

FILE

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of)	
Terry Shane Metzenbaum,)	
)	
Complainant,)	
)	
v.)	Case No. 03-142-TP-CSS
)	
AT&T Corp.,)	
)	
Respondent.)	

TESTIMONY OF JACQUELINE VON SCHMIDT

ON BEHALF OF

AT&T CORP.

JUNE 26, 2003

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician DN Date Processed 7/7/03

1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND PRESENT**
2 **POSITION.**

3 **A.** My name is Jacqueline Von Schmidt. I am employed by AT&T Corp. as AT&T
4 Business Services Regulatory Compliance and Staff Manager. My business
5 address is One AT&T Way, Bedminster, New Jersey 07921-0752.

6
7 **Q. WHAT ARE YOUR DUTIES AND RESPONSIBILITIES IN YOUR PRESENT**
8 **POSITION?**

9 I am currently responsible for executing and monitoring the implementation of
10 State and Federal Regulatory Requirements. This includes requirements
11 surrounding the processing and implementation of changes to customer's
12 preferred carrier designations (both local and long distance), the auditing of Third
13 Party Verification (TPV) the review of the Sales process for the small business
14 market and identifying root causes to customer complaints. I am also responsible
15 for coordinating the information requests from the law department for any
16 lawsuits, formal complaints, or regulatory audits.

17

18 **Q. PLEASE BRIEFLY DESCRIBE YOUR EDUCATION AND PROFESSIONAL**
19 **EXPERIENCE.**

20 **A.** I have a degree in Marketing from Drexel University and have worked for AT&T
21 in various positions for the past twelve years. My experience includes, Sales,

22 Local Service, Billing Regulatory Compliance, Data Strategy, Data Negotiations
23 and Data Quality for both the business and residential divisions of AT&T.

24 **Q. HAVE YOU PREVIOUSLY PRESENTED TESTIMONY BEFORE**
25 **REGULATORY COMMISSIONS?**

26 A. Yes. I have previously presented testimony before the California Public Utilities
27 Commission.

28 **Q. WHAT IS THE SUBJECT OF YOUR TESTIMONY?**

29 A. I respond to the complaint filed by Mr. Terry Shane Metzenbaum on
30 behalf of his employer, Circle M Enterprises. As I discuss below, Circle
31 M Enterprises Inc. ("Circle M"), a business customer of AT&T for both
32 local and long distance telecommunications services, has not paid its
33 severely past due bills. I frankly can find no reason either in AT&T's
34 records or in the complaint filed here why Circle M has refused to pay its
35 bills. I therefore recommend that the Commission dismiss this complaint
36 and require Circle M to pay its bills.

37 **Q. ARE YOU ABLE TO CONFIRM MR. METZENBAUM'S CLAIM THAT AT&T**
38 **PROVIDED BOTH LOCAL AND LONG DISTANCE SERVICES TO CIRCLE M.**
39 **ENTERPRISE?**

40

41 A. Yes, I can confirm that AT&T was the long distance carrier for Circle M. Enterprise from
42 August 11, 2000 to January 1, 2003 for one phone number (216-397-0050); and August

43 13, 2000 to December 28, 2002. AT&T became Circle M's local exchange carrier on
44 June 18, 2002.
45

46 **Q. IN WHAT TYPE OF SERVICE WAS MR. METZENBAUM ENROLLED?**

47 **A.** When Mr. Metzenbaum called into AT&T's Business Sales Office, he was qualified as a
48 small business customer and was enrolled in AT&T's "All In One" calling plan.
49 Evidence of this transaction was audio recorded during the business third party
50 verification process. In my review of the audio recording, I was able to confirm Mr.
51 Metzenbaum refers to his company Circle M as AT&T's customer, agrees that he
52 understands the charges of the "All In One" plan, and that he was aware that this service
53 was a business calling plan and that his lines would be listed as business lines in directory
54 assistance.
55

