

**Before the
Federal Communications Commission
Washington, DC 20554**

| | |
|---------------------------------------------------|------------------------|
| In the Matter of | : |
| | : |
| | : |
| Vincent Lucas's Petition for a Declaratory Ruling | : CG Docket No. _____ |
| Regarding the Liability of Entities that Provide | : |
| Substantial Assistance to Telemarketers While | : |
| Knowing that the Telemarketers Are Engaged in | : |
| Practices that Violate the Telephone Consumer | : |
| Protection Act | : |
| | : |
| | : |
| Rules and Regulations Implementing the | : CG Docket No. 02-278 |
| Telephone Consumer Protection Act of 1991 | : |
| | : |

APPENDIX

VINCENT LUCAS, PH.D.
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Amelia, OH 45102
vincentlucaslegal@gmail.com
Petitioner

TABLE OF EXHIBITS

A. CNAM Revenue Sharing Program™,
authored by Telephone Management Corporation, retrieved from
<http://web.archive.org/web/20061205055144/http://telephonemanagement.net>3

B. Expert witness report of Vincent Lucas in
Lucas v. Pacific Telecom Communications Group, with selected exhibits from the report11

C. Affidavit of Tonya J. Hetzler,
investigator from the North Dakota Attorney General’s office18

D. First thirty pages of a Google search for “Pacific Telecom Communications Group” on
November 10, 201222

E. Screenshot of <http://www.ptswa.com>52

F. Copy of the Oct. 13, 2005 version of <http://www.telephonemanagement.net/login.htm>,
retrieved from [http://web.archive.org/web/20051013062444/
http://www.telephonemanagement.net/login.htm](http://web.archive.org/web/20051013062444/http://www.telephonemanagement.net/login.htm)53

G. Subpoena response from Pacific Telecom Communications Group in
Lucas v. Pacific Telecom Communications Group54

H. Case report from Hernando County Sheriff’s Office61

I. Letter from Pacific Telecom Communications Group to the Ohio Attorney General’s
investigator in response to a consumer complaint regarding unlawful telemarketing calls
(OAG Complaint No. 750008)78

J. Statement from Federal Trade Commission from 68 Federal Register 19, 4662 (2003)
(highlighting added)79

INTRODUCING THE

TELEPHONE MANAGEMENT CORPORATION (TMC)

CNAM REVENUE SHARING PROGRAM™

providing creative opportunities for 31 years.....



CNAM REVENUE SHARING PROGRAM™

Who should take advantage of this opportunity?

- ◆ Companies or Organizations who make 250,000 or more outbound calls per month
- ◆ Companies or Organizations who use predictive dialers or automatic dialers
- ◆ Telemarketers, Call Centers, Pre-paid Calling Card Providers, Fax Broadcasters

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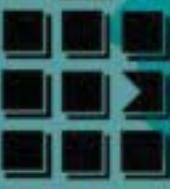
**TELEPHONE
MANAGEMENT
CORPORATION**

CNAM REVENUE SHARING PROGRAM™

Nothing to buy!

- ◆ No hardware or software is required to take advantage of this CNAM Revenue Sharing opportunity
- ◆ Use existing local and long distance service providers

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 TELEPHONE
MANAGEMENT
CORPORATION

CNAM REVENUE SHARING PROGRAM™

WHAT TMC'S PROGRAM DOES FOR YOU

Company's and Organizations with large outbound calling volumes are missing a significant revenue generating opportunity, if they do not take advantage of TMC's Revenue Sharing Program. We recommend the following:

- ❖ Let us help you control the information that appears on Caller-ID (both name & number) for your outbound calls
- ❖ Let us help you Generate **ADDITIONAL REVENUES**
- ❖ Companies are earning \$10k to \$50k per month, depending on volume

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MANAGEMENT
CORPORATION**

CNAM REVENUE SHARING PROGRAM™

EARN MUCH MORE WITH TMC

Why Telephone Management's Revenue Sharing Program Pays
You Each Month

Many Telephone companies pay a small fee to Caller-ID database providers each time they retrieve Caller-ID w/name information for an end user who has purchased Caller-ID w/name from them. We call them "Queries."

TMC's program supplies it's Customers with proprietary NPA/NNX numbers that are deposited into various databases. When query payments are made to TMC, as result of a Telephone company's Caller-ID retrieval, TMC shares that revenue with Our Customers.

