is known. The customer can dial a code to request that the network place the call.

Where facilities permit, upon activation of the feature, the customer will receive a voice announcement stating that Call Return has been accessed. In addition, the announcement will provide the Directory Number (DN) of the last incoming call. In some locations, the date and time of receipt of the call will also be provided. The Call Return user will then be prompted to enter an additional digit to continue with the feature activation, or to hang up to abort the activation.

If the called line is not busy, the call is placed. If the called line is busy, a confirmation announcement is heard, the customer hangs up and a queuing process begins. For the next 30 minutes both the calling and called lines are checked periodically for availability to complete the call. If during this queuing process the called line becomes idle, the customer is notified, via a distinctive ring, that the network is ready to place the call. When the customer picks up the telephone the call will automatically be placed.

This feature is not available on operator handled calls. In connection with Call Return, the Company will deliver all numbers, subject to technical limitations, including telephone numbers associated with Non-Published Listing Service.

If the last incoming call originated from a telephone where delivery of the number was suppressed, either via per call or per line blocking, that number will not be available for voicing-back and the call cannot be returned by the Call Return customer. The Call Return user will receive a voice announcement stating that this service cannot be used to call the number.

If the incoming call is from a caller served by a PBX, only the main number of the PBX is transmitted and available for voice-back.

If the incoming call is from a RingMaster service customer, the telephone number transmitted and available for voice-back will be the main Directory Number rather than any dependent RingMaster service number. (T)

If the incoming call originates from a multi-line hunt group, the telephone number transmitted and voiced-back will always be the main number of the hunt group, unless facilities permitting, the telephone numbers are TN identified within the group.

This feature is available, facilities permitting, to residence and business customers as follows: (a) monthly subscription, or (b) per activation/occasion. If the customer subscribes to the feature on a monthly basis, unlimited access is provided with no additional charge for each activation. Where facilities permit, the feature may be utilized on a non-subscription basis with a per occasion charge for each activation. Access to the usage option can be restricted at the customer's request at no charge.

B. Repeat Dialing

Repeat Dialing, when activated, automatically redials the last number the customer attempted to call. If the called line is not busy, the call will be placed.

If the called line is busy, a confirmation announcement is heard, the customer hangs up and a queuing process begins. For the next 30 minutes both the calling and the called lines are checked periodically for availability to complete the call. If during this queuing process the called line becomes idle, the customer is notified, via a distinctive ring, that the network is ready to place the call. When the customer picks up the telephone the call will automatically be placed.

This feature is available, facilities permitting, to residence and business customers as follows: (a) monthly subscription, or (b) per activation/occasion. If the customer subscribes to the feature on a monthly basis, unlimited access is provided with no additional charge for each activation. Where facilities permit, the feature may be utilized on a non-subscription basis with a per occasion charge for each activation. Access to the usage option can be restricted at the customer's request at no charge.

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KENTUCKY
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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2).

A13.19 TouchStar Service (Cont'd)

A13.19.2 Definitions Of Feature Offerings (Cont'd)

C. Personalized Ring 6 a.k.a. Call Selector

(T)

Personalized Ring 6 provides a distinctive ringing pattern to the subscribing customer for up to six specific telephone numbers. (T)

The customer creates a screening list of up to six telephone numbers through an interactive dialing sequence. When a call is received from one of the predetermined telephone numbers, the customer is alerted with a distinctive ringing pattern (short, long, short). Calls from telephone numbers not included on the screening list will produce a normal ring.

If the customer subscribes to Call Waiting (see Section A13 of this Tariff) and a call is received from a telephone number on the *Personalized Ring 6* screening list while the line is in use, the Call Waiting tone will also be distinctive. (T)

When a telephone number on the *Personalized Ring 6* screening list also appears on the *Selective Call Forwarding* list, the *Selective Call Forwarding* will take precedence. Likewise, when the same number is shown on the Call Block list, the call will be blocked. (T)

A customer's line will not produce a distinctive alert if the calling line is not referenced to and originated by the main telephone number or a telephone number identified number that represents all the lines in a collection of lines, such as multiline hunt groups.

D. Selective Call Forwarding a.k.a. Preferred Call Forwarding

(T)

Selective Call Forwarding allows the customer to transfer selected calls to another telephone number. A screening list of up to six numbers is created by the customer and placed in the network memory via an interactive dialing sequence. Subsequently, calls are forwarded to the Call Forwarding telephone number only if the calling number can be obtained and is found to match a number on the screening list. (T)

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

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A13.19 TouchStar Service (Cont'd)

A13.19.2 Definitions Of Feature Offerings (Cont'd)

D. *Selective Call Forwarding a.k.a. Preferred Call Forwarding (Cont'd)* (T)

If the customer also subscribes to Call Block and the same telephone number is entered on both screening lists, the Call Block feature must be deactivated to allow the call to forward.

This feature will not work if the calling line is not referenced to and originated by the main telephone number, or a Telephone Number identified number that represents all the lines in a collection of lines such as multiline hunt groups.

E. Call Block

This feature provides the customer the ability to prevent incoming calls from up to six different telephone numbers.

A screening list is created by the customer either by adding the last number associated with the line (incoming or outgoing), or by pre-selecting the telephone numbers to be blocked. When a call is placed to the customer's number from a number on the screening list, the caller receives an announcement indicating that the party he is attempting to call does not wish to receive calls at this time.

If the customer also subscribes to *Selective Call Forwarding* and/or *Personalized Ring 6* and the same telephone numbers appear on those screening lists, Call Block will take precedence. (T)

This feature will not work if the incoming call is from a telephone number in a multiline hunt group unless the telephone number is the main telephone number in the hunt group, or is Telephone Number identified. Additionally, this feature will not block calls from coin or cellular telephones or operator assisted calls.

F. Call Tracing

Call Tracing enables the customer to initiate an automatic trace of the last call received.

Upon activation by the customer, the network automatically sends a message to the Company's Security Department indicating the calling number, the time the trace was activated, and in some locations, the time the offending call was received. The customer using this feature would be required to contact the Annoyance Call Bureau for further action.

Only calls from within TouchStar service equipped offices are traceable using Call Tracing.

This feature will not work if the incoming call is from a telephone number in a multiline hunt group, unless the telephone number is the main telephone number in the hunt group, or is Telephone Number identified.

In some locations, if the customer makes or receives another call after hanging up from the annoying call, prior to activating the trace, Call Tracing will not record the correct number.

G. Caller ID - Basic (Number Delivery)

This feature enables the customer to view on a display unit the Directory Number (DN) on incoming telephone calls.

When Caller ID - Basic is activated on a customer's line, the Directory Numbers of incoming calls are displayed on the called CPE during the first long silent interval of the ringing cycle.

Any customer subscribing to Caller ID - Basic will be responsible for the provision of a display device which will be located on the customer's premises. The installation, repair, and technical capability of that equipment to function in conjunction with the feature specified herein will be the responsibility of the customer. The Company assumes no liability and will be held harmless for any incompatibility of this equipment to perform satisfactorily with the network features described herein.

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

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A13.19 TouchStar Service (Cont'd)**A13.19.2 Definitions Of Feature Offerings (Cont'd)****G. Caller ID - Basic (Cont'd)**

If the incoming call is from a caller who subscribes to RingMaster service, the telephone number transmitted will always be the main number rather than any dependent RingMaster service number.

If the incoming call is from a caller served by a PBX, generally only the main number of the PBX is transmitted and available for display. However, in certain circumstances where facilities permit, the information associated with the actual station number originating the call may be transmitted and available for display.

If the incoming call originates from a Multi-Line Hunt Group, the telephone number transmitted will always be the main number of the hunt group unless the calling number is Telephone Number (TN) identified within the group.

Calling number information via Caller ID - Basic is not available on operator handled calls.

H. Caller ID a.k.a. Caller ID Deluxe (Name and Number Delivery) (T)

This feature enables the customer to view on a display unit the calling party Directory Name and Directory Number on incoming telephone calls.

A maximum of 15 characters is allowed for transmission of the calling party Directory Name.

When Caller ID is activated on a customer's line, the calling party Directory Name and Directory Number on incoming calls will be displayed on the called CPE during the first long silent interval of the ringing cycle. The date and time of the call is also transmitted to the Caller ID customer. (T)

Caller ID also includes Anonymous Call *Blocking* where facilities are available. This feature allows customers to automatically reject incoming calls when the call originates from a telephone number which has invoked a blocking feature that prevents the delivery of their number to the called party. When *Anonymous Call Blocking* is activated on the customer's line and an incoming call marked private is received, the called party's telephone will not ring. The call will be routed to an announcement and subsequently terminated. The announcement informs the calling party that the person he or she is trying to reach will not accept the call as long as the calling number is not delivered. Incoming calls are checked for acceptance or rejection by Anonymous Call *Blocking* regardless of the current state of the *Anonymous Call Blocking* customer's line (e.g., off hook or idle). (T)

Subsequent to establishment of Caller ID *Anonymous Call Blocking* can be activated and deactivated at the customer's discretion through the use of preassigned feature access codes. (T)

Any customer subscribing to Caller ID will be responsible for the provision of a display device which will be located on the customer's premises. The installation, repair, and technical capability of that equipment to function in conjunction with the feature specified herein will be the responsibility of the customer. The Company assumes no liability and will be held harmless for any incompatibility of this equipment to perform satisfactorily with the network features described herein. (T)

Calling party name and/or telephone number information via Caller ID is not available on operator handled calls. (T)

If the incoming call originates from a Multi-Line Hunt Group, the telephone number and name information transmitted will be associated with the main number in the hunt group, unless, facilities permitting, the lines within the group are TN (Telephone Number) identified.

