

AT&T wrote (page 11 of Brief):

After instructions to address current concerns with only business and residential customer care organizations, Complainant called more than 15 employees outside of these organizations continuing his pattern of escalations with whomever he spoke to discuss his directory listing issues.

The problems with listings was affecting my income and my privacy. And the problems continued for years. Why was it wrong of me to call whoever I could to try to get the problems with my listings resolved? Obviously, the problem had gone on for several years, and continued even after I filed the Formal Complaint. If AT&T had acknowledged, and fixed, the problems with my listings several years ago, I would not have continued to call about the recurring problems.

In AT&T's Brief (page 17) AT&T stated:

AT&T believes that it may have finally discovered two problems within its computer system that may have caused the recurring errors.

~~In fact, the problem with AT&T using my home address instead of the appropriate P.O. Box is still occurring as shown by the AT&T letter dated 07/17/02 (attachment 9 of this Reply Brief), which was mailed to my home address. For privacy, my home address should never appear, or be used for a business mailing address, and I want the problem fixed. How did the AT&T managers and attorneys (AT&T manager Rod Aguilar and AT&T Attorney Bill Higgins) feel when I sent letters to their private residences? In AT&T's testimony (page 6), AT&T said it was "harassment, and "inappropriate", and yet, when I complained about my home address being provided in directory assistance, AT&T Vice-President, Rosalie Johnson's assistant, "Alexis" thought it was so funny, that she was laughing as she hung up on me (attachment 98 in my testimony). And, after filing the Formal Complaint, AT&T Attorney, Darlene Clark threatened to terminate my phone service~~

for asking her to fix the problem (attachment 103 in my testimony). This problem with AT&T "inappropriately" using/providing my home address has continued from 1998 until present.

Reply to: F. COMPLAINANT'S SERVICE WAS RESTRICTED BECAUSE HE DID NOT PAY HIS TELEPHONE BILLS.

~~The service restrictions that have taken place on my phone accounts has a clear pattern of happening after contacts with the Executive Complaint Team (aka, the legal department or the regulatory group). There is no pattern as to how many days the account was delinquent. As my testimony shows (pages 39-42 of my testimony), some service restrictions took place when the account was paid. Once, the account was only three days delinquent. The operator clearly stated, "It shows you have a past due on the bill but it wasn't enough to restrict". The operator then said, "Usually your bill has to be 30 to 45 days past due depending on the arrangements that were made".~~

~~In addition, a letter from the PUC dated 10/28/99 (attachment 31 of my testimony) shows my account was restricted on 02/04/98, 02/25/98, and 03/17/98. Why would AT&T restrict my service 3 times in 6 weeks? Because AT&T was harassing me.~~

In AT&T's Brief (page 12) AT&T stated:

"Complainant's service was not restricted on August 6, 2001. As AT&T's Darlene Bedell stated in a fax to Complainant, the number that Complainant was trying to forward to, was out of service..."

As my testimony shows on page 1-41, my phone bill (attachment 81 of my testimony) showed that I made calls to the number 925-349-1696 on my residential phone, ~~proving the number was not out of service, and that some kind of restriction had taken place so that my business phone number would not forward to my brother's phone line.~~

In AT&T's Brief (page 13) AT&T stated:

"The outage on 9/5/98 was not a restriction. The operator told complainant that many customers were experiencing temporary interruptions of service."

~~Some operators don't tell the truth in order to "comfort" customers, when something wrong occurred. An example of that is the letter I received from John Palumbo, dated 01/16/99, (attachment 10 of this Reply Brief) which stated:~~

~~*This letter is to inform you of the status you have had with your lines being unlisted. I checked further into the matter and found Steve Van Gollie had worked with Pacific Bell to find out when your lines became unlisted. They found the problem arose in mid October and Steve gave you credit for the months of October and November, therefore no more credit is warranted on this problem.*~~

