

These 4 and 1 on the next page that say I can't be called are not true statements. I always said some calls were not coming through.

1-19-2022 Customer called and said can't be called. This ticket was left open so that technicians could work with customer on possible solutions.

6-23-2022 Customer called to disconnect service.

NARRATIVE:

Trouble ticket on 8-30-2019 was cleared to defective line card in remote.

Trouble ticket on 8-11-2020 was cleared to test OK at CO.

Trouble ticket on 10-20-2020 was cleared to Line Card in Remote.

Trouble ticket on 12-20-2021 was cleared to inside wire.

Trouble ticket on 1-19-2022 was left open so that we could continue to contact the customer and try to work through his problem. There was no trouble found on 1-19-2022.

Of note, Totah does not monitor individual customer lines unless asked to do so or they agree for us to keep a log of incoming and outgoing calls. Mr. LaFon agreed for Totah to put his line on CLI in our switch so that we could keep a record of incoming calls. There are 25 pages on calling information attached that are calling records to Mr. LaFon's telephone number. These start on 1/24/2022 and end on 6-23-2022. Also attached are copies of a picture of the answering machine Totah provided to Mr. LaFon to record days and dates calls may have come into Mr. LaFon and he or his wife may have not heard the telephone ring. To date, this device has not been returned. Mr. LaFon already provided photos of the telephones Totah provided to him for use as his other telephones were causing issues on his line.

As Totah has no knowledge of when calls come into an individual customer, it is difficult at best for us to track down any issues that may arise in calls not being delivered. As has become standard practice within the communications industry, many companies rely upon least cost routing when delivering calls outside of their network another company's network. In many instances, these calls never make it to the end offices. Also of note, wireless companies don't always have the signal from the device originating the call to reach their MISO and then route the call to be delivered to the end office. There have been many instances where these companies are providing ring back tone where the call is not going anywhere.

See Note #2
We were never afforded the information as to which provider was supposed to be delivering the calls to our office and therefore could not determine if it was a wireless company or a company using least cost routing. We were simply told that the customer could not receive calls.

As stated earlier, the trouble ticket from 1-19-2022 was left open so that testing and troubleshooting with the customer could be accomplished and records could be kept by Totah Communications, Inc. in our trouble reporting system. A copy of that trouble ticket has been provided as well. It was summarized in the initial complaint inquiry that was provided to Sherri Eisenbarth on 6-24-2022. It is also summarized here.

See Note #3
December of 2021, a Totah technician was dispatched to customer residence for a trouble report of inability to receive calls. Technician repaired and replaced the service wire in the house. He also left a telephone with customer as there was a very old rotary phone being used along with a cordless telephone. One of the phones in Mr. LaFon's photos is that phone. The other 2 telephones and the answering machine were also provided to Mr. LaFon on subsequent trouble tickets.

See Note #4
On 1-19-2022, the customer called in to report that they are not receiving their phone calls. They can call out, but when people call back the phone doesn't ring. It was communicated to the customer that he would need to keep a log from the people telling him that they had tried to call, but there was no answer. He was asked to keep the name, date, time, and telephone number trying to call him. This would help us in trying to figure out if there was a network issue within Totah's network or outside our network. There was noise and someone else in the background.

Note #5
2-15-2022, Customer reported that they were still having issues. We had switched their line card to see that may have been a problem. Customer reported that had not fixed his issue. Several calls show up on our CLI report as being delivered to the customer. It is also noted that there are calls originating within the customer's residence to the number of the residence.

#6
3-9-2022, Customer reported that they are still having issues. They had gone back to using the old phones. We requested that they only use the phones that we had provided so as to eliminate the old phones as the problem causer. Tried to contact the customer, but there was no response.

#7
4-4-2022, Customer called to report trouble. Tried to call the customer at 9:04 a.m., but did not get an answer. The switch recorded on CLI that the call was delivered, but not answered at the residence. Sent a field technician to the residence. Field technician received a test call from our office in Ochelata at the NID. A hum was heard on the line this time. Field technician checked the cable pair. Another telephone was left for use in the bedroom along with the test phone in the dining room.

