

ORIGINAL

BEFORE THE ARIZONA CORPORATION C



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COMMISSIONERS

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AZ CORP COMMISSION  
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Arizona Corporation Commission

DOCKETED

NOV 14 2011

DOCKETED BY

GEORGE BIEN-WILLNER, for  
GLENDALE & 27<sup>TH</sup>  
INVESTMENTS,  
LLC

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

) DOCKET NO. T-01051B-10-0200

TESTIMONY OF  
GEORGE BIEN-WILLNER

Pursuant to Administrative Law Judge Kinsey's order dated August 3, 2011, which requires Complainant to file written testimony and exhibits on or before November 14, 2011, I, George Bien-Willner, submit the following testimony (patterned after testimony filed in Arizona Corporation Commission Docket Number W-02168A-10-0247, which Judge Kinsey highlighted during a hearing in this matter on July 11, 2011, as an example of written testimony). I reserve the right to amend and/or amplify this testimony at the hearing to take place on February 13, 2012, or at any other time as additional and/or new information becomes available to me.

**Q: Please state your name and business address.**

A: My name is George Bien-Willner. My main business offices are located at 3641 N. 39<sup>th</sup> Avenue, Phoenix, AZ 85019.

**Q: What is your current employment position?**

A: Among other businesses I manage, I am the managing member of Glendale & 27<sup>th</sup> Investments, LLC, which owns and operates the Sterling International Hotel. This formal complaint concerns Qwest's billing for telephone services at the Sterling International Hotel, and Qwest's wrongful charging for many years for services never ordered or used by me or the Sterling International Hotel.

**Q: Briefly describe your responsibilities with respect to the Sterling International Hotel.**

A: I am the ultimate manager and decision-maker for Hotel, including with respect to the Hotel's suppliers and business relationships, including telephone services. Qwest was aware of my position of ultimate authority with respect to its services at the Hotel during the course of its billing at that property, as I will testify and as reflected in numerous Qwest internal documents.

**Q: Briefly describe your educational background and professional experience.**

A: I completed my primary education in Buenos Aires, Argentina, where I was

born. I obtained an academic scholarship to attend Arizona State University, where I graduated with a Bachelor of Science degree in Business, with a minor in Chemical Engineering. I also completed postgraduate work in Immunohematology (I served as a senior manager and board member for several South American divisions of Johnson & Johnson). Since the early 1970s, I have served as the founder and chief executive of several businesses in Arizona focusing in, among other ventures, real estate, retail goods and manufacturing. I have also served as a board member of several organizations, including a water utility.

**Q: Why did you file a Formal Complaint?**

A: The Hotel had experienced many years of deficient service and incorrect billing from Qwest. *See Exhibits A, B, and C.* Indeed, while it continues to dispute many of the allegations in the Complaint, Qwest has admitted, among other things, that (1) its bills concerning the Hotel were erroneous and (2) it issued a refund of over \$800 related to the billing in question, representing only a small fraction of the time period in dispute. *See Qwest Answer to Amended Complaint, dated September 26, 2011.* Qwest refused to participate in an informal process before the Commission (which it has not denied), but refuses to explain the reason(s) why it has failed to comply with Commission procedures. *See Exhibit 1 (Qwest Discovery responses dated October 11, 2011) at Paragraphs 1, 25.*

**Q: What are the issues you have identified with Qwest's billing?**

A: The issues with Qwest materialized when the Hotel was first purchased in February 2004. *See Exhibit 2* (February 19, 2004 memo to Qwest, stating that only two lines would remain, and even then the menu of service would be "temporary until such time [as Qwest could make] permanent arrangements with George Bien-Willner."). As I will testify, Qwest did not even try to implement an agreed-upon menu of phone services until late 2004. Even then, it did not do so correctly or appropriately because even after that time, the issues with Qwest included: unclear, incomplete and unintelligible billing and numerous erroneous charges in the thousands of dollars. *See, e.g., Exhibit 3* at page 2 (Qwest issued a credit of \$1366.81 for billing at the Hotel in September 2004 for erroneous billing).

Many of the deficiencies in Qwest's billing procedures are highlighted by Commission Staff in an email exchange between Commission staff (Connie Walczak and Carmen Madrid) and Qwest in 2010, and are never adequately answered by Qwest. *See Exhibit 4*. In fact, Qwest's answers are evasive and, in my opinion, contemptuous. I believe the reason for this is that Qwest simply billed me for any charges it thought it could get away with.

As I will also testify and corroborating evidence also supports, the issues with Qwest's billing and provision of telephone services were manifold, and were never fully resolved while they were our service provider; the overbilling for "toll trunks," which we never ordered and was never explained to us, were never

addressed except for an \$810.89 credit issued to us, which Qwest now tries to characterize as a form of settlement, rather than an admission of liability. I will testify that Qwest issued many other refunds to me for its billing at the hotel, and each of which was also grounded in fact and mistaken billing by Qwest, not “customer accommodation” or a “settlement” as Qwest now tries to characterize the refund for \$810. *See, e.g., Exhibit 3.*

In its answer to the Amended Complaint, Qwest states that [I never complained] about the billing in question. **This is false.** In fact, as discussed above, I repeatedly complained about all of the billing for the Hotel, which resulted in several credits, and which concerned all of the hotel accounts and charges, which no one could understand. *See, e.g., Exhibit 5* (exemplar letters to Qwest and internal Qwest email concerning ongoing Hotel service and billing issues). Indeed, Qwest’s own employees were not even able to understand the services I for which I was being billed:

*Hi Andre, you helped me the other night with 602-275-4990. It disconnected December 09 This account had an additional line with 4 trunks. I think you told me they were outgoing 800 lines. Did you find out anything else that would help me on this[?]? I am not familiar enough with the product and I was going to see if there was any other information I could use.*

Exhibit 6 (Julie Layne email of June 10, 2010) (emphasis added).

**In other words, Qwest’s very own employee, who was tasked with looking into this matter in response to Commission inquiries, (a) believed the services may have related to 800 numbers and, more importantly, (b) like Complainant, could not possibly understand the nature of the services being**

**billed for by looking at Qwest's bill – instead, she was forced to consult with a specialist at Qwest to try to understand the cryptic billing, and even the specialist could not clearly understand or explain the billing.**

**Q: Who at Qwest was aware of the improper billing you allege?**

A: I repeatedly alerted numerous Qwest personnel to the billing issues I was encountering. I also will testify that we raised the serious billing issues I encountered with various levels of Qwest management, including its Chairman (See Exhibit 7, January 27, 2010 letter to Edward A. Mueller). I intend to seek further discovery on these persons before the hearing.

**Q: How much money has this situation cost you?**

A: I estimate my out-of-pocket damage at this time to be \$25,000, which includes the substantial time my staff and I have been forced to expend to fight with Qwest to try to obtain relief. Qwest has acknowledged the damage I have suffered by crediting me \$810.89 for the period of July 2010 through December 2010, when the services were finally cancelled. By Qwest's own standard (which I believe understates the amount, and certainly does not include amounts for my time and expenses in trying to recover these amounts), I would be owed at least \$9,700, plus interest. See Amended Complaint (filed with Commission on September 2, 2011) at Paragraph 13.

