

1 ALABAMA PUBLIC SERVICE COMMISSION

2 MONTGOMERY, ALABAMA

3

4 IN RE:

5 COMMUNICATION TELEFONICAS LATINAS CORP.

6 DOCKET NO. 31709

7 APPLICATION FOR CERTIFICATE OF PUBLIC
8 CONVENIENCE AND NECESSITY

9 (Provide intrastate telecommunication
10 services)

10

11 * * * * *

12 TESTIMONY AND PROCEEDINGS before the

13 Honorable John Garner, Administrative Law

14 Judge, at the Carl L. Evans Chief

15 Administrative Law Judge Hearing Complex,

16 RSA Union Building, 100 North Union Street,

17 Montgomery, Alabama, on Thursday, September

18 15, 2011, commencing at approximately

19 10:30 a.m.; and reported by Gwendolyn P.

20 Timbie, Registered Professional Reporter and

21 Commissioner for the State of Alabama at

22 Large.

23 * * * * *

1 APPEARANCES

2 FOR THE APPLICANT:

3 Mr. James M. Sizemore, Jr.
4 Attorney at Law
5 6732 Highway 63 S
6 Alexander City, Alabama 35010-6170

7 FOR THE PUBLIC SERVICE COMMISSION:

8 Ms. Janet Conway
9 Telecommunications Division
10 ALABAMA PUBLIC SERVICE COMMISSION
11 100 North Union Street
12 RSA Union Building, Suite 850
13 Montgomery, Alabama 36104

14 ALSO PRESENT:

15 Mr. Rodney Harrison

16 * * * * *

17 ALJ GARNER: For the record,
18 we're here this morning on
19 September the 15th of 2011 in the
20 matter of Docket 31709, which
21 concerns the application of
22 Communication Telefoncas Latinas
23 Corporation for approval of a
certificate of public convenience
and necessity to provide
intrastate telecommunication
services.

1 The application was filed with
2 the Commission on or about August
3 9th of 2011. Interested parties
4 were made aware of today's
5 proceeding pursuant to a
6 Commission notice, dated August
7 29, 2011.

8 Let the record reflect the
9 Commission did not receive any
10 petitions to intervene in this
11 matter.

12 For the record, let's go ahead
13 and take appearances at this
14 time. Who will be appearing on
15 behalf of the applicant?

16 MR. SIZEMORE: We'd like
17 Rodney Harrison to testify, may it
18 please the Court.

19 ALJ GARNER: And you are,
20 sir?

21 MR. SIZEMORE: I'm Jim
22 Sizemore.

23 ALJ GARNER: And give us your

1 mailing address for the record,
2 Mr. Sizemore.

3 MR. SIZEMORE: Beg your
4 pardon, sir?

5 ALJ GARNER: Give us your
6 mailing address for the record,
7 please, sir.

8 MR. SIZEMORE: 6732 Highway 63
9 South, Alexander City, Alabama,
10 35010.

11 ALJ GARNER: And you have with
12 you this morning Mr. Rodney
13 Harrison?

14 MR. SIZEMORE: Rodney
15 Harrison.

16 ALJ GARNER: And what is
17 Mr. Harrison's position with the
18 applicant?

19 MR. SIZEMORE: He is the
20 president and owner.

21 ALJ GARNER: I'll swear him in
22 just shortly. Let's go ahead and
23 get additional appearances.

1 MS. CONWAY: Janet Conway,
2 Commission staff.

3 ALJ GARNER: Is there anyone
4 else that needs to enter an
5 appearance?

6 (No response)

7 ALJ GARNER: Let the record
8 reflect that no one has come
9 forward.

10 Any preliminary matters that
11 we need to address, changes to the
12 application, anything of that
13 nature, Mr. Sizemore?

14 MR. SIZEMORE: No, sir.

15 ALJ GARNER: All right.
16 Hearing none from the staff, let
17 me get Mr. Harrison to stand and
18 raise his right hand.