If the incoming call is from a caller served by a PBX, generally only the main listed name of the PBX will be transmitted and available for display. However, in certain circumstances where facilities permit, the information associated with the actual station number originating the call may be transmitted and available for display.

If the incoming call originates from a caller who subscribes to RingMaster service the telephone number and name transmitted will always be the main number, rather than the RingMaster service number.

If the incoming call originates from a customer provided pay telephone, the name information transmitted will always be "Pay Phone".

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2). (N)

A13.19 TouchStar Service (Cont'd) (T)**A13.19.2 Definitions Of Feature Offerings (Cont'd)****I. Calling Number Delivery Blocking - Permanent**

This feature enables residential subscribers of Non-Published Listing Service or special agencies as described in A13.19.3.A.8 to prevent the transmission of their telephone numbers and/or names, on outgoing calls, to subscribers of TouchStar service terminating Calling Name or Number Delivery Services. Calling Name and Number Delivery Blocking is in operation on a continuous basis. The feature is applicable on all outgoing calls placed from the customer's line. If the preassigned access code for Calling Name and Number Delivery Unblocking - Per Call is dialed on a line provisioned with Calling Name and Number Delivery Blocking - Permanent, the Directory Number and/or Directory Name will be delivered. (T)

J. Calling Number Delivery Blocking - Per Call

Calling Number Delivery Blocking - Per Call allows a customer to temporarily prevent the transmission of that customer's Directory Number and/or Directory Name and thus control their availability to the called party. The transmission of the Directory Number and/or Directory Name can be temporarily prevented on an as needed basis by dialing a preassigned access code prior to making a call. This action must be repeated each time a call is made to prevent the transmission of the Directory Number and/or Directory Name.

K. (Obsoleted, See Section A113.)

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

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A13.19 TouchStar Service (Cont'd)**A13.19.2 Definitions Of Features Offerings (Cont'd)**

(Obsoleted, See Section A113.)

L. Call Tracking - Bulk Calling Line Identification (BCLID)

This feature allows Multi-Line Hunt Groups (MLHG) or Private Branch Exchange (PBX) customers to receive call-related information on certain incoming telephone calls.

The following information is transmitted to the Call Tracking customer over a separate channel which is required for feature operation: calling and called directory numbers (DN), time of day the call was received, busy/idle status of the called line, and the calling line type (individual or group). This information should be received by the customer premises equipment (CPE) or by equipment in the central office shortly after reception of the incoming call.

Any customer subscribing to Call Tracking, who wishes to have the Call Tracking information delivered to their CPE, will be responsible for the provision of compatible CPE which will receive, translate, display and/or store the transmitted data. The installation, repair, and technical capability of that equipment to function in conjunction with the feature specified herein will be the responsibility of the customer. The Company assumes no liability and will be held harmless for any incompatibility of this equipment to perform satisfactorily with the network features described herein.

If the incoming call is from a caller served by a PBX, generally only the main number of the PBX is transmitted and available for display. However, in certain circumstances where facilities permit, the information associated with the actual station number originating the call may be transmitted and available for display.

If the incoming call originates from a Multi-Line Hunt Group, the telephone number transmitted and available for display will always be the main number of the hunt group.

If the incoming call is from a customer who subscribes to RingMaster service, the telephone number transmitted will always be the main number rather than the RingMaster service number.

Charges for Call Tracking are applicable on a per subscription and a "per calling number delivered" basis, plus appropriate Service Charges for establishment of the feature on the customer's line.

M. Anonymous Call Blocking a.k.a. Anonymous Call Rejection

This feature allows customers to automatically reject incoming calls when the call originates from a telephone number which has invoked a blocking feature that prevents the delivery of their number to the called party. When Anonymous Call *Blocking* is activated on the customer's line and an incoming call marked private is received, the called party's telephone will not ring. The call will be routed to an announcement and subsequently terminated. The announcement informs the calling party that the person he or she is trying to reach will not accept the call as long as the calling number is not delivered. Incoming calls are checked for acceptance or rejection by Anonymous Call *Blocking* regardless of the current state of the *Anonymous Call Blocking* customer's line (e.g., off hook or idle).

A service order is required to establish or discontinue Anonymous Call *Blocking*. Subsequent to establishment, the feature can be activated and deactivated at the customer's discretion through the use of preassigned feature access codes.

N. Enhanced Caller ID (Busy Line and Idle Line Name and Number Delivery)

This feature enables the customer to view on a display unit the calling party Directory Name and Directory Number (DN) on incoming telephone calls both when the subscriber's line is in use and when it is not in use. The date and time of the call is also transmitted to the Enhanced Caller ID customer. A maximum of 15 characters is allowed for transmission of the calling party Directory Name.

When the Enhanced Caller ID customer's line is not in use the Directory Name and Directory Number of the line that originated the incoming call and the date and time of the call will be displayed on the called CPE during the first long silent interval of the ringing cycle.

When the Enhanced Caller ID customer's line is in use, the Directory Name and Directory Number of the line that originated the incoming call and the date and time of the call will be displayed on the called CPE following the waiting call alerting tone. The called party has the following options for disposition of the incoming call:

- Answer the waiting call while placing the original call on hold,
- Alternate between the waiting call and the original call, and
- Ignore the waiting call.

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2). (N)

A13.19 TouchStar Service (Cont'd) (T)**A13.19.2 Definitions Of Features Offerings (Cont'd)****N. Enhanced Caller ID (Busy Line and Idle Line Name and Number Delivery) (Cont'd)**

If the incoming call originates from a customer provided pay telephone, the name information transmitted will always be "Pay Phone."

If the incoming call is from a caller who subscribes to RingMaster service, the name and number transmitted will always be the main directory listing information rather than the RingMaster service listed name and number. (T)

If the incoming call originates from a multi-line hunt group, the name and number transmitted will always be the main listed directory name and number of the hunt group, unless, facilities permitting, the lines are Telephone Number (TN) identified within the group.

If the incoming call is from a caller served by a PBX, generally only the main listed name and number of the PBX will be transmitted and available for display. However, in certain circumstances where facilities permit, the information associated with the actual station originating the call may be transmitted and available for display.

Any customer subscribing to Enhanced Caller ID will be responsible for the provision of a display device which will be located on the customer's premises. The installation, repair, and technical capability of that equipment to function in conjunction with the feature specified herein will be the responsibility of the customer. The Company assumes no liability and will be held harmless for any incompatibility of this equipment to perform satisfactorily with the network features described herein.

O. Enhanced Caller ID With Call Management

This feature is only available to business customers where facilities permit. This feature allows a customer to control the treatment applied to incoming calls while the customer is off-hook on a call. Enhanced Caller ID with Call Management includes the functionality of the Call Waiting feature and the Caller ID feature and provides several additional call disposition options.

The customer must subscribe to the Call Forwarding Don't Answer feature in order to forward a waiting call to another location. All terms and conditions, including rates, for this feature are as described in A13.9 of this Tariff. This feature must be ordered separate from Enhanced Caller ID with Call Management.

Call disposition options provided with Enhanced Caller ID with Call Management include:

- Answer the waiting call, placing the first party on hold
- Answer the waiting call, dropping the first party
- Direct the waiting caller to hold via a recording
- Forward the waiting call to another location (e.g., a voice mailbox or Telephone Answering Service)
- Conference the waiting call with the existing, stable call and, if desired, subsequently drop either leg of the "conferenced" call.

Utilization of the full capabilities of Enhanced Caller ID with Call Management requires the use of an Analog Display Services Interface (ADSI) - compatible telephone at the customer's premises. The installation, repair and the technical capability of the ADSI-compatible CPE to function in conjunction with the features specified herein is the responsibility of the customer. The Company assumes no liability, and will be held harmless, for any incompatibility between this equipment and the network features described herein.

P. BusyConnect

TouchStar service BusyConnect is an optional network feature which will be offered beginning March 3, 1998 in central offices where facilities permit on a usage basis. Presubscription will not be required and billing will be incurred on a per use basis.

BusyConnect enables callers to retry a busy line on demand. When a caller receives a busy condition, the service will automatically play an announcement offering the caller the option of having the service complete the call when the called line becomes available. If the caller activates BusyConnect service, the status of the called party's line will be monitored for thirty minutes and the call completed when the line is available.

BusyConnect service is available, facilities permitting, to residence and business customers on a per activation/occasion basis. The service may be utilized on a non-subscription basis with a per occasion charge for each activation, whether the call is completed or not. Access to the usage option can be restricted at the customer's request at no charge. (USOC BRD in A13.19.4)

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2).

