

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**RECEIVED**

**2012 JAN 23 AM 8:56**

**T.R.A. DOCKET ROOM**

IN RE: :  
COMPLAINT OF :  
CONCORD TELEPHONE EXCHANGE, INC., :  
HUMPHREYS COUNTY TELEPHONE :  
COMPANY, TELlico TELEPHONE :  
COMPANY, TENNESSEE TELEPHONE :  
COMPANY, CROCKETT TELEPHONE : DOCKET NO.: 1100108  
COMPANY, INC. PEOPLES TELEPHONE :  
COMPANY, WEST TENNESSEE :  
TELEPHONE COMPANY, INC., NORTH :  
CENTRAL TELEPHONE COOP., INC. AND :  
HIGHLAND TELEPHONE COOPERATIVE, :  
INC. AGAINST HALO WIRELESS, INC., :  
TRANSCOM ENHANCED SERVICES, INC. :  
AND OTHER AFFILIATES FOR FAILURE :  
TO PAY TERMINATING INTRASTATE :  
ACCESS CHARGES FOR TRAFFIC AND :  
OTHER RELIEF AND AUTHORITY TO :  
CEASE TERMINATION OF TRAFFIC :

**OBJECTIONS TO DIRECT TESTIMONY OF THOMAS MCCABE**

Halo Wireless, Inc. ("Halo") and Transcom Enhanced Services, Inc. ("Transcom") hereby object to and move to strike the proposed Direct Thomas M. McCabe (RLEC Statement No. 1) as follows:

**I. General Objections**

To the extent that Mr. McCabe purports to provide fact testimony, Halo and Transcom object to the entirety of such testimony on the ground that the Complainants have failed to lay a foundation for Mr. McCabe's personal knowledge or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Halo and Transcom further object to Mr. McCabe's expert testimony as to the rating and billing of traffic (which testimony purports to be based on the premise that telephone numbers are appropriate and reliable determinants for call rating and billing) in its entirety, as such testimony is not based on reliable principles and methods (*i.e.* it is

methodologically unreliable) and is not based on a reliable reasoning process for connecting any such methodology to the traffic at issue.

## **II. Reservation of Objections**

Halo and Transcom have requested any data or other information underlying Mr. McCabe's testimony. However, they have not had sufficient opportunity to examine and evaluate such information. Accordingly, they reserve the right to make any additional objections that may be appropriate after review of such information.

## **III. Objections to Testimony at 5:2-6**

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

#### **IV. Objections to Testimony at 5:14-6:11**

This testimony provides neither fact testimony nor expert testimony, is not helpful, is speculative, is not relevant, is not testimony that Mr. McCabe is qualified to provide, is not testimony that would be relied on by a reasonably prudent person, and is unfairly prejudicial.

#### **V. Objections to Testimony at 6:14-22**

This testimony provides neither fact testimony nor expert testimony, is not helpful, is speculative, is not relevant, is not testimony that Mr. McCabe is qualified to provide, is not testimony that would be relied on by a reasonably prudent person, and is unfairly prejudicial.

#### **VI. Objections to Testimony at 7:4-19**

The testimony—characterizing Halo and Transcom’s services as “access charge avoidance” and making calculations compared to “access rates”—is not helpful, is speculative, is not relevant, is not testimony that Mr. McCabe is qualified to provide, is not testimony that would be relied on by a reasonably prudent person, and is unfairly prejudicial. To the extent that the remainder of this this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe’s opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

## **VII. Objections to Testimony at 13:10-14**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

## **VIII. Objections to Testimony at 14:3-7**

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

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

## **IX. Objections to Testimony at 14:11-14**

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

## **X. Objections to Testimony at 14:19-15-2**

To the extent that the remainder of this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the

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

## **XI. Objections to Testimony at 14:19-15-2**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

## **XII. Objections to Testimony at 15:6-20**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on

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

**XIII. Objections to Testimony at 15:24-25**

Halo objects that this testimony is not helpful and irrelevant.

**XIV. Objections to Testimony at 18:20-19:7**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

**XV. Objections to Testimony at 19:9-20:10**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr.

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

**XVI. Objections to Testimony at 20:13-21:10**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

**XVII. Objections to Testimony at 23:6-16**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person; to the contrary the testimony is admittedly speculation. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data



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

### **XVIII. Objections to Testimony at 23:20-24:3**

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

### **XIX. Objections to Testimony at 24:7-25:17**

This testimony provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo and Transcom object that this testimony is not helpful, is not

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

## **XX. Objections to Testimony at 25:22-24**

This testimony provides neither fact testimony nor expert testimony. As such, Halo and Transcom object that this testimony is not helpful, is not relevant, is not testimony that Mr. McCabe is not qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption

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

## **XXI. Objections to Testimony at 25:27-26:6**

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

## **XXII. Objections to Testimony at 26:10-26:18**

This testimony provides neither fact testimony nor expert testimony. As such, Halo and Transcom object that this testimony is not helpful, is not relevant, is not testimony that Mr. McCabe is not qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal

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

### **XXIII. Objections to Testimony at 27:1-12**

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

#### **XXIV. Objections to Testimony at 27:15-28:2**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person; to the contrary the testimony is admittedly speculation. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

#### **XXV. Objections to Testimony at 28:5-9**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person; to the contrary the testimony is admittedly speculation. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data

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

#### **XXVI. Objections to Testimony at 28:11:25**

To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person; to the contrary the testimony is admittedly speculation. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

#### **XXVII. Objections to Testimony at 28-12-29:4**

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

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

## **XXVIII. Objections to Testimony at 29:7-:29:14**

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

## **XXIX. Objections to Testimony at 29:17-30:5**

This testimony primarily constitutes a prayer for relief that is neither fact testimony nor expert testimony. As such, Halo and Transcom object that this testimony is not helpful, is not relevant, is not testimony that Mr. McCabe is not qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo and Transcom object that the testimony lacks foundation establishing: the basis for Mr. McCabe's opinion and the underlying data supporting her opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying her testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

## **XXX. Objections to Testimony at 30:8-16**

This testimony primarily constitutes argument that is neither fact testimony nor expert testimony. As such, Halo and Transcom object that this testimony is not helpful, is not relevant, is not testimony that Mr. McCabe is not qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent this testimony is intended as fact testimony, rather than an expert opinion, Halo and Transcom object that Complainants have failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such



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

~~Respectfully submitted,~~



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*Attorneys for Halo Wireless, Inc.  
and Transcom Enhanced Services, Inc.*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing objections was served via hand delivery on the following counsel of record and designated contact individuals on this the 23rd day of January, 2012:

**ATTORNEYS FOR CONCORD TELEPHONE EXCHANGE, INC., HUMPHREYS COUNTY TELEPHONE COMPANY, TELICO TELEPHONE COMPANY, TENNESSEE TELEPHONE COMPANY, CROCKETT TELEPHONE COMPANY, INC. PEOPLES TELEPHONE COMPANY, WEST TENNESSEE TELEPHONE COMPANY, INC., NORTH CENTRAL TELEPHONE COOP., INC. AND HIGHLAND TELEPHONE COOPERATIVE, INC.:**

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