**Q: Do you have reason to believe that Qwest has similarly failed to follow law and procedure and incorrectly billed and/or overcharged other customers?**

A: Without question. In fact, a Qwest document produced to me at my request through discovery admits, among other things, that Qwest's "small business rules are different [Qwest's small business group] dont [sic] require paperwork they use the rmcs we dont [sic] have any paperwork it appears the bill was being paid every month spoke with collector Cheryl she had never had a conversation, most of time paid thru vru, this office wouldnt [sic] keep paperwork for [small business group] and [small business group] didnt [sic] require." See Exhibit 4 at page 5 (Jo Ann Hensley email/conversation notes of November 2010) (emphasis added).

While Qwest's document states that its other business groups apparently "require forms and keep copies of them" (see Exhibit 4, near bottom of page 4) as required by law, Qwest has admitted that this was not the case for the Hotel or, apparently, other customers that Qwest processed through its "SBG," or small business group.

Qwest has never once explained to me why its small business group operated (and perhaps still operates) by different rules and did not maintain any records of my order or, apparently, other customer orders.

**Q: What other facts support a violation of law and regulation by Qwest?**

A: I will testify that Qwest never adequately explained to me the Hotel the

services it was charging us for – either orally or in writing – despite repeated requests that it do so, particularly in light of the admitted errors and overcharging on the Hotel accounts.

In addition to the facts above and in my Complaint, Qwest has, on numerous occasions, taken the position that the standard for its provision of services and billing under Arizona law and regulations is one of “buyer beware.” For example, its Answer to the Amended Complaint states that “[Qwest] has no duty to assure that the customer is using” services for which it is being charged (Qwest’s Answer to Amended Complaint at Paragraph 15), which is quite remarkable given that it has never been able to produce any record showing that the “toll trunk” service was something I ordered, let alone understood, and the long history of disputes on the Hotel’s phone bills, concerning each of the items we were billed for and which Qwest could never adequately explain to us, and which its own employees and the Commission staff apparently also were unable to understand. Furthermore, Qwest employees have admitted that they could observe that the Hotel was not, in fact, using the services for which it was being billed. *See Exhibit 6, Andre Dubois email dated June 11, 2010 (“We wouldn’t see usage out on them since they were not measured, but would see any intra-lata calls. . . and I didn’t see any of that.)*

Similarly, in its response to the Commission dated 4/30/10, Qwest stated that the billing matters for the Hotel were handed in “the executive office,” and that Qwest was “sustaining the charges. Qwest continued to provide a bill each

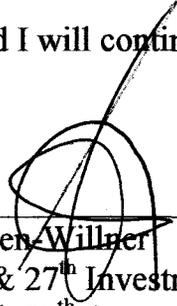
month and they did not call to disconnect or dispute it until 12/23/09.” See Exhibit 8 (Carmen Madrid letter dated May 6, 2010).

*Nowhere and at no time does Qwest, to the best of my knowledge, assert that we actually ordered the services in question or that the bill was clear or understandable; furthermore, Qwest simply ignores the long history of disputes concerning this bill, which specifically include questions about charges on the Hotel bill and numerous requests that Qwest clarify the nature and purpose of the services for which it was billing us.* Based on these facts alone, it is my opinion that Qwest’s approach to service orders and billing is clearly at odds with the spirit and letter of the applicable law and regulations governing telecommunications services and billing.

**Q: Are there any other issues you have observed to date?**

A: Qwest has either been unable to or has refused to provide me with clear records concerning my bill, to which I believe I am entitled under Arizona law and regulations. Attached as Exhibit 9 is an example of the numerous pages of illegible materials that Qwest has produced as its best records of my accounts. I have already raised this issue with Mr. Curtright and I will continue to pursue it.

DATED this 14th day of November, 2011.

  
George Bien-Williger  
Glendale & 27<sup>th</sup> Investments LLC  
3641 North 39<sup>th</sup> Avenue  
Phoenix, Arizona 85019

13 copies of this document and related exhibits are being filed with the Commission, and a copy of this document is also being mailed to Norman Curtright via U.S. mail.

**EXHIBIT 1**

Reed Peterson  
Director - State Regulatory Affairs  
20 East Thomas Road - 1<sup>st</sup> Floor  
Phoenix, Arizona, 85012

Office: 602-630-8221  
Fax: 602 630 5337  
Reed.Peterson@centurylink.com



October 11, 2011

*Via U.S. Mail*

Mr. George Bien-Willner  
Glendale & 27<sup>th</sup> Investments LLC  
3641 North 39<sup>th</sup> Avenue  
Phoenix, Arizona 85004

Re: Docket No. T-01051B-10-0200  
Responses to Complainant's Interrogatories and Requests for Production

Dear Mr. Bien-Willner:

Enclosed please find CenturyLink/Qwest's Responses to Complainant's Interrogatories and Requests for Production dated March 3, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Reed Peterson".

Enclosures

## DISCOVERY INTERROGATORIES

1. Whom did Qwest inform at the Arizona Corporation Commission that Qwest would not agree to participate in the "informal hearing process" in accordance with Arizona R14-2-510, and why did Qwest refuse to participate in this specific process?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

2. In accordance with Arizona State Legislation No. 40-361, has Qwest complied with the legislative requirements concerning all account billings by Qwest to George Bien-Willner during the period of January 2004 through December 31, 2005.

RESPONSE: Yes.

Respondent: CenturyLink Legal

3. Please identify the responsible party for the Telephone No. 602-273-4326 in 2005.

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Without waiving its objection, Qwest states that the number belongs to a different customer and was not billed to complainant.

Respondent: Julie Layne

4. Please identify the responsible party for the Telephone No. 602-275-4990 in 2005.

RESPONSE:

BN1 GLENDALE & 27 INVSTMNTS  
BN2 STERLING INT'L  
BA1 3641 N 39 AV  
BA2 2ND FLR  
PO 85019 PHOENIX AZ  
BA5 DBA HOWARD JOHNSONS

Respondent: Julie Layne

5. Please identify the responsible party for the Telephone No. 602-272-0321 in 2005.

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

6. On February 5, 2010, please describe the purpose of the Qwest refund in the amount of \$810.89.

RESPONSE: As a gesture of good will, and not as an admission of liability, Qwest provided a courtesy credit equal to six months of service on billing telephone number (602) 275-4990.

Respondent: CenturyLink Legal

7. How many Commercial customer-billing disputes did Qwest receive for telephone services during the calendar years 2008, 2009 and 2010?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

8. How many Commercial customer complaints were submitted to the Arizona Corporation Commission by the customer for a third party resolution of the contested billing during the calendar years 2008, 2009 and 2010?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

9. How many individual business category Arizona Corporation Commission complaints for improper billing's has Qwest resolved through the Arizona Corporation Commission during the calendar periods of 2008 through January 2011?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Qwest further objects to this request on the grounds that the use of the word "resolved" is vague and ambiguous.

Respondent: CenturyLink Legal

10. Who was the Qwest account manager assigned responsibility for the Qwest account services provided to Glendale & 27th Investments, LLC during the transition of ownership in 2004 and 2005 calendar years?

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Pattie Fenner  
Julie Layne

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11. During the years 2004 through 2011 how many customer billing disputes have been resolved with Qwest through the Arizona Corporation Commission Informal and Formal Hearing process?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

12. Please explain why Complainant's account was billed for the government account/telephone # 602-273-4326 (is referenced as that certain Chantel Scheen memo dated Tuesday, September 14, 2004).