A13.19 TouchStar Service (Cont'd)**A13.19.3 Regulations And Limitations Of Service****A. The Following Limitations Apply:**

1. TouchStar service is provided subject to the availability of facilities. Additionally, the features described will only operate on calls originating and terminating within TouchStar service equipped offices. Also, feature screening lists can only contain telephone numbers of subscribers served out of TouchStar service equipped offices.
2. The TouchStar service basic features are available to single line and multi-line residence and business customers, unless otherwise specified following, who have rotary dial or Touch-Tone service, except that BusyConnect service will not work with rotary dial in most offices. Caller ID - Basic and Caller ID are available to single and multi-line residence and business customers. Enhanced Caller ID and Enhanced Caller ID with Call Management are available only to business customers with non-hunting lines or on the last line of a series completion arrangement. Enhanced Caller ID and Enhanced Caller ID with Call Management are not available for Centrex Type Services customers. Caller ID-Basic, Caller ID, Enhanced Caller ID and Enhanced Caller ID with Call Management are not available for Private Branch Exchange (PBX) customers. Call Tracking (BCLID) is not available for single line arrangements, but it is available for PBX and multi-line business customers. Neither Caller ID - Basic, Caller ID, Enhanced Caller ID, Enhanced Caller ID with Call Management nor Call Tracking (BCLID), can be provisioned for customers with the following service arrangements; Basic 911, FX, FCO, DPA or Dual Service. (T)
3. TouchStar service basic features cannot be provisioned on toll terminals, trunks or some remote switching locations.
4. Appropriate Service Charges apply except during Company selected periods of special promotion. Applicable service charges will be waived for the following situations: Upgrades from Caller ID-Basic to Caller ID, Enhanced Caller ID or Enhanced Caller ID with Call Management; upgrades from Caller ID to Enhanced Caller ID or Enhanced Caller ID with Call Management; or upgrade from Enhanced Caller ID to Enhanced Caller ID with Call Management. (T)
5. The Company will deliver all numbers/names, subject to technical limitations, including telephone numbers/names associated with Non-published Listing Service as described in Section A6, unless the caller subscribes to and/or has activated Calling Number Delivery Blocking. (T)

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2). (N)

A13.19 TouchStar Service (Cont'd) (T)**A13.19.3 Regulations And Limitations Of Service (Cont'd)**

A. The Following Limitations Apply (Cont'd)

8. Optional Calling Number Delivery Blocking - Permanent is available upon request, at no charge to residential subscribers of Non-Published Listing Service as described in A6. of this Tariff and, to the following entities and their employees/volunteers, for lines over which the official business of the agency is conducted. This includes lines at the residences of employees/volunteers where the head of the agency certifies to local Company management a need for blocking based upon health and safety concerns: (a) established shelters of domestic intervention and agencies which deal with domestic violence, (b) federal, state and local law enforcement agencies. (N)
9. Calling party information via Caller ID - Basic, Caller ID - Deluxe, Enhanced Caller ID, Enhanced Caller ID with Call Management, or Call Tracking is not available on operator handled calls. (T)
10. The Company's liability arising out of the provision of any TouchStar service feature, including but not limited to the delivery or non-delivery of calling numbers/names, is limited as set forth in A2.5 of this Tariff (T)
11. TouchStar service features are not available on trunks except as specifically noted in A13.19.3.A.2 and 15 following. (T)
12. Telephone numbers/names transmitted via Caller ID Basic, Caller ID - Deluxe, Enhanced Caller ID, Enhanced Caller ID with Call Management, or Call Tracking are intended solely for the use of these subscribers. Resale of this information is prohibited by this Tariff, except the caller's numbers may be provided to the subscriber's client for those calls sponsored or provided by that specific client where the client's identity is disclosed to the caller and the client agrees not to distribute such information to others. (T)
13. TouchStar service can be suspended as specified in A2.3.16 of this Tariff. During the period of suspension, no recurring charge applies. (T)
14. Per Activation Call Return, Repeat Dialing, Denial of Per Activation Call Return and Denial of Per Activation Repeat Dialing are available to the following types of service where facilities permit: single line residence, single line business, multi-line residence, multi-line business and PBX trunks. (T)

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A13. MISCELLANEOUS SERVICE ARRANGEMENTS

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A13.19 TouchStar Service (Cont'd)

A13.19.4 Rates

A. Individual Features

1. Residence

	Nonrecurring Charge	Monthly Rate	USOC	
(a) Call Return (per line)	-	\$7.00	NSS	(1)
(b) Call Return (per activation)	\$.90	-	NA	
(c) Call Return (denial of per activation) ¹	-	-	BCR	
(d) Repeat Dialing (per line)	-	5.00	NSQ	
(e) Repeat Dialing (per activation)	.90	-	NA	
(f) Repeat Dialing (denial of per activation) ¹	-	-	BRD	
(g) BusyConnect (per activation) ²	.90	-	NA	
		Monthly Rate	USOC	
(h) Personalized Ring 6 (per line)		\$5.00	NSK	
(i) Selective Call Forwarding (per line)		5.00	NCE	
(j) Call Block (per line)		6.00	NSY	
(k) Call Tracing (per line)		5.00	NST	
(l) Caller ID - Basic (per line)		8.99	NSD	(1)
(m) Caller ID (with Anonymous Call Blocking) (per line)		9.99	NXMCR	
(n) Caller ID (without Anonymous Call Blocking) (per line for Multi-Line Hunt Group arrangements)		9.99	NXMMN	
(o) Anonymous Call Blocking (per line)		5.95	HBY	
(p) Calling Number Delivery Blocking - Permanent ^{1,3} (Per Line) (Agency)		-	NOB	
(q) Calling Number Delivery Blocking - Per Call		-	NA	
(r) Calling Number Delivery Blocking - Permanent Per Line (Non-Published Listing Customers) ^{1,3}		-	NOBNN	

B. Individual Features

1. Business

	Nonrecurring Charge	Monthly Rate	USOC
(a) Call Return (per line)	-	\$6.50	NSS
(b) Call Return (per activation)	\$.90	-	NA
(c) Call Return (denial of per activation) ¹	-	-	BCR
(d) Repeat Dialing (per line)	-	6.50	NSQ
(e) Repeat Dialing (per activation)	.90	-	NA
(f) Repeat Dialing (denial of per activation)	-	-	BRD
(g) BusyConnect (per activation) ²	.90	-	NA

Note 1: Neither denial of Call Return per activation, denial of Repeat Dialing per activation or Calling Number Delivery Blocking - Permanent should be included in the determination of appropriate discounts when ordered in combination with other TouchStar service features.

Note 2: Denial of per activation BusyConnect can be obtained using the Repeat Dialing Denial of Per Activation USOC BRD.

Note 3: Calling Number Delivery Blocking - Permanent is only available to subscribers of Non-Published Listing Service as described in A6.4.1 or special agencies as defined in A13.19.3.A.8.

BELLSOUTH
 TELECOMMUNICATIONS, INC.
 KENTUCKY
 ISSUED: October 17, 2007
 BY: Joan A. Coleman, President - KY
 Louisville, Kentucky

GENERAL SUBSCRIBER SERVICES TARIFF

PSC KY. TARIFF 2A
 Seventeenth Revised Page 14.5
 Cancels Sixteenth Revised Page 14.5
 EFFECTIVE: November 1, 2007

A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2).

A13.19 TouchStar Service (Cont'd)

A13.19.4 Rates (Cont'd)

B. Individual Features (Cont'd)

1. Business (Cont'd)

	Monthly Rate	USOC	
(h) Call Selector (per line)	\$6.50	NSK	
(i) Preferred Call Forwarding (per line)	6.00	NCE	
(j) Call Block (per line)	6.50	NSV	
(k) Call Tracing (per line)	6.50	NST	
(l) Caller ID - Basic (per line)	11.00	NSD	
(m) Caller ID - Deluxe (with ACR) (per line)	12.00	NXMCR	(T)
(n) Caller ID - Deluxe (without ACR) (per line for Multi-Line Hunt Group arrangements)	12.00	NXMMN	(T)
(o) Enhanced Caller ID (with ACR) (Per line)	17.00	NXECCR	
(p) Anonymous Call Rejection (Per line)	4.00	HBY	
(q) Calling Number Delivery Blocking - Permanent ^{1,2} (Per line) (Agency)	-	NOB	
(r) Calling Number Delivery Blocking - Per Call	-	NA	
(s) Enhanced Caller ID with Call Management (with ACR) (Per line)	17.00	N1ACR	
(t) Enhanced Caller ID with Call Management (with ACR and Call Forwarding Don't Answer) ³ (Per line)	17.00	NCACR	

C. Per Subscription

1. (Obsoleted, See Section A113.)

Note 1: Neither denial of Call Return per activation, denial of Repeat Dialing per activation or Calling Number Delivery Blocking - Permanent should be included in the determination of appropriate discounts when ordered in combination with other TouchStar service features.

