

May 30, 2014

IOWA UTILITIES BOARD

STATE OF IOWA
DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD

In the Matter of)
)
)

The Complaint of Carolyn Frahm)

) Docket No. FCU-2013-0007
) (C-2013-0025)
)
)
)

STATE OF ILLINOIS)

COUNTY OF COOK)

AFFIDAVIT OF DEBORAH KUHN

I, Deborah Kuhn, being of lawful age and duly sworn, state as follows:

1. I am in-house counsel for MCI Communications Services, Inc. d/b/a Verizon Business Services (“Verizon”) and am personally familiar with the facts and documents discussed below.

2. I submit this affidavit in support of Verizon’s accompanying Motion to Dismiss pursuant to 199 Iowa Administrative Code 7.12.

3. I personally participated in the July 31, 2013 prehearing conference in the above-captioned proceeding. At that prehearing conference, Craig Graziano of the Iowa Office of the Consumer Advocate (“OCA”) represented that OCA did not intend to serve discovery on Verizon in this proceeding.

4. Attached as **Exhibit 1** hereto is a true and correct copy of OCA’s First Set of Data Requests to Verizon, dated December 16, 2013.

5. Attached as **Exhibit 2** hereto is a true and correct copy of Verizon’s Responses to Data Requests 1-3 of OCA’s First Set of Data Requests, dated February 28, 2014.

6. Attached as **Exhibit 3** hereto is a true and correct copy of Requests 18 and 19 of OCA's Second Set of Data Requests to Verizon, dated May 6, 2014.

I certify that the foregoing is true and correct to the best of my knowledge.

/s/ Deborah Kuhn
Deborah Kuhn

Subscribed and sworn to before me this 28th day of May, 2014.

/s/ Maureen Elizabeth Boldan
Notary Public

My Commission Expires: December 3, 2014

[Seal – State of Illinois]

EXHIBIT 1

OCA's First Set of Data Requests to Verizon, dated December 16, 2013

**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

1. Does Verizon have an understanding of what caused or may have caused the alleged failure of calls to complete from Frahm's phone number to the Mediapolis number provided in her complaint? If so, please provide that understanding. Please provide any supporting documentation.

NOTE: In the event the response to this data request contains confidential information, do not simply mark the entire response or attached document(s) confidential. Please highlight, or otherwise identify, the specific information that is claimed to be confidential.

**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

2. Does Verizon have an understanding of why the difficulties appear to have ceased once Windstream began using Verizon as underlying carrier? If so, please provide that understanding. Please provide any supporting documentation.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

3. Please describe the complete routing of calls from Frahm's phone number to the Mediapolis number provided in her complaint, immediately after Windstream began using Verizon as underlying carrier. Please include in your response the identity of each underlying or intermediate carrier known to Verizon.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

4. In reference to your response to data request no. 3, is it possible that one or more underlying or immediate carriers whose identity is not known to Verizon were used in the routing of the calls? Please explain.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

5. Has Verizon ever taken action removing an underlying or intermediate carrier from the routing of calls to Iowa destinations following a consumer complaint? If so, please provide the date of each of such action, the identity of the underlying or intermediate carrier, the affected destination or destinations, and the reason for removal. If the carrier was subsequently restored to the routing, please state the date of restoration and the reason for restoration.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

6. Please describe any performance requirements, metrics or standards that Verizon imposes on underlying or intermediate carriers.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

7. Please describe any sanctions that Verizon can impose on underlying or intermediate carriers for failure to meet performance requirements, metrics or standards.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

8. Has Verizon imposed a sanction on an underlying or intermediate carrier for failure to meet performance requirements, metrics or standards based in whole or part on calls or faxes placed to or from Iowa? If so, please identify each such carrier, the sanction and the date the sanction was imposed.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

9. Please state whether, from and after January 1, 2011, the Federal Communications Commission has made inquiry of Verizon regarding (i) possible call completion failure, post dial delay, poor transmission quality or misidentification of calling party on any calls or faxes placed to or from Iowa, (ii) general statistical information, either limited to Iowa or including Iowa, regarding the call completion problem, or (iii) relations with underlying or intermediate carriers, including their removal from routes or their sanctioning for failure to meet performance requirements. If so, please produce the Commissions' inquiries, Verizon's responses, and any follow-up communications. Communications not pertinent to calls to or from Iowa may be omitted.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

10. Does Verizon have any information that would assist the Iowa Utilities Board in understanding whether the use of IP switching technology at some point in a call path may have an effect on whether a call goes through to its intended destination? If so, please provide.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

11. Does Verizon have an understanding as to whether an underlying or intermediate carrier, if subtended a call from Verizon, is able to avoid paying terminating or other charges from the terminating LEC or from Iowa Network Services? If so, what is that understanding?

