

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

<p>In the Matter of the Complaint of :)</p> <p>The Lummi Nation,)</p> <p style="padding-left: 80px;">Complainant)</p> <p style="text-align: center;">v.)</p> <p>Verizon Northwest, and)</p> <p>Qwest Corporation,)</p> <p style="padding-left: 80px;">Respondents.)</p> <hr style="width: 50%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No.</p> <p>AFFIDAVIT</p>
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I, Richard Doughty, hereby swear the following is a true and correct statement:

- 1) My name is Richard Doughty, Senior Auditor with Northwest Capital Recovery Group (NWCRG), which has a contract for services with the Lummi Indian Business Council (Lummi) which represents the Lummi Nation.

- 2) I am an engineer with a Master of Science degree and I have worked in the computer and communication fields since 1978, and since 1988 I have been a Principal and Senior Auditor of telephone systems and their technical aspects. My resume is included as Exhibit A to this Affidavit.

- 3) Starting in February 2004, I performed an audit of telephone bills for the Lummi Nation.

- 4) During such audit I found numerous bills from Verizon Northwest, hereinafter "Verizon", which contained charges for services that Verizon was not providing.

- 5) These services are known as foreign exchange services, which includes "Foreign exchange mileage" in various quantities billed at a "Unit Rate"; "Foreign exchange service", in various quantities and billed at various "Unit Rates"; "Private line mileage" in

various quantities and billed at various “Unit Rates”; “Interstate subscriber line charge”, in various quantities billed at a “Unit Rate”; “Mileage”, billed in various quantities at a “Unit Rate”; and the associated “Federal Universal Service Fee” (FX Service as is used herein). FX Service is a service that allows callers at one location which in this case is in the Qwest service territory to dial one of the FX telephone numbers and be connected to the telephone equipment in this case at 2616 Kwina Road, Bellingham WA, described on the Verizon bills as, “Ferndale”, which is in the Verizon service territory, or to make calls in the opposite direction, without incurring toll or long distance charges.

6) The telephone numbers associated with the FX Service described in the Verizon bills are:

Verizon Account 360-662-1239

662-1239

662-1101

662-1134

662-1157

662-1205

662-1206

662-1235

662-1238

662-1240

662-1241

662-1242

662-1317

662-1318

662-1319

662-1404

662-1472

662-1492

662-1493

Verizon Account 360-662-1306

662-1306

Verizon Account 360-662-1326

662-1326

662-1323

662-1324
662-1325
662-1327
662-1328
662-1371

- 7) During such audit, I found no bills from Qwest or its predecessors which billed for this FX Service.
- 8) On March 24, 2004, I placed a test call to each telephone number listed in #6 above to determine the status of each number. The results were as follows:
- 21 of the numbers went to a "No longer in Service" Recording
 - 1 of the numbers connected to a modem, which had no connection to Lummi
 - 2 of the numbers went to residential answering machines
 - 1 of the numbers went to a private residence with no connection to Lummi
 - 1 of the numbers was a ring, no answer
- 9) On March 29, 2004, acting as agent for Lummi, I emailed Mr. Joe Mahurin (Verizon Account Manager for the Lummi account) with a description of the test results listed in paragraph 8 to inform him that the FX Service being billed to Lummi was inoperable.
- 10) On May 3, 2004, I attempted to contact Mr. Mahurin via telephone to discuss the test results described in paragraph 8 and left a voicemail message requesting a return call.
- 11) On May 21, 2004, I sent an email to Mr. Mahurin to obtain a facsimile number so that a disconnect order for the FX service could be submitted. I also stated in the email that Verizon had billed for this FX service for several years without the service being provided.
- 12) On May 21, 2004, I received an email from Mr. Louis Saul stating that Mr. Saul had replaced Mr. Mahurin and was the new account manager for the Lummi account.
- 13) On May 24, 2004, acting as agent for Lummi, I submitted a written disconnect order via facsimile to Mr. Louis Saul, Verizon Account Manager. This disconnect order requested

that all Verizon service associated with the three FX accounts (listed in paragraph 6 above) be disconnected as of May 24, 2004.

14) On May 25, 2004, I contacted Mr. Saul via email and provided a copy of an email from Mr. David Rubio, Lummi Telecommunications Technician. I also asked to be informed of the progress on Verizon providing a refund for the FX billing.