As was shown in Pac Bell's documentation, my listing for "Jaguars That Run" became incorrect on July 8, 1998 (PON = A9704MESAAZ0064, Attachment 89 in my testimony). ~~Why would AT&T employee, John Palumbo, lie and say that my listings changed in mid October, when it happened in July? Because it was easier than telling the truth. In summary, my service was restricted on 9/5/98, because the Executive Complaint Team placed a restriction on my account after sending me a fax dated 09/04/98 (attachment 71 of my testimony).~~

Reply to: G. AT&T HAS BEEN REPONSIVE TO COMPLAINANT'S DIRECTORY LISTING PROBLEMS

AT&T has allowed the problems with my listings to continue from May 1997 until April 2002. It wasn't until May, 2002, that "Complainant's business listings also were added to the "high profile" list. Allowing the problem to continue for 5 years, before taking action to fix the problem is unreasonable, and is a violation of Rule 451.

AT&T wrote (page 15):

" . . . AT&T requests that the Commission disregard Complainant's claim that his listing was incorrect from May 1997 to April 1998 because that was not provided in response to AT&T's data request 2, #5, 50, or 51 in which AT&T asked Complainant to provide: Provide the time periods that your listings were not listed. Likewise, AT&T requests that the Commission disregard Complainant's claim that JTR Publishing was incorrectly listed during August and September of 1998 because that information was not provided in response to the data request discussed above. Ex. 1 at 1-44, 1-45. Complainant indicated that he had received the information regarding the listings from Pacific Bell on April 2, 2002, a full two months before testimony was filed. Ex. 1 at 1-44.

The Commission should not disregard my claim that my listings were not correct. The information about my listings was sent to AT&T via US mail on 04/05/02 in Attachment #1 in my REPLY TO MOTION OF PACIFIC BELL TELEPHONE COMPANY (U 1001 C) TO DISMISS PACIFIC BELL TELEPHONE COMPANY AS DEFENDANT, This document was also filed with the PUC on 04/05/02.

Reply to: 3. Complainant Has Contributed To His Incorrect Directory Listing

AT&T wrote:

In many cases, Complainant provided incomplete information, i.e., the wrong city, or failed to state that the zip code was also incorrect.

This is absolutely ridiculous, and AT&T has not provided any evidence to support this.

~~I would like to point out, that when Red Aguilar finally provided me with his business mailing address (attachment 5 of this Reply Brief) in a fax dated 03/28/00, Red Aguilar provided the wrong zip code for his business mailing address. He incorrectly wrote that his zip code was "94102" (it is 94107).~~

~~On another occasion, I received a fax from Pac Bell dated 09/03/99 (attachment 11 of this Reply Brief) and according to Pac Bell, Red Aguilar provided the wrong city for my residential listing.~~

~~On page 7 of AT&T's, "ANSWER OF AT&T COMMUNICATIONS OF CALIFORNIA, INC. (U 5002 C) TO COMPLAINT OF MIKE KNELL, dba JTR PUBLISHING", dated August~~

~~30, 2001, AT&T provided the wrong phone number, showing 415-422-2143 instead of the correct phone number 415-442-2143. When I contacted Darlene Clark via email, about the error, Darlene Clark responded (attachment 103 of my testimony):~~

~~"I apologize for any inconvenience caused by the typographical error in my phone number provided in my answer to your complaint. However, although you now have the correct number, do not try to call me because I will not deal with you on the telephone. . .~~

~~. . . Furthermore, if you continue to contact me through telephone or email messages, AT&T will take the steps, identified in Ms. Johnson's letter, to terminate your service.~~

~~I would also like to point out that on page 10 of "BRIEF OF DEFENDANT AT&T COMMUNICATIONS OF CALIFORNIA, INC. (U 5002-G), AT&T misspells Ms. Rodriguez's name four times as "Ms. Redriquez", using a "q" instead of a "g", which is a similar mistake that was made for my listings when "Jaguars That Run" was incorrectly spelled as "Jaquars That Run":~~

~~In summary, I did not provide wrong information for my listings, and if AT&T would have responded, in writing, to the corrections made to my listings, any incorrect information would have been identified quickly.~~

Reply to: 1. AT&T Has Taken Steps To Insure Correct Directory Listings.