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

12. Please produce any statistics maintained by Verizon, from and after January 1, 2011, regarding its call completion rates in Iowa, including any breakdown by geographic location or NPA NXX.

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**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

13. Can Verizon offer any assurances that call completion problems will not afflict rural Iowans and those seeking to reach them in the future? If so, please provide those assurances. If not, please explain any factors that inhibit Verizon's ability to provide such assurances.

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EXHIBIT 2

**Verizon's Responses to Data Requests 1-3 of OCA's First Set of Data Requests, dated
February 28, 2014**

**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon¹

1. Does Verizon have an understanding of what caused or may have caused the alleged failure of calls to complete from Frahm's phone number to the Mediapolis number provided in her complaint? If so, please provide that understanding. Please provide any supporting documentation.

VERIZON'S RESPONSE (2/28/14): No.

¹ MCI Communications Services, Inc. d/b/a Verizon Business Services.

**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

2. Does Verizon have an understanding of why the difficulties appear to have ceased once Windstream began using Verizon as underlying carrier? If so, please provide that understanding. Please provide any supporting documentation.

VERIZON'S RESPONSE (2/28/14): Please see Verizon's response to DR 1, indicating that Verizon does not know what caused Ms. Frahm's prior call failures. Verizon also has no knowledge or information regarding Windstream's prior call routing arrangement for calls placed by Ms. Frahm before Windstream began using Verizon as an underlying carrier.

**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : December 16, 2013
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

3. Please describe the complete routing of calls from Frahm's phone number to the Mediapolis number provided in her complaint, immediately after Windstream began using Verizon as underlying carrier. Please include in your response the identity of each underlying or intermediate carrier known to Verizon.

VERIZON'S RESPONSE (2/28/14): Due to Windstream's use of non-standard resale order flow, coupled with the passage of time, Verizon does not have access to the requested information.

It is impossible for Verizon to pinpoint precisely when Windstream began using Verizon as an underlying carrier because Windstream, as both the local exchange carrier ("LEC") and long distance reseller to Ms. Frahm, did not follow standard order flow in ordering resale service from Verizon. The standard process is as follows: (1) the long distance reseller (here, Windstream) submits an order to Verizon to add an ANI to the reseller's account; (2) on behalf of the reseller, Verizon submits an order to the LEC serving that ANI to switch the resold long distance service to Verizon's network; (3) the LEC performs the switch and sends a confirmation or rejection back to Verizon; and (4) Verizon then notifies the reseller of the LEC's confirmation or rejection. In this instance, because Windstream was both Ms. Frahm's LEC and long distance reseller, it bypassed step (3), making it impossible for Verizon to pinpoint the specific date on which the change to Verizon as underlying carrier occurred. Verizon knows only that the change had been completed by March 3, 2013, as Verizon received a 6000 TSCI (a type of transaction code) from Windstream that reflected call routing over Verizon's network on that date. (In its April 24, 2013 response to Board Staff's request for information relating to Ms. Frahm's informal complaint, Verizon originally mistakenly identified the 6000 TSCI as a duplicate service order request, but it was not a duplicate. That error in Verizon's initial response is irrelevant to the issues identified by Ms. Frahm or the other facts in this case.)

Moreover, because the time period at issue is approximately eleven months ago, records of actual call routing paths are no longer unavailable. Verizon would only be able to identify a theoretical primary route and a sequence of theoretical alternate routes (which are established in case of unavailability or lack of sufficient capacity on the primary route at the time of a particular call) in place at the time, but cannot identify the call routing *actually* used for any particular call at the time.

EXHIBIT 3

Requests 18 and 19 of OCA's Second Set of Data Requests to Verizon, dated May 6, 2014

**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : May 6, 2014
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

18. What is the theoretical primary route and the sequence of theoretical alternate routes, as referenced in Verizon's response to data request no. 3, in place for calls from Ms. Frahm's phone number to the number she was trying to reach in Mediapolis as of March 7, 2013? What is the theoretical primary route and the sequence of theoretical alternates route in place for the same calls as of the date of your response to this data request?

NOTE: In the event the response to this data request contains confidential information, do not simply mark the entire response or attached document(s) confidential. Please highlight, or otherwise identify, the specific information that is claimed to be confidential.

**OFFICE OF CONSUMER ADVOCATE
DATA REQUEST**

DATE : May 6, 2014
DOCKET NO. : FCU-2013-0007
COMPANY : Verizon

19. Please explain Verizon's record retention policies with respect to the actual routes of calls placed on Verizon's network from and to points within Iowa. Are these policies reduced to writing? If so, please produce.

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