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Qwest further objects on the basis that the request mischaracterizes the facts within the 9/14/04 memo from Chantel Scheen, which simply states that the telephone number provided in previous correspondence from the complainant was not one of the complainant's accounts. Without waiving its objections, Qwest states that the Complainant's accounts have not been billed for service to 602-273-4326.

Respondent: Patty Fenner  
Julie Layne

13. What authority did Jim Holstrom have as the "Account Manager" of this account under the direction of Elaine Hinchcliffe, Senior Account Executive?

RESPONSE: Qwest objects on the basis that the question concerning authority is vague and ambiguous and does not provide any factual predicate as to the basis for the question or the reference to Jim Holstrom. Also, see the response to Set 1, No. 006 and Set 2, No. 010.

Respondent: Pattie Fenner  
Julie Layne

14. How many Qwest credits have been issued for the subject Qwest Glendale & 27th Investments, LLC account by date commencing March 2005 through February 23, 2011, for what amount, and why were they issued?

RESPONSE: Qwest's records with respect to the subject account, i.e. 602-275-4990, reflect the following credits.

2005 none  
2006 none  
2007 none  
2008 none  
2009 none  
2010 Please see response to Request 6.

Respondent: Julie Layne

15. What was the intended purpose of multiple communications between Account Manager Jim Holstrom and George Bien-Willner during the period including February 2004 through 2005, also provide a description of any results of these communications.

RESPONSE: Qwest has no record regarding the existence or content of the alleged communications.

Respondent: Julie Layne

16. How many times has Jim Holstrom met with Qwest customer George Bien-Willner; please specify where, when, for what specific issues and the outcome of each meetings?

RESPONSE: Qwest has no record regarding the existence or content of the alleged communications.

Respondent: Julie Layne

17. How many times has the Qwest Account Manager, Jim Holstrom been to the Sterling International Hotel (former Howard Johnson) at 124 S. 24<sup>th</sup> Street, Phoenix Arizona 85034?

RESPONSE: See response to No. 15 and No. 16 preceding.

18. What specific telephone account numbers were assigned to Glendale & 27th Investments, LLC by Qwest at the time of the transfer of ownership from Howard Johnson in February/March 2005 to George Bien-Willner (DBA) Glendale & 27<sup>th</sup> Investments, LLC, and what were the specific departments and or use within the Hotel that these numbers were assigned?

RESPONSE: Qwest is unable to produce the requested information without the account number under which each of the customer's assigned telephone numbers is billed because Qwest telephone account records cannot be searched by customer name. While some of the communications from the customer to Qwest provided a list of telephone numbers, Qwest is not able to verify that the list of numbers is correct or complete. Qwest has no specific knowledge of how the assigned telephone numbers were assigned or used within the Hotel.

Respondent: Julie Layne

19. Who is the owner of Qwest as of February 24, 2011; who is the President or other Chief Executive Officer?

RESPONSE: Qwest Communications International, Inc. (QCII) is the owner of Qwest Corporation and QCII is a publicly traded corporation. Ed Mueller was the Chief Executive Officer of QCII on February 24, 2011.

Respondent: Qwest Legal

20. Who was the Qwest Account Manager for the Glendale & 27th Investments, LLC accounts, including the account in dispute prior to February 24, 2011?

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Julie Layne

21. Who is the current Qwest Account Manager of the Glendale & 27<sup>th</sup> Investments, LLC as of February 24, 2011.

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Julie Layne

22. Who is the Qwest Account Manager as of February 24, 2011 for the Glendale & 27th Investments, LLC account in dispute?

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Julie Layne

23. How many billing dispute complaints have been received by telephone or other means by Qwest for the subject Glendale & 27th Investments, LLC since the account was opened in 2004?

RESPONSE: Qwest objects on the basis that the phrase "billing dispute complaints" is vague and ambiguous. Qwest Corporation also objects on the grounds that the information sought, with the exception of information relating to the telephone number (602) 275-4990, is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving its objection, information concerning communications between Qwest and Glendale & 27<sup>th</sup> Investments, LLC since 2004 regarding telephone number (602) 275-4990 is contained in Qwest's response to Set 1, No. 4 and in Confidential Attachments A, B, C, D, E, F, G and H.

Respondent: Julie Layne  
CenturyLink Legal

24. What are the specific Qwest account complaints concerning Glendale & 27th Investments, LLC that have been resolved since the account opened in 2004, and what are the specific complaints concerning contested billings which have not been satisfactorily addressed as of February 23, 2011?

RESPONSE: Qwest objects on the basis that the phrase "Qwest account complaints" is vague and ambiguous. Notwithstanding and without waiving its objection, please refer to Qwest's response to Set 2, No. 23 for information concerning communications between Qwest and Glendale & 27<sup>th</sup> Investments, LLC since 2004.

Respondent: Julie Layne

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25. As Arizona law pertains to R14-2-510, and why did Qwest refuse to participate in the specific process and refuse to comply with this tribunal Procedural order dated November 4, 2010?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

#### DISCOVERY REQUEST FOR PRODUCTION

26. Please provide documentation regarding the official outcome of all George Bien-Willner/Qwest billing Complaints, complete with all written responses, notes and phone/fax/log entries regarding the billing and customer service issues raised by George Bien-Willner's correspondence to Qwest dated August 26,2004.

RESPONSE: See Qwest's response to Set 2, No. 23 preceding.

Respondent: Julie Layne

27. Please provide all handwritten recorded notes, logs, electronic communications, and documented records of Qwest's personnel communications with Sterling International/Glendale & 27<sup>th</sup> Investments, LLC and/or George Bien-Willner for any billing period which includes January 1,2006 through February 28,2011.

RESPONSE: Please see response to Set 2, No. 23 preceding.

Respondent: Julie Layne

28. Please provide a list of all involved employees of Qwest (2004 through 2005) who have any knowledge of the customer service issues, billing disputes, customer service recordings, telephone billing discussions, account change orders and all written communication concerning Glendale & 27<sup>th</sup> Investments, LLC/George Bien-Willner regarding Qwest accounts identified as; 602-275-4990, 602,269-2626, 602-220-0044, 602-220-0174,602-244-8221, 602-224-822 1, 602-273-4326, 602-233-2602 and 602-273-0327. With regard to each employee, please provide the employee's full name, title class position during the period including January 2004 through December 31, 2005, the scope of each employee's individual responsibilities and authority. A list of employees for which this information is requested includes, but is not limited to, Chantel Scheen, Jim Holstrom, Elaine Hinchcliffe, Tod Collins, Richard C. Notebaert, Max Iwaniec, Annette Kreger, Tom Carlson and Beth Johnson.

RESPONSE: Qwest objects on the basis that the numbers listed, with the exception of 602-275-4990, are not the subject of this complaint. With respect to the subject account, see response to Set 1, No. 4 and Set 2, No. 23 preceding. Qwest further objects on the basis that the question concerning authority is vague and ambiguous and does not provide any factual predicate as to the basis for the question or the reference to the listed individuals.

