
Information Concerning
BAD ACTS OF
Southwestern Bell
Telephone Company



April 19, 2000

Information contained herein is not being submitted as a COMPLAINT , but as a source of information to the FCC, PUC of Texas, and the House Commerce committee. It is hoped that the enclosed accounts of BOC bad acts will assist the Agencies in enforcing current mandates.

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ISP NAME: DOTCOM Ltd.
ISP CONTACT PERSON: Peter Fernandez
ISP PHONE NUMBER: (409) 560-3424
ISP E-MAIL ADDRESS: peter@netdot.com
DATE OF BAD DEED: Dec 1999 - April 2000
AFFIDAVIT IS AVAILABLE: YES

Alleged Violation 1

DSL LINE PROVISIONING DISCRIMINATION. EXAMPLE: 30-45 days for ISP . 7 days for SWBIS (2)

NARRATION OF BAD ACT

Bell is telling us that DSL is not available and that the connection to their equipment via ATM / Fiber will take from 6-8 weeks. We are being told that the equipment in Nacogdoches is not yet working and that they do not have a time frame for installation.

My customers are currently purchasing ADSL with internet connection from BELL at \$39.95 and I cannot get access to provide this service.

SWBELL is pushing me to become an "associate" and resell services with a one-time "fee" via ASI?

This is a blatant form of MONOPOLY...

ISP NAME: Ballistic Action Net
ISP CONTACT PERSON: Stephen L. Plunkett
ISP PHONE NUMBER: 903-533-0088
ISP E-MAIL ADDRESS: info@ballistic.com
DATE OF BAD DEED: 04/05/00
PLACE OF BAD DEED: Tyler, Texas
SWB REPRESENTATIVE:
VICTIM'S NAME: Jim Reed
VICTIM'S ADDRESS: 401 E. Front, Suite 123, Tyler, Texas 75702-8250
VICTIM'S PHONE NUMBER: 903-592-4734
AFFIDAVIT IS AVAILABLE: no idea, most likely yes.

ALLEGED VIOLATION #7

SWB must provide competitors with facilities that minimize transport costs. This provision ensures that BOCs can not require competitive ISPs to purchase unnecessarily expensive methods of interconnection with the SWB network.

NARRATION OF BAD ACT

Customer calls and inquires about DSL... Name: jim reed phone: # 592-4734

problem: customer was told that DSL thru SWB would be \$39 which includes install, equipment (CPE), line and internet service. Customer asked "what if I want to use a different ISP". sWB told him it would be the same price \$39 a month, but that SWB would not include CPE, install and they would also be charged the connectivity charge from ISP.

side note: customer was told that a number could be portable and they have not provided the portability that was promised.

ISP NAME: STIC.NET, INC.
ISP CONTACT PERSON: David Robertson
ISP PHONE NUMBER: (210) 477-7842
ISP E-MAIL ADDRESS: robertson@stic.net
DATE OF BAD DEED: 03/01/2000
PLACE OF BAD DEED: Telephone
SWB REP: ANN MARKWELL / KIM POORES
VICTIM'S NAME: SAME AS ISP
VICTIM'S ADDRESS: 2438 Boardwalk, San Antonio, Texas 78217
VICTIM'S PHONE: (210) 477-7842

ALLEGED VIOLATION #5

The FCC requires SWB to provide competing ISPs equal access” to all basic underlying network services that SWB uses to provide their own enhanced services.” SBIS is getting preferential access to information and services!

NARRATION OF BAD ACT

As a SWB Partner for re-selling DSL, I heard that DSL was being sold into New Braunfels and Seguin. I called SWB (Doug Gattton's office) and visited with Ann Markwell. She found a list of areas that are now up or on schedule for being up. I requested she send it to me, post-haste. At first, she sounded agreeable, until she found the restriction on it that said the info was confidential and could only be shared with... guess who...SOUTHWESTERN BELL INTERNET SERVICE, UNLESS PREVIOUS WRITTEN AUTHORIZATION HAD BEEN GRANTED. This is not a level playing field. Would this be cross subsidization of information, to the exclusion of the competition? I informed her that I was going to record her refusal to divulge the info to me, and then did same. She said she would try to track down an approval to divulge the info and call me back. I was never granted access to the document. Recording available upon request.

ISP NAME: Crossroads Communications
ISP CONTACT PERSON: Rick Peurifoy
ISP PHONE NUMBER: 915.268.8800
ISP E-MAIL ADDRESS: rvp@crcom.net
DATE OF BAD DEED: 02/25/2000
PLACE OF BAD DEED: Midland, Texas 79706
SWB REPRESENTATIVE: ???
VICTIM'S NAME: Karen Halfman
VICTIM'S ADDRESS: HC 34, Box 112, Midland, Texas 79706
VICTIM'S PHONE NUMBER: 915.535.2236
AFFIDAVIT IS AVAILABLE: Yes

ALLEGED VIOLATION #4

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION OF BAD ACT

As an ISP, there are constant line problems that require the attention of SWB. Recently, they were requested to check one of our customers phone lines. The "repairman" that went to this person's residence not only told our customer that the phone lines were fine, neglecting to mention they only had to support 9600 baud, etc., but added insult to injury by recommending that our customer sign up for SWB Internet Services and they wouldn't have this problem. They did.

ISP NAME: Jump.Net, Inc.
ISP CONTACT PERSON: Dewey Coffman
ISP PHONE NUMBER: 512 532-2202
ISP E-MAIL ADDRESS: dewey@jump.net
DATE OF BAD DEED: March 31, 2000
PLACE OF BAD DEED: Austin
SWB REPRESENTATIVE:
VICTIM'S NAME: John Fowler
VICTIM'S ADDRESS: 4805 Ave G #A, Austin, TX 78751
VICTIM'S PHONE NUMBER: 512-302-5748
AFFIDAVIT IS AVAILABLE: yes

ALLEGED VIOLATION # 9

Slamming of a DSL customer. Unauthorized transfer of Jump.Net DSL customer to SBIS

NARRATION OF BAD ACT

From: Zac Israel [mailto:zac@jump.net] Sent: Monday, April 03, 2000 10:35 PM
To: Kenneth A. Smith Cc: supportd@jump.net; Cliff Johnson; level2@jump.net;
sysadmin@jump.net Subject: Re: [JPsysadmin #5724] JOHN0090 is on swbell network

Michael spoke with the customer, and the customer said that he did not request service from swbell. All he did was call in and let them know his line was down. They came and fixed it and now these problems. Michael opened trouble ticket #cw182604.

----- Zac Israel Jump Net Support 512-532-2283 Direct 888-249-4375
x1083 Toll Free zac@jump.net support@jump.net

On Sat, 1 Apr 2000, Zac Israel wrote:

> I have not heard "officially" yet as to him requesting this but he sounded > as shocked as I
was to this occurrence. > > ----- > Zac Israel Jump Net Support > 512-
532-2283 Direct > 888-249-4375 x1083 Toll Free > zac@jump.net > support@jump.net > >
On Fri, 31 Mar 2000, Kenneth A. Smith wrote: > > > Ask the customer if he requested to
be moved to SBIS.

> > > On Fri, Mar 31, 2000 at 10:27:20PM -0600, Zac Israel wrote: > > Customer called
and said that our news server was unreachable and that it > > > had been since he went
down. He said that the storm had put him down and > > > he called in a trouble ticket to bell
and they went out and fixed it. He > > > said that he was temporarily a dynamic customer.
He was wondering if > > > this was why he couldn't read from our news server. To verify that
> > > wasn't the case I did a traceroute to his dynamic ip: > > > > > serv1.jump.net: >
traceroute 208.190.144.161 > > > traceroute: Warning: Multiple interfaces found; using
207.8.71.5 @ hme0 > > > traceroute to 208.190.144.161 (208.190.144.161), 30 hops max,
40 byte > > > packets > > > 1 aus-core-01-fast1-0-0 (204.238.120.1) 4.675 ms 3.436 ms
2.472 ms > > > 2 aus-core-03-fast1-0.0.jump.net (207.8.1.2) 2.925 ms 2.191 ms 2.362 > > >

ms > > > 3 aus-core-10-fast4-0-0 (207.8.1.5) 4.081 ms 4.478 ms 1.992 ms > > > 4 sl-gw25-
fw-6-1-1.sprintlink.net (144.232.218.153) 10.182 ms 9.661 ms > > > 10.541 ms > > > 5 sl-
bb12-fw-2-1.sprintlink.net (144.232.11.209) 10.604 ms 8.223 ms > > > 10.765 ms > > > 6 sl-
bb11-pen-7-2.sprintlink.net (144.232.9.237) 45.706 ms 43.736 ms > > > 44.673 ms > > > 7
sl-nap2-pen-4-0-0.sprintlink.net (144.232.5.66) 44.477 ms 44.168 ms > > > 44.591 ms > > >
8 sprint-nap.digex.net (192.157.69.42) 44.716 ms 43.563 ms 112.934 ms > > > 9 phl2-
core2-fa0-1-0.atlas.digex.net (165.117.51.37) 44.829 ms 47.554 > > > ms 56.004 ms > > >
10 dca1-core12-s3-3.atlas.digex.net (165.117.52.121) 50.842 ms 52.494 > > > ms dca1-
core12-s3-2.atlas.digex.net (165.117.51.33) 49.959 ms > > > 11 dca1-core11-pos6-
0.atlas.digex.net (165.117.48.201) 48.668 ms 51.567 > > > ms 47.912 ms > > > 12 dfw2-
core2-s8-0-0.atlas.digex.net (165.117.56.170) 50.737 ms 49.131 > > > ms 51.325 ms > > >
13 aus1-core2-s4-0-0.atlas.digex.net (165.117.52.33) 192.496 ms 121.099 > > > ms
233.577 ms > > > 14 aus1-core1-fa5-1-0.atlas.digex.net (165.117.53.25) 55.967 ms 53.649
> > > ms 53.815 ms > > > 15 206.181.161.30 (206.181.161.30) 53.357 ms austin-
gw.swbell.com > > > (206.181.161.154) 54.054 ms 206.181.161.30 (206.181.161.30) 54.509
ms > > > 16 core1-fa0-0-0.austtx.swbell.net (151.164.20.228) 54.488 ms 56.083 ms > > >
53.744 ms > > > 17 rback1-fa2-0.austtx.swbell.net (151.164.20.4) 70.615 ms 71.840 ms > >
> 67.782 ms > > > 18 adsl-208-190-144-161.dsl.austtx.swbell.net (208.190.144.161) 70.416
> > > ms 67.951 ms 67.818 ms > > > > > >

After seeing this I called bell's trouble line. They said that this > > > matter had to be
handled by their customer service department at > > > 1-800-499-7928. The bell tech said
that there was nothing in the > > > logs indicating that he wanted or requested or that he
had even been > > > moved. Called customer and left a message to call me back so I can
try and > > > get more details. > > > > > So, apparently this customer was most likly
accidentally stolen from us, > > > in a way. I am looking for suggestions or instructions on
how to handle > > > this case. Thank you. > > > > > ----- > > > Zac
Israel Jump Net Support > > > 512-532-2283 Direct > > > 888-249-4375 x1083 Toll Free > >
> zac@jump.net > > > support@jump.net

ISP NAME: The Optimal Link Corporation
ISP CONTACT PERSON: Dan Newman
ISP PHONE NUMBER: 281-445-9800
ISP E-MAIL ADDRESS: info@oplnk.net
DATE OF BAD DEED: 3/24/2000
PLACE OF BAD DEED: Houston, Texas
SWB REPRESENTATIVE: David J. Sillery
VICTIM'S NAME: Ray Coleman
VICTIM'S ADDRESS: 921 E. 20 Marabou Place, The Woodlands, TX 77380
VICTIM'S PHONE NUMBER: 281-363-0360
AFFIDAVIT IS AVAILABLE: yes

ALLEGED VIOLATION #4

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION OF BAD ACT

We just had a DSL client stolen by SBIS today.

He was a new client, and just got connected in mid February. Apparently SBIS called him and offered him DSL service at their lower cost (essentially \$zero/month for the Internet).

We received an e-mail today from Southwestern Bell informing us of the disconnect order along with a short note indicating that he called SBIS on his own. When we called him to confirm this, he told us that he didn't call SBIS, instead they called him.

Obviously SBIS knew he was a new DSL client.

ISP NAME:	Informatics Corp
ISP CONTACT:	Mike Jenkins
ISP PHONE NUMBER:	(785) 827-1973
ISP EMAIL ADDRESS:	mjenkins@informatics.net
DATE OF BAD DEED:	March 15 2000
PLACE OF BAD DEED:	Salina KS
BELL REPRESENTATIVE:	SBIS
VICTIMS NAME:	Mike Jenkins
VICTIMS ADDRESS:	608 Starlight Dr Salina KS 67401
VICTIMS PHONE NUMBER:	(785) 822-0909
AFFIDAVIT AVAILABLE:	yes

ALLEGED VIOLATION # 3

DSL LINE PROVISIONING DISCRIMINATION...

EXAMPLE: We get a yellow...Bell STEALS our client and installs while we are waiting for engineering to decide RED or GREEN.

NARRATION:

Customer received new POTS residential line on March 15, 2000. ISP external use of CPSOS showed this line was not available for pre-qualification. Phone call to SBIS immediately determined DSL qualification on a short phone call (It was red at 19k feet but that's not the point).

ISP NAME: Internet Express
ISP_CONTACT: Ted Wolf
ISP PHONE NUMBER: 858-505-5435
ISP EMAIL ADDRESS:
DATE OF BAD DEED: 3-22-00
PLACE OF BAD DEED: 7114 Coronado Ave., Dallas, Texas 75214
BELL REPRESENTATIVE:
VICTIMS NAME: Kenna Nevill
VICTIMS ADDRESS: 7114 Coronado Ave, Dallas, Texas, 75214
VICTIMS PHONE NUMBER: 214-320-2779
AFFIDAVIT AVAILABLE: yes

ALLEGED VIOLATION # 4

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION:

The Southwestern Bell technician who came to my home to supposedly tag my line for DSL came into my home and, while working on the inside connection, (which he wasn't supposed to be doing in the first place) told me that I should have gotten DSL service through Southwestern Bell instead of Covad, that SWB was cheaper and that I could use it as a voice line in addition to using it for high speed data and that customer service would be better. It turned out that he didn't even do what needed to be done, so when Covad did come out the next day to finish up, they were unable to because SWB had not done the correct things to the line, effectively sabotaging the installation by Covad. Then SWB was not going to be available to come back out for another week to finish.

ISP NAME: Apex 2000 Internet Services Corporation
ISP CONTACT: Andrew Stinson
ISP PHONE NUMBER: 915-570-1676 ext 607
ISP EMAIL ADDRESS: astinson@apex2000.net
DATE OF BAD DEED: 3/28/00
PLACE OF BAD DEED: Midland, TX (phone)
BELL REPRESENTATIVE: Betty
VICTIMS NAME: Billy Schneider
VICTIMS ADDRESS: 1459 Custer Ave, Odessa, TX 79761
VICTIMS PHONE NUMBER: 366-1008
AFFIDAVIT AVAILABLE: yes

ALLEGED VIOLATION # 2

DSL LINE PROVISIONING DISCRIMINATION...

EXAMPLE: 30-45 days for ISP ... 7 days for SWBIS (2)

NARRATION:

A customer called SWBell about problems with his phone line. He said he had been having some problems with his Internet connection (bad phone lines) and Betty (a SWB Rep) asked him if ADSL service was available in this area. He said yes, but in a previous call he was told that the service was not available on his line. They checked his account and found out it is now available in his area. They then told him that he can get the equipment for free and told him the \$39.95 a month includes the \$14.95 internet access. They also told him he gets all the other services (call waiting, caller id and such) on his line also. She checked the area and said "unfortunately, Apex 2000 is the only provider in the area and you can't get the special." We are an Authorized SWBell reseller and have offered ADSL service for over a month and ISDN service for over 4 years. Customer's calling SWBell with phone line connect issues are being referred to SWBell Internet ADSL service.

ISP NAME: Apex 2000 Internet Services Corporation
ISP CONTACT: Timothy Tipton
ISP PHONE NUMBER: 915-570-1676
ISP EMAIL ADDRESS: help@apex2000.net
DATE OF BAD DEED: March 27, 2000
PLACE OF BAD DEED: Midland, TX
BELL REPRESENTATIVE:
VICTIMS NAME: Steve Lazano
VICTIMS ADDRESS: 1106 Ainslee St, Midland, TX 79701
VICTIMS PHONE NUMBER: 915-687-4638
AFFIDAVIT AVAILABLE: yes

ALLEGED VIOLATION #3

DSL LINE PROVISIONING DISCRIMINATION...

EXAMPLE: We get a yellow...Bell STEALS our client and installs while we are waiting for engineering to decide RED or GREEN.

NARRATION:

Steve Lozano calls SWB simply to see if his home is within distance requirement. They told him that it wouldn't be available till April 15th, Which is exactly the date that SWBIS is supposed to enter into our market. We ALREADY offer it and Mr. Lozano is ALREADY a customer of OURS. The problem being that he was told he had to wait for DSL, when we have been offering since March 15, 2000.

ISP NAME: Apex 2000 Internet Services Corporation
ISP CONTACT: Timothy Tipton
ISP PHONE NUMBER: 915-570-1676
ISP EMAIL ADDRESS: help@apex2000.net
DATE OF BAD DEED: March 28, 2000
PLACE OF BAD DEED: Midland, TX
BELL REPRESENTATIVE: Pricilla
VICTIMS NAME: Timothy Tipton
VICTIMS ADDRESS: 4805 Ric Drive, Midland, TX 79703
VICTIMS PHONE NUMBER: 915-498-5501
AFFIDAVIT AVAILABLE: YES

ALLEGED VIOLATION #3

DSL LINE PROVISIONING DISCRIMINATION...

EXAMPLE: We get a yellow...Bell STEALS our client and installs while we are waiting for engineering to decide RED or GREEN.

NARRATION:

My name is Timothy Tipton, I am an employee of Apex 2000 Internet Services Corporation, After hearing the happenings of dealings with SWB from our customers, I took it upon myself to do a little investigation. I find that the following violates rule #4. Bell Tells the customer, who is calling only to get info on DSL, that service is NOT available until April 15th, which just happens to be when SWBIS comes to this area, when APEX 2000 offers service RIGHT NOW. If this isn't done, or if they do tell customer about APEX 2000 offering service, It is stated in a non-selling fashion and at an inconvenience. We are an Authorized SWB Reseller, WHY wouldn't Bell know that their "PARTNER" was already capable of selling, and also why would it be done in an inconveniece type of attitude? As I said before, I took it upon myself to investigate after talking to a client, and following you will find the information I receive:

I called SWB at 1-800-464-7928, on March 28,2000, at 8:48am, to see about the offering of ADSL service to my residential telephone.

Call goes as follows:

I dial 1-800-464-7928...Automated menu comes up, I choose new service, new service, then grant permission to release my records, then go into waiting for a Customer Service Representative....

