

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

In the Matter of)
)
Toll Free Service Access Codes) CC Docket No. 95-155
)
Request of **Robert Liff** for a declaratory)
ruling and extraordinary relief regarding the)
actions of **PrimeTel Communications, Inc.,**)
Yorkshire Telecom, Inc., and Verizon)
Communications, Inc., involving the)
unlawful transfer of the toll free telephone)
number 888-776-4737 directly between)
unrelated toll free service subscribers)

To: Marlene H. Dortch, Secretary
Attn: Chief, Wireline Competition Bureau

MOTION FOR EXPEDITED ACTION

Robert Liff (“Liff”), by his attorney, hereby respectfully requests expedited action on his September 30, 2011, *Petition for Declaratory Ruling and Request for Special Relief* (“*Petition*”) in the captioned matter.

1. The *Petition* sets forth a clear case of violation of the Commission’s regulations and policies for the administration of toll free telephone numbers. Moreover, the operative facts that demonstrate the violation have not been refuted—indeed have not even been denied—by the offending Responsible Organization (“RespOrg”). The undisputed facts are as follows:

- The toll free telephone number at issue was placed in disconnect status when the previous subscriber terminated toll free service.
- Under applicable tariff provisions and Commission regulations, the number was required to be released back into the spare pool where it would become available on a first-come, first-served basis unless the prior subscriber reinstated service within a specified waiting period.
- Prior to the end of the waiting period, the number was ported to a different RespOrg, returned to active status, and either held without a toll free subscriber, or assigned to an end user other than the prior subscriber, either of which violates Commission regulation and policy.

2. Nevertheless, there has been absolutely no action on the *Petition* for nearly sixteen months. The public interest is not served by simply ignoring clear and substantiated allegations of serious violations. If the allegations are true, then the public interest requires that the Commission address the matter and deal with the violator accordingly, and equity requires that Liff be afforded proper relief. Even in the allegations are not true—which in this case is unlikely insofar as they have not been denied—then Liff is entitled to an appealable determination on that point. But to simply sit on the matter for more than a year serves no purpose and thwarts both justice and the Commission’s own policies. It sends the signal that the Commission’s toll free number policies and regulations are not serious and can be violated at will by the large and established carriers, so long as the victims are individuals and smaller entities who can be safely abused and ignored.

3. Liff suspects that part of the for inaction may be that the offending RespOrg has obfuscated and confused matters by disputing peripheral facts that are not essential to the basic determination that violations occurred. These include questions such as the extent to which entities other than Yorkshire Telecom, Inc. (“Yorkshire”), the current RespOrg for the number in question, were involved in or responsible for the violations, and what things were or were not said in communications between Liff and a representative of PrimeTel Communications, Inc.¹

¹ The *Petition* also questioned the conduct of PrimeTel Communications, Inc. (“PrimeTel”), a parent or affiliate of Yorkshire, and Verizon Communications, Inc. (“Verizon”), the prior RespOrg for the number, and included accounts of communications between Liff and a PrimeTel employee or agent. Without denying the fact that the number had in fact been ported from Verizon to PrimeTel in violation of the Commission’s regulations, PrimeTel and Yorkshire blew smoke screens by disputing the extent of PrimeTel’s responsibility and questioning the accuracy Liff’s account of the communications with the PrimeTel employee (or even whether he was a PrimeTel employee). While Liff stands by his prior allegations in this regard, the fact is that no matter how these peripheral issues are interpreted, it does not change the fact that the number was unlawfully ported directly from Verizon to Yorkshire, to a user other than the prior subscriber, without passing through the spare pool, and therefore in clear violation of the established policies, regulations, and tariff provisions.

4. Accordingly, in order to simplify matters and to minimize any further delay, Liff is tendering concurrently herewith an amended version of the *Petition*. The amended pleading removes any challenges to the actions of PrimeTel or Verizon, and instead focuses exclusively on the actions of Yorkshire. It does not rely on any conversations between Liff and employees of PrimeTel or Yorkshire, but instead focuses solely and exclusively on the undisputed facts regarding the porting of the number from Verizon to Yorkshire.

WHEREFORE, Liff urges expedited and favorable action on the *Amended Petition for Declaratory Ruling and Request for Special Relief* being filed concurrently herewith.

Respectfully Submitted,

ROBERT LIFF



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Dated: January 31, 2013

Certificate of Service

I, Robert J. Keller, counsel for Robert Liff in the above-captioned matter, hereby certify that on this 31st day of January 2013, I caused copies of this pleading be served on the following via first class U.S.P.S., postage prepaid:

Charles H. Helein, Esq.
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Robert J. Keller