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2003-073

DANA B. QUESINBERRY

ATTORNEY AT LAW, PLLC

214 East Main Street

Morehead, Kentucky 40351

Telephone (606) 783-9848

Facsimile (606) 783-9746

May 14, 2003

RECEIVED

Kentucky Public Service Commission

Attention: Jenny Smith

211 Sowers Boulevard

Frankfort, Kentucky 40602

MAY 15 2003

PUBLIC SERVICE
COMMISSION

Re: HyperAction Connection, Inc. v. Alltel

Dear Ms. Smith:

Please find enclosed the original and ten copies of the complaint in the above-referenced action. Please see that they are properly filed. Thank you for your cooperation.

Sincerely,


Dana B. Quesinberry

Enclosures

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE PUBLIC SERVICE COMMISSION

MAY 15 2003

In the matter of:

PUBLIC SERVICE
COMMISSION

HYPERACTION CONNECTION, INC.)
)
 Complainant,)
)
 vs.)
)
 ALLTELL COMMUNICATIONS, INC)
)
 Defendant.)

No. 2003-00073

COMPLAINT

Comes now the Complainant, HyperAction Connection, Inc. ("HyperAction"), and for its Complaint against Defendant, states as follows:

1. That Complainant, HyperAction, is a Kentucky corporation with its principal office located at 101 Zachary Way, STE 4, Somerset, KY 42502-0368.
2. That Defendant, Alltel Communications, Inc. ("Alltel"), located at 150 Rojay Drive, Lexington, KY.
3. That on October 14, 1999, HyperAction converted its then existing 5 T1 DCS trunks with 24 riders per trunk to 5 CyberDS1 trunks Verizon, the Defendant's predecessor in interest, and added one additional CyberDS1 for a total of 6 CyberDS1 circuits. See e-mail dated 10/01/199 attached hereto as Exhibit A.
4. During the conversion, a Verizon representative informed Complainant that a separate order to discontinue to service on the 5 T1 DCS trunks would be needed. Mr. Richard Cox confirmed the necessity of a separate disconnect order. Mr. Cox further instructed Complainant to send in an "out" order for the 5 circuits and to put the effective

date as 10/14/1999 so we will not be charged for them since we were then being charged for the 6 CyberDS1 trunks.

5. Complainant did send a disconnect order. See e-mail confirming receipt from GTE had received our disconnect order for the 5 T1 DCS trunks attached as Exhibit B.

6. All billing for the 5 T1 DCS trunk line should have stopped as the service was discontinued. See October 10, 1999 bill attached hereto as Exhibit B. By November 7, 1999, the bill no longer had any charges on it for DCS services and did have the 6 new CyberDS1 service charges. See November 7, 1999 bill attached hereto as Exhibit C

7. During the fall of 2002, Complainant discovered that Verizon had split the components of the T1 DCS trunks up onto two separate service bills. Some components were billed the [REDACTED] account only had part of the services for the T1 DCS trunks. The remaining services were on a separate account [REDACTED]. For reference, see December 10, 1999 bill attached hereto as Exhibit D.

8. Verizon continued to bill Complainant for the partial T1 DCS services on account [REDACTED].

9. The Complainant's financial officer did not know that the services on account [REDACTED] were for part of the T1 DCS trunks that were disconnected and continued to pay the monthly bills from November 1999 until May 2002.

10. Verizon had billed Complainant for the partial T1 services incorrectly in the amount of \$53,219.41 for these services that were disconnected on October 14, 1999.

11. The Defendant Alltel purchased our account from Verizon as-is in July 2002, and is responsible for any gains or losses on the account. See e-mail attached hereto as Exhibit E.

12. Defendant Alltel continued to bill Complainant for \$8,347.40 for these partial T1 services.

13. On December 12, 2002, Kathy Taylor, Alltel Business Sales, credited Complainant \$8,347.40 that it was still being billed on this account. Further, Ms. Taylor stated "we (Alltel) have verified that he should of not been billed for these charges." See e-mail attached hereto as Exhibit F.

14. Complainant has requested refund of the \$44,872.01 paid by Complainant for the services it did not receive but was billed for and erroneously paid.

15. Since December 12, 2002, Complainant made no progress with retrieving the money that was overpaid.

16. Both Defendant Alltel and Verizon have flatly stated that they are not responsible for returning our money without disputing that the money is owed to Complainant.

WHEREFORE, Complainant requests the Commission to:

1. Find that Defendant Alltel purchased Complainant's account as is and is therefore responsible for gains or losses on the account;
2. Find that Complainant was billed, and paid bills, for services for T1 trunk lines that the Complainant did not receive;
3. Find that the Defendant, Alltel, owes a refund of the \$44,872.01 to the Complainant, HyperAction, for its overpaid.
4. Find that the defendant, Alltel, must pay 1.5% monthly interest rate on each payment that has accrued since monthly overpayments began until the original filing of this complaint on February 20th, 2003, totaling \$20,449.32, to the Complainant, HyperAction.

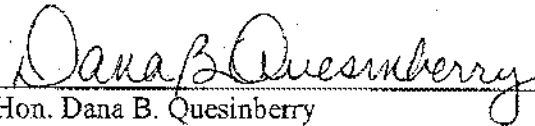
5. Find that the defendant, Alltel, must pay 1.5% monthly interest rate that will accrue, from the date of the original filing of this complaint on February 20th, 2003 until the date the complete payment is received, to the Complainant, HyperAction.

6. Find that the defendant, Alltel, must pay all of Complainant's cost and attorney's fees associated with making this action; and

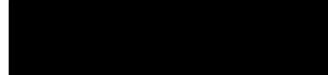
7. Grant any and all such other relief the Commission deems just and proper.

Dated at Somerset, Kentucky, this 14th day of May, 2003.

Respectfully Submitted,

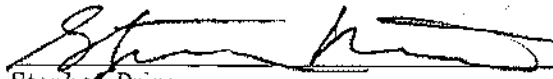


Hon. Dana B. Quesinberry
214 East Main Street
Morehead, Kentucky 40351



VERIFICATION

I hereby verify that the facts contained in this Complaint are true and accurate to the best of my knowledge.



