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1 that a fair statement?  
2 **A. Yes.**  
3 Q. But you don't have direct personal  
4 knowledge of that, do you?  
5 **A. I don't know what you mean by that.**  
6 Q. You didn't participate directly in the  
7 assignment to Beehive?  
8 **A. No, I did not.**  
9 Q. In fact, you can't even identify for  
10 me someone who did with whom you might have  
11 spoken, correct?  
12 **A. I didn't understand the first part of**  
13 **that question.**  
14 Q. You can't even give me a source with  
15 whom you've spoken about this assignment to  
16 Beehive, a name, someone you've talked with about  
17 it?  
18 **A. Are you asking do I know who made the**  
19 **assignment or are you asking did I talk to them**  
20 **about it?**  
21 Q. That's included in my question, yes.

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1 **A. Yeah what?**  
2 Q. Do you know who made the assignment?  
3 **A. Telcordia, Bellcore did.**  
4 Q. Well, you're assuming that. You  
5 didn't participate in the assignment, correct?  
6 MR. JENSEN: I'll object. I think  
7 you're arguing and badgering the witness.  
8 BY MR. SMITH:  
9 Q. I am. I apologize. Were you part of  
10 the group at Bellcore in 1985 that put together  
11 the guidelines that are attached to this  
12 affidavit?  
13 **A. No.**  
14 Q. Have you seen a file anywhere with  
15 documentation germane to the assignment of the  
16 629 numbers to Beehive?  
17 **A. No.**  
18 Q. Have you asked to see such a file or  
19 to know whether it exists?  
20 **A. I asked if there were records relating**  
21 **to it, yes.**

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1 Q. Who did you ask?  
2 **A. I asked the Telcordia representatives**  
3 **who have the numbering expertise currently.**  
4 Q. Okay. What are their names?  
5 **A. Rich -- Rick. Richard Harrison,**  
6 **H-A-R-R-I-S-O-N, and Gary Richenaker,**  
7 **R-I-C-H-E-N-A-K-E-R, I think it is.**  
8 Q. Okay. Were either of these gentlemen  
9 present at the inception, so to speak? Were they  
10 part of the Bellcore group that dealt with the  
11 assignment process and the formulation of  
12 guidelines and so forth?  
13 **A. I don't know that.**  
14 Q. Okay. Are they custodians of any  
15 records that might exist memorializing the  
16 assignment to Beehive?  
17 **A. My understanding is the records were**  
18 **transferred to the new number administrator.**  
19 Q. And who was that?  
20 **A. Neustar.**  
21 Q. Spell that, please.

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1 **A. N-E-U-S-T-A-R.**  
2 Q. And did you drive that understanding  
3 from your conversation with Mr. Harrison or this  
4 other gentleman?  
5 **A. Yes.**  
6 Q. When did you have what conversation?  
7 **A. Two weeks ago.**  
8 Q. Okay. Did you -- is that the first  
9 time that you asked to see any file that might  
10 exist on the assignment of the 629 numbers to  
11 Beehive?  
12 **A. Yes.**  
13 Q. Okay. So at the time you made the  
14 affidavit, this Exhibit Number 1, you hadn't  
15 asked as of that time for this particular file,  
16 correct?  
17 **A. That's correct.**  
18 Q. Okay. Did Mr. Harrison or his  
19 compatriot ever say that such a file did exist  
20 but that it had been transferred to Neustar?  
21 **A. They didn't -- they weren't that**

1 specific.  
 2 Q. Did they say something like, well, we  
 3 don't know if the file exists, but if it did then  
 4 it's been transferred to Neustar?  
 5 A. They said to the best of their  
 6 knowledge all the records were transferred to  
 7 Neustar.  
 8 Q. Okay. Did you ask the next question,  
 9 which is, okay, do you know, Mr. Harrison and  
 10 compatriot, whether there was a file on Beehive?  
 11 A. No, I did not.  
 12 Q. Do they have any inventory of what  
 13 they transferred? Did they keep a record of what  
 14 they sent over?  
 15 A. I don't know that.  
 16 Q. Did you ask?  
 17 A. No.  
 18 Q. Do you know of your personal knowledge  
 19 whether Beehive even saw what is Exhibit 2 or B  
 20 to your deposition, Exhibit Number 1, at or about  
 21 the time it did the assignment of these 629

1 numbers?  
 2 A. I have no way of knowing that.  
 3 Q. Could you know of your personal  
 4 knowledge whether Beehive acceded to the terms  
 5 and conditions that are implied in these or that  
 6 may be implied in these documents we're talking  
 7 about?  
 8 A. I have no way of knowing that either.  
 9 MR. JENSEN. Getting pretty close to  
 10 noon. How would you like to arrange lunch?  
 11 MR. SMITH. Do you want to order  
 12 sandwiches or something?  
 13 MR. JENSEN. Let's go off the record.  
 14 (Discussion off the record.)  
 15 BY MR. SMITH:  
 16 Q. You say Neustar is the new plan  
 17 administrator. What is Neustar? Is that a  
 18 corporation? What is it?  
 19 A. It's a corporation, as far as I know.  
 20 Q. Okay. Do you know where it's based?  
 21 A. No.

1 Q. When you say plan administrator, what  
 2 plan are you referring to?  
 3 A. North American Numbering Plan.  
 4 Q. Who appoints Neustar to be plan  
 5 administrator of this numbering plan?  
 6 A. I believe they work under a contract  
 7 to the FCC.  
 8 Q. So then does the FCC appoint them?  
 9 A. It has nothing to do with that, so I  
 10 don't know.  
 11 Q. Did you call Neustar to find out  
 12 whether they had the Beehive records relating to  
 13 these 629 numbers?  
 14 A. No.  
 15 Q. Did you direct anybody in your office  
 16 or under your charge to do so?  
 17 A. No.  
 18 Q. Looking, again, at paragraph 5.2 of  
 19 your affidavit and thinking real hard, do you  
 20 have any memory where you got the 1999 date from?  
 21 A. 1989?

1 Q. 1989, yes.  
 2 A. No.  
 3 Q. Looking at paragraph 5.6, "In 1993,  
 4 when number portability was implemented,  
 5 virtually all carriers, with the exception of  
 6 Beehive, voluntarily returned any unused 800  
 7 numbers to the common pool of toll free numbers."  
 8 Where did you get your information upon which you  
 9 base that paragraph of the affidavit?  
 10 A. I just remembered that.  
 11 Q. The 1989?  
 12 A. Paragraph 5.6.  
 13 Q. Okay. You just remembered -- so that  
 14 was a recollected information?  
 15 A. Correct.  
 16 Q. Okay. You say virtually all carriers,  
 17 so I guess not all carriers returned things.  
 18 What carriers didn't? What carriers are excepted  
 19 from the virtually all carriers that's in  
 20 paragraph 5.6?  
 21 A. Beehive.

1 Q. And any others?  
 2 A. **Not that I remember.**  
 3 Q. Is there a record somewhere that will  
 4 tell me which carriers returned numbers and how  
 5 many numbers were returned?  
 6 A. **Probably not anymore.**  
 7 Q. Was there one at one time?  
 8 A. **Well, I mean, at the time of the**  
 9 **initial loading of the system, we would have had**  
 10 **records of how many NXXs had been put into the**  
 11 **system and how many numbers would have been in**  
 12 **each NXX, but that would have been a transitional**  
 13 **activity.**  
 14 Q. Why wouldn't you have kept those  
 15 records?  
 16 A. **Why would we have kept those records?**  
 17 Q. So you could make an affidavit like  
 18 this ten years later.  
 19 MR. JENSEN: I'll object. You're  
 20 arguing with the witness again.  
 21 BY MR. SMITH:

1 Q. So what I think I'm hearing is that  
 2 you remembered when you made paragraph 5.6 these  
 3 records and this inputting during this  
 4 transitional period in 1993; is that correct?  
 5 And it's based on -- you're nodding. Say yes, if  
 6 that's your answer.  
 7 A. Yes.  
 8 Q. And based on that memory, you're  
 9 giving this testimony in 5.6; is that correct?  
 10 A. Yes.  
 11 Q. What was your contact with those  
 12 records, the records that were used to input the  
 13 transition that we're talking about in '93? Did  
 14 you see them?  
 15 A. **I don't understand the question.**  
 16 Q. Did you see the records that showed  
 17 what carriers had turned in what numbers?  
 18 A. **Did I actually see the tapes that came**  
 19 **in? Is that what you're asking?**  
 20 Q. What did you see by way of records?  
 21 A. **That's been a long time. I don't**

1 **remember exactly what we had back then.**  
 2 Q. Did you get a report from one of the  
 3 people working for you that said here are the  
 4 carriers, here's what they've given back?  
 5 A. **Again, that's been a long time. I'm**  
 6 **sure we had reports of all of the NXXs and the**  
 7 **status of them, but I don't remember anything**  
 8 **specific about them.**  
 9 Q. Did you remember that when you wrote  
 10 the affidavit, which is Exhibit 1 to your  
 11 deposition?  
 12 A. **Did I remember what?**  
 13 Q. What records were there, what you had  
 14 seen, what you hadn't seen, whether you got a  
 15 report from somebody about carriers, and what  
 16 numbers were turned back?  
 17 A. **I remembered the activity. I was**  
 18 **there. I'm not sure what you're asking me.**  
 19 Q. Well, I'm trying to tie down what it  
 20 is exactly that you base this testimony on in  
 21 terms of what you saw or heard. You've testified

1 about the records and the process, but then you  
 2 said you couldn't remember exactly what you'd  
 3 seen that way as of today. And I'm asking was  
 4 your memory the same then as when you wrote this  
 5 affidavit in '98?  
 6 A. **What we had at the time as I recall --**  
 7 **what I had at the time was a report that showed**  
 8 **out of the 800-629 code every single number was**  
 9 **accounted for within the tape that Beehive sent**  
 10 **to us, and every single one of them had exactly**  
 11 **the same routing associated with it. It was**  
 12 **clearly a place holder structure.**  
 13 Q. In '98?  
 14 A. In '93.  
 15 Q. But you wrote this affidavit in '98,  
 16 correct?  
 17 A. Right.  
 18 Q. I'm asking you what in '98 did you  
 19 remember in terms of records in '93?  
 20 A. **And I just answered that.**  
 21 Q. Okay. Now this report that you say