19 RODNEY HARRISON

20 The witness, having first been duly
21 sworn or affirmed to speak the truth, the
22 whole truth and nothing but the truth,
23 testified as follows:

1 ALJ GARNER: All right,
2 Mr. Sizemore. I'll turn it over
3 to you to get some background
4 about the applicant that supports
5 the application.

6 DIRECT EXAMINATION

7 BY MR. SIZEMORE:

8 Q. Tell the Court your name, please, sir.

9 A. Rodney Harrison.

10 Q. And what is your association with
11 Communication Telefonicas Latinas Corp.?

12 A. President and owner.

13 Q. Is that company licensed to do business
14 in other states?

15 A. Yes. We're licensed in ten other states
16 at the moment.

17 Q. Do you have applications pending for
18 others?

19 A. South Carolina and Alabama.

20 Q. What is the market that you seek to
21 serve?

22 A. Majority of our market is international
23 calling.

1 Q. And to what general areas?

2 A. Most of it is Latin America, Venezuela,
3 Mexico, Puerto Rico.

4 Q. Do you have a plan for solicitation?

5 A. Yes. We have a third-party solicitor
6 and a third-party verification company.

7 Q. And do you have the scripts that you --

8 A. I do.

9 Q. -- will ask these companies to use?

10 A. I do.

11 MR. SIZEMORE: We'd like to
12 submit these, Judge. Should I
13 give these to Ms. Conway?

14 ALJ GARNER: You can just give
15 them to me. If you've got an
16 extra copy for Ms. Conway, that
17 will be fine.

18 MR. SIZEMORE: These are
19 English translations, Judge.

20 ALJ GARNER: Thank you for
21 that.

22 MR. SIZEMORE: The
23 solicitations will be in Spanish.

1 ALJ GARNER: We will mark
2 these collectively as Applicant's
3 Exhibit 1.

4 Q. Now, do you have financial information
5 that is more current than what was
6 submitted with the application?

7 A. Yes. I have financials through June
8 30th, this year.

9 Q. All right. Now, that's part year?

10 A. Yes. January through June.

11 Q. Your fiscal year is calendar year?

12 A. Calendar year.

13 Q. Were those prepared by you or under your
14 direction?

15 A. Yes, they were.

16 Q. And do you have professional
17 qualifications about --

18 A. Yes.

19 Q. -- money matters?

20 A. I'm licensed in the state of Georgia.

21 Q. As a certified public accountant?

22 A. Yes.

23 MR. SIZEMORE: We'd like to

1 submit these also, Judge.

