

1

SIDE A

2

FEMALE VOICE: Thank you for calling Sterling
Title. If you are requesting --

4

FEMALE VOICE: Sterling Title.

5

6

MARSHA GIBBS: Yes. Hello. I need to speak to
Sue or Jean, please. This is Marsha Gibbs and this -- I
7 have a disconnect status on the phone lines. I need to talk
8 to somebody as soon as possible.

9

FEMALE VOICE: Okay. Hold on one second, please.

10

MARSHA GIBBS: Thank you.

11

FEMALE VOICE: Hello?

12

MARSHA GIBBS: Uh-huh.

13

14

FEMALE VOICE: I'm going to transfer you directly
to Jean, okay?

15

MARSHA GIBBS: Thank you.

16

JEAN: Hello.

17

MARSHA GIBBS: Yes, hi. Is this Jean?

18

JEAN: Yes.

19

20

MARSHA GIBBS: Hi, Jean. My name is Marsha Gibbs.
I'm calling from Ivantage Communications in the corporate
21 office. I'll let you know calls are monitored and recorded
22 for quality assurance purposes.

23

24

25

I just was calling you to apologize. I know that
you're leaving our service, and we want to thank you for the
business you did give us and if things don't work out with

1 your new carrier, we'd like an opportunity to work with you
2 again in the future.

3 JEAN: Yes. Well, we were supposed to get a free
4 trip. We never got it.

5 MARSHA GIBBS: Okay. I can make sure that that's
6 expedited for you. Obviously that was owed to you. So, we
7 can make sure that's done. I am calling you from
8 operations. Unfortunately, that's out of my jurisdiction,
9 but I can expedite you as soon as possible, because I do run
10 this department and make sure that you do get it.

11 JEAN: That's what they were saying. You know
12 like they would do that before, but we never got it, and
13 then we'd check our phone bill against our telephone -- we
14 have telephones that monitor each call, and sometimes we'd
15 be on the phone for one minutes and you would have it as
16 eight message units.

17 MARSHA GIBBS: Okay.

18 JEAN: "inaudible" units. It was all -- we got
19 charged way too much.

20 MARSHA GIBBS: Well, I'm going to respect your
21 decision, Jean. Obviously we let you down. I apologize for
22 it. The one thing that I wanted to let you know is that the
23 lines were still billing here with us, both local and long
24 distance. No fault to your carrier.

25 We probably got our alert a little bit too soon

1 before they did complete the switch, but I wanted to know if
2 you wanted us to leave those lines up and running for right
3 now or do you want us to just go ahead and take the service
4 down?

5 JEAN: Now, this -- you're Ivantage?

6 MARSHA GIBBS: Yes, we are Ivantage, and our --
7 unfortunately our -- we're not tariffed to service partial
8 line billing. That's the reason why it could cause a
9 disruption to everything. You know and if we took down the
10 toll right now, because we are still billing you on the
11 local toll until this company can get you switched --

12 JEAN: Right.

13 MARSHA GIBBS: -- you wouldn't have any tone at
14 all. So, this is what I can do. I can send you out a
15 letter of agency from our company. This would allow us to
16 carry the traffic in the interim period only, until this
17 company can come in and get you switched. As soon as they
18 switch your services over from us, all your ties will be
19 severed from our company completely.

20 JEAN: Yes. Now, who got in touch with you to say
21 we were severing?

22 MARSHA GIBBS: We had a disconnect status. It's
23 an alert that comes up in our system where we know that
24 you're switching vendors. So I had to assume you know that
25 you were switching. Obviously I thought that maybe you were

1 having problems, because -- but the thing of it is, is that
2 all the lines are --

3 JEAN: "inaudible"

4 MARSHA GIBBS: -- still billing here.

5 JEAN: -- our bills Saturday. This Saturday they
6 just paid it. We were going over all our bills, and nothing
7 made sense. We were going to call you.

8 MARSHA GIBBS: Did you switch to another carrier?

9 JEAN: Not yet.

10 MARSHA GIBBS: Okay. Well, then something's wrong
11 here, because somebody is requesting the service obviously
12 without your consent. So whoever it is that you were
13 talking to maybe considering a switch to them, they've
14 already sent an alert in the system.

15 JEAN: Okay.

16 MARSHA GIBBS: Which is not right, because if you
17 haven't given them authorization yet, they shouldn't have
18 done that.

19 JEAN: Okay. Well, let me find out if --

20 MARSHA GIBBS: Let me look at your issues, because
21 you know what, if you haven't gone anywhere yet, you know
22 basically in reference to that Las Vegas trip I will make
23 sure that that's expedited.

24 JEAN: Uh-huh.

25 MARSHA GIBBS: I'm looking at your account right

1 now. You're at a pretty good rate structure, but
2 predominantly where you're making your calls at you need to
3 have a better structure.

4 JEAN: Yes. Because sometimes we were charged 18
5 cents a minute.

6 MARSHA GIBBS: Yes, that's what I need to fix,
7 because I'm looking at your calls here. Let me -- okay.
8 Because this is the thing, most of your calls are within
9 your state.

10 JEAN: That's right.

11 MARSHA GIBBS: The majority of them.

12 JEAN: Right.

13 MARSHA GIBBS: Which is where you don't have the
14 competitive rate structure. You have a competitive rate
15 structure outside of your state, which is not where the bulk
16 of your calling is.

17 JEAN: Right.

18 MARSHA GIBBS: If I can put you at -- let me see
19 what my rates are for in-state. Jean?

20 JEAN: Yes.

21 MARSHA GIBBS: If I can put you at 4.9 "inaudible"
22 anywhere you call within the state of New Jersey. I'm also
23 going to go ahead and bring that --

24 JEAN: 4.9 for a unit?

25 MARSHA GIBBS: Yes. In-state. That's going to

1 take you down substantially.

2 JEAN: That still would be ten cents a minute.

3 MARSHA GIBBS: Right. But then it would be a lot
4 less than where you are now. Hold on just -- and I want you
5 to get a full view of this. Obviously you've got to
6 consider it, but I do want you to see here what I want to
7 do. I want to put you down to 4.9 cents per call unit
8 within the state. I'm going to put you as 5.9 cents per
9 call unit anywhere outside of the state.

