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BEFORE THE
ILLINOIS COMMERCE COMMISSION

NORTH COUNTY COMMUNICATIONS) DOCKET NO.
CORPORATION) 02-0147
-vs-
VERIZON NORTH INC. and
VERIZON SOUTH INC.

)
Complaint pursuant to Sections
13-514, 13-515 and 13-516 of the
Public Utilities Act and 83 Ill.
Admin. Code Part 766.

Springfield, Illinois
November 12, 2003

Met, pursuant to notice, at 10:00 A.M.

BEFORE:

MR. WILLIAM SHOWTIS, Administrative Law Judge
MR. JOHN ALBERS, Administrative Law Judge

APPEARANCES:

MR. JOSEPH G. DICKS
Law Office of Joseph G. Dicks
750 B Street
Suite 2720
San Diego, California 92101

(Appearing on behalf of North County
Communications Corporation)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter, CSR License #084-002710

1 about the middle of the page.

2 MR. ROONEY: Then I will go forward then

3 JUDGE ALBERS: Wait a minute

4 MR. DICKS: Yeah, I have that from page 22,
5 line 18, all the way through page 23, line 10, was
6 stricken as being hearsay, talking about the delays
7 of these two. Counsel asked a direct question that
8 wasn't it true that nobody else was delayed. He
9 testified that he contacted the two CLECs regarding
10 their delay. That's now in evidence and I would ask
11 that from the order Lesser Rebuttal, page 22, line
12 18, it is item number 8 on page 2 of you order, page
13 22, line 18, to page 23, line 10, be modified to
14 reflect that that motion to strike is now withdrawn.

15 MR. ROONEY: Well, Your Honors, if I may, my
16 question went to what's still in evidence and his
17 comment that the tribunal prevent Verizon from
18 perpetrating its delaying tactics on NCC or anybody
19 else I asked him who else Okay. Because at this
20 point he is making a statement that alleges that
21 there are others out there. And I was focusing on
22 my cross examination on this particular phrase. I

1 certainly didn't open the door to what he was
testifying about otherwise

3 JUDGE ALBERS: Did you have other questions
4 along this line?

5 MR. ROONEY: Yes, I did, one other question

6 JUDGE ALBERS: Why don't we hear that and
7 then

8 MR. ROONEY: Thank you, Your Honor

9 THE WITNESS: Maybe I should ask

10 MR. DICKS: No, there is no question pending.

11 MR. ROONEY:

12 Q. Mr. Lesser, are you aware of whether any other
13 CLEC in the state of Illinois has filed a complaint
14 at the Illinois Commerce Commission alleging any
15 delays or any delaying tactics that Verizon has
16 perpetrated? And I am speaking specifically of
17 complaints filed at the Illinois Commerce
18 Commission

19 A. I am not aware if they have filed any or have
20 not filed any.

21 Q. Let me ask

22 JUDGE ALBERS: Does that end your questions on

1 that line?

2 MR. ROONEY: That's it

3 Pause.

4 JUDGE ALBERS: Regardless of the weight of the
5 testimony on page 22 through 23, lines 18 on page 22
6 through line 10 on 23, regardless of the weight we
7 should accord to that, in light of Mr. Rooney's
8 questions, I will withdraw the ruling on the motion
9 to strike

10 MR. ROONEY: Fine. Thank you, Your Honor

11 JUDGE ALBERS: Given that that testimony will
12 be put back in, I am not -- knowing the future here,
13 keep this in mind because we will ask you to submit
14 another version of Mr. Lesser's rebuttal with this
15 back in

16 MR DICKS: On my to do list. Thank you very
17 much.

18 MR. ROONEY:

19 Q. Mr. Lesser, returning to the "whatever suits
20 their needs theory" identified in your testimony, I
21 would like to turn to what is on page 2, again
22 focusing on this first page of Q and A. And on that