Respondent: Qwest Legal

29. With regard to Arizona Administrative Code Title 14, Ch.2 R-14-508- H, regarding (Billing & Collection), there having been a change of responsibility or occupancy in 2004, please provide supporting documentation of the arrangements, terms and conditions of the Howard Johnson/Qwest's acceptable agreement achieved prior to the new subscriber accepting billing responsibility for the Qwest telephone numbers of Howard Johnson, 124 S. 24<sup>th</sup> Street, Phoenix, Arizona 85034 in 2004.

RESPONSE: See Confidential Attachment A and response to Set 1, No. 4.

Respondent: Julie Layne

30. Please provide a copy of the CTX21 contract on 602-244-8221 applicable in 2003, 2004, and 2005.

RESPONSE: Qwest objects on the basis that the requested information is beyond the scope of the complaint.

Respondent: CenturyLink Legal

31. Please provide copies of all logs, tapes, disc's, and all written & verbal communications, and recordings of all Qwest telephone business communications transacted in Qwest's billing department between Qwest management, employees, agents, and Qwest representatives (to include their individual names) employed during the period of February 2004 through January 2005.

RESPONSE: Qwest Corporation objects on the grounds that the information sought is overly broad, is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Without waiving this objection, see Qwest's response to Set 1, No. 4 and Set 2, No. 23.

Respondent: Qwest Legal

32. Please provide the official outcome of the George Bien-Willner/Qwest billing complaints with all written responses, notes and phone/fax logs entries to the specific correspondence billing and customer service issues raised by George Bien-Willner's correspondence to Qwest dated September 28, 2004.

RESPONSE: Qwest objects on the basis that the information sought is beyond the scope of the stated complaint. Without waiving this objection, Qwest states that it has no record of the referenced correspondence from George Bien-Willner dated September 28, 2004.

Respondent: Julie Layne

33. Please provide the results of the George Bien-Willner Qwest billing complaints with all written responses, notes and phone/ fax logs entries to the specific correspondence billing and customer service issues raised by George Bien-Willner's correspondence to Qwest dated May 10, 2005 (sent to Qwest via facsimile to 602-604-7982 and 303-896-85150).

RESPONSE: Qwest objects on the basis that the information sought is beyond the scope of the stated complaint. Specific issues raised by the referenced correspondence do not relate to telephone number 602-275-4990 and are not related to the allegations made in the complaint.

Respondent: Julie Layne

34. Please provide a complete itemized review (with a detailed explanation of each line item category) billed by Qwest to the Glendale & 27th Investments, LLC for the calendar billing months of February 2005, March 2005, April 2005, May 2005 and June 2005.

RESPONSE: Please see Confidential Attachments A-E, which include the bills for 602-275-4990 for February through June 2005.

Respondent: Julie Layne

35. Please provide a complete list of credits, which have been issued to Glendale & 27th Investments, LLC commencing in March 2005 through 2006 with an explanation as to why Qwest issued the credit.

RESPONSE: Please see response to Set 2, Nos. 6 and 14 preceding.

Respondent: Julie Layne

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**EXHIBIT 2**

**GLENDALE & 27<sup>TH</sup> AVE  
INVESTMENTS LLC**

**3641 N. 39<sup>TH</sup> AVE PHOENIX, ARIZONA 85019  
TELEPHONE: (602) 269-2626 FAX: (602) 269-1058**

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**INTEROFFICE MEMORANDUM**

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**TO: BETH JOHNSON, QWEST COMMUNICATIONS  
FROM: PAMELA RUSSELL FOR GEORGE BIEN-WILLNER  
SUBJECT: CHANGE OF OWNERSHIP ON 2 ACCOUNTS  
DATE: FEBRUARY 19, 2004  
FAX: 1-800-334-4014**

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**HELLO BETH, THIS CONFIRMS OUR TELEPHONE CONVERSATION THIS MORNING REGARDING  
THE FOLLOWING TWO TELEPHONES (ACCOUNT NUMBERS):**

**602-244-8221-880B & 602-275-4990-951B**

**GEORGE BIEN-WILLNER IS THE NEW OWNER OF THE HOWARD JOHNSON HOTEL AT 214 S 24<sup>TH</sup>  
STREET, PHOENIX, AZ. THE ACCOUNTS MUST BE PUT IN THE FOLLOWING NAME AND BILLED TO  
THE FOLLOWING ADDRESS:**

**HOWARD JOHNSON HOTEL  
GLENDALE & 27<sup>TH</sup> AVENUE INVESTMENTS  
C/O STERLING INT'L INC.  
3641 N 39<sup>TH</sup> AVENUE,  
PHOENIX, ARIZONA 85019**

**THIS INFORMATION MUST BE IN PLACE PRIOR TO TUESDAY, FEBRUARY 24, 2004 AT WHICH TIME  
THE PREVIOUS OWNERS/MANAGEMENT WILL NOT BE RESPONSIBLE FOR THESE TELEPHONES.**

**THE CONTRACTS INHERITED WILL BE TEMPORARY UNTIL SUCH TIME AS TOM CARLSON (THE  
EXISTING QWEST PERSON HANDLING THESE ACCOUNTS) MAKES PERMANENT ARRANGEMENTS  
WITH GEORGE BIEN-WILLNER. YOU PROMISED ME THAT HE WILL CALL GEORGE AT 602-840-8108  
FIRST THING TOMORROW MORNING. IT IS IMPERATIVE THAT HE FOLLOWS THROUGH AS WE  
DISCUSSED DURING OUR TELEPHONE CONVERSATION TODAY, WE WILL HOLD QWEST  
RESPONSIBLE IF THESE PHONE LINES ARE DISCONNECTED AND OUR NEW BUSINESS JEOPARDIZED.**

**ON A LIGHTER NOTE, THANK YOU SO MUCH FOR HELPING ME THIS MORNING. I APPRECIATE  
IT.**

**SINCERELY, PAMELA RUSSELL**

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**EXHIBIT 3**

Subject: RE: George Biel-Wellne 602 273 0321-288

Hi Annette -

I am familiar with this account. Most of it has been handled by my Account Manager, Jim Holstrom, however there is some background you should have.

George Bien-Willner purchased a Howard Johnson hotel in Phoenix in late March of this year. The supercedure to the new name for all of their accounts was done by the Business Office. Apparently the Rodehouse account was missed, and the customer refused to pay the bill until the name was corrected. It is noted on the account that there have been attempts made to change the name, but to date that has not been completed. The last indication that I had from Credit was that they would be making the change effective September, and therefore the outstanding bill would have remained with the former owner of the account. I passed this information on to the customer on Thursday Sept 23.

On the 24th the account was cut off for non-pay. I was under the impression that the account was being supered and added to the main account (602 244-8221 883) and informed the customer that this kind of change would entail a short period of time out of service, normally not more than a few minutes. Since that time I have been informed that the account must be paid in full before it can be turned up again. Jim Holstrom has left several messages for them to that effect.

The customer is in the habit of requesting credits and withholding payment on their bill. I am forwarding the last email that I had with my Account Manager on this. Since I will be out of the office for the balance of the afternoon, and I know that Jim is very familiar with this customer as well, you may want to speak with him. His direct number is 206 554-2160. I will try to contact you again on my return to the office.

Cheers,  
Elaine Hinchcliffe  
Senior Account Executive  
Qwest National Business Accounts  
602 604-4674 office  
480 600-0058 wireless  
elaine.hinchcliffe@qwest.com

Thank you for choosing @west!