15) I called Mr. Saul on July 14, 2004 to ask about the FX refund status and left a voicemail message requesting a return phone call. Mr. Saul replied via email on July 15, 2004 that he had not received any response from Verizon Billing Department regarding the requested refund and that the Billing Department was "under-staffed".

16) On August 3, 2004, Ms Karen Thacker, Verizon Team Lead, emailed me that her "supervisor Denise McIntosh ... stated that we could not issue the credit without "proof". Mr. Doughty called Ms. McIntosh to discuss the nature of "proof" and left a voicemail message requesting a return phone call.

17) On August 4, 2004, I contacted Ms. Alice Fisher of Qwest Business Services and requested information from Qwest to prove that the FX Service was not in service. Ms. Fisher reviewed Qwest billing records back to January 1995 and verified that the FX numbers were either not in service or had been reassigned to other customers as of that time. Ms. Fisher emailed me a copy of these billing records and a statement that she had checked Qwest records back to 1995 and could find no record of the three accounts, namely: 360-662-1239, 360-662-1306, and 360-662-1326.

18) I forwarded this Qwest information to Mr. Saul on August 5, 2004 via email and facsimile.

- 19) I telephoned Mr. Saul on August 10, 2004 for a status on the refund request and left a voicemail message requesting a return phone call.
- 20) I telephoned Mr. Saul on August 12, 2004 for a status on the refund request. Mr. Saul stated that he would check on August 16, 2004 with Ms. Thacker and Ms. McIntosh for an update on the billing issue.
- 21) I received an email from Mr. Saul on August 26, 2004 that the FX disconnect orders (requested on May 24, 2004) had finally been written but had not yet been completed. Verizon continued to bill Lummi for the FX Service because the disconnect orders (O7173306 on 360-662-1239, O7173312 on 360-662-1306, and O7173314 on 360-662-1326) had not been completed.
- 22) I responded via email on August 27, 2004 to Mr. Saul's email and requested an explanation of why, after three months, the requested disconnect had still not been completed. I also asked Mr. Saul for an update on the refund issue and on Mr. Saul's query on August 16, 2004, with Ms. Thacker and Ms. McIntosh for an update on the billing issue.
- 23) With no response from Verizon, I called Mr. Saul on August 31, 2004 and asked for the status of the disconnect order. Mr. Saul replied that he had not heard back and he thought that the order may have been set aside and overlooked.
- 24) I called Mr. Saul on September 3, 2004 for status on the FX accounts and Mr. Saul replied that he had talked with Ms. McIntosh on September 2, 2004 and that she had just finished a big project. Mr. Saul had asked her to provide a status to me, which she did not do. Mr. Saul said he would email Ms. McIntosh and ask her again to contact me.

- 25) I emailed Mr. Saul on September 8, 2004 to ask if Mr. Saul had received a response from Ms. McIntosh since I had received absolutely no response from Ms. McIntosh despite repeated requests. Mr. Saul replied via email on September 10, 2004 that “my feedback from billing group indicates they have completed the research associated with this request.” No additional information was provided in the email.
- 26) I then contacted the Washington Utilities and Transportation Commission on September 10, 2004 and spoke with staff person Alison Chamberlin about filing a complaint and she explained the process of trying a last chance before she would call her contact in the Verizon Escalation Group. I agreed and said I would wait to see if Mr. Saul would call on September 13, 2004 with any additional information.
- 27) Mr. Saul did not call on September 13, 2004 so I called the Verizon general billing group to check on the disconnect status and spoke with Stephanie. She said that the 360-662-1239 account has gone “final” but had not completed yet. She reviewed the account notes and stated that there appeared to be “technical problems” and also mentioned problems in coordinating this joint service with Qwest.
- 28) Mr. Saul called me on September 14, 2004 and stated that the Billing Group response mentioned in his September 10, 2004 email was indeed final. He said that Ms. Thacker told him that “perhaps the customer should contact the PUC” and that he (Mr. Saul) was surprised at her response.
- 29) On September 17, 2004, I received a voicemail message from Cynthia E. Padgett, Verizon BPC Westfield IN Executive Appeal Point of Contact asking for a copy of the NWCRG Letter of Authorization (LOA) to examine documents and data in the possession of Verizon and their vendors on behalf of Lummi which was subsequently

sent to her via facsimile. Ms. Padgett claimed that she would review what she referred to as the "PUC Appeal" and would attempt to resolve the matter (the FX Service refund for past billings) "as quickly as possible."

