11.28.17

Commission’s Secretary

Marlene H. Dortch

Office of the Secretary

Re: WC Docket No. 06-210

CCB/CPD 96-20

Federal Communications Commission

445 12th Street, SW

Room TW-A325

Washington, DC 20554

Deena Shetler: deena.shetler@fcc.gov

Pam Arluk: Pamela.Arluk@fcc.gov

**Jointly Submitted By:**

800 Services, Inc., President Phil Okin

**&** Group Discounts, Inc., One Stop Financial, Inc., Winback & Conserve Program, Inc. 800 Discounts, Inc. President: Al Inga

**Motion for Production of Documents**

**Additional Comments**

Petitioners wanted to give AT&T the opportunity of addressing this issue to the FCC staff before petitioners file with the NJFDC for sanctions and to lift the stay and proceed to damages phase.

AT&T had 15 days to provide a written denial of the January 13, 1995 CCI to PSE and January 30, 1995 Inga to PSE and April 26, 1995 800 Services, Inc to PSE traffic only transfers. AT&T initially advised the DC Circuit that AT&T provided a written denial on January 27, 1995 as to the CCI-PSE transfer. That of course was a lie.

AT&T then misrepresented that a different letter with a date of January 23, 1995 from Meric Bloch was a written denial---but that wasn’t a denial of the traffic only transfer of CCI to PSE. It was a “we will see about obligations” letter after the security deposit issue is resolved.

AT&T claimed the February 6, 1995 letter from Fred Whitmer was the denial of the Inga Companies to PSE transfer but that was a fraudulent use warning letter and did not deny anything.

Now we find out that Meade’s Tr8179 filing on February 16, 1995 ---over 15 days- after both the CCI-PSE and Inga -PSE traffic only transfers were relying upon a defense under 2.2.4 issued July 28, 1994 that **did not govern the terms and conditions** of the Inga/Plans or the 800 Services, Inc plans.

Checking with CCMI and BCPIWEB we believe the July 28, 1994 section of 2.2.4 **is the first time** this section appears within AT&T tariff No 2. However even if it is not the first time and there was a previous version that controlled that version was not presented within 15 days.

I also found the following very “interesting.”

Uploaded and screenshot below is AT&T’s 2003 FCC comments with the July 28, 1994 exhibit (see page 24-25 of the attached PDF.)

Uploaded and screenshot below is AT&T counsel Richard Meade’s Tr8179 submission to the FCC on February 16, 1995 see page 12 of the pdf.

The July 28, 1994 section 2.2.4 was in effect for plans that were subscribed to after July 28, 1994. As the FCC 2003 Order states the Inga plans were ordered prior to June 17, 1994. The evidence shows the 800 Services, Inc. plans on July 22, 1994 were UPDGRADED and in its SECOND YEAR of a 3-year contract----thus July 28,1994 tariff page submitted by the 2003 AT&T counsels was bogus evidence.

In 1995 Richard Meade’s FCC Tr8179 pleading was obviously **reading from the tariff pages pages** as he entered into his substantial cause pleading letter **“section 2.2.4.B.2 under Tariff No 1 and the 2.2.4.A.2 under tariff No 2.**” He certainly did not “remember” sections and sub sections under Tariff No 1 and Tariff No 2.

If you notice Richard Meade’s substantial cause pleading, **he failed to submit the 2.2.4 tariff page**. Meade only makes reference to those pages. Meade’s Tr8179 pleading statement as per 2.2.4 **match up exactly** with the non-controlling July 28, 1994 version of 2.2.4.

No attorney in the world that has the tariff pages in his hand, leaves tariff pages out of a substantial cause pleading to the FCC, unless **Meade clearly understood the effective date was non-controlling**.

He was willing to scam the Commission and hope he did not get caught. Meade understood this case was “all about” pre-June 17, 1994 plans and I have no doubt that Meade believed that a sharp guy like the FCC’s R.L. Smith would immediately look at the **effective date** if Meade submitted the tariff page.

