IN THE MATTER OF THE COMPLAINT OF ORBITCOM, INC. AGAINST MCI COMMUNICATIONS SERVICES, INC. D/B/A VERIZON BUSINESS SERVICES AND TELECONNECT LONG DISTANCE SERVICES & SYSTEMS COMPANY D/B/A TELECOM*USA FOR UNPAID ACCESS CHARGES	TC08-135 **AFFIDAVIT OF MEREDITH A. MOORE**

STATE OF SOUTH DAKOTA   )
                                   : SS
COUNTY OF MINNEHAHA   )

COMES NOW Meredith A. Moore, after first being duly sworn, and deposes and states as follows:

1.   I am one of the attorneys for the Complainant, Orbitcom, Inc.("Orbitcom"). I make this affidavit in further opposition to Defendant's Motion to Compel.
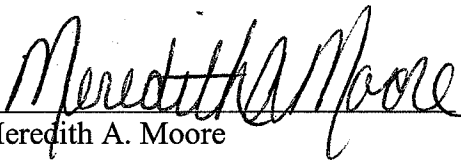
2.   Attached are those exhibits referenced in OrbitCom's Reply to the Correct Motion to Compel and Motion to Reset Hearing Date.

     a.   Exhibit 1 is a true and correct copy of e-mail correspondence dated August 5, 2009, from the undersigned to Counsel for Verizon. Because of initial problems with the size of the documents produced, there were a number of subsequent e-mails exchanged between counsel as it related to the attachments referenced in Exhibit 1. The substance of Exhibit 1, however, did not change.

     b.   Exhibit 2 is a true and correct copy of e-mail correspondence dated August 11, 2009, from Verizon's attorney, Tom Dixon, to the undersigned.

     c.   Exhibit 3 is a true and correct copy of e-mail correspondence dated August 12, 2009, from the undersigned to Verizon's attorney, Tom Dixon.

     d.   Exhibit 4 is a true and correct copy of e-mail correspondence dated August 17, 2009 from Verizon's attorney, Tom Dixon, to the undersigned.

     e.   Exhibit 5 is a true and correct copy of e-mail correspondence dated August 19, 2009 from the undersigned to Verizon's attorney, Tom Dixon.
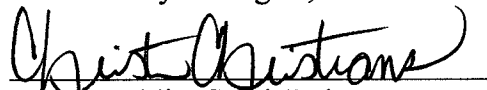
f.   Exhibit 6 is a true and correct copy of testimony of Expert Witness William Munsell submitted on behalf of Verizon Maryland Inc. in connection with a Complaint docket filed by Verizon Maryland Inc. before the Public Service Commission of Maryland.

g.   Exhibit 7 is a sample of an EMI record and is being used for illustrative purposes.

h.   Exhibit 8 is a sample of a CDR record and is being used for illustrative purposes.

3.   Further you Affiant sayeth naught.

Dated this 24th day of August, 2009.

_____
Meredith A. Moore

Subscribed and sworn to before me
this 24th day of August, 2009.

_____
Notary Public- South Dakota
My commission expires: ___9-19-09___

<SEAL>

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 24th day of August, 2009, upon the following:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
patty.vangerpen@state.sd.us
Telephone: 605-773-3201

Ms. Karen Cremer
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Meredith A. Moore

3

EXHIBIT 1

Meredith Moore

From:	Meredith Moore
Sent:	Wednesday, August 05, 2009 2:54 PM
To:	Severy, Richard; 'Dixon, Thomas F'
Subject:	TC 08-135 - OrbitCom v. Verizon - Contains Confidential Information (E-Mail 1 of 4)
Attachments:	June 24, 2009 Part 2.pdf; June 24, 2009 Part 1.pdf

Tom and Richard,

Please find attached the documents which OrbitCom volunteered to produce in response to DR 48, which requested CDRs or other call detail information. As we have discussed, OrbitCom does not have CDRs available to it for the time frame at issue in this dispute nor does it have current CDR information available in the requested format. However, in the interests of responding to Verizon's request and in an effort to move toward resolution of this dispute, two of OrbitCom's personnel devoted more than 30 hours preparing the attached information. The attached documents represent a sampling of call detail information from three days in June 2009.

I ask that this information be treated as confidential in accordance with the Parties' Stipulation and Confidentiality Agreement. Therefore, if the attached documents in this e-mail and subsequent e-mails are to be viewed by any Verizon personnel who have not yet signed a non-disclosure agreement, I ask that you please provide me with NDAs for those individuals. Consistent with my representations of earlier today, I will be providing you with additional signed non-disclosure agreements from my client's personnel.

Because of the size of the documents, I will be sending the information in 4 e-mails, including this one. If you have any difficulty opening the attached or do not receive all 4 e-mails, please let me know.

Thank you.

Meredith

Meredith A. Moore
Cutler & Donahoe, LLP
100 N. Phillips Ave., 9th Fl.
Sioux Falls, SD 57104-6725
Main: (605) 335-4950
Fax: (605) 335-4966
meredithm@cutlerlawfirm.com

8/24/2009

EXHIBIT 2

Meredith Moore

From: Dixon, Thomas F [thomas.f.dixon@verizon.com]

Sent: Tuesday, August 11, 2009 3:26 PM

To: Meredith Moore

Cc: Dixon, Thomas F

Subject: FW: TC 08-135 - OrbitCom v. Verizon - Contains Confidential Information - Initial Response

Meredith,

Regarding the spreadsheets you sent in lieu of CDRs on August 5, we have the following comments:

First, the data provided is not in a usable format. For the volume of data provided and in order to perform the necessary calculations, the data needs to be submitted in a one of several formats: text, notepad, excel, or access database. It appears that this data was in some kind of excel file or database format at one time. We can't perform any meaningful analysis on data submitted in pdf format.

