

**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 MARK NEINAST**

Halo Wireless, Inc. (“Halo”) hereby objects to and moves to strike or exclude the proposed Direct Testimony of Mark Neinast 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 objects to Mr. Neinast’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.

In addition, to the extent that Mr. Neinast 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. Neinast’s personal knowledge or reliance on admissible hearsay that would be relied on by a reasonably prudent person. To the extent Mr. Neinast provides expert testimony, Halo objects that AT&T has failed to establish its reliability. In particular, objects to Mr. Neinast’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. Neinast’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. Neinast’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 2:4-17

Mr. Neinast’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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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 3:18-4:6

Mr. Neinast'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. Neinast 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. Neinast'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 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 4:7-20

Mr. Neinast'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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

VII. Specific Objections to Lines 5:2-4

Halo objects that Mr. Neinast's statements merely incorporate the testimony of Mr. McPhee, and are inadmissible for the reasons discussed in Halo's objections thereto. In addition, to the extent that Mr. Neinast's statement could be intended as his own substantive testimony, such statements are inadmissible hearsay, rely on inadmissible hearsay, and provide neither fact testimony nor expert testimony, but instead state conclusions of law. Halo further objects that the documents referenced are the best evidence of their contents.

VIII. Specific Objections to Lines 5:5-10

Mr. Neinast'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. Neinast 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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

IX. Specific Objections to Lines 5:11-17

Mr. Neinast'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. Neinast 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. Neinast'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 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 6:1-6:15

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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 6:16-7:7

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XII. Specific Objections to Lines 7:8-8:6

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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XIII. Specific Objections to Lines 8:11-14

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

XIV. Specific Objections to Lines 8:15-9:9

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. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XV. Specific Objections to Lines 9:10-22

Mr. Neinast 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. Neinast 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. Neinast'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 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 10:1-13

Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast 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. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XVII. Specific Objections to Lines 10:14-18

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

XVIII. Specific Objections to Lines 11:7-15

Mr. Neinast 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. Neinast 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. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XIX. Specific Objections to Lines 11:16-12:3

Halo objects that this testimony is not helpful, is not relevant, is not testimony that Mr. Neinast 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. Neinast'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.

XX. Specific Objections to Lines 12:4-13:6

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXI. Specific Objections to Lines 13:8-15

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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 13:16-23

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXIII. Specific Objections to Lines 14:1-13

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, and statements offered to contradict the terms of the written documents violate the parol evidence rule.

XXIV. Specific Objections to Lines 14:14-18

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXV. Specific Objections to Lines 14:19-15:3

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXVI. Specific Objections to Lines 15:4-15

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXVII. Specific Objections to Lines 15:16-19

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

XXVIII. Specific Objections to Lines 15:20-16:3

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

XXIX. Specific Objections to Lines 16:4-12

Mr. Neinast 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. Neinast is qualified to provide, and is not testimony that would be relied on

by a reasonably prudent person. Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast'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.

XXX. Specific Objections to Lines 16:13-20

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXXI. Specific Objections to Lines 16:21-17:3

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXXII. Specific Objections to Lines 17:8-13

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXXIII. Specific Objections to Lines 17:14-18:4

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXXIV. Specific Objections to Lines 18:5-22

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

XXXV. Specific Objections to Lines 18:1-19

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXXVI. Specific Objections to 20:1-7

Mr. Neinast 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. Neinast 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. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XXXVII. Specific Objections to Lines 20:8-15

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXXVIII. Specific Objections to Lines 20:16-21:5

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XXXIX. Specific Objections to Lines 21:6-14

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

XL. Specific Objections to Lines 22:15

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

XLI. Specific Objections to Lines 22:6-23:12

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XLII. Specific Objections to Lines 23:13-24:17

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XLIII. Specific Objections to Lines 25:1-12

Halo objects because the written documents referred to by Mr. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XLIV. Specific Objections to Lines 25:13-26:17

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XLV. Specific Objections to Lines 27:1-13

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XLVI. Specific Objections to Lines 27:14-19

Mr. Neinast 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. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person.

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

XLVII. Specific Objections to Lines 28:2-9

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

XLVIII. Specific Objections to Lines 28:1-29:11

Halo objects that the testimony lacks foundation establishing: the basis for Mr. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

XLIX. Specific Objections to Lines 29:12-30:5

Mr. Neinast 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. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects that the testimony lacks foundation establishing: the basis for Mr. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

L. Specific Objections to Lines 30:6-13

Mr. Neinast 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. Neinast 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. Neinast'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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

LI. Specific Objections to Lines 30:20-23

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

LII. Specific Objections to Lines 31:1-7

Mr. Neinast 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. Neinast 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. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LIII. Specific Objections to Lines 31:8-13

Mr. Neinast 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. Neinast 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. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LIV. Specific Objections to Lines 31:14-19

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

LV. Specific Objections to Lines 31:20-32:11

Mr. Neinast 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. Neinast is qualified to provide, and is not testimony that would be relied on by a reasonably prudent person. Halo further objects that the testimony lacks foundation establishing: the basis for Mr. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LVI. Specific Objections to Lines 32:12-33:3

Mr. Neinast 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. Neinast 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. Neinast'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 claims are self-serving, speculative in nature and demonstrably untrue. The probative value, if any, is far outweighed by its prejudicial value.

LVII. Specific Objections to Lines 33:4-12

Mr. Neinast provides neither fact testimony based upon his personal knowledge, but instead offers inadmissible hearsay. As such, Halo objects that this is not testimony that Mr.

Neinast 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. Neinast are the best evidence of the purported facts adduced by Mr. Neinast, 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.

LVIII. Specific Objections to Exhibits

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

Halo further objects that Exhibits MN-3 through MN-8 are based on and summarize expert opinion, and AT&T has failed to lay a foundation showing their admissibility, including: the basis for opinion and the underlying data supporting his opinion; that the document is based on reliable principles and methodology; that the document is based on reliable foundational assumption and data; that the document 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.

LIX. 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 Mark Neinast.

DATED: June 25, 2012

Respectfully submitted,

s/ Daniel R. Young

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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