

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

Halo Wireless, Inc.,	§	
	§	
Complainant,	§	Case No. TC-2012-0331
	§	
v.	§	
	§	
Craw-Kan Telephone Cooperative, Inc., et al.,	§	
	§	
Respondents.	§	

**HALO WIRELESS, INC.’S
OBJECTIONS TO DIRECT TESTIMONY OF J. SCOTT MCPHEE**

Halo Wireless, Inc. (“Halo”) hereby objects to and moves to exclude or strike the proposed Direct Testimony of J. Scott McPhee as follows:

I. Legal Standards

Procedures in contested cases are governed by section 536.070 of the Revised Statutes of Missouri (RSMo 2000), as supplemented by 4 CSR 240-2.130. Under these provisions, the “[p]rocedural formalities in contested cases generally include...adherence to evidentiary rules, § 536.070.” *Cade v. State*, 990 S.W.2d 32, 37 (Mo.App.1999) (citing *see Hagely v. Board of Educ. of Webster Groves Sch. Dist.*, 841 S.W.2d 663, 668 (Mo. banc 1992)). Therefore, “[s]tatements in violation of evidentiary rules do not qualify as competent and substantial evidence” in administrative proceedings “when proper objection is made and preserved.” *Concord Publ’g House, Inc. v. Dir. of Revenue*, 916 S.W.2d 186, 195 (Mo. banc 1996).

II. Summary and General Objections

Halo further objects to Mr. McPhee’s testimony for the reason that the majority of his testimony is speculative in nature and demonstrably untrue. The probative value, if

any, is far outweighed by its prejudicial value. Moreover, the bulk of Mr. McPhee's testimony is neither fact nor expert testimony, but states conclusions of law. In addition, to the extent that Mr. McPhee purports to provide fact testimony, Halo objects to the entirety of such testimony on the grounds that Southwestern Bell Telephone Company d/b/a AT&T Missouri ("AT&T") has failed to lay a foundation for Mr. McPhee's personal knowledge or reliance on admissible hearsay that would be relied on by a reasonably prudent person. To the extent Mr. McPhee provides expert testimony, Halo objects that AT&T has failed to establish its reliability. In particular, objects to Mr. McPhee's expert testimony as to the rating and billing of traffic (which testimony purports to be based on the premise that telephone numbers are appropriate and reliable determinants for call rating and billing) in its entirety, as such testimony is not based on reliable principles and methods (*i.e.* it is methodologically unreliable) and is not based on a reliable reasoning process for connecting any such methodology to the traffic at issue. Likewise, because AT&T has failed to establish that Mr. McPhee's methodology is reliable, Halo also objects to any exhibits created by him or based on his work.

III. Reservation of Objections

Halo hereby requests any data or other information underlying Mr. McPhee's testimony (to the extent not previously provided). Halo reserves the right to make any additional objections that may be appropriate after review of such information.

IV. Specific Objections to Lines 3:21-4:10

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide,

and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

IV. Specific Objections to Lines 4:12-23

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written

documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

V. Specific Objections to Lines 5:1-8

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

VI. Specific Objections to Lines 5:10-6:2

Mr. McPhee's purported statements provide neither fact testimony nor expert testimony, but instead state conclusions of law. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

VII. Specific Objections to Lines 6:5-11:6

Halo objects that Mr. McPhee has no personal knowledge of Halo's corporate identity and/or operations. As such, Halo objects for lack of personal knowledge, and that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person.

VIII. Specific Objections to Lines 11:8-18

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

IX. Specific Objections to Lines 11:19-12:3

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

X. Specific Objections to Lines 12:6-11

Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XI. Specific Objections to Lines 12:13-13:8

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XII. Specific Objections to Lines 13:10-17

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks

foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

XIII. Specific Objections to Lines 13:19-20

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XIV. Specific Objections to Lines 13:22-14:11

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be

applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XV. Specific Objections to Lines 14:13-14:22

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVIII. Specific Objections to Lines 14:24-15:11

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-

serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVI. Specific Objections to Lines 15:13-16:13

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XVII. Specific Objections to Lines 16:15-17:2

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not

relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because his statements are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVIII. Specific Objections to Lines 17:4-12

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXII. Specific Objections to Lines 17:14-18:21