Second, we are missing one very key piece of information from the data that would allow us to validate the traffic in our systems and that is the line ranges for both Originating and Terminating ANI's. We asked for CDR's or a list of end user ANI's in order to accomplish one of two goals. If they were to provide a CDR, we could easily perform our usual CDR analysis by checking usage totals and jurisdiction against the billed data and then our own switch records. Overall, the attachments don't contain nearly the same amount of data that an EMI file would contain although some of the same fields are used.

Finally, the call dates of the data provided are June 24th, 25th, and 29th. The corresponding weekdays are Wednesday, Thursday, and Monday. If Orbitcom provides a sample rather than a full months' worth of data we would need to see a call sample from a Saturday or Sunday in order for the data to be more representative.

Please provide us with the CDRs we requested in our discovery requests. Without them, we cannot perform our analysis.

If OrbitCom persists in denying us access to relevant and representative CDRs, we will have no choice but to file a motion to compel.

I am sorry that this has come to this.

Please let me hear from you.

Tom

EXHIBIT 3

Meredith Moore

From: Meredith Moore
Sent: Wednesday, August 12, 2009 3:39 PM
To: 'Dixon, Thomas F'
Subject: RE: TC 08-135 - OrbitCom v. Verizon - Contains Confidential Information - Initial Response

Tom,

Thank you for your e-mail. My client's original concern when we undertook our efforts to provide Verizon with call detail information was that we would spend significant time, effort and expense, only to be met with a statement that the information was insufficient. The concern remains that Verizon's argument or arguments as to why it has not compensated OrbitCom for validly billed traffic is/are a moving target and one which will not be satisfied no matter how much information is produced.

OrbitCom did provide CDRs as defined by Newton's Telecom Dictionary. It provided all fields from the billing system used for its billings to Verizon with the exception of the ANIs. It has offered Verizon a statistical representative sample (5%) of the ANIs so that Verizon can confirm the accuracy of the information. Yet again this is "not enough." If Verizon wants the spreadsheets electronically in an Excel format OrbitCom will provide them. Certainly Verizon can compare these records with its own switch records. The calling number and the called number (less last 4 digits), the date and time of the call is identified on the records. If Verizon wants the same information taken from the DUF with all fields (less the last 4 digits) OrbitCom can hire an independent programmer to pull that information for Verizon. Verizon will be required to pay for the programmer as it is seeking reports that do not exist. OrbitCom estimates that cost to be $1500 or less. This data may possibly be provided for an entire month depending on the computing time required. If not the whole month, the same days (plus the two weekend days you request) will be provided. The actual DUF cannot be provided as it contains other IXC information that is protected and quite frankly proprietary and clearly not relevant to this matter. All fields requested from the 200+ fields will be provided except for the ANIs. Simply tell us what fields Verizon wants. Again, OrbitCom provided Verizon with a report that contained all fields used for billing except the ANI.

I must reiterate again that OrbitCom does not have the CDRs of which you write in the requested format. By way of explanation, the information which OrbitCom uses for billing comes from Qwest. It is provided from Qwest to OrbitCom's third-party billing vendor. The billing vendor extracts from the Qwest information the fields necessary for billing. No "flat" file is created. The problem with Verizon's request is that the information from Qwest contains not only information for Verizon, but also information for Sprint, Willtel, AT&T and 60 other carriers. In addition to the fact that OrbitCom does not have the CDRs in the format requested, there are legitimate CPNI concerns.

However, OrbitCom is willing to produce additional information in order to move forward with this matter. If Verizon is concerned that only weekday traffic was provided, please identify a weekend in June 2009 and we will produce records in a similar format to those provided for that weekend. Please realize that the weekend records are generally about 10% of the weekday records. OrbitCom's customer base is made up of small (less than 4 lines) businesses in small towns in SD. Very few of its customers are residential. Those small businesses are usually closed on weekends. Nevertheless, pick the weekend and you will receive the records. Additionally, if Verizon seeks ANIs, please select 50 per day from those records provided and OrbitCom will provide them. Please let me know if this is acceptable and OrbitCom will provide the additional information.

During our call yesterday, I believe we both expressed frustration on behalf of our respective clients. Based upon both of our experiences, surely you can understand OrbitCom's reluctance in providing additional information to Verizon when that information takes excessive time and expense to produce and when each time it provides what Verizon requests, the original tenor of the argument seems to evolve into something else which then requires additional time and analysis. During our original discussions in this matter, Richard Severy demanded the benchmark rate for interstate traffic. OrbitCom advised Richard that Jaque Moore forgot that the benchmark rate includes a mileage factor (admitted by Jaque and Richard). During that conversation, my client offered to Verizon the option of "picking either the benchmark or the composite—either way. OrbitCom will re-rate all interstate if Verizon picks the benchmark rate with mileage." There is no reason to argue about this. Did that settle the interstate dispute? No. During those same discussions, Richard also stated if OrbitCom billed jurisdictionally that would settle the matter using the PIU going forward and also by applying it retroactively. OrbitCom began jurisdictional billing in May. Unfortunately, that did not settle that issue either. My client's question for Verizon at this time is: "If it provides the data (less ANIs) in excel format, along with a statistically representative sampling of the ANIs, and that data confirms what OrbitCom has been saying all along about the PIU it used, what is Verizon's intention?"

Thank you.