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 TELEPHONE
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CORPORATION

CNAM REVENUE SHARING PROGRAM™

TMC'S program allows you to instantly change the message that appears when you call:

TMC's Web based
"Change CNAM" facility
allows you to change your
Caller-ID information
instantly.

The database is updated
every 20 minutes.

As you switch from one
underlying client to
another, your supplied
Caller-ID information also
changes.



Today



With TMC

 **TELEPHONE
MANAGEMENT
CORPORATION**

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CNAM REVENUE SHARING PROGRAM™

Why Have TMC Manage Your Queries?

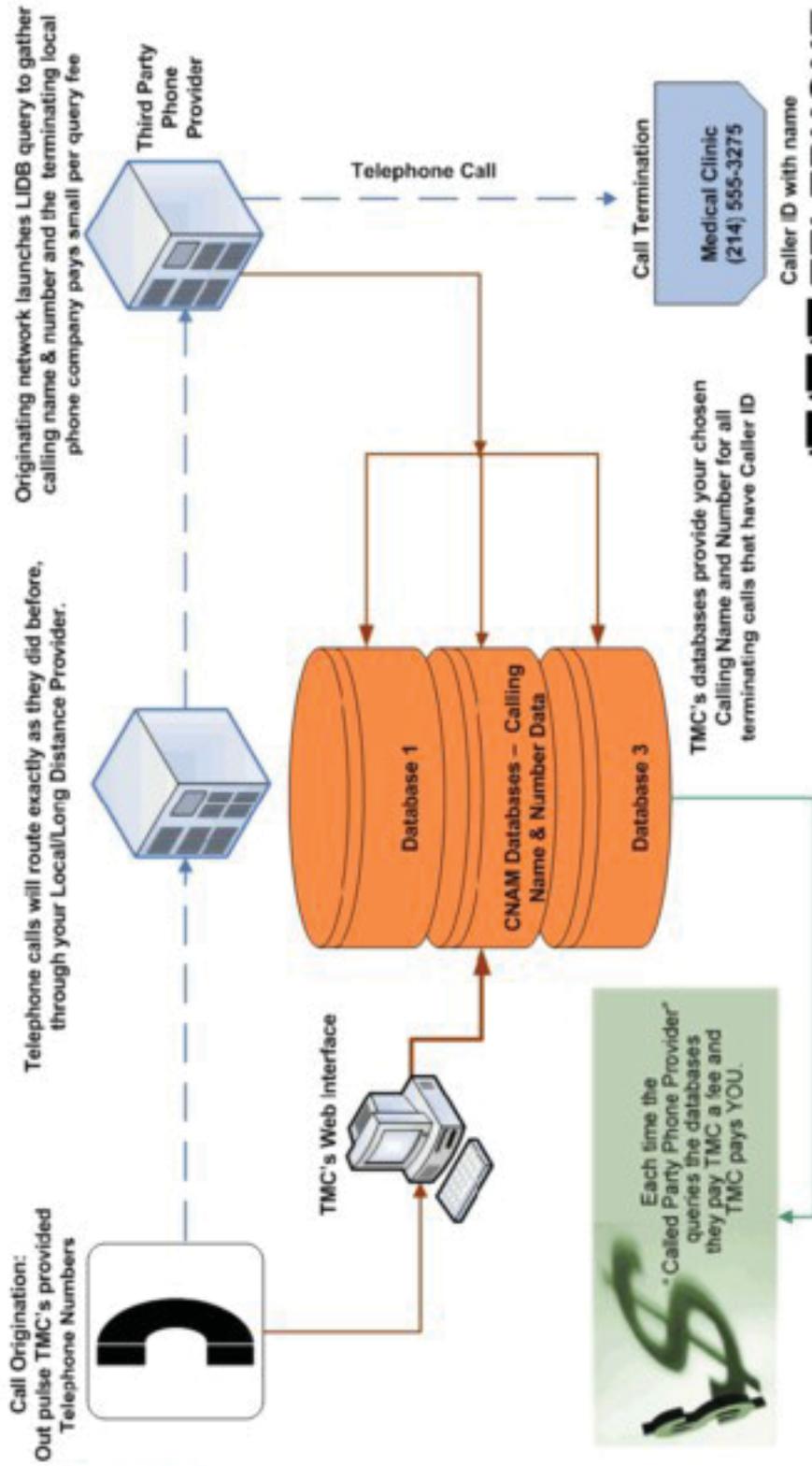
- ◆ TMC pays you promptly. You will have flexible reporting options offered
- ◆ TMC offers Telephone numbers from multiple areas
- ◆ You may view your query account activity in near real time on our user friendly web site

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CNAM REVENUE SHARING PROGRAM™

THE PROCESS.....



