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T.R.A. BOARD ROOM

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RECEIVED

Chairman Sara Kyle
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

August 15, 2006

06-00223

Dear Chairman Kyle,

We provide telecommunications management services for our client Hilton Suites Brentwood, Brentwood, TN., this petition is provided with our client's knowledge and support. Enclosed is a check from Hilton Suites Brentwood in the amount of \$25.00, payable to the Tennessee Regulatory Authority.

Our claim: We are petitioning for full recovery of all monies paid to Bell South by Hilton Suites Brentwood including charges and taxes on account 615-370-4077 from the periods of 1/31/02 through 8/18/05, which total approximately \$93,882.25 plus accrued interest.

We are submitting this petition due to what we believe is an unsatisfactory response from Bell South along with their verbal contention that they simply had no records with which to evaluate our claim over the past twelve months.

A brief summary:

On 1/31/02, at the request of Hilton Suites Brentwood, BellSouth was to disconnect PRI circuit (80.IPZD.502015), per Bell South Disconnect Order Number C9VDT350, and participate in the port of the 61 telephone numbers billing on this circuit, including the main number (BTN) 615-370-0111, per Bell South Port Out Number (PON) BRENTWOOD0111 to another carrier. Following the disconnection and port there was no reason for, nor intent, by the hotel to continue this service through Bell South after 1/31/02.

Bell South did in fact actively participate in the successful port of the numbers to another carrier; however their circuit was not disconnected at the central office even though they had knowledge and awareness that this circuit would no longer be providing service to the hotel as all 61 telephone numbers were moved to another local carrier. In fact nothing was plugged into their circuit in the hotel after 1/31/02; Bell South had the certain knowledge that this circuit was not being utilized, had nothing plugged into it, and was in fact in "alarm status" at their central office after 1/31/02.

On 3/2/02, without the request or knowledge of Hilton Suites Brentwood, BellSouth created a new Billing Telephone Number (BTN) account number 615-370-4077, for the sole purpose of billing for the circuit that should have been disconnected. The effective date of this PRI telephone number was 1/31/02, the same day as the port to another carrier. This account number 615-370-4077 had never existed on PRI circuit

(80.IPZD.502015) prior to this date. Upon receipt of the new Bell South invoice accounts payable at the hotel paid the telephone invoice in their normal course of their business of processing several hundred invoices every month.

During the period of 7/25/05 – 7/26/05 our company performed a telecommunications audit at the request of Hilton Suites Brentwood. We discovered PRI circuit (80.IPZD.502015), a single circuit, inside a smart jack by itself on the wall of the phone room with nothing plugged into it. When we obtained a copy of the Bell South invoice for account number 615-370-4077 we asked accounts payable what this invoice was for and they replied, "it's our local phone bill".

On 8/8/05 we contacted Bell South, Order # TB550375 and requested them to perform a circuit utilization study on PRI circuit (80.IPZD.502015) to determine and validate whether traffic or activity was occurring on this circuit. They confirmed that no activity had occurred in the past 30 days and that it was in "alarm status" as far back as their database showed.

On 8/18/05 we cancelled PRI circuit (80.IPZD.502015) and received confirmation order numbers D93W3612 and C99D8PQ5 from Bell South.

During the later part of August, 2005, we began the process of identifying the problem to Bell South, seeking their concurrence or specific reasons why our claim was incorrect, and requesting a refund of monies paid by Hilton Suites Brentwood. We communicated via e-mail and telephone with several departments including customer service and legal, and individuals to include but not limited to, Mike Maupin, Josie Casino, Kevin Moore, Gwen McCoy, Tameka Golden, Lee Sharp, Judi Hill, Tashay Jackson, during the period of August 2005 to February 2006. There was never a serious attempt on the part of Bell South to address this issue.

Having received no satisfaction from Bell South we submitted a Consumer Complaint Questionnaire to the Tennessee Regulatory Authority during the first part of March 2006. We received acknowledgement from Mr. Charles Pemberton in a letter dated 3/14/06 addressed to Mr. Dustin Reineke (our employee) at Hilton Suites Brentwood, with a reference to File 06-0315.

On 6/2/06 Mr. Pemberton arranged a conference call with Bell South. Participating was the writer and Mr. Reineke from our office, Mr. Pemberton and Ms. Curran from the TRA and Ms. Robin Moore, Executive Appeals Manager, Bell South. Ms. Moore stated that Bell South did not have those records that would have contained the Port Out Number and Disconnect Order, in 2001, nor did they retain billing records back that far. Ms. Curran seemed surprised at the response by Robin Moore and asked if they could be produced under subpoena, to which there was no response. Robin Moore did promise to do further research and respond.