10 Then we're going to go ahead and correct that Las
11 Vegas trip, and put you on every fourth invoice free for as
12 long as you're a customer here with us. You are on -- what
13 you were getting the ninth and the sixth. That was like for
14 one time.

15 I feel like this: If I can have you generate a
16 free invoice every fourth, so every three invoices would
17 automatically generate for an invoice credit. And just to
18 give you an idea about how much that would be, let's take
19 your old bills. Obviously it's going to be a lot loss with
20 a lower rate structure, but let's take -- if your bills
21 was --

22 JEAN: What was my rate structure before that 4.9?

23 MARSHA GIBBS: Seven. It was 7.9 outside of your
24 state and --

25 JEAN: Inside?

1 MARSHA GIBBS: Inside the state -- hold on a
2 minute. I'm trying to look at the -- I've got to archive
3 that. With our interstate, I know you were somewhere around
4 eight cents. Like 8.9.

5 JEAN: Right.

6 MARSHA GIBBS: So see if I can cut it in half and
7 then get dollar volume credits generating every fourth, so
8 if your bills was -- hypothetically speaking if it was
9 averaging \$700, that's the invoice credit you're going to
10 get back on your fourth.

11 JEAN: Uh-huh.

12 MARSHA GIBBS: Do you see what I'm saying?

13 JEAN: Yes.

14 MARSHA GIBBS: Those are dollar volume credits.

15 JEAN: Our last bill was like \$1,200.

16 MARSHA GIBBS: I know.

17 JEAN: That's unheard of.

18 MARSHA GIBBS: What I'm going to do is, is I'm
19 going to go in and give you a credit adjustment.

20 JEAN: Okay.

21 MARSHA GIBBS: On those bills. I'm going to go
22 back two invoices.

23 JEAN: Okay.

24 MARSHA GIBBS: And give you a credit adjustment on
25 the bill as if you had those rates from the beginning of

1 that time.

2 JEAN: Okay. Then could you let me know how much
3 that would come to?

4 MARSHA GIBBS: I'm going to go ahead and then have
5 it generated in the system. This is another thing that I
6 think that I'm going to go ahead and do, and this will save
7 you some money, too, and you can also make international
8 calls with them. I'm going to get you out \$2,000 in prepaid
9 long distance from our company up front.

10 JEAN: Okay.

11 MARSHA GIBBS: Then you can use -- that's going to
12 cut down your costs too, because you can use those to call
13 anywhere in state, to call anywhere out of state and
14 obviously it's going to cut down on your bill. It'll be
15 \$2,000 in prepaid long distance on us.

16 JEAN: Yes. Okay. I see. It's just that they
17 don't like to dial all those numbers, but --

18 MARSHA GIBBS: I know, but it --

19 JEAN: That would be great.

20 MARSHA GIBBS: I'll show you how to program them
21 into your speed dial.

22 JEAN: Okay.

23 MARSHA GIBBS: So that you're dialing directly.

24 JEAN: So, we'll get \$2,000 worth of --

25 MARSHA GIBBS: \$2,000 prepaid long distance.

1 Lower the in-state rate. Lower the out-of-state rate. Give
2 you a credit adjustment on the last two invoices.

3 JEAN: Okay.

4 MARSHA GIBBS: Then put you on a program to where
5 you're generating dollar volume credits every fourth.

6 JEAN: Every fourth?

7 MARSHA GIBBS: Every fourth invoice free.

8 JEAN: Okay.

9 MARSHA GIBBS: I'm --

10 JEAN: "inaudible" going to like it.

11 MARSHA GIBBS: I'm going to send this all out to
12 you in writing right now.

13 JEAN: Okay.

14 MARSHA GIBBS: Then the one thing that I'm
15 concerned about is the fact that you did not give them
16 permission. You were probably just shopping with them, and
17 they were going to cause your whole phone system to go down,
18 and that's not good.

19 JEAN: Well, who was it? Do you know?

20 MARSHA GIBBS: We got an alert from Bell South.
21 It doesn't tell us who the company was.

22 JEAN: I see.

23 MARSHA GIBBS: Yes. It doesn't tell us who, but
24 right now we have the alert in our system.

25 JEAN: Okay.

1 MARSHA GIBBS: So let me see here. I'm getting --
2 you know what I'm going to do? I'm going to put you on that
3 every fourth for your local and every fourth for your long
4 distance.

5 JEAN: Okay. That's --

6 MARSHA GIBBS: So you're getting every fourth
7 invoice free on the local end and on the long distance end.
8 So, that's going to be a huge credit.

9 JEAN: Because we could -- what you're saying 4.9.

10 MARSHA GIBBS: Yes.

11 JEAN: I know we could get like seven cents from
12 Verizon, anyplace, you know. So, I'm still -- and this 4.9
13 is equal to maybe nine cents a minute.

14 MARSHA GIBBS: Yes, but if you figure --

15 JEAN: "inaudible" fourth --

16 MARSHA GIBBS: Right.

17 JEAN: Yes.

18 MARSHA GIBBS: Then that's --

19 JEAN: "inaudible"

20 MARSHA GIBBS: "inaudible" take it down.

21 JEAN: Every fourth one free.

22 MARSHA GIBBS: Right.

23 JEAN: Okay.

24 MARSHA GIBBS: It's going to take it down. Way
25 down.

1 JEAN: Well, that would.

2 MARSHA GIBBS: Then the thing of it is, is you're
3 going to have \$2,000 in prepaid long distance, one of
4 which -- I want to let you know something. I am the
5 director. I do run this department.

6 JEAN: Great. May I have your name?

7 MARSHA GIBBS: Yes, you can.

8 FEMALE VOICE: Good afternoon, WCW.

9 TIM: Yes, Jeff, please.

10 FEMALE VOICE: Yes, may I tell him who's calling?

11 TIM: Yes, tell him it's Tim, please.

12 FEMALE VOICE: Tim?

13 TIM: Yes.

14 FEMALE VOICE: Tim down at?

15 TIM: Yes, one second. I'm sorry.

16 FEMALE VOICE: Okay. Tim. What company?

17 TIM: Slingerland.

18 FEMALE VOICE: New England?

19 TIM: Slingerland.

20 FEMALE VOICE: Slingerland. I'm sorry.

21 TIM: That's okay.

22 FEMALE VOICE: My ears need cleaning out. I
23 should stick my head out in the rain.

24 JEFF: Hello, this is Jeff.

25 TIM: Yes, Jeff. This is Tim Flynn. I'm branch

1 manager of operations with Ivantage. How are you doing?