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EXPERT WITNESS REPORT

Vincent A. Lucas, Ph.D.

I. Analysis of consumer complaint data obtained from the Federal Trade Commission

Exhibit 1 is a folder of files that I obtained from the Federal Trade Commission (FTC) that contain information regarding each Do Not Call complaint filed with the FTC between June 1, 2012 and August 24, 2012. The information includes what the consumer reported for: the date of the call, the name of the caller, the telephone number of the caller, and the city and state of the consumer.

Exhibit 2 is a list of all blocks of telephone numbers that were assigned to Pacific Telecom Communications Group as of November 9, 2012. I obtained this information from <http://www.telcodata.us>. The list contains only the first digits of the block. For example, 206-496-0 represents telephone numbers from 206-496-0000 to 206-496-0999.

To analyze this data, I converted the FTC files into tab-delimited text files and then wrote a computer program to compute various statistics. Exhibit 3 is the source code for my program.

Results of the analysis:

| | |
|----------------------------------------------------------------------------------------|---------|
| Total number of complaints | 935,015 |
| Complaints with an apparently valid ten digit telephone number for the caller | 830,222 |
| Complaints in which the caller's telephone number is a Pacific Telecom number | 208,816 |
| Complaints from Ohioans in which the caller's phone number is a Pacific Telecom number | 13,019 |

Therefore, the caller's telephone number was a Pacific Telecom number in 25% of the complaints with an apparently valid ten digit telephone number (208,816 / 830,222) and 22% of all complaints (208,816 / 935,015).

Notes:

In the FTC files, “Comp Phone” is the caller telephone number without area code. The area code and “Comp Phone” are stored in two separate data fields in the FTC files. For this analysis, the telephone number of caller is “apparently valid” if both the area code and “Comp Phone” are not blank and the area code has three digits and the “Comp Phone” has seven or fewer digits. Fewer than seven digits are allowed for “Comp Phone” because numbers are stored without leading zeros. No other effort was made to validate the telephone numbers.

II. Analysis of source code for <http://reports.inttelephone.com>

The “source code” for an http internet site is the computer instructions that an internet browser (e.g. Internet Explorer) uses to render and present the internet site to the user of the browser. The source code sometimes contains interesting information that cannot be learned otherwise. In Internet Explorer, the source code can be seen by right-clicking in the browser and selecting “View Source”.

When I viewed <http://revenue-reports.com> on October 3, 2012, the site redirected my browser to <http://reports.inttelephone.com>. “Redirection” is a computer instruction that tells an internet browser to display an internet site located at a different address. For example, the internet site might be permanently moved to a new location, so redirection could be used to instruct the browser to go to the new location for the site. Exhibit 4 is the source code for <http://reports.inttelephone.com>. The title of <http://reports.inttelephone.com> is “CNAM Reports”. Line 35 refers to “TMC Agreement”. I highlighted this in yellow.

Table of contents

| | |
|----------------|---------------|
| Exhibit 1..... | separate file |
| Exhibit 2..... | 2 |
| Exhibit 3..... | 4 |
| Exhibit 4..... | 6 |

206-496-0
253-246-8
253-382-9
360-328-8
360-474-3
360-529-6
425-390-8
425-658-8
425-953-8
503-457-1
503-468-5
503-563-0
503-592-2
503-770-2
503-773-0
503-837-2
503-850-0
503-898-8
503-902-8
971-208-9
971-213-1
971-217-9
971-220-1
971-248-8
971-259-6
971-277-8
971-333-8
971-343-1
971-373-0
971-373-1
971-373-2
406-219-2
406-224-9
406-290-3
406-290-8
406-351-4
406-426-3
406-478-2
406-478-7
406-530-5
406-548-9
406-623-2
406-623-3
406-640-8
406-715-0
406-715-1
406-720-2
406-852-8
406-931-3
406-942-5
406-948-6
406-948-8
701-217-1
701-264-5

701-264-6
701-301-4
701-500-8
701-509-8
701-625-2
701-625-5
701-661-1
701-661-3
701-712-0
701-712-1
701-712-2
701-712-3
701-712-4
701-920-9
701-923-1

