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October 30, 2006

Chairman Sara Kyle
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

FILED ELECTRONICALLY

in docket office on 10/30/06

**Re: RULEMAKING TO ESTABLISH REQUIREMENTS AND FUNDING
MECHANISM TO SUPPORT TELECOMMUNICATIONS SERVICES
FOR INDIVIDUALS WITH HEARING LOSS AND SPEECH
DISABILITIES, DOCKET NO. 05-00237.**

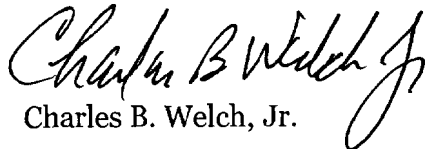
Dear Chairman Kyle:

Please find an original and 5 copies of the comments of Time Warner Telecom of the Mid-South, LLC in the referenced matter enclosed herewith. Please date stamp a copy for my records and return in the self-addressed, stamped envelope.

Thank you for your assistance regarding this matter. If we can be of further assistance, please do not hesitate to contact us.

Very truly yours,

FARRIS MATHEWS BRANAN
BOBANGO HELLEN & DUNLAP, PLC


Charles B. Welch, Jr.

CBW/jrh
Enclosures

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 30, 2006

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T.R.A. REG. 21 ROOM

IN RE:

**RULEMAKING TO ESTABLISH
REQUIREMENTS AND FUNDING MECHANISM
TO SUPPORT TELECOMMUNICATIONS
SERVICES FOR INDIVIDUALS WITH
HEARING LOSS AND SPEECH DISABILITIES**

**Docket No.
05-00237**

COMMENTS OF TIME WARNER TELECOM OF THE MID-SOUTH, LLC

Time Warner Telecom of the Mid-South, LLC ("TWTC") provides the following comments to be considered by the Tennessee Regulatory Authority ("Authority") to the proposed Telecommunications Rule Governing the Operations and Funding Mechanism for the Tennessee Relay Service ("TRS"), Chapter 1220-4-14 ("Proposed Rule").

I. INTRODUCTION

TWTC supports the goal of the Authority to provide funding for TRS in a competitively neutral-based manner. TWTC is a willing participant in provisioning greater accessibility to telecommunications services for Tennesseans with communications disabilities.

II. FUNDING MECHANISM

Proposed Rule 1220-4-14-.05(2) captures the best available mechanism for funding TRS. Specifically, since "[the] assessment shall be based upon the prorated share of total working telephone numbers of all intrastate communications service

providers...” it will fund TRS equitably to ensure every certificated carrier in Tennessee pays their respective fair share.

“Working telephone number,” as defined in Proposed Rule 1220-4-14-.01(12), provides the most logical basis to assess the costs of TRS. The carriers having the most working telephone numbers will be the carriers with the most end-users of the TRS. Accordingly, the carriers with the most TRS end-users should be the ones to provide the funding based on their customers use of the system. TWTC, or any other carrier, should not be required to subsidize another carrier in provisioning TRS to its end-user customers.

III. FUNDING RECOVERY

Proposed Rule 1220-4-14-.05(6) makes the rules revenue neutral by appropriately allowing TWTC and other intrastate telecommunications carriers to “recover [the] amounts collected for funding the TRS [from end-user customers] by itemiz[ing] each telephone account....” This permissive rule is necessary for smaller companies such as TWTC to allow recovery of its costs—just as any other operating cost. This additional cost without an opportunity to recover the same would be competitively harmful to CLECs in the current telecommunications environment. All carriers, especially CLECs must be allowed to utilize this cost recovery method in order to maintain their competitive position in the ever-increasing deregulated marketplace.

IV. TRS RESERVE FUND

Proposed Rule 1220-4-14-.03(2) directs the TRS Fund Administrator to deposit “[a]ny excess funds collected over the actual expense...[in the] TRS Reserve Fund.” TWTC recommends a cap on the amount of the TRS Reserve Fund. The amount held in

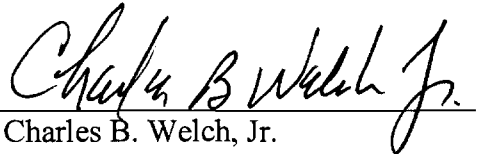
the TRS Reserve Fund, at minimum, should never be allowed to exceed 40-60% the previous year's operating and administration expenses.

V. CONCLUSION

Based on the foregoing, TWTC supports the Authority's proposed Telecommunications Rule Governing the Operations and Funding Mechanism for the TRS with the addition of a cap on the TRS Reserve Fund. The proposal meets the overall objective of the Authority to provision telecommunications services to Tennesseans with communications disabilities in the most competitively neutral-based manner available.

Respectfully submitted,

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