2 JEFF: Good.

3 TIM: Good. All calls are monitored and recorded.

4 JEFF: Sure. Tim, Tim, Tim?

5 TIM: Yes, yes, yes.

6 JEFF: I'm in the middle of a meeting. I'm
7 sending over a paper with my signature on it. If that is
8 not sufficient for you folks, that's entirely up to you.
9 I'm not signing the piece of paper that she sent to me. I
10 don't know what it says. I don't know what it means. It's
11 too complicated. I've got to send it to my lawyer.

12 I'm going to give you a piece of paper telling you
13 what's going on with my signature. If that is not
14 sufficient, then that's up to you folks if you want to help
15 me get through this process or not. I can't change that.

16 TIM: Jeff, the piece of paper it's just a --

17 JEFF: I "inaudible"

18 TIM: "inaudible"

19 JEFF: If that's all it is, I'm sending you a
20 piece of paper with my signature on it.

21 TIM: Jeff, can you do me a favor and listen?

22 JEFF: I don't have time. I'm in a meeting --

23 TIM: I hear you.

24 JEFF: "inaudible" other people.

25 TIM: I understand that, but if --

1 JEFF: No "inaudible"

2 TIM: Yes, I do.

3 JEFF: You've got me on the phone for three hours
4 already today.

5 TIM: If the service goes down, it's going to be
6 an interruption. Obviously --

7 JEFF: "inaudible"

8 TIM: "inaudible"

9 JEFF: If you guys want to help me, I'm sending
10 you a paper --

11 TIM: "inaudible"

12 JEFF: If you don't want to help me, that's up to
13 you.

14 TIM: Please don't yell at me, man. Please.

15 FEMALE VOICE: Good morning, WCW.

16 MARSHA GIBBS: Yes, ma'am. Can I speak to Jeff
17 Wilkerson, please?

18 FEMALE VOICE: Yes. May I tell him who's calling?

19 MARSHA GIBBS: Marsha.

20 FEMALE VOICE: Marsha?

21 MARSHA GIBBS: Uh-huh.

22 FEMALE VOICE: All right. Thank you, Marsha.

23 MARSHA GIBBS: Thank you.

24 JEFF: Hello. This is Jeff.

25 MARSHA GIBBS: Yes, hi Jeff. This is Marsha

1 Gibbs. I'm calling from Ivantage Communications in the
2 corporate office. I've got to let you know calls are
3 monitored and recorded for quality assurance purposes.

4 JEFF: Okay.

5 MARSHA GIBBS: I'm calling you to apologize
6 actually. I see here where you're leaving our service. We
7 want to thank you for the business you did give us, and if
8 things don't work out with your new company, we'd like an
9 opportunity to work with you maybe in the future.

10 JEFF: Sure.

11 MARSHA GIBBS: Now, the lines are still billing
12 here with us. I wanted to know whether you wanted us to
13 leave those lines up and running for right now or do you
14 want us to just go ahead and take the service down?

15 JEFF: I'm sorry. Say that again, please.

16 MARSHA GIBBS: The company that you switched to
17 have not switched your services over yet. No fault to them.
18 It's probably that we got our alert a little bit too soon
19 in the local before they could switch it. So the lines are
20 still billing here with us.

21 Our company is not tarified to do partial line
22 billing that's the reason why it would cause a disruption to
23 everything, because we don't have authorization on file to
24 carry this traffic.

25 And I asked you if you wanted us to keep it up and

1 running until this new company could get you switched or
2 whether or not you wanted us to just go ahead and proceed to
3 take the service down.

4 JEFF: Well, if you take the service down --

5 MARSHA GIBBS: You won't have -- yes. You won't
6 have any long distance capability at all. So what I can do
7 is, is I can send you a letter of agency from our company.
8 This would allow us to carry the traffic in the interim
9 period only, until this company could come in and get you
10 switched.

11 If you want, you can attach an addendum on your
12 company letterhead stating the company that you're switching
13 to. On the form itself you can put see attached addendum
14 and this way you know it's two things on file that they know
15 it's only for temporary until they can pick you up. This
16 way you'll transition from one company to another smoothly.

17 JEFF: Yes. Well, I'm certainly going to need to
18 make sure that that happens.

19 MARSHA GIBBS: Okay. I want to stay with you.
20 Actually, I have to confirm with you on this recorded line,
21 because our call is monitored in its entirety and they're
22 going to listen you know to make sure that I got a fax from
23 you. So in essence I'll send it out to you now.

24 If you can grab your company letterhead, I'll tell
25 you exactly what to put, because you got to state the

1 company and everything.

2 JEFF: Well, I know my company.

3 MARSHA GIBBS: I'm -- the company that you
4 switched to is what I was talking about.

5 JEFF: "inaudible" the letterhead here in front of
6 me.

7 MARSHA GIBBS: No. Your letterhead. You have to
8 grab your company's letterhead. WCW.

9 JEFF: Yes.

10 MARSHA GIBBS: Then I just need you to put -- I'll
11 tell you the verbiage you've got to put, because you've got
12 to include the company that you're switching to in that
13 verbiage. The form should be there shortly, and all I need
14 to do is just confirm with you I have it and we're done.

15 JEFF: Okay.

16 MARSHA GIBBS: This form authorizes Ivantage to
17 keep my lines up and running and tell me when you got all
18 that.

19 JEFF: You want me to write that down?

20 MARSHA GIBBS: Uh-huh. On your company letterhead
21 and you have to sign it and put the date on it, and then on
22 the form itself, and I just sent that over to you, all's we
23 need is just the company billing name, today's date and the
24 signature. Then you have to put see --

25 JEFF: Can you just write it down for me and fax

1 it over to me and I'll get it typed up?

2 MARSHA GIBBS: Well --

3 JEFF: How about that?

4 MARSHA GIBBS: That's not normally how it works,
5 because it has to be recorded in the line that you
6 actually -- I can't write it and send it to you. You have
7 to write it. That's why I'm just going to tell you what to
8 write. It takes two minutes. I don't want you to mistake
9 urgency for pressure, but I don't want you to lose your
10 service.

