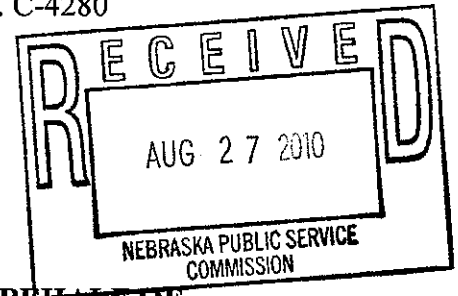


**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**

In the Matter of the Joint Application )  
Of Qwest Communications International, )  
Inc. and CenturyLink, Inc. for Approval )  
of Indirect Transfer of Control of )  
Qwest Corporation, Qwest Communi- )  
cations Company, LLC and Qwest )  
LD Corp. )

Application No. C-4280



**PRE-FILED STATEMENT OF DAN MOLLICONI ON BEHALF OF  
HAMILTON.NET, INC.**

My name is Dan Molliconi. My business address is 1001 12<sup>th</sup> Street, Aurora, Nebraska 68818. I am Vice President of Hamilton.net, Inc. which I will refer to in this Pre-filed Statement as "Hamilton". I have been the Vice President of the Company for over six years. I was previously the General Manager of the Company for 4 years. As part of my duties, I have oversight responsibilities for general operations of the Company, including review of vendor billings and accounts payable. I received my Bachelor of Arts degree from Hastings College in Business, Economics and Human Resource Management. I have been working for Hamilton and its affiliated companies for more than 15 years in a management role. As a result, I am immersed in the operations of Hamilton, and particularly the operational issues associated with its operations as an Internet service provider ("ISP").

For the Commission's information, Hamilton's primary business is operation as an ISP providing internet access services to business and residential customers located primarily in central and western Nebraska. Hamilton currently provides several competitive broadband solutions and dial-up access to citizens living in nearly 6000 square miles of Nebraska. In order to conduct its business, Hamilton must obtain telecommunications services and facilities from telecommunications carriers such as

Qwest Corporation ("Qwest"). Hamilton purchases these services and facilities as a retail customer and not as a wholesale customer or "reseller". Specifically, Hamilton has purchased in the past, and continues to purchase from Qwest, DS1 and DS3 service, PRI service and frame.

Of course, Hamilton expects to be billed for the telecommunications facilities and services that it has purchased or currently purchases from Qwest, and to pay amounts correctly billed by Qwest for such facilities and services. However, over the last three years, Hamilton has received incorrect billings from Qwest, has been required to pay such billings or risk service disconnection, and has been required to expend significant staff and outside consultant time and resources in connection with efforts to resolve Qwest's billing errors which remain unresolved as of this date.

Before proceeding with a general description of the nature and extent of Hamilton's billing and payment issues with Qwest, I want to acknowledge that Hamilton recognizes that Commission Rule of Procedure Section 015.02B provides that an informal intervener shall only address issues "reasonably pertinent to the issues already presented" and shall not "unduly broaden the scope of the proceeding." Hamilton further understands that the Commission's informal and formal complaint mechanisms are available to address Hamilton's billing and payment issues with Qwest. Nonetheless, Hamilton believes that Qwest's conduct in failing to adequately respond to Hamilton's billing and payment issues is relevant to the Commission's review and approval of this application, provides an actual example of Qwest's handling of a customer relations matter concerning requests for refund of overpayments caused by Qwest's billing errors and as such, is relevant to the Commission's consideration as to whether the public

interest is served by approval of this application.

In order to create a context for the problems encountered by Hamilton with Qwest's billing practices, a summary of Hamilton's billing and payment issues with Qwest is as follows. On a date that is unknown to Hamilton, Qwest re-classified Hamilton from a retail customer to a wholesale customer. This action caused Hamilton's account to be transferred from Qwest's Retail Division to its Wholesale Division. This action resulted in billing errors and confusion.

After considerable expenditure of time and effort by Hamilton to cause Qwest to correct the problems created by this re-classification, on June 3, 2008, Qwest notified Hamilton that Hamilton's accounts would be moved back to the Retail Division. However, unbeknownst to Hamilton, it appears that the migration from wholesale back to retail did not occur as promised. As a result, certain Hamilton disconnection and recontract requests were disregarded by Qwest and overbilling of Hamilton resulted.

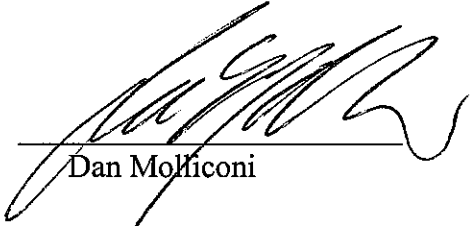
Although Hamilton continued to pay Qwest's billings, in June 2009 Hamilton submitted two "Billing Dispute Notification Forms" to Qwest relating to the unauthorized reclassification and requested a refund for overpayments for services. In July 2009 Qwest denied both dispute notices. Working with Qwest's agent, Apex Datacom, in connection with Hamilton's account with Qwest, an accounting of Qwest invoices and Hamilton's overpayments was prepared through October 9, 2009 showing estimated overpayments by Hamilton totaling \$122,173.92.

Notwithstanding many contacts by Hamilton's representatives with multiple Qwest representatives both in Denver and in Omaha, the overbilling by Qwest has not been resolved and Hamilton's calculation of the estimated amount of Qwest's

overbillings from January 2009 through April 2010 is \$203,604.24. While efforts to resolve these overbilling issues have continued to the present time, the matter remains unresolved.

It is Hamilton's position that Qwest's action of re-classifying Hamilton's service without Hamilton's consent, agreement or knowledge, together with Qwest's unresponsiveness to Hamilton's request for refund of significant overpayments for telecommunications services and facilities are unacceptable and are contrary to Qwest's obligations as a common carrier subject to this Commission's jurisdiction. Further, Qwest's failure to either refund the amounts that Hamilton believes it has overpaid or to provide Hamilton with a detailed, invoice-by-invoice explanation to justify the correctness of Qwest's billings to Hamilton is contrary to the public interest and is relevant to the Commission's consideration of this application.

Hamilton appreciates the opportunity to submit this Pre-filed Statement, and will provide the Commission and its Staff with further information regarding the foregoing matter if so requested.




Dan Molliconi

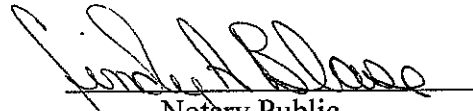
**VERIFICATION**

STATE OF NEBRASKA            )  
  ) ss.  
HAMILTON COUNTY            )

Dan Molliconi, being first duly sworn on oath, states that he is the duly elected Vice President of Hamilton.net, Inc., that he has read the foregoing Pre-filed Statement, and is familiar with the contents thereof, and that such contents are true and correct to the best of his information and belief.

  
\_\_\_\_\_  
Dan Molliconi

Subscribed and sworn to before me, a Notary Public in and for such State and County, this 25 day of August, 2010.

  
\_\_\_\_\_  
Notary Public