Reply to: 5. Complainant Has Repeatedly Tried To Enlist The Service Of AT&T Personnel Who Are Not Customer Care Representatives

AT&T wrote (page 18 of Brief):

Complainant sent an email note to Darlene Clark, in which he

complained of current problems with his telephone service and directory listings. Ex. 1, Attachment 103. AT&T has repeatedly told Complainant that he must call AT&T's customer care department to address these concerns because the regulatory department ~~aka, the Executive Complaint Team~~ located in AT&T's San Francisco office does not have access to the computer systems necessary to identify and correct such problems.

The fact is, AT&T did nothing to prevent the problems with my listings from recurring. It was only by filing the Formal Complaint, that the Regulatory Department (aka, the Executive Complaint Team) decided to investigate the problem, and determine what can be done to fix the problem.

The recurring problems with my phone listings began in May, 1997. I have repeatedly contacted Customer Care Representatives about the recurring problems, but the problems continue. Obviously, Customer Care Representatives could not fix the problem. Eventually, I was directed to the Executive Complaint Team (aka, the legal department or the Regulatory Department). AT&T wrote (page 10 of Brief):

Throughout his testimony, Complainant alleges that Rod Aguilar would not fix his directory listings. Ex. 1 at 1-46, 1-47. Rod Aguilar is not a customer care representative; he has no ability to change directory listings. AT&T considers Complainant's continued communications with the regulatory department regarding current service problems to be harassment of its employees.

As stated in Rod Aguilar's letter, dated 04/18/00 (attachment 65 in my testimony), Rod Aguilar was my AT&T contact. He wrote:

. . . you have known for some time that I am your AT&T contact and calling other employees who are not responsible for answering your concerns cannot change that fact.

In a data request, I asked AT&T when Rod Aguilar was my AT&T contact, and AT&T refused to provide any dates, or a time-line. As far as I can tell, and based on his email dated 04/25/02 shown below, Rod Aguilar is still my AT&T contact:

"Aguilar,Rodney L (Rod) - LGA" wrote:

Mr. Knell,

Thank you for your letter to Ms. Clark dated 4/24/02 regarding your listings in AnyWho.com. Please be advised we have taken steps to correct the listings per your instructions and have been informed the changes will be made in AnyWho.com's next scheduled database refresh on 6/5/02.

Also, your business listings are correct in AT&T's and Pacific's directory assistance with the exception of JTR Publishing in AT&T's database. Today, we initiated an expedited order to change the zipcode for this listing from 94550 to 94551. The listing change should be completed within the next couple of days.

Rod Aguilar

AT&T also wrote (page 19):

. . . [Complainant] would often refuse to work with customer care representatives. Complainant states, "operators refused to fix the listings because I wanted to record conversations to insure 'quality service.'" Ex. 1 at 1-47. Apparently Complainant was more interested in gathering evidence than talking to operators that could fix his listings.

As AT&T knows, Pac Bell invoked Rule 11 upon me after I filed an informal complaint in March 1997. I record calls to protect myself from AT&T employees who would rather say I harassed or threatened people, than investigate what can be done to prevent the phone problems from recurring. When AT&T Corporate Security called me on 12/02/98, I told the Security Officer that I was recording the call. He could not provide a reasonable explanation for calling me. ~~If I didn't protect myself by recording calls, I have not doubt, whatsoever, that AT&T would have said I made threatening remarks to AT&T employees.~~

Reply to: 6. Complainant Misleads The Commision Regarding The Directory Listing Problems With Complainant's Telephone Number 925-462-5093

AT&T wrote (page 19 of Brief):

On November 24, 1999, an AT&T Broadband representative submitted Complainant's new listing order for 925-462-5093 as a non-listed number. AT&T suspects there was a misunderstanding as to how the listing should be set up.

