

**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY**

**January 24, 2005**

TN REGULATORY AUTHORITY  
DOCKET ROOM

*In re: Application of Big River Telephone )  
Company, LLC For a Certificate of Public )  
Convenience and Necessity To Provide Competitive )  
Facilities-Based and Resold Local Exchange and )  
Interexchange Telecommunications Services as a )  
Competing Telecommunications Service Provider )*

Docket No. 04-00447

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**BIG RIVER TELEPHONE COMPANY, LLC'S RESPONSE TO DATA REQUEST**

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Big River Telephone Company, LLC ("Big River") respectfully submits the following responses to the Tennessee Regulatory Authority's ("TRA") data request submitted January 14, 2005.

1. Please return the original surety bond with the acknowledgment of principal signed and notarized.

Response: The signed and notarized bond is attached hereto.

2. In its application, Big River Telephone Company states that it plans to "offer services in communities served by West Tennessee Telephone Company", which has fewer than 100,000 access lines. The application goes on to state, however, that Big River requests a certificate of convenience and necessity to operate as a competitive telecommunications service provider throughout the State of Tennessee "in the service areas of BellSouth, Century Telephone and Sprint and any other ILEC that does not enjoy a rural exemption under Section

251(f) of the Telecommunications Act of 1996.” Does Big River Telephone intend to offer service in communities served by West Tennessee Telephone Company?

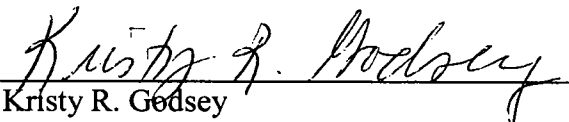
Response: Yes. Big River does intend to offer service in areas served by West Tennessee Telephone Company.

3. Please provide the most recent interim financial statements for 2004 including balance sheet, income statement, and statement of cash flow.

Response: The interim financial statements for 2004 are attached hereto. Please note that these are draft financial statements. Furthermore, the interim financial statements are **Confidential** and are being **filed under seal**.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:   
Kristy R. Godsey  
1600 Division Street, Suite 700  
P.O. Box 340025  
Nashville, Tennessee 37203  
(615) 252-2330

128931

# TENNESSEE REGULATORY AUTHORITY

## TENNESSEE TELECOMMUNICATIONS SERVICE PROVIDER'S SURETY BOND

Bond # 83BSRDG0051

**WHEREAS**, Big River Telephone Co. (the "Principal"), has applied to the Tennessee Regulatory Authority for authority to provide telecommunications services in the State of Tennessee, and

**WHEREAS**, under the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated, as amended, the Principal is required to file this bond in order to obtain such authority and to secure the payment of any monetary sanction imposed in any enforcement proceeding brought under Title 65 of the Tennessee Code Annotated or the Consumer Telemarketing Act of 1990 by or on behalf of the Tennessee Regulatory Authority (the "TRA"), and

**WHEREAS**, Hartford Fire Insurance Company (the "Surety"), a corporation licensed to do business in the State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, has agreed to issue this bond in order to permit the Principal to comply with the provisions of Title 65, Chapter 4, Section 125(j) of the Tennessee Code Annotated,

**NOW THEREFORE, BE IT KNOWN**, that we the Principal and the Surety are held and firmly bound to the STATE OF TENNESSEE, in accordance with the provisions of Tennessee Code Annotated, Title 65, Chapter 4, Section 125(j), in the full amount of twenty thousand dollars (\$20,000 00) lawful money of the United States of America to be used for the full and prompt payment of any monetary sanction imposed against the Principal, its representatives, successors or assigns, in any enforcement proceeding brought under Title 65 of Tennessee Code Annotated or the Consumer Telemarketing Act of 1990, by or on behalf of the TRA, for which obligation we bind ourselves, our representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents

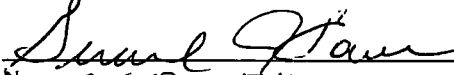
This bond shall become effective on the 20th day of December, 2004 and shall be continuous, provided, however, that each annual renewal period or portion thereof shall constitute a new bond term. Regardless of the number of years this bond may remain in force, the liability of the Surety shall not be cumulative, and the aggregate liability of the Surety for any and all claims, suits or actions under this bond shall not exceed Twenty Thousand Dollars (\$20,000 00). The Surety may cancel this bond by giving thirty (30) days written notice of such cancellation to the TRA and Principal by certified mail, it being understood that the Surety shall not be relieved of liability that may have accrued under this bond prior to the date of cancellation.

### PRINCIPAL

Big River Telephone Co.  
Name of Company authorized by the TRA

128931  
Company ID # as assigned by TRA

### SIGNATURE OF PRINCIPAL

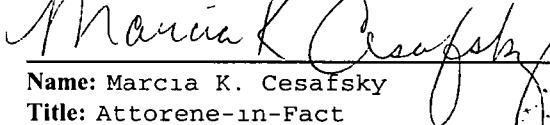
  
Name: GERARD J. HOWE  
Title: CEO

### SURETY

Hartford Fire Insurance Company  
Name of Surety

Hartford Plaza, Hartford, CT 06115  
Address of Surety

### SIGNATURE OF SURETY AGENT

  
Name: Marcia K. Cesafsky  
Title: Attorney-in-Fact

### Address of Surety Agent:

1000 NORTH MILWAUKEE AVENUE  
GLENVIEW, IL 60025

THIS BOND IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 125, CHAPTER 4, TITLE 65 OF THE TENNESSEE CODE ANNOTATED AS AMENDED BY CHAPTER NO. 586, 2000 PUBLIC ACTS. SHOULD THERE BE ANY CONFLICT WITH THE TERMS HEREOF AND THE STATUTE OR REGULATIONS PROMULGATED THEREUNDER, THE STATUTE OR REGULATIONS SHALL PREVAIL. (POWER OF ATTORNEY FROM AN APPROVED INSURANCE COMPANY MUST BE ATTACHED.)