2 ALJ GARNER: We'll mark those
3 documents collectively as
4 Applicant's Exhibit 2.

5 Q. Has the company been subject to any
6 disciplinary proceedings in any of the
7 states it operates in?

8 A. No, it has not.

9 Q. Nothing pending at the present time?

10 A. No.

11 Q. Any unresolved complaints?

12 A. No.

13 MR. SIZEMORE: No further
14 questions.

15 ALJ GARNER: Ms. Conway.

16 CROSS-EXAMINATION

17 BY MS. CONWAY:

18 Q. Who will be the contact person for
19 tariff questions and issues?

20 A. Myself.

21 Q. And does your company have a website?

22 A. Yes, it does.

23 Q. Could you please give me that address?

1 A. It's www.ctlcorp.net.

2 Q. And how long has your company been in
3 the telecommunications business?

4 A. Since -- this will be the second full
5 year.

6 Q. Where are the company books and records
7 maintained?

8 A. Alpharetta, Georgia. Do you want the
9 exact address?

10 Q. If you don't mind.

11 A. It's 3050 Royal Boulevard South,
12 Alpharetta, Georgia 30022.

13 Q. Approximately how many employees are
14 employed by the company?

15 A. There is approximately -- well, there's
16 seven employees right now.

17 Q. Do you plan to market residential or
18 business customers or both?

19 A. It's residential only.

20 Q. Is your company currently providing any
21 type of telecommunication services in
22 Alabama?

23 A. No.

1 Q. And you mentioned that you're currently
2 doing business in ten other states?

3 A. Correct.

4 Q. Could you list those states for us,
5 please?

6 A. Yes. California, Florida, Georgia,
7 Illinois, North Carolina, Nevada,
8 Oregon, Texas, Virginia, and Washington.

9 Q. Thank you.

10 Are you seeking statewide authority
11 to provide toll resale services
12 throughout Alabama?

13 A. Yes.

14 Q. And you mentioned earlier that you plan
15 to utilize the -- a third-party
16 solicitor.

17 A. Correct.

18 Q. Is that telemarketers?

19 A. Yes.

20 Q. That's what you plan to do?

21 A. Yes.

22 Q. Okay. And how would your company handle
23 any cramming or slamming complaints?

1 A. Through our customer service department.

2 Q. If the telemarketers were involved in
3 these complaints, would they be -- I
4 mean, would you have a problem with
5 that, or how would you handle that?

6 A. The telemarketer wouldn't be involved
7 between us and the customer. It would
8 be directly between the customer and
9 ourselves.

10 Q. Okay.

11 A. We would handle all the problems.

12 Q. I mean, if the third -- if the
13 telemarketer actually said the customer
14 wanted your service and the customer did
15 not want your service, didn't sign up
16 for it --

17 A. We have a third-party verification
18 company that verifies the service.

19 Q. Do they actually call the customer back,
20 or how is that handled?

21 A. They're transferred -- flash transferred
22 over.

23 Q. Could you explain that, please?

1 A. Once they decide they -- through the
2 telemarketing script that they do want
3 the service after the entire
4 telemarketing script, they are
5 transferred to a verification company.
6 It's a 1-800 number they're transferred
7 to. And they go through the
8 verification script.

9 Q. How will customer complaints be handled?

10 A. I mean, they're handled in our office at
11 our customer service.

12 Q. Do you have an 800 number?

13 A. We do.

14 Q. Could you give me that, please?

15 A. That I may have to get to you, because I
16 don't know it off the top of my head.

17 Q. You can provide that posthearing. That
18 will be fine.

19 A. I will. It's not in the tariff, I
20 guess? Actually -- (866)814-9381.

21 Q. So if a customer has a complaint or
22 problem, they would call this number.
23 And who would they reach?

1 A. They would reach our customer service
2 department.

3 Q. Within your office?

4 A. Right. Within my office.

5 Q. And is this number manned 24/7?

6 A. No. Our hours are Eastern Standard
7 Time. It's manned from 9 to 7.

8 Q. So if a customer has a problem on the
9 weekend, what -- how is that handled?

10 A. There is a recording.

11 Q. It's not picked up until --

12 A. Well, also, they can -- they can call
13 directly to the -- we use a third-party
14 billing company, and their lines are
15 managed 24 hours a day.

16 Q. So your billing is not done in house?

17 It's done by a separate --

18 A. Correct.

19 Q. Can you give me the name of that
20 company?

21 A. It's BSG Clearing.

22 Q. Does your company name appear on the
23 customer's bill?

1 A. It does in the states that it's allowed
2 on.

3 Q. And will it in the state of Alabama?

4 A. I think it does in the state of Alabama.

5 Q. Can you double-check on that and let us
6 know posthearing?

7 A. I will.

8 Q. Do you plan to have any type of sales
9 staff located in Alabama?

10 A. No.

11 Q. Are you familiar with Commission rules
12 and regulations that govern
13 telecommunication carriers in Alabama?

14 A. Yes.

15 Q. Do you agree to abide by these rules?

16 A. Yes.

17 Q. Are you familiar with tariff filing
18 procedures and notification of
19 promotions?

20 A. Yes.

21 Q. And are you familiar with the Commission
22 rules on inspection and supervision
23 fees?

1 A. Yes.

2 Q. And are you aware that the Commission
3 must be notified if there is a change in
4 key contact personnel, company
5 ownership, and/or mailing address?

