

40. Refer to BT's response to DPS 3-3, which states: "Non-compliant debits to the cash pool effectively resumed by November 2007 and continued until October 2009."
- a. Please show in detail all daily cash flow information from August 2007 forward showing exactly how the "Non-compliant debits to the cash pool effectively resumed by November 2007 and continued until October 2009."
 - b. Did anyone at the City or BT inform Creative Telecom Ventures LLC (who prepared a Business Analysis for Burlington Telecom dated December 5, 2007) about the non-compliant debits to the cash pool resuming by November 2007? If not, explain fully why not. If so, please identify and provide all information about BT's cash position that the City and/or BT provided to Creative Telecom Ventures LLC.
 - c. Please confirm that the non-compliant debits to the cash pool have continued after October 2009. If this cannot be confirmed, explain fully why not.
 - d. Please identify BT's City cash pool debit as of November 30, 2009.
 - e. Please identify BT's City cash pool debit as of December 31, 2009.
 - f. Does BT or the City have any reliable projections of BT's cash position for any dates subsequent to December 31, 2009? If not, explain fully why not. If so, please provide all such projections.

Response:

- a. See BT Exhibit Response DPS 3-14.
- b. Neither the City nor BT staff knew the debits were non-compliant in November 2007. BT provided Creative Telecom Ventures ("CTV") with a then current estimate of BT's finances. This information is reflected in the report by CTV.
- c. The debits to the cash pool existed as of October 2, 2009 have continued to the present. After that date BT has debited funds from the cash pool but has re-paid these funds within 60 days pursuant to Condition No. 60.
- d. See BT Exhibit Response DPS 4-40(d).
- e. See BT Response to DPS Question No. 4-40(d) above.
- f. See BT Exhibit Response DPS 3-1 and BT Exhibit Response DPS 4-24(a), which were submitted under seal pursuant to the Protective Agreement.

Person Responsible for Response: Jonathan P.A. Leopold, Jr.
Title: Chief Administrative Officer
Date: March 26, 2010