Stephen Price,
President, HyperAction Connection, Inc.
11658 Lexington Road,
Lancaster, KY 40444



Exhibit A

Stephen Price

From: [REDACTED]
 To: [REDACTED]
 Cc: [REDACTED]
 Sent: Friday, October 01, 1999 4:58 PM
 Subject: GTE order Firm Order Confirmation for SOMESET, KY

Dear Hyperaction, Inc for SomeSet, KY

The following is your Firm Order Confirmation (FOC) from GTE. Thank you for your order.

GTE has scheduled this order for installation on: 10/13/99

Since this is a system-generated message, please do not reply to this email message;

instead, you may contact your account team or coordinators Olga Sosa at 800-483-7222 Ext. 5802 if you have questions concerning your order.

Thank you

DATE: 10/01/99 03:57:40 PM
 Service Type: DCS
 SubType: <NONE>
 Order Type: Supp

Order#: 04657700, C4655497, C4662765, C4663333
 Type: C
 Supplement:
 Phone#: [REDACTED]
 Circuit#: G8.UHMT.215278..GTSE

Order#: I4865802
 Type: I
 Supplement: Yes
 Phone#: [REDACTED]
 Circuit#:

Order#: C4867709
 Type: C
 Supplement: Yes
 Phone#: [REDACTED]
 Circuit#: g8.dksa.215714.001.gtse

Order#: C4867709
 Type: C
 Supplement: Yes
 Phone#:
 Circuit#: g8.dksa.215714.002, g8.dksa.215714.003, g8.dksa.215714.004,
 g8.dksa.215714.005, g8.dksa.215714.006

5/7/2003

FOC Email Address: [REDACTED]
PO Number: [REDACTED]
Main Billing #: [REDACTED]
Customer Desired Due Date:

ISP or HOST/MASTER SERVICE ADDRESS:

Company Name: Hyperaction, Inc
Address: 101 ZACHARY WAY
Room:
City/ST/Zip: SOMESSET, KY 42501

Bldg Type: Existing
Contact Name:
Contact Phone:
Extend Inside Wiring:
Location of Demarc:
Type of Jack:

CO/End User or REMOTE/PVC SERVICE ADDRESS:

Company Name:
Address:
Room:
City/ST/Zip: somesset, KY
Bldg Type: Existing
Contact Name:
Contact Phone:
Extend Inside Wiring:
Location of Demarc:
Type of Jack:

Quantity T1 Circuits: 1
Quantity Riders: 24
T1 Circuit #: G8.UHMT.215278..GTSE
Rider Circuit #:
Directory Listing: Yes
Term Agreement: 3 yr
Tariff Reference: Local
Configuration: Trunk Side w/1 Phone #
Channel Configuration: 2-Way Trunks
Signaling: E&M Immediate
Pulsing: DTMF
Digits Sent:
NC Code: HCE-
NCI Code: 04DU9.1SN
SECNCI Code:
Intralata Carrier/PIC: NONE

5/7/2003

Interlata Carrier/PIC: NONE
Existing T1 Circuit #:
Existing Rider #:
Line Hunt:
Line Coding: B8ZS ESF

DCS REPAIR REPORTING:

- 800 222-0909 (east/central)
- 800 483-2000 (west)
- 800 262-4831 (north)
- 800 222-0909 (south)

GTE Contact: Olga Sosa
GTE ISP National Access Customer Contact
Phone: [REDACTED] Ext. [REDACTED]

Tracking #: [REDACTED]

REMARKS:

ISSUED ORDER O4657700 AND C4655497 AS RECORDS ORDER ONLY TO COMBINE BILLING. ORDERS C4662765 AND C4663333 WERE ISSUED TO ADD THE 6TH DCS TO LEAD NUMBER 606 677-0433. NEW CKT WILL BE G8.UHMT.215278..GTSE WITH CHANNELS 121-144. ORDERS ARE DUE DATE FOR 09-29-99.

%%
%%

Orders C4662765 & C4663333 were canceled to change service request to cyber

dsl.

Order I4865802 issued to establish primary lead/billing number of 606/451-1856 for cyber dsl service.

Order C4867709 scheduled for 10/13/99 issued to install 1 new cyber dsl service.

%%
%%

Order C4867709 supped to add 5 extra cyberdsl ckts for a total of 6cyber dsl's. Order is still scheduled for 10/13/99

Stephen Price

From: "ISP ORDER" [REDACTED]
To: "Price, Stephen" [REDACTED]
Sent: Friday, October 15, 1999 3:37 PM
Subject: re: Fw: GTE ORDER REQUEST -DCS

Your request has been received. Thank You ISP ORDER CENTER

Original Text

From: "Stephen Price" [REDACTED], on 10/15/99 2:37 PM:

> CUSTOMER ORDER REQUEST - DCS

>

> *

> *

> ORDER TYPE: NEW ___ ADD ___ CHANGE ___ DISCONNECT ___XX___

> REQUESTED DUE DATE: 10/14/1999

> PURCHASE ORDER #:

> CUSTOMER NAME: HyperAction, Inc.

> CUSTOMER CONTACT NAME & TEL #. Stephen Price, [REDACTED]

> INSTALLATION ADDRESS: 101 Zachary Way, Somerset KY 42501

> WORKING TELEPHONE # AT INSTALLATION ADDRESS: [REDACTED]

> BILLING ADDRESS, CITY, ST, ZIP: P.O. Box 368, Somerset, KY 42502-0368

> (NOTE: BILL MUST BE SENT TO THE INTERNET PROVIDER)

> CUSTOMER SITE CONTACT NAME & TELEPHONE # Stephen Price, [REDACTED]

>

> *

> * Do you require 1 lead number for all T, S

> or individual numbers per T1?