11 JEFF: I guess I mean I'm a little confused on
12 what's going on here. I mean I didn't -- number one, when I
13 switched over to you folks, I didn't have to do any of this
14 with any other group.

15 MARSHA GIBBS: Well --

16 JEFF: And --

17 MARSHA GIBBS: -- I'm calling you from our --

18 JEFF: "inaudible" switching over to another group
19 and what they will do is take the lines and so let me talk
20 to the guy that I'm working with.

21 MARSHA GIBBS: The problem is, is we got a
22 disconnect. I'm calling you from our cancel department,
23 Jeff.

24 JEFF: Sure.

25 MARSHA GIBBS: We got a cancellation that you were

1 switching to another vendor. Our company is not -- we are
2 not authorized to carry the traffic at this point, and
3 everything is still billing here with us. That's the reason
4 why I asked you as a courtesy. Normally what I do is, is
5 we --

6 JEFF: "inaudible"

7 MARSHA GIBBS: "inaudible" in the system.

8 JEFF: Appreciate it as well.

9 MARSHA GIBBS: Okay. Well, I'm just letting you
10 know --

11 JEFF: "inaudible" if I can give you a call back.
12 I just -- I want to find out what's going on on the other
13 end. Why they're not taking it all at once.

14 MARSHA GIBBS: I'm not advising you not to do
15 that. I want you to go. You should do that. But at this
16 point, whether it's 20 minutes or 15 minutes, I have to have
17 resolution on the call as to whether or not you want us to
18 carry the traffic or you don't.

19 That's why I asked you if you could send over the
20 addendum on your company letterhead, along with a letter of
21 authorization and we'll keep it up and running for as long
22 as we have to, whether it's 20 minutes, whether it's 15
23 minutes, end of business day-to-day, first thing in the
24 morning, whatever the case may be.

25 I have to have resolution on the call once we make

1 the contact, otherwise the system just causes a disruption
2 to everything, because we don't have authorization at this
3 point to bill you and it could be misconstrued as us
4 slamming you, because we don't have the authorization
5 anymore.

6 It's probably because they sent it the cancel
7 before they could actually switch over the service, because
8 the thing of it is, is that it's still sitting here with us.

9 JEFF: All the lines are still sitting there with
10 you?

11 MARSHA GIBBS: Yes, and that's the reason why it
12 was red flagged to my office. I called you first, before
13 anybody did that, because you know I'll wear the black eye
14 for what caused you to do this in the first place. Even
15 though this is not our fault, I still didn't want you to
16 have a bad taste in your mouth about our company.

17 JEFF: Well --

18 MARSHA GIBBS: Unfortunately --

19 JEFF: -- I really appreciate that.

20 MARSHA GIBBS: Yes.

21 JEFF: I'm not hard to get along with here.

22 MARSHA GIBBS: No. It's not to insinuate that you
23 are. It's just that I have to have resolution on the call
24 as to what you want us to do, because our company is at a
25 liability right now carrying the traffic without the

1 authorization.

2 So that's why I said if you want to grab your
3 company letterhead I'll tell you exactly what to put. You
4 have to list that it's only temporarily until the new
5 company can pick you up. You need to state that on the
6 letterhead and then on the form itself, put see attached
7 addendum so that they know that it's an addendum attached to
8 it. This call is monitored in it's entirety so we know that
9 you're leaving and whomever else that would listen to it.
10 Your local, they know that you're leaving.

11 JEFF: I'll write this down. I've got to see what
12 it says. Go ahead.

13 MARSHA GIBBS: This form authorizes Ivantage to
14 keep my lines and when you have all that you tell me.

15 JEFF: This form authorizes Ivanta --

16 MARSHA GIBBS: Ivantage.

17 JEFF: Okay.

18 MARSHA GIBBS: To keep my lines up and running
19 until -- and what company are you going with? Do you know
20 what company?

21 JEFF: My lines up and running until --

22 MARSHA GIBBS: What long distance company are you
23 going to?

24 JEFF: I'll plug that in. Go ahead.

25 MARSHA GIBBS: I'm sorry?

1 JEFF: I'll plug that in.

2 MARSHA GIBBS: Okay. Can switch all of my
3 telephone lines.

4 JEFF: All of --

5 MARSHA GIBBS: You might want to state it on the
6 call who you're switching to. That's why I asked you.

7 JEFF: Okay. Let's see. Can switch all of my
8 telephone lines.

9 MARSHA GIBBS: To their network service.

10 JEFF: Okay. Anything else?

11 MARSHA GIBBS: No. You've just got to date it and
12 sign it. The form is sitting on your fax machine right now.
13 The only thing that I need on the form is just the company
14 billing name.

15 JEFF: You need me to write that down on the form
16 then that --

17 MARSHA GIBBS: No. I need you to write what you
18 just wrote on your company letterhead.

19 JEFF: And send it back with the form that you're
20 faxing to me?

21 MARSHA GIBBS: Exactly.

22 JEFF: Okay.

23 MARSHA GIBBS: And it's sitting there right now.
24 I'm going to confirm with you on the recorded line that I
25 have it and we're done. Then basically we will keep this

1 service up and running until they come in and pick it up.

2 JEFF: "inaudible" confirm what?

3 MARSHA GIBBS: I have to confirm with you on this
4 recorded line that I received the two forms back from you,
5 and then I can let the call go.

6 JEFF: I'm going to look and see what the form is
7 that you have faxed to me. I don't even have it in front of
8 me.

9 MARSHA GIBBS: I understand that.

10 JEFF: You're asking me to confirm something I
11 don't know anything about.

12 MARSHA GIBBS: No. I didn't say that. I said --

13 JEFF: "inaudible"

14 MARSHA GIBBS: -- once you read it --

15 JEFF: I need to confirm this on the phone with
16 you right now.

17 MARSHA GIBBS: No. I'm saying to you once you
18 grab it and obviously and you look at it, it's the same
19 exact form that you signed when you came on board with us
20 2001.

