

# ORIGINAL

1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

2 WASHINGTON, D.C. 20554

3  
4 IN THE MATTER OF: \* EB DOCKET NO. 08-85  
5 BUSINESS OPTIONS, INC., \* FILE NO. EB-02-TC-151  
6 ORDER TO SHOW CAUSE AND \* NAL ACCOUNT NUMBER:  
7 NOTICE OF OPPORTUNITY \* 30033217002  
8 FOR HEARING \* FRN: 0007179054

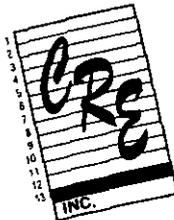
9 \* \* \* \* \*

10 DEPOSITION OF:

11 SHALANDA ROBINSON,

12 was taken Thursday, July 17, 2003, commencing at  
13 2:15 p.m., at the LaQuinta Inn, 8210 Louisiana  
14 Street, Merrillville, Indiana, before MaryAnn  
15 Herr, Notary Public.

16 \* \* \* \* \*



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18 **ETC**etera, Inc.  
19 .....

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APPEARANCES:

On behalf of the BUSINESS OPTIONS:

KEMAL HAWA, ESQ.  
CHADBOURNE & PARKE, LLP  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036  
(202) 974-5600

On behalf of the FCC:

TRENT B. HARKRADER, ESQ.  
JAMES W. SHOOK, ESQ.  
FEDERAL COMMUNICATIONS COMMISSION  
445 12th Street, S.W.  
Washington, D.C. 20554  
202-418-2955

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I-N-D-E-X

EXAMINATION BY:

PAGE:

Mr. Shook

4

(NO EXHIBITS MARKED.)

1 P-R-O-C-E-E-D-I-N-G-S

2 WHEREUPON --

3 SHALANDA ROBINSON,

4 a Witness called for examination, having been  
5 first duly sworn, was examined and testified as  
6 follows:

7 DIRECT EXAMINATION

8 BY MR. SHOOK:

9 Q. Could you state your full name,  
10 please?

11 A. Shalanda DeLynn Robinson.

12 Q. What is the name of your current  
13 employer?

14 A. Buzz Telecom.

15 Q. How long has Buzz Telecom been your  
16 current employer?

17 A. For four and a half years.

18 Q. Was there a time when Buzz Telecom was  
19 known by a different name?

20 A. Yes.

21 Q. What name was that?

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1 A. Business Options.

2 Q. Have any other names been used?

3 A. Yes.

4 Q. What names are they?

5 A. U.S. Bell.

6 Q. Now with respect to your employer, is  
7 Buzz Telecom the name that appears on the  
8 paychecks that you receive?

9 A. Yes.

10 Q. Prior to Buzz Telecom coming into  
11 existence -- which we understand to have been in  
12 June of 2002 -- was there a different name that  
13 appeared on your paychecks?

14 A. Yes.

15 Q. What name was that?

16 A. Business Options.

17 Q. Was there ever a time when a name  
18 other than Business Options appeared on your  
19 paycheck?

20 A. Yes.

21 Q. What name was that?

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1 A. U.S. Bell.

2 Q. Now from a timing standpoint if you  
3 could give me a rough idea in terms of the  
4 different times for the different names that have  
5 appeared on your paycheck?

6 A. That, I can't remember exactly, the  
7 time period.

8 Q. For the year 2002, do you remember  
9 receiving W-2s?

10 A. Yes.

11 Q. Was one of them from Buzz Telecom?

12 A. Yes.

13 Q. Did you receive one from any other  
14 entity?

15 A. Yes.

16 Q. Was that entity U.S. Bell?

17 A. No.

18 Q. Was it Business Options?

19 A. Yes.

20 Q. And those were the only W-2s that you  
21 received for 2002?

1 A. Yes.

2 Q. Can you describe -- well, let me ask  
3 this. The address at which you work, is that  
4 8380 Louisiana Street in Merrillville?