AnalyzeData.java

```

1 // Author: Vincent Lucas, Ph.D.
2 // Copyright (c) 2013
3 // All rights reserved
4 import java.io.*;
5
6
7 public class AnalyzeData {
8
9     static boolean ohioOnly = false;
10    static boolean printEachPactelComplaint = false;
11
12    static String fillNumber(String num, int length) {
13        if ( num.length() == 0 )
14            return num;
15        while ( num.length() < length )
16            num = "0"+num;
17        return num;
18    }
19    public static void main(String[] args) throws Exception {
20        final String inputDirectory = args[0]+"/";
21        Vector<String> pactelNumbers = new Vector<String>();
22        BufferedReader in = new BufferedReader(new
23        FileReader(inputDirectory+"pactel_numbers.txt"));
24        String line;
25        while ( (line = in.readLine()) != null ) {
26            String things[] = line.split("-");
27            if ( things.length != 3 || things[0].length() != 3 || things[1].length() !=
28            3 || things[2].length() != 1)
29                throw new Exception("Bad pactel number");
30            pactelNumbers.add(things[0]+things[1]+things[2]);
31        }
32        String months [] = {"JUNE", "JULY", "AUG"};
33        int total = 0, pactel=0, missingTelephoneNumber = 0, totalComplaints = 0;
34        for (String month : months) {
35            in = new BufferedReader(new FileReader(
36            inputDirectory+"FOIA-2012-01290_"+month+".txt"));
37            line = in.readLine(); // Remove first line
38            int lineNo = 1;
39            while ( (line = in.readLine()) != null ) {
40                ++lineNo;
41                String [] fields = line.split("\t");
42                if ( ohioOnly && (fields.length < 8 || !"Ohio".equals(fields[7])) )
43                    continue;
44                ++totalComplaints;
45                if ( fields.length < 6 ) {
46                    //System.out.println("Line "+lineNo+" does not have expected number
47                    of fields");
48                    ++missingTelephoneNumber;
49                    continue;
50                }
51                String areaCode = fields[4], number = fields[5];
52                if ( "0".equals(areaCode) )
53                    areaCode = "";
54                boolean validNumber = true;
55                try {

```

AnalyzeData.java

```

53         if ( areaCode.length() == 0 )
54             validNumber = false;
55         else
56             Long.parseLong(areaCode);
57         if ( number.length() == 0 )
58             validNumber = false;
59         else
60             Long.parseLong(number);
61     }
62     catch (Exception e) { validNumber = false; }
63     if ( !validNumber ) {
64         //if ( areaCode.length() > 0 )
65         //System.out.println(">" + month + ", Line " + lineNo + " Wrong format
for telephone number: (" + areaCode + ") " + number);
66         ++missingTelephoneNumber;
67         continue;
68     }
69     //areaCode = fillNumber(areaCode, 3);
70     number = fillNumber(number, 7);
71     if ( areaCode.length() != 3 || number.length() > 7 ) {
72         //System.out.println("" + areaCode.length() + ", " + number.length());
73         //if ( areaCode.length() != 0 && !areaCode.equals("0") &&
areaCode.length() != 3 ) //0 || number.length() != 0 )
74             if ( number.length() > 7 )
75                 System.out.println("Line " + lineNo + " Wrong format for telephone
number: (" + areaCode + ") " + number);
76                 ++missingTelephoneNumber;
77                 continue;
78     }
79     number = areaCode + number;
80     ++total;
81     for ( String pacnum : pactelNumbers ) {
82         if ( number.startsWith(pacnum) ) {
83             if ( printEachPactelComplaint )
84                 System.out.println("Pactel number " + number + " " + line);
85                 ++pactel;
86                 break;
87         }
88     }
89 }
90 }
91 System.out.println("Totals");
92 System.out.println("Total complaints:" + totalComplaints);
93 System.out.println("Complaints without a valid telephone number:" +
missingTelephoneNumber);
94 System.out.println("Complaints with a valid telephone number:" + total);
95 System.out.println("Complaints where caller number is pactel:" + pactel);
96 }
97 }

```

RECEIVED

OCT 05 2012

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

PACIFIC TELECOM COMMUNICATIONS
GROUP

**AFFIDAVIT OF TONYA J.
HETZLER**

CPAT # 100328.001

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

Tonya J. Hetzler states under oath as follows:

1. I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct to the best of my information and belief.

2. I am an Investigator with the North Dakota Attorney General's Office, Consumer Protection and Antitrust Division, and I have been the investigator assigned to the complaints filed against Pacific Telecom Communications Group, 12228 Venice Blvd, Ste 559, Los Angeles, CA 90066, (hereinafter "Pacific Telecom") and Pacific Telecom's clients, including Capital Solutions Group, S.A, Telephone Management Caller ID, and International Telephone Corporation. A number of Pacific Telecom's clients are located outside of the United States, including, Panama and Belize.