I wait for about 2 minutes, listening to Elevator Music...

A lady answers the call and says:

"Thank you for calling SWB, how can I make you a satisfied customer?"

I told her "I just wanted to get information about an ADSL line for my home."

"Ok, can I get your telephone number, area code first?", She asks.

"Sure, 9-1-5, -4-9-8-5-5-0-1, my name is Timothy Tipton, T-i-p-t-o-n.", I say.

After taking my name and telephone number, including the area code, she said,

"Mr. Tipton, I am going to go ahead and mark your account, simply saying that you called in, interested in ADSL service."

I replied, "That is fine."

She then asked, "So you are interested in an ADSL Line?"

I replied, "Yes ma'am, However, I have ISDN right now, and I am not sure if that will effect the service or not."

She said, "Ok, now what I am going to need to do is get someone to check your residential address to see if ADSL is available. Do you know if the service is available there?"

I reply, "No ma'am, I don't."

Then I heard her typing for about a minute or a minute and a half....She then spoke again saying:

"Mr. Tipton, I am going to get a DSL specialist on the line to check your address, please hold for just a minute."

I say, "Sure, no problem."

I am on hold, listening to elevator music for about 1.5 minutes again....she then comes back on...

"Mr. Tipton, I just spoke with a DSL Specialist, and he says that your address is available for ADSL service, However, The service will not be available until April 15th. Here is the number for ADSL, who you will need to contact when that time comes around. The number is 1-888-792-3751"

I write the number down and she says, "Is there anything else I can do for you?"

I said "No ma'am, I appreciate your help. Oh, by the way, may I ask your name?"

She replies, "Sure, my name is Pricilla."

I say, "Thanks. Bye."

She says, "You have a wonderful day."

She hangs up, then I hang up.

So you see, I was clearly told that I could not get the service till April 15th, again I will reiterate that SWBIS will be here on that date, and was also told that I MUST call that number in order to get it, wow that number just happens to be SWBIS...

Also, in regard to the attitude from SWB, I have included an email conversation between Bell and one of our customers, Steve Lazono. Note the apologetic way, with a hint of Inconvenience that the Bell Reb shows when announcing that APEX is the only DSL Provider:

Steve Lozano
D e s i g n e r
NCG, Inc.
<mailto:slozano@thencg.com>

-----Original Message-----

From: BROCKELSBY, JILL T (SWBT) [<mailto:JB9435@momail.sbc.com>]
Sent: Monday, March 27, 2000 3:26 PM
To: Steve Lozano
Subject: RE: ADSL

Steve,

The only Internet Service Provider as of now in your area is APEX. Unfortunately Southwestern Bell Internet is not. Therefore if you wanted DSL service your only option of Internet Service Provider is APEX. The DSL feature is 39 a month. Equipment one time charge is \$212. I am not sure how much APEX Internet Service is but their website is <http://www.apex2000.net> . Let me know if you still want to place this order. Sorry about the inconvenience.

Jill Brockelsby
St. Louis Consumer Emerging Products Center
888-792-3751
(314) 588-6886
jb9435@momail.sbc.com <<mailto:jb9435@momail.sbc.com>>

-----Original Message-----

From: Steve Lozano [<mailto:slozano@thencg.com>]
Sent: Monday, March 27, 2000 11:25 AM
To: BROCKELSBY, JILL T (SWBT)
Subject: RE: ADSL

Steve Lozano
D e s i g n e r
NCG, Inc.
<mailto:slozano@thencg.com>
915.570.8093

Mr. And Mrs. Lozano,

I am pleased to inform you, after taking a closer look at your address, that you qualify for our ADSL service. This qualification is only good for the next thirty days so please take a moment to answer the following questions and e-mail them back to us, so that we can get an order started for you.

1) What is the area code & phone number that you would like the ADSL installed on? 915-570-7481

2) What are the first thirteen digits of your account number as it appears on the top left portion of your bill?

915-570-7481-156

3) What is the billing address as it appears on the first page of your bill?

Steve Lozano
1106 Ainslee st.
Midland, TX. 79701

4) What is the complete physical address where we will be installing the ADSL?

Steve Lozano
1106 Ainslee st.
Midland, TX. 79701

5) Will this ADSL be for your residence or business?

Residence

6) Is your computer a desktop or laptop? Desktop

7) What type of operating system does your computer use (e.g. Windows 95 - 98 - NT, UNIX, Mac 7.0 or better)? WinNT 4.0

8) Please give us two daytime phone numbers where you can be easily reached (e.g. Cell, Work). (wk)915-570-8093 (cell)915-528-6334

9) Who should the technician see when he/she comes out to install the ADSL? Steve Lozano

10) What is the phone number we will call for access 15 to 30 minutes before the technician comes to your location? (wk)915-570-8093

11) We ship the equipment prior to installation. What is the complete address we should ship it to?

Steve Lozano
1106 Ainslee st.
Midland, TX. 79701

12) Would you like to subscribe to the DSL Protection Plan for \$3.00/month?

(y) It gives you full protection on all of your Southwestern Bell provided equipment after the 1st 90 days. You must subscribe to Inline or Inline Plus on your main phone line to be eligible for the Protection Plan.

13) What Internet Service Provider did you want? **Right now

Southwestern Bell Internet is offering a package for \$39.95 a month free equipment and free installation** however if you want a different provider additional charges may apply.

Thank you for taking the time to place your order. When we receive all of your information, and we get your order placed the next thing you should expect is an e-mail within two business days informing you of the date we will be able to come out and install the ADSL service. At the time of installation the technician will need a licensed copy of your operating system and ADSL is not a guaranteed

service. We hope that you enjoy your new High Speed connection to the information superhighway and once again, thank you for choosing Southwestern Bell.

If you have any more questions please feel free to email me back or send over this information so I can place the order for you.

Additional information about ADSL and many of our other products and services can be found at online at Swbell.com <<https://swbell.com/>> .

Jill Brockelsby
St. Louis Consumer Emerging Products Center
888-792-3751
(314) 588-6886
jb9435@momail.sbc.com <<mailto:jb9435@momail.sbc.com>>

ISP NAME: Onramp Access, Inc.
ISP CONTACT: Chad Kissinger
ISP PHONE NUMBER: (512) 322-9200
ISP EMAIL ADDRESS: chad@onr.com
DATE OF BAD DEED: September 23, 1999
PLACE OF BAD DEED: Austin, Texas
AFFIDAVIT AVAILABLE: Yes

Onramp Access is an ISP operating in Austin, Dallas, San Antonio and Houston TX. On September 23, 1999, Onramp signed a partnership agreement with Covad to offer Quality of Service guaranteed DSL access to our customers in these markets. Onramp chose to form a partnership with Covad instead of Southwestern Bell so as to strongly differentiate its offerings from those offered by the Southwestern Bell Telephone/Southwestern Bell Internet Service alliance. As a result, Onramp is the only provider in these Texas markets that offers a Quality of Service guaranteed Symmetrical DSL connection with free Firewalls and virus filtered e-mail. Additionally, Covad and Onramp offer DSL access to customers as far away as 40,000 feet from the local Central Office. Southwestern Bell only delivers ADSL access to customers within 17,500 feet of their local CO. In effect, because Onramp and Covad exist in the market, business customers have the opportunity to purchase business class Internet access services that are distinct from those offered by any of our competitors, including Southwestern Bell Telephone. Simply put, for an entire class of business customers in Austin, Dallas, San Antonio and Houston, the Onramp/Covad partnership is the only source for suitable DSL Internet access.

Unfortunately, our experience has been that Covad's reliance on Southwestern Bell Telephone's participation in provisioning and maintaining DSL connections has prevented us from effectively delivering these services to our customers. Although we are realistic about the problems inherent in provisioning DSL access, the problems we are experiencing with Southwestern Bell Telephone seem to be part of a concerted effort to prevent us from competing in the Internet access market.

We have included detailed examples of problems that we are experiencing with provisioning DSL lines through Covad that are seemingly due to interference from Southwestern Bell Telephone. Rather than being exceptional cases, these examples are truly representative of our experience with Southwestern Bell Telephone. Our problems with Southwestern Bell Telephone seem to span their organization from marketing to provisioning and installation. We have quite a great deal of anecdotal evidence that suggests that these problems are not

isolated incidents, but rather are a part of an integrated plan to take our customers. Many of the problems we experience are coincidental with specific, directed marketing efforts from Southwestern Bell Internet Service for the same customer. Often, while we are in a long, protracted process of working on a problem account, our customers are contacted by Southwestern Bell Internet Service salespeople promising installation within 3 to 4 weeks. We have yet to successfully install even one DSL line in this time frame.

Our problems are widespread. We have had instances where, after sixty days of working through Covad to fix a problem order, Southwestern Bell Telephone claims that they never received the original order. We have had instances where we are told that the telephone number and address of our customer “don’t match up” by Southwestern Bell. In one instance, between the time we were told this by Southwestern Bell and the time we were able to convince them that this wasn’t a problem, the customer called Southwestern Bell Internet Service and successfully installed DSL access with them. In downtown Austin, we have been told that large office buildings within a few thousand feet of the telephone Central Office have no facilities available, although they obviously are available. We repeatedly have Southwestern Bell Telephone installers fail to show up for loop installations or use any excuse to not complete the installation. In one case, the installer refused to wait 5 minutes for the building manager to unlock the telephone room. Simultaneously, we are told by our customers that Southwestern Bell Telephone installers engaged in POTs installation are marketing Southwestern Bell DSL and Southwestern Bell Internet Service. I have included below a representative sample of the problems we’re experiencing with SWBT.

In summary, we need Southwestern Bell Telephone to deliver on DSL loops on the same basis as they do for their Internet access partner. Their failure to do so is having an immediate affect on our ability to remain in business. Although we have worked hard for six years to build a competitive, quality product, we are now unable to compete in the marketplace specifically because of SWBT’s efforts to preclude us from doing so.

Covad order# 137323 – Louis Dorfman

Order received 1/11/00

Line was ordered from SWB and got a line install date of 1/31/00 – customer emailed that SWB never showed up. SWB rescheduled line install for 2/9/00 and again never showed up. Final line install was done 2/11/00 and when Covad went out for install they found that the loop that was delivered by SWB had splices and could not carry DSL. This account is still not up.

Covad order# 116071 and 116079 – Futon Company

Order received 12/8/99

Line was ordered from SWB and got a line install date of 12/15/99. When SWB showed up they would not wait the 5 minutes to get into the phone room so they left with no word as to when they would be back. On the second order also in Houston, 2 SWB techs showed up

and neither one could make up their mind as to what to do so they both left again leaving no word as to when they would be back. Only one of the accounts is up and running at this time.

Covad order# 125864 – Texasclapes
Order received 12/23/99

Line was ordered through SWB, received continuous messages that there were no facilities available. Line was reordered on 1/20/00 with same results. By that time SWB had faxed a quote to the customer that they could get them the faster ADSL speeds in 3 to 4 weeks.

Covad order# 98215 – Bill Bradford
Order received 11/2/99

The line was ordered with SWB for a 1.1MB SDSL product. The response was that the line had pair-gains so the customer would need to downgrade to 144/144. The customer, however, already had a 1.1MB DSL line with Texas.Net/SWB. This was an employee that had moved from Texas.Net to Onramp Access.

Covad order# 108397 – Abe Corral

The line was ordered with SWB. No facilities issue. Reordered and response was downgrade due to pair-gains, customer within 12,000ft. SWB said he could get the faster speeds installed with in 3 to 4 weeks with SWB's DSL.

Covad order# 140525 – Dynacon Software

Line was ordered for 768/768. Response from SWB was pairgains from 9700ft. Downgrade needed. Customer was told they could receive the faster connection through SWB.

Covad order# 108391 – Craig Tapley

Line was ordered for ADSL product. Customer downgraded due to pair-gains. Customer canceled and went with another provider that got him the faster connection.

Covad order# 119323 – Grand Ventures Travel

Line was ordered for faster speed. SWB said pair-gains and needs to be downgraded. Customer canceled and went with another provider.

Covad order# 129671 – Austin Suites

This order is for a downtown Austin building and SWB's response is that there are no facilities available. This is in the Omni downtown hotel.

Covad order# 129677 – Brorby and Crozier

The line was ordered. Facilities problem with line. Customer canceled and went with SWB, they had the order installed in 3 weeks.

I also wish to address SWB's recent announcement relating to its bundled DSL product. SWB now offers the DSL line, free CPE (including installation) and unlimited Internet access for \$39. I have made a calculation of the cost to an ISP of "reselling" SWB's DSL service and it clearly shows that SWB charges most ISPs more for the loop and the required connectivity to SWB's ATM service than SWB charges the retail customer:

Loop prices:

Month to month:

<u># Loops</u>	<u>RC</u>	<u>NRC</u>
1-50	\$59.00	\$100.00
51-500	59.00	100.00
501-1000	59.00	100.00
1001-5000	59.00	100.00
5001+	59.00	100.00

1 year term:

1-50	\$39.00	\$0.00
51-500	38.00	0.00
501-1000	37.00	0.00
1001-5000	37.00	0.00
5001+	36.00	0.00

3 year term:

1-50	\$39.00	0.00
51-500	38.00	0.00
501-1000	37.00	0.00
1001-5000	37.00	0.00
5001+	36.00	0.00

Volume commitments:

Plan Level

A	\$35.00	\$0.00
B	34.00	0.00
C	32.00	0.00
D	30.00	0.00

All the prices listed above came from SBC's web page at http://info-search.sbc.com/data/tariff/data/pdf/federal/fcc73/sect14.pdf#xml=http://info-search.sbc.com/search97cgi/s97_cgi?action=View&VdkVgwKey=data%2Fpdf%2Ffederal%2Ffcc73%2Fsect14%2Epdf&doctype=xml&Collection=Coll%5FTARIFF&QueryZip=ADSL&&X1X

Unless the ISP can secure a waiver, line conditioning costs \$900. The CPE also is quite costly, although the price varies by type of equipment.

Connection to SWB's ATM network costs about \$1 per user per month, if you assume a 1 year commitment and a 5,000 user to DS3 connection.

In most instances, the ISP will pay SWB more for the loop and ATM service than SWB charges the user for installation, CPE, loop, conditioning and unlimited Internet access. ISPs also, of course, have their own internal costs, and the cost of connecting to their upstream provider.

It is clear that few, if any, independent ISPs can compete with SWB's new bundled offer. I strongly suspect that SWB is cross-subsidizing its competitive service with revenues from its regulated services.

ISP NAME: NetWest Online, Inc.
ISP_CONTACT: Allen Jenkins
ISP_PHONE_NUMBER: 915-550-8766
ISP_E-MAIL: gkins@nwol.net
DATE_OF_BAD_DEED: 02-22-00
ISP_NAME3: Odessa, Texas
BELL REP4: Tracy Stien
AFFIDAVIT: YES

Alleged Violation:

THEFT OF CLIENT INFORMATION. SWB is actively engaging in telecom warfare... utilizing information from my clients, without their permission and marketing products and services to them.

NARRATION:

After sending a letter to SBC complaining of the poor service NetWest Online was given in establishing customer service, I received a certified letter canceling my Agent status with Southwestern Bell. The next day I received several calls from my ISDN customers explaining that Odella Rickard with Southwestern Bell had called them and asked if they would drop their ISDN line that they had with NetWest and switch to DSL. These customers are all customers that I sold ISDN service to as an Agent for Bell. Bell simply canceled me and used my customer list to solicit DSL.

ISP NAME: Apex 2000 Internet Services Corporation
ISP_CONTACT: Andrew Stinson
ISP_PHONE_NUMBER: 915-570-1676 ext 607
ISP_EMAIL_ADDRESS: astinson@apex2000.net
DATE_OF_BAD_DEED: 3/29/00
PLACE_OF_BAD_DEED: Odessa, TX (on the phone)
BELL_REPRESENTATIVE: Janie
VICTIMS_NAME: Billy Schneider
VICTIMS_ADDRESS: 1459 Custer Ave, Odessa, TX 79761
VICTIMS_PHONE_NUMBER: 915-366-1008
AFFIDAVIT: Yes

Alleged violation:

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION:

A customer of ours, Bill Schneider, called SWBell with some phone line issues and said it sounds like he needs ADSL service. They checked his address and told him it was available. They asked if he had an ISP and he said yes, Apex 2000. They then started to give him the sales pitch for SBIS ADSL specifically 39.95 and internet included. They told him it was not available yet but he will receive a call the 14th of April and it will be installed the 15th of April. We (Apex 2000) are SWBell authorized agents and a DSL partner with SWBell and we have been offering ADSL for 3 weeks. SWB Telephone has ADSL here, SBIS does not have ADSL access here yet. The customer was not told that we have ADSL available now and have had it for 3 weeks. He spoke with a rep in St Louis (Caroline), Amarillo (Ms. Gossett who told him ADSL was not available here), Lubbock (Janie)...none of them told him we had Service here. Janie finalized his order for ADSL service. He never called SBIS, always spoke with (as far as he knew, SWBC employees)

ISP NAME: Apex 2000 Internet Services Corporation
ISP_CONTACT: Robert Dozier
ISP_PHONE_NUMBER: 915-570-1676 x600
ISP_EMAIL_ADDRESS: rwdozier@apex2000.net
DATE_OF_BAD_DEED: 3/29/2000 about 3:00pm
PLACE_OF_BAD_DEED: from Jim's cell phone
BELL_REPRESENTATIVE: Rubin and Tamara
VICTIMS_NAME: Jim Harris
VICTIMS_ADDRESS: 3813 Roosevelt, Midland, TX 79703
VICTIMS_PHONE_NUMBER: 915.694.2690
AFFIDAVIT: yes

Alleged violation:

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION:

I called 1.800.464.7928 SW Bell on Wednesday (3/29/00) afternoon before 3pm and talked to Rubin with options 1,2,4,1 and he transferred me to Tamara (a DSL Specialist) She confirmed my home address as being available for DSL but SW Bell internet is not here yet. There was one ISP but to quote her "You probably won't want to deal with them."

I asked why I would not want to deal with them and her response was that most people don't want to deal with someone they have never heard of. I informed her that APEX2000 was already my ISP and that the local area is very well aware of APEX2000.

When I asked Tamara if she was with SWBell or SBIS, she seemed offended that I asked and said, "I work for the phone company."

I told her I would have to think about the pricing and terms before I place an order.

ISP NAME: The Black Box
ISP_CONTACT: Marc Newman
ISP_PHONE_NUMBER: 281-480-2684
ISP_EMAIL_ADDRESS: mknewman@blkbox.com
DATE_OF_BAD_DEED:3/31/00
PLACE_OF_BAD_DEED: Houston, TX
VICTIMS_NAME: Adam McCalla
VICTIMS_ADDRESS: 15727 Blackhawk , Friendswood, TX 77546
VICTIMS_PHONE_NUMBER:281-992-1812
AFFIDAVIT: yes

Alleged Violation 6:

SWB must provide the SAME TIME PERIODS for installation, maintenance, and repair as those the SWB provides to SBIS .