5 A. Yes.

6 Q. And how long has that been the case?

7 A. I've been there for four and a half  
8 years with the company.

9 Q. When was it that you were hired by the  
10 company?

11 A. December of '98.

12 Q. And you were hired by U.S. Bell?

13 A. Yes.

14 Q. Who in particular was involved in your  
15 hiring?

16 A. A gentleman by the name of Mark  
17 Schlowbaum (phonetic).

18 Q. Could you possibly spell that?

19 A. No, sir, I can't.

20 Q. Did he interview you?

21 A. Yes.

1 Q. So far as you know, he was the only  
2 person who interviewed you?

3 A. Yes.

4 Q. And he was the person who hired you?

5 A. Yes.

6 Q. What position were you hired for?

7 A. Expediter.

8 Q. Could you give me an idea of what it  
9 is that an expediter was supposed to do?

10 A. Wherever they are needed in the  
11 company, then that's where they go to work.

12 Q. So what did that mean for you when you  
13 started to work for U.S. Bell? Where did you go?

14 A. I relieved the receptionist when she  
15 went on break and went for lunch.

16 Q. That would cover about what? One hour  
17 of the day?

18 A. About an hour and a half because she  
19 had two 15 minute breaks and an hour lunch.

20 Q. And I take it you were working an  
21 eight-hour day?

1 A. Yes.

2 Q. So what happened during the other six  
3 and a half hours?

4 A. I was data entry.

5 Q. Data entry?

6 A. Yes.

7 Q. So could you tell us what was involved  
8 in data entry?

9 A. I got a form with all the customers'  
10 information and the verification information and  
11 I entered it into the system.

12 Q. How would that information arrive to  
13 you? Would it arrive in the form of a tape?  
14 Would it arrive in the form of an electronic  
15 message or would it arrive in some other fashion?

16 A. It would arrive just handwritten on a  
17 form.

18 Q. Handwritten?

19 A. Yes.

20 Q. Who would do the handwriting?

21 A. The sales rep.

1 Q. Would that be the telemarketer?

2 A. Yes.

3 Q. So in other words, if the telemarketer  
4 made a sale which was then verified, you would  
5 receive from the telemarketer something in  
6 writing that had various pieces of information on  
7 it?

8 A. Yes.

9 Q. The information that you would receive  
10 usually consisted of what?

11 A. The person's name, the name on the  
12 telephone bill, exactly who they spoke with, the  
13 contact person, the address, the telephone  
14 number, and the verification information.

15 Q. What would the verification  
16 information consist of?

17 A. The birth date or whichever they used  
18 to get confirmation of the customer, either their  
19 last four digits of their social-security number  
20 or their mother's maiden name, and the tape on  
21 which we can find that sale.

1 Q. There was some number or some  
2 identification of the tape?

3 A. Yes. It would tell you exactly the  
4 date that you can find what tape you need to look  
5 for and on what side of the tape that you need to  
6 find that sale.

7 Q. The information that you entered into  
8 the computer that you've just described, how long  
9 would that information be kept by the company?

10 A. In the system?

11 Q. Yes.

12 A. It stays forever.

13 Q. So in other words, from the period of  
14 time in which you started in late 1998, if we  
15 wished, we could actually find information dated  
16 from that point in time?

17 A. Yes.

18 Q. And that would be consistent from that  
19 point to the present?

20 A. Yes.

21 Q. Did there come a time when your job

1 duties changed in any way?

2 A. Yes.

3 Q. What time was that roughly?

4 A. I want to say March of 2002 when I  
5 became director of customer service.

6 Q. What was involved in that change?

7 A. I started to handle customer service  
8 and whenever the customers called in, then I just  
9 handled their complaint or questions or concerns.

10 Q. The change that took place would be  
11 viewed as a promotion, would it not?

12 A. Yes.

13 Q. Did it cause you to change your job  
14 location?

15 A. No.

16 Q. So your location both before and after  
17 the job change was 8380 Louisiana Street?

18 A. Prior to 8380 I was at Valpo.

19 Q. And what is Valpo?

20 A. I forget the address. It was on  
21 Leonard Drive in Valparaiso.

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1 Q. Do you recall approximately at what  
2 point in time your job location changed from  
3 Valparaiso to Merrillville?

4 A. It was in August of '99.

5 Q. Did the change that took place then  
6 involve only yourself, or did it involve other  
7 people as well?

8 A. It involved other people.

9 Q. Approximately how many?

10 A. I don't know how many was on staff at  
11 that time.

12 Q. Was there an office already in place  
13 at 8380 Louisiana Street?

14 A. Yes.

15 Q. And would I be correct then that the  
16 Valparaiso office was being closed?

17 A. Yes.

18 Q. So all the employees that were at the  
19 Valparaiso location were relocated to  
20 Merrillville?

21 A. Yes.

1 Q. Now with respect to the new job that  
2 you had that you mentioned the change took place  
3 sometime in 2002 --

4 A. Yes.

5 Q. -- you had mentioned dealing with  
6 customer complaints?

7 A. Yes.

8 Q. What was it that you had to do?

9 A. When customers called in and had a  
10 concern or question about their bill, we  
11 explained exactly how they got on the service and  
12 what it was about.