#8
5-2-2022, Customer called to report they are still having the issue of not receiving calls. We have not been able to duplicate the trouble. Our test calls get delivered from within our network and from cellphones being used by Totah Technicians.

#9
5-4-2022, Customer was moved to a new cable pair in efforts to remedy his problem. His NID was also thoroughly rehabbed. Ground rods were added to pedestals in efforts to remedy the situation. An electric pole was found to be missing about 2 ft. of its ground wire. This was repaired as well. That removed the noise from the customer line. In general, a hum on the line caused by grounding issues do not stop calls from being delivered to a customer. Grounding issues in general cause noise on the line.

#10
6-1-2022, Customer called to provide updates as to calls missed on 5-31-2022. The number he provided was his sister's. CLI showed she called at 8:56 am. This was not the time he provided that he said she called with no answer. CLI also showed that she called at 12:24 pm and at 4:03 pm. According to Mr. LaFon, he did not receive any of those calls. Customer did not have an answering machine to show if the calls made it to

his residence or not. Customer also had gone back to using his old phones and a phone a phone that someone had given to him because they didn't want it anymore. We ordered an answering machine and we will be installed once it comes in to try to log if calls are making it to the residence or not. A copy of the Amazon bill is attached along with a picture of the answering machine.

11 6-23-2022, Customer called again to report calls not being delivered to his residence. His report was that his sister who lives in Bartlesville had tried to call him. CLI log shows several calls made to his home. Customer stated that he was not home, so he didn't know if the calls came through. Customer was asked if the answering machine had picked up any calls. Customer stated that the answering machine was removed by his wife as she believed it was a spying device. It was communicated that the machine was important for us to see if calls were being delivered and the phone wasn't heard. Customer got mad and stated that he wanted to disconnect his service and that he was going to make a complaint to the Kansas Corporation Commission. Customer was advised that he was certainly within his rights to do so. Customer was then transferred to a CSR to complete a Disconnect order. Order was issued and customer service was turned off on 9-23-2022

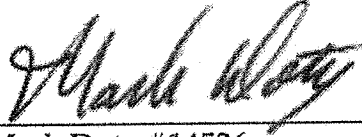
12 As was stated in the email (attached) dated 6-24-2022 to Sherri Eisenbarth of the KCC, I believe that Totah went to great lengths to try to find an issue within our network that would have caused calls not to be delivered to this customer. As is shown by our CLI reports attached (and more can be produced if necessary) calls were being delivered. All of the test calls made by Totah Technicians within and outside of our network rang through to the customer. Also of note, Mr. LaFon's official complaint states that he is requesting a refund for 4 years of service, but would settle for 2 years. He generated 1 trouble ticket in the third quarter of 2019, 2 tickets in 2020 (one in third quarter and one in fourth quarter), 1 ticket in the fourth quarter of 2021, and his last ticket that was kept open in January of 2022. I do not see anything that would warrant a refund for 4 years of service. One of those tickets was due to defective house wire and instruments on the customer side of the NID which were repaired at no cost pursuant to the customer's inside wire maintenance contract. That trouble is outside of the KCC jurisdiction.

To date, we have found nothing that would have caused calls not to be delivered to Mr. LaFon. Also of note, if it were a problem in our network, it would stand to reason that it would affect more than one customer. To date, we have not had an ongoing report of call delivery problems from other customers.

Again, this lends itself to the issue being with a wireless provider or another company that is supposed to deliver calls to our office.

WHEREFORE Totah Communications, Inc. respectfully requests the Commission find that it has committed no violations of the law with respect to the matters set forth in the complaint filed herein.

Respectfully submitted,



Mark Doty #14526

Thomas E. Gleason, Jr. #07741

GLEASON & DOTY, CHARTERED

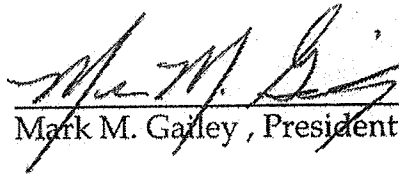
P.O. Box 490

Ottawa, KS 66067

(785) 242-3775

VERIFICATION

I verify under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct. Executed on 7-28-22.



