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August 9, 2006

**VIA HAND DELIVERY**

The Honorable Sara Kyle  
Chairman  
c/o Sharla Dillon – Docket Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

***Re: Rulemaking To Establish Criteria For Designating Eligible  
Telecommunications Carriers (ETCs) in Tennessee; Docket 05-00284***

Dear Chairman Kyle:

Enclosed please find the original and 13 copies of the Comments of the Tennessee Rural Coalition On Proposed TRA Rule 1220-4-14 to be filed in your office.

Also enclosed are two (2) additional copies, which I would appreciate your stamping as “filed,” and returning to me by way of our courier.

Should you have any questions with respect to this filing, please do not hesitate to contact me at the telephone number listed above.

With kindest regards, I remain

Very truly yours,



R. Dale Grimes

RDG/ms  
Enclosures

cc: Mr. Bruce Mottern

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

<b>In Re:</b>	)	
	)	
	)	
<b>Rulemaking To Establish Criteria</b>	)	<b>Docket No. 05-00284</b>
<b>For Designating Eligible Telecommunications</b>	)	
<b>Carriers (ETCs) In Tennessee</b>	)	
	)	
	)	

**COMMENTS OF THE TENNESSEE RURAL COALITION ON**  
**PROPOSED TRA RULE 1220-4-14**

**I. INTRODUCTION**

The Tennessee Rural Coalition<sup>1</sup> (Coalition) respectfully submits the following comments in the matter of Proposed Rule Chapter 1220-4-14, Regulations for Eligible Telecommunications Carriers. The Coalition represents 14 rural incumbent local exchange carriers (ILECs) providing service in Tennessee. Each member is a “rural telephone company” as that term is defined by the Telecommunications Act of 1996. Further each of these members has previously been designated as, and currently is, an Eligible Telecommunications Carrier (ETC) and Carrier of Last Resort (COLR) in its respective service areas as certificated by the Authority. The Authority has issued proposed rules to implement initial designation and annual reporting requirements for ETCs in Tennessee, pursuant to the guidelines set forth in 47 Code of Federal Regulations §§ 54.313 and 54.314. The proposed rules also address the ETC requirements associated with the Lifeline and Link Up low-income assistance programs.

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<sup>1</sup> Ardmore Telephone Company, CenturyTel of Adamsville, CenturyTel of Claiborne, Inc., CenturyTel of Ooltewah-Collegedale, Inc., Concord Telephone Exchange, Crockett Telephone Company, Inc., Humphreys County Telephone Company, Loretto Telephone Company, Inc., Millington Telephone Company, Peoples Telephone Company, Inc., Tellico Telephone Company, Tennessee Telephone Company, United Telephone Company, and West Tennessee Telephone Company, Inc.

## **II. COMMENTS**

### **A. General Comments**

The Coalition provides the following comments to the Authority's proposed rules. The FCC's Report and Order of March 17, 2005, established a more rigorous ETC designation process, primarily for wireless carriers requesting designation. In that Report and Order, the FCC established several new requirements for ETC applicants and applied these requirements retroactively for ETCs it had previously designated. The FCC recommended, but did not require, that state commissions adopt these new, more rigorous criteria for ETC status.

To the extent that the Authority's proposed rules represent an effort to bring accountability to wireless ETCs' use of federal universal service support mechanisms, the Coalition agrees that additional safeguards are certainly necessary and appropriate. In its efforts to monitor more closely the compliance of wireless carriers, however, the Authority should avoid imposing new regulatory burdens, or in some instances duplicative requirements, on small wireline carriers who have been and remain compliant with existing rules and regulations, and who serve as the Carrier of Last Resort in their respective service areas.

In this context, much of the information required by these rules is already provided to the Authority by the wireline carriers, either through the regulatory framework under which Coalition members operate, including submission of Annual Reports, Surveillance Reports (3.01 and 3.02 reports), and Service Standard Reports (1220-4-2), or simply through rule compliance. In its Service Standard Report, the wireline carrier already tracks and reports information on troubles per hundred access lines, held orders, and outages. The company's annual and monthly Surveillance Reports already provide detailed financial information – revenues, expenses, and

investment including detail of primary plant accounts. The Authority should therefore attempt to streamline its processes and eliminate the possibility of such unnecessary duplication.

The proposed requirements for initial designation are also largely redundant. These rural companies have already constructed telecommunications networks throughout their individual service areas, which are capable of providing advanced as well as basic telecommunication services. Consistent with their existing COLR status, they are ready to serve any customer that requests service within their respective certificated service areas. Many of the Authority's proposed rules are not relevant in this context.