NARRATION:

Adam McCalla, 281-992-1812, requested ADSL service. Installation date was 3/31/00 according to SWB CPSOS system. No change in the original posted date was made. 3/31/00 came and went, with no notice to the user, or to Black Box, the ISP, and no installation was performed.

ISP_NAME: Black Box

ISP_CONTACT: Marc Newman

ISP_PHONE_NUMBER: 281-480-2684

ISP_EMAIL_ADDRESS: mknewman@blkbox.com

DATE_OF_BAD_DEED: about 9/1/00

PLACE_OF_BAD_DEED: Houston

BELL_REPRESENTATIVE:

VICTIMS_NAME: Stewart Ater

VICTIMS_ADDRESS: 3704 Carlton , Houston, TX 77005

VICTIMS_PHONE_NUMBER: 713-665-0038

AFFIDAVIT: Possible

ALLEGED VIOLATION # 4

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION:

Sean Ater (son of Stewart Ater) requested ADSL 4/08/99. Installation was unsuccessful for unknown reasons and installer advised the user to switch to SWBIS. Installer also advised the user that SWBIS could offer \$10 Internet where Black Box was offering \$40 for 5 static IP addresses (for a multi-computer system). User bolted from Black Box, and SWB even acknowledged this action by paying the commission for the line to blkbox.

ISP_NAME: TICNET.com

ISP_CONTACT: Mike Holloway

ISP_PHONE_NUMBER: 972-484-3638 x 205

ISP_EMAIL_ADDRESS: mike.holloway@ticnet.com

DATE_OF_BAD_DEED:10/1/99 and 11/1/99

PLACE_OF_BAD_DEED: Dallas, TX

VICTIMS_NAME: Dan Sweetnam and Steve Williams

VICTIMS_ADDRESS: 4300 Rosemead # 121, Dallas, TX 75287

VICTIMS_PHONE_NUMBER:972-818-6076

AFFIDAVIT: yes

Alleged violation 1:

DSL LINE PROVISIONING DISCRIMINATION...EXAMPLE: 30-45 days for ISP ... 7 days for SWBIS (2)

NARRATION:

We placed an order under the name of Dan Sweetnam (an employee) for a DSL line in September 99, and were told a month later by SWB that the address was out of reach for DSL service. We then placed a second order, using the name of his roommate (Steve Williams) at the same address, and the order was accepted by SWB (C040270DL) and finally delivered (albeit after SWB missed 2 installation times). After this episode, we contacted recent past customers that SWB had denied DSL service to, and placed new orders under slightly different company names. The newly placed orders were all accepted and delivered. All locations were available for DSL service at the time of initial order.

ISP_NAME: Information Broker Systems
ISP_CONTACT: J-Mag Guthrie

ISP_PHONE_NUMBER: 281-580-3358

ISP_EMAIL_ADDRESS: j-sag@brokersys.com

AFFIDAVIT: yes, If she can be "Jane Doe

ALLEGED VIOLATION # 4

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION:

One of my customers, related the events surrounding her DirecTV installation (by SWBell).

While the installer was there, he tried to sell her SWBell Internet. When she told him she was with Brokersys, he laughed and said that pretty soon all the little ISPs would be out of business.

She is reluctant to go on record because SWBell is the only telephone provider in her area and she doesn't want her account targeted. IF there is a way she can be anonymous, she would be happy to relate the events.

ISP NAME: DDC.NET
ISP CONTACT: Robert Ross
ISP PHONE NUMBER: (210) 225-2100
ISP EMAIL ADDRESS: rross@ddc.net
DATE OF BAD DEED: 3/31/2000
PLACE OF BAD DEED: San Antonio, Texas
BELL REPRESENTATIVE:
VICTIMS NAME: Digital Designs, Inc. (incorrect company aka Robert Ross @ Home)
VICTIMS ADDRESS: 924 S. Main, San Antonio, Texas
VICTIMS PHONE NUMBER: (210) 225-2100
AFFIDAVIT AVAILABLE: yes

ALLEGED VIOLATION # 1

THEFT OF CLIENT INFORMATION. SWB is utilizing information ILLEGALLY GAINED from my clients, without their permission and marketing products and services to them.

NARRATION:

My ISDN service (Digiline) at home is paid for by the company... business expense. It is billed to my company name at my home address (clerical error). This weekend's (3/31) mail contained the bill for my ISDN service and a packet of DSL sales information from SWB addressed to my company name at my home address.

My residential service is billed separately under a different name and I've received no DSL offer under that billing.

This would clearly indicate someone selling DSL services picked the ISDN account specifically.

ISP NAME: Information Broker Systems

ISP CONTACT: J-Mag Guthrie

ISP PHONE NUMBER: 281-580-3358

ISP EMAIL ADDRESS: j-mag@brokersys.com

DATE OF BAD DEED: Ongoing

PLACE OF BAD DEED: Houston, TX

BELL REPRESENTATIVE: Evelyn Dorsey

VICTIMS NAME: Information Broker Systems

VICTIMS ADDRESS: 12703 Veterans Memorial Dr., Suite 106, Houston,
TX 77014

VICTIMS PHONE NUMBER: 281-580-3358

AFFIDAVIT AVAILABLE: yes

ALLEGED VIOLATION # 7

SWB must provide competitors with facilities that minimize transport costs. This provision ensures that BOCs can not require competitive ISPs to purchase unnecessarily expensive methods of interconnection with the SWB network.

NARRATION:

Information Broker Systems filed an application for DSL partnership with SWBell in December, 1999. To this date, Information Broker Systems is not approved as a DSL partner.

In August, 1999, at the Texas ISP Association meeting, a SWBell rep answered the question of what to do if a small ISP couldn't afford to hook into SWBell's ATM network. His reply was that we (small ISPs) should talk to our uplinks.

We talked to our uplink, the Houston Area League of PC Users, and made arrangements for co-location of a server on their site to take advantage of their OC3 connection to SWBell's ATM cell relay cloud. I explained this to Evelyn Dorsey, the person who I was told handled DSL partnership. On January 4, 2000, she called in response to one of my voice-mail messages and said she'd know within a day. Since then, I have been unable to reach her and she has not replied to my voicemail messages.

ISP NAME: Brokersys
ISP CONTACT PERSON: J-Mag Guthrie
ISP PHONE NUMBER: 281-580-3358
ISP E-MAIL ADDRESS: j-mag@brokersys.com
DATE OF BAD DEED: August - October, 1999
PLACE OF BAD DEED: Houston
SWB REPRESENTATIVE:
VICTIM'S NAME: Jane Maier
VICTIM'S ADDRESS:
VICTIM'S PHONE NUMBER: 281-517-9042
AFFIDAVIT IS AVAILABLE: Yes

ALLEGED VIOLATION #4

BOCs electing to provide enhanced services through a separate subsidiary cannot engage in the sale or promotion of the enhanced services or customer premise equipment on behalf of the separate enhanced services subsidiary, SBIS.

NARRATION OF BAD ACT

In August, 1999, my employee Jane Maier called SWBT and ordered ISDN service for her new residence. The person she spoke with tried to sell her ADSL. When she said that she already had an ISP and that her ISP didn't offer DSL, she was told that SWBIS offered it. It took SWBT until the second week in October to get her lines working.

ISP NAME: Brokersys
ISP CONTACT PERSON: J-Mag Guthrie
ISP PHONE NUMBER: 281-580-3358
ISP E-MAIL ADDRESS: j-mag@brokersys.com
DATE OF BAD DEED: 21 Feb 00, ongoing
PLACE OF BAD DEED: Houston
SWB REPRESENTATIVE: Shanta and several others
VICTIM'S NAME: same as ISP
VICTIM'S ADDRESS: 12703 Veterans Memorial, #106, Houston, TX 77014
VICTIM'S PHONE NUMBER: 281-580-3358
AFFIDAVIT IS AVAILABLE: Yes

ALLEGED VIOLATION #9

A telephone company may not disconnect service on one account for an unpaid amount on a different account unless the accounts were billed together.

A telephone company must give notice of intent to terminate service.

A telephone company cannot terminate service while a bill is being disputed.

A telephone company cannot terminate service on a holiday.

NARRATION OF BAD ACT

On 21 February 2000, SWBT disconnected voice telephone service to Brokersys without notice. When we called, we were told it was due to our non-payment of our PRI accounts which we had transferred to a CLEC. back in November. Brokersys had received neither a final bill on that account nor a disconnect notice. On the previous Tuesday, SWBT called to ask about making arrangement on the amount due and when I said we'd not gotten a final bill and that I wasn't going to make arrangements unless I knew what I was supposed to be paying for, I was told I would be faxed the final bill *that day*. On Friday afternoon, February 18, I received a fax from SWBT at 16:52 -- eight minutes before close-of-business. I called the number on the fax and by the time my call was routed to the appropriate person, I was told they were gone and to call on Monday. At approximately noon on Monday, the service was disconnected. The lines have not been reconnected.

ISP NAME: Brokersys
ISP CONTACT PERSON: j-mag Guthrie
ISP PHONE NUMBER: 281-580-3358
ISP E-MAIL ADDRESS: j-mag@brokersys.com
DATE OF BAD DEED: 22 Feb 00
PLACE OF BAD DEED: Houston
SWB REPRESENTATIVE:
VICTIM'S NAME: Same as ISP
VICTIM'S ADDRESS:
VICTIM'S PHONE NUMBER:
AFFIDAVIT IS AVAILABLE: Yes -- I have a signed letter from him

ALLEGED VIOLATION # 9

SWBT may not share confidential customer information with third parties.

NARRATION OF BAD ACT

On Tuesday, 22 February, 2000, one of my customers, Peter Shore, was having problems getting on the Internet. When he tried to call Brokersys, he got a recording saying that the number was "disconnected or not in service". So, he called SWBT repair and they told him it had been disconnected and that they couldn't figure out why because there was a credit on that account. They transferred him to someone in the collections department who told him that his company owed (an amount).

ISP NAME: STIC.NET
ISP CONTACT: David Robertson
ISP PHONE NUMBER: ISP PHONE NUMBER: 477-3283
ISP EMAIL ADDRESS: gm@stic.net
DATE OF BAD DEED: 4-12-00
PLACE OF BAD DEED: San Antonio, TX
BELL REPRESENTATIVE: All
VICTIMS NAME: Mark A. Holstein
VICTIMS ADDRESS: P.O. Box 790751 San Antonio, TX 78279
VICTIMS PHONE NUMBER: (210)641-5220
AFFIDAVIT AVAILABLE: Yes

COMPLAINANT IS: Mark A. Holstein

Alleged violation 1

DSL LINE PROVISIONING DISCRIMINATION... EXAMPLE: 30-45 days for ISP ... 7 days for SWBIS (2)

NARRATION OF BAD ACT

SWB has an agreement with my ISP - STIC.NET for DSL service. Then they come out with this "special" sale on installation that only applies if I subscribe to SWB as my ISP. They will not extend their promotional installation rate to me as a S.T.I.C. net customer even though I am forced to pay for their I.S.P. whether I use it or not. The bottom line is, this appears to be a blatant attempt to force me to become a SWB I.S.P. customer and give up my I.S.P. of choice to get DSL or be forced to pay more, or be momentarily penalized for remaining with my current I.S.P. It is obvious that SWB has very shrewdly set up this scenario to attempt to rob the I.S.P.'s they were so generous to let offer their DSL through of all their customers. This is a big ripoff to me as a consumer and I won't put up with it anymore. But then what can us individual consumers do against this giant monopoly? Disconnect my phone. I did that once for 3 months to protest against them for a billing dispute. They could care less. They just charged me an extra fee to turn it back on. They never would even respond to any of my letters.

ISP_NAME: The Black Box
ISP CONTACT PERSON: Marc Newman
ISP PHONE NUMBER: 281-480-2684
ISP E-MAIL ADDRESS: mknewman@blkbox.com
DATE OF BAD DEED: 3/1/00
PLACE OF BAD DEED: Houston, TX
SWB REPRESENTATIVE:
VICTIM'S NAME:
VICTIM'S ADDRESS:
VICTIM'S PHONE NUMBER:
AFFIDAVIT IS AVAILABLE: Yes

ALLEGED VIOLATION #8

Cross Subsidization SWB may not use services not subject to competition (the DSL LOOP) to subsidize services that are subject to competition (THE INTERNET). In other words, SWB MAY NOT use noncompetitive local telephone revenues to subsidize its Internet access services.

NARRATION OF BAD ACT

SWB is offering ISPs \$175 rebate on installation of ADSL. It's own ISP, SWBIS, is offering FREE service, worth \$120, plus free install, \$198, total \$318. There is no way to compete with this since they are subsidizing free service with profits from the regulated company to compete with us in the ISP market.

ISP_NAME: Networks Plus
ISP CONTACT PERSON: Blake Fithen
ISP PHONE NUMBER: (785)267-6800 x102
ISP E-MAIL ADDRESS: fithen@networksplus.net
DATE OF BAD DEED: April 1, 2000
PLACE OF BAD DEED: Topeka KS
SWB REPRESENTATIVE:
VICTIM'S NAME: Networks Plus
VICTIM'S ADDRESS: 3003 VanBuren, Topeka KS, 66611
VICTIM'S PHONE NUMBER: (785)267-6800 x102
AFFIDAVIT IS AVAILABLE: yes

ALLEGED VIOLATION

Failure to provide services contracted (VPOP).

NARRATION OF BAD ACT

Southwestern Bell, in the 785 and 316 area codes (KS), promoted use of their VPOP service, gave us a due date months ahead of time. Since SWB was promoting the service so heavily we assumed they would be able to support the demand. They met the due date for the 785 LATA but when the time came to add more ports to our existing 120, they were unable to provide. They also canceled our due date for the 316 LATA the day it was due. They said they are unable to provide us with a due date for more ports and said the future of VPOP is uncertain. After months and thousands of dollars in advertising, to have SWB swiftly kill our expansion plans is simply unacceptable. Meanwhile, we are out thousands of dollars, spending hours a day explaining to lost customers what went wrong, and enduring a massive hit on our good reputation.

ISP_NAME: Lynks Network Services, Inc.
ISP CONTACT PERSON: Calvin Anderson
ISP PHONE NUMBER: 501-444-9480
ISP E-MAIL ADDRESS: canderson@lynks.com
DATE OF BAD DEED:
PLACE OF BAD DEED:
SWB REPRESENTATIVE:
VICTIM'S NAME:
VICTIM'S ADDRESS:
VICTIM'S PHONE NUMBER:
AFFIDAVIT IS AVAILABLE:

ALLEGED VIOLATION # 7

SWB must provide competitors with facilities that minimize transport costs. This provision ensures that BOCs can not require competitive ISPs to purchase unnecessarily expensive methods of interconnection with the SWB network.

NARRATION OF BAD ACT

I am not currently offering DSL because of the lack of compliance to the above stated violation. The problem is that I can go ahead and bite the bullet on cost of eq and bandwidth only if the profit margin is there. Well it is not, as all ISP's currently are aware of. You might say well you are not offering dsl so what is the problem. Well the problem is I will only be able to succeed in the future ISP market by offering these services. If you can not make a profit from it then how can you offer them? SWB knows this and is taking full advantage of their current position.

ISP_NAME: Viewpoint Technologies, Inc.
ISP CONTACT PERSON: Denise Braun
ISP PHONE NUMBER: 785-539-1134
ISP E-MAIL ADDRESS: dbraun@vp1.com
DATE OF BAD DEED: End of March 2000
PLACE OF BAD DEED: Manhattan, Kansas
SWB REPRESENTATIVE:
VICTIM'S NAME: Viewpoint Technologies, Inc.
VICTIM'S ADDRESS: 3246 Kimball Avenue, Manhattan, KS 66503
VICTIM'S PHONE NUMBER: 785-539-1134
AFFIDAVIT IS AVAILABLE: yes

ALLEGED VIOLATION # 9

Illegal Contract Modification to DSL Partnership Program Agreement

NARRATION OF BAD ACT:

The contract our company signed on 11/5/99 with SWB to become a DSL Partner referenced the Southwestern Bell Telephone Company Tariff F.C.C. No. 73 ADSL pricing as of 1/28/99. I have copies in our files. No where on the documents provided to us in November 1999 is there a reference to a \$14.00 Service Order Fee. Recently some of our ADSL clients have called asking why we had not told them about the \$14.00 fee they are seeing on their bills and asking what it is for. After some investigation, telephone calls, and various e-mails we received an e-mail message from Kim Poores today. Included in that was an attachment of the Southwestern Bell Telephone Company Tariff F.C.C. No. 73 ADSL Pricing as of 1/28/99. Much to my surprise a new column has appeared in the document called service order fee. And guess what the charge \$14.00! Now, by changing a contract illegally, without our knowledge, it is making us look incompetent with our clients because we did not tell them about this additional charge. These are they types of SBC actions that have had negative impact on our good reputation.

ISP NAME: Gulf Coast Online, LLC
ISP CONTACT PERSON: Brian Cochran
ISP PHONE NUMBER: 361-592-7042
ISP E-MAIL ADDRESS: jbcochran@gcol.net
DATE OF BAD DEED: 1999-2000 ongoing
PLACE OF BAD DEED: Kingsville, Texas
SWB REPRESENTATIVE: Scott Ponton
VICTIM'S NAME: Gulf Coast Online, LLC
VICTIM'S ADDRESS: 921 E. Johnston, Kingsville, Texas, 78363
VICTIM'S PHONE NUMBER: 361-592-7042
AFFIDAVIT IS AVAILABLE: yes

Put this one near the end

ALLEGED VIOLATION #7

SWB must provide competitors with facilities that minimize transport costs. This provision ensures that BOCs can not require competitive ISPs to purchase unnecessarily expensive methods of interconnection with the SWB network.

NARRATION OF BAD ACT

We are a new ISP (in operation since June 1999) located in Kingsville Texas (rural South Texas). We are unable to gain local access to pri service for our inbound telephone lines, instead we are forced to use channelized T1 service at approximately \$1300.00 per month per span where as pri service is about \$700 per month per span. We have requested PRI service, but have been repeatedly told that pri service is unavailable in our area except as a long distance telephone number, which would force our customers to call long distance. We have inquired with SWB as to what it would take for us to be given local pri service with no long distance, their response "spend a million dollars in the C.O.". SWB is not interested in providing cheaper services to any potential competitor.

ISP NAME: Crossroads Communications
ISP CONTACT PERSON: Rick Peurifoy
ISP PHONE NUMBER: 915.268.8800
ISP E-MAIL ADDRESS: rvp@crcom.net
DATE OF BAD DEED: Approx. May 1999
PLACE OF BAD DEED: Stanton, Texas (NOC)
SWB REPRESENTATIVE: Linda Davidson / Mike Coke
VICTIM'S NAME: Crossroads Communications
VICTIM'S ADDRESS: 700 Runnels Street, Big Spring, Texas 79720
VICTIM'S PHONE NUMBER: 915.268.8800
AFFIDAVIT IS AVAILABLE: Yes

ALLEGED VIOLATION #9

Misrepresentation of the facts for financial gain.

