

FILE

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission Staff's)
Investigation into the Alleged MTSS) Case No. 06-1443-TP-UNC
Violations of Buzz Telecom.)

In the Matter of the Application of Buzz)
Telecom Corporation for New Operating) Case No. 02-2617-CT-ACE
Authority.)

**MOTION FOR
SUBPOENA DUCES TECUM
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

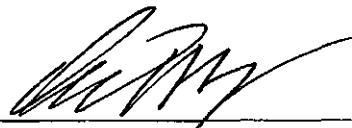
Now comes the Office of the Ohio Consumers' Counsel ("OCC") and, pursuant to Ohio Adm. Code 4901-1-25 and Ohio Adm. Code 4901-1-21(F), hereby respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or the attorney examiner assigned to this case to issue a subpoena *duces tecum* compelling Buzz Telecom, Corporation ("Buzz Telecom," a party to all the above-captioned cases) in the State of Ohio, to make available for oral examination at deposition on January 22, 2007 at the offices of the OCC (10 W. Broad Street, 18th Floor, Columbus, Ohio 43215) at 1:00 p.m. as on cross-examination, this officers, agents, employees, or other persons with the appropriate knowledge and experience to provide fact information concerning Buzz Telecom's past and current operations in Ohio, and the sale or transfer of assets from Buzz Telecom to UMCC Holdings, Inc. and to appear from day to day until the examination is completed.

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The subpoena should also compel the witness[es] to provide to OCC at the outset of the examination all documents relevant to the deposition, as detailed in the accompanying Memorandum in Support. Grounds for this Motion are also set forth in the accompanying Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



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**BEFORE
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MEMORANDUM IN SUPPORT

The OCC requests a subpoena, pursuant to Ohio Adm. Code 4901-1-25, to command Buzz Telecom, to make available the officers, agents, employees, or other persons with the appropriate knowledge and experience to provide fact information concerning Buzz Telecom's past and current operations in Ohio and this sale and transfer of assets from Buzz Telecom to UMCC Holdings, Inc. in order to submit to oral examination at deposition on January 22, 2007 at the offices of the OCC (10 W. Broad Street, 18th Floor, Columbus, Ohio 43215) at 1:00 p.m. as on cross-examination by the OCC in the above-captioned proceedings and to attend from day to day until the deposition is completed.

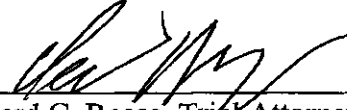
The above-captioned case involves the operations of Buzz Telecom as being investigated by the PUCO. It is critical that the appropriate representative of Buzz Telecom appear in order to provide in-depth information regarding these matters. The full participation of the appropriate representative of Buzz Telecom in the examination will facilitate a full and complete development of the case, including the ultimate record

upon which the Commission will base its decision. The representative of Buzz Telecom should have the knowledge and experience to answer questions regarding all aspects of the company's operations.

Additionally, the OCC requests the PUCO to command Buzz Telecom to provide, for delivery to OCC at the outset at the examination, documents relevant to the deposition, as detailed in this Motion above, i) copies of all scripts used by Buzz Telecom sales representatives in soliciting new customers, ii) tapes and recordings of the third-party verification process utilized by Buzz Telecom to verify telephonic enrollments, iii) copies of the welcome packet sent to each newly enrolled customer, iv) copies of any customer contracts utilized by Buzz Telecom, v) copies of the recordings of all third-party telephonic enrollments for Buzz's customers in Ohio, vi) copies of documents, including a corporate balance sheet, that contain information regarding Buzz Telecom's total revenue for 2006, vii) copies of documents, containing the account information for each former and current customer of Buzz Telecom in Ohio, and viii) copies of documents pertaining to the sale or transfer of assets from Buzz Telecom to UMCC Holdings, Inc. This information is central to understanding and addressing the issues related to Buzz Telecom's operations in Ohio.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



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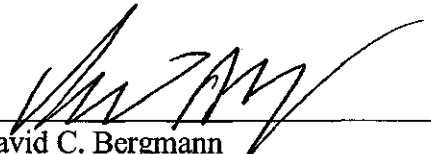
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Subpoena Duces Tecum, was served by first class mail, or by hand delivery, to the following parties of record, this 26th day of December, 2006.



David C. Bergmann
Terry L. Etter
Assistant Consumers' Counsel

SERVICE LIST

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