21 JEFF: Okay. I'm going to need to look at the
22 form. I'm going to need to read it.

23 MARSHA GIBBS: That's fine. I don't mind holding
24 for you to do that, because I have -- I told you. I have
25 to --

1 JEFF: That's fine, Marsha. Listen, if you want
2 to cancel all my lines I mean do what you have to do. I
3 don't think that's right to call me up and tell me I've got
4 to do this all "inaudible"

5 MARSHA GIBBS: "inaudible"

6 JEFF: "inaudible"

7 MARSHA GIBBS: "inaudible" and I really don't get
8 this reaction a lot from anybody.

9 JEFF: Marsha? Marsha? I'm very busy. I can't
10 just drop everything I'm doing right at this moment.

11 MARSHA GIBBS: You're using us.

12 JEFF: I will do it "inaudible"

13 MARSHA GIBBS: You're using our company.

14 JEFF: Half hour to an hour.

15 MARSHA GIBBS: Okay. Well, the thing of it is, is
16 that --

17 JEFF: "inaudible" happened here. If you got --

18 MARSHA GIBBS: Well, you "inaudible"

19 JEFF: "inaudible"

20 MARSHA GIBBS: Hold on a minute, because you're
21 talking over me, Jeff. Hello?

22 JEFF: I'm trying to say something.

23 MARSHA GIBBS: Okay. Well, this is the thing, I
24 wouldn't dare try to come in and tell you how to run your
25 company or your company's procedures or your policies. I'm

1 letting you know what I need from you in order to keep your
2 service up and running until this company can pick you up.
3 You're leaving from us. You're a company that's going to
4 another service.

5 You know I would think that it would have -- we'd
6 have some level of integrity that we called you to let you
7 know what was going on and I told you what I needed back in
8 order to keep them up so that your service is not at a
9 detriment. Okay? The thing of it is, is that I understand
10 that your time is valuable, and I hope you can understand
11 mine is too and I know that you have other things --

12 JEFF: "inaudible"

13 MARSHA GIBBS: -- to do --

14 JEFF: But I have -- "inaudible"

15 MARSHA GIBBS: -- than to stay on this phone.

16 But, if your --

17 JEFF: Marsha?

18 MARSHA GIBBS: -- service gets cut off, then
19 obviously you're going to be in more detriment. So let's do
20 what we need to do to keep it back on until you can find out
21 what's going on with this company.

22 JEFF: May I say something?

23 MARSHA GIBBS: Well, the thing of it is, is that
24 you didn't even let me finish and you were way talking over
25 me at the beginning.

1 JEFF: May I say something?

2 MARSHA GIBBS: I wasn't finished yet.

3 JEFF: Okay. Go ahead.

4 MARSHA GIBBS: So what I'm saying to you is that I
5 need to get the form back from you so that I can keep your
6 service up and running until your new company can pick you
7 up. Hopefully they do it expediently and then that way you
8 don't have to take any more time with this. But, I'm
9 letting you know. I wish I could sit here and say okay,
10 let's wait an hour, let's wait two hours.

11 I'm sure you can understand being in business
12 yourself, being an owner, I don't know what your position is
13 there exactly, but if your company is at a detriment, we're
14 trying to help you. We know that you're leaving. We're
15 just pretty much picking up the ball until they can pick it
16 up, you know out of courtesy. I would expect for you to
17 send it back to me, if that's what you want us to go ahead
18 and do.

19 That's why I very clearly asked you in the
20 beginning of the call whether or not you wanted us to keep
21 the lines up and running or whether you wanted us to take it
22 down. Certainly this is not our fault. I'll wear the black
23 eye for what caused you to do this in the first place, but I
24 need to have resolution from you on this call, because this
25 call is monitored in its entirety.

1 Right now we're carrying the traffic at a
2 liability, because we don't have permission to carry it, and
3 they've already issued a disconnect and everything's still
4 here. The last call that's on your 800 number was just an
5 hour ago. So, if you want me to wait an hour, I can't
6 assure you that the service will not be disrupted. That's
7 what I'm trying to tell you.

8 JEFF: Okay.

9 MARSHA GIBBS: My job is tough. It really is.

10 JEFF: Marsha, I'm sure it is. Marsha, I have
11 three people out here that have been waiting for me since
12 I've been on the phone.

13 MARSHA GIBBS: Well, we've been on the phone now
14 for two minutes explaining back and forth to each other.
15 It'd take two minutes for you to grab the form, send it to
16 me. I can confirm with you I have it. You don't have to
17 talk to me anymore today.

18 JEFF: Marsha, will you give me a phone number to
19 call you back at, please?

20 MARSHA GIBBS: I'll give you a phone number, but I
21 can't guarantee that it be -- lines won't be cut off, Jeff.
22 I told you what I needed.

23 JEFF: That's fine. I'd appreciate a phone
24 number.

25 MARSHA GIBBS: It's 800 --

1 JEFF: I will call you back very shortly.

2 MARSHA GIBBS: It's 800-636-6670.

3 JEFF: 6670.

4 MARSHA GIBBS: My direct extension is 5636.

5 JEFF: 5636. Okay. I will call you back shortly,
6 Marsha. Okay?

7 MARSHA GIBBS: Thank you.

8 JEFF: Thank you.

9 SIDE B

10 JACKIE: "inaudible" this is Jackie.

11 MARSHA GIBBS: Yes, hi Jackie. This is Marsha
12 Gibbs. I'm calling from NOS Communications in the corporate
13 office. I've got to let you know calls are monitored and
14 recorded for quality assurance purposes.

15 I'm Andy Deeser's directing manager, and I want to
16 let you know -- I already let you know it's recorded. I
17 know that he spoke to you a couple days ago in reference to
18 your account. It may have even been yesterday that he
19 talked to you. I wanted to know what you wanted us to do,
20 because you still have some lines going here with us.

21 JACKIE: We want our lines just as they are and no
22 changes made.

23 MARSHA GIBBS: Okay. So I take it that you have
24 not --

25 JACKIE: Can you hold?

1 MARSHA GIBBS: *Sure, I sure can.*

2 JACKIE: We want our account just as it is, and no
3 changes made.

4 MARSHA GIBBS: Right. That's the way it's going
5 to stay, Miss Jackie.

6 JACKIE: Okay.

7 MARSHA GIBBS: I just wanted to call you myself as
8 the director and explain to you why we needed a letter of
9 authorization to update your files, because we have an alert
10 in our account. It's not that anybody got an opportunity to
11 do anything yet, because Andy called you first basically to
12 alert you before anything could really be done with this
13 account.

14 We just had an alert there was no long distance
15 company that was picking up the service and requesting the
16 service. It was an alert from the local.