3. The North Dakota Attorney General's Office has received over forty (40) complaints against numbers belonging to Pacific Telecom which it has provided to its clients to display on subscribers' caller identification systems. North Dakota subscribers have received live telephone solicitations and prerecorded messages from Pacific Telecom's clients for home security systems, lowering credit card interest rates,

and diabetes equipment. The complaints allege violations of North Dakota Century Code ("N.D.C.C.") ch. 51-28, commonly known as the Do Not Call Law. Additionally, Pacific Telecom's clients have misrepresented, in violation of N.D.C.C. ch. 51-15, to North Dakota subscribers that they are affiliated with the consumers' credit card companies. Upon information and belief, it appears that at least an additional fifty three (53) out of state telephone subscribers have complained to the North Dakota Attorney General's Office regarding telephone numbers used by Pacific Telecom's clients. As a result of the number of complaints filed against Pacific Telecom's clients, the Attorney General has issued twenty two (22) Subpoenas Duces Tecum regarding twenty seven (27) telephone numbers. Pacific Telecom has repeatedly failed to provide all of the information requested in the Subpoenas, including, providing all of the Automatic Number Identification ("ANI") assigned to its clients.

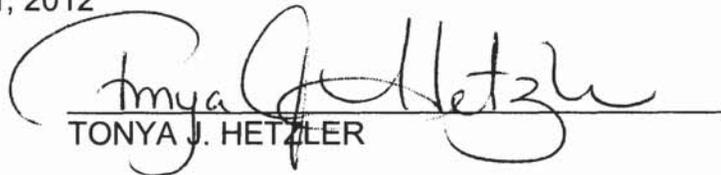
4. The North Dakota Attorney General's Office has repeatedly notified Pacific Telecom that its clients are engaging in violations of N.D.C.C. ch. 51-28 and 51-15. On February 3, 2011, January 26, 2012, and May 18, 2012 the Attorney General's Office wrote Pacific Telecom and provided copies of the complaints filed against Capital Solutions Group, S.A. and/or International Telephone Corporation. Pacific Telecom was warned that it was facilitating and assisting violations of North Dakota law in violation of N.D.C.C. § 51-15-02.3 by continuing to provide telephone numbers to clients that were violating North Dakota's Do Not Call law.

5. Steve Hamilton, a principal owner of Pacific Telecom, has represented to the North Dakota Attorney General's Office that Pacific Telecom has terminated its contracts with the clients, including Telephone Management Caller ID and Capital

Solutions Group, S.A., who continue to make telephone calls in violation of North Dakota Law. However, the telephone calls have not stopped, and based upon information and belief, Pacific Telecom has continued to facilitate and assist its clients in making telephone calls in violation of N.D.C.C. ch. 51-28.

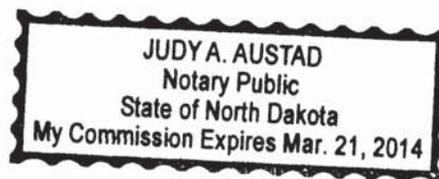
6. Pacific Telecom has repeatedly represented that it was in the process of terminating the company and ceasing its operations. However, it appears that the company is continuing to provide telephone numbers to clients making telephone calls in violation of N.D.C.C. ch. 51-28. Additionally, based upon information and belief, it appears that the company is now being operated by individuals who are located outside of the United States, including, F. Antone Accuardi ("Accuardi"). Based upon information and belief, Accuardi is a principal owner of International Telephone Corporation located in Belize, who is responsible for a large percentage of the illegal telephone calls made using Pacific Telecom's telephone numbers.

Dated this 3rd day of October, 2012


TONYA J. HETZLER

Subscribed and sworn to before me
this 3rd day of October, 2012.


NOTARY PUBLIC
G:\CPAT\NoDak\Pacific Telecom\AffTJH.docx



Editorial note:

Hetzler later retracted the allegation that F. Antone Accuardi is the principal owner of International Telephone Corporation. Doc. 19-27 in *Accuardi v. Fredericks* (sletter to Antone Accuardi dated Sept. 6, 2013). (F. Antone Accuardi's name is easily confused with the name of his father Fred Accuardi, who is the admitted "beneficial owner" of International Telephone Corporation.) However, none of the other allegations were retracted.