



FILED

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04:59 PM

1 Alterber Freeman
2 897 Northrup Street, #15
3 San Jose, California 95126
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8 **BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**
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12 Order Instituting Investigation on the
13 Commission's own motion into the
14 operations, practices, and conduct of
15 Contractors Strategies Group, Inc., Intella
16 II, Inc., A&M Communications, TNT
17 Financial Services, Limo Services, Inc.,
18 Calnev Communications, Inc., 1st
19 Capital Source Funding & Financial
20 Services, Inc., and their owners to
21 determine whether Respondents violated
22 the laws, rules, and regulations of this State
23 regarding the connection of Automatic
24 Dialing-Announcing Devices to
25 Customer-Owned Pay Telephones.
26

Investigation 10-02-004
(Filed February 4, 2010)

27
28 **OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION AND MOTION TO
FOREGO HEARINGS**

Respondent opposes the motion for summary adjudication and motion to forego
hearings as follows:

1 **THE MOTION SHOULD BE DENIED AND THE HEARINGS SHOULD BE HELD SO**
2 **THAT RESPONDENT MAY PRESENT RELEVANT EVIDENCE**

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4 **Authority:** Rule 13.10 of the CPUC Rules of Practice and Procedure gives the
5 Administrative Law Judge broad discretion to allow production of further evidence in a
6 proceeding ["The Administrative Law Judge or presiding officer, as applicable, may
7 require the production of further evidence upon any issue."]

8
9 **Reasons Further Evidence Should Be Received:** Not being able to afford
10 counsel to be an active part of the proceedings has obviously allowed me as a
11 layperson to make mistakes in this administrative process. I would ask the court to give
12 latitude and understanding to such errors and allow the respondents our day in court.

13 CPSDs claim to violating PUC Codes 2872-2875.5 are not disputed and in fact
14 were part of the respondents initial statements in being forthright with all information as
15 requested by CPSD. However the motive for doing so has only been represented from
16 their view and has mitigating circumstances surrounding the actions of the respondents
17 as to whether there was intent or even knowledge of having done so before it was
18 brought to their attention.

19 Statements as made by Mr. Bruno have been misrepresented and clearly bias
20 the report in CPSDs favor to support the respondents knowingly and intentionally set
21 out to collect DAC payments fraudulently. These statements were to be challenged in
22 the evidentiary hearings which have now been placed off calendar and should not be
23 overlooked or ignored. The transcripts of the taped conversations where Mr. Bruno
24 states at least one of these comes from are requested to be made available for cross
25 examination along with Mr. Bruno at a newly set appointed time for these hearings to
26 be placed back on calendar.

27 Additional background information collected by Mr. Bruno which was presented
28 to the commission in the form of I.10-02-004 has been comingled to give the

1 appearance of one incident rather than two separate incidents in which there was no
2 action taken by any individual or agency prior to the second occurrence. Thus lending
3 to the supported claim by the respondents there was no knowledge of any wrongdoing
4 prior to 3rd quarter of 2007.

5 Statements made with regard to the ownership of the lines has been either
6 misrepresented and should be brought before the court to resolve the ongoing dispute
7 of who owned what and when.

8 Documentation and analysis collected by CPSD continues to support the
9 allegation and bias of the report based on the seed planted by Mr. Berg of G-Five.
10 When in reality the documentation and analysis clearly supports the motives and
11 actions of the respondents as well and should be allowed to brought to the courts
12 attention.

13 G-Five presented records from PPON an aggregator used in the first occurrence
14 of the DAC allegations and the authenticity of these documents clearly cannot be
15 viewed upon as genuine. PPON was owned and operated prior to September of 2007
16 by another individual. Some of the documents and records of payments I contend I
17 have never been seen before and may not be accurate.

18 Also, and most importantly, nowhere in CPSDs investigative report is there any
19 mention of the alternative motive and stated facts surrounding the motives and intent
20 by the respondents in the conduct and in which the business venture as outlined in the
21 Data Requests became into reality for the respondents. This most certainly needs to
22 be brought to the attention of the court as it is the only testimony which will have
23 corroboration verses the spin theory put forth by CPSD.

24 Also, the respondents in this matter do not acknowledge as claimed by CPSD
25 that we represent any Phone company carrier or Public Utility but are in fact ourselves
26 all consumers who failed to receive any protection from CPSD.

27 The lack of acknowledgement and the lack of any investigatory efforts made by
28 CPSD clearly show once again the bias and lack of objectiveness in their approach to

1 this investigation and should be allowed to presented as part of the defense in cross
2 examination and statements by the respondents.

3 I have personally been attacked and pursued by CPSD since the beginning of
4 this investigation. I have been mislead during conversations and towards the direction
5 of where this investigation was going. It is only a part or the ethics I question as how
6 CPSD has moved forward in its investigation and how it has reached some of the
7 settlement offers now before the court. Also the approach how CPSD has moved
8 forward with this matter thus far has cost me personally - - two heart attacks and
9 ultimately forcing me into diasability for my future. It has also threatened the health of
10 another of the respondents.

11 But clearly after all is said and done here, if this court does not allow us the
12 opportunity to challenge the above then this court cannot fairly make a determination in
13 the penalty phase which we believe will be directly impacted.

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Dated: July 29, 2010

/s/ Alterber Freeman
Alterber Freeman

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of **Opposition to Motion for Summary Adjudication and Motion to Forego Hearings** to the official service list in I.10-02-004 by using the following service:

E-Mail Service: sending the entire document as an attachment to all known parties of record who provided electronic e-mail addresses.

Executed on July 29, 2010 at San Jose, California.

/s/ Alterber Freeman

Alterber Freeman