NARRATION OF BAD ACT

When asked what would solve a particular problem that involved the capacities of SWB lines being utilized by our ISP, SWB indicated that by adding six (6) more PRIs would solve the problem. We then added the PRIs and it did not solve the problem. In fact, while it took 2-3 months to negotiate the removal of these lines (that were never even connected), the clock was ticking on the charges accruing and we finally had to eat somewhere between \$12,000 - \$15,000. They were gracious enough to let us out of our five (5) year term agreement without PENALTY! They were able to enforce collection by threatening to interrupt our Internet Service by disconnection of our lines, etc. We feel as though that is blackmail among other things.

ISP_NAME: Internet Partners of America / A OneMain.com Company
ISP_CONTACT: Kevin King
ISP_PHONE_NUMBER: 501-784-0133
ISP_EMAIL_ADDRESS: kking@ipa.net
DATE_OF_BAD_DEED: 3/1/00 - 3/25/00
PLACE_OF_BAD_DEED: Fort Smith, Arkansas
VICTIMS_NAME: Several to mention - specifics will be available at a later date.

NARRATION:

We have personally experienced a loss of customers due to the predatory pricing that SWB is practicing. We are unable to compete with the \$39.00/mo. DSL service, because anything that we charge will be more than their offering. Customers are moving to this because our closest offering is still too much in comparison. This must be in violation of Anti-trust laws.

Name: Gene Buettner

Email: gene@buettner.com

Location: Joplin, MO

Occupation: Systems Engineer

SWBell is VERY predatory. When I tried to order DSL through my ISP in Tulsa, OK, SWBell told them that I was outside the qualification distance and ineligible for service. Subsequently, they (SWBell) solicited me directly about signing up for their in-house DSL service with SWBell.net. The sales rep told me that my local loop was less than 4000 feet from the switch. Hmmm...

I also assisted with several of my company's employees that were getting DSL and cable connections in the Tulsa area. When the line was being provisioned through a local ISP, the teams dispatched to the customer's home were morons at best. One bozo didn't know what TCP/IP was, let alone how to configure it. He did know that he was contracted by SWBell. His instructions were to hook up the wiring and run a script from a CD-Rom. If it didn't work, tell the customer to call their ISP. The script itself couldn't work, as I discovered. Among other things, it hard coded every NIC with the same IP address -- on the wrong subnet, of course. Hmmm...

If SWBell was the ISP, it was quick, painless and professional. They even knew how to tweak proxy settings so that a laptop would connect to our company network at the office and work properly with the customer's DSL connection at home. Double Hmmm.....

I've since moved out of Tulsa but still have to deal with SWBell and can't wait to see what stunt they pull here in Joplin, MO.

ISP NAME: Pacific Internet
ISP CONTACT PERSON: Kat LaRue or Jim Persky
ISP PHONE NUMBER: 707-468-1005
ISP E-MAIL ADDRESS: dsl@pacific.net
DATE OF BAD DEED: 3/1/00-present
PLACE OF BAD DEED: Ukiah Ca
SWB REPRESENTATIVE:
VICTIM'S NAME: Numerous instances
VICTIM'S ADDRESS:
VICTIM'S PHONE NUMBER:
AFFIDAVIT IS AVAILABLE: Yes

ALLEGED VIOLATION #7

SWB must provide competitors with facilities that minimize transport costs. This provision ensures that BOCs can not require competitive ISPs to purchase unnecessarily expensive methods of interconnection with the SWB network.

NARRATION OF BAD ACT

We have been told we cannot waive the \$198 or greater setup fee but PacBell does, even though PacBell collects this fee and not the ISP. The fee is waived when the customer switches to PBI. The fee is NOT waived when the customer elects to stay with the current ISP and orders DSL through the ISP.

I had a client that did not receive his CPE in time for his install. Additionally (since installation takes a good 3 hours), they did not call the client, as requested, so that he could meet them. Instead they leave a msg on his door to call them to reschedule.

So far, so good.

Then when the client calls to inquire about his CPE aDSL Modem and reschedule, he is told, " Hey - don't go with your ISP, go with us - look at the great deal.

Quotes the client, "This is crazy! They're trying to put you guys out of business. Aren't there any legal issues here?"

I'll say. It just so happens that this client works for Apple and we have spent weeks putting together a program for their employees - only to have it stolen by our "partner".

When we called to inquire about why they would do this, and wasn't it a breach of contract, so on and so on, the response was precisely - <Ill pass > your comments up to the people who need to hear them.<

Wow - sounds like it might be a poor script.

Anybody else?

Glenn Pieper
Sales Director
PrismNet, Inc.
11500 Metric Blvd. ste. 280
512.821.2991 x 236

> Is South Western Bell giving preferred treatment to SWBI? YES!!!!
>
> If you do not believe me just goto www.swbell.net and look right in the
> middle of the screen!
>
> DSL Internet \$39.95 "NO EQUIPMENT COST FREE INSTALLATION"
>
> I am tired of being told by the partnership group that SWB Internet is a
> Separate Company and does not get special treatment when on SWB's own page
> they are pushing SWB Internet and no equipment cost. All I get is Ill pass
> your comments up to the people who need to hear them. What good is that.
It
> appears to me that SWB is purposely delaying taking any action on this and
> just the opposite helping SWB Internet to get the majority of the market
> before us so called "PARTNERS" can even get started!
>
> Anyone else here feel the same way?
>
> Gary Dewrell
>

We actually had a customer who had DSL installed for 2 months. SWB called the customer up and told them they could switch to SWBIS and only pay 39.95 over the 49.00 we charge. So they aren't just stealing new customers, they are taking old ones.

Tracy Benbrook
DSL Coordinator
IDC/Grapevine.net

Brady A. Tucker
batucker@icnet.net
Internet Complete! inc.
<http://www.icnet.net>

here is our TOP TEN complaints about DSL...

1. The qual process is ridiculous: Having to call the help desk to REALLY get yellows submitted to engineering SUCKS. 50% of the time CPSOS does not get updated to the result engineering has come back with. This section by itself could go on for MANY pages. I also want to say I hate "Sip Sauce" instead of C-P-S-O-S.
2. Greens for Reds : I have customers I have attempted to qualify and receive a red for, Customer calls SWB or SBIS and gets GREEN INSTANTLY, I call up voice to COG / Help Desk / Bell and still get red. I have just told several customers to order their freakin line through bell and tell them we are the provider, and forego the commission.
3. Lack of returned phone calls/emails from Kim Poores, Amy Cook and anybody else associated with ANY SBC corporations.
4. Bell offering to cancel orders for 'quicker' install dates : Customer is waiting on the 5 to 60 day qualification process and calls Bell to check on their order because they are sick of hearing "Well I'm sorry, its still yellow" from us. They are told by the bell rep "Well, if you cancel your order with (Insert Provider Name Here) provider, we can get you installed within x days"
5. Bell reps inability to correctly install router equipment is amazing. While at the same time, they are out there saying its the Providers fault, even though they haven't even gotten the DSL line up or figured out how to get an IP address on the router.
(This as well could be expanded for MANY MANY pages.)
6. Spreading equipment costs over term of contract - but can't do it for us. We have had several customers who have had their install/equipment cost spread out over the term of their DSL lines, but SWB has told us that is impossible, and there is NO way for us to do this for our customers.
7. I also suggest that project pronto be renamed to project "Not So Pronto" I am not sure if this project exists outside of the OKC Lata, but here in Oklahoma only about 25% of the largely populated area currently has

DSL capability. Project PRONTO is supposed to correct that sometime in the next 1 WEEK to 5 YEARS depending on who you talk to.

8. Due dates come and go like the sweeping tides of cash I have crapped out the window on advertising. Bell might be a day early, or 3 days late. If we want to compete with cable, all of this must be streamlined and the customer should know when to be at home and expect service to be installed/activated. "Mam/Sir I'm sorry you took yesterday off, I guess
bell will be coming sometime in the next couple of days... they didn't call
me... they didn't call you... so WHO KNOWS when they will show up. Just go
ahead and take the next month off."

9. Advertising cash, has anyone received their \$2500.00 co-advertising money yet ? I didn't think so.

10. Once the order IS actually up (After FAR to many hours of work for a \$10 per month line) Bell runs one of the many available LINE SPEED tests. Since you're all ISP's, I won't go into how ridiculous that is.

We just lost a scheduled install to a BUSINESS customer not 5 minutes ago, SBIS is apparently offering BUSINESS AND RESIDENTIAL locations the FREE INSTALL, FREE EQUIPMENT, and INTERNET ACCESS for 39.00/month !

Tracy Greggs
Keytech Internet

I checked with Southwestern Bell about ADSL service, and are you aware they charge more for ADSL service alone with you as the ISP than they do for ADSL service and ISP combined with them as the ISP? If you are going to advertise that you provide ADSL service, I think you out to raise that point. I'd have to pay almost double to get ADSL service from you compared to what I'd have to pay to go to Southwestern Bell.

Richard

Lance Crosby
lcrosby@catalog.com
1.888.932.4376 ext. 112

Nickolas Koehne
Postmaster/ DSL Solutions Specialist
A+ Certified/Microsoft Certified Professional
mailto:koehne@networksplus.com

On 02/24/00 SWB Technician Chris Poyay(sp?) arrived at John Minnick's house at 12:30pm. This started like a normal ADSL install until the conversation turned to the excerpt below:

Chris(SWB): "Ya know, it's too bad you went with Networks Plus."

John: "Why is that?"

Chris(SWB): "Well if you went with SWBIS you could have saved over \$212 on your equipment and \$108 on your internet service charge"

John: "Really???"

Chris(SWB): "Of course! All you had to do was signup with SWBIS!"

3 minutes later I received a telephone call from Mr. Minnick wishing to cancel his DSL order.

I started to go through the process of canceling Mr. Minnick's order. I was unable to cancel in CPSOS because that was the date of his install so it would not let me make any modifications. I attempted to call the EPC group to get the order cancelled for the customer. 40 minutes later waiting on hold I got a message saying John Minnick had called in asking for me. John wanted to resume his order with us because it would have taken SWB a week to get the DSL installation rescheduled with SWBIS. This is where the fun begins.

The following Monday (02/28/00) John Minnick contacted me to fill me in on the extent of the damages SWB has caused.

After installing the customers NIC card his laptop now displays several VLM(?) errors and beeps profusely during windows startup. He had to hire a pc technician to properly repair his laptop computer because of SWB's unprofessional tampering with it. Costing him even more money.

He also stated that when he asked the SWB tech about using PC Anywhere on his DSL line so he could connect to his machine at work the SWB told him "You can't do that unless your work machine has DSL too, want to sign up for SWBIS?" After this one John had threatened to cancel his DSL service with

us again because he needed the ability to use PC anywhere from home for work. I was able to keep him as a customer by walking him through connecting to his work machine.

Next Incident:

John Minnick has an ADT security system at his house. While SWB was 'attempting' to install John's DSL line SWB set off his alarm and was unsure of how he did it. Ever since John's ADSL install his alarm has been going off constantly and now he must have an ADT technician come out to repair whatever SWB has changed. This has already cost Mr. Minnick well over 200 dollars in installation fees (PC technician + ADT Tech) and another 200 for equipment. This is utterly ridiculous. To think that 70% of our DSL installs go this way. Our customers are left with non-working PC's, slow service, and a new hatred for their ISP because SWB decides to blame us for their fuck-ups(excuse my language).

Some very serious issues need to be addressed here.

- 1.) Southwestern Bell needs to properly train and equip their technicians before sending them out to a customer's house. I know exactly why installation is free with SWB. (You get what you pay for).
- 2.) When Southwestern Hell arrives at a customer site they need to show respect for SWB's "Partners" and their stated pricing plans. In other words, when a SWB tech is on a customer site for Networks Plus, they should act like they are a Networks Plus employee. They should at all times respect and follow our protocol for customer relations. Not their degrading, unprofessional, "finger in ass" approach they've been taking towards our loyal customers.
- 3.) CPSOS: How can we forget this marvel of SWB engineering. Such grace, such beauty, such an incomprehensible record for making my life a living hell. I can probably deal with all the times CPSOS times out during an order or qualification process, making me have to re-do the complete order and/or qualification. This is not the problem, the problem is the support and the inaccuracy of this 'Volkswagen' of SWB programming.
- 3a.) When we first started running DSL qualifications we would often come up with a red response. We'd email the customer stating "We're sorry we can't be your provider..." and we'd move onto the next request.

Several days later we would get a wonderful response from our newly disqualified customers saying "Guess What? SWBIS said that I was less than 2,000 feet away from the telco and they can get me installed in 2 days #\$\$%^ you Networks Plus!" You know, it's one thing to screw a company around on the backend. But it's a whole new battleground embarrassing a company in front of it's loyal customers. Fortunately, to my knowledge, this kind of error has not occurred since last December.

4.) Now we can't forget to cover the qualification process. On Green's, it's not so bad. You've qualified the customer, you can sign them up. Boom. It's done. Now if it's Red, you really aren't sure if they are disqualified or not. (I have personally called SWB to sign up for DSL as a test, and I was told I was qualified while in CPSOS it shows me being 35 feet out of range, how bizarre?) But if the qualification is yellow, we might as well tell our customers they have disqualified for DSL service. The process is always the same, always. We send the yellow status quals into SWB and they are ignored for up to 7-10 business days. We call in asking the status of the request and we are told "Ooops, it hasn't been sent to the engineers yet, I'll get on it right away!" The request is again ignored 7-10 business days. Sometimes after it has been resent once we actually get a response back letting us know they've qualified or SWB will send a response out like this: "TN# 273489 needs line conditioning for DSL service which they must pay \$900 and it may or may not work" Ya know, the "tough shit" email making it seem like they think it's funny that they have to pay SWB to fix their own screwed up equipment. I have yellows I've sent in to SWB last October that have never been responded to. I finally had to give up on them and email customers telling them that their request had "expired". Most of those customers had already signed up with SWBIS several months previously why we had to sit with our tails between our legs. Is this the industry standard for DSL? Do companies the size of SBC handle their business so unprofessionally and inefficiently? This scenario is starting to remind me of the classic "Pirates" scouring the seas of old. Quite frankly, this is unacceptable.

5.) Southwestern Bell stealing our customers: Time after time again I call a customer originally under the "yellow" status to find out SWB has already called them and signed up for SWBIS. In our contracts doesn't it state that once we submit a qualification for a customer they are "OUR" customer? Or did I misread that section? This is my theory on yellows. We submit a yellow, the COG group delays us, all qualified yellows are sent to SWBIS to get a jump on us, we get the status back, but it's too late, we already lost. I think I've ranted enough about this. You can fill in the

following blanks...

6.) SWB Equipment installs: This has been a reoccurring situation, "Southwestern Bell shows up for DSL install. SWB Tech spends hours looking for the 'ANY' key!" The competence of SWB employees sent out to perform DSL installs is unbelievable. I am constantly bothered by their technicians asking questions like: "What's an IP address", "Ping? What's that", etc. I mean they have no clue how to use basic network connectivity diagnostic tools. 99% of the time they do more harm than anything else. This is costing our customers hundreds of dollars in having to take their PC's into repair shops to fix SWB's fumbles. And guess who the customer blames? Yep, <Insert provider name here>. This complaint alone could fill a small home library. I'm sure everyone out there has had this experience. SWB needs to properly train and instruct their technicians before ever letting them arrive on a client site. Next!

I think I'll stop my complaint here. I'm tired, fatigued, and fed up with SWB. Anymore input would be appreciated. Thanks for fighting the good fight!

~~~~~  
Nickolas Koehne  
Postmaster/DSL Solutions Specialist  
A+ Certified/Microsoft Certified Professional  
mailto:koehne@networksplus.com  
~~~~~

Dear sirs,

I thought I would take the time to inform you of my recent experience with the installation of my DSL service. I was informed by your group that it may take a considerable time after the order was placed with On Ramp to receive my DSL. First we had to wait for the confirmation from Bell as to what type of service I might be able to qualify for. I was of course prepared to wait but I had know idea that it might take two to three weeks just for the confirmation as to what type of service.

Second I was told by ONR that Covad was to provide the equipment that was to be located at my house. They would only schedule with me after Bell gave them a firm date for the completion of service to my house. I called ONR several times as a date seemed forever to be set. I almost believed it was ONR's fault and that they were forgetting about me.

Finally a date was set. About three days before the set date for Covad a hole 6 foot by 5 foot deep was dug in my back yard. I was not told that a line was to be buried on my property. Paint was sprayed on my back lawn that I presumed was the marking of where they were going to dig. Instead a line was run to my neighbors house from my back yard.

It was never connected and to date of this writing is still not connected. Also the hole remains in my back yard.

When the Covad man came on time to do the installation, my line was still not connected or run to my house. The Covad man installed what he could. He told me that my situation was not uncommon. I would have thought that two months would have been ample time to run a line...

A few days later AFTER the installation date (I still did not have service) a SW Bell guy came and quickly ran a line ON TOP of my lawn across the back yard. The hole still exists. When I asked him about the burial of the line he said he did not know and that the line should be buried in a week or to call service.

Sincerely,

Richard Belliveau

10643 Floral Park

Austin Texas

78759

richb@onr.com

Phone: 512 372 9646

ISP_NAME: Net One
ISP CONTACT PERSON: Chuck Miles
ISP PHONE NUMBER: 713-688-9111
ISP E-MAIL ADDRESS: Support@net1.ne
DATE OF BAD DEED: Houston, Texas
PLACE OF BAD DEED: Topeka KS
SWB REPRESENTATIVE:
VICTIM'S NAME: Estate Creations, Inc. – Dave Parks
VICTIM'S ADDRESS: 4606 FM 1960 W.
VICTIM'S PHONE NUMBER:
AFFIDAVIT IS AVAILABLE: yes

ALLEGED VIOLATION # 9

Slamming

NARRATION OF BAD ACT

1/18/00 Dave Parks called several ISPs asking about ADSL. He inquired with SBIS as well as NET1. Due to confusion over the address associated his selected DSL TN Bell told him that he would have to go with ISDN. Net1 uncovered the address problem (yellow submitted 1/19, again on 1/26, finally green on 2/3). Net1 informed customer of green status and submitted contract on 2/3. Firm order submitted via CPSOS on 2/25/00. Net1 confirmed (on 2/27/00) the due date of 3/8/00. On 3/8 we found that order had not in fact been processed, told we were not the ISP. Back in January SBIS had signed customer up, WITHOUT HIS CONSENT and STARTED BILLING him, even though no ADSL line was physically installed and they had told him he needed to go ISDN. SBIS billed him for 3 MONTHS of service! He faxed me a copy of his Feb 11th invoice. Because this SBIS information was already in the system our order was not processed due to the conflicting ISP information. Customer reiterated that he did not sign up with SBIS and we subsequently have a new install date assigned for 3/13/00.