56 **Q. HAS AT&T BEEN ABLE TO CONFIRM BY OTHER MEANS THAT THIS**
57 **CUSTOMER IS A BUSINESS CUSTOMER?**
58

59 **A.** Circle M is registered with the Ohio Secretary of State, with Mr. Terry Shane
60 Metzenbaum listed as of August 9, 1995 as the statutory agent. Circle M is registered in
61 University Heights, Ohio, with charter number 883028. I attach as Exhibit 1 supporting
62 documents confirming this information that I obtained from the Ohio Secretary of State's
63 office. The customer also has hunting between his telephone lines – a feature used by
64 business customers, as they would have a need for lines that are busy to rollover to a
65 covering line, the customer requested that his lines be listed in 411 directory as Circle M

66 Enterprise, Inc. and lastly, the customer has had at least 3 toll free numbers at one point
67 with AT&T.

68

69 **Q. HAS AT&T INVESTIGATED MR. METZENBAUM'S BILLING DISPUTE?**

70

71 **A.** AT&T's records show numerous interactions between Mr. Metzenbaum and AT&T's
72 billing and service departments on a variety of things in support of his employer's
73 account. However, there is no indication that Mr. Metzenbaum ever complained about
74 receiving business rates when he believed he was going to receive residential rates.
75 Beyond this, AT&T cannot address the claim that this particular billing dispute was never
76 "looked into". We can confirm that any billing issues raised by Mr. Metzenbaum were
77 investigated and the results of those investigations were communicated to Mr.
78 Metzenbaum.

79

80 **Q. WHAT HAPPENED TO MR. METZENBAUM'S LOST PAYMENT OF \$64.72?**

81

82 **A.** AT&T's records indicate it incorrectly applied Mr. Metzenbaum's June payment of
83 \$64.72. It was applied to complainant's Account #P128016004301 instead of Account
84 #030-164-2345-001. An offer had been made to transfer the payment to the correct
85 account, but complainant indicated he did not care about that.

86

87 **Q. WHY DID AT&T ISSUE THE CUSTOMER A DISCONNECT NOTICE?**

88

89 A. AT&T tried several times to make payment arrangements with Mr. Metzenbaum on
90 behalf of his employer, Circle M, for service rendered and properly billed. Mr.
91 Metzenbaum refused to make payment for the undisputed charges. This letter is the
92 standard AT&T written request for payment and notification that failure to make payment
93 arrangements might result in the customer from being blocked from making calls across
94 the AT&T Network and/or disconnect of services.

95

96 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

97 A. Yes, it does.



BUSINESS FILINGS DETAILS

H

Business Services Queries**Business Filing Information**

Business Name	Filing Type	Filing Date	Doc Id <i>Click for image!</i>	Doc Id <i>Click for Approval Cert!</i>	Additional Filing Type Info
CIRCLE M ENTERPRISES, INC.	Domestic Articles/For Profit	Oct 05 1994	<u>4253_1323</u>	4253_1323	
	Domestic Agent Subsequent Appointment	Aug 09 1995	<u>5247_0728</u>	5247_0728	
	Agent Name/Address Tax Update	Jan 08 1999	Agntupdt	AGNTUPDT	

Total Row Count in Report- 3

Row(s) 1 - 3

[Back to Menu](#)

Doc ID --> 4253_1323

OHIO SECRETARY OF STATE PROCESSING STATEMENT 10/17/94		04253-1323		CHARTER NUMBER: 383025 ROLL AND FRAME: 4253-1323	
CORPORATIONS:		DOCUMENT NUMBER	CODE	FEE	
CIRCLE K ENTERPRISES, INC.		94100521331	ARF	55.00	
034644		TOTAL :		85.00	
RETURN TO: RICHARD J. DAVIS 1711-2 SYDNEY HILL DR 40 22% " " 4253				0000	

04253-1324



The State of Ohio

Bob Taft
Secretary of State

883028

Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous

Filings; that said records show the filing and recording of: ART

of:

CIRCLE K ENTERPRISES, INC.

United States of America
State of Ohio
Office of the Secretary of State



Recorded on Roll 4253 at frame 1125 of
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 5TH day of OCT

A.D. 1994

Bob Taft
Bob Taft
Secretary of State

04253-1325

ARTICLES OF INCORPORATION

For Profit Corporation

RCVLL
10/15/94
94100521X1

The undersigned, desiring to form a corporation, for profit, under Sections 1701.01 et. seq. of the Ohio Revised Code, do hereby state the following:

FIRST. The name of said corporation shall be Circle M Enterprises, Inc.