~~Again, AT&T misstates what happened. According to Pac Bell's response to my data request (shown as attachment #1 in my REPLY TO MOTION OF PACIFIC BELL TELEPHONE COMPANY (U 1001 G) TO DISMISS PACIFIC BELL TELEPHONE COMPANY AS DEFENDANT, my listing for 925-462-5093 was changed from "non-published" to "published" on 07/27/1999, PON-C501268881. This did not occur on November 24, 1999, as stated by AT&T—it occurred 4 month earlier, and there is no explanation why the change occurred. In reviewing my phone bills, the \$.30 charge for "non-published" service for 925-462-5093 was correct on my July 18, 1999 phone bill (shown below) (full page shown as attachment 12 of this Reply Brief).~~

Basic service and calls		
For 925 485-0461		
Date	Description	Amount
1 Jul 13-Aug 12	Basic service - flat	11.25
2 Jul 13-Aug 12	Local Number Portability Service Charge	0.50
		\$11.75
For 925 462-5093		
Date	Description	Amount
3 Jul 13-Aug 12	Basic service - flat	11.25
4 Jul 13-Aug 12	Non-published service	0.30
5 Jul 13-Aug 12	Local Number Portability Service Charge	0.50
		\$12.05
		\$23.80

~~On my August 18, 1999 phone bill (attachment 13 of this Reply Brief), shown below, the charge for non-published service was incorrectly changed to the phone number 925-485-0461 on July 29-Aug. 8, and I was charged \$.16 for the non-published listing. Clearly, there must be some kind of record for this change, and AT&T is not telling the truth when~~

it states it cannot determine when my listing changed:

Basic service and calls		
For 925 485-0461		
Date	Description	Amount
1 Jul 23- Aug 8	Non-published service	0.16
2 Aug 13-Sep 12	Basic service - flat	11.25
3 Aug 13-Sep 12	Local Number Portability Service Charge	0.50
		\$11.91
For 925 462-5093		
Date	Description	Amount
4 Aug 13-Sep 12	Basic service - flat	11.25
5 Aug 13-Sep 12	Local Number Portability Service Charge	0.50
		\$11.75
		\$23.66

Reply to: 7. Complainant Misleads The Commission Regarding his Business Directory Listings.

AT&T wrote (page 21 of Brief):

Complainant's statement that AT&T continued to publish his residential address for over a year refers to a completely separate incident involving AT&T's Internet directory, AnyWho.com. Almost a year after the listing was corrected Complainant notified AT&T of an error, in the internet directory Anywho.com, through an email to Darlene Clark on September 17, 2001. Ex.1, Attachment 103

~~Again, AT&T misstates the facts. On Jan. 2, 2001, I told AT&T Customer Care Supervisor, Darlene Bedell of the problems with AnyWho.com publishing my home address (attachment 3 of this Reply Brief), and Darlene Bedell brushed it off.~~

In a letter I received from AT&T Corporate Security, dated 06/09/2000 (attachment 20 in my testimony). AT&T Security wrote:

If you choose to call our Customer Service regarding any future issues, no one other than the representative who takes your call, or that person's immediate supervisor will be authorized to talk to you.

Therefore, you should not continue your pattern of asking each person for the names of others with whom you might speak.

~~I could not escalate the problem any higher than Darlene Bedell, because she was a supervisor. In addition, Darlene Bedell would not let me talk to her supervisor.~~

~~On 01/15/01, I sent a fax to Rod Aguilar (attachment 4 of this Reply Brief), about the problem, and I wrote:~~

~~*In addition, the AT&T website, www.AnyWho.com, is providing my home address (which should never be given out by directory assistance), and JTR Publishing is not listed.*~~

~~Rod Aguilar ignored me. So on Jan. 19, 2001 (attachment 19 in my testimony), I emailed a letter to AT&T Security and Rod Aguilar, asking what I should do about the recurring problems. I wrote:~~

~~*Since receiving the letter dated June 9, 2000, the problems with listings, loss of service, and overbilling have obviously repeated themselves, again, and again, and again.*~~

~~*I have repeatedly called the 800 numbers you asked me to call, and the problems continue.*~~

~~*What should I do? (please respond)*~~

In a letter dated, Jan. 24, 2001, I received a letter from AT&T Vice President, Rosalie Johnson (attachment 21 in my testimony). She wrote:

We have been advised that since our letter to you dated June 9, 2000 (copy enclosed), you have continued your pattern of calling, faxing, and emailing many AT&T employees to resolve various concerns with your telephone service. . .