Meredith

From: Dixon, Thomas F [mailto:thomas.f.dixon@verizon.com]
Sent: Tuesday, August 11, 2009 3:26 PM
To: Meredith Moore
Cc: Dixon, Thomas F
Subject: FW: TC 08-135 - OrbitCom v. Verizon - Contains Confidential Information - Initial Response

Meredith,

Regarding the spreadsheets you sent in lieu of CDRs on August 5, we have the following comments:

First, the data provided is not in a usable format. For the volume of data provided and in order to perform the necessary calculations, the data needs to be submitted in a one of several formats: text, notepad, excel, or access database. It appears that this data was in some kind of excel file or database format at one time. We can't perform any meaningful analysis on data submitted in pdf format.

Second, we are missing one very key piece of information from the data that would allow us to validate the traffic in our systems and that is the line ranges for both Originating and Terminating ANI's. We asked for CDR's or a list of end user ANI's in order to accomplish one of two goals. If they were to provide a CDR, we could easily perform our usual CDR analysis by checking usage totals and jurisdiction against the billed data and then our own switch records. Overall, the attachments don't contain nearly the same amount of data that an EMI file would contain although some of the same fields are used.

Finally, the call dates of the data provided are June 24th, 25th, and 29th. The corresponding weekdays are Wednesday, Thursday, and Monday. If Orbitcom provides a sample rather than a full months' worth of data we would need to see a call sample from a Saturday or Sunday in order for the data to be more representative.

Please provide us with the CDRs we requested in our discovery requests. Without them, we cannot perform our analysis.

If OrbitCom persists in denying us access to relevant and representative CDRs, we will have no choice but to file

a motion to compel.

I am sorry that this has come to this.

Please let me hear from you.

Tom

8/24/2009

EXHIBIT 4

Thomas F. Dixon
Assistant General Counsel - Northwest Region

verizon

August 17, 2009

707 17th Street, Floor 40
Denver, CO 80202

Phone 303 390-6206
Fax 303 390-6333
thomas.f.dixon@verizon.com

Meredith A. Moore
Cutler & Donahoe, LLP
100 North Phillips Avenue, 9th Floor
Sioux Falls, SD 57104-6725

<u>VIA E-MAIL</u>

Re: Verizon Business Data Request 048 to OrbitCom (issued July 8, 2009)

Dear Meredith,

This is a follow-up to our earlier conversations and your message of August 12. As Verizon previously explained, the information provided by OrbitCom on August 5 in partial response to Verizon's Data Request 048 was incomplete and not presented in a usable format that would permit Verizon to perform any meaningful analysis. In your recent e-mail, OrbitCom offered to provide Verizon "the same information taken from the DUF with all fields (less the last 4 digits)" and stated that "this data may possibly be provided for an entire month."

While Verizon appreciates the offer to provide data for an entire month, the first portion of your offer is not acceptable and is not what Verizon has, for the past 18 months, consistently asked for. We reject OrbitCom's objection that the request for Call Detail Records is "vague." OrbitCom's personnel have long been aware of Verizon's specific and repeated requests for CDRs, Verizon's desire for CDRs to prove the jurisdiction of traffic was the subject of numerous communications between the companies, and at no time did OrbitCom personnel question what we meant. Up until OrbitCom's responses to our discovery requests and your follow-up message, we thought OrbitCom knew what "CDRs" were. Relying at this late stage of the process on a generic definition in Newton's Telecom Dictionary to stake out a position, rather than address actual industry standards for the exchange of information between carriers does not advance the process.

To be clear (again), Verizon requests the DUF (daily usage feed) records in EMI format for the entire month of either June 2009 or July 2009, with all fields and the complete ANI (automatic number identifier) <u>including</u> the last 4 digits. In stating this request, I have used the terms contained in your prior e-mail; however, if OrbitCom still does not understand what Verizon is seeking, please advise me at once.

You state that, if the last four digits are removed, "Certainly Verizon can compare these records with its own switch records." This is not correct -- if OrbitCom deletes the last four digits of the telephone number. Verizon has explained that, from the perspective of Verizon's long distance network, calls associated with OrbitCom's end users are

indistinguishable from all other traffic carried through Qwest's switches in South Dakota. (ANIs assigned to OrbitCom's end users are associated with Qwest switches, and identified as residing in those switches; that is the only information known to Verizon as a long distance provider.) Indeed, our examination of the traffic between the Qwest and Verizon networks and the jurisdiction of those calls has been one of the factors that has caused Verizon to question the accuracy of OrbitCom's bills. The only way by which Verizon may examine OrbitCom specific-traffic and compare it with its own switch records is by receiving the last four digits (which would distinguish OrbitCom-specific traffic from all other traffic transported through Qwest's switches that is routed to or from Verizon's long distance network).
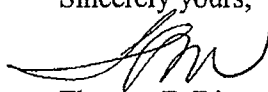
OrbitCom states that the call records it receives from Qwest contain information for both Verizon and other carriers. While this is correct, Verizon understands that Verizon-specific records may be easily separated from other carriers' records by limiting the CIC field to Verizon CICs (555 and 222). Other LECs provide Verizon call detail information that only pertains to Verizon Business on a regular basis without any difficulty. Indeed, sorting the call records in this manner is a far simpler and less labor-intensive task than removing the last four digits from each call record.