SECOND. The place in Ohio where its principal place of business is to be located is Hudson, Summit County, Ohio.

THIRD. The purposes for which this corporation is formed is to engage in any lawful act or activity for which corporations may be formed under Sections 1701.01 to 1701.99, inclusive, of the Ohio Revised Code.

FOURTH. The number of shares which the corporation is authorized to have outstanding is 250, all of which shall be common shares with no par value.

FIFTH. The corporation by action of its Board of Directors may purchase its own shares at any time and from time to time to the extent permitted by law.

IN WITNESS WHEREOF, the undersigned incorporators have signed these Articles of Incorporation on this, the 12nd day of August, 1994.


Terry Shane Ketzenbaum

04253-1326

ORIGINAL APPOINTMENT OF STATUTORY AGENT

The undersigned, being all of the incorporators of Circle M Enterprises, Inc., hereby appoint Attorney Richard J. Daniels to be statutory agent upon whom any process, notice or demand required or permitted by statute to be served upon corporation may be served. The complete street address of the agent is:

1780-D Stony Hill Drive
Hudson, Ohio 44236

IN WITNESS WHEREOF, the undersigned incorporator has signed the Original Appointment of Statutory Agent on this, the 22nd day of August, 1994.


Terry Shane Metzgerbaum

ACCEPTANCE OF APPOINTMENT

The undersigned, Attorney Richard J. Daniels, named herein as statutory agent of Circle M Enterprises, Inc., hereby acknowledges and accepts the appointment as statutory agent for said corporation.

Attorney Richard J. Daniels



04253-1327
RICHARD J. DANIELS
ATTORNEY AT LAW

TELEPHONE AND FAX
1-800-889-2468

Reply to: Hudson, Ohio

October 1, 1994

Secretary of State
Corporation Division
30 E. Broad Street, 14th Floor
Columbus, Ohio 43266-0418

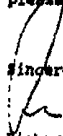
Subject: Circle K Enterprises, Inc.

Enclosed please find the Articles of Incorporation and Original Appointment of Statutory Agent for the above captioned corporation.

A fee in the amount of \$85.00 made payable to the State of Ohio is also enclosed.

Should there be any questions or problems regarding this matter, please feel free to contact the undersigned.

Sincerely,


Richard J. Daniels
Attorney

Enclosures

PRACTICING IN ALL NORTHEAST OHIO COUNTIES WITH OFFICE LOCATIONS IN

SUMMIT COUNTY

1700 N. Market, 14th Floor
Columbus, Ohio 43260

TRUMBULL COUNTY

200 North Ohio Building
100 East Market Street
Warren, Ohio 44481

MAHONING COUNTY

1000 North Broad
Piquette Center, Ohio 44601

Doc ID -> 5247_0728

OHIO SECRETARY OF STATE
PROCESSING STATEMENT
08/30/95

05247-0728 CHARTER NUMBER: 883028
ROLL AND FRANKS: 5247-0728

CORPORATION:
CIRCLE K ENTERPRISES, INC.

DOCUMENT NUMBER	CORE	FEE
95080923601	AGS	3.00

021183

RETURN TO: CIRCLE K ENTERPRISES, INC.
ATTN: T. J. METZENBAUM
3882 BUSHWELL RD
UNIVERSITY HTS OH 44118

TOTAL : 3.00
0267

05247-0728



The State of Ohio

Bob Taft
Secretary of State

383028

❖ Certificate ❖

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous

Filings; that said records show the filing and recording of: AGS

at:

CIRCLE K ENTERPRISES, INC.

United States of America
State of Ohio
Office of the Secretary of State



Recorded on Roll 5247 at Frame 0730 of
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 9TH day of AUG .

A.D. 1995 .