Just as another note - we actually had a customer who had DSL installed for 2 months. SWB called the customer up and told them they could switch to SWBIS and only pay 39.95 over the 49.00 we charge. So they aren't just stealing new customers, they are taking old ones. So be on the lookout for that.

Tracy Benbrook
DSL Coordinator
IDC/Grapevine.net

- > ISP NAME: Fox Business Systems / KansasNet
- > ISP CONTACT: Jayson Sullivan
- > ISP PHONE NUMBER: (785) 776-1452
- > ISP E-MAIL ADDRESS: jayson@kansas.net
- > DATE OF OCCURANCE: 3-16-00
- > PLACE: Manhattan, KS
- > BELL REP IF APPLICABLE:
- > END USER NAME: Ralph Flowers
- > END USER ADDRESS:
- > END USER ADDRESS:
- > END USER ADDRESS:
- > END USER PHONE NUMBER:
- > WILL END USER PROVIDE SIGNED AFFIDAVIDT IF REQUESTED?: Most likely

ALLEGED VIOLATION #3

DSL LINE PROVISIONING DISCRIMINATION...

EXAMPLE: We get a yellow...Bell STEALS our client and installs while we are waiting for engineering to decide RED or GREEN.

NARRATION:

A customer came to me for a loop-qual. I ran it, it came back yellow, I sent it to engineering. The customer told me that the same scenario had just happened with our competition. I told him that we were all working from the same pallet and that this was to be expected. What neither of us expected is that the customer called SWB. The SWB rep told him that he was green, and could sign up for the service immediately. This is an immediate conflict of interest. Anyone on our "level playing field" should have gotten the "yellow" reply.

FYI: The customer then questioned the rep about getting a static IP because he didn't like the 72 hour switch inherent with the dynamic. The rep told him that he could switch to a dynamic for \$1/month...

(Ah, the powers of negotiation....)

All I can say is that his yellow better at least come back green from engineering.

What you might not be aware of is that SW Bell Internet Services is also engaged in predatory pricing of Internet T-1 service. I just lost another sale this week to SWBIS for a T-1 Internet circuit. My quote to the customer was \$850.00 for the Internet transport plus \$425.00 (our cost) for the local loop. SWBIS quote was \$600.00 for everything.

I didn't know if this is of any interest to you. If not please excuse the intrusion.

Thanks,

Freddie

Freddie Bleiweiss Email: freddie@4GL.COM
4GL Corporation URL: WWW.4GL.COM
Network Services Division Phone: 713-341-0200
Houston, TX

Declaration of Allen Jenkins

on behalf of NetWest Online, Inc.

Tuesday, February 22, 2000

Letter to Southwestern Bell protesting treatment of the ISP, and poor service

Southwestern Bell is in the process of launching their DSL program in West Texas, specifically in the Odessa/Midland area. In doing so they have employed the normal tactics of a monolithic uncaring monopoly. They have set the scene, as they have so many times before, by denying and/or delaying other services that they have had in place so that their new DSL program can be launched with much fanfare and anticipation from the public since their current services have become unusable. Our company has gone through one embarrassment and financial loss after another due to their pre-launch tactics. Their goal is to make normal services from local ISP's so inferior that when their DSL is launched they will have people waiting in line to sign up with them. They constantly claim "out of facilities" to further their plans.

The following is a letter written to SBC outlining my experiences:

**Ms. Carol Stein
February 16, 2000
Southwestern Bell Telephone
PO Box 60630, Room 118
Midland, TX 79711-0630**

Dear Carol:

In our previous telephone conference you have asked me to place in writing my problems with Southwestern Bell. As you are aware I am an Internet service provider. Southwestern Bell has not provided me the needed facilities to conduct my business. I have no alternative in most of my locations but to use Southwestern Bell. In the meantime Southwestern Bell has now become a competitor in the market. They advertise that there will be no busy signals with regard to their service. However, Southwestern Bell cannot provide me sufficient facilities so that I can make that promise to my customers. Further, my own competition has been able to provide better access to the net than NetWest because they are evidently able to acquire facilities from Southwestern Bell to provide this access.

As you probably are aware, the value of my business is determined by the number of subscribers that I have. Because Southwestern Bell has not provided me the

necessary facilities and because of the problems described below in this letter I feel I have been damaged by Southwestern Bell, who is also a competitor, and a company which I have no choice but to use.

I apologize now for the length of this letter. However, my attorney stated that I should make a detailed and concise appeal to you in the hope that this matter can be worked out without attorneys becoming involved.

My first bad experience with Southwestern Bell started in January of 1998 when I was told there were no more facilities for PRI lines and that no one knew when they would be available. We waited until June of that year to receive additional lines. During that time Caprock Internet Service opened for business in Odessa and was told the same thing about the PRI lines. Since their equipment was not configured for PRI lines like ours they were able to bring in channelized T1 lines initially and start taking calls. Southwestern Bell went against their tariff on the sale of this T1 by not charging the company for installation. When PRI lines became available they dropped their channelized T's. The only solution NetWest could come up with was to order ISDN lines. We only had equipment to handle 8 ISDN lines and were not in the position to spend tens of thousands of dollars for a temporary fix. We ordered the eight lines and they immediately filled up. From January to June NetWest lost over 1200 customers to Caprock and Midland based Internet providers who were able to give access to our customers when we could not. No compensation or discount was given. In August of 1998 we had the same problem again. We waited two months for additional PRI lines to be installed. Customers were lost to other service providers and no compensation or discount was given by Southwestern Bell.

In January 1999 we again had the same problem and waited eight weeks this time for new lines to be installed. During this period we lost 350 subscribers to other service providers and no compensation or discount was given by Southwestern Bell.

In May of 1999 we ordered PRI lines for our Abilene POP. In July we ordered additional PRI lines and again we were told no facilities were available. We waited until October to get additional lines. When we opened the Abilene POP it was primarily to bring Internet service to the surrounding cities. Snyder was the main city we wanted to reach. We had planned to put a rollover number in Roscoe to bring Snyder traffic into Abilene. We were told that we should no longer order DRS numbers that would roll calls to other cities because the tariff was changing and we would be charged by the minute on these calls and that the ones we had now would not be "Grand fathered". So at that time we decided to put a physical POP in Snyder. We ordered an Integrated Pathway T1 for our Snyder POP. The circuit was installed improperly and was also billed at a much higher rate than it should have been. We waited until October for the line to be installed right. We went through numerous periods of downtime while Southwestern Bell tested the circuit to try and determine the problem. Another ISP in Snyder had the proper circuit installed during this entire five-month period that it took to figure out how to put this line in right for us. After the line was finally

installed properly which coincidentally fell at the same time additional PRIs came available for the Abilene area we immediately ordered an additional IPA for Snyder. This time it took two months to install the line properly. In December of 1999 we ordered an additional IPA for Snyder and waited five weeks after installation before the line actually worked. To date the tariff has not been changed for the DRS numbers so we could have put this in to begin with and saved thousands in equipment and monthly expenses. During this period that we were not able to take calls due to no facilities available and Southwestern Bell not being able to install our circuit properly NetWest lost incalculable amounts of money. We had to give two months free service to our existing customers in Abilene and the surrounding area to keep them from going elsewhere. This alone was over \$14,000.00. We ended up losing many subscribers to Southwestern Bell who sent a mailer to Abilene residents and surrounding community residents offering Internet service with “no busy signals” during this same time when Southwestern Bell couldn’t get local providers service. The only credits we have received were on the IPA lines that we were over-billed on to begin with.

During the last part of 1998, the first four months of 1999 and the last two months of 1999, we had numerous calls from customers complaining of being dropped from our service in the middle of an Internet session. We called Southwestern Bell tech support and had Charles Chitwood come by to test our PRI lines for trouble. He could never find the problem. The dropped connections kept occurring. We spent thousands of dollars with Ascend tech support and hundreds of man-hours working on this problem with our equipment manufacturer and were told over and over that it was a Southwestern Bell problem. Southwestern Bell couldn’t find it or fix it. Recently Jones Motors opened their doors at their new location on 42nd Street in Odessa and we ordered 8 ISDN lines for them. Southwestern Bell could only put seven of the ISDN lines in because you ran out of facilities. Shortly after the lines were installed the calls going into Jones Motors were dropped in the middle of a conversation. This happened repeatedly and Southwestern Bell blamed it on the phone equipment. The equipment was entirely replaced and the problem continued. Turns out this is the same problem that NetWest customers had dialing in to us and it is because Southwestern Bell did not have enough pathways to terminal to complete all the calls and the equipment that was in place wasn’t working properly. So our customers, just like Jones Motors, were being knocked off in the middle of a session. Saulsbury Telecom discovered this problem when they overheard Southwestern Bell technicians discussing what was happening.

For the past two years, on and off, Odessa NetWest customers have been experiencing the message “all circuits are busy” when they dial in during the evening. We have open PRI lines waiting to take these calls but they can’t get here. After discussing the problems that NetWest has had with Southwestern Bell employees in other parts of the state, the response has been we knew and we know that Odessa has a problem. During our conference call conversation Cindy said that she was installing 324 more trunks to alleviate this problem. After I heard that I knew we had a bigger problem than I realized and ordered an additional PRI for the Odessa location in case once all the calls were completed I didn’t

have enough lines to carry them. My order was delayed a full week and sure enough now that you have added trunks to complete my customers calls we have busy signals. As you know ISP's monitor the capacity of their last PRI installed so that they can make a decision as to when to order additional ones. Our last one never took calls because your company didn't have facilities to get the calls to us so we assumed we didn't need anymore. We had no idea of the extent that our customers were experiencing the "all circuits are busy" message.

In January, I ordered an additional PRI line for our Abilene location a few days after I ordered one for Snyder. This was done with Scott Moore in Abilene. A few days later, on February 1, I received an e-mail giving me the circuit numbers of the Snyder line. Later that week I called and asked about the Abilene circuit and was told he "hadn't heard anything yet". The next week I again called and asked about the PRI for Abilene. He looked up the date that I ordered it and said that he "should have heard something by now" and would find out and let me know. He called the next day and told me the order hadn't been worked because he never received my faxed contract. I re-faxed the agreement. He called me a day or so later and told me I was not going to like the news and proceeded to explain that they were out of facilities for PRIs in Abilene until mid-April.

I asked him if there was an alternative to get my customers connected and he said no. I then asked if he could waive the installation fee for a channelized T1 in Abilene. He told me that he would check with you. When we spoke last, you agreed to waive the install fee, so I ordered the circuit with the understanding that it would be replaced with a PRI line when it came available. Scott called me on the order and told me the line cost was \$1,800.00 per month. My normal line costs is around \$475.00 per month. Around this time I realized that the channelized T would not work because the majority of my customers were calling into a DRS number that rolls into our Abilene POP so one T1 would not help. I discussed this with Scott and his response was that he "would be glad to sell me more". This was a typical SBC response to a major crisis. His reply wasn't "I'm sorry, I'll see if I can get the price reduced since we can't sell you any PRIs and we're killing your business. I'll do my best to help". It was I don't care, let me sell you the expensive IPA so I can get more commission! I told him to check and see if there was another city in the local calling scope of Colorado City that I could divert customers to. He still has not called me back and I'm sure he will not.

At this time we have stopped signing up new customers in the Abilene area. We normally net 110 customers a month in this area. Southwestern Bell still advertises no busy signals in Abilene and has lines for themselves but not for other ISPs. I now have to turn away over 200 customers that equate to \$600.00 a piece.

It is impossible for me to determine completely what my damages have been as a result of the actions of Southwestern Bell. I am sure that there are a number of customers that I would have at this time if Southwestern Bell had provided me the facilities which they

have provided themselves. If my customers didn't have busy signals as Southwestern Bell advertises, and the easy access to the net that you provide, then the value of my business would be considerably higher.

We are requesting a credit on our account equal to the highest monthly service paid in 1999. This is approximately \$24,000.00. My actual loss has been far in excess of that due to Southwestern Bell poor performance, negligence and mismanagement.

We also request that an account representative with our interest in mind, be assigned to NetWest and that any further problems of this type be resolved immediately and additional credit to our account be given per instance.

If you have any questions with regard to this letter, please feel free to contact me.

Allen Jenkins

**Declaration of Bobby Adams
on behalf of Fayette Area Internet Services**

Tuesday, February 22, 2000

Recently, the FCC OK-ed La Grange to be included in the Extended Local Calling for Flatonia, Texas. We have spoken with the FCC and the approval date was 1/99.

We have called numerous people with SWB and cannot find anyone who can give us a date when the service will be implemented.

Does anyone have a contact with SWB that may be able to answer this question??

Thanks,
Bobby Adams
bobby@fais.net
Technical Support
Fayette Area Internet Services
409-968-3999

Declaration of Dan Newman

on behalf of The Optimal Link Corporation

Tuesday, February 22, 2000

We woke up this morning to the dismal news that SWB is marketing ADSL in Houston under the following terms:

- 1. \$39.00/month for the DSL line from SWB Telephone.**
- 2. Free Internet Service from SWB Internet Services.**
- 3. DSL modem and NIC equipment package charge normally \$198, now free.**
- 4. Free installation.**

SWB is offering in a major campaign, \$200 in free equipment and free Internet service for ADSL, if the customer signs up for a year of SWB DSL line service.

We're a partner with SWB and for the privilege of being a partner, we pay \$500.00/month for the ATM line to serve the Internet to SWB Telephone DSL customers. We are given no rebate on the equipment needed for our clients. We are given no rebate on our clients monthly DSL line charge. We do receive a paltry \$60. commission for each DSL customer we sign up, but this doesn't come close to our costs when you factor in our uplink costs from Savvis, rent, salary, etc. We've also been aggressively marketing the SWB DSL line service in radio and newspaper ads.

How can SWB do this? It seems like monopolistic policy to me. It will certainly drive us out of business. We feel like we were duped big time into signing up with them for the "partnership." There was no advance notice to partners of this new promotion.

ISP NAME: STIC.NET , INC.

ISP CONTACT: David Robertson

ISP PHONE NUMBER: (210) 477-7842

ISP EMAIL ADDRESS: GM@STIC.NET

DATE OF BAD DEED: ONGOING

PLACE OF BAD DEED: San Antonio, Texas

We have joined with SWB to resell their DSL. Now that we are committed to a \$5,400 per month contract for the atm link, they have cut our legs off at the knees. Their “*LOST LEADER*” of special DSL pricing will only last till we and most other ISPs are gone. Then they will be able to raise the price to whatever Gestapo price they choose. We do not want regulation of the Internet, but it is the government that puts the BITE IN THEIR BARK by allowing them to ignore federal regs. It should be the government that harnesses these guys to the 1996 telecom act.

If allowed to compete in a market free from undue influence from government-condoned monopolies, we will SUCCEED IN DESTROYING THE DIGITAL DIVIDE IN THE USA. If the Bells are allowed to cross subsidize, and sell at losses till we are gone, it is the American end user that will suffer the greatest loss! Grab these dudes by their overgrown egos and put a leash on them...please.

I was refused participation in a S.W.Bell Yellow pages program because S.W.Bell telco considered us competition and did not want to promote our services through the newcomers package we had been in for the previous year. This was a package that was sent to all new hookups in our region with a new phone book and our paid advertisement was included along with it. I found it strange that S.W.Bell telco would or could dictate policy to S.W.Bell Yellow Pages and the fact was that S.W.Bell did not offer dialup services in our area anyway. Their salesman and his supervisor informed me of this, so this was not a mistake of information.

They also called me a few months ago to offer reinstatement into this program (after about two years). The program was very beneficial to us at that time. It had to be money was tight. S.W.Bell was just using their clout to make sure we didn't get to big before they offered their services in our region.

Last summer, we wanted to add an ISDN-only dial-up PRI that would roll over into our regular pool. They did it *wrong*. They did it over, but have not yet removed the install charges they said we wouldn't have to pay (because the install was really a correction to the previous order). All I want is for this to be grounds for cancelling our contracts with them. I don't need this aggravation.

Also, an employee of mine moved recently. She wanted to get ISDN at her new abode as her ex-spouse had given(!) her a Pipeline75. The sales person tried to talk her into DSL and when she explained that her ISP didn't offer DSL services currently, she was told that SWBell *did*. Also, she carefully explained what she wanted to accomplish with the line, but somehow the ACO and CallNotes got dropped from the order. So, it took them a month to get it working right.

Had she not been an employee, I may never have known and I may have lost a customer. It's possible that I'm losing customers because of this practice, but I just don't know about it.

*****8

One complaint about Southwestern Bell DSL is that customer will express

interest in getting DSL with our ISP and then the next day will get a call from Southwestern Bell ISP asking for their business because they are cheaper. Southwestern Bell's ISP obviously gets a list of new DSL customers with Southwestern Bell telephone and then cold calls them in order to try to get them to switch.

Another complaint is that customers will be denied access to DSL because their "loop is too long." We pass that information on to customer and then several days later or even the same day, customer is contacted by Bell ISP and told that if they sign up for Internet service with Bell's ISP then they can probably get them connected. Basically they tell customers that they can pull strings and get them a DSL line installed. We can't pull those strings!!!!

1. When I first opened my doors in February of 96, I placed an order for T1 to the Uunet POP in Dallas. SWB gave me a due date of February 21st. Based upon this, I advertised and started signing up customers. On February 22nd they called and said I wouldn't get the circuit until the first week of May. After weeks of arguing about it, I got the circuit the first week of May. I didn't lose any business from it because I didn't have any business. But I certainly lost a lot of money.

2. When I tried to open a POP in Sprint territory, I ordered a T1 to the Verio POP in Waco. I was given a due date of March 11, 1998. This particular T1 was half Sprint and half SWB. On March 12, when I called the check on the circuit, I was told I couldn't have it until mid-May. After arguing about it for a couple of days, I got a SWB engineer from San Antonio absolutely promise me I would have it by April 13th. I checked with him weekly on the progress until on April 13th he said 'Oops, you can't have it until mid-May'. Again, I don't know if I lost any customers here, but I did lose money.

On June 24th, 1999 I had a face to face meeting at the S.W. Bell offices in Houston with my account representative. Present was her assistant, a person handling line provisioning and a technical representative. The meeting lasted two hours. At that meeting, I ordered 14 spans of Select Data spread over three POP's. All spans were to be delivered on July 12th, 1999. Two spans were to be rushed through for delivery on June 28th for testing purposes. The delivery dates kept getting moved

up to later dates. Finally, on September 14th, I got the two "rushed" spans. The balance of the lines were delivered in October. During all this process, the S.W. Bell representative was trying to sell me S.W. Bell leased modems for 45.00 per month per port.

Over the last four years, to call in a trouble ticket on a single line was nothing less than a week long process. I've even had a repairman tell me he was going to recommend that S.W. Bell not respond to a service call in one of our locations. There were too many lines for them to work on. It took too long. Finally I agreed to pay for repairs at 87.50 per hour or any part thereof. Keep in mind that I pay S.W. Bell over 40,000 per month in line charges already.