Verizon also objects to OrbitCom's refusal to provide CDRs on the basis of unspecified "CPNI concerns." OrbitCom has claimed that it purchases interexchange services on a wholesale basis pursuant to a contract with Verizon Business. To the extent this is so, then OrbitCom, rather than its end users, is the customer for purposes of this request and any applicable CPNI rules. Also, as I have indicated previously, the end users are customers of Verizon's long distances services and/or users of its long distance network, as well as customers of OrbitCom. Under applicable CPNI statutes and rules, carriers exchange such information routinely without violating their customers' privacy rights. Finally, we have signed a confidentiality agreement which relates to how the information may be used only in this proceeding, restricts access to certain individuals, and prohibits its use for marketing or other competitive purposes. Thus, there are ample protections in place to preserve all of OrbitCom's legitimate confidentiality concerns.

Verizon does not want any of the Verizon-related data to be redacted, otherwise modified or manipulated. Your letter objects that "no 'flat' file is created;" however, this statement is puzzling, because this is not something that Verizon has ever requested. It appears that the data provided on August 5 was in some type of excel file or database format at one time, so providing Verizon the information in that format should be relatively straightforward (as opposed to submitting information in pdf format, which precludes Verizon from conducting any meaningful analysis).

If OrbitCom refuses to provide this material precisely as we have requested, we have no choice but to file a motion to compel.

Sincerely yours,

Thomas F. Dixon

EXHIBIT 5

RICHARD A. CUTLER
KENT R. CUTLER
BRIAN J. DONAHOE *#
STEVEN J. SARBACKER *+
JAYNA M. VOSS
MICHAEL D. BORNITZ ‡
TRENT A. SWANSON *
RYAN J. TAYLOR °
KIMBERLY R. WASSINK
MEREDITH A. MOORE
DAVID L. EDWARDS
NATHAN S. SCHOEN *†
ONNA DOMINIACK #
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August 19, 2009

JEAN BROCKMUELLER, CPA (Inactive)
BUSINESS MANAGER

*Also licensed to practice
in Minnesota

#Also licensed to practice
in Iowa

‡Also licensed to practice
in Nebraska

+Also licensed to practice
in Missouri

×Also licensed to practice
in Kansas

†Admitted to practice in
United States Tax Court

°Also licensed as a
Certified Public Accountant

Via E-Mail thomas.f.dixon@verizon.com
Thomas F. Dixon
Assistant General Counsel Verizon
707 - 17th Street, #4000
Denver, CO 80202

RE: OrbitCom, Inc. v. MCI Communications Services Inc. d/b/a Verizon Business Services, Inc. and Teleconnect Long Distance Services & Systems Company d/b/a Telecom*USA (collectively "Verizon")

Dear Mr. Dixon:

My client and I have now had the opportunity to review your August 17, 2009 e-mail correspondence. In that correspondence, Verizon has now specifically requested the daily usage feed ("DUF") records in EMI format for the entire month of either June 2009 or July 2009, with all fields and the complete ANI including the last 4 digits. Please consider this correspondence in follow-up to the August 17, 2009 e-mail request of Verizon and in furtherance of our ongoing discussions about the CDR issue.

As an initial matter, OrbitCom does not seek to stall the current process nor does it seek to rely upon general objections to the disclosure of CDRs or a generic definition of the term/acronym CDR. While OrbitCom certainly agrees that Verizon has made numerous requests for CDRs, OrbitCom explained on each of those occasions the fact that it does not have nor has it ever had the CDRs in the format requested by Verizon.

With regard to the definition provided from Newton's Telecom Dictionary, the definition example was presented to establish that a call detail record is in fact used to reference any type of call record. OrbitCom has provided Verizon with CDRs and, in light of Verizon's claim that the disclosed information was not sufficient, it offered to produce additional information.

OrbitCom will not produce the records in the exact format as requested by Verizon in your August 17, 2009 correspondence. That format simply does not exist. As we have previously discussed, the DUF contains records for numerous other IXCs. Contrary to Verizon's belief, OrbitCom does not have the ability to strip out the call records for over 50 other carriers. While Verizon's billing system may do this, OrbitCom does not have the same ability.

Additionally, OrbitCom reiterates that Verizon has sufficient information with what has already been provided to assess the accuracy of OrbitCom's billing practices. If Verizon has the direct end office trunks ("DEOTs") which have been referenced in testimony to date, Verizon should have the information which it seeks available in its switch. This would also provide SS7 information which is often used for record verification purposes. I attach for your review the testimony of one of Verizon's witnesses indicating as such. See p. 9.

In looking at the information that the DUF provides, Verizon should also have an indicator through its DUF that identifies that traffic belonging to OrbitCom, Qwest and others. Under these circumstances, Verizon has the information on both the originating and terminating LEC. Again, my client believes that the information provided to Verizon is more than adequate to quell any concerns that it has regarding the accuracy of OrbitCom's billing.

Because of Verizon's documented CPNI violations in the past, the request for the entire DUF and all ANIs raises a significant concern regarding disclosure of CPNI. Contrary to Verizon's statement, the end-users at issue cannot be considered Verizon's customers. If they were Verizon's customers, Verizon would already have the entirety of the ANI. While OrbitCom is in fact Verizon's wholesale customer, this does not render its CPNI concerns invalid. The records which Verizon has requested would require disclosure of CPNI information for OrbitCom's end users. Under these circumstances, despite the existing confidentiality agreement, this information, if disclosed, cannot be properly protected, nor can my client be protected in disclosing such information.

Despite the fact that OrbitCom provided Verizon with documentation, and then agreed to provide them in excel format and in another alternate format, Verizon's request has now been shifted to request the DUF. While I appreciate that OrbitCom raised the issue of the DUF in discussions, as we have discussed in the past, my client is increasingly concerned about the ever-evolving nature of Verizon's arguments regarding this dispute and now believe that pertains to its request for CDRs as well. As previously offered, OrbitCom will produce additional records as outlined in my August 12, 2009 e-mail. To be clear though, OrbitCom will not produce all ANIs. In the alternative, OrbitCom will agree to provide the DUF for the month of either June or July to an independent third party to examine and review in order to ensure accuracy of the CDR provided to Verizon. Please let me know if either of these options is acceptable.

