

DSCI Corporation
Department of Telecommunications and Cable
Docket No. 08-4
Information Request: DTC-DSCI 1-1
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Person Responsible: Sean Dandley
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On page 7 of Sean Dandley's prefiled testimony, Mr. Dandley states: "...in all of the numerous operational discussions that took place between DSCI and Verizon, both parties included the availability of Assume 9 via Verizon's CustoPak Centrex platform under the COMA Centrex CSP." Explain whether DSCI created a record of or documented the numerous operational discussions referenced by Mr. Dandley contemporaneously with the discussions. If so, provide a copy of the portion of the records regarding the Assume 9 dialing (also referred to as Assume Dial 9) issue and identify the parties that created the records.

Response

DSCI is not aware of any written documents from Verizon to DSCI or from DSCI to Verizon that confirm or reject the use of CustoPak Centrex or the availability of the Assume 9 dialing feature for resale by DSCI of the COMA CSP. As shown in the email from Patrick McCarthy of Verizon attached hereto as Exhibit DTC-DSCI 1-1A, Verizon did not permit DSCI to take any notes of its review of the COMA CSP agreement and related documentation. As discussed in the Dandley and Battles pre-filed testimony, DSCI's use of CustoPak was discussed with Mr. McCarthy and not objected to at that time. As DSCI had made clear its intention to transition virtually its entire UNE-P customer base to Verizon, none of which dialed "9" to access outside lines, any Verizon requirement that COMA CSP resale customers dial "9" for an outside line would have been a critical focus of migration discussions, had Verizon raised it in February and early March 2005. The link between the imminent end of UNE-P service under FCC orders and the COMA CSP migration of DSCI's customer base is made clear in email correspondence. See, e.g., email string among Mr. Dandley and Mr. Battles for DSCI and Mr. McCarthy and Ms. Pamela McCann for Verizon during the January 20, 2005 to February 14, 2005 period (repeatedly referencing the FCC's Triennial Remand Order and March 11, 2005 date for transitioning UNE-P customers to new serving arrangements) (attached as Exhibit DTC-DSCI 1-1B). Given the obvious importance of the operational issue to DSCI and the lack of dispute, DSCI did not see the necessity of a confirming email or letter.

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Furthermore, as shown on emails attached as Exhibit VZ-DSCI 1-1C, Mr. McCarthy did discuss with Mr. Dandley and Mr. Battles specific provisioning questions relative to use of ground start trunks. This exchange is inconsistent with Mr. McCarthy's claims in his prefilled testimony (at p. 2-3) that he had no involvement in retail issues and that he took part in no communications regarding features associated with the COMA CSP conversion with DSCI representatives.

The contemporaneous documentation of DSCI's actions in late February and March 2005 is fully consistent with DSCI's understanding that CustoPak Centrex was the agreed upon provisioning platform for COMA CSP Resale. Ms. Donmoyer's March 2, 2005 internal email to DSCI provisioning team staff (Donmoyer Pre-filed Testimony at Exhibit A) confirms that DSCI planned the conversion of UNE-P customers to the COMA CSP resale platform using CustoPak Centrex with Assume 9. Additional internal DSCI migration planning documents reference Assume 9. See Exhibit VZ-DSCI 2-2 (and, in particular, the provisioning spreadsheets created by Ms. Donmoyer and revised by Mr. Dandley). The planning process thereafter stopped on March 2 and 3, 2005 when Verizon advised DSCI that it would limit COMA CSP resale only to DSCI customers that qualified as "eligible entities" as defined by Verizon and the Commonwealth of Massachusetts, leading to DSCI's decision to file the March 24, 2005 Complaint with the Department's predecessor docketed as DTE 05-28. Similarly, DSCI's March 24, 2005 Complaint in DTE 05-28 expressly states that DSCI was using CustoPak Centrex to provision COMA CSP resale to DSCI customers. See Complaint at page 7, ¶ 16 ("The COMA Contract consists of Verizon's CustoPAK service provided on a statewide basis...."); id. at page 7, note 12 ("For information on CustoPAK services, see Exhibit E (Verizon retail web materials)"); and id. at Exhibit E (describing CustoPak).

Verizon's contemporaneous documentation is also significant. Verizon's April 19, 2005 Answer in DTE 05-28 stated in pertinent part that "the referenced CSP speaks for itself" and did not assert that DSCI had requested an incorrect or unavailable form of Centrex service when it referenced CustoPak Centrex in the Complaint. Verizon's June 21, 2005 pre-filed testimony in Docket DTE 05-28 also did not claim that DSCI's Complaint had relied upon an incorrect or unavailable form of Centrex service for the COMA CSP.