1 you saw as distinct from the tapes and so  
2 forth --  
3 **A. I said I remembered that that was the**  
4 **case.**  
5 Q. You referenced a report, did you not?  
6 **A. If I did, I didn't mean to.**  
7 Q. So then what did you see if it wasn't  
8 a report? Was it another document?  
9 **A. Haven't we been through this about**  
10 **five times?**  
11 Q. I still don't understand what your  
12 memory is based upon when you wrote Exhibit 1.  
13 **A. You're asking me if there were**  
14 **documents, and I'm saying I don't remember what**  
15 **the documents were. It was a transition period.**  
16 **I'm sure there were documents. What were they?**  
17 **I don't remember.**  
18 Q. But you remember Beehive's numbers?  
19 **A. I remember the flavor of the Beehive**  
20 **transition activities.**  
21 Q. What do you remember about another

1 carrier's numbers or is it just Beehive that  
2 sticks out in your mind?  
3 **A. Beehive was the exception. That's the**  
4 **reason it sticks out.**  
5 Q. How many other carriers were there  
6 that turned in numbers?  
7 **A. About 135 or so.**  
8 Q. Okay. And no other carrier sticks out  
9 in terms of unused numbers?  
10 **A. No.**  
11 Q. At least not when you wrote this  
12 affidavit, correct?  
13 **A. Correct.**  
14 Q. Okay. Now when you say unused 800  
15 numbers, is that measured in terms of the  
16 guidelines that are attached to your affidavit  
17 and the fill-in levels that are referenced there?  
18 **A. You're talking about Exhibit B again?**  
19 Q. Yes.  
20 **A. Exhibit B has to do with the NXX plan.**  
21 **It's not applicable to the number portability**

1 **system.**  
2 Q. Right. But when you're talking about  
3 numbers that are turned back --  
4 **A. Right.**  
5 Q. -- aren't those numbers that were held  
6 pursuant to the NXX plan by carriers?  
7 **A. Correct.**  
8 Q. Okay. So I'm asking you, when you  
9 make this affidavit and you reference any unused  
10 800 numbers, are the unused numbers measured in  
11 terms of the fill-in requirements of the NXX plan  
12 that's part of the guidelines?  
13 **A. And, again, they don't apply.**  
14 Q. Well, let me be more specific. As I  
15 read these guidelines that are attached to your  
16 affidavit, which is Exhibit 1, there's a 70  
17 percent fill in. Do you remember that?  
18 **A. I mean, I can read it, but --**  
19 Q. That a carrier can't request any more  
20 assignment of numbers until he can show that he's  
21 used up more than 70 percent. Do you remember

1 that?  
2 **A. Uh-huh, yes.**  
3 Q. Is that the measure then for this  
4 unused number reference that's in your affidavit?  
5 **A. Again, you're mixing apples and**  
6 **oranges. The two are unrelated.**  
7 Q. Well, if I'm a carrier and I have the  
8 629 numbers and I have 10,000 of those and I've  
9 only used 70 percent of them, were the balance  
10 then turned back pursuant to your paragraph 5.6  
11 or was that carrier allowed to keep those?  
12 **A. Every number that was assigned and**  
13 **every number that was part of one of the NXXs was**  
14 **supposed to have been accounted for.**  
15 Q. Accounted for, but who maintained  
16 control over them and were they turned back?  
17 **A. They were all turned back. They were**  
18 **turned back either with a customer record against**  
19 **it or they were turned back and listed as spare**  
20 **and available for assignment.**  
21 Q. Okay. But there's no record of that

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1 at this time? Right now there's no record that I  
2 can use to verify that?  
3 **A. Not as far as I know.**  
4 Q. Do you know whether these guidelines,  
5 as they're called, were treated as guidelines or  
6 were they treated as rules that had to be  
7 inflexibly followed in practice while this NXX  
8 program was being administered? Do you have  
9 knowledge of that?  
10 **A. No.**  
11 Q. Do you know whether in practice as  
12 this NXX program was administered there were  
13 variations from the guidelines?  
14 **A. I have no idea.**  
15 Q. Do you know whether there was any  
16 regulatory body that approved these guidelines?  
17 **A. I don't know that.**  
18 Q. Do you know whether there was any plan  
19 administrator who put his stamp of approval or  
20 his imprimatur on them at any time?  
21 **A. Well, they were Bellcore guidelines.**

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1 **They were the plan administrator.**  
2 Q. At that time?  
3 **A. Right.**  
4 Q. How long did Bellcore serve as plan  
5 administrator? From 1985 until 1993?  
6 **A. Probably until '97 maybe, '98.**  
7 Q. Okay. From '85 till --  
8 **A. '84.**  
9 Q. '84 until '97?  
10 **A. '97, '98.**  
11 Q. When you say "plan administrator,"  
12 we're talking about the same thing that you  
13 mentioned before?  
14 **A. North American Numbering Plan.**  
15 Q. I notice that this letter, which is  
16 the Bellecore letter, which is the second exhibit,  
17 which is B to Deposition Exhibit Number 1, that  
18 that is from an assistant vice president at  
19 Network Program Management to an assistant vice  
20 president at Network Planning. Do you see that  
21 on the cover page?

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1 **A. Okay.**  
2 Q. Do you know who those people are?  
3 **A. One of them must be Jack Finn. He**  
4 **signed it.**  
5 Q. Okay. The other?  
6 **A. I have no idea.**  
7 Q. Do you know whether this letter and  
8 the guidelines were ever approved by the board of  
9 directors at Bellcore?  
10 **A. No.**  
11 Q. Were you involved in the transition  
12 period as to Beehive specifically when its 629  
13 numbers were put into the database in or about  
14 1993?  
15 **A. I'm not sure what you're asking.**  
16 Q. Well, you described this transition  
17 period when people turned back their numbers and  
18 the database was implemented and so forth. I'm  
19 assuming that was about 1993; is that correct?  
20 **A. Probably '92.**  
21 Q. Okay. And you mentioned something you

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1 had seen that stood out in your mind about  
2 Beehive's 629 relationship then, correct?  
3 **A. Uh-huh, yes.**  
4 Q. Did you have any involvement other  
5 than that, other than witnessing whatever it was  
6 that you saw or heard as far as processing those  
7 numbers at that time, those 629 numbers?  
8 **A. No, I wasn't involved in processing**  
9 **them.**  
10 Q. Okay. Did you have -- did you at that  
11 time in '92 or '93 have any conversations with  
12 anybody at Beehive about these 629 numbers?  
13 **A. I don't recall.**  
14 Q. Okay. Do you recall having any  
15 written correspondence from DSMI or DSMI-related  
16 entity insofar as this tariff is concerned and  
17 Beehive?  
18 **A. Well, it would have been Bellcore at**  
19 **the time. DSMI was not formed yet. And what**  
20 **kind of --**  
21 Q. Do you have any recollection of any

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1 written correspondence from Bellcore/DSMI as to  
2 these 629 numbers to Beehive in 1992 or '93?

3 A. No.

4 Q. Okay. Did you talk with anybody at  
5 Bellcore/DSMI during that same time frame, this  
6 transitional time frame, about the 629 numbers  
7 and Beehive?

8 A. Well, again, in the general sense we  
9 were managing the transition activities, so we  
10 spoke generally about all these things.

11 Q. I understand that. The question is,  
12 do you have a memory specifically of talking with  
13 anybody during that time frame?

14 A. Specifically.

15 Q. About the Beehive situation and the  
16 629 numbers?

17 A. No.

18 Q. Okay. Do you have any memory of  
19 receiving any correspondence at the Bellcore end  
20 or the DSMI end from Beehive about the 629  
21 numbers during this transition period?

1 A. The ATX01 is AT&T.

2 Q. Okay.

3 A. MCIO1 is MCI.

4 Q. Okay.

5 A. I'm not sure of the others.

6 Q. Do you know when each of the 16  
7 numbers that are referenced in paragraph 4.2 of  
8 your affidavit were assigned to the RespOrgs that  
9 are listed on Exhibit A?

10 A. No, I don't.

11 Q. It says they were assigned prior to  
12 5/29/96. How do you know that it was prior to  
13 5/29/96?

14 A. I believe we have records from that  
15 date forward, but not backwards.

16 Q. So let me see if I understand that.

17 When you drafted Exhibit 1, which is your  
18 affidavit, you had records at DSMI that showed  
19 assignment status after 5/29 or as of and after  
20 5/29/96 but not before?

21 A. I believe that's correct.

1 A. No.

2 Q. Now looking, again, at your Exhibit  
3 Number 1, which is your affidavit, Mr. Wade,  
4 looking at paragraph 4.2 it says, "16 numbers  
5 were assigned to RespOrgs other than Beehive  
6 prior to May 29, 1996, and hence were not  
7 affected by the disconnection of numbers  
8 previously assigned to Beehive that commenced on  
9 that date." What were those RespOrgs? Who were  
10 they, I should say?

11 A. I don't know.

12 Q. Can you tell by looking at Exhibit A  
13 to your affidavit, which is Exhibit 1 to the  
14 deposition?

15 A. Those are the top 16 on there, I  
16 believe.

17 Q. Okay. Do you recognize those codes?

18 A. Some, not all.

19 Q. Okay. Going from the top downward,  
20 tell us which ones you recognize and who they  
21 are?

1 Q. Why is 5/29 a magic number for that  
2 cutoff?

3 A. I don't know.

4 Q. Did you at DSMI once have records that  
5 showed you the status before 5/29?

6 A. Probably not at DSMI. Probably at the  
7 help desk again.

8 Q. Okay. And do you know what became of  
9 those records?

10 A. Part of them we were able to recover  
11 when we switched help desk providers. Part of  
12 them we were not. My guess is that's how far  
13 back we were able to go.