17 JACKIE: You don't have our long distance account.

18 MARSHA GIBBS: We are still carrying the long
19 distance on your account. We're not carrying the local.
20 All's Hill always had the local, Jackie.

21 JACKIE: Right.

22 MARSHA GIBBS: Our company has always carried the
23 long distance. The calls outside of your state, the
24 interstate calls further out in Georgia. We've always
25 picked those calls up. You have your -- most of them are

1 all calling card calls.

2 JACKIE: Right.

3 MARSHA GIBBS: Anyways everything is through your
4 calling card. So that's constituted as long distance, and
5 we have one line that we're still billing you on, which is
6 your fax line.

7 JACKIE: Right.

8 MARSHA GIBBS: That's it.

9 JACKIE: Okay.

10 MARSHA GIBBS: Yes. All Hill's had the rest of
11 it.

12 JACKIE: Right.

13 MARSHA GIBBS: You've just been a big calling card
14 user.

15 JACKIE: Exactly.

16 MARSHA GIBBS: Well, the thing of it is, is I'm
17 sure you can see with all the "inaudible" that's going on
18 with the slamming and everything like that, if somebody were
19 able to get a hold of that or either try and slam that,
20 you're at a very good rate with us right now for your
21 calling card. We don't want the open market network to be
22 able to come in and bill you at a higher rate.

23 The only thing that we were doing through
24 corporate is checking to make sure everything was PIC'd
25 correctly, because you have a PIC freeze on your account.

1 Also even with us being your carrier, they're going to ask
2 us if we have a current letter of authorization on file.

3 The last one that we have was quite some time ago.

4 I do believe it was a little bit after 1998. So with our
5 company, because we're a noncontractual company, you could
6 have made a lot changes since then.

7 So I just wanted to tell you on this recorded call
8 it's not to change anything, it's not to add anything. The
9 only thing that we're doing is updating your file with the
10 same letter of authorization with a current date on it.

11 JACKIE: Okay.

12 MARSHA GIBBS: Yes.

13 JACKIE: You also have a copy of the authorization
14 back from 1998?

15 MARSHA GIBBS: We got that, too.

16 JACKIE: Send it to me along with it, so I can
17 compare the two?

18 MARSHA GIBBS: I have to archive that, because
19 that was like years ago, and it's going to take me some time
20 to do that. I will get that to you by -- before end of
21 business day today. The only thing is, is I need that form
22 back from you, because I stepped into this myself.

23 I am the director of this department. Because I
24 want to call and make sure that everything is okay with this
25 account. You are a valuable customer, and I don't want just

1 a little period of time to have somebody come in and be able
2 to do something unauthorized.

3 JACKIE: How could they do that "inaudible"

4 MARSHA GIBBS: Because it's illegal, but it's
5 called slamming and the FCC is involved right now. They're
6 making strives to start fining people for it. What it is,
7 is companies like USBI, resellers, they come in on your
8 local telephone company's bills and they bill you that way.
9 They know they've only got one shot to do it. Maybe a
10 couple times before you catch it.

11 So it's at an outlandish rate. The local doesn't
12 say anything to you --

13 JACKIE: "inaudible" I'm going to have to run
14 we're very busy. If you fax me our past authorization we've
15 signed and a blank one just like it, we'll do it for you.

16 MARSHA GIBBS: Jackie, I need to get that letter
17 of authorization from you so I can make sure that your
18 account is okay. I'm going to archive it and send it to
19 you. The thing of it is, with your loss in time here, they
20 could come in and slam your account. So I need to check on
21 that this morning and make sure it's okay.

22 You know usually this is a pretty procedure call
23 where it's not really a lot involved in it. We just make
24 sure that the account is okay. So you know that is your
25 assurance from us as --

1 JACKIE: Okay. I'll tell you what: You fax the
2 authorization form and we'll take a look at it. Okay?

3 MARSHA GIBBS: Okay. That's what I need to do,
4 and --

5 JACKIE: "inaudible" just as long as our number on
6 it --

7 MARSHA GIBBS: "inaudible" Okay. Hold on just
8 one second. Okay? I understand that. I'm going to give
9 you my back line. It's not on any of these faxes. You're
10 talking to somebody -- I run the whole department, and so
11 basically I wanted to be able to talk to you, give you my
12 number. I need to get the fax from you, because I need to
13 confirm with you on this line that we received it and we're
14 done here.

15 I did update some things on your account. We
16 actually gave you free calling card usage, and so these are
17 things that I talked to Andy about. So if I can have like
18 five minutes of your time, I can tell you what the value was
19 in that, because we looked at it and we assessed the whole
20 account in looking at it to try to see that everything is
21 okay.

22 JACKIE: But I told you. Our calling cards are
23 fine.

24 MARSHA GIBBS: No, no.

25 JACKIE: "inaudible"

1 MARSHA GIBBS: Jackie --

2 JACKIE: I don't have time for this kind of stuff.

3 Fax me the authorization and we'll take a look at it.

4 Okay? Thanks.

5 MARSHA GIBBS: Oh my God. You are -- I can't do
6 this fucking job today.

7 (Whereupon, the tape concluded.)

8 //

9 //

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

Attachment

N

DOCKET NO. 03-96

ATTACHMENT N

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

- o This document is confidential (**NOT FOR PUBLIC INSPECTION**)
- o An oversize page or document (such as a map) which was too large to be scanned into the ECFS system.
- o Microfilm, microform, certain photographs or videotape.
- o Other materials which, for one reason or another, could not be scanned into the ECFS system.

The actual document, page(s) or materials may be reviewed (**EXCLUDING CONFIDENTIAL DOCUMENTS**) by contacting an Information Technician at the FCC Reference Information Centers) at 445 12th Street, SW, Washington, DC, Room CY-A257. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician

1 CASSETTE

Attachment

0

TRANSCRIPT OF PROCEEDINGS

IN RE THE MATTER OF:)
)
TIDELAND ELECTRIC)
PHONE CONVERSATIONS)

Live Tape

(The following transcript was transcribed from an audio cassette tape provided by the Federal Communications Commission to Heritage Reporting Corporation on May 2, 2003.)