Moreover, the Federal Universal Service Fund (FUSF) procedures as applied to rural companies are incompatible with the proposed requirement of an initial and updated two-year forecast concerning the planned use of FUSF support. Rural companies must first build their networks before they can receive reimbursement. Once the network is built, a rural company files cost studies reflecting the actual cost to build the networks. Based on these cost studies, the rural companies receive FUSF on what is generally a two-year lag basis. The cost studies that are filed are subject to outside audit.

This process for the rural companies, of having first put the facilities in the ground, then justifying the costs of the facilities through cost studies that are subject to outside audit, contrasts with the process for competitive ETCs (CETCs). A CETC receives support based upon the incumbent ETC's costs. The CETC does not have to prove that the supported facilities have already been constructed. The CETC does not provide a cost study. Since the CETC does not provide cost studies, there is no outside audit. The Authority's desire to introduce a measure of accountability to this support mechanism for CETCs is understandable. But these sharp

differences justify the application of different standards to rural wireline companies and CETCs; they do not justify imposing burdensome and duplicative requirements on the rural companies.

Issues related to the designation of ETCs are of critical importance to rural companies. Rural companies face substantial economic challenges stemming from the relatively low population density in rural areas, which results in higher costs to serve, and the relative scarcity of large business customers. In addition, on average, rural consumers have lower incomes than non-rural consumers and can least afford to pay higher telephone bills. Therefore, the continued existence of Universal Service support is of critical importance to the rural companies that serve rural high cost areas.

The *ETC Designation Order* adopted new requirements for carriers seeking designation as an ETC. The FCC also added new requirements for those ETCs that have received their designation from the FCC, obligating them to provide certain information as part of their annual certifications. These new requirements are primarily directed toward wireless ETCs. Although the FCC's new requirements do not apply to state commission proceedings, the FCC has encouraged state commissions to consider adopting its new requirements for their own ETC proceedings.

The principle of Universal Service is straightforward—to ensure that “all Americans have access to affordable, quality telecommunications services.” In furtherance of this goal, rural companies have constructed throughout their service areas the infrastructure that provides ubiquitous, high-quality local service to remote and difficult to serve areas. Universal Service support has been an important factor in allowing rural companies to provide service in high cost areas, and as such Universal Service support is a precious resource.

The continued availability of affordable, high-quality service to rural consumers is at risk because of creamskimming behavior and substantial and ever-increasing demands on the Universal Service fund from new carriers, particularly from wireless carriers. Wireless carriers have been particularly aggressive in seeking ETC status nationwide.

Also of concern is the fact that the Authority generally does not regulate wireless carriers. Consequently, wireless carriers that become ETCs are able to obtain funding without regard to their actual cost to provide service, and without having to comply with, or bear the economic burden of, the Authority's policies and regulations. Thus, wireless carriers are able to compete with the rural companies, and receive funding without having to prove their costs, while the Authority is not permitted to provide any protection for Tennessee consumers who have disputes with those wireless carriers.

The Coalition supports the Authority's new requirements for wireless carriers that seek ETC designation. These new requirements are essential to ensure that only fully qualified and committed carriers receive Universal Service support and that the support is used in the appropriate manner. As stated previously, the FUSF received by rural ILECs is based on actual capital investment and maintenance expenditures required to build and maintain the network necessary to provide universal service. Adding costly and burdensome new requirements to the regulatory load borne by these companies is not necessary to assure they are qualified and committed to provision this service.

#### **B. Comments On Specific ETC Requirements**

##### **Proposed Rule:**

##### ***1220-4-14-.02 Definitions***

**Comment:** Due to the differences in carriers' capabilities with respect to "toll limitation," the Coalition submits that the following definition be added:

(\_) “Toll Limitation” -- means either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, “toll limitation” denotes both toll blocking and toll control pursuant to 47 C.F.R. 54.400(d).

