

February 22<sup>th</sup> 2016  
Commission's Secretary  
Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554  
Deena Shetler: deena.shetler@fcc.gov  
FCC Contractor: fcc@bcpiweb.com  
Re: WC Docket No. 06-210  
CCB/CPD 96-20

### **FURTHER COMMENTS ON STATUTE OF LIMITATIONS WITHIN SECTION 2.1.8**

**From:** Al [mailto:freerecdeptsrv@optonline.net]  
**Sent:** Monday, February 22, 2016 9:39 AM  
**To:** 'Deena Shetler'; Brown, Richard; ray@grimes4law.com; randolph.smith@fcc.gov; 'Pamela Arluk'; 'ray@grimes4law.com'; 'Deena Shetler'; 'Pamela Arluk'; 'john.Ingle@fcc.gov'; 'Jessica Rosenworcel'; 'Robert McDowell'; 'Kay Richman'; 'Sharon Kelley'; 'Jane Halprin'; 'Julie Veach'; 'KJMWEB@fcc.gov'; 'Sharon Gillett'; 'MeredithAttwell.Baker@fcc.gov'; 'Michael.Copps@fcc.gov'; 'Jonathan.Adelstein@fcc.gov'; 'Eddie.Lazarus@fcc.gov'; 'Zachary Katz'; 'thomas.wheeler@fcc.gov'; 'Mike ORielly'; 'Mignon Clyburn'; 'Jessica Rosenworcel'; 'robert.ratcliffe@fcc.gov'; 'eric.botker@fcc.gov'; 'Jane Halprin'; 'Julie Veach'; 'Kay.Richman@fcc.gov'; 'KJMWEB@fcc.gov'; 'Matthew Berry'; 'robert.ratcliffe@fcc.gov'; 'Sharon Kelley'; 'Tom Wheeler'; 'Suzanne Tetreault'; 'David Gossett'; 'Jennifer Tatel'; 'Karen.onyeue@fcc.gov'; 'Stephanie Weiner'; 'Madelein.findley@fcc.gov'; 'Jim Bird'; 'Jamilla.ferris@fcc.gov'; 'John Williams'; 'Linda Oliver'; 'Richard Welch'; 'john.Ingle@fcc.gov'; 'Randolph Smith'; 'Pamela Arluk'; 'Jay Keithley'; 'eric.botker@fcc.gov'  
**Cc:** Brown, Richard  
**Subject:** RE: Actions speak louder than words...

Richard

What Mr Shipp said is not relevant anyway as the denial needed to be in writing. The denial would have been sent to PSE not CCI as PSE was submitting the Jan 13<sup>th</sup> 1995 order. AT&T has never produced a written denial of the CCI-PSE traffic transfer and specified under the tariff the reason for the denial.

All AT&T defenses are precluded for not having met the 15 days statute of limitations within 2.1.8. That is the law. If there are any ambiguities in that 15 day section it would be construed against AT&T in any event---however when AT&T asserts that it met the date Jan 27<sup>th</sup> and then changes its story to Jan 23<sup>rd</sup> and then states well CCI said it was denied.

The FCC has no other choice than to rule on this. If AT&T did not lie to the DC Circuit that it met the 15 days the DC Circuit would have just decided on that fact alone. But AT&T

scammed the DC Circuit into believing that AT&T denied the transaction on Jan 27<sup>th</sup> 1995 but no evidence was provided.

When AT&T did this scam on the DC Circuit it was against the FCC. The FCC would have no way to know whether PSE actually received a written denial on Jan 27<sup>th</sup> 1995. So the FCC could not confront AT&T. At the time plaintiffs also could not have been sure whether AT&T actually did this alleged Jan 27<sup>th</sup> denial. Only when AT&T then changed the date in 2008 FCC comments to the Jan 23<sup>rd</sup> 1995 LATE DENIAL of the PLAN transfer did plaintiffs see AT&T scammed the DC Circuit. The LATE DENIAL of the PLAN TRANSFER could not be used to toll the traffic only transfer as the legitimacy of the plan transfer goes back to Dec 16<sup>th</sup> 1994 as per FCC....