It certainly appears as if AT&T counsel Meade knowingly defrauded the Commission.

Whether or not he intentionally misled the FCC is not relevant. The only thing that is relevant is AT&T cannot rely upon its fraudulent use defense as per 2.1.8 or 3.3.1Q bullet 4 (DELETE and ADD) due to not supplying a substantiated written denial using RELEVANT evidence within 15 days as per 2.1.8 (c).

We know Meade within the Tr8179 certainly misrepresented the tariff with his “all obligations” claim. That was pure stupidity; simultaneously asserting to –of all people R.L. Smith---that the plan obligations do and don’t transfer under 2.1.8 on a traffic only transfer. R.L. Smith must have just laughed at that “all obligations” fraud and properly denied it.

The FCC 2003 Order stated AT&T’s only defense was fraudulent use but that was due to the fact that the FCC had not interpreted 3.3.1.Q Bullet 4 (Delete and Add). The FCC did not have to interpret 2.2.4 as per the direct 2.1.8 traffic only transfer as that was FCC denied in 1995 by FCC staff that included (R.L Smith, Deborah Sabourin and David Nall) and AT&T withdrawn on June 2, 1995.

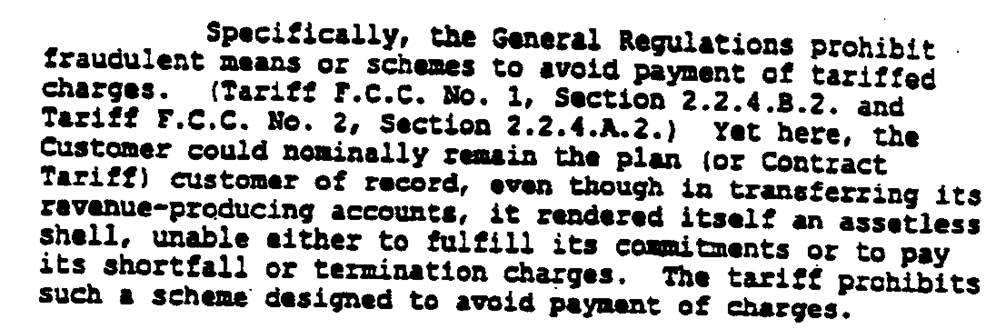
So not only was the 2.2.4 defense under Tr8179 denied by the FCC and thus AT&T’s withdrawn, now we find AT&T scammed the FCC and NJFDC by exhibiting non-relevant evidence, so AT&T can’t rely upon a defense not asserted within 15 days. Even if AT&T at this point produces 2.2.4 and 2.8.2 that it believes would have controlled the plans—AT&T is almost 23 years late. AT&T for having relied upon bogus evidence can no longer rely upon 2.2.4. or 2.8.2.