>

> IF EXISTING SERVICE - (PLEASE INDICATE EXISTING LEAD NUMBER)

> *

> EXISTING LEAD #:

> *

> # OF DCS'S REQUESTED:

> *

> TOTAL # DCS'S AT INSTALLATION:

> NOTE: >

>

> T1 STANDARD CONFIGURATION

- >
- > - 24 2-WAY TRUNKS
- > - WINK START, E&M, MF, ZERO DIGITS SENT, 7/10 DIGITS RECEIVED
- > - SINGLE LEAD TELEPHONE NUMBER MAY ACCESS ALL TRUNKS ACROSS
- > - MULTIPLE CYBER DSI CIRCUITS IN A CYBER DSI ARRANGEMENT.
- > - OPTIONAL, MAY HAVE MULTIPLE LOCAL TEL NUMBERS (PLTN'S)
- > - OPTIONAL, ALSO MAY HAVE A UNIQUE TN PER CYBER DSI
- > - ALL TNS WILL HAVE TOLL BLOCKED. CARRIERS ARE NOT PERMITTED.

> FRAMING: BEZS/ESF ___ D4/AMI ___ SF/AMI _____

> DO YOU REQUIRE GTE TO EXTEND THE DEMARC TO YOUR EQUIPMENT?
> IF YES INDICATE LOCATION:

> NOTE: TO EXTEND DEMARC THERE MAY BE ADDITIONAL CHARGES PER HOUR.

>

> SPECIAL INSTRUCTIONS:

> I need the following existing DCS trunks removed:

- > G8.UHMT.012496
- > G8.UHMT.011109
- > G8.UHMT.012496
- > G8.UHMT.013003
- > G8.UHMT.007478
- > G8.UHMT.215278

>

> Debra Mendez

> Account Executive

> GTE Wholesale Markets

> [REDACTED]

> Richard L. Cox, IV

> Internet Wholesale Markets - East

> Account Manager - FL, IY, SC, NC, AL, MO

> Toll Free - [REDACTED]

> Pager - [REDACTED]

> email - [REDACTED]

How to Reach Us

ACCOUNT SUMMARY

INC HYPERACTION

GTE billing questions
 1 800 483-6000

Previous charges	
Amount of last bill	\$.00
No payment received	.00
Balance	\$.00

If not paid on time,
 pay penalty of 1.5%
 apply to any unpaid
 balance over \$25.00
 Dec. 07, 1999.

GTE repair call
 Customer Care
 1 800 483-2000

Current charges	
GTE regulated services	\$ 11,918.67
Total current charges	\$ 11,918.67

Total amount due: \$ 11,918.67
 Due date for current charges only: Dec 7, 1999

To order GTE services
 1 800 483-6000

ck #
 1703

Keep ▲ Please see reverse side for additional information.

GTE REGULATED SERVICE (Nov 7 to Dec 7)

Description	Qty	Unit Rate	
LN#6068DK5714 1 Cyberds 1	1	750.00	75
2 DCS Interstate access charge	2	9.20	1
LN#6068DK5715 3 Cyberds 1	1	750.00	75
4 DCS Interstate access charge	2	9.20	1
LN#6068DK5716 5 Cyberds 1	1	750.00	75
6 DCS Interstate access charge	2	9.20	1
LN#6068DK5717 7 Cyberds 1	1	750.00	75
8 DCS Interstate access charge	2	9.20	1
LN#6068DK5718 9 Cyberds 1	1	750.00	75
10 DCS Interstate access charge	2	9.20	1
LN#6068DK5719 11 Cyberds 1	1	750.00	75
12 DCS Interstate access charge	2	9.20	1
Total			\$ 4,611

ADDING AND CHANGING SERVICE (Regulated)

Services for
 606-677-0433

The following services are for a partial month, from the effective date of your change to the Statement Ending Date (Nov 07, 1999).

Services Added

Product Description	Qty	Order Number	Effective Date	
13 DCS Interstate access charge	12	C4867709	Oct 11	95
14 Cyberds 1	6	C4867709	Oct 11	3,900
Total Services Added				3,995

Service Order Charges and Credits

Product Description	Order Number	Effective Date	
15 Initial order	C4867709	Oct 11	24
16 Cyberds 1 - install	C4867709	Oct 11	500
17 Cyberds 1 - install	C4867709	Oct 11	500
18 Cyberds 1 - install	C4867709	Oct 11	500
19 Cyberds 1 - install	C4867709	Oct 11	500
20 Cyberds 1 - install	C4867709	Oct 11	500
21 Cyberds 1 - install	C4867709	Oct 11	500
Total Service Order Charges and Credits			3,024

Total Adding and Changing Service \$ 7,019.1



TELEPHONE NUMBER [REDACTED]
 ACCOUNT NUMBER [REDACTED]
 STATEMENT ENDING Dec 10, 1999

Exhibit D

PAGE 1

How to Reach Us

ACCOUNT SUMMARY

HYPERACTION INC
 T1 SERVICE

For billing
 questions
 1 800 483-6000

Previous charges
 Amount of last bill \$.00
 Balance \$.00

Current charges
 GTE regulated services \$ 1,751.60
 Total current charges \$ 1,751.60
 Amount transferred
 to summary bill
 number 806 197-0311 1,751.60

To order GTE
 services
 1 800 483-6000

Total amount due .00

TELEPHONE NUMBER [REDACTED]
 ACCOUNT NUMBER [REDACTED]

*It's our
 privilege to
 serve you.*

HYPERACTION INC
 T1 SERVICE
 POBOX 368
 SOMERSET KY 42502 - 0368
 [Barcode]

T-1

1 OP 4



TELEPHONE NUMBER [REDACTED]
 ACCOUNT NUMBER [REDACTED]
 STATEMENT ENDING Dec 10, 1999

PAGE 1

How to Reach Us

GTE billing questions
 1 800 483-6000

GTE repair call
 Customer Care
 1 800 483-2000

To order GTE services
 1 800 483-6000

ACCOUNT SUMMARY

HYPERACTION INC
 SUMMARY BILL

Previous charges
 Amount of last bill CR \$ 3,975.01
 No payment received .00
 Credit balance CR \$ 3,975.01