FCC 2003 Decision:

FN 19 Because the district court ultimately found that AT&T's refusal to accept the transfer from the Inga Companies to CCI was improper and ordered AT&T to accept it, we assume the legitimacy of that transfer, **retroactive to the time when it should have occurred.**

Al Inga  
Group Discount's

**From:** Al [<mailto:freerecdeptsrv@optonline.net>]

**Sent:** Monday, February 22, 2016 8:54 AM

**To:** 'Deena Shetler'; Brown, Richard; [ray@grimes4law.com](mailto:ray@grimes4law.com); [randolph.smith@fcc.gov](mailto:randolph.smith@fcc.gov); 'Pamela Arluk'; 'ray@grimes4law.com'; 'Deena Shetler'; 'Pamela Arluk'; 'john.Ingle@fcc.gov'; 'Jessica Rosenworcel'; 'Robert McDowell'; 'Kay Richman'; 'Sharon Kelley'; 'Jane Halprin'; 'Julie Veach'; 'KJMWEB@fcc.gov'; 'Sharon Gillett'; 'MeredithAttwell.Baker@fcc.gov'; 'Michael.Copps@fcc.gov'; 'Jonathan.Adelstein@fcc.gov'; 'Eddie.Lazarus@fcc.gov'; 'Zachary Katz'; 'thomas.wheeler@fcc.gov'; 'Mike Orielly'; 'Mignon Clyburn'; 'Jessica Rosenworcel'; 'robert.ratcliffe@fcc.gov'; 'eric.botker@fcc.gov'; 'Jane Halprin'; 'Julie Veach'; 'Kay.Richman@fcc.gov'; 'KJMWEB@fcc.gov'; 'Matthew Berry'; 'robert.ratcliffe@fcc.gov'; 'Sharon Kelley'; 'Tom Wheeler'; 'Suzanne Tetreault'; 'David Gossett'; 'Jennifer Tatel'; 'Karen.onyeue@fcc.gov'; 'Stephanie Weiner'; 'Madelein.findley@fcc.gov'; 'Jim Bird'; 'Jamilla.ferris@fcc.gov'; 'John Williams'; 'Linda Oliver'; 'Richard Welch'; 'john.Ingle@fcc.gov'; 'Randolph Smith'; 'Pamela Arluk'; 'Jay Keithley'; 'eric.botker@fcc.gov'

**Cc:** Brown, Richard

**Subject:** Actions speak louder than words...

Richard

AT&T does not want to upload any additional misrepresentations to the FCC server so it is not responding to several issues –such as AT&T's manipulation to Judge Wigenton of the 2007 FCC Order.

Plaintiffs will be filing in NJFDC soon and AT&T will be responding. Plaintiffs will upload AT&T's NJFDC responses to the FCC server so it is a part of the file. This way when AT&T

continues to misrepresent the FCC 2007 Order and assert the bogus 2.1.8 defenses it will be part of the FCC file.

#### SECOND ISSUE:

AT&T's recent comments is relying upon Larry Shipp's certification that was submitted as exhibit L in plaintiff's comments to assert that he conceded AT&T denied the traffic transfer within 15 days.

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

The certification from Mr Shipp is from **2006**. AT&T stated that Mr Shipp submitted an affidavit claiming that AT&T denied the traffic transfer.

AT&T's comments give the false assumption that Mr Shipp was certifying that the denial was within 15 days.

Mr Shipp simply stated in 2006 "This transfer of accounts ( traffic) to PSE was denied by AT&T and is now the subject of an ongoing dispute between the Inga Companies and AT&T".

Mr Shipp does not say that AT&T denied the traffic transfer within 15 days. He just said AT&T denied the traffic transfer.

Actions speak louder than words. There was no need for AT&T counsel to explicitly advise the DC Circuit that AT&T denied the traffic transfer on Jan 27<sup>th</sup> 1995 when AT&T now claims it did not need to deny it by that date.

Then in 2008 assert to the FCC that a different Jan 23, 1995 letter was the real denial—when that was not so either.

As you are aware clarification was done and it was determined that the Jan 1995 version of 2.1.8 was indeed a hard 15 day in writing statute of limitations date that AT&T did not meet.

All defenses are precluded and the case is over just on statute of limitations.

Where is this certification that you are referring to that Mr Shipp states that AT&T denied the traffic transfer within 15 days?

Here is the sentence:

discount. The CT 516 was set up to have the end-users get 28% and the 38% supplemental discount would be paid by AT&T to PSE. PSE was to then pay CCI and the Inga Companies separately. This transfer of accounts (traffic) to PSE was denied by AT&T and is now the subject of an ongoing dispute between the Inga Companies and AT&T.

9) As mentioned earlier, CCI and the Inga Companies wanted their own Contract Tariff – and

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