13 Q. I'll run through some hypothetical  
14 examples and you can tell me whether or not this  
15 hypothetical ever materialized and then we can go  
16 from there.

17 A. Okay.

18 Q. So would it be the case, for example,  
19 that a customer could call in and say, I don't  
20 understand why I'm receiving a bill from Business  
21 Options?

1 A. Yes.

2 Q. And if that were the case, what would  
3 you do?

4 A. We would look up their account, let  
5 them know that they were verified on such and  
6 such date, we do have a recording of them giving  
7 authorization to be put on our service. And to  
8 confirm that we did get their authorization, that  
9 we do ask them for their birth date. And then I  
10 explain to them what their birth date is and ask  
11 them if that's their birth date. And when they  
12 say yes, we tell them that that's how we got your  
13 authorization to be put on our services.

14 Q. Well, if the customer then said, Well,  
15 I made a mistake, I don't want to have your  
16 service anymore, what would you do?

17 A. Then we would go in and flag their  
18 account to be canceled and give them the  
19 procedures that they would need to follow to make  
20 sure that their account is completely canceled.

21 Q. And when you say "give them the

1 procedures," who is "them" that you're referring  
2 to?

3 A. The customer.

4 Q. The customer?

5 A. Yes.

6 Q. What would you typically tell a  
7 customer that he or she had to do?

8 A. That they would have to contact their  
9 local carrier and let them know exactly what  
10 carrier they want or if they don't want long  
11 distance at all.

12 Q. Did it ever come to your attention  
13 that a customer, instead of calling Business  
14 Options, would call the local exchange carrier in  
15 the first instance and seek to change the long  
16 distance service?

17 A. Yes.

18 Q. What would happen in those  
19 circumstances?

20 A. We would explain to them that we have  
21 a "pick-freeze" process that we follow, that they

1 would have to contact us in order for their  
2 accounts to be cancelled and once they did  
3 contact us, then we would follow through with the  
4 procedure.

5 Q. Let's say I'm a customer and I called  
6 my local exchange carrier after getting a bill  
7 that said Business Options was on it and I said,  
8 I want to change to whatever.

9 Are you saying that at some point  
10 subsequent to that, the local exchange carrier  
11 would notify Business Options in some fashion  
12 that this change had occurred?

13 A. Yes.

14 Q. How is it that you would come to know  
15 that the local exchange carrier had received such  
16 a call and made the change?

17 A. We operate off a TCSI code which gives  
18 us the status that the customer is in, either a  
19 confirmed or cancelled state. And once the local  
20 carrier makes that switch in their system, they  
21 send that to our provisioning company that we

1 use. And they, in turn, send it to us in a file.  
2 We feed that file into the system and it updates  
3 the customer's account, cancelling it or putting  
4 them on the service.

5 Q. So the information would come from the  
6 local exchange carrier and it would be routed in  
7 some fashion through USBI?

8 A. No. It would be routed through Quest  
9 or Global Crossing. That's our provisioning  
10 company that we use.

11 Q. So those companies, in turn, would  
12 send information back to you?

13 A. Yes.

14 Q. What would the nature of that  
15 information be?

16 A. The customer's telephone number and  
17 give us the status of the TCSI code, whether the  
18 customer has canceled the service. Or if we have  
19 newly put them on, give us a confirmed status for  
20 the customer.

21 Q. In the case of a customer canceling

1 the service, what would your next step be after  
2 that?

3 A. I feed the file into the system and it  
4 automatically disconnects the customer.

5 Q. Now in terms of -- you mentioned  
6 something about a "pick-freeze" process.

7 A. Yes.

8 Q. I understood from your response that  
9 in the examples that we have just been talking  
10 about, that some action would then be taken by  
11 Business Options, slash, U.S. Bell, slash, Buzz  
12 in order to return the customer to the Business  
13 Options product?

14 A. Yes.

15 Q. What is it that the Business  
16 Options/U.S. Bell/Buzz people would do in those  
17 circumstances?

18 A. We will kick them back to us and wait  
19 for them to call, call us directly. And then  
20 once they call us directly, then we know for sure  
21 that they want to be canceled because they did

1 contact us.