6 A. Yes.

7 Q. I reviewed your tariff, and I didn't
8 find any problems with it. So it looks
9 good.

10 MS. CONWAY: That's all I
11 have, Judge Garner.

12 ALJ GARNER: Who is your
13 third-party solicitor for
14 telemarketing? Do you use
15 several, or is it --

16 MR. HARRISON: No. It's just
17 one, sir. It's Voice Premier,
18 Inc.

19 ALJ GARNER: All right. And
20 who's your third-party verifier?

21 MR. HARRISON: I'm going to
22 try to pronounce this correctly.
23 It's Centro de Ayuda Latina.

1 ALJ GARNER: If a telemarketer
2 or a third-party solicitor
3 contacts the customer and they
4 agree to service, they immediately
5 transfer them to the third-party
6 verifier? It's part of the same
7 call?

8 MR. HARRISON: Yes, sir.

9 ALJ GARNER: But is there any
10 affiliation between the
11 telemarketer and the third-party
12 verifier?

13 MR. HARRISON: No. Two
14 separate companies.

15 ALJ GARNER: Completely
16 separate entities?

17 Do you intend to solicit
18 customers by any means other than
19 telemarketing?

20 MR. HARRISON: No.

21 ALJ GARNER: So you don't
22 intend to use independent sales
23 agents, person-to-person

1 solicitations?

2 MR. HARRISON: No.

3 ALJ GARNER: And is this the
4 same business model you're using
5 in the other states where you
6 operate?

7 MR. HARRISON: Yes, sir.

8 ALJ GARNER: How many
9 customers do you presently have?

10 MR. HARRISON: We currently
11 have around 19,000 customers.

12 ALJ GARNER: And you've
13 encountered no issues with any
14 regulatory violation?

15 MR. HARRISON: No, sir.

16 ALJ GARNER: Those are all the
17 questions I have.

18 Any follow-up, Ms. Conway?

19 MS. CONWAY: I have one.

20 Q. (By Ms. Conway:) I didn't see in the
21 application where you have filed with
22 the Secretary of State of Alabama.

23 A. We have.

1 Q. Okay. Do you have --

2 ALJ GARNER: There is a copy
3 of the --

4 MS. CONWAY: Oh, it is?
5 Okay. Okay.

6 ALJ GARNER: Just looks like
7 it's off their website. It shows
8 that they are registered.

9 MS. CONWAY: That's all I
10 have.

11 ALJ GARNER: They didn't
12 provide the certificate, but they
13 did show they apparently
14 registered in the state.

15 MS. CONWAY: Okay.

16 ALJ GARNER: All right.
17 Anything you want to clarify,
18 Mr. Sizemore?

19 MR. SIZEMORE: No, sir.

20 ALJ GARNER: The only thing I
21 have noted that needs to be
22 provided posthearing is an answer
23 to the inquiry regarding the name

1 appearing on the bill. So if you
2 will give us that clarification.
3 That's the only thing I have noted
4 as being outstanding.

5 Is that consistent with your
6 thoughts, Ms. Conway?

7 MS. CONWAY: Yes.

8 ALJ GARNER: So if you'll
9 provide us with that information,
10 that will help us in the process
11 of your application.

12 If there's nothing further to
13 be added, the matter is taken
14 under advisement. And that will
15 conclude the hearing.

16 Thank you.

17 (Hearing concluded at
18 10:45 a.m.)

19 * * * * *

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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA

3 MONTGOMERY COUNTY

4 I, Gwendolyn P. Timbie, Certified
5 Court Reporter and Commissioner for the
6 State of Alabama at Large, hereby certify
7 that on Thursday, September 15, 2011, I
8 reported the TESTIMONY AND PROCEEDINGS in
9 the matter of the foregoing cause, and that
10 pages 2 through 20 contain a true and
11 accurate transcription of said proceedings.

12 I further certify that I am neither
13 kin nor of counsel to the parties to said
14 cause, nor in any manner interested in the
15 results thereof.

16 This 22nd day of September, 2011.

17

18 /s/Gwendolyn P. Timbie
19 GWENDOLYN P. TIMBIE, COURT REPORTER
20 And Commissioner for the
State of Alabama at Large
CCR 172, Expires 09/30/12

21 MY COMMISSION EXPIRES: 3/10/2013

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23

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