Note 2: Calling Number Delivery Blocking - Permanent is only available to subscribers of Non-Published Listing Service as described in A6.4.1 or special agencies as defined in A13.19.3.A.8. (T)

Note 3: Call Forwarding Don't Answer (CFDA) must be ordered separate from this offering. Rates and regulations for CFDA are in Section A13.9. (T)

BELLSOUTH
 TELECOMMUNICATIONS, INC.
 KENTUCKY
 ISSUED: November 16, 2006
 BY: E.C. Roberts, Jr., President - KY
 Louisville, Kentucky

GENERAL SUBSCRIBER SERVICES TARIFF

PSC KY. TARIFF 2A
 Sixth Revised Page 14.6
 Cancels Fifth Revised Page 14.6
 EFFECTIVE: December 1, 2006

A13. MISCELLANEOUS SERVICE ARRANGEMENTS

Optional telephone features are non-basic telecommunication services and exempt from action or review by the Kentucky Public Service Commission as set forth in KRS 278.541 and KRS 278.544. This page is filed with the Commission pursuant to KRS 278.544(2). (N)

A13.19 TouchStar Service (Cont'd) (T)

A13.19.4 Rates (Cont'd)

C. Per Subscription (Cont'd)

1. (Obsoleted, See Section A113.) (Cont'd)
2. Business PBX or MLHG¹
 - a. Call Tracking-Bulk Calling Line Identification (BCLID)
 - (1) Per Line/Trunk Arrangement¹

	Nonrecurring Charge	USOC
(a) Per DID arrangement	\$500.00	NXB
(b) Per Non-DID arrangement	500.00	NXX
(2) Per Calling Number-Delivered Monthly Usage Charge		
Quantity of Calls		
	Rate	USOC
(a) First 50,000	\$.03	NA
(b) 50,001 - 400,000	.02	NA
(c) Over 400,000	.01	NA

Note 1: The rate includes a data set located in the central office. A Type 2463 four-wire local channel is required and should be ordered from the Private Line Services Tariff, Section B3.

BELLSOUTH
 TELECOMMUNICATIONS, INC.
 KENTUCKY
 ISSUED: June 28, 2004
 BY: E.C. Roberts, Jr., President - KY
 Louisville, Kentucky

GENERAL SUBSCRIBER SERVICES TARIFF

PSC KY, TARIFF 2A
 Tenth Revised Page 21
 Cancels Ninth Revised Page 21
 EFFECTIVE: July 28, 2004

SUBJECT INDEX

SUBJECT	Section	
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Telecommunications Service Priority (TSP) System	A13	
Telephone Answering Service Facilities	A108	(T)
Concentrator-Identifier Units	A108	(T)
Telephone Answering Service Listing	A6	
Temperature Announcement Equipment	A113	
Temporary Installation	A5	
Temporary Service Requiring Construction	A5	
Terminating Arrangements (ESSX-1)	A111	
Termination Charge	A2	
Termination of Service	A2	
Suspension or Terminations for Nonpayment	A2	
Three-Way Calling	A13	
Three-Way Calling with Transfer	A13	
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Tie Line Charges	A13	
Tie Line Terminations, ESSX service CO	A13	(T)
PBX, ESSX service and ESSX-1	A13	(T)
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Time Announcement Equipment	A113	
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Toll Diversion (ESSX-1)	A111	
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Trouble Determination Charge	A4	
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Trade Name	A6	
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Transmitting Messages	A2	
Transition Regulation Plan	A36	
Trouble Determination	A4	
Trunk Lines	A3	
Business	A3	
Hotel	A3	
Hospital	A3	
Residence	A3	
Trunk Side Access Facility	A3	
Two-Way Measured Extended Community Calling (OCP)	A20	

Offer Management Information:		
Market Segment: Consumer	PSAP #: 000000	Tracking #: 2005C00943
P3 prepared by: Felton Turner	Phone: 404-986-1076	I-Pager: FeltonTurner
Offer/Promotion Owner: Angela Jones	Phone: 404-986-1019	I-Pager: power3
Approving Director: Jodi Keeter	Phone: 404-986-1153	I-Pager: jkeeter
Tariff SME: Vickie Milne	Phone: 404-829-7468	I-Pager: vmilne
Finance Manager :	Phone:	I-Pager:

Offer/Promotion name: 4Q05-Cons-Reacquisition Line Connect Fee Waiver Extension
 Extension? Yes
 If yes, please provide original P3 tracking ID: 2004C00645
 What is the offer name that will appear in external/regulatory communications:
 Reacq Service Connection Waiver
 Note: This field must be completed on the final P3 submitted to Strategic Pricing Promotions Manager. It must be a name that meets BellSouth Intellectual Property approval. [Click here for guidance on name approvals.](#)

SECTION 1: CONCEPT OVERVIEW

1.1 Description of Offer

Section 1 Comments

1.1.1 Describe Business Situation addressed by this offer. (Include a description of the external target audience, i.e. Is the promotion intended for new customers, former customers, current customers, non-BellSouth customers, etc?)
 The service connection waiver for new acquisition or reacquisition customers purchasing BellSouth Complete Choice, BellSouth Preferred Pack, or BellSouth Basic Service and 2 features.

1.1.2 Overview (Provide a high-level summary of the offer.)
 The Line Connection Charge will be waived for reacquisition or winover customers who purchase BellSouth® Complete Choice plan, BellSouth® PreferredPack plan, BellSouth® 2 Pack Plan or Basic Service and two features, and who are not currently with BellSouth® for local service.

1.1.3 Promotion Specifics (Describe the offer concept in detail. Include all products that will be involved in this offer/promotion/bundle)
 Waived line connection charge to reacquisition or winover customers who purchase BellSouth® Complete Choice plan BellSouth® PreferredPack plan, BellSouth® 2 Pack Plan or Basic Service and two features and who are currently not using BellSouth for local service in: AL, FL, GA, KY, LA, MS, NC, SC and TN from 12/27/2005 thru 12/31/2006

- 1.1.4 Restrictions/Eligibility Requirements
 Offer Criteria:
1. Customer must either not currently have local service with BellSouth or not have service with BellSouth on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
 2. The target customer for this promotion is a customer that switches service from either a facility based or reseller CLEC. This promotion is not valid for out of region customers who are new to BellSouth.
 3. Customer must have local service or equivalent (wireless in lieu of wire-line) at the same local service address on one or more of their existing lines.
 4. Customer must request service at the same address and in the same name, unless customer is planning an imminent move from one address in BellSouth territory to another address in BellSouth territory within 30 days of responding to the offer. In the case of an imminent move, the BellSouth rep can offer the customer the promotion and place the order at the new address.
 5. The customer must switch their local service to BellSouth and purchase any one of the following:
 - a. The BellSouth® Complete Choice® plan
 - b. The BellSouth® PreferredPack Plan
 - c. The BellSouth® 2 Pack Plan
 - d. BellSouth® Basic Service and two custom calling or touch star) local feature(s).
 6. The customer must place the order on or before 12/31/06 AL, FL, GA, KY, LA, MS, NC, SC and TN
 7. Offer valid for only one (1) service line at the intended local service address.
 8. The customer must place their order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.

dPi
 KY-2
 QSP QS.FUBSZ

Important Information On Offers

All BellSouth Offers:

Quoted rates exclude taxes, fees & other charges and will vary depending on state and geographic location. Rates are subject to change. Promotions are valid for one service line at the intended local service address. Customers must not have had local service with BellSouth 10 days prior to new service connection date. One (re)acquisition reward per customer per 12 month period. Applicable taxes and fees will be based on the full monthly price of products and services and will not be credited with any reward or bill credit. Advertised services & features may not be available in all areas. All offers may be modified or discontinued at any time without notice. DIRECTV® and the Cyclone design logo, TOTAL CHOICE® and DIRECTV PARA TODOS® are registered trademarks of DIRECTV, Inc. Long Distance provided by BellSouth Long Distance, Inc. All other trademarks and service marks contained herein are the property of their respective owners. ©2005 BellSouth Corporation.

\$100 TARGET® GIFTCARD:

The \$100 Target® GiftCard is available to customers who switch local telephone service to BellSouth and purchase the BellSouth® Complete Choice® Plan or the BellSouth® PreferredPack® Plan by December 31, 2005. Customers must not have had local service with BellSouth 10 days prior to new service connection date. Coupon redemption required. See coupon for redemption details. Card will be sent within 4-6 weeks after receipt of coupon to customers who retain qualifying service. Other conditions apply. One (re)acquisition reward per customer per 12-month period. The Bullseye Design and Target are registered trademarks of Target Brands, Inc. Target is not a participating partner in or sponsor of this offer.

DIRECTV – NFL Sunday Ticket:

Offer available starting 8/1/05. Purchase of 2005 NFL SUNDAY TICKET (\$279.96/retail offer price) and the TOTAL CHOICE PREMIER package required. 2005 NFL SUNDAY TICKET billed in four monthly installments of \$69.99 each. In fifth month, customer's TOTAL CHOICE PREMIER package will continue at the regular payable charge (\$93.99/month). In certain markets, programming and pricing may vary. NFL SUNDAY TICKET automatically continues each year at a special renewal rate, provided DIRECTV carries this

service, unless customer calls to cancel prior to the start of the season. Programming consists of all regular-season Sunday games broadcast on FOX and CBS at 1pm and 4pm ET. However, games broadcast by your local FOX or CBS affiliate will not be available in NFL SUNDAY TICKET. Commercial locations require an appropriate license agreement. Signal theft is subject to civil and criminal penalties. The DIRECTV System has a feature which allows restricted access to or blocking of entire channels. Offer void in HI and where restricted.