As a result of the conference call Mr. Pemberton received a letter dated 6/14/06, referencing File 06-0315, from Bell South and signed by Robin Moore, attached as reference. This letter we believe is misleading to the reader and we challenge several points as follows:

Paragraph 1 is misleading and incorrectly alleges that Mr. Reineke contended that Bell South had failed to port the number 615-370-4077 in question when requested by the customer. That is incorrect, that claim was never made by Mr. Reineke.

Paragraph 1 also incorrectly alleges that "After thoroughly investigating that contention (above), however, it became clear that the number (615-370-4077) was not one of those requested to be ported, and the contention changed to the present contention, which is that Hilton Suites neither requested nor utilized this service." Our contention was originally and remains that Bell South ported all 61 phone numbers, including the main Billing Telephone Number 615-370-0111 associated with Port Out Number BRENTWOOD0111, which billed on account 615-370-0111 to another carrier. We have proof that (615-370-4077) was never associated with account 615-370-0111; further it was never associated with PRI circuit (80.IPZD.502015) until 1/31/02.

Remaining within the context of paragraph 1, what is not mentioned in paragraph 1 is the Bell South Disconnect Order Number C9VD350 that if acted upon by Bell South would have in fact disconnected the PRI circuit (80.IPZD.502015). That is the circuit sitting unplugged on the wall in the Hilton Suites Brentwood phone room. If the disconnect had occurred as scheduled account number 615-370-4077 would not have been generated for the sole purpose of billing for the unused, unplugged circuit from which Bell South has benefited without providing service or value to the hotel.

Paragraph 2 is also misleading to the reader; it states the number in question 615-370-4077 was installed on 9/23/97, nearly five years prior to the porting of the numbers to another carrier. We do not challenge that statement; however we do question its accuracy. If that statement is true, what service did Bell South in fact provide on that account prior to 1/31/02? I think that is a key question.

Paragraph 2 continues "Initially, the charges for this service (Primary Rate ISDN) were billed to the main account (615) 370-0111-212. On March 2, 2002, billing was established for account 615 370-4077-212 because the main billing number, (615) 370-0111-212 was ported to another local service provider". This statement is correct; however the question is why did they start billing for this service which was not requested, for a circuit which was to have been disconnected on 1/31/02 and in fact all 61 telephone numbers ported to another carrier? I think that is another key question.

Remaining within the context of Paragraph 2, we have obtained a copy of a Xeta Technologies Service Order – Service Ticket #02001431, signed as completed on 1/31/02. It states as follows: *Service Problem*: "Disconnect Bell South PRI and connect USLEC PRI. The circuit due date is 1/21/02. Will have more information (circuit ID, etc) once the circuit has been confirmed installed." *Explanation of Work Completed*: "Worked with remote tech John to swap PRI and make test calls". This is evidence that the PRI circuit in question was in fact disconnected at the hotel on 1/31/02, and in fact the port of numbers occurred to the other carrier as evidenced by the test calls performed by Xeta on that date.

It is clear the intent of Hilton Suites Brentwood was to move its service to another carrier as evidenced by the completed Xeta work order and previously identified Bell South disconnect and (PON) order numbers. Further the hotel did not request this PRI circuit service from Bell South to continue, or bill under this newly generated account 615-370-4077.

Paragraph 3 states that "Bell South continued to provide the service and billed the customer each month for (615) 370-4077". That "service" was an unplugged circuit in a box on the wall, which they knew was not, nor had not been utilized since 1/31/02, and was in fact showing "alarm status" in their central office.

Paragraph 4 defines the tariff protection that Bell South is using for justification for not refunding monies paid. We will remain silent as to the legal interpretation of Tariff's which are referenced in Bell South's letter of 6/14/06 as they pertain to the facts in this situation.

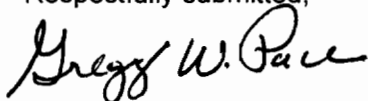
We do however, take exception with the following statement in paragraph 4: "There is simply no evidence that the customer was charged for services it did not request". We submit as evidence the following specific information we have obtained to prove that the customer was in fact charged for services it did not request:

- Bell South account invoice dated 10/2/01 for account 615-370-0111, three months prior to the port of 1/31/02. This bill identifies 61 PR7TF – Prime Rate ISDN PRI telephone numbers flat rated; which matches the (PON).
- Bell South Customer Service Record (CSR) for account 615-370-0111 pulled on 8/7/01, a little over four months prior to the port of 1/31/02. This CSR specifically identifies the 61 unique telephone numbers including 615-370-0111. The number 615-370-4077 does not appear as one of the 61 telephone numbers. Proving the inaccuracy of paragraph 2 in the Bell South letter dated 6/14/06. This CSR also shows 1 PR71V Primary Rate ISDN Voice/Data Interface – PRI Circuit 80.IPZD.502015.001.SC, the circuit in question.
- Handwritten notes found during our audit in a telecom folder at the property indicating a Bell South Disconnect Order Number C9VDT350 for 1/31/02 and Bell South Port Out Number (PON) BRENTWOOD0111 for 1/31/02.
- Xeta Technologies signed, dated, completed work order to "Disconnect Bell South PRI and connect USLEC PRI". This was completed and test calls performed to prove the work completed on 1/31/02.
- Bell South Customer Service Record (CSR) for account 615-370-4077 pulled on 9/23/05. This CSR shows 1 PR71V Primary Rate ISDN Voice/Data Interface – PRI Circuit 80.IPZD.502015.001.SC. It also identifies 1 unique telephone number, 1 PR7TF – Primary Rate ISDN Telephone Number flat rated; activated 1/31/02, the same date of the port. There is no evidence of this number occurring prior to 1/31/02, we believe Bell South in fact generated this number to bill for the circuit they were negligent in disconnecting in their central office. This "service" was not requested nor utilized by the customer Hilton Suites Brentwood.

Our position and claim on behalf of our client Hilton Suites Brentwood remains the same. Our client intentionally removed service from Bell South to another carrier on 1/31/02 with no desire or request to retain this "service" with Bell South. USLEC and Xeta Technologies performed their roles correctly in accomplishing this port. Bell South

correctly performed its role in participating in the port of all 61 telephone numbers; however Bell South failed to disconnect the circuit in their central office and furthermore generated a new BTN 615-370-4077 to bill for "services" which they knew the property was moving away from and was not utilizing. We therefore request a full refund of all monies paid by Hilton Suites Brentwood to Bell South, plus accrued interest, on account 615-370-4077, between the periods of 1/31/02 and 8/18/05.

Respectfully submitted,

A handwritten signature in black ink that reads "Gregg W. Pace". The signature is written in a cursive, flowing style.

Gregg W. Pace
President
Excelsior Communications Services, Inc.

CC. Ms. Teresa Bowers, GM
Hilton Suites Brentwood

Ms. Robin Moore
Executive Appeals
Bell South Telecommunications, Inc.

Mr. Charles Pemberton
Tennessee Regulatory Authority



BellSouth Telecommunications, Inc.
Suite 2106
333 Commerce Street
Nashville, TN 37201-3300

Robin P. Moore
Executive Appeals

615 214-3861
Fax 615 214-8857

June 14, 2006

Mr. Charles Pemberton
Consumer Services Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: File Number: 06-0315
Dustin Reineke
Hilton Suites Brentwood

Dear Mr. Pemberton:

This is response to Mr. Reineke's complaint regarding disputed charges billed for account (615) 370-4077-212. BellSouth has investigated this matter thoroughly. As you may recall, initially Mr. Reineke had contended that BellSouth had failed to port the number at issue when requested by the customer. After investigating that contention, however, it became clear that the number was not one of those requested to be ported, and the contention changed to the present contention, which is that Hilton Suites neither requested nor utilized this service. In addition, Mr. Reineke states this number did not exist at the hotel or on the PRI circuit prior to the disconnection/port of their other services.

As previously discussed, our records indicate account 615 370-4077-212 was installed for this customer September 23, 1997, nearly five years prior to the porting of numbers to another carrier. Initially, the charges for this service (Primary Rate ISDN) were billed to main account (615) 370-0111-212. On March 2, 2002, billing was established for account 615 370-4077-212 because the main billing number, (615) 370-0111-212 was ported to another local service provider.

After the billing number change referenced above, BellSouth continued to provide the service and billed the customer each month for (615) 370-4077. BellSouth records do not indicate any dispute for these charges until August 8, 2005. At the customer's request, this account was disconnected on September 8, 2005 as no further use with an effective date of August 18, 2005.

The customer has stated they placed a trouble report on August 8, 2005, (trouble ticket number TB550375) and were advised there was no usage on this line and that the circuit was in alarm status as far back as our records showed. We have attempted to locate this trouble ticket; however, I have been advised that our system only retains records for trouble reports for 6 months. Hilton Suites paid for the services, without disputing any charges for it, for approximately eight years.

BellSouth's position regarding this complaint remains the same. Per the tariff, *A2.4.3.A Payment for Service*, if the subscriber disputes a bill, BellSouth will investigate the bill and take appropriate action. In addition, per the tariff *A.2.5.5 Period for the Presentation of Claims*, BellSouth shall not be liable for damages or statutory penalties in any case where a claim is not presented in writing within sixty days after the alleged delinquency occurs. There is simply no evidence that the customer was charged for services it did not request. Rather, we believe the customer's long course of action in paying the charges with no dispute or question provides strong evidence that the customer was aware of the service and intended to keep the service throughout that time.

If you have any additional questions, please let me know.

Sincerely,

Robin P. Moore