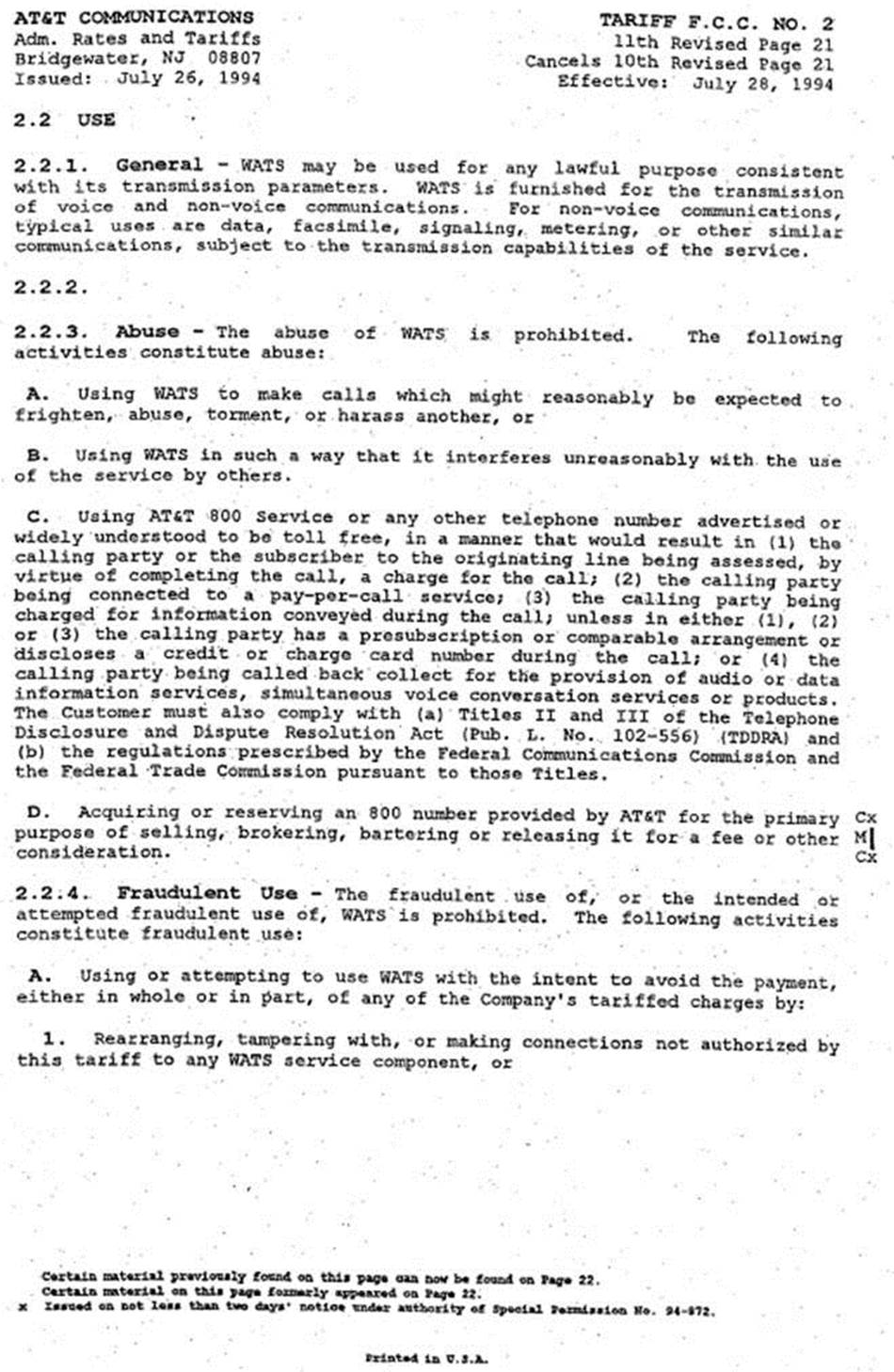
So, whether or not, the FCC requires AT&T to produce the relevant 2.2.4 and 2.8.2 at this point is not relevant as AT&T can’t insert evidence into the case in 2017 for why it denied the transfers in 1995. Additionally, the DC Circuit Court has already ruled against AT&T on the fraudulent use. If it had to rule again there would be no defense to rule upon as 2.2.4 defense is now null and void.

Realistically here we are talking serious ethics issue---not only by Meade by intentionally leaving out the tariff page, but the 2003 AT&T counsels that submitted the non-controlling 2.2.4 and 2.8.2 tariff pages.

While it is not relevant at this point it will be interesting to see what earlier versions of 2.2.4 and 2.8.2 look like or whether the July 28, 1994 version was the first time 2.2.4 appeared within Tariff No 2.   I do know that it has now been 2 weeks addressing this issue and AT&T has not commented.

Below is screen shots of Meade’s Tr8179 referencing 2.2.4 but not submitting the tariff page to the FCC. Below this is the non-relevant July 28, 1994 tariff page submitted by AT&T April 2, 2003.