14 Q. This suggests to me you had a problem  
15 with your help desk provider. Is that true?

16 A. We switched providers.

17 Q. Okay. What is the help desk in  
18 relation to the DSMI? Just for the record,  
19 describe that function for us.

20 A. They handle hot line calls from the  
21 RespOrgs.

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1 Q. Okay. And anything else?  
 2 A. **They process RespOrg change requests.**  
 3 **They handle applications from new RespOrgs.**  
 4 Q. This is a contracted service with  
 5 another entity independent of DSMI, correct?  
 6 A. **Correct.**  
 7 Q. Who was the service provider prior to  
 8 this 5/29/96 period?  
 9 A. **Lockheed Martin, now Neustar.**  
 10 Q. Okay. Then did a change occur at some  
 11 point?  
 12 A. **A change occurred in September of '97,**  
 13 **I believe.**  
 14 Q. Okay. And it changed from  
 15 Lockheed/Neustar to what entity?  
 16 A. **Sykes, S-Y-K-E-S, Enterprises.**  
 17 Q. During the changeover from Neustar to  
 18 Sykes, some records were lost; is that correct?  
 19 A. **Correct.**  
 20 Q. And the records that would tell us the  
 21 status of these first 16 numbers that are shown

1 **they had been, and there was no record.**  
 2 Q. When did this search take place?  
 3 A. **Again, late '97, early '98.**  
 4 Q. Okay. Do you know that of your own  
 5 personal knowledge?  
 6 A. **Do I know what?**  
 7 Q. That the search took place at that  
 8 time period.  
 9 A. **That was a best guess.**  
 10 Q. Were you in charge of the search  
 11 process yourself?  
 12 A. **No.**  
 13 Q. Did you hear about the loss of the  
 14 records from someone else?  
 15 A. **Yes.**  
 16 Q. From whom did you hear about it?  
 17 A. **The manager of the help desk.**  
 18 Q. And that would be what name?  
 19 A. **Mark Wagner.**  
 20 Q. Was he a Neustar employee at that time  
 21 or was he a Sykes employee?

1 on Exhibit A to your Exhibit 1 or affidavit,  
 2 those were some of the records that were lost?  
 3 A. **I believe that's correct.**  
 4 Q. When in '97 did the changeover occur?  
 5 A. **The official cut date was, I believe,**  
 6 **September 1st, '97.**  
 7 Q. And when did you discover that the  
 8 records had -- that some of the records didn't  
 9 make it through that transition?  
 10 A. **I don't know that. Probably later in**  
 11 **'97, early '98.**  
 12 Q. Where were they lost? Are hard copies  
 13 not kept?  
 14 MR. JENSEN: If he knew where it was  
 15 lost, then it's not lost.  
 16 BY MR. SMITH:  
 17 Q. Hard copies weren't kept of any of  
 18 these records?  
 19 A. **These were hard copies that were lost.**  
 20 Q. What efforts were made to find them?  
 21 A. **We searched the places we knew that**

1 A. **Sykes.**  
 2 Q. Okay. When you heard that, did you do  
 3 anything upon hearing it to institute a search  
 4 for the records personally?  
 5 A. **No.**  
 6 Q. Did you put somebody in charge of  
 7 searching?  
 8 A. **Mark was searching.**  
 9 Q. So did he say that I'm searching and  
 10 you said to keep at it or what? Did you order  
 11 him to search? Did you direct him?  
 12 A. **There was a collection of boxes that**  
 13 **were shipped from Lockheed Martin to the Sykes'**  
 14 **help desk. He verified that all of the boxes**  
 15 **were received that were missing in transport.**  
 16 **Lockheed had shipped everything that they had**  
 17 **supposedly. The paperwork wasn't there.**  
 18 Q. Were there follow-up efforts made?  
 19 A. **Those were the follow-up efforts.**  
 20 Q. Okay. And when you wrote your  
 21 affidavit here, which is Exhibit 1, did you try

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1 again to locate these records?  
 2 **A. No.**  
 3 **Q.** Aside from the records issue and what  
 4 we have in that regard, do you have any personal  
 5 knowledge as to these particular assignments of  
 6 these particular 16 numbers?  
 7 **A. No.**  
 8 **Q.** Okay. In paragraph 4.3 of the  
 9 affidavit, which is Exhibit 1, you're talking  
 10 about 64 numbers that were assigned to RespOrgs  
 11 other than Beehive subsequent to May 29, 1996,  
 12 based on these change authorizations. Do you  
 13 know what subscribers made these change  
 14 authorizations?  
 15 **A. No.**  
 16 **Q.** Why don't you know that?  
 17 **A. It's not my job to know that. I have**  
 18 **no reason to know that.**  
 19 **Q.** You don't look into subscriber  
 20 connection to RespOrgs?  
 21 **A. No.**

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1 **Q.** Okay. Do you know which RespOrgs are  
 2 referenced here in paragraph 4.3?  
 3 **A. Personally?**  
 4 **Q.** Well, can you tell from your  
 5 attachment to your affidavit, which is Exhibit A?  
 6 **A. Again, some probably.**  
 7 **Q.** Using the same process that we used as  
 8 to the 16?  
 9 **A. Again, ATX is AT&T.**  
 10 **Q.** First, for the record, tell us  
 11 where -- which pages of Exhibit A to Exhibit 1 to  
 12 the deposition --  
 13 **A. Page 4 starting at the very bottom.**  
 14 **Q.** Page 4 at the bottom. Starting with  
 15 the last two entries there at the bottom? Is  
 16 that where you're starting?  
 17 **A. Right.**  
 18 **Q.** And those are AT&T, right?  
 19 **A. Right.**  
 20 **Q.** Going forward then to pages five and  
 21 six, can you identify any other RespOrgs?

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1 **A. Again, on Page 5 is MCIO1.**  
 2 **Q.** It looks like PITO1 has a lot. Do you  
 3 know what that is?  
 4 **A. No, I don't. Those two are the only**  
 5 **two I'm sure of on those pages.**  
 6 **Q.** Now you're getting these records for  
 7 us, correct?  
 8 **A. Yes.**  
 9 **Q.** And they will tell us what RespOrgs  
 10 are involved, correct?  
 11 **A. Yes.**  
 12 **Q.** Will they tell us what subscribers are  
 13 involved?  
 14 **A. I'm not sure of that.**  
 15 **Q.** When these change requests -- when  
 16 these changes were requested that you've  
 17 testified about in paragraph 4.3, what, if  
 18 anything, did DSMI do at that time to verify the  
 19 accuracy of the RespOrg certification?  
 20 **A. There are standard processes within**  
 21 **the help desk, but DSMI is not involved in**

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1 **RespOrg change activities.**  
 2 **Q.** So that's a function of your contract  
 3 entity now Sykes, then Neustar, to do whatever  
 4 verification is done; is that correct?  
 5 **A. Correct.**  
 6 **Q.** Does DSMI as part of its contract with  
 7 this service provider entity stipulate or direct  
 8 that certain verification procedures as to  
 9 subscriber changes are to be followed?  
 10 **A. We don't have a contract with Sykes.**  
 11 **Their contract is with the RBOCs.**  
 12 **Q.** Okay. So do you know whether the  
 13 RBOCs through their contract with the service  
 14 provider stipulates or directs that certain  
 15 procedures of verification are to be followed  
 16 when a change form of this sort comes in?  
 17 **A. There are industry guidelines in place**  
 18 **that govern this process, and it is in their**  
 19 **contract, I believe, that they're supposed to**  
 20 **follow those guidelines.**  
 21 **Q.** What's the content of those?

1 A. Of the guidelines?  
 2 Q. Yes. What procedures are stipulated?  
 3 A. There are specific designated  
 4 representatives within each of the RespOrg  
 5 companies that are authorized to sign these  
 6 RespOrg change forms. There are time frames in  
 7 which the changes have to be made. There are  
 8 provisions for a letter of authorization or a  
 9 letter of agency or something like that. I'm not  
 10 that familiar with some of them that's supposed  
 11 to be attached. That's a relatively recent  
 12 addition to the documentation.  
 13 Q. How recent?  
 14 A. I can't tell you. I'm not that  
 15 closely involved in the activities. I don't  
 16 know.  
 17 Q. So is it fair to say that whatever  
 18 verification protocols may be either required or  
 19 followed arises from the RBOC service provider  
 20 contract as that contract is informed by these  
 21 guidelines?

1 specific dates.  
 2 Q. You understand my question. I'm  
 3 saying when you, Michael Wade, sat down and wrote  
 4 Exhibit 1, your affidavit that's dated August of  
 5 '98, did you then know when exactly the 64  
 6 numbers -- or to use the terminology that we're  
 7 using here, when exactly these change orders came  
 8 in and when they were effected?  
 9 A. No.  
 10 Q. Did you inquire at that time, "that  
 11 time" meaning August of '98, as to when?  
 12 A. No.  
 13 Q. You must have made some inquiry  
 14 because you say in the last sentence that no such  
 15 changes occurred on or after July 13th of '98,  
 16 correct?  
 17 A. Right.  
 18 Q. So you did make some inquiry; is that  
 19 correct?  
 20 A. I must have.  
 21 Q. Then what inquiry did you make?

1 A. No, I think the policies and  
 2 procedures are defined by the industry.  
 3 Q. That's what I meant by guidelines.  
 4 But that DSMI has no oversight rule in that  
 5 process?  
 6 A. We're not involved in the day-to-day  
 7 RespOrg change activities.  
 8 Q. You don't have any audit team or  
 9 oversight function there? "You," meaning DSMI.  
 10 A. Well, not other than normal contract.  
 11 Q. But you don't have a contract with the  
 12 service provider, correct?  
 13 A. Right.  
 14 Q. Okay. Again, looking at these 64, you  
 15 say they were assigned to RespOrgs other than  
 16 Beehive subsequent to May 29th. Do you know when  
 17 as to each number?  
 18 A. I don't.  
 19 Q. Did you know when as to each number in  
 20 August of 1998 when you wrote this affidavit?  
 21 A. Personally, no. I don't know the

1 A. I don't remember.  
 2 Q. Do you remember to whom you made it?  
 3 A. No.  
 4 Q. Was it an employee of DSMI?  
 5 A. No, it would have been someone at the  
 6 help desk.  
 7 Q. Do you specifically recall who it was?  
 8 A. No.  
 9 Q. So you don't really specifically  
 10 recall that it was someone at the help desk as  
 11 opposed to someone else, correct?  
 12 A. No one other than the help desk would  
 13 know.  
 14 Q. Okay. But my question was, do you  
 15 specifically recall?  
 16 A. Recall what?  
 17 Q. To whom you made the inquiry.  
 18 A. No.  
 19 Q. You could have asked an employee to  
 20 check with the help desk, for example?  
 21 A. Possible.