30) I contacted Ms. Padgett on September 17, 2004 via telephone and discussed the FX Service and the requested refund. Ms. Padgett stated she would review the relevant tariffs and provide an informal response back to the Commission. She raised the possibility during the conversation that Qwest may have to pay if they were the lead company for the joint FX service and had failed to notify Verizon of a disconnection order. Ms. Padgett said she would investigate to determine which company was the lead company for the FX Service.

31) I emailed Ms. Padgett on September 17, 2004 copies of the Qwest information (described in paragraph 17) provided by Ms. Fisher on August 4, 2004.

32) I spoke with Ms. Padgett on September 24, 2004 to determine the status of her review. Ms. Padgett stated that she would present the Qwest information to her supervisor (Ms. Denise McIntosh, also the supervisor of Ms. Karen Thacker with whom I had previously had several email exchanges on the FX refund request) in a few days to see if that information would justify a credit.

33) On October 4, 2004 I received an email from Mr. Saul that stated the FX disconnect order had been completed and that credits, for service that Verizon continued to bill for after the disconnect order, consisting of \$3,072.46, \$173.64 and \$1,053.50 had been posted to the FX accounts.

34) I contacted Ms. Padgett via telephone on October 5, 2004 to inquire about her review of the requested FX credits. Ms. Padgett stated that her supervisor is reviewing the

Qwest provided information but would provide no estimate of how long the review would take. Ms. Padgett told me that she would let me know when a decision was reached.

35) I called Ms. Padgett on October 27, 2004 to obtain a status on the review and left a voicemail message requesting a return telephone call.

36) I received an email on October 28, 2004 from Ms. Padgett in which she stated that Verizon could find no justification to provide a refund of charges billed for the FX Service as requested.

37) I contacted Ms. Chamberlin of the Commission on October 28, 2005 to initiate an informal complaint against Verizon regarding their billing for non-existent service. She was provided copies of emails described in previous paragraphs as well as copies of the Verizon FX bills.

38) I spoke via telephone on November 4, 2004 with Ms. Chamberlin and she stated that Verizon had responded back to her and that the Verizon legal department felt there was no justification for a refund.

39) According to public records, on November 29, 2004 Ms. Chamberlin submitted an email request # 91810, to Qwest to obtain information regarding a Cancellation Order to Verizon and Confirming Notice of Disconnect to customer for the three FX accounts. There is no indication in the Commission informal complaint (#91515) file that a response was received.

40) According to public records, on December 9, 2004 Ms. Chamberlin submitted an email request to Verizon (to Ms. Bonnie Sanford), to obtain information regarding “the technical specifications of the Lummi Verizon FX system/wiring and so forth, in relation to how it was connected to the Qwest system.”

- 41) According to the public record, Ms. Sanford responded to the Commission via email, on December 16, 2004 to the request in paragraph 40 with an offer of a 12-month refund. A dollar amount was not provided but the monthly billing X 12 equals \$ 11,472.
- 42) According to the public record, on December 21, 2004 Ms. Chamberlin responded via email to Ms. Sanford of Verizon and reiterated the request for information described in paragraph 40.
- 43) On December 29, 2004, I spoke with Ms. Chamberlin via telephone and discussed the status of her efforts to resolve the dispute with Verizon. Ms. Chamberlin told me that Qwest agreed that they (Qwest) were probably receiving mileage charges from Verizon for the jointly provided FX service even though the Qwest billing had stopped.
- 44) According to the public record, Ms. Sanford, of Verizon, responded on January 14, 2005 via email, to Ms. Chamberlin's second request for information (paragraph 40) and expressed "difficulty locating a schematic drawing of what was in place since the account has been disconnected and the installation was so long ago."
- 45) According to the public record, Ms. Chamberlin responded on January 21, 2005 via email, to Ms. Sanford and requested: "Can you have in-house engineers look at the specs and go from there? We really do need at least a best guess schematic of how the system was connected."
- 46) There is no response to Ms. Chamberlin's request recorded in the public record.
- 47) According to the public record, Ms. Chamberlin emailed Ms. Sanford on February 9, 2005 for an answer to the question posed in the January 21, 2005 email.