**From:** SNAP Dining [<mailto:al@databaseemailer.info>]   
**Sent:** Monday, November 27, 2017 3:08 PM  
**To:** 'Brown, Richard H.' <[rbrown@daypitney.com](mailto:rbrown@daypitney.com)>  
**Cc:** Phillip Okin ([pokin@giantpackaging.com](mailto:pokin@giantpackaging.com)) <[pokin@giantpackaging.com](mailto:pokin@giantpackaging.com)>; 'Randolph.Smith@fcc.gov' <[Randolph.Smith@fcc.gov](mailto:Randolph.Smith@fcc.gov)>; 'David.Gossett@fcc.gov' <[David.Gossett@fcc.gov](mailto:David.Gossett@fcc.gov)>; 'Eddie.Lazarus@fcc.gov' <[Eddie.Lazarus@fcc.gov](mailto:Eddie.Lazarus@fcc.gov)>; 'Jamilla.ferris@fcc.gov' <[Jamilla.ferris@fcc.gov](mailto:Jamilla.ferris@fcc.gov)>; 'Jane.Halprin@fcc.gov' <[Jane.Halprin@fcc.gov](mailto:Jane.Halprin@fcc.gov)>; 'Jennifer.Tatel@fcc.gov' <[Jennifer.Tatel@fcc.gov](mailto:Jennifer.Tatel@fcc.gov)>; 'Jessica.Rosenworcel@fcc.gov' <[Jessica.Rosenworcel@fcc.gov](mailto:Jessica.Rosenworcel@fcc.gov)>; 'Jim.Bird@fcc.gov' <[Jim.Bird@fcc.gov](mailto:Jim.Bird@fcc.gov)>; 'John.Williams2@fcc.gov' <[John.Williams2@fcc.gov](mailto:John.Williams2@fcc.gov)>; 'Jonathan.Adelstein@fcc.gov' <[Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov)>; 'Julie.Veach@fcc.gov' <[Julie.Veach@fcc.gov](mailto:Julie.Veach@fcc.gov)>; 'KJMWEB@fcc.gov' <[KJMWEB@fcc.gov](mailto:KJMWEB@fcc.gov)>; 'Karen.onyeue@fcc.gov' <[Karen.onyeue@fcc.gov](mailto:Karen.onyeue@fcc.gov)>; 'Kay.Richman@fcc.gov' <[Kay.Richman@fcc.gov](mailto:Kay.Richman@fcc.gov)>; 'Linda.Oliver@fcc.gov' <[Linda.Oliver@fcc.gov](mailto:Linda.Oliver@fcc.gov)>; 'Madelein.findley@fcc.gov' <[Madelein.findley@fcc.gov](mailto:Madelein.findley@fcc.gov)>; 'Matthew.Berry@fcc.gov' <[Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov)>; 'Meredith.AttwellBaker@fcc.gov' <[Meredith.AttwellBaker@fcc.gov](mailto:Meredith.AttwellBaker@fcc.gov)>; 'Michael.Copps@fcc.gov' <[Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov)>; 'Mignon.Clyburn@fcc.gov' <[Mignon.Clyburn@fcc.gov](mailto:Mignon.Clyburn@fcc.gov)>; 'Mike.ORielly@fcc.gov' <[Mike.ORielly@fcc.gov](mailto:Mike.ORielly@fcc.gov)>; 'Neil.Grace@fcc.gov' <[Neil.Grace@fcc.gov](mailto:Neil.Grace@fcc.gov)>; 'Richard.Welch@fcc.gov' <[Richard.Welch@fcc.gov](mailto:Richard.Welch@fcc.gov)>; 'Robert.McDowell@fcc.gov' <[Robert.McDowell@fcc.gov](mailto:Robert.McDowell@fcc.gov)>; 'Sharon.Gillett@fcc.gov' <[Sharon.Gillett@fcc.gov](mailto:Sharon.Gillett@fcc.gov)>; 'Sharon.Kelley@fcc.gov' <[Sharon.Kelley@fcc.gov](mailto:Sharon.Kelley@fcc.gov)>; 'Stephanie.Weiner@fcc.gov' <[Stephanie.Weiner@fcc.gov](mailto:Stephanie.Weiner@fcc.gov)>; 'Suzanne.Tetreault@fcc.gov' <[Suzanne.Tetreault@fcc.gov](mailto:Suzanne.Tetreault@fcc.gov)>; 'Zachary.Katz@fcc.gov' <[Zachary.Katz@fcc.gov](mailto:Zachary.Katz@fcc.gov)>; 'john.Ingle@fcc.gov' <[john.Ingle@fcc.gov](mailto:john.Ingle@fcc.gov)>; 