Two Free Calling Features

Customers who switch their local service to BellSouth from another provider and purchase local service can choose 2 qualifying calling features without charge for 12 billing invoices. At the end of 12 billing invoices, customer will be billed at regular rates for calling features. Calling features must be compatible and are subject to availability. Some features require additional equipment. Long distance or expanded local calling rates may apply for Call Return, Call Forwarding and Three-Way Calling. Offer ends **December 31, 2005**.

Free Voice Mail

Customers who switch their local service to BellSouth from another provider and purchase local service can qualify for BellSouth® Voice Mail Service at no charge for 12 billing invoices. The BellSouth® Voice Mail Service will be at no charge for 12 months when the Companion Services Package is purchased. \$2 cost shown online is associated with the Companion Services Package. At the end of 12 billing invoices, customer will be billed at regular rates for BellSouth® Voice Mail Service. Offer ends **December 31, 2005**.

Nickel Savings Value Plan Promotion

To be eligible for this promotion, a customer must become a new customer to both BellSouth local service and BellSouth Long Distance, and subscribe to the BellSouth® Nickel Savings Value plan between January 1, 2005 and **December 31, 2005**. Eligible customers will receive a full waiver of the monthly recurring charge for up to 12 bill periods. Customers must not have subscribed to any BellSouth Long Distance service within five (5) days prior to their enrollment in this promotion. A \$3.95 monthly recurring charge applies after 12 billing invoices. International calls extra. A Carrier Cost Recovery Fee of \$0.99 will be charged monthly. This fee is not a tax or charge imposed or required by any government. Taxes, fees and other charges, including Universal Service Fund apply.

Connection Fee Waived

Customers who switch their local service to BellSouth from another

provider and purchase BellSouth Complete Choice, BellSouth Preferred Pack, or BellSouth Basic Service with at least one feature can qualify for a waiver of the local service connection fee. Customers must not have had local service with BellSouth 10 days prior to new service connection date. Offer ends **December 26, 2005**.

\$100 Cash Back or \$100 Visa® Gift Card Reward

Customers returning to BellSouth and purchasing a BellSouth® Complete Choice family plan or BellSouth® Preferred Pack® plan will be eligible to receive either a \$100 check or a \$100 VISA® Gift Card. Coupon redemption required. See coupon for redemption details. Check or gift card will be sent 4-6 weeks after receipt of coupon to customers who retain qualifying service. \$100 VISA® Reward Card is valid for one year from date of issue. Additional Usage Terms and Conditions for the card will be supplied with the Reward Card. Cards issued by Bank One, N.A. pursuant to a license from Visa U.S.A. managed by Ecount, a member service provider of Bank One. Offer ends **December 31, 2005**. May not be combined with the reacquisition \$100 cash back offer.

\$50 Cash Back

\$50 Cash Back coupon to customers who switch local telephone service to BellSouth and subscribe to local service, 2 calling features and a domestic BellSouth Long Distance plan. See coupon for redemption details. Check will be sent 4-6 weeks after receipt of coupon to customers who retain qualifying services. Offer ends **December 31, 2005**.

\$25 Cash Back with BellSouth Basic Unlimited

\$25 cash back coupon to residential customers with new purchase of a domestic BellSouth Unlimited Long Distance Plan by **December 31, 2005**. See coupon for redemption details. Check to be sent 4 to 6 weeks after receipt of coupon to customers who retain qualifying service. Offer excludes customers moving existing qualifying services to a new service address and customers moving from one BellSouth Unlimited Long Distance Plan to another such plan. Other conditions apply. Offer may not be combined with other promotional offers on the same services. Offer may be modified or withdrawn at any time without notice. Long distance services provided by BellSouth Long Distance, Inc.

\$5 Off BellSouth® Complete Choice® plan or BellSouth® PreferredPack® plan

Customers who switch their local service to BellSouth and purchase either the BellSouth® Complete Choice® plan or the BellSouth®



PreferredPack plan and a domestic BellSouth Long Distance plan receive \$5.00 off the Complete Choice or PreferredPack plan for a period of 12 months. At the end of 12 billing invoices, customer will be billed at regular rates for the BellSouth® Complete Choice® plan. Excludes BellSouth Unlimited Long Distance plans. Offer ends **January 8, 2006.**

\$5 Off BellSouth® Unlimited Savings Value Plan

To be eligible for this promotion, a customer must become a new customer to both BellSouth local service and BellSouth Long Distance, and subscribe to the BellSouth® Unlimited Savings Value plan between January 1, 2005 and **December 31, 2005.** Eligible customers will receive up to a \$5.00 discount off of the monthly recurring charge of \$19.99 for 12 bill periods. BellSouth® Unlimited Savings Value Plan is for domestic residential voice usage only. Callers under this plan must dial 1 + area code + domestic number. International calls extra. Usage in excess of typical residential usage, which is presumed to be 5000 minutes per month, will be subject to an additional fee of \$50. Other terms, conditions & restrictions apply. Taxes, fees & other charges, including Universal Service Fund, apply.

close window

KPSC
Docket No. 2005-00455

AT&T Kentucky's
Attachment to

Item No. 1-18

PROPRIETARY

Steven Tepera

From: Steve T Watson [swatson@lostkeytelecom.com]
Sent: Friday, September 07, 2007 4:35 PM
To: Malish, Chris
Cc: BBolinger@dpiteleconnect.com; Steven Tepera
Subject: FW: Update Connection Fee Waiver and Status of other qualified promotional payments

RE: dPi, BellSouth FL; discovery from BellSouth - still no mention of the two paying features as a qualification for LCCW

From: Seagle, Kristy [mailto:Kristy.Seagle@BellSouth.com]
Sent: Wednesday, February 02, 2005 10:07 AM
To: Chris Watson; Maziarz, Jim
Cc: Steve Watson; Paul Watson; Stephanie Watson
Subject: RE: Update Connection Fee Waiver and Status of other qualified promotional payments

Chris,

Please find attached letter regarding "reacquisition or winover customers." Promotions with this wording include Line Connection Fee Waiver, 1FR + 2 Free Features and \$5 Complete Choice Discount. If you have any questions, please let me know. Thanks.

Kristy

-----Original Message-----

From: Chris Watson [mailto:cwatson@lostkeytelecom.com]
Sent: Wednesday, January 26, 2005 3:47 PM
To: Maziarz, Jim
Cc: Steve Watson; Paul Watson; Stephanie Watson; Seagle, Kristy
Subject: Update Connection Fee Waiver and Status of other qualified promotional payments

Jim,

Good Afternoon! What is the status of the "Line Connection Fee Waiver Promotion"? We also have not been seeing any credits in regards to other promotions. We have several promotions that are extremely late in regards to being paid from Bellsouth according to your Interconnection Website Guidelines. These promotions are outside of the scope of the "Line Connection Fee Waiver" and they are well over 100 days outstanding. We should be getting a consistent flow of credits and these have had absolutely zero movement. I appreciate your prompt attention to this matter.

Thank you,

Chris S. Watson

dPi

FL-5

P.O. Box 34474
Pensacola, FL 32507
1.888.259.6057(Toll Free)
1.678.528.6692
1.678.388.9866(Fax)
1.850.698.6825(Mobile)
cwatson@lostkeytelecom.com

From: Maziarz, Jim [mailto:Jim.Maziarz@BellSouth.com]
Sent: Monday, December 06, 2004 10:30 AM
To: Chris Watson
Cc: Steve Watson; Paul Watson; Stephanie Watson; Seagle, Kristy
Subject: RE: 2nd Try

Chris,

I understand from talking with Kristy Seagle that the outstanding issues you reference are items that she is running through BellSouth's Legal department. She informs me that those items will not be resolved until the first of the year. Therefore, after the first of the year, we can schedule a time to meet. BellSouth will contact you the week of 1/3/05 to provide a status with the goal of also setting a meeting date and time.

Regards,

Jim Maziarz

-----Original Message-----

From: Chris Watson [mailto:cwatson@lostkeytelecom.com]
Sent: Friday, December 03, 2004 9:07 AM
To: Maziarz, Jim
Cc: Steve Watson; Paul Watson; Stephanie Watson
Subject: 2nd Try

Jim,

Good Morning! I hope you had a great Thanksgiving! We need to schedule a time to meet and discuss the outstanding promotional credits for several of Lost Key Telecom clients. I believe you had a meeting last week and there were several action items that you were working on. Please let me know when would be the best day to get together.

Thanks,

Chris Watson



Chris S. Watson

P.O. Box 34474

Pensacola, FL 32507

1.888.259.6057(Toll Free)

1.678.528.6692

1.678.388.9866(Fax)

1.850.698.6825(Mobile)

cwatson@lostkeytelecom.com

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February 1, 2005

Mr. Chris Watson
Lost Key Telecom
P. O. Box 34474
Pensacola, FL

Dear Chris:

This is in response to your e-mail dated December 7, 2004, to Jim Maziarz regarding Lost Key Telecom's concerns for BellSouth's delays in processing promotional credits. Jim asked that I respond to your e-mail.