2 Q. How long did that process or policy  
3 stay in effect to your knowledge?

4 A. For about two years.

5 Q. Could you state from about when to  
6 about when?

7 A. It ended in April, so I think it was  
8 June of 2001.

9 Q. Until about April of 2003?

10 A. Yes.

11 Q. Do you know how that policy came to  
12 be?

13 A. Yes.

14 Q. How did it come to be?

15 A. Kurtis wrote it.

16 Q. Did anybody other than Kurtis, to your  
17 knowledge, have any input whatsoever into the  
18 policy?

19 A. Not to my knowledge.

20 Q. Do you know how it was that the policy  
21 came to be discontinued?

1 A. Yes.

2 Q. How was that?

3 A. When the case was brought up.

4 Q. The case, meaning the current  
5 proceeding in which we're all sitting here  
6 looking at each other?

7 A. Yes.

8 Q. Was there a written policy directive  
9 to cancel the previous policy?

10 MR. HAWA: Objection. That came from  
11 counsel. Go ahead.

12 A. Could you repeat the question?

13 Q. Was there a written directive  
14 canceling the policy that had been in place?

15 A. Yes.

16 Q. And from your counsel's objection, I  
17 take it that the directive itself came from  
18 counsel?

19 A. Yes.

20 Q. Now during that two year period do you  
21 have -- can you give me an idea as to

1 approximately how many times that policy had or  
2 was implemented with respect to customers?

3 MR. HAWA: Objection on relevance.  
4 There were only eight slams alleged. Go ahead.

5 A. We implemented that every week.

6 Q. So at least once a week?

7 A. Yes. Once a week.

8 Q. Was there any study or follow-up to  
9 determine how many of those customers would then  
10 call back to Business Options and affirmatively  
11 cancel the service?

12 A. Not to my knowledge.

13 Q. Are you aware of whether or not it  
14 ever happened?

15 A. No, I'm not aware.

16 Q. Do you have any knowledge as to who  
17 would know whether or not such had ever happened?

18 A. No, I don't.

19 Q. Sitting here today, do you have any  
20 understanding as to whether or not that policy  
21 was authorized by any rules from the FCC?

1           A.     No.

2           Q.     Do you have any knowledge as to  
3 whether that policy was not authorized by any  
4 rules from the FCC?

5           A.     No.

6           MR. HAWA: I object just to  
7 clarification. "Sitting here today" meaning, now  
8 does she know or --

9           MR. SHOOK: I mean now.

10          MR. HAWA: He does mean now, not at  
11 the time this whole thing was happening.

12          THE WITNESS: Oh. Now I do know.

13 BY MR. SHOOK:

14          Q.     Then I would ask the next question:  
15 At the time that the policy was in place, did you  
16 have any knowledge that the policy was not  
17 authorized by FCC rules?

18          A.     No. Not at that time, I didn't.

19          Q.     Do you have any knowledge as to the  
20 number of current customers that Business Options  
21 has?

1 A. Yes.

2 Q. Approximately how many current  
3 customers does Business Options have?

4 A. 40,000.

5 Q. Has that number fluctuated in any  
6 significant way? By "significant," I mean by a  
7 thousand or more customers from the time you  
8 started work with U.S. Bell and Business Options?

9 A. Yes.

10 Q. What fluctuations have taken place?

11 A. We have some that dropped off, stats  
12 that went down and some when the stats did go up.

13 Q. What would you say the high-water mark  
14 has been for the number of customers?

15 A. We reached almost 50,000.

16 Q. Approximately when did that occur?

17 A. I can't give exactly when, because I  
18 didn't really hold that stat at the time.

19 Q. You've become aware of that statistic  
20 in the meantime?

21 A. Yes.

1 Q. How so?

2 A. I have taken over that stat.

3 Q. Are you talking about the change in  
4 job that you had when you were promoted to the  
5 position that deals with the customer complaints?

6 A. Not directly with the customer  
7 complaints. It was after that.

8 Q. There was a subsequent job change for  
9 you?

10 A. Yes.

11 Q. Approximately when did that take  
12 place?

13 A. It happened six months after I became  
14 the director of customer service.

15 Q. So sometime later in 2002?

16 A. Yes.

17 Q. Now I'm going to approach this from  
18 the other direction. What is your current job?

19 A. Delivery manager.

20 Q. What does that entail?

21 A. I am the manager over three

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