

was forced to file a Complaint with this Commission in June 2007. The Complaint was styled as *Orbitcom, Inc. v. Global Crossing Telecommunications, Inc.*, TC07-079. Global Crossing thereafter filed a Motion to Dismiss, but ultimately paid to Orbitcom those amounts due and owing on the outstanding intrastate access charges. After receiving payment of the outstanding intrastate amounts, Orbitcom withdrew its Complaint.

7. Since the time of the settlement of the June 2007 Complaint against Global Crossing, Global Crossing has engaged in self-help by refusing to pay those billing statements submitted to it by Orbitcom for the months of July 2007 until the present time.

8. During the time that the June 2007 Complaint was pending with this Commission, I had occasion to review the billing statements being sent to Global Crossing. I noted that the traffic was not being billed in accordance with Orbitcom's intrastate tariff. Orbitcom relies upon a third party to complete its CABS statements. I inquired of the third party about the billing for the period from November 2004 to June 2007. The third party informed me that originating direct distance dialed (ODDD) calls were not billed using Orbitcom's thirty-two percent (32%) PIU factor on all of the ODDD minutes of use. Because of this error, Orbitcom requested that the third party handling our billing recalculate and resend the billing statements previously sent to Global Crossing so as to accurately reflect Orbitcom's tariff for intrastate switched access services. After some months with no payment and no discussion as to how to remedy this problem, Orbitcom was left with no choice but to file this Complaint with the Commission.

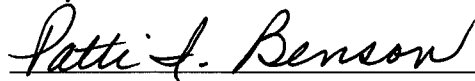
9. Contrary to the assertions of Global Crossing in both its Motion to Dismiss and the supporting Affidavit of Sean Herrick, this is a dispute over intrastate charges and Global Crossing has the billing statements which support and confirm Orbitcom's claim.

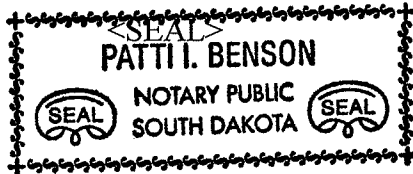
Further you Affiant sayeth naught.

Dated this 1st day of April, 2008.


Michael C. Powers

Subscribed and sworn to before me
this 1st day of April, 2008.


Notary Public- South Dakota
My commission expires: 8/28/08



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 20 day of ^{May} ~~April~~, 2008, upon the following:

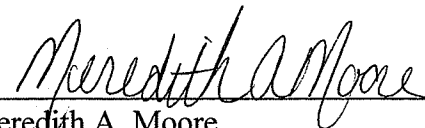
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Dated this 20 day of ^{May} ~~April~~, 2008.


Meredith A. Moore