The BellSouth Start-Up Guide states in Section 17.2.5 "BellSouth will endeavor to apply promotion credits within 30 days of receipt of the promotion credit request." As you know, Lost Key Telecom submitted ten (10) months of disputes for several customers involving four different resale promotions within a 60-day period. BellSouth has made every attempt to verify and process these promotion credits in a timely manner. There have been two factors that have slowed this process: 1) The sheer volume of end user telephone numbers associated with these promotion credits that must be verified, and 2) determining the appropriate eligibility criteria for the "reacquisition or win-over customer." Three of the four promotions applied for by Lost Key for its CLEC customers were for reacquisition or win-over customers.

At a meeting in October 2004, I advised you and Steve Watson that BellSouth was in the process of determining the appropriate eligibility criteria for the "reacquisition or win-over customer" promotions. In that meeting, BellSouth also explained that, due to the volume of promotion credits Lost Key had submitted, the timeline of 30 days was not feasible.

BellSouth has now determined the following appropriate definitions for a "reacquisition and a win-over customer."

In the case of a CLEC applying for resale treatment for a promotion (CLEC A), a reacquisition is defined as an end user who was previously with CLEC A, switched to a competitor (another CLEC or BellSouth) and is returning to CLEC A.

In the case of a CLEC, win-over is defined as an end user who is with another CLEC or BellSouth and is switching to the CLEC applying for resale treatment for the promotion.

The determination for qualification of these promotions is based upon end user *telephone number*.

BellSouth has begun verifying and processing the promotion credits submitted by Lost Key and will endeavor to have your promotion credits completed by April 1, 2005.

If you have any questions, please call me.

Sincerely,

Kristy Seagle

February 1, 2005

Mr. Chris Watson
Lost Key Telecom
P. O. Box 34474
Pensacola, FL

Dear Chris:

This is in response to your e-mail dated December 7, 2004, to Jim Maziarz regarding Lost Key Telecom's concerns for BellSouth's delays in processing promotional credits. Jim asked that I respond to your e-mail.

The BellSouth Start-Up Guide states in Section 17.2.5 "BellSouth will endeavor to apply promotion credits within 30 days of receipt of the promotion credit request." As you know, Lost Key Telecom submitted ten (10) months of disputes for several customers involving four different resale promotions within a 60-day period. BellSouth has made every attempt to verify and process these promotion credits in a timely manner. There have been two factors that have slowed this process: 1) The sheer volume of end user telephone numbers associated with these promotion credits that must be verified, and 2) determining the appropriate eligibility criteria for the "reacquisition or win-over customer." Three of the four promotions applied for by Lost Key for its CLEC customers were for reacquisition or win-over customers.

At a meeting in October 2004, I advised you and Steve Watson that BellSouth was in the process of determining the appropriate eligibility criteria for the "reacquisition or win-over customer" promotions. In that meeting, BellSouth also explained that, due to the volume of promotion credits Lost Key had submitted, the timeline of 30 days was not feasible.

BellSouth has now determined the following appropriate definitions for a "reacquisition and a win-over customer."

In the case of a CLEC applying for resale treatment for a promotion (CLEC A), a reacquisition is defined as an end user who was previously with CLEC A, switched to a competitor (another CLEC or BellSouth) and is returning to CLEC A.

In the case of a CLEC, win-over is defined as an end user who is with another CLEC or BellSouth and is switching to the CLEC applying for resale treatment for the promotion.

The determination for qualification of these promotions is based upon end user telephone number.

BellSouth has begun verifying and processing the promotion credits submitted by Lost Key and will endeavor to have your promotion credits completed by April 1, 2005.

If you have any questions, please call me.

Sincerely,

Kristy Seagle

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Wednesday, April 20, 2005 8:07 AM
To: Chris Watson
Cc: Steve Watson
Subject: FW: dPi Teleconnect
Importance: High

Any help with a response?

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 ext 4018

-----Original Message-----

From: Seagle, Kristy [mailto:Kristy.Seagle@BellSouth.com]
Sent: Tuesday, April 19, 2005 10:37 AM
To: Bolinger, Brian
Cc: Maziarz, Jim; Allen, Advernull; Patterson, Gary D; Seube, Louis
Subject: RE: dPi Teleconnect

Dear Mr. Bolinger:

This is in response to your emails dated April 11 and April 14, 2005, regarding the eligibility of USOCs BCR (Call Return, denial of per use), BRD (Repeat Dialing, denial of per use) and HBG (Call Tracing, denial of per activation) as Touchstar features in the Line Connection Charge Waiver promotion.

The Line Connection Charge Waiver promotion as set forth in the BellSouth A2.10 tariff states "The customer must switch their local service to BellSouth and purchase any one of the following: Bellsouth Complete Choice plan, BellSouth PreferredPack Plan, or BellSouth basic service and **two** (2) custom calling (or Touchstar service) local features." As you will note in Tariff Section A13.19, entitled Touchstar Service, there is not a charge for BCR, BRD or HBG. Since there is no charge for these three features, they do not qualify as purchased features as required in the Line Connection Charge Waiver promotion. In an effort to ensure parity, BellSouth Resale product management has confirmed that BCR, BRD and HBG do not qualify BellSouth's end users for this promotion as well.

In response to your statement, "Additionally, dPi Teleconnect utilizes the custom calling feature /RCUTWC on each and every order," I mentioned in my email to you on April 14, that RCUTWC cannot be located in the BellSouth USOC database or on any dPi orders we randomly sampled. If you provide an example of an end user account with this USOC, we will research further to determine whether it qualifies for this promotion.

If you have any questions, please contact me.

Kristy Seagle

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Thursday, April 14, 2005 3:48 PM

To: Seagle, Kristy; Bolinger, Brian; Seube, Louis; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R)
Subject: RE: dPi Teleconnect

Kristy:

Thank you for your e-mail. I am a little confused though. Would you please explain what you mean by "retail's consideration of blocks . . ." Please correct me if I am wrong, but it is my understanding that so long as the item is in the BellSouth tariff, it is eligible for the associated promotional credit. Feature blocks such as BRD, BCR and HBG are all defined TouchStar services in BellSouth tariffs.

The amounts in question now all stem from the Line Connection Fee Waiver promotion. I cannot see any other conclusion other than that dPi Teleconnect met the end user qualifications of ordering basic local service with 2 custom calling and/or TouchStar features as defined in the BellSouth's own Tariff and associated Promotion. dPi Teleconnect provisions BRD, BCR and HBG on every order it submits.

With regard to your question of what RCUTWC is, RCUTWC is a custom calling feature that blocks three-way calling.

Again, thank you for your e-mail and I look forward to receiving your answer on Monday.

Cordially,

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 ext 4018

-----Original Message-----

From: Seagle, Kristy [mailto:Kristy.Seagle@BellSouth.com]
Sent: Thursday, April 14, 2005 3:24 PM
To: Bolinger, Brian; Seube, Louis; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R)
Subject: RE: dPi Teleconnect

Brian,

I am in the process of validating retail's consideration of blocks on features such as BRD, BCR and HBG. I should have an answer by Monday, April 18. I was not able to find USOC RCUTWC in our database or on a sampling of dPi orders. Do you have an order I could look at to see this USOC? Thank you.

Kristy

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Thursday, April 14, 2005 2:34 PM
To: Seube, Louis; Bolinger, Brian; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R); Seagle, Kristy
Subject: RE: dPi Teleconnect

Louis:

Thank you for the update and additional adjustments. We have yet to receive a response from Ms. Seagle regarding the approximately \$470,000.00 in credits that remain

outstanding

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 ext 4018

-----Original Message-----

From: Seube, Louis [mailto:Louis.Seube@BellSouth.com]
Sent: Thursday, April 14, 2005 2:37 PM
To: Bolinger, Brian; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R); Seube, Louis; Seagle, Kristy
Subject: RE: dPi Teleconnect

Brian,

Please see the attached file with the additional adjustments that are currently being completed. You will notice that there is an additional \$9,721.67 that will be credited from this spreadsheet. The total amount of both spreadsheets provided is \$243,847.29.

Please call me if you have any questions regarding these credits.

Kristy, do we have a response yet on the remaining credit requests?

Louis Seube
205-714-7400

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Wednesday, April 13, 2005 2:44 PM
To: Seube, Louis; Patterson, Gary D
Cc: Bolinger, Brian; Mangina, Leisa G; Kelley, Rod (James R)
Subject: RE: dPi Teleconnect
Importance: High

Louis:

Thank you for the information. If my math is correct, the total amount posted (or to be posted) is \$234,125.62. This amount differs from Mr. Patterson's e-mail below of \$241,488.13. Do you know why?

Also, we currently show remaining promotional credits outstanding from BellSouth in the amount of \$454,665.24. Any idea when those will be credited?

Again, thanks for the information.

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 (ph)
(972) 406-0193 (f)

-----Original Message-----

From: Seube, Louis [mailto:Louis.Seube@BellSouth.com]
Sent: Wednesday, April 13, 2005 1:55 PM
To: Patterson, Gary D
Cc: BBolinger@dpiteleconnect.com; Mangina, Leisa G; Kelley, Rod (James R); Seube, Louis
Subject: RE: dPi Teleconnect

Brian,

Per your request, attached is the spreadsheet detailing when the adjustments posted, or when they will post. There are a few on the list that have yet to post, but the adjustment has been issued. Please let me know if you have any questions about the attached.