- 48) According to public records, Ms. Chamberlin received a telephone call on February 10, 2005 from Ms. Sanford who discussed the requested schematic requested in the email of December 9, 2004, and the apparent lack of data to prepare one.
- 49) On February 25, 2005, I spoke with Ms. Chamberlin via telephone and discussed the status of Ms. Chamberlin's efforts to resolve the dispute with Verizon. Ms. Chamberlin said that Verizon was having difficulties in providing the requested technical information and Verizon asked what the bottom line was for the dispute. Ms. Chamberlin replied that a formal complaint by the customer was the most likely outcome. Verizon replied to Ms. Chamberlin and reiterated that Verizon had provided the service during the period and had facilities tied up with the service. Ms. Chamberlin replied in that case could they provide documentation of the provided service. Verizon did not reply. Ms. Chamberlin decided to give Verizon another week for a final response to the complaint before ending the informal complaint process.
- 50) According to the public record, the next response from Verizon was a voicemail message to Ms. Chamberlin on March 16, 2005 in which Ms. Sanford said that Verizon had decided to increase their refund offer to two years of credit. No information was provided with respect to the specifications requested.
- 51) I reviewed the two year refund on March 28, 2005. I determined that this two year offer included the credits described in paragraph 33 that had been issued because Verizon continued to bill for their portion of the non-existent FX service for approximately four months after they had received a written disconnect order. In addition, the offer contained inconsistencies and mathematical errors and conditions unacceptable to Lummi.

51) Lummi did not approve of the settlement.

VERIFICATION:

I, Richard Doughty, verify under penalty of perjury, that the foregoing Compliant is true to my best knowledge and belief under the Laws of the State of Washington.

Dated this ____ day of January, 2006.

State of Washington)
)
County of _____)

On this ____ day of _____, 2006, before me the undersigned, a Notary Public in and for the State of Washington, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that (s)he executed the same.

Witness my hand and official seal:

Signature: _____

RICHARD G. DOUGHTY

FIRM POSITION Mr. Doughty is a Senior Auditor with NWCRG with responsibilities in cost reduction projects, operations reviews, network design, network operations and management, and system selection and implementation.

JOB EXPERIENCE

1988-Present	Communication Consulting	Principal
1987-88	Technology Management Group	Senior Consultant
1986-87	Tel Time, Inc.	Vice President, Operations
1984-86	Touche Ross & Co.	Senior Technical Consultant
1978-84	Boeing Computer Services, Co.	Manager, National Network
1968-78	Martin Marietta Corporation	Senior Engineer

EDUCATION AND CERTIFICATION

- Master of Science, Engineering Design and Economic Evaluation, University of Colorado
- Bachelor of Science, Electrical Engineering, Northwestern University
- Member, Society of Telecommunications Consultants
- Numerous management and technical courses including:
 - Network Analysis Software, Contel
 - Satellite Communications Seminar, AIAA
 - Network Management Hardware, AT&T
- Member of consultant liaison programs for: AT&T/Lucent, NEC, Northern Telecom, Siemens Rolm, Octel, Mitel, Wiltel, MCI, Sprint, US West, GTE, Pacific Telesis (Pacific Telephone), Bell Atlantic (Bell of Pennsylvania, Diamond State Telephone, C & P Telephone), and Ameritech (Illinois Bell, Michigan Bell, and Indiana Bell).
- Senior Member, American Institute of Aeronautics and Astronautics, since 1969

PUBLICATIONS AND PRESENTATIONS

- "Putting Your Telecom Plan Into Action"
TCA March 1987
- "Telecommunications, An Emerging Force in Today's Business"
Advanced Technology Task Force Symposium, 1987
- "Retaining High Tech Personnel", Machine Design, May 1986
- "Programming Language for Allocation and Network Scheduling"
ORSA/TIMS National Meeting, 1977
- "Modeling the Transition to the Space Shuttle"
8th Annual Pittsburgh Conference on Modeling and Simulation, 1977
- "PLANS/OPERA Software Applications for NASA and DOD"
Department of Defense Conference, Denver, 1976