Pages: 1 through 29
Place: Washington, D.C

HERITAGE REPORTING CORPORATION

Official Reporters
1220 L Street, NW, Suite 600
Washington, D.C.
(202) 628-4888

TRANSCRIPT OF PROCEEDINGS

Date: May 2, 2003

HERITAGE REPORTING CORPORATION

Official Reporters
1220 L Street, NW, Suite 600
Washington, D.C.
(202) 628-4888

IN RE THE MATTER OF:)
)
TIDELAND ELECTRIC)
PHONE CONVERSATIONS)

Friday,
May 2, 2003

Live Tape

(The following transcript was transcribed from an audio cassette tape provided by the Federal Communications Commission to Heritage Reporting Corporation on May 2, 2003.)

P R O C E E D I N G S

Conversation No. 1

(Phone rings.)

RECEPTIONIST: Hello. Tideland Electric. Diana.

MARSHA: Can I speak to Janice, please?

RECEPTIONIST: Hold on, please.

Okay.

(Pause.)

JANICE: Good afternoon. Janice Brayner.

MARSHA: Yes. Hi, Janice. My name is Marsha Gibbs. I'm calling from A&I Communications at our corporate office. How are you?

JANICE: I'm fine.

MARSHA: I want to let you know calls are monitored and recorded for quality-assurance purposes.

JANICE: Okay.

MARSHA: Timothy Slingerland, you talked to him. He is a manager. He is a branch manager. He runs our operations department.

JANICE: Uh-huh.

MARSHA: (Inaudible) is a director, and so I wanted to call you myself because I wanted to speak to you about some issues. The lines we're still billing here with our company, and so you're going to Sprint, from what I understand. Is that correct?

1 JANICE: Yeah. That's right.

2 MARSHA: We have not completed the switch. The
3 lines are still billing here at our company. I did not want
4 to have to shut these lines off because your business would
5 be at a detriment. Basically, anybody that calls into the
6 office would be temporarily disconnected, and if you try to
7 dial out on the lines that are still picked here, you
8 wouldn't be able to.

9 JANICE: Right.

10 MARSHA: And you have so many lines, you know,
11 that are billing here, you know, on a large scale. If we
12 can send you a letter of agency, have you attach a detailed
13 addendum to it, put on this form itself "see attached
14 addendum," because I would much rather prefer, as a previous
15 customer of ours, for you to transition from our company
16 over to the other one.

17 JANICE: Sure.

18 MARSHA: And what I will do is basically, and I
19 normally don't make these types of calls, but I want to give
20 you my back line because we're going to work through this
21 process to make sure that everything transitions over
22 correctly to them.

23 JANICE: Okay. Sure.

24 MARSHA: Okay? And so my line directly -- I'm
25 going to get two numbers for you, actually. Hold on for two

1 seconds. Okay?

2 JANICE: Okay.

3 (Pause.)

4 MARSHA: Okay, Janice. I'm going to give you --
5 this is (inaudible) you can call, but at least you would
6 have two ways of getting a hold of me directly. It's (702)
7 --

8 JANICE: Where are you located?

9 MARSHA: I'm in Nevada. I'm originally from
10 Chicago. Our corporate office was in Bethesda, but we
11 transferred here.

12 JANICE: (702) --

13 MARSHA: -- 949-4019, and my secretary's name is
14 Megan, and so if I'm on the phone or I'm on the floor, she
15 will find me and get me on the phone with you. My direct
16 line is (800) 636-6670, and my office extension is 5556, and
17 Megan is within the office, but I just wanted you to have
18 two numbers.

19 JANICE: What is your name?

20 MARSHA: Marsha Gibbs, G-I-B-B-S. It's spelled
21 M-A-R-S-H-A.

22 JANICE: Okay.

23 MARSHA: And so I'm going to send the form over,
24 and I need to have resolution on this call because what I
25 want you to do is I'm going to tell you what to write out on

1 the addendum. You need to state the company that you're
2 switching to ^{SO THAT IT'S} on this call, and then on the form itself we're
3 going to have you put clearly, "see attached addendum,"
4 because those are the terms of this letter of authorization
5 that you're signing.

6 And then as soon as they come in and migrate your
7 services from us, all of your ties will be severed from our
8 company completely, and we're going to make sure that this
9 transitions because, you know, this is the thing. You don't
10 want to go shutting people's lines down, even though in this
11 particular instance it's not our fault because they didn't
12 pick it up in time, and no fault to them. It's probably
13 that we got our alert a little bit too early before they
14 could finish it.

15 But the last thing you want to do is do that
16 because this business is very competitive. You're not with
17 us right now, but maybe you might consider our company in
18 the future.

19 JANICE: Right.

20 MARSHA: And so what is the fax number that's
21 closest to you right now where I can get this form over to
22 you?

23 JANICE: (252) --

24 MARSHA: (252) --

25 JANICE: -- 943 --

1 MARSHA: -- 943 --

2 JANICE: -- 3510.

3 MARSHA: -- 3150.

4 JANICE: Uh-huh.

5 MARSHA: Okay. I'm going to modify it and get it
6 over to you right now. If you can put me on hold and grab
7 the company letterhead, I'll tell you exactly what to put.
8 This is going to take two minutes, and we're done.

9 JANICE: Well, I'm going to have to -- the CEO is
10 not here this afternoon, and we go over all changes like
11 this before we finalize them with him. I'm expecting him
12 back later on --

13 MARSHA: Has Tim or anybody talked to him?

14 JANICE: I don't think so. I don't know.

15 MARSHA: I'm trying to think. If I gave you a
16 call (inaudible). Is that Jeff?

17 JANICE: No.

18 MARSHA: Okay. I have Patrick. Was it him?

19 JANICE: No. Patrick isn't (inaudible).

20 MARSHA: Okay, because I know that they talked to
21 several people here.

22 JANICE: Yeah. They talked to Patrick. He's the
23 accountant that handles the bills.

24 MARSHA: We do have you listed as a key person
25 here, --

1 JANICE: Right.

2 MARSHA: -- and it says temporarily. My main
3 concern is we don't want you to lose service at this
4 point --

5 JANICE: I don't want to either.

6 MARSHA: -- because we haven't gotten rid of the ^{RESOLUTION ON IT}
7 ~~Lou Shanona~~, and that's why I called you myself because I
8 don't want you to mistake urgency for pressure, but this
9 system is set up to cause a disruption to ^{EVERYTHING} (inaudible)
10 effective immediately. And so I wanted to call and explain
11 it to you so that we can get this on file because, as you
12 know, with our company, we don't have contracts, terms,
13 plans, or agreements.