1 Q. Do you remember?  
 2 A. No.  
 3 Q. Okay. Do you remember the nature of  
 4 the feedback that you got at that time from  
 5 whomever as to the time that's referenced in  
 6 paragraph 4.3 of your affidavit?  
 7 A. I assume the feedback was what it says  
 8 here.  
 9 Q. I'm asking, can you remember anything  
 10 about this? What do you remember generally?  
 11 Anything?  
 12 A. No.  
 13 Q. Was it a report in writing? Was it a  
 14 phone call? What was it?  
 15 A. No idea.  
 16 Q. Do you remember how you phrased the  
 17 question that you put? In other words, did you  
 18 say to just tell me that none of them have  
 19 happened after July 13th, if that's the case?  
 20 Did you say something like that, do you remember?  
 21 A. I have no idea.

1 can he answer it?  
 2 BY MR. SMITH:  
 3 Q. This doesn't stick out in your mind, I  
 4 guess?  
 5 A. No.  
 6 Q. You don't remember it being a hot  
 7 point or an emergency of some sort?  
 8 A. I have about six emergencies a day. I  
 9 mean --  
 10 Q. Has that always been true ever since  
 11 you started at DSMI?  
 12 A. Uh-huh, yes.  
 13 Q. Just one fire after another?  
 14 A. It's a very active activity. It's a  
 15 very active service, and there's lots going on.  
 16 Q. Okay. So when a federal court orders  
 17 something by way of response, that doesn't stick  
 18 out in your mind?  
 19 A. I know that there were lots of  
 20 activities related to this Beehive litigation.  
 21 What one out of the hundred triggered this, I

1 Q. Do you remember the circumstances that  
 2 required you to submit this affidavit?  
 3 A. Not specifically, no.  
 4 Q. Do you remember that you were ordered  
 5 by Judge Jenkins to account for the numbers?  
 6 MR. JENSEN: I'll object to that. I  
 7 think it mischaracterizes what Judge Jenkins may  
 8 have said.  
 9 BY MR. SMITH:  
 10 Q. Well, do you remember that this  
 11 affidavit was responsive to an inquiry of some  
 12 form from Judge Jenkins?  
 13 A. I don't know what the trigger was for  
 14 this.  
 15 Q. You don't know or you can't remember?  
 16 A. Well, if I can't remember, I don't  
 17 know.  
 18 Q. Did you ever know --  
 19 A. I don't understand it.  
 20 Q. Did you know at the time?  
 21 MR. JENSEN: If he can't remember, how

1 have no idea.  
 2 Q. Okay. Now prior to the disconnection  
 3 of the 629 numbers, May 29, 1996 -- do I have  
 4 that date right?  
 5 A. I don't know.  
 6 Q. You remember the disconnection that  
 7 I'm talking about though, don't you?  
 8 A. I remember we disconnected some of the  
 9 800-629 numbers.  
 10 Q. Weren't you in the process of  
 11 disconnecting all of them?  
 12 A. The ones that didn't have a valid  
 13 RespOrg associated with them, yes.  
 14 Q. Now prior to that time, had any person  
 15 or entity to your knowledge approached Bellecore  
 16 or DSMI expressing an interest in getting any of  
 17 these 629 numbers?  
 18 A. No. Again, that's not how the process  
 19 works.  
 20 Q. I don't care if that's how it works.  
 21 My question is, did anyone direct an inquiry to

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1 anybody at Bellcore or DSMI that you know about  
2 that expressed an interest in obtaining  
3 assignments of any of these 629 numbers prior to  
4 May 1996?

5 **A. Not that I know of.**

6 Q. You're sure?

7 **A. Not that I know of.**

8 Q. Okay. You didn't have any  
9 conversations with anybody about that possibility  
10 at or about that time?

11 **A. Not that I know of.**

12 Q. Have you had any conversations since  
13 in the last several years about pre-May 1996  
14 events and interest expressed by anybody in these  
15 particular 629 numbers?

16 **A. Not that I know of.**

17 Q. Okay. Did you attend any meetings  
18 where this topic of assignment of the 629 numbers  
19 to entities other than Beehive arose?

20 **A. Assignment of the 629 numbers?**

21 Q. Yes, once they were disconnected.

1 **A. There was a -- there were discussions**  
2 **in the industry as to the proper method for**  
3 **dealing with these numbers since they did not**  
4 **have a valid RespOrg associated with them.**

5 Q. And did you attend some of these  
6 discussions?

7 **A. I don't remember. I may have.**

8 MR. JENSEN: Do you need a break?

9 THE WITNESS: I'm getting close here.

10 MR. SMITH: Let's go off the record.

11 (Pause in the proceedings.)

12 BY MR. SMITH:

13 Q. Mr. Wade, I see some references in  
14 correspondence to a descriptor, SMS/800 services.  
15 Does that refer to a particular entity or  
16 committee? What is that?

17 **A. I'm not sure what you're asking.**  
18 **SMS/800 services are services provided through**  
19 **the SMS system.**

20 Q. There's no organization or body or  
21 committee that goes by that designation?

1 **A. Not that I know of.**

2 Q. Okay. Is it a synonym perhaps for  
3 SMT, this management team that we've been talking  
4 about?

5 **A. Not that I'm aware of.**

6 Q. Tell me, please, the names of the  
7 people who serve on this SMS management team?

8 **A. Currently.**

9 Q. You said there was one for each RBOC,  
10 right?

11 **A. Correct.**

12 Q. Okay. Please tell us the names of  
13 each currently and the Rebok for whom they serve.

14 **A. Okay. Ellen Oteo, O-T-E-O, from**  
15 **Bell Atlantic; Jerry Latham, L-A-T-H-A-M, from**  
16 **Bell South; Carolyn Staley, S-T-A-L-E-Y, from SBC**  
17 **Communications; and Ted Fernandez,**  
18 **F-E-R-N-A-N-D-E-Z, from U.S. West.**

19 Q. Tell me the second one again after  
20 Oteo.

21 **A. Latham. Jerry Latham, I believe.**

1 Q. For?

2 **A. Bell South..**

3 Q. And what is their position  
4 respectively with each of these folks -- with  
5 each of these entities? Oteo, what is that  
6 person's position with Bell Atlantic?

7 **A. Oh, I have no idea.**

8 Q. Do you know whether it's an officer?

9 **A. I doubt if they're officer level, but**  
10 **I don't know what their job assignments are.**

11 Q. Would you give me the same answer for  
12 the remaining folks you listed?

13 **A. Yes.**

14 Q. Just don't know what their position is  
15 with the respective RBOC?

16 **A. Correct.**

17 Q. How about phone numbers and addresses  
18 for each?

19 **A. I have those, but not with me.**

20 Q. You don't have one of those little

21 palm things that Floyd has that you just push a

1 button and it just comes up?  
2 **A. That's mine that he's using.**  
3 Q. This is a database company. We'd like  
4 that information, if we could. I notice that it  
5 was to be appended to some of these things you  
6 did give, but those were omitted. We'd like to  
7 see those, please.

8 For the services that Ms. Oteo renders  
9 to Bell Atlantic in connection with this  
10 management team function, who pays her?

11 **A. I have no idea. I assumed**  
12 **Bell Atlantic.**

13 Q. Okay. How about Latham? Same  
14 question.

15 **A. I have no idea.**

16 Q. Would you assume that it's Bell South?

17 **A. I have no idea.**

18 Q. Okay. I've seen some correspondence  
19 that described you as the SMT business  
20 representative in transmissions to the FCC  
21 respecting this tariff we're talking about. What

1 does that mean? Do you want to see the letter?  
2 **A. No, that's a common term. That's how**  
3 **we're often referred to.**

4 Q. Okay. What does it mean?

5 **A. I'm not sure what you're asking.**

6 Q. Do you have a certain function in  
7 relation to the management team?

8 **A. It represents our role as the**  
9 **representative of the RBOCs, the SMT.**

10 Q. Is SMT business representative -- is  
11 that the name that is given to DSMI in the  
12 agreement we've discussed in relation to the  
13 RBOCs for management of this tariff?

14 **A. I don't believe a name is specified in**  
15 **there.**

16 Q. Okay. This same correspondence refers  
17 to Ellen Oteo as SMS/800 management team  
18 point-of-contact, and then you're referred to as  
19 SMT business representative.

20 **A. Uh-huh.**

21 Q. Is there any particular intent behind

1 that differentiation in title?

2 **A. Yeah, we play different rolls. She is**  
3 **a member of the SMT. I'm not.**

4 Q. Is that your only explanation for the  
5 different terminology that I've just read to you?  
6 Do you have any other explanation?

7 **A. I have no idea what you're asking for.**

8 Q. Okay. Has Ms. Oteo always served as  
9 this management team point-of-contact person?

10 **A. No.**

11 Q. Have others served as this  
12 point-of-contact person?

13 **A. Yes.**

14 Q. While Oteo has been on the team, does  
15 she always have this designation?

16 **A. No.**

17 Q. Okay. What determines which  
18 representative of which Rebok gets the  
19 designation in any particular communication?

20 **A. There was a team agreement that the**  
21 **point-of-contact designation would rotate from**

1 **company to company on an annual basis, so she was**  
2 **the point-of-contact for approximately a year.**

3 Q. Then what does point-of-contact mean?  
4 What role is that?

5 **A. They're the designated person who will**  
6 **sign correspondence on behalf of the team,**  
7 **participate in industry meetings on behalf of the**  
8 **team, those kinds of things.**

9 Q. The liaison between the team and  
10 whatever is out there to interface?

11 **A. Correct.**

12 Q. Like FCC, industry groups, and the  
13 like?

14 **A. Correct.**

15 Q. Does that include the numbering  
16 counsel?

17 **A. I'm not sure what numbering counsel**  
18 **you're talking about.**

19 Q. I don't have any acronyms down as well  
20 as you guys, but North American Numbering  
21 Counsel?

1 A. No, I don't think she participates in  
2 that.

3 Q. Isn't there an industry board or  
4 industry numbering counsel that advises the NAM.  
5 whatever it is?

6 A. There's an industry numbering  
7 committee that's part of the ATIS structure.

8 Q. Does this point-of-contact person as  
9 it rotates interface with that group?

10 A. No, they don't. The team doesn't  
11 support that activity. They're not involved with  
12 it.

13 Q. Okay. So you've defined the  
14 point-of-contact person's role. Is there a  
15 definition for the role played by the business  
16 representative on the team?

17 A. Yeah, we've been through that. That's  
18 the definition of what DSMI does.

19 Q. In relation to this team?

20 A. Correct.

21 Q. And that encompasses DSMI's role under

1 with lots of different groups. "Large" meaning  
2 half a dozen or a dozen.