'prosoftwarepack@yahoo.com' <[prosoftwarepack@yahoo.com](mailto:prosoftwarepack@yahoo.com)>; 'robert.ratcliffe@fcc.gov' <[robert.ratcliffe@fcc.gov](mailto:robert.ratcliffe@fcc.gov)>; 'Frank Arleo' <[Frank.Arleo@arleodonohue.com](mailto:Frank.Arleo@arleodonohue.com)>; 'Nicholas.Degani@fcc.gov' <[Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov)>; 'nick.degani@fcc.gov' <[nick.degani@fcc.gov](mailto:nick.degani@fcc.gov)>; 'Amy.Bender@fcc.gov' <[Amy.Bender@fcc.gov](mailto:Amy.Bender@fcc.gov)>; 'Deanne.Erwin@fcc.gov' <[Deanne.Erwin@fcc.gov](mailto:Deanne.Erwin@fcc.gov)>; 'eric.botker@fcc.gov' <[eric.botker@fcc.gov](mailto:eric.botker@fcc.gov)>; 'MeredithAttwell.Baker@fcc.gov' <[MeredithAttwell.Baker@fcc.gov](mailto:MeredithAttwell.Baker@fcc.gov)>; 'Jo Ann Dobransky' <[JoAnn.Dobransky@arleodonohue.com](mailto:JoAnn.Dobransky@arleodonohue.com)>; 'Phillip Okin' <[pokin@giantpackaging.com](mailto:pokin@giantpackaging.com)>; Phillip Okin ([pokin@giantpackaging.com](mailto:pokin@giantpackaging.com)) <[pokin@giantpackaging.com](mailto:pokin@giantpackaging.com)>; 'Pamela Arluk' <[Pamela.Arluk@fcc.gov](mailto:Pamela.Arluk@fcc.gov)>; 'ray@grimes4law.com' <[ray@grimes4law.com](mailto:ray@grimes4law.com)>; 'Deena Shetler' <[Deena.Shetler@fcc.gov](mailto:Deena.Shetler@fcc.gov)>; Phillip Okin ([pokin@giantpackaging.com](mailto:pokin@giantpackaging.com)) <[pokin@giantpackaging.com](mailto:pokin@giantpackaging.com)>; 'phillo@giantpackage.com' <[phillo@giantpackage.com](mailto:phillo@giantpackage.com)>; [ray@grimes4law.com](mailto:ray@grimes4law.com)  
**Subject:** RE: Richard Brown-- Please address bogus 2.2.4 and 2.8.2 evidence

Richard Thank you for confirming receipt.

The attached motion was just uploaded to produce documents. The documents that need to be addressed are the relevant versions of 2.2.4 and 2.8.2. as AT&T submitted non-governing versions in regard to Inga Companies and 800 Services, Inc.

Additionally, AT&T has never provided the NJFDC or the FCC with evidence of traffic only transfers in which the revenue and time commitments transfer. We all know no such evidence exists, but this will demonstrate for Judge Wigenton the fraud on her Court.

We would also like AT&T to comment on why it continued to insist of defenses that were all argued under Tr8179. AT&T counsels conceded the FCC denied Tr8179, thus AT&T withdrew it on June 2, 1995--- especially when the Third Circuit explicitly stated Tr8179 was FCC denied. After all Tr8179 defenses were denied the attached evidence shows that AT&T advised NJFDC Judge Politan that “the outcome of Tr9229 would resolve the traffic only transfer issue…but AT&T lost that argument with the FCC as well as Tr9229 security deposits against potential shortfall went into effect prospectively.

Al Inga President

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