14 So as soon as they come in and pick it up, it will
15 be fine, but if the service goes down, it's going to take
16 them even longer, Janice, to get it picked to them because
17 they are going to have to figure out how we can bring it
18 back up, and this is every phone line that's associated here
19 with us is still billing, which is, at this point, about 95
20 percent of the traffic.

21 JANICE: Okay.

22 MARSHA: So I need to get that back from you.

23 JANICE: If you'll get it to me, then I'll --

24 MARSHA: It's sitting there right now, and I would
25 have to confirm with you on this recorded line that I

1 received it from you. That's the reason why I gave you both
2 of my numbers because once you talk to him, if he has any
3 questions for me, that's fine. Our main point is, is we're
4 respecting your decision.

5 We actually want that company to come in as soon
6 as they can and pick it up because it's almost not worth
7 carrying if our company is going to be at a liability. And
8 I don't mean to sound facetious when I say that at all
9 because we've appreciated you as a customer, but we want to
10 help them get you over there as soon as possible with you
11 having a smooth transition.

12 JANICE: Uh-huh. Well, as soon as I can talk with
13 him, and I don't know what time he'll be here. That's the
14 thing.

15 MARSHA: Is there any way you can go ahead and
16 send that over to me --

17 JANICE: I cannot.

18 MARSHA: -- so we can keep this up and running?

19 JANICE: I cannot until I talk with him.

20 MARSHA: Does he have a cell phone where you can
21 put me on hold and let him know the seriousness of this
22 situation?

23 JANICE: He is actually on the golf course. He
24 does not carry a phone with him.

25 MARSHA: Okay.

1 JANICE: But I expect him in later on this
2 afternoon.

3 MARSHA: See, that's the thing, Janice. If it's
4 shut off right now, then he won't even be able to call in to
5 you to see what's going on because every phone line still
6 billing here with our company -- you know, you're still here
7 on everything, and Tantego, all of those lines could be shut
8 off, as well as all of the other locations.

9 Your 800 numbers are still billing here with us.
10 You know, basically, if the 800 numbers are shut down, where
11 predominantly most of your business is at, it's going to
12 have clearly that these lines are disconnected. My concern
13 is the fact that we don't have them in here trying to pull
14 them from us, so they are going to be sitting dormant.
15 That's a perfect opportunity for the national FMS to reissue
16 them.

17 JANICE: Say that again. I didn't hear you.

18 MARSHA: That's a perfect opportunity for another
19 company to pick them up on an open market network, and you
20 could possibly lose the numbers. So I'm not trying to scare
21 you; I'm just trying to let you know, you know, as the
22 director of this permit, what can happen if we don't get
23 something to cover this because your company is going to be
24 at a serious detriment.

25 JANICE: Why can't you just continue it until they

1 can get an opportunity to switch? That's what we can't
2 understand.

3 MARSHA: Okay. Let me explain to you why we can't
4 do that. Because you signed a letter of agency with this
5 other company, our company is not tarified to do partial-
6 line billing. We are carrying this traffic out at a
7 liability because we don't have permission to carry it at
8 this point. So, in essence, when you signed that letter of
9 agency with them, it voided out any authorization that we
10 had to carry this traffic.

11 JANICE: Well, then I don't understand how
12 something like our letterhead could change that.

13 MARSHA: Your letterhead and the letter of
14 authorization from our company; that's what I'm asking you
15 for. It's a standard letter of agency. You have to send
16 over an addendum on company letterhead, and you have to send
17 over the letter of authorization. We'll have it on file
18 because we need to be covered in this interim period.

19 I'm sure you, being in business, you know, at this
20 point if your company could be at liability because they
21 were carrying traffic unauthorized -- you know what I mean?
22 -- it's just not worth the detriment. So, you know, we're
23 calling you out of courtesy. You understand, you are
24 leaving our company completely, so you should look at us
25 with some integrity here because we're at least trying to

1 help you so that you have a transition over smoothly to this
2 company.

3 JANICE: Yeah. I appreciate it. I really do.

4 MARSHA: But I can't do that and then have our
5 company at risk because we're carrying your traffic
6 unauthorized. It's risk free to you. It's going to keep
7 your service up until it's running. We know you're
8 switching. We know you're leaving, without a doubt. It's
9 been stated on several calls. Why take the risk? Don't
10 have the service go down and not be able to call out and
11 waiting for them to transition it when, you know, that's
12 going to slow their process down, and your company will lose
13 in the interim because you have so many numbers that are
14 billing here, and that's the reason we need it. Just like
15 when they come in, Janice, and they physically migrate the
16 lines from us onto their company, the information that they
17 are using that you gave them will supersede what you sign
18 with us today.

19 JANICE: Okay. Well, I just need to get the
20 signature of the CEO. I need to talk with him, and, like I
21 say, he's not available right now. Can you just give us a
22 little time and let me see if I can reach him? I'll try.

23 MARSHA: You know what? Can I hold while you try
24 for a little bit here, and then if you can't -- because the
25 thing of it is, is that we don't have control over system

1 generating. I held this for as long as I could because I
2 knew that Tim was talking to you about this and trying to
3 get you resolution on it.

4 At this point, it has to be urgent for the
5 director of the whole department to call you and let you
6 know what's going on, and that's my standpoint right now. I
7 have to get resolution either way, whether you want us to go
8 ahead and proceed with the take-down or whether you want us
9 to keep it up and running. And this is normally a simple
10 process because it's temporary. We know that you're
11 leaving. We know that it's for an interim period. The only
12 thing that we're asking you is do us the courtesy of being
13 covered on this end trying to help you get switched over to
14 the other company.

15 JANICE: Well, I still need to talk with him. You
16 understand that, I'm sure.

17 MARSHA: Yes, I do. I have you authorized as the
18 signer, so that's fine when you talk to him. Can I hold
19 with you for a little bit while you actually try and call
20 him?

21 JANICE: What I'll have to do is try to get up
22 with him and have him call you. That's all that I can do.
23 I know that I can't get him, but I can probably get a
24 message to him to call you.

25 MARSHA: Okay. And then if the lines are down, I