-----Original Message-----  
From: Kreger, Annette  
Sent: Monday, September 27, 2004 12:49 PM  
To: Hinchcliffe, Elaine  
Cc: Cook, Ian  
Subject: George Biel-Wellne 602 273 0321-288

This is the cuts I left you a vim. about today. I have called cmc to restore until we can get this straightened out. Please call Mr. Biel-Wellne on his cell 602 738 7227.

1. We need the chg of resp done, 2) he keeps talking about the rate he is to be charged because of the large amount of lines he has, and 3) says you promised to cry this bill in full. Thanks, Annette Kreger  
Qwest Executive Office

9-29

**STERLING INTERNATIONAL**  
**BILLING CORRECTIONS**

1. 602 244-8221 883:  
Superceded on 3/23/04, but backbilled to 2/19. Credit  
\$968.48
2. 602 273-0321 288:  
Never correctly superceded. Will be moved to correct  
name, outgoing party will be responsible for  
outstanding \$611.53
3. 602 234-0865 608:  
Tech charge of \$265 to be credited
4. 602 233-2602 103:  
Out of service credit of \$133.33 due.

Total outstanding bill for all accounts is now 3536.02. This does not include #2. Pending credit of \$1366.81 (all credits are in process), the outstanding due is \$2169.21 is due and payable. Once the balances are paid, there will be a summary bill created (this cannot happen until all bills are current), which will have all of the accounts together, but separated out for accounting purposes.

\*\*\*\*\*  
THE CHG OF RESP WAS DONE WITH EBD TO 9-22 AND FINAL BILL SENT TO JIM AT QWEST;  
order processed comp 9-29 ebd 9-22  
adv cust

10-1 CUSTOMER NOW UPSET GOT A DISC NOTICE FOR 6022448221 (SEE ABV EMAIL FROM  
ELAINE (CR \$968.48) AND WANTS CALL BACK FROM ELAINE.

called cmc to temp trt --- did make \$600 pmt today. sent email to Elaine.  
will close file as is in hands of sls person elaine.

**EXHIBIT 4**

By looking at their bill would they be able to tell that they were being charge for this service?

Trunk toll or 800?

\*\*\*\*\*end\*\*\*\*\*

From: Connie Walczak [mailto:CWalczak@azcc.gov]  
Sent: Tuesday, November 16, 2010 11:43 AM  
To: Layne, Julie  
Cc: Carmen Madrid  
Subject: RE: Complaint by George Bien-Willner  
Importance: High

Hi Julie,

I have been working with Carmen on Mr. Bien-Willner's informal complaint. When Qwest's response was reviewed and provided to Mr. Bien-Willner he requested that the complaint be escalated to the next step. By this request, the informal complaint was closed and a Formal Complaint Package was mailed by Carmen Madrid. I now believe that if we had received a more thorough response or perhaps asked more detailed questions, we may have been able to avoid further action.

During a pre-conference hearing, both parties agreed that a mediation to discuss a settlement agreement would be their preferred next step. The Administrative Law Judge referred it to Consumer Services and recommended the requested mediation be scheduled. While reviewing the informal complaint for possible mediation, I questioned Carmen about an April 30, 2010 email from you that said, "..... A peer of mine handled this in the executive office in February. We are sustaining the charges. Qwest continued to provide a bill each month and they did not call to disconnect it or dispute until 12/23/09. I am attaching a copy of the letter that we sent to the customer." In the 2/5/10 letter written by Margaret Basse, in part she responded to John Miranda with the following:

"I reviewed your account, 602 275-4990 051, back to February 2004 when the change of responsibility occurred. There are no notations to indicate you requested the disconnection of this account until December 23, 2009. The majority of the notations on the account were regarding Kathy calling monthly to make the payment."

Before moving forward with this complaint, a formal complaint or mediation I would like to verify a couple of Carmen's latest questions. One, when service is transferred from one entity to another (such as the 2004 acquisition), what is provided to the new owner indicating the exact services that Qwest was providing and will be providing? Did he just accept all services that had been provided to the previous owner?

Two, in the original complaint (86036), the nature of complaint was regarding an 800 number, it was never mentioned that this was not an 800 number, but rather a 'trunk toll', why would this not have been clarified in Qwest's response?

Three, when a Qwest bill was rendered on this account, was this service clearly billed so the customer could have questioned these particular charges or paid it? Staff requests a copy of a bill that provides this information (between 2/2004 and 6/2009). Please indicate the charges as they appeared on

the bill.

Four, what is the normal process followed by Qwest when this type of change occurs? Was this transferring of service handled in the normal process? If not, please explain.

Julie, I feel the answers to these questions will provide a much clearer explanation of how this may have occurred and shed light on our investigation. Hopefully, a response to these four questions can be provided today.

Thanks for your assistance in this matter.

Connie

\*\*\*\*\*end\*\*\*\*\*

11/17 430 chantel scheen doesnt answer on 206-764-9636, called her next in line mary hengen 480-855-5209 suggested i called myla kratzke 206-808-1163 lwtc

11/17 440 206-808-1163 myla kratzky soa is statement of account

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

From: Layne, Julie  
Sent: Wednesday, November 17, 2010 5:01 PM  
To: 'Connie Walczak'  
Subject: RE: Complaint by George Bien-Willner



AZ4990.pdf



One

Answer

We would have requested something in writing for all of the accounts from both the incoming and outgoing parties. He would have had to write down which accounts he wanted to change responsibility on. In some cases only verbal verification is required.

Two

Answer

I apologize that it was not clarified. It didn't change the outcome, the bill was correct as billed. If he did not understand the bill or what he was paying for, he should have called.

Three

Answer

I have attached a bill from March 2004. The services list Trunk Special Toll

Four

Answer

The normal process is either the new or the old party contacts Qwest. We let them know who need to obtain consent from both parties. We followed the correct process.

Julie

\*\*\*\*\*end\*\*\*\*\*

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

CONFIDENTIAL

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From: Layne, Julie  
Sent: Wednesday, November 17, 2010 5:19 PM  
To: 'Connie Walczak'  
Subject: FW: Complaint by George Bien-Willner

Connie, the bill I attached is for 02/22/04 and 08/22/09.

\*\*\*\*\*end\*\*\*\*\*

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

From: Layne, Julie  
Sent: Wednesday, November 17, 2010 5:39 PM  
To: 'Carmen Madrid'  
Subject: RE: Complaint by George Bien-Willner



AZ4990.pdf

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From: Carmen Madrid [mailto:CMadrid@azcc.gov]  
Sent: Monday, November 15, 2010 12:41 PM  
To: Layne, Julie  
Cc: Connie Walczak  
Subject: RE: Complaint by George Bien-Willner

Julie,

In discussing this situation regarding George Bien-Willner we have some questions: We are working on a mediation and need this information today.

What is a Trunk Toll?  
Answer It is outgoing trunks.

What does the Trunk Toll allow the consumer to do?  
Answer It allows customers to call long distance from the business

Is the Trunk Toll issued a special number?  
It is outgoing so no incoming  
Answer it is issued the 602-275-4990 for billing it is for outgoing not incoming

Does the trunk toll serve more than one line?  
Answer: Yes

What was the fee for this service?  
Answer: on the 2004 bill 17.16 for each trunk, included in the \$99.04 for the monthly rate (also billed 30.40 for the additional business line included), and 5 customer access line charges  
On the 2009 bill 20.00 for each trunk, \$30.40 for the additional line, and \$31.00 (6.20 each) for the customer access line charge

Was there ever an 800 number issued for this service?