This testimony provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XIX. Specific Objections to Lines 19:1-20:2

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data;

that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XX. Specific Objections to Lines 20:5-14

To the extent that Mr. McPhee's statements are offered as substantive evidence that Halo is terminating interexchange landline traffic that is subject to Access rates, Halo objects that AT&T has failed to lay a foundation for such statements as either fact or reliable expert testimony. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably

relied upon by experts in the appropriate field. In addition, such testimony states conclusion of law that are not helpful, that are not relevant, that Mr. McPhee is not qualified to provide, and is not testimony that would be relied on by a reasonably prudent person

XXI. Specific Objections to Lines 20:16-22

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXII. Specific Objections to Lines 20:23-21:2

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXIII. Specific Objections to Lines 21:4-7

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay

that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Furthermore, his statements are not admissible for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXIV. Specific Objections to Lines 21:9-20

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXV. Specific Objections to Lines 21:22-22:9

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

Halo further objects for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXVI. Specific Objections to Lines 22:11-22:20

Mr. McPhee provides neither fact testimony nor expert testimony, but instead states conclusions of law. As such, Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. McPhee is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXVII. Specific Objections to Lines 23:1-14

Halo objects that Mr. McPhee states conclusions of law that are not helpful, are not relevant, are not testimony that Mr. McPhee is qualified to provide, and are not testimony that would be relied on by a reasonably prudent person.

XXVIII. Specific Objections to Lines 23:15-19

Halo objects that Mr. McPhee states conclusions of law that are not helpful, are not relevant, are not testimony that Mr. McPhee is qualified to provide, and are not testimony that would be relied on by a reasonably prudent person.

XXIX. Specific Objections to Lines 24:17-24

Halo objects that Mr. McPhee states conclusions of law that are not helpful, are not relevant, are not testimony that Mr. McPhee is qualified to provide, and are not testimony that would be relied on by a reasonably prudent person. To the extent that this testimony is intended as fact testimony, rather than an expert opinion, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

Halo further objects for the reason that his claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXX. Specific Objections to Lines 25:1-11

To the extent Mr. McPhee incorporates his direct testimony and the direct testimony of Mr. Neinast, such testimony is objectionable for reasons discussed in Halo's objections thereto. To the extent that this testimony is intended as additional fact testimony, Halo objects that AT&T has failed to lay a foundation of personal knowledge and/or reliance on admissible hearsay that would be relied on by a reasonably prudent person. Alternatively, to the extent that such testimony is intended as an expert opinion, Halo objects that the testimony lacks foundation establishing: the basis for Mr. McPhee's opinion and the underlying data supporting his opinion; that the testimony is based on reliable principles and methodology; that the testimony is based on reliable foundational assumption and data; that the testimony is based on reliable reasoning that would allow the methodology to be applied to the foundational data underlying his testimony; and that the data relied upon is of the type that is reasonably relied upon by experts in the appropriate field.

XXXI. Specific Objections to Lines 26:1-7

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Halo further objects to Mr. McPhee's testimony as hearsay, to the extent that it is offered to prove the truth of any matter asserted in such documents.

XXXII. Specific Objections to Lines 26:9-15

Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to

contradict the terms of the written documents violate the parol evidence rule. Halo objects because the written documents referred to by Mr. McPhee are the best evidence of the purported facts adduced by Mr. McPhee, and statements offered to contradict the terms of the written documents violate the parol evidence rule. Halo further objects to Mr. McPhee's testimony as hearsay, to the extent that it is offered to prove the truth of any matter asserted in such documents.

XXXIII. Specific Objections to Exhibits

Halo objects to Mr. McPhee's exhibits as hearsay, to the extent that they are offered to prove the truth of any matter asserted therein.

XXXIV. Conclusion

For the reasons discussed above, Halo respectfully requests that the Commission enter an order sustaining Halo's objections and striking or excluding, as applicable, the direct testimony and work product of J. Scott McPhee.

DATED: June 25, 2012

Respectfully submitted,

s/ Daniel R. Young
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Attorneys for Halo Wireless, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June, 2012, the foregoing document has been filed with the Missouri Public Service Commission electronic filing system and that true and correct copies of the foregoing have been served upon all counsel of record by electronic mail.

s/ Daniel R. Young _____
DANIEL R. YOUNG