**Proposed Rule:**

***1220-4-14-.03 Requirements for initial designation as an Eligible Telecommunications Carrier***

***1220-4-14.03(3)(c) Each applicant shall provide a two-year improvement plan demonstrating how high-cost universal service support will be used to improve coverage, service quality or capacity in every wire center for which it seeks designation and expects to receive federal universal service support. The improvement plan shall:...***

**Comment:** The proposal would require each Coalition member to prepare and submit to the Authority a two-year improvement plan. Such a plan is unnecessary to ensure that small regulated companies have and will use federal USF properly. As the Authority knows, each Coalition member is the Carrier of Last Resort (COLR) in its franchised certificated service area. With this designation, the small wireline companies that comprise the Coalition are required to provide any reasonable request for service to customers in their service areas. The regulatory framework under which the Coalition members operate precludes any misuse of USF support. The FUSF support received by the Coalition members is based on actual capital and maintenance expenditures. The various reports submitted and the existing rules and requirements ensure the federal USF support is used properly. The proposed rule regarding a two-year improvement plan would result in additional burdens being placed on rural wireline companies and thus should not apply.

Further the wire center designations determination was established by the FCC as the minimum geographic service area for a competitive ETC. As previously stated, each Coalition

member is a rural incumbent local exchange carrier. The Telecom Act states that a rural LEC's service area for the purposes of ETC designation is the study area, which is generally the company's entire service area. Coalition member's USF support is based on study area not wire center.

The two year plan requirement should not apply to the Coalition members based on the following factors:

(1) The Authority's historical experience and knowledge of each Coalition member and the regulatory framework in which they operate.

(2) Submitting a two year plan is unnecessary because the wireline USF support received is based on investments already made. For example, the 2007 level of USF for high cost loop is based on the investment and expenses incurred by December 31, 2005.

(3) Interstate cost studies and the annual USF data form are approved by NECA and USAC.

(4) Rate of return wireline companies are already subject to the TRA's jurisdiction and provide monthly reports detailing investment and expense information (Tennessee Rules and Regulations Section 1220-4-1-.10(2)(a)).

(5) Coalition members submit the TRA's Annual Report detailing, which includes telecommunications plant in service and additions made during the year.

(6) Much of the information required is confidential and proprietary, which the rural companies should not be forced to disclose in the current competitive environment.

(7) Recognition of the Coalition members' long and continuing history of serving as ILEC and COLR universal service providers. The Authority is aware of each Coalition

member's network and the ongoing efforts of each member to deploy technology within its certificated service areas to meet customer needs.

Instead of imposing these new requirements, the Authority should continue the current practice under which each Coalition member would certify that it will only use the federal USF support it receives for the provision, maintenance and upgrading of facilities and service for which support is intended. Given the extensive oversight applied to the Coalition members, to require small wireline companies to comply with more onerous proposed requirements constitutes a duplicative and unnecessary burden.

\* \* \*

Irrespective of the Coalition's position that this section should not apply to the small wireline carriers, the Coalition offers the following comments on the sub-sections below and notes, in general, that this section overall seems to focus unduly on investment in plant while it ignores the very real maintenance and other operating costs that are included in USF support.

**Proposed Rule:**

***1220-4-14.03(3)(c)(1) Include a specific description of proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis;...***

**Comment:** The small companies maintain their financial records in accordance with Part 32 Uniform system of accounts. Part 32 does not require small companies to account for revenues, expenses or investments at the wire center level. Operating revenues and costs (expenses and taxes) are maintained at the company study area level. To require the small companies to maintain financial records at the wire center level would impose an unnecessary accounting burden and does not correspond to how these companies receive their federal universal service report.

**Proposed Rule:**

***1220-4-14.03(3)(c)(2) Include how federal high-cost universal support will be used for service improvements on a wire center-by-wire center basis that would not occur absent receipt of such support;...***

**Comment:** As stated above, Coalition members receive their USF support based on a study area basis, not by wire center, and on funds already expended. Instead of imposing this rule on the Coalition members, the Authority should continue the current practice under which each Coalition member would certify that it will only use the federal USF support it receives for the provision, maintenance and upgrading of facilities and service for which it is intended.

**Proposed Rule:**

***1220-4-14.03(3)(c)(3) State how signal quality, coverage or capacity will improve due to receipt of high-cost support throughout the service area for which the applicant seeks an Eligible Telecommunications Carrier designation;...***

**Comment:** Unlike wireless carriers, who do not always have the network and facilities needed to provide service to all customers in their ETC service areas, the Coalition members already have a ubiquitous telecommunications network in place to serve its customers. As a result “dropped calls” are not an issue for the Coalition’s customers and thus the Coalition does not have problems with “signal quality, coverage, or capacity” as evidenced by the results of the existing service quality reports.