Current charges
 GTE regulated services \$ 1,751.60
 Total current charges \$ 1,751.60

Total amount due CR \$ 2,223.41
 No payment necessary

TELEPHONE NUMBER [REDACTED]
 ACCOUNT NUMBER [REDACTED]

212 HBRDAJ
 0000059 JK000000449
 26 KY 83
 00197011 19990920

*It's our
 privilege to
 serve you.*

XS1210512229149 1 AT 0281 12/19/99
 HYPERACTION INC
 SUMMARY BILL
 T1/DCS
 POBOX 86
 SOMERSET KY 42502-0086
 [Barcode]



SUMMARY ACCOUNT TRANSACTIONS

SUMMARY OF CHARGES BY ACCOUNT

Telephone Number	Location/Store Number	Previous Charges	Current Charges
1 606 701-0494	SOMERSET TI SERVICE CKT# G8.UHMT.010494.GTS&S		1,751.60
2 606 677-0433	SOMERSET DCS CKT# G8.TGNA.606.677.0433.		.00
Total Current charges			\$ 1,751.60

CURRENT CHARGES RE-CAP FROM ACCOUNTS

Regulated Charges			
3	GTE regulated service		1,521.00
4	GTE regulated service taxes and surcharges		
	Federal	46.96	
	Local	89.83	
	State	93.81	
	Accumulated charges		230.60
Total			\$ 1,751.60

Stephen Price

From: [REDACTED]
 To: [REDACTED]
 Cc: [REDACTED]
 Sent: Monday, December 16, 2002, 10:38 AM
 Attach: Verizon Bill Review for DCS.xls
 Subject: Re: Fw: HyperAction - claim number C020910006290 - Billing Account 866T010494

Stephen, Good morning,
 I hate to be the bearer of bad news. Our hands are tied, Alltel purchased this account "AS IS" which basically means we are no longer in the picture. No credits or debits will be issued on the bal [REDACTED] from Verizon.

Thank,

Debbie Turney
 ACS Billing Rep

Internet Address: [REDACTED]
 Please submit claims & order request via the web:
<http://www.verizon.com/wholesale/billingclaim>

"Stephen Price"
 [REDACTED] To: Debbie D.
 [REDACTED] on,nel> cc: "Hamil, Todd" [REDACTED], "Glenn Price"
 [REDACTED], "Wayne Hollis"
 12/15/02 11:01 PM Subject: Re: Fw: HyperAction - claim number C020910006290 - Billing Account [REDACTED]

This has been totally confused again. There were not 10 lines but 5. There was not one account but two.

In October, we were receiving two bills for the 5 DCS lines as follows:

[REDACTED]

DCS II Line Number	Description	Qty	cost	Extended
1 LN#506UH7478	DCS - activation 24	\$ 35.00	\$840.00	
1 LN#506UH7478	DCS - 24 Channels 1	\$310.00	\$310.00	
1 LN#506UH7478	DCS interstate access charge 2	\$ 9.20	\$ 18.40	
2 LN#5068UH0494	DCS - activation 24	\$ 35.00	\$840.00	
2 LN#5068UH0494	DCS - 24 Channels 1	\$310.00	\$310.00	
2 LN#5068UH0494	DCS Interstate access charge 2	\$ 9.20	\$ 18.40	
3 LN#5068UH1109	DCS - activation 24	\$ 35.00	\$840.00	
3 LN#5068UH1109	DCS - 24 Channels 1	\$310.00	\$310.00	
3 LN#5068UH1109	DCS Interstate access charge 2	\$ 9.20	\$ 18.40	
4 LN#5068UH2495	DCS - activation 24	\$ 35.00	\$840.00	
4 LN#5068UH2495	DCS - 24 Channels 1	\$310.00	\$310.00	
4 LN#5068UH2495	DCS Interstate access charge 2	\$ 9.20	\$ 18.40	
5 LN#5068UH3003	DCS - activation 24	\$ 35.00	\$840.00	
5 LN#5068UH3003	DCS - 24 Channels 1	\$310.00	\$310.00	
5 LN#5068UH3003	DCS Interstate access charge 2	\$ 9.20	\$ 18.40	

[REDACTED]

DCS II Line Number	Description	Qty	cost	Extended
1 LN#506T007478	DCS - 24 Channels 1	\$195.00	\$295.00	
1 LN#506T007478	DCS interstate access charge 1	\$ 9.20	\$ 9.20	
2 LN#506T010494	DCS - 24 Channels 1	\$195.00	\$295.00	
2 LN#506T010494	DCS interstate access charge 1	\$ 9.20	\$ 9.20	
3 LN#506T01109	DCS - 24 Channels 1	\$195.00	\$295.00	
3 LN#506T01109	DCS interstate access charge 1	\$ 9.20	\$ 9.20	
4 LN#506T012495	DCS - 24 Channels 1	\$195.00	\$295.00	
4 LN#506T012495	DCS interstate access charge 1	\$ 9.20	\$ 9.20	
5 LN#506T013003	DCS - 24 Channels 1	\$195.00	\$295.00	
5 LN#506T013003	DCS interstate access charge 1	\$ 9.20	\$ 9.20	

These two bills made up a single set of 5 T1 DCS lines, not 10. With these two bills together we were not being under-billed for these 5 DCS facilities.