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On page 7 of Sean Dandley's prefilled testimony, Mr. Dandley states: "on Friday, February 18, 2005, Tim Battles... and I were given the opportunity to review the COMA RFR and Verizon RFR Response... *We specifically noted text in both sets of documents that was supportive of, and not prohibitive of* DSCI provisioning service via Verizon's CustoPak Centrex platform with the availability of the Assume 9 feature" (emphasis added). Provide copies of the "noted text," if in DSCI's possession.

Response

The specific text mentioned by Mr. Dandley on page 7 of his prefilled testimony is referenced in Sections B and C of Mr. Dandley's testimony at pp. 9-12. Copies of the following documents are attached as Exhibits DTC-DSCI 1-2A and B, respectively:

- COMA CSP tariff pages at 24-25 (which refer to Analog Centrex and P-Phone Centrex without excluding CustoPak Centrex and state that it includes "at a minimum" the features noted in the Verizon contract with the customer).
- The entire COMA CSP RFR (which does not exclude CustoPak Centrex or Assume 9 and which, at Section 6.2.3, only requires the Bidder to supply industry standard features).

Mr. Dandley also relied upon the Verizon response to the COMA CSP RFR, which he reviewed at Verizon's offices but of which DSCI does not have a copy (which does not exclude Assume 9 or CustoPak Centrex and, in response to a Section 6.2.21 in the COMA CSP RFR seeking information on how the bidder will provide access to the PSTN for local exchange access, does not mention that a 9 or other digit would be required to access the PSTN).

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On page 10 of Sean Dandley's prefilled testimony, Mr. Dandley states: "Assume 9 is a well-established standard Centrex feature that not only appears in Verizon tariffs but is referenced on both Verizon's wholesale and retail websites." Explain whether there is any additional basis upon which DSCI makes this assertion. Also, with respect to the website link provided on page 10, explain what the items listed on this link represent.

Response

With respect to the industry standard nature of CustoPak Centrex with Assume 9, DSCI notes the following additional points not specifically addressed in DSCI's prefilled testimony:

First, CustoPak is not treated as a specialty product in Verizon's tariffs but rather is classified as one of the two available forms of Centrex Plus service, namely "Centrex Plus with dial 9" and "Centrex Plus with Assume Dial 9 (CustoPak)." See Verizon MA Tariff No. 10, Part H, page 22, Section 5.3.1.A.1 and 5.3.1.A.2. A copy of the Centrex Plus tariff is attached hereto as Exhibit DTC-DSCI 1-3A.

Second, CustoPak has been a longstanding and popular form of Centrex since the 1990s, and cannot be fairly characterized as a non-standard or specialty service. Mr. Dandley and Mr. Battles both worked for agents that resold services for two of Verizon's predecessor companies (Bell Atlantic and NYNEX) throughout the Eastern Seaboard down to Virginia. One of the primary services they sold in the former Bell Atlantic territory was CustoPak Centrex, a standard feature of which was Assume 9. It was a Centrex feature then as it is today, and has been available (to the knowledge of Mr. Dandley and Mr. Battles) in the former Bell Atlantic territory since at least the mid-1990s. Upon information and belief of the DSCI witnesses, CustoPak Centrex also is of longstanding and popular in the former NYNEX territories. Among other things, DSCI employees attending a Verizon training session in the early 2000s received an October 2000 Verizon training manual that included "service order procedures" for "Centrex Plus with Assumed Dial 9." (The referenced pages are not attached because the documents state they are not to be disclosed outside of Verizon without a written agreement. DSCI will furnish these documents and the DSCI employee notes at the Department's or Verizon's request, subject to a mutually agreeable nondisclosure agreement.) In

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addition, Ms. Donmoyer had an email exchange with Valerie Soprano of Verizon in August and September of 2002, in which Ms. Donmoyer noted that "Centrex CustoPAK looks like the next best thing since sliced bread" and asked about its newness and availability, and Ms. Soprano's response stated, among other things, that "CustoPAK is not a new product; it has been around for quite some time;" it is "...basically . . . Centrex with Assumed Dial 9"; and it is available "via UNE-P in all the states that have it...."
See attached Exhibit DTC-DSCI 1-3B.

Third and finally, even in addition to provisioning through CustoPak Centrex, DSCI's understanding is that Assume 9 is available on other Verizon platforms using special assembly.

