

Jan 21st, 2016
Commission's Secretary
Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554
Deena Shetler: deena.shetler@fcc.gov
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Re: WC Docket No. 06-210
CCB/CPD 96-20

FURTHER SUPPORT OF
MOTION TO TEMPORARILY SUSPEND FCC DECLARATORY RULING
PROCEEDINGS DUE TO FCC ORDERS THAT RESOLVE LIABILITY AGAINST
AT&T AND HAVE NOT BEEN SEEN BY NJFDC

THE FCC PROCEEDINGS SHOULD REMAIN OPEN ONLY TO CONSIDER
PLAINTIFFS SANCTIONS REQUEST THAT WILL BE FILED THIS WEEK

Rule 47 CFR 1.24, “Censure, suspension, or disbarment of attorneys does not provide for the awarding of monetary sanctions against attorneys practicing before the Commission. Rather, it permits the Commission to censure, suspend or disbar such attorneys practicing before the Commission under certain enumerated circumstances.

However the Commission unquestionably has the authority to sanction attorney misconduct in a declaratory ruling proceeding to protect the integrity of the proceeding. See, e.g., *In re Litigation Recovery Trust*, 17 FCC Rcd. 21852, 21857 (2002) (holding in a declaratory ruling proceeding that “it is well –established that the Commission and its staff may impose sanctions upon parties participating in Commission proceedings if they file pleadings primarily for abusive purposes.”) (citing *In Re Application of Nationwide Communications, Inc.* 13 FCC Rcd. 5654, 5655-56 (1998)).

In the *Nationwide Communications* matter, the Commission approved sanctions and stated that there was nothing improper about Nationwide’s raising the issue of potential sanctions. 13 FCC Rcd. At 5656.

Also see *Public Notice in Commission Taking Tough Measures Against Frivolous Pleadings*, where it states that “all Bureaus and Offices are encouraged to fully utilize the Commission’s sanctions powers, which include the authority to strike such pleadings pursuant to 47 C.F.R. 1.52 or other applicable rules and to issue forfeitures under 47 U.S.C 503 for violations of 47 C.F.R. 1.52 or other applicable rules.”

The foregoing authority is consistent with the Commission's statement in amending 47 C.F.R. 1.17 that it "expect[s] parties **to be truthful** in....declaratory ruling proceedings." *In The Matter Of Amendment Of Section 1.1.7 Of The Commission's Rules Concerning Truthful Statements To the Commission*, 18 FCC Ecd. 4016, 4021-22 (2003).

Thus, the fact that 1.1.7 is limited to certain proceedings or parties in no way inhibits the Commission from sanctioning AT&T's counsels for engaging in multiple obvious intentional frauds, along with attempts to cover-up those frauds by modifying the words of section 2.1.8 to escape detection, in an effort to influence the outcome of the proceeding. As usual it is the cover-up that often evidences the misconduct.

AT&T counsel Richard Brown in a February 5th 2008 letter to the FCC's Deena Shetler claimed:

"AT&T has not submitted **any untruthful statements** in the proceeding, and has not attempted to **delay** this proceeding in any way."

However by 2008 AT&T counsels had already presented to the FCC, AT&T's "all obligations" fraud that included an attempted cover-up the fraud, 2 years earlier in 2006.

When Mr. Brown made his assertion to the FCC in 2008 the AT&T fraud and cover-up had not been fully deciphered. The additional fraud on Judge Wigenton in 2015 engaged in by AT&T counsel to **delay the case at the FCC** had not yet occurred.

The FCC had not had the ability to see that AT&T counsels would not even respond to plaintiffs detailed fraud analysis uploaded to the FCC server in November 2015.

<http://apps.fcc.gov/ecfs/comment/view?id=60001310889>

The FCC is now well aware AT&T counsels submitted its 2006 fraudulent comments with cover-ups and unquestionably knew it was intentionally trying to scam the FCC.

The AT&T fraud on the FCC has become so overwhelmingly apparent that Mr Brown knows full well that the FCC is obviously well aware that Mr Brown's 2008 statement that AT&T had not submitted any untruths was in and of itself an untruth.

Do you think AT&T counsels today would have the nerve to make the statement in 2016 that was made in 2008?

Given the fact that AT&T has not even attempted to respond to plaintiffs detailed fraud analysis and given the fact that AT&T counsel asserted that the FCC does have the right to award sanctions for intentional untruths to the FCC, plaintiffs request the FCC temporarily suspend FCC proceedings but leave the case open for comments on sanctions against AT&T counsels.

This will allow AT&T counsels to defend its conduct---because at this point AT&T counsels have not even responded to plaintiff's fraud analysis.

The most egregious aspect of the AT&T fraud was that the "all obligations" fraud was based upon a BRAND NEW DEFENSE raised 11 years into the case! Fraud upon fraud! This is why the FCC 2007 Order stated that the 2006 NJFDC Referral on which obligations transfer under 2.1.8 did not expand the scope of the Third Circuit's referral on fraudulent use 2.2.4. The FCC Order in 2007 correctly advised the District Court that Judge Bassler's 2006 obligation allocation referral question was not needed to "terminate a controversy or remove uncertainty" as the FCC's 2007 Order pointed to the comments of the parties at FN 13 where the parties agreed there was no controversy or uncertainty between the parties as to which obligations transfer.

The AT&T fraud is now so crystal clear that AT&T counsels know that any further attempts to intentionally scam the FCC would simply cause the FCC staff more reason to take action against AT&T counsels. This is why the FCC will not be receiving any comments from AT&T's counsels. Absent opposition from AT&T counsels the FCC should have absolutely no reason to address plaintiffs sanctions request, as AT&T counsels are in effect conceding that it intentionally attempted to scam the FCC.

Plaintiffs respectfully request that the motion be granted to temporarily suspend Declaratory Ruling proceedings but leave the comments open for the consideration of sanctions against AT&T's counsels.

Respectfully Submitted,
One Stop Financial, Inc.
Winback & Conserve Program, Inc.
Group Discounts, Inc.
800 Discounts, Inc.
/s/ Al Inga
Al Inga President