When we converted our service from DCS to CyberDS1, [REDACTED] dropped the 15 line items above and added 12 line items as followed (we ordered/added a 6th CyberDS1):

[REDACTED]

CyberDS1 Line Number	Description	Qty	cost	Extended
1 LN#5068DK5714	DCS Interstate access charge 2	\$ 9.20	\$ 18.40	
1 LN#5068DK5714	Cyberds1 1	\$750.00	\$750.00	
2 LN#5068DK5715	DCS interstate access charge 2	\$ 9.20	\$ 18.40	
2 LN#5068DK5715	Cyberds1 1	\$750.00	\$750.00	
3 LN#5068DK5716	DCS interstate access charge 2	\$ 9.20	\$ 18.40	
3 LN#5068DK5716	Cyberds1 1	\$750.00	\$750.00	
4 LN#5068DK5717	DCS Interstate access charge 2	\$ 9.20	\$ 18.40	
4 LN#5068DK5717	Cyberds1 1	\$750.00	\$750.00	
5 LN#5068DK5718	DCS interstate access charge 2	\$ 9.20	\$ 18.40	

5 LN#6068DK:718 Cyberds1 1 \$750.00 \$750.00
 6 LN#6068DK:719 DCS Interstate access charge 2 : 9.20 \$ 18.40
 6 LN#6068DK:719 Cyberds1 1 \$750.00 \$750.00

This process removed the DCS T1 charges for Activation(\$35/channel), DCS Facility (\$310/line), and DCS Interstate charge (2 per line@ \$9.20) from 606 677-0433 but it did not remove the DCS Interstate charge (\$9.20/line) and DCS Service(\$295/line) from 606 T010494. When we converted our service from DCS to CyberDS1, 606 T010494 and 606 6770433 should have been collapsed back down into one bill with only the charges for the 6 CyberDS1s and 12 Interstate access charges.

I am attaching additional documentation, including the spreadsheet we discussed. The attached emails, and the message threads in them, should document the entire conversion process and removal of the DCS lines. I also mentioned to you that I started this inquiry BEFORE Alltel purchased my account and it should have been entirely handled by Verizon before Alltel even came on the scene. I will be sending you a separate email with email attachments documenting that process.

Let me know if you need anything else and please keep me posted on the status.

Thank you,
 Stephen Price,
 HyperAction, Inc.

--- Original Message ---

From: [REDACTED]
 To: "Stephen Price" [REDACTED]
 Sent: Friday, December 13, 2002 6:06 PM
 Subject: Re: Fw: HyperAction - claim number C020910006293 - Billing Account 606T010494

>
 > Stephen, from our conversation this morning 12/13/02 you said that 5 DCS on
 > 606T01-0494 was to be changed to Cyber DS1. Per our billing records that
 > was not done. We were underbilling your account [REDACTED] no
 > facility
 > charges and no channel charges. You stated part of the DCS charges were on
 > [REDACTED] and part on [REDACTED]. Our records indicate [REDACTED]
 > was billing for 5 DCS's and they were changed to Cyber DS1's in October
 > 99.
 > The bills do not reflect any facility charges or channel charges that you
 > said were partly billed. Are you saying that the DCS's that were billed on

> [REDACTED] were to be changed to Cyber DS1's and billing should stop
 > completely on [REDACTED] and start billing under [REDACTED]. That
 > would be a total of 10 Cyber DS1's. Please forward any documentation
 > that
 > you have either by email or fax to me at the numbers listed below. I will
 > get an answer from my analyst if anything can be done to try and resolve
 > this issue.
 >
 >
 > Thanks,
 > Debbie Turney
 > ACSC Billing Rep
 > [REDACTED]
 > Internet Address: [REDACTED]
 > Please submit claims & order request via the web:
 > <http://www.verizon.com/wholesale/billingclaim>

>
 >
 > "Stephen Price"
 > [REDACTED] To: Debbie D.
 > [REDACTED]
 > on net> cc:
 > Subject: Fw:
 > HyperAction -- claim number C020910006293 - Billing Account
 > 12/13/02 09:36 AM 606T010494

> Debbie,
 > I need you to call me at 800-333-7068 ASAP please.

> Thank you
 > Stephen Price

> --- Original Message ---

> From: [REDACTED]
 > To: [REDACTED]
 > Cc: [REDACTED]
 > Sent: Friday, December 13, 2002 9:59 AM
 > Subject: RE: HyperAction

> Stephen,

> ALLTEL has written off the carry over balance on the account we have
 > discussed. We will be unable to issue additional credit on the account
 > as
 > this matter is between you and Verizon. As ALLTEL, I cannot substantiate
 > giving you additional credit on something we did not bill.
 >
 > My suggestion is to go back to Debbie Turacy in Verizon as she seems to
 > be
 > familiar with your situation.

> Karen Cunningham
 > Supervisor-Sales Support
 > 150 Rojay Drive
 > Lexington, KY 40503

> [Redacted]

> ---Original Message---
 > From: Stephen Price [Redacted]
 > Sent: Friday, December 13, 2002 6:26 AM
 > To: Cunningham, Karen
 > Cc: Hamill, Todd
 > Subject: Re: HyperAction
 > Importance: High

> I would like to thank you for getting the \$8k portion taken care
 > of.
 > I would also like an update this morning on where we stand with the
 > balance of the account that was overpaid.

> Stephen Price

> ---Original Message---
 > From: [Redacted]
 > To: [Redacted]
 > Cc: [Redacted]
 > Sent: Wednesday, December 11, 2002 4:54 PM
 > Subject: RE: HyperAction

> Stephen,
 > I'm going to try to stretch that rubber as much as I can and do
 > whatever we can for you.

> Karen Cunningham
 > Supervisor-Sales Support
 > 150 Rojay Drive
 > Lexington, KY 40503

> [Redacted]

> ---Original Message---
 > From: Stephen Price [Redacted]
 > Sent: Wednesday, December 11, 2002 1:47 PM
 > To: Cunningham, Karen
 > Cc: Stephen Price; Hamill, Todd
 > Subject: HyperAction

> Karen,
 > I looked through these messages and none of them directly
 > addressed the issue of Alltel owning the account. It would

> go
 > for 30 days with the claim and I would not get a status
 > without calling and then they would give me a status
 > verbally
 > over the phone. There is one message where they said they
 > would reject the claim because I actually still owed them
 > money. I called her and corrected her miss-information and
 > then after a couple of days on the phone with her, she said
 > her management would not let her work on it any longer since
 > Alltel now owns the account.