## ACKNOWLEDGMENT OF PRINCIPAL

STATE OF ~~TENNESSEE~~ Missouri  
COUNTY OF St. Louis

Before me, a Notary Public of the State and County aforesaid, personally appeared Gerard J. Howe  
with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing  
bond on behalf of Big River Telephone Company, and he acknowledged to me that he executed the same

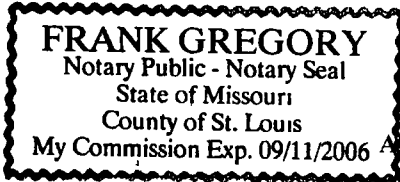
WITNESS my hand and seal this 20<sup>th</sup> day of January, 2005

My Commission Expires

9/11, 2006

*Frank Gregory*

Notary Public



## ACKNOWLEDGMENT OF SURETY

STATE OF ~~TENNESSEE~~ Illinois  
COUNTY OF Cook

Before me, a Notary Public of the State and County aforesaid, personally appeared Marcin K. Cesatsky  
with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the  
foregoing bond on behalf of Hartford Fire Insurance Company, the within named Surety, a corporation licensed to do business in the  
State of Tennessee and duly authorized by the Tennessee Commissioner of Insurance to engage in the surety business in this state  
pursuant to Title 56, Chapter 2 of the Tennessee Code Annotated, and that he as such an individual being authorized to do so,  
executed the foregoing bond, by signing the name of the corporation by himself and as such individual

WITNESS my hand and seal this 20<sup>th</sup> day of December, 2004

My Commission Expires

1/24/08, 2008



*[Signature]*

Notary Public

## APPROVAL AND INDORSEMENT

This is to certify that I have examined the foregoing bond and found the same to be sufficient and in conformity to law, that the  
sureties on the same are good and worth the penalty thereof, and that the same has been filed with the Tennessee Regulatory  
Authority, State of Tennessee, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Name  
Title



<i>Obligee Name</i> STATE OF TENNESSEE REGULATORY AUTHORITY
<i>Obligee Mailing Address</i> 460 James Robertson Parkway Nashville, TN 37243
<i>Policy Number</i> 83BSBDG0051

## IMPORTANT NOTICE TO OBLIGEES/POLICYHOLDERS – TERRORISM RISK INSURANCE ACT OF 2002

You are hereby notified that, under the Terrorism Risk Insurance Act of 2002, effective November 26, 2002, we must make terrorism coverage available in your bond/policy. However, the actual coverage provided by your bond/policy for acts of terrorism, as is true for all coverages, is limited by the terms, conditions, exclusions, limits, other provisions of your bond/policy, any endorsements to the bond/policy and generally applicable rules of law

Any terrorism coverage provided by this bond/policy is partially reinsured by the United States of America under a formula established by Federal Law. Under this formula, the United States will pay 90% of covered terrorism losses exceeding a statutorily -established deductible paid by sureties/insurers until such time as insured losses under the program reach \$100 billion. If that occurs, Congress will determine the procedures for, and the source of, any payments for losses in excess of \$100 billion.

The premium charge that has been established for terrorism coverage under this bond/policy is either shown on this form or elsewhere in the bond/policy. If there is no premium shown for terrorism on this form or elsewhere in the bond/policy, there is no premium for the coverage

<b>Terrorism premium:</b>	\$0
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# POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

690 ASYLUM AVENUE

HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835)

Agency Code: 83 511334

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ **Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut  
☐ **Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana  
☐ **Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut  
☐ **Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut  
☐ **Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana  
☐ **Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois  
☐ **Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana  
☐ **Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of UNLIMITED** :

MARCIA K. CESAFSKY, THOMAS J. JOSLIN, PATRICIA M. DOYLE, JENNIFER L. JAKAITIS, ROXANNE M. SANDERS OF GLENVIEW, ILLINOIS

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒ , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on July 21, 2003, the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Paul A. Bergenholtz*  
Paul A. Bergenholtz, Assistant Secretary

*David T. Akers*  
David T. Akers, Assistant Vice President

STATE OF CONNECTICUT

} ss. Hartford

COUNTY OF HARTFORD

On 23rd day of July, 2003, before me personally came David T. Akers, to me known, who being by me duly sworn, did depose and say that he resides in the County of Hampden, Commonwealth of Massachusetts; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument, that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Scott E. Paseka*

Scott E. Paseka  
Notary Public

My Commission Expires October 31, 2007

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of December 20, 2004

Signed and sealed at the City of Hartford



*Gary W. Stumper*  
Gary W. Stumper, Assistant Vice President