While both my client and I certainly want to avoid the time, expense and inconvenience associated with a motion to compel hearing, my client is willing to have these issues resolved by the Commission if necessary. OrbitCom has produced information in accordance with Verizon's requests and does not believe it has an additional and ongoing obligation to produce more than what it is required to produce under the law.

Should you like to discuss this matter further, please feel free to contact me. Thank you.

Sincerely,

CUTLER & DONAHOE, LLP

Meredith A. Moore
For the Firm

MAM/cmc
cc: Client

EXHIBIT 6

BEFORE THE
PUBLIC SERVICE COMMISSION OF
MARYLAND

COMPLAINT OF CAVALIER TELEPHONE	)	
MID-ATLANTIC, LLC FOR BREACH OF	)	
INTERCONNECTION TERMS BY	)	Case No. 9046
VERIZON INC. AND REQUEST FOR	)	
IMMEDIATE RELIEF REQUIRING PAYMENT	)	
OF ACCESS CHARGES	)	

IN THE MATTER OF THE COMPLAINT OF	)	
VERIZON MARYLAND INC.	)	
FOR BREACH OF INTERCONNECTION	)	
AGREEMENT AGAINST CAVALIER TELEPHONE	)	Case No. 9094
MID-ATLANTIC, LLC	)	
	)	

TESTIMONY OF WILLIAM MUNSELL
ON BEHALF OF VERIZON MARYLAND INC.

April 20, 2007

2   **INTRODUCTION AND PURPOSE OF TESTIMONY**

3

4   **Q.**   **Please state your name and business address.**

5   **A.**   My name is William Munsell. My business address is 600 Hidden Ridge,

6   Irving, Texas 75038.

7   **Q.**   **By whom are you employed and in what capacity?**

8   **A.**   I am employed by Verizon Services Corporation and represent Verizon

9   Communications Inc. operating telephone company affiliates in

10   negotiations with competitive local exchange carriers ("CLECs") for

11   interconnection, resale, and unbundled elements pursuant to section 251 of

12   the Communications Act of 1934, as amended by the Telecommunications

13   Act of 1996 ("the Act"). My services in my current position also have

14   included working to resolve disputes with CLECs, as well as providing

15   expert testimony, as in this case.

16   **Q.**   **Please describe your educational background and professional**

17   **experience.**

18   **A.**   I received an undergraduate degree in Economics from the

19   University of Connecticut, and a Master's degree from Michigan

20   State University in Agricultural Economics. I joined the company

21   (then GTE) in 1982. During the course of my career, I have held

22   positions of increasing responsibility in the following groups:

23   Demand Analysis and Forecasting, Pricing, Product Management,

24   the Open Market Program Office, and Contract Negotiations.

25

1	Q.	**Please provide additional detail regarding your Company work**
2		**experience.**
3	A.	I started my career with the company in the Demand Analysis and
4		Forecasting group, where I spent approximately five years. In my position
5		with that group, I was primarily responsible for developing access line and
6		network usage forecasts, including access minute forecasts. I then moved
7		to the Pricing organization, where I served as a Pricing Analyst, a position
8		in which I was responsible for developing intrastate intraLATA toll prices
9		and intrastate switched access rates. Later, I was promoted into a higher
10		level position in the Product Management organization as the Product
11		Manager for GTE's intraLATA toll product line.
12		In 1989, I accepted a position with the company's Telephone Operations
13		group in Irving, Texas as a Senior Product Manager for intraLATA toll
14		calling plans for all of the states in which the company operated. In 1994,
15		I became a Senior Product Manager for the Switched Access Service
16		organization. In this role, I was responsible for managing the switched
17		access rates for Verizon (then GTE) North Inc. I also had responsibility
18		for the systems development and rollout of intrastate intraLATA equal
19		access in all states served by GTE.
20		In 1996, I became a Product Manager for interconnection matters,
21		a position in which I helped GTE develop practices and systems
22		capabilities to comply with the Act. In December 1997, I was promoted to
23		a position within a new program office that was created to develop

1		solutions to the many systems issues that GTE faced in the new
2		competitive environment. I focused on numerous issues in that position,
3		including those related to Local Number Portability ("LNP") and
4		interconnection between GTE and other carriers (including CLECs and
5		interexchange carriers or "IXCs"). In addition, I attended numerous
6		meetings of the Alliance for Telecommunications Industry Solutions'
7		("ATIS") Ordering & Billing Forum ("OBF"), specifically in the Billing
8		and Message Processing subcommittees (including the Multiple Exchange
9		Carrier Access Billing or "MECAB" subcommittee). In the spring of
10		1999, I accepted my present position as a manager in Verizon Services
11		Corporation's Interconnection Services Policy and Planning group.
12	Q.	**What is the purpose of your testimony?**
13	A.	I will explain the purpose behind Cavalier's obligation to provide EMI records
14		under the parties' interconnection agreement. I will also explain how Verizon
15		was damaged by Cavalier's failure to provide those records, including how
16		Verizon was unable to bill interexchange carriers (IXC's) for calls originated by
17		Cavalier without the EMI records, and how Verizon calculated the approximate
18		amount of revenue lost as a result of its inability to bill IXCs for these calls.