> As you can probably guess, I do not really care at this
 > point
 > what the deal is with your buyout of Verizon. I know Alltel
 > now owns my account and expects to be paid what I owed when
 > Verizon owned the account. There should have been clauses or
 > something in the buyout contracts to cover things like this

> I
 > am sure there were many billing issues that got caught up in
 > the transaction and I cannot imagine there was nothing put
 > in
 > place to handle such issues. I should not have to take both
 > companies to court to get this resolved.

> I have known Todd for some time now by our work together
 > with
 > the State of KY. When Alltel was in the process of buying
 > out
 > Verizon, he was preaching Alltel's praises. You would have
 > thought Alltel hung the moon and after all the turmoil and

> problems we had with GTE & Verizon, I was hoping he was at
 > least partially right. I am now becoming more and more
 > skeptical. In the scope of the buyout of Verizon KY, my \$42K
 > is very insignificant. In the scope of my small ISP business
 > that 2 of my friends and myself have sunk a lot of our own
 > money into, it may determine whether we threw all of our
 > money
 > down the toilet or not. Todd said that Alltel was a
 > community
 > company that focused on being part of the community that it
 > did business with. That it focuses it's attention on all of
 > it's customers, whether they are a Toyota or a Bob's
 > Gas-n-Go.
 > The marketing campaign that I have witnessed has also
 > portrayed this image. With all that said, this is where the
 > rubber meets the road.
 >
 > Thank you,
 > Stephen Price

(See attached file: Verizon Bill Review for DCS.xls)
 --- Message from "Olga Sosa" [redacted] on Fri, 1 Oct
 1999 8:15:56 -0500 ---

To: "Price, Stephen" [redacted]
 cc: "Bobby Lee" [redacted], "Richard Cox"
 Subject: Re: changing order from DCS to Cyberds1

FE supp the order this morning.

Thank You,
 Olga Sosa
 IS? Coordinator
 [redacted]

Original Text
 From: "Stephen Price" [redacted], on 10/1/99 7:57 AM:
 Oha,
 Bobby Lee called me yesterday evening and instructed that I could have you
 supplement the current order for 1 CyberDS1 to make it an order for a

total
 of 6 CyberDS1's. I want them all to look the same with b8zs and ESF. Then
 I
 need special instructions on the order to convert the their lead number to
 [redacted] only after coordinating with me by calling 606-333-7068. I
 will
 also need all 13 analogs on the [redacted] hunt removed from that hunt,
 rollover service removed from all 13 and 9 of them completely deleted. We
 should then be able to recover the copper for those 9 analog lines to make
 sure that we have enough in our facilities to have parallel trunks for
 facilitating the switch-over.

If you cannot supplement the existing order, please let me know ASAP by
 calling [redacted]. If I am unavailable for some reason, please email
 me.
 I would like to get this order taken care of today. We are beginning to
 get
 into the busy season and need to have something in place quickly. Thank
 you
 for your help.

Circuit ID's for existing DCS's:
 G8.UHMT.010494
 G8.UHMT.011109
 G8.UHMT.012496
 G8.UHMT.013003
 G8.UHMT.067478
 G8.UHMT.215278 (new circuit currently being converted to CyberDS1)

Stephen Price,
 HyperAction, Inc.
 [redacted]

--- Original Message ---
 From: "Olga Sosa" [redacted]
 To: "Price, Stephen" [redacted]
 Cc: "Richard Cox" [redacted]
 Sent: Thursday, September 30, 1999 3:55 PM
 Subject: Re: changing order from DCS to Cyberds1

> Mr. Price, Richard sent in an order for us to go ahead with 1 cyberds1,
 > instead of 1 DCS, which you should've gotten the FOC for yesterday.
 > All
 > orders need to go to the [redacted] box.
 > You need to get with Richard and he can send you the form that we need
 > filled out for the Cyberds1's and then he can send your order to us.
 >
 > Thank You,
 >
 > If you would like to place an order, please send request to

> [REDACTED]

> Olga Sosa
> ISP Coordinator
> [REDACTED]

> -----
> Original Text
> From: "Stephen Price" [REDACTED], on 9/30/99 2:24 PM:
> I just got word from Richard Cox what I need to have done.
>
> I need 6 CyberDSL's installed parallel to my existing DCS's with a fake
> lead
> number. I then need you to coordinate with me for a cutover of the lead
> number [REDACTED] from the DCS's to the new CyberDSL's. When you
> coordinate that with me, I will physically move the lines from the DCS
> smartjacks to the CyberDSL smartjacks. We will then remove the DCS
> lines.
> If
> I need to create a new order form, please instruct how I am to do it. I
> also
> have the Circuit numbers at home that I can email you tonight if
> necessary.
> Please inform how to proceed.
>
> Also, we currently have 3 analog phone lines at the end of the
> [REDACTED]
> hunt group. I need to remove them off of the hunt group, delete all but
> 4
> of
> them and remove the roll-over service from those four. Please let me
> know
> also, what kind of order I need to put through for that or if you can
> accept
> this order to complete the work.
>
> Thank you.
>
> Stephen Price,
> President,
> HyperAction, Inc.
> [REDACTED]

> ----- Original Message -----
> From: "Olga Sosa" [REDACTED]
> To: "Price, Stephen" [REDACTED]
> Cc: "Richard Cox" [REDACTED]
> Sent: Friday, September 14, 1999 10:30 AM
> Subject: Re: changing order from DCS to CyberDSL

>
>> RICHARD, I'LL LET YOU GET WITH MR. PRICE AND THEN PLEASE ADVISE US AS

5/7/2003

WE
>> ALREADY HAVE THE DCS ORDER READY TO GO, AND NEED TO MAKE THE
>> NECESSARY
>> CHANGES. PLEASE LET ME KNOW ASAP.
>>
>>
>> Olga Sosa
>> ISP Coordinator
>> [REDACTED]