Answer: Not on this account that I could find

What is the 800 number that consumer is claiming?

Answer: I don't know, we did not bill them an 800# on 602-275-4990

Was there ever an 800 number involved as you indicated in your response?

Answer: Not on this number that I could find, I did not indicate there was an 800 #, I only indicated that I found the account and failed to clarify that it wasn't an 800#

When the bill was issued which number was noted as being charged?

Answer: 602-275-4990

What was the process followed to transfer the line from one consumer to another?

Answer:

Yes we obtain agreement from both parties

What services were noted on the bill?

Answer: Additional line private business  
Trunk Special Toll

Do you have a bill that was sent to consumer?

Answer: Yes

Can you send me a copy of a bill for this consumer?

Answer: Attached, I sent a copy of the 02/22/04 bill and the 08/22/09 bill  
\*\*\*\*\*end\*\*\*\*\*

11/18 315 joann want notes

From: Layne, Julie

Sent: Thursday, November 18, 2010 3:24 PM

To: Hensley, Joann

Subject: George Bien-Willner

let me know if you need anything else. thanks for your willingness to help

sejt 03/04 notes and 2004 notes and change of repsone order.

From: Hensley, Joann

Sent: Thursday, November 18, 2010 3:52 PM

To: Layne, Julie

Cc: Hilfiker, Pat; Bays, Ron

Subject: RE: George Bien-Willner

Hi Julie,

I gave copies of the documents to my IC, Pat Hilfiker, as she works with COR all the time. I can say that in our office we require forms and keep copies of them. I'm not sure what Small Business does and the COR for this account was processed in Small Business. But the order does look like it has the name of the person who requested the change. Perhaps Collections was involved at some point since the outgoing party was a debtor in possession.

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I feel like I'm not being much help. If it's okay Pat will call you, she can provide additional research or answer additional questions.

I'll stay linked in and continue to help.

Jo Ann

11/19 935 vm pat hilfiker call me will help  
11/19 1049 called 800-777-9594 x1304130 lwtc  
11/19 320 called beth johnson 800-501-7114 said in arizona we dont require writing maybe there was a fax or email  
11/22 1054 pat hilfiker called said small business rules are different they dont require paperwork they use the rmscs we dont have any paperwork it appears the bill was being paid every month spoke with collector cheryl she had never had a conversation, most of time paid thru vru, this office wouldnt keep paperwork for sbg and sbg didnt require

\*\*\*\*\*end\*\*\*\*\*

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

From: Connie Walczak [mailto:CWalczak@azcc.gov]  
Sent: Thursday, November 18, 2010 9:04 AM  
To: Layne, Julie  
Cc: Carmen Madrid  
Subject: RE: Complaint by George Bien-Willner

Hi Julie,

Thanks for the response and two bills. We will review this and be in touch. Have Carmen's questions been addressed yet? I know I asked for a quick response to my four questions, since our Legal Staff was waiting to respond to the ALJ's mediation request. Now that I understand this a little better, I'm wondering what type of explanation Mr. Bien-Willner received from Qwest regarding these charges? Margaret's letter to John Miranda did not provide any detail regarding the charges, how there is a normal process when service is transferred from one customer to another, nor mention of how Qwest received consent from both parties. I feel your response to number four is the answer to this complaint. With Bien-Willner's consent to the transfer of services, and his full knowledge of the services being transferred, this complaint should be closed with verifiable evidence that allowed the billing of the 'trunk toll' as correct and proper.

I'm confident that this is the evidence that Qwest will offer at the Formal Complaint hearing, although, now knowing how it was initially handled, I do not understand how or why it would need to be escalated to a formal complaint. I just want to confirm that this has all been explained to Mr. Bien-Willner and not just the mention of Margaret's review of his account without thorough background information. If not, prior to moving to a formal or mediation, I would like for this more thorough explanation to be provided to Mr. Bien-Willner, if this has not been done. If it has, the complaint does not reflect this information.

I will wait to hear from you.

Thanks,

Connie

# EXHIBIT 5

**George Bien-Willner**  
3641 North 39<sup>th</sup> Avenue,  
Phoenix, Arizona 85019  
Phone: 602-269-2626  
Fax: 602-269-1058

September 28, 2004

**Elaine Hinchcliffe**  
Qwest  
4041 N. Central Ave. 16<sup>th</sup> Floor,  
Phoenix, Arizona 85012

VIA FAX: 602-604-7982 and US MAIL

RE: Account No. 602-273-0321

Dear Elaine:

We have now placed over one hundred calls to you that went unanswered. The behavior of your company is costing us thousands of dollars in damages. We have attempted to mitigate the situation by calling your Executive offices and explaining our problems. At this time, Annette Kreger at extension 9549 is attempting to reach you. We have placed all of our communications systems in your hands, and as you well know, we have been overbilled and have received the worst service from your company since 1973. We have tried to speak to the chief executive officer of your company and were told by Shaun at the executive office level, that your chief executive and the upper level of management have insulated themselves with a system of "filters," making it impossible to receive any type of satisfaction when Qwest employees have failed to perform.

Elaine, we have entrusted our communications system to you and Qwest. Please help us to resolve this problem immediately.

I can be reached at 602-738-7227 or 602-292-2212.

Sincerely,

  
George Bien-Willner

Qwest National Business Accounts  
602 604-4674 office  
480 600-0058 wireless  
elaine.hinchcliffe@qwest.com

**Thank you for choosing Qwest!**



Hinchcliffe,  
Elaine.vcf (3 KB)...

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

**From:** Holstrom, Jim  
**Sent:** Tuesday, September 14, 2004 4:40 PM  
**To:** Hinchcliffe, Elaine  
**Subject:** FW: George Bien-Willner accounts

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

**From:** Holstrom, Jim  
**Sent:** Tuesday, September 14, 2004 4:26 PM  
**To:** 'elaine.hinchcliff@qwest.com'  
**Subject:** FW: George Bien-Willner accounts

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

**From:** Scheen, Chantel  
**Sent:** Tuesday, September 14, 2004 12:34 PM  
**To:** Holstrom, Jim  
**Subject:** George Bien-Willner accounts

Jim,  
I am following up regarding the accounts of George Bien-Wellner.

I contacted Tamara McKane today at 12p at 602 267-1398. I attempted to go over the concerns of the customer in order to resolve them so the customer may catch up the bills.

I wanted to establish which account the customer had problems with and what the specific problems where. I was using the list from the fax Tamara has sent 08-24-04 for the list of the accounts. Tamara was under the impression that there was only one account and that was all that they would pay. I went over her list and begin to explain that the account number 602 273-4326 was not an account of theirs (it is a government account) when she handed the phone to George.

I tried to explain to George that I was there to help him go over his bills and to address any problems. He was very angry and demanded that I come to his location to go over his bills in person. When I told him I was not able to do that, he demanded to speak with Elaine. I let him know that Elaine asked me to contact him to go over the accounts and resolve the issues, to which he said he would not speak to anyone but Elaine and only if she came to site. He said he would not pay and then hung up.

I have been over all the account listed on the 8-24-04 fax.  
Here is a breakdown of the accounts.