THE IMPORTANCE OF EMI RECORDS

19	Q.	**What is the origin of Cavalier's obligation to provide EMI records?**
20	A.	Cavalier is a facilities-based CLEC that operates in the mid-Atlantic area,
21		including Maryland. On March 1, 2000 Verizon and Cavalier entered into an
22		interconnection agreement ("ICA") by which Cavalier adopted the terms of a

3

1		November 3, 1999 interconnection agreement between Verizon and Sprint
2		Communications Company, LP. This agreement was subsequently approved
3		by and filed with the Commission. Attachment 6, Section 2.9 to the ICA requires
4		that "[Cavalier] will provide [Verizon] with the Switched Access Summary Usage
5		Data (category 1150XX records) on magnetic tape or via such other media as the
6		parties may agree to, no later than ten (10) business days after the date of its
7		rendering of the bill to the relevant IXC, which bill shall be rendered no less
8		frequently than monthly. [Cavalier] will send such data to the location specified
9		'by BA." This obligation is consistent with MECAB standards and is routinely
10		included in Verizon's interconnection agreements.
11	Q.	What is MECAB?
12	A.	MECAB refers to a detailed set of standards developed by the Billing
13		Committee of the OBF (Ordering and Billing Forum) of the Alliance for
14		Telecommunications Industry Solutions, the industry group responsible
15		for developing industry standard procedures. The OBF's mission is to
16		"provide[] a forum for customers and providers in the telecommunications
17		industry to identify, discuss and resolve national issues which affect
18		ordering, billing, provisioning and exchange of information about access
19		services, other connectivity, and related matters."[1] The OBF generally
20		resolves industry issues through consensus of a wide variety of carriers,
21		including IXCs, CLECs, Wireless providers, and ILECs like Verizon. I
22		have been a Verizon representative on the Billing and Message Processing

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[1] *See* http://www.atis.org/obf/index.asp.

1		committees of the OBF, and worked on many issues involving standards
2		for the processing and billing of usage data in the post-Act environment. I
3		do not believe that Cavalier participates in the OBF.
4	**Q.**	**How do the MECAB standards affect Cavalier's obligation to provide EMI**
5		**records?**
6	A.	The origin of the EMI obligation is the MECAB documentation setting forth the
7		industry standards with respect to billing. Verizon's contracts and Verizon's
8		switches are set up according to MECAB standards reflecting the consensus in the
9		industry as to which carriers generate records for which calls. Section 6 of
10		MECAB, "Usage and Data Exchange", sets forth the standards for the
11		recording of usage sensitive services and the exchange of such call records
12		between service providers. Specifically, section 6.1 provides "Regardless of
13		the MPB option selected and where contractual relationships exist, the
14		detailed usage records should be passed to the other provider(s) to
15		process......When providers do not have the detailed recordings available for
16		billing the IXC, the official recording company will provide the detailed
17		usage record based on contractual relationships. The official recording
18		company is defined as the following:
19		contractual obligation to provide EMI records is consistent with the industry
20		1. The end office company for originating traffic." Therefore, Cavalier's
21		contractual obligation to provide EMI records is consistent with the industry
22		standard.
23		

| 1 | Q. | How are the EMI records generated? |

| 2 | A. | EMI records from the end office carrier are produced from originating AMA |

3   records that are generated when a switched access (or exchange access)call is originated.

4   They are essential to bill interexchange carriers (IXCs) because the originating AMA

5   record is designed to capture the Carrier Identification Code "CIC" code that identifies

6   the long distance provider selected by the end user for each call. It is the CIC code that

7   local service providers like Cavalier and Verizon utilize in determining which IXC to

8   bill the switched access charges to. When an exchange access call is routed from

9   the end office to the access tandem (an originating switched access call), the CIC of the

10   IXC selected by the end user is signaled to the access tandem. It is the CIC code

11   that the access tandem relies on to determine which IXC to route the call to, since

12   the called telephone number provides no information about what IXC the end user

13   has selected as their toll provider. In the terminating direction (when an IXC

14   delivers an exchange access call to the access tandem for routing to the end office

15   serving the called number), there is no like requirement that the IXC delivering

16   the call insert their CIC in the signaling stream. This is because in the terminating

17   direction the call can be routed to the called party based on the called telephone

18   number alone, without reference to a CIC.

19   **Q.**   **Do Verizon's switches create an AMA record when the call originates from a**

20   **CLEC for delivery to an IXC via an access tandem switch of Verizon?**

21   A.   When calls originate with a CLEC and transit Verizon's network for delivery to

22   IXCs, Verizon's switch does not generate an AMA record, consistent with

23   MECAB standards. In fact Verizon does not create an originating access record

1	at the tandem switch for Verizon's own traffic.

CAVALIER'S PERFORMANCE UNDER THE CONTRACT

3	Q.	Did Cavalier ever comply with its obligations under Section 2.9 of
4		Attachment 6?
5	A.	Immediately after the contract was entered, Cavalier complied with its obligation
6		to provide EMI records. At that time, summary EMI records were provided in
7		accordance with the MECAB standards that were then in effect. I understand that
8		Cavalier paid New York Access Billing LLC (known as the New York Access
9		Pool or "NYAB Pool") to handle its billing and sent all AMA call records it
10		generated to the NYAB Pool. The NYAB Pool then used the appropriate Cavalier
11		records to bill IXC's on Cavalier's and Verizon's behalf.
12	Q.	Did Cavalier stop sending EMI records to Verizon pursuant to Section
13		2.9 of Attachment 6?
14	A.	In early 2001 the MECAB standards pertaining to EMI records were changed to
15		specify that detailed EMI records should be provided, rather than summary EMI
16		records, and that the exchange of summary EMI records would be discontinued
17		effective August 31, 2002. The summary EMI records merely provided a
18		standard way to consolidate the detailed EMI records (which are created for every
19		originating exchange access call) and thereby reduce the number of records
20		exchanged. Around the same time, I understand that Cavalier decided to handle
21		its own billing rather than paying the NYAB Pool for billing services. When
22		Cavalier took over this billing, it stopped providing records to the NYAB
23		Pool and has never sent any EMI records for originating exchange access traffic