Louis Seube
205-714-7400

-----Original Message-----

From: Patterson, Gary D
Sent: Monday, April 11, 2005 1:37 PM
To: Seube, Louis
Subject: FW: dPi Teleconnect
Importance: High

can you answer this question? gp

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Monday, April 11, 2005 1:21 PM
To: Patterson, Gary D
Subject: RE: dPi Teleconnect
Importance: High

Mr. Patterson:

We received an account aging as of this morning and the \$241,488.13 credit was not reflect on any account. I was under the impression that since the adjustments were completed as of last Wednesday, our current aging would show the adjustment. Can you tell me when our accounts will be adjusted accordingly?

Thank you.

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
Office (972) 488-5500 ext. 4018
Fax (972) 406-0193

-----Original Message-----

From: Patterson, Gary D
[mailto:Gary.Patterson2@BellSouth.com]
Sent: Monday, April 11, 2005 11:31 AM
To: Bolinger, Brian
Subject: RE: dPi Teleconnect

Advernull is a she. She shortens it to Ad. Her telephone number is 205-977-1059.

-----Original Message-----

From: Bolinger, Brian
[mailto:BBolinger@dpiteleconnect.com]
Sent: Monday, April 11, 2005 11:03 AM
To: Patterson, Gary D; Bolinger, Brian
Cc: Dorwart, David
Subject: RE: dPi Teleconnect
Importance: High

Mr. Patterson:

Thank you for your reply. If you would, please provide me with the contact information for Advernull Allen. I have not had the opportunity to work with him or her yet.

Also, with regard to your previous message stating "dPi Teleconnect did not receive full credit on all submitted requests due to not meeting end user qualifications of ordering basic local service with 2 custom calling and/or TouchStar(r) features as defined in the Tariff Promotion." Please know that dPi Teleconnect disagrees with BellSouth's conclusion for the following reasons:

In accordance with BellSouth's Tariff Promotion, TouchStar Service USOCs include BCR, BRD and HBG. dPi Teleconnect uses each of these USOCs on every order. Additionally, dPi Teleconnect utilizes the custom calling feature /RCUTWC on each and every order. Accordingly, dPi Teleconnect concludes that the \$447,302.73 not paid by BellSouth is in error because dPi Teleconnect meets the end user qualifications of ordering basic local service with 2 custom calling and/or TouchStar features.

Thank you for your attention to this matter and please provide me with the date on

when BellSouth with correct this error.

Cordially,

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
Office (972) 488-5500 ext. 4018
Fax (972) 406-0193

-----Original Message-----

From: Patterson, Gary D
[mailto:Gary.Patterson2@BellSouth.com]
Sent: Monday, April 11, 2005 10:36 AM
To: Bolinger, Brian
Subject: RE: dPi Teleconnect

It would be best to continue to work through Kristy Seagle and Jim Maziar. They actually do the investigation and then advise my employees of the adjustments needed and we actually do the adjustments. We recieved notification of the adjustments needed on Monday April 4, and completed to adjustments by Wednesday. As a reference, Advernull Allen is their Director and she would be a good escalation resource.

I do get involved once that process is completed, so should you desire to escalate further, please feel free to contact me.

Sincerely,

Gary Patterson
OAVP BellSouth Accounts Receivable
Management, BARM
205-714-7357

-----Original Message-----

From: Bolinger, Brian
[mailto:BBolinger@dpiteleconnect.c
Sent: Monday, April 11, 2005 8:23 AM
To: Patterson, Gary D
Subject: RE: dPi Teleconnect

Mr. Patterson:

Thank you for your correspondence. Your prompt response to this matter is appreciated. We will review our submission regarding the Line Connection Fee Waiver and

determine the accuracy of the data.

In the future, is it best to work through you on these matters?

Thank you again.

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
Office (972) 488-5500 ext. 4018
Fax (972) 406-0193

-----Original Message-----

From: Patterson, Gary D
[mailto:Gary.Patterson2@Be
Sent: Friday, April 08, 2005
5:36 PM
To:
BBolinger@dpiteleconnect.cc
Subject: dPi Teleconnect

April 8, 2005

Mr. Brian Bolinger

Vice President of Legal
Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite
225
Dallas, TX 75234

Dear Mr. Bolinger:

This is in response to your email to BellSouth dated April 8, 2005 regarding resale promotional credits claimed to be due to dPi Teleconnect. We apologize for the delay in processing promotional credits however, I understand that the investigation and processing is now complete and a credit will appear on your April billing. As you stated in

your email, BellSouth began receiving applications for these credits beginning in September 2004. As you know, these credits received in September by BellSouth were for the time period of October 2003 through August 2004. Upon initial investigation of the request, it was determined that it was necessary to further investigate whether the end user qualifications for these promotions were present. BellSouth endeavored to insure parity for our wholesale customers by fully exploring the qualifications from a retail, legal, and regulatory perspective for each promotion.

Based on these defined qualifications, as stated above, your credits have been processed and will appear on your April billing. Please see attached spreadsheet for details of promotional credits given. In summary, the findings are:

*
Secondary Service
Charge Waiver -
dPi Teleconnect
requested
\$12,443.78, and
received credit of
\$12,443.78.
* 1FR +
2 Free Features -
dPi Teleconnect

requested
\$81,600.72, and
received credit of
\$81,600.72.
* Line
Connection
Waiver - 2004 dPi
Teleconnect
requested
\$594,746.36, and
received credit of
\$147,443.63. dPi
Teleconnect did
not receive full
credit on all
submitted requests
due to not meeting
end user
qualifications of
ordering basic
local service with
2 custom calling
and/or TouchStar
(r) features as
defined in the
Tariff Promotion.

BellSouth performed a
random sampling of end
user telephone numbers
provided for each
promotional credit
submission and
determined that your total
credits due are
\$241,488.13.

We appreciate your
patience and willingness
to work with BellSouth to
resolve these issues.
Please contact me with
any questions you have
regarding this matter.