602 234-0865 608 final bill at oca- no pending dispute noted.  
602 273-4326 (Phoenix City Government Account)  
602 244-8221 883 active account  
602 275-4990 051 active account  
602 233-2602 103 active account  
602 273-0327 288 this account was never superseded to George's  
name. I show that he was given auth to do so but never called to  
take over the account.

I am attaching the SOA's fro the accounts that are in George's  
name. Per the notes on the accounts there are no pending  
disputes and due to his lack of willingness to discuss the  
accounts I find that any resolution would be difficult.

Please let me know if you have any questions.

<< File: SOA George Bien-Willner.xls >>

Chantel Scheen  
Qwest Business Markets Group  
206 808-0857

9-27

What I told him was that it should have been supered to him and that it  
appeared abandoned so it would be supered, and the outgoing owner would be  
responsible for the existing bill.

Cheers,  
Elaine Hinchcliffe  
Senior Account Executive  
Qwest National Business Accounts  
602 604-4674 office  
480 600-0058 wireless  
elaine.hinchcliffe@qwest.com

Thank you for choosing Qwest!

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

From: Kreger, Annette  
Sent: Monday, September 27, 2004 1:51 PM  
To: Hinchcliffe, Elaine  
Subject: RE: George Biel-Wellne 602 273 0321-288

oops I was trng to say credit bill and is spelled cry. OK I guess you know  
what I meant. Customer George is tellig me that you told him you would cr off  
the entire bill?????? -----Original Message-----

From: Hinchcliffe, Elaine  
Sent: Monday, September 27, 2004 2:20 PM  
To: Kreger, Annette  
Cc: Cook, Ian; Holstrom, Jim

F

**STERLING INTERNATIONAL HOTELS**  
**124 S. 24<sup>TH</sup> ST. PHOENIX, AZ 85034**  
**PHONE: 602-220-0044**  
**Fax: 602-244-0174**  
**www.sterlinginternationalhotels.com**  
**info@sterlinginternationalhotels.com**

May 10, 2005

Qwest Communications  
Attention: Elaine Hinchcliffe, Tod Collins, or appropriate Manager  
4041 N. Central Ave., 16<sup>th</sup> Floor  
Phoenix, AZ 85012  
**Also Via Facsimile Transmission to 602-604-7982 and 303-896-8515**

Re: Termination of Service Notice  
Account Numbers: (See attached partial list of applicable account numbers)

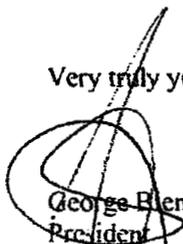
Dear Elaine, et al.:

Despite our best efforts to the contrary, our corporation has received improper service termination notices. Both our corporate offices and many other properties that we own and operate have been grossly over-billed as a result of Qwest's actions or omissions for which we have repeatedly requested proper credits. To date we have received no constructive help from Qwest regarding these credits. Instead we have now received the above-reference termination notices for monies we do not owe.

In an effort to finally resolve these concerns, we have contacted the Qwest corporate offices and made an appointment for a local service representative to personally meet with us to discuss the numerous discrepancies along with the billing and contract issues that exist with our accounts. This is the culmination of a great deal of effort on our part to be treated fairly and consistently, which treatment we feel is due to long-term faithful and substantial customers.

**Be assured that we will hold Qwest fully responsible for any costs associated with any suspension, termination, or interruption of our extensive services with you. Until such time as your representative meets with us and assists us in reaching an appropriate, suitable and satisfactory resolution, we expect full and complete cooperation on your part.**

Very truly yours,



George Blen-Willner  
President

Cc: Richard C. Notebaert, Qwest Chairman and CEO

# EXHIBIT 6

Sent: Thursday, June 10, 2010 3:44 PM  
To: Syad, Oscar  
Subject: 602-275-4990

I am working on a formal PUC complaint in AZ on 602-275-4990. I need to see if you can pull the order or make it available for me from 02/19/2004. The account changed from 602-275-4990-951 to 602-275-4990-051. Also, can you recover the notes from Feb 2004 for the same accounts. Thanks so much

\*\*\*\*\*end\*\*\*\*\*

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

From: Layne, Julie  
Sent: Thursday, June 10, 2010 3:52 PM  
To: Dubois, Andre  
Subject: 602-275-4990

Hi Andre, you helped me the other night with 602-275-4990. It disconnected Dec 09 This account had an additional line with 4 trunks. I think you told me they were outgoing 800 lines. Did you find out anything else that would help me on this. I am not familiar enough with the product and I was going to see if there was any other information I could use. Would there be an account in OSCAR or IABS for this? Would we see any usage on the line. I know there was a different carrier for inter-lata but would we see any intra-lata usage? The customer is saying they asked for it to be disconnected in 2004, but we have no notes and they continued to call up and pay for it each month. I would appreciate anything you could do to help me explain this. Thanks!

\*\*\*\*\*end\*\*\*\*\*

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

From: Dubois, Andre  
Sent: Friday, June 11, 2010 8:11 AM  
To: Layne, Julie  
Subject: RE: 602-275-4990

Hi Julie,

The lines were outgoing trunks which doesn't exactly mean toll frees. Anyways, I could see nothing else new then what we looked at. We wouldn't see usage out on them since they were not measured, but would see any intra-lata calls since the lpic was 5123 and I didn't see any of that.

But, I also didn't see any notes in which the customer called in and asked for a disconnection either. I guess the way I've handled this type of situation before is I've told the customer that we have had no request for disconnection from your company showing in any notes or history. We have continued to incur the the expense of providing this service to you as well. Then I make an offer to either give them credit going back 6 months or split the difference, in this case give them 1 year of credit. The miscommunication on this was not on the qwest end but on the end of the business.

I hope this has been some help to you.

Andre C. DuBois  
Qwest Small Business Helpdesk  
Phone: 888-661-0005 ext: 1302512

# EXHIBIT 7

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JAN 27, 2010 09:38A

6022691058

Arizona Corporation Commission  
Docket No. T-010200  
Glendale and 27th Investments 2-023  
Confidential Attachment A  
Page 14 of 27  
H 29

**Sterling International**  
**3641 N. 39<sup>th</sup> Avenue**  
**Phoenix, Arizona 85004**

January 27, 2010

Mr. Edward A. Mueller, Chairman  
Qwest Executive Offices  
1801 California Street  
Denver, Colorado 80202

(Sent via Facsimile # 303-965-3464)

Re: Account # 602-275-4990-00160 / Glendale & 27<sup>th</sup> Investments

Dear Mr. Mueller,

Please be informed the Qwest account referenced herein above has been billed inadvertently for an incoming 800 telephone line for nearly (6) years which was terminated upon the acquisition of the former Howard Johnson Hotel on February 11, 2004, at which time the business entity was re-branded as the Sterling International Hotel by Glendale & 27<sup>th</sup> Investments, LLC.

We have requested a full and complete refund for the entire (6) year billing period, however received a refund check in the amount of \$810.89 which represents only a fraction of the correct amount of the refund due. This partial unidentified refund check is without a defined explanation, is absolutely unfair and blatantly inappropriate under the circumstances.

Through this correspondence we are hereby requesting that you correct this egregious billing error, and authorize the immediate reimbursement of the entire remainder of the amount due for the entire billing period inclusive of a compounded interest rate of 10% to appropriately and fairly correct this serious Qwest billing discrepancy.

