

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FILED/ACCEPTED

In the Matter of	)	EB Docket No. 07-197
	)	
Kurtis J. Kintzel, Keanan Kintzel, and all	)	File No. EB-06-IH-5037
Entities by which they do business before the	)	
Federal Communications Commission	)	FRN: 0007179054
	)	
Resellers of Telecommunications Services	)	NAL/Acct. No. 200732080029

JUN 25 2008

Federal Communications Commission  
Office of the Secretary

To: Richard L. Sippel  
Chief Administrative Law Judge

**STATUS REPORT**

1. The Enforcement Bureau (the "Bureau") files this Status Report pursuant to an Order released June 16, 2008, in which the Presiding Judge ordered the Bureau to file a Status Report by June 25, 2008 "describing the state of discovery, and estimating the scope of discovery needed to prepare for trial and estimated prospect for a settlement."

2. The Bureau served Requests for Admissions, to which the Defendants have responded. Additionally, the Bureau served interrogatories and document requests on the Defendants on February 5, 2008. Defendants have responded to those discovery requests. The Bureau has also obtained documents through third-party discovery. The Bureau anticipates the need to propound additional interrogatories on Defendants. The Bureau further anticipates the need to seek additional third-party documents.

3. Defendants served interrogatories on the Bureau on February 6 and February 19, 2008. The Bureau has responded to those interrogatories. Then-counsel for Defendants filed a request for documents with the Commission pursuant to the Freedom of Information Act (the "FOIA request"), on behalf of the Defendants. Counsel for the Defendants withdrew her

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appearance in this proceeding before any documents were produced pursuant to the FOIA request. The Commission has not yet been in contact with the Defendants regarding the outstanding FOIA request. Aside from obtaining documents pursuant to the FOIA request and any supplemental FOIA requests, the Bureau does not know what additional discovery Defendants might require. Such a determination would likely be made by new counsel for the Defendants. However, Defendants have informed the Bureau they will be doing additional discovery should a settlement not be reached.

4. No depositions in this matter have yet been taken. Should this matter proceed to hearing, a number of depositions will be necessary, including those of Kurtis Kintzel, Keanan Kintzel, certain former employees of the entity Defendants and third parties.

5. The Bureau is working to put together a counter-proposal and will seek to provide a written counter-proposal to Defendants as soon as practicable. The Bureau does not believe that it is possible to estimate the likelihood that settlement negotiations will lead to a resolution of this matter.

6. The Bureau has consulted with the Defendants regarding the contents of this Status Report and represents that the Defendants have stated no objections.

Respectfully submitted,  
Kris Anne Monteith  
Chief, Enforcement Bureau

  
Michele Levy Berlove  
Attorney  
Investigations and Hearings Division

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420  
June 25, 2008

## CERTIFICATE OF SERVICE

Rebecca Lockhart, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 25th day of June, 2008, sent by first class United States mail copies of the foregoing **Status Report** to:

Kurtis J. Kintzel  
109 Library Lane  
Valparaiso, IN 46383

On behalf of Kurtis J. Kintzel Business Options, Inc., Buzz Telecom Corporation, US Bell, Inc., Link Technologies and Avatar Enterprises

Keanan Kintzel  
P.O. Box 8  
Clearwater, FL 33757

A copy of the foregoing was also served via hand-delivery to:

Administrative Law Judge Richard L. Sippel  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, D.C. 20054

  
Rebecca Lockhart