

Jan 14, 2008

Commission's Secretary
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Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Deena Shetler: deena.shetler@fcc.gov
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Re: WC Docket No. 06-210
CCB/CPD 96-20

PETITIONERS FURTHER COMMENTS

Comments In Response to 800 Services, Inc.'s Jan 11th 2008 Comments

Dear FCC Staff:

The comments 800 Services, Inc's president Phil Okin submitted this morning are a prime reason why tariffs must be explicit. The mere fact that 800 Services needed to ask AT&T what the 6/17/94 tariff section meant, while being kept in limbo for months by AT&T is inexcusable. That is like asking the AT&T fox to watch the chicken coop.

AT&T's Jan. 10th 2008 letter stated it won the case with 800 Services, Inc, but none of the telecom issues that 800 Services, Inc brought against AT&T at the District Court are the ones that are currently before the FCC. AT&T did not win Communications Act issues on the merits of an argument; the violations that 800 Services Inc alleged were different and were all knocked out by statute of limitations.

AT&T's Jan 10th 2008 letter should not mislead the FCC into believing that AT&T has already prevailed on the same issues that are currently before the FCC in the 06-210 case. Not so!

The 800 Services Inc, case was not similar to petitioners due to the fact that 800 Services, Inc did not make any claims for:

- 1) AT&T violating section 2.1.8 by not allowing "traffic only" to transfer.
- 2) Using an illegal remedy by applying S&T penalties in excess of the end-user discount cap, and
- 3) AT&T's failure to adhere to the June 17th 1994 immunity provision by unlawfully prohibiting penalty free restructures.

AT&T's Jan 10th 2008 letter may have mislead the Commission into believing that the District Court and the Third Circuit found for AT&T on the same issues.

Common Theme between the Cases---Tariffs Must Be Explicit!!!

The 800 Services, Inc case is a prime example why tariffs **must be explicit**. 800 Services, Inc.'s president Mr Okin should not have needed to go to AT&T and call other aggregators for months prior to his July 1995 attempt to restructure---trying to find out what is going to happen when he restructures for the second time after June 17th 1994.

800 Services, Inc obviously acted under duress and deleted millions of dollars of hard earned business off its pre June 17th 1994 CSTPII/RVPP plan, because AT&T fraudulently induced him into believing that he could not restructure again in 1995 without penalty.

The reason why AT&T was able to pull off its con job on 800 Services, Inc., was due to the fact that the tariff was not explicit. 800 Services, Inc. relied upon AT&T's July 25th 1995 intentional misrepresentation of its tariff because the tariff was not explicit.

When 800 Services, Inc was advised by AT&T that it was going to put millions of dollars of penalties on the end-users bills--- in excess of the discount cap --threatening and actually completing an illegal remedy----800 Services Inc was fraudulently induced to delete the end-users off its plan and end its lucrative business.

800 Services, Inc.'s Jan 11th 2008 letter did not mention that by AT&T not deleting the accounts off the plan so AT&T could hit the end-users with penalty charges so as to then come to their rescue is a violated tariff section 3.3.1Q para 4.

The bottom line is that 800 Services, Inc was put out of business by the June 17th 1994 provision **not being explicit**; otherwise the evidence that 800 Services, Inc., presented shows that it still had the ability to restructure without penalty. 800 Services, simply trusted AT&T.

800 Services, Inc Still Has Interest in the Issues Before the FCC

AT&T's Jan 10th 2008 statement to the FCC that 800 Services, Inc does not have interest in petitioner's case is counter to the facts.

New Jersey Statute of Limitations for Civil and Personal Injury Actions: The 6 year statute of limitations period on fraud is extended by

The Discovery Rule: Sometimes it is not reasonably possible for a person to discover the cause of an injury, or even to know that an injury has occurred, until considerably after the act which causes the injury. The "discovery rule" permits a suit to be filed within a certain period of time after the injury is discovered

Petitioners brought the November 9th 1995 section 2.5.18 tariff revision to 800 Services, Inc's attention in the fall of 2007 after petitioners and CCI found it and it became the Oct 10th 2007 FCC filing. It was not reasonable for 800 Services, Inc to have researched tariff law ---which is issued on a prospective basis--- months after it had already been put out of business.

The FCC should now understand, more than ever, that it is imperative that the FCC interprets the duration of the June 17th 1994 immunity period for the NJ District Court. The 800 Services, Inc case never went to the FCC and the record on this 6/17/94 issue is now filled with uncertainty and is controversy and must be interpreted.

Respectfully Submitted,

One Stop Financial, Inc
Winback & Conserve Program, Inc.
Group Discounts, Inc.
800 Discounts, Inc

/s/ Al Inga
Al Inga President