Sincerely,

Gary D. Patterson

OAVP, BARM
(205) 714-7357

<<DPI Credits thru
4_8_05.xls>>

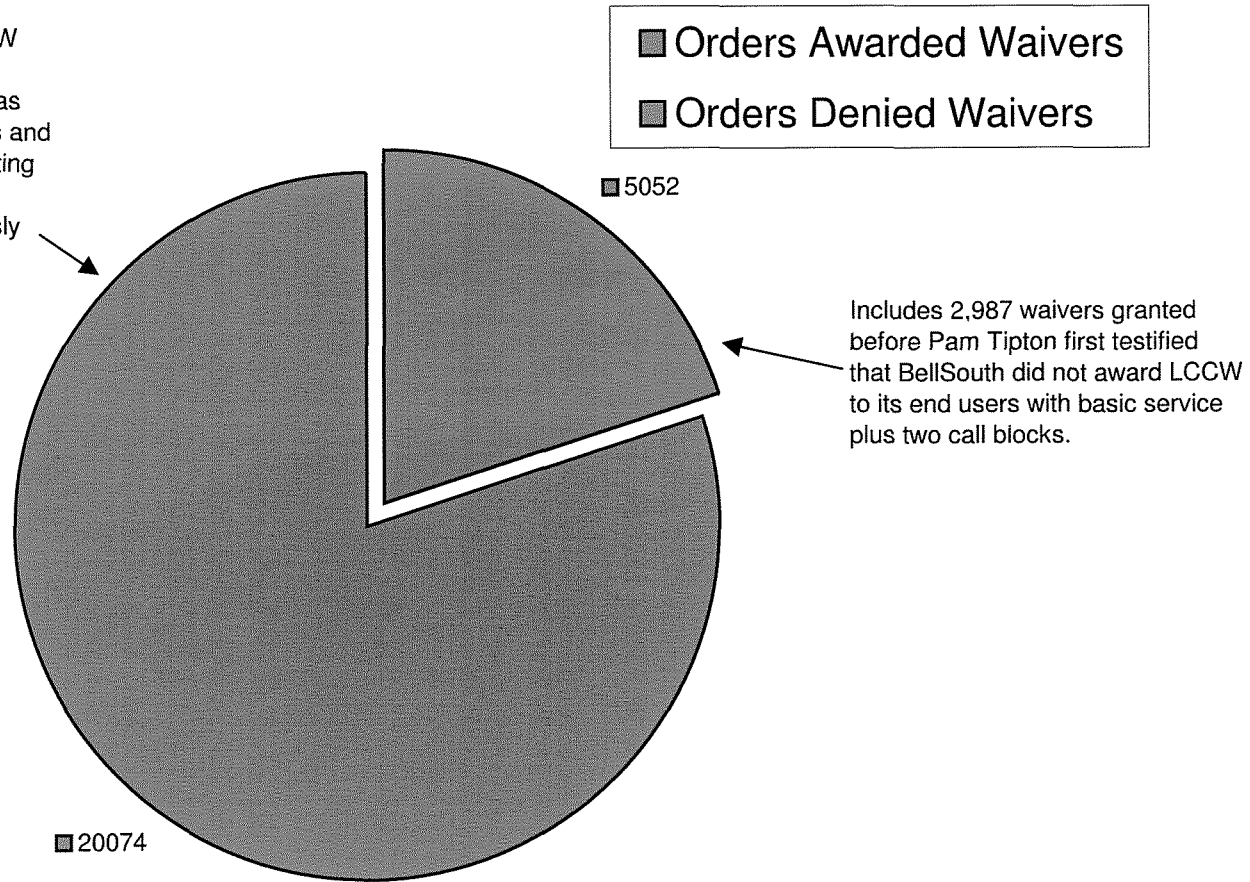
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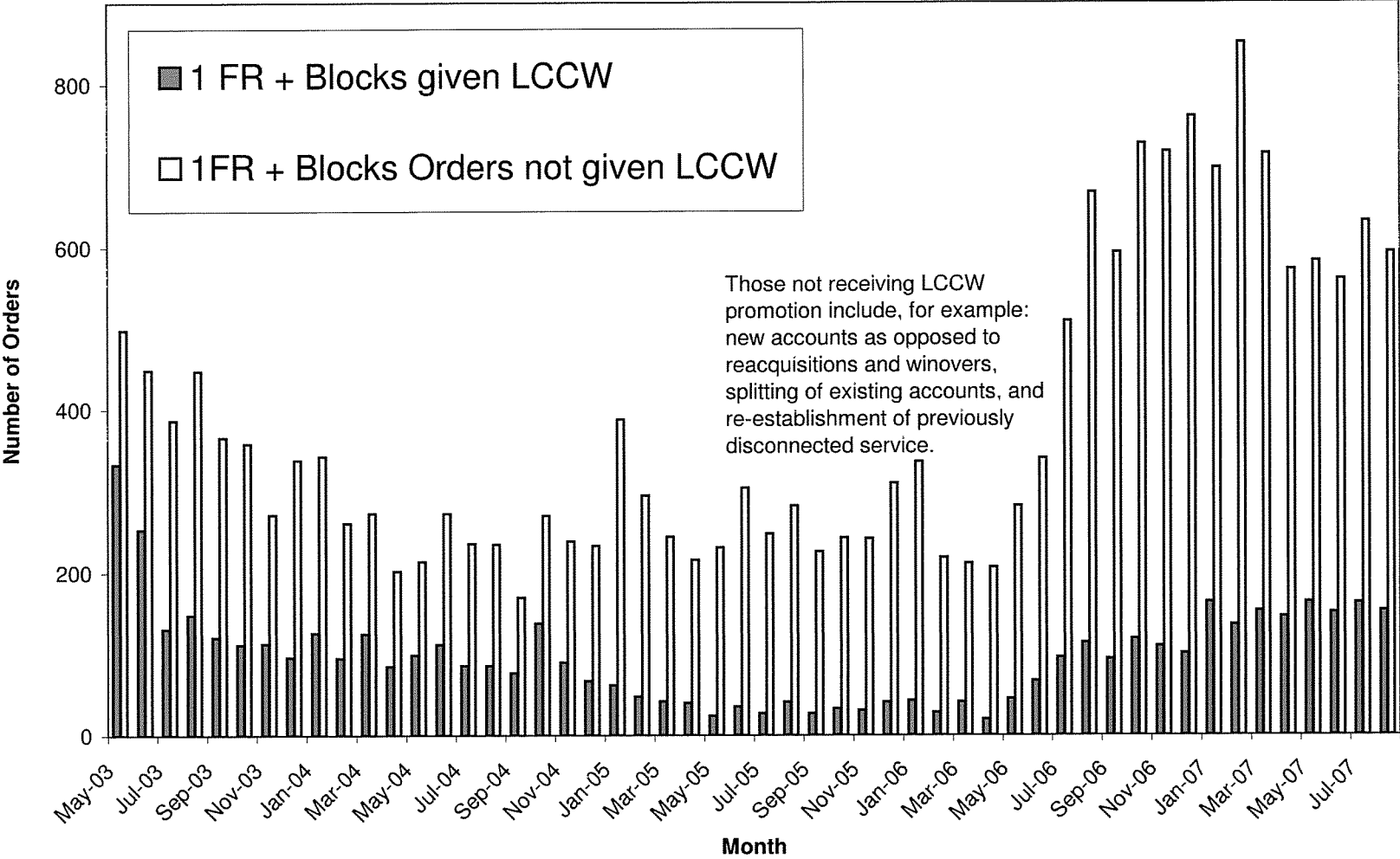
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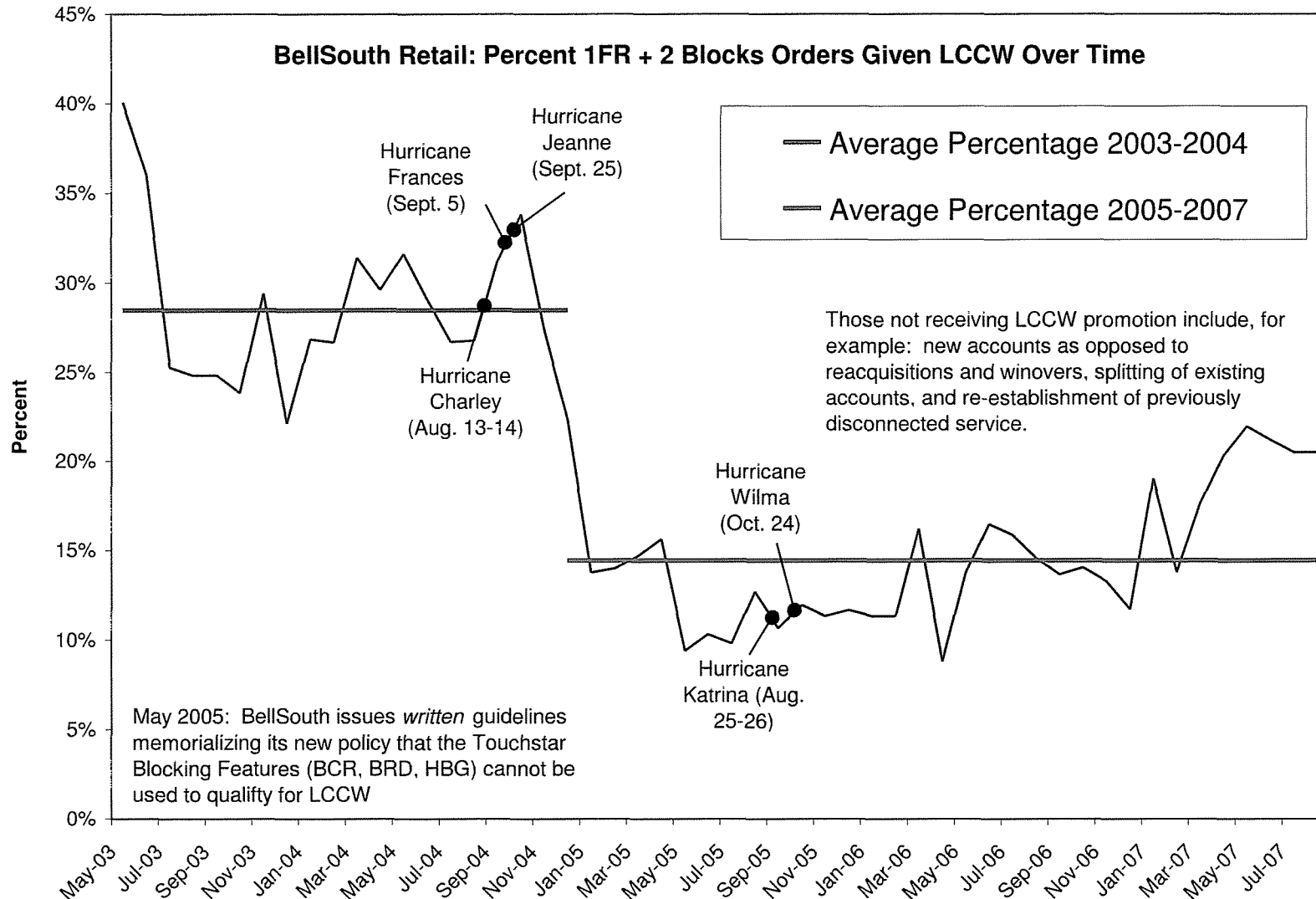
BellSouth Retail: Comparison of 1FR + 2 Blocks Orders Granted v. Not Granted LCCW from May 2003 through August 2007

Those not receiving LCCW promotion include, for example: new accounts as opposed to reacquisitions and winovers, splitting of existing accounts, and re-establishment of previously disconnected service.



**BellSouth Retail:
Comparison of 1 FR + Blocks Granted v. Not Granted Waiver Over Time**





Hurricane Strength in Florida

Charley (a category 4 storm) passed through Florida August 13-14, 2004, from Punta Gorda on the Southwest coast to Orlando on the Mideast coast.

Frances (a category 2 storm) passed through Florida September 4 and 5, 2004, from near Sewall's Point on the east coast to Tampa on the Gulf, then up through the panhandle at St. Marks on September 5.

Jeanne (a category 3 storm) passed through Florida September 25, 2004, closely following Frances' path from the East coast till it reached Pasco County near the middle of the peninsula, where it went North up the middle of the state.

Katrina (a category 1 storm) passed over southern Florida and the Keys August 25 and 26.

Wilma (a category 4 storm) passed over southern Florida on October 24, 2005.