Bob Taft
Bob Taft
Secretary of State



Prescribed by
Bob Tate, Secretary of State
30 East Broad Street, 14th Floor
Columbus, Ohio 43260-0416
Form AGS (September 1992)

Charter No. 05247-0728
Approved 9/9/98
Date 8-9-98
Fee \$3.00

95080923401

SUBSEQUENT APPOINTMENT OF AGENT

Circle M. Enterprises, Inc. hereby appoints
(name of corporation)
Terry Shave Metzgerman 3882 Rushwell Road
(name of new agent) (street address)
Van Hise Ohio 441163402
(city) (zip code)

NOTE: P.O. Box addresses are not acceptable.

to succeed Richard L. Daniels as agent upon whom any process,
(Name of Former Agent)
notice or demand required or permitted by statute to be served upon the corporation may be served.

This line is to be signed by a corporate officer.

Title: President

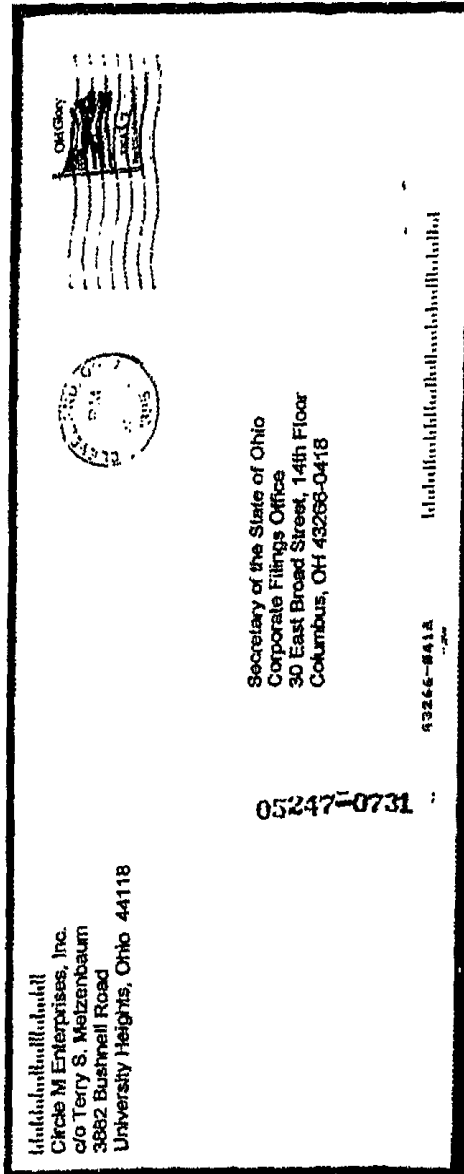
Acceptance of Appointment

The undersigned, Terry Shave Metzgerman, named herein as the statutory agent for
Circle M. Enterprises, Inc. hereby acknowledges and accepts
(name of corporation)
the appointment of statutory agent for said corporation.**

Statutory Agent

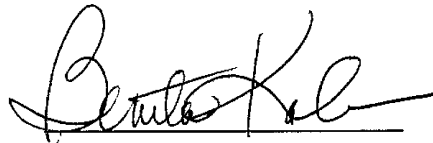
INSTRUCTIONS

- 1) The statutory agent for a corporation may be (a) a natural person who is a resident of Ohio, or (b) an Ohio corporation or a foreign profit corporation licensed in Ohio which has a business address in this state and is explicitly authorized by its articles of incorporation to act as a statutory agent. R.C. 1701.07(A), 1702.06(A).
 - 2) A subsequent appointment of agent must be signed by the chairman of the board, the president, a vice-president, the secretary or an assistant secretary. R.C. 1701.07(L)
 - 3) The filing fee is \$3.00. R.C. 1701.07(M), 1702.06(C). Please make checks payable to the Secretary of State.
- ** As of October 8, 1992, R.C. 1701.07(B) will be amended to require acknowledgement and acceptance by the appointed statutory agent.



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Testimony of Jacqueline Von Schmidt on behalf of AT&T Corp.** was served, via overnight mail, upon Terry Metzenbaum, 3882 Bushnell Road, University Heights, Ohio 44118-3132, this 7th day of July, 2003.

A handwritten signature in black ink, appearing to read "Benita Kahn", written over a horizontal line.

Benita Kahn