The Sterling International Hotel received no economic or service benefit from the inadvertent billing of an 800 toll free line in the name of the prior Howard Johnson entity which was terminated at the time of the transition of ownership and the renaming of the subject property.

Despite diligent efforts on many occasions we have been unsuccessful in deciphering your telephone billings and resolving this incorrect billing issue with Qwest Management, and absent your intervention we would be left with no alternative than to file a formal grievance complaint with the Arizona Corporation Commission to assist us in rectifying this matter.

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JAN 27, 2010 09:38A

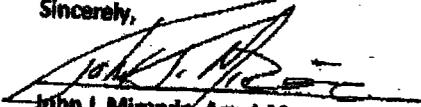
11 2011 8:17/ST. 8:00/No. 7500000019 P 15

6022691058

Arizona Corporation Commission  
Docket No. T-01-02200  
Glendale and 27th Investments 2-023  
Confidential Attachment A  
Page 15 of 27

Your assistance in resolving this Qwest billing discrepancy would be the more desirable avenue to a fair and equitable solution to this billing injustice. Please have your authorized representative contact our offices at 602-269-2626 to address this incorrect billing dilemma within (10) business days of receipt of this letter so that we may each avoid proceeding with time consuming regulatory agency recourse.

Sincerely,

  
John J. Miranda, Asset Manager  
Sterling International

CC: Glendale & 27<sup>th</sup> Investments, LLC  
George Bien-Willner  
David Rubin, Esquire

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# EXHIBIT 8

COMMISSIONERS  
KRISTIN K. MAYES— Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP



ERNEST G. JOHNSON  
Executive Director

ARIZONA CORPORATION COMMISSION

May 6, 2010

John Miranda  
Sterling International  
3641 N. 39<sup>th</sup> Avenue  
Phoenix, AZ 85004

Certified Mail: 7007 1490 0000 2610 4377

Dear Mr. Miranda:

This will acknowledge receipt of your letter that was dated March 26, 2010 regarding Qwest Corporation.

Your concerns were submitted to Qwest Corporation for resolution and the following is the response received:

*"4/30/10*

*This was disconnected in December and was no longer in our system. A peer of mine handled this in the executive office in February. We are sustaining the charges. Qwest continued to provide a bill each month and they did not call to disconnect it or dispute until 12/23/09. I am attaching a copy of the letter that we sent to the customer."*

The above is the final response from Qwest and a copy of the letter mentioned is enclosed.

Per your May 5<sup>th</sup> letter I am including a formal complaint form for your convenience.

Sincerely,

*Carmen Madrid*

Carmen Madrid  
Public Utility Consumer Analyst  
Utilities Division

Cc: George Bieri-Willner

**EXHIBIT 9**

---

DR #23 Confidential Attachment E 602-275-4990 2008 notes.txt

jlayne - OSCAR\_AZ\_ID\_MT\_NM\_UT - 06/03/2011 02:07 PM

```

CMD                               MSG
602 275 4990 051                 NOTE
GLENDALE & 27 INVSTMNTS         07/08
DATE RP NOTATION                USR OFC TYPE
053108 INTRA BMG ACCOUNT - FOR COLLECTIONS ONLY C    QE1 D51 PERM
053108          ALL ASSIGNED COLLECTOR CHERYLE GUTHM    QE1 D51 PERM
053108          ILLER AT 866-817-6779 X 1304914        QE1 D51 PERM
041008 2008    * * * * THIS CUSTOMER IS IN THE * * *    NXF G1Z PERM
041008          PROFESSIONAL ESTABLISHMENTS SEGMENT      NXF G1Z PERM
041008          PLS SEE EINSTEIN SEGMENTS FOR DETAILS    NXF G1Z PERM
041008          * * * * *                               NXF G1Z PERM
021308 2008    * * * * THIS CUSTOMER IS IN THE * * *    NXF G1Z PERM
021308          * * ASPIRING ENTERPRISES SEGMENT * * *    NXF G1Z PERM
021308          PLS SEE EINSTEIN SEGMENTS FOR DETAILS    NXF G1Z PERM
021308          * * * * *                               NXF G1Z PERM
091504 2004    WORKING SERVICE 602 244-8221 883        CP1 W10 PERM
091504          602 275-4990 051, 602 233-2602 103      CP1 W10 PERM
091504          602 269-2626 905                          CP1 W10 PERM
091504          FB @ OCA 602 234-0865 608                CP1 W10 PERM
071608 KATHY   VIEWED ACCOUNT                          SDO B22 CHK
070708 KATHY   PD CCPO $164.53 DRDNFN (L)              JPL B22 PAY
070708 CMT     $164.53 CCPO APPRVL CODE 155191          JPL B22 PAY
F1=MENU      F2=BILL      F3=PRINT      F4=SVC ORD      F5=CSR      F6=PREV
F7=NEXT      F8=NOTE       F9=PYMT REG  F10=USAGE   F11=F/B     F12=BILL STATq

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CMD                               MSG
602 275 4990 051                 NOTE
GLENDALE & 27 INVSTMNTS         07/08
DATE RP NOTATION                USR OFC TYPE
070708 CCPO   $164.53 7/7/2008 CMT AUTH# 155191 670    DA0 LYC PAY
070708 CCPO   51723                                     DA0 LYC PAY
062508 2008    SBNNOTE_6 - NO ACTN - NO ACTION          NWA G1Z CHK
062508          NEEDED                                   NWA G1Z CHK
060508 VRU     CARDTYPE=AMEX PYAMT=$164.53 APPRVL CD    DA0 LY0 PAY
060508 VRU     =174978                                   DA0 LY0 PAY
060508 CCPO   $164.53 6/5/2008 IVR AUTH# 174978 660    DA0 LYC PAY
060508 CCPO   22176                                     DA0 LYC PAY
053108 2008    BMG ACCOUNT - FOR COLLECTIONS ONLY        QE1 D51 REMP
053108          CALL ASSIGNED COLLECTOR CHERYLE        QE1 D51 REMP
053108          GUTHMILLER AT 866-817-6779 X 1304914    QE1 D51 REMP
050808 KATHY   PD CCPO $164.53 DRDNFN (L)              HH4 CR2 PAY
050808 CMT     $164.53 CCPO APPRVL CODE 165158          HH4 CR2 PAY
050808 CCPO   $164.53 5/8/2008 CMT AUTH# 165158 650    DA0 LYC PAY
050808 CCPO   51694                                     DA0 LYC PAY
040908 VRU     CARDTYPE=AMEX PYAMT=$164.18 APPRVL CD    DA0 LY0 PAY
040908 VRU     =111275                                   DA0 LY0 PAY
040908 CCPO   $164.18 4/9/2008 IVR AUTH# 111275 640    DA0 LYC PAY
F1=MENU      F2=BILL      F3=PRINT      F4=SVC ORD      F5=CSR      F6=PREV
F7=NEXT      F8=NOTE       F9=PYMT REG  F10=USAGE   F11=F/B     F12=BILL STATq

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CMD                               MSG
602 275 4990 051                 NOTE
GLENDALE & 27 INVSTMNTS         07/08
DATE RP NOTATION                USR OFC TYPE
040908 CCPO   24924                                     DA0 LYC PAY

```