3 Q. Okay. Can you name those?

4 A. There's a data center. There's the  
5 help desk. There's a software provider. There's  
6 a web site provider. There's legal counsel.  
7 There's an audit firm. There's an accounting  
8 firm. I mean --

9 Q. And these groups interface  
10 specifically with the team, is that right, and  
11 have contracts with this team?

12 A. Most of them.

13 Q. Okay. Who pays for those contracts?

14 A. The team.

15 Q. Does it have its own bank account?

16 A. Yes.

17 Q. And how are contributions made to that  
18 bank account?

19 A. The revenue source?

20 Q. Well, the source for what goes into  
21 the bank account that pays for the services

1 the contract that it has with the RBOCs to  
2 administer the tariff?

3 A. Correct.

4 Q. Are there any other rolls that are  
5 designated or played by members of this team that  
6 we're talking about, rotating or otherwise?

7 A. There is a next point-of-contact or  
8 point-of-contact elect or whatever you want to  
9 call it.

10 Q. Kind of like a care-person elect?

11 A. Right. That rotates in behind the  
12 point-of-contact that's there currently.

13 Q. And any others?

14 A. No.

15 Q. Does the team have a staff that  
16 assists in its deliberations and work?

17 A. That's usually DSMI.

18 Q. The six employees there, okay. Any  
19 other staff people, consultants, or the like that  
20 assist the team in their work?

21 A. A team has a large number of contracts

1 provided by consultants, accountants, et cetera  
2 to this team?

3 A. Our charge is collected under the  
4 SMS/800 tariff and the contract with SCP owner  
5 operators.

6 Q. Okay. Is this -- is the team -- is it  
7 a formally organized entity? Is it like a  
8 corporation or a partnership or what it is it?

9 A. No.

10 Q. Just an association of some sort?

11 A. Yeah, I don't think it has a legal  
12 structure associated with it.

13 Q. Do you know for sure that there is a  
14 bank account for this team as a team?

15 A. Uh-huh.

16 Q. Who writes the checks, do you know?

17 A. The bank writes the checks.

18 Q. At whose direction?

19 A. The teams.

20 Q. Is it the point-of-contact person who  
21 has primary direct responsibility in that regard

1 or they all have to sign off on it?  
2 **A. It depends on the size of the**  
3 **expenditure, but it can be any two or three of**  
4 **the team members.**

5 Q. Who keeps the team organized? Is this  
6 DSMI's function?

7 **A. Depends on what you mean by**  
8 **"organized."**

9 Q. Well, keeping all their meetings  
10 going, brings the agenda to them for their  
11 meetings, and the like?

12 **A. That's DSMI.**

13 Q. How often does a team meet?

14 **A. In person about eight times a year,**  
15 **every six weeks or so.**

16 Q. And by phone?

17 **A. Every two to three weeks.**

18 Q. Okay. Is there any other source of  
19 monies used to finance the efforts of the team  
20 other than the ones you've already described?

21 **A. No.**

1 revenues and the expenses and the like?

2 **A. At a high level.**

3 Q. Is the management team regulated in  
4 any sense by the FCC?

5 **A. Well, the tariff is an FCC-regulated**  
6 **activity.**

7 Q. Aside from that, does the team fall  
8 under any type of regulation?

9 **A. I don't know. Not that I'm aware of.**

10 Q. Now you've named these four people who  
11 are members of the team in addition to whatever  
12 role DSMI plays on the team. When was the team  
13 formed?

14 **A. A team has been in existence probably**  
15 **since, like, '84 when they first began planning**  
16 **portability for 800 service.**

17 Q. And has it always been the same number  
18 of representatives?

19 **A. As far as I know it's always been one**  
20 **representative per RBOC.**

21 Q. Okay. How long has Oteo served on the

1 Q. The taking of revenues from the  
2 DSMI -- what did you say they were, SCP contract  
3 revenues and something else? I didn't write them  
4 down?

5 **A. The SMS/800 tariff.**

6 Q. And those are taken and put into this  
7 account, correct?

8 **A. Uh-huh, yes.**

9 Q. Did the RBOCs in addition to that make  
10 contributions to the account to finance the  
11 efforts of the team?

12 **A. Only insofar as they purchase services**  
13 **under one or another of those vehicles.**

14 Q. Okay. Is there an audit report that  
15 goes along with this management team?

16 **A. Financial audit?**

17 Q. Yes.

18 **A. Yes.**

19 Q. Is that done annually?

20 **A. It has been recently.**

21 Q. Does that describe the source of

1 team?

2 **A. I can't tell you that. I mean, two to**  
3 **three years maybe.**

4 Q. Who did she replace?

5 **A. Renie Spriggs, I think was her name,**  
6 **S-P-R-I-G-G-S, R-E-N-I-E.**

7 Q. Was this a Bell Atlantic designee too?

8 **A. Yes.**

9 Q. And how long did Renie Spriggs serve?

10 **A. I don't know.**

11 Q. Okay.

12 **A. A few years, I would assume.**

13 MR. SMITH: That's Number 2 and  
14 Number 3.

15 (Wade Deposition Exhibit Numbers 2-3  
16 were marked for identification.)

17 BY MR. SMITH:

18 Q. Is there anything under the tariff,

19 Mr. Wade, that would prohibit a RespOrg being a  
20 subscriber for a number?

21 **A. No.**

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1 Q. Is there anything under the tariff  
2 that would prohibit a RespOrg acting as RespOrg  
3 for itself as subscriber?  
4 A. No.  
5 Q. Is there anything under the tariff  
6 that would forbid an affiliate of a RespOrg  
7 acting as a subscriber?  
8 A. No.  
9 Q. Does the tariff -- what, if anything,  
10 does a tariff do by regulating the pricing  
11 relationship between subscriber and RespOrg?  
12 A. I don't think it impacts that.  
13 Q. Okay. So while the tariff fixes a  
14 rate that the RespOrg has to pay to DSMI, the  
15 tariff does not -- the tariff leaves to  
16 contractual bargaining between RespOrg and  
17 subscriber the value of use of number; is that  
18 correct?  
19 A. Funds aren't paid to DSMI. Funds are  
20 paid to the SMT, the RBOCs.  
21 Q. But the tariff does not regulate the

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1 pricing relationship between subscriber and  
2 RespOrg, isn't that true?  
3 A. That's correct.  
4 Q. So if a RespOrg through good  
5 negotiation or market circumstance can bargain  
6 for a rental or whatever you want to call it with  
7 this number with the subscriber that is eight  
8 times what the RespOrg has to pay to DSMI, that's  
9 not forbidden under the tariff, correct?  
10 A. Well, two factors. One, again, they  
11 don't pay anything to DSMI, and, secondly, if  
12 they're buying and selling numbers, that is  
13 prohibited by the commission.  
14 Q. Well, my hypothetical didn't imply  
15 buying or selling. I realize that, and I'm  
16 hesitating because I don't know what to call this  
17 contract that exists. We'll just call it what  
18 you called the contract between the Reboks and  
19 DSMI, just a contract that fixes a price. It  
20 could be eight times what the RespOrg pays to  
21 DSMI, correct?

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1 MR. JENSEN: You got to explain --  
2 MS. TUCKER: Could you clarify that?  
3 MR. SMITH: Just a contract that fixes  
4 a price.  
5 MR. JENSEN: Let me --  
6 BY MR. SMITH:  
7 Q. You get to use this number under this  
8 tariff for this term consistent with the other  
9 regulations in the tariff. You can't own it.  
10 You can't do any of these other things. The  
11 price is X. You don't care about the price, do  
12 you?  
13 MR. JENSEN: Hold on a second.  
14 There's some confusion about which contract  
15 you're talking about.  
16 MR. SMITH: That's the one I'm talking  
17 about.  
18 MR. JENSEN: You're talking about a  
19 contract between the RespOrg and their subscriber  
20 or a contract between DSMI and the management  
21 team?

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1 MR. SMITH: No, I differentiated  
2 carefully between those.  
3 MR. JENSEN: It wasn't clear to me.  
4 MS. TUCKER: Me either.  
5 BY MR. SMITH:  
6 Q. The tariff regulates the pricing  
7 relationship for assignment of these numbers  
8 between DSMI and RespOrg, correct?  
9 A. Between the RBOCs and the RespOrg.  
10 Q. No, I'm off of that RBOC thing. I'm  
11 not talking about the management team anymore.  
12 A. DSMI is not listed in the tariff.  
13 Q. Okay. With that, I understand. But  
14 they pay the bill through DSMI, correct?  
15 A. No.  
16 Q. The RespOrg doesn't?  
17 A. No.  
18 Q. Okay. That relationship though RBOC  
19 then -- the issue of the tariff and the RespOrg,  
20 that's a regulated rate, correct?  
21 A. Right.

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1 Q. Now is the rate charged -- the price  
 2 charged by the RespOrg to an end user or  
 3 subscriber, is that regulated by the tariff?  
 4 MR. JENSEN: Rate for what?  
 5 MR. SMITH: The price charged.  
 6 MR. JENSEN: The price charged for  
 7 what? What are you talking about?  
 8 MR. SMITH: For the services that  
 9 RespOrg performs in relation to the subscriber.  
 10 MR. JENSEN: Are you talking about the  
 11 price that a subscriber pays a carrier for 800  
 12 service?  
 13 BY MR. SMITH:  
 14 Q. For whatever. Is that a regulated  
 15 relationship as between RespOrg and subscriber?  
 16 A. I have no idea.  
 17 Q. Okay. When you say you don't have any  
 18 idea, is it fair for me to infer that the  
 19 oversight of that relationship isn't something  
 20 that DSMI looks into or has responsibility for?  
 21 A. Right, we have no responsibility for

1 Q. You have no responsibility, meaning  
 2 DSMI, in that regard?  
 3 A. Correct.  
 4 Q. Now I noticed that the tariff does  
 5 mention some terms and conditions and some  
 6 regulations in terms of hoarding numbers or  
 7 selling numbers. You're familiar with those  
 8 provisions, correct?  
 9 A. To some degree.  
 10 Q. In fact, you've testified about those  
 11 provisions in affidavits that you've submitted in  
 12 this litigation, haven't you?  
 13 A. I don't recall.  
 14 MR. JENSEN: Hold on a second.  
 15 BY MR. SMITH:  
 16 Q. Okay. Now I'm going to talk about  
 17 this second tier of relationships between RespOrg  
 18 and subscriber. All right?  
 19 A. Okay.  
 20 Q. Assuming that some kind of organizing  
 21 was going on by a subscriber or that some kind of

1 that.  
 2 Q. You don't have any policing mechanism  
 3 out there, do you, where you go around looking to  
 4 see what price a RespOrg may be charging the  
 5 subscriber for any services?  
 6 A. No.  
 7 Q. And has that always been true?  
 8 A. Yes.  
 9 Q. Okay. You're not a policeman? "You."  
 10 meaning DSMI, is not a policeman in that  
 11 relationship, correct?  
 12 A. Correct.  
 13 Q. And there's nothing in the tariff that  
 14 makes you a policeman in terms of that  
 15 relationship; isn't that true?  
 16 A. You're talking about the SMS/800  
 17 tariff?  
 18 Q. The tariff that you administer as  
 19 agent for the RBOCs.  
 20 A. Right, that has nothing to do with  
 21 that other relationship you were addressing.