. . . Please Consider this a final notice with respect to the instructions outlined in our June 9 letter you regarding any new service issues. . .

If you choose to ignore this request and continue your pattern of directly contacting AT&T personnel through telephone, facsimile or email communications, upon notification, this office will take immediate steps to disconnect all AT&T services provided to you.

~~Because the customer service representative (Supervisor Darlene Bedell) would not fix the problem, and the letter from AT&T Corporate Security, dated June 9, 2000, forbid me from going higher than a Supervisor, I could not get the problem with AnyWho.com cor-~~

rected.

Because of the Rules imposed upon me by AT&T Security, and AT&T Vice President Rosalie Johnson, I did as much as I could to get AT&T to fix the problems with my listings in AnyWho.com in January, 2001.

If I tried to escalate the issue with my listings in AnyWho.com, "all" AT&T services provided to me (including, apparently, AT&T credit cards, cable TV, and Internet Access) could be disconnected, per Rosalie Johnson's letter, dated Jan 24, 2001.

I went to the PUC about the problem, and I was told to file a Formal Complaint, but the PUC would not answer questions about whether or not AT&T or Pac Bell could determine when my listings changed.

In July, 2001, PUC Attorney, Helen Mickiewicz, told me, in no uncertain terms, that the phone companies could determine when my listings changed, and that Judge would know that.

In July, 2001, I filed the Formal Complaint because of Helen Mickiewicz's statements. On August 30, 2001, AT&T replied to my complaint, stating that there are no current problems with my listings.

On Sept., 17, 2001, I asked AT&T Attorney, Darlene Clark to fix my listings in AnyWho.com.

On Sept. 19, 2001, I received an email from Darlene Clark, and in AT&T's typical, unreasonable, inappropriate, abusive, and threatening behavior regarding my right to privacy, Darlene Clark refused to fix the problem, and threatened to terminate my phone service per Rosalie Johnson's letter.

Rosalie Johnson is Vice President of the AT&T Regulatory Group (aka, the Executive Complaint Team), and is Darlene Clark's supervisor.

As shown in my testimony, Rosalie Johnson's assistant, "Alexis" thought it was so-funny that my home address was being given out, that she couldn't contain her laughter when

she told me to be patient, and hung up on me (attachment 98 of my testimony).

~~As I stated in my original complaint filed in July 2001,~~

~~*It is my understanding that AT&T attorney, Rosalie E. Johnson, and Bob Kargoll, had gone to the commissioner's office and told the commissioner and his staff that there were no problems with my listings.*~~

Rosalie Johnson had imposed rules upon me that made it impossible to get the problems with my listings fixed. ~~In a San Jose Mercury Newspaper article dated 03/07/02, Rose Johnson seems to have blamed Pac Bell some of the problems that I experienced as a customer of AT&T and she said (attachment 14 of this reply brief):~~

~~*These dollar amounts are far too small to encourage the right sort of behavior by Pacific Bell. . .*~~

~~*. . . Fifteen million a month is chump change to Pacific Bell. . . These fines need to be 10 times this amount.*~~

~~Because the problems I experienced were because of the "rules" that Rosalie Johnson had imposed upon me, the PUC should fine AT&T an amount that will encourage the right sort of behavior.~~

~~Based on Rosalie Johnson's statement about fifteen million a month being chump change, the PUC should not hold back on imposing the maximum fines for the violations they have committed, in order to encourage the right sort of behavior.~~

Reply to: H. AT&T COMPLIED WITH SECTION 2890 (c)

AT&T wrote:

This section of the Code addresses the purchasing of products or services by a consumer, it does not address the communications between a carrier and its customers regarding billing errors.

Although the code does not necessarily address billing errors, it does address products and services. The service outages and the errors with directory listings were not "billing errors", and I wanted written documentation for adjustments and credits for the service outages and problems with directory listings.