7

1		directly to Verizon. Upon information and belief, Cavalier generates the records
2		necessary to bill their access charges to the IXC's, but has chosen not to spend
3		the resources to generate comparable records for Verizon and to send
4		them.
5	**Q.**	**When did Cavalier stop providing EMI records?**
6	A.	Cavalier has not provided any EMI records since February of 2002.
7	**Q.**	**Has Verizon requested that Cavalier resume its provisioning of EMI records**
8		**to Verizon?**
9	A.	Verizon personnel have made numerous requests to Cavalier to fulfill its
10		contractual obligations and to provide EMI records.

11 **VERIZON IS DAMAGED BY CAVALIER'S FAILURE TO PROVIDE EMI**

12	**Q.**	**Given that the calls are routed from Cavalier through Verizon, why can't**
13		**Verizon generate EMI records for the traffic at issue?**
14	A.	Verizon does not have a process in place to bill IXCs access charges when the end
15		office carrier does not provide EMI records.
16		Verizon access tandem switches do not generate an originating AMA
17		record for originating exchange access calls that transit its network on access
18		trunks. Verizon could set up the trunks that carry the exchange access traffic
19		that Cavalier originates and routes to the Verizon access tandems to generate an
20		AMA record, but the record that would be generated would be a terminating
21		access record, not an originating access record, and therefore would not contain
22		the CIC code of the IXC. Instead, it would contain Cavalier's CIC code. This
23		record therefore could not be used to bill IXCs.

1	Q.	How did Verizon estimate its damages in this case?
2	A.	In order to estimate the damages that Verizon experienced due to Cavalier not
3		providing the required EMI records, in October of 2006 I requested and obtained
4		a study of the SS7 signaling data for the month of October 2006. Specifically, the
5		SS7 data provided all calls that Cavalier routed to Verizon MD access tandem
6		switches and which contained a CIC code in the SS7 signaling. The presence of
7		the CIC code in the SS7 signaling is what uniquely identifies this traffic as
8		exchange access traffic for which Cavalier should be supplying Verizon with EMI
9		records. For calls that could be assigned a jurisdiction (interstate or intratstate)
10		based on the calling and called numbers, I relied on that information. For calls where a
11		jurisdiction could not be determined, for example 800 calls, I relied on jurisdiction
12		factors specific to that type of traffic. This resulted in a quantification for the month of
13		October of the number of interstate and intrastate exchange access minutes that Cavalier
14		routed to IXC's via Verizon access tandem switches in MD. To each of these quantities I
15		applied an average rate per minute ("ARPM") for just those switched access rates that
16		Verizon would have been able to bill to the IXC's had Cavalier provided the EMI
17		records as required. I then multiplied the resulting monthly figure by the
18		number of months between April 15, 2003 and February 15, 2007.
19	Q.	**Can Verizon get the information necessary to bill IXCs through the SS7 data**
20		**that Verizon collects and maintains?**
21	A.	Verizon theoretically has access to billing information through SS7 data.
22		However, in order to use this data to bill IXCs Verizon would have to constantly
23		monitor all Cavalier calls, develop a process for pulling out the IXC calls and

1		develop a second process for turning the SS7 data into call records that would be
2		accepted by Verizon's Carrier Access Billing System (CABS) , in order to bill the
3		IXC. This would involve extensive resources to monitor the calls, as well as to
4		design the interface between the SS7 data source and CABS, and would cost
5		Verizon tens of millions of dollars to implement for all third party originating
6		exchange access traffic. Also, this would not be an industry standard method of billing.
7		Verizon does not use SS7 data for billing, but rather only for validation and
8		dispute resolution purposes.
9	**Q.**	**Would IXCs accept as valid bills generated of the SS7 data?**
10	A.	I do not know. Verizon has not attempted to bill any IXC using only SS7
11		data, and I am not aware of any other carrier that has just only SS7
12		data to bill IXCs.
13	**Q.**	**Does this conclude your testimony?**
14	A.	Yes.