1 selling of numbers was going on in connection  
 2 with this subscriber, what police powers, so to  
 3 speak, if any, or oversight responsibility does  
 4 DSMI have to monitor and enforce against that  
 5 under this tariff?  
 6 A. I don't know that we have any  
 7 responsibility.  
 8 Q. Do you have anything on a day-to-day,  
 9 regular-course-of-business practice at DSMI where  
 10 you look into those kinds of things?  
 11 A. No.  
 12 Q. Have you ordered reports and  
 13 monitoring in connection with any such conduct at  
 14 any time during your tenure as president?  
 15 A. We have supported FCC requests for  
 16 information as to number utilization, those kinds  
 17 of things, when they were investigating those  
 18 activities.  
 19 Q. So in the past the FCC may have asked  
 20 you for information and you have supplied it to  
 21 them?

1 A. Correct.  
 2 Q. Is it fair to assume it's because they  
 3 have an interest in enforcing that primarily  
 4 rather than DSMI?  
 5 A. Is it fair to assume --  
 6 Q. Well, strike that. I'll ask it a  
 7 different way. Any other times where you have  
 8 generated this kind of information for any  
 9 person?  
 10 A. Not that I can remember.  
 11 Q. Okay. Have you ever brought a lawsuit  
 12 or written a nasty letter to a subscriber that  
 13 you suspected might be doing this sort of  
 14 forbidden conduct, hoarding or selling?  
 15 A. No.  
 16 Q. Not since you've been president; is  
 17 that correct?  
 18 A. Correct.  
 19 Q. Okay. Has DSMI ever explored any kind  
 20 of business purpose that a particular subscriber  
 21 might have had in view in requesting either a

1 AFTERNOON SESSION  
 2 (1:55 p.m.)  
 3 (Wade Deposition Exhibit Number 4 was  
 4 marked for identification.)  
 5 BY MR. SMITH:  
 6 Q. Mr. Wade, before we broke you were  
 7 telling me that on occasion the FCC had called  
 8 DSMI and asked for information relative to a  
 9 hoarding issue or a sale-of-number issue out in  
 10 the field. Do you remember that testimony?  
 11 A. Yes. I don't know that they called  
 12 necessarily, but we were in contact with them  
 13 anyway.  
 14 Q. Okay. That was going to be my  
 15 follow-up question. Was that done by written  
 16 communication or telephone call?  
 17 A. Actually, the one time that I can  
 18 remember clearly they were actually doing an  
 19 audit of usage of the numbers, and they were --  
 20 they had sent a couple people to our building,  
 21 and it was just a verbal request that came in

1 change in RespOrg or the use of a number from a  
 2 RespOrg?  
 3 A. Not that I remember.  
 4 Q. Are there now or have there ever been  
 5 any protocols or procedures at DSMI for DSMI to  
 6 explore or audit or verify any business purpose  
 7 of a subscriber?  
 8 A. No.  
 9 Q. In obtaining use of a toll free  
 10 number?  
 11 A. No.  
 12 MR. LUKAS: Do you want to take a  
 13 break to get something to eat?  
 14 MR. SMITH: I'm on a role now.  
 15 MR. JENSEN: We're off the record.  
 16 (Whereupon, at 1:25 p.m., a lunch  
 17 recess was taken.)  
 18  
 19  
 20  
 21

1 from the guy who was there in our building.  
 2 Q. Do you recall the names of the  
 3 personnel from the FCC?  
 4 A. No, I don't.  
 5 Q. Did they deal with you or someone else  
 6 from your office?  
 7 A. Both.  
 8 Q. Okay. And do you remember the name of  
 9 the person or entity being audited?  
 10 A. It wasn't an individual company. It  
 11 was a general -- the time I'm thinking of at  
 12 least was prior to the deployment -- yeah, prior  
 13 to the rollout of 888, and there was general  
 14 concern in the industry that people were  
 15 hoarding -- companies were hoarding numbers and  
 16 that they were being forced into deploying a code  
 17 earlier than they should have been had people not  
 18 been treating the numbers appropriately. So it  
 19 was sort of a generic investigation, I think, in  
 20 the hoarding or warehousing of numbers as opposed  
 21 to targeted anyone specific, at least as far as

1 we knew.

2 Q. Do you remember the time that this  
3 occurred when they visited your office?

4 A. It would have been prior to the  
5 rollout of 888, which, I think, was in '96. My  
6 guess would have been early '96 sometime.

7 Q. Did they make a report after they had  
8 concluded looking at whatever records your folks  
9 showed them?

10 A. I don't know.

11 Q. Do you remember ever getting a copy of  
12 the report, if there was one?

13 A. No.

14 Q. Did you have any follow-up  
15 conversation with the FCC about this particular  
16 occurrence?

17 A. Not that I recall.

18 Q. Okay. Do you recall any other  
19 instances where DSMI or this management team or  
20 Bellcore has been contacted by the FCC on a  
21 hoarding-type issue?

1 A. No.

2 Q. You can't remember when or how many  
3 times? Is that a fair statement?

4 A. Yes, that's -- I don't remember how  
5 many, no.

6 Q. Do you see what I've marked as Exhibit  
7 Number 4?

8 A. Yes.

9 MR. JENSEN: Do you have extras of  
10 those?

11 BY MR. SMITH:

12 Q. Is that your supplemental declaration?

13 A. Yes.

14 Q. Okay. And did you prepare Exhibit  
15 Number 4?

16 A. Oh, this is Exhibit Number 4. I'm not  
17 sure what you mean by "prepare," but --

18 Q. Well, did you write it?

19 A. No.

20 Q. Someone wrote it for you?

21 A. Well, in cooperation.

1 A. Not that I recall.

2 Q. Do you recall any time where DSMI or  
3 Bellcore or your management team has been  
4 contacted by the FCC about a sale-of-number  
5 issue?

6 A. Not specifically, no. I mean, it  
7 wouldn't surprise me that we have been because we  
8 talk with the Commission relatively frequently, I  
9 mean, once every month, once every couple of  
10 months.

11 Q. You talk with the Commission generally  
12 once every several months?

13 A. Yeah.

14 Q. But not about this specific topic once  
15 every several months?

16 A. It wouldn't surprise me if this has  
17 come up in one of the discussions over the past  
18 years, but I don't have any specific knowledge or  
19 memory of that.

20 Q. It hasn't come up every time you've  
21 met, however?

1 Q. Okay. Did you review it before  
2 signing?

3 A. Yes.

4 Q. Is the testimony in there in substance  
5 your testimony?

6 A. Yes.

7 Q. Is it in particular your testimony?

8 MR. JENSEN: As opposed to in general?

9 MR. SMITH: As opposed to in  
10 substance. I didn't want to leave out the  
11 particulars by referencing the substance after  
12 all.

13 BY MR. SMITH:

14 Q. Is everything in this affidavit true  
15 and correct to the best of your knowledge?

16 A. To the best of my knowledge.

17 Q. That was true at the time you signed  
18 it, May 5, 2000?

19 A. Yes, it was.

20 Q. Did you sign it on or about May 5,  
21 2000?

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1 A. Yes, I did.  
2 Q. When you signed it, did you know it  
3 was going to be used in a judicial proceeding  
4 before a federal district court in Salt Lake  
5 City, Utah?  
6 A. I'm not quite sure, again, what  
7 prompted this.  
8 Q. Well, you don't need to know what  
9 prompted it. I need you to tell me whether you  
10 knew it was going to be sent to the judge when  
11 you signed it.  
12 A. Yes.  
13 Q. Okay. Now looking at Exhibit Number D  
14 to Deposition Exhibit 4 -- do you have that in  
15 view?  
16 A. I don't have tabs in mine. Which is  
17 the --  
18 Q. I'm sorry.  
19 A. What is D?  
20 Q. It's the letter that you wrote on  
21 January 26, 1999, with the attached form.

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1 A. Okay.  
2 Q. Did you prepare Exhibit D, this letter  
3 to Mr. Art Brothers, Michael?  
4 A. Yes, I did.  
5 Q. Did you sign it and send it on or  
6 about January 26, 1999?  
7 A. Yes, I did.  
8 Q. Okay. Did you send it with the  
9 attached form, which is titled "Request For Toll  
10 Free Number From The 800-629 Series"?  
11 A. Yes, I did.  
12 Q. Okay. Now before sending this January  
13 26, 1999, letter, did you or anyone else at DSMI  
14 confer with what we've been calling the  
15 management team about what to say in this letter  
16 and how to respond?  
17 A. I don't recall. I don't know.  
18 Q. Do you remember whether you acted  
19 unilaterally in preparing the January 26, 1999,  
20 letter in the form?  
21 A. It wasn't unilaterally. I had advice

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1 from counsel.  
2 Q. Other than input from counsel, do you  
3 recall that you acted unilaterally in sending  
4 this letter?  
5 A. I don't know.  
6 Q. Do you remember whether you had  
7 assistance from any person or body input or  
8 consultation of any kind in preparation of the  
9 form that is attached to the letter, that is, the  
10 form for request of toll free number, et cetera?  
11 A. Counsel, yes.  
12 Q. Do you have a recollection that you  
13 conferred with the management team or anyone at  
14 Bellcore or anyone else at DSMI when you prepared  
15 this form?  
16 A. I don't know.  
17 Q. Okay. Now this form that we have  
18 attached to your January 26, 1999, letter, is  
19 this form different from the forms that  
20 ordinarily in the regular course of DSMI are  
21 submitted by RespOrgs requesting assignment of a

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1 particular toll free number?  
2 A. There are no forms normally. This is  
3 a unique situation because of the status of these  
4 800-629 numbers.  
5 Q. Okay. You say there are no forms in  
6 the ordinary course when another RespOrg submits  
7 a request for assignment of a number other than a  
8 629 number, correct?  
9 A. Correct.  
10 Q. Is it just by computer access that the  
11 reservation is accomplished?  
12 A. Correct.  
13 Q. Is there a particular set of data or  
14 information that is communicated over the  
15 computer when it's a regular request?  
16 A. Yeah, there is.  
17 Q. What is the data?  
18 A. I can't tell you that. I don't know  
19 the answer.  
20 Q. Can you tell me what you have asked on  
21 the form that is attached to your January '99

1 letter to Mr. Brothers that is different from  
2 what is input through your computer system when  
3 another RespOrg out there in the ordinary course  
4 asks for a number other than a 629 number?

