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February 13, 2013

**VIA FEDERAL EXPRESS**

Ms. Marlene H. Dortch, Secretary  
 Federal Communications Commission  
 Office of the Secretary  
 9300 East Hampton Drive  
 Capital Heights, MD 20743

**Re: *In the Matter of Toll Free Service Access Codes - CC Docket No. 95-155***

***Motion for Expedited Action on Amended Petition for Declaratory Ruling  
 and Request for Special Relief Filed January 31, 2013***

Dear Ms. Dortch:

On behalf of Yorkshire Telecom, Inc. ("Yorkshire"), this letter opposes the Motion for Expedited Action on the Amended Petition for Declaratory Ruling and Request for Special Relief filed by counsel on behalf of Robert Liff (hereinafter "Liff") on January 31, 2013.

Yorkshire incorporates by reference its response filed December 21, 2011 to the "Consolidated Reply to Oppositions of Yorkshire Telecom, Inc. and PrimeTel Communications, Inc." filed by counsel on behalf of Liff on December 12, 2011.

In its response of December 21, 2011, Yorkshire objected to the Liff's attempts to abuse the Commission's processes to harass, embarrass and intimidate Yorkshire by assertion of frivolous claims unsupported by any admissible or credible evidence and showing that Liff's previous filings, viz., an informal complaint, a Petition for Declaratory Ruling and the Consolidated Reply of December 12, 2011 (collectively hereinafter, the "Papers") demonstrated obvious conflicts with Federal Rule of Civil Procedure 11(b).

Liff's recent attempt to have the Commission become complicit in a violation of its own rules and policies is all the more unjustified. Liff's request for a declaratory ruling is not cognizable. A declaratory ruling is appropriate to terminate a controversy or remove uncertainty. *See, In the Matter of STI Prepaid, LLC for Declaratory Ruling, or in the Alternative, Petition for Waiver*, CC Docket No. 96-115, WC Docket No. 04-36, Order of the Wireline Competition Bureau, DA 13-34, (rel. January 11, 2013). There is no controversy here because Liff has no standing. His rights have not been violated; the remedy he seeks is contrary to law and the relief sought would not remove uncertainty, but create great uncertainty about the exercise of Commission authority to violate its own rules and policies.

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Liff attempts to justify this latest attempt to obtain a direct assignment of a toll free number is patently frivolous.

Liff suspects that part of the [sic] 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 ... 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.

Accordingly, in order to simplify matters and to minimize any further delay, Liff is tendering ... an amended version of the *Petition* ... remov[ing] any challenges to the actions of PrimeTel or Verizon ... It does not rely on any conversations between Liff and employees of PrimeTel or Yorkshire ... Motion at paras. 3 and 4.

The simple answers to these frivolous self-serving assertions is found in PrimeTel's own responses, incorporated by reference herein, including its response filed October 20, 2011 to Liff's original Petition for Declaratory Ruling filed on September 30, 2011<sup>1</sup> and PrimeTel's own December 21, 2011 to Liff's December 12, 2011 "Consolidated Reply to Oppositions of Yorkshire Telecom, Inc. and PrimeTel Communications, Inc."

In conclusion, having at the outset failed to coerce the direct assignment of a toll free number by the threat to file a formal complaint, Liff continues to try and coerce the direct assignment of a toll free number by the lame strategy of refiling an "amended" petition for declaratory ruling that is procedurally and substantively deficient and disingenuously attempts to make irrelevant his previous surreptitious attempts to obtain direct assignment of the number by his own devices. If a wrongdoer should not benefit from the wrongdoing, certainly a wrongdoer should not seek to engage the Commission in his wrongdoing. No one has standing to seek an action that compromises the integrity of the Commission or to twist the public interest standard into a self-serving private business interest.

Once again, Yorkshire requests that the Papers be rejected so that an end can be put to the abuse of Commission processes, to end the costly harassment being caused to Yorkshire and to validate the applicable Commission rules and policies.

Respectfully submitted,  
Yorkshire Telecom, Inc.

By

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Charles H. Helein  
Its Counsel

Copies via E-mail and First Class U.S. Mail to Robert J. Keller, Esq. Counsel to Robert Liff

<sup>1</sup> Of particular relevancy is the fact that the Commission has no obligation to issue a public notice seeking comment on any request for a declaratory ruling. Doing so is within its informed discretion. Here, since there is no basis for a declaratory ruling and given the abuses of

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processes being sought, issuing a public notice would be contrary to the Commission's delegated authority.