AT&T wrote (page 22 of Brief):

Notwithstanding §2890(c), AT&T is under no obligation to provide written explanations to its customers.

However, as shown by the letters and transcripts, AT&T demanded that I communicate in writing.

For example, AT&T Executive Complaint Manager, Nancy Rodriguez requested that I communicate by fax or mail (attachment 52 in my testimony). However, Nancy Rodriguez would not provide me with her business mailing address, nor would she acknowledge receiving faxes.

Ms. Rodriguez's supervisor, Rod Aguilar (my AT&T Contact) demanded that I communicate by fax (attachment 15 in my testimony). However, he refused to acknowledge receiving faxes.

Rod Aguilar's supervisor, Rosalie Johnson, demanded that I communicate by mail (attachment 97 in my testimony).

If AT&T states it is under no obligation to provide written explanations to me, then it is unreasonable, and a violation of Rule 451 when AT&T demanded that I communicate in writing.

Reply to: I. AT&T HAS COMPLIED WITH SECTION 2890 (C)

P.U. Code §2890(C) provides that the utility:

Establish, Maintain, and staff a toll-free telephone number to respond to questions or disputes about its charges and to provide the appropriate

addresses to which written questions or complaints may be sent.

The fact is, the toll-free numbers were not staffed well enough to provide reasonable service for questions or disputes about listings, billing problems or service outages. As such, I was referred to the Executive Appeals Department and the Executive Complaint Team (aka, the Regulatory Group or the Legal Department).

Nancy Rodriguez of the Executive Complaint Team demanded to communicate by fax or mail, but she refused to acknowledge receiving faxes, and she would not provide a mailing address, which is a violation of Section 2890 (C).

Nancy Rodriguez's Supervisor was Rod Aguilar. Rod Aguilar was my AT&T contact. He demanded to communicate by fax, but he refused to acknowledge receipt of faxes, ~~and he refused to provide me with business mailing address, until March 28, 2000 (attachment 5 in this Reply Brief):~~

As stated in Rod Aguilar's letter, dated 04/18/00 (attachment 65 in my testimony), Rod Aguilar was my AT&T contact. He wrote:

. . . you have known for some time that I am your AT&T contact and calling other employees who are not responsible for answering your concerns cannot change that fact.

In a data request, I asked AT&T when Rod Aguilar was my AT&T contact, and AT&T refused to provide any dates, or a time-line.

However, since Rod Aguilar was my AT&T contact, and he refused to provide a mailing address or a toll-free number to send faxes (his preferred method of communication at the time he was my contact), he violated Rule 2890(C).

Reply to: J. AT&T HAS COMPLIED WITH §2891.1 (a)

P.U. Code §2891.1(a) is in Article 3. Customer Right of Privacy.

AT&T wrote:

LINE TESTED WHEN HE WAS EXPERIENCING NO TROUBLE ON HIS LINE

As I stated in my testimony, I requested a test to see the "trouble-codes" on my business phone lines because Pac Bell Attorney Michelle Galbraith told me that the trouble code "98" which was on my phone lines on 08/31/01, could have been a default code, but she would not respond to my data requests to tell me what the current trouble code was.

AT&T wrote:

On May 8, 2002, Complainant called AT&T Customer Repair to have his lines tested.

The Pac Bell technician showed up at my house at about 8:20 pm, on May 21, 2002. If I had called in a normal trouble report, the technician would have been dispatched within two days for a business phone line. The fact is, it took 13 days to send a technician to my premises because my request for the "trouble codes" on my line was not a "trouble report".

When Customer Repair did not respond to my request, I contacted Rod Aguilar, and explained the purpose of my request. ~~Apparently, he complied with my request by calling in a trouble report for my business phone line.~~

In any case, the document I obtained from the technician (attachment 29 in my testimony), showed that trouble code "98" was not a "default code". The document showed the code was cleared on 09/06/01, which was two days after Pac Bell cable-splicing technicians rebuilt some of the facilities on my street.