



EZ Talk Communications, LLC
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January 27, 2004

VIA FACSIMILE

Deborah Taylor Tate
Chairman, Tennessee Regulatory Authority
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37219

03-00632

**Re: APPEAL OF EZ TALK COMMUNICATIONS, L.L.C. OF
INITIAL ORDER REVOKING CERTIFICATE OF AUTHORITY
AND IMPOSING MONETARY SANCTIONS**

Dear Ms. Tate:

Enclosed for filing please find a facsimile of the above referenced petition filed on behalf of EZ Talk Communications, L.L.C. I have mailed, via overnight delivery, thirteen (13) copies of the same.

Please contact me if you have any questions.

Sincerely,

Ashish Patel
Chief Regulatory Officer
EZ Talk Communications, L.L.C.

EZ Talk Communications, LLC
1245 East Diehl Road, Suite 300
Naperville, IL 60563
www.ezt.net

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**SHOW CAUSE PROCEEDING)
AGAINST EZ TALK)
COMMUNICATIONS, L.L.C. FOR)
VIOLATIONS OF TENN. CODE ANN § 65-)
4-125 AND TENN. RULES & REGS. 1220-4-2-)
.56**

**Docket No.
03-00632**

**APPEAL OF EZ TALK COMMUNICATIONS, L.L.C. OF
INITIAL ORDER REVOKING CERTIFICATE OF AUTHORITY AND
IMPOSING MONETARY SANCTIONS**

Pursuant to Tennessee Code Annotated § 4-5-315, EZ TALK COMMUNICATIONS, LLC ("EZ Talk"), a Texas Limited Liability Company, respectfully requests that the Tennessee Regulatory Authority ("TRA" or "Authority") approve petitioner's appeal and overturn the TRA's initial order revoking EZ Talk's Certification as a reseller of telecommunications services and imposing monetary sanctions in the amount of one million six hundred seventy-seven thousand dollars (\$1,677,000.00).

In support of this petition, EZ Talk submits the following information:

1. Full name and address of the principal place of business of the petitioner are:

EZ Talk Communications, L.L.C.
1245 East Diehl Road, Suite 300
Naperville, IL 60563

2. All correspondence and communications with respect to this Petition should be sent to the following party:

Ashish Patel
Chief Regulatory Officer
EZ Talk Communications,

1245 East Diehl Road, Suite 300
Naperville, Illinois 60563
Telephone: (630) 577-7209
Facsimile: (630) 955-0059

3. EZ Talk is incorporated under the laws of the state of Texas and is engaged in the business of providing pre-paid local exchange telephone service within the state of Tennessee. EZ Talk is a public utility pursuant to the laws of the state of Tennessee and its public utility operations are subject to the jurisdiction of this Authority.
4. Delta Phones, Inc. ("Delta Phones") is incorporated under the laws of the state of Louisiana and is engaged in the business of providing pre-paid local exchange telephone service within the state of Tennessee. Delta Phones is a public utility pursuant to the laws of the state of Tennessee and its public utility operations are subject to the jurisdiction of this Authority.
5. Delta Phones had been providing telephone service to Tennessee customers pursuant to a resale agreement with Bellsouth. As a result of a billing dispute with Bellsouth, Bellsouth filed a letter with the TRA on August 25, 2003 stating its intention to terminate Delta Phones' service on September 4, 2003.
6. The termination of service to Delta Phones from Bellsouth would result in customer disconnections. In an effort to prevent this, Delta Phones purchased telecommunications services from EZ Talk Communications. At all times, end users were receiving invoices and telephone service from Delta Phones, Inc. Accordingly, EZ Talk respectfully submits, the Initial Order cannot stand.

7. Furthermore, EZ Talk respectfully requests the Authority to overturn its Initial Order on the grounds that, due to financial hardship, EZ Talk did not have counsel present at the show cause hearing on January 7, 2003.
8. The financial and human resources of EZ Talk have been severely strained as a result of the monopolistic activities of the RBOCs. Making it even more difficult for EZ Talk to be adequately represented at the show cause hearing, EZ Talk's in-house regulatory counsel resigned with little notice days before the hearing. With the short amount of notice EZ Talk's officers had prior to the hearing, it was impossible for EZ Talk to hire local counsel in time and at a reasonable cost, for representation of EZ Talk's interests at the hearing.
9. In the alternative, EZ Talk respectfully requests that all proceedings against EZ Talk, including the issuance of a final order, be stayed. A Voluntary Petition seeking relief under Chapter 11, United States Code, was filed by EZ Talk Communications, L.L.C., in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division on the 8th day of January, 2004. The Voluntary Petition was assigned Case No. 04-00828. The filing of the Voluntary Petition activates the automatic stay provided in § 362 of the Bankruptcy Code.

WHEREFORE, Petitioner prays:

1. That the Authority overturn the Initial Order entered against EZ Talk Communications, LLC imposing a monetary sanction and revoking EZ Talk's local exchange certificate; and

2. That all proceedings and final orders against EZ Talk be stayed as a result of EZ Talk's filing for bankruptcy in the United States Bankruptcy Court and the automatic stay activated by § 362 of the Bankruptcy Code; and
3. That petitioners be granted such other and/or further relief as may be warranted.

Respectfully Submitted,

EZ Talk Communications, L.L.C.

By: 

Fallean Mintz

EZ Talk Communications, L.L.C.

1245 East Diehl Road, Ste 300

Naperville, IL 60563

(630)577-7304

Pro Se

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EZ Talk Communications, L. L. C. 1245 E. Dichl, Ste 300, Naperville, IL 60563

FACSIMILE TRANSMITTAL SHEET

TO: DEBORAH TAYLOR TATE, CHAIRMAN OF TRA

FROM: ASHISH PATEL

Ez Talk Communications, LLC

COMPANY: TENNESSEE REGULATORY AUTH.

DATE:

JANUARY 27, 2004

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☒ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS.

Dear Ms. Tate:

Attached, please find EZ Talk's appeal of an order entered against us by the TRA. I have mailed 13 copies of the same via overnight delivery to the TRA.

Thanks,

Ash

03-00632