In December 1998 I opened a new POP in Columbus, TX. I ordered a point to point T-1 from Columbus to El Campo, invested 36,000 in new equipment and ordered 4 spans of analog T-1 (since at that time, digital was "unavailable." A delivery date of February was given on the entire setup. Finally, in April, the lines were turned up, but they never worked. I had received a written quote on the analog T-1 spans of 1,448 per span. When the bills came in, I was being charged 2,800 (and some change) for each span. I notified my rep. and she said she would take care of the problem. Still, after many service calls, we found out they were providing "ground start" provisioning, which is all that location could provide when I had specifically ordered either wink or FX. The bills kept coming at the higher rate, until I just finally cancelled all the lines in July, including the point to point T-1. At the face to face meeting mentioned above, I took a folder with all the bills I had received since April on that location, which amounted to something over 40,000 along with a copy of the written quote I had received. I had paid most of the bills, and my rep. said I would be credited on all the charges. Last week, I received a certified letter from S.W. Bell threatening to shut down service on those lines (even though they have been disconnected since July). I contacted my rep. again and she said the bill would be corrected that day and she would get back to me. I still haven't heard from her, but I've called twice and left voice mail, and I've sent two emails.

We ordered a PRI line from SW Bell. This line produced nothing but problems since day one. Customer support calls were unbelievable. SW Bell almost

lived with us trying to fix the problems. We heard every excuse in the book. Problems would mysteriously fix themselves after SW Bell would report they could find no problems. We constantly heard the CPE mantra, so like fools we bought all new equipment and still had problems.

We finally gave SW Bell an ultimatum to fix their service within 60 days (I was generous) or we would terminate it. After 60 days, we still had problems so we terminated their service. We then switched to a CLEC and using the same equipment had no problems.

SW Bell subsequently demanded \$10,000 from us for termination fees, which we refused to pay because they could not make their service work. They then threatened to terminate all of our phone services in an attempt to coerce us into paying there termination charges. SW Bell eventually cut off our primary phone service which caused us to be out of business for a week (voice services). We managed to get new voice phone services operational with a CLEC, but SW Bell refused to release our phone numbers. People trying to contact us thought we were out of business.

The problems that mushroomed from this nightmare are unbelievable. SW Bell is still trying to collect there \$10,000.00 from us. They have filed adverse credit reports with all of the reporting agencies and turned us over to collection agencies. This matter will probably wind up in court.

On a side note, when our customers started calling SW Bell to complain, they were told to switch to SW Bell Internet services.

During a 100% outage of PRI ISDN , our clients were informed that the client should consider SBIS because the problem was with the our ISP services.

Declaration of Dennis W. Simpson

on behalf of August.Net, LLC

Tuesday, February 22, 2000

Dear Sir:

It is well proven by the Justice Department that Microsoft bundled products illegally. Netscape could not sell against Microsoft who gave their browser for free. Microsoft put droves of other companies out of business because no one can compete against a company that bundles products or services for free.

So why will you consider allowing Southwestern Bell to bundle their ISP service for free? It is already starting to put us out of business. No ISP can compete against a company that bundles ISP access for free. Make them charge what it fully costs them, and we can compete just fine. Otherwise, you will just destroy the entire ISP industry just like Microsoft did in their area.

Sincerely,

**Dennis W. Simpson
972-416-0683
2219 Cedar Circle
Carrollton, TX 75006**

Declaration of Evan Miller

on behalf of The Information Utility, Inc.

Tuesday, February 22, 2000

I want to communicate complaints from The Information Utility, Inc., against Southwestern Bell.

The Information Utility, Inc., (TIU), a Texas "S" corporation, was a small ISP operating in Allen, Texas, near Dallas. It operated for over 3 years in good standing with all agencies, creditors, and suppliers. It ceased operations December 31, 1999, after being driven out of business by Southwestern Bell. TIU sold all its assets to Waymark in December 1999.

TIU has two complaints to register with the FCC and PUC against Southwestern Bell (SWB). The first complain is from their practice of "cramming" - adding charges to the bill without full prior disclosure and agreement. The second complaint is based on anti-competitive policy of Southwestern Bell and/or Southwestern Bell Internet Services (SBIS). I mention both companies because the distinction between them is hard to find due to bundled services.

Cramming

On July 26, 1999, TIU signed a contract with SWB for their SelectData PRI service at a monthly rate of \$513.91 before taxes. I can provide a copy of the contract and their proposal of \$513.91 per month.

After signing the contract, we discovered when the first bill arrived that the actual monthly bill was \$1286.13 before taxes, or 2.5 times the amount that TIU agreed to pay. The cause of the increase was a \$662.40 "Extended Area Service Charge" that was not disclosed before TIU signed the contract. This increase in fixed cost did not allow TIU to stay in business and make a profit. I doubt that any ISP can afford to pay \$1300/mo per PRI.

SWB was aware of their mistake because they waived the SelectData installation fee in an attempt to compensate for the error after I pointed it out to them.

We tried to negotiate a settlement to end the contract from September through November. I faxed letters to them on 12/3/99 and 12/24/99. They did not respond. I confirmed that they received those letters. I have copies of those letters available.

After selling customers and assets to Waymark, TIU cancelled the PRI service with SWB effective 12/31/99. The account was paid in full when it was cancelled. I have a copy of the cancellation request.

I have a letter from the Collection Division of SWB, dated 2/17/2000, demanding payment of \$27,810.56. TIU cannot pay it, of course, because it is out of business and has insufficient assets. TIU sent them a letter today informing them of the history of the situation concluding with TIU's inability to pay based on their actions.

Anti-Competitive Policy

TIU ordered ADSL service from SWB in July 1999, for the purpose of connecting customers to the Internet. The total cost of the ADSL service plus internet connection service from SBIS was quoted to be under \$400 monthly. The low pricing was the reason that TIU was seeking the service.

After SWB installed the telephone line to carry the ADSL service, TIU learned that SBIS and/or SWB would not allow ISPs to resell the Internet connectivity bandwidth of the ADSL internet connection to customers. This appears to be a policy designed to discourage competition with SWB and/or SBIS, since only ISPs are affected by the policy. Any other business may resell that bandwidth or make it available to others via dial-up access equipment. The ADSL line was on SWB account 972-359-9929-528-9. It was cancelled.

As a result of this anti-competitive policy, TIU was forced to accept a higher cost but lower performance solution, 256k Frame Relay. The cost of the Frame Relay service plus Internet Connectivity was over \$800 monthly, or twice the cost of the ADSL solution. Only ISPs are forced to pay for Frame Relay instead of ADSL.

TIU cancelled the Frame Relay service on 12/31/99 with fully paid account status. SWB is now demanding payment of \$15,762.19 even though it is they who put us out of business by forcing so much cost upon us by cramming and anti-competitive pricing.

In conclusion, these facts show unfair, unethical, negligent, predatory, and anti-competitive behavior by SWB and perhaps SBIS.

TIU seeks the influence of the FCC and the Texas PUC to persuade SWB to cease these practices and to cease damaging ISPs in general, and TIU in particular.

Thank you for your attention.

Regards,

Evan Miller
President,
The Information Utility, Inc.

Declaration of Graham Toal

on behalf of Valley Tech

Tuesday, February 22, 2000

Before I get into specifics, let me give my general opinion of our relationship with SWB:

1) It is *impossible* to get anything out of them in writing to do with problems. The only things I have ever had from them in writing are quotes for service, contracts, and invoices. In the FIVE years I've been dealing with them, any time they have verbally promised to put in writing or fax what was said by phone, it has never turned up. They have even said on occasions that they are not authorized to put in writing what they have just that second said to me and that it would take a company lawyer to put it in writing. (You can tell them to go get the lawyer in that case, but it still won't turn up)

2) Almost all the major outages that our customers have suffered have been because of unsolicited action by Bell affecting their lines. Invariably the problem clears up, SWB denies all knowledge of anything wrong with their systems, and *we* get stuck with a bill from Bell for sending out an engineer to test the lines. We also incur heavy expenses because we have to drive all over the valley (100 miles +) to check customers out for ourselves to confirm it is indeed a Bell problem when they deny it.

3) Because of Bell's blame game whenever there is a problem, we haven't even dared to order any services through competing CLECs, because we're sure that at the first sign of trouble we'll get even worse repair service than we do from Bell directly. This is a common fear based on their past behavior.

OK, to specifics: It's hard to know where to start, but I'll concentrate on ISDN because that's the business that SWB is set to take away from us by charging less for a 24hr DSL line with Internet than they charge our customers for the ISDN line alone. (A BRI costs \$57/mo but with the extra charges that appear on the bill they end up paying \$80/mo for the raw line.) Most customers in the Valley also require Local Plus (extended area calling plan) at another \$50/channel, especially after a recent change to the Bell switch which allowed them to issue every town with a local number as opposed to the previous scheme where all numbers were issued from either McAllen or Brownsville, though I believe the switch was in Brownsville for all of the lines regardless of where the number was). This brings the customer charges for an ISDN line that has less capacity than a \$39/mo DSL line to \$180/mo - with our internet access charges on top of that.

Note when we set up ISDN service, we wanted to have a dialup number out of Brownsville which would be delivered to our McAllen premises. Bell told us this was impossible. We later found out it was possible at the time that we asked, using a Select Video circuit, but by the time we found

this out, that service had been removed from the tariff. Again, it was impossible to get *any* of this in writing, so I am working from memory here.

We now have 3 PRI's out of McAllen. We got them one at a time. Every single one was extremely late or had problems. With the first one, Bell was clueless about how to set them up, and we had to pay a lot of money to a consultant in San Antonio who know Bell's capabilities better than Bell, who took them through the process by phone. They had a lot of difficulty getting the signaling right. We did get it up eventually but we had a lot of customers sitting around waiting for us.

Later we added another PRI to the same phone number. Not only did Bell never manage to set it up right (we eventually kludged it by having two 23B+D's instead of 47B+D that we'd wanted - paying for a line we couldn't use), they actually brought down our current customers for several days. After it all worked, we complained bitterly; they offered us compensation; no paperwork ever appeared nor any compensation. I eventually told them to forget it, but to remember they owed us one and cut us some slack next time we were adding a PRI. By the way, we lost several customers to other ISPs because of that outage. Needless to say, the next time was worse (and believe me, no slack was cut):

PRI #3: By this time, we were wise to them, and rather than add the third PRI to the existing two, we asked for it to be installed completely independently - a brand new circuit on a new number. (This is less than optimal for us because we can't take advantage of rollover to the spare capacity during busy periods) Again, they couldn't get it to work, and blamed our equipment. Again, we hired a contractor at our expense, and he worked with Bell to get them to get it working. (Different contractor, but same sorts of problems) basically we hired the contractor so we could have someone authoritative and knowledgeable to tell Bell that yes, our equipment was working fine, your circuits are wrong. They never believe us if we tell them that ourselves. This circuit was running for some months, but never actually signed off by Bell as finished.

So... some months later (Jan 2000) we start seeing CRC errors on the 3rd PRI. We do exhaustive tests proving without doubt that the errors are coming from Bell. We call it in. (ticket no's sa716-758/sa716-805 - and don't get me started about how they'll refuse to open a ticket unless you'll agree to paying for an engineer visit - another trick to delay the opening time on the ticket to make the repair department look faster at solving the problems) They do a basic CRC test on the raw T1 between our office and their office, and declare there is no problem, it must be our equipment. The people doing this have no clue about ISDN-specific issues, and did not look any further into the Bell system than the raw wire. For 3 days all of our customers on that PRI are offline, while we struggle trying to find someone to take our complaint seriously. Then the problem clears up - they obviously fixed it, but when we call them to ask what happened, they deny they did anything. However, independent of our trouble ticket, we were contacted at the same time by another branch of Bell who had just noticed that they had never signed off on that circuit and were asking us if it was OK. It was clear the local people had done something and spotted us, probably when they broke our circuit. When we told them it certainly wasn't OK, that's when it miraculously got fixed.

However, these are MINOR complaints compared to what they do to our customers regularly.

When Bell cut over to a new switch, they broke just about every one of our customers ISDN connections in some way due to faulty translations at the new switch, usually to do with the way they had been set up for the local calling area. On one day we had about TEN trouble tickets open. For every single one, they denied any problems and said it was our equipment. (This was when I first butted heads with "Robert" out of the San Antonio office.) I pointed out that it was a bit suspicious that so many circuits were all down at once, and maybe it was Bell who had a problem. This Robert guy frequently got aggressive and insulting. It got to the stage when I was at one customer's location that he refused to talk to me unless I could show him a Letter of Authority for us to act on behalf of our clients, and I had to put my client on the phone personally and tell him word for word what to say to this engineer.

He has been equally unhelpful every time since. Just last week when our PRI went down for three days, he was denying there was any problem and treating me like I was clearly an idiot. I asked to speak to a supervisor and was told he'd call next morning. For the next two days I had no call back, and I kept trying to get them and being put on hold. Finally I had enough of this and actually *stayed* on hold for the whole TWO HOURS it took. The receptionist kept coming back saying he was still busy, or stepped out the office, or 101 excuses, but I outwaited her. I explained everything that happened, he agreed it sounded like someone in McAllen had been tinkering and not owning up to it, and he'd look into it and find out what happened. Days later when I spoke to Robert again, his files showed nothing of any Bell culpability, just that it was our equipment at fault and we were to be charged for the engineer visit... The supervisor ("Vern") never did get back to me after that. (It's also very annoying that you can never get Bell employee's last names, or direct numbers, and if you do ever manage to make them tell you their email address, they only seem to check their email once a month or so)

Not all Bell support is like this (the guys who come to our location usually seem decent and try to help) but many of them are. Only once did I get a supervisor who knew what she was talking about and was not afraid to admit that Bell had a major screw up on their hands. (In fact she said she was only called in to handle the phones when something big was broken. This was the same day Robert was telling me it was all our equipment at fault - the time they cut over to the new switch - the problems went on for nearly a month as they broke account after account)

However their McAllen office manager is worthy of mention: R L Newsom. Bell don't ever give out private numbers of their staff - you generally have to have a long fight with the switchboard, explaining the same thing over and over to get to anyone. However one day I did manage to get the McAllen manager's number from someone. I did not use it for a long time, but the time we were offline for a week I was driven demented and after getting little success with everyone I tried,

I phoned the head guy. This man never answers his phone or returns my calls. and he has to this date not once ever spoken to me, despite having left maybe half a dozen messages on his machine in the 5 years I've been here, asking to speak to him personally. He generally gets the lowest and most incompetent of his minions to call me back, and I get no satisfaction. (The case of the compensation for the weeklong outage being a classic example) After a time you get to know who in the McAllen office is smart enough to be of help and who is like talking to a brick wall with. (The latter outnumber the former by 4:1)

I've barely touched the surface of how often Bell have taken down a customer's line with no reason, and fixed it yet all the while denying responsibility - I suspect to be able to charge us for the engineer's visit. In most cases the problem is at the switch, not the wires. The linesmen are the only decent people I've dealt with at Bell, and they're usually the least to blame for the problems. I have many of the trouble tickets from previous issues on file if it'll help. The time that they screwed up the local calling area generated these tickets: sa700-811 sa700-791 sa700-808 sa700-938 sa700-720 sa700-855 sa700-954

I have many others in my notebook.

All of these outages make Valley Tech look bad. If Bell were to admit to the problems in writing, we could show that to our customers and they would be less likely to hold it against us; however generally the fault is Bell's but it's us that looks bad. People jump ship down here at the slightest cause. Today, for example, I picked up a UUNet customer because his ISDN was down since Friday - according to the customer who spoke with both Bell and SWB, it was because SWB had executed a disconnect order on UUNet's PoP main ISDN number. I don't know the story behind that but it's typical of what happens down here.

I think it is much in Bell's interest to make ISPs look bad, so they can come in with DSL and push us out. Our T1 circuits have generally been much more reliable than our ISDN lines, and I expect DSL (after the installation is over) to be more reliable than ISDN too. Given that Bell's price to the user for DSL is less than we can buy it from wholesale from a CLEC that is trying to be run at a profit, I fear that the predatory pricing of DSL if it is allowed to be sold here in the Valley will put us out of business.

We also have one huge problem with POTS lines. We had 63 dialups and tried to remove 12 of them from service. The removal was botched and left our overflow line pointing to some poor old couple in McAllen. They 'fixed' it by pointing it to some other random phone that apparently isn't answered by a human as often, so the customers don't notice so much, but nowadays it is impossible to get a BUSY signal from VT, you only get a RING tone, so it looks like it's our service that's broken. Unlike with T1 or ISDN service where you can demand (after 15 minutes of arguing) that they open a trouble ticket, they REFUSE to open a trouble ticket for POTS lines, saying it is referred to only by the phone number. I spent so long trying to get them to fix this that I've now given up, and will just live with the problem until we eventually close all our dialups as we plan to do this year.

FYI we're paying for individual numbers on all these lines, but the individual number/test number is implemented only sporadically. They did not disconnect from the end of the hunt group as we asked, but from the middle, and some of the 'disconnected' lines still have dial tone, though I don't think we're being billed for them. (We're not using them; I put busy-out plugs in all the lines that were supposed to have been disconnected)

Overall the competence of Bell here is abysmal, but it's hard to tell if it's ***** or conspiracy.

PS: Why is it that a home SWB invoice is a model of clarity where you can see exactly what you're paying for, but a business invoice for t1/isdn/multiple pots is so impossible to decipher you need to hire a consultant to find out if you're being overcharged? We only recently discovered that we were being billed for some lines we thought were disconnected.

Declaration of J-Mag Guthrie

On behalf of Brokersys

Tuesday, February 22, 2000

Last August at the broadband conference in Austin, Texas ISPs were told by the SWBell rep that was present that if we couldn't do ADSL on our own, we should talk to our upstream and negotiate a deal with them. So, in November, I talked to my upstream, which has a DS3 connection to SWBell's ATM cell relay cloud, and it was agreed to let Brokersys co-locate a box on their site. I faxed the application for partnership to Evelyn Dorsey at SWBell sometime around the first week of December. I explained to her what we were doing and that it was SWBell's idea. I have yet to be approved as a DSL partner. She did call me on January 4th and said that she should know within a day, but I've not heard from her since and I have left messages on her voicemail.

Also, the *reason* we were even exploring this was because SWBell would not give us a partial DS3. We needed more than a T-1, but less than the full DS3. A *real* supplier would have been happy to do this. The reply I consistently received was "there is no tariff for this service".

At the end of August 1999 I ordered an ISDN line to be installed in the house I was going to be moving to at the beginning of September, since I already had a Pipeline 75 ISDN router. While I was placing the order, the Southwestern Bell representative I spoke with, whose name I didn't make note of, tried very hard to sell me SWB DSL service instead, mentioning cost factors, reliability, speed, and other attractive features several times. Since I work for Information Broker Systems, a Houston-based ISP, I knew I would be getting my connection for free, and that, combined with the fact that I already had the router, meant that ISDN made more sense for me. Eventually I was able to convince her of that fact so I could proceed with the ISDN line order. As I remember, I was told it would take about two weeks for their crew to install the line. I also ordered the Additional Call Offering service so I wouldn't need to pay for a separate line to receive phone calls.

