

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

May 24, 2006

IN RE:)	
)	
JOINT PETITION OF TENNESSEE PHONE SERVICE,)	DOCKET NO.
INC AND EXPRESS CONNECTION, LLC FOR THE)	06-00031
APPROVAL OF TRANSFER OF CUSTOMER BASE)	

ORDER APPROVING CUSTOMER NOTIFICATION LETTER

This matter came before Chairman Ron Jones, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 6, 2006 for consideration of the *Joint Petition of Tennessee Phone Service, Inc. and Express Connection, LLC for Approval of Transfer of Customer Base* (“*Joint Petition*”) filed on February 8, 2006 pursuant to Authority Rule 1220-4-2-.56(2)(d).

JOINT PETITION

Tennessee Phone Service, Inc. (“TPS”), a Tennessee corporation with its principal office located in Nashville, Tennessee, has 587 customers in Tennessee. The Authority granted TPS authorization to resell intrastate interexchange telecommunications services in Docket No. 96-01618 on May 7, 1997.

Express Connection, LLC (“EC”), a limited liability company with its principal office located in Nashville, Tennessee, currently has 1,876 customers in Tennessee. On February 14, 2005, in Docket No. 04-00406, the Authority granted EC authorization to resell interexchange

long distance service in Tennessee and later granted EC authority to resell local telecommunications services on June 21, 2005.

The *Joint Petition* filed by TPS and EC (together, the “Petitioners”) request Authority approval to transfer TPS customers to EC and assert that this transfer will ensure the continued provision of high-quality, affordable telecommunications services for TPS customers. The *Joint Petition* states that customers will be provided at least 30 days advance written notice before their first billing under EC’s name. Consistent with Authority Rule 1220-4-2-.56(2)(d), the *Joint Petition* maintains the notification letter will: advise customers that after 30 days EC will become their new local service provider; inform customers they may select a different carrier without incurring any charges from TPS or EC; advise that a toll-free service number will be provided for TPS customers to call with any questions or complaints (this toll-free number will remain connected and staffed for 12 months following the completion of the transaction); inform customers there will be no change in their service and no interruptions; and advise customers that all terms and conditions will not change. In addition, the Petitioners assert that EC will provide customers a thirty (30) day written notice or letter informing them of any rate increase that may affect their service up to ninety (90) days from the date of the transfer.

According to the *Joint Petition* the transfer will be seamless, existing consumers will not be inconvenienced or experience any interruption of service or change in rates. In addition, the *Joint Petition* states that after the proposed transfer of the TPS customer base to EC, TPS will no longer provide telecommunications services in Tennessee.

THE MARCH 6, 2006 AUTHORITY CONFERENCE

Authority Rule 1220-4-2-.56(2)(d) is applicable because this transaction involves the transfer of TPS’s competitive local exchange customers to EC, and Authority Rule 1220-4-2-

.56(2)(d) states that the telecommunications provider of a customer shall not be changed without the customer's authorization. Authority Rule 1220-4-2-.56(2)(d) provides as follows:

(d) In the case of a transfer of a customer base between two or more telecommunications service providers, the Authority, upon petition by the acquiring telecommunications service provider, may deem that sufficient notice has been given and approval received from the affected customers when the following criteria are met:

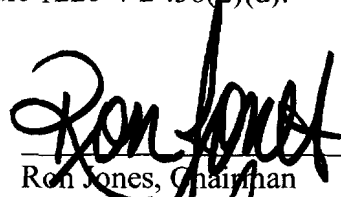
1. The acquiring telecommunications service provider shall provide the Authority a copy of the self-certification letter it shall file with the Federal Communications Commission ("FCC"), as required in CC Docket No. 00-257, certifying that the customer transfer is in compliance with all FCC regulations governing such transactions.
2. A notification letter, pre-approved by the Authority, shall be mailed by the current provider of telecommunications service to its customers describing the customer transfer and explaining that unless the customer selects another telecommunications service provider, the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a date specified in the notification letter. The notification letter shall be mailed by U.S. First Class Postage, with the logo or name of the current provider displayed on both the letterhead and the exterior envelope, no less than thirty (30) days prior to the actual customer transfer. For good cause shown, the Authority may waive any requirement of this part or order any requirement thereof to be fulfilled by the acquiring provider. Good cause includes, but is not limited to, evidence that the current provider is no longer providing service in Tennessee.
3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.
4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

At the March 6, 2006 Authority Conference, the panel found that although the customer notification letter does not explicitly state that the acquiring provider "agrees to pay any fees

charged to the customer associated with changing service,”¹ the language of the letter adequately conveys that customers will not incur charges as a result of the transfer. Accordingly, the panel found that such language should be deemed compliant and voted unanimously to grant the *Joint Petition* because the Petitioners have complied with Authority Rule 1220-4-2-.56(2)(d) in all other aspects.

IT IS THEREFORE ORDERED THAT:

The customer notification letter filed by *Tennessee Phone Service, Inc.* and *Express Connection, LLC* is approved pursuant to Authority Rule 1220-4-2-.56(2)(d).



Ron Jones, Chairman



Pat Miller, Director



Sara Kyle, Director

¹ Authority Rule 1220-4-2-.56 (2)(d)(2).