With respect to the website link on page 10 of Mr. Dandley's testimony, Mr. Dandley was directed to the referenced link by going to Verizon's retail website www.Verizon.com and typing in the search field "Assume 9" and then was directed to <http://search.verizon.com/?tp=r&rv=r&q=assume%20dial%209>. The link lists Assume Dial 9 as the first subject in the "Business, Small Business" section of this page. When Mr. Dandley clicked on the "Assume Dial 9" link, he was directed to the page listed in his testimony. The intent of including this link was to illustrate that Assume Dial 9 is not a unique or exotic feature but rather a standard one that is easily found on Verizon's own retail website.

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Exhibit A to the prefilled testimony of Mariane Donmoyer (e-mail from Mariane Donmoyer of DSCI to Lizz Gray dated March 2, 2005) states in part that "We will be changing the POTs lines to Custopak lines with Assume 9." In view of Ms. Donmoyer's prefilled testimony on page 4 (lines 1 – 7), clarify whether DSCI received a direct response to its March 2, 2005 e-mail. If so, provide a copy of any response DSCI received from Verizon in response to this e-mail.

Response

Ms. Gray is a DSCI employee (i.e., the "DSCI provisioner who was assigned to the project that details how the orders should be placed with Verizon and methods to be used," as referenced with p. 4 of Ms. Donmoyer's testimony). The referenced email and follow up email were internal to DSCI and were not sent to Verizon. Hence, Verizon could not reply. These matters would have been discussed by DSCI with Verizon at a scheduled provisioning conference call in early March, but which did not occur after Verizon changed position on whether DSCI would be permitted to use COMA CSP for all of its UNE-P customer base.

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Referring to Exhibit 4 to the pretrial testimony of Carolyn Jussaume, explain why DSCI believes it is entitled to resell the COMA CSP with Assume Dial 9 to eligible entities when the Telecommunications Procurement Manager for the Commonwealth states that “assumed dial-9 is not included in the list of services available under the statewide contract ITT18...and thus may not be offered for sale to eligible entities.”

Response

First, under federal law, DSCI is entitled to resell customer specific pricing agreements (“CSPs”) as defined pursuant to published tariffs and the underlying contract documents. As discussed in DSCI pre-filed testimony and the tariff and contractual documents made available by Verizon and discussed in DSCI’s response to DTC-DSCI 1-2 above, DSCI is not precluded from using CustoPak Centrex in reselling the COMA CSP. DSCI is not, and should not be, bound by decisions made by the customer not to take advantage of the service available under the CSP as defined in the tariffs and contractual documents. To modify these tariff and contract provisions based upon the course of dealing of Verizon and its customer during a multi-year contractual relationship would preclude competitive local exchange carriers from be able to resell CSPs, as they would always be subject to a “Go Fish” game to determine precisely is available for resale under the CSP in question.

Second, the Commonwealth has not demonstrated that it understands the contours of the rights it potentially could exercise under the published tariffs and contractual documents. To illustrate this point, the Commonwealth’s Operational Services Division (“OSD”) in OSD Update 04-24 (copy attached as Exhibit DTC-DSCI 1-5) states that “Three Centrex lines constitute the smallest application.” This is contrary to tariffs which provide that the minimum application is one line. Similarly, OSD 04-24 stated that toll usage must be ordered separately from a different CSP with the Commonwealth, the so-called Customer 38 CSP which is referred to by the OSD as ITT08. As confirmed during the appeal of the DTE 05-28 docket and in the predecessor DTC 07-12 docket, DSCI as a reseller of the COMA CSP per line rates was not required to use Customer 38 for usage, but was free to use other usage plans available under tariffs (such as Corporate Rewards). It is not lawful or appropriate to limit DSCI’s resale of the COMA CSP based on these extra-contractual restrictions agreed to by the Commonwealth.

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Third, the COMA CSP by its terms is not limited to state agencies but also applies to municipalities and non-profit agencies. These entities may well "place a higher value" on a Centrex product with Assume 9 than Mr. Kennedy does on behalf of large state agencies, as stated in his e-mail attached to the Jussaume testimony. The Town of Douglas appears to have done so, as discussed in Mr. Dandley's testimony.

Fourth and finally, as discussed in Mr. Dandley's testimony and acknowledged by Verizon, Verizon marketing personnel have offered COMA CSP with Assume 9 to certain retail customers. Any use of COMA CSP Assume 9 in the marketplace that benefits Verizon Retail weighs against a strict prohibition of the use of Assume 9 by COMA CSP resellers such as DSCI.