>> -----
>> Original Text
>> From: "Stephen Price" [REDACTED], on 9/24/99 9:22 AM:
>> My final design calls for all of the DCS' to be converted to
>> CyberDSL's
>> I
>> started with this line for I am not using it yet and did not want to
>> have
>> an
>> outage. Please advise the best approach to take to convert all 6 of my
>> DCS'
>> to CyberDSL's with the least or preferably no down time. Thank you.
>>
>> Stephen Price,
>> HyperAction, Inc.
>>
>> ----- Original Message -----
>> From: Olga Sosa [REDACTED]
>> To: Price, Stephen [REDACTED]
>> Sent: Friday, September 24, 1999 9:45 AM
>> Subject: changing order from DCS to CyberDSL

>>> MR. PRICE, WE RECEIVED THIS REQUEST TO CHANGE EXISTING ORDER THAT WE
>>> CURRENTLY HAVE IN FOR DCS TO CYBERDSL. WE CANNOT COMBINE PRODUCTS,
>>> YOUR
>>> CURRENT SERVICES ARE DCS, THE CYBER WILL HAVE TO HAVE ITS OWN LEAD
>>> #.
>>> OWN
>>> TRUNK GROUP... WE CAN PROBABLY POINT THE CYBER TO THE DCS IN A HUNT
>>> GROUP.
>>> PLEASE ADVISE IF THIS IS WHAT YOU ARE WANTING ASAP.
>>>
>>>
>>>
>>>
>>> S. PRICE WROTE:
>>> SPECIAL INSTRUCTIONS:
>>> Existing Circuit ID #: J8.UHMT.215278.GTSE
>>> This line is currently in the process of being installed as a DCS
>>> Trunkside and
>>> we want it to be installed as a CyberDSL line.

5/7/2003

Account Manager - FL, KY, SC, NC, AL, MO
Toll Free - [redacted]
Pager - [redacted]
email - [redacted]

----- Original Text -----

From: "Stephen Price" <[redacted]>, on 10/14/1999 9:52 AM:

The cutover this morning was successful. Thank you all for your help in this conversion.

Stephen Price,
HyperAction, Inc.

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

From: "Stephen Price" <[redacted]>
To: <[redacted]>
Sent: Wednesday, October 13, 1999 4:42 PM
Subject: Re: Re: please call steve with hyperaction...he needs your help

> Julie Evans (915-944-6165) is entering the order and is trying to arrange
> for the 8:00am cutover. -- She just called me back and said that
> everything
> is lined up for 8:00 - 8:45 in the morning. Jason Bush ([redacted])
> will
> be doing the cut over. I do have one of the Cybers on a modem server, so
> when he cuts it over, I should be able to immediately service customers
> on
> that one TI and then be able to manage the cutover of the remaining 5
> DCS's.
> Hopefully this will mean that there will be only about 5 minutes when
> someone may get a busy signal or an out of service message.
>
> Thank you for your help.

> Stephen Price,
> HyperAction, Inc.

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

> From: "Richard Cox" <[redacted]>
> To: "Brenda Reischer" <[redacted]>
> Cc: "Sylvia Gonzalez" <[redacted]>
> Sent: Wednesday, October 13, 1999 4:09 PM
> Subject: fwd: Re: please call steve with hyperaction...he needs your help

>> Brenda,
>> Olga discussed the cutover of these 6 cybers with the customer who was
>> apparently left with the impression that to further order form

completion
> was
>> necessary on his part. I believe we could debate over the necessity of
>> filling out 2 separate orders to accomplish this order activity...
>> Please see if we can get this order entered and expedited...per the
> customer's
>> request.
>> Thank you,
>>
>>
>> Richard L. Cox, IV
>> Internet Wholesale Markets - East
>> Account Manager - FL, KY, SC, NC, AL, MO
>> Toll Free - [redacted]
>> Pager - [redacted]
>> email - [redacted]

----- Original Text -----

>> From: "Stephen Price" <[redacted]>, on 10/13/1999 11:33 AM:
>> To: [redacted]

>>> It was never made clear to me that I needed to send in a separate order
>> for
>> the cutover, but I am now requesting that the lead number [redacted]
>> be
>> moved from my old TI's to my new CyberDSI referenced in Tracking #: [redacted]. I need to schedule this for 8:00am EDT, 10/14/99. I
>> will
>> need to be contacted at [redacted] to coordinate the actual switch
>> to
>> the new TI's. Thank you.

>> Stephen Price,
>> HyperAction, Inc.

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

>> From: "Olga Sosa" <[redacted]>
>> To: "Brenda Reischer" <[redacted]>; "Richard Cox" <[redacted]>
>> Cc: "Price, Stephen" <[redacted]>
>> Sent: Wednesday, October 13, 1999 10:57 AM
>> Subject: re: please call steve with hyperaction...he needs your help

>>> Richard, I was in a class last time Mr. Price and I talked he knew
>> he
>> was
>> to
>>> send in an order when he was ready for the cybers to be put on the

bad
 >>> number.
 >>> We didn't request it with the original order because he wanted to be
 > sure
 >> and
 >>> test ...an orde. needs to be sent in to the isp.orders box., has he
 sent
 >> you
 >>> an order?
 >>> ----- Original Text -----
 >>>
 >>> From: Richard [REDACTED] on 10/13/99 9:49 AM:
 >>>
 >>> Brenda,
 >>> Olga is the coordinator for Hypeaction. I left her avm this am and
 > the
 >>> customer hasn't heard from her...she may be busy or hasn't had a chance
 to
 >>> check her vrn...he needs his mail in cut over...I'd file her to
 > assist...or
 >>> someone else if she is out today...
 >>> Thanks,
 >>>
 >>> Richard L. Cox, IV
 >>> Internet Wholesale Markets - East
 >>> Account Manager - FL, KY, SC, NC, AL, MO
 >>> Toll Free - [REDACTED]
 >>> Pager - [REDACTED]
 >>> email - [REDACTED]
 >>>