5 **A. I'm not sure of the data fields at the**  
6 **top of the form. There is normally no narrative**  
7 **section asking for the reasons why it's necessary**  
8 **to use a 800-629 number, of course.**

9 Q. When a regular course request is made  
10 by a RespOrg wanting assignment of a number other  
11 than a 629 number, is that through your service  
12 desk?

13 **A. No, it's computer-to-computer.**

14 Q. Okay. Did I misunderstand earlier  
15 testimony by you that requests for number  
16 assignments go through your service desk, this  
17 service provider that used to be Neustar and now  
18 is Sykes?

19 **A. Requests for changes in RespOrg go**  
20 **through --**

21 Q. Changes in RespOrg goes through the

1 BY MR. SMITH:

2 Q. Back to my question. When a regular  
3 RespOrg is making a request for a number  
4 assignment -- and even though I realize you've  
5 testified you're not sure whether this  
6 information about customer name and so forth is  
7 submitted, are there some buttons or triggers or  
8 particular letters in the computer that will flag  
9 irregular requests of any sort that DSMI has  
10 placed there for a specific purpose?

11 **A. I'm not sure what you're asking. I**  
12 **mean, if you're asking are there validations in**  
13 **the system, I'm sure there are.**

14 Q. Let me rephrase it. You said that the  
15 form that has been prepared here to go with the  
16 January '99 letter, which is Exhibit D to Exhibit  
17 4, that that was a unique situation?

18 **A. Correct.**

19 Q. And it's treated differently, I  
20 gather, because, A, there's paperwork as opposed  
21 to computer input and, B, there's some difference

1 service desk, but requests for assignment of  
2 numbers goes through DSMI directly?

3 **A. That's automated. It's**  
4 **computer-to-computer.**

5 Q. That's automated, okay. So the  
6 information that's inputted when it's a regular  
7 course RespOrg request, you don't know if that  
8 information includes the top grid, but you do  
9 know that the reasons for necessity and so forth,  
10 that is not part of the regular input? Is that a  
11 fair statement?

12 **A. That's correct.**

13 Q. Is there anything in the computer  
14 input process -- and forgive me because I'm more  
15 computer dumb than Russ here represented to being  
16 earlier today. Conceptually what I'd like to  
17 know is --

18 MR. LUKAS: Did I say dumb?

19 MR. SMITH: I'm sorry. Illiterate.  
20 I'm dumb. He's illiterate. I mean the truth is  
21 the truth, folks.

1 in the information that's input -- that's  
2 requested to be input from Beehive as opposed to  
3 other RespOrgs, correct?

4 **A. I think it's treated differently**  
5 **because of the status of the 800-629 numbers.**

6 Q. I'm not asking for the reason. I'm  
7 asking for what identifies the difference here.  
8 And the identifiable differences between these  
9 629 and Beehive situations and regular RespOrg  
10 situations are, one, it's a paper trail as  
11 opposed to computer input and, two, the  
12 information input is different?

13 **A. That's not -- I don't think that's**  
14 **quite accurate.**

15 Q. Correct me then.

16 **A. If we had gotten the formal request**  
17 **like this that had been completed and it had been**  
18 **decided that there was a viable need for an**  
19 **800-629 number, the process for getting the**  
20 **number in the system would probably have been**  
21 **exactly the same in that someone would have to**

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1 log onto the system and they would see the same  
 2 screens with the same data requirements, the same  
 3 elements that they normally would see.  
 4 Q. But it's a different threshold here  
 5 because Beehive has to pass the form test before  
 6 there's computer input, correct?  
 7 A. Correct.  
 8 Q. And there's still another threshold  
 9 Beehive has to cross as opposed to regular course  
 10 RespOrgs, and, that is, Beehive has to justify  
 11 its need on some grounds to DSMI; isn't that  
 12 correct?  
 13 A. Correct.  
 14 Q. Okay. In the history of DSMI and  
 15 requests for toll free numbers through your  
 16 computer database by RespOrgs, has there ever  
 17 been a special form created to deal with special  
 18 situations other than the Beehive form here?  
 19 A. Oh, I -- I mean, that's a pretty broad  
 20 question. I'm sure we've created special forms  
 21 from time to time.

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1 Q. Are you sure or are you just  
 2 speculating?  
 3 A. I mean, I'm sure we must have.  
 4 Q. Well, are you sure or are you just  
 5 assuming that you have? And if you're sure, name  
 6 one. Can you recall any one in particular?  
 7 A. Yeah, we've made up a form for  
 8 handling modification requests that came in from  
 9 the industry.  
 10 Q. Was that form generically applied to  
 11 all such requests across the board, to all  
 12 RespOrgs, or was it unique to a particular  
 13 RespOrg?  
 14 A. No, it was for any request that came  
 15 in.  
 16 Q. Any other things that come to mind?  
 17 A. Not immediately.  
 18 Q. Okay. You're making me feel very  
 19 very special. That's a joke too.  
 20 MR. JENSEN: You are very special.  
 21 MR. SMITH: Well, dumb people do -- I

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1 mean, we are special.  
 2 BY MR. SMITH:  
 3 Q. The information that is inputted by a  
 4 RespOrg in the regular course seeking assignment  
 5 of a number from DSMI, is that information  
 6 content regulated under the tariff? I have a  
 7 copy of the tariff if you'd like to look.  
 8 A. Number one, they don't get numbers  
 9 from the DSMI. They get numbers from the pool.  
 10 Q. I'm talking about the information that  
 11 a RespOrg inputs through DSMI's database in order  
 12 to get the assignment of the number. Is that  
 13 information content -- whether it's something  
 14 like you've got here on your form that you sent  
 15 to Mr. Brothers in '99 or other information,  
 16 whatever it may be, is that regulated under the  
 17 SMS/800 tariff?  
 18 A. Again, just for the record, the  
 19 database is not DSMI's database, but I don't  
 20 believe the tariff goes into that level of  
 21 detail.

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1 Q. Does it go into any level of detail?  
 2 MR. JENSEN: The tariff speaks for  
 3 itself.  
 4 BY MR. SMITH:  
 5 Q. When you put together your letter  
 6 that's Exhibit D to Deposition Exhibit 4, did you  
 7 consult the tariff before doing so?  
 8 A. I don't recall.  
 9 Q. Did you ask anybody else --  
 10 A. I don't recall.  
 11 Q. -- to consult the tariff before  
 12 creating Exhibit D?  
 13 Is that an "I don't recall" too?  
 14 A. Yes.  
 15 Q. Now what did you intend to do with the  
 16 information to be provided on your form here that  
 17 accompanies the January 26, 1999, letter to  
 18 Mr. Brothers if you had received it? In other  
 19 words, customer name, customer address, customer  
 20 telephone number. Did you plan on calling up  
 21 that number and finding out about that customer?

1 Did you have a specific intention at the time you  
2 drafted this letter and this form?

3 MR. JENSEN: I'll object. You're  
4 asking him to speculate at this point.

5 MR. SMITH: I'm asking him to recall  
6 his specific intent in regard to this situation  
7 that I've just described when he drafted this  
8 letter and form?

9 THE WITNESS: I think the intent was  
10 to try to determine whether or not the need met  
11 the standards that were specified by the court.

12 BY MR. SMITH:

13 Q. So this form does contemplate some  
14 auditing or verification function on the part of  
15 DSMI?

16 A. **It never got that far.**

17 Q. Is that what you had in mind when you  
18 drafted it and sent it to Mr. Brothers?

19 A. **Again, we never got that far.**

20 Q. I'm asking what you, Mr. Wade, had in  
21 mind when you drafted this letter and created

1 this form. Did you want this information at that  
2 time so you could follow up and verify it? Was  
3 that your intention?

4 A. **Again, we never got that far. The**  
5 **intention was to get the information.**

6 Q. Did you have a further intention as to  
7 what you'd do with it once you got it?

8 A. **No, we never got that far.**

9 Q. You're not understanding my question  
10 perhaps.

11 MR. JENSEN: He's answered your  
12 question.

13 MR. SMITH: He's answered it with a  
14 non-answer. He's evaded it.

15 MS. TUCKER: He said whether the need  
16 meets the standards of the court.

17 BY MR. SMITH:

18 Q. So it was your intention to test need  
19 based on the information you got back on this  
20 form from Beehive?

21 A. **That was the statement from the court.**

1 Q. I don't care what the court said. I  
2 want to know what you thought when you created  
3 this document?

4 A. **The thought was we needed to collect**  
5 **this information.**

6 Q. For the purpose of what?

7 A. **Compliance with the court order.**

8 Q. So you were going to go out and test?

9 A. **I didn't say that.**

10 MR. JENSEN: I'll object. You're  
11 asking him the same question over and over again.  
12 He already answered it.

13 BY MR. SMITH:

14 Q. Did you talk with someone about the  
15 use that might be put to the information received  
16 on one of these forms?

17 A. **I don't remember.**

18 Q. You never had any -- you can't  
19 remember any consultation with anybody else on  
20 your management team?

21 A. **I don't know whether we had**

1 **discussions about it or not.**

2 Q. Did you have discussions with your  
3 management team about the Tenth Circuit Mandate  
4 and what DSMI would do in response to it?

5 A. **I don't know that. If it did, it**  
6 **would be in the meeting minutes.**

7 Q. But do you have any recollection  
8 yourself sitting here independent of those  
9 minutes?

10 A. **No.**

11 Q. Can you think of any other occasion  
12 when you might have discussed the response to be  
13 taken to that mandate with anybody?