Mark M. Gayley, President and G.M.

CERTIFICATE OF SERVICE


Mark Doty certifies that a true and correct copy of the foregoing Answer to Complaint was sent via email on 7-30-22 addressed to the following persons:

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
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WALKER HENDRIX, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
w.hendrix@kcc.ks.gov

And by First Class Mail to:

JOSEPH A. LAFON
3523 Legionville Lane
Independence, KS 67301



Mark Doty

Note #1

As stated in my formal complaint our original 620-289-4355 number was switched to 620-289-4321 on the same day as I can remember repairman Scott calling and telling me our service will be interrupted for a short time while he changed something in Tyro KS and then he had to make make a change in Jefferson KS and that we would have a new phone number, thinking that this would solve the problem with some calls not getting through. I had to call everyone and give them my New number.

Note #2

I did give Adam my Father in law's long distance carrier which was Lingo and he told me he could not get anywhere with them. At one point Adam told me that family members who weren't getting through should call their carriers and find out why the calls were getting through to me.

Note #3

Rotary phone was given to us by a Totah employee and it worked just as good as any other phone did, considering our intermittent problem.

Note #4 Adam asked me to do this for a week and I provided some of that data in the formal complaint but I did call Adam and give him the info he requested the best I could. Adam also wanted me to call these people and have them write down dates + times that they tried to call which didn't work out well as far as getting feedback from them.

#5 Yes several calls did come through but some calls were not coming through due to the intermittent problems with our service; and yes my wife did call our phone on a few occasions just to see what would happen. I couldn't understand why she did this but I don't see it as a big problem.

#6 We bought 3 or 4 new phones and whether we used the new ones or the provided phone or older phones we still had the same problem with each and every phone we used. "Phones" were not the problem.

#7 As far as the 9:04 call not being answered, I was ~~on~~ on the phone and we the called showed up on call waiting, I returned the call →

#7
cont.

as soon as I got off the phone, many calls had loud static on both ends of the line to go along with the pretty consistent humming.

#8 This is an intermitter problem

#9 I almost always was outside with the repairman when he was at our house and I don't remember 2' of ground wire being replaced and if it was why wasn't it found on the previous repairs?

#10 The times I stated may not have been the exact times she gave me as I don't have the equipment to show exact time on what is happening. The phones given to us by Totah were wall mount phones and I did not want to put holes in my walls for testing purposes.. and they had short cords which made them hard to use, but again the phones were not the issue.

#11 Answering machine was pre-set to pick up after the 6th ring and the only time it was used was if we weren't home as we would answer before the 6th ring.

#12 On one of my calls with Adam I asked him what their records show as far as my complaints about their service and he told me it showed being ~~being~~ in Dec. of 2021 and ~~the~~ now their response to my complaints show other dates. This make me wonder how many ~~the~~ complaints were actually recorded by them. I made numerous complaints to the ladies off and on for some time and never was afforded the opportunity to speak with anyone else as they would tell me "nothing wrong on our end" and everyone should call their providers to find out why calls were not getting through.

As far as no other customer of Totah not having issues, I have two neighbors who have or had service from Totah - 1. Jeff Leiker who says they hardly ~~never~~ ^{ever} use the landline as the whole family has cell phones so he doesn't have issues. 2. Mike Sutton who told me that he was having many issues and could not get them addressed so he dropped Totah and went wireless for internet + phone service and now has no problems.

Yes, I did get upset when I cancelled the →

service and I believe anyone else who has dealt with an issue with no resolve for over four years would get mad also.

The last repair visit to my house was done by 2 men and one of them made the comment that the only other thing they could do was to check the line for hairline crack in the wire but that they would have to walk and test the line ~~for~~ in a section that was roughly $1\frac{1}{2}$ miles long. I don't think this ever happened and with ground movement compressing + decompressing the wire could it be that this could have been the problem all along. How old and brittle are these lines and have they ever been replaced? Could the hairline cracks cause the loss of continuity in the lines due to ground movement at different times and then regaining continuity at different times causing the intermittent problems?

All handwritten notes and
hi-lite on these pages are made
by myself to the best of my
knowledge J.A. LaFon