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On page 2 (lines 5 – 7) of Vladimir Gurevich’s prefilled testimony, Mr. Gurevich states: “...Assume Dial 9...is not an industry standard feature of Centrex service.” Mr. Gurevich explains why, in his opinion, Assume Dial 9 is not an industry standard feature of Centrex service on pages 3 (lines 13 – 23) and 4 (lines 1 – 10) of his prefilled testimony. To the extent not provided in response to D.T.C.-DSCI 1 – 4, explain DSCI’s position with respect to Mr. Gurevich’s assertions referenced above.

Response

See Response to DTC-DSCI 1-3 above.

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State whether DSCI agrees with Mr. Gurevich's testimony on page 3 (lines 11 – 12) that "unlike calls made within standard Centrex systems, calls made between end-users of a CustoPak system incur usage charges."

Response

DSCI is not aware, based on CustoPak Centrex tariffs, that end user calls necessarily incur usage on calls between lines on the same CustoPak system. DSCI agrees that CustoPak Centrex precludes station to station dialing (*i.e.*, dialing only using extension numbers), but DSCI is not aware of usage differences between Centrex Plus with or without Assume 9. DSCI calls upon Verizon to document the basis for Mr. Gurevich's assertion.

Furthermore, even if Verizon is able to verify that there are usage charges between stations in the same CustoPak system, it would not be material to DSCI end users who will have the majority of their COMA CSP lines terminated in PBX and Key Systems that will allow for free extension-to-extension dialing via the premise-based equipment.

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Referring to Patrick McCarthy's prefilled testimony on page 4, lines 15 – 26, and on page 5, lines 1 – 14, and Carolyn Jussaume's prefilled testimony on page 10, lines 14 – 23, state whether and to what extent, if any, this testimony may cause DSCI to modify its responses to Information Requests VZ-DSCI 1-1 and VZ DSCI 1-2. Also, provide a copy of the March 3, 2008 e-mail from Mr. Dandley to Verizon referenced in response to VZ-DSCI 1-1.

Response

A copy of the referenced March 3, 2008 email and attachments (except with the customer name and phone numbers whited out on one chart) is attached hereto as Exhibit DTC-DSCI 1-8. The referenced testimony of Mr. McCarthy and Ms. Jussaume does not cause DSCI to modify its responses to Information Requests VZ-DSCI 1-1 and VZ-DSCI 1-2 except to the limited extent discussed below.

First, regarding Mr. McCarthy's testimony and DSCI's response to Information Request VZ-DSCI 1-1, Mr. McCarthy's testimony does not eliminate the possibility of Verizon having provisioned COMA CSP lines with Assume 9 and, in particular, does not address DSCI's claims relative to the use of Assume 9 in combination with COMA CSP services offered to the Town of Douglas. Mr. McCarthy does indicate that the two customer service records ("CSRs") sent over by DSCI in its pre-Complaint March 3 email -- and included in the response to VZ-DSCI 1-1 -- lack the USOC Code for CustoPak Centrex with Assume 9. DSCI notes that it reasonably assumed that the CSRs reflected Assume 9 because, among other things, (1) Verizon did not respond to the March 3 email by claiming that DSCI had cited USOC codes that were inconsistent with Assume 9, (2) Verizon has admitted that there are some COMA CSP lines "inadvertently" provisioned with Assume 9 but has not provided DSCI with information on how that would appear on a CSR, and (3) DSCI therefore assumed that station-to-station calling with no associated dialing plan would reflect an Assume 9 Centrex combination. DSCI also notes that Mr. McCarthy's testimony does not include the USOC code or codes associated with provisioning of Assume 9 as a special assembly feature, which DSCI understands can be available with other forms of Verizon Centrex service. DSCI will review other Verizon documentation in its possession and supplement the response to Information Request VZ-DSCI 1-1 if it finds additional CSRs or other information.

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Second, relative to Ms. Jussaume's testimony and the response to VZ-DSCI 1-2, Ms. Jussaume does not rebut the points that Attachment C does not state that it provides an exclusive list of COMA CSP features, nor does she rebut the tariff language that the COMA CSP offering includes the features listed in contract documents "at a minimum." Furthermore, Ms. Jussaume's testimony incorrectly substitutes "station hunting" for the "line hunting" feature that DSCI believes is provisioned on COMA CSP lines but is not included on Attachment C to the COMA CSP contract. Ms. Jussaume testimony also acknowledges that Tie Lines are a COMA CSP feature that is provisioned by Verizon despite not being included on the purportedly exclusive list of services in Attachment C. DSCI calls on Verizon to offer proof that the other features cited the response to VZ-DSCI 1-2 are provisioned exclusively through tariffs other than the COMA CSP.