EXHIBIT 7

CALLDATE	CALLTIME	CIC	EMICATEGORY	EMIGROUP	EMITYPE	EXCHANGECODE	FROMPLACE	FROMRAO	FROMSTATE	JURISDICTION	MESSAGETYPE	METHODOFRECORDING	MOUCALLCLASSID	ORIGBILLABLETIME	ORIGLATA	ORIGOCN	ORIGPHONE_NPANXX	RECORDCLASS	RECORDLENGTH	RECORDTYPE	SETTLEMENTCODE	TERMLATA	TERMLRN_NPANXX	TERMNXXTYPE	TERMOCN	TERMPHONE_NPANXX	TORAO	TOSTATE	TRUNKUSAGETIME	USAGECALLCLASS
20090629	1538030	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	3181	640	8080	605223	1	412	1	8	640	605654	0	1686	605654	138	SD	3181	4
20090629	1716130	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	2623	640	8080	605223	1	412	1	8	640	605350	4	5037	605350	F68	SD	2623	4
20090629	1231140	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	724	640	8080	605223	1	412	1	8	640	605690	4	5037	605690	F68	SD	724	4
20090629	1435370	555	11	1	25	605223	FORTPIERRE	138	SD	6	1	2	36	1268	640	8080	605223	8	412	1	J	0	800239	0	OMULT	800239	0	XX	1268	51
20090629	1017230	555	11	1	25	605223	FORTPIERRE	138	SD	6	1	2	36	3687	640	8080	605223	8	412	1	J	0	800622	0	OMULT	800622	0	XX	3687	51
20090629	1313040	555	11	1	1	605223	TOLL FREE	0	XX	6	1	2	37	2027	0	OMULT	800396	1	412	1	J	640	605223	0	8080	605223	138	SD	2027	5
20090629	827420	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	160	640	8080	605223	1	412	1	8	640	605342	0	9631	605342	0	SD	160	4
20090629	1806210	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	157	640	8080	605223	1	412	1	8	640	605342	0	9631	605342	0	SD	157	4
20090629	1107430	555	11	1	25	605223	FORTPIERRE	138	SD	6	1	2	36	740	640	8080	605223	8	412	1	J	0	800647	0	OMULT	800647	0	XX	740	51
20090629	1438250	555	11	1	25	605223	FORTPIERRE	138	SD	6	1	2	36	2076	640	8080	605223	8	412	1	J	0	800647	0	OMULT	800647	0	XX	2076	51
20090629	1454150	555	11	1	25	605223	FORTPIERRE	138	SD	6	1	2	36	17417	640	8080	605223	8	412	1	J	0	800647	0	OMULT	800647	0	XX	17417	51
20090629	1543190	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	942	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	942	4
20090629	919230	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	960	640	8080	605223	1	412	1	8	640	605342	0	9631	605342	0	SD	960	4
20090629	1308110	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	1878	640	8080	605223	1	412	1	8	640	605734	0	9631	605734	0	SD	1878	4
20090629	1518170	555	11	1	25	605223	FORTPIERRE	138	SD	6	1	2	36	2908	640	8080	605223	8	412	1	J	0	877942	0	OMULT	877942	0	XX	2908	51
20090629	924290	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	647	640	8080	605223	1	412	1	8	640	605234	0	9001	605234	H16	SD	647	4
20090629	1542540	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	156	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	156	4
20090629	1545120	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	158	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	158	4
20090629	1546350	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	160	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	160	4
20090629	1551590	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	161	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	161	4
20090629	1557220	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	159	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	159	4
20090629	1600560	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	840	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	840	4
20090629	1535560	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	596	640	8080	605223	1	412	1	8	640	605352	0	9631	605352	138	SD	596	4
20090629	1620200	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	578	640	8080	605223	1	412	1	8	640	605352	0	9631	605352	138	SD	578	4
20090629	1526340	555	11	1	1	605223	HURON	138	SD	3	1	2	37	1094	640	9631	605352	1	412	1	8	640	605223	0	8080	605223	138	SD	1094	4
20090629	1455460	555	11	1	1	605223	KENNEBEC	138	SD	3	1	2	37	555	640	1668	605869	1	412	1	8	640	605223	0	8080	605223	138	SD	555	4
20090629	929350	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	2624	640	8080	605223	1	412	1	8	640	605245	0	1670	605245	138	SD	2624	4
20090629	908370	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	611	640	8080	605223	1	412	1	8	640	605352	0	9631	605352	138	SD	611	4
20090629	904230	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	1979	640	8080	605223	1	412	1	8	640	605352	0	9631	605352	138	SD	1979	4
20090629	1241360	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	3071	640	8080	605223	1	412	1	8	640	605352	0	9631	605352	138	SD	3071	4
20090629	1322290	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	2085	640	8080	605223	1	412	1	8	640	605352	0	9631	605352	138	SD	2085	4
20090629	1124520	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	1381	640	8080	605223	1	412	1	8	640	605353	0	9631	605353	0	SD	1381	4
20090629	1009090	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	689	640	8080	605223	1	412	1	8	640	605692	0	1650	605692	138	SD	689	4
20090629	1017470	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	568	640	8080	605223	1	412	1	8	640	605692	0	1650	605692	138	SD	568	4
20090629	1010410	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	442	640	8080	605223	1	412	1	8	640	605695	4	6569	605695	C47	SD	442	4
20090629	1459110	555	11	1	1	605223	ABERDEEN	B10	SD	3	1	2	37	1004	640	6125	605725	1	412	1	8	640	605223	0	8080	605223	138	SD	1004	4
20090629	1647120	555	11	1	1	605223	WOONSOCKET	138	SD	3	1	2	37	1564	640	1676	605796	1	412	1	8	640	605223	0	8080	605223	138	SD	1564	4
20090629	1545360	555	11	1	1	605223	ENNING	138	SD	3	1	2	37	1112	640	1659	605985	1	412	1	8	640	605223	0	8080	605223	138	SD	1112	4
20090629	1630580	555	11	1	1	605223	ENNING	138	SD	3	1	2	37	2715	640	1659	605985	1	412	1	8	640	605223	0	8080	605223	138	SD	2715	4
20090629	1914390	555	11	1	1	605223	TOLL FREE	0	XX	6	1	2	37	5877	0	OMULT	800888	1	412	1	J	640	605223	0	8080	605223	138	SD	5877	5
20090629	1051170	555	11	1	1	605223	FORTPIERRE	138	SD	3	1	2	19	821	640	8080	605223	1	412	1	8	640	605335	0	9631	605335	138	SD	821	4

EXHIBIT 8

sample

110101090619100000000000000105095255454206330028800000144601000129802001630000013000704030000006000090005092111289100000000000000
00000000096381000D   Z00012980000000000   00000000000808000000000000000000000000000000000