**Proposed Rule:**

***1220-4-14.03(3)(c)(4) Contain the projected start date and completion date for each improvement, and include the estimated amount of investment for each project to be funded by high-cost support;...***

**Comment:** Coalition members replace, upgrade, and provide maintenance of facilities as necessary and so providing start and completion dates for projects may be difficult for some Coalition members that may not track the start and projected completion dates. Coalition members do not track or identify USF support by capital or maintenance project. USF support received, along with other regulated revenue, is used not only for the initial investment and upgrades of network facilities but for the related maintenance and operations of its ubiquitous Carrier of Last Resort (COLR) network. The total cost to build out and maintain the network far exceeds FUSF funds received by the Coalition member.

**Proposed Rule:**

***1220-4-14.03(3)(c)(5) Indicate the specific geographic area where the improvements will be made;...***

**Comment:** This requirement would not be meaningful in the context of the Coalition members' provision of service. They are required to provide the network for the entire certificated service area, which would necessarily be the geographic area. Not only is the requirement burdensome and unnecessary, but the information called for is highly confidential and proprietary. Instead of this requirement, the Authority should continue the current practice under which each Coalition member would certify that it will only use federal USF support for the provision, maintenance and upgrading of facilities in its existing service area.

**Proposed Rule:**

***1220-4-14.03(3)(c)(6) Indicate the estimated population that will be served as a result of the improvements; and...***

**Comment:** This requirement would not be meaningful in the context of the Coalition members' provision of service, since all customers in each Coalition member's respective

certificated service area benefit from improvements -- provisioning and maintenance -- of its facilities.

**Proposed Rule:**

***1220-4-14.03(3)(c)(7) Include a statement explaining why improvements are not needed, and how funding will otherwise be utilized.***

**Comment:** This requirement would not be meaningful in the context of the Coalition members' provision of service, because, as noted, the Coalition members already provide a ubiquitous network and USF support is not only used for new investment but also for maintenance, including other operational costs associated with the network.

**Proposed Rule:**

***1220-4-14.03(3)(e) Each applicant must make a statement, and include its intentions to honor any reasonable service requests from all customers including those that it may not currently be able to serve but who are in its current, or proposed, service area.***

**Comment:** This rule is unnecessary with respect to the Coalition members. As the existing carrier of last resort (COLR) in its certificated service area, each Coalition member is already required to meet its ETC obligation for any reasonable request for service in accordance with its approved existing local exchange tariff.

**Proposed Rule:**

***1220-4-14.03(3)(f) Each applicant shall demonstrate or state that it has the ability to maintain service in emergency situations.***

**Comment:** This requirement is unnecessary for the Coalition members. As the TRA knows based on historical experience, the Coalition members have demonstrated their ability to maintain service in emergency situations. Each Coalition member is able to remain functional in

an emergency situation through the use of back-up power to ensure functionality without an external power source. Each Coalition member has standard backup power for 8 hours. This is ensured during semi-annual routine maintenance, which includes battery inspection, cleaning, documentation of float voltage, specific gravity and cell temperature as well as equalization or replacement if necessary. In addition, permanent generators are present at the Central Office to maintain power in the event of a commercial power failure that extends beyond battery backup capabilities. Also, portable generators are available for deployment to remote offices without permanent generators.

**Proposed Rule:**

***1220-4-14.03(3)(i) Each applicant shall demonstrate that it satisfies consumer protection and service quality standards by making a statement concerning its intent to comply with state law and Authority rules and regulations.***

**Comment:** In order to avoid duplicative requirements, the Coalition suggests that this rule should be clarified to indicate what consumer protection and service quality standards are being referenced. The Coalition states it already does, and will continue to comply with existing consumer protection and service quality standards (TRA Rule 1220-4-2) and reporting requirements.

**Proposed Rule:**

***1220-4-14.03(3)(j) Each applicant shall affirm its ability to offer local usage plans comparable to those offered by the incumbent local exchange carrier ("ILEC") in the areas for which it seeks designation by submission of service tariffs, listings of services offered and/or calling plans and rates or other verification.***

**Comment:** This requirement is unnecessary for the Coalition members. Each of them is an ILEC and therefore meets this requirement by definition.