It took until October 4, 1999, for SWB to get the line installed and working the way I wanted. There were "problems", so the crew had to come back several times to complete the installation, and several weeks and multiple phone calls to get everything working properly. Apparently the representative had been so busy trying to sell me DSL that she had neglected to make note of my request for Additional Call Offering, so I wasn't able to place or receive phone calls from home for weeks after I moved in. Also, the Call Notes service I had ordered was placed on the wrong channel of the ISDN line, and so did me no good at all, as that line is permanently connected to my ISP and so will always register as busy. After all that, I was billed for the ISDN line for September, even though I didn't have use of the line during that month. While a portion of this amount was eventually credited back to my account, it wasn't until after the line had been disconnected for non-payment. When I called to try to straighten out the bill, I was told that there had been no report of problems with the installation, even though I was able to provide the representative with the trouble ticket number.

It strikes me as unreasonable that Southwestern Bell should be able to both retail Internet and DSL service and be the only source ISPs can wholesale through. In other industries, the consumer is required to have a tax ID, reseller number, etc--in other words, to a business--before being able to purchase through a wholesaler, and exceptions should not be made for telephone companies. As it is, ISPs have to mark up whatever prices Southwestern Bell deigns to charge them, and also may not be allowed to partner for DSL if the ISP isn't big enough to bother with in Southwestern Bell's opinion. The ISP I work for has lost long-time customers because we couldn't provide them with DSL accounts, even though we had submitted the partnership forms to SWB. This is a practice that really needs to be investigated.

In addition, I did not receive a final telephone bill from the phone at my previous residence, and frankly didn't get organized enough to contact them to demand one. In January, I received a letter from SWB Collections saying that I owed them about \$180 for the old phone number. I had transferred my service, so they did have my new address, but they didn't bother to send a bill as far as I can tell, just referred it to Collections with a threat of disconnecting my current service. That just doesn't seem right.

Our voice lines were disconnected on Monday, February 21 (Presidents' Day) for non-payment of a bill we never received. It's the final bill, including claimed termination liability charges from when we had our ISDN PRI lines switched to a CLEC and I didn't even see the final bill till they faxed it to me at "previous bill" which it claims we owe \$80k (our regular bill is around \$6k for that account). The PRIs were billed separately from the voice lines. I did not receive a 10 day notice.

Declaration of Ingrid Kast Fuller on behalf of City Scope Computer Services

Tuesday, February 22, 2000

I signed a 5 yr contract for the ATM circuit on Wednesday, February 9th, with the understanding that I would be a SWB Agent and receive commissions for selling DSL lines and that I would charge a reasonable amount for Internet access at the same rate of \$10 per month in order to make this a profitable venture. On Friday, February 11th at 5pm, I received a call from Kim Poores, SWB Agency rep saying they were reducing the Internet and DSL lines to \$39.95 and giving the equipment free along with free installation. Now they took away any Internet access fees and I can not be profitable. I immediately told her that they need to come up with some compensation for us ISPs. She said that they were working on some compensation and would get back with me on Monday, February 14th, which they did not. I repeatedly called Kim Poores, finally called my other rep, Lauren Blumenfeld which said she would call Kim's boss. Then after not getting anywhere, I called Kim's boss and also Lauren's boss.

Both of which did NOT call me back. Finally after Kim received this letter she told me that this letter along with many complaints were sent to the President and that she promised that she would be getting back with us on Monday, February 21st with details. I called Kim on Monday, she went on vacation for two days. I called her boss and another rep that the calls were forwarded to and both returned my call saying there would be an email forthcoming. Later in the day I get CONTEST information saying I have to sell 100 DSLs, etc... in a short-time frame of 5-6 weeks. Our ATM circuit goes up tomorrow and the agreement they want me to sign "DSL Partnership Program Agreement" which was sent to me after I signed the 5yr ATM circuit agreement, pretty much says they can do whatever they want and I won't make any money. This whole situation is forced on us because we have to have DSL services to keep our customers and to continue to grow and prosper. This unfair advantage that SW Bell and SW Bell Internet Services has over us needs to stop.

Declaration of Lori Brax
on behalf of Informatics Corp.

Tuesday, February 22, 2000

As Agents of SWB, we take pride in having the name SWB behind our business. We have set our sales goals high and have so far met our criteria. However, it is very difficult as a new sales agent to accept what has SWB has done with Project Symphony. As a result, we have lost many potential customers because they have signed up directly with SWB for DSL services. In what is to be a mutual benefiting partnership, we find that SWB is undercutting our power to generate new sales. Not only does this make it difficult for the sales agents to make sales, but it also makes our customers question the integrity of SWB. The point being if SWB undercuts "one of its own", then what kind of company is this? Our customers that have placed orders with us, in spite of Project Symphony, have asked us this and they question the motivations of SWB. How will SWB treat their customers if they have done this to their trusted sales agents? As sales agents, we are to sell SWB services, it is very difficult to do this when SWB undercuts our prices and we are not allowed to at least offer the same. Please help us resolve this issue so that we may maintain a mutually profitable agreement.

Declaration of Marc Newman

on behalf of BLKBOX.COM

Tuesday, February 22, 2000

We are a partner with SWB for it's ISP reseller of ADSL program. Back last summer when we signed up we were told that we would be sent referrals on a regular basis, and we were. Around October they dried up, and we have not gotten another since. During the original presentation we were told that if a customer called and did not have an ISP, they would be presented with a list of ISPs and they could choose from them. SWBIS would be one of those ISPs and would be treated exactly the same as any other ISP.

I called about the dearth of new customers today and Kim Poors, manager of the Partnership program told me that the procedure was "If the customer does not have an ISP, SWBIS is suggested first, and if they choose not to take SWBIS, the list of 'other' partners is then presented".

I think we definitely have grounds for legal action. Has any other ISP noticed this major change in the program which was slipped in without any notification? Our loss of revenue has been extreme, to say the least, and this situation is going to either correct itself or we will be taking them on.

I suggest anyone interested in this post to the list or email me. Class action definitely seems appropriate.

Declaration of Shayla Taylor

on behalf of Brazoria Dot Net, Inc.

Tuesday, February 22, 2000

I lost my Bay City, Texas, circuit at 12 am Saturday, just as SWB Switched over to the new area code (went from 409 to 979, although there is supposed to be a 6 month switch over period where you can use either area code). SWB first told me their database was down, and they would call me back. When I called later in the morning, they told me there was no such number as my dial in number in their system - we eventually found it using the new area code. Then they told me I had a cut line, and they wouldn't repair it until MONDAY. I asked for the supervisor, to override this time schedule since I needed it NOW (the customers were calling up constantly on my tech support number, and some even reported that SWB said it was my equipment that was the problem), but was told, not until Monday. I called my SWB rep at home and she worked on it until late Saturday night, but they gave her the same response. We were told that there is no tech available for repairs in Bay City on weekends, even for 24 hour businesses.

I noted that the message that the customers got was "This line has been disconnected or is no longer in service", which is not the symptom of a cut line. My SWB rep agreed and managed to talk to some more knowledgeable people at SWB on Sunday, and there was evidently a similar problem somewhere else. It was clear to my rep that there was a problem with the upgrade to the new area code, so SWB continued working on that. My line was finally back in service around 8 pm on Sunday.

As of today, it is left up to me to figure out how many customers I have lost and what the cost is to my business. Customers don't like to hear that the line is no longer in service - they think that I didn't pay my bill. The fallout from this may be critical to my business.
Shayla Taylor, Brazoria Dot Net, Inc., www.brazoria.net

Declaration of Tim Beard

on behalf of DATA RECALL, LLC

Tuesday, February 22, 2000

Let me describe one of the disadvantages of being a DSL partner with Southwestern Bell.

After we spend over \$1700 per month for our ATM connection to SWB in order to resell the DSL service (an excellent way for SWB to sell their ATM product) we started to work on qualifications for our potential customers. Kim Poores at SWB told us it would be 5 to 7 working days. We filed approximately 50 loop qualifications through the SWB CPSOS system. The majority of these quals took over a month to get qualified. Some of them were lost in the system (according to SWB). I repeatedly called and emailed all the SWB contacts I had regarding this and got no replies until about a week ago.

Now, here is the EXTREMELY DISTURBING part. Some of our customers called SWB directly and got their own lines qualified in a week or less. We even lost two business accounts to SWB because we could not get an answer on qualification in a reasonable length of time.

Here is a second .

We ordered DSL for an existing business customer that had a permanent ISDN connection to our network.

Last week I get a phone call from the MIS director at the business. He was extremely upset because he was told we were selling his company something that would not be adequate for his network needs. After discussing this with him, I found out that the SWB installer that went to his site to install the DSL product told him that the low speed DSL would not be enough for his network and that Data Recall should have ordered the higher speed DSL for his company. I explained to the MIS

director that the DSL was more than twice the bandwidth as his current IDSN connection to us.

I take offense when a telephone company installer tells my customer what product he should have. These guys have very little networking experience as far as TCP/IP protocols go. Not to mention the fact that the installer in effect told my customer we didn't know what we were doing.

So, to review, this is how I am supposed to compete with Southwestern Bell on the DSL product. First, my customer qualifications take longer than the ones that SWB has. Second, SWB goes around to my customers telling them we don't know what we are doing. Now, to add insult to injury, if a customer orders DSL through me, he gets to pay \$198.00 for his DSL equipment, and \$39.00 per month for his DSL to SWB. Then he gets to pay me money ON TOP of those charges for the internet bandwidth. If he goes with SWB he gets faster qualification, free equipment and a TOTAL charge of \$39.00 per month, bandwidth included.

Gee, I wonder which company the customer will go with?

There is no level playing field here. Nobody is making money but SWB. I don't care what they say about their internet company being a different entity, etc. They are one in the same.

I would be better off if Southwestern Bell put me out of business by just burning down my offices. At least that way, it would be quicker and I would not lose as much money.

I thought small businesses were the backbone of the American economy. This is apparently not the case in Texas. If you are big, you get to treat the other guy as you see fit.

Finally, to put the icing on the cake, the state lets them sell long distance. I cannot believe it. What is next? I shudder to think about it.

Declaration of Todd Jagger

on behalf of Overland.net

Tuesday, February 22, 2000

SBC's anti-competitive actions, through SWBT, against ISPs in the following ways:

Jeff Davis County #1 - Phone service out St. Hwy 166 could not be considered data quality. According to the local engineer this is because the switch/pairgain will not handle any speeds higher than 14.4 at best to that area. Most customers do not even get that. The primary population center out that way is the Davis Mountains Resort - a subdivision with around 150 full time residents and about that again in part-timers. In addition to the DMR, there are a number of ranches out Hwy. 166 who also have or would like service from Overland. Overland has maybe 25 or so customers in the DMR, and would have more if they could get decent line quality. Customers experience frequent disconnections, inability to connect at all (line noise) and often diminishing data throughput if they do get connected (throughput "spirals" down until no data is sent/received and connections either time out or are disconnected).

According to a regional engineer he has submitted upgrades for this area in each year's budget since 1996. These improvements have always been turned down by SWBT execs as too costly for the number of customers they would benefit.

Jeff Davis County #2 - At least two customers have requested ISDN (BRI) connectivity to the DMR. One customer (Andy Williams - paw@overland.net) ordered the service, was given a work order and due date. When the due date passed he contacted SWBT to inquire what the deal was. They told him they could provide the service to his home but would have to charge him a \$7500.00 "Custom Construction" fee. This does not make sense as it is NOT custom construction but really the fact that their switch/pairgain won't handle it - *that's* what they'd have to upgrade in order to provide ISDN to the DMR (to my knowledge). Another customer (Carlos Leal - cleal@overland.net) also requested ISDN and met with same.

We cannot get PRI out here at all in any of our locations. This is so even through the Texas PUC rules require all ILECs to provide ISDN throughout the state (PUC Rule 26.142 - <http://www.puc.state.tx.us/rules/subrules/telecom/26.142/26.142.cfm>) SWBT reps state that it will be "several years, if ever" before we can get PRI. "There are no plans at this time to make PRI available to your area."

We **can** get Channelized T-1 (SWBT product called "Access Advantage Plus") but the cost for that service is approximately 2X (or more, depending on the location) of POTS lines on a per-line basis.

Declaration of Dewey Coffman on behalf of Jump.net

Tuesday, February 22, 2000

Presented below are some of the "log" entries from Jump.Net's customer logging system which shows the great pains involved in trying to get customers turned on with SWBT's ADSL product.

What is not shown, after being denied service from Jump.Net using SWBT's tools in failing to qualify them, is how often these customers call back and are now hooked up with SBIS.

More often than not, orders are lost, frequently several times. Yet, it appears that this problem does not happen internally between SWBT & SBIS.

The anti-competitive nature of the DSL line pricing problems seems obvious. The more damaging nature of the SWBT ADSL Partner program comes from the sheer human demands it places on the ISP Partner, to make sure SWBT doesn't drop the ball and follows through on orders once the customers are sold. Clearly, the internal infrastructure of having both side of their business, selling, pushing and installing DSL does not seem to prevail in the partner program. The SWBT Partner program groups are always understaffed, and backlogged with orders, forcing the small ISP to take up the slack. Case in point, the latest pricing changes were announced to ISP on a Friday (contiguous with SWBT's press package). The partners were told additional information would be distributed the following Monday. A solid week passed before meaningful information was actually given. Meanwhile call volume to Partners is significantly dropping and SBIS' mind-share is going through the roof. Can SWBT claim incompetence here, or intent?

ISDN line marketing: SBIS and SWBT jointly market directly to customers with ISDN lines. The list is not available to ISP Partners despite many requests. This puts non-SBC entities attempting to market SBC services at a distinct advantage, and allows SBIS to call our customers. We are never given any list of SBIS' customers.

06/08/1999 Cancelled AARO0001 Aaron Marco
=====

Updated by: howardb Mon Jul 12 12:59:51 US/Central 1999

Cancelled, current customer:

SWB said that there was a 'Bridge Tap' on his line and it would require 'Line Conditioning' (\$900). I have canceled this order with both JP & SwB.

01-20-2000 Cancelled AARO0005 Aaron Kattawar
=====

Updated by: dstuckey Thu Feb 17 12:02:59 US/Central 2000

Cancelled, current customer:

SWB said that they cannot do ADSL.

11-11-1999 Cancelled BRIA0010 Brian Keenan
=====

Updated by: howardb Tue Nov 23 9:27:59 US/Central 1999

From: "PATTERSON, MARY P (SWBT)" <MP1119@txmail.sbc.com>

Subject: RE: Brian Keenan (BRIA0010) 4750 Haverwood Ln. Apt 1307

Date: Mon, 22 Nov 1999 11:53:03 -0600

Your DSL service order has been processed. Log # 107873 has been assigned order # C094116, installation due on 12-08-99, ISP work order test date 12-02-99.

Updated by: howardb Fri Dec 3 9:50:53 US/Central 1999

From: "PATTERSON, MARY P (SWBT)" <MP1119@txmail.sbc.com>

Subject: Order to be canceled due to pair gain

Date: Fri, 3 Dec 1999 08:26:31 -0600

We have been informed the your ADSL order C094116 for Brian Keenan at 4750 Haverwood Ln, Dallas TN 972 267-0423 has pair gain in his community and we will not be able to install ADSL service for this location. Please update your records to show order cancelation and inform your customer. We apologize for this inconvenience and hope to offer ADSL to your customer again in the near future when we implement new upgrades to our network and field in 2000. Let me know if you have questions

kester 11-16-1999 Cancelled BRUC0004 Bruce Kester
Updated by: travis Mon Jan 17 9:40:55 US/Central 2000

=====
Cancelled, current customer:
Customer needs line conditioning and could not get ADSL.

09-23-1999 Cancelled CAMT0001 CAMTEK Instrument, Inc.

=====
Updated by: george Fri Jan 21 12:32:06 US/Central 2000

Cancelled, current customer:
Customer tried for several months to get service set up but SWB continually had problems getting the circuit up. Now however he has signed on with SBIS and they have assured him they can get him on line sometime next month. I explained to the customer that he could choose to go with Jump.Net and not lose his install schedule but he said they were cheaper.

08-26-1999 Cancelled CLAR0015 Clark Gabriel

=====
Updated by: dstuckey Mon Sep 13 13:53:08 US/Central 1999
Cancelled, current customer:
Behind fiber. No ADSL.

10-14-1999 Cancelled DALL0002 Dallas Multimedia

=====
Updated by: travis Fri Nov 26 9:15:08 US/Central 1999
customer was qualified by COG..ordered service..COG then said he cannot get service

10-21-1999 Cancelled DANI0010 Daniel Jaffee

=====
Updated by: travis Mon Jan 17 9:37:48 US/Central 2000
Cancelled, current customer:
Customer wanted DSL but did not want to pay for line conditioning.

11-22-1999 Cancelled DANN0002 Danny Sheaffer

=====

Updated by: virginia Tue Dec 28 15:54:04 US/Central 1999
danny called and wanted to cancel his service, we are sending it to sale, we will let them take care of it.
s guy was behind fiber, so he never got hooked up

10-06-1999 Cancelled DONA0005 Donald E. Bartholomew
=====

Updated by: howardb Mon Oct 25 9:49:40 US/Central 1999
Cancelled, current customer:

From: "Bartholomew, Don" <dbartholomew@alexanderogilvy.com>
Subject: RE: Your ADSL line will be installed on: 10/22/99
Date: Fri, 22 Oct 1999 13:40:16 -0500

Howard,
Bad news. The SW Bell guy came today and they will NOT be able to provide ADSL service at my home location. Our CO is on Bryan Street and we are 2000 feet away. SW Bell will only commit to 1600 feet. He checked the signal strength at the pole and it was unacceptable. He predicts January before enough FO cable is laid to make it work. So, I will not need service through Jump.Net. Call me with any questions. Sorry, DB

Don Bartholomew, Executive Vice President & General Manager
Alexander Ogilvy Public Relations Worldwide
Dallas, Texas

10-12-1999 Cancelled DONH0001 Don Harris
=====

Updated by: dstuckey Tue Oct 19 10:01:34 US/Central 1999
Cancelled, current customer:
Line needs conditioning. Not interested in Covad's price.

e360 09-07-1999 Cancelled E3600001 E360 Corporation
=====

Updated by: dstuckey Mon Nov 8 17:07:30 US/Central 1999
Cancelled, current customer:
Line was originally approved, then denied due to length.

12-07-1999 Cancelled ELIZ0002 Elizabeth Diggs Goss

=====

Updated by: buck Thu Dec 23 9:29:56 US/Central 1999

"MORGAN, NORMAN L (SWBT)" wrote:

- >
- > Order C034829-Log 138146--512 477-6811-Elizabeth
- > Diggs-despite his best efforts, technician not able to install ADSL at this
- > location. We have canceled the order. Please advise your customer.

