

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 ) File No. ITC-214-20091110-00468  
Next-G Communication, Inc. )  
 )

**Further Supplemental Comments of APCC Services, Inc**

1. APCC Services hereby files these Further Supplemental Comments of APCC Services in the above referenced matter. These Further Supplemental Comments update the Commission with regard to developments since APCC Services submitted the Supplemental Comments of APCC Services, Inc on January 20, 2010 (*APCC Supplement*) Reply Comments of APCC Services, Inc, on December 28, 2009 ("*APCC Reply*"). In these Further Supplemental Comments, APCC Services calls to the attention of the Commission continuing and additional violations by Next-G of the Commission's rules.

2. In the *APCC Supplement* and the *APCC Reply*, APCC Services explained that Next-G's failure to pay dial around compensation for the four previous quarters for which compensation was already due could not be justified on the basis of Next-G's totally unsupported and lacking in credibility assertion that it had uncovered the fact that some of the payphone lines for which compensation claims had been filed were allegedly not payphone lines. Not only did Next-G offer no specific facts but as a substantive matter, any withholding of compensation by Next-G was substantively illegal and not in accordance with Commission procedures for handling payment disputes.<sup>1</sup> Moreover, Next-G had done nothing to advance its alleged investigation,<sup>2</sup> which was not at all described, despite its assertion that the investigation was continuing.<sup>3</sup>

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<sup>1</sup> See *APCC Supplement*; *APCC Reply* at 5-9. For example, Next-G failed even to say when it had allegedly discovered the alleged claim for non-payphone lines and how that date related to the date related to the date when payments were due.

<sup>2</sup> See *APCC Supplement*.

<sup>3</sup> *Next-G Opposition* at 4 Again, there was not a single word about how this alleged investigation was being conducted or of what it consisted.

3. Now almost four months have gone by since Next-G made those statements to the Commission. During that period, not only did the payment date for 3Q09 come due with no payment and no reporting by Next-G,<sup>4</sup> but now an additional payment and reporting date, April 1, 2010 for dial around compensation for calls made during 4Q09, has come and gone. According to the Intermediate Reports submitted to APCC Services for the fourth quarter of 2009,<sup>5</sup> Next-G received approximately 207,300 calls that originated from over 18,500 payphone lines of APCC Services' payphone service provider ("PSP") customers. Next-G, however, in a new violation of the Commission rules to which it promised to adhere in the *Next-G Order*,<sup>6</sup> failed to submit a payment or a Completing Carrier report.<sup>7</sup>

4. Moreover, it now appears that Next-G, through one of its principals or directly, may be engaging in a subrefuge designed to mislead and/or to hide from the Commission continuing violations of the Commission's rules. In the Intermediate Carrier reports received by APCC Services for 3Q09 and for 4Q09, Qwest reported sending calls to a switch based reseller ("SBR")<sup>8</sup> named Smart Debit whose contact information was reported as:

Ali Zulfigar  
5206 Hadfield Court  
Sugarland, Tx 77479

Ali Zulfigar is the same "Zulfigar AR" who signed the Consent Decree with the Commission on behalf of Next-G, and in fact is listed as the owner of Smart Debit. Moreover, the address shown above is Mr. Zulfigar's residence address. Smart Debit has filed no reports and made no

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<sup>4</sup> See *APCC Supplement*.

<sup>5</sup> See 47 CFR § 64.1310 (b).

<sup>6</sup> *Next -G Communications, Inc.*, Order and Consent Decree, File No. EB-05-IH-2010, DA 09-2068 (released November 12, 2009) (*Next-G Order*).

<sup>7</sup> *Id.* § 64.1310 (a).

<sup>8</sup> Under the Commission's Rules, switch based resellers are completing carriers for calls they complete. 47 CFR § 64.1300(a).

payments to APCC Services for either 3Q09 or 4Q09. A search of FCC records uncovered no audit report for Smart Debit and no Section 214 Certification.<sup>9</sup>

5. Whether Smart Debit is in fact a ruse designed to hide continuing violations by Next-G or is a totally separate entity, it is clear that Next-G and/or its principals are engaged in systematic violations of the Commission's rules through multiple entities and have little regard for the Commission's rules. In these circumstances, the Commission cannot grant Next-G's application for a Section 214 certificate without further investigation and without ensuring that Next-G and all entities in which any of its principals are involved have brought themselves into compliance with the Commission's rules.

6. Wherefore, for the reasons in these Further Supplemental Comments and in APCC Services' earlier filings in this matter, the Commission should deny the Application streamlined treatment, conduct an appropriate inquiry and give parties, such as APCC Services, the opportunity to participate, and deny the Application unless Next-G and all entities in which any of its principals are involved have brought themselves into full compliance with the Commission's rules..

Respectfully Submitted,



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April 5, 2010

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<sup>9</sup> See attached *Declaration of Ruth Jaeger*. APCC Services did find a Form 499A for Smart Debt Systems, Inc., which also lists Mr. Zulfigar's address.. It is unclear whether this is supposed to be a filing for Smart Debit.

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**DECLARATION OF RUTH JAEGER**

1. I am President and General Manager of APCC Services, Inc. (“APCC Services”). My business address is 625 Slaters Lane, Suite 104, Alexandria, VA 22314.

2. I make this declaration in support of the Further Supplemental Comments of APCC Services, Inc., in the above captioned proceeding.

3. I have explained in my previous declarations in this proceeding my qualifications, experience and competence to make a declaration asserting facts in connection with the relations between APCC Services and Next-G.

4. On April 1, 2010, Intermediate Carrier reports and Completing Carrier reports for the fourth quarter of 2009 were due.

5. APCC Services is currently in the process of receiving and compiling the fourth quarter of 2009 Intermediate Carrier reports. An early check of the reports received to date indicates Next-G received approximately two hundred seven thousand calls from some 18,500 payphone lines of APCC Services’ payphone service provider (“PSP”) customers. Next-G, however, failed to submit a payment or a Completing Carrier report.

6. The material recited in paragraph 4 of the Further Supplemental Comments of APCC Services, Inc., was gathered under my supervision through research from publicly available sources. To the best of my knowledge and belief, it is true and accurate.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2010.

  
Ruth Jaeger, President  
APCC Services, Inc

**CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2010 I caused a copy of the foregoing Supplemental Comments of APCC Services, Inc., in Application No. ITC-214-20091110-00468, to be served by Hand Delivery, E-Mail or First-Class Mail as indicated below, to the following:

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