**Proposed Rule:**

***1220-4-14.03(4) The Authority will analyze the public interest benefits of each applicant in a manner consistent with the purposes of the Act including the goals of preserving service, ensuring the availability of quality service at just, reasonable, and affordable rates and promoting the deployment of advanced telecommunications and information services to all areas within the state.***

**Comment:** The Coalition acknowledges the Authority's obligation to make a determination that an ETC designation is consistent with the public interest, convenience and necessity. Coalition members, as the Authority is aware, have a long and continuing history of preserving and advancing universal service, and ensuring the availability of quality services at just and reasonable rates in their existing certificated service areas. Each Coalition member has previously been designated by this Authority as an ETC. Further, these companies serve as the Carrier of Last Resort (COLR) and have a ubiquitous network in their respective service areas. Given the foregoing, a Coalition member should be permitted to satisfy the requisite public interest, convenience and necessity determination by certifying, consistent with current practice, that it will only use USF support for the provision, maintenance and upgrade of its facilities and services for which the support is intended.

**Proposed Rule:**

***1220-4-14-.04 ETC Requirements for Lifeline and Link Up Services***

**Comment:** The Coalition's opinion is that the Authority may be better served to conduct a separate rulemaking proceeding regarding Lifeline and Link Up requirements. Such a proceeding would address not only the proposed Lifeline and Link Up requirements but would define what requirements an ETC and non-ETC would be subject to, if any. There should be a single set of rules that apply to all carriers. Obviously, non-ETCs are not participating in the current rulemaking proceeding, and they may be prejudiced by having rules promulgated in their

absence that may possibly affect all carriers. On the other hand, the Coalition members submit it would be inappropriate to fashion more burdensome rules for the ETCs that would not be applied equally to non-ETCs.

\* \* \*

Notwithstanding the above comment, the Coalition offers the following specific comments to individual provisions.

**Proposed Rule:**

***1220-4-14-.04(1)(b) ETCs shall commit to offer toll limitation to all qualifying low-income consumers at the time such consumers subscribe to Lifeline service. If the consumer elects to receive toll limitation service, that service becomes part of that consumer's Lifeline service.***

**Comment:** The Coalition notes the distinction between “toll blocking” and “toll limitation.” Toll limitation denotes both toll blocking and toll control. Coalition members are capable of providing toll blocking only. Coalition members suggest that a definition of toll limitation be included in Section 1220-4-14-.02 Definitions as follows:

*( ) “Toll Limitation” -- means either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, “toll limitation” denotes both toll blocking and toll control pursuant to 47 C.F.R. 54.400(d).*

**Proposed Rule:**

***1220-4-14-.04(b)(2) If toll limitation services are unavailable, the carrier shall notify the Authority. The Authority may authorize the carrier to charge a service deposit in these limited situations.***

**Comment:** The Coalition suggests a revision to the rule to be consistent with FCC section 54.401(a)(3)(c), which provides: “If toll limitation services are unavailable, the carrier may charge a service deposit.”

**Proposed Rule:**

***1220-4-14-.05 Annual ETC Certification Requirements***

**Comment:** As previously noted on page 7, *supra*, the proposed two year network plan should not apply to the Coalition members. To the extent the ETC has already provided the required information, the ETC, in lieu of resubmitting the information, may self-certify its compliance with the requirements or note in its report that the ETC has previously provided the Authority with the required information. To the extent the required information has already been provided to the FCC, the ETC may provide a copy of that most recent federal report in order or satisfy its reporting requirements.

\* \* \*

Notwithstanding the Coalition’s above response, the Coalition offers the following comments on the specific requirements below.

**Proposed Rule:**

***1220-4-14-.05(1)(a) A progress report at the wire center level on the two-year service quality improvement plan, including maps, detailing progress toward meeting the planned targets, including:...***

**Comment:** With respect to the Coalition members, this requirement would be unnecessary and unduly burdensome. While each member is in compliance with applicable federal rules (Part 32, Part 64 and Part 36 allocations), Coalition members do not track investment and operating costs at the wire center level nor are they required to do so under Part

32. Even though deployment of network facilities is location specific, accounting for it by Coalition members is accomplished on a total company basis.

The requirement of “including maps” arises out of concerns regarding the wireless ETCs, not wireline carriers such as the Coalition members. The FCC was clearly concerned that a service focused on mobile communications is only useful when the places where individuals travel have adequate coverage. Within this context, it makes sense that the FCC would focus on encouraging additional coverage for wireless carriers as a goal of federal USF support. Coalition members are already required to provide service to all customers within their respective certificated service areas in keeping with their existing ETC and COLR status.