14 A. **Other than -- I'm not sure what you're**  
15 **asking.**

16 Q. You testified about potential  
17 discussions and what you can recall with the  
18 management team.

19 A. **Right.**

20 Q. Now I'm asking you more broadly about  
21 anybody.

1 A. I've already said we had discussions  
 2 with counsel.  
 3 Q. Anybody else?  
 4 A. Not that I recall.  
 5 Q. Okay. Did you have any discussions  
 6 with any of the other officers at DSMI about what  
 7 necessity was to mean in terms of the Tenth  
 8 Circuit Mandate?  
 9 A. I don't recall.  
 10 Q. Did you have any discussions on that  
 11 subject -- now we're not talking about generating  
 12 a form and what's to go in the form and how to  
 13 respond to the mandate. We're talking about what  
 14 does this mandate mean in terms of business  
 15 justification or need to get one of these 629  
 16 numbers and what defines that need. I'm asking,  
 17 did you have a conversation with somebody at the  
 18 DSMI level about that subject?  
 19 A. Again, I don't recall.  
 20 Q. Okay. Did you have a conversation on  
 21 that subject with anybody on the SMT, this

1 you went along or did you have something in mind?  
 2 A. We take these activities as they come.  
 3 We deal with them as appropriate at the time.  
 4 The first step was to gather the information.  
 5 Q. Well, the first step was to make a  
 6 decision that you could be the gatekeeper as far  
 7 as determining need.  
 8 MR. JENSEN: You're arguing with the  
 9 witness.  
 10 BY MR. SMITH:  
 11 Q. Did you make that determination that  
 12 you were in charge of that?  
 13 A. This is all based on a court order and  
 14 that we -- I was reacting based on counsel.  
 15 Q. And as the keeper of the gate, did you  
 16 know what was going to let people in or keep  
 17 people out?  
 18 A. I disagree with the premise. I didn't  
 19 classify myself as the keeper of the gate.  
 20 Q. If you weren't keeping it, who was?  
 21 A. I have no idea. I didn't know there

1 management team outfit?  
 2 A. Haven't we asked --  
 3 Q. It's a different question.  
 4 A. It is?  
 5 Q. Yes.  
 6 A. You parch these questions much more  
 7 finely than I do. The conversations I had with  
 8 the SMT are reflected in the meeting minutes.  
 9 Q. Can you remember having one on what  
 10 business justification does it need to get for  
 11 Beehive to get one of these 629 numbers?  
 12 A. No.  
 13 Q. How about anyone at the RBOC level?  
 14 A. No. "No" meaning I don't recall  
 15 whether there was a discussion or not.  
 16 Q. Okay. Whether or not there was a  
 17 discussion, was some recipe formulated either in  
 18 your head or on paper as to need and what it  
 19 means?  
 20 A. I never got that far.  
 21 Q. Were you just going to make this up as

1 was a gate.  
 2 Q. Why did you send this letter? Why  
 3 didn't you just tell Beehive, hey, do like all  
 4 the other RespOrgs do, follow the tariff, put it  
 5 into our database, get your number?  
 6 A. We were complying with the court  
 7 direction.  
 8 Q. Okay. What did the compliance -- what  
 9 was the content to the compliance from your point  
 10 of view then at that time? What was business  
 11 justification?  
 12 A. It never got that far.  
 13 Q. Who was to decide what was business  
 14 justification if you did get that far?  
 15 A. It never got that far.  
 16 Q. Was it going to be Michael Wade or was  
 17 it going to be the DSMI board? Was it going to  
 18 be either of those?  
 19 A. I have no idea. We never got that  
 20 far.  
 21 Q. Did you discuss that decision-making

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1 process with anybody at any time?  
 2 **A. I think we've asked and answered that**  
 3 **about five times.**  
 4 Q. I'm talking about the decision-making  
 5 process. You've testified, well, we never got  
 6 that far, we didn't think of content, we never  
 7 got that far, we never thought about -- we never  
 8 determined that I would decide it or somebody  
 9 else. My next question is, did you ever think  
 10 about some kind of process for resolving those  
 11 issues and did you talk about that with somebody?  
 12 **A. I don't remember whether we discussed**  
 13 **it or not.**  
 14 Q. Sitting here today, you tell me from  
 15 your standpoint what it would take to get one of  
 16 these numbers. What is a business justification  
 17 that will allow Beehive to obtain access to one  
 18 of these 629 numbers?  
 19 **A. I can't do that. I'm not in the**  
 20 **position to do that.**  
 21 Q. Why aren't you in a position to do

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1 that?  
 2 **A. I haven't had any chance to look at**  
 3 **the information, to discuss it with the people**  
 4 **who might be involved, review it with counsel.**  
 5 Q. Who would you discuss it with?  
 6 **A. Depends on what came in. Depends on**  
 7 **the data.**  
 8 Q. Well, let's say that Beehive sent in  
 9 the data that every other RespOrg sends in. What  
 10 happens then?  
 11 **A. No idea. I haven't had that**  
 12 **opportunity to discuss it.**  
 13 Q. Are you telling me that Beehive hasn't  
 14 made a request for access to some of these  
 15 numbers?  
 16 **A. We've never gotten a completed form.**  
 17 Q. But they've made a request, haven't  
 18 they, through your database?  
 19 **A. I wouldn't know. If it comes in**  
 20 **mechanically, I wouldn't know.**  
 21 Q. Since you've served as president of

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1 DSMI, Mr. Wade, have you had discussions with  
 2 anyone at DSMI, SMT, or Belcore that links  
 3 resolution of Beehive's objection to your tariff?  
 4 When I say "your tariff," I mean the RBOC's  
 5 tariff and this 629 number issue.  
 6 **A. I'm not quite sure how to answer that.**  
 7 **The initial discussion with Beehive was based on**  
 8 **nonpayment of tariff revenues. I mean, that**  
 9 **clearly was the linkage at the start.**  
 10 Q. Isn't it a fact that you started to  
 11 write letters about that nonpayment at about the  
 12 time that Beehive objected to your tariff?  
 13 **A. I have no idea what the timing of**  
 14 **those things were.**  
 15 Q. I'm going to go back to my original  
 16 question, which is, during your tenure as  
 17 president of DSMI, have you gained any knowledge  
 18 directly or indirectly of any conversation that  
 19 links Beehive's objection to the SMS/800 tariff  
 20 and resolution of this controversy over the 629  
 21 numbers?

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1 **A. I don't understand the premise of the**  
 2 **question. I thought Beehive challenged the**  
 3 **validity of the SMS/800 tariff. Clearly the two**  
 4 **topics are linked. I don't know what you're**  
 5 **asking me.**  
 6 Q. Well, has there been a conversation of  
 7 which you're aware that has tied resolution of  
 8 the numbers issue and disconnection and so forth  
 9 to the objection to the tariff in any way?  
 10 **A. I mean, a lot of those things are**  
 11 **interconnected, of course.**  
 12 Q. So have you had conversations about  
 13 that?  
 14 **A. About what?**  
 15 Q. About the interconnection between the  
 16 two.  
 17 **A. Well, we've had conversations about**  
 18 **the topics covered in the action that's underway.**  
 19 Q. And when have you had those  
 20 conversations? When was the first one that you  
 21 can recall?

1 A. I -- again, you're asking dates.  
2 We've provided you with meeting minutes. They  
3 started back in '94 sometime, I think, or '93.

4 Q. Okay. Looking at exhibit -- whatever  
5 they were, 3 and 2. Starting with 2, can you  
6 identify Number 2?

7 A. Yeah, it looks like a tariff filing  
8 that was made recently.

9 Q. In the general course, do you see the  
10 tariff filings that are made in connection with  
11 the SMS/800 tariff?

12 A. Yes.

13 Q. Did you see this one on or about May  
14 16, 2000?

15 A. Yes.

16 Q. Okay. So you're on the mailing list  
17 or circulation list for things like Exhibit 2; is  
18 that true?

19 A. Yes.

20 Q. Who's stationary is this "SMS/800"?

21 A. It's SMS/800's, SMT's stationary.

1 this Exhibit 2?

2 A. Yes.

3 Q. Why is Mr. Fernandez listed as -- why  
4 is he given the address of 3 Corporate Place,  
5 Piscataway?

6 A. The RBOCs frequently used our address  
7 as our common mailing point since they don't have  
8 any other central point other than us.

9 Q. Okay. But isn't Mr. Fernandez  
10 affiliated with one of these RBOCs?

11 A. Yes.

12 Q. Which one was that again?

13 A. US West.

14 Q. Where does he regularly office?

15 A. Denver.

16 Q. So why is it routed through  
17 Piscataway? Wouldn't it be just faster to send  
18 it to him in Denver?

19 A. Not really because it needs to be  
20 distributed to all of the RBOC members, and  
21 that's typically what we do.

1 Q. That's the management team, right?

2 A. Right.

3 Q. Who prepared this document?

4 A. Actually, I did.

5 Q. Okay.

6 A. Yeah, I did, I think.

7 Q. Okay. On the second page I see it  
8 says Ted Fernandez. Did you prepare it for him?

9 A. Well, I prepared it for the SMT.

10 Q. And why is Mr. Fernandez's name there  
11 at the bottom of Page 2 of Exhibit 2? Does that  
12 signify that he is the author of this document or  
13 the official person submitting it?

14 A. No, it says that as the  
15 point-of-contact that information or  
16 correspondence should be forwarded to him.

17 Q. Okay. This address here of 3  
18 Corporate Place, Piscataway, is that the place of  
19 business for DSMI?

20 A. Yes, it is.

21 Q. Was this typed by someone at DSMI.

1 Q. Okay. Looking at Exhibit 3, is this  
2 the same type of document being prepared under  
3 the same circumstances as Exhibit 2 then?

4 A. I'm not sure what you mean by "under  
5 the same circumstances."

6 Q. Well, did you prepare it?

7 A. No, I didn't do this one.

8 Q. Was it typed at DSMI's offices?

9 A. I believe it was.

10 Q. Was it sent out from there to whomever  
11 was to receive it, the secretary of the FCC?

12 A. I don't know that.

13 Q. Are you familiar with the bank account  
14 of the SMT? Do you know the details of that  
15 account?

16 A. Some of them.

17 Q. Does DSMI or you, Michael Wade, as  
18 business representative for the SMT have any kind  
19 of custodial responsibility for that bank  
20 account?

21 A. I don't know what you mean by