

FILE

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Jay Agranoff, Esq.  
Attorney Examiner  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

PUCO

RE: In the Matter of Complaint of AT&T Ohio v. Global NAPs Ohio, Inc.  
PUCO Case No. 08-690-TP-CSS

Dear Examiner Agranoff:

I would like to briefly reply to AT&T's letter, filed in the above captioned docket on November 17, 2009, opposing the inclusion of the Cole deposition into the record. I will not argue further on whether Global NAPs should have known about a deposition in another case in another forum. However, I will note two things. First, AT&T has not suggested that the information is hearsay, or that AT&T will suffer any prejudice if the deposition transcript is admitted. Second, AT&T has, in fact, chosen to address the substance of Mr. Cole's deposition transcript. In her letter, Ms. Fenlon states that the deposition is "irrelevant" because, as she interprets it, all that Mr. Cole is stating is that "if the parties so agreed" AT&T could configure its billing system on a bill and keep basis. Your Honor is free to compare this interpretation to the actual deposition transcript.

If you agree with Ms. Fenlon's interpretation, then the admission of the transcript into the record is harmless to AT&T. If you do not think that Mr. Cole's statement means what Ms. Fenlon claims it means, then Mr. Cole's deposition is certainly relevant to a central issue in dispute in this case.

Very truly yours,

*Harry Davidow* *man*

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cc: All Parties of Record

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