----- Message from "Richard Cox" <[REDACTED]> on Thu, 14
 Oct 1999 9:22:59 -0500 -----

To: "Price, Stephen" <[REDACTED]>

Subject: re: Final Seps

Seve,
 If the coordinator did not place an "out" order on the DCS you will need to
 submit another order... put today as the effective date so you are not
 overcharged...I'll send you both a DCS order form and a BI order form...and
 the calling plans for Garrard County...
 Thanks
 Richard L. Cox, IV

Internet Wholesale Markets - East
 Account Manager - FL, KY, SC, NC, AL, MO
 Toll free - [REDACTED]
 Pager - [REDACTED]
 email - [REDACTED]

----- Original Text -----

From "Stephen Price" <[REDACTED]>, on 10/14/1999 9:58 AM:

Richard,
 Do I understand now that I need to send in a separate order to have my
 DCS's
 turned off now? I also need to remove the 3 analogs from that hunt group
 and
 delete all but 4 analogs which I wish to only keep as standbys. Is there
 a
 separate order form I need to use for the analogs or do I put it in the
 special instructions on the order for deleting the DCS's?

Also, I need to order a BI for my new Garrard County, KY POP. Do I do that
 through your group? If not, then who? If so, I need to know what calling
 plans are available for that area (606548) i.e. basic vs extended, etc.

Thank you.

Stephen Price,
 HypeAction, Inc.

----- Message from ISP.ORDERS <[REDACTED]> on Fri, 15 Oct
 1999 14:37:57 -0500 -----

To: "Price, Stephen" <[REDACTED]>

Subject: re: Fw: GTE ORDER REQUEST - DCS

Your request has been received. Thank You, ISP ORDER CENTER

 Original Text

From: "Stephen Price" <[REDACTED]>, on 10/15/99 2:37 PM:
 > CUSTOMER ORDER REQUEST - DCS

>
 >.....
 >
 >
 > ORDER TYPE: NEW ___ ADD ___ CHANGE ___ DISCONNECT ___XX___
 >

> REQUESTED DUE DATE: 10/14/1999
 >
 > PURCHASE ORDER #
 >
 > CUSTOMER NAME: HyperAction, Inc.
 >
 > CUSTOMER CONTACT NAME & TEL #: Stephen Price, [REDACTED]
 >
 > INSTALLATION ADDRESS: 101 Zachary Way, Somerset, KY 42501
 >
 > WORKING TELEPHONE # AT INSTALLATION ADDRESS: [REDACTED]
 >
 > BILLING ADDRESS, CITY, ST, ZIP: P.O. Box 368, Somerset, KY 42502-0368
 > (NOTE: BILL MUST BE SENT TO THE INTERNET PROVIDER)
 >
 > CUSTOMER SITE CONTACT NAME & TELEPHONE #: Stephen Price, [REDACTED]
 >
 >
 > *****
 >
 > * Do you require 1 lead number for all T1's
 > or individual numbers per T1?
 >
 > *****
 > IF EXISTING SERVICE - (PLEASE INDICATE EXISTING LEAD NUMBER)
 >
 > EXISTING LEAD #:
 >
 > # OF DCS'S REQUESTED:
 >
 > TOTAL # DCS'S AT INSTALLATION:
 > NOTE >
 > *****
 > T1 STANDARD CONFIGURATION
 >
 > - 24 2WAY TRUNKS
 > - WINK START, E&M, MF, ZERO DIGITS SENT, 7/10 DIGITS RECEIVED
 > - SINGLE LEAD TELEPHONE NUMBER MAY ACCESS ALL TRUNKS ACROSS
 > - MULTIPLE CYBER DSI CIRCUITS IN A CYBER DSI ARRANGEMENT.
 > - OPTIONAL, MAY HAVE MULTIPLE LOCAL TEL NUMBERS (PLTN's)
 > - OPTIONAL, ALSO MAY HAVE A UNIQUE TN PER CYBER DSI
 > - ALL TNS WILL HAVE TOLL BLOCKED, CARRIERS ARE NOT PERMITTED.
 >
 >
 > FRANING: BRZS/ESF ___ D4/AMI ___ SF/AMI ___
 >
 > DO YOU REQUIRE GTE TO EXTEND THE DEMARC TO YOUR EQUIPMENT?
 > IF YES INDICATE LOCATION:
 >
 > NOTE: TO EXTEND DEMARC THERE MAY BE ADDITIONAL CHARGES PER HOUR.
 >
 > *****

> SPECIAL INSTRUCTIONS
 > I need the following existing DCS trunks removed:
 > G8.UHMT.012496
 > G8.UHMT.011109
 > G8.UHMT.012496
 > G8.UHMT.013003
 > G8.UHMT.007478
 > G8.UHMT.215278
 >
 >
 >
 > Debra Mendez
 > Account Executive
 > GTE Wholesale Markets
 > [REDACTED]
 > [REDACTED]
 >
 > Richard L. Cox, IV
 > Internet Wholesale Markets - East
 > Account Manager - FL, KY, SC, NC, AL, MO
 > Toll Free: [REDACTED]
 > Pager: [REDACTED]
 > email: [REDACTED]

Stepfen Price

From: [REDACTED]
To: [REDACTED]
Sent: Thursday, December 12, 2002 11:12 AM
Subject: FVV: HyperAction

Steve,

I'm resending this e-mail to you and also I will follow up for your adjustment and forward you a copy.

> -----Original Message-----
> From: Taylor, Kathy
> Sent: Thursday, December 12, 2002 10:08 AM
> To: Ryder, Tammy
> Cc: Cunningham, Karen; [REDACTED] Hamill, Todd
> Subject: HyperAction
>
> Tammy,
>
> Thank you for your help in resolving this issue for acct # [REDACTED]
> Please have the full amt of \$,347.40 credited, we have verified that he should of not been billed for
> these charges.
>
> Thank you again,
>
> Kathy Taylor
> Customer Service Specialist
> Alltel Business Sales
> [REDACTED]
>
>
>