=====

Updated by: travis Mon Jan 17 9:45:56 US/Central 2000

Cancelled, current customer:

Customer needed line conditioning.

02/24/1999 Cancelled GREG0002 Gregory D. Blankenship

=====

Updated by: dewey Wed Feb 24 20:24:24 CST 1999

Cancelled, current customer:

Decided to go with SWB Internet cause it was cheaper.

09-19-1999 Cancelled GREG0005 Gregory Rivas

=====

Updated by: buck Thu Oct 14 13:05:20 US/Central 1999

This location showed yellow on CPSOS.

Tracking # 62101

=====

Updated by: buck Wed Oct 20 13:03:15 US/Central 1999

I also submitted a loop qual from the webpage today.

Request code: QUAL19991020041

=====

Updated by: buck Thu Oct 28 10:06:35 US/Central 1999

Cancelled, current customer:

Got ADSL through MDSL? This was never set up completely.

09-23-1999 Cancelled JASO0005 Jason E. Otto

=====

Updated by: tony Fri Nov 5 9:25:28 US/Central 1999

Cancelled, current customer:

Didn't qual for ADSL...

05/14/1999 Cancelled JCHR0001 J. Christopher Bryant

=====

Updated by: howardb Tue May 25 15:17:03 US/Central 1999
Cancelled, current customer:
pair-gain

jesses 10-07-1999 Cancelled JESS0005 Jesse Salinas
=====

Updated by: dstuckey Fri Oct 15 14:37:53 US/Central 1999
Cancelled, current customer:
EPC says that they owed them money and it was cancelled. They were never up with us.

05/20/1999 Cancelled JOEM0002 Joe Martinez
=====

Updated by: howardb Thu Jun 10 18:18:49 US/Central 1999
Cancelled, current customer:
Joe Martinez (jmartinez) said that someone was charging calls to his telephone line and refused to pay for it so SWB disconnected his line. Without a SWB phone line, no ADSL.

9-3-1999 Cancelled JOHN0042 John Comer
=====

Updated by: howardb Thu Oct 14 20:33:26 US/Central 1999

From: "WHITE, RICH (SWBT)" <RW6873@txmail.sbc.com>
Subject: RE: John Comer 6950 Eubanks St. Suite A-2
Date: Wed, 13 Oct 1999 15:15:31 -0500

The wait is finally over!

Due to the presence of fiber optic cabling in the Mr. Comer's central office, he will have FTTC-DSL service (fiber to the curb) as opposed to ADSL (which uses the standard copper wiring). The order establishing this service will be N095753 with an installation date of 10/22/1999. Tests from the central office will be conducted on 10/19/1999 -this will not involve the customer.

The customer's new telephone number, XXXXXXXXX, will be non-published. Please be aware DSL service is not guaranteed until it is physically tested at the time of installation. If you have any questions please call 800 308-9488.

Thank you and Mr. Comer for your patience,
Rich White

Event scheduled for 10-22-1999

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Updated by: howardb Mon Oct 18 18:07:42 US/Central 1999

From: "WHITE, RICH (SWBT)" <RW6873@txmail.sbc.com>
Subject: John Comer
Date: Mon, 18 Oct 1999 12:42:43 -0500

Howard:

We had to change the telephone # for this customer. The new number is XXXXXXXXXXXX. Telephone numbers, like ADSL service, are not guaranteed until the service is installed and working. That being the case, it could change again.

=====
Updated by: howardb Thu Oct 21 18:27:41 US/Central 1999

From: "WHITE, RICH (SWBT)" <RW6873@txmail.sbc.com>
Cc: "RUEDA-WIEBERSICK, YOLI (SWBT)" <YR1187@txmail.sbc.com>
Subject: John Comer --URGENT!!!!
Date: Thu, 21 Oct 1999 08:27:20 -0500

Howard:

I left word with you yesterday regarding the problems we are experiencing with this account (order # N095753). The due date is scheduled for tomorrow, but will not be able to keep the date. The customer has an outstanding balance with Southwestern Bell, which will have to be paid before we can establish the service.

Please call me as soon as possible.

Thank you,
Rich White

=====
Updated by: george Fri Jan 21 12:44:19 US/Central 2000

Cancelled, current customer:
SWB was not able to offer service to this location and he doesn't qualify for Covad or NorthPoint

09-23-1999 Cancelled JOHN0059 John McIver

=====

Updated by: howardb Wed Oct 6 19:54:45 US/Central 1999

<<<< Start ADSL billing today >>>>

From: "COOPER, DEMETRA M (SWBT)" <DC8429@txmail.sbc.com>

Subject: FW: [JPsales #8255] John Mclver 5113 Bandera Creek Trail Order C8
52834

Date: Tue, 5 Oct 1999 15:39:12 -0500

Your DSL service order request has been received and processed. LOG# 202859 has been assigned order number C852834, and it is due 10-20-99, however, DSL service cannot be guaranteed until we have had the opportunity to physically examine the line at the time of installation. Your work order test date is 10-13-99. If you have any questions, please call 800 308-9488. Thank you.

Event scheduled for 10-20-1999

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Updated by: jkmoseley Thu Oct 21 16:36:58 US/Central 1999

Cancelled ADSL service SWB said they could not get it.

09-29-1999 Cancelled JOHN0060 John Minakais

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Updated by: buck Fri Oct 1 9:44:50 US/Central 1999

"WHITE, RICH (SWBT)" wrote:

- >
- > Steve:
- >
- > This customer is with another local service provider. He has 2 options if he
- > wants to proceed: either 1.) convert line to Southwestern Bell or 2.)
- > remain with current local service provider and establish a new POTS line
- > with Southwestern Bell after providing appropriate credit information.
- >
- > Please let me know what action the customer wants to take.
- >
- > Thank you,

> Rich White

=====
Updated by: buck Fri Oct 1 10:52:55 US/Central 1999
"WHITE, RICH (SWBT)" wrote:

- >
- > Our system checks by address only -it does not distinguish between Bell and
- > non-Bell accounts.
- >
- > After looking into this more, I have discovered the customer is in an apartment complex that has
- > wiring owned by another local service provider.
- > At this point, we cannot provide ADSL service to facilities with separately
- > owned wiring. Bell is working on a device to overcome this obstacle, but it
- > has not been deployed yet. You might want to try this account in another
- > month or so.
- >
- > I apologize for the confusion. If you have any questions, please call 800
- > 308-9488.
- > Rich White
- >

=====
Updated by: buck Fri Oct 1 13:23:36 US/Central 1999
JM wrote:

- > Steve,
- > In the meantime I've changed my telephone service at home. I'm now with SW Bell instead
- > of the local service. The new number, effective Tuesday, is 210-697-9930. Pass this on to
- > SW Bell as it might help make the installation easier.
- > John

John is getting a SWB POTS line, information has been forwarded to the COG.

=====
Updated by: buck Thu Oct 7 12:16:45 US/Central 1999

The order adding ADSL service to the customer's account (XXXXXXXXXX) is C035826 with an installation date of 10/18/1999. We will test the line in order to ensure it can sustain ADSL bandwidth on 10/13/1999--this will be done from the central office and will not involve the customer.

Please be aware ADSL service is not guaranteed until it is physically tested at the time of installation. If you have any questions please call 800 308-9488.

Thank you,
Rich White

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Updated by: buck Thu Oct 7 12:17:53 US/Central 1999

ADSL install date. Mon. 10/18/1999
Event scheduled for 10-18-1999

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Updated by: buck Thu Oct 7 12:22:15 US/Central 1999
Left vmail for John with install date.

=====
Updated by: buck Tue Oct 12 14:43:18 US/Central 1999

Rich from SWBT called to inform the order must be cancelled. The Apts "own the wiring" and even though its a SWB billed line, they cannot install a splitter. They (SWB) is expecting a device called n-line filter (?) that will solve this but soonest availability is 6 weeks. Rich will check then.

=====
Updated by: buck Tue Oct 12 14:53:07 US/Central 1999

Cancelled, current customer:

ADSL service never out of Wait state. After getting all the way to an install date, SWBT says they cannot install a splitter in his Apt. complex as it is owned by another lsp. There may be a device called a N-line filter (sp?) available in 6 + weeks to get arround this. That is all for now.

=====
Updated by: buck Tue Oct 19 10:49:17 US/Central 1999

Removed scheduled event

SWBT cancelled install.

11-24-1999 Cancelled JOHN0073 John Dahlheim

=====
Updated by: george Thu Dec 9 10:14:53 US/Central 1999

Cancelled, current customer:

Customers Line had to be conditioned and they didn't want to pay for it unless we could guarantee it would work.

Vaderslice and Davila 12/10/99, Was yellow, needed conditioning, yet called

SBIS and got a green and got installed.



Ron Zagari
512-236-8445
1406 Windsor Rd #202
Austin, Tx 78703

Apparently the same thing happened with this guy that happened to Clark. SWBell sent him new equipment and then when the installer came out he left the customer with used equipment. Cliff also told me that SWBell lost this order 3 times before finally typing it up and getting an install date for it. I'm aware that SWBell lost it once for sure.

Travis Heidenreich - Jump.Net Inc.
7218 McNeil Dr, Suite 205
Austin, TX 78729
512-532-2255 (Direct)
1-888-249-4375 x1055 (Toll Free)
512-532-1955(Fax)
travis@jump.net
www.jump.net

LKJO0001 - see the logs.

CAPI0007 - sent in order, went to engineering, order not placed

WAYN0003 - sent in order, went to engineering, order not placed

RONZ0001 - I sent in the order in three times with nothing being done. I had to call Bell and have them input it with me on the phone to get it done.

POWE0007 - submitted on 2-9, SWB has no record of the order, they lost it

VINC0006 - EPC order - sent three times, never placed, had to call to get it placed

LKJO0001 - see the logs.

CAPI0007 - sent in order, went to engineering, order not placed

WAYN0003 - sent in order, went to engineering, order not placed

RONZ0001 - I sent in the order in three times with nothing being done. I had to call Bell and have them input it with me on the phone to get it done.

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Declaration of Dan Eason on behalf of Rural Networking Partners, LLC d/b/a Hilconet
and DelRio.com ("Rural")

Tuesday, February 22, 2000

On or about August of 1999, Rural contacted SWBT and attempted to order ISDN PRI service in Uvalde and Brackettville, Texas. Agents for SWBT informed Rural that local PRI service is not available in Uvalde or Brackettville and that only channelized T1 service could be provided. SWBT is required by rules of the Texas Public Utility Commission ("TPUC") to make local ISDN PRI service available throughout the state. See, 16 TAC § 26.142(c). The representation that ISDN PRI is not available in Uvalde and Brackettville must be false, or SWBT is knowingly and intentionally violating the PUC rule. In reliance on the representation on non-availability, Rural ordered channelized digital T1 lines, which are more expensive but provide less functionality.

Around October, 1999, SWBT agent Charles Gamble contacted Rural and offered to sell Rural a new service called "Local Plus." According to Gamble, Local Plus is an extended local calling plan that costs \$60 per month for the 1st line and \$10 per month for each additional line. Rural ordered the service for its administrative lines, and inquired if the service could also be used for the "dial-up" lines that are used to provide enhanced services (including Internet access) to Rural's customers. Rural also asked if Local Plus could be used in combination with Call Forwarding, so that calls from customers to local lines could be forwarded to equipment in San Antonio. Mr. Gamble (and others at SWBT) assured Rural that this was absolutely permissible. Rural ordered the service. In further reliance on the representation, Rural obtained expensive equipment for various locations, including San Antonio.

SWBT would not or could not get the service to work properly. Service was disconnected; Rural's customers experienced busy signals; intermittent hunt group problems were experienced. In mid-November SWBT, for the first time, told Rural SWBT's tariff allegedly prohibits using call forwarding in association with Local Plus. The service was therefore denied. Rural denies that the tariff prohibits use of call forwarding in conjunction with Local Plus. In any event, Rural also requested that SWBT allow Rural to order 1+ Direct Saver rather than Local Plus, and call forward to San Antonio. SWBT asserted that this too was not allowed by the tariff. Rural also disagrees with this tariff interpretation.

Rural has sustained significant economic harm as a result of SWBT's actions. In addition to the higher cost services, equipment, rental space for the equipment, and volume/term contracts for services, Rural has lost customers, has not been able to attract new customers, and was forced to give rebates to existing customers as a consequence of low quality service directly related to the problems caused by SWBT. Rural also had been in discussions with parties interested in acquiring

Rural, but the ongoing difficulty with SWBT has significantly reduced the valuation of Rural by potential purchasers.

To mitigate further damages (which exceed over ½ million dollars to date), Rural executed certain contracts with SWBT for a different and not functionally equivalent service that partially addressed Rural's service quality problems.

SWBT offered to solve all these problems by offering V-POP service from SWBT or its data affiliate. During conversations with SWBT personnel, we learned that V-POP would be provided by modems located in San Antonio. In other words, SWBT will use the same or very similar configuration (expanded inbound local calling arrangement) to switch and transport the calls to the modems that SBC will manage for Rural. (SWBT indicated that it cannot at present use its packet switched network between our service territory and San Antonio to provide V-POP, so the traffic will go over the PSTN. At some point the traffic would be diverted at the end office level to the packet network for transport to San Antonio.) SBC has refused to allow Rural to obtain the same service as is used for V-POP, but without use of SBC-provided modems in San Antonio. In other words, in order to obtain wide area dial-in capabilities using its own modems, Rural must expend huge sums for T1s, forego use of PRIs, and buy dedicated bandwidth to San Antonio. Or, it can use SBC's V-POP and obtain wide area network access at a significantly reduced price.

SWBT has made it extraordinarily expensive, if not impossible, for Rural to provide quality Internet access in South Texas without giving up total control of our modem banks and essentially becoming even more dependent on SBC for our network access.

We received an e-mail today from Southwestern Bell informing us of the disconnect order along with a short note indicating that he called SBIS on his own. When we called him to confirm this, he told us that he didn't call SBIS, instead they called him. Obviously SBIS knew he was a new DSL client - I wonder how that could've happened?

Dan Newman
The Optimal Link Corporation
www.oplnk.net

Southwestern Bell has no facilities to add PRI lines for us so our customers get busy signals. They then advertise no busy signals for their service on TV and steal my dial-up. Then they send me a letter canceling my Agent status with them. And, now they are calling my existing ISDN customers and asking them to switch to DSL. They should have waited to cancel my Agency status until they moved all my ISDN customers to DSL so they could charge me back my commissions on the ISDN lines.

Is this type of thing happening to anyone else? Have they cancelled any other ISP agents and then used their ISDN list to solicit DSL?

Alan Jenkins
NetWest Online

ISP_NAME: Omsoft Technologies
ISP CONTACT PERSON: Jon Washburn
ISP PHONE NUMBER: (530) 758-0119
ISP E-MAIL ADDRESS: jon@omsoft.com
DATE OF BAD DEED: 4/14/00 (placement date with PBI)
PLACE OF BAD DEED: Davis, CA
SWB REPRESENTATIVE: N/A
VICTIM'S NAME: Omsoft Technologies
VICTIM'S ADDRESS: 802 Second Street, Davis, CA 95616
VICTIM'S PHONE NUMBER: (530) 758-0119
AFFIDAVIT IS AVAILABLE: yes

ALLEGED VIOLATION #5

The FCC requires SWB to provide competing ISPs equal access'' to all basic underlying network services that SWB uses to provide their own enhanced services.''' SBIS is getting preferential access to information and services!

NARRATION OF BAD ACT

Central offices in our area have been out of ports for months. I have orders dating back to March due to this problem. It is currently April 18th. On April 14 one of our neighbors placed a DSL order through PBI (SBIS) and got a port and install date IMMEDIATELY (customer order number C34082744.) We have over 15 orders pending for open ports, yet PBI (SBIS) gets orders instantly. Sounds like PacBell is reserving ports for PBI (SBIS), which is in violation of Federal law.

Order with PBI has since been cancelled and re-placed with us (customer initially wanted us as ISP, but misleading advertising by PacBell led them to assume they could call PacBell and get hooked up with us). We are an authorized Pacific Bell Reseller.

ISP_NAME: IOCC.com, LLC
ISP CONTACT PERSON: Don Chaney
ISP PHONE NUMBER: 870-246-6796
ISP E-MAIL ADDRESS: chaneyd@iocc.com
DATE OF BAD DEED: April 17, 2000
PLACE OF BAD DEED: Arkadelphia, AR
SWB REPRESENTATIVE:
VICTIM'S NAME: Joe Phelps, IOCC.com, LLC
VICTIM'S ADDRESS: 635 Main Street, Arkadelphia, AR 71923
VICTIM'S PHONE NUMBER: 870-246-6923
AFFIDAVIT IS AVAILABLE: yes
B1: Submit

ALLEGED VIOLATION #7

SWB must provide competitors with facilities that minimize transport costs. This provision ensures that BOCs can not require competitive ISPs to purchase unnecessarily expensive methods of interconnection with the SWB network.

NARRATION OF BAD ACT

SWBell Internet in Arkansas will require \$20,000 in ISP DSLAM equipment, \$3,000/mo. for an ATM backbone; plus charging the customer \$39.95 and a setup fee, and with the customer having to buy a dsl modem. On the other hand, SWBell Internet is running a special for \$39.95 a month inclusive of the line charge and Internet access, and no charge for the equipment and setup.

ISP NAME: PDQ

ISP CONTACT: CHRIS RANSOM

ISP PHONE NUMBER: 713 830-3122

ISP EMAIL ADDRESS: dsl@pdq.net

DATE OF BAD DEED: past month and a half

PLACE OF BAD DEED: houston, texas

BELL REPRESENTATIVE: multiple

VICTIMS NAME: spiros manolidis

VICTIMS ADDRESS: 1210 west clay apt 14, houston, texas 77019

VICTIMS PHONE NUMBER: 713 523-4937

AFFIDAVIT AVAILABLE: YES

Alleged Violation

DSL LINE PROVISIONING DISCRIMINATION...

EXAMPLE: 30-45 days for ISP ... 7 days for SWBIS (2)

NARRATION OF BAD ACT

I was a PDQ customer up until the end of march and had no intention of changing this. I have the DSL service at home which SW bell installed and my choice for ISP was PDQ. for the last month I have not had DSL or internet access for that matter. Have made tens of calls to SW bell to solve this problem. The average wait for answering these calls is 20 minutes. I was told repeatedly, early on in the problem that my DSL hardware was just fine and that the problem lay with my ISP. I was told to change the ISP because the service was inadequate and so I ditched PDQ and am with SW bell. It is a month now, after tens of phone calls and being told a garden variety of lies that my DSL is still not working. What I dont' understand is how a company that owns the wires can also be in the buissness of being an ISP? The fact is that I am so frustrated by their calloussness that I would be glad to bring this matter to legal attention