**Proposed Rule:**

***1220-4-14-.05(1)(a)(1) An explanation of the amount of universal service support that has been received during the previous twelve (12) months and how the support was used to improve service, signal quality, coverage, or capacity; and...***

**Comment:** This requirement is clearly directed to the wireless ETCs and its application should be limited to them. As previously noted, each Coalition member is a Carrier of Last Resort (COLR), and provides a ubiquitous network to serve its customers throughout its certificated service area. As a result “dropped calls,” signal quality and coverage limitations are not issues for the Coalition’s customers. While this requirement is targeted to wireless carriers, with respect to the rural carriers the Authority should continue the current practice under which each Coalition member would certify that it has used the federal USF support it received for the provision, maintenance and upgrading of facilities and service for which support is intended.

**Proposed Rule:**

***1220-4-14-.05(1)(b) Detailed information on any outage lasting at least 30 minutes, for any service area, in which an ETC is designated, for any facility it owns, operates, leases, or otherwise utilizes. An ETC's annual outage report must include:...***

**Comment:** This requirement is unnecessary and burdensome. The Coalition proposes to incorporate the FCC's "user-minutes" criteria for reporting service disruptions. The FCC threshold standard for reporting is a disruption of 900,000 user-minutes. In the alternative the rule should state that an ETC may file copies of the most recent corresponding FCC reports relating to service outages in fulfillment of this reporting requirement.

**Proposed Rule:**

***1220-4-14-.05(1)(c) The number of requests for service from potential customers within its service area(s) that were unfulfilled for the past year. The ETC must detail how it attempted to provide service to those potential customers.***

**Comment:** Given that the Coalition members are subject to the TRA's oversight with respect to service quality measurements under Chapter 1220-4-2, and provide quarterly compliance standard reports, it is not necessary to apply an additional reporting requirement. To avoid duplicative requirements, the Coalition submits that in lieu of this rule each Coalition member should be allowed to certify that it is in compliance with TRA held service order rules in section 1220-4-2.35.

**Proposed Rule:**

***1220-4-14-.05(1)(e) The number of complaints per 1,000 handsets or lines.***

**Comment:** Given that the Coalition members are subject to the TRA's oversight with respect to service quality measurements under Chapter 1220-4-2, and provide quarterly compliance standard reports, it is not necessary to apply an additional reporting requirement. To

avoid duplicative requirements, the Coalition submits that in lieu of this rule each Coalition member should be allowed to certify that it is in compliance with TRA customer trouble report rules in section 1220-4-2.39.

**Proposed Rule:**

***1220-4-14-.05(1)(f) Certification attesting to compliance with applicable service quality standards and consumer protection rules.***

**Comment:** The Coalition members are already subject to the TRA's oversight with respect to service quality measurements and consumer protection rules. To avoid duplicative requirements, the Coalition submits that in lieu of this rule each Coalition member should be allowed to certify that it is in compliance with TRA service standards in Section 1220-4-2 and with state and TRA consumer protection rules.

**Proposed Rule:**

***1220-4-14-.05(1)(g) Certification attesting to the continued ability to function in emergency situations.***

**Comment:** Given that the Coalition members are subject to the TRA's oversight with respect to service quality measurements under Chapter 1220-4-2, and provide quarterly compliance standard reports, it is not necessary to apply an additional reporting requirement. To avoid duplicative requirements, the Coalition submits that in lieu of this rule each Coalition member should be allowed to certify that it is in compliance with TRA emergency operation rules in section 1220-4-2.23.

**Proposed Rule:**

***1220-4-14-.05(1)(h) Certification attesting that local usage plans are comparable to that offered by the incumbent LEC in the relevant service areas.***

*(1) In addition to the attesting statement, each ETC shall also submit at least one of the following as a demonstration of compliance with this requirement:*

- (i) service tariffs detailing its service areas; or*
- (ii) listings of service offerings and/or calling plans and rates.*

**Comment:** As the TRA knows, each of the Coalition members is an ILEC. Since this requirement is targeted to an additional ETC, the Coalition suggests the following language be incorporated into the rule:

*(2) This rule does not apply to wireline carriers.*

### **III. CONCLUSION**

The Coalition appreciates the opportunity to provide comments on the TRA's proposed Regulations for Eligible Telecommunications Carriers. The Coalition respectfully submits that the Authority should not impose unnecessary and burdensome designation or reporting requirements on the rural companies that are already fulfilling their responsibilities as ETCs and COLRs within their respective certificated service areas. However, the Coalition recognizes there is good cause for imposing new requirements on CETCs who do not have the demonstrated history of compliance and service in these very important roles, and whose assumption of FUSF support may jeopardize the universal service system without proper regulation and monitoring.

This 9 day of August, 2006.

Respectfully submitted,



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